

# CONGRESSIONAL RECORD:

CONTAINING

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## THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-THIRD CONGRESS, THIRD SESSION.

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VOLUME XXVII.

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VOLUME XXVII, PART III.

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Mr. SPRINGER. The State laws regulate this. It ought to be left to the States.

The question being taken on the amendment to the amendment proposed by Mr. BRYAN, the committee divided; and there were—ayes 34, noes 134.

So the amendment to the amendment was rejected.

Mr. STOCKDALE. I wish to offer an amendment to the pending amendment.

The Clerk read as follows:

Strike out on page 3 the word "one-eighth" and insert "one-half."

Mr. SPRINGER. That would be the law as it is now.

The amendment was rejected.

Mr. STONE of Kentucky. I offer an amendment to the amendment.

The Clerk read as follows:

Add the following proviso: "And provided further, That the national banks shall have no power to contract the circulation."

Mr. STONE of Kentucky. Now, Mr. Chairman, we are told by gentlemen here on the floor that the national banks at the present day have a capital stock on which they can take out money to the amount of over \$600,000,000, and that they have now only \$208,000,000 out. Now, we put a provision in this bill by which they may take the money out of the Treasury to the full amount of the face value of the bonds deposited with the Treasury. If they get this additional amount it is to the interest of the people of the country that they shall not be allowed to contract the currency at will. What the people are suffering from to-day is a scarcity of currency.

Mr. SPRINGER. Under that amendment a bank could not even retire from business.

The question was taken; and on a division, demanded by Mr. STONE of Kentucky, there were—ayes 14, noes 133.

So the amendment was rejected.

Mr. TATE. I offer the amendment which I send to the desk.

The amendment was read, as follows:

In line 2 of the amendment offered by Mr. HAUGEN, strike out "twenty" and insert "ten;" so as to make the clause read: "any bank with a capital of not less than \$10,000," etc.

The CHAIRMAN. The Chair thinks this amendment is not in order.

The question being taken on the amendment of Mr. HAUGEN, it was agreed to.

Mr. SPRINGER. The next committee amendment is to strike out section 4.

The section proposed to be struck out was read, as follows:

SEC. 4. That hereafter no national bank notes of a less denomination than \$10 shall be issued, and as rapidly as such notes of denominations less than \$10 shall be received into the Treasury, otherwise than for redemption and retirement, they shall be canceled, and an equal amount of notes of like character, but in denominations of \$10 and multiples thereof, shall be issued in their places. All silver certificates now outstanding, in denominations larger than \$10, shall, when received into the Treasury of the United States, be retired and canceled, and silver certificates in denominations less than \$10 shall be issued in their stead.

The CHAIRMAN. If there be no objection, the amendment will be considered as agreed to.

Mr. HOPKINS of Illinois. I object. I desire to ask my colleague [Mr. SPRINGER] a question.

Mr. SPRINGER. Mr. Chairman, while this amendment is reported from the Committee on Banking and Currency, I am opposed to it, and hope that it will be voted down.

Mr. COOMBS. Mr. Chairman, I sincerely hope that the amendment as adopted by the Committee on Banking and Currency, whereby the provision of the original bill is changed in the matter of the limit of national bank notes is fixed at \$10 as the lowest and silver certificates of \$5 as the highest, will not prevail. It was recommended in the recent message of the President, and has met the approval of the country generally.

With the retirement of the greenbacks and Treasury notes, which we hope to accomplish by the provisions of this bill when it shall have been amended, will pass away one of the chief perils to our gold reserve, leaving only the silver notes to be provided for by Government. The limitations provided for give those notes a useful place in our currency and make them less available to be used in the payment of duties upon imports. Certainly those of you who are favorable to silver should favor this provision. It is true that we put it in the power of the Secretary of the Treasury to do this in our amendment to the sundry civil appropriation bill, but that has not yet become a law. I therefore ask you to vote against the amendment and to restore the clause to the bill.

Mr. WALKER. Mr. Chairman, if we strike out this section to compel national banks to retire all notes under \$10, we shall take away from the national banks more than one-third of their circulation. Cheap money to the people depends upon its being issued without the use of United States bonds and upon its being issued by the banks and issued without cost. The more banks you have competing to issue paper money and the cheaper you make the issuing of it, the cheaper the people will get their money in rates of interest. If you can reduce the rate of interest on loans and

discounts 1 per cent you will reduce the rate of interest on mortgages 1 per cent, for the rates of interest on mortgages always follow the rates of loans and discounts. By striking out this section you will cut off more than a third of the circulation of the banks and make interest higher. Therefore, if you want to make money more expensive to the people, vote to strike this section out; but if you want to make it cheaper, let it stand; and let any five men in the country that can combine together and who have \$25,000 (as provided by the amendment you have just put in) issue all the money they can under the law, but make it good money, and compel them to keep a gold and silver cash reserve to make it good. If you vote to strike out this section, you vote not for cheap money, but for dear money.

Mr. WARNER. Mr. Chairman, I call the attention of my colleague from New York [Mr. COOMBS] to the fact that we have already adopted an amendment by which the retirement of the United States legal-tender notes is limited by the increase in circulation of the national banks. If by refusing to adopt the amendment which is now pending we curtail the circulation of the national banks by not permitting them to issue small bills, the result may be that their circulation, instead of increasing, will be decreased during the next few years—

Mr. WALKER. One-third.

Mr. WARNER. Therefore if this amendment is not adopted after we have adopted the other one, the result might be to prevent for years to come the retiring of the United States legal-tender notes.

Mr. BROSIUS. Mr. Chairman, I hope the amendment of the committee will prevail. The national bank notes of the denomination of \$1 now out are \$355,653. The national bank notes of the denomination of \$2 are \$173,182. The national bank notes of the denomination of \$5 are \$63,900,656. Making a total of \$63,829,491.

Now, it appears that about \$63,000,000 of the national bank notes are under the denomination of \$10, and if this amendment does not prevail, and this section is not stricken out, it will result in taking from the national banks \$63,000,000 of the money that serves the convenience of the people and the profit of the banks, and I am not aware of any demand coming from the national banks or from anybody else for such a measure. I hope, therefore, that the action of the committee in this matter will be sustained by the House.

Mr. WILLIAMS of Mississippi. Mr. Chairman, in this bill for the perpetuation of old errors instead of their confession there was but one clause that looked to the widening of the basis of the money of this country, there was but one clause that looks to the wider recognition of silver as money, and it is now proposed that that clause shall be stricken out.

Mr. SIMPSON. Mr. Chairman, some time ago, in the sundry civil appropriation bill, I think, at the request of the Secretary of the Treasury, we omitted a proviso in regard to engraving and printing which compelled him to reissue notes that were reprinted in the same denominations as before, and gave him the liberty to change them into larger denominations.

It was claimed that under this provision of law the silver certificates of larger denominations would be converted into certificates of small denominations, and instead of being used in the great cities would go out into the country districts. But it seems by that provision of law we were simply making room for these national bank notes of small denominations instead of the silver certificates.

Mr. HALL of Missouri. Mr. Chairman, I rise to a parliamentary inquiry. What motion is now pending?

The CHAIRMAN. A motion to strike out section 4.

Mr. HALL of Missouri. That was stricken out in our committee.

The CHAIRMAN. The committee could not strike it out, but could only recommend that it be stricken out by the House.

Mr. HALL of Missouri. Then the question is now whether that section shall be stricken out?

The CHAIRMAN. The committee having recommended this amendment, to strike out the fourth section, the question is on agreeing to the amendment.

Mr. HARTMAN. Is this amendment subject to amendment?

The CHAIRMAN. A motion to strike out and insert would be in order.

Mr. HARTMAN. I make that motion. I move to strike out the fourth section and insert in lieu thereof the provision which I send to the desk.

The Clerk read as follows:

SEC. 4. That from and after the passage of this act all holders of silver bullion to the amount of \$100 or more, of standard weight and fineness, shall be entitled to have the same coined at the mint of the United States into silver dollars of the weight and fineness provided for in the second section of this act.

That the silver dollar provided for in this act shall consist of 412½ grains of standard silver; said dollars to be a legal tender for all debts, dues, and demands, both public and private.

That the holder of the silver dollars herein provided for shall be entitled to deposit the same and to receive silver certificates in the manner now provided by law for the standard silver dollars.

That from and after the 1st day of July, 1896, one-half of all import duties shall be paid in gold and one-half thereof in silver: *Provided*, That all duties on all imports hereafter brought into the United States from countries whose governments refuse to open their mints to the free coinage of gold and silver without discrimination against either shall be double the duty on like articles coming from countries that coin gold and silver freely.

Mr. SPRINGER. I make a point of order on that amendment. In the first place it is not germane to the bill, and, in the second place, it is not germane to the pending section.

Mr. HARTMAN. I hope the gentleman will reserve his point of order for a few moments that I may be heard on this proposition.

Mr. SPRINGER. The gentleman from Montana [Mr. HARTMAN] desires to be heard briefly, and I reserve the point of order.

Mr. HARTMAN. Mr. Chairman, there are some new features contained in the amendment which I have sent to the Clerk's desk. I ask especial attention to the feature contained in the last provision of the amendment. The proposition is that hereafter all import duties shall be paid in the proportions of 50 per cent of gold and 50 per cent of silver. By a provision of this kind gentlemen here who believe in the free coinage of silver with the aid of other nations have an opportunity to force other nations to adopt this principle. The amendment proposes that all articles imported into this country from any nation whose government refuses to open its mints to the free coinage of silver shall pay 100 per cent more duty than that imposed on similar importations from countries that coin silver freely.

I repeat that this amendment affords an opportunity to gentlemen who have been declaring themselves in favor of the free coinage of silver, provided they could secure the concurrence and assistance of other nations, to force those nations to cooperate in this policy. If we should put into our legislation such a provision as this how long do gentlemen believe it would be before Great Britain would be at our feet on this question? She can not afford to give up the great market which the United States furnishes her for the British goods which we import. Rather than pay this additional duty of 100 per cent as compared with nations which authorize the free coinage of silver she will be willing to throw open her mints to the free and unlimited coinage of silver.

One word further before I take my seat. I do not pretend on this question to be a sage; yet I do think that I certainly can not be a much greater failure as a prophet than gentlemen who have come here and assumed to know all about this question. We have been told here, for instance, by gentlemen from New York, who claim to be national bankers and to know all about these questions, that just so soon as we should repeal the purchasing clause of the Sherman law we were going to have prosperity. The gentleman from New York [Mr. HENDRIX] was one of those prophets. I ask him why that prosperity did not come.

Furthermore, the same men who told us that prosperity would come from that step told us we would have prosperity from the enactment of the Wilson tariff bill. And prosperity has not come from that source yet. Certainly by undertaking, as this amendment proposes, to compel England, Germany, and the other gold standard nations to come upon a free-coinage basis we can not make any greater mistake than gentlemen who have dragged us into the condition in which we now find ourselves.

I append to my remarks a very brief address from industrial organizations representing 3,000,000 people.

*To the members of organized labor and all other producers and toilers throughout the United States:*

In view of the general distress now prevailing throughout our country, which has existed for so many years, and which will continue until remedial legislation is enacted, and all this occurring, too, at a time when our granaries are full to repletion, and when, in the natural order of things, our producers and toilers should be enjoying to the full the fruit of their hard and conscientious labors, it seems to us that the time has come for united action on the part of those who create the wealth of the country.

The respective demands and platforms of principles of our several organizations set forth our opinions as to the causes that have brought about this condition of things. Inasmuch as the leading representatives and friends of all our organizations have placed one of the causes of the tribulations of our beloved Republic to the departure of our Government from the wise bimetallic financial policy of Washington, Jefferson, and Hamilton, and the substitution therefor of the present monometallic policy recommended by European money owners and advocated by their American allies, we, the undersigned officers of industrial, agricultural, and commercial organizations, have thought it best, at this particular time, to submit for your careful consideration a synopsis of the legislation respecting the precious metals enacted in this country since the foundation of this Government, that you may judge for yourselves as to what portion of such legislation was enacted in the interest of the producing and what in the interest of the non-producing classes, and as to whether or not the shrewd manipulators of our finances foresaw that the result of their work would be to largely help in the subjugation of the people.

Whatever the object, certain it is that before the demonetization of silver and the enactment of other financial legislation, which our organizations condemn, 3,800 bushels of wheat or 35,000 pounds of cotton was the annual pay for our Congressmen and Senators, while to-day 10,000 bushels of wheat or 100,000 pounds of cotton barely suffice; before demonetization 35,000 bushels of wheat or 360,000 pounds of cotton per year would have paid the salary of the President; to-day he receives the equivalent of 100,000 bushels of wheat or 1,000,000 pounds of cotton; and in like proportion is it with all other fixed salaries and incomes.

Was such legislation just? Was it honest? Does it not necessarily follow that the demonetization of the food-producing sections of the country, through failure to procure reasonable prices for their products, causes the manufacturing sections to accumulate excessive stocks, and in consequence of a poor

market hundreds of thousands of operatives are necessarily thrown out of employment, thus robbing them of the power, even at the low prices, to purchase the necessities of life?

Again, is it not obvious to everyone that the striking down of one-half of the world's volume of money makes the remaining half a comparatively easy matter for capitalists to control and manipulate, and the toilers, to obtain money for the purchase of their food supplies, are placed entirely at the mercy of the foreign and American money sharks, who, by contracting the currency, can force a panic or famine in money at their supreme will?

Would they be guilty of such a crime? We only say in reply, look at our present helpless condition. Does it not seem to you, in the light of the facts here given, that where in the midst of plenty there is widespread suffering and unhappiness there is considerable merit in the refrain from Wall street: "Dig on, ye toilers, dig; the legislative button that we press will do the rest."

#### PRECIOUS-METAL LEGISLATION.

The first coinage law enacted under the Constitution as recommended by Hamilton, concurred in by Jefferson, and approved by Washington, provided for the free and unlimited coinage of both gold and silver; the silver dollar containing 371 grains of pure metal.

In 1837 the mint laws were revised and a standard for both gold and silver was made nine-tenths fine—that is, nine-tenths pure metal and one part alloy; the number of pure silver grains to the dollar remaining unaltered, viz, 371 grains.

This law established our present ratio of 16 to 1.

In August, 1865, the public debt which grew out of the war reached its highest point, the debt, less cash in the Treasury, being \$2,758,431,000. This debt was not payable in gold. No bonds or other governmental obligations were ever made specifically payable in gold. The interest on the bonds was made payable in coin, the greater portion of the principal of the original bonds in lawful money and of the refunding bonds in coin—not gold coin, but coin of either gold or silver.

In 1869 the principal of the bonded debt was also made payable in coin. In 1870 the standard of coin was by the refunding act nominated in the bond; that is to say, all of the obligations of the United States were then declared payable in either gold or silver, of the present ratio, at the option, not of the bondholders, but of the people of the United States.

All of the acts passed since the close of the civil war, it will be observed, were in the interest of the bondholders and against that of the producers and toilers.

But it remained for the year 1873 to witness the crowning blow of all. In that year an innocent-appearing bill entitled "An act revising the laws relative to the Mint, assay offices, and coinage of the United States" was successfully smuggled through Congress.

That bill purposely omitted from the list of coins to be minted the silver dollar.

By that clandestine act, of which the people and the people's representatives were ignorant, and the subsequent act of 1874, adopting the Revised Statutes, silver was demonetized and the world's volume of ultimate redemption money was reduced from about seven billions to three and one-half billions.

In 1873, after the discovery of the crime of 1873, Congress passed what is known as the "Bland bill." This bill was vetoed by President Hayes (John Sherman being Secretary of Treasury), and Congress passed the bill over the veto. The act added to our volume of money over \$70,000,000 standard silver dollars.

In 1890 what is known as the "Sherman Act" was passed as a substitute for the "Bland Act" of 1878. This law further increased our volume of money over \$150,000,000.

Under the Bland and Sherman laws over \$500,000,000, or about \$9 per capita, were added to our volume of money. As all reflecting men are agreed that the present distress is due to a scarcity of money, we must leave it to the imagination as to what would now be our condition if the gold-standard men had had their way, and our present insufficient volume of money was \$500,000,000 less.

The Sherman bill was adding over \$50,000,000 a year to the money of the country, when in 1893 its repeal was imperiously demanded by European financiers through their American allies, and although the people's representatives made one of the grandest efforts ever witnessed in behalf of the producers and toilers of our country, yet the power of the financial institutions of Europe was so great that our people were compelled to submit to temporary defeat.

Now the question is, what do the tens of millions of victims in this country to the diabolical gold standard policy of Lombard and Wall streets propose doing about it? Submit to subjugation or demand in no uncertain tones the immediate restoration of silver as standard money? No, they will no longer submit to such injustice! And, therefore, we earnestly recommend the adoption of the following resolution:

"We demand of the present Congress the immediate return to the money of the Constitution as established by our fathers by restoring the free and unlimited coinage of both gold and silver at the present ratio of 16 to 1, the coins of both metals to be equally full legal tender for all debts, public and private, as before the fraudulent demonetization of silver in 1873.

"We also condemn the increase of the national debt in time of peace, and the use of interest-bearing bonds at any time."

J. R. SOVEREIGN,

G. M. W. K. of L.

JNO. W. HAYES,

Genl. Secy. Treas. Knights of Labor.

By authority and on behalf of the American Federation of Labor I hereby indorse the above.

SAM'L GOMPERS,

President American Federation of Labor.

JOHN MCBRIDE,

President United Mine Workers of America.

In indorsing this resolution I do so believing it to be clearly in the direct interest of all wage earners.

F. W. ARNOLD,

Grand Secretary and Treasurer Brotherhood of Locomotive Firemen.

MARION BUTLER,

President National Farmers' Alliance and Industrial Union.

P. J. MCGUIRE,

General Secretary United Brotherhood of Carpenters and Joiners of America.

HENRY H. TRENOR,

General President United Brotherhood Carpenters and Joiners of America.

P. M. ARTHUR,

Grand Chief Engineer Brotherhood of Locomotive Engineers.

Every day's delay to remonetize silver subjects those in authority to the charge of being in sympathy with the conspirators who committed the crime of demonetizing silver in 1873.

C. A. ROBINSON,

President Farmers' Mutual Benefit Association.

FRANK P. SARGENT,

Grand Master Brotherhood of Locomotive Firemen.

[Here the hammer fell.]



The CHAIRMAN. The gentleman from Illinois makes a point of order on this amendment. He will state his point.

Mr. SPRINGER. The amendment is not germane to the bill or to the amendment. This section is a proposition simply in regard to changing the denominations of the national bank notes and the silver certificates.

Mr. HARTMAN. May I be heard on the point of order for a moment? In view of the great disorder that seems to prevail at present in the business affairs of the Government, I submit that the gentleman from Illinois [Mr. SPRINGER] had better waive his point of order.

Mr. SPRINGER. I can not.

The CHAIRMAN. The Chair thinks the point of order is well taken.

Mr. SPRINGER. I ask for a division of the question on the motion to strike out. The section is divisible; and I ask that the question be taken first on striking out the first seven lines—

Mr. WALKER. I hope the gentleman will not oppose his own bill, and get on still another side of this question.

Mr. SPRINGER. Did the gentleman hear what I said? I asked for a division of the question, so that we might first vote on striking out the first seven lines of the section down to the word "places."

Mr. WALKER. I understand the gentleman wants this stricken out, but is advising people not to vote with him. I hope he will not embarrass the bill.

The CHAIRMAN. The gentleman has the right to demand a division of the question.

Mr. BRECKINRIDGE. Mr. Chairman, in the testimony of the Secretary of the Treasury before the Committee on Appropriations on January 21, 1895, we were told that there are about \$750,000,000 in the hands of the people in the shape of notes of \$20 and less in denomination and silver dollars and fractional coin. By coining the \$180,000,000 in coinage value of silver in the Treasury we would have about \$600,000,000 in round numbers in silver and silver certificates, or \$150,000,000 less than the amount of change the people need in their ordinary business. Therefore, it seems to me, that we ought not to strike the provision out of the bill, because we can make the silver bullion of this value and a present asset to the Government now, when we need revenue, by the coining of four or five millions of dollars a month, and thereby substitute small silver certificates for national bank notes, Treasury notes, and legal-tender notes, and have all our silver in circulation, at the same time putting us in a better condition about other matters.

It seems to me that all that is necessary in the present condition of affairs is to give to the State banks the right to issue currency by which there will be a local supply to meet the local demand, and give to the Secretary of the Treasury power to tide over the deficiency in the revenues by issuing certificates of indebtedness, and giving to silver the entire field of the small notes required by the people in the daily transaction of their business. If that is done, this will answer all present demands and will render no further legislation necessary.

Without criticising anyone and anxious to aid in enacting necessary legislation, I repeat that the present condition can be met, in my judgment, by the amendment I hope to have opportunity to offer, by which the Secretary of the Treasury, at his discretion and according to the necessities of the Treasury, can use (1) the silver bullion now lying idle in the Treasury and (2) such bonds as he has now the power to issue, or short bonds redeemable at the option of the Government as soon as the surplus is abundantly sufficient. And the currency question will not be of danger if our revenues are ample, the power granted the Government sufficient, the quantity of small notes equal to the ordinary demands of the daily business of the people, and regulated in part by the law of demand and supply in each community.

All other questions can await future legislation, when there is more time to consider what further ought to be done.

The CHAIRMAN. The question is on the motion to strike out the section. The Clerk will read the first part of the section.

The Clerk read as follows:

SEC. 4. That hereafter no national bank notes of a less denomination than \$10 shall be issued, and as rapidly as such notes of denominations less than \$10 shall be received into the Treasury, otherwise than for redemption and retirement, they shall be canceled, and an equal amount of notes of like character, but in denominations of \$10 and multiples thereof, shall be issued in their places.

The motion to strike out was rejected.

The CHAIRMAN. The Clerk will now report the remaining clause of the section which it is proposed to strike out.

The Clerk read as follows:

All silver certificates now outstanding, in denominations larger than \$10, shall, when received into the Treasury of the United States, be retired and

canceled, and silver certificates in denominations less than \$10 shall be issued in their stead.

The motion to strike out was rejected.

The CHAIRMAN. The next amendment is to strike out section 5, which the Clerk will report.

The Clerk read as follows:

SEC. 5. That from and after the 1st day of July, 1895, all duties on imports shall be paid in gold coin only, and all taxes, debts, and demands, other than duties on imports accruing or becoming due to the United States shall be paid in gold and silver coin, Treasury notes, United States notes, silver certificates, or notes of national banks.

[Mr. STOCKDALE addressed the committee. See Appendix.]

Mr. STOCKDALE. I yield to the gentleman from Tennessee [Mr. SNODGRASS].

Mr. SNODGRASS. Mr. Chairman, in approaching the discussion of this question, fraught as it is with so many possibilities of danger, with so much injustice, with so much continued depression and misery of the people, I do so with a renewed sense of my responsibilities as a Representative. The passage of this measure would be but the culmination of the fight that began thirty years ago on the part of the few (the consolidated money classes) against the great debt-paying classes. The question now is, shall the dominant party on this floor, to which I belong, which has heretofore always been the friend of the many against the few, which has always been the implacable enemy of monopolies and concentration of power, turn its back upon all the principles of the Democratic party and embrace Federalism, and aid in the passage of this most obnoxious and dangerous measure? But it is said this is the plan the Administration offers for relief, and therefore all Democrats should give it their support. I regret that the Administration, which was supposed to be Democratic, did not submit something on Democratic lines to which I could have given my support and cooperation.

But, Mr. Chairman, if this Administration had presented us with a measure of relief which had in any sense complied with the platform declarations of our party upon which the President was elected, there is no true Democrat who would not have given it his hearty support. Upon the financial question the Democratic convention said:

I will ask the Clerk to read it.

The Clerk read as follows:

#### GOLD AND SILVER.

SEC. 7. We denounce the Republican legislation known as the Sherman Act of 1890 as a cowardly makeshift fraught with possibilities of danger in the future which shall make all of its supporters, as well as its author, anxious for its speedy repeal. We hold to the use of both gold and silver as the standard money of the country, and to the coinage of both gold and silver without discriminating against either metal or charge for mintage, but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value, or be adjusted through international agreement or by such safeguards of legislation as shall insure the maintenance of the parity of the two metals and the equal power of every dollar at all times in the market and in the payment of debts; and we demand that all paper currency shall be kept at par with and redeemable in such coin. We insist upon this policy as especially necessary for the protection of the farmers and laboring classes, the first and most defenseless victims of unstable money and a fluctuating currency.

SEC. 8. We recommend that the prohibitory 10 per cent tax on State bank issues be repealed.

Mr. SNODGRASS. Mr. Chairman, this declared for the use of both gold and silver as the standard money of the country, and the coinage of both without discriminating against either metal or charge for mintage. It also declared in favor of the repeal of the Sherman law, and not for the simple repeal of the "purchasing clause," leaving all the other part of the law in full force and effect. It also recommended that the prohibitory 10 per cent tax on State bank issues be repealed.

The President has never recommended the passage of any law along these lines for the relief of our embarrassed condition; if he had, no man would have done more, according to his ability, than I to have aided in this act of observing our promises and obligations to the people.

In lieu of this, the President sends a message to Congress to destroy bimetalism and to force the country to gold monometallism. Upon the recommendation of this message, which is in violent opposition to both the spirit and letter of the Democratic platform, and which I characterize as an act of bad faith with the people, the Committee on Banking and Currency (or a majority of it) has reported the bill that is now before this House for consideration. What is this proposition? It is one in the interest of the consolidated money power and against the people. It is one to put this country permanently on a gold basis, and to make the gold dollar the unit of value, and to prevent silver from ever becoming one of the moneys of ultimate redemption in the United States, and to issue bonds to the amount of \$500,000,000, payable, principal and interest, in gold, and in this way perpetuate our national debt and the national banking system, and to make two-thirds of all of our money, money and notes of credit.

It is another shameful makeshift for real relief. The substitute



offered by the minority of the committee is less objectionable, but it, too, is obnoxious because it will reach the same end, but will take a little longer to do it; so I am unalterably opposed to both bills. They are both undemocratic and wrong. Take the substitute. It establishes and perpetuates national banks, authorizes the issue of bonds in time of peace to pay the current expenses of the Government. Under it the Government guarantees the payment of national-bank notes by their being receivable to the Government for revenues. So, if a bank fails and is unable to redeem, all the holders of the notes have to do is to unload the worthless paper on the Government. Besides, the State-bank notes are not given this guaranty, and could not be circulated alongside of national-bank notes. The result would be State banks could not operate under it, and this provision is simply a delusion to catch State-bank Democrats.

It is said by the gentleman from Illinois [Mr. SPRINGER] that good faith requires the United States to pay off its obligations in gold. This is absolute rot and made alone in the interest of the holders of our debts and not in the interest of justice to our people, who must do the paying, or for good faith on the part of the Government.

When the bulk of our indebtedness was created the people had the right to pay in any money that was then a legal tender. Later, in the interest of the creditor, they were changed to coin obligations, and now it is proposed to make them payable in gold and thus carry out the original scheme and conspiracy against the people. This would make it take twice as much of their labor, products, and property than to have paid under the original status and double the value of the creditors' debts.

Mr. SPRINGER also tells us if we will make the \$500,000,000 of bonds payable in gold we will save 1 per cent interest, but he does not tell us the other and more important truth that the gold to pay the debt would cost us a premium of at least 20 per cent and how much we would lose by this. [Applause.]

As to the Treasury notes, the Secretary of the Treasury has the right to pay them off in silver, and ought to be forced to do so. This would stop the run on the Treasury for gold for this vast amount.

If this law had been complied with, if this policy had been adopted, no such condition would confront the Treasury to-day; it would never have become necessary to issue bonds and sell them for gold to be taken out by bankers and to be again redeemed in gold as soon as the Secretary of the Treasury could reissue them.

The Republican party set this precedent, and this Administration has followed its illegal and ruinous example. Yet they say something must be done. Let it be the right thing. Do not go on and inflict further degradation and wrong upon the people because their oppressors and their agents cry out, do something. And for whom? For the country? No; but for Mammon. For the people? No; but for the "money changers in the temple."

But on this question what did the Republican party promise the people?

I will send it to the Clerk's desk and have it read.

The Clerk read as follows:

#### FREE AND SAFE COINAGE OF GOLD AND SILVER.

The American people, from tradition and interest, favor bimetalism, and the Republican party demands the use of both gold and silver as standard money, with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of values of the two metals so that the purchasing and debt-paying power of the dollar, whether of silver, gold, or paper, shall be at all times equal. The interests of the producers of the country, its farmers and its workmen, demand that every dollar, paper or coin, issued by the Government shall be as good as any other. We commend the wise and patriotic steps already taken by our Government to secure an international conference to adopt such measures as will insure a parity of value between gold and silver for use as money throughout the world.

Mr. SNODGRASS. Mr. Chairman, in compliance with this (the declarations of their platform) what have they done to redeem these pledges? They joined some Democrats in Congress and passed the law to repeal "the purchasing clause of the Sherman law," and now propose the issuance of certificates to be paid in coin at 3 per cent interest. This, gentlemen, will not be taken as a compliance or an answer to your pledges.

Mr. Chairman, what should we do to give relief? Restore silver to its place as one of the moneys of redemption. Give free and unlimited coinage on the same terms as gold at a ratio of 16 to 1; make it a legal tender for all debts, both public and private; abolish the national banking system as soon as possible; repeal the law authorizing the Secretary of the Treasury to issue and sell bonds, and if the Government needs money to defray expenses let it exercise the function that belongs to it, issue its notes redeemable in coin, and repeal the 10 per cent discriminating tax against State-bank issue. This will relieve the Government, increase the metallic money of the world, and add to the people's prosperity and happiness.

Mr. Chairman, the history of the world proves that the greater the volume of the metallic money, the greater the activity of all

business, the greater the prosperity of the people, and the higher the price of products, as contained in the following statements:

At the Christian era the metallic money of the Roman Empire amounted to \$1,800,000,000. By the end of the fifteenth century it had shrunk to \$200,000,000. (Dr. Adam Smith informs us that in 1455 the price of wheat in England was 2 pence per bushel.) Population dwindled, and commerce, arts, wealth, and freedom all disappeared. The people were reduced by poverty and misery to the most degraded conditions of serfdom and slavery. The disintegration of society was almost complete.

History records no such disastrous transition as that from the Roman Empire to the Dark Ages. The discovery of the New World by Columbus restored the volume of precious metals, brought with it rising prices, enabled society to reunite its shattered links, shake off the shackles of feudalism, and to relight and uplift the almost extinguished torch of civilization.—Report United States Monetary Commission of 1878.

This statement can not truthfully be denied.

The supporters of this bill tell us with frantic appeal that the life of the nation is diseased and its honor imperiled. We who are opposed to the measure reply: The present Administration has diagnosed the patient, and urges that relief can be obtained by following the same line of practice that Republican quacks have pursued for thirty years, and which we who believe in the principles of Democracy as taught by Jefferson and Jackson are confident has produced this critical condition.

Mr. Chairman, no one can give his support to either the bill or the substitute unless he favors Federalism, the concentration of power, supremacy of corporations, and the establishment of monopolies. In 1893 these doctors called us together and prescribed. We were brought here then at a time of unrest and depression, brought about, as we believe, by the passage of laws which destroyed one-half the money. What did they tell us? To repeal the "purchasing clause of the Sherman law," and that depression would be dispelled, confidence restored, business revived, and that prosperity would follow.

The law passed. What has been the effect? Depression increases, confidence weakens, business has not revived, and the promised prosperity has not come. On the other hand, we see wretchedness, poverty, and distress. Prices continue to fall as gold goes up; labor can not find employment; strikes and revolutions—these are the children, the offspring, of these vicious laws, the fulfillment of these false prophecies. They now offer us as a remedy for our fearful malady more hideous deformities and regale us with the siren's song and with more fulsome prophecies for its effect.

Mr. Chairman, I want to say here and now that both the message, bill, and substitute are a travesty on Democratic principles and the pledges of the Democratic platform. Up to the time the crime of demonetizing silver was committed both silver and gold constituted the money redemption of the world. The two metals existed in about the same quantities and gave us about twice as much money for redemption purposes as gold will now give us.

There is now in the world \$3,820,571,346 in silver and \$3,727,018,869 in gold. Hence the dislocation of the parity of the two metals by the demonetization of silver and the attempt to maintain our credit in gold has reduced the redemption money of the world from \$7,547,590,215 to \$3,727,018,869, less than one-half.

To carry out the policy of a single gold standard for the world we have, as shown by the Director of the Mint, only \$3,750,000,000 in gold in the world.

The population of the world in 1890 was about 1,400,000,000 which would make a per capita of about \$2.50.

Mr. Chairman, it is plain to be seen that this is infinitely too small to pay debts and conduct the business of the world. It is folly gone mad to longer delay the free and unlimited coinage of silver. Should we declare for it nearly all the other nations would join in the move. We can not afford to stand idly by and wait for England to say what we shall do on this subject. Her interest is not ours. She is a creditor, we a debtor. Besides, we produce about one-half of the silver of the world and should not destroy this resource put here to bless mankind.

When we contemplate the misery the demonetization of silver has produced, the widespread ruin and bankruptcy of the many and enrichment of the few, we may be excused for adopting and quoting with approval what the able Secretary of the Treasury said of the demonetization of silver while a member of this House and before he joined the President in his effort to force a single gold standard upon this country in the interest of capitalists of this and other countries. Hear what he said:

I know that the world's stock of the precious metals is none too large, and I see no reason to apprehend that it will ever become so. Mankind will be fortunate indeed if the annual production of gold and silver coin shall keep pace with the annual increase of population, commerce, and industry. According to my views of the subject the conspiracy which seems to have been formed here and in Europe to destroy, by legislation and otherwise, from three-sevenths to one-half of the metallic money of the world is the most gigantic crime of this or any other age.

The consummation of such a scheme would ultimately entail more misery upon the human race than all the wars, pestilences, and famines that ever occurred in the history of the world. The absolute and instantaneous destruction of half the entire movable property of the world, including houses, ships, railroads, and all other appliances for carrying on commerce, while it would be felt more sensibly at the moment, would not produce anything

like the prolonged distress and disorganization of society that must inevitably result from the permanent annihilation of the metallic money in the world.

It may seem strange that so soon after this serious declaration he becomes one of the chief advocates of the permanent annihilation of the metallic money of the world. The public may be curious to know what new light has broken in on his vision that has wrought this marvelous change on so important a subject.

There are many agencies at work to effect this deplorable end. The Administration, the lobby, the subsidized press, the boards of trade, the bankers, and the creditors of the Government all have thrown themselves into the fight for this unholy purpose. Who and how many will withstand the pressure of this most powerful combination, and stand by the toiling millions who are at home, with no lobby or powerful influence to aid their cause? May I not hope that in the near future I shall see a Joshua come forth to lead the oppressed and degraded people to victory against this power of usurpation and oppression. [Applause.]

So far as I am concerned, I am not here to worship men, but I am here intending to stand and make the best fight that I can for principle and the inalienable rights of man. Others may yield convictions and principles for expediency's sake, or may be driven by what they conceive to be public clamor to commit this crime against the people, this wrong against free institutions. [Applause.]

So far as I am concerned, "none of these things shall move me." I shall still continue to act upon Democratic principles and vote against these monstrous measures. [Applause.]

The passage of this bill will be the continuation of Republican methods and Republican policies. It is Senator SHERMAN's plan, which has been condemned by the Democratic press and on the rostrum by Democratic orators for the last thirty years. Shall we take to our bosom the Republican crimes of which we have so bitterly complained?

For one, I will not do it, even to please a Mugwump Administration, or satisfy what some think public opinion.

I said in my speech when the bill to repeal the "purchasing clause" of the Sherman law was pending what I now ask the Clerk to read.

The Clerk read as follows:

I favor the taking up of every question that affects the people and disposing of it, and we can no more give relief to them by piecemeal than the good doctor can give relief to his patient who has divers afflictions by the cure of one of them, and I am in favor of staying here until the needed relief is brought about if it takes until my term of office expires. We have promised the people relief, and our promises were not made to be broken. The people of this country have suffered for thirty years from broken promises and deception, and now that the Democratic party, which has always been regarded as the party of the people, has come into power, each and every promise that we made should be scrupulously complied with, and this we will not do if we vote for the unconditional repeal of the purchasing clause of the Sherman Act.

In the same paragraph of the Chicago platform which provides for the repeal of the Sherman law the Democratic party made another pledge that is coupled with it, and which can not be separated from it, which was that we recognize gold and silver as the standard money of this country, and that we should have the coinage of both without discriminating against either, and this clause was inserted "for the protection of the farming and laboring classes, the first and most defenseless victims of unstable money and a fluctuating currency." Can it be said that this was inserted as a vote catcher? Certainly no Democrat will admit this. I insist that under the platform these two things must be taken together, because the coinage of silver on the same terms as gold carries with it necessarily the repeal of the Sherman law.

Suppose the platform had stopped with the single declaration in favor of the repeal of the Sherman law and had made no provision for the free coinage of silver; who in this House will say that Grover Cleveland and the Democratic ticket would have swept the country as they did? It was the West and South that elected Grover Cleveland, and without this declaration he could never have procured their support. Mr. Speaker, the men who desire to demonetize silver and put this country on a single gold standard seek to avoid the force of this by asking us to wait until the people are ruined and until it suits the money barons of England and other foreign countries to have an international agreement as to the ratio between the two metals and the coinage of silver.

This dodge was never heard of until after the crime of demonetization of 1873 had been effected, and its insistence in an American Congress is enough to bring the blush of shame to the face of every American patriot. And whenever the people seem to be in the position to get this relief the emissaries of Wall street and London and Liverpool come here and cry "international agreement." They say we must not move until the British lion has lowered his growl on British soil. Timid, cowards, sneaks! No; but avaricious, determined to appreciate the debts of the people and to depreciate their ability to pay.

This is but a subterfuge of fraud as black and corrupt as the midnight shades of the damned, and a snare to prevent the people from securing their rights. We are told by the gentleman from Indiana [Mr. Brown] that they want to keep every promise made in the platform. Oh, what a sweet morsel that is to roll under their tongues—but that we must take it up by sentences! How long would that take?

How long would it take you to get through with the tariff bill in that way? I say, how long would it take? What committee could ever make reports upon the different sentences of that platform? Logic profound! Satisfactory to the gentlemen, I suppose, who used it. Empty! We are not to be deceived by this. If they are in earnest about carrying out the platform, why not do both at the same time and in the same bill? Why make two bites of a cherry?

We understand these tactics. We have had a long, painful, terrible lesson in these side-track issues, commencing with the Bland bill and the Sherman Act. Mark it down, this is a fight from now until the time when the common people are restored to their rights. Once they succeed in the repeal of the Sherman law and demonetize silver, then they would resort to any and all measures to defeat its being made one of the money metals of this country.

Mr. SNODGRASS. Mr. Chairman, England demonetized silver in 1816, and yet from that date to 1873 the parity of gold and silver was not affected. We did not need her then to keep up the parity, and we do not need her now, but if in this the friends of remonetizing silver should be mistaken, we can legislate the premium out of gold by reducing the number of grains in a gold dollar till we bring the dollar of both metals to the same value. Let us do something to stop this crime that is improperly taking from the property of the debtor and placing it in the pockets of the creditors. If this Congress does not give the people a bimetallic standard, and the next fails, then let the masters drive their public servants from power and put men here who will serve their interest in this fight, this struggle for right and humanity. Men who will restore the integrity of our country instead of prostituting it as has been done in the interest of the rich combinations and corporations at the expense of the very life of our free institutions.

Until the people wake up to their interest and the danger that is impending and drive these unworthy agents out there will come no relief to them, but they will "ask for bread and be given a stone." In the interest of Democracy, in the interest of good government and common humanity, I hope these bills will be defeated. [Applause.]

Mr. BRODERICK. Mr. Chairman, I desire to call attention for a few minutes to one phase of this question which I think is important, but which has received but little attention in the discussions in this House. The President has urged upon Congress that some legislation is necessary to strengthen the Treasury and stop the outflow of gold. His remedy is to call in and cancel the United States legal-tender notes commonly denominated greenbacks. To enable the Secretary of the Treasury to carry out this administrative policy he must have more gold, for by his construction of the law coin means gold, and more coin means more gold. So it becomes important at this time that there should be another step taken on the way blazed out for the Administration in the summer of 1893, which was to lead the country unerringly to gold monometallism.

Bonds must be issued with which to buy gold, and while the President does not question the Secretary's ruling the new bonds must be payable in gold, so that we may have a legislative declaration in support of the Secretary's official acts and indorsing and strengthening the gold-standard policy. It is true that this is a new departure for the Republic, and might tend to discredit the coin bonds already issued and sold, but this consideration is not of sufficient moment for the President to take into account in his message. Upon this question he is as silent as the tomb. The substance of the message is that as gold bonds are now demanded by the bankers such bonds should be authorized and the noninterest-bearing debt of the United States should be supplanted by interest-bearing obligations which should be payable in gold. This is the plain policy of the Administration as announced by the President through his special message of January 28, 1895. No one can mistake the meaning of this document.

Should this policy be adopted it would not only result in the speedy cancellation of the greenbacks, and another panic, but would for many years settle the question in favor of the single gold standard and against the judgment of the great majority of the people.

Mr. Chairman, I am unwilling to support either of these propositions; first, because I believe they are iniquitous, and second, because, in my judgment, these remedies would not cure the present financial difficulties.

Why should we contract the currency, or why should we call in the legal-tender notes? I have not understood that this form of money is distrusted in any quarter by the masses of the people, nor by the average depositors in the banks or the business classes. Only a few people pretend to believe that this currency stands in the way of national prosperity, and these few never saw the menace to the Treasury until they began to want the Government to abdicate its constitutional right to issue money, and to make gold, supplemented by national-bank notes, the only money of the realm.

That there is difficulty with our finances no one will dispute, but there is a wide difference of opinion regarding the causes and remedies. For two or three years there has been a mighty scramble going on between the leading nations for the gold of the world. The nation willing to pay the highest price for it gets the coin. This condition ought to be conclusive evidence to everyone that there is an insufficient supply of this money metal. There is not enough of it in the world to transact the world's business, and no great gold mines are anywhere being discovered. To stop this wild scramble for gold we must have more metallic money, and this should be accomplished by the restoration of silver coinage and by a return to the true bimetallic principle. Should we make provisions for the coinage and use as money of the silver product of the United States, supplant the small notes now in circulation



with silver coins, remove the temptation for cornering gold, the other questions involved would readily adjust themselves.

Upon the question of the insufficiency of the supply of gold I desire to read a clipping from the *Manufacturer*, published in Philadelphia. I call attention to the location of this journal to show that all this contention for the restoration of silver does not come from the West and from the South, but it is beginning to come from all sections of the Union. The article reads:

What is the reason why gold is exported in increasing quantities? Here is a question persistently avoided by the public journals, and yet manifestly it is the most important of all the questions involved in the present disturbance of the finances of the country. But one answer is possible: There is not enough gold for the purposes of commerce. Because there is not enough we have manifestations of really desperate eagerness to get it. The European nations hold fast to what they have, and as our Government will not do so, but pays out gold even when the demand note in plain terms calls for silver, those who want gold come here to get it.

No other explanation of the extraordinary pertinacity of the assaults upon the Treasury gold reserve is possible. It will not, for example, be seriously contended that this almost ferocious anxiety to obtain gold could accompany the existence of an abundant supply. No man who wishes to have a reputation for the possession of good sense will venture to assert that exporters would willingly pay a premium for gold, as they have done recently, if they could get it without a premium; and why should there be a premium if there is enough of the metal for the uses of business? The wild scramble for gold offers conclusive evidence of the deficiency of the supply and it is the sufficient answer to the theorists who proclaim that the world's output is now almost in excess of the demand.

The American people may now perceive in the clearest light the workings of gold monometallism. This is the system which was to bring peace to mankind and security to business. This is the system which was to supply us with the "best" money, with "honest" money, with the money of civilization. Under this system the Treasury of the United States trembles upon its foundations, and the credit of the richest nation upon the earth is menaced with overflow. Here we pay in half panic, in consternation, and disaster, part of the penalty, already largely paid in the impoverishment of our producers and the paralysis of business, for permitting England to impose upon us a false money system, devised for purposes of robbery.

Mr. Chairman, at the beginning of the special session in 1893, Congress was advised by the Chief Executive that the then financial difficulties were owing to the purchase of silver bullion and the issuing of Treasury notes in payment thereof; and that if this provision for the purchase of silver should be unconditionally repealed contentment and prosperity would immediately return. The silver-purchasing clause was repealed. A year and a half has elapsed, but the promised revival of business and restoration to confidence have not returned. We are now told by the same high authority that before we can have permanent prosperity the greenbacks, so long in circulation, must be retired and destroyed and that gold must be declared the only money of final payment.

In view of the mistaken situation in 1893 and the inglorious failure of the President's predictions at that time, are the members of this House willing to follow him further in his ruinous monetary policy? Are you willing to further appreciate the value of gold by increasing the demands for this metal? Are you willing to increase the debt of every man in this country by so legislating as to increase the value of money and by giving to the banks the exclusive power to contract or expand the currency? For myself I am not willing to do this.

The power to coin money and regulate its value was granted by the States to the General Government, and observation and experience vindicate the wisdom of this arrangement. This power has been somewhat divided, but it should not and can not be taken away. It seems to me it would be better to so legislate that this great national bank, the United States Treasury, should have the undisputed authority to protect itself against fraud and imposition. If the Treasury is strengthened and made so strong that a few men can not, for the purpose of speculation, make a run upon it and produce a panic, then the banks of the country will take care of themselves, and we will see the dawning of better times.

Mr. HARTMAN. I desire to offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Montana desires to submit an amendment to the amendment.

Mr. HARTMAN. I move to strike out the section and insert in lieu thereof the matter which I sent to the Clerk's desk to have read, as a substitute for section 4.

Mr. SPRINGER. I make the point of order upon that.

Mr. HARTMAN. I desire to be heard upon the point of order. Now, Mr. Chairman, the point of order raised against the amendment before was that it did not relate to the matter contained in the section.

Mr. COX. Upon what proposition is it now offered?

Mr. HARTMAN. It is offered on section 5. Now, the point of order sustained, as I understand, by the Chairman before was that section 4 did not in any way relate to the subject of import duties. Section 5 deals directly with the question of import duties, and provides that all import duties shall be paid in gold. Now, I simply amend that by making the provision that 50 per cent of the import duties shall be paid in silver and 50 per cent in gold.

Mr. SPRINGER. In order that we may understand this question, I think the amendment ought to be read again, as it was offered before at a time when it was not supposed to be in order.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Montana; and in order that gentlemen may hear the amendment, the Chair requests order on the floor.

The Clerk read as follows:

That from and after the passage of this act all holders of silver bullion to the amount of \$100 or more, of standard weight and fineness, shall be entitled to have the same coined at the mint of the United States into silver dollars of the weight and fineness provided for in the second section of this act.

That the silver dollar provided for in this act shall consist of 412½ grains of standard silver; said dollars to be a legal tender for all debts, dues, and demands, both public and private.

That the holder of the silver dollars herein provided for shall be entitled to deposit the same and to receive silver certificates in the manner now provided by law for the standard silver dollars.

That from and after the 1st day of July, 1895, one-half of all import duties shall be paid in gold and one-half thereof in silver: *Provided*, That all duties on all imports hereafter brought into the United States from countries whose governments refuse to open their mints to the free coinage of gold and silver without discrimination against either shall be double the duty on like articles coming from countries that coin gold and silver freely.

Mr. SNODGRASS. Mr. Chairman, I rise to offer an amendment as a proviso to that amendment.

The CHAIRMAN. That is not in order now. The question is on the point of order. This is an amendment in the second degree. The gentleman will please wait until the point of order is first disposed of. The gentleman from Illinois makes the point of order against this amendment.

Mr. SNODGRASS. I want to have read the amendment I propose to offer and to have it pending.

The CHAIRMAN. If the Chair rules it out an amendment to it would not be pending. The gentleman must withhold his amendment until the point of order is disposed of.

Mr. SPRINGER. Mr. Chairman, this amendment provides for the free coinage of silver; for the change of the tariff laws by doubling all the duties now provided by law imposed upon articles coming from countries that make any discrimination against silver; so that it is a very comprehensive measure, covering nearly all the subjects that Congress has been called upon to consider for the past two years.

Mr. PICKLER. It is better than anything in the bill.

Mr. SPRINGER. I think, therefore, it is not germane to this proposition and is out of order. I think the mere statement of that is sufficient to cause it to be ruled out of order. I do not propose to argue the merits of the proposition. There is nothing in this bill connected with the free coinage of silver nor with the imposition of duties.

The CHAIRMAN. The Chair can not hear. Gentlemen on the floor will cease conversation. There is so much confusion on the floor the Chair can not hear the gentleman speaking on the point of order.

Mr. SPRINGER. Mr. Chairman, I may add one further point. There is one sentence in this amendment that would be germane. That is that part of it which provides that one-half of the customs duties shall be paid in gold and the other half in silver. That is germane and in order; but the proposition having been offered as a whole, it must be treated as one amendment, and if anything is not in order it must all go out.

Mr. HARTMAN. Mr. Chairman, in so far as this amendment provides for the coinage of gold and silver, it is a means to be provided for the payment of duties. That is certainly as much in order as the other section of the bill which provides that the Secretary of the Treasury of this country may receive a portion of it in gold. Now, the amendment provides that one-half of the duties may be received in gold and the other half in silver. That is simply following in the strict line of the language proposed in section 5 by the chairman of the Committee on Banking and Currency. So far as the other section is concerned, it relates strictly to the question of import duties.

The question of import duties is directly treated by the chairman of the Committee on Banking and Currency in this bill he asks us to pass. That section pertains to retaliation, according to the language used by the chairman of the committee, who provides that all import duties shall be paid in gold. It is a regulation for the payment of import duties, and that is all the gentleman from Illinois attempts to do in the provision of his section; and I submit, Mr. Chairman, that when we come here with an opportunity to force the nations of the world to do that which we have been vainly calling on them to do, in doing our duty to this country we should take advantage of every opportunity and procedure whereby we can compel them to come to our feet upon this question. I submit that the amendment is in order.

Mr. BROSIUS. Mr. Chairman, I rise to a parliamentary inquiry. Is not that in substance the amendment which was ruled out by the Chair a moment ago on a point of order?

The CHAIRMAN. It is the identical amendment. The Chair is of opinion that this amendment of the gentleman from Montana is not in order. It is an amendment which provides for the free coinage of silver. The proposition pending is a section of the bill which provides that all duties on imports shall be paid in gold coin only. It does not relate to the coinage of gold or silver



at all. There is a portion of the amendment which would be in order, but if any part of the proposition is obnoxious to the point of order the Chair is compelled to rule the whole amendment out of order.

Mr. HARTMAN. I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Montana appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

On a division, the decision of the Chair was sustained—aye 75, noes 9.

Mr. HARTMAN. Mr. Chairman, I desire to withdraw that portion of the amendment which relates to the free coinage of silver and to let the rest of the amendment stand, providing for the payment of 50 per cent of import duties in gold and 50 per cent in silver.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 3, page 4, strike out the words "in gold coin only," and insert "one-half in gold coin and one-half in silver coin."

Mr. HENDERSON of Iowa. Mr. Chairman, judging from the levity in the committee this afternoon, either the propositions before this body are regarded as useless and the subject involved as unworthy of our consideration or else the belief dominates the committee that all legislation on this subject is impossible in this Congress. I appeal to the committee, without respect to party, for an earnest consideration of the questions before us, in the hope that we may patriotically reach some wise action. It seems to be admitted on all hands and throughout the entire country that a great emergency is upon us. If this be so, the representatives of the people should earnestly address themselves to the questions submitted by the President, and, in the light of their own knowledge and their sworn duty, try to meet the emergency.

As to the bill known as the "committee bill," or the "Springer bill," and still more properly the "Administration bill," I am opposed to it for several reasons, all of which I have not the time now to give, but I will content myself with saying that I am not prepared to grant new authority for the issuing of gold bonds, nor am I willing to adopt legislation that provides for the retirement and cancellation of the greenback. The time may come when I shall change my mind, but I do not believe that the conditions are ripe yet for such retirement. As we have now no provision for using new silver bullion I am not willing to add to that condition a contraction of the currency which must result from the retirement of the greenback.

Another proposition before us, known as the "Cox substitute," differs but little from the first bill reported some weeks ago from the Committee on Banking and Currency, and which among other bad features contains the offensive "State-bank" provisions inviting them back into the financial world, and which in itself is enough to condemn that substitute. The provisions of the Cox substitute have been once adjudicated and condemned by the present House and at the present session. No new light has come to us since that action to warrant a change of front on the part of this body.

I am, however, willing to support the "Reed substitute," and I will state briefly my reasons. At the special session of this Congress, in some remarks that I made on the currency question, I gave it as my opinion that our financial system would have to be revised in the near future. But we have nothing pending here that anywhere approaches a revision of that system. All the propositions pending are mere emergency propositions, an emergency which is to be swept away by the end of this calendar year, if we are correctly advised by the Administration, because of the increased revenues which we are promised. If then we are to make some temporary provision for the present financial stringency let it be aimed simply at the present difficulty until such time as Congress may be able to develop a comprehensive plan for the revision of our financial system.

On the 19th day of January, 1894, in some remarks that I made on the tariff, I expressed myself against the issuing of gold bonds, and said in substance that I would antagonize such an issue by the Administration in view of the fact that it was tearing down our industries and by its unwise tariff legislation stopping the flow of revenue into the public Treasury. I see no reason to-day for changing my views as then expressed.

The Reed proposition does not propose such a measure. It does not authorize the issuing of gold bonds. It does not cancel the greenbacks. It does not contract the currency. It simply provides for the issue of debts certificates, or short-time bonds if you please, to meet the present emergency and pay the current expenses of the Government; and at the same time without changing the law now on the statute books under which the President has sold one hundred million of bonds it does authorize cutting down the rate of interest to 3 per cent. The proposed certificates of indebtedness are to be for a short time, a low rate of interest, to meet all the current demands for the expenses of the Government, and thus stop the drain, through the greenbacks, upon the gold reserve in

the Treasury. It does not cut off the power of the President to sell more bonds if gold be needed, but it authorizes the sale at a lower rate of interest than that now provided by law.

No one who fairly contemplates the propositions in the Reed substitute can fail to see that it will preserve the gold reserve, and at the same time equip the Executive with the fullest power to meet all the current demands upon the Treasury, and at the same time avoid the issuing of any more bonds to become a mortgage upon a rich people that needs no such mortgaging of its wealth.

The President of the United States has told the country that he will maintain the national credit at all hazards. I am with him on that proposition. Badly as you have acted in this Congress, injuring the credit of your Government, forcing us to consider measures that never should have come before Congress, and that would not have been needed if you had not destroyed the inflow of our revenues, and that, too, at the expense of the industries of our country, I will stand with Democrats or Republicans to uphold the financial faith of my country, and to keep all of its money at a parity.

The Reed substitute only provides for this condition, and it provides for it fully.

If the President will issue bonds shall we compel him to issue 5 per cent bonds, or give him authority to issue at 3 per cent, in the event of his issuing bonds at all? Is there a Republican, a Democrat, or a Populist who will object to the 3 per cent bonds instead of the 5 per cent if bonds are to be issued? The President says he will exercise that issuing power. I have no doubt but that he has the power. The men who laid one hundred and seventeen millions in gold upon the cash counter of the Treasury knew what they were doing as to the legal aspect of it before they invested that amount of money. Draw no comfort from the hope that these bonds are illegal. They are unquestionably legal, and will have to be paid, every dollar, principal and interest. Since, therefore, bonds are to be issued, why not save the people from the expense of paying unnecessarily 2 per cent more than is needed to be paid?

The Reed substitute does not contract the currency. It provides amply for the deficiencies in the revenues. It will save millions by providing for a lower rate of interest. It will stop the outflow of gold from the Treasury. It will restore confidence among the people, and tide the nation over to such period as we hope the future to bring, either under present law or law to be enacted, which will, from our abundant wealth, enable the Treasury to meet every proper demand upon it. It contains wise propositions for our present needs, and this proposition I will cordially support. [Applause.]

[Here the hammer fell.]

Mr. COX. Mr. Chairman, I desire to call attention to an amendment which I wish to offer in order to bring this question to a point. I desire to offer an amendment, in line 10 of the first section, inserting in place of the word "gold" the word "coin," and again, in line 16, in place of "gold coin" the word "coin."

The CHAIRMAN. The amendment is not in order at this time. There is one amendment pending.

Mr. COX. The questions involved here can be stated in a word. It does not admit of any kind of misapprehension. I want to know whether this House is going to vote to issue bonds payable in gold, instead of bonds payable in coin.

Mr. SNODGRASS. I rise to a parliamentary inquiry. I want to know what is the status of the amendment offered by my colleague [Mr. Cox]?

The CHAIRMAN. The amendment is not in order at this stage, because two amendments are already pending.

Mr. WALKER. I desire the House to know exactly what it is doing in voting to compel all duties to be paid in gold. Customs duties are now paid mostly in silver. Do we want to stop that? Do the free coinage of silver men on this floor want to stop the payment of duties in silver and require their payment in gold? Is that friendliness to silver?

A MEMBER. There is no law authorizing their payment in silver.

Mr. WALKER. There is a law authorizing it; and they are paid in silver to-day. We are satisfied with that arrangement as it stands. It is the best we can do. Now, if we provide by law that these duties shall be paid in gold we try to put gold at a premium. We defeat the very purpose that we are endeavoring to accomplish in this bill, namely, to prevent the drawing of gold from the United States Treasury. If duties be required to be paid in gold, gold will be drawn out of the Treasury to-day to pay duties to-morrow. If gentlemen want to cut down the use of silver used in payment of duties one-half and increase the use of gold; let them adopt the proposition that duties shall be paid in gold.

Mr. HARTMAN. What per cent of the duties are now paid in silver?

Mr. WALKER. Nearly all of them, I understand.

Mr. HARTMAN. I think the gentleman is mistaken.

Mr. WALKER. A very large per cent of them.

Mr. DINGLEY. About 50 per cent.

Mr. BRYAN. Mr. Chairman, if we require the payment of customs duties in gold, we either put gold at a premium by creating an extra demand for it, or else persons required to pay duties in gold will take greenbacks and Treasury notes to the Treasury and draw out the gold which they require for the purpose of paying the duties.

One word in reply to the gentleman from Iowa [Mr. HENDERSON]. He says he is in favor of the greenback, yet he supports the substitute offered by the gentleman from Maine [Mr. REED]. The gentleman from Maine will not come out and say that he wants to destroy the greenbacks, but he wants to keep them idle in the Treasury so that some future Congress can destroy them if it wants to do so. If those greenbacks are good, why not pay them out for the expenses of the Government? They are there in the Treasury. We have enough of them. We do not need to issue bonds for the payment of our expenses. We have greenbacks enough in the Treasury now to pay any deficit that can possibly occur until the receipts of the Government equal its expenditures, according to the estimate of the Secretary of the Treasury.

We do not need any short-time bonds. To vote short-time bonds is to declare that we will draw in the greenbacks and let them remain in the Treasury until they can be destroyed. I want to ask the gentleman from Iowa [Mr. HENDERSON] if he is really in favor of the greenbacks, why he is not willing to let them be paid out in meeting the expenses of the Government? Why take in these greenbacks and hold them in the Treasury? If they are good money, they are good enough to pay our current expenses with, and if they are a good enough currency with which to pay our running expenses, we do not need to issue long-time bonds or short-time bonds for that purpose.

The amendment proposed by the gentleman from Maine embraces two propositions. In the first place, it really indorses the action taken by the President. It says that he is right in redeeming greenbacks and Treasury notes in gold; because unless they are to be paid in gold there is no reason why bonds should be issued. The gentleman from Iowa says that the President is going to do this in order to maintain the credit of the country and he commends the President's determination.

Mr. Chairman, I for one do not believe that this Government is under any greater obligation to maintain its credit than is any private individual. I believe that the dollar which the Government makes good enough for one citizen to receive from another is a good enough dollar for the Government to use when it pays its own debts. I do not believe the Government should make one rule for itself and another rule for the people of the country. If the silver dollar is good enough to be a legal tender between citizen and citizen, it is good enough for the Government to use when it pays a debt which it owes. I am not in favor of increasing the Government indebtedness and discrediting the greenbacks, as proposed by the gentleman from Maine. Why is not the same coin which is receivable between individuals in payment of debts good enough to redeem the greenbacks or any coin notes or the bonds of the Government?

[Here the hammer fell.]

The CHAIRMAN. Debate is exhausted. The question is, first, on the amendment of the gentleman from Montana [Mr. HARTMAN], which will be read.

The Clerk read as follows:

In line 3, page 4, strike out the words "in gold coin only" and insert "one half in gold coin and one-half in silver coin."

The amendment was agreed to; there being—ayes 83, noes 72.

The CHAIRMAN. The question is now on the motion to strike out section 5.

Mr. LIVINGSTON. Before the question is taken on striking out that section I desire to move an amendment. I move to amend by striking out, in line 5, the word "and" and inserting the word "coin;" so as to read:

And all taxes, debts, and demands, other than duties on imports, accruing or becoming due to the United States shall be paid in gold coin, silver coin, Treasury notes, United States notes, silver certificates, or notes of national banks.

The amendment was agreed to.

The question recurring on the motion to strike out section 5, it was rejected, there being—ayes 85, noes 97.

Mr. SPRINGER. This section was numbered 4 in the bill by the Clerk under the impression that it would take the place of section 4 to be stricken out. Section 4 and section 5 were both recommended to be stricken out, and these sections numbered 4 and 5, on page 4, were to take their places.

The CHAIRMAN. The recommendation, then, was to strike out and insert?

Mr. SPRINGER. No; but in lieu of section 4, on page 3 of the bill, if that section was stricken out. The gentleman from Massachusetts, however [Mr. WALKER], now moves this section

4 as a separate proposition, and it ought to be numbered differently. It would be section 6 if properly numbered.

Mr. WALKER. That is correct.

Mr. SPRINGER. The committee recommend the insertion of this matter, but I am opposed to it and hope it will not be adopted by the House. I ask that it be read.

The CHAIRMAN. The amendment recommended by the committee on page 4, and numbered section 4, will be read by the Clerk.

The Clerk read as follows:

SEC. 4. That from and after July 1, 1895, 10 per cent of the cash reserve required by law shall be kept in coin or coin certificates, and not less than half of such coin or coin certificates shall be in gold coin or gold certificates, and that such cash reserve required by law shall be kept in coin or coin certificates in amounts increased by 10 per cent of the whole cash reserve required to be kept by law on and after the first day of each quarter of the calendar year, until the whole cash reserve shall be in coin or coin certificates; and not less than one-half of such cash reserve shall be at all times in gold coin or gold certificates.

Mr. SPRINGER. While this amendment, I repeat, has been recommended by the committee, a minority of the committee are opposed to it, and I am one of that minority. It was proposed by the gentleman from Massachusetts [Mr. WALKER] that he should have a fair opportunity first to be heard upon it for the purpose of explaining it.

Mr. WALKER. Mr. Chairman, in order that this amendment that one-tenth of the "cash reserve" of national banks shall be kept in coin after July 1, 1895, and so on may be understood, I will occupy the time of the committee for a few moments.

The theory on which the bill before us is framed is that the United States is to retire from the banking business, and abandon the redemption of paper money of any kind by the Treasurer. If the bill shall become a law and if it has the effect designed by those who have drawn it, that will be the result.

Now, if we are going to release the Government from this duty of providing a cash reserve to meet the outstanding currency obligations of the Government and the banks, that duty must be transferred to some other persons or institutions. The requirement must be placed somewhere else. As the banks demand that we shall have the gold measure of value, and coin circulation, and that the Government shall not be compelled to redeem in gold, and I think correctly, this duty is put on the banks by this bill, where it belongs, and at the risk and expense of banks just as it is done in every other country in the world. As we release the Government from the duty it must be placed somewhere, as I have said. The result will be that the "cash reserve" required by law to be kept by the banks must be kept in coin by the banks themselves—not have the United States Treasury keep coin for their benefit. Now, what does that amount to?

The law now requires a 15 per cent reserve in country banks and 25 per cent in some of the city banks. Nine per cent of the 15 per cent must be kept in cash and 6 per cent of the 15 may be in balances due a bank from other banks. The coin part of the "cash reserve" required would be increasing steadily until it reached the maximum required by law or until the whole of it was kept in gold or silver.

Mr. LIVINGSTON. Why not say 50 per cent of it shall be silver?

Mr. WALKER. Well, the banks will regulate that for themselves by keeping all the silver they are allowed to keep. We do not want to destroy the prevailing custom. It would take thirty months before all the cash reserves would be in coin. The banks to-day have more coin in their cash reserve than the bill calls for. Almost all of that reserve is in gold. But the law should compel it, and the law should compel all of the banks to keep it so, not a part. That they can do, and do each their fair share toward making all of the dollars in circulation at a parity the one with the other. When we release one party, namely, the United States Government, from doing this thing, it must be put on the banks or there will be no one to redeem in coin.

Mr. OUTHWAITE. Will the gentleman please explain the last clause of this provision:

Not less than one-half of such cash reserve shall be at all times in gold coin or gold certificates.

Mr. WALKER. The purpose is to cover the whole preceding part of the section—the keeping in coin is progressive, continual, kept in that proportion. This provides that one-half of this reserve shall be at all times in gold coin or certificates, but it may be all in gold, that gold redemption be maintained.

Mr. OUTHWAITE. It does not require silver at all?

Mr. WALKER. No; because the silver will naturally form part of the cash coin reserve.

Mr. LIVINGSTON. Would the gentleman accept an amendment to the amendment to provide that one-half of it shall be in silver?

Mr. WALKER. Oh, there is no trouble about that. Many banks would keep all silver if they could.



Mr. LIVINGSTON. Then, if it can have no hurtful effect, why not put it in?

Mr. WALKER. And this amendment, Mr. Chairman, if it goes in, will operate to require finally about \$200,000,000 of silver and \$200,000,000 of gold to be kept. The banks can not keep all of this large amount in gold. It would be out of all proportion to the commercial needs or usages of the country, and no country in the world will keep that amount unless compelled by law. None of them will keep more than the demands of commerce require.

Mr. HARTMAN. If the banks are so anxious to maintain the parity of the metals, why should they not be required to keep an equal amount of gold and silver for that purpose?

Mr. WALKER. That is the practical effect of the provision as it now stands.

Mr. SPRINGER. Mr. Chairman, I rise to oppose this amendment and I ask the attention of the committee while I give some reasons why it should not be agreed to. I hold in my hand a statement which I have received from the Comptroller of the Currency showing the condition of the lawful money reserve of the national banks on December 19, 1894; and there is in the annual report of the Comptroller of the Currency for 1894 a statement of the condition of the reserve on October last. I want to call the attention of the committee to the fact that under the amendment offered by the gentleman from Massachusetts [Mr. WALKER], which is now pending, if it should be adopted, it would call for a greater amount of gold to be held by the banks as a reserve at the end of the year than there is gold now in all the national banks of the country.

Mr. LIVINGSTON. May I ask the gentleman why he does not strike that section out there as to coin certificates and requiring the banks to hold coin certificates and gold certificates?

Mr. SPRINGER. I hope the whole proposition will not be agreed to. I need not state the embarrassment that the Treasury is now under, in the unusual and extraordinary demands for gold; and if you pass this proposition you will increase that demand by the amount which the banks will need for the purpose of making up this gold reserve.

Mr. LIVINGSTON. They can get what they want.

Mr. SPRINGER. There was in the banks on the 2d day of October last \$175,000,000 in gold coin, and if this proposition should pass—

Mr. COX. What do you mean by gold coin?

Mr. SPRINGER. I mean gold coin, gold certificates, and clearing-house certificates. There were \$80,000,000 in gold coin, \$39,000,000 in coin certificates, and \$56,000,000 in clearing-house certificates, making a total of \$175,000,000 in gold and gold certificates in all the national banks in December last.

Mr. LIVINGSTON. The gentleman is aware of the fact that you will get rid of all that if you strike it out.

Mr. SPRINGER. Now, if you require their reserves to be held in gold and gold certificates, it would call for an amount of gold of \$174,000,000. So that all the gold within one million now in the national banks would be required to be held as reserve, and they could not advance any of that to the Government if they were called upon for a loan in order to replenish the Treasury against withdrawals for shipment abroad.

Mr. LIVINGSTON. I would suggest to the gentleman that he should remember that we passed an act recently that provides that no further gold certificates shall be issued.

Mr. SPRINGER. I would suggest that if this is to be adopted those words "gold certificates" be stricken out. But I am not now speaking of that. I am speaking of the amount the national banks would need if one-half of their cash reserves were required to be in gold coin, for the reason that they would simply have to organize another raid on the gold reserve of the Treasury for these banks. These banks now hold \$185,000,000 of legal-tender notes, and if they were required to present them to the Treasury in order to get the gold it would make another raid on the Treasury.

Mr. COX. How much do you say is now held by the banks?

Mr. SPRINGER. One hundred and seventy-five millions. There was \$119,513,000 in legal tenders held on the 19th day of December in all the national banks.

Mr. COX. I am not making a point upon that.

Mr. HENDRIX. Mr. Chairman, I rise to oppose this amendment, because it is impracticable and unintelligent. It seeks to defeat the very purpose for which this legislation is presented to the House. You propose to attempt to stop the raid upon the Treasury for gold, and you turn around and compel 4,000 national banks of this country to immediately start a fresh raid upon the Treasury for the purpose of getting gold to comply with this law. Now, the banks are already charged with hoarding too much gold. We are doing our best to try to undo the tendency which is abroad to hoard the precious metal. You pass this clause of the bill and it becomes mandatory where it is now simply a matter of commercial option. You would compel the banks to send to the nine subtreasuries with their Treasury notes and to the one subtreasury at San Francisco and the one at New York with their United States legal-tender notes to get gold coin.

I want to call the attention of the gentleman from Massachusetts [Mr. WALKER] to something that will impress him at once. You have already provided in section 4 of this bill that all silver certificates now outstanding shall, when received in the Treasury of the United States, be retired and canceled, and silver certificates in denominations less than \$10 shall be issued in their stead. I will ask the gentleman how he expects a bank in the city of Boston, or in the city of Worcester, to say nothing of the banks in the city of New York, to settle their balances at the clearing houses on the days of heavy exchanges when they are drawn upon, as they frequently are, for \$4,000,000 or \$5,000,000, in silver certificates, if they are of denominations less than \$10? Why, sir, we would all have to go to the clearing house in a coach and four in order to settle under the operation of this clause.

Mr. LIVINGSTON. With all the other paper of larger denominations than \$10, why should there be any difficulty?

Mr. HENDRIX. But you propose by this bill to retire the other paper money.

Mr. LIVINGSTON. Not at all.

Mr. HENDRIX. That is the essence of the proposition. Instead of letting the banks hold on to the greenback certificates which they have now and keep them in their reserve, you are going to destroy the value of those certificates as reserve money, and compel the banks to substitute for them one of two things, silver or gold. Now, if you were a banker, which would you choose? Every banker in the country, when he is obliged to make the choice, will choose the one that is more precious in his opinion.

Mr. LIVINGSTON. The gentleman forgets that the same section provides for the national banks issuing nothing less than ten-dollar notes.

Mr. HENDRIX. That is all right, but national banks can not keep national-bank notes as a reserve. A national bank is not authorized to count national-bank notes as reserve.

The point is that you destroy the practicability of making settlements at the clearing houses. A man comes in and wants legal tender and under this clause you will have to cart him out a lot of silver or gold. Then he has to get a vehicle to take it to the place where he is to pay his legal tender. If you are going to destroy the value of the gold certificates as a reserve and compel the banks to keep gold, you are simply imposing a great burden upon them and upon the public in the transaction of their business. It is impossible to settle the clearing-house balances in that way. The clearing house in New York has provided for the difficulty by issuing gold clearing house certificates, based upon coin placed in the vaults by the clearing-house committee; but this bill would destroy the use of those certificates as a part of the reserve, and would compel the banks to keep their reserve in the two coins or in the Government certificates therefor. It is simply impracticable to carry out this plan in the ordinary transaction of the banking business. The banks now are showing too great a tendency to hoard up gold, and I do not want to see anything put in this bill that is going to sequester gold. I want it made so free that the great deposit in the United States of America of the yellow metal will not be in the banks, but, by reason of the operation of this law, will be transferred to the Treasury of the United States so that the public statements of the Treasury will give notice to the whole world that we have lots of gold, that we are firmly on a gold basis, and that we are going to remain there. [Applause.]

Mr. WALKER. Mr. Chairman, in the first place, as to the clearing-house certificates, they are exactly what the clearing house chooses to make them as to form and substance.

Mr. HENDRIX. Mr. Chairman, I am surprised that a gentleman who has stood on this floor as the great commercial apostle should make such a statement.

Mr. WALKER. I want to state to the gentleman that the clearing houses in New York and in other cities can make the clearing house certificates just what they choose; therefore we need not bother about them. They are not within the law; they are outside of it, and their certificates are entirely within the control of the clearing houses.

Now, the banks have got \$175,000,000 in gold to-day, and if gold goes to a premium the banks will get the premium on it, and the gentleman from New York knows, and everybody else knows, that that is why they are hoarding the gold. But if we compel them by law to hold the gold as a part of their reserve we destroy the interest the bad bankers have in putting gold to a premium. Is not that so? [Cries of "Yes, yes!" and laughter.]

You have had one silver man here, the gentleman from Montana [Mr. HARTMAN], offering an amendment to cut out half of the use of silver at the custom-house, and you have had another man, an enemy of silver, though he thinks himself its friend, trying to prevent it from being used in denominations above \$10. Now, I stand here as a true friend of silver. [Laughter.] The gentleman from New York [Mr. HENDRIX] stands here as a banker.

Mr. Chairman, the bankers, not one of them in the whole country from Maine to Georgia, from the Atlantic to the Pacific, has offered a single suggestion in a practical bill to relieve the Treasury.



They have all been for banks. They meet at Baltimore; they meet at Boston; they pass resolutions adopting proposed amendments to the law to increase their own profits, and they tell us on the floor of this House that it is none of their business what becomes of the Treasury of the United States. They have got \$175,000,000 of gold. They will hold on to it as long as they can, and when it goes to a premium they will get the premium upon it. Now, I want a law to compel them to use that gold to redeem their own notes over their own counter, and thus relieve the United States Treasury, and also in that way take away any inducement they may have to put gold to a premium.

Mr. HENDRIX. Will the gentleman permit an interruption?

Mr. WALKER. I will yield for a question.

Mr. HENDRIX. If you provide that the note redemption fund at the Treasury Department shall be kept in gold will not that meet your desire to have the banks redeem their notes in gold?

Mr. WALKER. Not at all, or only partially. [Laughter.]

How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has one minute.

Mr. BRYAN. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for five minutes longer.

There was no objection.

Mr. WALKER. Now, Mr. Chairman, I will ask the gentleman from New York to repeat his question.

Mr. HENDRIX. My question is this: Would you not be satisfied with having the note redemption fund which the national banks are obliged to provide kept in gold at the Treasury, where the banks are required by law to redeem?

Mr. WALKER. Do you mean the 5 per cent redemption fund?

Mr. HENDRIX. The 5 per cent redemption fund.

Mr. WALKER. No, sir. I want to say to the gentleman and to the House and to the country that the people of the United States propose to keep all their dollars of equal value. The people of the United States have made a long step in advance in discovering that it is costing them millions upon millions for the United States Government to do this—redeeming of paper money at the United States Treasury, not maintaining the 5 per cent redemption, but redemption in large blocks. Therefore they are upon the eve of making the banks do it at their own risk and at their own cost and over their own counters, thus relieving the people of the tax of twenty or thirty million dollars a year which they now pay for this service to banks and that the banks themselves ought to do.

Here in this section of this bill is the first step in that direction—nine-tenths of 1 per cent to be kept in both kinds of coin—four and a half tenths of 1 per cent to be kept in gold coin. The banks now hold \$175,000,000 in their vaults. When these bankers go to bed at night and say their prayers, they say, "O Lord, we beseech Thee to keep gold from going to a premium to-morrow." But they know if it does go to a premium they will make 2 or 3 or 4 per cent profit on the gold in their vaults. When they get up in the morning they say—following the fashion of some prayers which we hear at the Speaker's desk and elsewhere, informing the Lord what has been done—"O Lord, we thank Thee that gold has not gone to a premium," but it is no more than human for them to remember, as the night before, the profit if it should go to a premium. The question is, shall the bankers of this country protect every dollar of their own paper circulation at their own expense and their own risk and not compel the people to be taxed to do it for them at the United States Treasury?

Mr. COOMBS. Will the gentleman allow me an inquiry?

Mr. WALKER. Yes, if it is short.

Mr. COOMBS. Does not the gentleman by this provision put it in the power of the banks and make it their duty to hoard gold, thereby holding a larger whip over the community than they otherwise would? I submit that this amendment would force the banks to become hoarders of gold instead of leaving it in the channels of trade and in the hands of the people.

Mr. WALKER. Now, the gentleman is making an argument. If he wishes to do that let him get his own five minutes. It is "in the channels of trade" when it is in bank reserves, as the gentleman well knows.

Mr. Chairman, I want to say another thing, which I regret to say. I have the very highest respect for banks and bankers. I remember the record of George Peabody, and of Corcoran of this city, and hundreds of other bankers. Noble men! Many men of this class have been the most generous, noble-hearted, public-spirited men outside of their business there ever have been in this world. But I remember also that never in any country, under any circumstances whatever, did the bankers ever improve the banking and currency laws or the financial conditions of their country except at the point of the financial bayonet, held by the Government of the country in which the banks were located, namely, by the force of law devised in parliament. We have got to adopt that policy in this country.

Now, I challenge Henry W. Cannon of New York, I challenge Lyman B. Gage of Chicago, I challenge George E. Leighton of

St. Louis—three as honorable men as live and as skilled in finance, men who in financial matters stand the peers, if not above, any other three men in this country—to draw a bill that will do what they are saying ought to be done and lecturing us for not doing. Bankers are condemning members of Congress as clowns and fools because we do not accomplish what they want us to do; yet they themselves could not draw a bill which would do it that would get two votes in five in this House in this generation or the next. I say we ought not to heed here and now the protests of the bankers against their being brought into line with the banks of every first-class nation of the world. [Applause.]

[Here the hammer fell.]

The CHAIRMAN. On this amendment only five minutes remain for discussion, to be used by some gentleman opposed to the amendment.

Mr. PENCE. After the expiration of the five minutes will it be in order to offer an amendment to the section?

The CHAIRMAN. The Chair thinks such an amendment could be offered, but not debated.

Mr. SPRINGER. If any gentleman on the other side of the Chamber desires to use five minutes in opposing this amendment I will yield to him.

Mr. COOMBS rose.

Mr. SPRINGER. I yield to the gentleman from New York [Mr. COOMBS].

Mr. COOMBS. Mr. Chairman, the amendment now before the committee requiring every national bank to hold a large percentage of its reserve in gold coin and which is so ardently championed by the gentleman from Massachusetts [Mr. WALKER] is, in my opinion, a very unwise one. It will force the banks to become hoarders of the precious metal, thus keeping it out of the channels of commerce, from the pockets of the people, and from the National Treasury. The case would be vastly different if the demand notes issued by Government were already withdrawn and if our system of redemption of bank notes was different.

The Government is now the agent of the banks for the redemption of their notes, the banks depositing a certain percentage on their circulation in gold in the Treasury for that purpose. They can therefore have no real necessity for carrying any large amount of gold in their vaults.

As long as the reserve is kept up in good securities their depositors are safe. If we force them to keep gold we force them to release and throw upon the markets the Treasury notes that they now hold for that purpose, and thus add another peril to the Treasury.

Gentlemen profess to deprecate the power already exercised by the banks. I do not concur in that opinion, but those of you who hold it should not add to their power by making them the holders and controllers of the people's gold. Our true policy is not to force artificial hoarding of it, but to make it accessible to the people and to the Government.

I sincerely hope that the time will come when, with our greenbacks and Treasury notes out of the way, some other plan for the redemption of national bank notes will be adopted—some agencies of their own be established at convenient centers and the Government be relieved of the necessity for intervening. Then we shall be in a position similar to England and France in the matter of protecting our holdings of gold against foreign demands. The gentleman from Iowa [Mr. HEPBURN], in a recent debate in this House, asked this very pertinent question: "If the Bank of France can, in the exercise of its discretion, refuse to pay above a certain percentage of its bills in gold without injury to its credit, why can not the Government of the United States do the same?" That question was not fully answered.

Mr. HENDRIX. I beg the gentleman's pardon. I stated as my answer that the Bank of France is a bank and that the Government of the United States is a Government. That answer, I thought, was sufficient; but I should like to have the gentleman elaborate it.

Mr. COOMBS. It is true that your answer was in a sense a full one, but it will bear a great deal of elaboration. Government can not do what a private individual or a bank can do, particularly if upon that Government is imposed the enormous task of maintaining the parity between metals where no real parity exists.

If national banks, whose notes are redeemable in coin, redeemed them over their own counters they would pay that metal that would sustain their credit in their own communities. The Eastern banks would, in order to sustain their local credit, pay in gold; while the Western banks, in communities that profess to prefer silver, and where there is not so much use for gold, possibly might venture to rely upon that metal, or a proportion of it. At all events, the exercise of that option on their part would not entail such far-reaching consequences as it would if Government should undertake to do it.

I think that you will understand my meaning, and am very sorry that time is not given me to go more fully into the matter, for, although it really has no place in this discussion, it is a practi-

cal matter that may well be considered. Government is, under the present system, not only obliged to maintain the integrity of its own notes, all of which it must redeem in gold, but is also, acting as agent of the banks, forced to assume the same attitude toward their notes—an attitude, judging from the results in France and England, that might, I think, possibly be changed without general disturbance were the banks free to act for themselves within the limits of the law in sustaining the credit of their notes.

The Bank of France practically sells its gold for a price, and England protects its holdings by its rate of interest and various devices of exchange. We interpose no obstacles of any kind, but in various ways furnish facilities for them to get it easily. One of those is the Government issue of notes, which are truly called endless chains to draw our gold from our vaults. They stand in the way of any remedy and should first of all be removed.

What I have said in relation to a change in the plan for the redemption of national-bank notes is simply in the way of suggestion; there may be something in it, and I hope that financiers will give it consideration.

It does not touch the ultimate redemption of the notes in gold in case the banks fail. In that case the government that holds the collateral security in the form of its own bonds should, acting as the agent of the note holders, realize upon the asset and pay off the notes.

I can not help believing that the friends of silver who stand so obstinately against the funding of these Government notes by doing so impede the more free acceptance of their favorite metal. The demand for gold for their redemption keeps the public mind in a constant state of apprehension, in that way creating a larger demand for gold and a prejudice against silver. You can not force the people to take silver if they do not want it, but you may by wise action make it more acceptable to them and secure for it a more general circulation.

It will never, however, be the standard of value. You may succeed in impeding remedial legislation and in that way bring disaster upon the country, but you can never force the people of this land to adopt a lower standard of values than exists in other nations of like intelligence and position. Let us vote down the amendment now under consideration; let us not force the banks to become the hoarders of gold. It would be a step in the wrong direction.

The CHAIRMAN. The time of the gentleman has expired. The debate under the rule is exhausted on this provision.

Mr. PENCE. I offer an amendment to the amendment.

The Clerk read as follows:

In line 5, after the word "certificates," insert: "And not less than half of such coin or coin certificates shall be in silver coin or silver certificates;" and add at the end of the section, "and not less than one-half of such cash reserve shall be at all times in silver coin or silver certificates."

The CHAIRMAN. The question is not debatable, debate having been exhausted by order of the House.

The question was taken on the amendment of Mr. PENCE; and on a division there were—ayes 27, noes 140.

So the amendment was rejected.

Mr. BRECKINRIDGE. I move to strike out in the fifth line the words "gold certificates," and in line 12 strike out the words "gold certificates," so as to make it conform to the legislation which passed the House a few days ago by which gold certificates will be no longer issued—

The CHAIRMAN. The matter is not debatable. The question is on the motion of the gentleman from Kentucky to strike out the words "gold certificates."

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to this amendment as a new section to the bill.

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 27, noes 101.

So the amendment was rejected.

The CHAIRMAN. The Clerk will now read the remaining paragraph of the bill and the amendment which is proposed to it.

The Clerk read as follows:

That all laws and parts of laws inconsistent with the provisions of the preceding sections be, and they are hereby, repealed; and a sum sufficient to carry the provisions of this act into effect be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated.

The CHAIRMAN. Now the Clerk will read the proposed amendment.

The Clerk read as follows:

After the word "That," in section 6, insert:

"So much of all laws and parts of laws as limit the amount of lawful money which may be deposited during any calendar month for the purpose of withdrawing national-bank circulation, or prohibit any national banking association from receiving any increase of its circulation during the period of six months from the time it shall have made any deposit of lawful money for the purpose of withdrawing its circulation, and also so much of."

Mr. SPRINGER. I hope that will be agreed to.

Mr. WHEELER of Alabama. I would like to amend that section.

Mr. BRYAN. I want the House to understand what they are voting on.

Mr. SPRINGER. The gentleman from New York will explain this provision.

Mr. BRYAN. I will use my time first.

I want to say, sir, that the present law provides that no more than \$3,000,000 of bank currency can be surrendered in any one month by all of the banks, and that a bank which surrenders a part of its currency can not take out additional currency within six months.

Now, the purpose of that provision of the law is to prevent the national banks from expanding or contracting the currency suddenly. The object of the pending amendment, however, is to take away all limitation in that regard and give the national banks power to contract or expand the currency at will. If we adopt this amendment we remove all the restrictions now existing and put ourselves absolutely at the mercy of the banks. I hope the amendment will not be adopted.

Mr. WARNER. Mr. Chairman, our currency is now absolutely rigid with the exception of the national-bank currency. In 1882 or thereabouts the law was so amended as to leave that almost absolutely rigid. In other words, all the national banks of the country are allowed to withdraw their currency at a rate not greater than \$3,000,000 a month; and in the case of any one bank which has withdrawn any part of its circulation such bank is not allowed to take out additional circulation for six months thereafter. The result of that has been to compel the national banks to keep in circulation during a time of the year when the currency is not needed to anything like the extent it is at other times practically the amount of circulation they propose to keep out during the whole year. It burdens, therefore, the increased circulation for a short period—a large part of which is used in the autumn, for instance—with the expense of carrying the circulation for the whole year, with the result of making it necessarily more expensive.

Now, it is a fact that a part of the amendment proposed will permit the national banks to retire currency when not wanted—in the spring, for example—at a rate at which they can not retire it now. But it permits them also promptly, when the currency is wanted, to come up to the full measure of the needs of the community, by permitting them to meet the demands for currency as the country and the business of the country needs it. It makes currency cheaper and gives them greater inducements to expand it.

The present situation is just as if a law should be enacted that a shoemaker should not sell shoes except at a certain rate per month in the year, but should always keep the same stock on hand. The result would be that we would have harder work to get shoes when we wanted them, and have a surplus when we did not, and the whole business would be made more expensive, for the shoemaker would be compelled to keep a larger stock on hand when not wanted, resulting necessarily in making shoes dearer to the consumers when they did want them.

It is simply a question of economy to put the banks in such a condition as best to provide for the needs of each community at the least expense to that community. The amendment proposed by the chairman of the committee might to a slight extent permit contraction when currency was not needed, but it would take away the bar which now prevents expansion when more currency is needed.

Mr. BRYAN. It is giving an elasticity to the currency with the banks holding both ends of the elastic.

Mr. McMILLIN. Mr. Chairman, I happen to remember the circumstances under which this provision that is now sought to be repealed was put upon the statute books. We had in the Forty-seventh Congress some very interesting and important legislation concerning the rechartering of national banks, respecting the rate of interest on our public debt, and kindred questions. Pending that, there were turned into the Treasury by the different national banks of the United States many millions in a marvelously short period. So marked was the rush to surrender circulation that it was thought that they put it in for the purpose of influencing legislation. And whether it was the purpose or not, the effect would be a panic; and the question was whether some check should not be put upon them. I have not read up the transactions since the date of its passage, but my memory is that the provision that this seeks to repeal was offered by the gentleman from Kentucky, then a member of this House, now the Secretary of the Treasury, Mr. Carlisle. I know that, even in a House opposed to his party, the exigency was considered to be so great that he overrode opposition to it and put it upon the statute book.

Now, the amount that was withdrawn, as called to my attention by my friend from Missouri [Mr. HALL], was \$18,000,000 in thirteen days; more than a million dollars a day. Therefore Congress then concluded that it was not wise to put power in the



hands of the banks of the country to produce such a sudden contraction of the currency as to make it possible for them to force legislation which would not otherwise be had.

Mr. WARNER. I will ask the gentleman from Tennessee if it would be agreeable for him to so divide the proposed amendment as to permit of a vote being taken on that part which permits a quicker contraction than is now given, and another vote upon the other part which provides for a more prompt expansion.

Mr. McMILLIN. I would be entirely willing to do that, Mr. Chairman, but the gentleman from New York, I think, will find if he reads up the legislation of that period—and I state it with some timidity now, because after the lapse of thirteen years, with the rapidity with which things occur here, it is hard to tell exactly what did occur—I think, let me repeat, he will find that this clause was coupled with the other, as a penalty on those banks that were rash enough to attempt to contract the currency for the purpose of influencing legislation. To put it beyond their power to contract or inflate at will, and put a penalty on them if they attempted the contraction. It might not be amiss for me also to say that there was such a pressure of the banks here to influence the veto that came from President Hayes on that legislation I have mentioned that all the older members of that Congress, so far as I know, felt that it was wise to pass it; and so important did the President of the United States, Mr. Garfield, feel that to be that he and his Secretary of the Treasury succeeded in getting the bankers together and getting them to make concessions by way of reduced rates of interest on bonds that Mr. Hayes had made impossible by his veto.

Mr. COOMBS. I would like to ask the gentleman a question. I know that these facts that he has spoken of were done under a condition of great excitement, but I would like to ask him this—if he does not remember during our last currency famine that the country suffered from this very law that was enacted under the peculiar conditions at that time?

Mr. McMILLIN. To what extent it suffered from that cause I do not know, Mr. Chairman, but I will state this, in answer to my friend from New York, that the Secretary of the Treasury told me—and I would not repeat it but for the fact that he has made that statement public in some communication to Congress—that a large amount of the circulation that was printed and issued to the national banks during that panic was returned to him as Secretary without the packages having been opened very soon after they were sent because the banks had no further use for it.

Mr. COOMBS. Because the panic had passed.

Mr. McMILLIN. I think, Mr. Chairman, that if more of it had been put in circulation instead of being returned immediately it would have blessed the country. I am opposed to repealing this restriction outright. I do not think the currency should be vastly contracted spasmodically and by combined action of the banks. This restraining enactment will do good rather than harm. The public has interests that should be guarded.

[Here the hammer fell.]

Mr. COFFEEN of Wyoming. Mr. Chairman, it would seem that again we must meet the insidious and persistent efforts of the money power in the form of another bond and currency bill in this present measure reported from our Committee on Banking and Currency. Although in this case the bill professes mainly to be for the issuance of bonds, the double purpose, as I construe the bill, is—

First. To secure the issuance of more bonds that bankers may invest the idle money deposited with them in forms certain of payment, exempt from taxation and good as a basis of issuing their own notes for circulation.

Second. That these bonds shall be made payable in gold instead of coin, thus placing it beyond the power of Congress and the people to use the option at all times so far maintained in the law, although not properly applied by our various Secretaries of the Treasury, of paying in silver as well as in gold.

Third. Of leaving the amount to be issued, the time of issuing, and the place of marketing these gold bonds entirely with the Executive, who has more than once, and in more than one Administration, shown a desire to inflate the bonded debt of the country, even in times of peace, while contracting the volume of legal-tender money, and with no reasonable excuse.

Fourth. To make these bonds, having such qualities as already mentioned, to be 50-year bonds, so to put out of the reach of this generation the power to rectify the wrong. There is in this an effort to fasten a perpetual debt upon our people in the form of interest-bearing gold bonds, where there should be a noninterest-bearing note of the Government issued instead, which the people would gladly absorb and use as currency at home, and thus not only save interest to the extent of many millions, but prevent foreign investors from getting our people under bondage (for that is what bonds mean) to them.

Fifth. The cry of the bankers for the destruction of the Government legal tenders now in circulation is also met with a complete surrender to the money power in destroying the only legal-

tender paper money that the people can under this system possibly obtain.

Sixth. To still further grant every favor to the money power and take every favor away from the people it is designed to reduce the tax on national-bank issues from 1 per cent per annum to one-quarter of 1 per cent. This to aid the banks in their elasticity scheme.

Thus, first, with silver demonetized; second, legal-tender Treasury notes destroyed; third, gold bonds instead of coin bonds issued; fourth, bank notes to take the place of legal tenders; fifth, taxes or interest on these reduced to one-fourth of 1 per cent; sixth, and all of this arranged so that the banks can inflate and contract the volume of currency in circulation at their own sweet will. What more could Wall street demand?

Is there anything more that the people can surrender to the Anglo-American gold conspiracy? If so, either the conspirators have not yet thought it out or they have not yet thought the time opportune for demanding it.

#### THE PEOPLE HAVE BEEN OFTEN BETRAYED.

We are in this peculiar situation, which is humiliating indeed to every true Democrat and every lover of his country, that in presenting our objections and opposition and warding off the attack of these organized and syndicated vampires we find ourselves using the same arguments and weapons that the great demonetizer of 1873 used in his earlier and better days, to wit, the Senator-Secretary JOHN SHERMAN, before he had become completely servile to the gold power, and again, this second edition of the original demonetizer, the present Senator-Secretary of the Treasury, who also was but a few years ago found battling like an Ajax against the money power.

And last and smaller in their generation, a lot of cuckoo birdlets, not able yet to soar and sing, but with an ambition to serve in a most humble manner their masters of the gold and bond conspiracy.

If a patriotic Jefferson, or a brave and fearless Jackson, or any other great Democrat with like principles and love of justice, were President there would be said to the minions of the Anglo-American conspiracy in all places, as once was said in England by a great reformer to a mercenary crowd that assumed to legislate for tyranny and all corrupting powers in the name of the people:

Ye are a factious crew and enemies to all good government. Ye are a pack of mercenary wretches, and would, like Esau, sell your country for a mess of pottage. Gold is your god. Is there among you that hath the least care for the good of the commonwealth? Have ye not defiled this place and turned this temple into a den of thieves? \* \* \* You who were deputed here by the people to get their grievances redressed are yourselves become their greatest grievance.

In my humble judgment there were no greater encroachments upon the rights of the people when those words were uttered than is now imminent, while the gold worshipers seek to destroy both the silver and the greenback money of the country and deliver our country over wholly to the gold conspiracy.

But we have neither a Jackson nor a Jefferson nor a follower of these great patriotic heroes in the seat of executive power at this time. Nor, to do proper honor to a great patriot of the early and uncorrupted days of the Republican party, let me say, we have no brave, patient, humanity-loving Lincoln at the head of affairs to stand as best he could, and did, against the money powers of his day that hovered like vultures over the nation in its great crisis and struggle with slavery.

It is said of Lincoln that almost the only time when he exhibited anger at the opposition so often scheming to embarrass him was when he referred to the treachery and false pretenses and mercenary schemers from Wall street and the gold and bond markets.

At another time he wrote to a friend in Illinois that letter full of warning as to the future when he said of the civil war:

Yes; it has been indeed a trying hour for the Republic; but I see in the near future a crisis approaching that unnerves me and causes me to tremble for the safety of my country. As a result of the war corporations have been enthroned and an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until all wealth is aggregated in a few hands and the Republic is destroyed.

What a contrast to the Presidents who have succeeded of late years!

#### LINCOLN'S PROPHECIES WERE TOO TRUE.

Let me quote from our present Secretary of the Treasury some few of his words when he was battling so bravely against the conspirators that now, as it seems to me, he willingly serves. I have quoted him more at length in a former address to this House when I was speaking against the former Carlisle-Springer currency bill:

Mankind will be fortunate indeed if the annual production of gold and silver coin shall keep pace with the annual increase of population, commerce, and industry.

Mr. Carlisle was then the friend of silver, and saw that it was all necessary to keep up the proper supply of currency. But I wish to use him as a witness to the conspiracy of the money power that he knew existed then, and we all know that it still is work-



ing just as certainly now, even though the honorable Secretary may have gone into its service.

According to my view on the subject the conspiracy which seems to have been formed here and in Europe to destroy by legislation and otherwise from three-sevenths to one-half of the metallic money of the world is the most gigantic crime of this or any other age. The consummation of such a scheme would ultimately entail more misery upon the human race than all the wars, pestilence, and famine that ever occurred in the history of the world.

What a strong and severe enemy to the gold conspirators was Mr. Carlisle in those days, and how humiliating it is to us who still fight the gold power to find that he has deserted us!

Let not the defenders of the honorable Secretary and his financial measures in this House blame anyone to-day for using harsh terms against the conspirators that are still trying to get the American people in absolute serfdom to the money power. We have now far more evidence accumulated against the conspiracy than when Mr. Carlisle, in 1878, was talking of the "conspiracy" "here and in Europe," and declaring the "misery" that would follow this "scheme" to be greater than "all the wars, pestilence, and famine in the history of the world."

#### FEATURES OF THE PENDING BILL.

But the present bill involves, as I have said, the destruction of our greenback currency to follow the continued demonetization of silver, and at the same time enlarges the power of the national banks on gold bonds, at one-fourth their former expense of taxation, to expand and contract the currency at their own option and without regard to the losses entailed upon the rest of mankind for their gain. Let us have Carlisle in his patriotic days speak to answer Carlisle in these days of his servility. We quote now from his great and masterly speech of March 1, 1881, against the right of national banks to contract the currency or even to exist, except as aids in marketing bonds, for which purpose they were allowed to base a currency issue on deposit of bonds.

Speaking of the power of banks to contract the currency he says:

It is not going too far to say that until this feature is wholly eliminated or materially modified there can be no assurance of safety to any legitimate investment or business enterprise in this country.

He then condemns the fraud now called "elasticity," the contracting of the money volume in circulation, as we condemn it now. He was right then, as we are right now, and he made arguments against the dangers of contraction when left to the banks that neither he nor anyone else now can answer. Further along he arraigns the banks for contracting the circulation—"within thirteen days they have contracted the currency to the extent of \$18,722,340." He exclaims in the same speech that—

When Secretary McCulloch, several years since, in pursuance of his contraction policy, began to retire and cancel legal-tender notes at the rate of \$1,000,000 per month, it produced such consternation in business circles that Congress was forced to intervene at once and arrest the process by the passage of a joint resolution; but now we have seen nearly \$19,000,000 of circulation withdrawn in less than half a month, not by the Government but by institutions in the management of which the Government has no voice, and still gentlemen here insist that the power under which this has been done, and under which it may at any time be repeated, shall not be taken away. Why, sir, the whole contraction of legal-tender Treasury notes under the provisions of the resumption act, from January 14, 1875, to May 31, 1878, when it was prohibited by law, was only \$34,318,984, not twice as much in more than three years as the bank contraction has been in less than two weeks.

This experience warns us that we can not safely permit this great power to remain in the hands of these institutions unchecked by legal restrictions. It is an engine of destruction standing in the very narrowest part of the way to permanent industrial and commercial prosperity in this country.

We protest, therefore, now and continuously, against any further following after the "schemes" of the "conspiracy here and in Europe." Let the present Administration, if it can, find proper and sufficient answer to the arguments made by its own present Secretary.

But this pending bill is against the Carlisle of former days and even recently in another respect. No other nation makes any such promises to pay in specific coin of one metal (gold) as Mr. Carlisle himself and the gold power he now serves aim to force this Congress to do. Although he is speaking in regard to gold certificates instead of gold bonds, yet the principle is the same and the statement concerning other nations is equally true in regard to payment on all kinds of obligations.

Before the Committee on Appropriations in this present session of Congress, in answering the following questions, notice Mr. Carlisle's own testimony:

Mr. COOMBS. I would like to ask in this connection, do European countries have gold certificates?

Secretary CARLISLE. Not that I am aware of. I do not at this moment think of any Government except the United States which issues a certificate based specifically upon any particular coin.

What, then, must we think of this remarkable effort of the honorable Secretary to get fifty-year bonds issued payable specifically in gold? The conspiracy of the European gold power that he once so clearly pointed out is still working, and he seems now to favor it.

#### THE GREAT ORIGINAL AMERICAN DEMONETIZER.

Let me quote a few sentences from that former and great original demonetizer, the honorable Senator SHERMAN, who, also,

prior to the specie resumption act, had many words of warning against the policies he has since so successfully and fatally pressed into legislation, and it may be properly noted that he still leads his Republican party on financial questions, and it would seem leads, also, a few so-called Democrats who espouse the cause of the money power.

Speaking of the progressive contraction of the currency then going on, Senator JOHN SHERMAN, in 1869, said:

The contraction of the currency is a far more distressing thing than Senators suppose. Our own and other nations have gone through that process before. It is not possible to take that voyage without the sorest distress. To every person except a capitalist out of debt, or a salaried officer, or an annuitant, it is a period of loss, danger, lassitude of trade, fall of wages, suspension of enterprise, bankruptcy, and disaster. \* \* \* To attempt this is to impose upon our people by arresting them in the midst of their lawful business, and applying a new standard of value to their property, without any deduction of their debts, or giving them any opportunity to compound with their creditors, or to distribute their losses, and would be an act of folly without example of evil in modern times.

This was said as against contracting even the paper money of the country. Since this time he has been advocating both the destruction of our legal tenders through the specie-resumption law and the demonetization of silver in the law of 1873, and is now the leading "financial weathercock" for the present Administration.

The Democratic platform called for the repeal of the Sherman Act of 1890 "as a cowardly makeshift, fraught with possibilities of danger in the future."

But after the election Mr. SHERMAN, to save that part of the cunning makeshift which is the so-called "parity clause," announced through an interview a few weeks preceding the call of the extra session, from his home in Ohio, to the effect that the parity clause must not be repealed, but only the "purchase clause;" and thus he gave the cue by which to save the gold standard and again demonetize silver, and forthwith the President, carrying out the suggestions of the "weathercock of finance," as he has been called, convened Congress in extra session to combine Republicans and a sufficiency of Democrats to repeal the purchase clause and retain all the rest of the "makeshift."

But they of the gold worshippers tell us, Mr. Chairman, that we must pass this bill to sell bonds and raise gold to keep up the "parity," which they use as an excuse for suppressing silver payment. They thus keep the gold of the Treasury subject to raids of the bankers and exporters, who are thus pumping gold out of the Treasury on the gold-redemption plan in place of the coin redemption which would stop the raid if duly enforced almost instantly.

Let us hear JOHN SHERMAN again as to the right and propriety of paying silver on coin obligations as a sure protection of the Treasury gold. He was before a Senatorial committee about three weeks after the passage of the Bland law of 1878, while he was Secretary of the Treasury. I quote brief fragments of his testimony, having quoted him more fully in my remarks on currency last month:

#### JOHN SHERMAN'S TESTIMONY AS SECRETARY OF THE TREASURY.

Resumption can be maintained more easily upon a double standard than upon a single standard. The bulky character of silver would prevent payments in it, while gold, being more portable, would be more freely demanded, and I think resumption can be maintained with a less amount of silver than of gold alone.

Senator BAYARD. You are speaking of resumption upon the basis of silver, or of silver and gold?

Secretary SHERMAN. Yes, sir; I think it can be maintained better upon a bimetallic, or alternative standard, than upon a single one, and with less accumulation of gold. In this way remonetization of silver would rather aid resumption.

He then shows how readily our bonds are absorbed by our own people on a bimetallic basis—payable in silver as well as gold—at the rate of a million and a quarter per day upon their returning from Europe. This shows that there is really no need of selling specific gold bonds unless it is simply to please Europe, and even in this respect as Sherman pointed out it is better for our country that the bonds stay at home. He further says for bimetalism:

Our mere right to pay in silver would deter a great many people from presenting notes for redemption who would readily do so if they could get the lighter and more portable coin in exchange. Besides, gold coin can be exported, while silver coin could not be exported, because its market value is less than its coin value. \* \* \*

Senator Bayard, of the committee, asked him:

How long do you suppose this short supply of silver and your control of it by your coinage will keep it equivalent to gold, when one is worth 10 cents less than the other?

Mr. SHERMAN answers:

Just so long as it can be used for anything that gold is used for. It will be worth in this country the par of gold until it becomes so abundant and bulky that people will become tired of carrying it about; but in our country that can be avoided by depositing it for coin certificates.

#### BANKS SHOULD HAVE NO POWER TO CONTRACT VOLUME.

I am opposed now and all the time to giving to the banks or to any private institution any power whatever over the volume of currency. Whoever controls the currency in its volume, whoever has the power to increase or decrease it, controls thereby the ups and downs of prices, controls the prices of wheat, and cotton, and

corn, and beef, and all the products of the country. We are constantly hearing gentlemen talk on this floor as if we were bound in all financial or monetary matters to legislate in the interest of the banks. Sir, there are some 69,000,000 of people outside of the banks who have some rights that ought to be considered here. [Applause.]

This "elasticity" that we hear so much about is an utter fraud against 69,000,000 of the people of this country. They can not protect their prices or their opportunities or their business if you give into the hands of the banks the control of the volume of the currency, for, I repeat, whoever controls the volume of the currency controls prices, as I demonstrated in my speech delivered here on January 8.

In my remarks on that occasion, adding my humble contribution to the defeat of the Carlisle currency bill, I quoted such an array of authorities who stand as the great writers and financiers of the modern world that I presume no one who considers that galaxy of brilliant witnesses will ever again question that the chief element in the control of the general range of prices is the volume of currency in circulation in relation to the volume of exchanges and payments dependent upon currency.

And further, we have shown that the material of which currency is composed is not an essential element in relation to price. I am aware that there is one gentleman, the chairman of the Committee on Banking and Currency, who holds on to the exploded theory that prices of commodities or the reciprocal value of our dollars is controlled by the cost of production of the precious metals. He therefore must hold, since demonetization of silver, that the cost of gold production regulates prices of products and the purchasing power of money. He may possibly draw his inspiration and enlightenment on the money question from that end of the Avenue that never seemingly consults either the lessons of history or the needs of mankind.

But surely anyone, even without the help of the great teachers and writers I have quoted in my former speech, on a moment's reflection ought to comprehend that demonetization and remonetization laws and laws for issuing paper dollars for general circulation, whether legal tender or not, have so much to do with increasing or decreasing the supply, that is, the abundance or scarcity of money in circulation, that the mining of gold, or of silver either, is and can be only incidental to the main question.

Money is the creature of law and not of nature or of mines. This has been more or less clearly seen by wise men for at least two thousand years.

In this discussion to-day I will only enumerate the names of persons quoted and refer those who wish the fuller quotations to my former remarks as published. They are such authorities as John Stuart Mill, Paulus, the Roman jurisconsult; the Justinian Pandects, John Locke, David Hume, Fichte, Ricardo, William Huskisson, Sir James Graham, Torrens, Professor De Colange, Professor Sidgwick, of Cambridge; Prof. Stanley Jevons, J. R. McCulloch, Lord Overstone, Professor Fawcett, N. A. Nicholson, of Oxford; Earl Grey, Prof. Shield Nicholson, of Edinburgh; Professor Perry, of Williams College; Alexander Delmar, Henry D. MacLeod; and I think of many others who could be cited to prove the same proposition that I have endeavored to enforce upon the attention of Congress.

#### VOLUME OF CURRENCY CIRCULATING CONTROLS PRICES IN GENERAL.

Then who should control the volume of money in circulation, all money, paper as well as coin?

Surely the Government itself should control the entire volume designed for general circulation, and to do this requires control of paper money as well as coin.

But, in behalf of the bank and bond and gold scheme, there will be invoked all the sophistries and ridicule and false pleas and misleading prophecies that can be brought forward against those of us who have stood for sound and sensible teaching on the money question and the rights of the laboring world to a more equitable money, adequate in volume to meet the needs of mankind and maintain the general range of prices.

#### SOME PROPHECIES VERIFIED.

Ernest Seyd, the great bullion expert of the Bank of England and a remarkable man in more ways than one, said of the gold conspiracy even two years before it accomplished the demonetization of silver:

The strong doctrinarism existing in England as regards the gold valuation is so blind that when the time of depression sets in there will be this special feature: The economical authorities of the country will refuse to listen to the cause here foreshadowed [the general decline of prosperity all over the world if the gold standard be adopted by other nations of which he had spoken]; every possible attempt will be made to prove that the decline of commerce is due to all sorts of causes and irreconcilable matters; the workman and his strike will be the first target; then "speculating" and "overtrading" will have their turn; many other allegations will be made totally irrelevant to the real issue, but satisfactory to the moralizing tendency of financial writers.

Note the singular precision with which the sophisms and false teaching of the gold power in these days of commercial depression were pointed out by such clear-seeing men as Ernest Seyd,

who at such times spoke as an expert and statesman, although at other times as a hireling, notably when sent as a hired attorney to this country preceding the accomplishment of silver demonetization.

#### COUNT WOŁOWSKI'S PROPHECY.

I desire also to give you the prophecy of Count Wołowski in 1868, regarding the effect of the demonetization of silver should it be forced upon European, and American nations.

After pointing out the disasters that would follow, he says:

One of the principal difficulties in this period of general depression will be that the people will look for its causes in all possible directions. The advocates of the gold standard will offer all possible fantastic and groundless excuses and reasons of a secondary nature only, and the real cause—the demonetization of silver—will be overlooked until dire necessity shall force thinking men to point it out.

Throughout the world a decline in prices will follow, injurious alike to owners of real property and the laboring classes, and advantageous only—and unjustly so—to the owners of State bonds and similar securities.

Another prophecy is that of Thomas Carlyle, the philosopher, still further back, given mainly from his clear comprehension of the methods of the plutocratic forces to overcome the rights of labor.

#### THOMAS CARLYLE'S PROPHECY.

More than thirty years ago Carlyle wrote:

The Republic west of us will have its trial period, its darkest of all hours. It is traveling the high road to that direful day. And this scourge will not come amid famine's horrid stride, nor will it come by ordinary punitive judgments. It will come as a hiatus in statecraft, a murderous bungle in policy. It will be when health is intact, crops abundant, and the munificent hand open. Then so-called statesmen will cry overproduction, the people will go to the ballot-box amid hunger and destitution, but surrounded by the glitter of self-rule, and ratify by their ballots the monstrous falsehood, overproduction, uttered by mis-statesmen, and vindicate by the same ballot the infamous lie overproduction, thrown upon the breeze by servile editors through a corrupt press, and thus bring ruin upon his country, serfdom upon himself, and oppression upon his children.

We who live to-day and behold the mad rush of the gold conspirators to ride still on over suffering humanity, a humanity whose rights to the fruits of their toil are so grossly outraged, whose prices on products of labor are so broken down, whose opportunities to meet and pay their creditors and taxgatherers on terms of equitable payment are so completely destroyed, whose values and ownerships are destroyed and wiped out by the appreciation of money, and whose spirit of enterprise and progress and hope of betterment and free homes for themselves and children are so crushed by the onward sweep of the gold and bond and bank conspiracy, is it not time, if we be men and not dull brutes or mercenary cravens, that we oppose this conspiracy? [Applause.]

#### WHERE DO YOU STAND IN THE GREAT CONFLICT?

And where are our great papers and news journals to-day, where our orators and lawyers and even the clergy and all of those who sell their words and arguments and eloquence and influence for hire? Is it strange that beholding the might of intellect and power of position all arrayed on the side of the gold conspiracy the people become discouraged? And is it strange to any thoughtful mind that morality and character and love of country shall all decline under the withering blast of this strongly felt, although partially unseen, empire of wealth that leaps over mountain ranges and ocean barriers to fasten its venal wealth-sucking tentacles on every form of production and enterprise?

But it is on the part of labor and enterprise a fight for existence, a fight for life, and this contest will go on and on and on until either man or money is brought into complete subjection the one to the other.

If mankind can not win by the peaceful and deliberate methods—if corruption of the ballot, of legislatures, of courts, and of Administrations shall crystallize into a hard encrustation, threatening civilization and the rights of man with destruction, then the earthquake will come, will come whether you and I will it or not, will come and rend assunder the crusts and covering of injustice and let in the sunlight of heaven, and the judgments higher than those of man will be executed again on the earth.

These judgments may come attended with fire and sword, and terror and blood, and suffering and death; but revolutions such as this are the great, deep impulses of God sweeping through the hearts and consciences of mankind, and they are of a purifying and cleansing nature.

Equity and fraternity are the decrees of Heaven, and must be regarded among men upon the earth.

But be not deceived. Humanity is a great, massive, and impulsive giant with an instinct of preservation and a conscious apprehension of justice that will ultimately turn on its mercenary and tyrannical oppressors and grind to the earth their hoarded properties and vested wrongs, often improperly called vested rights, and all civilization will tremble at the excesses of its retaliation.

Can this possible culmination to a world-wide conspiracy to rob and enslave humanity be prevented? Only by doing the right thing now and here, and overthrowing the conspiracy of the gold mongers and hurling the conspirators and all of their hireling forces from places of governmental power.



In this America must lead. America, the hope of the world. America, the champion of free government and the rights of mankind. America, theegis of human liberty and justice! [Applause.]

The overthrow of the gold power by America to-day would be the most glorious achievement possible to fall to the lot of any nation, and it can be done if the proper word is uttered by you in this great national Congress.

It is but to reply and answer No, to the gold power here and elsewhere, and to all of its minions high and low, when they come forward with their aggressions upon the money of the people and the rights of man to an equitable and adequate standard of payment, an equitable currency of account and exchange and good prices, and when they ask us to place all money for payment and commerce out of the reach of the laboring and wealth-producing people. It is forever to say no. No, to all of their propositions until they shall give back and concede to the people of this country again their silver as a standard money of payment and the right of our sovereign nation to coin, issue, and furnish a national currency of both legal-tender paper and legal-tender coin without any further interference from any source whatever.

And I would, if I could, teach all men in America to treat as an enemy to our rights, our liberty, and our national sovereignty all who plot and scheme by any measures whatever to deprive this nation of the untrammelled right at all times to coin, issue, and maintain its own money, and maintain it in volume sufficient to maintain prices and prosperity.

#### FURTHER EVIDENCES OF A CONSPIRACY.

Mr. J. W. Schuckers, once private secretary to Secretary Chase during the war, has recently said in his able letters to Henry Carey Baird, of Philadelphia:

I seek to present the case, the fact, and the proofs that the panic of 1893 was the result of a deliberately determined conspiracy; that it originated in Wall street; that it was organized in Wall street; that it was engineered from Wall street, and that in its front stood a half score lawless and reckless bank presidents.

He then follows this with some remarkable evidence that shows how daring and reckless the gold power at times has been; but for this I must refer you to his own recently published pamphlet on the Conspiracy of New York Bank Presidents.

The conspiring of the national-bank presidents, with the newly-appointed subtreasurer, Mr. Conrad N. Jordan, and Mr. Carlisle as the intermediary counselors between the White House and the Wall street financiers, together with their frequent secret meetings and conferences in April and May, just before the turning loose of their object-lesson panic of 1893, are matters generally known and acknowledged.

But the effort to get the unconditional repeal of the silver-purchase clause through in the closing months of the Fifty-second Congress have not been so often noted.

This was urged by Mr. Cleveland's friends upon the Republicans fearing and indeed discovering by the "cute" New York newspaper interview and polling methods that the newly elected Democratic majority of the incoming Fifty-third Congress could not be relied upon to do the bidding of the gold mongers.

First, Henry Villard was sent in January, 1893, to confer with SHERMAN and others, among them being some so-called "leading Democrats" (I would say misled Democrats), to see if the anti-silver purposes of Wall street and Mr. Cleveland could be carried out before the adjournment of that Congress. He failed in his mission.

Next, in February Don M. Dickinson, of Michigan, came, as it has been said, "clothed with more extensive powers than Henry Villard." The Washington correspondent of the New York Herald, in a published dispatch of February 1, said:

Don Manuel Dickinson came to the city last night and has spent the day in consultation with Democratic leaders. The repeal of the silver law never before received such an agitation. \* \* \* The word has gone out among Democrats that this act must be repealed at this session. \* \* \* Mr. Cleveland has it in his power to make matters very uncomfortable for certain silver Democrats. The question of the patronage will be an important one after March 4. The scare is pretty general. \* \* \* There is no doubt that this second expression of President-elect Cleveland will bear fruit. He gave his first intimation when Henry Villard came to the city and consulted with Democratic members of Congress. The second can not be misunderstood.

No; it was not misunderstood, but the people's representatives among the Democrats stood their ground.

In the same issue the New York Herald in an editorial, speaking doubtless with full consent of the machine and Wall street interests which it always loyally supports, said:

As a party man, as an upholder of the regular organization, as a vindicator of the machine, Mr. Cleveland will stand on firm ground when he declares that every aspirant for office, patronage, favor, or any consideration will be expected to line up for the repeal of the silver law.

The New York Times spoke on the same day in a similar tone, but it would seem that the plans of the Republico-Democratic-Wall-street combination failed of accomplishment.

Then, after the inauguration, and after the close and secret conferences of which I have spoken between the national-bank presidents and agents and officials of the Executive, to which on

one special occasion, April 24, in the subtreasury office, the members of trust companies and representatives of the great foreign banking houses in Wall street were also invited. After this, and immediately after the conference of the bank presidents on the 27th with the Secretary of the Treasury, the furies were uncaged and the dogs of financial war against the South and West and into all regions tributary to New York as a money center were turned loose.

The great and threatened "object lesson of panic" was sent sweeping over the country to do its deadly work of ruin and commercial disaster and bring the West and South and all antigold-power regions into servile subjection to the schemes and dictation of Wall street and the Anglo-American gold conspiracy.

Mr. Carlisle's former comparisons of the destructive character of the gold-standard conspiracy with the misery entailed by wars, pestilence, and famine was proving to be true.

The record of disaster, failing banks, mercantile houses, mills, factories, and all the more enterprising purposes and industries of the people and the rapid transference of the wealth from the ownership of those who earned it to those who speculate and scheme for it through financial legislation and manipulation has never perhaps been exceeded in this country in so short a time. The highways were soon filled with tramping thousands and suffering spread rapidly on every hand.

The clergymen and good religious people who still keep voting to help enforce the gold standard and its ruinous effect on prices and industry in this country were called upon in almost every city, both East and West, to contribute to and organize and carry into operation soup houses and relief societies.

JOHN SHERMAN's prophecies were also proving to be true, as well as those of Mr. Carlisle and others whom we have already quoted.

But Wall street schemers were cold-hearted and determined in their purpose to carry out their part of the international, as well as the national, movement to wipe silver legislation from the face of the commercial world.

How deep and extensive was this dark conspiracy with the gold mongers and Jewish syndicates of Europe, or to what extent the Executives of our own nation for recent years may have been involved in it, is a secret that may never be fully revealed.

But on the 25th of June, 1893, not by action of the people of India, but by the tyrannical powers that govern India, the Indian mints were also closed to silver, where silver had been used from time immemorial. This was at once used in this country to work a scare upon our people just as the panic in relation to silver repeal was being worked as a scare in Europe.

So the President issued a call on the 30th of June for an extra session of Congress for the purpose of reaping the harvest of an unconditional repeal of the last vestige of silver use and the issue of legal-tender Treasury notes in purchase of silver. To secure the issuance of gold bonds was another part of the Wall street programme, but although the cuckoo Democrats aided the Sherman-Reed Republicans to carry the great "unconditional," yet the Democrats in Congress were too solidly against giving the President any authority whatever to issue bonds. And so this part of the Wall street programme failed.

Now another effort is being made here in this pending bill to get the bond issue authorized and the retirement of greenbacks provided for, that all legal-tender paper money may be destroyed or taken out of circulation.

It must not and, as far as my vote and influence may go, it shall not be done.

Does anyone believe, with all the evidences of the last few years, and especially of the last two years, before him, that the excessive raids on the gold in the Treasury are for other purposes or reasons than to prejudice the people against the legal-tender greenbacks and Treasury notes issued by the Government, thus to fool the people, destroy their legal-tender money, and issue gold bonds instead?

Only one other purpose can exist—that of getting gold to a premium for their profit.

I must regard him as to some degree at least stupid or hypnotized by a too steady gazing upon the yellow metal who can not see through these movements and the scheme of the gold bank and bond conspiracy with which we have been compelled to contend, not only during this Congress but for many years since this scheme for contraction, demonetization, and confiscation of the wealth produced by the laboring world was first made plainly manifest under Grant's Administrations.

While the destructive forces for contracting circulation and loans was being cruelly pushed forward the New York Tribune coolly said (May 7, 1893):

The effort of the Administration to bring the West and the South to a full realization of the inevitable consequences of compulsory purchases of silver bullion—

The inexcusable and tyrannous trick of bank contraction, I would rather say—

has brought distress and perhaps ruin to many innocent persons; but there is no reason to suppose that it will be relaxed.

The Tribune's own political party was the main strength of the Administration through all this dark and devious way of the gold conspiracy. After a month of financial disaster the New York Sun, on the 7th of June, in its money article, said:

The presidents of the New York banks think that the so-called "object lesson" has been carried far enough. \* \* \* They see nothing to be gained by a further shrinkage in values and unsettling of credits.

I commend this last quotation to the pious consideration of the chairman of the Committee on Banking and Currency [Mr. SPRINGER], who has brought in here this pending bill and who in his late article in the North American Review tries so hard, yet so vainly, to ignore the doctrine and practice so well comprehended in Wall street, as well as all over the civilized world, that values are made to shrink and gains to accrue at times to the banks by their contraction of currency and credits. He tries vainly to prove that cost of mining and producing the precious metals is the controlling element in the value of money. As we have previously endeavored to show by reason, by history, and by a long and unchallenged array of financial authorities, the chiefest element of control and regulation in the value of money and the consequent general range of prices on commodities is the volume or quantity of money in circulation. This is the "most elementary proposition" of monetary science, says John Stuart Mill.

On the 27th of June, 1893, two days after the demonetization decree of the British Government in India in its cooperative movement with the allied conspirators in this country and three days before the call for the extra session, an oracle of the gold and bond speculators of New York, Henry Clews's Financial Review, said, in clamoring for an extra session of Congress to be called by the President:

There is every reason why Congress should be brought together at the very earliest possible day. The houses that were engaged until lately in shipping gold became so zealous in that enterprise that they tried to outstrip each other. The result was that more gold was actually shipped than Europe required. The natural result must appear in the return of the surplus thus exported. Exchange has now fallen, indeed, to the specie-importing point. As soon as our crops ripen there will be inevitably a return of a good deal of gold to the country. One of the arguments in favor of the repeal of the Sherman law has been that the baser metal has driven the finer metal out of the country. In a little while, with gold returning to us, the strength of that argument will be sapped. An early session of Congress will leave the argument still in full force.

Yes, gold being shipped largely to Europe for the very purpose of scaring silver advocates and advancing the schemes of the money power in Congress was sure to return upon this country by the laws of legitimate trade before they could get their legislation through unless they hurried the call for the extra session. Oh, what tricks, what perfidy, what venality, what consummate selfishness, what disregard of right and justice, what cruelty to suffering and unsuspecting humanity!

Has their diabolism ever been excelled? Did ever vultures tear at the vitals of their victims with a more cool and heartless cruelty?

And so by false and cunning statements and manipulations of gold exports and redemption of greenbacks in gold raids, and by every trick known to stockjobbers and gamblers, the gold conspirators still work to deceive the people and still endeavor by every known method to capture votes in Congress to carry forward their gold-standard bond and bank tyrannies. Yet I believe they are again doomed to defeat.

This bill and all of the substitutes are presented and urged with but little chance of success. What I most fear is a reorganization of the gold forces and money power on new lines, in which the Republicans will come to the front to "save the country," as they would falsely term their movements, by combination here in the House under their present gold-standard leaders and almost solid gold-standard ranks, and under the generalship of JOHN SHERMAN in the Senate, whose stratagems and peculiar methods have given him great prestige as a leader and won for him and his coworkers dozens of victories on hard-fought financial battlefields, and that thus the gold forces in a Republico-Cleveland-Cuckoo combination may yet secure the destruction of the legal tenders yet remaining and the forcing of the Government upon a perpetual gold-bond debt and bank-issue policy.

Last month the Washington Star gives away to the public some of the reserved information that hovers about us here in Washington. On January 11, 1895, it says concerning Senator SHERMAN's importance and ability in behalf of Wall street interests:

#### HIS WORK ON THE SILVER REPEAL.

This leads to discussion of the part Mr. SHERMAN took in the repeal of the bullion-purchasing clause of the silver act bearing his name. The assertion has always been made in Washington that it was the advice of the Ohio Senator that finally prevailed in that fight. His participation in the open debate in the Senate was conspicuous, but his principal service, as is claimed, was performed in the conferences that were held. Many of these were nonpartisan, and Mr. SHERMAN took part in them upon the ground that as the question was one affecting the welfare of the whole country it was his duty to assist Mr. Cleveland fully as much as if the occupant of the White House were a Republican. That Mr. SHERMAN was fully consulted during the contest both by Mr. Cleveland and Secretary Carlisle has long been an open secret, and that it was his criticism of the compromise offered by the silver

men which induced the President to reject it, and thereby force unconditional repeal in the end, is openly asserted and believed by many of the best informed men in political life.

It can be stated that many Democrats would value his assistance very greatly, and would not for a moment doubt its unselfishness because rendered by a Republican leader to an embarrassed Democratic Administration. But some of the Southern men, who have grown up in opposition to every prominent stand Mr. SHERMAN has ever taken, would prefer to see the Sherman leadership, if essential to solve the problem, exercised in circumstances of Republican control and responsibility. These men, therefore, do not look with disapproval on the proposition for an extra session, but rather hold that, all things considered, such a step would be both logical and effective. They do not hesitate to admit that the President and Mr. SHERMAN are in much closer accord on the money question than the President and the Southern leaders are, and hence if it is the Sherman view that, in any part, is to prevail, they think it would be franker and better to await the day, which need not be distant, when the Ohio Senator, in the full panoply of party leadership, would be able to take the field and carry out in person his own plan of action. It is admitted at the same time, however, that the situation is becoming so grave a delay of only three months might be attended with the most alarming consequences to the business of the whole country. The suggestion is made that the panic of 1893 developed in less time, and got entirely beyond the control of Congress.

"It was his (SHERMAN's) duty to assist Mr. Cleveland," says this editor and supporter of the gold scheme, "fully as much as if the occupant of the White House were a Republican," and "that Mr. SHERMAN was fully consulted during the contest both by Mr. Cleveland and Secretary Carlisle has long been an open secret."

Yes, the leader of the Republican forces on all financial questions, the silver demonetizer and contractionist and the ever-persistent enemy of the people's interests in their efforts to withstand the conspiracies of the money power, is taken into close and secret and frequent consultation by this that should be a Democratic Administration—this is what has so thoroughly disgusted nearly all true Democrats in Congress and has cost the party such extensive defeat at the late elections.

"The people want relief," is a frequent cry; but not such relief as the Wall street-JOHN SHERMAN combinations would give them. SHERMAN is, and has been since 1873, the careful and vigilant guardian of European bond holders and goldholders' interests.

Mr. Gordon Clark, once editor of the North American Review, author of a most excellent recent book called "Shylock," exposing the conspiracy of the Anglo-American gold conspiracy and the part that JOHN SHERMAN has played in their movements, has well said:

The American people must learn the lesson of money or they are lost. \* \* \* Shall England impose her plan of white slavery upon the people of the United States? War with England—and not a financial war, but a conflict of powder and dynamite—would be more merciful, better, and cheaper in the end than to permit the permanent infliction upon us of her present money conspiracy.

The conspiracy producing the panic of 1893 used their "scare" circulars to make it clearly understood that their demands for the silver-purchase repeal bill must be complied with. In one they said, as has been quoted on this floor heretofore—

The interests of national bankers require immediate financial legislation by Congress. Silver, silver certificates, and Treasury notes must be retired and the national bank notes upon a gold basis made the only money. This will require the authorization of from \$500,000,000 to \$1,000,000,000 of new bonds as a basis of circulation. You will at once retire one-third of your circulation and call in one-half of your loans. Be careful to make a money stringency felt among your patrons, especially among influential business men.

In another, dated August 19, 1893, at the rooms of the American Bankers' Association, No. 2 Wall street, they used these suggestive words:

\* \* \* The President of the United States having convened Congress in extra session and recommended to it such repeal, the power of public opinion should be brought to bear upon Congress to induce favorable action thereon.

The next day, speaking of the bankers' panic, the Chicago Inter Ocean, a Republican paper, said:

When the future historian tells the world of the great financial panic of 1893 he will say: "In the winter and spring months of that year the New York bankers and financiers sowed the wind and during the summer months reaped the whirlwind." We know no arrangement of words that can more graphically describe the action of New York financiers and the results of that action. \* \* \* Nor are the New York bankers alone to blame. Those of Boston and Philadelphia come in for their share. They were only excelled by the New Yorkers because of the greater importance and opportunity of the latter.

Early in the winter a bank president, conversing with a Chicago man of business, said to him: "Mr. Jones, we are going to make the West pay up this summer." "But why should you press your Western debtors this summer?" asked Mr. Jones. The reply was: "Well, we think it would make you a little more thoughtful about currency matters, and drive you from your foolish ideas about silver."

But the conspiracy is still alive and full of selfish energy and greedy complexity. What it may yet accomplish no one can foresee; but that in the interest of humanity and good government and safety to the Republic it ought to be crushed and defeated at every turn every Congressman can see that is not in some way bound to its support.

Their cry just now is, "Bonds to save the credit and keep up the gold reserve," and "Destruction to the greenback." And why? Because they, the very fellows who keep up this clamor, can use it to raid the Treasury of its gold reserve. How totally false their pretense!

They should not have bonds. No kind of bond should be issued.



The greenbacks should be preserved; they are the best money. All coin obligations should be paid in coin, both silver and gold. The raids of these mercenaries should stop if met with silver.

The monopoly of gold is broken if silver is put forward.

Gold, \$500,000,000 of it, at a premium of 20 per cent, is not one-hundredth part so bad for the people as prices and valuations of \$60,000,000,000 of property and products at a discount of 20 to 30 per cent forced upon all by the tyrannous appreciation of gold.

Debts, both public and private, can be easily paid and prosperity and equity secured by breaking this artificial and legislative monopoly of gold.

And who knows how soon gold may be forced to a premium by the bank syndicate itself for the temporary advantage that it would give those who are withdrawing and hoarding gold now?

Do not be alarmed; let the shylocks have their way for a little time and overthrow, by their own folly and greed, the monopoly of gold rather than give them the bonds demanded and destroy \$500,000,000 of legal-tender Government money.

Gold at a premium under such circumstances may prove a blessing rather than a curse to the people who need a cheaper and more equitable money, and the consequent rise in prices that will enable them to pay debts more equitably, rather than a longer domination of the now too high and dishonestly appreciated gold standard dollar.

So, I would say to the conspirators, come on with your threatened gold premium; your momentary triumph will be turned into a defeat and a break down of your infamous scheme to enslave our people.

The New York World very recently has raised a very pertinent question for the Wall-street bankers to answer, and so far no proper reply is offered. The World says, editorially:

The banks have no apparent use for gold.

They have absolutely no obligations of any kind, near or remote, which are payable in gold.

Nevertheless these banks are hoarding gold in large quantities at a time when to do so is to subject the Government to heavy and needless expense. \* \* \*

Thus the clearing-house banks of New York alone hold over \$1,000,000 in gold for which they have no use.

I would like to suggest here that they have drawn most of this by gold raids upon our Treasury with that "terrible" greenback which they keep in hand as far as they can for this purpose. They will buy gold bonds with their gold if they can make such terms as they demand with the Government, well knowing that as long as the parity clause is construed for gold and against silver payment on all coin obligations they can raid the Treasury and take it all out again in two months' time, as the Administration persists in permitting them to do, and as they did do following the last bond sale. Or if the Executive should use the option legally and rightfully belonging to the people, and pay these coin notes when presented largely in silver, then if they cared to do so they could force gold to a premium and spread alarm over the country, which, however, as I have said, can do no permanent harm to the too heavily burdened debtors and industries who need the opportunity that the overthrow of gold payment would give. But the World goes on to say of their gold hoardings:

If they should turn it into the Treasury and take greenbacks instead they would be in every respect as well equipped as now to meet their obligations, while the Government would not have to issue another \$100,000,000 of bonds which it will cost the country \$20,000,000 to pay, principal and interest. \* \* \*

Are they seriously expecting gold to go to a premium?

Or are they and the banks all over the country in a tacit "combine" to compel repeated bond issues for their speculative profit? These banks ought to answer these questions.

On the following day the World editorially says again:

Their replies are evasive, shifty, insincere. \* \* \*

They have no obligations payable in gold. \* \* \*

There is no possible reason for them to hoard gold, except that they expect a premium upon it, or that they wish to force the Government to borrow money which it does not need.

The New York Times of January 26, with less loyalty to the people and far more loyalty to the money power, urges them to use means of coercion, which it would seem has frequently been done before, to drive Congress to do their bidding. It says:

\* \* \* But we close, as we began, with the unqualified statement that Congress will not do this—

That is, authorize the Secretary to borrow on gold bonds—

that it will not do anything, unless it be forced to action by the overwhelming pressure of public opinion. It is sheer folly to rely on anything else. This force organized, directed, and concentrated upon Congress, as it was in the spring of 1891, when the free-coinage bill was killed, as it was in 1893, when the repeal bill was enacted, will do the work. Nothing else will.

The country quite well understands what their methods were in 1891 and 1893. We all should know by this time that they never move in a straightforward course, but always by feint and stratagem to gain their victories.

But I have already detained the House long enough on these questions. The steps of the gold conspiracy in the past are an indication to us of what their steps and purposes will be in the future.

The relief necessary and for which the laboring people are

anxiously waiting is to see Congress, the loyal and truly Democratic part of Congress, again roll back the tide of selfishness and the organized greed of the gold and bond combine and, at the earliest possible moment, if opportunity should offer, to crush the gold conspiracy forever and set America free again from the severely threatened subjugation that England and her Tory allies in Wall street would fasten upon our country.

But I am persuaded that it is not so much simple intelligence needed now to see what is wrong and what are the motives of the gigantic forces with which we must contend, and how the gold raid must and can be stopped by obeying the present law and enforcing the option of coin, including silver payment, which our present Secretary of the Treasury as well as those preceding him have been constantly violating, and how an adequate legal-tender system of money of both coin and paper will revive prices, revive profits, revive hope and prosperity—all of these things every true and honest Representative can see—but more courage, more heart, more sympathy for struggling humanity, more patriotism is needed.

The eloquent Archbishop Ireland has well said:

Patriotism is love of country and loyalty to its life and weal—love tender and strong, tender as the love of a son for the mother, strong as the pillars of death; loyalty, generous and disinterested, shrinking from no sacrifice, seeking no reward save country's honor and country's triumph.

And I shall close with a warning and a challenge to the money power that if it shall not curb its selfishness and greed and realize that its votaries are but part of the great struggling mass of humanity, whose rights to life, liberty, and a fair opportunity in this country are as well founded as that of any of the minions of the gold power, then the people must rise up, and, if need be, crush their enemies by whatever means are lawful in defense of the life and liberty of this country and its people.

Mr. SWANSON. Mr. Chairman, I desire to offer an amendment to the amendment.

The amendment was read, as follows:

Amend by striking out, in section 5, line 2, page 4, commencing with the word "limit" down to and including the word "or" in line 4, the following language: "Limit the amount of lawful money which may be deposited during any calendar month for the purpose of withdrawing national-bank circulation, or."

Mr. SWANSON. Under the present national banking law all the national banks can retire their circulation in an amount not to exceed three millions a month. My amendment leaves that as it is, so far as the withdrawal of circulation is concerned. That stands unchanged, and no national bank can retire its circulation at a more rapid rate than \$3,000,000 a month. But under the present law when a bank has retired its circulation it can not issue new circulation in less than six months. The amendment allows the bank to get out additional circulation without delay even though it has been withdrawn. It simply aids an increase of the currency. As the bill now stands, unless the amendment is adopted, you might have \$500,000,000 of greenbacks retired in January, and an issue of \$500,000,000 of national-bank notes instead, and then those national-bank notes might be retired in February, so that you would have a contraction of the currency of \$500,000,000 within sixty days. By this amendment the banks can retire the national-bank notes, when once taken out, only at the rate of \$3,000,000 a month, as under the present law, and when they have retired them they can reissue them without being limited as they are by the existing law, which provides that they shall not be reissued within six months.

Mr. WARNER. If the amendment proposed by the gentleman from Virginia should be adopted there will still remain the repeal of the provision which would prevent the banks from expanding their currency to meet the popular demand; and the section as it would then stand with the amendment moved by the chairman of the committee would still be largely beneficial. At the same time I want to call the attention of the House and the gentleman from Virginia to this point. The business of furnishing currency, of expanding credits on the part of a bank, is just like any other business in which a tradesman attempts to serve the community. To the precise extent that you prevent him from reducing his stock and running on as low a stock as possible during the time when there is not so large a demand as usual, to that precise extent you limit his capacity (on account of the larger expense to which you compel him to go in his business) to serve that community well at the time when the community most needs his services. The amendment of the gentleman from Virginia will not completely destroy the effect of the amendment proposed by the chairman of the committee, but it will tend to cripple it.

Mr. SWANSON. Under the provisions of the present bill could not the national banks in January next take out currency to the extent of \$500,000,000, greenbacks being retired to a corresponding amount, and then afterwards—in February, we will say—retire the entire amount of the national-bank notes they had taken out?

Mr. WARNER. If the gentleman can imagine such a state of things—

Mr. SWANSON. I mean could not that be done under this bill?

Mr. WARNER. No; because the banks can not take out currency unless there are people who want to use it, whom those banks are willing to trust with it, and they can not withdraw currency unless people bring it in because they do not want to use it any longer.

Mr. SWANSON. I hope the gentleman will answer my question frankly. Under the provisions of this bill could not the national banks increase their currency to the extent of five hundred millions (greenbacks being canceled to a corresponding amount), and then immediately afterwards retire their circulation?

Mr. WARNER. So far as the law prohibits the banks from doing something that they could not do anyhow, that may be possible.

Mr. SWANSON. Under this bill, without my amendment, the banks could accomplish a retirement of currency to that extent within thirty days. If my amendment should be adopted no retirement could take place except in accordance with the provisions of existing law.

Mr. WARNER. The gentleman and I can have no dispute on that point. If the amendment drafted by myself and proposed by the chairman of the committee should be adopted, it will simply help the banks and the public by putting the fewest obstructions in the way of their serving the public when it wants to be served. If the amendment of the gentleman from Virginia should be adopted, the banks may be obliged sometimes to keep on hand a larger stock of currency than the public wants. The banks would still be at liberty to serve the public when the public required accommodations, but this would be done at somewhat greater expense.

Mr. SWANSON. While this amendment allows the banks to expand the currency, it does not leave them at liberty to contract it whenever they please according to their own interest.

Mr. WARNER. No bank can expand the currency unless there are people who want to borrow, and no bank can contract it unless there are persons who come with currency and leave it with the bank because they do not want to use it.

Mr. BOATNER. Do not the people, at any rate, put their currency in the banks? They do not carry it around in their pockets in large amounts, do they?

Mr. WARNER. So far as bank credits are concerned, the people do not, of course, carry them around in currency, although they do use the actual currency to a greater extent in the country districts than in the cities. Therefore every provision which tends to enable banks to issue currency cheaply is of more benefit to the country districts than to the cities.

Mr. BOATNER. Will the gentleman explain how it obstructs the business of a bank to prevent it from contracting its currency unduly?

Mr. WARNER. When the customers of the bank bring in money that they do not want and deposit it, the bank will nevertheless have its securities tied up at Washington and will have to continue to pay taxes upon it; and this involves obstruction and expense. Again, being put to this obstruction and expense—not being able to avoid them by contracting its circulation—it will try in dull times to keep its money out at low interest just when it is not needed. And it will almost surely result that when the time comes that the community actually needs more money the bank will not then issue it for the short time it is actually needed if it knows that, once having issued it, it can not withdraw it, but must leave its securities tied up and pay taxes on the extra circulation for an indefinite time to come.

The CHAIRMAN. The Chair will state that but three minutes of the time remain.

Mr. EVERETT. Mr. Chairman, I desire on this amendment simply to say, in a very few words, that I hope when the committee's last amendment shall have been carried, the House will vote for the bill as it then stands and thereby strengthen the hands of the President and the Administration, and relieve the country as far as it can be relieved from the suspense under which it has so long labored on the subject of the currency. I hope that the House will adopt neither the substitute of the gentleman from Maine [Mr. REED] nor that of the gentleman from Tennessee [Mr. COX], but that it will accept the original bill of the committee as we have perfected it here.

I am in favor of this bill, in the first place, because it authorizes an issue of gold bonds and strengthens the gold reserve in the Treasury and at the same time puts these bonds out in denominations which will make them a popular investment. It was the people of the United States who took up the first national loan at a time when the bankers of Europe would have nothing to do with it at any price; and so now, if this loan is offered to the people of the United States, they will take it and it will not be in the hands of the great corporations alone.

I favor this bill, in the second place, because it gives some sign of destroying the greenbacks and paying off that debt which has existed for all these years and which is a load upon us. And I want to say a word to my friends from different parts of the coun-

try who believe in the greenbacks and desire to preserve them in circulation, because they believe that the great national money that carried the country through the perils of the war is good enough for the present time, and they want to retain it in memory of those past events.

But, gentlemen, you might just as well retain the condemned cannon that you are giving to the soldiers' monuments throughout the country because of the fact that they were fired successfully in the war. It was not the paper money that carried you through; that saved this Government; it was the promise of the Government behind it to pay sound money for every dollar issued; and we demand now that this old, worn-out artillery of thirty years ago shall be discontinued, and that real money shall be substituted in its place; and the old delusion that there was something in all this old paper that fought the battles of the country and saved the Union may be wiped out altogether.

And in the third place, Mr. Chairman, I support this bill because it gives the Executive discretion. I am aware that the doctrine is not in favor in many parts of this House. I am aware that gentlemen want to tie down the hands of the President and the Cabinet officers at every stage, and have Congress attend to every detail, while all questions of interpretation shall be settled in the courts. I believe in the Constitution as a whole. There are three departments of our Government under it, and the Executive is one of them; and I believe in investing him with full discretion in exercising the powers conferred upon him. It amuses me to hear some men on this floor call themselves Jacksonian Democrats and then go on to criticize the Administration in the very terms in which the Henry Clay Whigs of 1834 criticised General Jackson for paying his attention to the Treasury.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPRINGER. I hope the gentleman from Massachusetts will be allowed five minutes more.

The CHAIRMAN. The rule of the House provides that thirty minutes' debate should be allowed on these paragraphs, and the committee can not, even by unanimous consent, change the rule of the House in that respect.

The question being taken on the amendment to the amendment, it was rejected; there being on a division—ayes 70, noes 77.

The question recurred on the amendment of the committee, and on a division there were—ayes 93, noes 48.

So the amendment was adopted.

Mr. SPRINGER. That ends the amendments of the committee.

Mr. BLAND. I now offer an amendment, Mr. Chairman, to strike out all after the enacting clause and insert—

Mr. SPRINGER. There are two substitutes already pending, and that is the nature of a substitute.

Mr. BLAND. I offer it as an amendment to the whole bill.

The CHAIRMAN. The rule permits two substitutes. If this is offered as a substitute it would not be in order. The Chair will hear it read and then rule upon it.

Mr. BROSIUS. I rise to a parliamentary inquiry. Is it not in order to perfect the bill before the amendment offered by the gentleman from Missouri is in order, or any other substitute?

Mr. BLAND. The bill has been perfected.

Mr. BROSIUS. No; it has not.

The CHAIRMAN. The gentleman from Missouri states he offers this as an amendment, which perfects the bill. If the committee so decide, the bill will be perfected.

Mr. BROSIUS. Then I wish to make another parliamentary inquiry. Can it be said in any parliamentary sense of the word that an amendment that strikes out all after the enacting clause is an amendment to perfect the bill?

Mr. DINGLEY. In other words, is it not a substitute?

The CHAIRMAN. If it be a substitute it is not in order, but the Chair will have it read and will then determine.

Mr. BROSIUS. Will the Chair be kind enough to respond to my parliamentary inquiry?

The CHAIRMAN. The Chair will do so after it has been read.

The Clerk read as follows:

Strike out section 1 and insert as follows:

"That all coin obligations of the United States shall be paid in the standard gold or silver coins of the United States, and such payment shall be made from time to time in such of the coins aforesaid as may be most advantageous and convenient to the Government. That to provide the Treasury with such coins all duties on imports shall hereafter be paid one-half in gold and one-half in the standard silver coins of the United States.

"It is further provided, That in order to redeem the Treasury notes of the United States issued in pursuance of the act of July 14, 1890, directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes, the Secretary of the Treasury shall cause to be executed the provisions of section 3 of said act by coining into legal-tender standard silver dollars all the silver bullion now in the Treasury purchased in pursuance of said act. And the Secretary of the Treasury is further authorized and required to coin not less than \$10,000,000 per month from said bullion, and is hereby authorized to increase the facilities and capacities of the mints of the United States, if the same should be necessary to execute the coinage herein required. That the Treasury notes aforesaid, when redeemed in the coin herein provided for, or otherwise become the property of the Government, shall be canceled and destroyed in amounts equal to the coin held in the Treasury for their redemption, and the coin in respect to which such notes are canceled and destroyed shall be paid into the general Treasury.



"And be it further provided, That in order to procure additional gold and silver coins for the redemption of the coin obligations of the United States, and to assist in the payment of customs duties in coin, the act approved January 18, 1837, entitled 'An act supplementary to the act entitled "An act establishing a mint and regulating the coins of the United States,"' be, and the same is, hereby revived and reenacted in full force and effect, and all laws in conflict with said act are hereby repealed.

"It is also provided, That in order to meet any deficiencies that may from time to time accrue to the Treasury, and further enable the Secretary of the Treasury to set apart coin to meet the coin obligations of the Government, the Secretary of the Treasury is authorized and directed to cause to be prepared and issued Treasury notes of the United States in such denominations and with such devices as he may prescribe, and such Treasury notes shall be receivable and payable for all dues and demands of the United States except duties on imports and other coin demands.

"That whosoever and as often as the condition of the Treasury will permit said Treasury notes when paid into the Treasury, or otherwise become the property of the Government, shall be canceled and destroyed.

"And it is further provided, That all authority to issue bonds for any purpose, or to further increase the interest-bearing debt of the United States, be, and the same is hereby, revoked.

"The Secretary of the Treasury is hereby authorized to make such rules and regulations as may be necessary to carry this law into effect, and a sufficient sum of money is hereby appropriated to enforce the provisions of this act."

Mr. BLAND. I offer this as an amendment to the first section. I ask to strike out the first section and insert this.

The CHAIRMAN. Will the gentleman from Missouri state how he desires to offer his amendment?

Mr. BLAND. I move to strike out the first section of the bill and insert that amendment.

The CHAIRMAN. As a substitute for the first section only?

Mr. BLAND. Yes, sir.

The CHAIRMAN. Leaving the remaining sections of the bill as they are?

Mr. BLAND. Leaving the remaining sections of the bill as they are.

Mr. SPRINGER. Now, I make the point of order against the amendment that it is not germane to the first section of the bill nor to any other part of the bill. If the gentleman prefers, as this is an important matter, I will move that the committee rise and that this be pending so as to come up in the morning.

Mr. REED. Just so much time as this occupies to-morrow will be taken from the time for offering amendments, and I hope the gentleman will not ask that the committee rise until this amendment is disposed of.

Mr. DINGLEY. Let us have a ruling. [Cries of "Vote!"]

Mr. SPRINGER. I withdraw the motion that the committee rise, and submit the point of order without argument, except to call the attention of the Chair to the fact that the section to which it is offered as an amendment simply provides for the maintenance of a sufficient gold reserve, while the amendment is a free-coinage act and revives the act of 1837, which is a large act of itself. In addition to that extensive provision in the amendment, according to the text already read by the Clerk, it is not germane to this bill, and especially to the section under consideration, and therefore is out of order.

Mr. BLAND. Now, Mr. Chairman, I will read the title of this bill and see what is proposed to be done. If we may accomplish by other means whatever may be accomplished by this proposed bill that is in order. It is a bill to authorize what?

To authorize the Secretary of the Treasury to issue bonds to maintain a sufficient gold reserve and to redeem and retire United States notes, and for other purposes.

And the section goes on and provides—

That in order to enable the Secretary of the Treasury to procure and maintain a sufficient gold reserve and to redeem and retire United States legal-tender notes and Treasury notes issued under the act of July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," he is hereby authorized to issue and sell, at not less than par, in gold, except as provided in section 2 of this act, etc.

Now, what is the object of the first section of this bill and the whole bill? The object is to procure coin for certain purposes. The bill provides for the securing of certain coin, gold coin, and in that respect is a departure from all the laws upon the subject of redeeming the gold obligations of the Government. The proposition that I am offering is counter to that proposition here in this respect, that it provides that all the coin obligations of the Government shall be redeemed in gold and silver coin, as the law now stands, and that, in order to procure this gold and silver coin, the duties on imports shall be paid one-half in gold and one-half in silver.

Now, certainly, the two things are the same in this. The idea of the bill is to do a certain thing—and that is to procure coin for the redemption, first, of the Treasury notes issued in pursuance of the act of July 14, 1890. I treat with the same Sherman notes and the same act, which is germane, but I provide a different mode of redemption. That mode of redemption is that the Secretary of the Treasury shall execute the third section of the law of July 14, 1890—in other words, that he shall comply with the law that now exists. The present law provides for the redemption of the notes issued under the act of July 14, 1890, and section 3 of the act authorizes the issuance of the notes. This proposition contained in the bill is to amend the act of July 14, 1890, and

provides for the redemption of these notes by selling bonds and procuring the gold.

Now, the amendment that I have offered is germane to that, because it conforms to the present law upon that subject, which is the third section of the Sherman Act, so called, which provides that the bullion in the Treasury purchased under that act shall be coined in sufficient amount to redeem these notes. That is the law to-day. I provide that this third section shall be executed for the redemption of the notes by coining not less than \$10,000,000 of that bullion per month, and the Secretary of the Treasury is authorized and required to increase the facilities of the mints for that purpose; so that it is not only germane, but is the law upon that subject at the present time, so far as the Treasury notes are concerned. Then there can be no question about that.

Now, the remainder of the provision is that, to maintain the coin redemptions of the Government that are mentioned in the bill, the coinage shall proceed, how? As provided for in the act of 1837. Why? Because if we are to procure coin and to procure it by duties on imports as provided in this bill, then the coin must exist. Anything that is necessary to carry out the purpose or object of the bill is a means to the end sought, and is therefore germane to the bill and an important feature of it; and to enable the Treasury to secure the coin the mints must coin the money.

The other proposition of the amendment provides also that, to meet any deficiencies that may accrue, Treasury notes may be issued which shall be receivable and payable for Government dues. Now, if the object sought by the substitute of the gentleman from Maine [Mr. REED] is germane to the bill, where that substitute provides that bonds may be issued to secure revenue for the Treasury to meet deficiencies, then certainly the provision in the amendment that I have offered is germane also, and if that portion of my amendment is to be ruled out as not germane, the provision of the substitute of the gentleman from Maine must be ruled out on the same grounds. His substitute provides that there may be issued bonds bearing 3 per cent interest, and that those bonds may be used for the purpose of meeting any deficiency in the Treasury or procuring funds with which to meet such deficiency.

My amendment provides for the deficiency, but in a different manner, by the issuing of Treasury notes bearing no interest, which are to be canceled whenever the situation of the Treasury permits. It is true that my amendment prohibits any further issue of bonds. This bill, in section 3, speaks of the issue of bonds, and the prohibition in my amendment responds to that, so that the amendment is germane in all particulars. First, it provides that there shall be no sale of bonds to redeem the Sherman notes, because the law now provides a mode of redemption, and that provision of the amendment is germane because it provides for the redemption of those notes, though in a different way. It provides for a coin redemption carrying out the present law, so that it is strictly germane to the objects set forth in the title and text of the bill.

Then, when we come to provide coin for the other obligations of the Government we provide it from the duties on imports, and in order that the necessary coin may be procurable we set the mints at work to coin the money. How otherwise is the gentleman to get his coin? He speaks of selling bonds for gold coin. That presupposes that the mints are coining the gold. If they are not you can not get gold coin, and in fact they are open to gold. When we declare that the Government shall redeem in gold or silver, as may be advantageous, we provide that the mints shall be set to work to produce the necessary coin. Certainly that is germane to the bill and a necessary part of it; therefore, so far as the question of its being germane is concerned, there can be no doubt.

I agree that the Chair made, in one respect, a proper ruling a while ago when he ruled out the amendment of the gentleman from Montana [Mr. HARTMAN], because that dealt with the tariff, a subject foreign to this bill; but the amendment which I have offered deals not at all with that, but only with the coin redemption of the Government, its coin obligations, a subject dealt with in this bill, and provides an efficient remedy for the evils described by the gentleman from Illinois as existing with reference to the coin obligations of the Government.

The difference between the amendment and the bill is that the amendment provides a means of securing the coin required in a legitimate way and obviates the necessity of issuing bonds for that purpose. In that respect it differs, as a matter of course, from the bill, because it prohibits the issue of bonds; but it accomplishes all the objects of the bill, though in a different manner, and when the amendment reaches the same end as the bill, though in a different manner, it is germane. The gentleman might as well say that it is not germane because it is not his bill as to say that it is not germane because, although it accomplishes the objects of the bill, it accomplishes them in a different manner. We are dealing with what here? We are dealing with the coin obligations and the redemption of the Government obligations in

coin. The bill deals with that subject and this amendment deals with that subject, and it is germane to the whole subject-matter and can not be ruled out as not being germane. It covers the whole subject, though in a different way.

Mr. COX. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COX. I understand that under the rule after we have gone through with this bill we are not precluded from going back and offering amendments, and there is one amendment that I wish to offer to the first section of the bill. Now, what I want to ask is whether I am precluded from offering that amendment to the first section by reason of the amendment of the gentleman from Missouri?

The CHAIRMAN. The gentleman is not precluded by reason of the amendment of the gentleman from Missouri.

Mr. COX. Would it be in order, then, for me to offer now my amendment to the first section of the bill and have it passed upon, and then let the gentleman from Missouri offer his amendment? That would seem to be the proper order.

The CHAIRMAN. The gentleman from Tennessee has not the floor at this time to offer his amendment. He has the floor upon a parliamentary inquiry, and the Chair answers that inquiry by saying that the gentleman can offer his amendment after the amendment of the gentleman from Missouri is disposed of.

Mr. TERRY. I rise to speak briefly on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. TERRY. I desire to suggest that in determining the question of whether an amendment is germane or not, you do not look simply to the title of the bill to which the amendment is offered, nor to the machinery of the bill, but you look to the object of the bill. The machinery provided in this bill is for the accomplishment of a certain object. That machinery differs, perhaps, from the machinery in the amendment offered by the gentleman from Missouri [Mr. BLAND]. But what are the objects sought by both? The objects are the redemption of the outstanding obligations of the Government and providing a sufficient revenue for the Government.

That is the object. And the object being the same in both cases, the fact that the machinery may be different is a question which addresses itself not as a matter of order to the Chair, but to the judgment and determination of the House. Whether this method provides better machinery than the other is for the House to determine. We can not draw within the vortex of parliamentary order questions of expediency. I submit, therefore, that the amendment is germane.

Mr. DINGLEY. Then, as I understand, the gentleman from Arkansas [Mr. TERRY] argues that as the amendment is directed to securing additional revenue in order to redeem the demand notes of the Government, therefore it is in order. In that view of the case, of course a tariff provision directed to providing additional revenue would be in order.

Mr. TERRY. The Chair might rule out anything that is not directed to carrying out the objects of the bill and not germane to those objects.

Mr. DINGLEY. The object of the amendment, as I understand the gentleman to contend, is to provide a fund for the redemption of the demand notes. Now, if that is the object, why would not a tariff bill for the same reason be in order as an amendment?

Mr. TERRY. In dealing with the tariff you deal with a different question entirely, and one which we will not discuss now. A tariff bill would have to come from the Committee on Ways and Means, and its objects would be entirely different.

Mr. DINGLEY. But the gentleman says this would secure the object of providing revenue—

Mr. TERRY. I do not think a tariff provision would come under the same rule, for the reasons already stated.

Mr. BLAND. Does the gentleman from Maine [Mr. DINGLEY] think that the only admissible way of raising money is to sell bonds, and that a provision for selling bonds is the only provision that can be in order?

Mr. SICKLES. Mr. Chairman, I desire to be heard briefly on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SICKLES. Mr. Chairman, the gentleman from Missouri has proved more clearly than I could that his amendment is not germane to the first section of this bill. He states that the object of his amendment is to prevent the issue of bonds. Now, the sole purpose of the first section is to authorize the issue of bonds. Therefore he himself shows that his amendment is not germane to the object of the section.

Mr. WILLIAMS of Mississippi. If the reasoning of the gentleman from New York [Mr. SICKLES] is correct, a motion to strike out the first section would not be germane.

Mr. SPRINGER. Mr. Chairman, a well-known principle in regard to propositions of this kind is that if any part of the amendment is not germane the whole amendment is subject to the point

of order. The law which this amendment proposes to revive covers five or six pages of the Statutes at Large; it is full of details of every kind in regard to coinage, the regulation of the mints, etc. All these provisions are to be revived and again put in force by the amendment. Surely this can not be held to be germane to a proposition authorizing the Secretary of the Treasury simply to borrow money in order to maintain the gold reserve.

Mr. BLAND. My amendment does not revive the whole of that act.

Mr. SPRINGER. It revives all that relates to the coinage of silver.

Mr. BLAND. So far as the act relates to the coinage of silver the amendment does revive it.

Mr. SPRINGER. And nearly the whole act relates to that subject.

Mr. BLAND. A provision for the coinage of silver and for the securing of coin for the redemption of Government obligations is certainly germane. The question involved is that of procuring coin; and how can we provide coin unless we authorize the mints to coin it? Suppose that we had no coin at all; suppose we were compelled to resort to coinage in order to get the coin at all for the purposes of the Government a proposition of that kind would be germane; and a proposition which proposes to provide additional coin, because we have not now a sufficiency, is equally germane.

The CHAIRMAN. The object of the first section of this bill is "to enable the Secretary of the Treasury to procure and maintain a sufficient gold reserve and to redeem and retire United States legal-tender notes and Treasury notes," etc., and the section provides for issuing bonds for this purpose. The amendment of the gentleman from Missouri [Mr. BLAND], as he states, does not provide for the issue of bonds nor for the maintenance of the gold reserve, but it provides for quite a number of things which, it occurs to the Chair, are wholly foreign to the first section of this bill. For this reason, and for others which the Chair will not take time now to enumerate, he holds that the amendment is not germane to this section.

Mr. BLAND. I now offer the amendment as a substitute for the first and second sections of the bill.

Mr. SPRINGER. I renew the point of order, and I move that the committee rise. [Applause.] If the Chair is ready to decide the question of order, I will withdraw the motion that the committee rise.

The CHAIRMAN. The Chair must examine the provisions of the second section. [Cries of "Rule!" "Rule!"] For similar reasons to those already given, the Chair thinks that the amendment in this form, as a substitute for the first and second sections, is equally obnoxious with the former amendment to the point of order. The point, therefore, is sustained.

Mr. SPRINGER. I move that the committee rise.

Mr. BLAND. I now renew the amendment as a substitute for the whole of the bill except the last section.

The CHAIRMAN. What is the proposition of the gentleman from Missouri?

Mr. BLAND. I move to strike out all of the bill except the last section, and I offer this proposition as a substitute.

The CHAIRMAN. Does the gentleman from Illinois [Mr. SPRINGER] move that the committee rise?

Mr. SPRINGER. I make a point of order against the amendment, and I withdraw the motion that the committee rise.

Mr. BRECKINRIDGE. Can not the gentleman from Illinois move that the committee now rise, and let the Chair examine this matter at his leisure?

Mr. SPRINGER. The committee seems desirous of settling it now, and it will take but a short time.

Mr. BRECKINRIDGE. I move that the committee rise.

Several MEMBERS. Oh, no; not now.

Mr. SPRINGER. I hope the gentleman will not insist upon that motion.

Mr. BRECKINRIDGE. I think it better for the Chair to examine this question more carefully, and he can determine it in the morning, after examining it to-night.

Mr. REED. Let us determine it now.

Mr. BRECKINRIDGE. I insist on the motion.

The CHAIRMAN. The gentleman from Kentucky moves that the committee now rise.

The question was taken; and on a division (demanded by Mr. HUDSON) there were—ayes 32, noes 126.

So the committee refused to rise.

The CHAIRMAN. The Chair understands the motion of the gentleman from Missouri to be to strike out all except the last section of the bill and insert his amendment?

Mr. BLAND. That is the motion.

The CHAIRMAN. The bill would then consist of his amendment and the last section of the bill which has been read and acted upon by the committee this afternoon. The effect would be to make this a substitute for the bill; and inasmuch as there



can be but two substitutes pending, under the rule the Chair thinks it would not be in order, not being germane, as has been already held, to this bill, and for that reason sustains the point of order.

Mr. BLAND. With all due respect to the Chair, I appeal from the decision.

Mr. DINGLEY. Perhaps the Chair had better withdraw some of the reasons. [Laughter.]

The CHAIRMAN. The committee does not vote on the reasons assigned by the Chair. "For this and other reasons," the Chair will say.

The gentleman from Missouri appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and, on a division, there were—ayes 126, noes 47.

Mr. BLAND. No quorum.

The CHAIRMAN. The point of no quorum being made, the Chair will order tellers.

Mr. BLAND and Mr. SPRINGER were appointed tellers.

A MEMBER. On what ground does the Chair base his ruling?

The CHAIRMAN. Gentlemen, of course, can vote upon any ground they see fit. The Chair holds simply that the amendment in the nature of a substitute is not in order under the rule the committee is operating under.

Mr. HUDSON. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUDSON. Will it be in order to move that the committee rise?

Mr. SPRINGER. Not until the tellers have reported.

The committee having divided, the tellers reported—ayes 95, noes 18.

Mr. BLAND. No quorum.

Mr. SPRINGER. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RICHARDSON of Tennessee reported that the Committee of the Whole House on the state of the Union having had under consideration the bill H. R. 8705 had come to no resolution thereon.

#### ENROLLED BILL SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 8226) making appropriations for the support of the Army for the fiscal year ending June 30, 1896, and for other purposes.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

The SPEAKER laid before the House the amendments of the Senate to the bill (H. R. 8388) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1896, and for other purposes.

Mr. WILLIAMS of Illinois. I ask unanimous consent, Mr. Speaker, that the House nonconcur in the amendments of the Senate, and ask a conference on the disagreeing votes of the two Houses, and also that the bill as amended be printed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER announced the appointment of Mr. WILLIAMS of Illinois, Mr. DOCKERY, and Mr. HENDERSON of Iowa, as managers at the conference on the part of the House.

#### RETURN OF BILL FROM THE SENATE.

The SPEAKER. The Chair will lay before the House a resolution which the Clerk will read.

The Clerk read as follows:

*Resolved*, That the Senate be requested to send to the House of Representatives a duplicate of the engrossed bill entitled (S. 341) a bill to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes, which bill has been mislaid or lost.

The resolution was considered and agreed to.

#### CARAVELS OF COLUMBUS.

Mr. DURBOROW. Mr. Speaker, I ask unanimous consent for the present consideration of the bill I send to the desk. This bill, I will state, was up last night—

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 1454) authorizing the Secretary of the Navy to transfer the reproductions of the caravels of Columbus to the Columbian Museum of Chicago.

Mr. DINGLEY. Will not the gentleman from Illinois move that the House now adjourn?

Mr. DURBOROW. Oh, I hope that will not be done. It will take but a moment to get through with this.

Mr. DINGLEY. Mr. Speaker, I move that the House adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 35 minutes p.m.) the House adjourned until 11 o'clock to-morrow.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. STALLINGS, from the Committee on Pensions: A bill (S. 1816) granting an increase of pension to John B. Meigs. (Report No. 1768.)

By Mr. TYLER, from the Committee on Naval Affairs: A bill (H. R. 5096) for the relief of George W. Wood. (Report No. 1769.)

By Mr. STONE of Kentucky, from the Committee on War Claims: A bill (H. R. 165) to refund duties paid by the State of New York on arms imported in 1863. (Report No. 1770.)

By Mr. STALLINGS, from the Committee on Pensions: A bill (S. 328) granting a pension to Mrs. Martha Custis Carter, widow of the late Rear-Admiral S. P. Carter. (Report No. 1771.)

By Mr. LOUDENSLAGER, from the same committee: A bill (H. R. 8541) to place the name of Julia H. H. Crosby, widow of Lieut. Freeman E. Crosby, upon the pension roll. (Report No. 1772.)

By Mr. BAKER of New Hampshire, from the same committee: A bill (S. 2599) granting a pension to Caroline E. Wessels. (Report No. 1773.)

By Mr. HERMANN, from the Committee on War Claims: A resolution to refer to the Court of Claims the bill (H. R. 7945) for the relief of Mrs. Mattie S. Holland, of West Carroll Parish, La. (Report No. 1776.)

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following petitions; which were referred as follows:

Petition to accompany House bill 8453, granting a pension to the widow of Gen. P. S. Slevin—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

Petition of Cigar Makers' Union, No. 93, of Omaha, in favor of protection to American seamen—Committee on Naval Affairs discharged, and referred to Committee on Merchant Marine and Fisheries.

#### PUBLIC BILLS INTRODUCED.

Under clause 3 of Rule XXII, bills of the following titles were introduced, and severally referred as follows:

By Mr. WARNER: A bill (H. R. 8792) providing an additional district judge for the southern district of New York—to the Committee on the Judiciary.

By Mr. SCRANTON: A bill (H. R. 8793) to create the northern judicial district of the State of Pennsylvania, and fixing the times and places of holding court therein—to the Committee on the Judiciary.

By Mr. McRAE: A bill (H. R. 8795) designating the officers before whom preliminary affidavits in entries of public lands may be executed—to the Committee on the Public Lands.

Also, a bill (H. R. 8796) to provide for the sale of lands of the United States chiefly valuable for building stone, limestone, sandstone, granite, marble, slate, and lands containing gypsum, mica, asphaltum, borax, fire clay, kaolin, petroleum, salt, chalk, and other like mineral substances, and for other purposes—to the Committee on the Public Lands.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CLARKE of Alabama: A bill (H. R. 8797) for the relief of the Medical College of Alabama—to the Committee on Claims.

By Mr. DUNPHY: A bill (H. R. 8798) to correct the record of John Fox, late landsman United States steamer *Queen*—to the Committee on Naval Affairs.

By Mr. SORG: A bill (H. R. 8799) for the relief of W. T. Alexander—to the Committee on War Claims.

By Mr. TAYLOR of Indiana: A bill (H. R. 8800) to increase the pension of Strother Brock—to the Committee on Invalid Pensions.

By Mr. BELTZHOVER: A bill (H. R. 8801) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department—to the Committee on War Claims.

By Mr. TARSNEY: A bill (H. R. 8802) declaring that a certain part of Sulphur River shall not be deemed a navigable river or highway, and for other purposes—to the Committee on Rivers and Harbors.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BALDWIN: Resolution of the Chamber of Commerce of Duluth, Minn., favoring the passage of a bill in conformity with the recent financial message of the President—to the Committee on Banking and Currency.

By Mr. BELL of Colorado: Petition of citizens of Del Norte, Colo., praying for the restriction of the use of the mails by the Louisiana Lottery, and asking for the passage of Senate bill 1620, relating thereto—to the Committee on the Post-Office and Post-Roads.

By Mr. BELTZHOVER: Resolution of citizens of Gettysburg, against granting money by Congress for sectarian purposes—to the Committee on the Judiciary.

Also, resolution of citizens of Gettysburg, Pa., against granting the right of franchise to aliens—to the Committee on Immigration and Naturalization.

By Mr. BRANCH (by request): Petition of Rev. Leo Haid, bishop of the Roman Catholic diocese of North Carolina, and trustees—to the Committee on War Claims.

By Mr. DURBOROW: Petition of the business men of Chicago, Ill., asking a compensating bounty to sugar producers of the United States upon the crops of the year 1894—to the Committee on Ways and Means.

By Mr. HAUGEN: Protest of the association of breeders of Holstein-Friesian cattle of Wisconsin against the passage of House resolution 235—to the Committee on Agriculture.

Also, resolution of the Chamber of Commerce of Milwaukee, Wis., in favor of financial legislation in line with the President's last message on that subject—to the Committee on Banking and Currency.

By Mr. KIEFER: Petition and resolution of the Commercial Club of St. Paul, Minn., for immediate financial legislation—to the Committee on Banking and Currency.

By Mr. McETTRICK: Petitions of Benjamin Day and 15 others, of Marblehead; Amos Beckford and 18 others, of Massachusetts, and George L. Briggs and 38 others, representing business trades and interests of Grand Rapids, in favor of a new department of trade and commerce, with a provision for the appointment of a secretary thereof, who shall be a member of the President's Cabinet—to the Committee on Interstate and Foreign Commerce.

By Mr. MEREDITH: Papers to accompany the claims of John C. Davis, mortgagee, of Fairfax County, Va., and administrator of Diana Davis, of the same county and State—to the Committee on War Claims.

By Mr. MORSE: Petition of Jared M. Davis and 6 other citizens of Haverhill, Mass., asking for favorable action on House bill 3374—to the Committee on Invalid Pensions.

By Mr. RICHARDSON of Michigan: Petition of Alex. McDonald and 41 other letter carriers of Grand Rapids, Mich., asking for the passage of House bill 5204—to the Committee on the Post-Office and Post-Roads.

By Mr. SCHERMERHORN: Petition of citizens of Canajoharie, N. Y., asking for the passage of Senate bill 1620, entitled "An act for the suppression of lottery traffic"—to the Committee on the Judiciary.

By Mr. TYLER: Petition of citizens of Suffolk, Va., asking legislation to suppress lotteries—to the Committee on the Judiciary.

Also, petition of business men of Hampton, Va., asking for payment of the sugar bounty for the year 1894—to the Committee on Ways and Means.

Also, petition of Providence Grange, Norfolk County, Va., in regard to manufacture and sale of all forms of butter—to the Committee on Agriculture.

## SENATE.

THURSDAY, February 7, 1895.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.  
The Journal of yesterday's proceedings was read and approved.

### CREDENTIALS.

Mr. MARTIN. Mr. President, I take pleasure in presenting the credentials of Hon. Lucien Baker, chosen by the legislature of the State of Kansas a Senator from that State for the term commencing March 4, 1895. I ask that the credentials be read and placed on the files of the Senate.

The credentials were read, and ordered to be filed.

### RECIPROCAL TRADE PROVISIONS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

I transmit herewith, in response to a resolution of the Senate of the 16th ultimo, a report from the Secretary of State, accompanied by copies of certain correspondence, touching the enforcement of the provisions of the tariff act of 1894.

GROVER CLEVELAND.

EXECUTIVE MANSION, Washington, February 7, 1895.

The VICE-PRESIDENT. The message and accompanying papers will be referred to the Committee on Foreign Relations and printed, if there be no objection.

Mr. PLATT. Should not the message go to the Committee on Finance?

Mr. ALDRICH. It should go to the Committee on Finance.

The VICE-PRESIDENT. The message will be referred to the Committee on Finance.

Mr. ALDRICH. I ask that it be printed.

The VICE-PRESIDENT. The message and accompanying papers will be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8389) making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1896, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAMS of Illinois, Mr. DOCKERY, and Mr. HENDERSON of Iowa managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 2433) to amend and extend the provisions of an act entitled "An act to provide for the opening of certain abandoned military reservations, and for other purposes," approved August 23, 1894.

The message further requested the Senate to send to the House a duplicate of the engrossed bill (S. 341) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes, the bill having been mislaid or lost.

### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8236) making appropriations for the support of the Army for the fiscal year ending June 30, 1896, and for other purposes; and it was thereupon signed by the Vice-President.

### PETITIONS AND MEMORIALS.

Mr. PEPPER presented a memorial of sundry citizens of Shiloh, Neosho County, Kans., remonstrating against the passage of House bill No. 961, known as the Union Pacific funding bill; which was referred to the Committee on Pacific Railroads.

Mr. SHERMAN presented a petition of the Ohio State Board of Commerce, of Cleveland, Ohio, praying that a survey be made for a ship canal between the lakes and the Ohio River; which was referred to the Committee on Commerce.

He also presented a petition of the Ohio State Board of Commerce, of Cleveland, Ohio, praying that a survey be made for a ship canal from the Niagara River to the Hudson River and from Buffalo to the Hudson River by way of the Erie Canal; which was referred to the Committee on Commerce.

He also presented petitions of 50 citizens of Zanesville, of 75 citizens of Wellington, and of 58 citizens of Bowerston, all in the State of Ohio, praying for the adoption of an amendment to the Constitution of the United States to prevent the appropriation of moneys for sectarian purposes; which were referred to the Committee on the Judiciary.

He also presented a petition of 75 citizens of Wellington, Ohio, and a petition of 75 citizens of Agosta, Ohio, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant a right of franchise to any person who is not a citizen of the United States;" which was referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of Typographical Union No. 165, of Worcester, Mass., and a petition of Union No. 57, Brotherhood of Painters and Decorators, of South Boston, Mass., praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which was ordered to lie on the table.

Mr. BURROWS presented a petition of Iron Molders' Union No. 175, of Battle Creek, Mich., praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which was ordered to lie on the table.

He also presented a petition of sundry letter carriers and ex-letter carriers of Lansing, Mich., praying for the payment of their overdue claims, as allowed by judgments of the Court of Claims; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. TURPIE presented a petition of Local Union No. 116, American Federation of Labor, of Summitville, Ind., praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which was ordered to lie on the table.

He also presented petitions of 300 citizens of Evansville, of 50 citizens of Jonesboro, and of 267 citizens of Portland, all in the State of Indiana, praying for the adoption of an amendment to the Constitution of the United States to prevent the appropriation



tion of money for sectarian institutions; which were referred to the Committee on the Judiciary.

Mr. COCKRELL. I present resolutions of the house of representatives of the State of Missouri, in behalf of the antiopium bill, favoring its passage and requesting the support of that measure by the Senate. I ask that the resolution lie on the table. I believe the bill has already been reported to the Senate.

The VICE-PRESIDENT. The Chair is informed that the bill has not been reported.

Mr. COCKRELL. Then I move that the resolutions be referred to the Committee on Agriculture and Forestry, in charge of the bill, and I hope the committee will report the bill promptly.

The motion was agreed to.

Mr. HAWLEY. I present a petition signed by a large number of business men of Washington, D. C., praying for the passage of the bill for the extension of the sewerage and highway system in the District. As the bill has been reported to the Senate and is now on the Calendar, I move that the petition lie on the table.

The motion was agreed to.

Mr. CALL presented a petition of sundry citizens of McIntosh, Fla., praying for the enactment of legislation to secure to the sugar producers of the United States a compensating bounty upon the crops of the year 1894; which was ordered to lie on the table.

Mr. VEST presented resolutions adopted by the house of representatives of the legislature of Missouri, favoring the passage of the so-called Hatch antiopium bill; which were referred to the Committee on Agriculture and Forestry.

Mr. HIGGINS presented a petition of the State Grange of Delaware, praying for the enactment of legislation to prevent the cruel and barbarous treatment of the Armenian Christians by Turkish soldiers; which was referred to the Committee on Foreign Relations.

Mr. BLANCHARD. I present a telegraphic memorial, signed by Patrick McCloskey, president of the New Orleans Board of Trade, Limited, with reference to an appropriation for fast-mail facilities between New Orleans and the Northwest. Inasmuch as the Post-Office appropriation bill has been reported to the Senate, I move that the memorial lie on the table.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. KYLE, from the Committee on Education and Labor, to whom was referred the amendment submitted by himself on the 4th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. McLAURIN, from the Committee on Public Lands, to whom was referred the bill (S. 2699) for the encouragement of education in the State of Mississippi, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill, the amendment appropriating \$17,000 for the establishment on Kennebec River, Maine, of a light, range lights, and fog-signal at or near Doubling Point; a light at Ames Ledge; a light at or near the southwest point of Perkins Island, and a light at or near Squirrel Point, and a day beacon on or near Ram Island, and for sites for the same, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred an amendment submitted by himself on the 4th instant, intended to be proposed to the sundry civil appropriation bill, the amendment appropriating \$6,200 for the construction of a keeper's dwelling at Libby Island light station, Maine, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

He also, from the same committee, to whom was referred an amendment submitted by Mr. McMILLAN on the 4th instant, intended to be proposed to the sundry civil appropriation bill, the amendment appropriating \$6,700 for south and north end range lights on Grassy Island, Detroit, Mich.; \$5,500 for fog signal at Eagle Harbor, Lake Superior, Michigan; \$15,000 for light and fog signal for Middle Island, Lake Huron, Michigan; \$15,000 for a light and bell at Grand Marais Harbor of Refuge, on Lake Superior, Michigan; \$5,000 for a light at Little Bay de Noquette, Lake Michigan, Michigan; \$5,000 for a gas buoy at Gravelly Island, in Poverty Passage, Green Bay, Lake Michigan, Michigan; and \$5,000 for a gas buoy at Lansing Shoal, north of Squaw Island, Lake Michigan, Michigan, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. HAWLEY, from the Committee on Pensions, to whom was referred the bill (S. 2491) granting a pension to Mary A. Hall, reported it without amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8153) authorizing and directing the

sale of certain property belonging to the United States situate in Bristol Township, Bucks County, Pa., reported it without amendment, and submitted a report thereon.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8150) for the relief of Thomas B. Reed, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1287) for the relief of Augustus Boyd, reported it without amendment, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6244) to remove the charge of desertion from the military record of Jacob Eckert, reported it without amendment, and submitted a report thereon.

Mr. PLATT, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the same committee, reported an amendment intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Appropriations.

Mr. MARTIN, from the Committee on Pensions, to whom was referred the bill (H. R. 6985) granting a pension to William Armstrong, reported it without amendment, and submitted a report thereon.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred an amendment submitted by himself on the 1st instant, intended to be proposed to the Indian appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred an amendment submitted by Mr. HILL on the 4th instant, intended to be proposed to the Indian appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred two amendments submitted by Mr. POWER on the 4th instant, intended to be proposed to the Indian appropriation bill, reported favorably thereon, and moved that they be referred to the Committee on Appropriations and printed; which was agreed to.

#### SUGAR BOUNTY CLAIMS.

Mr. MITCHELL of Oregon. I am instructed by a majority of the Committee on Claims to report, as a substitute for one pending in that committee, an amendment intended to be proposed to the sundry civil appropriation bill, with a formal recommendation of a majority of the committee that it shall go to the Committee on Appropriations favorably reported, and with a recommendation that the original proposed amendment be indefinitely postponed.

I am also instructed by the committee to make a brief statement as to the nature of the proposed amendment, and in accordance with what I understand to be the universal usage of the Senate and the instruction of the committee I will now make it.

The proposed amendment relates to the claims for bounty on sugar produced—

Mr. HARRIS. Will the Senator allow me a moment? A few mornings since the Senator from Oregon, as I understood, reported a bill and asked leave to explain his report. I then objected. If this be an amendment proposed to an appropriation bill it would be better that the explanation be put in the form of a written report. But as it is not a bill to go upon the Calendar to be called up again, but to be referred to a committee, the motion to refer being debatable, I will not interpose the objection that I made the other morning, but should do so if it was now, as I understood it to be then, the report of a bill to go upon the Calendar.

Mr. MITCHELL of Oregon. I supposed at the time the objection was made that the Senator from Tennessee must certainly have misunderstood the character of the report, or rather the character of my request for unanimous consent, a request which I was under no obligation whatever to make; but I did it as a simple matter of courtesy to the Senate, because I am aware, Mr. President, as the Senator from Tennessee is aware and as every other Senator is aware, that no such objection is ever made. No such objection as was made by the Senator from Tennessee the other day has ever, to my knowledge, been made since I first took my seat in the Senate of the United States, now nearly twenty-two years ago. I am glad to hear from the Senator from Tennessee, whom I have always respected very highly, that he was laboring under a mistake.

Mr. HARRIS. I did not catch the last remark.

Mr. MITCHELL of Oregon. I said I am glad to hear the Senator from Tennessee, whom I have always highly respected, now state that he was the other day laboring under a mistake as to the character of the statement I wished to make to the Senate.

Now, having said this much, I will proceed to do what I intended to do the other day, and that which I was instructed to do by the committee whose organ for the moment I am.

This proposed amendment relates to the claim of the sugar producers of this country to be paid a bounty on sugar produced in the country prior to the 28th day of August, 1893, the time when the tariff law repealing the bounty provision went into effect.

The claim made by the producers is for the full bounty for the sugars actually produced prior to that date. The claim is furthermore for one-half of the full bounty for sugar produced after that date, but from crops raised in the fiscal year ending June 30, 1895.

The Committee on Claims is divided on both propositions. The majority of the committee believe, and so state, that the claims for sugar actually produced prior to the repeal of the act ought to be paid in full. A majority of the committee, in view of the importance of the questions involved as to the balance of the claims and the large amounts involved, were of the opinion that their report should be of such a character as would enable the Committee on Appropriations and the Senate to consider the matter. Therefore, as I stated in the opening, the majority of the committee report this substitute favorably, one member of the committee, however, being opposed to the payment of any part of these claims, and other members of the committee reserving the right to take such action in the future as to the claims for sugar produced after the date of the repeal act as they may deem proper on full argument and consideration.

Individually, as one member of the committee, I believe that the bounty on all sugars actually produced prior to the passage of the repeal act should be paid. I think there is a legal obligation there as well as an equitable obligation. So far as the balance of the claims is concerned I desire to reserve my judgment until the matter is fully discussed in the Senate.

It is proper in this connection and the committee desire that I should state the amounts involved. The claims for sugars actually produced in the United States prior to the repeal amount to \$237,722.38. Of this amount \$29,286.46 are claims on sugar produced from cane, \$86,782.47 claims on sugar produced from beets, and \$436 on sugar produced from sorghum, while \$121,217.45 of this amount are claims for sugar produced from maple sap, making a total of \$237,722.38. The Commissioner of Internal Revenue in his report to the committee of the Senate states that it will require, in order to meet these claims and the administrative expenses, about \$250,000.

Mr. ALLISON. That is the claim arising from sugar produced during 1893 and not paid at the time of the passage of the act?

Mr. MITCHELL of Oregon. Produced during 1893 and in 1894 prior to August 28.

Mr. ALLISON. And in the spring of 1894?

Mr. MITCHELL of Oregon. And 1894, up to the passage of the act.

Mr. ALLISON. Actually produced and sent into market before the passage of the act of 1894?

Mr. MITCHELL of Oregon. Actually produced and reported to the Department.

Mr. MANDERSON. If I may be allowed to make a suggestion it is not from sugar produced in 1893.

Mr. MITCHELL of Oregon. Not exclusively; a very small amount was produced in that year on which bounty has not been paid.

Mr. MANDERSON. It is from sugar that was produced from the crop of 1893, but produced as sugar between the 1st day of July and the 28th day of August, 1894. It is not the crop of 1894 at all, but the crop of 1893, which was converted into sugar during those dates.

Mr. MITCHELL of Oregon. Certainly.

Mr. COCKRELL. That is a very important question. We would like to have had the Committee on Claims determine that question.

Mr. ALLISON. And it is for the claim for one-half the bounty which is now recommended for sugar in process of production.

Mr. MANDERSON. Entirely, because that is from the crop of 1894.

Mr. MITCHELL of Oregon. There is no trouble about it at all. This relates to sugar actually produced prior to the repeal of the act August 28, 1894.

Mr. MANDERSON. That is right.

Mr. MITCHELL of Oregon. It has no reference whatever to the claim for one-half bounty for sugar actually produced after the repeal of the act.

Now I come for a moment, and I will only take a moment, to the character and amount of the claims for sugar produced after the repeal. Of course it is but an estimate as to what the amount will be. The Commissioner of Internal Revenue reports that the average increase in the product of domestic sugars subject to bounty under the old law in this country for the last three years—that is, the three fiscal years ending June 30—1894, was 33½ per cent—33.45 per cent, I think, to be entirely accurate. Upon the assumption that the increase for the fiscal year ending June 30, 1895, will be the same, the amount of sugar on which a half bounty would be paid if the amendment should be adopted amounts to—

Mr. MANDERSON. Let me suggest to the Senator that it approximates \$7,000,000, and that he can insert in his remarks the exact amount. That is about the sum.

Mr. MITCHELL of Oregon. The amount will be—I have it here—918,974,387 pounds. That is the estimate of the Commissioner. The full bounty on that, according to the estimate of the Commissioner, would amount to \$15,500,000, and one-half of course would be just one-half that amount, or \$7,750,000. This, then, added to the \$250,000 for sugar produced prior to the repeal act, would make the sum total of the whole claim according to the estimate of the Commissioner exactly \$10,000,000.

Mr. BLANCHARD. Does not the Senator from Oregon know that the estimate of the Commissioner of Internal Revenue which he has just read is but the merest conjecture, and that the figures he gives are disputed by the sugar producers of the United States, whose contention is that the sugar produced from crops grown in 1894, manufactured in the fall and winter of 1894-95, was no greater than it was the preceding year, which was in Louisiana about 600,000,000 pounds?

Mr. MITCHELL of Oregon. I am simply stating the estimate of the Commissioner. I have not enlarged on it. I have not undertaken to state that it was too high or too low or indefinite. I am simply giving the Senate what the Commissioner estimates.

The product of sugar on which bounty was paid for the fiscal year ending June 30, 1892, was 377,670,325 pounds. The product for the fiscal year ending June 30, 1893, was 515,255,669 pounds. The product for the fiscal year ending June 30, 1894, was 688,889,270 pounds. The average of all that, as stated by the Commissioner, is about 33½ per cent increase each year in the three years. My impression is from information I have that the estimate of the Commissioner, so far from being too high, is too low, and that the whole claim will amount to considerably more than \$10,000,000.

Mr. MANDERSON. If the Senator will permit me, I have some little personal knowledge as to the product of sugar in 1894. It is a fact which can not be questioned that the estimate of the Commissioner is erroneous and is based upon a mistaken idea of the facts. As to beet sugar, particularly in the State of Nebraska, on account of the great drought in that State, there was a shortage of production in 1894, and instead of there being an increase of about one-third in the crop, there is a very decided decrease; there was a slight increase in California; and there is no doubt about the proposition, as stated by the Senator from Louisiana, that the product of sugar from cane in Louisiana will not exceed the crop of 1894. So, instead of its taking \$7,700,000 to pay the bounty—which I say is not only morally and equitably but legally due from the United States Government—it will take no more than it did in 1894, and will probably take less.

Mr. MITCHELL of Oregon. I may be wrong about it, but I am simply giving the figures of the Commissioner of Internal Revenue, which is, of course, but an estimate based on certain data which I have given. I have conversed with certain gentlemen conversant with the business, who are of the opinion this estimate is too low. I desire in this connection to submit, to be printed with my remarks, the following telegrams in support of the payment of the bounty received from the Chamber of Commerce of Portland, Oreg., and from certain citizens of that State. I ask that they may be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The telegrams referred to are as follows:

PORTLAND, OREG., February 1, 1895.

Hon. J. H. MITCHELL:

As matter of justice and equity to Louisiana sugar planters and other sugar-producing States, who made their crops expecting protection sufficient to reimburse their outlay, we earnestly request your favorable consideration of their claim. The good faith of the Government was pledged to them and should not be violated.

G. P. FRANK, Mayor City of Portland.  
D. D. OLIPHANT,  
President Portland Chamber of Commerce.  
T. F. OSBORN,  
Ex-President Portland Chamber of Commerce.  
R. S. HOWARD, of Howard & Floy.  
RICHARD NIXON,  
F. W. & V. COOK,  
A. H. MAEGBY,  
F. E. EWALD,  
F. C. BARNES,  
H. H. SIMMON,  
And 1,000 more signatures, if necessary.

PORTLAND, OREG., January 30, 1895.

Senator JOHN H. MITCHELL, Washington, D. C.:

We ask you, as chairman of committee considering bill to pay sugar bounty, last year's crop, to use your influence in behalf of planters for the passage of the bill. Would simply be an act of justice to them.

BENJ. I. COHEN.  
A. H. TANNER.  
D. P. THOMSON.  
J. E. LOMBARD.  
D. SOLIS COHEN.

Mr. PASCO. Before the Senator sits down I wish to call his attention to a single point with reference to the action of the commit-



tee on this matter. I wish to see whether I understand the statement of my colleague on the committee correctly.

I understand that the entire committee recommended that this matter be reported back to the Senate and referred to the Committee on Appropriations, and that a majority of the committee were in favor of the recommendation. I understood him to say that a minority only of the committee favored the recommendation. On the contrary, my recollection as to the action of the committee is, that a minority only of the committee were in favor of recommending this amendment pro forma; that the majority of the committee recommended it favorably, and that the entire committee joined in the report. Is that not the fact?

Mr. MITCHELL of Oregon. I did not understand that all the committee joined in the report. I understood that at least one member of the committee expressed himself, if I may state now what took place in committee, as opposed to the payment of any portion of this claim as to sugar produced prior to the repeal of the act as well also as to the other claim.

Mr. PASCO. I so stated, but the member of the committee referred to was in favor of a pro forma report, so that the matter might go to the Committee on Appropriations.

Mr. MITCHELL of Oregon. That perhaps is so. I do not entirely agree with the chairman of the committee. It was distinctly understood that there should be a pro forma favorable report to go to the Committee on Appropriations, so that the matter might be considered by that committee, and thus avoid any point of order that might be raised against it. My understanding was that there was not a majority of the Committee on Claims who expressed themselves as favorable to the payment of all these claims, but that is quite immaterial. It is perfectly clear that there is a majority of the committee who desire that this matter shall go, at least with a pro forma favorable report, to the Committee on Appropriations, so that it may be there considered.

Mr. HARRIS. Before this matter passes from the consideration of the Senate I wish to say to the Senator from Oregon that he is slightly mistaken in assuming that in what I said a little while ago I admitted that I had been mistaken the other morning. The language used by the Senator the other morning, when he first proposed this report, was this:

I am instructed to submit a report from the Committee on Claims, and as it is a matter of more than ordinary importance, I ask the permission of the Senate for a few moments to explain the report.

The language used was that he was instructed by the Committee on Claims to make a report. I assumed, as I had a right to assume from that language, that the Senator proposed to report a bill back adversely or favorably—he did not say which—and in the colloquy that followed I said that explanation would be necessary when the bill came up for consideration. If the Senator had then said, "I am instructed to report an amendment to be referred to the Committee on Appropriations," I trust there is no Senator here who will not give me credit for knowing that the motion to refer is as debatable as any other question which can be presented to the Senate, and no objection could have lain in such a case, nor would any objection have been made by me if the Senator had made himself understood then as he has made himself understood this morning.

That much I desire to say; no more. I care nothing for the amendment going to the Committee on Appropriations. I have no objection whatever to that.

Mr. MITCHELL of Oregon. Mr. President, the Senator from Tennessee has only emphasized what I stated a moment ago, that he was under a misapprehension. Whether that misapprehension was the result of anything I said or of any omission of something I might have said, is entirely a different question. That is all I desire to say about it.

Mr. HARRIS. I was not under a misapprehension, basing my action upon what the Senator did say. I say the presumption, from the language he used was that he was reporting a bill back favorably or adversely. If he had stated then, as he did this morning, "I am directed by the Committee on Claims to report an amendment for reference to the Committee on Appropriations," of course the motion to refer is a debatable motion, and it would have invoked no objection from me, because I think I understand the parliamentary law of the body and the rights of every Senator sufficiently well not to put myself in the absurd attitude of objecting to debating a strictly debatable question.

Mr. MITCHELL of Oregon. Mr. President, one word more. If the Senator from Tennessee had not been quite so hasty the other day he would have discovered in a minute the character of the report I was about to make, but permission was not given me by the Senator from Tennessee. He protested, and protested vigorously, and I was not permitted to disclose to the Senate the purport of my report.

Mr. COCKRELL. What action has been had on the amendment just reported, Mr. President?

The VICE-PRESIDENT. The amendment has been referred to the Committee on Appropriations, and ordered to be printed.

Mr. COCKRELL. Mr. President, I protest against that reference. I protest against the Committee on Claims reporting back to the Senate an important question involving hundreds of thousands and perhaps millions of dollars without making any recommendation, and simply have it referred to the Committee on Appropriations to be considered in the closing hours of this Congress. The question does not belong to the Committee on Appropriations; it is a claim pure and simple, and the Committee on Claims ought to have assumed the responsibility and reported a bill for whatever amount they thought to be due—

Mr. MANDERSON. I understand they have reported it favorably.

Mr. COCKRELL. Instead of attempting to place the responsibility upon the Committee on Appropriations.

Mr. PASCO. The statement I have made is to the effect that the committee have made such a recommendation.

Mr. MANDERSON. A favorable report.

Mr. PASCO. The committee have recommended that the amendment go to the Committee on Appropriations for their action with a favorable report.

Mr. COCKRELL. Why not make a written report, as the rules of the Senate require, so that we may see what the Committee on Claims has reported? We have the statement of the Senator making the report, which leaves the matter in doubt. The rules of the Senate require a report to be made in writing, and I can not see why so important a question as this, which has received consideration, could not have been reduced to writing, so that the Committee on Appropriations would not be left without any data.

Mr. MANDERSON. If the Senator will permit me to interrupt him for a moment, I will say that if there is any such rule as that reports must be made in writing, so far as amendments to appropriation bills are concerned, it is a rule "more honored in the breach than in the observance." It is a most exceptional thing in the closing hours of a session of Congress, when appropriation bills are on for consideration and pending in the Committee on Appropriations, that a written report accompanies any of them when proposed to an appropriation bill from one of the standing committees of the Senate.

So far as this question is concerned, I understand from the Senator from Oregon and from the chairman of the Committee on Claims that this amendment is reported favorably to the Senate, with a recommendation that it be referred to the Committee on Appropriations. There can be no question about that. The Senator from Oregon has simply been explaining his own views upon the question and those of some of his associates upon the committee.

Mr. MITCHELL of Oregon. There is no question but that I was instructed, as the organ of the committee, to report the amendment favorably to the Senate, to be referred to the Committee on Appropriations. As the Senator said, I was simply explaining the views of individual members of the committee, and the reserved right of such members to take such course as they may deem proper hereafter, and, as the Senator has also stated, it is most unusual to accompany proposed amendments to appropriation bills with a written report; in fact I do not recollect it being done in any case.

Mr. MANDERSON. The Committee on Appropriations itself does not make written reports in regard to such bills.

Mr. MITCHELL of Oregon. That is true.

Mr. PASCO. Before this matter passes from the consideration of the Senate I will call the attention of the chairman of the Committee on Appropriations to the very elaborate report made from the Treasury Department upon this question, which was elicited by the Committee on Claims; and with that elaborate statement before the Senate it certainly is not necessary that the committee should make a formal written report, even if the rules require it; and I am obliged to state, without reference to the rules, that the chairman of the Committee on Appropriations is mistaken in supposing that a matter of this kind need be reported in writing. There is, however, as I have stated, a very elaborate statement from the Treasury Department.

Mr. COCKRELL. Has that been printed?

Mr. PASCO. It has been printed.

Mr. MITCHELL of Oregon. It is an executive document.

Mr. PASCO. And the Committee on Appropriations will find all the necessary information for them to act upon in considering the merits of this claim.

Mr. WOLCOTT. Mr. President, I rise to a parliamentary inquiry. I understand from the chairman of the Committee on Claims that this amendment is reported favorably by the committee. I understood from the Senator from Oregon who reported the amendment that it was reported favorably, but that the majority of the committee were against it. [Laughter.]

Mr. MANDERSON. Oh, no.

Mr. WOLCOTT. If that be true, and I understood the Senator from Oregon to state that a majority of the Committee on Claims were not in favor of paying these claims, and this amendment is

for an appropriation for the payment of the claims—if I am mistaken, I shall be very glad if the Senator from Oregon will correct me—

Mr. MITCHELL of Oregon. The Senator from Colorado does not accurately represent me.

Mr. WOLCOTT. I do not seek to represent the Senator; I am only asking in the utmost good faith for information. I understood the Senator from Oregon to say that he was instructed to report this amendment favorably, but that he felt bound to say that the majority of the committee were not in favor of paying the claims.

Mr. MITCHELL of Oregon. No, Mr. President, if the Senator will excuse me, I did not say in any part of what I said this morning that the majority of the committee was opposed to the payment of these claims. What I did in substance and effect say, and what I intended to say, was that the majority of the committee, if not indeed the whole of it, were in favor of reporting the amendment favorably to the Committee on Appropriations, but that I believed a majority of the committee individually reserved the right, when the matter came up in open Senate, when it was further discussed and we had all the facts before us, to take such course, either by speech or vote, as they thought proper. It was, however, a matter of so much importance, that we believed it should come in with a favorable report in order that it might be considered and thus avoid a point of order against the amendment.

Mr. COCKRELL. And dump your labor upon another committee.

Mr. WOLCOTT. Mr. President, if I am in order, I move that the amendment be recommitted to the Committee on Claims, with the request that the committee submit a report in writing.

Mr. PASCO. I hope the Senator will withdraw that motion.

Mr. ALLEN. Mr. President, as a member of the Committee on Claims, which considered this question, I wish to say that I think the Senator from Colorado and the Senator from Missouri are in error as to what we did. I think the Committee on Claims were unanimous—that was my understanding—with the exception of the Senator from Mississippi [Mr. McLAURIN], in agreeing that this claim should be recommended to the extent of the bounty on sugar that was produced up to the 28th of August last. I do not think there was any particular dissent on that branch of the case.

Mr. MITCHELL of Oregon. The Senator is right about that.

Mr. ALLEN. When it came to recommending the claim in so far as it allowed a bounty upon sugar for the crop of 1894 after the 28th of August, there was some division of sentiment; but even then I believe a majority of the committee were in favor of that. But as to that branch of the claim there was a general expression that went around the table that each member of the committee reserved the right to vote and to act upon that branch of the claim when it came into the Senate.

That is about the condition of the claim as it was recommended.

The VICE-PRESIDENT. Will the Senator from Colorado please state his motion again?

Mr. WOLCOTT. At the request of the Senator from Oregon [Mr. MITCHELL] I withdraw my motion.

Mr. COCKRELL. In other words, the Committee on Claims, charged with deciding these matters and reporting this question for the action of the Senate, have almost unanimously agreed to place the responsibility for acting upon it upon the Committee on Appropriations, and they are quite unanimous in saying that the whole matter shall be referred to the Committee on Appropriations; and when that committee come in with a report, if the amendment should be incorporated in the appropriation bill, then they would be at liberty to fight it to their heart's content, agreeing that a part of it, at least, should not go upon the bill.

I protest against that course toward the Committee on Appropriations. I protest that the Committee on Appropriations shall not be made the dumping ground for all business which is referred to other committees of the Senate, and that they shall be relieved from responsibility by simply referring matters to the Committee on Appropriations.

Here is a subject of vast importance to a large number of people of this country. It is a claim based upon certain laws and repeals of those laws. The Committee on Claims should have taken up the question, considered it, and reported what they believed ought to be paid to the claimants, and it should have been considered as a separate and independent matter.

The Committee on Appropriations is not the proper committee to which questions of this kind should be referred. We remember how that committee has been criticised in this body time and again because it was said it was attempting to usurp the functions of all the other committees of the Senate. Now, we see all the other committees attempting to dump their business upon the Committee on Appropriations and force them to do what is absolutely impossible for them to do, with twelve appropriation bills yet pending, give consideration to matters which ought to be reported by other committees.

We have now a report made from the Committee on Claims, which, as I understand it, includes the entire bounty question, not only for arrears of bounty which were not paid on the crop of 1893, not only for the bounty which may have been claimed to have been earned by the actual manufacture of sugar prior to the 28th day of August, 1894, but also to any rights and equities which may belong to the sugar producers for the sugar produced from the cane grown and matured prior to the 28th day of August, 1894. That whole question is left for the Senate Committee on Appropriations to consider, when it was the duty of the Committee on Claims to have adjusted the whole matter, to have made a report, and recommended certain amounts, and not referred that report and bill to the Committee on Appropriations.

Mr. MITCHELL of Oregon. One word in answer to the Senator from Missouri, the chairman of the Committee on Appropriations. The Senator forgets that the report we have made is on an amendment submitted by the Senator from Louisiana [Mr. BLANCHARD]. It is not a bill, but a proposed amendment to the sundry civil appropriation bill, and the Committee on Claims were called upon simply to pass upon that amendment. As I have said, it is not a bill. We were not called upon to determine and make a report upon a bill, but, on the contrary, our jurisdiction as a committee—I must say this in defense of the committee—only extended to reporting on this proposed amendment to the sundry civil appropriation bill introduced by the Senator from Louisiana. We reported back that amendment with a recommendation that it be indefinitely postponed, and we reported favorably a substitute, which is substantially the same, or but little different, and ask that it be referred to the Committee on Appropriations.

Mr. FAULKNER. If the Senator from Oregon will permit me, do I understand him to represent the Committee on Claims in reporting the amendment favorably and in asking that it be referred to the Committee on Appropriations, the only committee to which it can go?

Mr. MITCHELL of Oregon. Certainly.

Mr. FAULKNER. With the statement of the Senator representing the Committee on Claims here, the Senator whose duty it was to make the report to the Senate, that the Committee on Claims has favorably reported a substitute amendment and asked that it be referred to the Committee on Appropriations, there is nothing to do but carry out the regular routine of the Senate and refer it.

Mr. MITCHELL of Oregon. Certainly.

Mr. FAULKNER. We can not go back of the statement of the Senator that the Committee on Claims has authorized him—which means a majority of the committee—to report the amendment favorably.

Mr. PASCO. I wish to state, in reply to what the Senator from Missouri [Mr. COCKRELL] has said, that the Committee on Claims has not been disposed to "dump"—to borrow the elegant word of the Senator—anything on the Committee on Appropriations. We have given careful and mature consideration to this proposition; we have put it in a different shape from what it came to us, after getting all the information we could from the Treasury Department. We have given the Committee on Appropriations the benefit of our investigation orally upon the floor, and these remarks will appear in the RECORD, and the committee will also have the benefit of the very full statement of the whole question from the Treasury Department. We have taken the responsibility of reporting a substitute for the amendment favorably, and the only thing left for us to do was to refer it then where every amendment relating to appropriations belongs, to the Committee on Appropriations, to be passed upon by that committee.

I do not think the chairman of the Committee on Appropriations, with whose committee the responsibility finally rests, talks with his usual fairness when he accuses the Committee on Claims of attempting to shift any of our responsibilities or any of our burdens on the Committee on Appropriations. We have assisted that committee in the three or four sessions we have had over this matter; we have put the question in proper shape for the Committee on Appropriations to act upon it; and we have given to that committee the information from the Department which will enable them to act intelligently; and, as the Senator from West Virginia [Mr. FAULKNER] has suggested, there is nothing now remaining to be done except for this amendment to take the usual course and go to the Committee on Appropriations, and I hope it will go there without further debate.

Mr. BLANCHARD. Just a word further upon this matter. It was I who introduced the amendment upon which this action was taken by the Committee on Claims. It is well known that, under the rules of the Senate, the Committee on Appropriations has not jurisdiction to consider an amendment of this kind unless it is previously reported by a standing committee of the Senate.

An amount to pay the bounty was not placed in any estimate of any of the Departments, and the law under which the bounty was formerly paid had been repealed and was no longer the existing



law. Therefore, the only way in which the subject, under the rules of the Senate, could be gotten properly before the Committee on Appropriations for action by them was to refer an amendment to one of the regular appropriation bills to one of the standing committees of the Senate, to have action taken favorably upon it by such standing committee, and then have it reported back to the Senate for reference to the Committee on Appropriations. If that course had not been taken the Senator from Missouri, the chairman of the Committee on Appropriations, would have been the first to have met it in the Committee on Appropriations with the objection that there was no "existing law" which authorized this payment; that it was not in any of the estimates of the Departments, and that no standing committee had reported it. He would have insisted it was not in order for his committee to consider it, and if it had later been offered in open Senate to one of the appropriation bills he would have been quick to make the point of order against it.

All this having been anticipated, an amendment designed for incorporation in the sundry civil appropriation bill was introduced in the Senate and sent to a standing committee—and the appropriate committee, too—that on claims.

This committee have been considering the amendment for weeks. They applied to the Treasury Department for information touching the bounty question. This information was reported in full by the Treasury Department, and the same is printed and is on the files of the Senate. After this the committee took action.

A substitute for the amendment which I had introduced is now presented from the Committee on Claims with a favorable recommendation and accompanied by the motion that it be referred to the Committee on Appropriations, to be considered by that committee in connection with the sundry civil appropriation bill. This is strictly in accordance with the rules of the Senate, and it can not properly be challenged by any Senator. The amendment should now take the usual course, namely, be printed and sent to the Committee on Appropriations.

Mr. GORMAN. There is no question before the Senate, as I understand, Mr. President.

The VICE-PRESIDENT. The amendment reported by the Senator from Oregon has been referred to the Committee on Appropriations, the Chair will state to the Senator, and there is no question now pending before the Senate.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GORMAN. I ask the Chair to lay before the Senate the action of the House of Representatives on the District of Columbia appropriation bill.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8388) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1896, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GORMAN. I move that the Senate insist on its amendments disagreed to by the House of Representatives and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. GORMAN, Mr. COCKRELL, and Mr. ALLISON were appointed.

WILLIAM M'GARRAHAN.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives to send to the House a duplicate of the engrossed bill (S. 341) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes; and by unanimous consent the request was ordered to be complied with and a duplicate of the engrossed bill sent to the House.

#### SURVEY OF KALAMAZOO RIVER.

Mr. CULLOM. I am directed by the Committee on Commerce, to whom was referred the joint resolution (H. Res. 269) authorizing the Secretary of War to make a survey of Kalamazoo River from Lake Michigan to Saugatuck, to report it favorably without amendment. It is a very simple little joint resolution, consisting of a few lines, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. CULLOM. I will state that the cost of the survey will be only \$350, to be taken out of an appropriation already made.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### RULES OF NAVIGATION ON INLAND WATERS.

Mr. FRYE. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 8563) to adopt special rules

for the navigation of harbors, rivers, and inland waters of the United States, supplementary to the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea," to report it favorably with amendments. I submit a written report thereon.

It is a bill which must be a law before March 1 on account of the proclamation of the President putting into force the international rules of the sea. Therefore I ask that the bill may receive present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment of the Committee on Commerce was, in section 1, line 5, before the words "forty-four hundred and twelve," to strike out the words "forty-two hundred and thirty-four," and in line 7, after the word "be," to strike out "obeyed by vessels of the merchant marine of the United States, other than vessels coming from or departing for the high seas," and insert "followed," so as to make the section read:

That on and after March 1, 1895, the provisions of sections 4233, 4412, and 4413 of the Revised Statutes and regulations pursuant thereto shall be followed on the harbors, rivers, and inland waters of the United States.

The provisions of said sections of the Revised Statutes and regulations pursuant thereto are hereby declared special rules duly made by local authority relative to the navigation of harbors, rivers, and inland waters as provided for in article 30 of the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

The amendment was agreed to.

The next amendment was to add as an additional section:

SEC. 2. The Secretary of the Treasury is hereby authorized, empowered, and directed from time to time to designate and define by suitable bearings or ranges with light-houses, light vessels, buoys, or coast objects the lines dividing the high seas from rivers, harbors, and inland waters.

The amendment was agreed to.

The next amendment was to add as an additional section:

SEC. 3. Collectors or other chief officers of the customs shall require all sail vessels to be furnished with proper signal lights. Every such vessel that shall be navigated without complying with the statutes of the United States, or the regulations that may be lawfully made thereunder, shall be liable to a penalty of \$200, one-half to go to the informer; for which sum the vessel so navigated shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

The amendment was agreed to.

The next amendment was to add as an additional section:

SEC. 4. The words "inland waters" used in this act shall not be held to include the Great Lakes and their connecting and tributary waters as far east as Montreal; and this act shall not in any respect modify or affect the provisions of the act entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters," approved February —, 1895.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time, and passed.

The title was amended so as to read: "A bill to adopt special rules for the navigation of harbors, rivers, and inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal, supplementary to the act of August 19, 1890, entitled 'An act to adopt regulations for preventing collisions at sea.'"

Mr. FRYE. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. RANSOM, Mr. WHITE, and Mr. FRYE were appointed.

#### BILLS INTRODUCED.

Mr. BERRY introduced a bill (S. 2727) designating the officers before whom preliminary affidavits in entries of public lands may be executed; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 2728) to provide for the sale of lands of the United States chiefly valuable for building stone, limestone, marble, slate, and lands containing gypsum, mica, asphaltum, borax, fire clay, kaolin, petroleum, salt, chalk, and other like mineral substances; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. HOAR introduced a bill (S. 2729) granting a pension to Daniel Cooledge Fletcher; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 2730) to increase the pension of Byran Cotton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WOLCOTT introduced a bill (S. 2731) granting a pension to H. K. Palmer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KYLE introduced a bill (S. 2732) granting a pension to Wil-

liam Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL introduced a bill (S. 2733) for the relief of Leslie E. Keeley; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Patents.

Mr. MORGAN introduced a bill (S. 2734) to establish United States courts in the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PETTIGREW subsequently reported the amendment from the Committee on Indian Affairs favorably, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. VEST submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Select Committee on Transportation and Sale of Meat Products, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. STEWART submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations.

Mr. BUTLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WALSH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 879) granting a pension to Josephine F. Kelton, widow of Brig. Gen. John C. Kelton, late adjutant-general United States Army, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 952) for the relief of Catherine Caine;

A bill (H. R. 5377) granting a pension to Richard R. Knight; and

A joint resolution (H. Res. 252) relative to the British-Venezuela-Guiana boundary dispute.

#### ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1935) granting a pension to Elizabeth Ellery;

A bill (S. 2165) to amend an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1880; and

A bill (S. 2697) granting to the Gila Valley, Globe and Northern Railway Company a right of way through the San Carlos Indian Reservation in the Territory of Arizona.

#### SEACONET RIVER BRIDGE, RHODE ISLAND.

Mr. LODGE submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of War be instructed to send to the Senate the report of the engineer dated on or about February 8, 1893, in regard to the railroad bridge over the Seaconet River, Rhode Island; and also to inform the Senate what action, if any, has been taken thereon by the Department.

#### JOSEPHINE F. KELTON.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 879) granting a pension to Josephine F. Kelton, widow of Brig.-Gen. John C. Kelton, late Adjutant-General United States Army, deceased.

The amendment were, on page 1, line 6, to strike out "Josephine F. Kelton" and insert "Josephine P. Kelton;" and to amend the title by striking out "Josephine F. Kelton" and inserting "Josephine P. Kelton."

Mr. GALLINGER. As the amendments of the House of Representatives simply correct the name of the beneficiary, I move that they be concurred in.

The motion was agreed to.

#### HOUSE BILLS REFERRED.

The bill (H. R. 952) for the relief of Catherine Caine was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 5377) granting a pension to Richard R. Knight was read twice by its title, and referred to the Committee on Pensions.

The joint resolution (H. Res. 252) relative to the British Venezuela-Guiana boundary dispute was read twice by its title, and referred to the Committee on Foreign Relations.

#### LOUISIANA OR HONDURAS LOTTERY COMPANY.

Mr. CALL. Mr. President, on the 19th of December I submitted a resolution asking for the appointment of a special committee to investigate the Honduras Lottery Company in its operations in Florida. By unanimous consent the resolution was laid upon the table without prejudice, subject to be called up at any time. I now ask for the consideration of the resolution.

The VICE-PRESIDENT. The resolution will be laid before the Senate.

The Secretary read the resolution submitted by Mr. CALL December 19, 1894, as follows:

*Resolved by the Senate*, That a special committee be, and is hereby, created, who shall be charged with the duty of inquiring and reporting to the Senate whether the Louisiana or Honduras Lottery Company has been established and is now operating in the State of Florida and is engaged in business there and in the use of the mails and of the interstate-commerce corporations or companies in violation of the laws of the United States and of the State of Florida. The committee shall also inquire whether the Louisiana or Honduras Company, its owners, managers, directors, or agents, have entered into a combination with any person or persons or corporations for the control of the elections and the legislature and the members of Congress and the executive officers of the State of Florida. The committee shall also inquire and report whether the Louisiana or Honduras Lottery Company, or any person connected with it, or any corporations in any way connected with such lottery company, expended money in the late elections in the State of Florida for members of Congress or members of the legislature, and whether they own, either directly or indirectly, any interests in newspapers published in the State, and whether they, or any of them, have contributed money for the establishment of newspapers or for subsidizing newspapers.

The committee shall also inquire and report whether the political conventions or the elections for Congress and for members of the legislature of the State of Florida have been influenced or controlled by the Louisiana or Honduras Lottery Company, and if so, to what extent, or by any corporation or person in any way connected with or in combination with it or with the persons composing it.

The committee shall also inquire and report what sums of money, if any, were expended in the late elections by the Louisiana or Honduras Lottery Company, or by any person or corporation in any way connected, combined with, or interested in such lottery company, or in persons connected with it, and in what way and by what person such money was expended, and by what persons it was contributed.

The VICE-PRESIDENT. The question is on agreeing to the resolution of the Senator from Florida [Mr. CALL].

Mr. ALLISON. I desire to ask the Senator from Florida to make some little explanation of the resolution. I do not object to its consideration.

Mr. BLACKBURN. I shall object to the consideration of any resolution or bill that is to elicit debate. It is my purpose to move that the Senate proceed to the consideration of the diplomatic and consular appropriation bill as soon as the routine morning business shall have been completed. I shall object to the consideration at this time of any matter that is calculated to lead to debate.

Mr. HARRIS. I wish to ask if the resolution has been referred to the Committee to Audit and Control the Contingent Expenses of the Senate?

The VICE-PRESIDENT. It has not been so referred, the Chair will state.

Mr. HARRIS. I think the resolution is obliged to go to that committee.

Mr. CALL. The Senator from Tennessee [Mr. HARRIS] was in the chair when the resolution was introduced. This very question was then raised, and he decided that as the resolution involved no expense it was in order without reference to the Committee on Contingent Expenses.

Mr. HARRIS. I am advised that the original resolution submitted by the Senator from Florida provided for the payment of the expenses of the committee out of the contingent fund of the Senate. To avoid the reference I now understand the Senator from Florida withdrew the original resolution and introduced this one, which does not provide for an expense against the contingent fund.

Mr. HOAR. Let the resolution be read again for the information of the Senate.

The VICE-PRESIDENT. The resolution will again be read. The Secretary again read the resolution.

Mr. CALL. Mr. President, the Honduras Lottery Company, formerly known as the Louisiana Lottery Company, is a foreign corporation, domiciled in a foreign country. It is perhaps the most powerful corporation in the world. It assailed the form of government in the State of Louisiana for years. It proposed, as



has been stated in the public prints, to pay the entire debt of the State of Louisiana for the privilege of continuing its operations there. It is believed to have been essentially dangerous to the continuation of government by the people of that State. It is now known to have established itself in the State of Florida, claiming to conduct its drawings outside the jurisdiction of the United States, and to find a place of distribution and a place of publication within the limits of that State.

It is believed by the people of Florida that in connection with others it has expended great sums of money toward perpetuating its existence in that State, eluding the operation of the laws of the United States, which seek to prevent its continuance within any State. A foreign corporation finding a location within the United States and seeking by the most powerful influences to corrupt officials charged with the execution of the laws, in my judgment, ought to be investigated, to the end that Congress may see what legislation is necessary to prevent its operation in this country.

If it be true that the company has violated no law of the United States, that there is nothing within the competency of Congress to do, I for one shall not ask any violation of the Constitution or the distinctive authority of the General Government and the States. But it seems to me that it concerns the whole country to know whether a foreign combination can find a lodgment here against the laws of the United States and against the laws of any State, and interfere with the political conditions and the public policy of this country. Upon that point it would seem to me there can be no difference of opinion. Therefore I have asked for the appointment of a special committee. No regular standing committee of this body can be expected to take the labor and the continued trouble which the investigation will impose, and for that reason I have asked that a special committee be created.

Mr. GORMAN. I ask the Senator from Florida whether the resolution carries with it authority to appoint a clerk and provision for a stenographer and so on?

Mr. CALL. It does not.

Mr. GORMAN. I ask the Senator from Florida what earthly effect the committee will have or what benefit it will be if there is no machinery to carry out the investigation.

Mr. CALL. We will see after the resolution is adopted what machinery is necessary to carry out the purpose of the resolution, and then we can ask for it if it is necessary. The resolution provides for no expense.

Mr. GORMAN. I suggest to the Senator from Florida in his own interest as well as the proper and orderly conduct of affairs here whether it would not be better to refer the resolution to the Committee on Contingent Expenses, and, if we are to have the investigation, provide for whatever clerical force is necessary.

Mr. CALL. I think not. I prefer that the Senate shall say whether or not they think it is advisable to make such an investigation. If that be the sense of the Senate, as I think it ought to be, then there will be ample time to make provision for whatever is necessary in the way of clerical force.

Mr. CHANDLER. Mr. President, I do not know whether the Senator from Florida has made a sufficient explanation of the resolution, or, if he has done so, whether the Senate has given that attention to the subject which it ought to give to everything the Senator from Florida submits for consideration.

I should like to ask the Senator from Florida whether he himself is convinced that the lottery company has been doing all those things in the State of Florida which he has set out at so much length. According to the resolution, it has been interfering generally in the management of the government of Florida. It has been taking possession, so to speak, of the politics of the State and of the machinery of government therein.

If I am not mistaken, that is the purport of the resolution, and I wish to understand distinctly whether the Senator from Florida believes all those things have been done by the lottery company. If they have been done or he believes they have been done, and so says upon his responsibility as a Senator, I shall certainly vote for the investigation. But I do not think the resolution ought to be adopted unless there is a pretty strong assurance from some quarter that the lottery company is doing the extraordinary acts which it is suggested by the resolution it has been doing. I should like to hear further from the Senator from Florida on that point, if he will oblige me.

Mr. BLACKBURN. I move that the Senate now proceed to the consideration of the bill making appropriations for the diplomatic and consular service.

Mr. CALL. I do not think that is a fair way to oppose the resolution.

Mr. BLACKBURN. My motion is not debatable.

The VICE-PRESIDENT. The Chair is hearing the suggestion of the Senator from Florida.

Mr. BLACKBURN. I do not mean to treat the resolution unfairly, but I desire that the Senate shall proceed with necessary legislation.

Mr. CALL. The resolution is debatable. There can be no doubt about that.

Mr. BLACKBURN. I beg the Senator's pardon, but I do not understand that under the rule a motion to proceed to the consideration of a bill is debatable. I should be obliged if the Senator from Florida would show me the rule.

The VICE-PRESIDENT. The Chair will state to the Senator from Florida that the motion of the Senator from Kentucky [Mr. BLACKBURN] is not debatable. The Chair will listen to the suggestion of the Senator from Florida, however.

Mr. CALL. Mr. President, I desire—

Mr. BLACKBURN. I object to any debate.

Mr. CALL. I ask unanimous consent that I may answer the question of the Senator from New Hampshire [Mr. CHANDLER].

Mr. BLACKBURN. I object to any debate.

The VICE-PRESIDENT. The question must be taken without debate on the motion of the Senator from Kentucky that the Senate proceed to the consideration of the diplomatic and consular appropriation bill.

Mr. BLACKBURN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PLATT. Mr. President—

Mr. ALDRICH answered to his name on the roll call.

Mr. PLATT. I am too late.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. HIGGINS (when his name was called). I am paired with the Senator from New Jersey [Mr. MCPHERSON].

The roll call having been concluded, the result was announced—yeas 40, nays 15; as follows:

## YEAS—40.

Allison,	Cockrell,	Jones of Ark.	Roach,
Berry,	Faulkner,	Jones of Nev.	Sherman,
Blackburn,	Frye,	Lindsay,	Smith,
Brice,	George,	McMillan,	Squire,
Burrows,	Gorman,	Mills,	Stewart,
Butler,	Gray,	Mitchell of Wis.	Teller,
Caffery,	Hale,	Palmer,	Vest,
Camden,	Hansbrough,	Peffer,	Voorhees,
Cameron,	Hawley,	Perkins,	Walsh,
Carey,	Hunton,	Pritchard,	Wolcott.

## NAYS—15.

Aldrich,	Chandler,	Lodge,	Turpie,
Bate,	Gallinger,	Martin,	Washburn,
Blackard,	Hear,	Morrill,	White.
Call,	Kyle,	Platt,	

## NOT VOTING—32.

Allen,	Dubois,	McPherson,	Power,
Clark,	Gibson,	Manderson,	Proctor,
Coke,	Gordon,	Mantle,	Pugh,
Cullom,	Harris,	Mitchell of Oreg.	Quay,
Daniel,	Higgins,	Morgan,	Ransom,
Davis,	Hill,	Murphy,	Shoup,
Dixon,	Irby,	Pasco,	Vilas,
Dolph,	McLaurin,	Pettigrew,	Wilson.

So the motion was agreed to.

Mr. CALL. I rise to a parliamentary inquiry. What position does that leave the resolution in?

The VICE-PRESIDENT. The Chair is of the opinion that the resolution goes to the Calendar.

Mr. CALL. I will state that there was unanimous consent that the resolution might lie on the table, and be called up at any time.

Mr. BLACKBURN. It was called up.

Mr. CALL. I should like to have the resolution retain its place.

Mr. JONES of Arkansas. The resolution was called up and it has gone to the Calendar.

## DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8234) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1896, the pending question being on the amendment reported by the Committee on Appropriations, on page 9, after line 8, to insert:

## CONSTRUCTION OF TELEGRAPH CABLE BETWEEN THE UNITED STATES AND THE HAWAIIAN ISLANDS.

The President is hereby authorized to contract for the entire work of laying a telegraphic cable between the United States and the Hawaiian Islands and to direct the prosecution of such work whenever such a contract shall be made, and as a part of the cost of such cable the sum of \$500,000 is hereby appropriated.

Mr. PLATT. I desire to say that if I could have obtained the floor before the commencement of the roll call I should have made the point of order that while morning business is being transacted prior to 2 o'clock it is not in order to move to take up any bill. I simply give notice that whenever that question shall come before the Senate again I propose to make that point of order.

Mr. BLACKBURN. I do not care to discuss a point of order

that has not been raised, but I submit to the Senator from Connecticut that if he will consult the rule a little more closely than he seems to have done, he will find that after the hour of 1 o'clock it is in order to make the motion I made.

Mr. PLATT. I have consulted the rule, I think, as closely as the Senator from Kentucky has, and I am quite ready to maintain my proposition that by the rules of the Senate if morning business has not been concluded, there can be no motion made to take up any bill until 2 o'clock.

Mr. BLACKBURN. I do not care to discuss a point of order that has never been submitted; but the Chair has already ruled upon the proposition raised by the Senator from Connecticut.

Mr. PLATT. I know it.

Mr. BLACKBURN. I ask that the bill may be proceeded with.

Mr. TELLER. Mr. President, I do not intend to renew the discussion of the Hawaiian matter, but in support of what I said yesterday I wish to read the action of the British commissioners in those islands. I find in the morning paper the following:

HONOLULU, January 30.

The instructions to Admiral Beardslee reached Honolulu some days before the admiral, who arrived on the *Philadelphia* last evening. Much comment has been made upon the words "refusing protection to American citizens participating in attempts to maintain as well as to overthrow any existing government." Nearly every American citizen in Honolulu has taken an active part on one side or the other in this unpleasantness. The general opinion is that the admiral's instructions leave him with nobody to protect and little to do here.

British Commissioner Hawes takes an entirely different view about affording protection to British subjects. The editor of the *Bulletin*, until lately a royalist, consulted the commissioner on the subject, and was explicitly informed that it would be highly proper for him to render active support to the Government, and that he would not forfeit his protection as a British subject by doing so.

Mr. GRAY. Mr. President, I did not intend to say another word in regard to the proposition which the Senator from Colorado and myself discussed yesterday. I hoped at one time we had agreed. I am very sure that the contention maintained by me as to the instruction of the Secretary of the Navy to Admiral Walker last summer is sound. I do not propose to discuss it any further. But as the Senator from Colorado has read a dispatch as to what certain people in Honolulu think in regard to that instruction, and it is apparent that they are laboring under the same mistake which I conceive the Senator from Colorado was laboring under, I will merely at this time ask that there may be printed in the *RECORD* an English authority on that proposition, inasmuch as the dispatch read from the newspaper refers to what England would do under the circumstances that have been detailed. I read from Lorimer's *Institutes of the Law of Nations*. It is a late work, written by James Lorimer, LL. D., who is regius professor of public law and the law of nations in the University of Edinburgh, member of the Institute of International Law, corresponding member of the Academy of Jurisprudence of Madrid, etc. I know nothing of this writer except what I find in the title page of the book; but it seems to be a carefully written book, and written by a person who has been a student of international law. The writer answers the following question, put by himself:

May the citizen of a neutral State enlist in the service of a belligerent State?

I do not wish to detain the Senate longer than is sufficient to read a brief extract, but I ask that what I have marked may be printed in the *RECORD*. He had been discussing the conduct of Captain Hobart, of the royal navy, who took service in the Turkish navy and became Hobart Pasha. He says:

First. May the citizen of a neutral State enlist in the service of a belligerent State?

The response which our theory yields is simple enough. The citizen qua citizen of the neutral state may not, but the person qua citizen of the world may. But how is the same individual to act in two separate capacities? Can he stay at home as a citizen while he goes to war as a person? My answer consists in observing that while his personality is indelible his citizenship is not. The right on his part of putting it off falls under the category of those personal rights which are inalienable, while the right of depriving him of it springs not less obviously from the very existence of the state.

While his personality, with its corresponding rights and duties, exists independently of human volition, separate or aggregate, subjective or objective, his citizenship, with his citizen rights and duties, may cease by an act either of his own will or the will of the state to which he belongs. For the time being, it is true, he may subordinate his personality to his citizenship, and this he does in every case in which he accepts the service of the state. So long as his service to one state continues, it shuts him out from serving any other state, just as any contract of service shuts him out from any second contract. He can not serve two masters at the same time; but inasmuch as he is a servant and not a slave, he may pass from the service of one master to the service of another, when the conditions of his contract with the first have been fulfilled. As we have said, the conditions of free citizenship do not and can not exclude the right of renouncing it.

Now, such, I think, is not only the true theory of the international position of the person, but it is the theory which more or less consistently the common law of nations recognizes. Hobart Pasha was compelled to resign his commission in the English navy when he took the command of the navy of the Sultan. Had the theory of neutrality been accurately carried out, Hobart Pasha ought not only to have resigned his commission as an English officer before he became a Turkish officer (which he did not do till after), but he ought to have renounced or to have been deprived of his nationality or citizenship as an Englishman the moment after he became a Turkish officer. Citizenship and public service are inseparable, and Hobart Pasha, as an English officer, was not entitled to accept Turkish service.

The distinction between his position as an English officer and as an English citizen I hold to be this: Had he been a private English citizen he would have been entitled, in virtue of his personality, to enlist in the Turkish service, though by doing so his English citizenship would eo ipso have been abandoned. As an officer he was bound to resign his commission before his freedom of choice as a private citizen revived. He was under no obligation to continue to be an Englishman, but he had no more right to be an English citizen and a Turk at the same time than he had to be a Christian and a Mohammedan. Whilst yet an Englishman in the enjoyment of his free citizenship he was entitled to elect whether he would continue to be an Englishman or become a Turk. His last exercise of his rights as a freeborn Briton consisted in the act by which he ceased to be one. When he had become a Turk there was, of course, no impediment, either municipal or international, to his becoming a Turkish admiral.

Very much the same juristic consequences, I imagine, would have resulted had Captain Hobart, R. N., accepted the command of a Turkish trading vessel or entered into an engagement as a man before the mast; because he would thereby have passed out of the jurisdiction of the neutral state of which he was a citizen into that of one of the belligerents. As England could no longer have controlled his actions, she ought no longer to have been responsible for them. The flag which determines the nationality of the ship and cargo ought to determine the nationality of all who sail under it otherwise than as passengers. If nationality and domicile be kept apart, and on other grounds I have attempted to show that they can not be identified, no difficulty need attend either the renunciation or resumption of nationality. It does not seem, therefore, that there would be any hardship in its renunciation being made imperative on citizens of neutral states who participated in the war, or neutral sailors who entered the mercantile marine, or even on all persons who voluntarily resided in belligerent countries during the continuance of hostilities.

He does not contend that international law goes so far in the latter respect as he contends it would be reasonable it should go; but the proposition he is contending for (and I think it will be seen to be maintained by the extract which I ask to have printed in the *RECORD*) is that where a citizen of the country voluntarily enters the military service of a foreign country he has thereby, quoad that act, renounced the citizenship of his own country so far as to preclude him from claiming protection for the consequences of the act.

Mr. TELLER. Mr. President, there is nothing in that antagonistic to the position I took yesterday.

Mr. GRAY. I am glad the Senator thinks so.

Mr. TELLER. A man may by going permanently into the army of a foreign country expatriate himself. There is no doubt about that. The point I was making yesterday, which I seem to have some difficulty in impressing upon the mind of the Senator from Delaware, is that it is not inconsistent with the laws of the United States to assist in maintaining the existing government of a country with which we have some relations—in other words, it is not an offense against either the laws of that country or the laws of this country—and that a man is entitled to protection until he makes some movement that is offensive—

Mr. GRAY. Will the Senator allow me right there?

Mr. TELLER. No; wait a moment.

Mr. GRAY. Will the Senator allow me to state—

Mr. TELLER. Let me finish my sentence.

Mr. GRAY. The Senator is misrepresenting me; that is all.

Mr. TELLER. I hope I may be allowed to go on.

Mr. GRAY. The Senator is generally allowed to go on.

Mr. TELLER. I asserted yesterday over and over again, and I thought the Senator could not misunderstand it, that a man is entitled to the protection of his flag until he has forfeited that protection or has himself voluntarily abandoned that protection. That is the principle I laid down. I said that assistance in the maintenance of the status quo of a country save by a revolution of the subjects of that country is a meritorious act and not a criminal act.

Now, when a man goes into the army of a belligerent nation, a nation fighting some other, he violates the law of his land, which requires that he shall not do so. For instance, Turkey being at war, we will say, with Russia, a British subject has no right to go into the Turkish army, because that would violate the neutrality between Great Britain and Russia, and therefore he could not come in and claim protection. Now I will read what the Senator from Delaware wants to say.

Mr. GRAY. The Senator from Colorado is always very sure of the propositions that he lays down. That is the character of his mind.

Mr. TELLER. Yes; fairly so.

Mr. GRAY. And a very good mind it is. But unfortunately the propositions that he lays down can not be accepted, even by those who must respect him, as international law, unless they are supported by arguments that are more convincing than those he has advanced.

Now, the proposition the Senator seems to have laid down, and which I agree with, is that a citizen of this country, for instance, who enlists in the military service of a foreign country must not be considered to have committed a crime thereby. Is that the proposition?

Mr. TELLER. That depends upon a great many things. I have made no such general proposition as that.

Mr. GRAY. I have not said that he committed a crime.

Mr. TELLER. I simply spoke of the citizen who attempts to



maintain the government of the foreign country where he resides.

Mr. GRAY. I do not pretend that he committed a crime.

Mr. TELLER. But if he serves that government for the purpose of attacking some other country, that may be an offense against the law of this country; and it is.

Mr. GRAY. I do not pretend that he commits a crime. The writer from whom I read the extract does not contend that he commits a crime. On the contrary, he says it is a part of the liberty that belongs to his personality, not as a citizen, but as a man, to enter the service of a foreign country; but having exercised that option, he thereby relinquishes the attributes that belong to him to a certain extent as a citizen of his own country, and he is no longer entitled to the protection of that country from the consequences which follow the act of entering the service of a foreign country. That is all I contend for. His country may, of course, see that he is not falsely accused or condemned without a fair trial. That is all that it seems to me this writer contends for. The person has a right to enter the foreign service. The American citizens in Honolulu who defended the existing government there had a right to do it. They committed no crime against this Government. We have no right to punish them. We have no right to visit them with any forfeiture further than to say that they then lose the right to call upon us to protect them from the consequences of the act of entering the service of that country; and that this English writer says.

Mr. FRYE. I wish to ask the Senator from Delaware a question to see if I understand him. The morning reports from the Hawaiian Islands show that Great Britain places just the opposite construction upon the law, as I understand the law laid down by the Senator, and that is, if citizens of Great Britain help to maintain the existing Government they do not forfeit the right of protection of their own government. The reports state further that every American citizen there in the Hawaiian Islands did assist in maintaining the existing Government, and that under the instruction given by the Secretary of the Navy every one of them, in his person and his property, would have forfeited all the protection which the Government ordinarily ought to extend to its citizens.

Mr. GRAY. That is a plain categorical question; and I say in reply to it, in the first place, so far as propositions of international law are concerned, I do not think the best authority for them are reports of what citizens said in Honolulu that come to us by telegraph from San Francisco.

Mr. FRYE. But they raised the point.

Mr. GRAY. The telegraph says they raised the point. The citizens at Honolulu who helped maintain the existing government against a revolutionary attack, or against any attack, domestic or foreign, had a right to do it; they did not commit a crime, it may have been their duty to have so done; but in so far as their right to the protection of the United States from the consequences of that act is concerned, that they lost sub modo. However, after the revolution is over and when the military situation does not exist, when they are no longer in that service, that does not prevent them in regard to situations that are not a consequence of that act from asserting their United States citizenship and claiming the protection that that status entitles them to. That is all there is of it; and that is what I contend was involved in a proper construction of the orders given to Admiral Walker by the Secretary of the Navy last summer.

Mr. HOAR. Mr. President, I wish to say a few words on this subject. It seems to me that the executive department of this Government and some gentlemen who have discussed this subject here forget what ought always to be borne in mind and what is essential to a full and complete statement of this proposition, that the duties and rights and responsibilities of American citizens there in relation to the Government of the Sandwich Islands are not determined by the ordinary rules of the law of nations. They had the express permission and assent of this Government for the maintenance of a dual citizenship, expressly recognized by Mr. Bayard in his instructions to the American minister in the first Administration of President Cleveland, and expressly recognized by Mr. Foster and, I think, by Mr. Blaine afterwards.

Here was a semibarbarous country emerging from barbarism, emerging from cannibalism, under the instruction and guidance of great religious and benevolent organizations in the United States, especially the American Board of Foreign Missions. The residents of those islands were authorized by the full consent of that people to take a part in the administration of their Government, still retaining fully their character of American citizens. That was brought to the attention of our Administration by the American minister and approved. Here is a position unknown to the general law of nations, not laid down in treaties on the law of nations, not recognized by diplomacy in any other countries of which I am aware, that what is impossible without international consent exists here, a dual citizenship, in which the Government has consented that our citizens may take part, retaining that

authority, in the administration of that Government, as its citizens.

Mr. GRAY. May I ask the Senator from Massachusetts a question?

Mr. HOAR. Not just now, because it will interrupt what I am going to say.

Mr. GRAY. It is in line with what the Senator is saying.

Mr. HOAR. That being the case, it is not true to say that there can not be two domiciles, as is ordinarily said when we are speaking of residents of one state or one country, or in one town or another. It is not true to say that a man can not be a citizen of both countries at the same time. A man under that understanding has the same right to be at the same moment clothed with the full character, quality, privilege, and authority of a citizen of the United States, and the full character, quality, privilege, and authority of a citizen of Hawaii as he has to be a stockholder in two corporations at the same time. There is no inconsistency or difficulty about that position in the nature of things. We might pass a law to-morrow providing that the citizens of the various States of the Union who are here in the discharge of the public business may also and at the same time be citizens of the District of Columbia, and have every authority, including suffrage if that existed, which pertains to such citizenship.

Now, then, that being true, when they take part in maintaining the Government which the United States has recognized, and take part in maintaining a lawful government which the United States has authorized them to take part in maintaining, still being American citizens, I contend that they have a claim to the support and the protection of their own Government while they are doing that act against all consequences of the proper act. I do not suppose that the Government ever intended to go so far as to lend its own force for the maintenance of the Government; certainly not without an act of Congress; but the question whether an American citizen having taken part lawfully in the maintenance of that Government shall be seized and imprisoned or subjected to the intrigues of Great Britain or any other government in a hostile way without our intervention is a question for the sound discretion of this Government; and in accordance with the law of nations we have a full right to exercise that discretion.

Mr. GRAY. Mr. President, I do not want to prolong this discussion; I have said more than enough about it; but I wish to call attention to the fact that the Senator from Massachusetts so far has lent me support and authority as to the question of international law by putting the contention of the Senator from Colorado upon the exceptional ground that between Hawaii and the United States a condition of things exists which takes it out of the ordinary domain of the rules of international law. The Senator from Colorado was contending yesterday, as a principle of general international law, for the very things which the Senator from Massachusetts is contending for; but the Senator from Massachusetts, I think, with more acumen, has seen the necessity of taking the question out of the domain of general international law, and basing it upon the alleged conventional relations that exist between Hawaii and the United States.

Now, about that I would have something to say. I do not agree even with the Senator from Massachusetts on that point, but I merely rose to remark that in what has just been said by the distinguished Senator from Massachusetts I have his support in my contention with the Senator from Colorado.

Mr. HOAR. Mr. President, not at all. I did not hear the discussion which took place yesterday between the Senator from Colorado and the Senator from Delaware.

Mr. GRAY. Therefore I am a better judge about that.

Mr. HOAR. I do not know. I merely say that there is this ground which ought never to be forgotten, which our Department of State seems to have forgotten, and which has been often forgotten in the discussion here. It does not at all imply that the Senator from Colorado was not right or was right to say that there is another independent argument in support of the general proposition. I know nothing about that.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business; which will be stated.

The SECRETARY. A bill (H. R. 4609) to establish a uniform system of bankruptcy.

Mr. BLACKBURN. I ask unanimous consent that the unfinished business may be laid aside informally in order that the Senate may proceed with the consideration of the pending appropriation bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

Mr. HOAR. I object, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts objects.

Mr. BLACKBURN. Then I move that the Senate proceed to the consideration of the general appropriation bill known as the diplomatic and consular appropriation bill for the next fiscal year.

The PRESIDING OFFICER. The Senator from Kentucky moves that the Senate proceed to the consideration of a bill which will be read by title.

The SECRETARY. A bill (H. R. 8234) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1896.

Mr. GEORGE. I desire to make a parliamentary inquiry. I suppose that the motion just made would have the effect of displacing the bankruptcy bill?

Mr. BLACKBURN. Only temporarily.

The PRESIDING OFFICER. The effect of the action of the Senate in taking up the bill moved by the Senator from Kentucky will be to send the bill which is now the unfinished business to the Calendar.

Mr. BLACKBURN. That was not the motion I intended to submit.

Mr. GEORGE. The Senator from Massachusetts objected to unanimous consent being given to the bankruptcy bill being laid aside informally.

The PRESIDING OFFICER. The Chair will state to the Senator that the only motion the Chair can entertain is to proceed to the consideration of the bill.

Mr. BLACKBURN. Then I move that the unfinished business be informally laid aside temporarily, and that the Senate proceed with the consideration of the pending appropriation bill.

The PRESIDING OFFICER. The Chair will state that he can not entertain that motion. The motion is not in order.

The only motion the Chair can entertain is a motion to proceed to the consideration of another bill, the effect of which would be to displace the unfinished business. The question is on the motion of the Senator from Kentucky. [Putting the question.] The "ayes" appear to prevail.

Mr. GEORGE. I believe I will call for the yeas and nays on that motion, because if it is desired to displace the bankruptcy bill we ought to know it.

Mr. HOAR. I will save the time and feelings of both Senators by withdrawing my objection.

Mr. BLACKBURN. I am obliged to the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts withdraws his objection; and unanimous consent is granted that the unfinished business be informally laid aside and that the Senate proceed with the consideration of the diplomatic and consular appropriation bill.

Mr. PALMER. Mr. President, I have been somewhat interested in the discussion between Senators upon what I regard as a very dry and useless abstraction. The theories they have advanced when applied in practice will hardly be considered in our future relations with the Hawaiian Islands. I believe the controversy commenced yesterday morning by the Senator from Colorado [Mr. TELLER], with the pride of a lawyer whose opinions have been questioned, undertaking to vindicate himself. The Senator from Delaware [Mr. GRAY], I think, with like pride responded, and the question as to which of those Senators is the more accurate lawyer still remains undecided.

The real question before the Senate is upon the amendment which authorizes a present appropriation of \$500,000 and authorizes the President to enter into a contract for the construction of a cable from some point in the United States to some point in the Sandwich Islands. It proposes an immediate appropriation of \$500,000, and it proposes future liabilities on the part of the Government to an uncertain amount, conceded by the Senator from Maine [Mr. HALE] to exceed \$2,000,000, it may be \$3,000,000, and the inquiry which presents itself to my mind is, would that be a proper appropriation of public money? I throw out of the question all the politics which may be supposed to be involved at present in the discussion, except what is embodied in a statement yesterday made by the Senator from Connecticut [Mr. PLATT] in a question of mine and his answer. The Senator said:

There had been in the past, and there was now, a project on the part of the English Government to obtain communication from Vancouver with the Hawaiian Islands. We can not afford that. There is not a single man in the Senate who thinks we can afford that.

I put this question to the Senator:

Will the Senator allow me to ask him why we can not afford it? What difference would it make to us?

To that the Senator from Connecticut responded:

Because a cable from American soil to Hawaiian soil, while it has nothing to do with political annexation, constitutes the commercial annexation of those islands to the United States, and a cable laid from British soil to Hawaiian soil practically leads to commercial annexation of the Hawaiian Islands to Great Britain. That is the reason.

The Senator from Maine yesterday admitted that the commercial necessities for the construction of such a cable would not justify construction by private capital, and he put it upon the ground that there were considerations which were far beyond the money involved, that our commercial relations with those islands were the motive.

These Senators seem to have it in their minds that the landing of

a cable, or the selection of a point for the landing of a cable, would control the commercial value of the cable. That is the logic, that if a cable shall be landed in any country, that amounts to a commercial annexation of that country, or to the establishment of such intimate and exclusive relations with the country from which a cable is constructed, or on which a cable is landed, that it amounts to the annexation of that country. Whether Senators mean that that applies only to these islands or not I do not know.

Mr. President, it is the fact that some of the cables connecting the United States with foreign countries terminate on British soil at both of the termini. The great cable that was first constructed was from a point within the British jurisdiction to another point within the British jurisdiction. I have never heard that had the slightest exclusive business significance, to say nothing of political annexation.

What is the object of a telegraphic cable? It is the rapid transmission of information. What difference would it make whether it were landed at one point or another? If it is open to commerce and open to communication, what difference can it make? What advantage would we gain or lose by landing a cable upon the shores of the United States or upon a point in the British possessions, an open cable, free for all, accessible to information, and our telegraph lines being connected with it, wherever it may be placed, the telegraphs which exist in Canada or in the British possessions being also connected with it, furnishing information impartially, as commercial necessities would compel them to do, or as the common obligations of comity would compel them to do? I say, what can be the difference as to the mere terminus of this end of the line, the point selected for the cable?

Something was said yesterday in regard to the military advantages of a cable. Mr. President, can any reasoning be more absurd than that in case of a war with Great Britain such a cable could be controlled by Americans except by force? We know that these cables are regarded now as extensions of continents; their value can not be overestimated; but in case of war with Great Britain, can it be supposed that an American cable would be of any value whatever, especially one to these islands—and it would be unimportant except for that end, because we have neither fleet nor armies there?

Mr. MITCHELL of Oregon. Suppose a case like this: Suppose we had not a cable from San Francisco or Portland, Oreg., or some other point on the Pacific Coast, from our own territory to the Sandwich Islands, and there was a cable from some point in British territory to the Sandwich Islands; suppose we were at war with Great Britain, and suppose that Great Britain even had no control and no fleet that would be powerful at the Sandwich Islands, would we not be at her mercy, she having control of the only line there, whereas if we had one of our own we should not be at her mercy?

Mr. PALMER. Suppose Great Britain had a fleet in the Pacific Ocean sufficient to command our cable and take it and destroy it, what then?

Mr. MITCHELL of Oregon. Then it might be different.

Mr. PALMER. Mr. President, these are visionary conjectures, I will not say they are not statesmanlike, but they are the ildest fancy. The idea that a cable from any point in the United States to the Sandwich Islands would be permitted to be used by this Government in case of a war with Great Britain concerning those islands is entirely fanciful and visionary.

Mr. HIGGINS. Will the Senator permit me a question?

Mr. PALMER. With pleasure.

Mr. HIGGINS. I ask the Senator if he does not anticipate a time when the United States will have a fleet in the Pacific Ocean amply able to protect its interests against Great Britain and every other country?

Mr. PALMER. Mr. President, when that time comes we ought to make our arrangements with reference to the new conditions; but the idea of having a cable in anticipation of a fleet is exceedingly remote. I scarcely know how to illustrate the ingenious suggestion of my friend from Delaware. We may have a fleet in the centuries, and, when we have the fleet, we may begin to talk about the cable, but I scarcely know of a suggestion that so savors of Hibernicism as that of beginning now the providing of a cable with the possible anticipation of a fleet in the next century.

Mr. President, the question is, ought we now to enter into an engagement which will cost \$3,000,000 on account of existing conditions or on account of such conditions as can be fairly anticipated? I say, no. I throw out of view now all the considerations except those suggested by the Senator from Connecticut. I know it is not correct to say that the construction of a cable connecting the British possessions with the Sandwich Islands would give to them the commercial control of Hawaii. I know that is not sound as a proposition of fact; I know that one cable is sufficient, if one is required. The fact is, the British Government is using the Hawaiian Islands as a mere way station, and the Canadian company promises, with the subvention of the Government, a profit from its cable, a private enterprise, if I understand, that



looks to probable extensions. Ours does not. Our cable has no other possible or future connection. It is proposed to construct a cable to those islands, which contain a population probably of 90,000, upon the theory that somehow or other we are interested in prompt communication with them.

One of the Senators from Maine said yesterday that our imports amounted to about \$12,000,000 a year and our exports to something over \$3,000,000, I think was his statement. Here we are expected to incur expense to an amount equal to the whole sum of our exports to the Sandwich Islands, and actually to pay as much for this object as our whole exports to the islands, if the Senator from Maine was accurate in his figures. How can it be that in a business point of view such a scheme can enter into any mind as justifying the extraordinary expenditure which this amendment implies?

Mr. President, there still lies beyond all this a question to which I may give very brief attention, and analyze this bill somewhat in the line of the thought which I now propose to follow.

Mr. ALDRICH. Before the Senator leaves that point will he permit me to ask him a question?

Mr. PALMER. Certainly.

Mr. ALDRICH. Does the Senator think the policy of Great Britain in laying telegraphic cables, opening canals, and securing coaling stations and harbors in various parts of the world is defensible for that country from a commercial or political standpoint?

Mr. PALMER. It is perfectly in harmony with British policy, Great Britain having possessions all over the world, that she should seek prompt communication between her various possessions. I can comprehend that; but we have none; our territory is limited by the continent.

Mr. ALDRICH. If the Senator will allow me another question, does he not think that the United States ought to extend commercial relations with the various countries of the world?

Mr. PALMER. I think so; and I think those commercial relations could be extended as completely and perfectly by cable from some point in the British possessions to the Sandwich Islands as our relations are extended by the cable which terminates in the British possessions on this continent.

Mr. ALDRICH. In other words, the Senator thinks we can trust our commercial relations to our rivals, Great Britain and other countries, without taking the means for their development ourselves which all civilized nations upon the face of the globe have found necessary in their own cases?

Mr. PALMER. Most of the nations of the globe are unlike ours. Ours is a republican Government; it is based upon popular suffrage; its great purpose is the happiness of its people. Considerations of national glory, however much they may be entertained by some men, do not enter into American considerations, or ought not to enter into the consideration of American statesmen when the glory of the Republic is disconnected from the happiness of its people.

Mr. ALDRICH. I have always understood that those who sympathize with the economic views of the Senator from Illinois believe that the happiness and prosperity of the American people would be conduced by an enlargement of our foreign commerce. I have always understood that was the object they favored above all others.

Mr. PALMER. If the Senator can suggest to me how our commerce with the Hawaiian Islands can be enlarged by the construction of a cable to be laid there I will listen to him with pleasure.

Mr. ALDRICH. It seems to me very plain that a cable to these islands would be of the greatest benefit to our commerce. There can be no question about that. That is so plain, that it is not worth while to argue it or even to make a suggestion about it.

Mr. PALMER. The Senator believes in generalities. I will ask him how it will enlarge our commerce. Would it increase the productions of the islands, or would it increase the share we should get of the productions of the islands to have such a cable?

Mr. ALDRICH. It seems to me very plain that if American merchants could know promptly the condition of the Hawaiian markets at all times, and if the Hawaiian merchants could know the condition of the American markets, it would facilitate trade between these countries; it would give to the American merchants a much larger proportion of the trade of those islands than they now have, and if not done, the trade may be taken away from us by other countries, especially by those countries having direct communication by means of cable.

Mr. PALMER. Mr. President, how very shadowy all that is to a business mind! That is hardly characteristic of that noble State of Rhode Island, where men do business and make money and work for money. Here we have a mere shadow, and we are expected to follow it as if it was composed of real facts. I ask, if this cable were constructed from some point on the American continent to Hawaii, would it not help the commerce of the world?

Mr. ALDRICH. It might or it might not. That depends en-

tirely upon circumstances; but, unfortunately for us, it might so happen that Great Britain, for instance, might prevent our use of the cable.

Mr. PALMER. It might.

Mr. ALDRICH. And there might be a very good reason for their not permitting the United States to use the cable.

Mr. PALMER. There might; and yet has Great Britain ever denied us the use of a cable which lands upon its shores?

Mr. ALDRICH. It has not for one very good reason, I take it, that there has been no occasion arising since that cable was laid for doing so; and there is very good reason that there are other cables laid from the United States to France and various European points, so that we are not dependent upon any cables which terminate upon British soil.

Mr. PALMER. And there are no occasions arising now other than those which have been invented for the purpose. We know, if we know anything, that the Sandwich Islands will gravitate in that direction which its people desire.

Mr. ALDRICH. Is the Senator from Illinois not willing to admit that there is a commercial warfare or a contention going on among the great nations of the world for enlarged markets, for the markets of the Hawaiian Islands, and for every other market in the world; and does he not know that these rivals of ours are taking advantage of every agency, of every instrumentality, to improve their commerce and enlarge their markets; and does he expect that the United States is to sit down silently and submissively and allow those countries to take these markets?

Mr. PALMER. Mr. President, I object to the use of the words "commercial war." There are commercial rivalries in nations and between nations, and enterprising men in the United States are engaged in rivalries with each other; so are nations engaged in rivalries with each other; but the idea that a nation shall from any consideration of profit invest in a cable the cost of which will equal its whole exports to the point to which the cable is directed is one of those unprofitable experiments which does not strike me as having any business in it.

Mr. ALDRICH. What is it which has led the Government of Great Britain to build an expensive highway across her dominion to the Pacific Coast? What is it that led Great Britain, through commissioners, who have been to the Hawaiian Islands, to negotiate with the Government of that country for the construction of a cable?

Mr. PALMER. It is because, I suppose, they need it, or think they need it. I suppose they think they will make profit out of it.

Mr. ALDRICH. And it is because we think we need it, and because we believe the commercial interests of the United States demand it, that we are supporting this proposition.

Mr. PALMER. The Senator is right if he believes it, and let him act according to his beliefs. I do not believe it, and therefore I act according to my belief. I could never think of constructing a cable at a cost of \$3,000,000 to a country where our imports amount to but \$12,000,000 and our exports to \$3,000,000. I should regard that as investing an enormous amount of money which must necessarily be unprofitable. The Senator, however, I have no doubt, will be candid enough to say that this cable would be valueless in a mere commercial point of view.

Mr. ALDRICH. Not by any means.

Mr. PALMER. Well, valueless in the sense that it would not justify the expense. I apprehend from a mere commercial point of view the commerce would not pay the tolls on the cable. No one relies upon the cable as a commercial cable. The proposition is that it shall be built by the United States, and the tolls are regarded as altogether unimportant. Can it be that a business man would construct a cable or construct a telegraph between two points where the tolls would inevitably fail to pay a profit or interest on the investment?

Mr. ALDRICH. Will the Senator allow me further?

Mr. PALMER. Certainly.

Mr. ALDRICH. We expend many millions of dollars every year in constructing and maintaining a navy, and other millions of dollars in the maintenance of our consular service. Does the Senator think that from a purely commercial standpoint those investments pay, and that the Government of the United States ought to continue those expenditures?

Mr. PALMER. I do.

Mr. ALDRICH. Why?

Mr. PALMER. They have a value far beyond and out of proportion to their commercial results.

Mr. ALDRICH. There are no other results in sight. We certainly do not maintain a navy just at this moment for any purpose of warfare.

Mr. PALMER. Are there any other results in sight here?

Mr. ALDRICH. Yes.

Mr. PALMER. What are they?

Mr. ALDRICH. The commercial uses.

Mr. PALMER. It is confessed, I take it, by not being denied, that the whole of the amount exported from the United States to

the Sandwich Islands in any one year is less than would be the outlay for a cable.

Mr. ALDRICH. Aside from the broad and general considerations of a commercial character and of a political character, which make the construction and the putting down of this cable a necessity, I believe that the investment would at least pay measurably from its inception.

Mr. PALMER. "Measurably!" How shadowy again! What exact significance is to be attached to the word "measurably?" Would it be a tenth, a twentieth, a fiftieth, or what? That is what I complain of in this discussion. The appropriation is maintained by shadows and by arguments that seem to me to lack that sort of certainty which can carry conviction to any considerate mind. The Senator says "political," and there is the true kernel of this nut. It is in order to promote the possibility or the chances of the annexation of those islands to the United States, and any pretext beyond that is hardly justified by the dignity of this body. It is proposed by these means to bring the United States Government into such relations with the so-called Hawaiian Republic that the latter can be maintained in power. That is it, that this Government shall be responsible for the maintenance of the Hawaiian Government, and if that fact were frankly avowed it might meet with an equal degree of frankness. I am opposed to the annexation or acquisition of those islands by the United States.

Mr. MORGAN. Will the Senator from Illinois allow me to ask him a question?

Mr. PALMER. Certainly.

Mr. MORGAN. I wish to ask the Senator from Illinois for information.

Mr. PALMER. I will furnish it if I can.

Mr. MORGAN. By what line of telegraph or cable do we now send dispatches to our fleet in Chinese waters and Japanese waters and receive dispatches from that fleet?

Mr. PALMER. The Senator from Alabama can answer the question himself.

Mr. MORGAN. I can not answer it. Will the Senator from Illinois answer it?

Mr. PALMER. I supposed a Senator whose knowledge of our foreign relations is as extensive as that of any other member of the Senate would be able to furnish information on such a point.

Mr. MORGAN. I can give a guess at it. I supposed the wisdom of the Senator from Illinois—

Mr. PALMER. A guess by the Senator from Alabama would be far more valuable than a positive assertion by me.

Mr. SHERMAN. I suppose there is no doubt about the fact that all telegraphic communication goes by way of Europe, India, and China.

Mr. MORGAN. I desire to know whether it goes by Egypt and Australia.

Mr. SHERMAN. I know of no cable line to Australia.

Mr. ALDRICH. Have not the English such a line?

Mr. SHERMAN. The English may have.

Mr. WHITE. The Senator from Ohio is mistaken in that regard.

Mr. SHERMAN. They have a line from China to Australia.

Mr. WHITE. Yes, sir.

Mr. MORGAN. Then I suggest to the Senators also whether dispatches are not sent through China and Russia overland to St. Petersburg and out through Great Britain.

Mr. ALDRICH. Yes.

Mr. MORGAN. There are two lines there. Can any Senator inform me which line is now being employed by the United States Government? I inquire for information, because it is a very important matter to know the fact in connection with the question whether we shall establish a cable line under our own control, or whether in times like these, when we have a ship now, it appears, involved in trouble with Chinese on account of some accident happening to a young man there, we are to send telegraphic dispatches to and receive dispatches from our Navy entirely through foreign sources, where of course the communications can be inspected.

Mr. ALDRICH. There is no line of our own.

Mr. MORGAN. There is no line of our own. I have no doubt that is correct.

Mr. PALMER. I do not feel humbled when I confess my ignorance in matters as to which Senators of so much intelligence disagree. They seem not to know; I confess I do not know.

I return to the line of thought I meant to pursue a moment ago. I said the pending amendment is not dictated by commercial considerations. It is dictated by political considerations that begin and end in the United States and the Sandwich Islands. The purpose is to give to this Government the means of communicating with such directness with our forces employed near the islands as will enable the Government to command them from here. I have just said that I do not favor the acquisition of the Sandwich Islands either by annexation or otherwise.

The Senator from Colorado [Mr. TELLER] yesterday spoke of the necessity or the popular passion for acquisition, and he spoke

of the possible acquisition of the islands and their retention as a mere province. There is no place in our system for a mere province. We have States, we have Territories of two classes, but they are contiguous to the United States. They are set up by American citizens.

Mr. ALDRICH. What kind of a government have we in Alaska?

Mr. PALMER. We have a Territorial government. It may be of an imperfect order, but still Alaska is a Territory of the United States and is so governed. As the Senator from Rhode Island is aware, we have officers there, a governor and a judicial organization. I observed that a bill passed the Senate yesterday authorizing the governor of Alaska to appoint justices of the peace and other officers for the administration of the law. What would be the province of Hawaii or the province of the Sandwich Islands? What would be its relation to the United States if it were a Territory? But I ask again what place have we in our system for such a people as inhabit those islands? I am not speaking harshly of the men who have taken possession of the Government there. That is one of the processes of development. It is so natural for the intelligent, the active, the earnest, and the greedy to usurp control and seize the property of feeble races that this case furnishes no exception to the general rule.

There are now in the islands say perhaps 90,000 souls. The Government is in the hands of a few hundred. From that few hundred, from all participation in the Government, the great mass of the people are excluded. Let us suppose that to-morrow, to-day if possible, the American Congress should pass a bill, which should become a law by the action of the President, annexing the Hawaiian Islands to the United States; what would be the first requirement of our Government, considering it according to its own organization and its own spirit? We should find the bulk of the valuable property there in the hands of less than 5,000 people. The great bulk of the property is in the hands of corporations organized in Hawaii mainly, but the stock is held by persons all over the United States, England, and Germany. The great bulk of the property is in the condition I have described, and that association of people have the absolute control of the Government.

I am not speaking of the wisdom of the Government as adapted to the conditions of that particular population. My argument is that we have no place in our system for such a Government or such a population. What would we do with it? Would an American Congress ratify that Government thus reorganized with all the powers the governing party claim for themselves? What would we get? Would we, as we did with the State of Texas, annex them with their constitution? Would we take them as it is now, with a President in office until 1900; with nearly all the property in the hands of a few; with a property qualification necessary for election to the legislative department; and with that anomalous organization, neither executive nor legislative, which, as I observed yesterday, made an appropriation of \$50,000 for the emergent purposes of the occasion? They have a President, they have a Legislature, but each member of the Legislature must have \$3,000 worth of property, I believe. The electors for the same body must have a property qualification. The second branch of the Legislature is also composed of men who are required to possess a certain amount of property, and the electors must have property. Would we have that Government, so abhorrent to the American mind, with its institutions as they now exist?

How many Japanese there are in the islands I do not know absolutely. At the time of the last census the population consisted of 89,990. Of that number 1,928 were Americans; natives and half castes, 40,612; Chinese, 15,301; Japanese, 12,306; Portuguese, 6,602; British, 1,344; Germans, 1,034; French, 70; Norwegians, 227; Polynesians, 588, and other foreigners, 419. It may be conceded, if it is demanded, that the political power is in the hands of the Americans, the British, and the Germans. They own substantially all the property, and the Government is in their hands. What would the American Congress do with respect to the great body of that population? Three or four thousand is the whole number of white people who are there. That would leave in round numbers 85,000 inhabitants of the islands who own but the smallest amount of property, many of them nothing, and who have no place in the Government.

What would an American Congress do with those islands with respect to their Government if we were to annex them to-morrow? At present we know that the people, to use a very old-fashioned term, one authorized by the usage of Mr. Jefferson, have been captivated; their power has been taken from them; their property has been taken from them. The problem for the American Congress would be to place those people in a different condition or to undo that which has been done and restore them to their rights.

The Senator from Colorado [Mr. TELLER] said yesterday, "Oh, for one hour of Marcy and Polk!" I say, Oh, for one hour of Charles Sumner, who would not consent to the annihilation of the



negro Republic of San Domingo! In his place in this Chamber he confronted power, he repelled the effort, he defended those people. Oh, for one hour of Charles Sumner, to infuse into those who were his associates the spirit that animated him! That was the genuine, manly sentiment of the Republican party. When an attempt was made to acquire San Domingo; when an attempt was made to overthrow that Government, he in his place here resisted the effort and prevented its consummation. It cost him his political life; it cost him his life. From that time on he was hunted down and pursued until he died. But there never was a moment when he halted in defense of the rights of the people of San Domingo. Is there no one now who will rise and speak for those helpless people of the Sandwich Islands who have been robbed and who are now governed by agencies as despotic as can be imagined?

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. PALMER. With pleasure.

Mr. SHERMAN. As there was a question raised as to the existence of a cable line with Australia I have inquired of the encyclopedia of America, I think I may call him, Mr. Spofford. He says: "So far as I can find there is no cable working to Australia, except that of the Eastern Extension, Australia and China Telegraph Company." It is just as I supposed; all messages are sent from here by that circuitous route to Australia, when there is occasion to send any.

Mr. WHITE. I will state, if the Senator from Illinois will permit me, that in the atlas which I have before me the submarine telegraph which goes from Southampton to the Mediterranean and thence through to Suez passes to Bombay in connection with Java, and from Java it goes thence to Australia.

Mr. SHERMAN. That is precisely the impression I had, and it is verified.

Mr. WHITE. And a switch passes up the Chinese coast and is anchored at Nagasaki in Japan.

Mr. SHERMAN. There is no cable line across the Pacific Ocean.

Mr. PALMER. Mr. President, who can measure the flight of lightning? It shineth from the east even to the west in a moment. Electric communication outravels the sun. The transactions that occurred in Europe this morning, or will occur there this afternoon, reach us according to the measure of time before they occur. Indirectness is nothing here. But still I do not mean to go back to that branch of the argument. I have shown the condition of those people; and we have been discussing the rights and duties of American citizens there. Paying but a moment's attention to the subject of international law, which has been discussed, I will say that I have no doubt of the right of American citizens abroad to assist in every attempt at maintaining order, and the Secretary of the Navy does not mean to contradict that view. His language is as follows:

An American who, during a revolution in a foreign country, participates in an attempt by force of arms or violence to maintain or overthrow the existing government, can not claim that the Government of the United States shall protect him against the consequences of such act.

Undoubtedly it is the duty of an American citizen abroad to assist in the maintenance of public order. But that can be accomplished by what are termed civil means. The Secretary of the Navy does not refer to that. He says "during a revolution." Of course that applies to an entirely different condition of things. Those who have spoken upon this subject heretofore seem to have lost sight of that question. During the American civil war we had many illustrations of it.

The doctrine held by the Administration at Washington during the civil war was that a citizen of a foreign country who interfered on either side in the civil war simply shared the fortunes of his party. I recollect a very significant case that occurred during my administration of the Department of Kentucky. A French subject, or citizen, reported himself to me at Louisville as having just left the Confederate army, which was then disbanding. I had an impression that participation in the rebellion, as I regarded it and termed it, was a flagrant offense against the laws of the United States.

He needed my assistance. I asked him to remain until I could communicate with the Secretary of War. I did so by telegraph. The answer of the Secretary of War was that he shared the fortunes of his party, that, the rebellion having been overthrown, he must be regarded precisely as other soldiers in the Confederate army were to be considered. I have no doubt that that is the correct view. That was a rebellion or an attempted revolution. There the Confederates were treated as belligerents. They were given many of the rights of war. They were recognized to a very large extent as belligerents. This French citizen had taken part; he had been a soldier in the Confederate army; and he simply shared the fortunes of his party.

The Secretary of the Navy has reference to a revolution, and he warns American citizens as to what will be the course of this Government toward them in case they take part in a revolution.

The fact about it is that it is very difficult to imagine a revolution in the Hawaiian Islands when the army does not consist of more than 200 men. It seems to me to be so small an affair that it must be like Mr. Lincoln's story of the fight when the justice held that the two men before him were not able to get up a fight and were therefore entitled to be discharged. [Laughter.] This being the warning of our Government, it must be supposed to have relation only to that which can be relatively regarded as a revolution.

The right of a citizen to participate in such a revolution is no violation of our laws, as I understand it, but it means, and the Secretary of the Navy means, no more than this: "If you take part in a revolution you must share the fortunes of those of the party with which you act." Notwithstanding the theory of the Senator from Massachusetts, who supposes that our relations to the Hawaiian Islands are governed by a modified international law, that was the warning given by one having the right to do it, the warning given to our people to take no part in a revolution. It had no relation to the performance of their duties as citizens in the preservation of public order.

Mr. President, I think I have said substantially all I wish to say. What may be the future of those islands I do not know. I voted for the resolutions passed at the last session of Congress; and I insist now that any interference with those people would be unfriendly to the United States. Why? I say nothing of our commercial relations, but I watch with the greatest interest this development of our republicanism in those islands. At present it is worse than a bastard republic. It is to-day a mere oligarchical government from which the great mass of the people are to be excluded, and are excluded, and robbed. We have nothing like it. We have no methods of aiding such people.

The philosophy of our relations with those islands should be to leave them undisturbed. Their Government is a miserable one, an oppressive one. It is antirepublican except by comparison, and it is more violative of popular rights than was the Government of the Queen. A comparison between the constitution which was enforced during the nominal reign of that Queen shows that the Government was more favorable to popular rights than that which has been adopted by these republicans. I invite comparison between the two constitutions.

Mr. GALLINGER. Will the Senator from Illinois pardon me?

Mr. PALMER. With great pleasure.

Mr. GALLINGER. I should like to ask the Senator how in his opinion it compares with the government at the capital of the United States, where suffrage is absolutely denied to all the citizens.

Mr. PALMER. The comparison is hardly a fair one, because the foreigners there are robbing the people, and here the people are robbing us. [Laughter.] That is a very palpable distinction. We give to the people here; they take from the people there. That is a very striking difference, it seems to me.

Mr. President, I am substantially through with what I had to say. I am endeavoring now to make the idea more distinct, if I can, that nothing has been gained except in the forms of popular government. We have got rid of the nominal Queen, and we call it republicanism. If permitted to continue it will ripen into true republicanism, I have no doubt, as education is diffused among those people, which will perhaps take centuries. It is a Government not worse than that to which they have been accustomed. They were the slaves of their chiefs. They are now the inferiors of a much more enlightened body of men. There is some hope for them. I say such may be the development of that Government that it may reach the point of true republicanism.

Mr. HIGGINS. Will my friend allow me to interrupt him?

Mr. PALMER. With great pleasure.

Mr. HIGGINS. I understand that the first work of the American missionaries was to establish schools in those islands; that the natives showed the greatest avidity for learning and for knowledge, and that they are probably among the best educated people in the world in common-school education.

Mr. PALMER. It is by such means that I expect their development; but now there is no place in our system for them. What the great Master may do hereafter, what may be His purposes in regard to those people, I know not. I know this, that one of these days the new Empire of Japan will be appearing on the Pacific Ocean as one of the active political forces, and that there is to-day far more to dread from Japanese influences in the Hawaiian Islands than from British influence. The British influence is civilizing. I understand that there are now 20,000 Japanese on the islands.

The Chinese are not to be reckoned, because the campaign of the Japanese in China has been but a march. When those people are impressed, as they will be, by the belief that they are the greatest soldiers in the world because they have overcome the Chinese, you may look for their domination or attempted domination of whatever may be brought within their reach. I regard the force of 20,000 Japanese in the Hawaiian Islands to-day as a subject of extreme danger.

Mr. HIGGINS. Mr. President, I must express my surprise that the distinguished Senator from Illinois [Mr. PALMER] should close a speech against the United States building a cable from San Francisco to Hawaii by a statement to which we may all agree, that a new and great power in the Pacific has arisen for this country and all others to reckon with. It seems to me that that furnishes a new, a novel, and a potent argument why the cable should be laid by the United States Government. The fact that this question has arisen and is here to-day shows that the struggle for commercial if not for military supremacy in the North Pacific has reached an acute stage.

The fact that the morning papers give us the news of the final overthrow of the monarchical party in the Sandwich Islands, the abdication of the Queen, and that her retainers are subject either to execution or exile, further shows that the struggle for commercial supremacy has reached an acute stage. For, disguise it as we may, it seems to me that the contests or conflicts that have been going on there apparently between two factions of the Hawaiian people have really been conflicts between the interests of the American Republic and the British Empire. Behind a cable from San Francisco to Honolulu rests American interests. Behind a cable from Vancouver by way of Honolulu to Australia are British interests. Behind the interests of a republic there are the interests of this American Republic of ours. Behind the monarchy and the Queen lurk the interests of the British Empire.

The commercial race which is going on throughout the world with such acuteness, with such vigor and activity, is not to be criticised. It is the peaceful race of mankind at this day. But it behooves every country to look after its own interests, and it seems to me that those of the United States can in no way be better subserved in the North Pacific than by the laying of this cable.

A short review of the position of the United States in respect to those islands may not be without interest or out of place. It first arose, of course, out of the New England whaling fleets in the Northern Pacific and Bering Sea finding the Sandwich Islands their proper base of operations. That communication carried with it American commerce and American missionaries, American civilization, Christianity, schools, government; and out of these would come in turn an American republic developed by just such influences. That originated in 1820. Later on the acquisition of California and the settlement of Oregon gave to our country upon the Pacific Coast as long a shore as on the Atlantic, and that has been followed in turn by the closest relations with the Hawaiian Islands.

In 1875 we took a long step, a decisive step, of national policy which no party and no statesman to-day would assume to revoke or undo, unless it may be our friends from Louisiana with regard to their sugar interests, and that was the negotiation of the reciprocity treaty between the United States and Hawaii. By that treaty those islands were incorporated into the commercial system of the United States. No duties were laid against their principal products and no duties were laid by them against our principal products. They became, for all purposes of production, manufacture, and trade, a part of the American system. Therefore there was a reason behind the fact called to the attention of the Senate yesterday by the Senator from Maine [Mr. HALE] in urging the pending amendment to the appropriation bill that there are more American vessels trading with those islands than those of any other country, and there are more American vessels trading with them than trade with any other people. What is left to us of commerce under our flag is the commerce with those islands. Elsewhere we have been driven from the seas. Only at Southampton does the American tonnage exceed that at Honolulu, and that for the simple reason that two large Atlantic steamers have been put under the American flag.

Mr. CAFFERY. Will it interrupt the Senator from Delaware if I ask him a question?

Mr. HIGGINS. Not at all.

Mr. CAFFERY. I inquire of the Senator how much tonnage the American ships carried that landed at Honolulu, and how much tonnage was contained in the vessels that landed at Southampton?

Mr. HIGGINS. The tables presented by the Senator from Maine yesterday show that the American tonnage at Honolulu is 146,993 tons, being larger than that to any other foreign port except Southampton and Yokohama. Also that the American tonnage to the Hawaiian Islands is 181,817 tons, while the British tonnage aggregates 111,655 tons.

Mr. CAFFERY. I should like to ask the Senator another question. I ask the Senator whether the tonnage that is carried by American ships to Southampton represents the American trade?

Mr. HIGGINS. Not at all.

Mr. CAFFERY. Is not the American trade carried in other than American bottoms?

Mr. HIGGINS. Undoubtedly. Of course, Mr. President, we face the fact that American trade is carried in foreign bottoms except in the North Pacific. What I argue for is a policy on the

part of the United States that will at least maintain as much of the carrying trade of our own products as we already have.

No more interesting chapter is to be found in our national history than the development of American sentiment by American missionaries among that most interesting people. We carried to them the teachings of our religion; we developed among them the principles of our liberty; and at last in the fullness of time, when their old high chiefs had died and their really royal line had become extinct and none but parvenues could aspire to the position of monarch, monarchy itself became effete and an anachronism no longer possible. This marvelously speedy evolution of the Hawaiian people, beginning with barbarism in 1820, passing through the stages of feudalism and limited monarchy, came to that of the republic in 1893; and now on this 7th day of February, 1895, we have the definitive fact announced that the monarchy has passed, and passed forever, and that Hawaii has substantially become one of the republics of the world.

The interest of our country and of all countries in this question arises of course out of the geographical location of the islands. They are in fact appended and appurtenant, to use the old language of the law, to this continent. They are a part of our great landed possession here between ocean and ocean. They are more than twice as far from the Asiatic continent as they are from our continent. We are the great people bordering upon them whose power and position necessarily dominate there. More than that, Mr. President, they are an interesting example of the great truth that it behooves all parties and all public men not to forget that it is the American market that dominates this continent and largely dominates the world. The West Indies on our other shore only prosper as they have access to our market. Hawaii can only prosper as it has access to our market. That of itself determines naturally and properly the relation of Hawaii; and it seems to me it should teach a lesson and a plain one to all who would attempt to substitute British for American domination there.

I have to confess, Mr. President, to a further surprise at the position taken by my distinguished friend from Illinois this morning, that a cable to Hawaii would be of no great commercial advantage to the United States. The old principle is that trade goes with the flag. I do not know but that the Senator from Illinois in claiming to speak for the business people in his controversy with the Senator from Rhode Island thinks that good business does not require prompt communication, whereas everyone knows that cable communication is indispensable to the best conditions of business, and that whoever has it under the circumstances has a vast advantage over any competing interest which does not enjoy quick communication. But it is more singular that that contention should be advanced here this morning, when the question whether we shall initiate a cable has really been forced upon us by the British undertaking, a statement of which always lies upon our table. The Senator from Illinois may well take a leaf from the book of our brethren of the north and read the proceedings of the Ottawa conference last September. I had the report of all those proceedings as reported by the Earl of Jersey to the British Government, he being the representative of that Government, but I neglected to preserve it, so that I have not the use of it now.

The British scheme is a cable from Vancouver to one of the Australian ports, to stop at Honolulu upon one condition, and that condition is that it shall land on soil over which the British Government shall have the sole sovereignty. Of course it would be vastly easier, cheaper, and in all respects better to lay a cable stopping at Honolulu, and, there beginning its route, measure again from that point to Australia, than it would to take it over the vast distance which would be necessary to unite British Columbia with the Australian Islands. But that advantage will be abandoned by the British Government unless they can land the cable upon British soil. As the result of the Ottawa conference that proposition was made by the British representative to the Hawaiian Government, and the latter Government referred it to the United States.

The statesmanship of the past, Mr. President, stood this people in good stead then, and the reciprocity treaty of 1875 between us and the Hawaiian Islands provided that that Government should not sell, lease, or otherwise dispose of any portion of its territory to any other Government, power, or principality than to the United States. What is it that the British ask in this regard? That they shall have the right of sovereignty over one of those islands—Necker Island. The scheme began a little more modestly, apparently, in the letter of Mr. Hatch, which is one of the inclosures in the President's message to Congress of January 9 on this subject. It recites the provision of the treaty of reciprocity between the United States and Hawaii, which reads:

It is agreed on the part of His Hawaiian Majesty that so long as this treaty shall remain in force he will not lease or otherwise dispose of, or create any lien upon any port, harbor, or territory in his dominions, or grant any special privilege or rights of use therein to any other power, state, or Government, nor make any treaty by which any other nation shall obtain the same privilege relative to the admission of any articles free of duty hereby secured to the United States.



In a further memorandum of agreement purporting to be between the Hawaiian Government and the representatives of Great Britain and the British Colonies, made at Honolulu, in October, 1894, with regard to the proposal to lay a submarine cable between Canada and Australia, connected by a branch line with Honolulu, there is provision made for a lease of Necker Island, or French Frigate Shoal, or Bird Island, or some other uninhabited island, whichever the British Government may select. The second paragraph provides that exclusive possession, free from disturbance, shall be given to the British Government, with exemption from all kinds of taxation. But when the memorandum reaches us in the message of the President, incorporated in the text of his words to Congress, it goes further and to complete sovereignty. The President says:

The attention of the Congress is directed to the following statement contained in a communication addressed to the Hawaiian Government by the representatives of Great Britain:

"We propose to inform the British Government of your inquiry, whether they would accept the sovereignty of Necker Island or some other uninhabited island on condition that no subsidy is required from you. As we explained, we have not felt at liberty to entertain that question ourselves, as we were definitely instructed not to ask for the sovereignty of any island, but only for a lease simply for the purpose of the cable."

So it comes before us in the suggestion of a grant of sovereignty. It has been claimed by the friends of a distinguished statesman, formerly a member of this body from my own State, Mr. Clayton, as one of the justifications of the famous Clayton-Bulwer treaty, that other than the handing back in one of the great treaties of peace of territory captured in war, it was the first instance where the British Government, by negotiations, were ever induced to give up possession of any land on this globe upon which they fastened their grasp. They did retire from Grey Town, and gave up their claim to the sovereignty of that section of country which would be the mouth of the Nicaragua Canal. Here the deliberate proposition made to the American people is that by our act we shall create a British sovereignty in the heart of the Hawaiian Islands, and in the face of a treaty which provides that no other country shall ever have sovereignty there.

Why is such sovereignty asked? Why is the lease of an island there asked for by the British Government? Have we not cables from the other side landing in the United States—the French cable and possibly British cables? Do we cede sovereignty to France or England when such a cable is landed in the United States? Is there any call or need or necessity for the cession of territory in landing a cable merely for commercial purposes? Clearly not. Why is special sovereignty asked by the British for the terminus of a cable in Honolulu, except it may be for a military or a naval purpose, so that in time of war they will have exclusive control of all information which passes through that channel? We thus see that this is an open and undisguised attempt to extend on the Pacific Coast of our continent not merely a commercial, but a military and naval cordon, which incloses and encompasses us on the Atlantic shore.

All this, Mr. President, looks forward to an aggrandizement of British trade and commerce. As I said before, that is perfectly fair and open competition in this world of ours. It is for somebody to take the hindmost place. But British trade and commercial supremacy have not always depended merely upon commercial efforts. On the contrary, such trade and supremacy rest on the power of the Empire. One portion of the world which was largely free from competition, in which we had almost unchecked opportunity for development, was this very Northern Pacific Ocean; but a great change came over it with the opening up of Vancouver and British Columbia by the construction of the Canadian Pacific Railroad.

Before I say a word on that subject, however, it may not be out of place to simply review the chapter by which this situation came about. It originated in the French occupation of Canada. In the treaty of 1760 the boundary lines between France and the British possessions in what is now the United States were not given accurate and complete settlement. The conflict over who should control this continent then arose, and the first gun of the seven years war, which spread over Europe and chronicled the heroic achievements of Frederick the Great, began with the crack of the rifle on the banks of the Ohio in the Pennsylvania mountains. It was as to who should control this country that the great nations of the earth then joined issue in battle. The peace of 1763 almost wiped out French interests on this continent and gave them all to England. But there was a sudden upsetting and change of that determination about twenty years afterwards in the peace of 1780, which acknowledged the independence of the United States of America, left Great Britain in possession of Canada, and transferred to her the old French attack upon our people and our commerce.

We had the war of 1812, and subsequently the adjustment of the boundary in Maine and the Oregon boundary. So all such questions have been settled. Almost the one unsettled matter is that of these islands appendant and appurtenant to the continent of

North America. The news of yesterday and to-day goes a long way to determine what the course of empire is there.

As I said earlier in my remarks, behind the monarchy and the Queen stood British interests. I do not mean for an instant to say that the British Government, as such, ever took an aggressive step toward the control of those islands. At the same time, we have testimony that their late representative there, Major Wodehouse, went a great way in support of the monarchy and the interests of the Queen.

The attitude of the British in respect to Hawaii is very similar to what it is in respect to Turkey and the Bosphorus. She does nothing actively or aggressively there, and yet one of the great questions which agitate and concern the world is that it is British interest which retains the Turk in Europe; that the line of British empire in India, China, and Australia must be preserved by her dominance at the Bosphorus and over the Mediterranean; that people of Birmingham and Manchester and other places in England must not starve, even though Bulgarian atrocities go unpunished and Armenian Christians are spitted on Turkish bayonets. No such thing has been done in Hawaii. It has been the microcosm of politics, the opera bouffe of political and commercial conflict, but on this small stage a similar conflict has been wrought out.

But, Mr. President, as I took occasion to say on this floor earlier in the session, the adverse influence met a different sort of opposition in those who sustained the American interests in Hawaii. The sons of the missionaries, the blood of New England, the American spirit stood, not only for American interests, but for American civilization. To our shame, be it said, unaided by this Government, but on the contrary, frowned upon and antagonized by it, they have pursued their course with manly dignity and firmness, until to-day their enemies are under their feet. Do what we may, build this cable or not build it, help Great Britain forward in her struggle for supremacy, or make it a fair race in competition by building the cable ourselves, we have this great interest in charge; and as in the past, so in the future, we can leave those matters to the American men on those islands.

Mr. President, the letter of Admiral Walker in response to a resolution of the Senate of August 17 last to the Secretary of the Navy is evidence, and, under the circumstances, is about the best evidence to which we can recur as to the actual facts of the situation in Honolulu. The question he was writing about is one which does not concern us particularly now, and I do not intend to consider the question whether it was well to have a United States vessel at Honolulu at that time; but in discussing it he throws light upon the policy of the British Government or their representatives in respect to the islands. He says:

In my opinion the Republic has ample strength to maintain itself and to preserve peace, and would suppress riot or counter revolution with a firm hand; but as long as foreign vessels lay in the harbor of Honolulu, ready at a moment's notice, in the event of disturbance, to land forces to secure the safety of life and property, it was open to the enemies of the Government to say that tranquility was maintained only by the presence of those ships. I found leading members of the Government and others strongly of this opinion, and expressing satisfaction with the prospect of being left for a time entirely alone.

But as soon as it was known that the *Philadelphia* was to leave on the 8th a movement was set on foot among the English residents to retain the *Champion*, and the British minister, Major Wodehouse, willingly consented to order her to remain in port.

This change of plan, and the circumstances under which it was made, put the situation in a new and somewhat serious light, to thoroughly appreciate which it is necessary to understand the attitude and ambitions of Major Wodehouse.

He had been at Honolulu nearly thirty years, and his constant struggle had been to set English influence against American influence, and make it predominate, and as an essential part of this policy to maintain the monarchy. The successful revolution and the establishment of a Republic during the last year of his diplomatic service, upon the eve of his retirement, was an evidence of failure which made him bitter and hostile. Although holding the position of British minister and transacting diplomatic business with the Government de facto, he had been a pronounced and partisan Royalist. It is currently believed that he had been in constant secret communication with Liliuokalani, and entirely in the confidence of the Royalist leaders, and he had certainly lost no opportunity to embarrass the present Government, disregarding the courtesies and amenities due from one in his position. But for his impending retirement, matters would have probably come, some time ago, to an issue which would have resulted in his recall or dismissal.

The commanding officer of the *Champion*—

That is a British vessel—

had the same interests and views, and was quite ready to support his minister.

These unusual circumstances presented the situation in the following light: The chances of any disturbance taking place through the action of the Royalists after the departure of the *Philadelphia* were considerably increased by this significant detention of the *Champion*. Should any such disturbance take place I believe the British minister would seize upon any pretext, however slight, to land the *Champion's* forces, and that once on shore their influence would be to encourage the Royalists and to increase or prolong the difficulty. Should such action result in the restoration of the monarchy, English influence would henceforth control with Liliuokalani.

There is another consideration which bears upon this point. The British are very much in the habit of retaining any foothold once obtained; and there is much talk at present of a cable between the Pacific colonies, "to land only on British soil." Should an English military force be established on shore at Honolulu to preserve order there might not readily be found the opportune moment for its withdrawal. Whatever might be the willingness of the home

Government to yield to the claims of the United States, strong colonial pressure would be brought upon it to oppose these claims. It should not be forgotten in this connection that Pearl Harbor offers, strategically and otherwise, the finest site for a naval and coaling station to be found in the whole Pacific.

Later on he says:

It is a fact which should not be lost sight of that English influence is always opposed to American influence in the Hawaiian Islands. It is colonial and local in its character, influenced largely, if not principally, by trade jealousies, but it is a very potent factor, and is strong enough to eventually influence the attitude of the British diplomatic representatives and to have its effect upon British naval officers who remain there for any length of time. The existence of this antagonism and of its influences should always be taken into account. Their expression was not noticeable during the last few days of my stay at Honolulu, especially before Major Wodehouse ceased to be minister. The English and Royalists were equally elated at the impending departure of the *Philadelphia*, leaving the *Champion* in port, while the supporters of the Government regarded the situation with regret. Many women, especially, were emphatic in their apprehension, fearing a revival of former excitements and anxieties.

He then goes on to say:

While I would not hesitate in the least to leave the islands entirely alone, I deem it unsafe to leave them under British protection. It jeopardizes our influence there, and might lead to awkward complications.

That is substantially the position taken by the British influences there. All this, as I stated before, has become more exigent and acute with the opening up, through the Canadian Pacific Railway, of a great commercial and military route around the world, controlled by Great Britain alone. Of course it is true that that railway line could not subsist for six months without the privilege which we foolishly, as I think, granted to it, of carrying freight between American points. Without that, as its own promoters say, it could not earn its axle grease, but that company has established from Vancouver, upon the Pacific, to the Pacific ports in Japan, China, and Australia lines of large and fast steamers, which are now rapidly taking in British bottoms to British ports this very Hawaiian trade which hitherto has been ours. I saw a statement to that effect within the last three weeks in the newspapers, but neglected to preserve it. It will be found, however, that that is going on more and more rapidly, and that the rapidity of change will be insured if a British cable goes there and no American cable. We could hardly hold it if we had an American cable and there was no British cable.

But the Senator from Illinois [Mr. PALMER] referred to another matter which carries with it very different consequences from those which the Senator drew. I speak of the heterogeneous population of the Islands. He argues from that fact that the islands are not fit for incorporation with the United States. I argue from it that it lays upon us a grave duty to discharge toward those islands, to see that they do not pass into hostile hands, and that American interests and American influences shall continue predominant there. We can see from the revolution, which has now come to its end apparently, under what great stress the people there who are charged with the functions of government have had to conduct their affairs. Only 1,500 men in all constituted the entire military force which, by the reports of this morning, was employed by the Government in the suppression of the so-called rebellion. Yet there are 90,000 people in the islands. Of this number 20,000 are Japanese, courageous, and disposed to assert themselves.

There is also no mean fighting capacity in the natives themselves. But we can not be the dog in the manger. We can not order England and Japan off the premises and keep off the premises ourselves. It is a condition and not a theory that confronts us. The fact of the existence of that heterogeneous population is no excuse to Mr. Dole and his colleagues in attempting to meet the difficulties of the situation, and it seems to me it is no reason why we should refuse our assistance in such a solution of the problem as will conduce most to their interests as well as to those of the American Republic.

Still further, as I remarked at the outset, the presence of a new first-class power in the world and upon the Pacific is not less startling than it is interesting to all the nations of the earth. Notice is served upon them that Japan has appeared armed cap-a-pie and taken her place in the front rank among the great nations of the earth. Be she civilized or barbarous, according as people may think with respect to the occurrence at Port Arthur, there is no denial that upon the Pacific Ocean this great military, naval, and commercial power has appeared.

Her manufactures are growing apace, her commerce is growing apace, and we must reflect that this is not the Atlantic Ocean, but the Pacific. We may well leave to European powers the settlement of all question in the Atlantic and with a little, if any, fleet maintain ourselves secure in our great military strength and in our peaceful situation against possible aggressions from any European power. It may be that in like manner we have nothing to fear from Japan or China, should the latter in a few years under this rude awakening become in turn an aggressive military power, as is possible, but we can not rely in that far ocean upon the presence of European fleets alone. It comes to us. Least of all can we afford to allow the Hawaiian Islands to pass under

Japanese control and thus bring an Asiatic power that near our door.

We may go along here dreaming, in this happy-go-lucky sort of manner, under the belief that there is no interest beyond ourselves which we are called upon to secure or protect, but the misery of the situation will be revealed when we wake up to find our commerce destroyed and insult and dishonor put upon us because we have not taken the ounce of caution and by the establishment of a great fleet made ourselves able to fill the place we hold as one of the great powers of the earth. We shall abandon that position if we abandon the Hawaiian Islands, and almost the first step of that abandonment would be if, with this project of a British cable pending, we should say to the people of those islands: "We will not let you have a British cable and we will not build one ourselves. Rich we are, but we are also mean; greedy we are, but we will starve you. We will be the dog in the manger. We will let nobody else give you the breath of commercial life which a cable infuses, but we will not build one ourselves."

Mr. President, if the proposition of a British cable between British Columbia and Australia has done nothing else, it has at least served the good purpose to wake up the United States and to let us see that events will not wait upon us, and that in this behalf on a matter so important to our people and our nation we can no longer sit supinely by and leave these things alone.

Mr. CAFFERY. Mr. President, in the course of the eloquent and interesting remarks made by the Senator from Delaware [Mr. HIGGINS], who has just taken his seat, he said no other Senators were opposed to the reciprocity treaty between the United States and Hawaii than the Louisiana Senators. I do not think the Senator, who was a member of this body in 1890, can have a very clear recollection of what occurred then, because at that time, when the Hawaiian treaty was before the Senate for discussion, the Senator from Ohio [Mr. SHERMAN], referring to the treaty, said:

No country ever made so foolish a treaty as that. There probably is not in the history of the human race a contract so one-sided, so absurd, and so indefensible. That treaty has cost us \$48,000,000. We got no advantages from it, and our exportations to those islands did not largely increase.

Another Republican Senator on that occasion spoke thus:

We could have given to the Hawaiian Government all the imports that we have made to that country, and then paid it a bonus of over \$13,000,000, if we had charged the ordinary duties on sugar, rice, and other articles admitted free under the treaty. If this treaty stands five years more, we will have given to the sugar kings of the Sandwich Islands and to the sugar kings of San Francisco enough money to construct and put in operation the Nicaragua Canal. We have already given them between \$11 and \$12 for every acre of land in the Kingdom of Hawaii.

Again, I find that the Senator from Vermont [Mr. MORRILL], another distinguished Republican, introduced a resolution in the Forty-seventh Congress to abolish the Hawaiian reciprocity treaty, and it was referred to the Finance Committee. The committee made a report from which I will read an extract. It says that a simple recital of the facts as to our trade with Hawaii, before and since the treaty—

will show its great inequality and the conspicuous injustice to our Government and its people of its longer continuance.

The report goes on to make a calculation of the amount of sugar imported into this country from those islands and the amount of produce imported into the islands from the United States, showing this great inequality.

So the Senator from Delaware has crept into an unconscious or an unwitting error by the remark he made that the reciprocity treaty with Hawaii was opposed by only the Louisiana Senators. Possibly the Senators whom I have quoted have seen a new light since the last dispensation of the McKinley Act. I do not know about that, but at that period they were hostile to the treaty, and the reasons they then gave are quite as potent now.

Mr. ALDRICH. I suppose the Senator from Louisiana will agree that the act of 1890, to which he has alluded, took away the advantage which before that time the planters of the Hawaiian Islands had over other sugar producers.

Mr. CAFFERY. I am not aware of that act.

Mr. ALDRICH. I do not see why the Senator from Louisiana is not aware of it. He understands the history of that act.

Mr. CAFFERY. I am aware of the fact that the McKinley duties left raw sugar free, and that a duty was imposed upon all sugars above 16 Dutch standard, in favor, particularly, of the American Sugar Refining Company, which sugar refining company the Senator from Rhode Island himself announced in the debate on the tariff bill last year derived \$6,000,000 from the imposition of that tariff.

Mr. ALDRICH. The Senator from Louisiana either does not understand my question or else he is evading it; I do not know which.

Mr. CAFFERY. I am not evading the question if I understand it.

Mr. ALDRICH. I think the Senator from Louisiana could not have understood it, then. I asked him if he was not aware, as I



suppose he must be, being familiar with all questions relating to sugar production, that the act of 1890 in express terms took away from the sugar producers of the Hawaiian Islands the advantages which they had over other sugar producers.

In other words, prior to 1890 other producers of sugar throughout the world had to pay a duty of 2 cents a pound to have their sugar introduced in the United States. Under the reciprocity treaty with the Hawaiian Islands the producers of sugar in those islands paid no duty whatever. This was in fact and in effect a bounty of 2 cents a pound upon all the sugars produced in the Hawaiian Islands; and for that reason the Senator from Vermont and myself and other Senators have at all times opposed that provision of the reciprocity treaty with the Hawaiian Islands. The act of 1890 put the sugar producers of the Hawaiian Islands upon the same plane as every other sugar producer in the world, and gave to the sugar producers in the United States a bounty of 2 cents a pound practically upon their product. The act of 1890 for the first time took away the advantages of the producers of the Hawaiian Islands.

Mr. CAFFERY. I understand that. I said possibly a new light had dawned in regard to the treaty after the enactment of the McKinley law.

Mr. ALDRICH. There was no new light in regard to it at all. The act of 1894, which was passed by the vote of the Senator from Louisiana, restored that advantage to the sugar producers of the Hawaiian Islands and took it away from the producers of the United States.

Mr. CAFFERY. Consequently the Senator from Rhode Island ought to be, as he is, in accord with the Senator from Ohio and the Senator from Vermont in regard to the reciprocity treaty, because now the Hawaiians have their sugars free under the treaty, while when the rest of the world import their sugar they pay a tax.

Mr. ALDRICH. I stated in the course of the debate upon the act of 1894 that that was the fact. I called the attention of the Senator from Louisiana and his fellow-Senators upon the other side to the fact that it would restore to the sugar producers of the Hawaiian Islands the advantages which they did not have under the act of 1890.

Mr. CAFFERY. I will remind the Senator from Rhode Island that I was then and am now hostile to the treaty.

Mr. ALDRICH. A hostility that takes the form of words with votes upon the other side sometimes leads to inconsistency.

Mr. CAFFERY. The Senator can not put me in a hole on that point with his sophistical reasoning. The Senator knows very well that, as a Democrat, I had to vote for the whole bill, and could not reject it on account of some clause in it that I did not indorse. The clause in the last act maintaining the reciprocity treaty was exceedingly distasteful to me. I am as hostile to it now as I was then. But I simply wanted to say to the Senator from Delaware [Mr. HIGGINS] that the assertion that he made that nobody was opposed to the treaty but the Senators from Louisiana was not correct, as leading lights on the Republican side had manifested their hostility to it.

Mr. HIGGINS. I ask the Senator from Louisiana if any of them are now moving for its abrogation?

Mr. CAFFERY. If they hold the same view they did then, that the rest of the world importing sugar into the United States must pay a tax, while giving sugar free to the Hawaiian Islands is an unnecessary and unequal bonus to Hawaii, I imagine they would still be opposed to it.

Mr. HIGGINS. If the Senator will allow me I should like to say a word.

Mr. CAFFERY. Certainly.

Mr. HIGGINS. As I understand the position of the people of Louisiana it is that they crave from the United States—

Mr. CAFFERY. Is the Senator proceeding to ask me a question?

Mr. HIGGINS. Yes, sir. They propose to ask of the United States either such a duty on sugar or such a bounty to be paid to them for the production of sugar as will enable them to produce sugar profitably. I wish to say that I am in favor of the latter policy. I prefer a bounty to the duty. In that respect the citizens of Louisiana are asking a favor of the rest of the country. Now, I ask the Senator from Louisiana if the country in its totality feels that for national, commercial, political, military, and naval reasons it needs such a policy to be applied to the people of Hawaii as to incorporate those islands as a part of the American Republic, does he think that it is a wise policy on the part of the people of Louisiana to antagonize the United States when they are asking the United States for favors?

Mr. CAFFERY. I understand the Senator from Delaware to presume that the people of Louisiana indorse the principles of a bounty and now ask the Senate and the other House to adopt the bounty proposition.

Mr. HIGGINS. I do not intend to get into any dispute with the Senator on that point, but I really did say that, for I thought the Senator or his people wanted the bounty. If they do not, I will

withdraw the statement. But I will suppose that they want a duty on sugar, and it is immaterial to me whether it be a duty or a bounty, for the purposes of this question.

Mr. CAFFERY. Even conceding the fact to be as the Senator from Delaware has stated, and I do not so concede, that the people of Louisiana desire the granting of a bounty for national purposes, to develop a great industry in Louisiana, I do not think there is any sort of comparison between the development of a home industry in our own States and the laying of an ocean cable to a foreign country.

Mr. HIGGINS. I then suggest to the Senator whether it is not important that the mass of the people of the United States differ with him; whether the people of Louisiana can afford to put themselves in the position of antagonizing the wish of the people of the United States in the maintenance of a national policy because it happens to compete with their local interests as sugar producers.

Mr. CAFFERY. I do not know that the people of the United States desire the adoption of any such national policy as is suggested by the Senator from Delaware. If opinions were to be given I am quite free to give mine that they do not desire the adoption of any such policy.

Now, Mr. President, while I am up I will say that there is no sort of warrant, in my opinion, for the Government of the United States, either directly or indirectly, to lay a cable between the United States and Honolulu, or any part of the Hawaiian dominions. It has been broadly stated on this floor, it has been iterated and reiterated, that we possess in regard to foreign subjects every right and power that every other nation possesses. The argument seems to be that every other nation possesses the power to lay a submarine cable, or telegraphic communication, from beyond its own dominions to foreign dominions, and therefore the United States possesses that power.

I do not see that it is a foreign power, to start with. I do not see that it has any relation to a foreign power. I see that it is only a domestic power. The only warrant which you can possibly have for it would be to regulate commerce; and the regulation of foreign commerce is a domestic power and not a foreign power. If the argument be that we have the power to lay this cable in execution of the grant to regulate commerce with foreign nations the argument falls, because the power to regulate commerce with foreign nations is necessarily a domestic power; and it implies that the foreign commerce must be within the scope and purview of the jurisdiction of the United States before the power of the United States to regulate commerce can attach.

Now, Mr. President, what argument is there of any sort of weight to establish even the utility of this submarine cable? Senators who have addressed the Senate upon this subject laid great stress upon the number of ships bearing the American flag that land at Honolulu; but there are only about \$10,000,000 of exports annually from that country to the United States and only about \$3,000,000 of exports from the United States to that country.

Is it possible that it would take this vast number of ships—greater, as I am told by the Senator from Delaware, than annually visit the port of Southampton—to transport \$10,000,000 worth of products from Honolulu to the United States and \$3,000,000 worth of products from the United States to Honolulu? How is this commerce to be facilitated by a submarine cable? We monopolize the commerce of that coast, as has been stated time and time again. As far back as the time of Mr. Webster he stated that we had four-fifths of the trade of that country. The nearness of our coast to Honolulu, the direct trade flowing between the Pacific coast and that country, will maintain that trade.

The spook of the supremacy of Great Britain in these trade relations does not at all appal me. That is no sort of reason why we should lay a submarine cable. If the trade of Hawaii with Great Britain threatens in the near future to be so large, then that is a reason why we should consent to the British Government laying a cable from Vancouver to Honolulu. I do not know that trade follows geographical lines or that it follows sovereignty. If that be so why is it that we have \$450,000,000 of exports annually to Great Britain and have so little intercourse with our neighbors in South America and all our neighboring countries?

Mr. HIGGINS. I suggest to my friend from Louisiana that the very reason is because we have no adequate means of communication with the South American Republics, while England has communication with every one of them. I remember a conversation with an American who is a manufacturer and a merchant in London. He is a manufacturer of drugs. I asked him why he conducted business in London and from London rather than some place in America. He said, "Because from this point I can reach the whole world." They have their lines of steam communication and, as far as they can, cable communication which carry them directly to the points. Dependent upon the world and its products for the life and welfare of the British Islands, they have these communications everywhere as the best means of commanding that welfare.

Mr. CAFFERY. Mr. President, I am fully aware that England has run us out of the ocean, and I am fully aware, I believe, of the reasons why she ran us out of the ocean. I believe it is on account of the enormous tariff that you have heretofore placed upon all articles that enter into the construction of iron ships. I believe further it is on account of the enormous taxation you have heretofore levied upon the raw materials which enter into the product of American manufacture that you are shut out from competition with England in the markets of the world.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. CAFFERY. Certainly.

Mr. ALDRICH. Has the foreign trade of the United States increased since the Senator's tariff law was enacted?

Mr. CAFFERY. The Senator from Rhode Island is a little previous in asking that question. Give that tariff law time to operate before you denounce it. I am not aware whether the trade has increased or decreased; but I am aware, from the history of the past, that with lower taxation, especially upon articles that enter into shipbuilding, especially upon the raw materials that enter into textile fabrics, that our trade ought to increase, and I believe it will increase.

Mr. ALDRICH. I suppose the Senator from Louisiana must be aware that materials for building ships are and have been for at least ten years admitted free of duty.

Mr. CAFFERY. I was not aware that the materials which enter into ship building in the United States are admitted free of duty.

Mr. HIGGINS. Ninety-nine per cent.

Mr. ALDRICH. They are.

Mr. CAFFERY. I am aware that the registry laws prevent our purchasing English ships to be owned by American owners, and I know that, therefore, the carrying trade of the world is in the name of the English owners of ships. But that is a digression, Mr. President.

I do not see any commercial utility whatever in the laying of a cable between the United States and Honolulu. I do not find anywhere any sort of warrant for paying out \$500,000 of the money of the people of this country for that purpose, and I state distinctly that that purpose will not receive my sanction.

As has been correctly stated, the whole object of the peculiar regard for Hawaii here is nothing on earth but a stepping stone to its annexation, and the annexation of Hawaii is something that I can not view with satisfaction. I do not regard that at this or any other time the acquisition of those islands would be in any respect favorable to the United States.

Mr. President, a great deal has been said about the Democratic policy of annexation under Mr. Marcy while he was Secretary of State, and the Senate has been invoked in the name of Democracy for one or two hours that that Democratic spirit might inspire us which is said to have been rampant at that time to annex all the outlying islands of the ocean. A reading of the letter of Mr. Marcy to the then representative of the United States in the Sandwich Islands may throw some light upon the reasons why at that period the project of annexation was dropped by the then Democratic Administration. In the Hawaiian correspondence, Executive Document No. 48, page 374, is a letter from Mr. Marcy to Mr. Gregg, the then American consul at Honolulu. Mr. Marcy says:

The draft of a treaty you have forwarded to the Department has been considered by the President, and he directs me to say that he can not approve of some of the articles. If ratified in its present shape at Honolulu and sent hither, he would not probably submit it to the Senate. There are in his mind strong objections to the immediate incorporation of the islands in their present condition into the Union as an independent State. It was expected that the Hawaiian Government would be willing to offer the islands to the United States as a Territory, and to leave the question in relation to their becoming a State to the determination of this Government, unembarrassed by stipulations on that point.

Mr. President, what was the main stipulation in the treaty which the Hawaiian Government had prepared and which they solicited the Government of the United States to ratify? The controlling stipulation was that Hawaii was to be immediately allowed to enter the Union as a State with all the rights, privileges, and immunities of the American States. Even the Territorial form of government was objected to by them. In that condition of affairs Mr. Marcy very properly stated that the treaty would not be submitted by the President of the United States to the Senate, and why? Because manifestly in the opinion of the President and of Mr. Marcy it was not proper to incorporate into this Union a State with a body of electors composed of a population like the inhabitants of the Hawaiian Islands.

Is not that objection as fatal and potent to-day as it was then? Can we afford to take into this Union as a body of electors a population which, according to the testimony of the most intelligent men from the Hawaiian Islands, who gave their evidence before the Committee on Foreign Relations when investigating the subject of the dethronement of the Queen, was utterly incapable of self-government? Do Senators now desire, do the people of the United States desire, to incorporate into their midst a body of

electors unfit to govern themselves, so said to be by the people who are now governing them?

The very Government that is now erected in Hawaii, oligarchical in form, oppressive in character, aye, Mr. President, despotic in character, shows that the people of the Hawaiian Islands are unfit for self-government. The object appears to be to incorporate into this Union people whom the resident Americans there in Hawaii say can not be maintained except by a quasi despotism; and this evidence springs from the most intelligent residents of that island, Mr. Spaulding particularly. Some men who are now high in authority in those islands emphatically state that the Kanakas, the Japanese, the Chinese there are not fit to be governed by republican institutions. They can not govern themselves. That kind of people I do not desire to have embraced within the limits of the American Union as a State or as a Territory or in any way whatsoever.

Mr. President, this discussion has taken a very wide range, and it has embraced a great many subjects, and, among other subjects, the right of an American resident abroad in Hawaii—because that is the particular instance in discussion—is maintained to enter into the militia or other service of that Government in order to maintain that Government against revolution. The proposition is broadly stated as derived from international law, that an American citizen resident abroad, having a commercial residence, can maintain the existing authority against any attack to overthrow it. That proposition I do not think to be sound. In Wharton's Digest of International Law the general principle is enunciated in paragraph 202:

There is no principle more distinctly and clearly settled in the law of nations than the rule that resident aliens not naturalized are not liable to perform military service. We have uniformly claimed and insisted upon it in our intercourse with foreign nations.

This was Mr. Seward, when Secretary of State, to Mr. Morton; and this principle of international law is admitted by everybody. There have been quotations from Vattel and other international sources to show that a resident alien in a foreign country can be made liable to militia service, to police service, to serve on a posse comitatus, and the like; and the argument is advanced that, therefore, he can be compelled without violating the laws of neutrality and violating his rights as a citizen of another country to perform militia duty or a temporary military service in maintaining the government of his residence against rebellion.

Mr. President, it is evident that the meaning of the law has been strained; it is evident that a distinction must be drawn between an organized rebellion, an organized uprising, and a mere émeute, a mere riot, a mere uprising of unlawful people to assault the Government, but the principle that wherever a rebellion takes such form and assumes such shape as to be so formidable in its proportions as to be able to wage war, as to be able to control the services of a considerable number of citizens, and after it takes such shape, that war is actually entered upon, it is evident to my mind that an alien citizen can not oppose such an uprising as that under the plea of maintaining the established Government as a part of the posse comitatus; that wherever war is active, wherever the character of belligerency attaches to a rebellion, in that case a resident alien can not be compelled to enter into the service of the established Government which is sought to be overthrown, and if he does so voluntarily he forfeits all right to the protection of the home Government; but the opposite proposition is broadly maintained.

An uprising may be rapid, it may be an ebullition of forces which have been sleeping for a time that all of a sudden takes sufficiently strong and firm a shape as to amount to the character of belligerency. It is not necessary that the belligerents have had an existence for a great length of time in order to establish that character, but the very moment that the belligerent character is established, whether it is done immediately, whether it is done after sufficient interval, that very moment the alien resident is not authorized to oppose it; and there, it appears to me, is the proper distinction.

But, sir, the argument cuts both ways. The argument advanced upon the other side is that a resident alien under no circumstances may oppose an established Government. How would that apply to Hawaii? When these American citizens resident in Hawaii, with the full cognizance of the resident American minister, organized a rebellion against the Hawaiian Government, the Government they established was stated to be a patriotic Government which ought to receive the support and sanction of the United States; and that, while it was well known that this rebellion was organized for the purpose of overthrowing the then existing dynasty, the landing of American troops to do nothing more than give moral aid and comfort to these people was an act of the highest patriotism and justice.

I do not propose, however, Mr. President, to go into the history of the dethroning of Queen Liliuokalani. I think the evidence submitted by Mr. Blount, which the evidence before the Foreign Relations Committee did not at all impair, makes it perfectly manifest that the successful overthrowing of the Government of that



Queen was done by Minister Stevens, with the aid of the United States marines. I do not mean to say by that that the resident Americans were unable to have effected that purpose themselves, but I do say that they meanly and cowardly took advantage of the known proclivities of the American minister sympathizing with them in their efforts to get rid of the Government of the Queen, and prevailed upon him to land the American marines, so that their revolution would be without the slightest danger to themselves.

I do not mean to say, Mr. President, that a number of American citizens anywhere, living amongst an inferior race, as these Kanakas are, can not rule them either by intrigue or by force; and the history of those islands shows that from the very time the Americans put their feet upon those islands they commenced to have a paramount influence in their government. They did so properly, but it was done by means of persuasion; it was done by means of pardonable intrigue, as it were; but however accomplished, they were the ruling power in Hawaii, and the Government which was set up there was their own Government, and when the Queen attempted to proclaim a constitution, which they themselves had given a precedent for in a prior proclamation which they instigated, they took advantage of that pretext to dethrone her by and through Minister Stevens.

I understood the Senator from Colorado [Mr. TELLER] to say—his remarks have not yet been published—that the President of the United States had in his answer to the communication of the royal commissioners of Liliuokalani, who visited this country some time ago, stated that he had done all that he could do toward repairing the wrong that had been committed in those islands toward that Queen, and that statement of the President, not only by the Senator then, but by a large number of Republican Senators thereafter, has been made the subject of most bitter partisan attack, and the doctrine has been boldly asserted that however accomplished, by what means soever accomplished, whether by the participation of the United States or not, if a government is once recognized by the United States, that recognition is irrevocable, is fait accompli, and nothing can be done to undo it, even if it is accomplished by fraud and misrepresentation.

I, Mr. President, have the hardihood to say that the efforts of the President of the United States to restore the status quo through his representative, Mr. Willis, ought not only not to be a subject of attack, but it ought to be a matter of the highest praise to him.

We have heard a great deal of American patriotism; we have heard a great deal of the course of empire taking its way westward; we heard yesterday a very eloquent apostrophe to the Caucasian race from the Senator from Connecticut [Mr. PLATT]; but, sir, a man who does his duty for duty's sake climbs to a higher point of patriotism than the man who is carried away by the frothy sentiment of American patriotism. The highest type of an American, whether he occupies the Presidential chair or whether he occupies a humble place in the community, is one who has the courage to say and do right under all circumstances.

When the President of the United States was convinced that it was wrong to use the military arm of the United States to dethrone this weak and defenseless Queen, and undertook to repair that wrong, he gave evidence of an American courage and an American manhood which, in my opinion, far transcends the glittering froth and declamation of sentimental Americanism. As long as this evidence is alive, as long as the testimony exists showing the complicity of Mr. Minister Stevens in this revolution in Hawaii, and showing the unlawful use of the marine power of the United States to effect the dethronement of the Queen, in my opinion it will be a foul blot upon the manhood and upon the integrity of this nation. It may be, Mr. President, that the thing is done, and can not now be revoked; but notwithstanding that, the blot is upon us, and it will take years, in my opinion, to efface it.

I quite agree with the Senator from Connecticut in the march to empire of the great Caucasian race; I quite agree with him that that race is the superior governing race of the world; and there is no American who can establish by force of his own arm, without adventitious and unlawful aid, a government of Americans in any part of the known world, and hold it by virtue of his superior powers and strength, that I shall not heartily support and welcome; and if these people over in Hawaii had undertaken with their own right arm, without the aid of the military power of the United States, to establish a government of a republican character, or any other government there, that action would have met with no kind of rebuke from me, but rather I should have applauded it as evincing the dominating character of our race and their superiority in all governmental affairs so far as other races are concerned.

Mr. President, right here I will say that the evidence that we have before us in these voluminous reports shows that the inhabitants of the Hawaiian Islands are the most docile, the most tractable, and the most intelligent of all the Indians that white men have heretofore come in contact with, but the inevitable fate of the Indian seems to have overtaken them. Our people went there

with the Bible. The men who went there were devout men; they were Christian men; they went with a holy purpose, and they carried it out with a holy zeal. They did Christianize, they did educate and civilize, the inhabitants of those islands, but, sir, the inevitable fate of the Indian seems to have overtaken those inhabitants.

From some 130,000 souls, when first the missionary put his foot upon their soil, they have decreased to about 40,000 souls; their possessions have all gone, have been swept from them. Even the last little vestige of power and authority which they enjoyed—a masquerade of power, as it were, a travesty of government, as it were—has been taken away from them. The white man will not even let them have the show of power. That is the inevitable fate of the Indian. Whether it comes by fire and sword, or whether it comes by the Bible, the Indian has to be obliterated. It is a sad commentary that the only people of whom history gives us any note who ever received civilization without force, who received it readily, who accepted the white man as a friend and invited him into their councils, and gave him their government, have alike shared the fate of the savage Sioux and of all the savage tribes in North America who resisted the white man with rifle and hatchet. So be it, Mr. President. There appears to be a controlling destiny in this matter which neither the power of the Government of the United States nor any other power can control.

In view of the declarations of international writers, why is it that Secretary Herbert has been criticised for his letter of instructions to Admiral Walker?

Mr. CHANDLER. I inquire of the Senator if he would prefer to finish his remarks to-morrow? If so, I shall make a motion to adjourn.

Mr. CAFFERY. I am nearly through, and other Senators wish to speak.

Mr. CHANDLER. I shall not make the motion if the Senator prefers to go on.

Mr. CAFFERY. I do. I shall conclude in a few moments.

I would say, Mr. President, in view of the statements of international law, as read by me in Mr. Seward's letter to Mr. Morton, I do not see how it is that the criticisms of Senators upon the other side of the Chamber of the letter of Secretary Herbert to Admiral Walker can be so easily and flippantly made. That letter states simply this:

An American citizen who during a revolution or insurrection in a foreign country participates in an attempt by force of arms or violence to maintain or overthrow the existing government, or who aids in setting on foot a revolution or insurrection in such country, can not claim as matter of right that the Government of the United States shall protect him against the consequences of such act.

Mr. President, it is manifest that the Secretary of the Navy was within the lines of international law in this letter. Any American citizen who, during a rebellion or insurrection in a foreign country, should either maintain or oppose one of the contending factions can not claim as a matter of right the protection of the Government of the United States. What kind of insurrection or rebellion must it be? It must be one of that character which will take on the shape of belligerency, and that was the intention of the Secretary; that was his evident meaning. He did not mean that in a mere émeute over there in Hawaii, or anywhere else, an American citizen could not join in putting it down, nor did he so say; but he said wherever, during or pending a rebellion or insurrection, an American citizen took part, either in maintaining or opposing the government, he must necessarily forfeit the right of being protected by his own Government; and the argument has been made with great stress that the Secretary of the Navy was guilty of a gross violation of international law because Senators on the other side of the Chamber construe a rebellion or insurrection to be a mere émeute.

Mr. President, whenever there is a state of affairs which divides a community into two hostile camps, whenever a rebellion takes such form as to command a considerable body of the citizens of a country in which the rebellion occurs, it is manifest when that kind of war, flagrant war, if you choose, is pending, that an American citizen can not participate without forfeiting his right to be protected by his own Government.

Mr. KYLE obtained the floor.

Mr. CHANDLER. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. KYLE. For what purpose?

Mr. CHANDLER. I was going to move an adjournment.

Mr. HUNTON. I hope the Senator will move an executive session.

Mr. KYLE. If the Senator will withhold that motion, I can finish what remarks I have to make in a very short time.

Mr. CHANDLER. I have no objection to an executive session, but there is a storm outside, and the Senate ought to adjourn shortly.

Mr. HUNTON. I move that the Senate proceed to the consideration of executive business.

Mr. BLACKBURN. Will the Senator withhold that motion for a moment?

Mr. HUNTON. Certainly.

Mr. BLACKBURN. I went to the Senator from South Dakota [Mr. KYLE] and inquired of him whether he desired to go on to-night, and suggested that probably it would be to the convenience of the Senate to take an adjournment now, but the Senator said that his remarks would take but a short time, and he preferred to go on this evening. That is the reason I have not already moved for an adjournment of the Senate.

Mr. CHANDLER. In view of the suggestion of the Senator from Kentucky I will withhold the motion.

Mr. HUNTON. I desire to move an executive session.

Mr. KYLE. If it be agreeable to the Senate, I will defer the remarks I desire to submit until to-morrow morning, and take the floor at that time.

Mr. MARTIN. I hope the Senator from Virginia will withdraw his motion for an executive session for a few moments.

Mr. HUNTON. For what purpose?

Mr. MARTIN. I have two local bills which I should like very much to have passed. There is no objection whatever to them. They have been favorably reported, and I have been waiting for a week for an opportunity to secure their consideration. I shall be greatly obliged if the Senator will allow me an opportunity to have them considered now. They will take but a few minutes.

Mr. HUNTON. I desire particularly to have an executive session this evening for the purpose of confirming the nomination of General Schofield. He was commander of Military District No. 1, which was that in effect he was governor of Virginia, and he has left behind him none but friends in my State. I desire to show my appreciation of the promotion to the high grade to which he has been nominated by confirming him at the very first moment we can.

Mr. ALLISON. I ask the Senator to yield to me for a moment.

Mr. HUNTON. To introduce a bill?

Mr. ALLISON. No; but to have considered and passed a purely local bill, which will take but a few minutes, and if it leads to discussion I shall withdraw it.

Mr. HUNTON. I can not yield for that.

Mr. ALLISON. Very well.

Mr. HARRIS. The Senator from Kansas [Mr. MARTIN] is asking permission to have considered two bills which will not take any time, and I do not think they will encounter any kind of opposition. I hope the Senator from Virginia will not interpose his motion, but will give the Senator from Kansas an opportunity to have the bills in his charge considered.

Mr. HUNTON. With that understanding I yield for that purpose, and then I hope I shall be recognized by the Chair.

Mr. MARTIN. I am very much obliged to the Senator from Virginia. The bills for which I desire present consideration are House bill 8165 and Senate bill 2372.

The PRESIDING OFFICER. The Senator will please indicate which bill he desires to have first considered.

#### RAILWAY THROUGH THE INDIAN TERRITORY.

Mr. MARTIN. I ask unanimous consent for the present consideration of House bill 8165.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent for the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 8165) authorizing the Kansas City, Oklahoma and Pacific Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which had been reported by the Committee on Indian Affairs with amendments.

The first amendment was, in section 1, line 9, after the word "through," to insert "all Indian reservations in;" in the same line, after the word "Indian," to insert "Territory;" and in line 10, before the word "Oklahoma," to insert "the Territories of;" in the same line, after the word "Oklahoma," to strike out "Territories" and insert "and New Mexico upon a line," and in line 23, after the word "extensions," to insert "through such Indian reservations;" so as to make the section read:

That the Kansas City, Oklahoma and Pacific Railway Company, a corporation created under and by virtue of the laws of the State of Kansas, be, and the same is hereby, authorized and invested and empowered with the right of locating, constructing, owning, equipping, and operating, using, and maintaining a railway and telegraph and telephone line through all Indian reservations in the Indian Territory and the Territories of Oklahoma and New Mexico upon a line beginning at a point to be selected by said railway company at or near the town of Coffeyville, in the county of Montgomery, State of Kansas, and running thence in a south and west direction over the most practicable route, through the Indian Territory and the Territory of Oklahoma, to a point at or near Pawhuska, and also Guthrie and Kingfisher, in the Territory of Oklahoma, and thence to the east line of Wheeler County, State of Texas; thence to the east line of the Territory of New Mexico, and

through the Territory of New Mexico to the city of Albuquerque, in the Territory of New Mexico, with the right to construct, use, and maintain such tracks, turn-outs, sidings, and extensions through such Indian reservations as said company may deem to their interests to construct along and upon the right of way and depot grounds herein provided for.

The amendment was agreed to.

The next amendment was, in section 2, line 3, after the word "said," to strike out "Territories" and insert "reservations;" so as to read:

That the said corporation is authorized to take and use, for all purposes of a railway and for no other purpose, a right of way 100 feet in width through said reservations.

The amendment was agreed to.

The next amendment was, in section 4, line 8, before the word "State," to strike out the letter "a," and in line 9, before the word "formed," to strike out "government is" and insert "governments are;" so as to read:

Congress hereby reserves the right to regulate the charges for freight and passengers on said railway, and of messages on said telegraph and telephone lines, until State governments are formed.

The amendment was agreed to.

The next amendment was, in section 5, line 8, after the word "said," to strike out "Territories" and insert "reservations;" so as to read:

That said railway company shall pay to the Secretary of the Interior, for the benefit of the particular nations or tribes through whose lands said line may be located, the sum of \$50, in addition to the compensation provided for in this act for property taken and damage done to individual occupants by the construction of the railway, for each mile of railway constructed in said reservations.

The amendment was agreed to.

The next amendment was, in section 5, line 27, after the word "said," to strike out "Territories" and insert "reservations;" and in line 30, after the word "said," to strike out "Territories" and insert "reservations;" so as to read:

Said company shall also pay, so long as said reservations are owned and occupied by the Indians, to the Secretary of the Interior, the sum of \$15 per annum for each mile of railway it shall construct in the said reservations.

The amendment was agreed to.

The next amendment was, in section 6, line 2, after the word "said," to strike out "Territories" and insert "reservations;" so as to read:

That said railway company shall cause maps showing the route of its located line through said reservations to be filed in the office of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section 7, line 6, after the word "tribes," to strike out "of Indians;" in line 7, after the word "whose," to strike out "Territory," and insert "reservation;" and in line 12, after the word "Indian," to strike out "Territory" and insert "reservation;" so as to make the section read:

SEC. 7. That the United States circuit and district courts for the district of Kansas, and such other courts as may be authorized by Congress, shall have, without reference to the amount in controversy, concurrent jurisdiction over all controversies arising between said Kansas City, Oklahoma and Pacific Railway Company and the nations and tribes of Indians through whose reservation said railway shall be constructed. Said courts shall have like jurisdiction, without reference to the amounts in controversy, over all controversies arising between the inhabitants of the said nations or tribes and said railway company; and the civil jurisdiction of such courts is hereby extended within the limits of said Indian reservations without distinction as to citizenship of the parties so far as may be necessary to carry out the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 9, line 2, after the word "railway," to strike out "within said Territory;" so as to read:

That said railway company shall build at least 100 miles of its railway within three years after the passage of this act or the rights herein granted shall be forfeited as to that portion not built.

The amendment was agreed to.

The next amendment was, in section 10, line 2, before the word "right," to insert "grant of the;" so as to read:

That the Kansas City, Oklahoma and Pacific Railway Company shall accept this grant of the right of way upon the express condition, etc.

The amendment was agreed to.

The next amendment was, in section 11, line 3, after the word "said," to strike out "Territories" and insert "reservations;" so as to read:

That all mortgages executed by said railway company conveying any portion of its railway with its franchises, that may be constructed in said reservations, shall be recorded in the Department of the Interior.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Kansas City, Oklahoma and Pacific Railway Company to construct and operate a railway through Indian reservations in the Indian Territory, and the Territories of Oklahoma and New Mexico, and for other purposes."



## INDIAN APPROPRIATION BILL.

Mr. CALL, from the Committee on Appropriations, to whom was referred the bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes, reported it with amendments, and submitted a report thereon.

## LOUISIANA OR HONDURAS LOTTERY COMPANY.

Mr. CALL submitted the following resolution; which was read:

*Resolved by the Senate.* That a special committee be, and is hereby created, who shall be charged with the duty of inquiring and reporting to the Senate whether the Louisiana or Honduras Lottery Company has been established and is now operating in the State of Florida and is engaged in business there and in the use of the mails and of the interstate-commerce corporations or companies in violation of the laws of the United States and of the State of Florida. The committee shall also inquire whether the Louisiana or Honduras company, its owners, managers, directors, or agents, have entered into a combination with any person or persons or corporations for the control of the elections and the legislature and the members of Congress and the executive officers of the State of Florida; and whether they own, either directly or indirectly, any interests in newspapers published in the State, and whether they, or any of them, have contributed money for the establishment of newspapers or for subsidizing newspapers.

The committee shall also inquire and report what sums of money, if any, were expended in the late elections by the Louisiana or Honduras Lottery Company, or by any person or corporation in any way connected, combined with, or interested in such lottery company, or in persons connected with it, and in what way and by what persons such money was expended, and by what persons it was contributed.

Mr. CALL. I ask that the resolution be printed and that it lie over until to-morrow.

The PRESIDING OFFICER. The resolution will go over and be printed.

Mr. HUNTON. I now renew my motion.

Mr. MITCHELL of Oregon. Will the Senator from Virginia yield to me for a word of personal explanation?

Mr. HUNTON. With pleasure.

## PERSONAL EXPLANATION.

Mr. MITCHELL of Oregon. Mr. President, in view of what transpired this morning when the question of the sugar bounty was up, it is evident that there was a misunderstanding day before yesterday between the Senator from Tennessee [Mr. HARRIS] and myself, which led to a somewhat heated colloquy and resulted finally in the use of certain language on the part of both of us that ought not to be used in the Senate under any circumstances, and ought not to go into the RECORD of this body. I regret it so far as I am concerned. I have had no communication whatever with the Senator from Tennessee on the subject. I have always held the Senator in very high regard. The relations between us have always been of the most pleasant character, and so far as I individually am concerned I desire to withdraw everything I said on that occasion.

Mr. HARRIS. Mr. President, nothing was more foreign to my intention or purpose than to say anything that could be construed into a disagreeable remark. My objection was in no sense personal to the Senator from Oregon [Mr. MITCHELL]. It would have come just as soon if the same suggestion had been made by my elbow neighbor, with whom I am on the most intimate and kindly terms. I am glad the Senator from Oregon has withdrawn such remarks of his as were reasonably construed as being offensive. It affords me great pleasure to withdraw anything that I may have said in the course of that colloquy which is susceptible of the construction of being disrespectful or offensive. I am glad the Senator from Oregon has made the statement we have just heard. I respond to it in the same spirit in which it was made.

## EXECUTIVE SESSION.

Mr. HUNTON. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 8, 1895, at 12 o'clock m.

## NOMINATIONS.

*Executive nominations received by the Senate February 7, 1895.*

## POSTMASTERS.

John W. Cox, to be postmaster at Ellis, in the county of Ellis and State of Kansas, in the place of Morell M. Fuller, removed.

John Schlyer, to be postmaster at Hays, in the county of Ellis and State of Kansas, in the place of Fred Krueger, whose commission expired December 23, 1894.

Frank D. Kelly, to be postmaster at Bradford, in the county of Essex and State of Massachusetts, in the place of William Hilton, whose commission will expire February 14, 1895.

George W. Paul, to be postmaster at Claremont, in the county of Sullivan and State of New Hampshire, in the place of Henry C. Sanders, whose commission will expire February 12, 1895.

Andrew H. Demarest, to be postmaster at Paterson, in the county of Passaic and State of New Jersey, in the place of William A. Hopson, whose commission will expire February 12, 1895.

Louis S. Smith, to be postmaster at Medina, in the county of Medina and State of Ohio, in the place of Charles H. Kimball, whose commission expired December 18, 1894.

John W. Armstrong, to be postmaster at North Clarendon, in the county of Warren and State of Pennsylvania, in the place of Henry Howard, whose commission expired January 15, 1895.

Frank S. Bowman, to be postmaster at Millersburg, in the county of Dauphin and State of Pennsylvania, in the place of John B. Seal, whose commission will expire February 9, 1895.

Harry E. Culbertson, to be postmaster at Edinboro, in the county of Erie and State of Pennsylvania, in the place of Edwin G. Culbertson, whose commission expired January 31, 1895.

George C. Middlebrook, to be postmaster at Millbank, in the county of Grant and State of South Dakota, in the place of Adam J. Bleser, whose commission will expire February 14, 1895.

Julia C. Polk, to be postmaster at Coleman, in the county of Coleman and State of Texas, in the place of James Gipson, whose commission will expire February 20, 1895.

James W. Brown, to be postmaster at Neenah, in the county of Winnebago and State of Wisconsin, in the place of Haskell E. Coats, removed; John M. Callahan, who was confirmed by the Senate December 12, 1894, and who was subsequently commissioned by the President, having declined to accept the appointment.

A. C. Dixon, to be postmaster at Kilbourn City, in the county of Columbia and State of Wisconsin, in the place of Elvira C. Smith, removed.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 7, 1895.*

## PROMOTION IN THE ARMY.

## Lieutenant-General.

Maj. Gen. John McAllister Schofield, to be Lieutenant-General.

## APPOINTMENTS IN THE NAVY.

Robert B. Dashiell, a citizen of Maryland, to be assistant naval constructor in the Navy.

Edwin A. Jonas, a citizen of Louisiana, to be assistant paymaster in the Navy.

## PROMOTIONS IN THE NAVY.

Pay Inspector Luther G. Billings, to be a pay director.

Paymaster George E. Hendee, to be a pay inspector.

P. A. Paymaster John Corwine, to be a paymaster.

Asst. Paymaster Ziba W. Reynolds, to be a passed assistant paymaster.

P. A. Engineer John K. Barton, to be a chief engineer.

Asst. Engineer Robert B. Higgins, to be a passed assistant engineer.

P. A. Engineer Robert G. Denig, to be a chief engineer.

Asst. Engineer Willis B. Day, to be a passed assistant engineer.

## POSTMASTERS.

Charles F. Gallup, to be postmaster at Mansfield, in the county of Bristol and State of Massachusetts.

Dennis J. O'Brien, to be postmaster at Hopkinton, in the county of Middlesex and State of Massachusetts.

Thomas Moritz, to be postmaster at Glen Ridge, in the county of Essex and State of New Jersey.

William F. Byrd, to be postmaster at Crisfield, in the county of Somerset and State of Maryland.

Henry D. Linsley, to be postmaster at Branford, in the county of New Haven and State of Connecticut.

Edward W. Lowrey, to be postmaster at Southington, in the county of Hartford and State of Connecticut.

## HOUSE OF REPRESENTATIVES.

THURSDAY, February 7, 1895.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of yesterday's proceedings was read and approved.

## LITTLE RIVER, ARKANSAS.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Little River, Arkansas; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

## SUMMARY OF IMPORTS AND EXPORTS OF THE UNITED STATES.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting a draft of a bill providing for the printing of the summary of the imports and exports of the United States; which was referred to the Committee on Printing.

## DEFICIENCIES IN APPROPRIATIONS FOR DISTRICT OF COLUMBIA.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting supplemental estimates of deficiencies in appropriations for the District of Columbia, submitted by the Commissioners; which was referred to the Committee on Appropriations, and ordered to be printed.

## EXPENSES OF COLLECTING REVENUE FROM CUSTOMS.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriations for defraying the expenses of collecting the revenue from customs for the fiscal year ending June 30, 1896; which was referred to the Committee on Appropriations, and ordered to be printed.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. CATCHINGS, indefinitely, on account of sickness. To Mr. HEINER of Pennsylvania, for two days, on account of sickness.

## FORT JUPITER MILITARY RESERVATION.

Mr. COOPER of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2493) to amend and extend the provisions of an act entitled "An act to provide for the opening of certain abandoned military reservations, and for other purposes," approved August 23, 1894.

The bill was read, as follows:

*Be it enacted, etc.,* That the provisions of the act approved August 23, 1894, entitled "An act to provide for the opening of certain abandoned military reservations, and for other purposes," are hereby extended to all abandoned military reservations which were placed under the control of the Secretary of the Interior under any law in force prior to the act of July 5, 1884. SEC. 2. That the preference right of entry given to actual settlers by the terms of the act to which this is an amendment shall, so far as the lands to which the provisions of said act are extended, take effect and continue for six months from the date of this amendatory act.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. WILLIAM A. STONE. I would like to know more about this bill, reserving the right to object.

Mr. COOPER of Florida. I will explain the bill to the House in a few words. There was a bill passed at the last session opening certain military reservations with homestead rights, giving the preference to homesteaders. That was thought to include Fort Jupiter Reservation, and that it would give the homesteaders the same preference there.

By the terms of the bill which passed it limited the provisions of the act to reservations which had been opened for settlement up to a certain date. The Interior Department has held that it did not apply to the Florida reservation, and that the homesteaders there would not have their preference rights under that act. The bill has been passed by the Senate and has been reported on by the Committee on Public Lands. It only applies to the Fort Jupiter Reservation in Florida, and does nothing for that reservation but to give the homestead settlers there the same rights as were given to them everywhere else in all reservations of this kind. All that is intended is to give the homesteaders the preference right; and if we do not give them that right, then the reservation will be taken by land scrip and the homesteaders will have their preference taken from them. That is all.

Mr. WILLIAM A. STONE. But the bill seems to be broader than the explanation of the gentleman. It applies to all military reservations.

Mr. COOPER of Florida. The bill which it amends was a general act; and if there are any other reservations in which we have not protected the homestead rights, it ought to apply to those also. So far as I know—and the chairman of the Committee on Public Lands is here—I do not know of any reservation except Fort Jupiter that it does not cover, and by some mistake that was omitted, and we ought to carry out the purpose of the act by including this reservation.

Mr. REED. What was the limitation as to time originally, and how was that mistake made? Why was it necessary for making a limitation of the original act?

Mr. COOPER of Florida. The original act provided that it should apply to abandoned military reservations placed under the control of the Secretary of the Interior under the act approved July 5, 1894, the disposal of which had not been subsequently provided for by Congress. When that was put in it was supposed that covered them all.

Mr. REED. It was put in because it was supposed to have no effect?

Mr. COOPER of Florida. It was put in because most of these reservations were opened before that; but it seems that Fort Jupiter Reservation was transferred prior to that act, although the Interior Department reported to us that it was not, and enumerated it amongst those that were to be included by that act. They have

decided since that that was a mistake, and that the homesteaders would not have the preference rights there. There is nothing in the world in the bill except to give to that reservation the same status that has been given to settlers on other abandoned military reservations.

Mr. LACEY. I will state to the gentleman from Maine that it was the intention of the committee to cover that case, but there was a mistake made by the Department.

Mr. McRAE. Mr. Speaker, I think I can explain this bill in a few words. The act of August 23, 1894, sought to be amended, was introduced by myself. The Committee on Public Lands asked the Interior Department to furnish a list of reservations that would be covered by it. The Fort Jupiter Reservation was named as one of them. It exceeded in area 5,000 acres. No one supposed that any of these military reservations had been turned over to the Department prior to the passage of the act of July 5, 1884, which provided for the disposal of them; but it appears that at least this one and perhaps some others were turned over prior to that time as useless.

There is no special privilege granted to the settlers on this reservation, but puts them upon the same basis as others of the same size in other parts of the country. But for a mistake made by the Department in naming it as having been turned over under the act of July 5, 1884, it would have been provided for in the original bill. It was turned over to the Department of the Interior and became a part of the public domain prior to that act. By technical construction of the act of August 23, 1894, those lands can not be disposed of under it. Now, we seek by this bill to amend the law so as to allow not only this reservation, but all others that were turned over prior to the act of July 5, 1884, to be disposed of if they exceed in area 5,000 acres. It does just what was intended to be done by the original bill. It ought to be passed.

Mr. COOPER of Florida. I will state to the gentleman from Maine that the only effect of the bill is to make secure the rights of a considerable number of homesteaders.

Mr. REED. Who are already on it?

Mr. COOPER of Florida. Who are already on it. If the bill were not to pass the probability is that scrip entries would be put upon the land, and they would be deprived of their rights under the homestead act, and the bill only gives to them the same rights that are given homestead settlers in their settlements all over the United States.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. COOPER of Florida, a motion to reconsider the vote by which the bill was passed was laid on the table.

## BRIDGE ACROSS THE MISSOURI AT SIOUX CITY.

Mr. MEIKLEJOHN. Mr. Speaker, I ask unanimous consent for the present consideration of House bill 8499.

The title of the bill was read, as follows:

A bill to authorize the construction of a bridge across the Missouri River in the county of Dakota, in the State of Nebraska, and in the city of Sioux City, in the county of Woodbury, in the State of Iowa.

Mr. MEIKLEJOHN. I ask unanimous consent that the reading of the bill be waived. It is similar to a bill which passed in the second session of the Fifty-third Congress, save and except that the bridge is changed to a wagon bridge. The bill is in legal form, and is approved by the Secretary of War.

Mr. SAYERS. The bill ought to be read, Mr. Speaker.

The bill was read, as follows:

*Be it enacted, etc.,* That the Iowa and Nebraska Pontoon Bridge Company, a corporation organized under the laws of the State of Iowa, its successors and assigns, be, and they are hereby, authorized to construct a wagon bridge across the Missouri River between the State of Nebraska and the State of Iowa, within the county of Dakota, in the State of Nebraska, and the city of Sioux City, in the county of Woodbury, in the State of Iowa, and to build, erect, and lay on and over said bridge ways for wagons, vehicles of all kinds, and for the transit of animals; to provide ways for foot passengers, and to lay on and over said bridge tracks, upon which may be operated street railways; and to maintain and operate said bridge for the purposes aforesaid, and for all other uses and purposes incident to the use of a wagon bridge not specially enumerated; and to charge, collect, and receive reasonable compensation and tolls for the transit over said bridge of all wagons, carriages, vehicles of all kinds, persons, foot passengers, and animals, street railways, and for all other uses of said bridge not specially enumerated: *Provided*, That the Secretary of War may at any time prescribe such rules, regulations, and rates of toll for transit and transportation over said bridge as may be deemed proper and reasonable.

SEC. 2. That said bridge shall be constructed as a pivot drawbridge, with two or more draws, as the Secretary of War may prescribe, which said draws shall not be less than 200 feet in the clear on each side of the central or pivot piers of the draws; and all other spans over the river shall not be less than 250 feet in the clear, measured at low water; and said spans shall not be less than 10 feet above high-water mark, measuring to the lowest part of the superstructure of the bridge; and the piers of said bridge shall be parallel with the current of the river at high water.

SEC. 3. That no bridge shall be erected or maintained under the authority of this act which shall at any time substantially and materially obstruct the free navigation of said river; and that no bridge shall be commenced or built under this act until the location thereof and the plans and specifications for its construction shall have been submitted to and approved by the Secretary of War; and any change in the plans of such construction or any alteration



in the bridge after its construction shall be subject to the like approval; and that the Secretary of War is hereby authorized, whenever in his opinion the said bridge shall substantially obstruct the free navigation of said river, to cause such change or alteration of said bridge to be made as will obviate such obstruction; and all such alterations shall be made at the expense of the owner or owners of said bridge or the person operating or controlling same; and the said bridge shall be constructed with such aids to the passage of said bridge in the form of booms, dikes, piers, or other suitable and proper protections for confining the flow of water to a permanent and easily navigated channel for the guiding of rafts, steamboats, and other water craft safely through the draw as the Secretary of War shall prescribe and order to be constructed and maintained, at the expense of the company owning said bridge; and the said bridge shall be at all times so kept and managed as to offer reasonable and proper means for the passing of vessels through said structure; that said draw shall be opened promptly to its full width upon reasonable signal, without unnecessary delay, for the passage of vessels, steamboats, and other water craft requiring the opening of said draw for their safe passage; and the owners of said bridge shall maintain, at their own expense, from the hours of sunset to sunrise, such lights or other signals on said bridge as shall be prescribed by the Light-House Board.

SEC. 4. That said corporation, or its successors, may, in conformity with plans approved by the Secretary of War, construct and maintain defensive and corrective works in or along said river, above or below said bridge, for the protection of the same and the approaches thereto, or for the improvement, correction, or control of the channel of said river.

SEC. 5. That any bridge built under this act and according to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transportation over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for their transportation over the public highways leading to such bridge. The United States shall also have the right to construct, without charge therefor, telegraph and telephone lines across and upon said bridge.

SEC. 6. That Congress may at any time alter, amend, or repeal this act.

SEC. 7. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within three years from the date of the passage of this act.

The SPEAKER. Is there objection to the request for the present consideration of this bill?

Mr. BRYAN. Mr. Speaker, I ask the gentleman to withhold that for two or three days. I do not know that there will be any objection to it, but I do not want it considered this morning.

The SPEAKER. Objection is made.

Mr. BRYAN. Mr. Speaker, on a statement made to me by my colleague, Mr. MEIKLEJOHN, I withdraw the objection.

The amendments recommended by the Committee on Interstate and Foreign Commerce were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MEIKLEJOHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPHINE P. KELTON.

Mr. SICKLES. Mr. Speaker, I ask consent to call up and have considered at this time Senate bill No. 879.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill granting a pension to Josephine F. Kelton, widow of Brig. Gen. John C. Kelton, late Adjutant-General United States Army, deceased.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine F. Kelton, widow of Brig. Gen. John C. Kelton, late Adjutant-General United States Army, and pay her a pension of \$50 per month.

The SPEAKER. Is there objection to the request of the gentleman from New York for the present consideration of this bill?

There was no objection.

An amendment was agreed to striking out the initial "F" in the name and substituting "P."

The Senate bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SICKLES, a motion to reconsider the vote by which the bill was passed was laid on the table.

CATHERINE CAINE.

Mr. HENDERSON of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk, being House bill No. 952, for the relief of Catherine Caine.

The bill was read, as follows:

*Be it enacted, etc.,* That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Catherine Caine, widow of the late Rev. Charles Caine, the pay and allowances of a chaplain in the volunteer service from the 10th day of December, 1861, to March, 1863, the said Charles Caine having served as such chaplain in the organization known as Yates's Sharpshooters, Illinois Volunteers, during the time mentioned, under a commission issued by Richard Yates, governor of the State of Illinois, without pay.

Amendments recommended by the Committee on War Claims were agreed to, as follows:

In line 8, strike out "tenth" and insert "first."

Same line, strike out "December" and insert "January."

Line 9, strike out "sixty-one" and insert "sixty-two."

Same line, strike out "March" and insert "1st day of August."

Line 10, strike out "sixty-three" and insert "sixty-two."

Mr. HENDERSON of Illinois. Mr. Speaker, this bill was considered in Committee of the Whole on the 13th of July last, and

has been on the Calendar ever since. It was reported favorably by the Committee on War Claims with the amendments which have just been read.

Mr. DOCKERY. Mr. Speaker, I think the phraseology of the bill is incorrect. It provides that "the proper accounting officers of the Treasury" shall be authorized and directed to pay, etc. We ought not to confer that power on the accounting officers. I suggest that the bill be amended so as to direct the accounting officers to ascertain the amount and the Secretary of the Treasury to pay it.

Mr. HENDERSON of Illinois. If the gentleman will suggest the proper amendment I will accept it. The bill was prepared in accordance with suggestions made at the War Department.

Mr. DOCKERY. The gentleman had better have the bill properly amended in the Senate, as it can not well be done here now.

The SPEAKER. Is there objection to the request of the gentleman from Illinois for the present consideration of this bill?

There was no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HENDERSON of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### OCCUPATION OF UNITED STATES PROPERTY IN BALTIMORE.

Mr. McKAIG. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. Res. 265) authorizing the mayor and city council of Baltimore to occupy for a period of five years, and erect a building thereon, a certain lot in the city of Baltimore owned by the United States.

The joint resolution was read, as follows:

Whereas consent to the purchase by the United States of America of any lots or parcels of ground in the city of Baltimore, for the purpose of erecting a building for a post-office, court-house, and other public offices of the United States of America, was given by the State of Maryland by the act of the general assembly of said State passed at the session of 1880, chapter 2; and

Whereas by said act jurisdiction over said lots or parcels of ground after the same should have been lawfully conveyed to Maryland, United States of America, was ceded, released, and relinquished to the United States of America, as in said acts more fully set forth; and

Whereas among the lots or parcels of ground so lawfully conveyed to the United States of America for the purposes aforesaid is a lot or parcel of ground in the city of Baltimore, described as follows: Beginning for the same on the corner formed by the intersection of the west side of North street and the south side of Lexington street, and running thence south, binding on the west side of North street 112 feet; thence west, parallel with the south side of Lexington street, 70 feet; thence north, parallel with the west side of North street, 112 feet to the south side of Lexington street, and thence east, binding thereon 70 feet, to the place of beginning; and

Whereas the said described lot was not covered by the building erected by the United States for a post-office, court-house, and public offices on the square of which it forms a part, bounded by Lexington, North, Fayette, and Calvert streets, in Baltimore City, and has been for many years vacant, and is not now needed or occupied by the United States for any purpose; and

Whereas pending the construction of the new court-house in the city of Baltimore, for the use of the State courts within said city, the mayor and city council of Baltimore desire to obtain the privilege of erecting on said described lot a temporary brick building, to be used by the State of Maryland for the purpose of holding therein the sessions of the State courts within said city; and

Whereas at the time the United States was acquiring title to the aforesaid square bounded by Lexington, North, Fayette, and Calvert streets the mayor and city council of Baltimore made a gift to the United States of two lots of ground, forming part of said square, valued at over \$50,000: Now, therefore,

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That full permission be, and the same is hereby, granted to the mayor and city council of Baltimore to erect on the lot hereinbefore described a two-story brick building, to be used by the State of Maryland for the purpose of holding therein the sessions of the State courts within said city, for a period not to exceed five years from the time said building shall be begun, and that during said period concurrent jurisdiction, so far as the same may be necessary, be, and the same is hereby, ceded to the State of Maryland for said purpose, so that the sessions of the said courts in said building, upon said lot, may be during said period fully legalized: *Provided, however,* That the mayor and city council of Baltimore will enter into a contract with the United States of America, to be approved by the Secretary of the Treasury before the erection of said building shall be begun, that within three months after the expiration of the said period of five years the said building shall be entirely torn down and the materials thereof removed, and the said lot restored to the same condition in which it now is; and in default thereof, that the said building may be removed and the lot restored to its present condition by the United States at the expense of the mayor and city council of Baltimore.

Mr. SAYERS. Mr. Speaker, I would like to inquire the distance of this lot from the United States public building in that city.

Mr. McKAIG. It is immediately adjoining the present public building—the post-office and court-house.

Mr. SAYERS. But how far distant from the building is it?

Mr. McKAIG. Not more than 20 or 30 feet, I suppose.

Mr. SAYERS. I believe there is a general law which forbids the erection of a public building within a less distance than 40 feet from any other building.

Mr. McKAIG. But may I explain with reference to this? Some few years ago the post-office and court-house building was erected in the city of Baltimore. The United States moved into that building, abandoning the old one, which was constructed upon a lot given by the city. The old building is now being occu-

pied for the purposes of the court. A year ago we gave the city a right to occupy that building for five years for court purposes, while the city was engaged in erecting a new court-house. In that building there is not room for what is called the hall of records, and leave is now asked for the city to erect a two-story building on the adjoining lot for the purpose of keeping the records.

Mr. PAYNE. Is that within 40 feet of the new post-office building?

Mr. MCKAIG. No, sir. It adjoins the old Federal court building.

Mr. SAYERS. That building is not now occupied by the Federal offices?

Mr. MCKAIG. It is not. The Federal offices have moved into the new building. This bill gives the right of occupancy for only five years, and the city will guarantee to tear down the building at the end of that time if it is desired. Gentlemen should remember, too, that the old building is erected upon a lot given by the city.

Mr. PAYNE. And at the end of five years we shall be under obligation to give them the lot.

Mr. MCKAIG. No, sir; they do not want it. The city will erect a building that will be better than your Federal building.

Mr. PAYNE. I object, Mr. Speaker.

The SPEAKER. Objection is made.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had insisted upon its amendments disagreed to by the House to the bill (H. R. 8388) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1896, and for other purposes, had asked a further conference with the House on the bill and amendments, and had appointed Mr. GORMAN, Mr. COCKRELL, and Mr. ALLISON as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 397) to provide for the erection of a government building at Chicago, Ill.; and

A bill (H. R. 5603) to amend an act entitled "An act to amend the laws relative to shipping commissioners," approved August 19, 1890, and for other purposes.

The message also announced that the Senate had passed without amendment bill and joint resolution of the following titles:

A bill (H. R. 8552) to authorize the appointment of cadets in the Naval Academy; and

Joint resolution (H. Res. 269) authorizing the Secretary of War to make a survey of Kalamazoo River from Lake Michigan to Saugatuck.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. 2669) to repeal section 553 of the Revised Statutes of the United States requiring the district judge in the southern district of Florida to reside at Key West;

A bill (S. 2364) for the relief of Silas P. Keller; and

A bill (S. 1921) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the cities of Washington and Georgetown, and for other purposes;

The message also announced that the Senate had passed the following resolution:

*Resolved*, That the Secretary be directed to furnish the House of Representatives, in compliance with its request, a duplicate engrossed copy of the bill (S. 41) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California.

#### ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2097) granting to the Gila Valley, Globe and Northern Railway Company a right of way through the San Carlos Indian Reservation in the Territory of Arizona;

A bill (S. 2165) to amend an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1880; and

A bill (S. 1935) granting a pension to Elizabeth Ellery.

#### CONGRESSIONAL ELECTIONS IN TENNESSEE.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk. The resolution was read, as follows:

Whereas it appears by the published reports of the proceedings of the legislature of the State of Tennessee that it is alleged by a large body of respectable citizens of said State that at the election held on the 6th day of November, 1894, for governor, members of the legislature, and members of Congress,

in said State, such a total disregard of law was abroad in nearly the entire territory of said State of Tennessee as that no legal election was held therein; and

Whereas it is claimed that large numbers of persons disqualified by the laws of Tennessee, to the number of more than half the voters thereof, participated in said election and cast their ballots in violation of law, being at the time wholly disqualified; and

Whereas the legislature of the State of Tennessee now in session has declined and refused to recognize said election as a legal and binding election, and has refused to permit the person having the greatest number of votes upon the face of said returns to be inaugurated as governor, holding that there was apparently no legal election in said State; and

Whereas the said general assembly is at this time engaged in an investigation to ascertain whether or not there was any such legal election; and

Whereas there was a form of election of members of Congress gone through with at said election in the several Congressional districts of Tennessee, and certificates have been issued to the persons receiving the highest number of votes by the governor of Tennessee, who himself refuses to recognize the legality of the election of a governor under the same conditions and disabilities and alleged violations of law which it is claimed have rendered the election of governor void and illegal; and

Whereas said alleged and pretended members of Congress will present themselves at the first session of the Fifty-fourth Congress and claim seats therein;

Now, therefore, in order to ascertain the facts in regard to said election and to ascertain whether the certificates of the members aforesaid claiming to have been elected from the State of Tennessee ought to be received and acted upon, and in order to ascertain whether there was any valid election of members of Congress from said State on the day aforesaid:

*Resolved*, That there be a committee of five members of this House who are members of the Committee on Elections of the present House and who are re-elected to the Fifty-fourth Congress, appointed by the Speaker of the House to investigate, ascertain, and report all and singular the facts touching said alleged illegal and void election, and to ascertain whether or not it is true that large numbers of persons voted at the several Congressional elections in said State without the legal qualifications of voters, and the extent to which such illegal voting was done, and whether or not it is possible to ascertain who did receive the greatest number of legal votes, and to report whether or not said election ought to be, in fact, treated as null and void and disregarded by the House of Representatives in the same manner and to the same extent that it is being disregarded and held for naught by the legislature of the State of Tennessee. And said committee is authorized to appoint a stenographer and a sergeant-at-arms, and to issue process for the securing of witnesses and to compel their attendance. And said committee is further authorized to make use of the testimony and evidence taken by the legislature of the State of Tennessee, if copies thereof can be procured, and, in so far as it is competent, to consider the same in making their report. And said committee is authorized to sit during the vacation between the close of the Fifty-third Congress and the assembling of the Fifty-fourth Congress, and to make report to said Congress on the first day of its session or as soon thereafter as it is possible. The sum of \$2,500 out of the contingent fund of the House is hereby appropriated to pay the expense of said investigation, to be paid upon the warrant and certificate of the chairman of said committee.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. COX. I object. Let it take its regular course through the committee.

Mr. GROSVENOR. Then I ask that it be properly referred.

The SPEAKER. The Chair will examine the resolution and refer it.

#### ORDER OF BUSINESS.

Mr. SAYERS. I demand the regular order.

The SPEAKER. The regular order is the call of committees for reports.

#### NICARAGUA SHIP CANAL.

Mr. MALLORY, from the Committee on Interstate and Foreign Commerce, reported back the bill (S. 1481) to amend an act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1899; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### DEDUCTIONS ON TONNAGE OF VESSELS.

Mr. COOPER of Florida, from the Committee on Merchant Marine and Fisheries, reported as a substitute for the bill H. R. 8056 a bill (H. R. 8803) to amend section 1 of chapter 393 of the laws of 1882, entitled "An act to provide for deductions from the gross tonnage of vessels of the United States;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The bill (H. R. 8056) was ordered to be laid on the table.

#### SALE OF INTOXICANTS TO INDIANS.

Mr. CURTIS of Kansas, from the Committee on Indian Affairs, reported back the bill (H. R. 6657) to prohibit the sale of intoxicants to Indians; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### WOMEN AS SCHOOL TRUSTEES, DISTRICT OF COLUMBIA.

Mr. ALDRICH, from the Committee on the District of Columbia, reported back the bill (S. 1717) to authorize the appointment of women as public school trustees in the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The SPEAKER. This completes the call of committees for reports.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence, on account of sickness, was granted for this day to Mr. TUCKER.



## THE CURRENCY.

The SPEAKER. Under the special order heretofore made the House will now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the currency bill.

The House accordingly resolved itself into Committee of the Whole, Mr. RICHARDSON of Tennessee in the chair.

The CHAIRMAN. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 8705) to authorize the Secretary of the Interior to issue bonds to maintain a sufficient gold reserve, and to redeem and retire United States notes, and for other purposes.

The CHAIRMAN. On yesterday afternoon, when the committee rose, a question was pending on an appeal from the decision of the Chair. The gentleman from Missouri [Mr. BLAND] had proposed an amendment to the pending bill striking out all of the bill except the last section and inserting an amendment which was read. The Chair held that the amendment was not in order, stating that it was not germane to the bill or to the sections being stricken out, and for that reason and others, held it to be not in order. From that ruling of the Chair the gentleman from Missouri appealed, and the question was submitted to the committee whether the ruling of the Chair should stand as the judgment of the committee. The committee was dividing on that question when the committee rose.

The question now is, Shall the decision of the Chair stand as the judgment of the committee? Upon that tellers have been ordered. The gentleman from Illinois, Mr. SPRINGER, and the gentleman from Missouri, Mr. BLAND, will please take their places as tellers.

The question was again taken; and the tellers reported—ayes 130, noes 52.

So the decision of the Chair was sustained.

Mr. BROSIUS. I offer the amendment I send to the desk.

The Clerk read as follows:

At the end of section 1 insert:

"Provided, That such amount of said bonds, of the denominations of \$20, \$50, and \$100, as can be disposed of in that manner shall be placed for sale at such national banks as the Secretary of the Treasury shall select; the banks so selected to give bonds, approved by the Secretary of the Treasury, for the security of the proceeds of said sale."

Mr. BROSIUS. I only desire to say that I think it important that our people should have this facility for obtaining these bonds. I desire a vote on the amendment.

Mr. CANNON of Illinois. Mr. Chairman, there is a saying that God and one make a majority. That seems to be the spirit in which gentlemen on the Democratic side and our Populist friends approach the consideration of legislation touching the finances, and especially the consideration of the so-called Springer-Administration bill now pending. We all admire in the individual those qualities that enable him to be true to a conviction, or, in other words, to have the courage of his convictions. But if there shall be no legislation until every individual member is thoroughly satisfied in every particular, then there can be no legislation at all. The Government of the people, especially a Government consisting of 70,000,000 people, if it acts at all, can only act through compromise and concession.

Here is a bill reported from the Committee on Banking and Currency, which, it seems to me, has not the slightest chance of being enacted.

Mr. LIVINGSTON. It is not even recommended by the committee that reports it.

Mr. CANNON of Illinois. Now come the silver Representatives and say, "We can not vote for the bill because it does not recognize the free coinage of silver at the ratio of 16 to 1." The antinational-bank men say, "We will not vote for it because it perpetuates the national banking system." The Representatives who favor State banks of issue say, "We will not vote for it because it does not remove the 10 per cent tax from State-bank circulation." Other Representatives say they will not vote for it because it provides for the issuing of bonds specifically payable in gold. Again, still other Representatives say that while the bonds of the United States, heretofore issued, are payable in coin—and under the construction of the law and the practice of the Government, "coin" means gold—they will not vote for an issue of gold bonds because it would tend to impair the value and violate the faith of the Government as to bonds already issued.

Mr. LIVINGSTON. How does the gentleman from Illinois want to vote?

Mr. CANNON of Illinois. I will tell you in a minute.

Mr. LIVINGSTON. The gentleman wants to vote, I reckon, for gold bonds?

Mr. CANNON of Illinois. No, sir; I am content with the law as it now exists touching the issue of bonds.

Mr. Chairman, let us be practical. Is it desirable—aye, more, is it possible—to enact at this time any legislation that would be beneficial? The President of the United States has already put on the market \$100,000,000 of bonds of the United States in the name

of maintaining resumption, and has paid the proceeds not to maintain resumption, but to pay current expenses of the Government incurred from day to day. He stands ready to put on the market more and more bonds of the United States, bearing 4 or 5 per cent interest, under authority of the legislation of 1875. The Representative who refuses to him, this being the condition, the authority to issue the same kind of a bond payable in coin at not exceeding 3 per cent interest, practically indorses by such negative vote the continuance of the present policy. So much for that.

All agree that the pending bill can not be enacted. But it seems to me that the substitute offered by the gentleman from Maine [Mr. REED] can be enacted, and when enacted will meet the present emergency. To maintain resumption it authorizes the President to issue a bond at not exceeding 3 per cent interest, payable in coin. The President now has authority to issue bonds at 4 and 5 per cent interest. Second, it authorizes the President, in the event there is a deficiency in the revenues to pay the current expenses of the Government from month to month, to issue currency certificates at not exceeding 3 per cent interest, payable in two years, which could practically be paid over the counter in liquidation of current obligations.

Mr. LIVINGSTON. Why not do the latter without the former? Why not simply adopt the latter part of the proposition of the gentleman from Maine?

Mr. CANNON of Illinois. The latter proposition is the important one, and the gentleman from Maine so stated, in his exceedingly terse and forcible remarks, when he presented the substitute.

I call the attention of gentlemen to the fact that from 1879, the period of resumption, to the commencement of this Administration, the redemption of greenbacks in gold did not annoy the Government or disturb the business of the country. Why does it annoy us now? Simply because we do not collect enough revenue by taxation to pay our daily expenses, and when the Treasury notes are presented for redemption in gold, and the gold paid therefor, the Government is compelled to take these identical Treasury notes, that have been redeemed, and pay them out the next hour, or the next day, to liquidate our daily expenses. For fifteen years after resumption we received enough money from taxation into the Treasury to pay our daily expenses, and more, so that the Treasury notes that were redeemed could remain and did remain in the Treasury after redemption.

The substitute leaves the silver man with the law as it is. It leaves him undisturbed in his contention as to what "coin" means. It leaves the gold man with the law as it is, in statu quo; but it does provide for the deficiency until our revenues become sufficient to meet current expenses. It gives us, if enacted at once, in this respect the condition we had for fifteen years after resumption, and resumption, too, in gold whenever demanded. It leaves the national banks as they are. It leaves the State banks as they are; and, in my judgment, it ought to be enacted and will be enacted if the majority or a reasonable and respectable proportion of it will perform its function and meet the existing condition without seeking to attach to a wise proposition measures that can not be enacted and are not necessary to be enacted at this time. There is much of financial legislation that I would enact if I had the power; but not having the power, wisdom dictates that the present emergency be met.

[Here the hammer fell.]

Mr. SICKLES. Mr. Chairman, I can not help feeling that the deliberations of this House to-day upon the bill before us will mark an important epoch in the history of this country. I am not an expert in finance. I am unable to contribute any information to the House in regard to the details of any financial scheme. I rise, sir, to say a few words only, to express my deep sense of the importance of this measure in substantially the form in which it is before the House, because I solemnly believe that the honor and welfare of my country are involved in the action of this body upon this measure.

I believe it involves a question of honor for the American people and its Government. I have too often had occasion to differ with the Executive—the Executive who is the choice of my own party—but I forget all those differences in my admiration for his brave and manly action in the present financial crisis of this country. His attitude is worthy of the most illustrious of our statesmen and Chief Magistrates, and I repeat, I forget all differences with the Executive in my admiration for his course on this question.

This is not a time, I may be allowed to say, to settle definitely and permanently the financial questions that have agitated this country within the last two or three years. This is not a time to determine the future of silver or of bank notes. This is not an occasion for partisan animosities or for sectional antagonisms.

This is a supreme moment when the honor and welfare of the country require us to meet its obligations as we have promised to do. There are hours in the history of every nation when its fortunes depend upon the issue either of a battle or a vote. I believe

this is one of those occasions. And if a long life, largely devoted to the public service, gives me the least right to appeal to my colleagues, in the name of our common country, to hold aloft the high standard of integrity which it has heretofore maintained I profit by this opportunity to make that appeal to them now. [Applause.]

Mr. BOWERS of California. Mr. Chairman, I am opposed to this amendment, and I am opposed to the bill. I am opposed to the selling of bonds the payment of which is specified to be in gold, whether those bonds are to be the basis of national-bank currency or not. I am opposed to placing this country upon a single gold standard, thereby utterly destroying the money of the common people, which is silver.

The common people do not have money enough to carry gold. They can carry a little silver, and that is what this bill means—to destroy silver money. Now, Mr. Chairman, adhesion to a good principle is a good thing, but oftentimes it works great mischief. My free coinage silver colleagues are opposed to the issue of bonds. They have seen \$100,000,000; they know that \$100,000,000 will be issued soon. Is it not a better principle to vote for the Reed substitute, which will limit the issue of bonds to an amount only sufficient to maintain the credit of the country until the revenue proves adequate? I am a Republican. I am a partisan. I believe in partisanship; not quite as much as my Populist friends do, but enough to satisfy an ordinary man.

Mr. POWERS. Will the gentleman yield to me for a moment?

Mr. BOWERS of California. Yes.

Mr. POWERS. I understand you to say that gold should not be the money in which bonds are to be paid. I wish to ask you, are not all your State bonds in California paid in gold?

Mr. BOWERS of California. I do not know anything about that. I did not vote for them if they are.

Mr. POWERS. Are not your contracts between individuals framed with stipulations that they shall be paid in gold?

Mr. BOWERS of California. I know nothing about that. I have never been a bondholder.

Mr. POWERS. I did not know but you might be a contract signer.

Mr. BOWERS of California. I never helped to make such a provision and I shall not do it now.

As I have said, Mr. Chairman, I am a Republican and a partisan; but first I am an American citizen, and I hold it to be my duty now to maintain the honor, integrity, and credit of the United States by my word and vote as it was thirty years ago to help maintain it on the field by force of arms. But that does not require me to help those people who are trying to put this country on a gold standard to-day. I can vote for the substitute offered by the gentleman from Maine [Mr. REED], which provides a temporary relief until we can get this country under the management of men who know how to run this great and complicated machine. But what this country wants to-day, what it ought to have, is an Andrew Jackson, a U. S. Grant, or an American "Czar" at the head of affairs. [Applause.]

Mr. MEREDITH. A Bowers of California is the man we want. Mr. BOWERS of California. Well, if I was there I think I would stop this raid of the shylocks on the Treasury mighty quick. [Laughter.] I would at least try it.

Mr. MEREDITH. Yes; stop it like Harrison did.

Mr. BOWERS of California. No; not the way he did. Mr. Chairman, when I was a boy I used to go around the neighborhood during the winter time with my uncle thrashing wheat and oats. He had a little one-horse tread power and an open cylinder. We could thrash about 25 bushels of wheat a day. It was a very simple machine. Anyone could operate it successfully. They were quite different from the modern combined harvester and thrasher that in the California grain fields harvests, thrashes, and sacks ready for market 40 acres of wheat in a day.

Now, Mr. Chairman, the trouble with this country is that a lot of men who thought they knew how to run this great Government—but they do not—they might be able to run a one-horse tread, but the modern, improved machine is too big for them. They supposed it would run in the same way exactly as the one-horse tread. It does not do. You have got to have a modern harvester and thrasher. That is the trouble with the old Bourbons, "they never learn anything and never forget anything," and that is where this bill sprang from.

[Here the hammer fell.]

Mr. BYNUM. Mr. Chairman, I send to the Clerk's desk to be read a communication which I have received.

The Clerk read as follows:

THE INDIANAPOLIS BOARD OF TRADE,  
ROOM 38, BOARD OF TRADE BUILDING,  
Indianapolis, Ind., February 5, 1895.

DEAR SIR: At a regular meeting of the governing committee of the Indianapolis Board of Trade held last evening the following resolution was adopted: Resolved, That this board of governors, representing 500 members of the Indianapolis Board of Trade, heartily approves the recommendations of the President of the United States in his recent message concerning the financial

condition of the country, and urge upon our Senators and Representatives in Congress a hearty support to any legislation necessary to carry out said recommendations; and we especially favor the making of a popular loan which may be taken by the people.

Yours, respectfully,

JACOB W. SMITH, Secretary.

Hon. WILLIAM D. BYNUM,  
Washington, D. C.

Mr. BYNUM. Mr. Chairman, the Board of Trade of the city of Indianapolis is composed of the merchants, the manufacturers, and the traders of that city, and in politics a majority of the members, I think, Republican. I therefore take it that the resolution adopted by the Board of Trade represents the conservative sentiment of the business element of that active and growing young city regardless of political division.

Mr. Chairman, I do not know that this House is going to pass any legislation that will relieve the condition of the Treasury of the United States, and, as the gentleman from Tennessee said, if this House should pass such a measure, I have serious doubts as to whether the other branch of Congress will favorably act upon it. The division of sentiment in this House, as well as throughout the country, certainly does not argue well for the enactment of any measure. We have here displayed a division arising from a division on different questions than that which we are at present confronting. The currency question comes up; the question of the free coinage of silver comes up.

In my judgment, Mr. Chairman, we ought to lay aside all these questions and simply attempt to legislate upon the one important question to which the President has called our attention, and that is the deplorable condition of the United States Treasury. The Government of the United States is the only party that has ever resumed specie payments in this country. In my judgment the great mistake that has been made in our financial affairs is that the Government, under the act of 1879, did not continue the retirement of the greenback currency and require all our customs dues to be paid in gold.

Now, gentlemen are very much alarmed that the provisions contained in this bill providing for a gold bond will place us upon a gold standard. We have been upon a gold standard for more than half a century, and there is not a government in the world to-day, I care not whether it be a government upon a silver basis or not, but what is on the gold standard; and I care not whether this country go to a silver basis or not, it is impossible to get off the gold standard. We may just as well recognize that fact now and provide for it; and if this Government by issuing a gold bond can secure higher premiums and a lower rate of interest and better preserve its credit, I am willing to stipulate in the bond that it shall be paid in that standard of value which exists and is recognized throughout the commercial world.

Mr. Chairman, I of course would vote for any measure that I believed would give relief to the Treasury of the United States. I would vote for the substitute of the gentleman from Maine, if I believed it would give any relief. But it does not reach the problem at all. The trouble in this country to-day did not begin when there was a deficiency of the revenue. In 1890 the foreign governments of the world were paying a premium for our gold, and we were shipping it abroad, while the Treasury had at the end of the fiscal year a surplus of \$105,000,000. The trouble with the Treasury to-day is that it is perfectly defenseless. With more than nine hundred millions of demand obligations to be maintained at a parity with gold, it has a reserve of only one hundred millions, and no way of replenishing that reserve except by the sale of bonds. There is plenty of available cash in the Treasury to-day to meet all current demands. In fact, the available cash is near a hundred millions. Nothing short of a retirement of demand notes of the Government will permanently remedy the evil.

Mr. STRAIT. Mr. Chairman, I have been upon the floor of this House for nearly two years, and as this is the first opportunity that I have had to express a sentiment one way or the other, I would like to say here to-day that I am a Democrat of the South Carolina stripe. I stand here to represent my district, to represent a people as noble, as proud, as deserving as any people upon God's earth. I stand here, Mr. Chairman, to state that we are in a depressed condition, have been, and we expect to remain so just so long as this kind of work is carried on. I would like to state that I am very much obliged to the gentleman from Tennessee [Mr. PATTERSON] for proposing to act as sponsor for South Carolina, when he stated upon the floor of this House that a great reaction was taking place in the South, and gave Charleston as an instance of it. Charleston is a little spot upon the seacoast and has little to do and little to say in matters of interest to South Carolina.

Why, I heard upon this floor a sentiment that seems to be prevailing that the whole South is turning over to this gold standard system. We have felt the effects of it for the last thirty years. It has ground our people down almost to the dust. It has reduced the price of our products until our people are almost in a state of starvation; but, thank God, in that country we have we can live upon sweet potatoes, and rice, and so forth, and become purified from the effects of gold. [Laughter.] There was an old negro



in my neighborhood who came to me and said, "Doctor, I am glad to see you. What is our friend, Marse Grover, doing up thar? Why, I think he is going to accomplish more than all the preachers of the world for the last three thousand years. Why, he is purifying our people. You know that the love of money is the root of all evil, and, my God, he has placed it out of our reach, so that I have not seen a dollar of it for six months. Thank God, there is no getting it, and I think I may be saved in the end." [Laughter.]

I am constrained to think if my friend from Tennessee [Mr. PATTERSON] would go down to South Carolina and travel around he would open his eyes and rechange his system, that he would get on the other side of the fence and become reconverted and happy.

Mr. SNODGRASS. Mr. Chairman, I would like to ask the gentleman if he does not think he would be made to believe that Mahomet would have to go to the mountain instead of the mountain having to come to Mahomet?

Mr. STRAIT. I think he would recognize the fact that he was but a very small bit of humanity, and that he would get over his passion for the gold standard.

Now, Mr. Chairman, I have seen sights in this Congress. I have been watching, and I have been singing the old song, "Watching and waiting," for two long years. We were promised upon this floor, and by men who considered themselves Solomons—men who came from the great State of New York—who said that all we needed was to repeal the purchasing clause of the Sherman Act and we would have such a time of prosperity in this country as never had been since its organization. And what comes next?

Oh, the Treasury! The Treasury! The Treasury is gone! Mr. Chairman, what need we care for the Treasury so that our people have something, so that they can live and can raise themselves above that condition which is dragging humanity down to the very earth and imposing upon the people, as it were, the very effects that our forefathers trod through the snow with bleeding feet to prevent? What would Washington say to-day if he could come down and look upon this House? [Laughter.] Oh, tears bigger than mountains would flow from his eyes and he would almost die of the pangs that would pierce his heart.

Mr. LIVINGSTON. He would take a whip and drive the money changers out.

Mr. STRAIT. What would old Hickory Jackson (who was born in my county) say. He would say, "Get out of here!" And he would throw out about half the members of this House and lay the lash upon the balance. [Laughter.] The idea of talking about peace and prosperity. Oh, if New York had her way, she would fix the matter all right, sure enough! She would stand here and dictate to the people with her sordid gold. The question for us to consider now is whether man is greater than gold. [Applause.]

There was a time when man was, in this country, equal at least to gold; but in this day of evolution when great statesmen, like our friends from New York, by sleight-of-hand can materialize and vitalize any sordid object and place it over mankind, we are forced to admit in this day gold is greater than man. Because Grover says so. [Cheers.]

Ill fares the land, to hastening ills a prey,  
Where wealth accumulates, and men decay.

When we realize the fact that the whole available gold for money in the world could be stacked into a space 23 feet square and 22 feet high (not much more space than "Grover" and his Cabinet could stand on), about two and a half dollars per capita for every man, woman, and child in the world, we know that that would not be anything like sufficient to supply the medium of exchange. So our prices must run down to virtually nothing that these great fortunes may be amassed by the few.

MR. CLEVELAND, YOU KNOW, IS A GOLD BUG.

He has repeatedly urged the laboring man to practice frugality—contends that a dollar will buy more to-day than ever before, which fact no one denies; but where are they to get the dollar when there is so great stagnation in every business, with a shrinkage of money and money values and a corresponding decrease in the demand for labor, which prevents men from investing in and improvement of property of a real character which may be bought to-day, and in a year's time is liable to depreciate more than the interest would accrue. It is very well for Mr. Cleveland to preach frugality to the laboring man while his salary and other incomes are being doubled by such a process as is above stated. [Cheers.] And it seems that he wishes the people to be a little more frugal that they may continue as slaves to the "lords." [Cheers.]

Now, Mr. Chairman, let us examine the condition a little further. Why the demand for this gold-bond issue? It is this: The bonds now outstanding are nontaxable, interest payable semiannually in coin, and the bond itself convertible into coin. The bondholders, fearing that the Government may change hands, are determined to urge their dear friend "Grover" to bring all the pressure, by force of patronage or otherwise, upon the members of both Houses to pass a bill to their liking, which, lasting for fifty years, would

place them on a solid gold basis, which bill proposes to retire the greenback money, which is taxable, to be replaced by gold bonds, noninterest-bearing and nontaxable, with complete control of the entire banking business placed in the hands of these bondholders to expand and contract at will, and to continue the nefarious leeching processes which they have been practicing successfully so long upon the people. [Cheers.]

We have repeatedly asserted that there are a favored few, some by preconceived action, and a very few by chance or luck—the sharks who sat behind the bombproofs and hid in the commissary or like places, and that class who hired substitutes to take their places in the ranks of the Army. Thesesame men, Mr. Chairman, having grown rich upon the necessities of the Government, now conspire together to bring about such legislation by issuing bonds to take the place of the greenback money that had served their purposes so well, which bonds were sold for greenbacks worth only about 60 cents on the dollar, produced by the effects of the exception clause in the law that prohibited them from being received for import duties, and which caused a great contraction of the currency.

These same bonds were to be redeemed in lawful money. The next step that the gold bugs took was to make these bonds the basis of all banking business, not only of deposit, but of issue. Not being satisfied with this, they go one step further—they get a law enacted making the redemption and the interest thereon payable in coin, and still they were not satisfied; but in 1873 they succeeded in having silver demonetized. This virtually made these lawful-money bonds and interest payable in gold by the construction of the law by the various Secretaries of the Treasury.

Now, Mr. Chairman, it seems that these men are fearful that the people are about to rise in their might and recapture the Government and have the laws justly and legally administered. And the "gold bugs" desire, while their devoted friend and ally, "Grover," reigns, to get the matter settled by giving a gold bond issue of enough to enslave the country for the next fifty years.

Now, Mr. Chairman, no vote of mine shall ever sanction such a bill when its whole purpose is to crush the people, for—

Princes and lords may flourish or may fade,—  
A breath can make them, as a breath has made;  
But a bold peasantry, their country's pride,  
When once destroy'd, can never be supplied.

[Prolonged cheers.]

Mr. STOCKDALE was recognized for three minutes.

Mr. STOCKDALE. Mr. Chairman, I am sorry that I have not more than three minutes. Would it be in order to offer an amendment to this amendment?

The CHAIRMAN. If the amendment be germane it would.

Mr. STOCKDALE. Oh, my amendment is perfectly germane. The amendment was read, as follows:

Amend by adding, after line 13, page 5, the following:

"And it is hereby further declared that the efforts of the Government should be steadily directed to the establishment of such a safe system of bimetalism as will maintain at all times the equal power of every dollar coined or issued by the United States in the markets and in the payment of debts."

Mr. BROSIUS. Mr. Chairman, I make the point of order on that amendment.

The CHAIRMAN. The Chair does not think it is germane to the amendment that is pending, but the gentleman can offer it later if he can get the floor.

Mr. STOCKDALE. The gentleman from Pennsylvania makes a point of order on this amendment, and I want to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. STOCKDALE. Mr. Chairman, I move to strike out the last two words. I think the amendment of the gentleman from California is a good one, for if adopted it would get rid of \$6,000 of expenditure which is being frittered away every year without benefit to the Government. But in addition to that I want to call attention to the effect of this whole paragraph, which I will vote to strike out when the gentleman from Illinois [Mr. HUNTER] shall have offered his amendment for that purpose. I believe that this money is expended uselessly.

Mr. Chairman, the third paragraph of the act of Congress of January 16, 1883, to regulate and improve the civil service of the United States provides—

That appointments to the public service aforesaid in the Departments at Washington shall be apportioned among the several States and Territories and the District of Columbia upon the basis of population as ascertained at the last preceding census.

So that it is plain as language can make it that the civil-service law requires the employees of the Government Departments in Washington to be apportioned among the States and Territories and the District of Columbia, and if the Civil Service Commission would discharge their duties faithfully, they could accomplish that apportionment. The gentleman who spoke awhile ago [Mr. HULL] said that the Commission executes the law. I want to show him that they do not execute the law—a law that they certainly could execute; if they did that I would not complain.

Now, as I said on a previous occasion, this law is openly and notoriously violated daily, and if the Civil Service Commissioners do not know it they are incompetent; and if they do know it and will not or can not remedy the evil, they are useless.

[Here the hammer fell.]

On motion of Mr. DOCKERY, the time of Mr. STOCKDALE was extended five minutes.

Mr. STOCKDALE. I desire to say that I make no complaint of the subordinates of that bureau, but the Commissioners fail to do their duty. Mr. Chairman, I introduced a bill in this House in the first session of the present Congress which read as follows:

A bill to amend an act entitled "An act to regulate and improve the civil service of the United States."

Be it enacted, etc., That the act entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, be, and it is hereby, amended as follows:

After the word "census," in the third paragraph of section 2, insert the following: "And the appointments from each State shall be apportioned equally among the Congressional districts of said State, and each appointee shall be at the time of his or her appointment a bona fide resident and citizen of said State and district."

SEC. 2. That immediately after the passage of this act the head of each Department shall ascertain the number of employees in his Department or in any way under his control, in the city of Washington, under the civil-service rules, from each State and Territory and District of Columbia, and report the same to the President; and if it shall appear that any State or Territory or District of Columbia has less than its quota, under said act, of employees in that Department, it shall be the duty of the President to cause all appointments of such employees made thereafter in said Department to be taken from the States and Territories and District of Columbia showing such deficit until the employees in said Department shall be in proportion to the population of the States and Territories and District of Columbia and equally divided among the Congressional districts therein, and thereafter such proportion shall be preserved.

SEC. 3. That it shall be the duty of each head of a Department to proportion the appointments among the States and Territories and District of Columbia as to the salaries, as nearly as he can, with due care for the interest of the service, and report annually to the President the number of employees from each State and Congressional district and the aggregate of their salaries.

Hon. C. J. ERDMAN, of Pennsylvania, on the 10th of May, 1894, introduced a bill embodying my bill with other features. They were referred to the Committee on Civil Service Reform, where, so far as I know, they still repose without action. And it is not improper, as I think, to say that a majority of that committee are from States having more than their just quota of employees under the law, and I believe they have been individually blessed with appointments. I was referred by some learned gentlemen in this House to the Blue Book with an air of confidence. Well, even the Blue Book shows inequalities, but it is not correct, but is made up from reports, many of which are incorrect, and employees are put in the Departments here and accredited to States they never saw. As a matter of fact, sir, there are people employed in the Departments who are credited to the State of Mississippi that never lived in that State and perhaps never saw it.

Mr. BOWERS of California. There are about 50 people credited to California who have always lived here or in some other State than California.

Mr. STOCKDALE. When you go to the Departments they will tell you "your State has its quota," and will show the list, and on that list there are some persons that are not citizens of your State, but charged to it. Now, that is a farce. That is trifling with the law. It is trifling with the rights of the people of these States. It is dishonest. The man who tells you under such circumstances that your State has its quota knows that he is deceiving you, knows that he is covering violations of law. Any head of a Department, knowing that he has put men in as coming from a State of which they are not citizens, who tells the representative of that State that its quota is full, states that which is not true; he practices a deception, and to that extent he clouds the reputation of his high office. Now, sir, if these Commissioners know anything, they know that the civil-service law is being violated daily in the manner I have described. They intend the law to be violated in the interest of their favorites, and the heads of Departments knowingly violate it in the interest of their favorites, and, if I had the time and the disposition, I could point out men who have received appointments in the Government Departments here when the States from which they came had very much more than their quota, men who received such appointments in disregard of the rights of States whose quotas were not full.

The law ought to be as provided in the bill introduced by me, and more fully provided in that of Mr. ERDMAN—that the appointments shall be made from States in proportion to population, and the quota of each State be apportioned among the Congressional districts of that State. The employees have become permanent officers of the Government now, and applicants should be nominated by the members of Congress, or by some board, in each district, and if an applicant fails to pass his examination before the Commission let another be sent from the same district, just as we do in appointing cadets to the Military and Naval academies. The present system as administered is denounced by the gentleman from California as a fraud. It is worse than a fraud as managed; it circumvents the object for which the law was made and the Bureau created; for, instead of securing an open field

for the preferment of merit, it is often used as a means of favoritism, both in appointments and promotions.

I do not think the gentleman from Colorado can complain of Republicans being turned out. My complaint is that they are not turned out.

Moreover, the life tenure of any office is in derogation of the principles of our Government. The President and all other officers from him down (except United States judges, and they ought not to be excepted), after serving the Government a number of years have to return to the people for indorsement. All the States pursue that policy, and the employees, instead of having a life tenure and receiving promotions by favoritism, should be appointed and promoted on merit. Anyone might be appointed for a second or third term if necessary on account of peculiar merit. It is a vicious mistake to separate the Government from the people and let them know that there are departments they never can enter until some one resigns or dies, and not then unless by favoritism.

I know it is claimed that this law is intended to secure fair play, and that I concede. My complaint is that it is perverted, and it is our business to correct that practice.

The examinations themselves are sometimes conducted unfairly, sometimes farcically, and sometimes properly.

But the inevitable result of the system will be a civil-service pension roll, and in all conscience the taxes that the American people pay for pensions are large enough already.

The CHAIRMAN. The Chair holds that the amendment is not germane.

Mr. BROSIUS. Mr. Chairman, I ask that my amendment may be again read.

The amendment proposed by Mr. BROSIUS was again read, and it was then adopted.

Mr. WHEELER of Alabama. I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend by adding, after line 13, page 5, the following:

"SEC. 7. All laws or parts of laws by which the tax of 10 per cent was imposed upon the circulation of banks other than national banks is hereby repealed, to take effect January 1, 1897."

Mr. WHEELER of Alabama. Mr. Chairman, I desire with all emphasis in my power to indorse the expressions from the gentleman from New York, General SICKLES, in commending the distinguished President of the United States for his devotion to what he considers to be the best interests of the country. I also desire to say that there is no member of this body more anxious than myself to secure some legislation which will give relief to the suffering people throughout our land. Every petition which I have heard read in this House seems to have emanated from a few persons composing a board of trade or chamber of commerce of some city; and all these petitions, of course, recommend measures which they deem to be in their interests.

Mr. WILLIAM A. STONE. Mr. Chairman, I want to reserve a point of order against the amendment offered by the gentleman from Alabama.

The CHAIRMAN. The gentleman is too late after the amendment has been debated.

Mr. WHEELER of Alabama. The amendment which I have proposed is in the interest of the great mass of the people of our land. I may say the suffering people of our land, because the industrial people, or the great mass, are to-day in a condition bordering upon distress. It will be observed that this amendment does not go into effect immediately. The other provisions of the bill take immediate effect, and it is hoped that they will relieve the strain and stringency which now exist in our national finance.

This amendment is a bow of promise, an anchor of hope, which tells the people that after January 1, 1897, the relief they have been so long promised will begin to be felt by them.

I can not understand how any friend of the President or Secretary of the Treasury can oppose this measure.

The platform upon which we won the victory in 1892 expressly declared in favor of the immediate repeal of this obnoxious and unconstitutional law; the words of the platform being:

We recommend that the prohibitory 10 per cent tax on State-bank issues be repealed.

One purpose of repealing this law was to give the people of the rural districts adequate circulation for their business needs. The President appreciated this, and in his letter of acceptance said:

The people are entitled to sound and honest money abundantly sufficient in volume to supply their business needs.

In that same letter our honored President also said:

The wants of the people arising from a deficiency, or imperfect distribution of money circulation, ought to be fully and honestly recognized and efficiently remedied.

It has been frequently asserted on this floor and elsewhere, and I have never heard it denied, that the President since that time has been unalterably in favor of the repeal of this prohibitory tax and unalterably opposed to any such gross and unconstitutional legislation and perversion of the taxing power, and we all know



that Mr. Carlisle has been most emphatic in his views upon this subject and has but recently forcibly expressed himself in favor of the repeal which the amendment under consideration accomplishes—the repeal of a gross and unwarranted perversion of the taxing power which had its birth when the country was in the throes of war and constitutional questions were given very little consideration.

It is refreshing, however, to look back to those dark days and observe that the noble band of Democrats in Congress then, as now, contended against the unconstitutional measure which greed and avarice sought to engraft upon the statutes of our country.

The first ye-and-nay vote on this question was on April 18, 1864, when the following resolution was adopted by a vote of 62 for it and 46 against it:

*Resolved*, That the expansion of the bank circulation of the country, producing general and ruinous speculation, should be repressed by taxing the issues of the State banks.

It is hardly necessary to say that every one of these 46 votes against the resolution were Democrats. Their names are as follows:

James C. Allen, Illinois.  
William J. Allen, Illinois.  
Augustus C. Baldwin, Michigan.  
George Bliss, Ohio.  
James Brooks, New York.  
William G. Brown, West Virginia.  
John W. Chanler, New York.  
Brutus J. Clay, Kentucky.  
James A. Cravens, Indiana.  
Charles Denison, Pennsylvania.  
John R. Eden, Illinois.  
Charles A. Eldridge, Wisconsin.  
William E. Finck, Ohio.  
John Ganson, New York.  
John A. Griswold, New York.  
H. W. Harrington, Indiana.  
Benjamin G. Harris, Maryland.  
Anson Herrick, New York.  
Wells E. Hutchins, Ohio.  
Francis Kernan, New York.  
Austin A. King, Missouri.  
John Law, Indiana.  
Jesse Lazear, Pennsylvania.

Alex Long, Ohio.  
Robert Mallory, Kentucky.  
Daniel Marcy, New Hampshire.  
James F. McDowell, Indiana.  
J. F. McKinney, Ohio.  
George Middleton, New Jersey.  
Homer A. Nelson, New York.  
George H. Pendleton, Ohio.  
John V. L. Pruyn, New York.  
Samuel J. Randall, Pennsylvania.  
James C. Robinson, Illinois.  
Andrew J. Rogers, New Jersey.  
Lewis W. Ross, Illinois.  
John B. Steele, New York.  
John D. Stiles, Pennsylvania.  
Myer Strouse, Pennsylvania.  
L. D. M. Sweet, Maine.  
Ezra Wheeler, Wisconsin.  
Chilton A. White, Ohio.  
Joseph W. White, Ohio.  
Charles H. Winfield, New York.  
Fernando Wood, New York.  
George H. Yeaman, Kentucky.

These 46 Democrats, who included some of the most distinguished statesmen and patriots in our land, were recorded as opposed to the measure which we are now asked to repeal, the repeal to take effect not to-day, but January 1, 1897. Among those distinguished Democrats were Francis Kernan, George H. Pendleton, J. V. L. Pruyn, Samuel J. Randall, John Ganson, Fernando Wood, H. A. Nelson, James Brooks; among them were the predecessor of my distinguished friend from Buffalo [Mr. LOCKWOOD], the predecessor of the distinguished gentleman from Brooklyn, who sits before me [Mr. HENDRIX].

Mr. TRACEY. Do not leave me out.

Mr. WHEELER of Alabama. And the distinguished predecessor of the gentleman whom I admire so much, and who so ably represents the city of Albany [Mr. TRACEY]. Eleven representatives from the great Empire State of New York voted against incorporating that provision into our laws.

I do not think there was any general and ruinous speculation prevailing at that time, and I presume that the purpose of incorporating those words was to give some excuse for a resolution which all right-thinking men regarded as inexcusable and unwarranted.

The arguments against this amendment come—

1. From that class of our people who now enjoy almost exclusive privileges as bankers.

The repeal of this 10 per cent tax would open the field to others who would of necessity become their competitors.

2. From the creditor class, who always oppose anything which increases the money circulation of the country, because any increase of money lessens the purchasing power of the money they possess.

The Republican party, legislating as it does always in the interest of the few and against the masses of the people, of course contends against anything which can possibly increase the amount of money in the country.

The last Republican State platform in the great State of New York expressed this in unmistakable terms. It said:

We oppose any effort, whether by the removal of the tax on State-bank issues or the free coinage of silver, to lower our currency standard.

Of course they must mean that they are opposed to anything which will decrease the purchasing power of the money they possess.

3. There is also a class of well-to-do people in every city who conceive they would be subjected to a possible inconvenience if there existed in the country any money which was more local in its character than national-bank money. Take one of these well-to-do gentlemen in a city like Chattanooga. Out of 40,000 people there may probably be 1,000 who do not wish to have any money in circulation that they can not use as well in New York or some other distant city as in Chattanooga. They are unwilling to take

the trouble of going to their banks and exchanging any State-bank money they may have for greenbacks or national-bank money, the kind of money which we all know will be as valuable in one part of the United States as it is in another. But how does this affect the 39,000—the laborers, mechanics, artisans, workmen of all kinds, and men with small capital struggling to build up a business to support their families? These are the men whose interest we should consider in framing financial laws, and we should also specially consider the great farming community who live in the country surrounding such a city.

Laws which give an adequate amount of circulating medium, local in its character, will add to the prosperity and happiness of all this class of people, and this can best be done by restoring to the States their constitutional rights and allowing them to exercise their sovereign rights in enacting financial laws which are best adapted to the people.

It has been clearly demonstrated that financial laws suitable to people of New York City are not adapted to people of the South and West.

All we ask is that the people of every State shall have the largest possible liberty upon a question which so largely affects their welfare and happiness.

In our country we have two sovereignties—the sovereign States whose sovereign powers are unlimited except so far as they are restrained by the Constitution, and we also have another distinct and separate sovereignty, the Federal sovereignty, which can exercise only those powers conferred upon it by the instrument to which it owes its existence, the Constitution of the United States.

The States make no attempt to restrain the Federal legislation in enacting Federal laws, and I insist that the Federal Congress should not restrain sovereign States in their desire and efforts to exercise their dearest and most valued sovereign rights. [Applause.]

[Here the hammer fell.]

Mr. WILLIAM A. STONE rose.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WILLIAM A. STONE] can not make a point of order after the amendment has been debated.

Mr. WILLIAM A. STONE. I rose—

The CHAIRMAN. The gentleman when he rose could not take off the floor the gentleman from Alabama, who was then debating the amendment. It was too late to make the point of order after the gentleman from Alabama had begun his argument.

Mr. WILLIAM A. STONE. It was not my fault. I certainly addressed the Chair—

The CHAIRMAN. It was not anybody's fault, except that the gentleman did not make his point before the debate began.

Mr. WILLIAM A. STONE. The Chair did not hear me or recognize me.

The CHAIRMAN. The Chair was looking right at the gentleman from Pennsylvania; and the gentleman from Alabama had begun his remarks—

Mr. WILLIAM A. STONE. But the Chair did not pay any attention to me.

The CHAIRMAN. The question is on the amendment of the gentleman from Alabama.

Mr. SPRINGER. I ask that the amendment be again read.

The Clerk again read the amendment.

Mr. SPRINGER. However important gentlemen may regard this amendment as a separate proposition, it would be very unfortunate if it were incorporated in this bill. I hope, therefore, every friend of this measure will vote against the amendment without regard to his position on the subject as an abstract proposition.

Mr. HOOKER of Mississippi (to Mr. SPRINGER). You will lose 50 votes for the bill if you do not adopt this proposition.

Mr. SPRINGER. We would not gain one vote if we did adopt it.

Mr. HOOKER of Mississippi. Why not try the experiment?

[Mr. WILLIAMS of Illinois addressed the committee. See Appendix.]

Mr. LIVINGSTON. Mr. Chairman, I move to amend the amendment of the gentleman from Alabama.

The Clerk read as follows:

Amend by striking out the words "January 1, 1897," and inserting in lieu thereof "July 1, 1896."

Mr. LIVINGSTON. I want to ask the Democrats of this House, on all sides of the House, to consider this question which has been offered in the shape of an amendment by the gentleman from Alabama. The President of the United States is himself in favor of the repeal of the 10 per cent law; the Secretary of the Treasury is in favor of the repeal; and I appeal to Eastern Democrats who are after gold bonds and the single gold standard, and ask if they think that 110 Democrats from the Southern States can stand here, in obedience to the wishes of their constituents, and vote for a measure of this kind that gives no crumb of comfort to them?

Mr. HENDRIX. Will you vote for the bill if that is inserted?  
Mr. LIVINGSTON. And I ask these gentlemen if they are in earnest; if they mean to stand by the pledges of the Democratic party, and preserve the credit of the country, why will they consent to legislate here for one section only?

Mr. HENDRIX. The gentleman does not answer the question. I say will he vote for this bill with the amendment?

Mr. LIVINGSTON. Well, you try the experiment and see. I have never exhibited bad faith in any proposition presented here, and I do not propose to do so now. You put the amendment on and try it.

But there is not a Democrat here that ought not to be committed to this repeal. Our platforms have universally favored it. Our President and Secretary of the Treasury have signified their willingness to see such legislation enacted; and why can not a Democrat on this floor support it? Do it, gentlemen, and you have gone the longest stride that has been made here toward a compromise of all these conflicting questions. Adopt this amendment and you will have taken the longest step to success that can be attained by the Democratic party in this House.

Mr. COX. What is your amendment?

Mr. LIVINGSTON. To strike out "January, 1897," and insert "July, 1896."

Mr. DANIELS. Mr. Chairman, I desire to occupy the attention of the House for a few moments to bring before them some communications from commercial bodies and business associations in my State which have been sent me favoring the adoption of measures within the lines of the recommendations of the President, and accordingly, in substance, those embodied in the present bill reported from the Committee on Banking and Currency.

I ask the Clerk to read the communication I send to the desk from the Buffalo Merchants' Exchange.

The Clerk read as follows:

**BUFFALO MERCHANTS' EXCHANGE.**  
*Buffalo, N. Y., January 31, 1895.*

At a special meeting of the members of the Buffalo Merchants' Exchange, held this day at noon, George Sandrock, esq., in the chair, the following preamble and resolutions were unanimously adopted:

Whereas the members of the Buffalo Merchants' Exchange, representing all the commercial interests of our city, believe that a crisis confronts the national credit not less serious than that which was averted in 1893 by the repeal of the silver-purchase power of the Sherman Act: Therefore be it

*Resolved*, That we heartily indorse the general policy of President Cleveland's recent message; and we earnestly urge Congress, in face of the impending peril and laying aside political considerations, to take prompt and patriotic action along the line of the President's recommendations to save the country from financial degradation; and be it further

*Resolved*, That a copy of the above preamble and resolution be sent to our Senators and Representatives in Congress and to the principal commercial bodies throughout the land.

Respectfully submitted.

ROBERT R. HEFFORD, *President.*  
WILLIAM THURSTONE, *Secretary.*

Mr. DANIELS. I also send up a resolution adopted by the Builders' Exchange of Buffalo, and ask that it be read.

The Clerk read as follows:

**BUILDERS' ASSOCIATION EXCHANGE.**  
CORNER COURT AND PEARL STREETS.  
*Buffalo, N. Y., February 4, 1895.*

DEAR SIR: At a special meeting of this exchange the following resolution was unanimously adopted:

*Resolved*, We indorse the general policy of the recent message of President Cleveland, and in the conditions that confront the national credit and for the welfare of the manufacturing and commercial interests, as well as for the good of the people at large, we earnestly request Congress to act upon the line of the President's recommendation without delay; that a copy of these resolutions be sent to the Senators from this State and the Representatives from this country.

Respectfully submitted.

HENRY SCHAEFER, *President.*  
J. C. ALMENDINGER, *Secretary.*

Hon. CHAS. DANIELS,  
*Congressional Chambers, Washington, D. C.*

Mr. DANIELS. I also add in this connection the request of nearly all the banks in the city of Buffalo.

The Clerk read as follows:

**BUFFALO, N. Y., January 31, 1895.**

Hon. CHARLES DANIELS,  
*House of Representatives, Arlington Hotel, Washington, D. C.:*

Buffalo Bankers' Association earnestly and respectfully urge upon Congress prompt and patriotic action along the lines of the President's recommendations to avert the impending peril to national credit.

Buffalo Commercial Bank, Marine Bank, American Exchange Bank, Manufacturers and Traders' Bank, Farmers and Mechanics' Bank, Third National Bank, German Bank, Bank of Buffalo, Bank of Commerce, Merchants' Bank, Buffalo Loan, Trust and Safe Deposit Company, German-American Bank, People's Bank, Queen City Bank, Citizens' Bank, Niagara Bank, Metropolitan Bank, Union Bank, The City Bank.

Mr. DANIELS. I also send up a letter from one of the leading brewers in the State—

Mr. TERRY. Will the gentleman yield for a question?

Mr. DANIELS. Certainly.

Mr. TERRY. Did not these same people in the summer of 1893 send up recommendations here that if we repealed the bullion-purchasing clause of the Sherman Act it would give immediate relief to the country?

Mr. BOWERS of California. Certainly; they are the same people. [Laughter.]

Mr. TERRY. And does not that remind you a little of the three tailors of Tooley street, who held a meeting for their own benefit and headed their resolution: "Be it resolved that we, the people of England."

Mr. DANIELS. No; I do not think so. I ask the Clerk to read this communication.

The Clerk read as follows:

**GERHARD LANG'S PARK BREWERY.**  
*Buffalo, N. Y., January 30, 1895.*

MY DEAR JUDGE: The business men in your district are looking to you to support Mr. Cleveland in his efforts to bring about a settlement of the financial question. The recommendations made by Mr. Cleveland in his special message are sound and should receive the support of all members of Congress regardless of political affiliations.

Yours, very truly,

EDWIN G. S. MILLER.

Hon. CHARLES DANIELS,  
*Washington, D. C.*

[Mr. BOATNER addressed the committee. See Appendix.]

The CHAIRMAN. But three minutes remain for debate on this amendment. The gentleman from Ohio [Mr. GROSVENOR] is recognized for that time.

Mr. GROSVENOR. Mr. Chairman, I had hoped that it would be possible for our Democratic friends, for a single moment during the history of this Congress, to waive some of their pet schemes, and to be a little bit patriotic just for once, and see what an astonishing effect it would have upon them. Now, there is not a gentleman on the other side of this House but what knows that if he succeeds in putting this proposition upon this bill the bill will be defeated. The only hope that the Administration has today of any success comes from the expectation of Republican votes.

Now, is it not possible for you to hold in abeyance your little peanut schemes of politics just for once, and try the experiment of rising up to an important consideration? Try the experiment of voting once for patriotism and the hope of saving your country from disgrace, without putting upon every measure your petty schemes of personal preference. There is nobody on this floor knows better than the gentleman from Louisiana [Mr. BOATNER] that if his speech can be enacted into a vote here, that will be the death of any hope of the Administration in this behalf. You can not come here and demand Republican votes upon the plea of patriotism, and then expect those votes, after you have enacted schemes like this, to stand by you. We hope to aid the Administration, but we can not do it at so heavy cost.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. HOOKER of Mississippi. I should like to say a few words in relation to this amendment.

The CHAIRMAN. The rule prohibits that. Only thirty minutes are allowed for debate on any one amendment.

Mr. HOOKER of Mississippi. Would it be in order to get the floor by moving to strike out the last word?

The CHAIRMAN. It would not, because the rule limits debate to thirty minutes on any one amendment. The question is on the amendment to the amendment offered by the gentleman from Georgia [Mr. LIVINGSTON].

Mr. WILLIAM A. STONE. What is that?

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read.

The amendment to the amendment was rejected.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from Alabama.

Mr. STOCKDALE. I ask that the amendment be reported.

The amendment of Mr. WHEELER of Alabama was again reported.

The CHAIRMAN. The question is upon this amendment.

The question was taken; and the Chair announced that the yeas seemed to have it.

Mr. WHEELER of Alabama and Mr. LIVINGSTON. Division.

The committee divided; and there were—ayes 88, yeas 115.

Mr. WHEELER of Alabama. Tellers. [Cries of "Oh!"]

Tellers were ordered.

The CHAIRMAN. The Chair will appoint the gentleman from Illinois, Mr. SPRINGER, and the gentleman from Alabama, Mr. WHEELER, to act as tellers.

The committee again divided; and there were—ayes 84, yeas 96.

So the amendment was rejected.

Mr. HAUGEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Strike out the following language in lines 4, 5, and 6, section 3: "But this provision shall not apply to any bonds now outstanding bearing interest at the rate of 2 per cent only."

Mr. HAUGEN. Mr. Chairman, this section of the bill provides that hereafter national banking associations may take out circulating notes in the manner now provided by law equal to the par



value of the bonds deposited to secure the same, but exempts from that provision the 2 per cent bonds now outstanding. I think it is a poor time, when we are trying to strengthen the credit of the Government, to discriminate against these bonds bearing a low rate of interest. If it is possible to put the proposed bonds on the market and float them at 2 per cent I think that ought to be encouraged.

There can be no loss to the Government if you permit these 2 per cent bonds to be placed on terms of equality with those that bear a higher rate of interest, because the Government reserves for a redemption fund at the time the circulation is taken out 5 per cent of it. Therefore there can be no loss to the Government. My amendment will place these 2 per cent bonds on an equality with bonds drawing a higher rate of interest for the purpose of using them as a basis of circulation, and will aid in creating a market at home for future issues of low-interest-bearing bonds.

Mr. COX. Will the gentleman yield to me for a moment?

Mr. HAUGEN. Yes.

Mr. COX. Of course your idea is that these 2 per cent bonds are discriminated against by this bill?

Mr. HAUGEN. Yes.

Mr. COX. That is just what you think?

Mr. HAUGEN. Yes, sir; I think they are.

Mr. COX. How do you expect to float 2 per cent bonds when you authorize gold bonds for a higher rate of interest?

Mr. HAUGEN. We authorize bonds to be issued at a maximum rate of 3 per cent, but, if I recollect aright, the bill authorizes the Secretary of the Treasury to issue bonds at a rate of interest "not exceeding" 3 per cent. So that if the Secretary of the Treasury can place bonds upon the market at 2 per cent interest he ought to do so under this bill.

Mr. COX. Yes, sir.

Mr. HAUGEN. And this would strengthen the credit of the Government and strengthen the value of the 2 per cent bonds.

Mr. COX. Why by this bill, so far as it refers to the 2 per cent bonds, they are putting them at a discount under the provisions of the banking law.

Mr. HAUGEN. I do not understand the gentleman.

Mr. COX. Let me repeat. You are trying to get away from these 2 per cent bonds, and give the same interest and the same right to those that you do to the others.

Mr. HAUGEN. Yes, sir; I do. I propose to encourage a lower rate of interest by removing the discrimination.

Mr. COX. And that is what ought to be done.

Mr. HAUGEN. Yes.

Mr. COX. I agree with you about that; but your bill undertakes to issue another set of bonds; and of course the bankers are going to take the bonds bearing the higher rate of interest.

Mr. HAUGEN. That depends entirely on the Secretary of the Treasury. He may issue bonds under this bill drawing 2 per cent interest, if my amendment is agreed to, and they are placed on the same footing with the other bonds.

Mr. COX. Why do you not require the Secretary of the Treasury to issue bonds at 2 per cent?

Mr. DINGLEY. He can under the bill.

Mr. COX. Can he sell them at 2 per cent?

Mr. DINGLEY. That is another matter.

Mr. COX. You have got your 2 per cent bonds outstanding. They are Government obligations, worth dollar for dollar, and yet your bill excludes them from the banking privilege.

Mr. HAUGEN. I do not consider myself responsible for this bill, but desire to make it as acceptable as possible. The first section of the bill contains this language, "and bearing interest at a rate not exceeding 3 per cent per annum;" and if the Secretary of the Treasury can place them at 2 per cent per annum and sell them at par, I think that he should be given the power to do that. Under the third section of the bill, if my amendment is adopted, these low-interest-bearing bonds will be taken by the national banks the same as any other bonds as a basis for circulation, and there positively can not be any loss from that, for the reason that 5 per cent of the circulation which they are to get on those bonds is retained in the Treasury, even if they are quoted at a slight discount.

Mr. COX. Give me your attention for a moment.

Mr. LACEY. Is not a number of these bonds held by banks whose charters have been extended; and is this not a discrimination against them?

Mr. HAUGEN. I presume that some of them are held by national banks. I understand some \$23,000,000 are so held.

Mr. COX. Do you not know that if a bank can buy bonds at 2 per cent that would cost the bank less than par they will never take one of the bonds provided for under this bill?

Mr. BRYAN. Would it not raise them to par if this provision was made?

Mr. HAUGEN. I understand they are quoted at 98½, or something like that. I do not believe it good policy on the part of the Government, at a time when we are proposing to place bonds on

the market, to discredit the bonds that we have now outstanding. I believe we have about \$25,000,000 of these bonds outstanding to-day.

Mr. HOOKER of Mississippi. Mr. Chairman, I want to say that the amendment offered by the gentleman who has just addressed the committee and the bill itself as reported from the Committee on Banking and Currency evidently contemplate the selling of bonds in some form and the perpetuation, because of the sale of those bonds, of the national-bank system. Now, sir, under that system not a single dollar can be loaned to any man belonging to the farming class of the community. If the honorable chairman of the Committee on Banking and Currency [Mr. SPRINGER] had a fee simple title to every acre of land in the United States, he could not borrow a dollar from any national bank on that real estate. Therefore, I say, the scheme of the bill reported by the Committee on Banking and Currency is to keep in perpetual existence a class of banks which never have given and never can give any relief to the farming interests of the country.

I hold in my hand a letter received by the mail this morning from one of the most intelligent bankers in our country, which I would like to have permission to insert in the RECORD, showing that during the whole panic of 1893, when more than 150 national banks failed in the North and in the East, there was but one failure of a bank in the State of Mississippi, and that was a national bank. Of the 89 banks existing in that State only one failed, and that, as I have said, was a national bank. Gentlemen say, in opposition to the amendment offered by the gentleman from Alabama [Mr. WHEELER] to repeal the tax on State banks, that those are "wild-cat" banks. Then why did they not fail in the panic of 1893? Your national banks throughout the country failed to the number of 150, while only one bank in the State of Mississippi failed, and that, I repeat, was a national bank. All the other banks in that State "stood the racket" and maintained their credit during that terrible panic.

Mr. Chairman, when the first of these issues of bonds was made, a year ago last January, I said that this Congress would live to see a proposition brought in from some committee for the issue of \$500,000,000 of bonds. You issued fifty millions in January, you issued an additional fifty millions last December, and now the proposition is made, in a time of profound peace, to load the country down with an additional debt of five hundred millions of gold interest-bearing bonds! That is the proposition, and the object is to keep alive the national banks, which, while they give ample security to every dollar issued by them because the Government holds bonds to make their issues good, give no security to their depositors.

If any man takes a note of a national bank he does not look to see whether it was issued in Maine or in California; but where you have a system of local banks making their issues to the people and governed by presidents and directors known to the people, those who take the note of a bank look to the character of the bank and to the character of the men who administer it to determine what the value of the notes is. Therefore, such banks give the same security to their depositors that they give to those who hold their currency.

Mr. LOCKWOOD. Does the gentleman consider a bank note, the value of which is determined by the local character of the men who issue it, better than a note that is known to be unquestionably good all over the country?

Mr. HOOKER of Mississippi. No, sir; but I consider a good local bank note equally as good as your national-bank note; and the national-bank notes all go to the great money centers, New York, Philadelphia, Chicago, and the other great cities, so that you have from \$25 to \$50 per capita of currency in those communities, while the more sparsely populated portions of the country are suffering for want of adequate currency to transact their business.

Mr. LOCKWOOD. Do I understand the gentleman to mean that he wants a bank note that will not be good except in the community where it is issued?

Mr. HOOKER of Mississippi. No, sir; our bank notes are good. You can not stigmatize them as unworthy of confidence. You had 150 failures among your national banks during the panic of 1893, and we had only one in Mississippi, a national bank.

I herewith append the letter of the banker to whom I have referred. He is one of the most intelligent and successful bankers in my State, and expresses on the subject of repeal of the 10 per cent tax on issues of State banks my views. While I do not entirely concur in some of the views expressed in this letter, I regard it as so valuable in most of its suggestions that I take the liberty of giving it to the country, though not written for publication.

CAPITAL STATE BANK, Jackson, Miss., February 4, 1895.

DEAR SIR: I am very much obliged to you for your letter soliciting my views on the various plans of national currency proposed; also thank you for public documents relating thereto sent me by you, which were interesting reading.

My views are that the United States Government should go out of the banking business as early as possible and get back to its constitutional pre-

negative of coining gold and silver, and restore privileges of free banking to people of the States, under safeguards of legislation adapted to improved methods of banking, such as double liability of stockholders, lien on assets to secure circulating notes of banks, with privilege to banks to issue circulation to 50 per cent of their capital, each bank to have redemption agencies in New York, and other central city correspondents, and each bank issuing notes required to keep a reserve in gold and silver to amount of 25 per cent of their deposits, and no note under \$10 allowed to be issued, the 10 per cent tax on State banks of course to be repealed; the present system of national banks to be abolished, as oppressive to agricultural States.

The whole system was submitted to originally because it contributed to the wealth of commercial centers at the expense of remote and agricultural States, causing high rates of interest in latter States and low rates in the former, enriching the former and destroying the credit of the latter.

For instance, the ground we walk on in Mississippi and real estate, our best security, national banks are prohibited from loaning a dollar on; the Comptroller of the United States discourages national banks from depositing with States; no deposits of reserve are allowed to be made except in cities with 50,000 inhabitants, and there are no cities in our State with that population. Our bank has \$100,000 of State, city, and county bonds, all above par value, but circulating notes are not allowed to be issued upon them. The whole system of national banks is adverse to the business of our people. Out of eighty banks in Mississippi only ten are national banks, simply because only State banks can serve the business needs of our people. Only one bank failed in Mississippi during the great crisis of 1893, and that was a national bank; all our State banks stood firm. But all the wealth of Mississippi is not considered a basis of credit to our State banks. At the same time we carry this wealth in way of collateral to New York banks and get all the credit we want by paying 6 per cent interest for it and redeem at the very date of maturity these credit obligations, notwithstanding the 6 per cent interest burden. So much for the banking system. As to the financial condition of the nation that is a menacing and disturbing element to all business.

The greenbacks ought to be retired some way, as you know. I would not object to a 3 per cent bond sale and the greenbacks retired with the proceeds. However useful in the past, they are pestilential and piratical of the nation's credit as now operated.

I believe in a high standard of currency. There can be no good credit to any nation unless its standard of money is high, and let all obligations be squared by this standard, and that will do much to restore credit. A standard of money that is variable makes it impossible to base calculations in trade and commerce.

England has less money per capita than any other nation, but its credit is the best in the world. The fact is, where the standard of credit is best there the least money is used oftentimes.

I would be willing to concede the coining of 344,000,000 silver dollars to take the place of the retirement of greenbacks if the coining of that metal should then be stopped. I think if that could be made an established policy these two metals could be sustained on a parity. But I think unlimited coining of silver would not bring relief, as its advocates contend, but great damage.

I would regret to see a great commercial nation like ours be relegated to the plane of the second-rate countries that occupy the silver basis.

A measure of value should be a measure of value wherever our trade relations extend. Then if I own a dollar the world owes me a dollar.

I have thrown these views out hurriedly. Many of them are not your views. But I would beg of you, guard the settlement of this financial question jealously.

Wall street and the commercial centers will fight any settlement that does not lay a foundation to continue the national-bank system. That system has good features, but it ought to be denied those features which deny State banks equal privileges, and which prevent them from doing business with their localities as their needs require. I notice all the literature and all the oracles of banking who get a hearing in Washington are from commercial centers who are interested in perpetuating a system that enriches them, but is death to our agricultural States. No ironclad form of banking can be adopted that can be adapted to the needs of every section; therefore should be opposed.

With the highest regard for you personally and officially, and with thanks, I remain,

Yours, truly,

Hon. C. E. HOOKER,

House of Representatives, Washington, D. C.

R. W. MILLSAPS.

[Mr. McKEIGHAN addressed the committee. See Appendix.]

Mr. HENDRIX. Mr. Chairman, I rise to support the amendment of the gentleman from Wisconsin; and in doing so I desire to give my reasons, which are to the effect that there is now national-bank circulation secured by these 2 per cent bonds amounting, as I recollect, to over \$22,000,000. If these bonds are discredited as the basis for national-bank circulation, it means that that circulation will either have to be retired or that new bonds will have to be substituted in their place.

Mr. STOCKDALE. Is it not the policy of this bill to discredit the bonds bearing a low rate of interest and which are payable at the option of the Government, by taking them up and funding them in bonds drawing a higher rate of interest?

Mr. HENDRIX. The very essence of the policy of this bill is to get money for the United States, under the present circumstances, at as cheap a rate as possible. For that reason the bonds proposed under the present bill are payable in gold.

Now, it is no part of the duty of Congress, nor is it right as a matter of public policy, that we should discredit any obligation of the United States Government at this time. There is no man, woman, or child in the United States that does not know that this country is going to pay 100 cents on the dollar on every one of its obligations. These bonds now outstanding which are now held by the people or by the national banks (and they naturally gravitate toward the national banks) amount to \$25,634,500. In the market places where there is now no demand for a Government bond payable at the option of the Government, in view of the low condition of the finances of the Government, of course these bonds are below par. But for the purpose of securing a circulation which is based, first, upon the faith of the Government as expressed in its obligations, and, second, on a first lien upon all the assets of the

bank taking out the circulation, these bonds certainly stand well and they ought not to be discredited.

Mr. STOCKDALE. Ought we not to encourage and protect the bonds bearing the lowest rate of interest?

Mr. HENDRIX. We certainly ought, and that is the whole policy of the bill. The condition of the money market in this country and the world is such that in order to get gold at 3 per cent it is necessary to go into the market and say that the United States specifically expresses in the obligation the same thing that it has established by precedent and by tradition, that its obligations are to be payable in gold. As a matter of common sense and economy, for the purpose of saving the country from taxation and for reducing the interest budget and getting money at the cheapest possible rate, this bill is brought into the House.

Mr. COX. Allow me a question, if you please. The \$25,000,000 of 2 per cent bonds now outstanding, to which the gentleman has referred, are at present below par in the market. Now, if we undertake to issue another class of bonds payable in gold do we not at once discredit those gold bonds which are running at a lower rate of interest than the bonds you propose to issue?

Mr. HENDRIX. There is no discredit attaching to a 2 per cent bond except such as is proposed in this bill; and the gentleman from Wisconsin proposes (and I heartily second his proposition) that this discredit shall be removed. Those 2 per cent bonds are payable at the pleasure or option of the Government. Now, suppose that a bank which has those 2 per cent bonds now on deposit to secure its circulation should, after the passage of this bill, when it has the opportunity to increase its circulation up to par of the bonds, fail so that its circulation would have to be redeemed by the Government of the United States; and suppose there is nothing in the assets of the bank to supplement the security of the bonds, the Government not looking to those assets at all until it has exhausted the resources which it has in the securities in its hands then.

The Government has, in the first place, a 5 per cent deposit in cash in lawful money of the United States to redeem the circulation presented; and then it has these 2 per cent bonds which are payable at its pleasure. All that the Government has then to do in order to redeem every dollar of such bank's circulation is to exercise its own pleasure and option, if it becomes necessary, and cancel its own 2 per cent obligation which it holds. If it does not desire to do that, then the Comptroller of the Currency has full power to go into the market and dispose of the bonds for the price they will bring, and then to have recourse to the assets of the bank for the remainder if the amount received for the bonds is not sufficient.

[Here the hammer fell.]

Mr. LACEY. Mr. Chairman, the object of this bill, as I understand it, is to attain as low a rate of interest as possible on the securities which shall be issued by the Government. In order to reach that end it is certainly bad policy to discriminate against the lowest rate bonds which are allowed to be issued under the law. These 2 per cent bonds are to-day, all of them, held, I think, by the national banks throughout the country, and upon them they have already issued 90 per cent of their currency, as the law provides. It is proposed, however, by this bill to allow new banks to be organized, and allow the old banks to increase their outstanding currency to the par value of the bonds they hold, excepting only the 2 percents.

Now, why should there be a discrimination against these 2 per cent bonds? For my part, I do not think there ought to be any discrimination against any of the securities of the Government. All should be treated alike. If we were to do so, however, it should be just exactly the other way than as contemplated here; that is to say, that a bank which insists on a 5 per cent bond should be restricted to a lower per cent of the value of the bonds for its issues of currency, whereas a bank which is satisfied with 2 per cent should have the right to issue currency to the full amount of the bonds. I say, therefore, we ought to discriminate just in the opposite way if we should discriminate at all.

The question is, then, one of safety for our currency; and if we are to adopt a policy of increasing the circulation of the national banks, we should not begin that policy by discriminating against the credit of the Government and punishing those who are willing to accept its bonds at a low rate.

But another question has been raised in this discussion, that is not, however, involved in the pending amendment, and that is as to the necessity for issuing these bonds payable in gold. To that provision of the bill I object. I do not believe that at the present time it is good policy on the part of this Government to change the system under which we have been operating for a generation and to discriminate between the different kinds of coin issued by the Government.

The Government long ago adopted the policy in almost every act passed in relation to the currency, of declaring the absolute equality of silver and gold when coined; in other words, that both metals should be maintained on a parity and pledging the faith



and wish of the Government to such maintenance. All our bonds are now in terms made payable in coin, and they are worth as much as those of Great Britain which are payable in gold alone.

The faith of the Government pledged to maintain the parity of our coin has been accepted in the markets of the world, and our bonds to-day are the equal in value of those of any other nation on the globe.

Now, why discriminate against the old bonds and cast suspicion on them by issuing the new bonds payable absolutely in gold? If we adopt this proposition, a crusade will be organized against the old bonds by persons seeking to have them paid in silver, because it is provided that they are payable only "in coin."

The obligation of the Government has heretofore been declared to maintain a parity between gold and silver, and there is no necessity, I repeat, for making a discrimination which at this time would cast suspicion and discredit on the obligations of the Government heretofore issued and upon its ability to maintain all of them at par.

The increase of our interest-bearing obligations by the addition of five hundred millions at a time of exceptional stringency involves a grave mistake in financing. To issue these bonds, running fifty years, at a time of difficulty is bad policy.

Wise statesmanship would suggest that if the greenbacks are to be canceled and refunded in bonds running for a period of nearly two generations further, a more convenient and favorable time should be chosen than the hard times now upon us. We are assured by Mr. Cleveland and Mr. Carlisle that the difficulties of the Treasury are only temporary, and that when the income tax, the sugar tax, and whisky tax begin to come in there will then be a surplus instead of a deficiency as at present. If this be true, and for the purpose of considering an Administration bill we should treat it as true, then there should not be legislation running into the future fifty years merely to meet an emergency for the next three months.

No individual or corporation would select the most stringent period for the refunding of obligations.

Let us rather legislate for the present difficulty. The proposition of the gentleman from Maine [Mr. REED] is ample for that purpose. It will put the Treasury in funds until the tariff bill shall be more fully tried. The time is a bad one for such a scheme as that proposed by the Administration, and the plan persistently ignores the real difficulty of the Government, and that is that the revenues fall short of the expenditures by from five to ten millions of dollars each month.

But another point has been frequently discussed in the debate on this bill, and that is what is known as the "endless chain," by which the greenback is constantly, as gentlemen claim, draining the Treasury of its gold. I do not believe that the greenback ought to be canceled now, especially in these days of hard times. It will not improve times or business conditions in this country to contract the currency \$500,000,000 and issue interest-bearing obligations in its stead payable only in gold. It would only increase the difficulties of the present time.

But they say one hundred millions of greenbacks may be used for the purpose of drawing a thousand millions of gold out of the Treasury. That, Mr. Chairman, would be an impossibility, because when the greenback is redeemed, if it is paid out again on account of the expenditures of the Government, it simply discharges obligations which would have been, but for the greenback, payable in gold; and if so—if the greenback is used for that purpose—it relieves the Treasury of paying out the gold; and therefore when the greenback is again presented and a demand for gold is made it simply draws out that which it prevented from being drawn out when the greenback was paid in its stead.

You might as well say that a national bank with \$10,000 of circulation can, by the "endless chain" system, be compelled to pay a million dollars of gold on that amount of circulation. Certainly they may be, but they do not give the \$10,000 away. They receive it, they loan it again or pay it out on some obligation that would be otherwise payable in gold; and the "endless chain" applies only to the extent of paying it out for that which the bank gets in return for it. There is no bank that fears to organize because its currency may draw out more than the aggregate amount of the notes it issues. They know that the notes will not be given away. When they are paid out a second or third time they always go for value.

In other words, if you have a revenue equal to the expenditures, the "endless chain" stops business, and that is all there is to it. It is an old story used in this body to frighten us. It has been used in the country to excite the timidity of capitalists. They say if you do not retire the greenbacks all the gold will be drawn out of the Treasury, and yet it is absolutely certain by reference to the Treasurer's reports that every greenback cashed in and paid out has saved the same amount of gold. [Applause.] [Here the hammer fell.]

[Mr. WILLIAMS of Illinois addressed the committee. See Appendix.]

The CHAIRMAN. Debate on this amendment is now exhausted. The Clerk will report the pending amendment.

The Clerk read as follows:

Strike out the following, commencing in line 4, section 3: "But this provision shall not apply to any bonds now outstanding bearing interest at the rate of 2 per cent only."

The amendment was agreed to.

Mr. BELL of Colorado. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Add after the words "in gold," line 10, page 1, and after the same words in line 16, page 2, the following:

"And silver of the standard value of July 14, 1870, in which said obligations shall be paid, without discrimination against either metal."

Mr. LIVINGSTON. How would that read if amended?

Mr. PEARSON. It would read wrong. [Laughter.]

Mr. LIVINGSTON. Let us see how it would read. It may read right.

The CHAIRMAN. The Clerk will report the paragraph as it would read if amended.

The Clerk read as follows:

He is hereby authorized to issue and sell at not less than par, in gold and silver of the standard value of July 14, 1870, in which said obligations shall be paid without discrimination against either metal.

Mr. SPRINGER. Allow me one moment. As this is a very important matter, I ask unanimous consent that debate may be continued on this amendment and amendments to it for one hour.

Mr. TERRY. What is to become of the substitute?

The CHAIRMAN. The gentleman from Illinois submits a request for unanimous consent. The Chair does not see how the committee can extend the time.

Mr. TERRY. I object, anyhow.

Mr. BRECKINRIDGE. Regular order.

The CHAIRMAN. The Chair thinks that the committee can not extend the time. We are acting under a rule in which the House has prescribed the form of debate and limited the time on each amendment to thirty minutes. But objection is made, and the gentleman from Colorado is recognized.

Mr. BELL of Colorado. Mr. Chairman, it makes but little difference whether the Springer bill or the Reed substitute is adopted if we must accept any such legislation. One means gold bonds, the other means gold bonds, and both are intended to increase the interest-bearing debt of the Government at the dictation of bond investors.

It is true the gentleman from Maine is very diplomatic in his substitute. He says bonds payable in "coin," and means and intends that the gold monometallists of the Eastern and Middle States shall know that it means gold and intends that his partisan admirers may argue in the South and West that it means either gold or silver, and that such may be inferred by the unwary. However, when pressed by the gentleman from Tennessee [Mr. McMILLIN], he confesses that "the construction is well settled" of "coin" in these bonds. The Republican newspapers from all over the Eastern and Middle States insist that "coin" meant July 14, 1870, when the law was passed, and now means "gold coin." To be precise about this I will append the usual construction, given by Henry Clews and approved by the New York Press in the issue of February 2, 1895, viz:

Henry Clews, in discussing certain phases of the bond issue with the Press man, had this to say:

"At the end of the war there were over \$3,000,000,000 bonds outstanding. They have all been paid off, principal and interest, in gold, with the exception of \$564,960,400. Recently \$100,000,000 was added, making the total amount outstanding \$664,960,400. The Government now contemplates issuing another \$100,000,000 of 4 per cent bonds under the act of 1870. At that time there was no agitation of silver and none could then have been anticipated by anybody. The word 'coin' in the act referred to gold coin, which no one can possibly deny. It is, therefore the spirit of the law that the Government must continue to live up to in recognizing gold as the coin in which to pay the interest and principal of all such bonds."

Every Secretary of the Treasury, from and including Hugh McCulloch, has either construed "coin" to mean "gold coin" or held that the Government should permit, as a stroke of public policy and to maintain the parity between the two metals or to maintain every United States dollar on an equality, the bondholder and large public creditor to choose the kind of money they would receive.

On the legislature of Ohio passing a joint resolution in 1877 declaring that common honesty and justice to the taxpayers required the Government bonds to be paid in gold or silver, at the option of the Government, Senator Matthews took up the matter in the Senate of the United States early in 1878 and had a joint resolution passed in the Senate and in this House declaring that it was not in derogation of the public faith or in violation of the contract to pay the bonded debt of the Government in silver dollars, at the option of the Government.

Senator SHERMAN declared from the floor of the Senate in 1869 that to require the people of this country to pay its obligations in gold or the equivalent of gold would require them to pay 135 pounds of wheat where they only agreed to pay a hundred pounds.

It is not only extremely humiliating to American citizens to see this Government kneeling and begging a lot of foreign and domestic public Treasury looters for breath, but it is a dull and stupid statesman indeed that can hope to break a panic and return money to the developing industries while the Government continues to furnish the best and safest investment known to capitalists in the way of bond investments.

Had the wrecking vampires been driven away from the Treasury, as they were formerly kicked out of the temples of justice, in the very beginning, and if the Secretary had enforced the law by paying the debts of the Government in gold or silver, according to the contract and the law, the panic would have disappeared, the Treasury would have been unmolested, and the idle money hoarded and kept awaiting these forced bond issues would have been reinvested in developing enterprises.

The Government, from the beginning of this Administration, has offered premiums, in the way of bond issues, to foreign and domestic speculators for their withdrawals of gold from its Treasury. The management of the Treasury, if not purposely to force legislation and a gold standard, has been almost criminally insipid and puerile.

Either through gross incompetency, or intentionally, this Government has joined the international money lenders in making it the point of every effort to drag this country to the gold standard and to a perpetual debt system for the benefit of money lenders. Every indication points to its being purposely done.

Nearly two hundred years ago England made just such loans, under such false pretenses, for a short space of time, and they are yet unpaid. The English statesmen boast that it is a cardinal principle of the English Government to "refund the public debt."

In 1836, when the banking power began exerting an undue influence over Congress and the Government, the eternal Jackson laid his iron hand upon it and crushed it out of existence. The masses of a grateful Republic sang to him hosannas as the savior of their temporal liberties and possessions from these icy and merciless vultures.

The power that Jackson throttled has raised to his seat, and unfortunately under the same political name, the present Executive, who, according to the public press, has conjuring around him daily, like a flock of unclean birds around a rapidly disintegrating carcass, foreign and domestic speculators, and he is daily receiving, without regard to party or nationality, encomiums of bankers' organizations of Chicago, St. Louis, Memphis, Knoxville, New York, London, and elsewhere, as a most just, wise, and patriotic President, while the people, the laborers, the farmers, and great middle classes are writhing and groaning unnoticed under the iron heel of their favored creditors while their debts are being doubled. How long must we be made servants to the money lenders by our unjust and pliant rulers?

One of the Rothschilds, when asked to become the formal king of the Jews to assist in fulfilling the prophecies, replied, "No; I would rather be the Jew of the kings."

I submit here a sample of the daily press reports, which photograph a dismal future for the American people, viz:

[New York Press, February 1, 1895.]

The chief topic of interest in Wall street yesterday, however, was the visit of W. E. Curtis, the Assistant Secretary of the Treasury. Although Mr. Curtis disclaimed that he was here on any other business than the most ordinary, he no sooner reached the subtreasury yesterday morning than he began to hold court with all the representative foreign bankers. August Belmont was the first to arrive, and soon afterward J. Pierpont Morgan put in his appearance. Then followed in turn Mr. Crane of Baring, Magoun & Co., Morris Wormser, James Speyer, Ernest Thalmann, Mr. Meyer of Lazard Frères, Mr. Ickelheimer of Heidelbach, Ickelheimer & Co., and Mr. Isaac Seligman. The interesting point in connection with the conference was the fact that none of the home bankers, so far as known, nor any of the members of the syndicate that took up the last bond issue were invited to see the Assistant Secretary.

It developed that Mr. Curtis's visit was as prolific of results as the famous march of the King of France up hill and down again. He had come to New York to virtually get bids for a loan of Government funds to the amount of from one hundred to two hundred millions. As stated in the Press exclusively several days ago, the Rothschilds have been negotiating with the Secretary of the Treasury, through their American house, August Belmont & Co., for some days past, but the trouble seemed to be over the "coin" bonds, instead of gold bonds. Mr. Belmont declined to discuss the matter with the Press reporter, but there is the best reason for saying that nothing will be consummated until Assistant Secretary Curtis gets back to Washington and lays before the Administration the results of his trip here.

NEW YORK FINANCIERS HERE.

[Washington Post, February 6, 1895.]

The Cabinet yesterday was engaged for four and a half hours in discussing the impending bond issue; but if any conclusion was reached it was made known by Secretary Carlisle that the time for giving publicity thereto had not arrived. That a bond issue is likely to occur within a day or two is, however, generally regarded as certain.

Yesterday was one of conflicting rumors and intense interest about the forthcoming issue. Several well-known bankers and capitalists arrived here from New York, and all day yesterday conferences were held between those gentlemen and prominent Government officials. Among the prominent New York bankers now here are August Belmont, representing the Rothschilds; J. Pierpont Morgan, and Messrs. Speyer and Bacon.

Wednesday night the President, Secretary Carlisle, and Mr. Morgan were in conference at the Executive Mansion until a late hour. Mr. Belmont had seen the Secretary earlier in the afternoon. Yesterday morning the confer-

ence was resumed with Mr. Morgan. An industriously circulated rumor stated that Mr. Belmont had withdrawn from all participation in the matter of placing the loan abroad, leaving the bonds to be taken by American bankers.

#### SENSATIONAL REPORTS.

Rumors that there were disagreements in the Cabinet on several matters connected with the bond issue became rife after the Cabinet adjourned, but could be traced to no reliable source. Mr. Belmont called at the Treasury in the afternoon and had a conference with Mr. Curtis, but received no information as to the results of the Cabinet session. The President, Attorney-General Olney, and Secretary Carlisle were together at the Executive Mansion as early as 10 o'clock, and Secretary Carlisle did not return to the Treasury until nearly 5 o'clock in the afternoon. He authorized the statement that rumors of dissensions in the Cabinet were unfounded. One that stated he had resigned it was ascertained was without the shadow of foundation. Secretary Carlisle himself would not dignify this rumor by a denial.

The Treasury yesterday gained \$556,000 in gold, increasing the gold reserve at the close of business to \$43,304,642.

All of this talk of a bankrupt Treasury, need of legislative aid, and gold necessities are the rantings of those in power to induce this ruinous gold system or the vaporings of incompetents directed by Treasury looters.

The London Status of February 2, the financial organ of the conservative money classes of Europe, lets the cat out of the bag—admits that the President's plan is that desired by the capitalists, but that the silver-coinage plan of the South and West would build up these two countries and would not hurt the productive industries, but would stimulate them, but would hurt the money-lending classes of both hemispheres, viz:

[From the Rocky Mountain News, February 2, 1895.]

LONDON, February 1, 1895.

The Statist will say to-morrow:

"President Cleveland's message appears to be wise and statesmanlike. As the law stands, it is quite clear that a large sum should not be borrowed in Europe, as there is doubt respecting the President's ability to contract to pay gold. This would be fatal to any projected loan. Money can always be had at a price, but the Government of the United States can not act as if it were bankrupt. Its credit would stand as high as that of any country in the world if Congress would only do its duty. If the present Congress does not act, it is greatly feared that it will be too late to appeal to the new Congress, as before it can be called together a crisis will probably have occurred. It is questionable whether under the existing conditions the President can even borrow at home. The banks, in order to avert a panic, may furnish him with gold, but even then it is questionable whether, when a doubt exists respecting payment in gold, enough gold can be got."

#### WANTS MORE CONTRACTION.

"In any case, mere borrowing will not avail, as the experience of the past year has shown that sooner or later there must be a contraction of the currency or there will be a panic."

The Statist proceeds to discuss the consequences in the event, firstly, of gold being demonetized; secondly, no legislation whatever being arrived at; thirdly, the effect of the free coinage of silver. Then the Statist remarks:

"If gold is demonetized, it is perfectly clear that there will be a great transfer of property from the capitalist and lending classes to the producing and borrowing classes. This would be of immense advantage to the West and South and would prove a serious loss to the Eastern States and to Europe."

#### INFLUENCE ON THE MARKET.

"Of course a great country like the United States adopting a silver standard would have great influence on the whole of the world, and silver would undoubtedly rise, but it would be long before it reached 60 pence. The great reduction of debts all over the United States by a fall to silver would give the farming and producing classes generally a sense of freedom and prosperity which they have not had for many years, and would probably give a great stimulus to production. If silver did not rise much for a while, American wheat, cotton, pork, etc., would compete with the product of other countries at a very great advantage, and there would probably be a very rapid and great growth of exports and the beginning of an era of great prosperity."

"On the other hand, the lending and creditor classes would suffer and their losses would not affect production to anything like the same extent as the gains of the debtors and producers would. Further, there would be a very serious fall in securities, which would injure capitalists and lenders, both in the United States and Europe."

"If Congress refuses legislation, then gold would go a premium, but probably not high. The tendency would still be to benefit debtors and producers, and would injure capitalists and lenders, while production and exports would be stimulated, though not to a great extent."

#### WOULD REDUCE.

"Thirdly, if the mints were opened to free coinage, which would tend to make the gold premium higher still, the premium would not be very high, and the reduction of the debt and the losses of capitalists would be small compared with the demonetization of gold."

Summing up this review of the financial possibilities, the Statist represents the West and South as being perfectly right in the view that a change of the present system would benefit their sections of the Union. The effect of the change they advocate would be a tendency to transfer property by wholesale from the East and Europe to the West and South. In fact it would be a form of repudiation, and it would lower the credit of the United States and prevent the free influx of European capital. In the future, probably, European capitalists will always insist upon the gold clause—they will require a clear contract that they will be repaid in gold.

"In the event of gold demonetization, matters will right themselves in the long run, but the run might be very long, and another point is that a great transfer of property would not act uniformly. Debts falling due soon after the change would be immensely reduced, whereas debts falling due later, when silver has risen, would be less reduced, and if silver reached 60 pence there would be no reduction in debts whatever."

The great indebtedness of the country and limited money supply are the chief causes of our present difficulties, and you now propose to increase it. It is mere cant and false pretense to talk about the danger of a silver basis or the danger of a suspension of specie payment, heralded to the world daily. During one of our most prosperous periods we were under a complete suspension,

The Bank of England from time to time, once for a period of twenty-five years, and the Bank of France in 1848 and 1870, sus-



pendent specie payment till a convenient time and came out stronger than ever. The banks of New York in the late panic suspended all money payments and came out without discredit, and this Government, if it desired to serve the people instead of the banks, has ample powers to protect the Treasury and the people, but it refuses, and is playing this game of cant and hypocrisy at the dictation of the great creditor classes of the world that seem to have full possession of the Administration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LIVINGSTON. I desire to offer a substitute for the gentleman's amendment.

The Clerk read as follows:

In line 10 of page 1 strike out the words "in gold;" also, in line 16, page 2, strike out the word "gold."

Mr. LIVINGSTON. Mr. Chairman—

The CHAIRMAN. The Chair will recognize some gentleman who is opposed to the amendment, and will recognize the gentleman from Georgia later.

Mr. SPRINGER. Do I understand that there are only fifteen minutes' debate allowed on the amendment and on the amendment to the amendment?

The CHAIRMAN. That is the order. If no other gentleman desires the floor at this time the gentleman from Georgia will be recognized.

Mr. LIVINGSTON. Mr. Chairman, this bill proposes to put upon this country a species of class legislation that is unfair and that the people can not and will not submit to. Here is a class of creditors whom it is proposed to pay in gold, while every other creditor of this Government must accept silver certificates, greenbacks, national-bank notes, or standard silver dollars. The men in your Army and Navy, the poor men and women who work in the Government shops, the men who raise the wheat to feed your soldiers and your sailors, the pensioners of this country to the amount of \$150,000,000 annually, are to be forced to accept silver money, or other such money degraded and legislated against until it is not current in the great money markets of the world, while the special class contemplated by this bill are to be paid in gold.

Mr. Chairman, neither the law as it exists to-day, nor our laws for one hundred years past, have made any such discrimination in the currency of our country; yet it is now proposed to inaugurate a species of class legislation that will drive every other creditor of this Government to demand gold—gold for wheat, gold for cotton, gold for silver, gold for pensions, gold for the salaries of your Congressmen, gold for the salary of your President, gold for everything. Are you ready to do that now?

[Here the hammer fell.]

Mr. LIVINGSTON. Mr. Chairman, I withdraw the substitute.

Mr. COOMBS. Mr. Chairman, the gentleman from Colorado [Mr. BELL] has offered an amendment providing that the bonds, which we propose in this bill to issue for the relief of the Treasury, shall be made payable half in gold and half in silver. I have asked recognition in order to impress upon the House, as earnestly as I am capable of doing, the importance of not departing from the language of the bill where it provides that they shall be distinctly made payable in gold.

There is probably no gentleman upon this floor who entertains any other idea than that all of the bonds of this Government now in existence, although they are stipulated to be paid in coin, will be paid in anything but gold. Your patriotism and pride of country would rebel against any proposition that looked to a partial or total repudiation of our national obligations.

We have been able to float them at home and abroad upon that distinct understanding. Those who have invested in them have shown their confidence in our spirit of national pride, and you do not intend to disappoint them.

Such being the case, I ask you the simple business question: What is the objection to expressing in plain language what we in fact hold ourselves honorably bound to do? By doing so, we make a broader market for them, and are not confined to drafts upon our own store of gold, but can market them abroad at any financial center, and bring foreign gold to replenish our exhausted store.

We are also relieved from the rather humiliating position of being obliged to virtually secure the indorsement of home and foreign bankers before we can market them abroad. We make them an investment for foreign private holders which will be eagerly sought, thus placing them out of the market for return in large quantities.

Some gentlemen here urge as a reason why we should retain the old word "coin," instead of "gold," that it will be a discrimination against the old bonds.

If this was the case do you not suppose that the holders of those old bonds would have made their voices heard in protest? Yet they are the very ones who have urged it upon us to make these bonds payable in the metal that is recognized throughout the whole world as the standard of value. No protests from banks

or savings banks have come to us; on the contrary, all of the financial interests have asked for it.

You will thus see that that objection falls to the ground.

Let me urge you, gentlemen, not to alter this provision, but to pass the bill.

I can not support the substitute of the gentleman from Maine, for it does not afford any permanent relief to the Government.

Neither can I support that of the gentleman from Tennessee, for it is devoted to the organization of a new banking system which we are not at present prepared for. Let us meet the present emergency and relieve the Government. There is one assurance, however, that comes to us in this hour of our trial. We have at the head of our Government, occupying the Executive Chair, a man who commands the confidence of the people and who, having discharged his duty in the way of notifying Congress of what he needs to sustain the credit of the nation, has not hesitated to tell us that, whatever may be the result of our action to-day, he will with every weapon in his hands defend our integrity and our credit. You may desert him in his hour of need, you may turn a deaf ear to his warnings, but the time is not far distant when he will be vindicated and you condemned.

The CHAIRMAN. The gentleman's time has expired.

Mr. WILSON of Ohio. Mr. Chairman, the condition of things witnessed in the House of Representatives to-day reminds me of what an eminent physician who was in charge of a large asylum for the insane once said to me upon my inquiry as to why the patients did not overpower the attendants and escape. The doctor said that there were no two of them affected with the same delusion, and therefore it was impossible for them to conspire together and unite upon any concerted plan of action. [Laughter.] Now, it seems to me that there are about as many different opinions here as there are members sitting in this House, and that it will be impossible to agree to the provisions of this bill.

If the Democratic majority can not present a measure for the relief of the people against the pressure of hard times and pass it through Congress, it will simply confirm the charges of incompetency which the Republicans have heretofore made against them. They have been merely a party of platforms and opposition so long that there is not enough wisdom and patriotism in the party to enable them to do any affirmative act of great national benefit. I wish it was not so, for I am sure the Republicans would gladly come to the relief of the Administration if there was no purpose to reverse the principles which are fundamental with our party.

I am frank to say that the bill under consideration could be amended so as to receive my support. If the provision requiring the proposed bonds to be redeemed in gold could be so modified as to require that they shall be redeemed in coin, I should be willing to vote for the proposition. In my opinion it would be better to issue 3 per cent interest-bearing bonds for short times than to issue bonds at a higher rate of interest and for longer periods. The Secretary of the Treasury has issued bonds of the face value of \$100,000,000, payable in coin, on which about \$117,000,000 were realized within the last year on account of the premium on such bonds.

Why, then, is it not practicable to negotiate a 3 per cent interest bond payable in coin, as those are which have been issued? There can be no reason, unless it is because of a distrust of the Democratic Administration. There never was a time under Republican rule when it was not possible to dispose of United States bonds at par. The first bonds issued during the war period were payable in lawful money. In 1875, under the act providing for the resumption of specie payments, the law was amended so as to require their payment in coin. There was no difficulty in negotiating any such bonds, and they now command a high premium in the money markets.

#### REVENUES.

It is the misfortune of the country that its public affairs are now controlled by the Democratic party. For the first time since the civil war that party has a majority in both Houses of Congress, and I call the people of the United States as witnesses to prove that the country never before experienced such universal business calamities. The great manufacturing houses were compelled to shut down their machinery and close their doors against working men. The laboring classes in the manufacturing centers were driven to want and suffering for the common necessities of life. The revenues of the Government were reduced far below the expenditures, and the nation's debt increased every day. The creditors of the Government and the holders of all kinds of bonds and securities in this country became alarmed, and there has been a distrust of the Democratic Administration both in this country and abroad.

And how was this condition of affairs brought about? It was caused by intrusting the administration of the executive and legislative branches of the Government to a party distinguished for its platform platitudes and destitute of practical methods. [Applause.]

Who can doubt that if the McKinley law had remained undisturbed in its general scope the country would have continued to have a much greater share of prosperity than it has under Democratic tinkering? I think the people of the United States in November, 1894, clearly reversed their action of November, 1892, when they elected a Democratic President and a Democratic Congress. There can be no argument against such an overwhelming expression of public opinion. The Democratic party have been weighed in the balance of public opinion and found wanting. It is urged by the Secretary of the Treasury that the revenues of the Government will soon equal the expenditures. I certainly hope that such a happy condition of things will soon come, but I regret that to bring about such a condition of the revenues it was considered wise to put sugar on the dutiable list. Sugar is no longer a luxury of life; it is an article of everyday consumption in the most humble families of the land and should be supplied as cheaply as possible.

#### THE GREENBACKS.

Mr. Chairman, I question the policy provided for in the second section. The United States legal-tender notes now aggregate about \$346,000,000, and the Treasury notes amount to about \$150,000,000. They are the only paper currency which are legal tender for all debts, public and private. If they are canceled there will be left only gold and silver which can be tendered in lawful payment of debts between individuals. In my opinion it would be well to maintain as large a legal-tender currency as is practicable. Another consideration is that this volume of \$496,000,000 does not bear interest, and if they are retired and bonds issued to raise the money with which to retire them, the interest-bearing debt will be increased to that extent. I know it is urged in favor of the cancellation of the legal-tenders that they are demands upon the Treasury, and that it is difficult to maintain the \$100,000,000 gold reserve so long as they are outstanding. I grant that there is some force in that position. But, all things considered, is the fact that they are redeemable in coin an unmitigated evil?

If this class of paper currency were not redeemable in coin it is very doubtful if their parity with coin would have been maintained. I think that if the revenues of the Government were equal to or in excess of the expenditures, so that it would not be necessary to draw upon the gold reserve for the expenses of the Government, there would be no occasion for alarm.

If an individual had a reserve in bank, and his yearly expenses exceeded his yearly income, he would be compelled to draw upon his bank account for the difference; and if he was so unfortunate as to have no bank account or other fund on which he could draw it would be necessary for him to procure a loan.

That is substantially the condition of the United States at this time. Our expenses exceed our income, and our Treasury account is being drawn upon for the necessities of the Government. What, then, is the duty of Congress? I think it is clearly to procure a loan with which to pay our debts and maintain our credit, and forthwith see to it that the yearly receipts of the Government shall be ample for the payment of all liabilities and current expenses.

The greenbacks and Treasury notes are popular currency among the people, and I am not disposed to surrender them until I am convinced that the people desire their cancellation. I think the tendency among capitalists is to drive the country to an irresistible single gold standard. I am not prepared to go that far. In my opinion it is possible to maintain a large amount of silver coin on a parity with gold coin. At any rate before I consent to surrender silver coin, I desire that there shall be an honest and heroic effort to save that metal as a part of the redemption money of this country. I am quite convinced that in some quarters there will be a desperate attempt to drive out silver and exclude it from its time-honored place and importance in our financial system. I should be glad if silver coin could be reinstated as a part of our redemption money instead of making its value dependent upon its convertibility with gold coin.

#### NATIONAL BANKS.

Mr. Chairman, the third section provides that national banks may receive and issue national-bank currency notes to the full value of the United States bonds deposited to secure their circulation. I agree to this proposition. There is no reason why there should be a restriction to 90 per cent of the par value of the bonds when the bonds are now at a large premium and worth much more than their par value. The limit to 90 per cent was made at a time when it was uncertain what would be the value of the bonds.

There are some gentlemen here who seem to have great antipathy to national banks and a great liking for State banks. I can see no good reason for either disliking the one or liking the other. The national banks furnish a most excellent bank currency. The holders of it are always protected by the bonds deposited for their redemption. The objection that the banks get both interest on the bonds deposited and on the bank notes loaned out is not well founded. In the first place, does it make any difference to the

people who hold the bonds? Does it make any difference to a man who holds his note, especially if he is prepared to pay it at maturity? It is a matter of indifference to the people whether a bank holds our bonds or some other person's. The interest must be paid at all events.

But experience has demonstrated that there is not much profit in banking under the national banking system of late years. The bonds cost so much above their face or par value that the banks can not afford to hold them or buy them if they do not have them on hand. The interest is paid on the face value only, although the cost may be 15 per cent above the par value. Then every national bank is subject to taxes for the expenses of inspections and otherwise.

During the past year 79 national banks, with an aggregate capital stock of \$10,475,000, voluntarily withdrew. There were on the 31st day of October, 1894, 3,756 national banks. The total amount of circulation was \$207,472,603, a net decrease of \$1,741,563. Thus showing that there is a disposition to withdraw from the system.

We want as much money as possible to accommodate local trade. The general drift of money is to the great cities, and if we have local currency, which can be expanded when there is a great demand for it, I think it will be helpful in many ways. Our State banks do not issue currency notes, but simply handle money or notes issued by the Government and national banks.

The fourth section, which proposes that national-bank notes under \$10 shall not be issued, and that silver certificates of a less denomination shall take the place of the small bank notes will have a tendency to enlarge the use of silver and force the circulation of silver notes. I see no objection to trying the experiment, for I believe it would be successful and would add to the volume of our paper currency.

The other provisions of the bill enlarging the authority of the banks to regulate the volume of their currency are not of great importance, and I should not refuse to vote for the bill on account of such amendments to the existing law. Therefore, if the friends of the bill will so amend it as to authorize the Secretary of the Treasury to issue, sell, and dispose of, at not less than par in coin, bonds payable as specified in the bill, and bearing not to exceed 3 per cent interest, payable quarterly, and will strike out the second section, which cancels the legal tenders, I will vote for the bill.

#### MONEY IN CIRCULATION.

The last statement of the Secretary of the Treasury shows that there has been a large decrease in the amount of money in circulation during the year ending February 1, 1895. I submit the statement, which shows a decrease of \$123,125,996..

Statement showing the amounts of gold and silver coins and certificates, United States notes, and national-bank notes in circulation February 1, 1895.

	General stock, coined or issued.	In Treasury.	Amount in circulation February 1, 1895.	Amount in circulation February 1, 1894.
Gold coin.....	\$57,532,641	\$51,343,230	\$506,189,411	\$327,357,916
Standard silver dollars.....	422,626,749	366,753,119	55,873,630	55,735,730
Subsidiary silver.....	77,192,015	15,481,586	61,710,429	61,108,700
Gold certificates.....	52,984,809	337,060	52,647,809	77,015,419
Silver certificates.....	333,736,504	7,329,232	326,407,272	330,161,306
Treasury notes, act July 14, 1890.....	150,751,541	33,571,316	117,180,225	150,755,402
United States notes.....	346,681,016	89,681,073	256,990,343	299,378,836
Currency certificates, act June 8, 1872.....	41,245,000	3,620,000	37,625,000	44,985,000
National-bank notes.....	205,237,571	6,333,175	198,904,396	193,365,220
Totals.....	2,189,107,006	574,450,391	1,613,657,515	1,736,783,511

#### DEFICIENCIES.

The last report of the Secretary of the Treasury shows that during the fiscal year ending June 30, 1894, the expenditures of the Government largely exceeded the total receipts. The expenditures were \$442,605,758.87 and the receipts were \$372,802,498.29; excess of expenditures over receipts, \$69,803,260.58. The same report also shows that as compared with the fiscal year ending June 30, 1893, the receipts for 1894 fell off \$88,914,063.65, while the ordinary expenditures decreased only \$15,952,874.66, and during the last month, January, 1895, there was an increase of expenditures over receipts amounting to \$8,734,275.80. And thus it has been during the entire Administration of Mr. Cleveland and this Democratic Congress.

And who ought to be surprised at the result? How could the condition of affairs be otherwise? The threatening attitude of that party in opposition to the protective tariff, which protected American manufactures, producers, and workmen against the cheap competition of foreign countries, created and spread alarm throughout the entire country.

The life was knocked out of business; the machinery ceased to move; great industries were suspended; rich men became penni-



less, and poor men were driven to want and brought face to face with starvation. Never in the history of this country was there greater suffering than now.

The great masses of workingmen have not found steady employment, and consequently have not had money to buy as freely as before. As proof of this it is ascertained that the consumption of wheat during the year has fallen off about 1 bushel to each individual, and the consumption of corn about 7 bushels to each individual in the United States. Our population is not far from 70,000,000, and the wheat consumption therefore fell off about 70,000,000 bushels, while the consumption of corn fell off about seven times 70,000,000.

The effect of this assault upon the industries of the country are far reaching and I fear will be of long duration. In my opinion the surest way to restore and maintain prosperity is to firmly adhere to the doctrine of protection to American producers, manufacturers, and laborers.

This system furnishes opportunities for investment of capital, secures steady and profitable employment to labor, and creates and sustains a home market for all kinds of products. Under the Democratic theory of free trade our capitalists are afraid to venture upon great enterprises requiring the use of large sums of money. If capital is unemployed labor is unemployed; and if labor is unemployed the demand for farm products is largely decreased.

Therefore I am quite confident that this country will not return to its wonted prosperity until the people are assured that the doctrine of protection is to be upheld. I know that there are some Republicans who are disposed to ridicule the idea that the people of the United States will stand by the principles of the McKinley law. But what interpretation can fairly be given to the overwhelming Republican majority at the last election if it was not an approval of the Republican policy of protection?

The few free-trade Republicans, who occasionally vote with the party, will not be permitted to declare the doctrine of the party. There is no Republican who ever claimed that the McKinley schedules were absolutely faultless; but we do insist that the law was in the main correct, in practice as well as in principle.

When the Republicans come into full control of the Government again, as I am very confident they will after the next Presidential election, they will be able to adjust the tariff on protective lines to the satisfaction of the friends of the protective system. [Applause.]

And now, Mr. Chairman, before I conclude my remarks, I want to call attention to the newspaper reports to the effect that the Secretary of the Treasury will issue more bonds, and at the rate of about 4 per cent interest, unless this bill is passed authorizing the issue of bonds payable in gold. It is suggested that gold bonds can be disposed of at 3 per cent interest, but that bonds payable in coin can not be negotiated for less than 4 per cent interest. If this is a fact, then why is gold not already at a premium? If there is such want of confidence in the financial system of the country as to require the bonds to be paid in gold only, if we are to sell them at a low rate of interest, it is a confession of our instability, and I, for one, am not prepared to admit it.

Our bonds were sold during and soon after the war, when there was some grounds for suspicion that they might not be paid in gold, payable in lawful money or coin, and I think we need not now discredit them or the country which issued them. I understand the bonds are to be sold abroad. I think if the United States would exhibit less dependence upon foreign countries and legislate more for the welfare of our own people we should get along much better. I do not believe it would be wise to make a distinction in the character of our bonds. I have no doubt that our money will continue to be safe, and that silver and gold will be maintained at a parity. But I do not think that the way to do this is by making our obligations payable in gold.

Whatever money is good enough for the people of the United States ought to be good enough for whoever holds any of our obligations. Therefore, while I appreciate the little temporary saving of the difference between 3 and 4 per cent interest upon a small issue of bonds, I can not now give my support to a measure which, in my judgment, will make it more difficult for the people of the United States to have a larger use of silver coin on a parity with gold coin.

If I am mistaken in my views of this question, it is a mistake of the head and not of the heart. I have but one purpose in view, and that is to subserve the best interests of the people of my own country.

I think the effort to carry this country to the single gold standard has already incidentally increased the liabilities of the debtors, and, in a like manner, enhanced the value of all credits of long standing. Although the purchasing power of our currency has been largely appreciated, the usual rates of interest are generally maintained. The products of the farm are greatly depreciated in value, and the ability to pay debts is greatly affected thereby. A large majority of investments in real estate and otherwise were made when prices ruled much higher than now, and, by reason of

our approach toward a single gold standard, the values have so depreciated that nothing like the original cost can be realized when the holders desire to dispose of their property.

Mr. CHAIRMAN, if I have made myself understood I am satisfied. I would not oppose this measure from a partisan standpoint. I should be glad to support a proper bill for the present relief of the Treasury. But, sir, I can not yield my convictions for the sake of assisting the Administration out of the mud into which it has stumbled, and at the same time plunge the country into a deeper mire from which it might never be rescued.

I have said, and I repeat, that I am unwilling to join hands with the Administration and the gold monometallists of this House in striking a deathblow to bimetalism. [Great applause.]

Mr. LOCKWOOD. Mr. Chairman, the principal question now disturbing the minds of some of the members of this House is whether the bonds to be issued shall in express terms be payable in gold or shall be made payable in coin. It is conceded that the gold reserve in the Treasury must be maintained at not less than one hundred millions; that the gold reserve is absolutely necessary to the credit of the Government and to secure and maintain the confidence of the financial world, not alone in the ability of the Government to meet and pay all of its obligations in gold, but for the additional reason that all investors in Government securities of every kind and character will receive both principal and interest in the standard money of the civilized world.

The fact is now apparent to all that the foreign owners and holders of American securities have lost confidence in our ability to either meet or pay our obligations in gold. It is no answer to say that our securities ought to be owned by our own people; the fact is, much as we may regret it, that millions upon millions of American stocks and bonds are held abroad. Many of our great railroads have been built by foreign capital; our country has been developed by foreign capital, and this development has been to the great benefit and prosperity of the American people. We received this money on a gold basis; our creditors now—it may be unreasonable, and I believe that it is—fear that they are to be paid in silver. This fear and uncertainty has brought about a lack of confidence, and as a result many holders of American securities are sending them back to this country for sale, and in this way taking the gold out of the country.

This lack of confidence commenced when, on the 14th of July, 1890, the Sherman silver purchasing act became a part of the financial policy of the Government. From that time to the present the conflict between silver and gold for supremacy in this Government has been constantly and prominently before the people. Slowly but surely our securities have depreciated in our own as well as foreign markets; just as surely the rate of interest upon our Government securities has increased. This depreciation in the value of our stocks and securities and the increase in the rate of interest is the natural result arising from the doubt of our intention or ability to, and whether we will, pay in gold or silver coin.

It has been stated on this floor, and in my judgment there is not a reasonable citizen of the United States who does not honestly believe, that every obligation of this Government will be paid in the gold coin of the country. This raises the question, what is the objection at this time to having a gold bond, and for what reason should we make the bond payable in gold? I answer, the principal reason for inserting in bonds proposed to be issued under this bill the words, "Payable in gold," is to give an assurance to the people of the world that the Government of this country recognizes and will carry out its obligations to pay in gold, and thus restore confidence and stop the flow of gold out of the Treasury of this country. The benefit to accrue to the people of the country is twofold: First, a higher price for our bonds, and, second, a lower rate of interest, thus lessening the burden upon the people.

Mr. LIVINGSTON. And more taxation?

Mr. LOCKWOOD. No more taxation—less taxation.

It is utterly idle when discussing the principles involved in this bill to condemn and abuse national banks. The banking institutions have been the target for a certain style of oratory for centuries, yet every candid man must admit their necessity and their use and benefit to the public. The bill grants to national banks the right to purchase bonds, and by depositing them with the Comptroller of the Currency have bills issued to them in denominations of not less than \$10 to the full amount of the bonds deposited, thus providing for the people of the country an absolutely safe and reliable circulating medium, good in every section of the country and all over the civilized world.

To meet the wants of every community banks are permitted to organize with a capital of \$20,000 or upward, according to the requirements and wants of the community. The tax upon circulation has been reduced from 1 per cent annually to one-fourth of 1 per cent annually, thereby securing cheaper money to the people, for it is the people who in the end must pay all taxes that are imposed upon the banking institutions of the country. The banking institutions of the country, whether State or national, have

as great an interest in the welfare and prosperity of the country as any of the people or the institutions of the country; they have always been among the first to respond to the wants and demands of the people. The banking institutions have always stood by the people in time of necessity.

Mr. HOLMAN. When?

Mr. LOCKWOOD. They have stood by the Government upon several occasions when the Government required their support.

Mr. HOLMAN. When was that?

Mr. LOCKWOOD. It was the banks in the darkest days of the sixties that held and sustained the financial credit of the country; and, within the last sixty days, they have again responded to the Government's demands and maintained the gold reserve of the Government. The assertion is frequently made upon this floor that national banks are making large and excessive profits, and more than can be made under State banks. The gentlemen making these statements are certainly misinformed as to the facts. In the city of Buffalo, which I have the honor in part to represent, we have but two national banks out of more than thirty banking institutions, and while the State banks do not issue a single dollar of currency, they can realize a greater profit upon their capital than the national banks. This is true of the banks in the State of New York, and I believe the same to be true in every State. State banks can receive a higher rate of interest than national banks, while keeping a very much less reserve.

Every question embraced in this bill is resolved into a practical question whether this Congress will authorize a safe, sound, and cheap system of banking, thus giving to the people an absolutely sure and safe circulating medium, and at the same time put it in reach of every community to establish banks with such capital as their wants may require, and also whether this Congress is willing to insert in its bonds just what every man knows the Government will do and just what it must do to maintain its credit throughout the world and to maintain its gold reserve—that it will pay its obligations in gold coin. We admit and we intend that these bonds shall be paid in gold, therefore after all that can be said we reach the simple question whether we shall insert in the bonds that declaration payable in gold, and thereby obtain a lower rate of interest for the benefit of the Government and for the people of the whole country, or stubbornly refuse and insist upon the word "coin," and thereby pay a higher rate of interest, and thereby tend to retard the business interests of the people and injure the credit of the Government.

Mr. LIVINGSTON and Mr. WILLIAMS of Massachusetts then rose.

Mr. LIVINGSTON. I would like to ask the gentleman a question.

Mr. LOCKWOOD. I should be glad to answer, if I had time, any question which might be put to me by my effervescent financial friend.

Mr. SPRINGER. Mr. Chairman, how much time remains in opposition to the amendment?

The CHAIRMAN. Five minutes.

Mr. SPRINGER. I desire to be recognized to occupy that time.

The CHAIRMAN. The gentleman will proceed.

Mr. SPRINGER. Mr. Chairman, this is the most important subject that will be reached in the consideration of the details of this bill. Gentlemen seem to have a fear that the insertion in our bonds of a promise to pay in gold will injure the credit of other bonds which are now payable in coin. In my judgment there is nothing in that argument. Everybody in this country believes that the Government of the United States will pay all its bonds in gold.

Mr. LIVINGSTON. And the people pay their debts in the same currency?

Mr. SPRINGER. The Government of the United States can secure the loan of money for about 1 per cent less interest if we promise to pay "in gold," than if we should promise to pay "in coin." Upon \$100,000,000 of bonds this would be a saving of \$1,000,000 a year, which in twenty years would amount to \$20,000,000. If you are going to issue as large an amount of bonds as gentlemen on the other side say, \$500,000,000, this saving would amount to \$100,000,000 in twenty years. At the same time, Mr. Chairman, the insertion of this clause in our bonds will maintain the credit of this country throughout the world. Gentlemen here do not apprehend that the Government of the United States is to pass to a silver basis; but that feeling prevails throughout the money centers of the world. We can change that sentiment to-day by making the declaration in this bill that the Government will maintain the present standard of values. In order that our creditors everywhere may know that the faith of the Government will be kept, let this bill stand as it has been presented.

What is the purport of the amendment of the gentleman from Colorado? It is to pay in gold and silver without discrimination as to either metal. What does that mean? It changes, so far as this Government is concerned, all the obligations heretofore outstanding. The obligation heretofore was to pay in coin at the discretion of the Secretary of the Treasury. If this amendment be adopted we compel the Secretary of the Treasury to pay these

obligations one-half in gold coin and one-half in silver coin. The amendment provides that payment shall be made in gold and silver coin without discrimination; and that must mean, as I understand, that payment shall be made in equal proportions of the two metals. If that is not the meaning, I do not know what the proposition does mean. There are now to-day only 58,000,000 of silver dollars in the United States that are not covered by the silver certificates outstanding. It will be utterly impossible to pay the bonds of the United States one-half in silver. The silver now out is mainly in the shape of silver certificates, and is pledged for the payment of those silver certificates, and only 58,000,000 of other silver dollars are in circulation.

It is utterly impossible, therefore, to comply with the law in that respect, and I hope gentlemen of the committee will take the matter into their very serious consideration, and also the exigencies of the present time and the necessity for maintaining the credit of the country as it can only be maintained, by insisting that its obligations shall be paid in that coin that all the world recognizes as the existing standard of value.

Mr. STOCKDALE. Why is it impossible?

[Here the hammer fell.]

[Mr. CURTIS of Kansas addressed the committee. See Appendix.]

The CHAIRMAN. The time for debate on this amendment under the rule has expired.

The question being taken on the amendment of Mr. BELL of Colorado, the committee divided; and there were—ayes 74, noes 106.

Mr. BLAND. Has a quorum voted?

The CHAIRMAN. A quorum has voted.

So the amendment was rejected.

Mr. HUTCHESON. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

At the end of section 1 add:

"And the Secretary of the Treasury is instructed and required to pay and discharge all such notes as are named in this section, when presented for redemption, one-half in the gold coin of the United States and one-half in the silver dollars of the coin of the United States."

Mr. HUTCHESON. Mr. Chairman, while the question as to the payment of gold and silver has been propounded and considered in this discussion with reference to the bonds, there has been no proposition presented to the House, so far, similar to the one which is now offered, to redeem the Treasury notes.

On both sides of the House, by Democrats and Republicans, it has been charged that the Secretary of the Treasury has violated the law. He has been criticised for paying the obligations of the Government in gold when presented, and unmercifully criticised. These criticisms have been uttered in the cloakroom and upon the floor of the House; but no person has undertaken to formulate a proposition in the shape of law to instruct the Secretary of the Treasury as to the payment of the obligations which are presented in the current transactions of the Department.

The difficulty, I maintain, is not so much in the bonds which are to be issued, but it lies in the notes which are presented for payment to the Treasury of the United States—notes that are presented every day in the year. The question as to how these notes shall be paid will, if properly determined, be the solution of the question as to whether the run on the Treasury will be continued or averted.

Independently of the question as to whether the notes ought to be paid in gold or in silver, we are confronted to-day with a run upon the Treasury which is not a legitimate run, which is not a business run. It is not a run because of the lack of confidence in the ability of the Government to pay, but it is a run to effect a purpose independent of the settlement of the notes they present. Let me illustrate this by an anecdote. I had once a cow, and also had a man who took care of and milked the cow. A little girl came every day and pretended that she wanted to learn how to milk and interfered with the milking. Her excuse was that she did not want the milk itself, but simply the exercise, in order to learn how to milk, so as to qualify herself to become a milkmaid. The old man indulged her until one day he found that she had a cup under her cloak and that she took away each time that she left a quart of milk. He concluded then that it was not the process of milking that she desired to learn, but that her purpose in coming was to get the milk that she carried away, and so he stopped her. That is exactly the situation here now. It is not to redeem the notes outstanding, but to take the milk from the Treasury day by day in order to supply it to the banks of the country. It is that system which should be stopped, and stopped by legislation, and not by abusing the Secretary of the Treasury.

How many are there here who will vote against this proposition? This is bimetalism applied to existing conditions, made practical, and enacted into law. Let us pass this instruction or hereafter hold our peace in cloakroom criticism of that distinguished official.

[Here the hammer fell.]



The CHAIRMAN. The Chair will recognize some gentleman in opposition to the amendment if he desires to be heard.

Mr. HENDRIX. I simply desire to submit for the consideration of the gentleman from Texas who offers the amendment that it does not remedy the evil of which he complains. If an exporter wants to get gold, and he is paid one-half in gold and one-half in silver, when he goes to the Treasury he will simply exchange the silver which he gets for legal tenders, in the hands of somebody who is going to pay customs, and take them and get all the remainder of the gold that he needs.

Mr. HUTCHESON. Well, he has the privilege of using the silver to that extent at least.

Mr. HENDRIX. It simply puts a little obstruction in the way that does not accomplish the purpose the gentleman desires. There is no other important objection if this bill passes, that I can see, to the proposition, and I have no strenuous objections to make to it at all, because if the bill passes there will be no such question before the public, and the matter the gentleman has in mind will be of little importance.

[Mr. COFFEEN of Wyoming addressed the committee. See Appendix.]

Mr. WARNER. Mr. Chairman, I have just asked the gentleman from Texas [Mr. HUTCHESON] whether it is his intent and the effect of this amendment to permit this payment in redemption of greenbacks to be one-half of it in gold coin and the other half in silver coin, or whether he proposes that that redemption shall be in silver certificates as well as silver coin. He informs me that it is his intent to put the silver coin into circulation, and that it is not his intent and will not be the effect of the amendment to permit this payment in redemption of greenbacks, to the extent even of one-half, to be in silver certificates. That being the case, sir, I wish to call the attention of this House and of the gentleman from Texas to the fact that the Treasury is absolutely without silver coin to carry out the amendment he proposes.

Several MEMBERS. Let us get more silver, then.

Mr. HUTCHESON. I would like to ask the gentleman a question.

Mr. WARNER. Certainly; I yield to the gentleman for a question.

Mr. HUTCHESON. When you pay the \$180,000,000 of Sherman notes, will not there be the silver, and will you not have in addition to that the seigniorage?

Mr. WARNER. The gentleman and I will agree that, so far as the Sherman certificates are concerned, there is silver now in the Treasury, which, upon the deposit of the certificates for redemption, could be used, and in addition there is the seigniorage, which might be developed. But the gentleman must admit, because he is too well posted a gentleman not to know the facts, that as to the \$346,000,000 greenbacks outstanding, of which only about \$53,000,000 are owned by the Treasury to-day, there are nearly \$300,000,000 greenbacks for which there is no free silver in the Treasury.

Mr. COFFEEN of Wyoming. Has not the Secretary of the Treasury the option of coining all the silver he wishes?

Mr. WARNER. He has discretion given only to coin that which is required for the purpose of redeeming the certificates issued and the Sherman notes issued under the act of July 14, 1890, and there is no discretion which would permit him to coin a single dollar of that trust so held for the purpose of carrying out the amendment proposed by the gentleman from Texas.

Mr. McMILLIN. I think the gentleman will find that his statement is somewhat incorrect. In the main his statement is correct; but there would arise in the coinage the seigniorage, and that could be used for ordinary operations.

Mr. WARNER. Even then we have the gentleman from Texas proposing to put into immediate effect a law or order by which nearly \$300,000,000 of greenbacks could be presented and the silver demanded to one-half their amount, when the total amount of possible seigniorage is only about \$60,000,000, which it would take three or four years to coin. If that is a businesslike proposition then I am mistaken.

Mr. COFFEEN of Wyoming. Another word. The coinage of silver in the Treasury is at the discretion of the Secretary of the Treasury. The suspension of it is at his discretion, and he can restore it at his discretion.

Mr. WARNER. There is no right of coinage given to the Secretary of the Treasury, except for the purpose of redeeming the paper outstanding against the bullion; and the only margin that would be left over to meet the proposition suggested by the gentleman from Texas, and supported by the gentleman from Wyoming, is the small amount which might be developed as seigniorage, and that would amount to about \$55,000,000 when developed. The proposition, whatever might be its policy, is absolutely incapable of being carried out.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRYAN. I shall offer at the proper time an amendment

to the substitute proposed by the gentleman from Maine [Mr. REED]. I understand that it is not in order just now, but I shall ask for recognition as soon as it is in order. It reads as follows:

*Provided*, That nothing herein shall be construed as surrendering the right of the Government of the United States to pay all coin bonds outstanding in gold or silver coin at the option of the Government, as declared by the following joint resolution, adopted in 1874 by the Senate and House of Representatives of the United States of America, to wit:

"That all the bonds of the United States issued or authorized to be issued under the said act of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States, in silver dollars of the coinage of the United States, containing 42½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith nor in derogation of the rights of the public creditor."

This amendment simply reenacts the Matthews resolution, as it is called, or rather expressly declares that the United States still adheres to the doctrine set forth in that resolution. If we are in favor of bimetalism we must sustain the doctrine set forth in the Matthews resolution, for it simply declares, in substance, that the word "coin," when used in Government bonds, means standard gold and silver coin of the United States.

I desire to call the attention of the House to the recent vote taken upon the amendment of the gentleman from Colorado [Mr. BELL]. Our friends on the Republican side of the House have been telling us that they want the bonds payable in coin; that they are willing to authorize the President to issue bonds, but are not willing to vote for gold bonds. I want the RECORD to show—because the vote was not taken by yeas and nays—that when Mr. BELL's proposition came before us—it was simply to strike out the word "gold" and make the bonds payable in gold or silver—there were not 10 Republicans who rose in support of Mr. BELL's proposition, and that all the other members who rose on the Republican side, including the distinguished gentleman from Maine, who proposes the substitute providing for coin bonds, voted against Mr. BELL's proposition.

I also want to call attention to the fact that the ten, or less than ten, Republicans who voted for Mr. Bell's proposition are free-silver Republicans who live in the Northwest; and if the gentlemen on the other side find any satisfaction in looking at the division in the Democratic party on the silver question, I ask them to turn their gaze upon their own party, and remember that in their party they have a few free-silver Republicans who can never indorse the policy of the Republican party in favor of a gold standard. We have been divided upon this side, because the West and the South will not consent to the establishment of a single gold standard.

Mr. BOWERS of California. Which side do you mean?

Mr. BRYAN. Our side. I am speaking of the Democratic side now.

Mr. DINGLEY. You are on the Democratic side, are you?

Mr. BRYAN. The gentleman from California is one of the few Republicans who voted for Mr. BELL's proposition, and he has no more sympathy with the Republican party on the financial question than he has with the Eastern Democrats on the financial question.

Mr. Chairman, this question is one which will not be decided by parties. The Democratic party and the Republican party are rent in twain upon the money question; but the Republican party has a larger majority in favor of the gold basis than the Democratic party has ever shown on this floor. I believe the great majority of the Democratic party believe in bimetalism and will not submit to a gold standard. If the Republicans who voted for Mr. BELL's proposition expect to indorse the Republican party in its financial policy they will have to betray the people whom they represent.

I also call attention to the fact that west of the Missouri River not a single gold standard Republican has been elected to the Senate this year.

Mr. BOWERS of California. I want to ask the gentleman if the proposition made by the Republican leader is not better than the proposition made by the Democratic party and its Administration?

Mr. BRYAN. No, sir; it is not.

Mr. BOWERS of California. They go for gold, and the Republican leader will not go for gold. [Applause on the Republican side.]

Mr. BRYAN. No, sir; his proposition is not better. The only difference is that Mr. Cleveland's proposition comes before us open and aboveboard, while your leader brings his proposition here behind a mask. [Applause on the Democratic side.]

Mr. BOWERS of California. He brings a proposition to prevent the President from issuing gold bonds.

Mr. BRYAN. When the gentleman from Maine [Mr. REED], who offers a pretended "coin" proposition, had a chance to vote for the proposition of the gentleman from Colorado [Mr. BELL] and put that provision in the Springer bill, he refused to do it and voted against it. Now, let him stand before the country and convince the people, if he can, that he is sincere in his desire for bimetalism. [Applause on the Democratic side.]

Mr. BYNUM. Mr. Chairman, I am opposed to this amendment. I am opposed to it because I do not believe that it is in the interest of silver money. I am, I think, as firm a friend of silver as any man on this floor; but I take the position I do because I believe that is the only way to preserve the parity of the two coins. Gentlemen talk of going to the single gold standard as though we were now on a bimetallic standard. In fact, sir, we are upon the single gold standard and have been for fifty years, and there is not a country to-day where silver coin is at par that it is not maintained at par simply because the governments of those countries maintain the gold standard. There is not a country to-day where silver has full legal-tender value and free coinage, where silver is worth any more coined than it is worth uncoined.

In the commercial world there is no standard except the gold standard. Now, the Government of the United States has undertaken to maintain that standard, and to maintain every character of its currency and coin at that standard, and the only way the Government can do that is to pay and redeem every obligation it issues in gold. So long as it does that the silver coin and the gold coin will go arm in arm at a parity; but the very moment the Government of the United States refuses to make its payments in gold and forces silver upon its creditors that moment there will be separation between the gold and the silver coin of this country, and the silver coin will be worth no more than it is worth in Mexico to-day, where you can buy two silver dollars, each containing a greater quantity of metal than ours, for one American silver dollar.

Gentlemen talk about cotton and other things, but that has nothing to do with this question. If the Government of the United States, the people of the United States, want to maintain a fixed standard of value they must maintain the gold standard. It is the only standard of value in the world to-day. There is no other. There is no such thing as a double standard. There is nothing but the single gold standard. I am in favor of maintaining our silver at that standard and of maintaining our paper currency at that standard, and unless we do maintain it at that standard its legal-tender quality will prove to be of no value so far as its commercial uses and value are concerned.

Mr. RICHARDSON of Michigan. I wish to ask the gentleman a question. He says that the silver and gold coins will part company as soon as the Government refuses to pay its obligations in gold. Will they not part company also whenever the Government refuses to receive silver—when it repudiates it?

Mr. BYNUM. That is a question that I would like to enter upon, but I can not do so in five minutes. I do not believe that if we should to-day make the customs dues all payable in gold would go to a premium. The Government of the United States, the United States Treasury, is the basis of our confidence. It supports the entire monetary system of our country, and if that system is to be supported on a gold basis the Government must get the gold and must pay gold. So long as it does that all our money will remain at a parity, but when it fails or refuses to do so we will be confronted with a crisis too serious to contemplate.

The CHAIRMAN. The time of the gentleman has expired. The time for debate on the pending amendment is exhausted.

Mr. BLAND. Mr. Chairman, I desire to offer a substitute for the pending amendment.

The substitute was read, as follows:

Redemption of the Treasury notes issued in pursuance of the act of July 4, 1890, shall be made as provided for in section 3 of said act, and the Secretary of the Treasury shall cause to be coined, as fast as possible, the silver bullion purchased by the provisions of said act into legal-tender standard silver dollars in pursuance of section 3 aforesaid.

The CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

At the end of section 1 add the following:

"And the Secretary of the Treasury is instructed and required to pay and discharge all such notes as are named in this section when presented for redemption, one-half in gold coin of the United States and one-half in silver dollars of the coin of the United States; and the Secretary of the Treasury is authorized and required to coin the silver bullion in the Treasury to carry out this bill."

Mr. SPRINGER. As the latter part of the amendment to the amendment is subject to a point of order, the whole proposition is out of order. It is a proposition for the coinage of silver bullion in the Treasury of the United States, and is not germane to a simple proposition that the greenbacks shall be paid one-half in gold and the other half in silver.

Mr. BLAND. Mr. Chairman, this whole bill proceeds upon the idea that these Treasury notes issued for the purchase of bullion shall be paid in gold, and under the bill bonds are to be sold in order to get the gold for that purpose. My amendment provides that these notes shall be paid, redeemed, and canceled as now provided by law. Inasmuch as the original amendment deals with the same subject-matter, of course the amendment to the amendment is germane. It can not be possible to rule it out because it does not provide for the sale of bonds to accomplish a certain purpose. We are at liberty to provide a different method for the payment of these notes, and in doing so the amendment to

the amendment deals with the same subject-matter as the amendment itself.

The CHAIRMAN. The Chair will direct that the amendment to the amendment be again read.

The Clerk again read the amendment to the amendment.

Mr. BLAND. Section 7 of the act referred to provides that this bullion shall be coined for the redemption of these notes. My amendment provides simply for the execution of the present law on that subject. It deals with the same subject-matter as the bill itself and the same subject-matter as the amendment.

The CHAIRMAN. The Chair calls the attention of the gentleman to the fact that the amendment of the gentleman from Texas relates to the redemption of notes only under the first section of the bill under consideration. The amendment of the gentleman from Missouri, it seems, relates to the redemption of Treasury notes issued pursuant to the act of July 14, 1890.

Mr. BLAND. The first section of the bill refers to Treasury notes and greenbacks—both. In my amendment I leave out the provision for greenbacks, as I have the right to do. My amendment proposes to substitute a different method of redemption. It proposes to require the execution of the existing law in regard to redemption, instead of resorting to a sale of bonds. I repeat that my amendment is germane to the objects and purposes of the bill and of the amendment.

Mr. SPRINGER. But the gentleman's amendment provides for the coinage of the bullion in the Treasury, a subject entirely foreign to the amendment of the gentleman from Texas, which simply provides for the payment of greenbacks, one-half in gold and the other half in silver. The proposition to coin bullion is entirely foreign to the amendment of the gentleman from Texas.

Mr. BLAND. Why can we not coin bullion for this purpose as well as issue bonds?

The CHAIRMAN. The amendment of the gentleman from Texas does provide for the coinage of the bullion in the Treasury. It closes with these words: "And the Secretary of the Treasury is authorized and required to coin the silver bullion in the Treasury to carry out this bill."

Mr. BLAND. I offer my amendment as a substitute.

Mr. HUTCHESON. I would like to be heard just a moment.

The CHAIRMAN. The Chair is inclined to the opinion that the amendment is in order. The question is on the amendment to the amendment.

The question being taken, there were on a division (called for by Mr. BLAND)—ayes 101, noes 124.

Mr. BLAND. Let us have tellers.

Tellers were ordered; and Mr. BLAND and Mr. SPRINGER were appointed.

The committee again divided; and the tellers reported—ayes 109, noes 114.

So the amendment of Mr. BLAND to the amendment of Mr. HUTCHESON was rejected.

The question was then taken on the amendment of Mr. HUTCHESON; and there were on a division (called for by Mr. HUTCHESON)—ayes 99, noes 124.

So the amendment was rejected.

Mr. WALKER. I offer the amendment which I send to the desk. Before it is read I wish to say that it in no sense changes the bill as now before us, except that it enlarges to a certain extent the powers of the Secretary of the Treasury.

The Clerk read as follows, the words proposed to be inserted by Mr. WALKER being inclosed in brackets:

*Be it enacted, etc.,* That [in order to enable the Secretary of the Treasury to carry into effect the provisions of the act of January 14, 1875, entitled "An act to provide for the resumption of specie payments," and the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and acts amendatory thereof and to provide for any deficiency in the revenues of the Treasury of the United States to meet the appropriations made by Congress and appropriations made by existing law] and to redeem and retire United States legal-tender notes and Treasury notes issued under the act of July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," [the powers of the Secretary of the Treasury conferred in the above-mentioned acts be, and are hereby, enlarged so as to authorize him to issue from time to time, for a period of four years, bonds as described in such acts, in denominations of \$20 and \$50 and multiples of said sums, respectively, payable at the pleasure of the United States after one year from the date of their issue and upon the expiration of three years, or bonds payable after three years and upon the expiration of seven years, or bonds due on a certain day named therein within three years from the date of their issue, as the Secretary of the Treasury may elect, such bonds to bear interest at such rate per annum as the Secretary of the Treasury shall determine, and he is hereby authorized to issue and sell, for the period of four years,] at not less than par, in gold, except as provided in section 2 of this act, United States registered or coupon bonds, in denominations of twenty dollars and fifty dollars and multiples of said sums, respectively, payable at the pleasure of the United States after ten years from the date of their issue and due fifty years after date in gold coin of the United States of the present weight and fineness, and bearing interest at a rate not exceeding 3 per cent per annum, payable quarterly in like coin; and such bonds and the interest thereon shall have like qualities, privileges, and exemptions as the bonds issued under the act approved July 14, 1870, entitled "An act to authorize the refunding of the national debt." Such bonds may be sold and delivered in the United States, or elsewhere, as may be deemed most advantageous to the interests of the Government.

Mr. WALKER. Mr. Chairman, then follows the gold-bond



provision of the bill. Let me say, Mr. Chairman, that these amendments are printed and can be had by the members on applying to one of the messengers.

What I desire is that we shall pass the very best bill possible, and I most earnestly desire to vote for it. If these amendments are adopted the Secretary of the Treasury has precisely the powers that exist in the bill as it stands before this committee plus the power of issuing three or four different kinds of and additional bonds. Mr. Chairman, my point is that the Treasurer of the United States, in the present exigency, ought to have as large a discretion in exercising his power to issue bonds as it is possible to give him, and fully as large powers as the treasurer of any large corporation of this country would have, under similar circumstances, in order that he may secure money to meet the obligations outstanding at the least possible expense to the people.

I know that there are several—I do not know how many—but I do know that several, including myself, can not vote for the bill if it confines the Secretary of the Treasury to issuing one bond only, and that payable, principal and interest, in gold. My object in the amendment is to enlarge the powers conferred upon him in the bill, so that he may issue any of these different kinds of bonds to meet the exigencies as they may arise and fix the rate of interest himself. Give him abundant powers, and if the Administration finds it to be for the interest of the people, and will take the responsibility of issuing the gold bonds provided for in the bill, let it do so. I am, therefore, for giving the Administration, in the present exigency, all the powers demanded, or that he may have any occasion to exercise.

They have no right to ask me or to ask the members of this House—and I hope that there is not a Republican who will vote that way—to shut up the Secretary of the Treasury to just one bond, and that a gold bond or certificate running for ten years. I do not propose in my amendment to strike one word from the bill, but to add to and improve it.

Mr. Chairman, what is the present condition of affairs in the Treasury? First, the Secretary of the Treasury is authorized to issue a 5 per cent ten-year bond. He may issue a 4 per cent thirty-year bond. Now, the Secretary asks us to grant him the right to issue a 3 per cent fifty-year bond that is to be a gold bond. We have reduced it to ten years.

Furthermore, the amendment provides that the Secretary of the Treasury shall not have the right to exercise the power beyond four years. I want to say to the House that it is contrary to all precedents of the English-speaking race in any government to give the great Secretary of the Treasury the power over the purse strings of the nation and the power of unlimited taxation of the people, for that is practically what it amounts to, for more than twelve months. The power to sell bonds is the power of taxation, and I am unwilling to give any President or any Secretary of the Treasury the power of taxation for a longer period than four years.

Democrats, are you willing to vote that the Secretary of the Treasury shall have power forever over the purse strings of the nation and to impose taxes upon the people?

Mr. COOMBS. Will you submit to an amendment—instead of calling them bonds to call the proposed issue here certificates of indebtedness?

Mr. WALKER. Certainly. I have no objection to that. Call them what you will. But I hope no Republican will vote to shut the Secretary up to just these gold ten-year bonds.

Again, Mr. Chairman, I want to bring to the attention of the House that it is far wiser and far more economical to issue a 6 per cent bond payable after two years, due in ten years, taken by the banks or the masses of the people in this country, than a bond even at 2 per cent payable, interest and principal, to foreigners.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALKER. I should like to have a few minutes longer.

[Mr. HOLMAN addressed the committee. See Appendix.]

Mr. EVERETT. Mr. Chairman, I desire to express my strong approval of the amendment proposed by my colleague from Massachusetts, although perhaps the wording of it could be judiciously altered. But there are two principles in it which I wish, in continuation of my remarks of yesterday, to impress upon this committee if possible. In the first place, the amendment of my colleague from Massachusetts suggests greater freedom and greater discretion to the Secretary of the Treasury in issuing gold bonds, in issuing bonds in a form that may be popular, and I desire to reiterate the idea with which I started yesterday, and in the expression of which I was cut off, that if you have executive officers in great Departments of the Government, you must allow them discretion, you must allow them to administer the laws, not according to a rigid line drawn by the legislative body, not by what may be laid down in advance, but according as men actually grappling with the executive situation may see necessary.

Why, sir, there is not a Secretary of the Treasury that we ever had that has not learned something by being in his office, and has

not found out that the ideas with which he started must be corrected and enlarged. The greatest Secretary of the Treasury we have had since the war, Hugh McCulloch, was carrying on the canceling of the greenbacks in the most judicious manner, and that process was cut off by a hard and fast rule that they should be reissued.

I call upon this committee to recognize what the executive department is; and if we are to have our finances properly managed let the men who have the management of them have something like free swing, and do not, as legislators, usurp the place of the executive.

Moreover, this issue which is suggested is such an issue as the people can take up. These bonds are to be in forms that will be a profitable and favorite investment for small investors all over the country. I remember well, Mr. Chairman, in 1892, when the head of the Rothschilds told me with his own lips that we could not carry on the war because the European bankers would not touch our loan when it was at 48. I replied to him, "Then, Sir Anthony, we will take the loan up ourselves." And we did it, and we carried through that first loan at a time when the European bankers were not willing to take at 48 what they were willing to take afterwards at 104; and I delight to see that my colleague from Massachusetts carries out the idea of executive discretion and a popular loan.

Mr. MALLORY. Mr. Chairman, like the gentleman from Indiana [Mr. HOLMAN], I have very serious question in my mind as to the necessity of the legislation that is proposed here. It seems to me that an issue of bonds such as contemplated by this bill should be resorted to as a last extreme, and only in the last extreme would I vote for it. I am opposed to burdening our people for the next fifty years with an unlimited issue of gold bonds, such as proposed, if that step can possibly be avoided; and when we come to consider the difficulty which presents itself to the Government to-day, and the possible remedies that may be applied to meet that difficulty, I am the more convinced that if this measure had not the prestige arising from the support of the distinguished gentleman who occupies the executive chair of the nation, it would receive no countenance in this House to-day.

As has been said by the gentleman from Maine [Mr. REED], the problem is not one of such a serious character that the people of this country should go into hysterics over it. The fact that our gold reserve has been gradually decreased does not imply that the nation is at all bankrupt; and if there is any remedy that can be applied other than the drastic one here proposed—to issue bonds, not merely bonds, but gold bonds, making a discrimination against the other bonds that have been issued—if there is any other remedy, I say, I certainly would vote for it in preference to this.

Now, Mr. Chairman, I believe that it is an absolute necessity that we should make some provision for the immediate future. In twelve years from to-day we will be called upon to meet the first installment of bonds that have been issued in the past; and to-day we have no provision for that exigency. If I were permitted to have my way I would wipe out all reference in this measure to the issue of bonds, and I would provide that the revenues of this country from customs should be paid in a certain proportion in gold. I would provide that at least one half of the customs revenues should be paid in gold or gold certificates and the other half in silver coin of the United States or silver certificates. But, sir, that would not meet the difficulty entirely as it presents itself to us because of the existence of the greenbacks.

Now, while I appreciate the honor in which the greenback is held by a very large portion of the population of our country, I would have no hesitation whatever in retiring the greenback if it becomes obnoxious to the best interests of the people; and I am convinced that the situation to-day is such that the unqualified influence of the greenback is detrimental to our welfare.

By requiring one-half of our customs dues to be paid in gold, or its equivalent, we would secure a gold supply for the Treasury which would, in a comparatively few months, render assaults upon the reserve abortive, so far as the integrity of that reserve is concerned. The gold so secured could be retained until the sum of the reserve was at a figure that would relieve the most timid of any apprehension of the purpose of the Government to meet fairly and fully its every obligation. This, however, as I have suggested, would not suffice without additional legislation looking to the imposition of a check upon the facile methods that now exist of depleting the Treasury's stock of gold.

We have now no guaranty that the raids upon the gold in the Treasury, which for the past few months have been systematically made through the instrumentality of the greenback, will not be continued indefinitely. So long as the present supply of those legal-tender notes is maintained, and so long as the Treasury adheres to the policy of redeeming them in gold when presented and then reissuing them, just so long will they continue to be a menace to the integrity of our gold reserve. To lessen the volume of their circulation both by destroying them when redeemed, and by imposing new functions upon them, and upon them exclusively,

whereby they will be withdrawn from circulation without affecting their value in the hands of the holder, would, in my judgment, Mr. Chairman, be the next logical step toward the maintenance of an impregnable gold reserve. The eleventh section of the substitute for the pending bill, which was proposed by the gentleman from Tennessee [Mr. Cox], provides for the cancellation of all such legal tenders of the denomination of \$10 and under, and for the issuance in lieu thereof of silver dollars equal in amount to the canceled notes.

This would secure, Mr. Chairman, a most desirable reduction of the volume of circulating greenbacks, and at the same time would preserve the volume of currency at its present figure, and it surely will not be contended that such an issue of silver coin would be dangerous to the equilibrium or parity of our gold and silver dollars.

I believe, Mr. Chairman, that if the two points I have referred to were enacted into law, the alleged necessity for the issuance of bonds would no longer exist. I am not wedded to the ideas that I have thus endeavored to outline to the committee, and am ready to admit that a more efficacious plan of meeting the existing emergency without the issue of bonds may be devised; but what I do insist on, and what I would like to impress upon the committee, is that a gold bond issue is not the only corrective in sight for existing financial ills, and that any other which is adequate to the emergency is preferable to such an extraordinary measure.

Were I convinced, Mr. Chairman, that gold bonds, diamond bonds, or any other special kind of bonds were our only recourse against impending national insolvency, I would, despite what I believe to be a just appreciation on my part of the train of evils that must in time develop from such legislation, vote for their issuance. But, sir, I believe that we have within our reach legislative resources which, if put into operation, would promptly and conservatively meet the emergency in the banking department of the national Treasury without jarring our financial system, without imposing any additional burden upon the people of the United States. I am satisfied, Mr. Chairman, with the assurance of the Secretary of the Treasury that existing revenue legislation will in a short time suffice, and more than suffice, to cover all of our expenditures, and I have no apprehension that an excess of expenditures will long continue to be a disturbing factor in our national financial problem.

For these reasons, necessarily imperfectly outlined in the brief time at my command, I am opposed, Mr. Chairman, to the pending bill and shall cast my vote against it.

Mr. BLACK. Mr. Chairman, I send up and ask to have read a very brief extract from the New York Journal of Commerce of February 4.

The Clerk read as follows:

#### WHY MUST WE BORROW?

1. Because, while up to 1892 the banks supplied all gold required for export, since July 1, 1892, they have drawn for that purpose from the Treasury two hundred and thirty millions.

2. Because, within the same period, the banks have withheld gold from customs payments which, under their former usage, would have given the Treasury a gold income amounting to two hundred and seventy-three millions.

3. Because, within the last thirty-one months, the Treasury has suffered from this policy of the banks a direct and indirect artificial gold depletion of five hundred and three millions.

Here, in a nutshell, is the explanation of the condition of the Treasury and of the causes compelling its virtually needless loans.

Mr. HOOKER of Mississippi. Mr. Chairman, the proposition in this bill, in time of profound peace, is to issue bonds to the amount of \$500,000,000, according to the recommendation of the President, and while I would be willing to accord to the present Secretary of the Treasury all the discretion that could be vested in any one man, and while I would be willing to trust the present President of the United States, I am not willing to clothe any man, whether he be President or whether he be Secretary of the Treasury, with the power to issue bonds to an unlimited amount, payable, principal and interest, in gold. Why should we? How will it relieve the present condition of the Treasury Department to do that?

What you want now is to bring into the Treasury a sufficient amount to meet the expenditures that daily and monthly accrue against the Government. You propose in time of profound peace to add to the indebtedness of the country \$500,000,000. Surely, Mr. Chairman, no Democrat can insist, and no patriot can insist, that he is willing to load the people with an additional debt of \$500,000,000 at such a time of tranquillity. We are about to reach a period when the last of the national debt that was created during the war will be paid. In 1909, with the exception of the \$100,000,000 of bonds issued by this Administration, the last dollar of the war debt will have been liquidated and removed as a burden upon the people. Now, the Democratic party, in the majority of this House, propose to add \$500,000,000 to that.

Mr. WILLIAMS of Mississippi. If my colleague will allow me, I will say that it is not the Democratic party, but a minority of the Democratic party.

Mr. HOOKER of Mississippi. I accept the amendment of my friend. It is the minority of the party and not the majority; and it is in contravention of the principles we have always declared for.

[Mr. LANE addressed the committee. See Appendix.]

Mr. WALKER. Mr. Chairman, I hope the committee will distinctly understand that the amendment proposed by me involves only the striking out of the word "that" in the first line of the bill in order that it may read properly. I do not strike anything out of the bill. I simply add to the powers of the Secretary of the Treasury by giving him, for the term of four years, all of the powers that the treasurer of any corporation has that is successfully managed. I leave the Secretary of the Treasury the power to fix his own rate of interest even and do anything else that is necessary to be done to maintain gold payments and to keep all kinds of our money on a parity in order that we may take this loan at home to as great an extent as possible.

Mr. Chairman, if the loans of France were held in any other country, France would be beggared by the interest account, but in fact she is not made poorer by even the smallest fraction by her enormous taxation for her great debt, because it all goes back into the pockets of the French people. I want this loan made so as to be taken at home, if we can possibly take it, but if we can not keep all our money at a parity without doing so, then let the Secretary of the Treasury exercise his discretion and take the responsibility for making a foreign gold loan.

Mr. COOPER of Florida. Does not your amendment repeal the power that the Secretary of the Treasury now has to issue bonds at all after the lapse of the four years? Do you not limit his power in that respect?

Mr. WALKER. I limit his power to issue bonds under this bill, but other bonds he may issue as now. My amendment repeals no law whatever, and strikes nothing out of the bill as it now stands.

Mr. HENDRIX. Then, Mr. Chairman, I understand that the gentleman, by his amendment, confers plenary borrowing power upon the Secretary of the Treasury to get money at the market rate as he best can for the purposes of the Treasury; the same power that the comptroller of the city of New York has; the power that the treasurer of every State in the Union and the supervisors of every town have now by law.

Mr. WALKER. That is it exactly.

Mr. MONEY. The gentleman is mistaken. They do not have that power.

Mr. WILLIAMS of Mississippi. No; the gentleman's law is wrong.

Mr. WALKER. We ought to give the Secretary of the Treasury what he asks, and much more, as I propose, and there are scores in this House who will not vote for this bill as it stands, or unless you add amendments like these proposed. Now, Mr. Chairman, that is all I have to say, unless some gentleman desires to ask me a question.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Massachusetts.

Mr. WALKER. Mr. Chairman, in order to have the bill read right it will be necessary to divide the amendment. My first motion is to strike out the word "that" in line 3 and insert the words which I will ask to have read at the desk.

The Clerk read as follows:

That in order to enable the Secretary of the Treasury to carry into effect the provisions of the act of January 14, 1875, entitled "An act to provide for the resumption of specie payments," and the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and acts amendatory thereof, and to provide for any deficiency in the revenues of the Treasury of the United States to meet the appropriations made by Congress and appropriations made by existing law, and to enable the Secretary, etc.

The question being taken on the amendment, the Chairman declared that the yeas seemed to have it.

Mr. WALKER. I ask for a division.

The Committee divided; and there were—ayes 67, yeas 81.

So the amendment was rejected.

Mr. WALKER. That is all right, Mr. Chairman. I withdraw the remainder of the amendment.

Mr. BRYAN. Mr. Chairman, I rise to offer an amendment to the substitute proposed by the gentleman from Maine in order that it may be pending.

The amendment was read, as follows:

Provided, That nothing herein shall be construed as surrendering the right of the Government of the United States to pay all coin bonds outstanding in gold or silver coin at the option of the Government, as declared by the following joint resolution, adopted in 1873 by the Senate and House of Representatives of the United States of America, to wit:

That all the bonds of the United States issued or authorized to be issued under the said act of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States, in silver dollars of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coin as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith nor in derogation of the rights of the public creditors.



Mr. PAYNE. I make the point of order that this amendment is not germane to the substitute of the gentleman from Maine, and also that the Committee of the Whole has not completed the original bill, and that amendments to that are first in order.

The CHAIRMAN. The Committee of the Whole not having completed the text of the bill, the question which embarrasses the Chair is whether this amendment can be offered to be considered as pending to a substitute before the original text is completed.

Mr. BRYAN rose.

The CHAIRMAN. The Chair will gladly hear the gentleman from Nebraska [Mr. BRYAN] on that question.

Mr. BRYAN. Mr. Chairman, the rule provides that a substitute may be offered and be pending, and it is not necessary that we should wait until we are through with the original bill before the substitute can be offered. Now, the right to offer a substitute at any time and have it pending carries with it the right to offer an amendment (which is allowed under the rule) and to have that amendment pending also, for the purpose of perfecting the substitute. I recognize that we are not allowed to discuss this amendment, but I submit that it stands in the same parliamentary attitude as the substitute and is to be regarded as pending as an amendment to the substitute.

Mr. CANNON of Illinois. This special order changes the ordinary rule and is to be strictly construed. Now, if as conceded by the gentleman from Nebraska [Mr. BRYAN] we can not discuss this amendment, it can not be offered. The substitute has been offered under an express provision of the rule, that this is the only way in which it gets any parliamentary standing. Clearly the amendment is not in order.

Mr. PAYNE. There is no provision in the rule for the offering of any amendment except to the original bill. There is a provision for the offering of two substitutes, but no provision for an amendment to a substitute.

Mr. BRYAN. But the rule does not exclude amendments to the substitute.

Mr. ELLIS of Kentucky. Does the gentleman from New York [Mr. PAYNE] hold that the substitute may not be amended?

Mr. PAYNE. Not at any rate until the consideration of the bill itself is completed.

The CHAIRMAN. The Chair has been inclined to construe this rule (which is a very rigid and unusual one) as liberally as possible. He has desired so far as he could to give an opportunity for a vote upon every question and every phase of every question, if germane to the main proposition. The Chair thinks that when the substitute was offered any gentleman could have offered an amendment to it, or given notice that he would do so.

Mr. BRYAN. I did give such notice a while ago.

The CHAIRMAN. And the gentleman from Nebraska having done that, it seems to the Chair that he has taken care of his rights so far as he could in offering the amendment to the substitute. The Chair is inclined to hold that the amendment is in order, and will so hold.

Mr. COBB of Alabama. I desire to offer an amendment to the substitute of the gentleman from Tennessee [Mr. Cox].

The Clerk read as follows:

Strike out section 13, and in lieu thereof insert the following:

"Sec. 13. That the bonds which may be issued under any existing law shall bear a rate of interest not to exceed 3 per cent per annum. They shall be in denominations to be determined by the Secretary of the Treasury, and shall be due and payable at time or times to be fixed by him, not to exceed twenty years. Nothing herein contained shall be construed to confer authority on the Secretary of the Treasury to issue bonds."

Mr. TERRY rose.

The CHAIRMAN. The gentleman from Arkansas [Mr. TERRY] desires, as the Chair understands, to offer an amendment to the text of the bill. The Clerk will report the amendment.

Mr. SPRINGER. I desire to make a point of order against the amendment just read. I do not know where it comes in.

The CHAIRMAN. The gentleman from Alabama desires to offer it as an amendment to the substitute of the gentleman from Tennessee.

Mr. COX. One moment. There will be no trouble—

Mr. LIVINGSTON. We have only three minutes for the further consideration of this bill in Committee of the Whole, and I desire to offer an amendment.

The CHAIRMAN. The Chair must hear gentlemen on the point of order. If the point of order is out of the way the Chair has promised to recognize the gentleman from Arkansas [Mr. TERRY].

Mr. COX. I want the House to understand—

The CHAIRMAN. The Chair admits the amendment which has been read as an amendment to the substitute.

Mr. SPRINGER. Which amendment?

The CHAIRMAN. The amendment offered by the gentleman from Alabama [Mr. COBB]. The Chair now recognizes the gentleman from Arkansas [Mr. TERRY], who offers an amendment to the text, which the Clerk will report.

The Clerk read as follows:

Amend section 11 of the substitute of Mr. Cox—

The CHAIRMAN. That would not be in order, because there can be no other amendment offered to that substitute.

Mr. TERRY. Then I offer this as an amendment to the text of the bill—to section 1.

The CHAIRMAN. The gentleman from Arkansas offers an amendment to section 1.

Mr. TRACEY. I rise to a point of order.

The CHAIRMAN. The Clerk will read the amendment.

Mr. TRACEY. I rise to a point of order.

The CHAIRMAN. The gentleman is not in order. The Chair has recognized the gentleman from Arkansas to offer an amendment.

Mr. TRACEY. I rise to a point of order.

The CHAIRMAN. The gentleman can not make a point of order until the amendment is read.

The Clerk read as follows:

Amend by adding at the end of section 1 the following:

"And to more fully carry out the purpose of this act by having in circulation a sufficient amount of the money of ultimate redemption with which it may be possible to redeem the bank notes provided for in this act, and also the United States legal-tender notes and Treasury notes issued under the act of July 14, 1890, the Secretary of the Treasury on the presentation by any State of the United States, or its agent thereunto duly authorized by the legislature or chief executive, of the silver bullion required for that purpose, shall coin the same into silver dollars of the weight of 412½ grains troy, standard silver, as provided in the act of January 18, 1837—"

Mr. SPRINGER. I rise to a point of order.

The Clerk (continuing the reading):

"Provided, That there shall not be coined for any State in any one year a greater number of such dollars than the number—"

Mr. BROSIUS. Mr. Chairman, I make the point of order that the time has arrived when, under the rule, the committee must rise and report the bill to the House.

Mr. SPRINGER. And I wish to submit the additional point of order, if it be necessary to do so, that this amendment is not germane.

The CHAIRMAN. The point of order of the gentleman from Pennsylvania is that the time has arrived when, under the order of the House, the committee must rise. The Chair sustains the point of order, and the committee will rise.

Mr. TRACEY. That was the point of order I sought to make before the reading began.

Mr. SPRINGER. I make the point of order that the amendment is not pending at all.

Mr. SNODGRASS. It has been read.

Mr. SPRINGER. No; only a part of it.

The CHAIRMAN. The committee will now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RICHARDSON of Tennessee reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 8705), had directed him to report the same back with sundry amendments, and also with two pending substitutes for the bill; one offered by Mr. REED of Maine, to which an amendment was offered by Mr. BRYAN of Nebraska, and the other substitute by Mr. COX of Tennessee, to which an amendment had been offered by Mr. COBB of Alabama.

The SPEAKER. By order of the House heretofore made, the previous question is ordered on the bill and amendments to its passage.

Mr. TERRY. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. TERRY. I have an amendment pending, offered to the substitute proposed by the gentleman from Tennessee, the reading of which had been commenced and nearly concluded when the committee rose. I wish to ask what becomes of that amendment—whether it is to be voted upon in the House as a pending amendment.

The SPEAKER. But the amendment had not been read.

Mr. TERRY. The reading of it had been nearly concluded; and if it be held that the reading of it, having been interrupted in that way, is sufficient cause to rule it out altogether, then any amendment might be defeated, when the time is limited, by members jumping up and interrupting the reading.

The SPEAKER. The Chair will state that the chairman of the Committee of the Whole did not report to the House the amendment of the gentleman from Arkansas as a pending amendment.

Mr. TERRY. But it should have been reported.

The SPEAKER. The gentleman states that it had not been read, except in part. It could not, therefore, have been reported, not being before the committee.

Mr. TERRY. It had not been entirely read, although the reading was nearly concluded. I raise the point of order that under the facts stated the Chairman of the Committee of the Whole ought to have reported the amendment to the House.

The SPEAKER. The amendment was not before the committee if it had not been read.

Mr. TERRY. The reading had progressed nearly to the end.

The SPEAKER. But the time had elapsed before the reading

was concluded; hence the amendment was not properly before the committee.

Mr. TERRY. If that is the rule any amendment can be defeated by members preventing the Clerk, by various interruptions, from concluding the reading of a paper.

The SPEAKER. If offered so near the time when the vote must be taken, that is probably true.

The vote will be first taken on the amendments agreed to in Committee of the Whole, and if there be no desire for a separate vote on the amendments the Chair will submit the vote upon them all in gross.

Mr. WILLIAMS of Mississippi. Let us have separate votes.

Mr. BRYAN. I would like a separate vote on the amendment reducing the taxation from 1 per cent to one-fourth of 1 per cent.

The SPEAKER. The gentleman from Mississippi demands a separate vote on all of the amendments, which covers that. The Clerk will report the several amendments agreed to in Committee of the Whole.

The Clerk read as follows:

On page 2, line 25, insert the following proviso:  
"Provided, That such amount of said bonds, of the denominations of \$20, \$50, and \$100, as can be disposed of in that manner shall be placed for sale at such national banks as the Secretary of the Treasury shall select, the banks so selected to give bond, approved by the Secretary of the Treasury, for the security of the proceeds of said sale."

Mr. SPRINGER. That is not the first amendment. [Cries of "Regular order!"]

The SPEAKER. The question is on agreeing to this amendment.

The question was taken; and on a division (demanded by Mr. BROSIUS) there were—ayes 152, noes 40.

So the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

On page 2, line 13, after the word "payable," insert "at the pleasure of the United States after ten years from the date of their issue, and due."

The amendment was agreed to.

The next amendment was read, as follows:

On page 2, line 9, section 2, insert:  
"Provided, That the amount of such United States notes which may be canceled and retired shall not exceed in the aggregate an amount equal to the additional circulation taken out by the national banks after the passage of this act."

The question was taken; and on a division there were—ayes 187, noes 9.

So the amendment was agreed to.

The Clerk reported the next amendment reported from the Committee of the Whole, as follows:

On page 3, strike out the following language, commencing in line 4 after the word "same":  
"But this provision shall not apply to any bonds now outstanding bearing interest at the rate of 2 per cent only."

The amendment was agreed to.

The Clerk reported the next amendment reported from the Committee of the Whole, as follows:

On page 3, line 6, insert the following:  
"And in lieu of all existing taxes every association shall pay to the Treasury of the United States in the months of January and July a duty of one-eighth of 1 per cent each half year upon the average amount of the notes issued to it by the Comptroller of the Currency. And banks with a capital of not less than \$20,000 may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed 6,000 inhabitants."

Mr. BRYAN. I call for a division of those two propositions.

Mr. WILLIAMS of Mississippi. They were voted upon separately in the Committee of the Whole.

The SPEAKER. An amendment reported from the Committee of the Whole as a single amendment can not be divided.

The question was taken on the amendment; and the Speaker announced that the ayes seemed to have it.

Mr. BRYAN demanded a division.

The House divided; and there were—ayes 200, noes 41.

Mr. BRYAN demanded the yeas and nays.

The yeas and nays were refused, 24 members, not a sufficient number, rising to second the demand therefor.

Accordingly the amendment was agreed to.

The Clerk read as follows:

On page 3, what was known as section 4 and stricken out by the committee is left in by the Committee of the Whole, being the following language:

"Sec. 4. That hereafter no national bank notes of a less denomination than \$10 shall be issued, and as rapidly as such notes of denominations less than \$10 shall be received into the Treasury, otherwise than for redemption and retirement, they shall be canceled, and an equal amount of notes of like character, but in denominations of \$10 and multiples thereof, shall be issued in their places. All silver certificates now outstanding, in denominations larger than \$10, shall, when received into the Treasury of the United States, be retired and canceled, and silver certificates in denominations less than \$10 shall be issued in their stead."

Mr. SPRINGER. That is not changed. The amendment reported by the Committee on Banking and Currency was not agreed to. Consequently this is not an amendment reported from the Committee of the Whole.

The SPEAKER. The Clerk will report the next amendment that the Committee of the Whole agreed to.

The Clerk read as follows:

In line 3, page 4, strike out the words "in gold coin only" and insert "one-half in gold coin and one-half in silver coin."

The question was taken; and on a division there were—ayes 169, noes 35.

Accordingly the amendment was agreed to.

The Clerk reported the next amendment reported from the Committee of the Whole, as follows:

On page 4, line 5, after the word "gold," strike out the word "and" and insert the word "coin;" so that it will read:

"Shall be paid in gold coin, silver coin, Treasury notes," etc.

The amendment was agreed to.

The Clerk read as follows:

On page 4, strike out what is known as section 4 in the Springer bill, in the following language:

"Sec. 4. That from and after July 1, 1895, 10 per cent of the cash reserve required by law shall be kept in coin or coin certificates, and not less than half of such coin or coin certificates shall be in gold coin or gold certificates, and that such cash reserve required by law shall be kept in coin or coin certificates in amounts increased by 10 per cent of the whole cash reserve required to be kept by law on and after the first day of each quarter of the calendar year, until the whole cash reserve shall be in coin or coin certificates; and not less than one-half of such cash reserve shall be at all times in gold coin or gold certificates."

Mr. SPRINGER. An amendment proposing to insert that section was reported by the Committee on Banking and Currency, but was not agreed to by the Committee of the Whole, and therefore it is not a part of the amendments reported from the Committee of the Whole.

The SPEAKER. The clerk will report the next amendment agreed to by the Committee of the Whole.

The clerk read as follows:

On page 4, in section 6, insert the following after the word "that:"

So much of all laws and parts of laws as limit the amount of lawful money which may be deposited during any calendar month for the purpose of withdrawing national bank circulation, or prohibit any national banking association from receiving any increase of its circulation during the period of six months from the time it shall have made any deposit of lawful money for the purpose of withdrawing its circulation, and also so much of.

The question being taken on the amendment, the Speaker announced that the ayes seemed to have it.

Mr. BRYAN demanded a division.

The House divided; and there were—ayes 149, noes 60.

Mr. BRYAN. Yeas and nays.

The yeas and nays were refused, 18 members, not a sufficient number, rising in support of the motion.

Accordingly the amendment was agreed to.

The SPEAKER. This concludes the amendments which were acted upon in the Committee of the Whole. Now, there are two substitutes pending. The Clerk will first report the substitute that was first offered.

Mr. REED. The understanding was that the substitute which I offered was to be voted for second.

The SPEAKER. The Chair did not understand the statement of the gentleman.

Mr. REED. The understanding was that the substitute offered by the gentleman from Tennessee [Mr. Cox] was to be voted on first.

Mr. McMILLIN. I rise to a point of order. It is impossible to hear the gentleman on account of the confusion in the House.

The SPEAKER. The gentleman states that it was agreed that the substitute offered by the gentleman from Tennessee [Mr. Cox] should be voted upon first. Of course the Chair will carry out any agreement.

Mr. McMILLIN. Mr. Speaker, a parliamentary inquiry. Which is reported by the Committee of the Whole as having been introduced first?

The SPEAKER. The gentleman from Maine states that it was understood that the vote should first be taken on the substitute of the gentleman from Tennessee. Is there any question about that? The Clerk will report it.

Mr. COX. There was no such understanding made by me with any man upon this floor.

Mr. REED. I do not claim that.

Mr. COX. I declined to do it; and the gentleman from Maine knows that he was working to get his proposition passed over until my substitute was voted on, and that I declined to do it.

Mr. REED. The gentleman from Tennessee is perfectly correct in stating that I had no understanding with him. I had no understanding with him. I did not claim that I had.

Mr. COX. I had no understanding—

Mr. REED. That perhaps surpasses the bounds of propriety.

Mr. COX. But it does not pass the bounds of truth.

Mr. REED. I understand at least I may be permitted to say to the House that I had the understanding with the Chair that my amendment was to be put in such fashion as to be voted on second.

Mr. SNODGRASS. What right had the Chair to make any such understanding?



Mr. REED. That is the understanding I had when the proposition was made. It was the understanding that was to be regarded as being made in the proceedings from the first to the last; but I do not know what difference it would make to maneuver in this matter. It is the proposition presented by this side of the House, and would, therefore, be entitled to the superior place, according to the ordinary courtesy, especially when we are engaged in "freeing ourselves from the tyranny of preconceived opinion." [Laughter on the Republican side.]

Mr. COX. Mr. Speaker, one word. There was no agreement made. No man on this floor will rise and say that such an agreement was made.

Mr. LIVINGSTON. Regular order.

Mr. REED. Then, if the gentleman's substitute was offered second, that is all the more reason why it should be voted on first.

Mr. COX. You wanted to get me to offer mine first, and I wanted to get you to offer your proposition first. That I did, and I got you into that hole.

Mr. LIVINGSTON. Regular order, Mr. Speaker.

Mr. SPRINGER. On the point of order I desire to call the attention of the Chair to what occurred.

Mr. COX. What side are you on now?

Mr. SPRINGER. The gentleman from Maine had a right to assume that there was an understanding from the fact that he had stated that. I find in the RECORD he says:

Mr. REED. I desire to know the time when the substitutes shall be put in. I desire to offer a substitute which I had read to the House, to be voted on after the substitute of the gentleman from Tennessee [Mr. Cox].

Mr. COX. Yes, sir.

Mr. SPRINGER (reading):

The CHAIRMAN. The Chair thought, if there be no objection, the committee amendments should be first disposed of.

And then we proceeded to other business.

Mr. COX. That does not tell it all. I understand you very well.

Mr. SNODGRASS. The Chair asked him if he offered his substitute.

Mr. SPRINGER. I stated the House proceeded to other business.

Several MEMBERS. Read it.

Mr. SPRINGER (reading):

Mr. BLAND. I call for the reading of the first section, so that I may offer an amendment.

Then one whole column comes in there in regard to the amendments to the bill. Mr. BLAND stated he wanted to offer his amendment, and at the bottom of the first column are these words:

Mr. REED. Then my substitute has been printed in the RECORD and is pending; and the gentleman from Tennessee offers his first and it would be voted on, and then mine would be voted on.

Mr. COX. I stated that I would offer a substitute for the bill, which was printed in the RECORD. The gentleman from Maine stated that he would offer a substitute for the bill, which was printed in the RECORD. After that I stated that I would offer a substitute. Now, I desire that the gentleman follow the course of procedure and offer his substitute.

Mr. COX. And he offered his first.

Mr. SPRINGER (continuing reading):

Mr. REED. I have offered it.

Mr. COX. Now, then, as I understand the gentleman's substitute is offered under the rule, I offer an additional substitute for the entire bill.

Mr. COX. That is it. Read on.

Mr. SPRINGER (continuing to read):

Mr. REED. That will be voted on first. [After a pause.] I do not care; there is no use of maneuvering about a thing of this kind.

The CHAIRMAN. The Chair understands the substitute of the gentleman from Tennessee has been read and published in the RECORD.

Mr. COX. It has been published in the RECORD.

The CHAIRMAN. The Chair will now announce to the committee that under the rule the two substitutes are now pending, one offered by the gentleman from Maine [Mr. REED] and one offered by the gentleman from Tennessee [Mr. Cox].

And then comes what Mr. BLAND said.

The SPEAKER. It seems from the statements of gentlemen and from the RECORD that there is some difference as to whether there was an agreement as to which of these propositions should be voted upon first. In the absence of any agreement, the Chair would have to submit them to the House under the rule. Ordinarily but one substitute could be pending, so that there is no precedent or ruling heretofore made as to the order in which the votes shall be taken when two substitutes are pending.

Under the ordinary rule two substitutes can never be pending; but in this special rule there is an express provision that two substitutes may be pending at the same time, not the one a substitute for the other, but both offered as substitutes for the original bill. In the absence of an agreement the Chair will treat them as he would treat ordinary amendments, and will submit first the question on the substitute that was first offered and then on the other. The Clerk will report the substitute first offered, and then the amendment proposed to that substitute.

The Clerk read the substitute offered by Mr. REED, as follows:

Be it enacted, etc., That to enable the Secretary of the Treasury to provide for and maintain the redemption of United States notes according to the provisions of the act approved January 14, 1875, entitled "An act to provide for the

resumption of specie payments," he is authorized, in addition to the power he now has under said act, from time to time, at his discretion, to issue, sell, and dispose of, at not less than par in coin, either of the description of bonds authorized in said act, or coupon or registered bonds of the United States, to an amount sufficient for the objects herein stated, bearing not to exceed 3 per cent interest per annum, payable semiannually, and redeemable, at the pleasure of the United States, in coin, after five years from their date, with like qualities, privileges, and exemptions provided in said act for the bonds therein authorized. And the Secretary of the Treasury shall use the proceeds thereof for the purposes herein provided for, and none other.

Sec. 2. That to enable the Secretary to pay the current expenses of the Government so long as the current revenues shall be deficient he is authorized and required from time to time, in his discretion, to issue, sell, and dispose of, at not less than par, such an amount of certificates of indebtedness of the denomination of twenty-five, fifty, and one hundred dollars, or any multiple thereof, as may be needed for that purpose, bearing not to exceed 3 per cent interest per annum, payable semiannually, and redeemable at the pleasure of the Government, in coin, after two years from their date, with like qualities, privileges, and exemptions provided in the act approved January 14, 1875. The Secretary may at his discretion sell and dispose of the same for not less than an equal amount of lawful money of the United States, at designated depositories of the United States, and at such post-offices as he may select, and the Secretary shall use the proceeds thereof for the purpose provided for in this section, and for none other.

The SPEAKER. Now the Clerk will report the amendment offered by the gentleman from Nebraska [Mr. BRYAN] to the substitute that has just been read, and on that amendment the vote will first be taken.

Mr. HATCH. Mr. Speaker, I rise to a parliamentary inquiry. The Clerk did not state by whom the substitute just read was offered.

The SPEAKER. It was offered by the gentleman from Maine [Mr. REED], and the Clerk will now report the amendment to it that was offered by the gentleman from Nebraska.

Mr. McMILLIN. Mr. Speaker, I rise to a parliamentary inquiry, for I have difficulty in understanding the present status. If this proposition is substituted for the original bill, what will become of the other substitute proposed by the committee?

The SPEAKER. A vote will be taken upon it.

Mr. McMILLIN. I was of the opinion that that would be so, but our condition is so anomalous that I preferred to have the statement of the Chair.

The amendment offered by Mr. BRYAN to the substitute proposed by Mr. REED was read, as follows:

Provided, That nothing herein shall be construed as surrendering the right of the Government of the United States to pay all coin bonds outstanding in gold or silver coin at the option of the Government, as declared by the following joint resolution, adopted in 1878 by the Senate and House of Representatives of the United States of America, to wit:

"That all the bonds of the United States issued, or authorized to be issued, under the said act of Congress hereinbefore recited, are payable, principal and interest, at the option of the Government of the United States, in silver dollars, of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith, nor in derogation of the rights of the public creditor."

The question being taken on the amendment, the Speaker declared that the ayes seemed to have it.

A division was demanded.

The House divided; and there were—ayes 119, noes 133.

Mr. BRYAN and Mr. WILLIAMS of Mississippi called for the yeas and nays.

The yeas and nays were ordered; and the Speaker appointed Mr. BRYAN and Mr. BINGHAM to act as tellers at the desk.

Mr. WELLS. Mr. Speaker, before the vote is taken I would ask that the substitute be read, and also the proposed amendment, so that we may understand what we are voting upon.

The SPEAKER. That would require unanimous consent; but if there be no objection they can be read.

Mr. DINGLEY and others objected.

The SPEAKER. Objection is made.

The question was taken; and there were—yeas 127, nays 168, answered "present" 3, not voting 51; as follows:

YEAS—127.

Aitken,	Cox,	Hepburn,	McKeighan,
Alderson,	Crawford,	Hermann,	McLaurin,
Alexander,	Culberson,	Holman,	McMillin,
Arnold,	Curtis, Kans.	Hooker, Miss.	McRae,
Baker, Kans.	Davey,	Hopkins, Pa.	Meredith,
Bankhead,	Davis,	Hudson,	Money,
Beckner,	De Armond,	Hunter,	Moore,
Bell, Colo.	Denson,	Hutcheson,	Morgan,
Black,	Dinsmore,	Ickert,	Moses,
Bland,	Dockery,	Islar,	Neill,
Boatner,	Donovan,	Kem,	Newlands,
Boen,	Doolittle,	Kyle,	Ogden,
Bower, N. C.	Edmonds,	Lane,	O'Neill, Mo.
Bowers, Cal.	Ellis, Ky.	Latimer,	Pendleton, Tex.
Branch,	Ellis, Oreg.	Lawson,	Pickler,
Breckinridge,	English, Cal.	Layton,	Richardson, Mich.
Bretz,	Enloe,	Lester,	Richardson, Tenn.
Broderick,	Epos,	Little,	Ritchie,
Brookshire,	Fithian,	Livingston,	Robbins,
Brown,	Fyan,	Lucas,	Robertson, La.
Bryan,	Grady,	Maddox,	Russell, Ga.
Caminetti,	Hall, Mo.	Maguire,	Sayers,
Clark, Mo.	Harris,	Mallory,	Settle,
Cobb, Ala.	Hartman,	Marsh,	Sholl,
Cockrell,	Hatch,	Marshall,	Sibley,
Coffeen, Wyo.	Heard,	McCreary, Ky.	Simpson,
Cooper, Wis.	Henderson, N. C.	McCulloch,	Snodgrass,

Stallings,  
Stockdale,  
Stone, Ky.  
Strait,  
Swanson,

Talbert, S. C.  
Tarsney,  
Tate,  
Taylor, Ind.  
Taylor, Tenn.

Terry,  
Turner, Va.  
Turpin,  
Tyler,  
Wheeler, Ala.

Whiting,  
Williams, Ill.  
Williams, Miss.  
Woodard.

# NAYS—168.

Adams, Ky.  
Adams, Pa.  
Aldrich,  
Avery,  
Babcock,  
Baker, N. H.  
Baldwin,  
Barnes,  
Bartlett,  
Barwig,  
Beltzhoover,  
Berry,  
Bingham,  
Blair,  
Boutelle,  
Brickner,  
Bromwell,  
Brosius,  
Bundy,  
Bynum,  
Cabaniss,  
Cadmus,  
Campbell,  
Cannon, Cal.  
Cannon, Ill.  
Caruth,  
Causey,  
Chickering,  
Childs,  
Clancy,  
Clarke, Ala.  
Cobb, Mo.  
Coffin, Md.  
Coombs,  
Cooper, Fla.  
Cooper, Ind.  
Cornish,  
Cousins,  
Covert,  
Crain,  
Curtis, N. Y.  
Dalzell,

Daniels,  
De Forest,  
Dingley,  
Dolliver,  
Draper,  
Dunphy,  
Durborow,  
Erdman,  
Everett,  
Fielder,  
Fletcher,  
Forman,  
Gardner,  
Geary,  
Geisshainer,  
Gillett, Mass.  
Goldzier,  
Gorman,  
Graham,  
Griffin, Wis.  
Grosvenor,  
Groat,  
Grow,  
Hager,  
Hainer, Nebr.  
Haines,  
Hall, Minn.  
Hammond,  
Harmer,  
Harrison,  
Haugen,  
Hayes,  
Henderson, Ill.  
Henderson, Iowa  
Hendrix,  
Henry,  
Hicks,  
Hitt,  
Hooker, N. Y.  
Hopkins, Ill.  
Hulick,  
Hull,

Johnson, N. Dak.  
Kiefer,  
Kribbs,  
Lacey,  
Lapham,  
Lefever,  
Lockwood,  
Loud,  
Loudenslager,  
Lynch,  
Mahon,  
Marvin, N. Y.  
McAleer,  
McCleary, Minn.  
McDannold,  
McDowell,  
McGann,  
McKalg,  
McNagay,  
Meiklejohn,  
Mercer,  
Meyer,  
Montgomery,  
Moon,  
Mutchler,  
Northway,  
O'Neil, Mass.  
Page,  
Paschal,  
Patterson,  
Payne,  
Pearson,  
Pendleton, W. Va.  
Perkins,  
Phillips,  
Pigott,  
Powers,  
Quigg,  
Randall,  
Ray,  
Rayner,  
Reed,

Reilly,  
Reyburn,  
Richards,  
Russell, Conn.  
Ryan,  
Schermerhorn,  
Scranton,  
Sickles,  
Sipe,  
Smith,  
Somers,  
Sorg,  
Sperry,  
Springer,  
Stephenson,  
Stevens,  
Stone, C. W.  
Stone, W. A.  
Storer,  
Straus,  
Strong,  
Talbot, Md.  
Tawney,  
Thomas,  
Tracey,  
Turner, Ga.  
Updegraff,  
Van Voorhis, N. Y.  
Van Voorhis, Ohio  
Wadsworth,  
Walker,  
Wanger,  
Warner,  
Washington,  
Waugh,  
Wheeler, Ill.  
Wilson, Ohio  
Wilson, W. Va.  
Wise,  
Wolverton,  
Woomer,  
Wright.

# ANSWERED "PRESENT"—3.

Jones,

Kilgore.

# NOT VOTING—51.

Abbott,  
Allen,  
Apsley,  
Bailey,  
Bartholdt,  
Belden,  
Bell, Tex.  
Bunn,  
Burnes,  
Capehart,  
Catchings,  
Cockran,  
Cogswell,

Conn.  
Cooper, Tex.  
Dunn,  
English, N. J.  
Funk,  
Gear,  
Gillett, N. Y.  
Goodnight,  
Graham,  
Griffin, Mich.  
Hare,  
Harter,  
Heiner, Pa.

Hines,  
Houk,  
Johnson, Ind.  
Johnson, Ohio  
Linton,  
Magner,  
Martin, Ind.  
McCall,  
McDearmon,  
McEttrick,  
Milliken,  
Morse,  
Murray,

Oonthwaite,  
Pence,  
Price,  
Robinson, Pa.  
Rusk,  
Sherman,  
Sweet,  
Tucker,  
Weadock,  
Wever,  
White,  
Wilson, Wash.

So the amendment of Mr. BRYAN to the substitute of Mr. REED was rejected.

The following pairs were announced:

Until further notice:

Mr. JONES with Mr. MCCALL.

Mr. ABBOTT with Mr. BARTHOLDT.

Mr. TUCKER with Mr. MORSE.

Mr. ALLEN with Mr. JOHNSON of Indiana.

For this day:

Mr. PRICE with Mr. SWEET.

Mr. BURNES with Mr. BELDEN.

Mr. MARTIN with Mr. SHERMAN.

Mr. MCETTRICK with Mr. WEVER.

Mr. WEADOCK with Mr. GILLET of New York.

Mr. CATCHINGS with Mr. GEAR.

Mr. ENGLISH of New Jersey with Mr. WILSON of Washington.

Mr. HARE with Mr. ROBINSON of Pennsylvania.

Mr. BELL of Texas with Mr. HOUK.

On this question:

Mr. GRAHAM with Mr. COOPER of Texas.

Mr. BUNN with Mr. DUNN.

Mr. MCDEARMON with Mr. RUSK.

Mr. HARTER with Mr. KILGORE.

Mr. COCKRAN with Mr. BAILEY.

Mr. STEVENS with Mr. COGSWELL, on this vote.

Before the result of the vote was announced—

Mr. PENCE. On this roll call I have voted "aye," but the gentleman from Massachusetts [Mr. APSLEY], who has been suddenly called home on account of sickness in his family, requested before leaving that I arrange a pair with him on the main question, which I suppose should be construed as covering this vote. If he were present he would, on this question, vote "no." I withdraw my vote, simply stating that if not paired I should vote in the affirmative.

Mr. BAILEY (who had voted in the affirmative). The gentlemen from New York [Mr. COCKRAN] is detained from the House

by the serious illness of his wife, and I am paired with him. I therefore withdraw my vote.

The result of the vote was announced as above stated.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Maine [Mr. REED].

The question being taken there were—ayes 93, noes 167.

Mr. CANNON of Illinois and Mr. REED called for the yeas and nays.

The yeas and nays were ordered.

Mr. ADAMS of Pennsylvania and Mr. TARSNEY were appointed as tellers to act during the call of the yeas and nays.

The question was taken; and it was decided in the negative—yeas 107, nays 189, answered "present" 4, not voting 49; as follows:

# YEAS—107.

Adams, Ky.  
Adams, Pa.  
Aitken,  
Aldrich,  
Avery,  
Babcock,  
Baker, N. H.  
Bingham,  
Blair,  
Boutelle,  
Bowers, Cal.  
Broderick,  
Bromwell,  
Brosius,  
Bundy,  
Cannon, Cal.  
Cannon, Ill.  
Chickering,  
Coffin, Md.  
Cooper, Wis.  
Cousins,  
Crain,  
Curtis, Kans.  
Curtis, N. Y.  
Dalzell,  
Daniels,  
Davey,

Dingley,  
Dolliver,  
Doolittle,  
Draper,  
Ellis, Oreg.  
Fletcher,  
Gardner,  
Geary,  
Gillett, Mass.  
Griffin, Mich.  
Griffin, Wis.  
Grosvenor,  
Grout,  
Grow,  
Hager,  
Hainer, Nebr.  
Harmer,  
Haugen,  
Henderson, Ill.  
Henderson, Iowa  
Hepburn,  
Hermann,  
Hicks,  
Hitt,  
Hooker, N. Y.  
Hopkins, Ill.  
Hulick,  
Hull,

Hull,  
Johnson, N. Dak.  
Kiefer,  
Scranton,  
Lacey,  
Lawson,  
Lefever,  
Loud,  
Loudenslager,  
Lucas,  
Mahon,  
Marsh,  
Marvin, N. Y.  
McCleary, Minn.  
McDowell,  
Meiklejohn,  
Mercer,  
Moon,  
Northway,  
Payne,  
Pendleton, Tex.  
Perkins,  
Phillips,  
Pickler,  
Powers,  
Quigg,  
Randall,  
Ray,

Reed,  
Russell, Conn.  
Settle,  
Shell,  
Smith,  
Stephenson,  
Stone, C. W.  
Stone, W. A.  
Storer,  
Strong,  
Tawney,  
Taylor, Tenn.  
Thomas,  
Updegraff,  
Van Voorhis, N. Y.  
Van Voorhis, Ohio  
Wadsworth,  
Walker,  
Wanger,  
Waugh,  
Wheeler, Ill.  
White,  
Wilson, Ohio  
Woomer,  
Wright.

# NAYS—189.

Alderson,  
Alexander,  
Arnold,  
Baker, Kans.  
Baldwin,  
Bankhead,  
Barnes,  
Bartlett,  
Barwig,  
Beckner,  
Bell, Colo.  
Beltzhoover,  
Berry,  
Black,  
Bland,  
Boatner,  
Boen,  
Bower, N. C.  
Branch,  
Breckinridge,  
Breiz,  
Brickner,  
Brookshire,  
Brown,  
Bryan,  
Bynum,  
Cabaniss,  
Cadmus,  
Caminetti,  
Campbell,  
Caruth,  
Causey,  
Clancy,  
Clark, Mo.  
Clarke, Ala.  
Cobb, Ala.  
Cobb, Mo.  
Cockrell,  
Coffee, Wyo.  
Conn.  
Coombs,  
Cooper, Fla.  
Cooper, Ind.  
Cornish,  
Covert,  
Cox,  
Crawford,  
Culbertson,

Davis,  
De Armond,  
De Forest,  
Denson,  
Dinsmore,  
Dockery,  
Donovan,  
Dunphy,  
Durborow,  
Edmunds,  
Ellis, Ky.  
English, Cal.  
Enloe,  
Epes,  
Erdman,  
Everett,  
Fielder,  
Fithian,  
Forman,  
Fyan,  
Geisshainer,  
Goldzier,  
Goodnight,  
Gorman,  
Grady,  
Gresham,  
Haines,  
Hall, Minn.  
Hall, Mo.  
Hammond,  
Harris,  
Harrison,  
Hartman,  
Hatch,  
Heard,  
Henderson, N. C.  
Hendrix,  
Henry,  
Hines,  
Holman,  
Hooker, Miss.  
Hudson,  
Hunter,  
Hutcheson,  
Ikirt,  
Izlar,  
Kem,  
Kribbs,

Kyle,  
Lane,  
Lapham,  
Latimer,  
Layton,  
Lester,  
Little,  
Livingston,  
Lockwood,  
Lynch,  
Maddox,  
Maguire,  
Mallory,  
Marshall,  
McAleer,  
McCreary, Ky.  
McCulloch,  
McDannold,  
McGann,  
McKalg,  
McKeighan,  
McLaurin,  
McMillin,  
McNagay,  
McRae,  
Meredith,  
Meyer,  
Money,  
Montgomery,  
Moore,  
Morgan,  
Moses,  
Mutchler,  
Niell,  
Newlands,  
O'Neil, Mass.  
O'Neil, Mo.  
Oonthwaite,  
Page,  
Paschal,  
Patterson,  
Pearson,  
Pendleton, W. Va.  
Pigott,  
Reilly,  
Reyburn,  
Richards,  
Richardson, Mich.

Richardson, Tenn.  
Ritchie,  
Robbins,  
Robertson, La.  
Russell, Ga.  
Ryan,  
Sayers,  
Schermerhorn,  
Sibley,  
Sickles,  
Simpson,  
Sipe,  
Snodgrass,  
Somers,  
Sorg,  
Sperry,  
Springer,  
Stallings,  
Stockdale,  
Stone, Ky.  
Strait,  
Straus,  
Swanson,  
Talbert, S. C.  
Talbot, Md.  
Tarsney,  
Tate,  
Taylor, Ind.  
Terry,  
Tracey,  
Turner, Ga.  
Turner, Va.  
Turpin,  
Tyler,  
Warner,  
Washington,  
Wells,  
Wheeler, Ala.  
Whiting,  
Williams, Ill.  
Williams, Miss.  
Wilson, W. Va.  
Wise,  
Wolverton,  
Woodard.

# ANSWERED "PRESENT"—4.

Bailey,

Hayes,

Jones,

Kilgore.

# NOT VOTING—49.

Abbott,  
Allen,  
Apsley,  
Bailey,  
Bartholdt,  
Belden,  
Bell, Tex.  
Bunn,  
Burnes,  
Capehart,  
Catchings,  
Childs,  
Cockran,  
Cogswell,

Cooper, Tex.  
Dunn,  
English, N. J.  
Funk,  
Gear,  
Gillett, N. Y.  
Graham,  
Hare,  
Harter,  
Heiner, Pa.  
Hopkins, Pa.  
Houk,  
Johnson, Ind.

Johnson, Ohio  
Linton,  
Magner,  
Martin, Ind.  
McCall,  
McDearmon,  
McEttrick,  
Milliken,  
Morse,  
Murray,  
Ogden,  
Pence,  
Price,

Rayner,  
Robinson, Pa.  
Rusk,  
Sherman,  
Stevens,  
Sweet,  
Tucker,  
Weadock,  
Wever,  
Wilson, Wash.



So the substitute was rejected.

The following additional pair was announced:

Mr. STEVENS with Mr. COGSWELL.

The result of the vote was then announced as above recorded.

The SPEAKER. The Clerk will now report the substitute offered by the gentleman from Tennessee [Mr. Cox].

The substitute was read, as follows:

SEC. 1. That so much of all acts and parts of acts as require or authorize the deposit of United States bonds to secure circulating notes issued by national banking associations, or as require such associations to deposit, or keep on deposit, United States bonds for any purpose except as security for public money, be, and the same are hereby, repealed as to associations taking out circulation under this act; and notes issued under this act shall not contain the statement that they are so secured.

SEC. 2. That any national banking association organized as now provided by law, and any national banking association hereafter organized, may take out circulating notes to an amount not exceeding 75 per cent of its paid-up and unimpaired capital upon depositing with the Treasurer of the United States currency certificates issued under section 5193 of the Revised Statutes of the United States or United States legal-tender notes, including Treasury notes issued under the act approved July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," and other lawful money of the United States, at the discretion of the Secretary of the Treasury, as a guaranty fund equal to 30 per cent of the circulating notes applied for. The association making such deposit shall be entitled to receive from the Comptroller of the Currency circulating notes in denominations of \$10 and multiples thereof in blank, registered and countersigned as provided by law, and all such notes shall constitute, and are hereby declared to be, a first lien upon all the assets of the association issuing the same. All circulating notes furnished to national banking associations under this act shall be uniform in design; and the Comptroller of the Currency is hereby authorized and directed to have prepared and keep on hand, ready for delivery on application, a reserve of blank notes for each national banking association having circulation; but such reserve for each bank shall at no time be in excess of the difference between the amount of its notes then outstanding and the total amount which it is by this act authorized to receive.

SEC. 3. That in lieu of all existing taxes each national banking association taking out circulation under this act shall pay to the Treasurer of the United States, in the months of January and July of each year, a duty of one-fourth of 1 per cent for each half year upon the average amount of its notes in circulation; and in computing such average all notes issued by such association and not actually retired from circulation in the manner hereinafter provided shall be included.

SEC. 4. That each national banking association shall redeem its notes at par on presentation at its own office and at such agencies as may be designated for that purpose by the Comptroller of the Currency; and whenever such association desires to retire the whole or any part of its circulation the notes to be retired shall be forwarded to the Comptroller of the Currency for cancellation, and thereupon a sum equal to 30 per cent of such canceled notes shall be returned to the association in lawful money of the United States. Defaced and mutilated notes and notes otherwise unfit for circulation which have been redeemed by any association may be returned to the Comptroller of the Currency for destruction and reissue, as now provided by law.

SEC. 5. That in order to provide a safety fund for the prompt redemption of the circulating notes of failed national banking associations each such association now organized, or hereafter organized, and receiving circulation under this act shall pay to the Treasurer of the United States, in the months of January and July in each year, a tax of one-fourth of 1 per cent for each half year upon the average amount of its circulating notes outstanding, to be computed as hereinbefore provided, until the said fund amounts to a sum equal to 5 per cent upon the total amount of such national-bank notes outstanding, and thereupon the collection of said tax shall be suspended. Each association hereafter applying for circulating notes shall, before receiving the same, pay its pro rata share into the said fund; but an association retiring or reducing its circulation shall not be entitled to withdraw any part of said fund. When any such national banking association becomes insolvent its guaranty fund held on deposit shall be transferred to the safety fund herein provided for, and applied, together with such part of the safety fund as may be necessary, to the redemption of its outstanding notes; and in case the said last-mentioned fund should at any time be impaired by the redemption of the notes of failed national banks, and the immediately available assets of said banks are not sufficient to reimburse it, the collection of said tax of one-fourth of 1 per cent for each half year shall be resumed and continued until the said fund is restored to an amount equal to 5 per cent upon the total circulation outstanding. All circulating notes of failed national banks taken out under this act not redeemed on presentation to the Treasurer of the United States, or an assistant treasurer of the United States, shall bear interest at the rate of 6 per cent per annum from the date of the suspension of the bank until thirty days after public notice has been given that funds are on hand for their redemption, and such notes shall constitute a first lien upon all moneys thereafter received into the safety fund.

SEC. 6. That the Secretary of the Treasury may from time to time invest any money belonging to the safety fund in United States bonds, and the bonds so purchased, and the interest accruing thereon, shall be held as part of the said fund. Such bonds may be sold when necessary and the proceeds used for the redemption of the circulating notes of failed national banks.

SEC. 7. That every national banking association heretofore organized and having bonds on deposit to secure circulation may withdraw such bonds upon the deposit of lawful money of the United States, as now provided by law; and thereafter such association may take out circulation under this act and be entitled to all the rights, privileges, and immunities herein conferred.

SEC. 8. That the whole of section 9 and so much of section 12 of the act approved July 12, 1882, entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," as directs the Secretary of the Treasury to receive deposits of gold and to issue certificates thereon be, and the same are hereby, repealed; and section 31 of the act approved June 3, 1864, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," and sections 5191 and 5192 of the Revised Statutes of the United States, and all acts and parts of acts amendatory thereof, be, and the same are hereby, repealed. *Provided*, That no banking association taking out circulation under this act shall retire or cancel any of its bank notes without the written consent of the Secretary of the Treasury (if said notes are national-bank notes) or the proper State officer (if said notes are State-bank notes).

SEC. 9. That the Secretary of the Treasury may, in his discretion, use from time to time any surplus revenue of the United States in the redemption and retirement of United States legal-tender notes and notes issued under the act of July 14, 1890, but the amount of such notes retired shall not in the aggregate exceed an amount equal to 70 per cent of the additional circulation taken out by national banks and State banks under the provisions of this act; and hereafter no United States notes, national-bank notes, or Treasury notes authorized by the act of July 14, 1890, entitled "An act directing the purchase

of silver bullion and the issue of Treasury notes thereon, and for other purposes," of a less denomination than \$10 shall be issued, and as rapidly as such notes of denominations less than \$10 shall be received into the Treasury, otherwise than for redemption and retirement, they shall be canceled, and an equal amount of notes of like character, but in denominations of \$10 or multiples thereof, shall be issued in their places; but nothing in this act shall be so construed as to repeal or in any manner affect the second section of the said act of July 14, 1890.

SEC. 10. That section 5191 of the Revised Statutes of the United States be, and the same is hereby, amended so as to require national banking associations to keep not less than one-half of their reserve (provided for in said section) in legal-tender notes or Treasury notes issued under the act of July 14, 1890, entitled "An act to direct the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," if required to do so by the Secretary of the Treasury.

SEC. 11. That whenever there shall be received into the Treasury of the United States any legal-tender notes or Treasury notes issued under the act of July 14, 1890, of less denomination than \$10 the same shall be canceled and silver dollars or silver certificates of like denominations shall be issued in amounts equal to such notes so canceled; and in order to put the provisions of this act into effect the Secretary of the Treasury shall proceed to coin the silver bullion in the Treasury as rapidly as practicable, and he is hereby directed to issue silver certificates upon the silver bullion now in the Treasury for the purposes hereinabove stated, and he is authorized to coin so much of said bullion as he may deem proper into subsidiary coin, to be used for the purposes set forth in this section.

SEC. 12. That the Secretary of the Treasury is hereby empowered and authorized to require any part of the customs dues, or duties on imports, to be paid in United States legal-tender notes, including Treasury notes issued under the act of July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes."

SEC. 13. That the bonds which may hereafter be issued under the act of January 14, 1873, and the act of July 14, 1870, shall bear a rate of interest not to exceed 4 per cent per annum. And full authority is hereby given the Secretary of the Treasury to issue said bonds for the purposes named in said acts without limit as to the time they shall become due and payable, and for the redemption of the notes issued under the act of July 14, 1890.

SEC. 14. That the use of circulating notes of and above the denomination of \$10 issued by a banking corporation duly organized under the laws of any State, and which transacts no other than a banking business, shall be exempt from taxation under the laws of the United States when it is shown to the satisfaction of the Secretary of the Treasury and the Comptroller of the Currency—

First. That such bank has at no time had outstanding its circulating notes in excess of 75 per cent of its paid-up and unimpaired capital;

Second. That its stockholders are individually liable for the redemption of its circulating notes to an amount equal to the par value of the stock owned by them, but this shall not be required in the case of persons holding stock as executors, administrators, guardians, or trustees, if the assets and funds in their hands are liable in like manner and to the same extent as the testator, intestate, ward, or person interested in such funds would be if living and competent to act and hold the stock in his own name;

Third. That the circulating notes constitute by law a first lien upon all the assets of the bank;

Fourth. That the bank has at all times kept on deposit with an officer of the State, authorized by law to receive and hold the same, a guaranty fund in currency certificates issued under section 5193 of the Revised Statutes of the United States, or United States legal-tender notes, including Treasury notes of 1890, equal to 30 per cent of its outstanding circulating notes; and

Fifth. That it has promptly redeemed its notes at par on demand at its principal office, or at one or more of its branch offices, if it has branches.

Whenever the Secretary of the Treasury and the Comptroller of the Currency shall be satisfied that any banking corporation duly organized under the laws of any State, and which transacts no other than a banking business as provided in this section, has been incorporated under the laws of the State in which it is located and that such laws require—

First. That its stockholders shall be individually liable for the redemption of its circulating notes to an amount equal to the par value of the capital stock owned by them;

Second. That the circulating notes thereof shall constitute a first lien upon all the assets of the bank; and

Third. That such bank shall keep on deposit at all times, with an official of the State authorized by law to receive and hold the same, a guaranty fund as required in the fourth paragraph of this section.

They shall thereupon issue to said bank a certificate to that effect. Said bank may then issue its notes of and above the denomination of \$10, as provided in this act, and thereafter the tax of 10 per cent heretofore imposed by law upon the circulation of the notes of State banks shall not be assessed or collected upon the notes of such bank unless it appears that said bank has issued circulating notes in excess of 75 per cent of its paid-up and unimpaired capital, or that its capital is impaired and has remained so for thirty days, or that the bank has not kept on deposit with the State official authorized by law to receive and hold the same a guaranty fund as required in the fourth paragraph of this section, or that said bank has not promptly redeemed its notes in lawful money at par on demand at its principal office, or at one or more of its branch offices, if it has branch offices, or that such State has repealed any of such laws; and no person or corporation, other than the bank issuing such notes in violation of the provisions of this act, shall be liable to pay the said tax of 10 per cent for any use of the circulating notes of such bank after such bank has taken out circulation under this act.

SEC. 15. That any national banking association and any banking association organized under the laws of any State may deposit with the Treasurer of the United States legal-tender notes and Treasury notes issued under the act of July 14, 1890, and receive certificates therefor, in the manner provided in section 5193 of the Revised Statutes of the United States; and the Secretary of the Treasury may, under proper rules and regulations to be established by him, permit the State banks to procure and use in the preparation of their notes the distinctive paper used in printing United States securities; but no State bank shall print or engrave its notes in similitude of a United States note, or certificate, or national-bank note.

During the reading of the foregoing,

Mr. SPRINGER. I ask to dispense with the reading of the substitute.

The SPEAKER. The substitute has been printed, and if there is no desire to have it again read the Chair will direct the vote to be taken.

Several members demanded the reading.

Some time subsequently,

Mr. LIVINGSTON. I ask to dispense with the further reading of the substitute.

Mr. HOOKER of Mississippi. I object. Let us have it read.

The Clerk resumed and concluded the reading, as above.

The SPEAKER. The gentleman from Alabama [Mr. COBB]

offers an amendment to the substitute, which the Clerk will now report.

The Clerk read as follows:

Amend by striking out section 13 and insert in lieu thereof the following:  
"Sec. 13. That the bonds which may be issued under any existing law shall bear a rate of interest not to exceed 3 per cent per annum. They shall be in denominations to be determined by the Secretary of the Treasury, and shall be due and payable at time or times to be fixed by him, not to exceed twenty years. But nothing herein contained shall be construed to confer authority on the Secretary of the Treasury to issue bonds."

The question being taken on the amendment to the substitute, it was rejected.

The question recurred on the substitute of Mr. Cox.

The House divided; and there were—ayes 55, noes 184.

Mr. COX. I call for the yeas and nays.

The yeas and nays were not ordered; there being 26 members in support of the demand and 185 in opposition—the affirmative vote not being one-fifth of the whole.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. SPRINGER. I demand a division.

The House divided; and there were—ayes 97, noes 159.

[The result of the vote was received with applause.]

Mr. SPRINGER. I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER appointed Mr. HOOKER of New York and Mr. TRACEY as tellers at the desk.

The question was taken; and there were—yeas 135, nays 102, answered "present" 4, not voting 48; as follows:

#### YEAS—135.

Adams, Pa.	De Forest,	Kribbs,	Ryan,
Aldrich,	Dingley,	Lapham,	Schermerhorn,
Babcock,	Draper,	Lefever,	Scranton,
Baldwin,	Dunphy,	Lockwood,	Sickles,
Barnes,	Durbin,	Lynch,	Sipe,
Bartlett,	English, Cal.	Mahon,	Smith,
Barwig,	Erdman,	Marvin, N. Y.	Somers,
Beckner,	Everett,	McAleer,	Sorg,
Beltzhoover,	Felder,	McDannold,	Sperry,
Berry,	Fletcher,	McGann,	Stevens,
Bingham,	Forman,	McKaig,	Stone, C. W.
Bontelle,	Gardner,	Meyer,	Stone, W. A.
Brickner,	Geary,	Montgomery,	Stone, Ky.
Brosius,	Geisenhainer,	Mutchler,	Storer,
Bynum,	Gillett, Mass.	O'Neil, Mass.	Straus,
Cadmus,	Goldzier,	O'Neill, Mo.	Talbot, Md.
Caminetti,	Gorman,	Onthwaite,	Tarsney,
Campbell,	Gresham,	Page,	Tracey,
Caruth,	Griffin, Mich.	Paschal,	Turner, Ga.
Causey,	Griffin, Wis.	Patterson,	Turner, Va.
Chickering,	Grout,	Payne,	Turpin,
Clancy,	Haines,	Pearson,	Updegraff,
Clarke, Ala.	Hall, Minn.	Pendleton, W. Va.	Van Voorhis, N. Y.
Cobb, Mo.	Hammond,	Pigott,	Wadsworth,
Coffin, Md.	Harmer,	Powers,	Wanger,
Coombs,	Harrison,	Quigg,	Warner,
Cooper, Fla.	Haugen,	Randall,	Washington,
Cooper, Ind.	Hayes,	Reed,	Wells,
Cornish,	Hendrix,	Reilly,	Wilson, W. Va.
Covert,	Hicks,	Reynolds,	Wise,
Crain,	Hines,	Richards,	Wolverton,
Dalzell,	Hooker, N. Y.	Ritchie,	Woomer,
Daniels,	Kiefer,	Russell, Conn.	Wright,
Davey,			

#### NAYS—102.

Adams, Ky.	De Armond,	Johnson, N. Dak.	Perkins,
Aitken,	Denson,	Kem,	Pickler,
Alderson,	Dinsmore,	Kyle,	Richardson, Mich.
Alexander,	Dockery,	Lacey,	Richardson, Tenn.
Arnold,	Dolliver,	Lane,	Robbins,
Avery,	Donovan,	Latimer,	Robertson, La.
Baker, Kans.	Doolittle,	Lawson,	Russell, Ga.
Baker, N. H.	Ellis, Ky.	Layton,	Sayers,
Bankhead,	Ellis, Oreg.	Lester,	Settle,
Bell, Colo.	Enloe,	Little,	Shell,
Black, Ga.	Epes,	Livingston,	Sibley,
Blair,	Fithian,	Loud,	Simpson,
Bland,	Fyan,	Loudenslager,	Snodgrass,
Boatner,	Goodnight,	Lucas,	Springer,
Boen,	Grady,	Maddox,	Stallings,
Bower, N. C.	Grosvenor,	Maguire,	Stephenson,
Bowers, Cal.	Grow,	Mallory,	Stockdale,
Branch,	Hager,	Marsh,	Strait,
Breckinridge,	Hainer, Nebr.	Marshall,	Strong,
Brets,	Hall, Mo.	McCleary, Minn.	Swanson,
Broderick,	Harris,	McCreary, Ky.	Talbert, S. C.
Bromwell,	Hartman,	McCulloch,	Tate,
Brookshire,	Hatch,	McDowell,	Tawney,
Brown,	Heard,	McKeighan,	Taylor, Ind.
Bryan,	Henderson, Ill.	McLaurin,	Taylor, Tenn.
Bundy,	Henderson, Iowa.	McMillin,	Terry,
Cabaniss,	Henderson, N. C.	McNagy,	Thomas,
Cannon, Cal.	Repburn,	McRae,	Tyler,
Cannon, Ill.	Hermann,	Meiklejohn,	Van Voorhis, Ohio
Childs,	Hitt,	Mercer,	Walker,
Clark, Mo.	Holman,	Meredith,	Waugh,
Cobb, Ala.	Hooker, Miss.	Money,	Wheeler, Ala.
Cockrell,	Hopkins, Ill.	Moon,	Wheeler, Ill.
Coffeen, Wyo.	Hopkins, Pa.	Moore,	White,
Conn,	Hudson,	Morgan,	Whiting,
Cooper, Wis.	Hulick,	Moses,	Williams, Ill.
Cousins,	Hull,	Neill,	Williams, Miss.
Cox,	Hunter,	Newlands,	Wilson, Ohio
Crawford,	Hutcheson,	Northway,	Woodard,
Curtis, Kans.	Ickr,	Ogden,	
Davis,	Izlar,	Pendleton, Tex.	

#### ANSWERED "PRESENT"—4.

Bailey,	Edmunds,	Jones,	Kilgore.
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#### NOT VOTING—48.

Abbott,	Cooper, Tex.	Houk,	Pence,
Allen,	Culbertson,	Johnson, Ind.	Phillips,
Apsley,	Curtis, N. Y.	Johnson, Ohio	Price,
Bartholdt,	Dunn,	Linton,	Rayner,
Belden,	English, N. J.	Magner,	Robinson, Pa.
Bell, Tex.	Funk,	Martin, Ind.	Rusk,
Bunn,	Gear,	McCall,	Sherman,
Burnes,	Gillet, N. Y.	McDearmon,	Sweet,
Capehart,	Graham,	McEttrick,	Tucker,
Catchings,	Hare,	Milliken,	Weadock,
Cockran,	Harter,	Morse,	Wever,
Cogswell,	Heiner, Pa.	Murray,	Wilson, Wash.

So the motion that the bill be ordered to be engrossed and read a third time was not agreed to.

Mr. AITKEN. I wish to have my colleague [Mr. LINTON] excused. He was called home by a telegram. If he were here he would vote "no."

The SPEAKER. In the absence of objection, the gentleman will be excused.

Mr. SPRINGER. This is an important vote, and I ask that it be recapitulated.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] asks for a recapitulation of the vote. The House will please be in order, so that gentlemen may hear how they are recorded.

The Clerk recapitulated the names of those voting.

Mr. JONES. I desire to state that I am paired with the gentleman from Massachusetts [Mr. MCCALL]. If he were present, he would vote "aye" and I should vote "no."

The Clerk announced the following additional pairs:

Mr. RAYNER with Mr. EDMUNDS, on the Springer bill. Mr. RAYNER would vote "aye," Mr. EDMUNDS would vote "no."

Mr. CULBERSON with Mr. CURTIS of New York, for the rest of this day.

Mr. MAGNER with Mr. HEINER of Pennsylvania, for the rest of this day.

Mr. REED. Mr. Speaker, before the announcement of the vote takes place, I should like to say—I do not know that I would have any right to—

Mr. EDMUNDS. I wish to say that I am paired with the gentleman from Maryland [Mr. RAYNER]. If he were present he would vote "aye" and I should vote "no."

Mr. SPRINGER. Before the vote is announced—

Mr. REED. I desire to say to the gentleman from Illinois in charge of this bill that, supported by my colleagues on this side of the House, I made him a proposition which seemed to us to be satisfactory. He saw fit not—

Several MEMBERS (on the Democratic side). Regular order.

The SPEAKER. The regular order is the announcement of the vote.

Mr. PENCE. Before the announcement—

Several MEMBERS. Regular order.

Mr. PENCE. Upon the roll call I answered "no." As heretofore stated to the House, Mr. APSLEY had requested a pair. If he were here, I think he would vote "aye." I am not sure, but I withdraw my vote.

The SPEAKER. Without objection, the gentleman can withdraw his vote.

Several MEMBERS. Regular order.

The SPEAKER. The regular order is the announcement of the vote.

The result of the vote was then announced as above recorded. Mr. SPRINGER. I desire to move to reconsider the vote just taken.

Mr. HATCH. I move to lay that motion on the table.

Mr. MCRAE. I move to lay on the table the motion to reconsider.

Mr. SPRINGER. And pending that I move that the House take a recess until to-morrow morning at 11 o'clock.

The SPEAKER. The motion for a recess is not in order.

Mr. SPRINGER. I move that the House do now adjourn.

The SPEAKER. That motion is not in order. The gentleman from Illinois [Mr. SPRINGER] moves to reconsider the vote, and the gentleman from Missouri [Mr. HATCH] moves to lay the motion to reconsider on the table.

Mr. REED. I desire to say to the House— [Cries of "Regular order!"]

The SPEAKER. The question is upon the motion to lay on the table the motion to reconsider.

The question being taken, the Speaker announced that the ayes seemed to have it.

Mr. SPRINGER. Division.

The House divided; and there were—ayes 121, noes 100.

Mr. SPRINGER. Yeas and nays.

The yeas and nays were ordered.

The SPEAKER appointed as tellers Mr. HATCH and Mr. HOOKER of New York.



The question was taken; and there were—yeas 135, nays 124, answered "present" 1, not voting 89; as follows:

## YEAS—135.

Adams, Ky.	Davis,	Hunter,	Pickler,
Aitken,	De Armond,	Hutcheson,	Richardson, Mich.
Alderson,	Denson,	Ikert,	Richardson, Tenn.
Arnold,	Dinsmore,	Izlar,	Robbins,
Baker, Kans.	Dockery,	Johnson, N. Dak.	Robertson, La.
Baker, N. H.	Dolliver,	Kern,	Russell, Ga.
Bankhead,	Doolittle,	Kyle,	Sayre,
Bell, Colo.	Edmonds,	Lacey,	Settle,
Black,	Ellis, Ky.	Lane,	Shell,
Blair,	Ellis, Oreg.	Layton,	Sibley,
Blund,	Elloe,	Little,	Simpson,
Boen,	Epes,	Livingston,	Snodgrass,
Bowers, Cal.	Fithian,	Londenslager,	Stallings,
Branch,	Grady,	Maddox,	Stoddale,
Breckinridge,	Grosvenor,	Mallory,	Strait,
Bretz,	Grow,	Marsh,	Swanson,
Broderick,	Hager,	McCleary, Minn.	Talbert, S. C.
Brookshire,	Hamer, Nebr.	McCulloch,	Tate,
Brown,	Hall, Mo.	McDowell,	Tawney,
Bryan,	Harris,	McKeighan,	Taylor, Ind.
Bundy,	Hartman,	McLaurin,	Taylor, Tenn.
Cabaniss,	Hatch,	McNagney,	Terry,
Cannon, Cal.	Heard,	McRae,	Tyler,
Cannon, Ill.	Henderson, Ill.	McKiejohn,	Van Voorhis, Ohio
Childs,	Henderson, N. C.	Meredith,	Waugh,
Clark, Mo.	Hepburn,	Money,	Wheeler, Ala.
Cobb, Ala.	Hormann,	Moore,	Wheeler, Ill.
Cockrell,	Holman,	Moses,	White,
Conn,	Hooker, Miss.	Neill,	Whiting,
Cooper, Wis.	Hopkins, Ill.	Newlands,	Williams, Ill.
Cousins,	Hopkins, Pa.	Northway,	Williams, Miss.
Cox,	Hudson,	Ogden,	Wilson, Ohio
Crawford,	Hulick,	Pence,	Woodard,
Curtis, Kans.	Hull,	Perkins,	

## NAYS—124.

Aldrich,	Dunphy,	Lynch,	Russell, Conn.
Avery,	Durbinow,	Mahon,	Ryan,
Barnes,	English, Cal.	McCreary, Ky.	Schermerhorn,
Bartlett,	Erdman,	McDanold,	Sickles,
Barwig,	Everett,	McGann,	Sipe,
Beckner,	Felder,	McKaig,	Smith,
Bingham,	Fletcher,	McMillin,	Somers,
Beatner,	Forman,	Mercer,	Song,
Boutelle,	Gardner,	Meyer,	Sperry,
Brickner,	Geary,	Montgomery,	Springer,
Brownell,	Geissenhainer,	Moon,	Stone, C. W.
Brown,	Gorman,	Mitchler,	Stone, W. A.
Cadmus,	Griffin, Mich.	O'Neil, Mass.	Stone, Ky.
Caminetti,	Griffin, Wis.	O'Neill, Mo.	Straus,
Campbell,	Grout,	Outhwaite,	Talbot, Md.
Caruth,	Haines,	Page,	Turney,
Causey,	Hall, Minn.	Paschal,	Thomas,
Chickering,	Hammond,	Patterson,	Tracey,
Clancy,	Harmer,	Payne,	Turner, Ga.
Clarke, Ala.	Harrison,	Pearson,	Turner, Va.
Cobb, Mo.	Haugen,	Pendleton, Tex.	Turpin,
Coffin, Md.	Hendrix,	Pendleton, W. Va.	Updegraff,
Cooper, Ind.	Henry,	Pigott,	Van Voorhis, N. Y.
Cornish,	Hooker, N. Y.	Powers,	Walker,
Covert,	Kiefer,	Quigg,	Wanger,
Crain,	Kribbe,	Ray,	Warner,
Dalzell,	Lapham,	Reed,	Washington,
Davoy,	Lawson,	Reilly,	Wells,
Dingley,	Lefever,	Reyburn,	Wilson, W. Va.
Demovan,	Lester,	Richards,	Wise,
Draper,	Lockwood,	Ritchie,	Wright,

## ANSWERED "PRESENT"—1.

Jones.

## NOT VOTING—89.

Abbott,	Cooper, Fla.	Hines,	Phillips,
Adams, Pa.	Cooper, Tex.	Hitt,	Price,
Alexander,	Culbertson,	Houk,	Randall,
Allen,	Curtis, N. Y.	Johnson, Ind.	Rayner,
Apsey,	Daniels,	Johnson, Ohio	Robinson, Pa.
Babcock,	De Forest,	Kilgore,	Rusk,
Bailey,	Dunn,	Latimer,	Scranton,
Baldwin,	English, N. J.	Linton,	Sherman,
Bartholdt,	Funk,	Loud,	Stephenson,
Belden,	Fyan,	Lucas,	Stevens,
Bell, Tex.	Gear,	Magner,	Storer,
Beltzhoover,	Gillet, N. Y.	Maguire,	Strong,
Berry,	Gillet, Mass.	Marshall,	Sweet,
Bower, N. C.	Goldzier,	Martin, Ind.	Tucker,
Burn,	Goodnight,	Martin, N. Y.	Wadsworth,
Burnes,	Graham,	McAleer,	Weadock,
Bynum,	Gresham,	McCall,	Wever,
Capehart,	Hare,	McDearmon,	Wilson, Wash.
Catchings,	Harter,	McEttrick,	Wolverton,
Cockran,	Hayes,	Milliken,	Woomer,
Coffeen, Wyo.	Heiner, Pa.	Morgan,	
Cogswell,	Henderson, Iowa	Morse,	
Coombs,	Hicks,	Murray,	

Mr. HAUGEN. Mr. Speaker, when the name of the gentleman from Missouri [Mr. MORGAN] was called I answered to his name. I think he is recorded as voting by mistake. I understand he is not in the House.

The SPEAKER. The gentleman from Wisconsin states that he voted when the name of the gentleman from Missouri [Mr. MORGAN] was called.

Mr. PENCE. Mr. Speaker, I was paired with the gentleman from Massachusetts [Mr. APSLEY] and have regarded that pair. Now it is suggested that that pair can be transferred so that the gentleman from Massachusetts [Mr. APSLEY] and the gentleman from Iowa [Mr. HENDERSON] may be paired, and if I can be recognized to do so I will be glad to vote "yea."

The SPEAKER. The Chair can only ask if the gentleman was in the Hall.

Mr. PENCE. I have been in the Hall all the while. I was paying no attention to the calling of my name, but observing my pair. If that is the inquiry, I did not hear my name.

The SPEAKER. Call the gentleman.

The name of Mr. PENCE was called, and he voted "yea."

Mr. SPRINGER. I ask for a recapitulation of the vote.

Mr. BRECKINRIDGE. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRECKINRIDGE. If by this vote it should be determined to reconsider the vote, would it be in order under the rules to have this bill recommitted to the Committee on Banking and Currency?

The SPEAKER. After it is ordered to a third reading under the rules a motion may be made to recommit either before or after the previous question on the passage of the bill, but not prior to the third reading.

Mr. BRECKINRIDGE. The previous question is already ordered by the special order. Really, what I desire to know is if the motion to reconsider is not laid on the table would the parliamentary attitude be such that this bill could be recommitted without instructions to the Committee on Banking and Currency?

The SPEAKER. The Chair thinks not.

Mr. SPRINGER. If it is ordered to a third reading it could be.

The SPEAKER. If it is ordered to a third reading it could be; otherwise not.

Mr. SPRINGER. I will make that motion then. [Cries of "Regular order!"] I ask for a recapitulation of the vote.

The SPEAKER. The vote disposes of the bill anyway.

The following additional pair was announced:

Mr. APSLEY with Mr. HENDERSON of Iowa, on this vote.

Mr. SPRINGER. I ask for a recapitulation of the vote. [Cries of "Oh, no!"] I withdraw that.

The SPEAKER. On this question the yeas are 135, the nays are 124, present and not voting 1. The yeas have it, and the motion to reconsider is laid on the table. [Loud applause.]

Mr. HATCH. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 6 o'clock and 24 minutes p. m.) the House adjourned until to-morrow at 12 o'clock m.

## REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. McALEER, from the Committee on Naval Affairs: A bill (H. R. 4296) for the relief of James Duke. (Report No. 1777.)

By Mr. ROBINSON of Pennsylvania, from the same committee: A bill (S. 864) to authorize the payment to Rear-Admiral John H. Russell of the highest pay of his grade. (Report No. 1778.)

By Mr. BELTZHOVER, from the Committee on War Claims: A bill (H. R. 8801) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department. (Report No. 1783.)

By Mr. RICHARDS, from the Committee on Claims: A bill (H. R. 6845) for the relief of Elizabeth Tiehan. (Report No. 1784.)

By Mr. HULL, from the Committee on Military Affairs: A bill (S. 399) for the relief of Bvt. Lieut. Col. J. Madison Cutts. (Report No. 1785.)

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8506) granting an increase of pension to John W. Owens, of Toronto, Kans., and the same was referred to the Committee on Pensions.

## PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MAHON: A bill (H. R. 8804) to extend the time for filing certain claims for compensation for horses and other property lost in the military service of the United States—to the Committee on War Claims.

By Mr. McETTRICK: A bill (H. R. 8805) to establish a department of trade and commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. CADMUS: A bill (H. R. 8806) to limit the hours of labor of the employees of street railway companies within the District of Columbia—to the Committee on the District of Columbia.

By Mr. CHILDS: A bill (H. R. 8807) to incorporate the National Central Railway—to the Committee on the Judiciary.

By Mr. ENGLISH of California: A bill (H. R. 8821) to amend the charter of the Rock Creek Railway Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. COBB of Missouri: A resolution instructing the Clerk of the House of Representatives to audit the claim of Thomas M. Rogers—to the Committee on Accounts.

By Mr. GROSVENOR: A resolution to appoint a committee of five from the Committee on Elections to investigate certain alleged frauds in the State of Tennessee regarding Federal elections—to the Committee on Elections.

By Mr. DURBOROW: A memorial of the legislature of Illinois, requesting the passage of the bill for the relief of Maj. Gen. John A. McClernand, of Illinois—to the Committee on Invalid Pensions.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles, were presented and referred as follows:

By Mr. BELTZHOVER: A bill (H. R. 8808) for the relief of Francis Kilburn—to the Committee on War Claims.

By Mr. BOATNER: A bill (H. R. 8809) for the relief of Mrs. E. R. Allen, of West Carroll Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 8810) for the relief of the estate of Martha Keller, deceased, late of East Carroll Parish, La.—to the Committee on War Claims.

By Mr. CRISP: A bill (H. R. 8811) granting a pension to James Jones—to the Committee on Pensions.

Mr. GILLET of Massachusetts: A bill (H. R. 8812) granting arrearages of pay to Edmund C. Binley—to the Committee on War Claims.

By Mr. LACEY: A bill (H. R. 8813) to increase the pension of Byron Cotton—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 8814) for the relief of John Morrison, of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 8815) for the relief of the estate of Washington Bond, deceased, late of Shelby County, Tenn.—to the Committee on War Claims.

By Mr. RYAN: A bill (H. R. 8816) to grant an honorable discharge and to remove the charge of desertion against the name of Edward P. Kain—to the Committee on Military Affairs.

By Mr. SIPE: A bill (H. R. 8817) granting a pension to Samuel G. McLaughlin—to the Committee on Invalid Pensions.

By Mr. WILSON of West Virginia: A bill (H. R. 8818) for the relief of Robert S. Moss, administrator of James A. Moss, deceased—to the Committee on War Claims.

By Mr. BLAIR: A bill (H. R. 8819) granting an increase of pension to Caroline B. Bradford—to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 8820) for the relief of Henry L. Fitch—to the Committee on Indian Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELTZHOVER: Resolution of citizens of Newville, Pa., against extending the right of suffrage to aliens—to the Committee on Immigration and Naturalization.

Also, resolution of citizens of Newville, Pa., against sectarian appropriations by Congress—to the Committee on the Judiciary.

By Mr. BOEN: Petition of Press Speed and others, of Chunkeys Station, Miss., praying Congress to (1) prohibit the further issue of bonds; (2) favoring unlimited coinage of silver and gold at the American ratio of 16 to 1; (3) issue of full legal-tender paper money sufficient to make the aggregate volume of gold, silver, and paper money \$50 per capita; (4) the abolition of national banks and the issue of money by the Government direct—to the Committee on Banking and Currency.

Also, petition of Andrew Anderson and 62 other citizens of Swift County, Minn., and O. C. N. Dnnheim and 41 others, of Kandiyohi County, Minn., protesting against any extension of the debt due by the Central and Union Pacific Railroad companies, etc.—to the Committee on Pacific Railroads.

By Mr. COBB of Missouri: Petition of merchants of St. Louis, favoring the paying of bounty for 1894 to sugar producers—to the Committee on Appropriations.

By Mr. DALZELL: Resolutions of numerous citizens of Pittsburgh and Castle Shannon, Pa., in favor of a constitutional amendment to prevent the passage of any law respecting an establishment of religion, etc.—to the Committee on the Judiciary.

Also, resolutions of representative citizens of Pittsburgh and Castle Shannon, Pa., in favor of a constitutional amendment to restrict the franchise to citizens of the United States—to the Committee on the Judiciary.

Also, resolution of 50 citizens of Pittsburgh, Pa., in favor of a constitutional amendment to prevent any State from granting the right of franchise to any person who is not a citizen of the United States—to the Committee on the Judiciary.

Also, resolution of 50 citizens of Pittsburgh, Pa., in favor of a

constitutional amendment to prevent the passage of any law for the establishment of religion—to the Committee on the Judiciary.

By Mr. DUNPHY: Petition of the printers of the United States, against the Government printing envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. DURBOROW: Petition of the Chicago Real Estate Board, Chicago, to establish branch hydrographic offices at each of the principal lake ports and to provide proper appropriations for the same—to the Committee on Naval Affairs.

By Mr. HARMER: Resolution adopted at a meeting of 200 citizens of the city of Philadelphia, Pa., in favor of maintaining civil and religious liberty by absolute separation of church and state and in favor of an amendment to the Constitution of the United States against the use of the property or credit of the United States or any State or any money raised by taxation for maintaining any institution wholly or in part under sectarian or ecclesiastical control—to the Committee on the Judiciary.

Also, resolution adopted at a meeting of 200 citizens of the city of Philadelphia, Pa., setting forth that in a number of States the right of franchise is granted to aliens after a residence of from four or five months to one year, and that the rights of the legal citizen may not be abridged; petitioning that Congress shall adopt a joint resolution proposing an amendment to the Constitution of the United States that no State shall grant the right of franchise to any person in violation of the law of the United States—to the Committee on the Judiciary.

Also, petition of property owners and citizens of the District of Columbia, urging favorable action on the measure now pending before Congress for the extension of the sewerage and highway system of the District of Columbia—to the Committee on the District of Columbia.

By Mr. HAYES: Petition of Hon. Le Grand Byington, of Iowa, for certain financial legislation—to the Committee on Banking and Currency.

By Mr. HITT: Memorial and resolutions of the general assembly of the State of Illinois, favoring the bill to pension Maj. Gen. John A. McClernand—to the Committee on Invalid Pensions.

By Mr. KIEFER: Petition of special committee from Minnesota School of Agriculture, favoring House bill 8889 to protect forests—to the Committee on the Public Lands.

By Mr. LACEY: Memorial of George C. Heberling and others, favoring a special pension for Byron Cotton, a blind soldier of Company A, Twenty-fourth Iowa Infantry—to the Committee on Invalid Pensions.

By Mr. McCALL: Resolutions of the American Academy of Political and Social Science, in favor of the McCall bill for uniformity of legislation—to the Committee on the Judiciary.

By Mr. McDOWELL: Petition of the Carpenters' Union of Sharon, Pa., in favor of House bill 5603 and Senate bill 2202—to the Committee on Merchant Marine and Fisheries.

By Mr. OGDEN: Petition of B. F. Jenkins, E. W. Sutherland, and others, of Mansfield, La., urging the payment of a bounty to the sugar producers on their crops for the year 1894—to the Committee on Appropriations.

By Mr. REYBURN: Petition of citizens of Philadelphia, in favor of an amendment to the Constitution that "no State shall grant the right of franchise to any person who is not a citizen of the United States"—to the Committee on Immigration and Naturalization.

By Mr. RICHARDS: Resolutions of citizens of Guadenhutten and Creston, Ohio, for amendments to the Constitution—to the Committee on the Judiciary.

By Mr. SCRANTON: Map to accompany House bill 8793—to the Committee on the Judiciary.

By Mr. SORG: Claim of William T. Alexander for damages in destruction of property during the war—to the Committee on War Claims.

By Mr. STONE of Kentucky: Memorial of citizens of the District of Columbia, praying enactment into a law of the bill now pending for extension of the sewerage and highway system of the District—to the Committee on the District of Columbia.

By Mr. WANGER: Preamble and resolutions of a meeting of 98 citizens of Abington; 100 citizens of Montgomery Square, Montgomery County; 77 citizens of Cold Point, Montgomery County; 54 citizens of Warrington, Bucks County; and 38 citizens of Southampton, Bucks County, all of Pennsylvania, for the submission of an amendment to the Constitution of the United States prohibiting any establishment of religion and opposing sectarian appropriations, etc.—to the Committee on the Judiciary.

Also, a preamble and resolutions of each of the same meetings, in favor of the submission of an amendment to the Constitution of the United States prohibiting any State from granting the right of suffrage to any person not a citizen of the United States—to the Committee on the Judiciary.

By Mr. WASHINGTON: Papers to accompany House bill 8693, granting an increase of pension to Harry B. Plumber, Company



I, First Regiment Tennessee Volunteers, Mexican war—to the Committee on Pensions.

By Mr. WILSON of West Virginia: Petition of 217 citizens of West Virginia, to amend the Constitution, making it unlawful for Congress or any State to pass any law in aid of any religious institutions or societies—to the Committee on the Judiciary.

Also, petition of 217 citizens of West Virginia, to amend the Constitution so as to prohibit the granting by a State of a franchise to any person not a citizen of the United States—to the Committee on the Judiciary.

Also, petition of R. S. MOSS, praying that his claim or property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

## SENATE.

FRIDAY, February 8, 1895.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.  
The Journal of yesterday's proceedings was read and approved.

### EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the disbursements for the fiscal year ending June 30, 1895, made in the States and Territories under the provisions of an act of Congress approved July 2, 1862, applying a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts, together with a tabulated statement, which shows that each of the six installments, date of requisition upon the Treasury Department in favor of each State and Territory, and the amount to be disbursed upon such requisition; which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a bill (H. R. 8499) to authorize the construction of a bridge across the Missouri River, in the county of Dakota, in the State of Nebraska, and in the city of Sioux City, in the county of Woodbury, in the State of Iowa; in which it requested the concurrence of the Senate.

### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8552) to authorize the appointment of cadets to the Naval Academy; and it was thereupon signed by the Vice-President.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Lehigh Valley Railroad Company, of the State of Pennsylvania, signed by E. P. Wilbur, president, and John R. Fanshawe, secretary, praying that an appropriation be made to enable that company to make certain improvements in the harbor at Buffalo, N. Y.; which, with the accompanying paper, was referred to the Committee on Commerce.

Mr. FAULKNER presented a petition of local union No. 9, American Flint Glass Workers' Union, of Wheeling, W. Va., and a petition of New River Division, No. 140, Order of Railway Conductors, of Hinton, W. Va., praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which were ordered to lie on the table.

He also presented petitions of 75 citizens of Moundville, of 40 citizens of Gorman, of 60 citizens of Alexander, and of 45 citizens of Grafton, all in the State of West Virginia, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

He also presented petitions of 50 citizens of Thomas, of 82 citizens of Paw Paw, of 40 citizens of Gorman, and of 60 citizens of Alexander, all in the State of West Virginia, praying for the adoption of an amendment to the Constitution of the United States to prevent the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

Mr. SHERMAN presented a petition of the Board of Trade of Indianapolis, Ind., praying for the enactment of legislation providing for the reorganization of the consular and diplomatic service; which was ordered to lie on the table.

He also presented resolutions adopted by the Chamber of Commerce and Merchants' Exchange of Cincinnati, Ohio, favoring the general financial policy of the President as expressed in his recent message; which were referred to the Committee on Finance.

He also presented a petition of 43 citizens of Pierpont, Ohio, and a petition of 40 citizens of Tuscarawas, Ohio, praying for the

adoption of an amendment to the Constitution of the United States providing that "No State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

He also presented a petition of 43 citizens of Pierpont, Ohio, and a petition of 77 citizens of Summerfield, Ohio, praying for the adoption of an amendment to the Constitution of the United States to prevent the appropriation of public moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

Mr. LODGE presented resolutions adopted by the Fruit and Produce Exchange of Boston, Mass., indorsing the President's recent message and urging immediate action by Congress thereon; which were referred to the Committee on Finance.

He also presented a petition of Cigar Makers' Local Union No. 95, of Boston, Mass., and a petition of cigar makers' local union No. 169, of Cambridge, Mass., praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which were ordered to lie on the table.

Mr. HALE. I present a resolution adopted by the legislature of the State of Maine, favoring the appropriation now pending before Congress to repair and reconstruct the United States frigate *Constitution* at the Kittery Navy-Yard. I ask that the resolution be read, and referred to the Committee on Naval Affairs.

The resolution was read, and referred to the Committee on Naval Affairs, as follows:

#### STATE OF MAINE.

Resolve requesting the Maine delegation in Congress to use their influence for the appropriation to repair the United States frigate *Constitution*, and that such repairs be made at the Kittery Navy-Yard.

Resolved, That the Senators and Members of the House of Representatives in the national Congress from this State be, and are hereby, requested to exert their influence to secure the appropriation now pending before Congress for the repairs and reconstruction of the United States frigate *Constitution*, and to have such repairs made at the Kittery Navy-Yard, and that the secretary of state be directed to forward, as soon as may be, one copy of this resolution to each Senator and Member of the House of Representatives in Congress from this State.

IN HOUSE OF REPRESENTATIVES, February 2, 1895.

Read and finally passed.

LLEWELLYN POWER, Speaker.

Read and passed finally.

IN SENATE, February 4, 1895.

GEO. M. SEIDUS, President.

FEBRUARY 5, 1895.

Approved.

HENRY B. CLEAVES,  
Governor.  
NICHOLAS FESSENDEN,  
Secretary of State.

Mr. ALDRICH presented a memorial of sundry citizens of Rhode Island, remonstrating against the appropriation of moneys for sectarian institutions for Indian education; which was referred to the Committee on Indian Affairs.

Mr. BLACKBURN presented a petition of sundry citizens of Covington, Ky., praying for the passage of the so-called Stone immigration bill, providing for the consular inspection of immigrants before embarkation; which was referred to the Committee on Immigration.

Mr. CULLOM. I present a resolution adopted by the house of representatives of the legislature of Illinois, favoring the passage of a bill granting a pension to Maj. Gen. John A. McClernand. I do not wish to take up the time of the Senate by having the resolution read, but I ask that it be printed in the RECORD.

The resolutions were ordered to lie on the table, and to be printed in the RECORD, as follows:

[State of Illinois. Thirty-ninth general assembly, house of representatives.]

The following resolution passed the house on the 18th day of January, 1895, and was concurred in by the Senate on the 23d day of January, 1895. Which said resolution is in the words following, to wit:

Whereas there is now pending in the Congress of the United States a bill for the award of a pension to Maj. Gen. John A. McClernand, of Illinois; and Whereas General McClernand was one of the bravest of the many brave soldiers from Illinois who enlisted early in the war, threw the weight of his great influence at the very inception of the mighty conflict, in favor of the Union, thus inspiring the people of this great State with his own lofty and enthusiastic patriotism, which was of immeasurable value to the cause of freedom; and

Whereas his services in the Army were of great value to the nation, and added luster to the fair name of Illinois: Therefore, be it

Resolved by the House of Representatives of the State of Illinois (the Senate concurring therein), That the Senators from Illinois be instructed, and the members of Congress from this State be requested, to do all in their power to secure the passage of the said bill, and the recognition, too long delayed, of his patriotic services.

Resolved further, That the clerk of this house be directed to furnish each Senator and Member of Congress from this State and to General McClernand a copy of these resolutions.

JOHN MEYER, Speaker.  
JOHN A. REEVE, Clerk.

Mr. HIGGINS presented a petition of 123 citizens of Milford, Del., praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which was referred to the Committee on the Judiciary.

Mr. GEORGE presented a petition of the Dry Goods Economist, Louis Waldener, and sundry other merchants of Mississippi, praying for the passage of a national bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Cone Export Commission Company and sundry other business firms of New York, praying for the passage of the so-called Bailey-George bankruptcy bill; which was ordered to lie on the table.

Mr. TURPIE presented resolutions adopted by the Board of Trade of Indianapolis, Ind., favoring the general financial policy of the President as expressed in his recent message; which were referred to the Committee on Finance.

He also presented the memorial of W. R. Stokes, of Lebanon, Ind., offering certain suggestions regarding the coinage problem; which was referred to the Committee on Finance.

Mr. VEST presented a memorial of the People's Party Central Club, of Jackson County, Mo., remonstrating against the enactment of legislation as recommended by the President in his recent financial message; which was referred to the Committee on Finance.

Mr. GRAY presented a petition of 123 citizens of Milford, Del., praying for the adoption of an amendment to the Constitution of the United States to prevent the appropriation of moneys for sectarian institutions; which was referred to the Committee on the Judiciary.

Mr. BRICE presented a petition of the Master Plumbers' Association of Cincinnati, Ohio, praying for the adoption of certain amendments to the plumbing regulations of the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of Union No. 104, Brotherhood of Carpenters and Joiners, of Dayton; of Iron Molders' Union No. 27, of Cleveland; of the Central Trade and Local Union of Miami County; of Oliver Slocum Division, No. 334, Brotherhood of Locomotive Engineers, of Delphos; of Iron Molders' Union No. 145, of Columbus; of Iron Molders' Union No. 180, of Dayton, and of Local Union No. 31, American Federation of Labor, of Tiffin, all in the State of Ohio, praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which were ordered to lie on the table.

He also presented a petition of 40 citizens of Tuscarawas, Ohio, praying for the adoption of an amendment to the Constitution of the United States to prevent the appropriation of moneys for sectarian purposes for Indian education; which was referred to the Committee on Indian Affairs.

He also presented petitions of 77 citizens of Summerfield, of 50 citizens of Zanesville, and of 58 citizens of Bowerston, all in the State of Ohio, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

He also presented petitions of 4 citizens of Columbus, of sundry merchants and business firms of Cincinnati, and of 11 business men of Cincinnati, all in the State of Ohio, praying for the enactment of legislation to secure to the sugar producers of the United States a compensating bounty upon the crops of the year 1894; which were referred to the Committee on Appropriations.

Mr. FAULKNER. I present a petition of the Medical Society of the District of Columbia, praying for the passage of House bill No. 8231, to regulate the sale of milk in the District of Columbia, and for other purposes.

The petition relates to a bill reported from the Committee on the District of Columbia and now before the Senate. I move that the petition lie on the table, and that it be printed as a document. The motion was agreed to.

Mr. SQUIRE. Mr. President, I present a petition from the president and nine professors of the University of the State of Washington, asking for the favorable consideration of a bill now pending in the Senate, having for its object the establishment of a national park and forest reserve including Mount Rainier.

The petitioners go on to state that well-known scientists and scientific societies have already called attention to the value of this magnificent region, which each year grows in interest not only to the people of that State, but to the entire nation and to the scientists of the world.

The petitioners further state that they feel that the measure proposed is necessary for the preservation and protection of the natural features of this especially attractive portion of the public domain, and that delay will result in continued injury and increased destruction of animals and forests. Therefore they ask that, for the preservation of this portion of the public domain and in the interest of science and the public welfare, the bill be passed establishing a national park in the State of Washington.

I move that the petition be referred to the Committee on Public Lands and printed.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom the subject was referred, submitted a report accompanied by a bill (S. 2735) to incorporate the East Washington Belt Line Railway Company; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 2339) to incorporate the East Washington Belt Line Railway Company, reported adversely thereon, and the bill was postponed indefinitely.

Mr. HUNTON, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 4950) to amend section 553 of the Revised Statutes of the United States relating to the District of Columbia, reported it without amendment.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 1530) for the relief of James Grace, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (S. 1746) to relieve Abel S. Reynolds from the charge of desertion, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 6433) granting an increase of pension to Julia Weeks, reported it without amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 8337) relative to the Rock Creek Railway Company of the District of Columbia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 6197) to amend the laws relating to conveyances of lands in the District of Columbia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 8638) to amend an act entitled "An act to incorporate the Maryland and Washington Railway Company," approved August 1, 1892, and for other purposes, reported it without amendment.

Mr. FAULKNER. I am instructed by the Committee on the District of Columbia to move that the bill (S. 2361) to amend an act entitled "An act to incorporate the Maryland and Washington Railway Company," approved August 1, 1892, and for other purposes, be indefinitely postponed, as it is a Senate bill on the same subject-matter as the bill just reported.

The motion was agreed to.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2545) to amend the charter of certain street-railroad companies in the District of Columbia, reported it with an amendment, and submitted a report thereon.

Mr. PEPPER, from the Committee on Pensions, to whom was referred the bill (S. 2696) granting a pension to William B. Matchett, reported it with an amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (S. 1861) for the relief of George F. Brott, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8237) for the relief of William W. Buckley, late first lieutenant One hundred and ninety-fourth Regiment Ohio Volunteers, reported it with amendments, and submitted a report thereon.

Mr. CULLOM, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. VILAS, December 17th last, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MORGAN, from the Committee on Indian Affairs, to whom was referred the bill (S. 2734) to establish United States courts in the Indian Territory, and for other purposes, reported it without amendment.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 8631) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 6956) to grant to railroad companies in the Indian Territory additional powers to secure right of way, depot grounds, etc., reported it with amendments.

#### METROPOLITAN STREET RAILROAD COMPANY.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 2521) to amend the charter of the Metropolitan Railroad Company of the District of Columbia, to report it with an amendment in the nature of a substitute, and I ask that it may be considered at the present time.



The VICE-PRESIDENT. The proposed substitute will be read for information.

The SECRETARY. The committee report to strike out all after the enacting clause of the bill and insert:

That the charter of the Metropolitan Railroad Company of the District of Columbia be, and the same is hereby, amended so as to authorize and require the said company to lay down from the intersection of Four-and-a-half and L streets southwest, along Four-and-a-half street to P street south, a single track of underground electric road for the propulsion of its cars, thence west along P street with said single track to Water street, thence northwesterly along Water street with said single track to L street, thence east along L street with said single track to its double tracks at the intersection of Four-and-a-half and L streets southwest, and thence north by said company's double tracks as now located into its depot on Seventh street extended.

SEC. 2. That the Commissioners of the District of Columbia shall locate the said track on Four-and-a-half, P, Water, and L streets so as best to subserve the public convenience, and may in their discretion locate the same on Water street for such distance as they may deem best on the east track of the Belt Line Railway Company, so that the two companies may mutually and profitably use the space of street occupied by the said east track. The said Belt Line Railway Company and the Metropolitan Railroad Company shall each have the right to apply to the supreme court of the District of Columbia to fix a just and equitable compensation for any rights which may be affected by this law, and said court shall have power to issue execution to enforce its judgment.

SEC. 3. That the said Metropolitan Railroad Company is hereby authorized and required to lay down and continue its underground electric construction of single track from the intersection of P and Thirty-fifth streets northwest, thence running west along P street to Thirty-sixth street, thence south on Thirty-sixth street to Prospect avenue, thence east on Prospect avenue to Thirty-fifth street, thence north on Thirty-fifth street to O street, thence east, continuing its route as now located.

SEC. 4. That the number of directors of said company shall be increased from seven to nine members.

Mr. McMILLAN. I will explain the object of this amendment. At the last session of Congress the company was obliged to put down the underground electric street-railway system, the Budapest, so called. The terminus of the Metropolitan road down at Water street is such that it would leave the cars just as the cars of the Washington and Georgetown road are now in Georgetown, in the middle of the street. The intention is to allow them to run around a loop to get to their car house. It is only a short distance, and away down in that part of the city near the river.

Mr. HALE. Where is the point?

Mr. McMILLAN. On Water street, near the wharf.

Mr. HALE. On the lower side?

Mr. McMILLAN. On the lower side. As it is now, the cars stop and switch in the street. The object is to give them a loop into their new car house and around one block.

Mr. HALE. And the substitute is a narration of different streets down there, not streets up in the main part of the city?

Mr. McMILLAN. Entirely. The second provision of the amendment is to extend the present loop in Georgetown near the Georgetown University. That is all there is of it.

Mr. KYLE. I should like to ask if the amendment has been printed and whether it is lying on our desks?

The VICE-PRESIDENT. It has not been printed, the Chair is advised.

Mr. KYLE. I should like to have the bill go over until I can look at the substitute.

The VICE-PRESIDENT. There is objection to the consideration of the bill.

Mr. FAULKNER. I appeal to the Senator from South Dakota. It is in a section of the city where this change can not affect anything in the world. The new system is being put down by the railroad company, which is very expensive, and it is only proposed to allow a loop around two or three squares to get to the power house in one place, and around two squares to get to the union station, as asked by the faculty of Georgetown University.

Mr. KYLE. I should like to ask what portion of L street is to be covered?

Mr. FAULKNER. It does not touch any line at all in the center of the city. It does run over the present Metropolitan line, but extends from the Georgetown University two squares in order to reach the new union station. Then down here at the river, where the excursion boats land, it allows the road to go to its power house, in order to reach the excursion steamers so as to carry people over the city without a double transfer.

Mr. KYLE. Is it proposed to extend the line on L street at all?

Mr. FAULKNER. Not in the center of the city.

Mr. McMILLAN. It does not come up here. It is away down on the river. There are two L streets, L street south and L street north.

Mr. KYLE. I withdraw my objection.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on the District of Columbia.

Mr. HILL. When was the bill reported?

The VICE-PRESIDENT. It has been just reported.

Mr. McMILLAN. I will state to the Senator from New York that the Metropolitan Railway Company is about commencing the building of their electric line.

Mr. SHERMAN. And they want a loop at either end.

Mr. McMILLAN. Yes; and the bill is intended to enable them to commence work right away.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### COURTS IN THE INDIAN TERRITORY.

Mr. VILAS. I am instructed by the Committee on the Judiciary, to whom were referred the amendments of the House of Representatives to the bill (S. 2173) to amend an act entitled "An act to establish a United States court in the Indian Territory, and for other purposes," approved March 1, 1889, and an act entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," approved May 2, 1890; to provide for the redistricting of the Indian Territory for judicial purposes, for an additional judge and more United States commissioners, and to prescribe the jurisdiction, duties, and authority of such judges and commissioners, and for other purposes, to report the same back with a recommendation that the amendments to the bill made by the House of Representatives be nonconcurrent in, and that a conference be asked with the House on the disagreeing votes of the two Houses thereon. I ask that the vote may be now taken on nonconcurring in the amendments.

The VICE-PRESIDENT. Without objection, the amendments of the House of Representatives will be regarded as nonconcurrent in. The Chair hears no objection, and they are nonconcurrent in.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. VILAS, Mr. TELLER, and Mr. PLATT were appointed.

#### EMPLOYMENT OF STENOGRAPHER.

Mr. CAMDEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted by Mr. HILL on the 1st instant, reported it without amendment; and it was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay out of the contingent fund of the Senate the sum of \$100 to Herman Fehim for reporting and transcribing the statements of W. G. McAdoo, J. H. Barr, David McClure, Robert Pritchard, Foster V. Brown, and Tully R. Cornick before the subcommittee of the Judiciary Committee of the Senate in the matter of the confirmation of Charles D. Clark, nominated by the President to be United States district judge for the middle and eastern districts of Tennessee.

#### BILLS INTRODUCED.

Mr. MITCHELL of Oregon introduced a bill (S. 2737) granting a pension to Isaac V. Mossman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LODGE. I introduce a bill simply on behalf of a constituent. It is not my bill. I introduce it by request.

The bill (S. 2738) to provide for the issue of bonds and the regulation of the national banks was read twice by its title, and referred to the Committee on Finance.

Mr. VILAS introduced a joint resolution (S. R. 129) authorizing a preliminary inquiry concerning deep waterways between the ocean and Great Lakes, and providing commissioners therefor; which was read twice by its title, and referred to the Committee on Commerce.

#### RELIEF OF POOR IN DISTRICT OF COLUMBIA.

Mr. SHERMAN introduced a bill (S. 2736) for the immediate relief of the suffering poor of the District of Columbia; which was read the first time by its title.

Mr. SHERMAN. I ask for the immediate passage of the bill. Let it be read at length.

The bill was read the second time at length, as follows:

*Be it enacted*, etc., That there is hereby appropriated the sum of \$10,000, out of any money in the Treasury not otherwise appropriated, for the immediate relief of the suffering poor of the District of Columbia, to be disbursed under the direction of the Commissioners of said District, by the organized charities of said District, one-half of said sum to be charged to said District.

Mr. SHERMAN. If the bill is to be passed at all it should be passed immediately. I am advised that the conditions are urgent and that the sum proposed to be appropriated is really necessary at this time for immediate relief. I hope by common consent the bill will be passed by the Senate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### AMENDMENTS TO BILLS.

Mr. BATE submitted an amendment intended to be proposed

to the bill (S. 2297) to provide for the restatement, readjustment, settlement, and payment of dues to army officers in certain cases; which was ordered to lie on the table and be printed.

He also submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORGAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HANSBROUGH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. MORGAN. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

*Resolved*, That the Secretary of the Navy be directed to communicate to the Senate all examinations and tests that have been made within twelve months past of coals taken from any coal mines in the United States, showing the constituents of such coals and their value for steaming purposes in vessels of the Navy and in stationary engines in the gun factories, armories, and yards under the control of the Department of the Navy; and any other information on this subject that will show the economic value of such coals for steaming purposes and the places in which they can be more advantageously shipped aboard the vessels employed in the naval and coast survey service, in the Atlantic Ocean, the Gulf of Mexico, the Caribbean Sea, and the Pacific Ocean.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HOAR. I should like to know what the resolution is.

The VICE-PRESIDENT. The resolution will be again read.

Mr. MORGAN. It is a resolution, I will explain to the Senator, merely calling for information as to the tests that have been recently made of the value of coals for steaming purposes in all parts of the United States.

Mr. HOAR. Does it include only the coals which are the product of our own mines?

Mr. MORGAN. Yes.

Mr. HOAR. No others?

Mr. MORGAN. No others.

Mr. HOAR. Is it a request for the results of tests already made or to be made hereafter?

Mr. MORGAN. Tests that have been made within twelve months.

Mr. HOAR. Very well. Then I shall not interpose an objection. If it were tests to be hereafter made I should like to include a few other coals than those which are the product of our own mines.

The resolution was agreed to.

#### COLUMBIA RIVER IMPROVEMENT.

Mr. MITCHELL of Oregon submitted the following resolution; which was considered by unanimous consent, and agreed to.

*Resolved*, That the Secretary of War be, and he is hereby, directed to transmit to the Senate copies of all reports on file in his Department from the local engineer in charge of the work as to surveys and other steps taken, if any, in pursuance of the appropriation contained in the last river and harbor bill of \$100,000 for improving Columbia River, Oregon and Washington, at Three-Mile Rapids, and the construction and equipment of a boat railway from the foot of The Dalles Rapids to the head of Celilo Falls; also, copies of any reports transmitted to the Department by the local engineer in charge of the proposed improvement of the Yamhill River, in the State of Oregon.

#### COMMITTEE ON INDIAN AFFAIRS.

Mr. PETTIGREW submitted the following resolution; which was referred to the Committee on Indian Affairs:

*Resolved*, That the Committee on Indian Affairs be instructed, as now constituted, either by full committee or such subcommittee or committees as may be appointed by the chairman thereof, with the full power of such committee, to continue during the coming recess of Congress the investigations authorized by the resolutions of May 13, 1890, and February 27, 1891, with the authority and in the manner and to the extent provided in said resolutions, and in the pursuance of such investigations to visit the several Indian reservations, Indian schools supported in whole or in part by the Government, and the Five Nations in the Indian Territory, or any reservation where, in the opinion of said committee, it may be necessary to extend their investigations.

Second. That said committee or subcommittee shall have power to send for persons and papers, to administer oaths, and to examine witnesses under oath touching the matters which they are hereby empowered to investigate, and may hold their sessions during the recess of the Senate at such place or places as they may determine; and the necessary and proper expense incurred in the execution of this order shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of said committee.

#### MESSAGE FROM THE PRESIDENT—BOND ISSUE.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States; which was read.

[For message see House proceedings.]

Mr. GORMAN. I suggest that the message be printed and referred to the Committee on Finance.

The VICE-PRESIDENT. That order will be made, in the absence of objection.

#### HOUSE BILL REFERRED.

The bill (H. R. 8499) to authorize the construction of a bridge across the Missouri River, in the county of Dakota, in the State of Nebraska, and in the city of Sioux City, in the county of Woodbury, in the State of Iowa, was read twice by its title.

Mr. ALLISON. I ask that the bill may lie upon the table.

Mr. VEST. Let it go to the Committee on Commerce. It had better go to that committee, as the other bill is before the committee.

Mr. ALLISON. Very well; I have no objection to the reference.

The VICE-PRESIDENT. The bill will be referred to the Committee on Commerce.

#### RETURN OF MICHIGAN REGIMENTAL FLAGS.

Mr. BURROWS. I ask unanimous consent for the present consideration of the joint resolution (S. R. 113) instructing the Secretary of War to return to the State of Michigan the flags of certain regiments of Michigan volunteer infantry. I will state that the joint resolution is the unanimous report of the Committee on Military Affairs, and it has received the approval of the War Department.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It instructs the Secretary of War to return to the State of Michigan the regimental flags of the Seventeenth, Nineteenth, and Twentieth regiments of Michigan Volunteer Infantry.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ELIZABETH MOORE ENGLISH.

The VICE-PRESIDENT. If there be no further resolutions, concurrent or other, the Chair lays before the Senate a resolution submitted by the Senator from Florida [Mr. CALL], coming over from yesterday, which will be read.

Mr. GALLINGER. The Senator from Florida kindly consents to allow me to ask consideration for a bill which will take but a moment.

Mr. CALL. I will yield to the Senator from New Hampshire if the resolution introduced by me does not lose its place.

Mr. GALLINGER. It will not. The bill for which I ask consideration will take but a moment. It is the bill (H. R. 6585) granting a pension to Elizabeth Moore English.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent for the present consideration of the bill indicated by him. Is there objection?

Mr. BLACKBURN. I desire to ask the Senator from New Hampshire if the bill will provoke any debate?

Mr. GALLINGER. Not a moment of debate. I simply want to make a statement, in about ten words; that is all.

Mr. CALL. I understand that my resolution is before the Senate.

The VICE-PRESIDENT. Does the Senator from Florida object to the present consideration of the bill?

Mr. CALL. I do if it displaces the resolution which was laid before the Senate.

Mr. GALLINGER. It will not displace the resolution of the Senator.

The VICE-PRESIDENT. The Chair understood the Senator from Florida to yield to the Senator from New Hampshire.

Mr. CALL. I did yield, with the understanding, however, that the bill should not displace the resolution before the Senate. If there be any doubt about that, I do not yield.

The VICE-PRESIDENT. The Chair will recognize the Senator from Florida.

Mr. CALL. I will yield to the Senator from New Hampshire on the assurance that his bill will not occupy any time.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Elizabeth Moore English, widow of Rear-Admiral Earl English, at the rate of \$30 per month.

Mr. GALLINGER. A similar bill passed the Senate granting a pension of \$100 a month to the beneficiary named in this bill, and was sent to the House of Representatives. The committee of the House reported to make the rate \$50, but when the bill was considered in the House it was reduced to \$30. When this bill came to the Senate the Senate committee supposed the bill had been passed at \$50, and so reported it favorably. I move an amendment striking out the word "thirty," in line 7, before the word "dollars," and inserting the word "fifty," so as to read: "At the rate of \$50 per month."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read the third time.

The bill was read the third time, and passed.

Mr. GALLINGER. I move that the Senate ask for a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to



appoint the conferees on the part of the Senate, and Mr. GALLINGER, Mr. PALMER, and Mr. HAWLEY were appointed.

LOUISIANA OR HONDURAS LOTTERY COMPANY.

The VICE-PRESIDENT. The resolution submitted yesterday by the Senator from Florida [Mr. CALL] is now before the Senate, and will be read.

The Secretary read as follows:

*Resolved by the Senate, That a special committee be, and is hereby, created, who shall be charged with the duty of inquiring and reporting to the Senate whether the Louisiana or Honduras Lottery Company has been established and is now operating in the State of Florida and is engaged in business there and in the use of the mails and of the interstate-commerce corporations or companies in violation of the laws of the United States and of the State of Florida. The committee shall also inquire whether the Louisiana or Honduras Company, its owners, managers, directors, or agents, have entered into a combination with any person or persons or corporations for the control of the elections and the legislature and the members of Congress and the executive officers of the State of Florida; and whether they own, either directly or indirectly, any interests in newspapers published in the State, and whether they, or any of them, have contributed money for the establishment of newspapers or for subsidizing newspapers.*

*The committee shall also inquire and report what sums of money, if any, were expended in the late elections by the Louisiana or Honduras Lottery Company, or by any person or corporation in any way connected, combined with, or interested in such lottery company, or in persons connected with it, and in what way and by what persons such money was expended, and by what persons it was contributed.*

Mr. CALL. Mr. President, I was asked on yesterday by the Senator from New Hampshire [Mr. CHANDLER] as to my own opinion and conviction in regard to the operation of the Honduras lottery. I replied to the Senator that I had no personal knowledge in regard to it, but it is a subject of notoriety in the State of Florida, and believed by many persons, that the Louisiana, now the Honduras, Lottery Company is in full operation in that State and that all the practices which were obnoxious to the people of Louisiana are being pursued in Florida. That is the general opinion. I share that opinion, and I therefore introduced this resolution in conformity, as I believe, with the wishes of a great majority of the people of both political parties in the State of Florida. I ask that the resolution may be adopted.

Mr. GORMAN. Mr. President, I wish to call the attention of the Senator from Florida, the author of this resolution, and the Senate to its extraordinary terms. I am perfectly well aware that any inquiry in regard to gambling operations of any kind or description meets with public approval; but this resolution requires a committee of this body to ascertain not only whether this lottery company is in existence in the State of Florida but whether it has entered into any combination with any person or corporation for the control of elections in that State for members of the legislature, or for members of Congress from that State, or for the executive officers of that State.

This resolution, so far as I know, is the first seriously introduced into Congress at any time to inquire whether a member of the legislature of a State has been corrupted by anybody, or whether by corrupt means the governor of a sovereign State of this Union is under the control of a lottery company or any other company or person or corporation.

I suggest, Mr. President, that this is entering upon a field of inquiry which no Senator or Member of the House of Representatives of either party has ever suggested, unless it was a question as to the election of a Senator or a Member of the House of Representatives. Then I think this body has gone so far as to hold that it was impossible to go back and inquire into the morals of the men constituting a State legislature which elected a Senator to this body. It does seem to me that this is a most remarkable proposition, and one which, if it is followed out, will entirely wipe out the States and absorb in Congress the entire control over the morals and everything else connected with the government of the States.

Mr. CHANDLER. Will the Senator allow me to make an inquiry of him?

Mr. GORMAN. With great pleasure.

Mr. CHANDLER. I suppose the Senator has no doubt about the competency of the Senate to make the inquiry contained in the first part of the resolution, as to whether the Louisiana or Honduras Lottery Company is using the mails in Florida and violating the laws of the United States in that connection. I suppose the Senator does not object to that.

Mr. GORMAN. No, I am not referring to that part of the resolution at all, and I understand that Congress has the unquestionable right to ascertain that fact.

Mr. CHANDLER. Possibly the Senator from Maryland is correct in supposing that the additional features of the resolution are only incidental to the main inquiry. As such I can not conceive of any harm in it; but certainly if the Louisiana or Honduras Lottery Company is getting a foothold in Florida and using the mails there unlawfully and contrary to the existing statutes of the United States, there ought to be an investigation. Whether such an inquiry is made or not, I think the Senator will admit that.

Mr. GORMAN. I am not at all astonished that the Senator from New Hampshire, with his well-known views, should favor a resolution somewhat similar in some respects to one suggested, if not introduced. The Senator from New Hampshire has been running along on this line and inquiring very particularly as to the conduct of members of the legislatures of the States and of State officials. This resolution goes into the matter of elections, which I know the Senator has had heretofore in his mind, and I think from what I have heard him say on this floor he has it still in his mind.

Mr. CHANDLER. I beg the Senator not to introduce politics into this discussion; if he does this resolution will be carried beyond 1 o'clock and can not be disposed of. I ask the Senator if he has any objection to the passage of the first clause of the resolution, leaving the remainder out? I do not know that the Senator from Florida will agree to that; but I do not see that the constitutional argument which the Senator from Maryland has been making so well can possibly apply to the first clause of the resolution.

Mr. GORMAN. In what I have had to say upon this resolution I was treating it in my own way, and did not comment upon the first clause of the resolution; but I do comment upon the second clause, which I shall read so that it may appear by itself. I prefer to read the part which strikes me as a most extraordinary proposition.

Mr. CALL. Will the Senator allow me to interrupt him?

Mr. GORMAN. With great pleasure.

Mr. CALL. I desire the Senator from Maryland to read the part of the resolution which asks an inquiry into the morals of any of the officials of the State of Florida—

Mr. GORMAN. I will do so.

Mr. CALL. Or that asks an inquiry into anything which concerns the State of Florida exclusively. I affirm that the Senator's representation of the resolution is entirely without foundation.

Mr. GORMAN. I will read it, and let the resolution speak for itself. It is as follows:

*The committee shall also inquire whether the Louisiana or Honduras company, its owners, managers, directors, or agents, have entered into a combination with any person or persons or corporations for the control of the elections and the legislature and the members of Congress and the executive officers of the State of Florida; and whether they own, either directly or indirectly, any interests in newspapers published in the State, and whether they, or any of them, have contributed money for the establishment of newspapers or for subsidizing newspapers.*

*The committee shall also inquire and report what sums of money, if any, were expended in the late elections by the Louisiana or Honduras Lottery Company, or by any person or corporation in any way connected, combined with, or interested in such lottery company, or in persons connected with it, and in what way and by what persons such money was expended, and by what persons it was contributed.*

I submit to the Senator from Florida that if the resolution does not mean to inquire whether the voters of Florida have been corrupted by this company, whether the newspapers have not been corrupted by it, whether the legislature has not been corrupted by it, and whether the governor has not been corrupted or controlled by it, I confess I do not understand the meaning of language.

Mr. CALL. Will the Senator from Maryland allow me to answer?

Mr. GORMAN. Certainly.

Mr. CALL. The Senator from Maryland knows without asking me the question that the language imports an effort, an attempt to corrupt, and not the actual corruption of anybody. It refers to a great foreign corporation, seeking and attempting by corrupt means to do certain things; and the Senator knows there is nothing in the resolution that can justify the criticism he has made upon it.

Mr. GORMAN. I should like to ask the Senator from Florida whether he asserts here as a Senator that he has reasonable ground to believe that this company or any other company has corrupted the voters of his State or the members of the legislature or its governor?

Mr. CALL. The Senator from Maryland ought to know that I am not a child to be misled by such idle and absurd propositions. It is not for me to say that I know that anybody has been corrupted. Every Senator knows that these are the pretended defenses of a corrupt combination. I have reason to believe that not only in the State of Louisiana but in the State of Florida and elsewhere there have been attempts to corrupt elections and public officers, and everybody else knows it to be so.

The resolution plainly refers to the corrupt efforts of a foreign corporation which have been constantly exhibited here in connection with the history of this corporation in Louisiana, and have been subjects of discussion for a long period of time. This is an attempt to defend this corrupt combination by imputing to me what the resolution does not in any way whatever intend or propose.

Mr. GORMAN. I should like to ask the Senator from Florida another question.

Mr. CALL. Certainly.

Mr. GORMAN. If the Senator, as he states, believes that the attempt has been made by the company to corrupt those people in his State, what power or right has the Senate of the United States to inquire into it?

Mr. CALL. The power is plain and unquestionable. What power had the Senate of the United States to consider and prohibit the use by the Louisiana Lottery Company of the instrumentalities of the Government in the interstate commerce? Why is the Senator from Maryland so anxious to defend these corrupt combinations that are seeking to oppress the people of this country? Mr. President, it is competent for the Senate, and it is its duty, to know whether foreign corporations are here with money seeking, whether they can accomplish it or not, to influence the legislation of the American people. It is plainly and palpably the duty of Congress, of every patriotic Senator, of every Democrat, Republican, and Populist, and of every man who believes in State rights, if there be combinations of powerful influences brought into this country to affect our Federal legislation and Federal Government, to investigate the subject and ascertain whether it is true or not.

But, more than that, it is enough for the resolution that the condition should be dangerous, threatening to this country. Here is this corporation, domiciled in Honduras, a foreign corporation, prohibited the use of the mails of this country, with money enough to offer to pay the entire debt of the State of Louisiana for a provision in the constitution of that State which would give it a secure lodgment there; and will the Senator from Maryland deny that if the company is located in the State of Florida or the State of Maryland with its millions of dollars drawn every month from the people of the world, it will be able to endanger at least the liberties of the people of that State or of any other State? I deny that under any possible construction of language the resolution can have the meaning asserted by the Senator from Maryland or in any way touches the question of the State's exclusive right to legislate for and control her own elections and the morals of her people.

Mr. GORMAN. Mr. President, I represent in part one of the oldest States in the Union, a State which looks after the morals and conduct of its citizens as well as any State in the Union. We have had an old-fashioned notion in the State of Maryland that under our form of government it was the duty of the State, through its laws and its officers, to take care of the morals of the people and suppress any corrupt combination or corporation that attempted to control its elections. We have always believed—for it is a Democratic State—that whenever the General Government stepped in to control and examine into the elections and the affairs of the State it was a usurpation of power, which we have always resented. I say to the Senator from Florida that if there is a State in the Union, and I do not believe there is, whose people or representatives are so weak or so corrupt that they can be managed, controlled, or influenced by the Louisiana Lottery Company or any other, they ought to remain under the domination of such control and not come to the Congress of the United States.

Mr. President, I can understand that gentlemen on the other side, like the distinguished Senator from New Hampshire, Mr. CHANDLER, and others of that school of thought, should believe that this great Government ought to throw its paternalism over every locality, and that the rights and the power of the States should be wiped out. That has been the cause of struggle here between great parties. Even in that case, however, so far as I know, they have never gone beyond the point of ascertaining whether the elections of members of the other House and Senators were in form. Even that we have resented. The resolution goes a step beyond the most radical I have ever known. It is not a question as to a corrupt combination, or its exclusion from the use of the mails, driving it out of this country and preventing it from using the facilities offered by the Government for plying their trade. The record of the Senator from Florida is no better than mine or that of other Senators. He can not be more anxious to suppress vice than I am. But under the guise of suppressing vice the resolution goes to the extent of destroying the power of the States and giving the Senate of the United States a jurisdiction that it has not and which, if it had, it ought never to exercise.

Mr. BLACKBURN. Will the Senator from Maryland yield the floor to me?

Mr. GORMAN. For what purpose?

Mr. BLACKBURN. I wish to move that the Senate proceed to the consideration of the diplomatic and consular appropriation bill.

Mr. GORMAN. Of course, I must give way for that purpose.

Mr. BLACKBURN. I make that motion.

Mr. CALL. I appeal to the Senator from Kentucky that he ought not to make that motion at this time.

Mr. BLACKBURN. I do not mean to be lacking—

Mr. CHANDLER. I also appeal to the Senator from Maryland [Mr. GORMAN] not to introduce partisanship into the discussion and call me by name in connection with the resolution about the

Louisiana Lottery Company, and then not give me an opportunity to reply.

Mr. GORMAN. I withdraw any such allusion.

Mr. CALL. If the Senator from Kentucky will allow me, I submit that the Senator from Maryland has made an attack upon me here in relation to the resolution—

Mr. GORMAN. Oh, no.

Mr. CALL. And it is not fair that I should not be allowed to reply to it.

Mr. BLACKBURN. I do not mean to be lacking in the fullest measure of courtesy and consideration to the Senator from Florida or any other Senator, but we must remember that the pending appropriation bill is the diplomatic and consular bill. Behind it, untouched by the Senate, are the Post-Office appropriation bill, the Indian appropriation bill, the sundry civil appropriation bill, the agricultural appropriation bill, the legislative, executive, and judicial appropriation bill, the general deficiency appropriation bill, and the naval appropriation bill; and this is the 8th day of February. Disclaiming any purpose of intentional disrespect or lack of courtesy to anybody, I insist upon my motion.

Mr. CALL. I ask unanimous consent that the resolution may retain its place.

Mr. BLACKBURN. I must object, because we have this discussion every morning.

Mr. CALL. I believe it has a right to do so, being interrupted before the conclusion of the morning hour.

Mr. BLACKBURN. That I deny. Under Rule VII I have a right to make this motion, and I insist upon it.

Mr. CALL. Then I give notice that I shall again introduce the resolution.

The VICE-PRESIDENT. The Chair must entertain the motion of the Senator from Kentucky [Mr. BLACKBURN]. The question raised by the Senator from Florida [Mr. CALL] will be determined at the proper time. The question is on the motion of the Senator from Kentucky that the Senate proceed to the consideration of the diplomatic and consular appropriation bill.

The motion was agreed to.

#### ICE IN POTOMAC RIVER.

Mr. HARRIS. I appeal to the Senator from Kentucky to yield to me for a single moment in order that I may report a joint resolution from the District Committee, proposing to appropriate \$5,000 to be used by the Commissioners in clearing the ice that is being gorged against our bridges, and have it put on its passage. The Commissioners are in great apprehension of an ice gorge and the consequent flooding of the lower parts of the District.

Mr. BLACKBURN. That is an appropriation bill, and I yield to the Senator from Tennessee for that purpose.

Mr. HARRIS. I report by direction of the Committee on the District of Columbia a joint resolution and ask for its present consideration.

The joint resolution (S. R. 198), making an appropriation of \$5,000 for clearing the Potomac River of ice, was read the first time by its title and the second time at length, as follows:

*Resolved by the Senate and House of Representatives, etc., That \$5,000, or so much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in equal parts, to be immediately available, is hereby appropriated, to enable the Commissioners of the District of Columbia to meet expenses that may be necessary for the purpose of clearing the Potomac River of ice within the District of Columbia.*

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HARRIS. I ask that the letter of the District Commissioners, with the accompanying letter from the harbor master, be printed in the RECORD, so that they may be used elsewhere.

The letters referred to are as follows:

#### OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA. Washington, February 7, 1895.

DEAR SIR: The Commissioners have the honor to submit herewith a draft of a "joint resolution making an appropriation of \$5,000 for clearing the Potomac River of ice," and recommend its immediate enactment. This proposed resolution is substantially the same as the resolution which was approved January 25, 1893, (U. S. Stats., volume 27, page 753). The conditions which that resolution was designed to meet again confront the interests along the river front and elsewhere which would be jeopardized by an overflow of the Potomac. The obstruction of the river by ice and the extraordinary fall of snow near its watershed, and those of its tributary streams, make the Commissioners and the community in general apprehensive that a decided moderation in the weather with rain, or a general thaw, would result in the jamming of the ice in front of and immediately below the city, thereby impeding the discharge of the freshet, and involving a flooding of the lower portions of the city and injury to the bridges and other public works, as well as to private property.

The Commissioners believe that the danger may, to a large extent, be obviated if they should have at their disposal the means of hiring tug boats and other appliances for breaking up the ice and opening the gorges for the passage of the ice and flood. While the Commissioners are not prepared to give assurance of their ability to secure complete immunity from damage even with the facilities which such a fund would supply, they feel assured that



they could avert much destruction of public and private property, and probably life, if the amount asked for should be placed at their disposal.

Ordinarily they could resort to the emergency fund, but that fund for the current year has been so depleted by demands upon it to provide and maintain the hospital and inspection service connected with the suppression of smallpox and the hospital for the treatment of persons suffering with that disease that only about \$4,000 remains of that appropriation. From present appearances the same service will require much more than that amount. The Commissioners have already recommended that an additional appropriation of \$5,000 for that purpose be made. Even if all of those two amounts should not be required in the smallpox service, any balance thereof should be kept available for general exigencies, but the uncertainty as to the amount that will be needed for that service renders it extremely unwise to depend upon any balance thereof to meet the emergency for which the proposed resolution is intended to provide. The ice in the river is now more than 4 inches thick and rapidly increasing. A copy of a report of the harbor master as to the condition of the river is herewith inclosed.

Very respectfully,

JOHN W. ROSS,

President Board of Commissioners, District of Columbia.

Senator ISHAM G. HARRIS,

Chairman Committee on the District of Columbia,  
United States Senate.

WASHINGTON, February 6, 1895.

GENTLEMEN: I have the honor to call your attention to the fact that the present cold weather has produced a large amount of ice in the Potomac River; all traffic, with the exception of the Washington and Norfolk boats, being suspended by reason of the large accumulations of ice. In case of a sudden thaw or heavy rain, the result would be very disastrous and steps should at once be taken to maintain an open channel, in order to prevent an ice gorge. I have, therefore, to recommend that the Commissioners ask for an appropriation of \$5,000 to be immediately available, so that the necessary measures may be taken without delay.

Very respectfully,

J. R. SUTTON, Harbor Master.

To the COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8234) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1896, the pending question being on the amendment reported by the Committee on Appropriations, on page 9, after line 8, to insert:

#### CONSTRUCTION OF TELEGRAPH CABLE BETWEEN THE UNITED STATES AND THE HAWAIIAN ISLANDS.

The President is hereby authorized to contract for the entire work of laying a telegraphic cable between the United States and the Hawaiian Islands and to direct the prosecution of such work whenever such a contract shall be made, and as a part of the cost of such cable the sum of \$500,000 is hereby appropriated.

Mr. KYLE. Mr. President, I have listened with much interest to the remarks of Senators upon the Hawaiian question, which, by the way, has taken a wide range; and whatever be the particular branch of it under consideration we do not seem to get far away from the revolution of 1893, and the causes which led up to it.

Fortunately, the threatening danger to this new Government has been averted, and the present form of government is practically assured. The papers of yesterday state that the revolution has not only proven a failure but that Mrs. Dominis has abdicated the throne. This ends the disturbance, we may hope, for all time to come.

Whatever Senators may think or say as to the downfall of the Royalist Government, one thing is clear, that the ex-Queen and her royalist supporters are themselves responsible for their overthrow.

For fifty years the foreign residents of the islands were content to support and encourage royalist rule, because each succeeding ruler of the dynasty was an improvement upon his predecessor. The missionary population at least took pride in seeing barbarism disappear and the old chiefs give place to a humane king governing by a wise constitution and laws. But with the death of the old dynasty the people in large measure lost their interest in native domination, but on the election of Kalakaua gracefully submitted, inasmuch as a more liberal government was assured. But nevertheless it was apparent to all Americans that the days of native rule had ended. For twenty years the monarchy had been rotten, and the assumption of control by themselves or some foreign power was a foregone conclusion. The foremost natives recognized this. Our naval officers and our national envoys upon the islands knew it and frequently spoke of it; and when Liliuokalani, violating her oath to her people and the constitution, attempted her "coup d'état" in January, 1893, by common consent and sympathy the American element refused to submit, a revolution occurred, and a Provisional Government was established.

It is folly to say that our Government was responsible for the downfall of the Royalist Government.

The Senator from Illinois [Mr. PALMER] yesterday and upon a previous occasion made a most bitter attack upon the Provisional Government and upon Minister Stevens. He calls the new Government a "bastard government," and thinks we are guilty of robbing the natives of their lands and their Government. The argument of the Senator is based entirely upon the report of Commissioner Blount; and if the report were reliable this conclusion would probably in a measure be correct. But, Mr. President, from a careful investigation of the means adopted by Mr. Blount in

securing evidence, I say candidly that I believe he went there with his case made up and bolstered it up with "ex parte" evidence almost entirely. He not only did not seek for information which was opposed to his preconceived theory, but he refused to summon witnesses of the Provisional Government who were entirely trustworthy.

Mr. President, there was no conspiracy between Mr. Stevens and the provisional leaders. I have here a letter from one of the leading men of the Republic, Mr. James B. Castle, which I will read. This gentleman I know to be an absolutely trustworthy witness, and he was cognizant of every move made from the beginning to the end. He acted with the executive board and the advisory council from the first day. He says:

FINANCE DEPARTMENT, BUREAU OF CUSTOMS,  
Honolulu, Hawaiian Islands, December 24, 1893.

MY DEAR KYLE: The argument that the Administration seem to lay stress on to justify the idea of restoration, and the truth of which I suppose Mr. Cleveland will endeavor to convince Congress, is that of the downfall of Liliuokalani being the direct result of a conspiracy between Stevens and some of us. It would be foolish for me to claim any special knowledge on this point not shared by dozens of others. I was in a position to know pretty well what was going on last year while the legislature was in session, and the idea of such a conspiracy is preposterous. It is the literal truth that when the ex-Queen sprung the Constitution that eventful Saturday in January it came for the most part like a thunderbolt out of a clear sky. Some of our people got an inkling of such intention the day before, but for the most part the subject had dropped out of the public mind to some extent after the failure some months before in the legislature of an evident attempt on the part of some of her people to introduce it by the creation of a constitutional convention, which failed.

Henry had told me when he came home to lunch at noon that it was evidently a fact that she meant to promulgate one arbitrarily that afternoon. I was incredulous even when he told me that Thurston was his informant, but I said, "Well, I will get my gun into shape, but I will not believe it till I see it." So little impression did it make upon me that I went on with some work I had to do in the afternoon, and started down to the office to do a little writing about 2 p. m. or a little later. I was so incredulous because, as I told Henry, "If she is crazy, her ministers can't be gone clean out of their wits, and will not let her commit suicide." I was at the meeting at Mr. Smith's office that formed the committee of safety a few hours afterward. My brother, W. R., was one of that committee, and the following Monday evening I acted for him on the committee and till the reading of the proclamation Tuesday afternoon (as he was completely prostrated by one of his attacks of asthma). I am in a position to speak of the proceedings from the meeting at Mr. Waterhouse's (Monday evening) till the end, positively, as I was in the whole of it.

The entire extent of our communication with the American minister was as individuals (whatever communication there was). I do not know how much he may have been asked for counsel or who went to him. I do know that it was distinctly understood that we had got to capture and maintain the headquarters of Government before we could secure from him recognition of ourselves as such Government. Immediately upon our taking possession of the Government building (the entire absence of resistance being our first surprise) I turned to the commander (Soper) and reported for military duty (my duty as a member of the committee of safety having terminated with possession of the Government building). I took the word to Fisher at our rendezvous, a few minutes' walk distant, for the guard to come down immediately. Went on to another party in waiting for the orders, on to the house for my own equipment, and was back on duty in ten or fifteen minutes' time from the time I left. I took up my position in line on the lawn in front of the building about a quarter before 3, where there were already about 20 men. These rapidly increased until at about 4 o'clock we (Henry and I) estimated that there were from 100 to 120 men. Although I was partially prepared to see ourselves remain in undisturbed possession of the place, by the absence of resistance when we first came in, I did not breathe freely till after an hour or two showed that we should not have to fight for it.

I do not need to enlarge on all that transpired between Saturday and Tuesday, as you are already doubtless perfectly familiar with it from Thurston and W. R. Castle, both of whom were in the committee of safety from Saturday night till Monday night, when Thurston, as well as W. R., was compelled to take to his bed completely used up. I can say that the talk of conspiracy, if I know the meaning of the word, from everything that I know of the events transpiring those days, is utter rot. And I was in a position that makes me inevitably one of the conspirators if such existed. As to the nature of Mr. Blount's inquiry into matters here, I do not think it worth while to go into it very much just now, and I am only just becoming acquainted with the full details of his data from a copy belonging to Mr. Thurston and which he brought by the *Alameda*.

So far as I have looked at it the ridiculously ex parte nature of the examination is apparent to anyone acquainted with all the facts. I see that I figure a little in an interview, or rather conversation, that is made part of Mr. W. O. Smith's statement to Mr. Blount. I did not know of this until I just saw it in the copy of the report above alluded to. The explanation of the matter is this: Before I had dropped out of the secretaryship of the executive and advisory councils to assume this office I was greatly desirous of collating the facts of all the events of the 14th to 17th of January, simply for the sake of historical data to be available for the future use of Alexander or some similar historical student. My sole interest in this was to insure, so far as I could, authentic history. I was prevented from going on with it by the pressure of the duties of this position.

Now, I must say that in comparison with the manner of Blount's examination my work does not suffer. It is a conspicuous fact that his testimony is drawn in a large majority of instances from royalist sources, and whenever he drew forth a long and valuable statement from the annexation advocates, as in the case of Alexander, for instance, it would only be upon such subject-matter as he knew would not interfere with the successful completion of a strong case against Stevens, the palpable objective point of his mission to all here who read his mass of statements and affidavits. It is the testimony of all whom I have talked with whom he questioned, that he distinctly shut off any signs of gratuitous statement beyond the simplest replies to his direct and leading questions. For myself, I never attached any importance to his not interviewing me, as I supposed he was doing so with all of our men who knew anything of the events of January by actual participation. As I look over the list of his interviews and statements I see the class above referred to, royalists, in a very large majority. I did not have the time very well to call on him soon after his arrival, and when I did so it was a month after. I happened to find him alone that evening, and for an hour and a half he plied me with questions, but not one upon the events of January.

The nature of our talk was such, however, that he could not but recognize that I had lived in the place with such environment and association as to

specially qualify me, by familiarity at least, to express an intelligent opinion upon Hawaiian affairs. When I read his report and many of the affidavits the matter is perfectly clear to me. He did not want what I might be able to testify. It will be of interest to you to know that C. B. Wilson, the Queen's marshal, stated to Commissioner Carter months since most emphatically that the landing of the troops did not cause the deposition of the ex-Queen. He charges the ministers over him at that time with treachery and cowardice in strong terms. Furthermore he claims that Blount interviewed particularly S. M. Damon, F. Wundenberg, and Henry Waterhouse, at his suggestion that a careful examination of these men with questions carefully prepared to "corner" them would elicit the truth. He stated at the same time that his statement to Mr. Blount was "doctored," so to speak, by Mr. A. P. Peterson before it went to Blount.

Mr. President, this is but one of scores of letters that could be obtained from credible witnesses; and they convince me, as they do many others, that the so-called report of Mr. Blount is based on "ex parte" evidence, much of which is unreliable.

According to the first information received as to the downfall of the Royalist Government, which was freshest and most accurate, the Provisional leaders had not even contemplated a revolution. Minister Stevens, who is perfectly trustworthy and reliable, himself said that he had no part in any conspiracy, and that he gave no encouragement whatever of support in case of revolution. Based upon the complete reports to the State Department, Mr. Foster makes the following statement with reference to the action of the United States troops:

During the 14th, 15th, and most of the 16th, the two parties confronted each other in angry hostility, with every indication of an armed conflict at any moment. It was not until late in the afternoon of Monday, the 16th, after request for protection had been made by many citizens of the United States residing in Honolulu, that a force of marines was landed from the *Boston*, by direction of the minister, and in conformity with the standing instructions which for many years have authorized the naval forces of the United States to cooperate with the minister for the protection of the lives and property of American citizens in case of imminent disorder. The marines, when landed, took no part whatever toward influencing the course of events. Their presence was wholly precautionary, and only such disposition was made of them as was calculated to subvert the particular end in view. They were distributed that night between the legation and the consulate, where they occupied inner courts and a private hall rented for their accommodation. Beyond a sentry at the door of each post, and the occasional appearance of an officer passing from one post to another, no demonstration whatever was made by the landed forces, nor was the uniform of the United States visible upon the streets. They thus remained, isolated and inconspicuous, until after the success of the Provisional Government and the organization of an adequate protective force thereunder.

There is not the slightest indication that at any time prior to such formal recognition, in full accord with the long-established rule and invariable precedents of this Government, did the United States minister take any part in promoting the change, either by intimidating the Queen or by giving assurance of support to the organizers of the Provisional Government.

The immediate cause of the change is clearly seen to have been the unconstitutional and intemperate acts of the Queen herself in attempting to coerce her responsible ministers and to annul the existing constitution and replace it arbitrarily by another of her own choice.

President Harrison also, after a thorough examination of the evidence, makes the following statement:

It has been the policy of the Administration not only to respect, but to encourage the continuance of an independent government in the Hawaiian Islands so long as it afforded suitable guaranties for the protection of life and property and maintained a stability and strength that gave adequate security against the domination of any other power. The moral support of this Government has continually manifested itself in the most friendly diplomatic relations.

The overthrow of the monarchy was not in any way promoted by this Government, but had its origin in what seems to have been a reactionary and revolutionary policy on the part of Queen Liliuokalani, which put in serious peril not only the large and preponderating interests of the United States in the islands, but all foreign interests, and indeed the decent administration of civil affairs and the peace of the islands.

From the evidence taken before the Committee on Foreign Affairs I find the statement of the committee of safety, all of whom were present at the meeting of January 16, 1893. All these men upon oath testify that Mr. Stevens gave no promise of support, and that they expected none.

#### STATEMENT OF PERSONS PRESENT AT MEETING OF COMMITTEE OF SAFETY JANUARY 16.

We, the undersigned, hereby depose and say that we were present at the meeting of safety at the residence of Henry Waterhouse on the night of Monday, January 16, last.

That at such meeting no suggestion was made nor expectation expressed that the United States troops would assist in the overthrow of the Queen or the establishment of the Provisional Government.

That at no time during such meeting did Mr. Soper or any other member thereof go to Mr. Stevens's house, nor did Mr. Soper or any other member of such meeting report that they had seen Mr. Stevens and that he had assured them of the support of the *Boston's* men.

That the statement of F. Wundenberg upon this subject and others, as published in connection with Mr. Blount's report, are misleading and untrue.

JOHN H. SOPER.  
J. H. FISHER.  
THEODORE F. LANSING.  
HENRY WATERHOUSE.  
WILLIAM O. SMITH.  
JOHN EMMELUTH.

J. B. CASTLE.  
F. W. MCCHESNEY.  
ANDREW BROWN.  
C. BOLTE.  
J. A. McCANDLESS.

Subscribed and sworn to before me, this 4th day of January, A. D., 1894, by John H. Soper, J. H. Fisher, Theodore F. Lansing, Henry Waterhouse, William O. Smith, John Emmeluth, J. B. Castle, F. W. McChesney, Andrew Brown, and C. Bolte as a true and correct statement.

[SEAL.]

THOS. W. HOBSON, Notary Public.

The downfall of the Royalist Government would have occurred, Mr. President, and the American element would have been victorious had the American minister and Admiral Walker been at the other side of the globe. In fact our war ship, the *Boston* had sailed for a two weeks' cruise on the 4th day of January, with Minister Stevens as a guest on board, and they were entirely ignorant that a revolution had occurred or was likely to occur. It was one of these natural occurrences which come of themselves when the time is ripe for them; and there is no denying the fact that the time was ripe for Anglo-Saxon supremacy in the Hawaiian Islands. It is folly to talk about the republic being set up against the will of the great mass of the people.

Mr. President, the great mass of the people there never had a will. A large class of the natives are dissolute and thriftless. The Asiatic population constitute a large part of the population, but they occupy the same relation to the Hawaiian Government that they maintain in the United States. They are there for what they can make, and when they are through they expect to return to their native land. They care not what form of Government exists, so long as they get their money, and they, like the large mass of the native population, are not anxious to fight for the Royalist cause. A single regiment of American troops would capture a hundred thousand of them; and it is safe to say that two years ago they were very willing to see the new Government succeed the old one. The more intelligent and enterprising natives were then and are now sympathizers with the Republic. They see in the future a more liberal Government, more general prosperity, and a brighter future. The only mistake made by this Administration was in trying to undo what had been done by the people of the islands. One of the commissioners told me here that he held a long conversation with Paul Neuman, the ex-Queen's counsel, on the day of their departure for the States, in which Neuman himself stated that monarchy was dead in the islands. They had recognized that for some time, and they knew that annexation must come; but he was going to Washington to see that in the transfer the Queen's interests would be looked after. He would have been entirely satisfied with a pension for her of \$20,000 per year. It is folly for us to contend for what the white population and the intelligent natives do not want.

The Republic, Mr. President, is established. In a preamble to a resolution introduced a few days since, I stated that the people on the islands had established a Republic "with institutions substantially similar to our own." This seems to have worried the Senator from Mississippi [Mr. GEORGE], who took occasion in an elaborate speech to compare in all minute particulars the constitution of the two countries. It is not necessary, Mr. President, to strain the meaning of the word substantial. No republic was ever formed upon the downfall of a monarchy with a perfect constitution, or which allowed unrestricted franchise. Not even France. And never has our Government before refused to extend her sympathy to a young Republic, attempting to keep in touch with the spirit of the age. We shall yet extend our sympathy to Hawaii; but I presume the Republic will live if the Senate fails to do anything.

Mr. President, those people may be restricted in their franchise now. They were restricted under the monarchy also. They are as well satisfied with their privileges under the new as under the old. As time goes on greater privileges will be granted them. They are, as a Republic, substantially like us. They have a President, which is a long step in advance of the old-time heathen King. They have a constitution and humane laws for the protection of the people. They have their Congress, and their judicial system, with higher and lower courts, with magistrates, and trial by jury. They have good land laws, public charities, and an excellent system of public schools. All these things, Mr. President, in a general way, are pointing in the direction not only of a Republic, but of a Republic like our own. And the knowledge of such progress should command the sympathy and encouragement of the American people, and they do.

The PRESIDING OFFICER (Mr. DUBOIS in the chair). The Senator from South Dakota will suspend, that the Chair may lay before the Senate the unfinished business. It will be stated.

The SECRETARY. A bill (H. R. 4609) to establish a uniform system of bankruptcy.

Mr. HARRIS. I ask the unanimous consent of the Senate that the unfinished business may be informally laid aside in order that the Senate may proceed with the consideration of the diplomatic and consular appropriation bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none. It is so ordered.

Mr. KYLE. Mr. President, I am strongly in favor of the annexation of Hawaii. It is to be regretted that a question of so great interest and concern to the people of the United States should be invested with the feeling of animosity or partisanship, so that men are blinded to the real merits of the case under con-



sideration. To my mind there is no reason whatever why Senators should not join in the universal and enthusiastic demand for annexation expressed by the people. Every philanthropic and humanitarian organization in city or village throughout this broad land has spoken in unmistakable terms for the annexation of the Hawaiian Islands; for the Republic and against the obsolete and effete monarchy; for freedom and against tyranny; for the triumph of Christian civilization and against the heathen orgies of barbarism. We are part of the American people and are supposed to partake of something of the "esprit de corps," having inherited the love of freedom from the cradle of our own national liberty. Our sympathy and fellow-feeling are with our own flesh and blood of the Anglo-Saxon race who have marched only to victory during two thousand years, and whose victories have universally ushered in the dawn of higher civilization. The conquering is a guaranty of progress in the improvement of man and in the establishment of good government; and it is, therefore, but natural that American citizens should express themselves so sympathetically in a contest wherein our kindred are participants.

I can not but feel that the strongest American supporters of the Queen's restoration are in heart secretly rejoicing that the Queen and her Government belong to the past and that a sister Republic is to replace them. This is not a question for partisan politics and the attempt to make it such will very soon reveal the fact that the people are on one side, regardless of party, and a few Government officials on the other.

This discussion, Mr. President, was thrust upon our consideration in February, 1893, by the appearance in Washington of five commissioners from Hawaii, who had come to negotiate a treaty of annexation with the United States. The nation was astir as these men approached Washington, and the national heart beat in sympathy with them. A revolution in Hawaii was nothing new or strange. Revolutions had occurred before, and annexation had been publicly discussed for more than a quarter of a century. But now, at last, it was thought, the union would be consummated. There was little objection upon the part of Democrats then, except as in connection with the tariff question. But when it began to be whispered abroad that the President would withdraw the treaty and oppose annexation, the party fell into line and have since been quite united. Be it to the credit, however, of the party papers that they have come out boldly in defense of liberty and popular American sentiment.

There is good ground, Mr. President, for the interest Americans have manifested in the Hawaiian Islands. They are ours—not by right of discovery, but for the stronger reason that we have made them what they are—a civilized nation, similar to other well-ordered Governments of the earth. The history of Hawaii can not be written without American sacrifice and enterprise appearing upon every page. In 1819 four clergymen, one carpenter, one printer, and one physician, with their wives and children, left Boston for the islands. After a long voyage, by way of the Horn, they reached their destination in safety in the spring of 1820. Beyond the few ships which had stopped for trade purposes, they were the first to make the acquaintance of the natives. They found them a race of blacks, living in a state of barbarism, blood-thirsty, naked, ignorant, and homeless.

King Kamehameha I had just completed a conquest of the islands, so that all were subject to one chief. Had anyone then told them that in thirty years they would behold a nation Christianized and enjoying the blessings of good government they would have considered it incredible. And yet such a change took place. This change is not the work of England or of France, but American wholly. Self-sacrificing people gave a million and a half of their money for Christian churches and schools. Our enterprise established her business and commerce. American brain furnished her educational institutions and her laws. Her Government, though under the native rulers, was supported by the advice and wisdom of American missionaries. This the world knows, and by common consent has accorded us privileges in the domestic affairs of the islands, which would be granted to no other nation. For more than forty years the people have enjoyed the blessings of an enlightened government. In Hawaii tropical fruits and other products under a genial clime are produced in abundance. Cities, substantial and beautiful, adorn her valleys and hills, while her people enjoy churches, schools, colleges, and the blessings of culture the same as in America. Certainly a phenomenal change has taken place.

At a public celebration of the fiftieth anniversary of the birth of the Christian workers who came to the islands in 1837, in response to the gift of a Bible by one of the prominent citizens, the King paid this tribute to the blessings of Christian civilization:

The volume you present me in behalf of the American Bible Society, and the letter with which it is accompanied, I receive with a mingled feeling of pleasure and reverence. When I remember the moral illumination and the sense of social propriety which have spread throughout these islands, in proportion as the Holy Scriptures have been circulated, I can not but admire and respect the human agency through which Providence has effected this benign purpose. But of all the members of the institution, there is none with whom I would more gladly find myself in communication than the sec-

retary, whose labors have won for him a name among Christian philanthropists which might excite a world to emulation.

I will not attempt to echo the tone of fervent admiration and gratitude with which you allude to the happy changes effected by the dissemination of God's holy Word; but from the position I occupy the facts meet me whichever way I turn my eyes. I see them every day and every hour. I see the principles taking root among my people that were unknown and unintelligible to them at that dark period of our religious history to which you have referred. They have now a standard by which to judge of themselves and of each other as members of society.

Without that standard no law but the law of autocratic power could have ruled them. Its absence would have rendered the gift of free institutions such as they now enjoy a worse than useless act of magnanimity on the part of my predecessors. The commerce and intercourse with other countries to which we owe our present prosperity would have been checked by numberless difficulties. In one word, we see through all our relations the effects of those operations and principles inculcated by this sacred volume. I should be wanting to myself did I not express the gratification I feel in seeing here some of those who were first to labor in the vineyard. Although they look for their reward elsewhere, they will not reject my passing tribute of respect. Their labor has been long and their anxiety great, but their constancy and patience have equaled the emergency.

The result of their life's work may disappoint them if they judge it by the anticipation of their more sanguine years. Yet in their decline of life they see some of the fruits they prayed for, and they will not complain when they remember that the measure of their success is from above. Allow me to thank you for your present, and through you to express my kindest acknowledgment to the American Bible Society.

What better or more glowing tribute, Mr. President, can be paid to the 174 missionaries who represent our Christian Government and who gave their lives to Christianize Hawaii?

Such are the noble words of a heathen king who had witnessed with his own eyes the marvelous transformation among his own people. Such a generous declaration is in striking contrast to some very remarkable statements made by my colleague [Mr. PETTIGREW] in a speech published in the RECORD of the 5th instant, but which was delivered on July 2 last. I have looked long and anxiously for this speech to appear in print, Mr. President, and I had finally concluded its author was ashamed of it and had consigned it to oblivion. With remarkable sagacity and foresight it was suppressed until after the political campaign of last fall and the legislative contest of the winter had passed by. I am glad to say to the Senate that the speech does not represent the sentiment of the people of our State or that of his own party.

He speaks, Mr. President, of missionary efforts as follows:

The representatives of Christian nations who entered the Sandwich Islands with Captain Cook and his followers have taught some of the natives to read, write, and cipher, and to wear a good deal of unnecessary clothing, which has diminished their power of resistance to disease by relaxing their systems, and have introduced their special and insidious diseases, corrupting the blood and transmitting corruption to the progeny.

And again he says:

The missionaries have not only looked out for their morals but for their property. They long ago succeeded in gaining title to nearly all the land, and now they have captured the Government, and set up a government of their own which has no resemblance whatever to what we call a republic.

A little further on he says:

So the Europeans and Americans who went to that paradise of indolence for the purpose of converting its people to Christianity have secured a solid title to 1,062,000 acres, while the poor, miserable natives have the remnant, 257,000 acres. Let us hope that the dominant invaders have attended to the souls of the Kanakas, which was the main business of the crusade, for they have certainly paid strict attention to the incidental business of getting possession of three-quarters of the fertile lands.

This is enough, Mr. President, to mark the spirit of the speech, and probably the Senator himself. While the missionaries and Christianity are responsible for the refined and civilizing influences infused into the Kanaka race, which means pure lives, education, Christian culture, the home, the sanctity of marriage, the best society, the school, and the church, they are in no way responsible for the introduction of rum and the countless vices which a certain kind of civilization insists upon introducing into every heathen nation. Nor are they responsible for the introduction of that class of citizens who invariably follow in the wake of missionary efforts, who seek only wealth, and who in the case of the Sandwich Islands have succeeded in appropriating lands and enriching themselves at the expense of the natives. Neither the missionaries nor their sons, with very few exceptions, have become men of great wealth.

Such reflections, Mr. President, upon the sacrificing efforts of Hawaiian pioneers can well be met by this heathen King and many of his associates, who seem very capable of instructing this Senator in the principles of ethics. There is ample opportunity, and the subject is sufficiently broad for the Senator to meet and discuss the arguments for annexation without indulging in a tirade against the work of pioneer missionaries.

Very few Senators, Mr. President, seemed to be worried over the annexation of Alaska to the United States. It is almost as far away, fully as difficult to defend in time of war, of no great commercial advantage, and almost of no value as compared with the Hawaiian Islands. There is every reason why these islands should be ours. We gave them civilization; our nation colonized them, and gave them their Government. American wealth and enterprise are to-day the backbone of the islands, and nearly nine-tenths of the invested capital is American. The following

table shows the amount of capital invested by different nations in the islands:

Summary table of amount and nationality of investments in plantation and other corporations in the Hawaiian Islands, compiled June, 1895.

Nationality of investors.	Forty sugar plantation corporations.	Twenty-two plantations not incorporated.	Forty-three corporations other than sugar.	Total.
American	\$18,594,695	\$415,000	\$2,690,994	\$21,700,689
Hawaiian-born Americans	2,980,280	500,000	948,197	4,428,477
British	4,303,215	1,195,000	1,239,530	6,737,745
Hawaiian-born British	196,200		233,006	429,206
German	1,239,935	515,000	239,523	2,048,458
Hawaiian-born German	30,165		28,839	59,004
Native Hawaiians	38,991		51,820	90,811
Half-caste Hawaiians	235,056		277,076	512,132
Chinese	259,700		44,640	304,340
Portuguese	49,500	75,000	420	124,920
All other nationalities	3,550	300,000	13,595	307,145
Total	27,964,290	3,000,000	5,877,400	36,841,690

Next to Great Britain the islands get more of the Pacific Coast trade than any other nation; the islands are midway on the ocean route from our coast to Australia; are valuable as a coaling station, and are the key to military control of the Pacific; they are of more benefit commercially to the United States in one year than Alaska will be in a lifetime; they give us more than we receive; they are and have been practically under the protection of the United States for a half century.

It has been our policy, Mr. President, to brook no interference with the islands by other nations. In a North American Review article by the Hawaiian minister, Mr. Thurston, I notice some very pointed quotations from the Presidents of the United States and others with reference to our policy, which I will read. The first is by President Tyler in his address to Congress in 1842:

It can not but be in conformity with the wishes of the Government and people of the United States that this community . . . should be respected, and all its rights strictly and conscientiously regarded; . . . while its nearer approach to this continent, and the intercourse which American vessels have with it . . . could not but create dissatisfaction on the part of the United States at any attempt by another power to take possession of the islands. . . . Considering, therefore, that the United States possesses so very large a share of the intercourse with those islands, it is deemed not unfit to make the declaration that their Government seeks, nevertheless, no exclusive control over the Hawaiian Government, but is content with its independent existence, and anxiously wishes for its security and prosperity. Its forbearance in this respect, under the circumstances of the very large intercourse of their citizens with the islands, would justify this Government . . . in making a decided remonstrance against the adoption of an opposite policy by any other power.

President Taylor, in his message in 1849, said:

The position of the Sandwich Islands with reference to the territory of the United States on the Pacific . . . renders their destiny peculiarly interesting to us. It is our duty to encourage the authorities of these islands in their efforts to improve and elevate the moral and political conditions of the inhabitants. . . . We could in no event be indifferent to their passing under the dominion of any other power. . . . And it is to be hoped that no one of them will attempt to interpose obstacles to the entire independence of the islands.

President Fillmore, in his message of 1851, uses these words:

Long before the events which have of late imparted so much importance to the possessions of the United States on the Pacific we acknowledged the independence of the Hawaiian Government. This Government was first in taking that step, and several of the leading powers of Europe immediately followed. We were influenced in this measure by the existing and prospective importance of the islands as a place of refuge and refreshment for our vessels, and by the consideration that they lie in the course of the great trade which must at no distant day be carried on between the western coast of North America and eastern Asia.

President Andrew Johnson, in 1868, said:

It is known and felt by the Hawaiian Government and people that their Government and institutions are feeble and precarious, and that the United States, being so near a neighbor, would be unwilling to see the islands pass under foreign control. Their prosperity is continually disturbed by expectations and alarms of unfriendly political proceedings. . . . A reciprocity treaty, while it could not materially diminish the revenues of the United States, would be a guaranty of the good will and forbearance of all nations until the people of the islands shall of themselves, at no distant day, voluntarily apply for admission into the Union.

These views, Mr. President, were shared and expressed even more vigorously by Mr. Blaine as Secretary of State in 1891 and 1892, and also in 1892. In a dispatch of 1892 he uses these words:

. . . This Government has on previous occasions been brought face to face with the question of a protectorate over the Hawaiian group. It has, as often as it arose, been set aside in the interests of such commercial union as would give Hawaii the highest advantages and at the same time strengthen its independent existence as a sovereign State.

The United States was one of the first among the great nations to take active interest in upbuilding Hawaiian independence and the creation of political life for its people. It has consistently endeavored, and with success, to enlarge the material prosperity of Hawaii. On such an independent basis it proposes to be equally unremitting in its efforts hereafter to maintain and develop the advantages that have accrued to Hawaii, and draw closer the ties which imperatively unite her to the great body of the American Commonwealth.

In this line of action the United States does its simple duty both to Hawaii and itself, and it can not permit such obvious neglect of national interest as would be involved by silent acquiescence in any movement looking to a lessening of those amenities, and the substitution of alien and hostile interests.

It firmly believes the position of the Hawaiian Islands, as a key to the dominion of the American Pacific, demands neutrality, to which end it will earnestly cooperate with the native Government; and if, through any cause, neutrality should be found by Hawaii impracticable, this Government would then unhesitatingly meet the altered situation by seeking a vowedly an American solution of the grave issues presented.

All these men, Mr. President, express the views of the American people, and hint strongly at the advisability of annexation. There seemed to be then and there is now a clear perception of the commercial importance of those islands. In order that there shall be no doubt as to this matter I will give from the Hawaiian Annual, a publication of the Hawaiian Government, some important facts as to our commerce.

#### Résumé of imports, 1892.

	Total.	Per cent.
United States	\$3,838,359.91	31.94
Great Britain	380,079.89	8.12
Germany	99,113.87	2.11
Australia and New Zealand	106,203.42	2.24
China	154,696.96	3.32
Japan	60,003.87	1.28
France	4,612.31	.10
British Columbia	26,150.00	.54
Islands in the Pacific	4,806.66	.10
By whale ships	12,139.20	.25
Grand total	4,684,207.31	100

#### Quantity of domestic exports, showing countries to which exported, 1892.

Products.	Pacific ports, United States.	Australia and New Zealand.	Islands in the Pacific, and Japan.	Total.
Sugar	263,649,924 pounds	3,972	2,819	263,656,715
Molasses	47,988 gallons			47,988
Rice	11,506,440 pounds	500	12,388	11,516,328
Coffee	13,598 pounds			13,598
Bananas	105,370 bunches		*5	105,375
Goatskins	5,449 pieces			5,449
Hides	21,622 do			21,622
Tallow	792 pounds			792
Wool	136,696 do	98,908	*3,365	235,969
Betel leaves	121 boxes			121
Sheepskins	5,353 pieces			5,353
Guanos	61 tons			61
Fruit (assorted), etc.	512 boxes			512
Pineapples	19,471 boxes and pieces	\$800		20,371
Avos	8,179 pounds			8,179
Bones and horns	40,315 do			40,315
Taro flour	1,593 do			1,593
Plants and seeds	6 packages			6

\* Japan.

† Other than bananas and pineapples.

‡ Boxes.

From these tables it will be seen that nearly 83 per cent of the island imports for 1892 were from the United States. Only 8 per cent came from Great Britain, the nation which is always casting a covetous eye upon Hawaii. No wonder that the Pacific Coast realize the necessity of maintaining fair trade relations with the islands.

There has been considerable discussion, Mr. President, about the reciprocity treaty with the islands, especially since they were by the late revenue act exempt from paying the revenue duty on sugar. It is stated that we are losers to the amount of \$5,000,000 per year. In view of the cession of Pearl Harbor the granting of such a concession was nothing more than just and fair. But aside from this, the reciprocity treaty has redounded tenfold to the interest of our own country. I recently received a letter from Mr. Frank P. Hastings, Hawaiian chargé d'affaires in this city, a part of which I shall quote. He says:

[Personal.]

HAWAIIAN LEGATION, Washington, D. C., July 10, 1894.

MY DEAR SENATOR: As a United States consular officer residing at the islands continuously from July, 1877, less than one year after the treaty went into effect, until 1890, when I resigned from the service, I kept careful watch over the trade between the two countries. Until 1890, when the McKinley bill went into effect, it was mutually beneficial to both countries. Since then it is a well-known fact that Hawaii has been the loser though she has kept inviolate her treaty obligations.

In return for the sugar and rice, the principal products of the islands sent to the United States, we have bought the lumber from their forests, the coal from their mines, the flour and grain from their farmers and mills, the butter and cheese from their dairies, the fruits from their orchards and canneries, the grapes and wines from their vineyards and presses, the cloths from their looms, and manufactures of all and every kind from their factories. Even the sugars on our tables came back to us from the refineries of the United States. We produce nothing for home consumption excepting a few fruits and vegetables, have no factories or manufactures except those for making raw sugars or hulling rice, but import almost everything from the United States.

We are not, and never have been, commercial competitors and will not be until the Pacific Coast of the United States shall raise sugars sufficient for home consumption. The fruits we raise for export, principally bananas and pineapples, in no way enter into competition in your markets with the fruits raised on the Pacific Coast. On the contrary, they furnish the consumer there with a better and cheaper article than can be obtained from Mexico or



Central America. The same may be said of coffee, which is a growing industry.

As the representative in the United States Senate of one of those great States which is destined to form a part of that great empire that is fast building up in the West, in the commercial system of which Hawaii already forms an outlying part, I desire to call your special attention to the great contrast in the conditions existing in Hawaii to-day and those in Cuba, a much nearer foreign neighbor in the south. I quote from pages 772 and 773 of the Morgan report in relation to the Hawaiian Islands:

"While Hawaii has, under the fostering influences of the United States, developed from a state of barbarism in the beginning of this century to a condition of universal education unknown in any other part of the world, Cuba has been four hundred years demonstrating the problem of how not to advance. Within less than 100 miles of the United States, and receiving from this country nearly its entire revenue, amounting to, say, \$100,000,000 per annum, there is not the first trace of Americanism to be found in the whole island.

"If you ask my opinion as to why this is so, I answer because of the 'Americanism' which has been instilled into Hawaii, even to its lowest strata. And if that Americanism shall be allowed to grow and increase under the fostering influences of a close commercial and political union or relationship with the United States, Hawaii will make another star in the galaxy not less bright, and repay tenfold the favors that have been lavished upon her."

The author of the above opinion has lived in Hawaii since 1897, and spent three months of last year in Cuba.

Trusting that you will pardon so lengthy an epistle, believe me, my dear Senator,

Yours, very truly,

FRANK P. HASTINGS.

Hon. JAMES H. KYLE,  
United States Senate, Washington, D. C.

In the article of Mr. Thurston referred to I find the following interesting résumé of the advantage accruing to the United States under the reciprocal trade arrangements:

#### RÉSUMÉ OF UNITED STATES GAINS UNDER THE TREATY.

First—Duties remitted by Hawaii	\$3,500,990
Second—Profits made and property acquired by Americans	
1. From increase of sugar production:	
(1) Increase of sugar property owned by Americans	23,235,510
(2) Profits made by Americans out of sugar	14,830,858
(3) Commissions paid American agents	3,000,000
2. From increase of exports from the United States to Hawaii, profits on \$32,447,510	\$3,244,751
3. From increase in shipbuilding for Hawaiian trade:	
(1) Profit on building vessels for the interisland trade	100,350
(2) Profit on building vessels for Hawaiian foreign trade	218,000
(3) Value of American shipping engaged in Hawaiian trade	2,636,000
4. From freights earned by American ships:	
(1) Foreign freights	7,825,441
(2) Interisland freights	1,152,000
5. Property in Hawaii acquired by Americans:	
(1) Incorporated property (other than sugar and ships), which are enumerated above	3,973,506
(2) Unincorporated property (other than sugar and ships)	5,000,000
6. Premiums collected by American insurance companies	2,189,350
Total American gains under treaty	70,973,464
Deduct American losses under treaty	42,680,798
American net profit under treaty	28,292,666

This does not include the profits to thousands of American merchants who are indirectly benefited by reason of exports to the islands, nor the enormous sum received by American vessels in carrying passengers. Nearly all vessels employed in the carrying trade of the islands are American. The total American vessels given is 195, English 42, and all others 30.

But, Mr. President, in conclusion, waiving for the time being the question of annexation, we are asked by the provision of the bill before us to appropriate \$500,000 toward a cable to the islands. In view of the foregoing figures as to our commerce there seems to me to be but one side to the question. For a quarter of a century our commerce has been crippled for want of speedy communication, not to speak of the advantage to the Government and citizens generally of such a convenience. Whatever views Senators may entertain as to the Monroe doctrine, or any other doctrine, we should not hesitate to act in such an important matter as this. Great Britain has already been negotiating with the islands regarding the cable, and will probably get a concession on some terms if we do not take steps very soon. Her possessions now encircle the globe. With a well-defined policy and a steady determination she has planted her flag on continent and island until we to-day are almost surrounded by a cordon of English possessions. Hawaii alone remains to complete her circle. And it is more than probable that we shall allow this prize to fall into British hands. I have one hope and that is the patriotism and energy of the people.

With the construction of a canal across the Isthmus, which will soon be done, the importance of commercial control of the Hawaiian Islands will be greatly augmented. Now is the time to move, and the progressive spirit of the American people commands that we go forward. This is not a party question, but an American question; a question whether we shall lie supinely down and dream out our future, letting England complete her mastery of commerce, or whether we rise to the occasion and control the western seas.

I append an epitome of a very strong argument for annexation by Dr. Corwin, of Honolulu, as part of my remarks.

#### APPENDIX.

ELEVEN GOOD REASONS—DR. CORWIN'S ANNEXATION ARGUMENT—A FORMER PASTOR OF THE PORT STREET CHURCH ADDRESSES A CHICAGO MINISTERS' MEETING.

The Rev. Eli Corwin, D. D., pastor of the foreign residents' church (the Port Street Congregational) in Honolulu between the years 1868 and 1888, when Commissioner Thurston, Carter, and Castle, and Gen. S. C. Armstrong were boys in his parish, read a paper on "The Annexation of the Hawaiian Islands" before the Congregational ministers' meeting yesterday, says the Chicago Inter Ocean. He gave as among the more manifest reasons for the annexation of the islands to the United States the following:

1. These islands have been developed physically, financially, intellectually, socially, and spiritually chiefly by the American residents. A nation which our countrymen have created most naturally gravitates in this direction.

2. The Hawaiian people were, in the lifetime of a single generation, from 1830 to 1880, lifted up from abject barbarism to take their place among the civilized and Christianized nations of the earth almost solely through the labors and beneficent influence of the American religious community on the islands.

3. The American foreign residents and their children born on the islands have been the champions of civil as well as religious liberty for the native Hawaiians, and have been most influential in securing all the civil rights enjoyed by those who, little more than half a century ago, were degraded serfs, having no title to the lands they tilled or to the fruit of their toil, extorted from them by their kings and chiefs, who ruled them with a heartless tyranny.

4. Fully two-thirds of the property on the islands belong to the American residents, who have come into possession of it by intelligent and honest industry, and by developing the agricultural and commercial resources of that wonderful land; so that while they have been enriched the natives have not been impoverished, but have partaken of the general prosperity.

5. While the Americans, the Germans, the better class of progressive British, and some of the other foreign residents have been the staunchest advocates of civil and religious liberty, as they are now the most earnest advocates of annexation, another small class of British residents have been the leaders of a party of obstruction, jealous of American influence, advocating a retrogression toward absolutism in politics, and a lowering of the standards of morality which the missionaries and their children approved and illustrated. Notably during our civil war the English who sought to maintain the dominance of British influence favored the blotting out of American ideas from the Hawaiian constitution and the curtailing of the liberties of the people, as they now bitterly oppose annexation and plot to restore a justly deposed and detested monarchy.

6. The future of the islands as to political stability, financial prosperity, security of life and property, educational advancement, social culture, and spiritual progress depends very largely upon the supplanting of a thoroughly corrupt and untrustworthy monarchy, which has repeatedly broken the most positive promises and violated solemn oaths; has attempted to license the death-dealing opium traffic and to establish a demoralizing lottery among a people too easily led into the vice of gambling, and has patronized a retrogression toward the morally loathsome old heathen customs and a restoration of the horrid orgies of the ancient heathen worship.

7. The United States should promptly and heartily welcome the generous offer of the islands by the Government, not only because annexation is every way desirable for the islands, but because duty demands and parental instincts dictate that we throw our protecting arms about our own children, whose filial voice we recognize, and who, with a heroic loyalty alike to Hawaii and their fatherland, have staked everything upon this issue.

8. A clear prevision of this as the ultimate destiny of the islands has prompted all our great statesmen, without distinction of party, to guard the independence of this group till it should be ripe for an annexation. Now that the long-cherished and eagerly coveted fruit is ripe and ready to fall, it would indicate a paralysis of statesmanship not to reach out our hands to take it.

9. The contiguity of these islands to our western coast, the intimacy and growing importance of our commercial relations, their position as the halfway house at the grand crossing of our Pacific commerce, the extent of which but a few years hence no man can estimate; our need of them as a coaling station, which we can not afford to have under the control of a maritime rival; our need of them as a base of operations in conducting a war, whether with a South American, a European, or an Asiatic power, and our need of them as a central position from which to do our share of policing the Pacific in times of peace, guarding our growing trade from the piracy which already watches for such a prize; these all urge us in the imperative mood and the present tense to risk no further delay for which a too-late repentance can make no amends.

10. As a business transaction, it can not be bad policy to accept the generous offer, if by the outlay of three or four millions we may secure assets richly worth \$12,000,000, with all the collateral advantages thrown in. Promptly to seize this opportunity is to secure a fortune. What folly, then, to delay when simply for the taking we may possess these priceless gems of the Pacific seas, these matchless emeralds in a coral setting. These jewels which the Old World monarchs are coveting are worth more than all the patronage our President has to dispense. Why spend one's time in hunting ducks and lading out political pap when it is time westward to let the old eagle fly? Oh, for one hour of a vigorous foreign policy! "Oh, for the touch of a vanished hand" in our weak diplomacy.

11. In the dark days of our nation's peril the American community on the Hawaiian Islands lavished of its treasures hundreds of thousands of dollars and gave the best and bravest of its young men that our flag might not be trailed in the dust. Coldly to repel them when they seek an alliance with their fatherland and lay the richest treasures at their feet is but poorly to repay them for their patriotism.

"At the strategic point where we pass from the limits of Occidental civilization to the borders of the semibarbarous Orient," continued the speaker, "there is a clashing of forces in which American and Asiatic ideas are contending for the mastery. Can Christian America be indifferent to the issue? The restoration of a rotten royalty and a maggot-infested monarchy that fairly smells to heaven, if not in the other direction, with its political putrescence, is a calamity to be resisted by every liberty-loving Hawaiian, though it should involve the expenditure of the last dollar of his money and the last drop of his blood. There come occasions when forcible resistance to tyrants is the first of Christian duties, and this is one of them."

The Inter-Ocean makes editorial comment on the above as follows:

#### THE PRESIDENT AND THE PREACHERS.

Among "the more manifest reasons for the annexation of the Hawaiian Islands to the United States" yesterday assigned by the Rev. Dr. Corwin before the meeting of the Congregationalist ministers of Chicago, and approved by them, are those of kindred, of morals, and of justice.

It has been mainly by American missionaries and by the American traders and planters that the condition of the natives of Hawaii has been raised from that of serfs to that of freemen. The monarchy of Hawaii prior to 1830 was absolute, despotic, savage, and tyrannous. Neither life nor property was safe from the anger or the greed of the native kings. Between 1830 and 1860 the natives had been reclaimed from barbarism, imbued with ideas of free-

dom, taught the meanings of wages and of contracts, and inducted into the philosophy and practice of civilized trade and civilized agriculture, and this almost wholly by American influence.

Most of the Germans, British, and other foreigners who have become residents of the islands since 1850 have acted in concert with the Americans and with the more enlightened natives toward further limitations of the powers of the native monarchs and further extensions of the commercial, political, and religious liberties of the people. But there has been and still is a coterie of foreign residents, mainly of British origin, who are hostile to all political and moral progress, and specially hostile to progress in the direction of republicanism. These have sought to strengthen the powers of the native monarchs, to encourage the native population in its old-time habits of vice, and to obstruct alike the evangelical work of the churches and the political work of the party of progress. These British residents sought to enlist the Hawaiian monarchy in aid of the Confederacy during the time of our civil war. They now are rejoicing in the aid that President Cleveland's "my representative" is giving to the party of reaction and of hatred to Americanism.

So much for the morality of the situation. Kinship also pleads. Most of the men who conduct the business of Hawaii and make it a place fit for civilized people to dwell in are of American descent. They have converted lands that but a few decades ago were as valueless as those of Ashantee and Dahomey into flourishing plantations, or into populous villages or cities. While enriching themselves they have enriched the natives. They have been benefactors of the race.

Return to the rule of the native monarchs means depreciation of the property of our kinsmen in Hawaii, abridgements of their liberties; perhaps loss of all that they now possess. The monarchs of Hawaii have been swayed by all the vices of monarchy. Always vicious, they never have been intelligent. They have been as stupid as the Bourbons and as treacherous as the Stuarts. It is somewhat strange to find a President of the Republic of the United States of America using his personal influence in behalf of the perpetuation of such a dynasty.

#### LOUISIANA OR HONDURAS LOTTERY COMPANY.

Mr. CALL. I ask permission at this time to submit a resolution, which I ask may be printed and lie upon the table.

The PRESIDING OFFICER. The resolution will be printed and lie on the table, in the absence of objection.

Mr. CALL. Is it not necessary to read the resolution at the present time?

Mr. ALDRICH. I should like to have the resolution read, so that we may know what we are to act upon.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

*Resolved by the Senate, That a special committee be, and is hereby, created, who shall be charged with the duty of inquiring and reporting to the Senate whether the Louisiana or Honduras Lottery Company has been established and is now operating in the State of Florida and is engaged in business there and in the use of the mails and of the interstate-commerce corporations or companies in violation of the laws of the United States. The committee shall also inquire whether the Louisiana or Honduras company, its owners, managers, directors, or agents have entered into a combination with any person or persons or corporations for the control of the elections of the members of Congress, and whether it owns, either directly or indirectly, any interest in newspapers published in the State, and whether they, or any of them, have contributed money for the establishment of newspapers or for subsidizing newspapers.*

The committee shall also inquire and report what sums of money, if any, have been expended by the Louisiana or Honduras Lottery Company to influence the legislation of Congress, or by any person or corporation in any way connected, combined with, or interested in such lottery company, and by what persons such money was expended, and by what persons it was contributed.

The PRESIDING OFFICER. The resolution will go over and be printed.

Mr. ALDRICH. Does the Senator from Kentucky consent to the introduction of a resolution of that character at this time?

Mr. BLACKBURN. The Senator from Kentucky was not in possession of the floor, but he would have no objection to the Senator from Florida introducing his resolution as often as he pleased. It seems to be a part of the hippodrome.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8563) to adopt special rules for the navigation of harbors, rivers, and inland waters of the United States, supplementary to the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea;" agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ROBBINS, Mr. PIGOTT, and Mr. WHITE managers at the conference on the part of the House.

The message also announced that the House had passed the following bills:

A bill (S. 828) granting a pension to Julia E. Lock, formerly widow of the late Gen. Daniel McCook;

A bill (S. 1526) for the relief of Henry Halteman; and

A bill (S. 2736) for the immediate relief of the suffering poor of the District of Columbia.

#### PROPOSED CONSIDERATION OF PENSION BILLS.

Mr. GALLINGER. Mr. President, I desire to make a request that one-half hour be devoted to the consideration of private pension bills on the Calendar favorably reported at the close of the consideration of the bill now under consideration this afternoon, if there be time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire. The Chair hears none, and it is so ordered.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8234) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1896.

Mr. WHITE. Mr. President, I am asked by the Senator from Kentucky [Mr. BLACKBURN] to yield to a request he intends to make with reference to the consideration of the pending bill.

Mr. BLACKBURN. With the permission of the Senator from California, I ask unanimous consent of the Senate, in view of getting on with the work of the appropriation bills, that, without further debate, the vote may be taken upon the amendments then pending and upon the bill, say, at 2 o'clock to-morrow. At 3 o'clock to-morrow, by order of the Senate, resolutions relative to the death of the late Senator Stockbridge are to be presented; to-morrow will be Saturday, and I trust there will be no objection to the Senate coming to a vote without further debate upon the amendments to the bill and the bill itself at 2 o'clock to-morrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky?

Mr. PETTIGREW. I object.

Mr. BLACKBURN. Very well; that is all I can do, Mr. President.

Mr. MITCHELL of Oregon. Will the Senator from Kentucky yield to me?

Mr. WHITE. I have the floor.

Mr. MITCHELL of Oregon. I beg pardon.

Mr. BLACKBURN. The Senator from California yielded to me to submit a request.

Mr. WHITE. If the Senator from Oregon desires to make a motion, or something of that kind, I have no objection.

Mr. MITCHELL of Oregon. I desire to make a few remarks on the pending bill for about five minutes.

Mr. WHITE. I simply desire to make a few remarks upon this matter. I shall not occupy the floor for any extended period of time, but I desire to submit some informal considerations.

The PRESIDING OFFICER. The Senator from California [Mr. WHITE] is entitled to the floor.

Mr. WHITE. Mr. President, the question pending before the Senate has reference exclusively, as I understand it, to the propriety of appropriating \$500,000 toward the laying of a cable to Honolulu, to whatever point upon those islands may be found desirable. Yet the discussion has broadened until there has been included not only the cable issue, not only the Hawaiian revolution, but also a variety of topics pertaining to annexation. The Senator from South Dakota [Mr. KYLE], who has just taken his seat, has even elaborately discussed the effect of missionary expeditions to the Hawaiian group, and has presented a far more delightful narration of the good that he asserts has been done than that which was afforded by his colleague [Mr. PETTIGREW].

Mr. President, if we trace the numerous controversies which have thus been tendered for investigation throughout their entire length and breadth, it is safe to say that this discussion will not terminate until the life of the present Congress expires. I shall briefly allude to two or three matters which have been debated rather fully, though not directly involved, and then shall say a word regarding the cable.

In the beginning permit me to observe that I see no reason to confound the submarine cable with other subjects. I see no reason for the conclusion that it is essential for us to favor the annexation of the Sandwich Islands, and to uphold Mr. Stevens and the missionaries in order to justify an inclination toward the construction of a cable. The propositions appear to me to be entirely dissimilar, and one does not at all depend upon the other.

In the first place, Mr. President, I will mention and comment upon the instructions which have been criticised by several Senators, and which were given by the Secretary of the Navy to Admiral Beardslee. Those instructions, so far as they are at all pertinent to this discussion, are worded thus:

Proceed with the United States ship *Philadelphia* with dispatch to Honolulu, Hawaiian Islands.

Your purpose as commander of the naval forces of the United States will be the protection of the lives and property of American citizens. In case of civil war in the islands you will extend no aid or support, moral or physical, to any of the parties engaged therein, but you will keep steadily in view that it is your duty to protect the lives and property of all such citizens of the United States as shall not by their participation in such civil commotions subject themselves to local laws, and thus forfeit their right in that regard to the protection of the American flag. An American citizen who during a revolution or insurrection in a foreign country participates in an attempt by force of arms or violence to maintain or overthrow the existing Government, or who aids in setting on foot a revolution or insurrection in such country, can not claim as matter of right that the Government of the United States shall protect him against the consequences of such act.

The attack upon these instructions was inaugurated by the Senator from Colorado [Mr. TELLER], who, I am glad to see, is in his seat at this time. After prolonged discussion it now seems that there is not as much difference between Senators as was at first manifested. It is disclosed that the real contention now is what was meant by the instructions. I presume that no one will



say that if an American citizen participates in an attempt to overthrow or maintain the Government in the Hawaiian Islands, and that long thereafter and as a consequence of his act some absurd and unprecedented penalty is sought to be visited upon him, he would forfeit his privilege as an American citizen to proper interference in his behalf. I apprehend that when Mr. Herbert used the language he employed he used it in the light of events which had taken place, and with which the whole country was then as now familiar. He was correct in assuming that strained interpretation would not be made by those whose conduct it was designed to influence.

I am not able to admit that any of the authorities which were cited by the Senator from Colorado to the slightest extent conflict with the obvious meaning of the rule laid down by the Secretary of the Navy. I find in a letter from Mr. Frelinghuysen, Secretary of State, to Mr. Lowell, dated April 25, 1893, cited in 2 Wharton's International Law, page 453, the following:

*Its [American citizenship] assumption implies the promise and the obligation to observe our laws at home, and peaceably as good citizens to assist in maintaining our faith abroad, without efforts to entangle us in internal troubles or civil discord with which we have not, and do not wish to have, anything to do. When an American citizen thus conducts himself, whether at home or abroad, he is entitled to the confidence of his Government and active support of all its officials.*

It will be noted that the Secretary at that time, in defining that conduct of the American citizen which entitles the person pursuing it to the protection of this Government, stated that it was that which induced him to abstain from participating in internal troubles or civil discord. He drew no distinction between those who seek to maintain and those who endeavor to overthrow. We have a treaty with the Hawaiian Republic, that is, a treaty entered into with the preceding Government, and which is still in full force and effect, whereby our people are exempted from all kinds and descriptions of military duty. Hence, if an American citizen aids by force or violence either party to a Hawaiian revolution he does so without compulsion and at his own risk. Such is the rational reading and plain meaning of the instructions referred to.

Mr. President, I am free to concede that if the Government now in power in Hawaii chose to seize an American citizen and force him to render military service—to bear arms against his will—he would in such event forfeit nothing; but I do contend that if an American citizen sees fit to enlist under a foreign flag and to engage in war he is not protected from the consequences of that war—the reasonable, natural, ordinary consequences. I do not include remote consequence, cruelties, for instance, which a party successful in the conflict might attempt to impose, but I refer to the consequences commonly anticipated.

With this in view, I asked the Senator from Colorado, while engaged in making his remarks, whether he intended to maintain that if the Government of the United States found one of its citizens enlisted under the banner of Hawaii it was the duty of that Government to maintain and assist such citizen to the end that he might not be harmed in the progress of his military engagement. The Senator very promptly replied that he did not so contend. Thereupon it seemed to me that all the attacks upon these instructions necessarily fail, unless we are to give them the absurd reading that Mr. Herbert intended to advise that when an American citizen enters into the service of a foreign power any danger menacing him afterwards which might be but dimly traced to, or might find as its distant cause, his first engagement or the animosities thereby engendered, can not be averted by act of our Government. I do not understand that any such instruction was given, and under the circumstances of the case Admiral Beardslee can not so construe the language. Senators who do not view this matter as I do concede that an American joining the Dole forces may be slain in battle by revolutionists without the occurrence of any obligation on our part to save him. He may be shot down, they say, but must not be imprisoned. Revolutionists may kill him in conflict, but they can not capture him; or if they do capture him he must be released at once, to rejoin, no doubt, the army of the Government he is endeavoring to maintain. It results that the revolutionist must avoid taking American prisoners. I fail to detect the logic of this argument.

Mr. President, all instructions, as well as court opinions, are given in view of the facts of the particular case. In the present instance this Administration had, as I consider upon ample proof, come to the conclusion that United States officers under the inspiration of Mr. Stevens had not abstained from mingling in internal contention as they should have abstained, and as matters were somewhat disturbed, the Government having been but recently threatened by revolution, it was not unnatural that the Administration should caution its officers against a renewal of antecedent interference and should enjoin upon Admiral Beardslee the propriety of preventing any service by the marines of the United States in the interest of either party to a civil conflict. History shows that timely warnings are necessary. Some military men go abroad anxious for excitement and not thoroughly versed in international obligations. The instructions are all right. When the present

Government was in the formative process those who are now condemning Mr. Cleveland did not find it advisable to insist that it was wrong to support a revolution and a matter of duty to sustain the existing condition.

Mr. President, my friends upon the other side of this question have urged upon us during this debate, as they urged at an earlier date, the propriety of the annexation of Hawaii. I do not propose to run over this matter in detail. In an address which I delivered here upon the 21st of February last I stated my views quite fully. However, in the light of the position which I am about to take with reference to the cable appropriation, I deem it well to anticipate any misunderstanding as to my position concerning annexation, and I shall very briefly reiterate what I have heretofore advanced against the carrying out of such a plan.

First, I am opposed to such annexation, because I believe that we are not in a condition to bring within our confines the elements which there exist. There are Europeans in Hawaii who would undoubtedly make valuable citizens if they saw fit to assume the obligations of that condition. The statistics furnished us vary somewhat; but I am willing to assume, and such must indeed be the fact, that a large majority of the Europeans upon the islands could qualify for citizenship. Much has been said in reference to the Portuguese who reside there. If these Portuguese belong to the class to which Portuguese citizens in California belong then I can assert with certainty that they would make valuable citizens and would contribute their proper share toward the maintenance and support of any Government and the advancement of the people. But when we put aside the European element, what do we encounter? What races constitute the preponderating population in these islands?

The Senator from South Dakota [Mr. KYLE] who spoke this morning stated—and I suppose he must know about it—that the native population has no will—the islander has no will of his own. The Senator gave this conclusion as a reason showing that we should not demand as a condition precedent to annexation the acquiescence of all the people, that the people were of such a kind and character that they had no judgment, no discretion, could not be charged with willfulness, and yet, singularly enough, he followed this with the statement that, as the net result of the visits and teachings of the early missionary, the natives had been elevated (?) to their present happy state. I think that the missionaries have done far more good than the Senator seems to imply by this declaration. I will perhaps concede that if the people of the islands are reduced to a condition where they have no wish, no will—they are incapable of voluntary act—that they are happy; they certainly can not appreciate unhappiness. But will anyone contend that a population of that sort, whether it be a happy population or not, could be otherwise than detrimental to this Republic? Who desires fellow-citizens or neighbors thus constituted and disqualified?

Then we have the Japanese. It is said that there are now nearly 20,000 Japanese in Hawaii—though, according to the statistics furnished by Mr. Blount, there were, when the census upon which he relied was taken, but a little over half that number—but there are some 20,000 in the islands at this hour. There are likewise on hand almost as many Chinese. Mr. President, we have passed most drastic legislation against Mongolian immigration. We have endeavored to keep Chinamen away from the United States; we have affirmed that their presence is not only hostile to the best interests of this Government but may be positively destructive of it.

The PRESIDING OFFICER. Will the Senator from California please suspend for a moment, to enable the Chair to lay before the Senate a message from the President of the United States, which the Secretary will read.

Mr. WHITE. Certainly.

Mr. BLACKBURN. Before the message is read I ask the unanimous consent of the Senate that at the hour of half past 2 o'clock to-morrow the Senate will, without further debate, proceed to vote upon the then pending amendments to the pending appropriation bill and upon the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky that at half past 2 o'clock to-morrow the Senate proceed to vote on the amendments to the pending bill and on the bill? The Chair hears no objection, and it is so ordered.

The message from the President of the United States will now be read.

The Secretary read as follows:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a copy of a telegraphic dispatch just received from Mr. Willis, our minister to Hawaii, with a copy of the reply thereto which was immediately sent by the Secretary of State.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 8, 1895.

The PRESIDING OFFICER. The message and accompanying papers will be referred to the Committee on Foreign Relations and printed, if there be no objection.

Mr. FRYE. Let the dispatches be read, Mr. President.

Mr. HALE. Yes, let everything that accompanies the message of the President be read.

The PRESIDING OFFICER. The dispatches will be read.

The SECRETARY read as follows:

COOPER.

United States Dispatch Agent,  
Post-Office Building, San Francisco, Cal.

Forward following by first steamer to A. S. Willis, United States minister, Honolulu:

If American citizens were condemned to death by a military tribunal, not for actual participation in reported revolution, but for complicity only, or if condemned to death by such a tribunal for actual participation but not after open fair trial with opportunity for defense, demand delay of execution, and in either case report to your Government evidence relied on to support death sentence.

Mr. Willis to Mr. Gresham.

[Telegram.]

HONOLULU, January 30, 1895 (San Francisco, February 6, 1895).

Revolt over 9th. Casualties: Government one, royalist two. Court-martial convened 17th; has tried 38 cases; 200 more to be tried, and daily arrests. Gullick, former minister, and Seward, minister, major in Federal Army, both Americans, and Rickard, Englishman, sentenced to death; all heretofore prominent in politics. T. B. Walker, formerly in the United States Army, imprisonment for life and \$5,000 fine. Other sentences not disclosed, but will probably be death. Requested copies of record for our Government to determine its duty before final sentence, but no answer yet. Bitter feeling and threats of mob violence which arrival of Philadelphia yesterday may prevent. Liliuokalani made prisoner on 16th; on 24th relinquished all claims and swore allegiance Republic, imploring clemency for Hawaiians. Government replies to Liliuokalani, "This document can not be taken to exempt you in the slightest degree from personal and individual liability" for complicity in late conspiracy. Denies that she had any rights since January 14, 1893, when she attempted new constitution. "Fully appreciates her call to disaffected to recognize Republic, and will give full consideration to her unselfish appeal for clemency" for participants.

ALBERT S. WILLIS.

Mr. HALE. Will the Senator from California allow me?

Mr. WHITE. Certainly.

Mr. HALE. Mr. President, nothing can so strongly emphasize the need of the most direct and swiftest communication between this country and the Sandwich Islands as the documents which have just been presented to the Senate. What events, tragic and melancholy, may occur before the dispatches which have been sent from the State Department to our minister reach him no man can tell. I should say that every Senator here, whatever may have been his feeling heretofore about the situation in the Hawaiian Islands and the controversies which have arisen, must now feel the deepest regret that the Government there, under whatever emergencies it may be, is subjected to any temptation to a line of ultra severity such as might not be sustained by the humane sentiment of the world. I only wish that the agitation of this cable project had come earlier, in order that the message sent by the Secretary of State to our minister might be communicated to the authorities of the Sandwich Islands, so that extreme measures, such as will not be justified by American sentiment, will not be resorted to.

Mr. FRYE. Will the Senator from California allow me?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Maine?

Mr. WHITE. I yield to the Senator from Maine, as I did to his colleague.

Mr. FRYE. My colleague did not mention the fact that the date of this dispatch from Mr. Willis is nine or ten days ago or a little more, and that the dispatch has just reached here; and my colleague did not state, what is true, that the steamer for the Sandwich Islands sailed last Tuesday morning, I think, and that another will not sail for a week after, and that it will be ten days at least before that direction of the President of the United States to his minister will reach him, making about twenty or thirty days to get any notice, no matter how important the event, to his minister and from his minister. I think that emphasizes very distinctly the importance of a cable.

Mr. HALE. Undoubtedly.

Mr. TELLER. I do not wish to interfere with the speech of the Senator from California, but I hope he will allow me to say a word about the President's message.

Mr. WHITE. Certainly. I have yielded to other Senators, and will not discriminate.

Mr. TELLER. I notice in the report of our minister that two of those people are spoken of as Americans. They are not said to be American citizens, and I should presume they are citizens of the Hawaiian Republic. I observe that in the dispatch which the Government sends to the minister they speak of the protection of American citizens. I know we have no right, treating those people as a nation, to say that they may not proceed against their own citizens, if their own citizens have committed crimes against their law, but I think it would be well, and I should like to make that suggestion, for the Government of the United States to go to the extent of asking the Hawaiian Government to suspend all harsh operations, such as inflicting the death penalty even upon

their own citizens, until the Government of the United States can confer with them with reference thereto.

Mr. President, we went through a great civil war, the greatest known to history, and we did not find it necessary to execute anybody when we got through.

Mr. HALE. Not a single man.

Mr. TELLER. Not a single person. I do not think the émeute, or whatever it is called, which has occurred in Hawaii will justify those people in the harsh methods on which they seem to have started. I hope the Government of the United States will take prompt steps to see that those people, although they may be citizens of Hawaii, are not executed in a manner that will shock the civilized world.

I do not know that we could afford to give any direction to the State Department, but if there are any members of the Committee on Foreign Relations present, and I see one before me, the Senator from Maine [Mr. FRYE], I should like to suggest that the committee consult the Department, and see if some suggestions can not be made by our Government in a friendly way, and in a proper way, to the Government of Hawaii to the effect that they do not proceed to the extreme measure which it is indicated in the dispatch from the minister that they may take.

Mr. SQUIRE. Will the Senator from California [Mr. WHITE] yield to me for a moment?

Mr. WHITE. I give notice that even unanimous consent on the part of the Senate will not get the floor again. I yield to the Senator from Washington, however. I shall be brief in what I have to say.

Mr. SQUIRE. With the permission and by the courtesy of the Senator from California I desire to ask the Senator from Colorado [Mr. TELLER] whether he is in favor of allowing the people who have been interfering with the existence of the Government in Hawaii to go absolutely untouched, free, or whether his distinction is that he wishes them to be tried by a civil tribunal and not by a military tribunal.

Mr. TELLER. I do not care how the Government there shall proceed. That has nothing to do with the question. When the Mexican people had obtained control of affairs in Mexico, and we supposed they were about to execute Maximilian, the Government of the United States intervened in a friendly way, and said "we do not think you ought to inflict the death penalty." That is all I propose that our Government shall say now. We can not say that the Hawaiian Government shall not punish those people; we can not say they shall not execute them if they see fit; but a suggestion from the Government of the United States will be followed. There is no danger of its not being heeded.

Mr. FRYE. But they can hang every American citizen in the Hawaiian Islands before we can get any suggestions to them.

Mr. TELLER. I am afraid that is true.

Mr. HALE. That we can not help.

Mr. TELLER. We can not help that until we get a cable.

Mr. WHITE. Mr. President, there is one feature of the Hawaiian controversy which should commend itself to those who desire protracted discussion, namely, that when a particular branch of the subject becomes threadbare we are invariably furnished with something new. I will say a word with reference to the dispatches which have just been read as soon as I conclude my summary of the annexation question.

When interrupted I was attempting to show the Senate that the population of Hawaii is not fitted for our affiliation. We have endeavored to exclude Chinese, and there are but a hundred and six or a hundred and seven thousand Chinese now in the United States. Yet it is proposed to acquire territory which contains a Chinese and Japanese population amounting to over 40,000 souls. It would not be beyond the truth to say that the Chinese and Japanese population which would thus be added to that of the United States equals two-fifths of the Mongolians within our borders. The people whom I in part represent have for years been striving to exclude this competition, and a few misguided individuals in different parts of our country have, because of the prevalence of a determined sentiment antagonistic to Chinese attempted to drive them away by violence. So dangerous to society had their presence become that both nations reached the conclusion that it was essential that Chinese immigration should be prohibited. When we reflect that such has been our legislation and such our history, without a break in the continuity of the story, it is manifest that it would be utterly inconsistent and even iniquitous to absorb the very elements against whose presence we have so long and so earnestly contended.

Why should we invite those whom we have driven away? Will the Chinamen from Hawaii be any better than the Chinamen who have come from Hongkong? The Japanese population of the islands is not of an exalted character. It is a coolie population. It is a population formed of the very lowest class of Japanese subjects, and yet Senators tell me that they are willing to bring within this Republic a ~~sex~~ contribution wholly incapacitated for intelligent government. The claim made by the present Republic



of Hawaii, if it is such, is that all save the selected few are not fit to vote, and the argument of Mr. Stevens, when defending his course in a speech made in Boston, is based upon the assumption that the vast majority of the island inhabitants are grossly ignorant.

The Senator from South Dakota [Mr. KYLE] reiterates that statement to-day. He tells us that the natives have no will. They are perhaps human, made in the image and likeness of their Maker, but according to my friend the infusion of missionary principles has left the convert without the ability to think or to act pursuant to desire. Hence, it is urged they need not be consulted.

Are we, then, anxious for a population of that kind, even though it be true that the island soil is productive, even though it be true, as stated by the Senator from South Dakota [Mr. PETTIGREW], that all one has to do in the Hawaiian group to make a living is to plant a banana and steal a fish line?

Is it wise to annex territory thus inhabited? Have we not problems pressing upon us every day, appealing to us every hour with reference to the incapacity of many who are now in the United States? Do we not know that our immigration laws are being daily made stronger, so that we may be able to exclude those who are not fitted by disposition, education, or surroundings to appreciably share in the blessings of that equal liberty which can be safely exercised only by men of sound mind and honest heart? Does anyone pretend to me that the presence of these people will add to our strength or our glory? Grant that the few who set up and maintain, and who in my opinion will maintain, that Republic are educated gentlemen, persons guided by the best of motives and possessing all of the qualifications for American citizenship; still the limited number can not be included without the presence also of the vast horde of incompetents. Mr. President, the undesirable element now here can not be augmented without increased peril.

Someone has suggested that the islands be annexed to the State of California. Mr. President, think of it! Islands as remote from the Pacific coast as Ireland is from New York. Annexed to dominate our politics, to control our elections, to dictate who shall sit in our executive chair, who shall compose our legislature, who shall go to Congress! Where is the guaranty that none but qualified citizens shall vote? I am opposed to the annexation of any country within which the preponderating element of the population is ignorant, or criminal, or corrupt. I do not wish to see as a part of this Republic any land whatever where the vast majority are unlettered and unable to accurately and carefully weigh and truly decide the questions presented for their political adjudication!

These to me are determinative arguments. I can not avoid them. You may say that the Chinese and Japanese can not vote; you may, however unjustly, exclude the natives, but even then you do not meet the objection that I have urged against the incorporation of a community but a small portion of which knows anything of governmental affairs. Nor is it accurate to say, as stated by the Senator from Colorado [Mr. TELLER], that the doctrines of the Democratic party have always been in favor of foreign acquisitions. It is not true, either, that Mr. Jefferson ever advocated the annexation of territory circumstanced as is Hawaii. Mr. Jefferson, in a letter to President Madison, dated April 27, 1809, which can be found in the fifth volume of Jefferson's Works, page 443, in speaking of Cuba, said:

It will be objected to our receiving Cuba that no limit can then be drawn to our future acquisitions. Cuba can be defended by us without a navy, and this develops the principle which ought to limit our views. Nothing should ever be accepted which would require a navy to defend it.

And so Mr. Frelinghuysen, at a later day, in stating the policy which had controlled our Government in this direction, said:

The policy of this Government, as declared on many occasions in the past, has tended toward avoidance of possessions disconnected from the main continent. Had the tendency of the United States been to extend territorial dominion beyond intervening seas, opportunities have not been wanting to effect such a purpose, whether on the coast of Africa, in the West Indies, or in the South Pacific. No such opportunity has been hitherto embraced, and but little hope could be offered that Congress, which must in the ultimate resort be brought to decide the question of such transmarine jurisdiction, would favorably regard such an acquisition as His Excellency proposes. At any rate, in its political aspect merely, this Government is unprepared to accept the proposition without subjection to such wishes as Congress and the people of the United States through Congress may see fit to express.

Thus has it been ever declared by our Department of State that it is contrary of our views of good policy to incorporate any section which can not be well defended without a navy. As I have stated, Mr. Jefferson placed his adhesion to the Cuban proposition distinctly upon the ground that no navy would ever be demanded for its protection because of its proximity to the mainland. Yet, sir, it is sought now to acquire dominion over islands more than 2,000 miles from our shores—lands whose defense would necessitate the employment of an independent and powerful navy.

This is an issue of policy. There is no analogy, as supposed by the Senator from South Dakota [Mr. KYLE], in the Alaskan acquisition. Alaska is a part of the mainland, separated from us, it is true, by the British possessions, but I imagine there never will be

a race inhabiting that land which will care to contend in arms with our nation, or with which any foreign nation will ever care to engage. Alaska is by nature equipped for self-defense and even exclusion. It is valuable to us, perhaps, because of the minerals yet unmined and the many other productions useful to man which were so well and specifically described by the Senator from Oregon [Mr. MITCHELL] in an elaborate and able presentation made here some days ago. But, however this may be, however difficult (and I recognize the difficulty of announcing any absolute rule upon a subject which after all is but a matter of policy), it is plain to me that it will add nothing to our dignity, our efficiency, our grandeur as a nation, or the liberties of our people to annex such a population as that which is contained within the Sandwich Islands.

Mr. SQUIRE. I should like to ask the Senator from California a question. I have listened to what he has read and what he has stated so earnestly and forcibly to-day with great interest, and I believe the subject is one deserving of very serious consideration. I ask the Senator whether the doctrine laid down by him and toward which he has brought the support of the great names he has adduced would have prevailed had the conditions existing at the present day in regard to vessels of the Navy, both the commercial and military marine, existed in those earlier days of the Republic. It is well known and understood now that vessels of war can not proceed upon long voyages without frequent coaling. The rate of speed required for such vessels in order to give them efficiency, and the distances they must traverse require that they shall have coaling stations. Now, this is a condition of things that did not exist when the Navy was composed largely of sailing vessels. The same is true in regard to the commercial marine in a great degree.

I ask the Senator from California whether the present conditions are not such as to tend largely to modify the doctrine he has laid down in regard to the acquisition of territory that can only be defended by means of an American Navy? Does he not conceive it essential to the very existence and efficiency of the Navy that we shall have coaling stations for the Navy, and is it not just as necessary to provide the means for the transportation of those vessels, the fuel necessary, as it is to provide the ammunition for the cannon they bear? Is it not just as essential that there shall be a requisite coaling station for the supplies of the vessels of our Navy as to have the ammunition that is carried to supply the guns that they bear for the purpose of action? Could we not in this respect profitably imitate the policy of the British nation, that great maritime power whose navy dominates the globe and whose policy in some other and less desirable respects receives such servile imitation by some of our people—who can see nothing in the line of progress and development that should shape our policy, especially as to the tariff question, unless it be on the line of English ideas—yet those very people will not accept the example of England as to the necessary coaling stations for its Navy and for commerce. If we can not have our own coaling stations why expend millions of dollars per annum to build and equip a navy? I venture to maintain that the situation to-day is vastly different as to our Navy from what it was in the days of Jefferson, from whose works the extract has been quoted by the Senator from California.

Mr. WHITE. Is the Senator from Washington through?

Mr. SQUIRE. I am.

Mr. WHITE. The question addressed to me by the Senator from Washington would be a very pertinent one were I speaking of coaling stations, and under our very liberal rules I presume I might discuss on the pending amendment coaling stations, or whaling stations, or any other stations. I will simply say incidentally, however, in response to the Senator's remark, that I presume there will be no difficulty in establishing coaling stations even if we do not own the places where such stations are located. In our partnership entered into with two monarchical governments we have managed to secure a station in Samoa, and I believe we have arrangements in Hayti to the same purport. We have also Pearl Harbor in Hawaii. However, if my friend from Washington will read the very able remarks of the Senator from South Dakota [Mr. PETTIGREW] upon this subject he will find that the coaling station which has been described so glowingly in the debates here does not amount to very much; that it is rather superfluous, and not even ornamental.

Concerning the remark of the Senator from Washington to the effect that the policy of Great Britain should be imitated in the matter of acquiring territory and not as to tariff legislation, I do not hesitate to affirm that I am not disposed to send our Navy upon a career of conquest or to do anything else opposed to our ideas of free government and to our notions of human rights. A study of the Declaration of Independence and the Farewell Address of Washington might be read with advantage. We are not discussing England's tariff laws, but I might say that we find much difficulty under our system in our efforts to divert from England the profitable commerce of the world.

I might, in further response to the Senator from Washington, urge that if the very distinguished men whose views I have read had had before them the prevailing Hawaiian conditions they would have strenuously protested against annexation. Moreover, in Jefferson's and even in Marcy's time little was known of the embarrassments of Chinese immigration; the sharp and ruinous competition in labor lines which has resulted from the presence of Mongolians. The numerous questions now before us concerning which labor and capital play so prominent a part were then but casually considered. Many economic problems most difficult to solve have come to the front within a recent period.

To conclude this branch of the subject and to summarize: I am antagonistic to the annexation of the Hawaiian Islands because of their remoteness and more particularly because of their undesirable population. I am unwilling to introduce a political factor of that sort within the United States. I do not intend to aid in permitting Hawaiian precincts to control California elections.

Now, Mr. President, the cable issue is not necessarily dependent for its solution upon our ideas of annexation, or upon our views of coaling stations; but whether we should have a cable connecting this country with the Hawaiian Islands is a matter that should be determined upon commercial considerations and in view of commercial developments, and also because of the desirability of speedy and independent communication with the Orient. I know that the people of California are in favor of this project. It is the general desire in that part of the Union that there should be telegraphic connection with Hawaii now, which will lead, I believe, to an extension ultimately to Yokohama. The city of San Francisco is very nearly on the same parallel with the city of Tokio. The most direct route from San Francisco to Japan lies, of course, north of Honolulu. It is some 2,080 miles from one port to the other. But a cable laid to the Hawaiian Islands and thence to Asia would be of vast utility. It is true that such a scheme involves the expenditure of much money. If the Committee on Appropriations considers that at this time we can afford to inaugurate such an enterprise—and such is the effect of that committee's amendment—I shall not object. I do not consider, as I have said, that the cable and annexation plans are at all interdependent.

We have now no telegraphic communication with Asia except such as we are able to enjoy at the option of other nations. If we owned an Asiatic cable profitable arrangements could be made with Russia and Great Britain with reference to European and Australian business.

A short time back our friends of the other side, who always criticize the President, informed us that the proposition contained in the recent message with reference to the landing of Great Britain's cable at Necker Island should not be countenanced; that it was another diplomatic blunder, etc. The Senator from Connecticut [Mr. PLATT] read the remarks of the President of the United States upon a former occasion with reference to cable communication with Honolulu and there was nothing therein at all antagonistic to the present programme. I desire to call attention to the fact that when Mr. Cleveland has recommended the adoption of a policy differing from that desired by the Government at Honolulu he has been attacked for so doing; and in the present instance, when he asked the Senate to acquiesce in the request of that infant Republic, to do that which the Dole cabinet has requested, he is again made the subject of animadversions. Let us be consistent.

I think that the message of the President in that connection speaks for and justifies itself. Congress had made no effort to lay an American cable. Congress has heretofore done nothing indicating any disposition to connect with the islands. Under these conditions we are asked to waive our right to object to the granting of England's request.

Mr. President, I do not imagine that the Government of the United States will go to pieces if the additional commercial facilities tendered by Great Britain are furnished. I do not believe that any vast advantage will accrue to England if she is allowed to land her cable as designed, so far as any trade competition between that Government and ours is concerned. I think it is absolutely certain, because of the location of the Hawaiian group with reference to the United States, that their commerce must come to the western coast of this country. Self-interest on the part of the islanders requires it. Certainly, while our present treaty with reference to sugar matters exist it is plain that, cable or no cable, we will continue to dominate commerce there. But I agree that the cable will be beneficial. I am confident that with the extension to which I have referred we will profit by the work. The illustration given to-day is very significant. If such a line existed we would be able to determine in short order whether it is our duty to interfere in the cases of those reported to have been condemned by an autocratic military tribunal.

While such reasoning might be invoked with reference to any country in which an exigency has suddenly arisen, that fact would

not lessen our satisfaction were we able to enjoy telegraphic intercourse at this moment.

However, the commercial advantages which will ultimately attend the construction and extension of a cable system to Honolulu are such that I do not feel justified in opposing the appropriation, and I intend to vote for it. I concede that it will require a great outlay to complete the project, but I rely upon a corresponding benefit.

I have not overlooked the constitutional objections which were so fully urged here with regard to Nicaragua and have been repeated in this debate. I do not wish to add to the argument I used in consideration of the canal bill. I do not believe that there is any justification for the theory that we have not the power to thus guard our commercial and governmental interests. We can extend our commercial relations, we can lay a cable wherever we find it essential to do so. The legislative department has the jurisdiction to do whatever will extend, advance, and regulate our commerce and increase our capabilities for common defense.

I concur with Senators who have stated that this is a nation vested with full power as such. It is not half a nation or two-thirds of a nation. We can not afford to place the Republic in an inferior position as contrasted with the great powers of this world. Every American citizen would shrink from such an attempt, and would warmly repudiate such a conclusion. To concede otherwise would be to say that there is somewhere another Government which is more powerful, self-respecting, and enlightened than ours; and more nearly competent to so administer public affairs as to promote the permanent happiness of the people. No such doctrine can ever have my support. Nor do I find any justification for such a theory either in the language of the Constitution or in the interpretations of Chief Justice Marshall, which have become crystallized into permanency by the passage of time and the experience of intelligent patriots.

Mr. President, the message which has just reached us, and which recites the sentences of a military tribunal in Honolulu, discloses a deplorable condition.

I know that my humane friend from South Dakota [Mr. KYLE], who addressed us this morning, and spoke of the soothing influence of missionary contact, will be somewhat horrified when he discovers that the characteristics of barbarism have been thus early disclosed in the first struggle for power by the newly constituted Republic. Undoubtedly any Government making any claim to be such, assumes the right to enforce law, and may visit extreme penalty upon those who by violent overt act dispute its nationality and seek to possess themselves of dominion and supremacy.

But, Mr. President, as was well stated by the Senator from Colorado, the United States passed through an unexampled civil war, and did not find it necessary in a single instance to resort to the imposition of the death penalty for traitorous conduct. I can not believe that the sentences which have been thus announced have been imposed with intent that they shall be carried out. The letter of the law has been probably adopted and commutations will no doubt follow. I do not think that these sentences mean any more than the expression upon the part of those in authority that they have the power to do those things which nationality implies whether represented by a king, a president, or what not. I will not tolerate the thought that anyone who has the slightest conception of free government would under such surroundings convict and execute by wholesale. Mr. Dole's position is such that he can not afford to be otherwise than merciful. When the Queen was deposed, and when she made a threat which the country construed into an intimation that she would execute those who had risen against her if she became once more possessed of the throne, all denounced her as bloodthirsty. There is not a Senator in this Chamber and no one connected with this Government who would not, had she made such an attempt, have used all proper effort to prevent the carrying out of her resolve.

Mr. President, I do not hesitate to say that I would most cheerfully vote for a resolution expressive of the opinion of the Senate that those who have been taken into custody by the Hawaiian Government and who have been thus sentenced should be dealt with leniently. In view of the unsettled conditions prevailing, in view of the infirmities of human passion, having regard to the future of the Republic, the authorities of Hawaii should not be hasty. An enduring republic must be built upon something more solid than a foundation laid in blood, even though it be the blood of the revolutionist who but a few months past was the representative of a Government overthrown by the men who now render judgment.

Mr. President, these occurrences are regrettable. It is to be hoped that in the midst of this disturbance wise counsels will prevail, that the abdication of the Queen, her written and formal renunciation, will prevent further disorder. The Dole Government must be aware that resistance is over and that ultimate



punishments are not required. Caution is ever to be observed in matters affecting human life, and an error now would have serious consequences. While we have no authority to affirm that a foreign government shall not enforce its laws, still, under the peculiar circumstances environing this subject, an intimation to Mr. Dole may not be amiss.

But, Mr. President, if those who have been sentenced are American citizens, if it be true that they were not actually participants in an attempt to overthrow the Government, or even then, if they have been tried and found guilty by a summarily organized revolutionary or military tribunal, trying them and passing upon their cases in the shadow of dangerous conflict—under either of those conditions I would certainly conceive it to be our duty to intervene and to investigate most closely before we withdraw our interfering hand.

The communication from the Executive to-day informs us that in accordance with the long-settled practice of this country a request has been made for information and notice given to withhold the consummation and carrying out of the sentence imposed. In any event this precaution is timely.

Mr. President, this occurrence has tended to increase interest in the cable proposition. I am persuaded that our commerce will be advanced by this expenditure. I appreciate that the large number of American vessels which call at Honolulu do not represent vast trade and that our commerce there is small as compared with that which we share with many other nations.

I repeat that we must in the end go further than Honolulu to find our justification for this disbursement as a business venture. But a commencement must be made, and I shall vote to begin now. Without Government aid a cable will not be laid from the United States. The Senator from Rhode Island [Mr. ALDRICH] accurately remarked that private parties can not be found who will make such an investment, as quick and large direct returns are not to be expected.

Mr. President, I trust that we will maintain the doctrine of noninterference in the internal affairs of Hawaii declared by a formal resolution of the Senate; that we will prevent foreign intervention. And I am convinced that the Administration will continue to take such action as may secure our citizens from persecution and maintain the foreign policy which wise precedents and good faith justify and require.

Mr. MITCHELL of Oregon. Mr. President, I shall occupy the time of the Senate a very few minutes.

The proposition before the Senate is not one of annexation. The precise question under discussion just now is as to whether the Congress of the United States will authorize the President to contract for the laying of a telegraphic submarine cable between the United States and the Hawaiian Islands. I believe that the commercial, naval, and political necessities of the United States require not only that a submarine telegraph cable shall be laid between the western coast of the United States and the Sandwich Islands, but I believe that such a cable should be extended by way of Samoa to New Zealand, Australia, and on to Japan. I have long believed this to be true, and I took action in the Senate looking to the construction of such a cable nearly five years ago.

I desire to attract attention (and it is for that purpose I rose) to the foundation which has been laid heretofore as a basis for the legislation proposed by the pending amendment. On the 2d day of December, 1890, I had the honor of submitting to the Senate a resolution which was on the same day unanimously adopted, and which reads as follows:

*Resolved*, That the Committee on Foreign Relations be, and it is hereby, instructed to inquire into the advisability of the passage of a law authorizing a survey for a transpacific submarine cable route from some suitable point on the Pacific Coast to the Hawaiian Islands, thence via Samoa and New Zealand to Australia, and of legislation encouraging the formation of a company for such purpose, and to report by bill or otherwise.

Mr. GRAY. May I interrupt the Senator from Oregon there?

Mr. MITCHELL of Oregon. Certainly.

Mr. GRAY. Do I understand that the Senator was then advocating the proposition that the Government should become the builder and owner of transpacific telegraph lines?

Mr. MITCHELL of Oregon. I was then desirous, so far as my purpose was concerned at that particular time, to bring the question before the Congress for its consideration. I did not intimate, as the Senator will observe, in the resolution I presented and which was adopted by the Senate, as to how it should be done, whether it should be done by the incorporation of a private company for this purpose and a subvention to such company, or whether it should be done by a direct appropriation of money from the Treasury of the United States. The resolution simply called upon the Committee on Foreign Relations to investigate and report to the Senate.

Mr. GRAY. Then may I make a further inquiry, with the Senator's indulgence?

Mr. MITCHELL of Oregon. Certainly.

Mr. GRAY. Is his advocacy of the present proposition merely as a link in a longer cable communication to the Eastern world?

Mr. MITCHELL of Oregon. Of course I would look forward to the time when the cable would be extended to Samoa, New Zealand, Australia, and Japan.

Mr. GRAY. Or, to finish my question, does the Senator think that the relations between that group of islands in the Pacific Ocean and the United States are sufficient of itself to justify the expenditure of \$3,000,000 by the United States Government?

Mr. MITCHELL of Oregon. I certainly do think so. I think the line in itself would be of immense commercial and political advantage to the people of the United States, even if it were not extended any further.

In pursuance of that resolution, adopted on the 2d day of December, 1890, a provision was inserted in the naval appropriation bill of that year, which became a law March 2, 1891. That provision is as follows:

*Telegraphic cable surveys:* To enable the President to cause careful soundings to be made between San Francisco, Cal., and Honolulu, in the Kingdom of the Hawaiian Islands, for the purpose of determining the practicability of the laying of a telegraphic cable between those points, \$25,000, or so much thereof as may be necessary, and the President is hereby authorized to direct the use of any vessel or vessels belonging to the United States in making such survey.

That then became the law. A short time prior to that I introduced a bill into the Senate, a copy of which I have in my hand, entitled "A bill to incorporate the Pacific Cable Company, and for other purposes," which proposed to incorporate certain gentlemen named as a body corporate, and authorized them to construct a cable to Honolulu. That bill never received the sanction of Congress. It died in committee.

Later on the survey was entered upon in pursuance of the provision of law in the naval appropriation bill, and on January 25, 1892, I submitted to the Senate the following resolution:

*Resolved*, That the President be requested, if not incompatible with the public interests, to advise the Senate as to what action, if any, has been taken, and with what result, in pursuance of the clause contained in the act approved March 2, 1891, making appropriations for the naval service, appropriating \$25,000, or so much thereof as might be necessary, to enable the President to cause careful soundings to be made between San Francisco, Cal., and Honolulu, in the Kingdom of the Hawaiian Islands, for the purpose of determining the practicability of laying a telegraphic cable between those two points.

That resulted in bringing a message from the President of the United States, dated July 27, 1892, transmitting a letter from the Secretary of the Navy, accompanied by a report from the chief of the bureau, and of Lieutenant-Commander Richardson Clover, United States Navy, of the survey which had been made. That is a public document. It shows that a complete survey, looking to the construction of a submarine cable between Honolulu and the United States, had been made, and that the project is entirely practicable and in all respects feasible. A wide lane 300 miles in width clear across the ocean between the two termini was carefully developed and sounded; temperatures taken at the surface, at the bottom, in the middle, and the vertical distribution of temperature throughout the whole depth; the depth ascertained, and the character of the soil determined and reported upon; soundings were taken at alternate intervals of 10 and 2 miles along the whole route, and, as I have said, the report shows that in all respects the route is entirely practicable and the project is a feasible one.

The total length of lines sounded was 4,511 miles; 502 soundings were made with wire and 54 with lead, and a distance of 8,735 miles were steamed by the Government vessels *Albatross* and *Thetis* in making the survey.

I have called attention to these facts for the purpose of showing that all the necessary preliminary steps have been taken looking to the construction of this cable. I shall not stop to discuss its merits further. The proposition is, to my mind, a self-evident one. It requires no argument to demonstrate the immense advantages in a commercial and political sense of the construction of a submarine telegraph cable connecting our Pacific shores with Hawaii. I know of but one more important proposition pending in the present Congress; that is the one relating to the construction of the Nicaraguan Canal. I sincerely hope the amendment of the committee will be agreed to by a decisive vote of the Senate.

Mr. PERKINS. Mr. President, I shall detain the Senate but a very few minutes.

As I understand it, the bill now under consideration is a bill making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1896. The bill has been favorably reported back to the Senate with an amendment appropriating \$500,000 for the construction of a cable from the west coast of the United States—from San Francisco, in California, to the group of Hawaiian Islands, consisting of a cluster of about thirteen islands, containing an area of 6,672 square miles, and a population of about 90,000.

To a casual listener during the past three days, it would have been impossible to determine, unless he had carefully followed the line of argument, whether there was being discussed a question of the annexation of the Hawaiian Islands to the United

States, whether it was a question of the rights of an American citizen in a foreign country, whether Minister Stevens had exceeded his instructions from this Government while representing it at the Hawaiian capital, whether Queen Liliuokalani had been deposed by the authorities of this Government, represented by a man-of-war, or whether it was the character and the morals of the people of those islands. I certainly, while listening to these arguments, have been led into strange paths, and wondered what the object was that we had in view.

When I read the pending amendment offered by the committee, it suggests itself to me as a simple business proposition. Is it to the commercial interests of this country to appropriate \$500,000 at this time toward the construction and laying of this cable? Is it expedient for us to do so? Is it wise business economy? That seems to me the only proposition that there is before us for consideration at this time.

Various commercial organizations throughout this country have petitioned for a cable to the Sandwich Islands during the past ten years. From all the principal commercial cities of our country, notably from California, which I have the honor in part to represent, from the chambers of commerce, the boards of trade of our principal cities, and various other commercial organizations petitions have come to Congress asking the Government to aid in the construction of this cable, because there was not sufficient financial inducement for private capital to construct it; but up to the present time we have talked and talked, referred it to committees, where it has slept "the sleep that knows no waking." To-day, however, we are confronted by the proposition that our neighbor on the north, the English Government, through her representatives in British Columbia, are about to construct and lay a new cable from Vancouver to New Zealand, Australia, and perhaps touching at one of the islands of this group of Hawaii. As has been stated here time and time again, and it is as true as any other commercial law, trade follows the flag.

England is our commercial rival; England has taken from us to-day the trade of India, of China, and of Japan, and by her subsidy to the English line of steamers plying from Vancouver to Australia, she has crippled the line of American steamships which ply between San Francisco and Australia. Our Government has done nothing toward supporting this line of steamers during the past six years. New Zealand, who gave her subsidy for mail service to this American line of steamers, has withdrawn a part of it and given it to the English line of steamers, which is largely subsidized by the British Government to-day. Her ships are built upon specifications and lines required by the English Government, and being so built they receive a large subsidy from that Government. In addition to that they are paid a liberal subsidy to run their line of steamers between Vancouver, New Zealand, and Australia. The result is that the American line of steamers plying between San Francisco and Australia must withdraw from the business. I speak advisedly when I say that they have not earned their operating expenses during the past twelve months.

But it is said, "What has this to do with the construction of a cable to the Hawaiian Islands?" It means everything to the United States. As was stated by the Senator from Maine yesterday, it is the only place on this globe where we have maintained and sustained our commercial supremacy. We are allied to the Hawaiian Islands not only by social, but by the strongest commercial ties; and if we were patriotic Americans we should be allied to them to-day by the warmest ties of political sympathy, for they are the youngest Republic in the world, struggling for individual, civil, and religious liberty, and are trying to solve the problem on these islands of whether our descendants are capable of governing themselves.

It was stated by my friend from Illinois [Mr. PALMER] yesterday that we imported into the United States \$12,000,000 worth of imports and exported only about \$4,000,000 in value during the year 1893, and he asked, "Will you give away in the construction of the cable the full value of what you export to those islands?" I want to say to the Senator, and I speak knowingly on this fact, it is American industry, it is American enterprise, that went down to those islands of the Pacific, that helped develop their resources and made their soil, which was barren, fruitful, by bringing streams from the mountains and irrigating the soil on the slopes of those mountains, which has become so rich that it is producing to-day 5, 6, and as high as 7 tons of sugar to the acre. Seventy-seven per cent of the property in the islands belongs to American citizens—citizens, many of them, perhaps, of the Sandwich Islands, but yet Americans, and that \$12,000,000 which has been brought into this country is not sent back to the islands, but 50, 60, or 70 per cent of it is kept here among our people. It is paid out for machinery, paid out to the farmer for live stock, which he sends to the islands to do the work, for there they can not raise mules and horses and cattle to advantage in sufficient numbers to supply their wants. Every week one, two, or a half dozen vessels leave San Francisco, laden with the product of the farm, with live stock,

with cereals, for the people in those islands. We build their vessels for them. Ninety-eight per cent of the vessels in the Sandwich Islands have been built in the United States. Six or eight have been built in the Atlantic States, and the others have been built in California, in Oregon, and in Washington.

We are allied to the people of those islands by the strongest commercial ties. Their interest is our interest, and our interest is their interest. So far as making that soil productive, we have built thousands of miles of large iron and steel pipes to convey water over deep chasms, over great gulches, and over barren lava beds to irrigate and make fruitful a soil that never produced before. Our commercial interest is therefore with them, for the money which they earn comes to and is expended in this country, instead of, as we are doing to-day, sending to Great Britain and France and Germany \$75,000,000 a year dividends which come from banks, insurance companies, and other foreign corporations who do business here. The money that we receive from the Hawaiian Islands is kept in this country. I could cite to you hundreds and thousands of instances where such money has built up towns in our own country.

The Government of the United States has heretofore looked with favor upon the laying of a cable to the Hawaiian Islands. It sent a man-of-war to survey and sound the route from here to Honolulu.

The Sandwich Islands are the halfway station in the great Pacific Ocean between India, China, Japan, and Australia. When the American line of steamers to which I have alluded are withdrawn, as they will be in the next few months, from plying between San Francisco and Australia, there will not be running south of the equator another line of American steamships.

England has fostered her shipbuilding and fostered her steamships by mail subsidies and other subsidies, so that they have driven American commerce from the seas.

It is business policy for this Government to assist in the construction of this cable, for we have already made a treaty whereby we are to have possession of Pearl Harbor as a harbor of refuge, as a coaling station. It does not do for Senators to whisk it away with a smile of derision, and say that it is not a safe harbor, that it is not of any value to us as a port of refuge or as a coaling station. We have the calm, deliberate report of officers of our Navy who have surveyed that harbor, who have sounded every foot of it, and I, among others on this floor, am a living witness that nature has made it a harbor of refuge—we have made some improvements there—second to none in either the North or the South Pacific.

While it may not be much of an argument to say that our great whaling fleet, which goes every year into the Arctic Ocean to bring to our market two or three million dollars' worth of oil and bone, rendezvous at Honolulu before making their final departure, yet if our Government would imitate the example of Great Britain, of France, aye, of Italy, it would construct the cable for that purpose alone. All parties in the Senate and in the House of Representatives have favored it heretofore, and both parties, the Royalists and the Republicans, of the Hawaiian Islands have favored the construction of this cable.

I wish to say here one word in commendation of the Hawaiian Government—not only the present republican government, but that which preceded it. The Hawaiian Government have been liberal, have been generous in their aid and support of the marine service of their country, and to-day they are paying to the United States what is equal to \$20,000 a year for carrying the mails between Honolulu and San Francisco, and this great Government of ours, this magnificent Government, gives that steamship company the foreign mail postage! What a contrast! What a lesson we may learn from this little Republic, which is giving to-day to an American steamship company \$38,000 in coin for two years' service, and other concessions which are equal to about \$6,000 a year more in the way of free pilotage, exemption from light-house dues, free port charges, free fresh water, and other concessions, and yet our Government sits supinely, folds its arms, and says to the steamship companies: "If you can not compete with foreign countries, retire, and let them do the business!" We have done it to the extent that we are paying to-day \$100,000,000 for transportation of freight and for fares in foreign vessels.

I, for one, believe in an American policy which will build up our merchant marine, which will foster our merchants in their intercourse with foreign countries, and which will make "Old Glory" be the pride, as it always has been, of every eye that can look at it displayed from the peak of an American vessel in a foreign port. We want a new American policy in our marine service.

England stands ready to-day not only to make reciprocity treaties with the Hawaiian Islands, but she stands ready to-day to wrest that trade from us, if she can do it in any way, and she will do it if the enterprise of her merchants, backed and assisted by her Government, can accomplish it, and she will take that trade from us.



Let us to-day do the only thing we can do in the expiring days of this Congress; let us declare that our Government shall reach out a helping hand to the merchants of this country in retaining our commercial supremacy with these great islands of the Pacific.

There is one other thought which suggests itself to me in connection with the manufacturing of this cable. Almost every other thought in connection with it has been mentioned but this, and that is, that this cable will be built in the United States, if our President has the decision of the question, and he will have by this amendment if it shall be adopted. While I may differ from him on many political questions, I believe he is a true and patriotic American. This cable, if its construction shall be authorized, will be built by American mechanics, built from copper made from copper ingots taken from our mines in America; it will be melted in the furnace by coal dug from our mines by American workmen; the American artisan will twist it, draw it out, and put it together until it becomes a cable 2,100 miles long. Then the skill of our scientists will send the thrill of life, of electricity, through it, and when such news is to come to us as has come to-day, instead of waiting ten days or two weeks to get a dispatch to our minister at Honolulu, which we should be obliged to do if we wanted it to reach its destination in proper season, if we wanted it to reach there before an American vessel could sail to Honolulu, we should have to forward it by an English vessel, by a vessel flying St. George's cross, in the custody of an English purser—instead of doing that, we will send it by an American operator, through a cable made by American workmen, and connecting us with our own people in the islands of the Pacific.

I believe that when times are hard it is the time for the Government to be liberal in the expenditure of money. I do not believe it has been wise on the part of the present Congress to withhold appropriations for our public buildings because times are hard. It is when times are hard that we should give the mechanic, the workman, the laborer a chance to work and receive his pay for it. I believe it is a wrong business policy on the part of the Government to be so parsimonious in its appropriations. I do not think I should go quite as far as my friend from Kansas [Mr. PEPPER] desires to do, to build a public building in every town, but I know I should build several public buildings in California, and I should not forget Kansas in passing.

No, Mr. President, it is to our nation's honor to build the cable. It is to our commercial advantage and to the interest of the people. It is in the interest of commerce that the cable shall be constructed, and I earnestly hope the amendment will be adopted.

Mr. MORGAN. Mr. President, I consider the pending amendment to the bill, submitted at this particular time for adoption by the Senate, as being a matter of vital interest to the people of the United States now and hereafter, and therefore I give it my very hearty support. I wish to state some of the reasons that operate upon my mind, which I think ought to be influential in their effect upon the minds of all Senators here in gaining their support for this proposition.

I shall not delay by investigating the precise question of order which it is said is going to be made upon the amendment, except as incidental to some remarks I shall have to make upon the merits of the amendment. The question of order, it seems to me, has no proper application either to the specific amendment that is offered now or to the character of the bill to which the amendment is sought to be added.

The amendment does not propose general legislation in any sense, nor is it in any substantial sense new legislation. While it adds something to the expenditures of the Government, it has that one requisite which I understand to be attached to new legislation by our rules, that if it increases expenditures it must have the approbation of a standing committee of the Senate. We have taken no ground in the Senate as yet which forbids the Committee on Appropriations from considering any question of appropriation connected with carrying into execution an existing law, making a further appropriation, or amplifying, changing, or modifying in any respect an existing law, so as to make the application of the money that we appropriate more useful to the subject-matter which is contained in the proposition of a new or further appropriation.

I can see various reasons why the Government of the United States needs telegraphic communication with outside countries, and I think there is no particular line of appropriation where that communication can be better applied than to the bill which provides for our ministers and consuls abroad, designates the locations at which they shall reside and the outfit which they shall have in the shape of support from the Government, salary, and also the assistance of subordinate officers and other needful facilities. I can not understand how it is that the Government of the United States can send a messenger with a confidential dispatch to one of our foreign ministers and pay his expenses out of the Treasury, and can not send such a message across a line of telegraphic communication which it may itself own. Indeed, in respect of communications with the outside world, all of these

methods of communication are in the nature of a postal service, and there is no restriction upon us as to what countries we shall visit with our postal facilities or the manner in which the communication shall be conveyed. So upon the question of order I find no difficulty whatever in voting for the amendment to the bill. It is entirely germane to the subject of ministerial and consular representation abroad, and being germane to that it is entirely within the competency of Congress to provide whatever means are necessary for keeping up communication with those officers.

The message from the President of the United States to-day, giving us information of recent events in Hawaii, perhaps illustrates more perfectly than anything I could refer to the necessity of having cable communication between Hawaii and the United States. For if it be true that we have any right at all as an intermediary to interfere either in the nature of advice or the nature of constraint with the action of that Government with respect to some of our citizens who seem to have met condemnation there, inasmuch as the court which has been assembled for the trial of those parties is one of sudden origin and is a peculiar court and of course will act largely in a peremptory manner, it may be quite as necessary that our communication to-day shall be as free and rapid between this country and Hawaii as the peril of human life and human liberty can create the necessity for such communication.

If we had recently owned a cable line across the Pacific Ocean, connecting at Shanghai, in China, it would have been of great utility. I mention that with great deference, because I think there are some statesmen in the United States who think it would be quite a presumptuous thing on the part of the Government of the United States to own a telegraph or cable line across one of the oceans. They look with composure, and indeed with approval, when a line across the Atlantic Ocean is established by the British Government or the French Government, when Russia establishes a line from the Baltic to her eastern possessions, when China establishes a line, when lines are established by the Indian Government, or the Australian Government. We are disposed to applaud those exhibitions of national power and national sagacity in providing for their people and for their Governments, also, necessary means and facilities of intercommunication; but when it comes to a suggestion that the United States can by cable connect Seattle, for instance, with the island of Attou, or with the capital of Alaska, or any other place where we have to pass a line under the ocean in order to establish a communication, they seem to be startled and benumbed with the thought that the Government of the United States should dare to presume to do such a thing. The Government of the United States is supposed to have some clog upon its powers, which operates very restrictively within our country, and which, it is insisted, operates outside of the country to reduce our standard among the nations of the world to one of utter impotency, not to say one of inferiority. We are impotent to do a great many things outside of the territorial limits of the United States upon the great highways of mankind—the oceans—which other nations can do with impunity, and even with applause, according to theories of our passive and masterly inactive statesmen.

Mr. President, I think we have passed beyond that line of mere theoretic argumentation now. We have need to be up and doing. A recent vote in the Senate of the United States shows where we stand on that point. There is a declaration on that point which I think is beyond all question. So I shall accept the verdict of the Senate in that recent vote as my justification for now proceeding to apply that doctrine to the necessary purpose of communication between Hawaii and the United States by cable.

In the pending bill I find an old text that has come down to us through many years, which has never been departed from, and which contains all the doctrine that lies at the foundation of this amendment.

It is as follows:

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirement of section 281 of the Revised Statutes, \$40,000, or so much thereof as may be necessary.

Make it \$40,000,000 and the principle is just the same. What can the President do under that provision which has come down through all our appropriation acts unquestioned, unchallenged, and uncriticized for years? What can he do with this secret service money in the way of extending the commercial interests of the United States? The better way to put the proposition is, what is it he can not, in his discretion, do? Having thus armed the President of the United States through many years, without the slightest criticism or objection, with the power to use a secret-service fund to extend the commercial interest of the United States, we now raise a question when we propose to do the same thing by act of Congress, open and aboveboard, limiting the amount of the expenditure and defining the object. We propose now to say we can not do it. We have no such constitutional power, is the as-

sertion now made. We can empower the President to do this in his own way, but we can not do it ourselves. That proposition made on the face of this bill is simply the reductio ad absurdum.

There is no occasion to argue any further that a bill which contains that provision and another which is contained in the proposed amendment is unconstitutional and contrary to the practices and precedents of the Government of the United States unless we intend to reverse the action of Congress which we have always sustained.

I find in the bill also, on page 20, line 19, under "allowance for clerks at consulates," another provision:

Bradford, \$1,800.

That is an amendment reported by the Committee on Appropriations. I do not know what Bradford that is. Perhaps the Senator in charge of the bill can tell me.

Mr. BLACKBURN. Bradford, England. I will state to the Senator from Alabama that if he will look at the consular reports he will find that the fees at the Bradford consulate for the last year amounted in round numbers to \$80,000. Hence it was that the Committee on Appropriations felt warranted in raising the salary of the clerk there from \$920 to \$1,800.

Mr. HALE. It is not a new item.

Mr. BLACKBURN. It is not a new item. It is simply a reclassification and a raise of salary because of the \$80,000 in fees paid in from that consulate last year.

Mr. MORGAN. Still it is new legislation.

Mr. BLACKBURN. It is not. The consular clerk is there, and always has been there.

Mr. MORGAN. He is transferred to another class.

Mr. BLACKBURN. That is it; a transfers from one class to another.

Mr. MORGAN. With a different and larger salary.

Mr. BLACKBURN. Yes, sir.

Mr. MORGAN. That is new.

Mr. BLACKBURN. No, it is not. It is simply a change of salary in accordance with the title of the bill. The title of the bill tells the Senator from Alabama that the purpose of the bill is to provide pay for the foreign representatives of the United States, diplomatic and consular, but it does not anywhere in its title indicate that the bill carries an appropriation to lay a cable under the Pacific Ocean.

Mr. MORGAN. The title can be very easily amended and it ought to be amended, and the act itself ought to be amended here so as to show that this Bradford in England is a particular Bradford.

Mr. HALE. There is no other Bradford.

Mr. MORGAN. There are only four, I understand.

Mr. HALE. In this bill?

Mr. MORGAN. No, sir; in England. This does not even say England.

Mr. BLACKBURN. If the Senator will look he will see.

Mr. MORGAN. "Bradford, \$1,800."

Mr. HALE. It is for clerk hire.

Mr. BLACKBURN. This is under the heading of Great Britain and British Dominions, if the Senator will look on page 13, as all the consulates are under their appropriate heading.

Mr. HALE. It is simply for clerk hire, as is shown by the heading.

Mr. MORGAN. "Bradford, \$1,800."

Mr. HALE. It is not for salary. It is simply so much allowance to the consulate at Bradford for clerk hire, whether of one, two, or three persons. It is attached to the consulate at Bradford, England, the consul at which place the Senator will find provided for in another part of the bill, and that remains precisely as it is.

Mr. MORGAN. Well, it is a change in the law. That makes it new, does it not?

Mr. BLACKBURN. It does not.

Mr. HALE. It only changes the appropriation. I agree with the Senator, of course, in his line of argument, but I know he wants to be exactly correct. The allowances of consuls are not matters of law. The salaries of certain diplomatic officers and of certain consuls are fixed by law. The allowance of any consul is entirely flexible, and it is fixed by no law. The original law, which is called the Orth statute, did not fix the allowances of consular clerks.

Mr. MORGAN. It is fixed by no law except this law.

Mr. HALE. Each year is a law to itself. It is no change of any law. There is no law at present about fixing the allowance for clerk hire at the consulate at Bradford, England.

Mr. MORGAN. I understand. Then each year when we make an allowance for consular clerks and for clerks at consulates, or whatever they may be, we make a law.

Mr. HALE. We make the law for the year.

Mr. MORGAN. It is the law for the year. I do not care how long it is.

Mr. HALE. We do not change the law.

Mr. MORGAN. But it is a new law.

Mr. HALE. It is not new legislation.

Mr. MORGAN. I do not know how a new law can come otherwise than by new legislation.

Mr. HALE. You may say it fixes a certain allowance for the year, and it is in the range of the legislative power; but where there is no fundamental law which fixes the extent of the allowance, an appropriation from year to year, which must be something, can not be, I think the Senator himself will say, new legislation, nor any legislation.

Mr. MORGAN. I should like to know what it is if it is not legislation. It can not be a mere friendly interchange of ideas between members of the committee.

Mr. HALE. As I have said—

Mr. MORGAN. It comes to be a law some time or other. No money can be drawn from the Treasury except in pursuance of law.

Mr. HALE. It is in the scope of legislative power.

Mr. MORGAN. I understand. I am not on that branch of the subject. What I mean to say is that this particular bill, as it has always been handled in the Senate of the United States, is a bill that from year to year provides new legislation. If you wish now to establish a new consulate anywhere at all—

Mr. HALE. The Senator may say that every appropriation bill is new legislation.

Mr. MORGAN. In a sense.

Mr. HALE. Then I go with him. If he goes as far as that, then everything is new legislation, and we never could have, under the rules, any appropriation bills.

Mr. MORGAN. What I want to do is to draw a distinction between that which sticks in the bark and that which goes to the substance. Here is what we have been doing year after year, and we have done it rightly and properly and in violation of no rule whatever of the Senate of the United States. If we undertake to commence a new scheme of legislation, as legislation, for instance, the introduction of something that is not germane to the text of the bill, the purposes of the bill, or what may be called general legislation, legislation that does not affect the consular service or any other that is mentioned in the bill, but affects some outside question of a general character that applies to the people of the United States at large, then our rule forbids it. But our rule is not so critical, not so strict, not so nice, either in its construction or in the practice under it, as to confine the Senate of the United States in allowing amendments so as that they may not permit an amendment upon a bill which causes a change in the law and thereby makes a new law necessary. That is not the idea at all.

Whatever is germane to this bill, to its scope and purpose, is in order, under our rules, if it is recommended by a standing committee of the Senate, although it may be new and may increase the appropriation. To be general legislation, within our rules, it must affect all the people to whom it is applicable, as a criminal law would affect all who are guilty and benefit all who are innocent. Original legislation, not germane to the proposed appropriation, and applying alike to all who are affected by it, is "general legislation" that our rule excludes.

But I do not want to occupy further time in the discussion of this question of order now, because I think the minds of Senators are made up about it. More than that, since I have been here the Senate has never refused to hold anything to be without the limits of the rule that it chose to vote upon a bill. That has been the practice so long that I can afford upon this occasion to go right to the merits of the amendment, taking it for granted that enough appears in this bill to show that the appropriation is germane; for if you can appoint a consul at Hawaii you can provide some means of communicating with him. If you have no other means of communicating with him you can build a ship and send it there, or you can lay a telegraph line there, or if the distance would not be too great you could have carrier pigeons to carry messages back and forth. But whatever facilities of communication may be established between Hawaii and the United States Government so that the Government can communicate with its consul at Hawaii is established as a purpose of government, a distinct government purpose; and the Government of the United States not only outside but even inside of our territorial limits has the right for Government purposes to carry its machinery of communication and all the appliances of its machinery to any part of this continent and beyond it.

What did we do, Mr. President, in regard to the telegraph lines that were built by private companies and under charters of States through the public domain? Companies obtained charters from States and Territories to build telegraph lines across the continent in various directions. What have we done? We have said to those telegraph companies that their lines which have thus been built under corporations created by the States: "You shall not sell your franchises to a new company without the consent of the Government of the United States. More than that, we require of



you an obligation that the Government shall have priority in the transmission of its messages; and the Government of the United States shall have the right to buy your telegraph line out and out, and you shall subscribe an agreement that you will consent to sell it." We stand here to-day provided with all the machinery of law to buy any telegraph line in the United States that passes through the public domain or passed through it at the time it was public domain.

That merely shows, Mr. President, that this Government within its borders, and outside of its borders as well, and for a better reason, is not to be thwarted in providing Government instrumentalities for carrying on Government work either inside or outside our limits. That is a power which belongs to the Government. It belongs to it in such a broad sense that the Supreme Court of the United States have decided in a case that went up from Ohio that the Government of the United States as a Government can go into the city of Cincinnati and condemn land in the ownership of private citizens of the State of Ohio for the purpose of building upon it a United States court-house without asking the consent of Ohio. Well, that is as much as I need to say about that.

Mr. President, I do not overestimate the importance of our having communication between Honolulu and San Francisco, and getting it at once. I do not believe that I am one of those nervous and agitated people who get alarmed every time the name of Great Britain is mentioned lest we might give her offense. I am sure I have no prejudices against that grand and majestic realm from which we came and from which we have derived many of our most satisfactory and excellent laws, institutions, and traditions, and much of our blood.

At the same time I recognize that Great Britain expects of us, if that will be any consolation to the anglophobes, that like her other children we will stand up and take care of our rights, protect this blessed land that we occupy here, and that we will exhibit the same sort of spirit here that they exhibit at home in caring for their people and for their country. I feel very much disposed always to do that without tramping upon the toes of the old mother; but at the same time I do not propose, if her toes get in my way, that we shall walk any more lightly because they are there.

I have just adverted to a matter in regard to public events that occurred recently in Hawaii and also in China, showing how necessary it is that we should have the opportunity, for instance, of hearing from our ships in China that the newspapers say have got into trouble. It seems we have a man-of-war over there that ascended one of the Chinese rivers a distance of four or five hundred miles to a walled and fortified city, and having a short "liberty," the youngsters about the ship went out for the purpose of hunting game, and unfortunately they got into collision with some Chinese people. A Chinaman was accidentally killed, and one of the young men on board the ship is said to have been seized and carried off by a mob. We have not heard from them, and there is some anxiety about it. It may turn out to be entirely imaginary, but at the same time suppose it is real; we ought to have the opportunity of learning about that occurrence and of taking care of that boy and providing for the proper application of the laws to him. We need other facilities than we have of sending telegraphic dispatches back and forth through a Chinese cable, controlled by Chinese. When the cable dispatches we send cost the United States for every word \$2, for that is the cost of every word of a dispatch between Washington City and Peking or Shanghai, and perhaps it runs above that when you get up to Yokohama, but not less than \$2 a word, it is a very heavy burden. It is quite expensive; but we can afford any amount of cost or expense, it appears, rather than undertake to extend our postal and commercial facilities anywhere on the seas.

But, speaking of this line in a commercial sense, if we had a cable laid to-day from Honolulu to San Francisco no other cable would pass through any part of the Pacific Ocean within 1,000 miles of Honolulu, or from the Pacific coast to Honolulu or to the United States, that would not have its centre at that place. Every other cable line would necessarily connect with our line at Honolulu that might be laid to connect North America with Asia. The conscriptive control we have in Hawaii, under our treaties, if that is preserved, must give us the control of this center of commercial and maritime and military intelligence, which is indispensable to our sea power in the Pacific Ocean. What is it worth to us to have the privilege of the control and the exclusive right to use a telegraph and cable line between Honolulu and San Francisco when we can dictate terms to the balance of the world to which they shall assent whenever they are compelled to connect their lines with ours? Can anyone suppose that in connection with this great subject of ocean telegraphy we can have a more advantageous position than to be in possession of a line from San Francisco to Honolulu with which every other country with a line in the Pacific must make necessary connections on terms agreeable to the United States? Because, be it remembered, the Pacific Ocean is too wide for a cable of a single length to be

stretched across it with any effect. Your electric current will not carry to that distance with any degree of certainty. There must be a break somewhere.

The whaling trade is yet pursued by Americans with very great satisfaction and profit, notwithstanding our coal-oil productions in this country are so enormous. The whaling trade in Bering Sea and through the North Pacific Ocean is still a source of large revenue to our people and of increasing importance, and it is getting to be more valuable every year. The whaling trade was the commerce that originally gave an impetus to the civilization of the Hawaiian Islands. Whalers congregated there. Until the traffic was broken down by the rebel cruisers, and also by the production of kerosene, whalers abounded at certain localities in Hawaii. Their supplies reached them there. They went out for long voyages and would come there and transfer their cargoes to ships homeward bound and go back and fish the northern seas again without having to make a return trip to the home port.

That is still our important industry in the northern seas. The perils of the sea out there are very great. It is to our whaling fleet in the North Pacific Ocean very material that our people here should have ready communication with Honolulu, for that is the point to which all information centers which goes to and comes from the whaling fleet.

Now, Mr. President, I do not wish to present any pictures of imagination here, for if I were to draw upon my weak and impoverished imagination to the full extent of my capacity I should not by any means be capable of describing to the Senate the value and importance of the fisheries of the Bering Sea. I will just say this (and if any Senator desires me to prove it hereafter I will bring him the evidence of it in the most tangible form), that the fisheries of what we call the Bering Sea, as compared in value with the fisheries of the northeastern coast, are not less than five or six times greater than those ever were. The fisheries that we own there to-day are worth more for food and for other sea productions to the people of the United States by five times than the fisheries of the northeastern coast, including those around Newfoundland.

Mr. PERKINS. I may state for the Senator's information, with his permission, that there were 600,000 cases of four dozen one-pound cans of salmon alone packed on the Aleutian Islands of Alaska this year.

Mr. MORGAN. Notwithstanding some recent efforts to produce the impression upon the minds of the people of the United States that the fur-seal fisheries in Bering Sea are unprofitable and are actually destroyed, and without adverting at all to the methods by which they say the destruction has been wrought, I undertake to dispute that proposition out and out. We have there a nursery of fur seals protected by two lines of protection, which, if the Government of the United States will according to its plain powers and duties execute, the fur-seal fisheries of the Pribilof group of islands will be worth to us in the course of fifty years \$300,000,000.

Mr. Blaine proposed a circuit of 30 miles around the Pribilof Islands to the British Government as full satisfaction of all we demanded as protection to the fur seals. By the decree of the Paris arbitration that was enlarged to 60 miles. Mr. Bayard proposed to Lord Salisbury a close season from 34 degrees north, reaching out to a point that did not include all of our Alaskan possessions to the west in the line of longitude, which he suggested as a settlement of our dispute with Great Britain. The arbitration gave from 35 degrees north latitude a close season after the 1st day of May up to July 31, with the suppression of seal hunting, at any time, in Bering Sea with firearms.

I shall not now stop to discuss this question, but I wanted to make that statement to show that when the arbitration awarded 35 degrees they followed Mr. Bayard's suggestion, except that he was willing to 47 degrees, and when they awarded 60 miles around the Pribilof group they doubled the demand that Mr. Blaine made upon the English Government. That is neither here nor there at the present time, except in view of this assertion of mine as to the probable growth of the seal herd. I shall be disappointed to the very last degree if this protection, honestly and faithfully executed by the United States Government and Great Britain, is not absolute security to the seal islands.

Russia has made her arrangements with Great Britain and also with us. What does she claim for protection? Her fur-seal fisheries are nearly as valuable as ours. She claims 30 miles around her islands there and 10 miles off the coast. That is all she claims, with no close season at all, except within that area.

The representations which are made to alarm the American mind into a belief that those fisheries are not valuable, and that therefore some man may as well come in and pocket them, had better be looked at with a good deal of caution. I insist, Mr. President, that including the fur seals, or even without including the fur seals, we have not such an important fishery interest in the world, and no nation has one so important as we have in the Bering Sea. It will draw fleets of ships there. Every ship that goes there from the United States, unless it sails from the coast of Cal-

ifornia, Oregon, or Washington, will pass in reach of Honolulu. It will stop there for refreshment; for letters; for supplies; and when it returns to port it will send its cargoes home from there. It has been for many years the center of the whaling fishery, and is to-day.

Now, this relates only to our own commerce with Hawaii, but there is more than that about it. In the year 1893 a fact was omitted, it appears, in our report from the Bureau of Navigation which related to Hawaii. I am astonished that any such fact as this should have disappeared from that report. What is it? In the calendar year 1893, ending December 31, the American ships that arrived at the port of Honolulu were 238, with 191,817 aggregate tonnage. The Hawaiian Government had 23 ships, with 15,750 tonnage. Of those 23 ships more than two-thirds were owned by Americans. The British had 58 ships, with 111,655 tons, and the greater part of that tonnage was of ships that were passing en route from Victoria to Sydney in Australia and back; the German Government had 5 ships, with 5,063 tons; the Japanese Government had 4 ships, with 7,167 tons; and all other nationalities had 2 ships, with 2,245 tons.

Thus it appears, Mr. President, that we have four times as many ships arriving from the United States at Honolulu as Great Britain has. We had more than all the balance of the world, by a very large figure, arriving at the port of Honolulu during the year ending December 31, 1893. There is a commerce worth talking about and worth protecting. We could afford to build this line if we got no other profit out of it than the mere effect of it as a Government instrumentality. We could afford to build it for the protection of our shipping in that quarter. But when we come to realize that great central commercial point in the Pacific Ocean and its incomprehensible value to the commerce of the nations through the ages to come, I do not see how any man can reconcile it to himself that we shall not be within the easiest communication possible with that great center of Pacific commerce which has yet been devised by the ingenuity of man, and that is the cable. And that is all we can do now. We can not trust such communications to a steamship; it does not go fast enough and is too costly. We are bound to have a cable or else we have got to fall behind the procession, away in the rear, and stay there.

Now, Mr. President, I wish to refer to another feature of this question. An American captain, Capt. A. T. Mahan, has recently produced a book that has given him a splendid reputation, a well-deserved reputation in all of the civilized world. He saw around him upon the oceans of the earth the vast commercial interchange going on from place to place of the productions of various countries. He had spread out before him in history the panorama of the naval engagements that had taken place; and he had the sagacity (which appears now to be a very simple thing as we look back upon it and read the book), to connect the prosperity of the different nations with the sea power that they had developed. He established beyond any denial the fact that the sea power of the greatest of these great nations (dependent in some degree, of course, upon their productions and the numbers, extent, and character of the population), has been the source from which they have derived their principal wealth and progress, and that is now the most essential power in the possession of any of the great governments that exist in the world to-day.

He has established that as a proposition of universal political economy. I can not call it anything else. He has gone on to describe it in its application to various countries, their commerce and their growth, in every particular; and he has demonstrated that in the proportion a nation has cultivated commercial intercourse upon the sea with other nations she has become rich and powerful. He has also demonstrated—it is a fact that is apparent upon the face of it—that the development of the commerce of any nation upon the sea must be attended with a naval power which accompanies and protects that commerce. The nations of the world are not a society of Quakers; they are not dealing with each other, Mr. President, with gloved hands. The rivalry between the nations of the earth in the commercial sense, as well as in every other sense, is masterly activity, attended with all possible display of force on every occasion when a display of force is necessary; and that force is brought to the front when the least infringement is made of the commercial rights and privileges of a nation by any other power, thus showing its vital interest as recognized by all Governments in the preservation of the power that develops and protects her commerce.

Captain Mahan very justly, I think, bestowed some high compliments upon Great Britain for her success as a commercial and warlike nation. He has lauded her for her commercial policy, and he has shown that it was not the configuration of those islands that was the cause of British ascendancy upon the sea and British commercial ascendancy; it was not the configuration of the shores of the islands of Great Britain that enabled her to become the clearing-house of the world for its commerce or has enabled her to dictate a gold policy to President Cleveland and our Govern-

ment—it was not that. It is her commercial power; it is her wealth acquired through her sea power.

She has made her wealth by her commercial activity, and having got a good start, a good bank account, and a large amount of money which she could lend at interest and shave other people's paper with, she has piled up lucre enormously; and we are to-day felicitating ourselves that she, naturally enough, will lend us some money on our bonds. That felicitation came in here this morning, and we were made happy by the announcement that the larger part of a loan of fifty or sixty million dollars was actually negotiated on the other side of the sea. Those people have so much faith in us that they are willing to take our paper at 4 per cent, and let us have at least one-half of \$60,000,000, and they safely calculate that we will be their best customer for their loan offices, so long as they can use the vast material we produce as a certain basis of their commercial enterprise.

It is not the configuration of Great Britain which has done all that; it is Great Britain's commercial power, based upon her sea power. Great Britain's commercial power would have been as subject to raids and outrages from other nations of the earth if she had no navy with which to protect it and to attend it in its navigation through the seas of the world, and she would have been as unprotected as your commerce was when we had the *Alabama* and the *Shenandoah* out upon the high seas taking shelter under British cover or of those outposts which lie around us, which enabled the Confederacy to destroy your shipping until you hid your flag and took the British flag and hoisted it at the head of your ships.

Great Britain had no more power to protect her commerce, her vast merchant marine, without the assistance of a navy, than you had, when you were blockading our ports, to protect your commerce against the two cruisers—the *Alabama* and the *Shenandoah*.

I do not refer to this with any unpleasant feeling. God knows I regret that any cruiser of the Confederate States was ever compelled to sink a Federal ship. At the time I did not regret it very much, but there is a locus penitentia to both sides in all matters connected with American affairs, and I avail myself of that honorable opportunity whenever I can without humiliating myself. But I take that merely for an illustration.

Captain Mahan, in the volume before me, illustrates the importance of the sea power by the blockading of the Confederate coasts at the time of the civil war here, and he goes on to intimate, what I would not dare to do perhaps without his authority, that if it had not been for the possession of the sea power that the United States held at that time she might have fared even worse in the war than we did. It was the sea power which enabled you to choke us to death in the Southern country, by keeping us out of communication with other people abroad. We were a scattered population, unaccustomed to marine affairs, not knowing how to build ships and not having the material with which to do it. It was the sea power that enabled the United States Government to make that magnificent conquest of a magnificent country and a still more magnificent people. It could not have been done otherwise. I believe it would have taken you twenty-five years if you ever could have done it, without the help of your navy, and yet that power was so disproportioned to the extent of our blockaded coast that you could not protect your commerce on the ocean while blockading our ports.

But there is an illustration in our country, which we are not permitted to neglect, presented in our diservered coasts, which is this: You may speak as you please of having no colonial system and of their being no need for it, of having simply a continental policy, as it is called, and standing on the defensive at the mouths of our harbors against foreign invasion and waiting until the fleets come before we make provision to resist them. We may say what we please about it, but there is one thing certain, that if we can have actual physical security under such conditions—and I believe we can—it is still undeniable that we shall have no commercial advantages and no commercial prosperity without ships to run to every ocean and sea of the world and a navy to go along with them to protect them. We are obliged to have them. We have to give up the one or possess the other. If we do not expect to have a naval power sufficient to protect our commerce, then we are not going to have the commerce, except as other people may choose to come and traffic with us on our own coast, as we may go and traffic with the Africans in the center of Africa for the tusks of elephants which are picked up in the forests. No, sir, we are obliged to have a Navy or else have no profit from commerce.

The development of our sea power is the vital question which American statesmen have to consider, and this bill inaugurates a first step to establish such power in the Pacific Ocean. Pass this bill, build that cable line, and what else do you secure? I do not care whether you secure the annexation of Hawaii or not. I am in favor of annexation, but I am in favor of it upon purely national and selfish considerations. All such interests are selfish.



If I were an Hawaiian I would never consent to annexation to the United States, and would have no occasion to do it. I would try to have the proudest and the happiest Republic out there in the Pacific Ocean that ever existed in the world, notwithstanding its small area, with every great power in the world under bonds to protect and preserve its rights, it matters not what happened anywhere else in all the world. It is an ideal position for a republic, better than Switzerland, in the midst of the crowned nations that surround her in the body of Europe. Yet I want Hawaii, I am anxious to get her, not for purposes of aggrandizement; but I want her for the sea power that she possesses in virtue of her geographical position. I want those islands as a point of focalizing the sea power of the United States in the Pacific Ocean, which will some day become far greater in value and importance to us than the Atlantic Ocean is to-day.

Now, I will read an extract from William H. Seward upon this subject—of course an utterance made many years ago, for it was in 1852 in a speech delivered by Mr. Seward on the floor of the Senate. He said:

Who does not see that henceforth, every year, European commerce, European politics, European thought, and European activity, although actually gaining force, and European connections, although actually becoming more intimate, will, nevertheless, sink in importance, while the Pacific Ocean, its shores, its islands, and the vast region beyond will become the chief theater of events in the world's great hereafter.

That is a prophecy, Mr. President, the realization of which is going on to-day, visibly, and very rapidly. It comes from the mind of a great statesman, a great philosopher, a great political economist, and we are here seeing it realized now. The Pacific Ocean to-day, on either shore of it, is having a greater bearing upon the political condition of the world than is the Atlantic Ocean on either shore. The events which are transpiring in the Pacific Ocean are of the most surprising character and of the greatest possible magnitude, and yet they are to be supplemented by other events the shadow of which but dimly appears before us now, which in a very short time will make that the theater of the greatest exploitation of statesmanship that has ever been called into action in all the annals of American history.

Mr. President, Great Britain sees that with an eye that never fails to discern the movements of nations or her own best interests. Captain Mahan instructed while he praised Great Britain, and from what has already appeared, dimly it may be, but nevertheless in real and tangible form, I have no doubt that the writing of that book has impressed upon the minds of British statesmen certain necessary theories in respect of the sea power and the best manner in which to control it; and Great Britain is following the very lines of argumentation and logical conclusion which are so ably laid down by Captain Mahan, to execute a policy in which we are vitally concerned.

Since 1850 we have been conscious of a purpose on the part of Great Britain, unrelenting, persistent, and hitherto inflexible, that she should gain a certain control, which meant a managing control, over an isthmian transit across some part of the Isthmus of Darien. There was the Clayton-Bulwer treaty, there were various settlements which she made, as we say, in violation of that treaty, in order to get a foothold in that country. There was her suzerainty over the Mosquito King. There was a continual interference between her and Nicaragua whenever she chose to do it, in order merely to assert her authority there, so that when it became a practical question she could say to us, "We are at home; our flag has been here always;" but recently Great Britain has withdrawn from the Mosquito Kingdom, and has consented to the full dominion of Nicaragua over her own territory and people. This movement was to us a pleasant surprise. It was soon followed by another of greater significance.

We passed a bill through this body in which Great Britain might have found an opportunity, if she had so desired, to have asserted that we were proposing in that measure to violate the Clayton-Bulwer treaty. I do not say that we did; I say we did not; but it was an opportunity that she could easily have found for raising a diplomatic question with us about the course we intended to pursue. She has been as silent as the tomb. That bill passed the Senate by 10 majority as much as ten days ago, and yet there has not been a protest, there has not been any intimation, there has not been anything heard from Great Britain on the subject.

What does that signify in connection with her giving up her suzerainty over the Mosquito King and giving back the Mosquito Kingdom into the hands of Nicaragua? It is, as I believe, that they have abandoned all hope and expectation of getting the control of the transit through the Isthmus of Darien for a ship canal. What, then, have they done? They find that they can strengthen their sea power in another direction by a quiet movement, which for that power is better than that and which will give them, largely, the control of the Pacific Ocean while the American Congress is controverting about whether or not they have the constitutional right to dig a canal, which Great Britain does not oppose their digging.

Convention after convention of intercolonial people, deputies, agents, representatives, etc., met at different places. They met at Ottawa, in Canada, within a year I believe—the date I have not precisely. Before that time they had been trying to persuade the Government of Great Britain to assist in laying a line of cable across the Pacific Ocean to connect from the eastern coast of the Pacific Ocean with Australia, and with all of that system of islands which she occupies now from the antarctic zone up to within 500 miles of Hawaii. Until recently they could not persuade the Government of Great Britain to do it. Finally they hit upon this proposition: "We can build this cable line from Vancouver to Hongkong, or down to Australia, if we can get a resting place, a break in the line somewhere about the Hawaiian group." As soon as that was done and that resolution was reached, Great Britain said: "If you can get each end of this line at every place where there is a break in it located upon British soil, or soil under British control, the Government will aid you. That becomes then a British telegraphic line; it becomes a military line; and it puts the entire control of the line within the possession of Great Britain, and that suits us, the Imperial Government."

The British Government thereupon set to work to get a concession from Hawaii, and she got it subject to our consent. It is very remarkable, Mr. President, that our relations with Hawaii, in the estimation of some Senators, should be so remarkably slack, so very inconsequential, and have so little of substance in them when both Hawaii and Great Britain find it necessary to appeal to us to give our consent that Great Britain shall occupy one of those islands for a resting place for a cable line.

Mr. LODGE. Will the Senator yield to me a moment?

Mr. MORGAN. Certainly.

Mr. LODGE. Great Britain did not get the consent of Hawaii subject to our consent, I think. Did she?

Mr. MORGAN. Yes; she did.

Mr. LODGE. I think that all Hawaii did was to submit to us the question of the advisability of modifying the treaty. Has the Hawaiian Government assented to it subject to our assent?

Mr. MORGAN. It has, and it is obliged to. They will assent if we assent. It is their plea for a release from the treaty that they may complete an agreement, and not the request of Great Britain to open a negotiation with Hawaii with a view to an agreement.

Mr. LODGE. I did not know that they had gone so far as that.

Mr. MORGAN. Yes, they have; and here is the memorandum of agreement drawn up between them sent to us in the President's message.

Mr. CHANDLER. Will the Senator read the clause in relation to Hawaii securing the assent of the United States?

Mr. ALDRICH. I think if the Senator from Alabama will read Mr. Hatch's reply to the letter of the commissioners he will see that Mr. Hatch does not assent for the Hawaiian Government, but says that they can not go on with the negotiations until the consent of the United States is first secured.

Mr. MORGAN. Here is the statement.

In acknowledging the receipt of your letter of this date, inclosing a fair copy of the agreement proposed by you in the hope that it would prove mutually satisfactory, I beg to again express my regret that this Government, by the provisions of our treaty of reciprocity with the United States as we read it, is at this time precluded from the consideration of the terms proposed.

What does that mean? Why does he regret it unless he wants it?

Mr. CHANDLER. That is a mere civility, like regretting an invitation to dinner when you do not want to go.

Mr. MORGAN. I should as soon trust the civility of the claws of a tiger because they were covered with fur, as to trust to that sort of civility. No, sir. That is an expression of an agreement on their part, a tacit agreement on their part, that they would be glad enough to do this if the United States would consent to it.

Mr. FRYE. Mr. President—

Mr. MORGAN. And why should not Hawaii be glad to do it?

Mr. FRYE. That is just what I was going to ask the Senator; why should not Hawaii consent?

Mr. MORGAN. Why should she not be glad to do it? Must she be sorry for everything which hurts our feelings, and glad of everything which pleases us? We do not treat her in that way. Should she look out for our interests and languish for our smiles when we visit upon her every form of rebuff and indignity?

Mr. CHANDLER. That is not the issue, whether she ought not to be allowed to have a British cable if she does not have an American cable. The precise point is whether Hawaii has said to Great Britain anywhere, in any form of language, that if we are willing she will consent to the landing of a cable from British Columbia.

Mr. MORGAN. Well, if we give our consent to it here by a vote of Congress, and if Hawaii should say, "No, no; we can not do that," Great Britain would say, "We will see whether you do it or not; we will take possession of a barren island up here; the Government of the United States has taken its hands off of you and given its consent to this thing, and we will go and occupy that island." That is all. A better invitation than that, Her Majesty,

the Queen of Great Britain, never wanted. She always attends teas of that kind upon the slightest invitation.

I will read that agreement. This is a British proposition, and it reveals British policy. Let us see what it is:

Subject to the conditions and stipulations hereinafter set out, the Hawaiian Government agrees, if and when the laying of a submarine cable between Canada and Australasia shall be determined upon, to lease to the British Government and its assignees, hereinafter called the lessees, either Necker Island or French Frigate Shoal or Bird Island, or other uninhabited island, whichever of them the British Government may select.

A pretty broad margin of selection she gets there. If you will take the map and look at it you will see that Necker Island is larger than several of the islands there which are inhabited.

It is noted that the Hawaiian Government are debarred by their reciprocity treaty with the United States from leasing or otherwise disposing of any of their lands or from granting any special privileges to any foreign Government, and it is therefore incumbent upon the Hawaiian Government to obtain the sanction of the United States Government as a condition precedent to the grant of the proposed lease.

That notation is an important one. If our friends who feel that Hawaii is coming too much in competition with them in sugar raising should carry out their purpose of securing the abrogation of that treaty, then the question would arise whether or not the rights we have there to restrain her in the disposal of her public domain and her sovereign rights in that realm are not also thrust out from our jurisdiction if we go outside of it.

If Hawaii was mean enough to trade in this way with Great Britain, and then should take as compensation from Great Britain a sum of money that would make up the loss that she supposes she would sustain if that treaty was abrogated, why might she not, after the treaty was abrogated, upon a year's notice, resume her perfect autonomy and sovereignty over her own property and her own country, and make such treaty with Great Britain as she saw proper to make? Why not? Ah, because there is an unwritten law of relationship between Hawaii and the United States, which began when the first dawn of civilization appeared there, and has continued to grow stronger and stronger from that day to this, that we will not permit any foreign Government to go there and acquire rights, in the nature of sovereign rights, whether by a perpetual lease or otherwise. That is the unwritten law, Mr. President and gentlemen of the Senate, which we have repeated here and have affirmed in resolutions at this session of the Senate.

I will proceed with the reading of the agreement:

The Hawaiian Government further agrees, for the consideration and stipulations hereinafter expressed, to insert in the lease the following covenants:

1. That the lease shall commence and take effect when a contract has been entered into for the laying of a cable from Canada to the island intended to be leased, and shall inure and continue until the cable and the connecting line to Honolulu are finally and permanently abandoned.

That is similar to the title the Cherokee Indians have to their domain. That is a base fee, the Supreme Court of the United States calls it; that is to say, under the patents we granted to the Cherokee Indians they are entitled in fee simple to their lands until they abandon them, and then they will revert to the United States. But who thinks about their abandoning their lands? They have nowhere else to go. Who would think about Great Britain abandoning this island when she has fixed a telegraph line there, and through the means of it has acquired the control and the sea power of the Pacific Ocean? Who would think of her abandoning it? Therefore it is an absolute covenant of sale, a sale for just as long as Great Britain wants to hold it.

2. That exclusive possession free from disturbance shall be given, with exemption from all kinds of taxation.

Note the language:

Exclusive possession, free from disturbance.

The United States, after she has assented to that, can not go there for the purpose of locating a cable line and its continuous parts. Every island in Hawaii is to be put under the ban of that provision. The United States could not go there and disturb Great Britain in her possession and occupancy after agreeing to this arrangement. So far as the Island of Necker is concerned, French Frigate Shoal and Bird Island, she gets an absolute right, if not in form, certainly in substance:

3. That a convenient landing station and space for the accommodation of the telegraph office staff shall be provided at or near Honolulu for the purpose of laying and working a connecting cable between the island leased and Honolulu.

A convenient landing place shall be provided. That means that Great Britain is to go into the neighborhood of Honolulu and in the neighborhood of Pearl Harbor, where the United States are entitled to possession, and she is to take her occupancy right there and stay as long as a cable line is needed by her in the Pacific Ocean.

Here comes up another curious and very critical question. I will begin the statement of it by saying that there is not such a harbor in the Pacific Ocean, San Francisco perhaps excepted, as Pearl Harbor. I doubt if there is any one harbor in the Pacific Ocean which has the same depth of water, the same natural fortifications, and the same ease of inlet and egress as Pearl Harbor,

after you have put in a suction pump and pumped out the little silt which is in the channel there, which can be done for \$70,000 to \$100,000.

Where would Great Britain locate "this convenient landing station and space for the accommodation of the telegraph office?" It is to be provided in the neighborhood or near Honolulu. Suppose she says: "We will put it at Pearl Harbor;" the United States Government has given consent, or abandoned that treaty, or has given notice of its abrogation, or else the Hawaiian Government has given notice of its abrogation. That treaty contains a provision in express terms that Pearl Harbor is assigned to the United States for the purpose of establishing there a naval station. That definition of the purposes of the concession would include every necessary fortification for the protection of the naval station, etc.

When that treaty was concluded—for it was a mere extension of the previous treaty of reciprocity—extending that period for, I believe, seven years, Mr. Carter informed Mr. Bayard that Hawaii understood that this provision in the treaty for the cession of Pearl Harbor was to cease with the treaty and wanted Mr. Bayard to agree upon a protocol to that effect. Mr. Bayard said he had no authority to agree upon any protocol; that the treaty, being confirmed by the Senate of the United States, is the supreme law of the land. "We are here exchanging ratifications," said Mr. Bayard. "But," said Mr. Carter, "while we are exchanging ratifications I want a protocol made." "No, I can not agree to any protocol," said Mr. Bayard. Then Mr. Carter said: "I will make a statement that that is the way Hawaii understands it." Said Mr. Bayard: "I so understand it, too, but I will not agree to a statement." Mr. Bayard's understanding, as he expressed it, and Mr. Carter's understanding, as he expressed it, is directly in contravention of the text of the treaty, as I understand it and as I think it will always be held and maintained.

That right is permanent, if any right was ever conferred by deed or treaty of a permanent kind. The very nature of the grant shows it, and the purpose for which it was made shows it. It is idle to talk about our going there and spending a million or two of dollars in the improvement of a naval station and its fortification, and in dredging out a channel to the sea, and then to say that the Hawaiian Government can reclaim that property from us and reassert her rights in Pearl Harbor by merely giving notice of the termination of the treaty. That cession was insisted upon by the Senate as a consideration for this reciprocal treaty between the United States and Hawaii. It was put in the treaty by a Senate amendment for that purpose. It is there now, and it will be there forever until Hawaii, acting with some greater power than the United States, shall abolish it. But Great Britain proposes to do that; not by force, but in the name of international comity.

When Great Britain stipulates with Hawaii, and the President of the United States advises us to consent to it, with the agreement before him, can we not see that that is what Great Britain means when she speaks about having a convenient landing place nearer to Honolulu for this cable, with the consent of the United States, which convenient landing place of course is to be in perpetual right? I will suppose that this proposed agreement is entered into; I will suppose that the Senate and House of Representatives of the United States give their consent under the advice of the President of the United States that Hawaii may do this thing with reference to or in pursuance of the very express agreement which the President of the United States sends to us, and identifies in his message. There can not be any doubt about what it refers to. What is the nature of it?

That a convenient landing station and space for the accommodation of the telegraph office staff shall be provided at or near Honolulu for the purpose of laying and working a connecting cable between the island leased and Honolulu.

Says Great Britain: "We want Pearl Harbor. We want a location upon it. We want to go out upon that peninsula which stretches down into Pearl Harbor, where a fortress would be situated, and on the right and left hand of which there are two channels of deep water where ships and fleets can lie at safe anchorage. We want to go there. That is a convenient landing place, and just the place for a cable. We will take that. Who interferes? The United States can not do it. She has abrogated the treaty, or, if you please, under her advice you have abrogated the treaty." Here we are to be put into that position. It is a sale, virtually, by the Government of the United States, of Pearl Harbor to Great Britain. At the least it is a gift. Mark my words, they will go upon the record, and see their realization within less than three years to come. When events shall have progressed sufficiently far to develop this scheme on the part of Great Britain, they will prove that I am right. She understands the value of sea power. She knows that she must have coaling stations if she has steamers. She knows that there is no steamer built by the admiralty or by the United States or by any other power which can more than carry coal enough in her bunkers to make her way at a slow rate of speed across the Pacific Ocean. She knows that when such a



ship reaches its destination, if it has no intermediate place to coal, it is far more impotent than a sailing vessel would be with wooden hulk. It is a dead weight in the water; it is unmanageable without sails and without steam power; it is a virtual wreck, useless, and an incumbrance.

Therefore Great Britain wants a location, a lodgment in Hawaii, and she is moving for it in an adroit way. She wants to reach the focal point of the sea power of the Pacific Ocean not by hindering us or by trying to participate any longer with us in building a canal through the Isthmus of Darien—she takes a shorter route to-day; she takes her Canadian possessions, the Canadian railways and the Canadian harbors, and she makes a lodgment at Hawaii. Then she proceeds down to the next batch of islands, 500 miles below, and from there she steps almost from island to island until she gets to Sydney, Australia. Then she will have not merely belted the Pacific Ocean with cable lines, but she will have divided the Pacific by this cable, which in its uses and purposes is worth any half dozen or perhaps dozen of the best ships in the English Navy. This cable will enable the British Government to concentrate her fleet at any place she desires, and to give notice and admonition of the movements of the fleet of any hostile power. This cable is intended to pay its way as a commercial convenience, but its great usefulness to Great Britain will be its service as a military line, and for this purpose it is chiefly intended.

Now, tell me how we can expand our commerce on the Pacific Ocean when we can have no proper protection, no efficient American Navy to take care of it, and after we have left it to the tender mercies of the British Government. That is what it comes to. There is the trouble. That is why I say I consider the adoption of the pending amendment a vital point at this moment of time. We must go to Hawaii and take possession of Pearl Harbor and land a telegraph cable in advance of Great Britain. We must shut off this negotiation with a firm declaration, not merely on paper, but in fact, that we have gone to Hawaii with our cable and to establish a naval station at Pearl Harbor and have gone there to stay. Whether Hawaii is to be an independent Republic or is to come to us by annexation makes no difference to us. It is all the same in respect of our power in the Pacific, for in respect of the control of the sea power, we have that there which is absolutely indispensable and is the greatest possible security for the final result. What is that? Pearl Harbor. Pearl Harbor, with a cable to connect it with the United States, will be our fortress in the Pacific Ocean from which we can, as we will, command the peace on all its infinitude of coasts and its burden of rich commerce.

Mr. President, I am only arguing upon these patent facts. I do not know more about them than anybody else, but my common sense and sagacity tell me with a power of conviction which I can not at all resist that this is a very critical moment and this is a very critical amendment so far as the United States in its connections with the Pacific Ocean is concerned. Have we the right to build the cable by the Government of the United States? I have understood that the Government of the United States could construct any instrumentality or facility of government that it found necessary if it interferes with no vested right. This is an instrumentality of Government, of military operations, of postal service, and of commerce. It may be a profitable one in a monetary sense, in the sense of earning revenue, or it may be unprofitable; but that is a question aside. The view I take of it is that it is a necessary Government facility for the connection of the United States with the Gibraltar of the Pacific Ocean.

If we go there once and occupy that territory, or so much of it as we have a right to occupy now under the treaty, and hold it and improve it for the purposes secured to us by treaty and connect the United States coast with it by cable, I think there will have to grow some larger and stronger nations than the world has yet a record of in its history before they will ever put us out. But if we wait until Great Britain goes there and plants her foot upon it she will hold to it with just the same tenacity with which she holds to Gibraltar; and without Gibraltar she would seriously imperil if she did not lose her sea power, which is the security as it has been the cause of her commercial supremacy. With another Gibraltar in the Pacific Ocean, supported by her forts and shipyards at Vancouver and at Hongkong and in Australia, her power will be supreme and ours will diminish even beyond the capacity for self-defense.

Mr. HALE. I wish to ask the Senator from Alabama a question at this point to emphasize what he has said. He has made a very vivid statement as to the necessity for action at this time. I wish to ask him, as chairman of the Committee on Foreign Relations, whether he has any doubt that if we do not adopt the amendment and take possession of the concession at Pearl Harbor there is grave danger of its passing into the hands of Great Britain.

Mr. MORGAN. We have but one possible defense against it. Mr. HALE. I ask the Senator the question because I wish to emphasize this point. Believing that the amendment will pass the Senate, and apprehending difficulty in the other branch of

Congress, I wish the attitude of the Senate to be so strong upon the matter that there may be no doubt whatever elsewhere as to the earnestness and seriousness of the Senate on this project.

Mr. MORGAN. So far as I am individually concerned—I do not know that I express the opinions of the committee, as the matter was not discussed before us—I have already expressed myself about it in the most serious and earnest way. In fact, I would prefer to see every rule of this body broken, if that were necessary, than not to pass the amendment. I would rather make a virtue of necessity, break the rules, and pass the amendment, because I think it is a vital thing. The hold we have to prevent Great Britain from doing what we now propose to do and from getting the advantages of Pearl Harbor that we now, as it seems to me, are trying to throw away, consists of nothing but the bond of natural affection between the ruling classes in Hawaii and the people of the United States. Can any Senator name any other?

Yet that is subjected to all manner of friction, attrition, harsh usage, great abuse as politicians on this side of the water may find it convenient for their personal or party purposes to attempt to belittle, to degrade, to calumniate in many cases that band of noble and true men, wedded to the principles of Government which we appreciate so highly here and which they have introduced into those communities for the purpose of trying to elevate them, and not for the purpose of trying to degrade them. For surely after the Yankee missionaries went to Hawaii and got possession the steps of the white men there have been attended with prosperity, growth, civilization, and improvement in every possible direction. Before that time, when the Englishmen, the Frenchmen, the whalers over the world, who were white men also, congregated there to depredate, and not to regulate and control, they poisoned the Hawaiian population to that extent that it has taken the lapse of years and the art of the surgeon with his greatest skill for years and years to eliminate the actual bodily disease which they inflicted upon the natives almost to the actual extermination of the race. The restorative in that country has been the benevolent work of the faithful, earnest, honest Christian missionary from the United States, and to him to-day is due the reformation of Hawaii from a condition of degradation which before that few people in this world have ever suffered.

Those people, acting upon our own ideas, our civilization, our plan of government, have always retained a patriotic affection for the people of the United States, in so much that for fifty years the Fourth of July has been celebrated by Hawaiians of all classes and colors with as much zeal as it has been observed by the American people, as the great birthday of liberty, which they seemed the more and more to appreciate the more enlightened they grew. I speak of that as an indication of the affection which it is very difficult for us to break up, very difficult for us to destroy. Still there is a limit to human endurance in matters of this kind, and these very men, many of them citizens of Great Britain, are of the same blood, of British stock, and if the United States refuses their overture, and if Hawaii is to be treated as if it is a nation, a people, a government to be dealt with as we please, to be kicked about over the floor of the House of Representatives and the Senate like a football, I can easily see that after a while this bond of affection may become so loose that they may say after all, "Well, we believe we will enjoy the Government of Great Britain; we will prosper under it better than we can under our expectations of forming a government with the United States or of kind treatment at the hands of our nearer kindred."

Now, if there is any other course to keep them from doing this, except their affection for us, I do not know what it is, unless it may be their devotion to self-government. So far as that particular element of republican liberty is concerned, it is about as well incorporated in the British constitution to-day as it is in the United States Constitution, and I do not know but it is more so, for the reason that the Government of Great Britain does not dare to refuse to respond to public sentiment in that great tribunal which may alter its constitution, the House of Commons. It does not dare to do it, and the action of the House of Commons is continually from day to day and year to year the actual expression of British sentiment upon all public questions. It is not so here. Sometimes you gentlemen on the other side of the Chamber have acquired the possession of political power in this body when the Democracy was triumphant in the other House and throughout the country, and you have stood your ground and refused to accede to the demands of the people. I have seen that condition very often. Hence, I justify the remark that as to popular government perhaps Great Britain is quite as much or more so than the United States, and Hawaii may take the same view of the subject, so far as I know. She may be content with a ruler appointed by the British Crown, a free parliament, a government that she can remove whenever it stands in antagonism to the popular will as expressed at the ballot box.

Now, so far as concerns this incident about the conviction of men in Hawaii for high treason, which seems to have made an im-

pression on the Senate to-day, I do not think the question before the Senate has the slightest connection with it. At the same time we have declared oftentimes here absolute noninterference with the local Government of Hawaii. The ink is scarcely dry on the paper upon which the resolution of the Senate was written for which we voted with one accord. Suppose that what has occurred in Hawaii had occurred in Dublin, and that as noble a man had been killed in Dublin by the insurgents as that splendid man Carter, whom I knew and loved. In Dublin or in England that man for his services to the public would have been made a duke or a marquis or an earl. If he who was killed there had been an earl no better or greater than Carter, the British Government would have taken those men and tried them before one of the commissions which they organize and under which they try men for their lives at their pleasure and in accordance with their constitution. They would have been executed before this time, and the American people would have been clapping their hands and shouting hosannas of praise to the British Government for the summary protection of her sovereign rights, when this noble earl had been killed by a man who was attacking the Government with a view to its destruction.

It has been a few days since you, Mr. President, received a communication from a man in Alabama who signed himself "governor" to some Senatorial credentials. Suppose that man, believing, as he does doubtless, that he is the governor of Alabama, else he would not put his name to papers so solemn as those, should conclude, under the impression of that solemn and earnest belief, to organize his men into a body and go and, forcibly take possession of the chamber now occupied by Governor Oates in Alabama, and in doing so should kill one of the best citizens of Alabama or destroy property or should kill a thousand men. It is as bad to kill one man, honest, just, and upright, as it is to kill a thousand. It is no more murder if it includes a thousand than if it includes one. Suppose that thing should be done here in the United States. What would the Senate do about it? We would say that the sovereign State of Alabama must deal with this question. We would say, "We will not pass any resolution of approbation or disapprobation upon this subject. In our organization here as a body of sovereign States, connected together by a common Constitution, we leave to every State the management of its local affairs, especially in respect to crimes and misdemeanors. Therefore the Senate of the United States will pass no resolution on the subject. It will not interfere. The Senate will not send a message to Governor Oates and request that he shall suspend execution if a jury in that State, under its laws and constitution and by proper legal methods of procedure, shall condemn an unfortunate individual to death."

The cases are exactly parallel, except that we owe quite as much respect to the sovereign powers of foreign Governments as we do to the sovereignty of one of our own States. Perhaps we have a better right of interference between our States and their people and the governors than we have between the citizens of Hawaii and that Government. I think we had better let the matter alone. If they commit a blunder in the eyes of the world, let it be a blunder. We are not responsible for it in any way. But if they should slay some man in obedience to the mandate of the law and he should be the man who slew Carter in his efforts to sustain a lawful Government in Hawaii to which he had sworn allegiance, perhaps eye for eye and tooth for tooth might do upon an occasion of that kind without exciting our special animosity. So far as I am concerned, I would have more respect for the Government of Hawaii if it should hang a traitor than I would if it should shrink from its duty and avoid contact with a disagreeable necessity. I should have more respect for it and the world would have more respect for it, and it would exhibit more of the power of government in itself. It is either a Government or it is not. If it is a Government it has these rights. If it is not, it had better close up business and hand back the Government to Liliuokalani, to the great gratification of a number of her American admirers.

But what would Liliuokalani have done if she had succeeded in the overthrow of what she considered to be an insurrection against her authority on the part of the Provisional Government which was established there? In her letters written after the fact, after cooling time, when she imagined there was still a remote possibility of her getting the reins of power in her hands again, she proclaimed death to the traitors and the banishment of all people connected with the revolution, especially the banishment of all missionaries and their wives and children from the estates and property which they had acquired. We know what she would have done. We know what she would do now with this treaty of reciprocity.

We know what she would do with this cable agreement; with the royal princess being educated under Mr. Davies's care in London, accepted, as I dare say upon her personal merits she is entitled to be, at the royal drawing-rooms there. There is no doubt at all that if Liliuokalani had succeeded in repressing the Provisional Government and retaining the reins of sovereign authority

in her hands, resenting the feeling that has become flagrant all over the United States, she would have had resentment against us sufficient to have justified her, if in nothing else, in putting an end to this reciprocity treaty, as she would have had a right to do; to have thrown us overboard as to Pearl Harbor, and to have renounced the hold we have in the nature of a political mortgage upon the public lands, the Crown lands there, so that the Hawaiian Government can not lease or sell them without our consent. She would have rid herself very rapidly of these incumbrances of the United States. She would have found but one power in the world that had the audacity to take the possessions which she would have handed out, and that is the Government which is trying now by arts seductive to get our consent that she may go and have a permanent establishment in the Hawaiian group of islands.

Mr. President, I have but a single further remark. As the Vice-President of the United States was not in the chair at the time when I opened my remarks, I wish to say again to the Senate, without undertaking to repeat the argument which I made, as I suppose the question will be submitted to the Senate whether or not the amendment is in order, that I have not the slightest doubt of its perfect propriety and that it is justified by various provisions in the bill itself. It is in keeping with those provisions. It is for the purpose of carrying into operation some of the provisions, especially those as to the appointment and payment of a minister and a consul-general to Hawaii. And in many ways which I have already explained, as the RECORD will show, and which I need not explain again, the amendment is entirely within the reach of the power of the Senate without the violation of any of its rules. But the subject is so important, in my judgment, that I should vote for it if I knew I was violating the rules of the Senate in doing so. I would not allow traditions to stand in the way of a vote as important as I conceive to be the one I shall give upon this amendment under any circumstances.

Mr. HAWLEY. Mr. President, with the general tenor of the great speech of the Senator from Alabama [Mr. MORGAN] I am most heartily in sympathy. I shall vote for anything and everything, I had almost said without regard to rules, that will lead us to the construction of this cable. We have in matters enough forgotten our high place as a great nation among the great nations of the world. We have seen a treaty with Nicaragua withdrawn. We are not likely to see a bill for the building of that splendid canal carried through the present Congress. We have tried to escape from our very creditable conduct with respect to Samoa. We have tried, I am afraid, so far as our national Executive is concerned, to prevent the establishment of a republic in Hawaii.

Mr. President, many have spoken, and yet not too much has been said, concerning the magnificence of the relations of our future nation of one or two hundred millions to the unnumbered millions of Asia and the islands of the Pacific; and yet here we stand hesitating over an item of two or three million dollars which would give us instantaneous communication with Hawaii. Without that cable, and if Great Britain builds one, she will be a week ahead of us in intelligence and action in all matters concerning those little but important islands.

But I rise to protest a little against what the Senator from Alabama said toward the close of his remarks in the way of palliating the conduct of the Hawaiian Republic in its haste to condemn certain citizens to death and imagining the arguments that could be used in the event of the execution of such condemnation. I wish to record my mild protest in general, and to say that I do not believe the Government of Hawaii ought to execute the threatened men.

Mr. MORGAN. If the Senator from Connecticut will allow me, I will state that I have not one word of advice to give to Hawaii as to her own business. That is my position.

Mr. HAWLEY. But the Senator's argument tended very much to palliate her conduct if she should decide to execute those gentlemen.

The situation in Hawaii has been such upon both sides that whoever became the victor should have found it his policy and duty to be very merciful. Who can blame the people of Hawaii in general, the ordinary people, the natives especially of the islands, for being attached by tradition to the Government of their ancestors, the Government of many generations? They resisted the revolution. We do not blame them for that. I can not find it in my heart to consider it a very serious fault, if they had any reasonable opportunity of regaining their old position, that they should counsel and, if you choose to say, conspire in behalf of it. But the monarchy is gone forever. It is hopelessly banished.

The Republic is splendidly successful. It can not afford to imitate that conduct which the Queen intimated she might indulge in toward her enemies. It can not afford to do it. But I confess I have a personal reason. I see it stated in the dispatches transmitted to us this afternoon by the Secretary of State that Major Seward is condemned to death. Major Seward was a constituent of mine, and I think in law he is still my constituent; but, perhaps, rather of the Senator from South Carolina, for he owns land



there. He is a member of one of the best families among us; he was a gallant soldier in the war, and he went to Honolulu a few years ago for his health. He became the private secretary and business agent of Mr. Cummins, who was one of three royalist commissioners who came over here, an eminent and wealthy man, once prime minister of the defunct government. The major came to me, his old commander and dear friend, merely to see me. We shook hands and had a very joyful meeting. He introduced me to those commissioners.

I saw Mr. Cummins, a man of fine physique and evident mental ability. But it appears from the dispatches—I hope it is not true—that he says Seward lived upon him and was his "evil mentor." God help him if he said that. If I had told him here in the Arlington that he was the subservient tool of that quiet, faithful clerk of the commissioners, Major Seward, he would certainly have been greatly offended. Major Seward is not a conspirator by nature. He is a man of peace, courteous, loving, witty, humorous, a lover of good people, good companions, and good order. That he has been one of the leading men in that conspiracy is perfectly ridiculous. I say it is perfectly ridiculous. Therefore I was restive when the Senator from Alabama supplied excuses for the reported purposes of the Hawaiian Republic.

Mr. BLACKBURN. I move the Senate adjourn.

Mr. HALE. Will the Senator from Kentucky yield to me for just a moment?

Mr. BLACKBURN. Certainly.

Mr. HALE. Mr. President, I wish to enter a word of earnest protest against what I think is the bad advice to the present Government of Hawaii contained in the remarks of the Senator from Alabama [Mr. MORGAN]. I should think it deplorable, not only for its effect in those islands, but its effect upon public sentiment in this country, if the Government in the exigency that has arisen there resorts to sanguinary processes, which I think the Senator must, from his remarks, sympathize with.

Mr. MORGAN. I was speaking of the cold, naked rights of Hawaii as a sovereign state; that is all. I would have no sympathy with the execution of any person in Hawaii—not the slightest. If I had any advice to give to Hawaii it would be to exercise her authority in her own way, and I would temper it with mercy. I would temper it largely with mercy. What I said and what I meant to say was that a man like Mr. Carter can not be killed by a lot of insurrectionists against the Government for the purpose of breaking it up without some consequences from it.

Mr. HALE. Undoubtedly; but there is a grave difference between such punishment as we visit even upon high treason and our methods and the speedy trial in a condition of excitement of the public mind by a military tribunal and immediate execution following. The Government of Hawaii, firmly established as it is, having put down this émeute with no great loss of life upon either side, can not, I believe, well afford now to resort to methods and processes which are not our methods and processes.

Mr. MORGAN. Our methods and processes at the close of revolutions and insurrections have not always been of the kind, gentle, and merciful character to which the Senator refers. The graves of Mrs. Surratt and Captain Wirtz indicate a different result.

Mr. BERRY. We ought not to follow such an example.

Mr. HALE. There was never such an instance of magnanimity known as that which the United States Government furnished at the end of the rebellion, and no man since has regretted it. It was a rebellion so monstrous in its extent and magnitude that Hawaii is a bagatelle compared with it; and after it was all over, and after the immense loss of blood and treasure, we hanged no man, we shot no man, we executed no man; and everyone of us to-day rejoices that it was so. And to-day if the Hawaiian Government proceeds on the other principle and with the other methods, and hangs and executes men right and left, you can not help the American people feeling that that Government has resorted not to the methods that the United States pursues and that all our people agree in, but that it is resorting to the methods that Mexico and the Central American republics and the South American republics resort to whenever there is a revolution. There will be a change of sentiment, and the sympathy which has been almost unvarying and unanimous in favor of the Government there and of the movement in establishing a republic will go awry at once, and will be hurt in every respect. Therefore I want to enter my protest against anything that looks like advising the present Government to resort to extreme measures.

Mr. GALLINGER. A little time ago the Senate very kindly gave unanimous consent to devote a half hour at the close of the debate to-day to the consideration of private pension bills on the Calendar. At that time I did not suppose the debate would continue so long, and a few moments ago I sent word over to the Senator from Kentucky that I would not ask that order to be executed, but I shall appeal to his kindness of heart at an early day, if the chairman of the Committee on Pensions does not, to let us pass the few private pension bills on the Calendar.

Mr. McLAURIN. I ask unanimous consent to call up a bill reported from the Committee on Public Lands, which will give rise to no debate.

Mr. LODGE. As what I desire to say relates to the bill now under consideration, I ask the Senator from Kentucky if he will yield to me just a moment.

Mr. BLACKBURN. I will state to the Senator from Mississippi that a request to yield had come from the Senator from Massachusetts first.

Mr. McLAURIN. Very well; if I can have the floor afterwards.

Mr. LODGE. It relates to the pending bill, and that is the reason why I wish to speak about it now. I desire to move to the bill an amendment relating to the consular service. There is one amendment now pending, the amendment in regard to the cable, which comes from the committee, and therefore has precedence; but I now move my amendment, so that it may be pending to the bill when the vote is reached, as it is a very important amendment, and to-morrow I shall hope to be able to address the Senate upon it for a few moments. I ask unanimous consent that the amendment which I offer may be considered as pending.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts?

Mr. ALDRICH. To be considered as pending after the vote is taken on the amendment now before the Senate?

Mr. BLACKBURN. Yes; not to displace the pending amendment.

Mr. LODGE. No; but that it may be considered as pending.

Mr. BLACKBURN. That is agreed to.

Mr. McLAURIN. Now, I ask unanimous consent—

Mr. HOAR. I wish to object for thirty seconds only to the request of the Senator from Mississippi, because I wish to say something that I should like to say to-night, and it will take about that time.

I do not wish to prolong this debate or to take part in it, but I wish to put upon record to-night my entire concurrence in and sympathy with what has been said by the Senator from Maine [Mr. HALE].

Mr. CALL. I submit an amendment to the pending bill which has the approval of the chairman and other members of the Committee on Foreign Relations. It is to add the following proviso:

*Provided, That the President of the United States is authorized to employ assistant secretaries of legation who can read and speak the language of the country to which the ambassadors or ministers of the United States are accredited when the public interest requires such employment, and the person so employed shall receive the same compensation as herein provided for the secretaries of legation of the United States to such country.*

I ask that the amendment be printed, and I shall offer it when the pending amendments are disposed of.

The VICE-PRESIDENT. The amendment will be printed and lie on the table for the present.

Mr. CALL. I wish further to say that I desire to enter upon the record my concurrence with the Senator from Maine [Mr. HALE] and others who protest against any executions or any severe treatment of people in Hawaii on account of the late attempts to subvert the Government there.

#### PUBLIC LANDS IN MISSISSIPPI.

Mr. McLAURIN. I ask unanimous consent for the present consideration of the bill (S. 2699) for the encouragement of education in the State of Mississippi.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

*Be it enacted, etc., That the governor of the State of Mississippi be, and he is hereby, authorized to select out of the unoccupied and uninhabited lands of the United States, within the said State, 40,000 acres of land, in legal subdivisions, being a total equivalent to two townships, and shall certify the same to the Secretary of the Interior, who shall forthwith, upon receipt of said certificate, issue to the State of Mississippi patents for said lands: *Provided, That the proceeds of one township of said lands, when sold or leased, shall forever remain a fund for the use of the agricultural and mechanical college of said State; and the proceeds of one of said townships of land, when sold or leased, shall forever remain a fund for the use of the agricultural and mechanical college for colored persons, established and maintained by said State.**

*Sec. 2. That in making said selection the governor of said State of Mississippi shall designate the lands for the agricultural and mechanical college, and the lands for the agricultural and mechanical college for colored persons.*

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### INTERNATIONAL ARBITRATION.

Mr. CALL. I have in my hand a letter from W. Randal Cremer, a member of the Parliament of England, accompanied by a petition to the President and Congress of the United States, signed by 356 members of the British House of Commons, in which they commend the resolution passed by Congress for the submission of all international questions to arbitration and ask that further legislation may be had by Congress on the subject. I desire to say that I concur heartily in this recommendation, and at the proper time I shall be glad to address the Senate upon the subject.

The VICE-PRESIDENT. The communication presented by the Senator from Florida can only be received by unanimous consent.

Mr. ALDRICH. What is the communication?

Mr. CALL. It is a petition—

Mr. BLACKBURN. It is a memorial from certain members of the House of Commons.

Mr. FLETCHER. I hope there will be no objection to its reception.

Mr. CALL. I ask that it may be printed in the RECORD.

The VICE-PRESIDENT. The memorial is from citizens of a foreign power. Is there objection to its reception?

Mr. HOAR. I think it had better go over. I do not know anything about it, but it is the rule of the Senate, a rule of absolute propriety, I think, that communications from citizens of foreign countries must come to us through the executive department. I am not aware that we have ever departed from that rule.

The VICE-PRESIDENT. The Chair called the attention of the Senate to it because of the rule.

Mr. CALL. Let it go over until to-morrow.

Mr. BLACKBURN and Mr. HOAR. Let it go over.

The VICE-PRESIDENT. The memorial will go over, under the rule.

#### EXECUTIVE SESSION.

Mr. BLACKBURN. I will withdraw my motion to adjourn, and move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 9, 1895, at 12 o'clock m.

#### NOMINATIONS.

*Executive nominations received by the Senate February 8, 1895.*

##### POSTMASTERS.

John J. Thornton, to be postmaster at St. James, in the county of Watonwan and State of Minnesota, in the place of Hans M. Serkland, whose commission expired January 19, 1895.

Charles W. Parrott, to be postmaster at St. Charles, in the county of Winona and State of Minnesota, in the place of Thomas P. Dixon, whose commission expired January 19, 1895.

##### PROMOTIONS IN THE ARMY.

##### General officer.

Brig. Gen. Thomas Howard Ruger, to be major-general, February 8, 1895, vice Schofield, appointed lieutenant-general.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 8, 1895.*

##### CONSUL-GENERAL.

Herbert Wolcott Bowen, of New York, to be consul-general of the United States at Barcelona, Spain.

##### SURVEYOR OF CUSTOMS.

Daniel F. Buckley, of Massachusetts, to be surveyor of customs in the district of Boston and Charlestown, in the State of Massachusetts.

##### ASSISTANT APPRAISER OF MERCHANDISE.

William A. Hyde, of Massachusetts, to be assistant appraiser of merchandise in the district of Boston and Charlestown, in the State of Massachusetts.

##### COLLECTOR OF CUSTOMS.

Abraham Osborne, of Massachusetts, to be collector of customs for the district of Edgartown, in the State of Massachusetts.

##### POSTMASTERS.

William C. Fontaine, to be postmaster at Princess Anne, in the county of Somerset and State of Maryland.

Frank A. Royce, to be postmaster at Palmer, in the county of Hampden and State of Massachusetts.

Charles J. Swain, to be postmaster at Nunda, in the county of Livingston and State of New York.

Adelbert B. Payne, to be postmaster at Bainbridge, in the county of Chenango and State of New York.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, February 8, 1895.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

##### THE JOURNAL.

The Journal of yesterday's proceedings was read, corrected, and approved.

##### REVOLUTIONARY ARCHIVES.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I desire to correct a reference, if it is the proper time to do so. On the 7th of January a letter from the Secretary of State, transmitting, by the direction of the President, pursuant to the sundry civil act approved August 18, 1894, a list of revolutionary archives, except

military records, now in the State Department, of sufficient importance to publish, the number of books they would make, and the probable cost of the same, was referred to the Committee on Printing. This was called for by the Committee on Appropriations for consideration in connection with the sundry civil bill for the ensuing fiscal year. I ask to return the letter to the House, that the Committee on Printing be discharged from its consideration, and that it be referred to the Committee on Appropriations.

The SPEAKER. That can be done without objection. The gentleman from Tennessee asks that the Committee on Printing be discharged from the consideration of the following letter, the title of which the Clerk will report.

The Clerk read as follows:

A letter from the Acting Secretary of State, transmitting, by direction of the President, pursuant to the sundry civil act approved August 18, 1894, a list of Revolutionary archives, except military records, now in the State Department, of sufficient importance to be published, the number of books they would make, and the probable cost of the same.

The SPEAKER. Without objection this will be referred to the Committee on Appropriations.

There was no objection, and it was so ordered.

##### SUPPRESSION OF COUNTERFEITING.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate of deficiency in the appropriation for suppressing counterfeiting, submitted by the Chief of the Secret Service; which was referred to the Committee on Appropriations, and ordered to be printed.

##### DEFICIENCIES IN APPROPRIATION FOR PUBLIC PRINTING AND BINDING.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting additional estimates of deficiencies in the appropriation for public printing and binding, submitted by the Public Printer; which was referred to the Committee on Appropriations, and ordered to be printed.

##### PUBLIC BUILDING AT CHARLESTON, S. C.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, recommending an additional appropriation for the United States post-office, court-house, etc., building now being erected at Charleston, S. C.; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

##### PRELIMINARY EXAMINATIONS.

The SPEAKER. The Chair will lay before the House a number of letters of the Secretary of War, transmitting, with letter of the Chief of Engineers, reports of preliminary examinations, which will be referred to the Committee on Rivers and Harbors, and, without objection, the titles will be printed in the RECORD without being read. There are quite a number of them.

There was no objection, and it was so ordered.

The titles of the letters are as follows:

Channel connecting Irondequoit Bay, New York, with Lake Ontario; Drum Inlet between Portsmouth and Cape Lookout, North Carolina; North River, North Carolina; for a steamboat channel between Beaufort, S. C., and Savannah, Ga.; Bayou Dugdamona, Louisiana; Alligator River, South Carolina; Bayou Castor, Louisiana; between South Amboy and Great Beds Light, with a view to deepening the channel; and Milford Haven from Planktank River, Virginia.

##### SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles; which were severally referred as follows:

The bill (S. 1921) for the removal of snow and ice from the sidewalks, cross walks, and gutters in the city of Washington and Georgetown, and for other purposes—to the Committee on the District of Columbia.

The bill (S. 2669) to repeal section 553 of the Revised Statutes of the United States, requiring the district judge in the southern district of Florida to reside at Key West—to the Committee on the Judiciary.

A bill (S. 2511) granting a pension to Eugenia B. Sweeney—to the Committee on Invalid Pensions.

A bill (S. 2364) for the relief of Silas P. Keller—to the Committee on Indian Affairs.

##### SHIPPING COMMISSIONERS.

The SPEAKER also laid before the House a bill (H. R. 5603) to amend an act entitled "An act to amend the laws relative to shipping commissioners," etc., with amendments of the Senate thereto.

Mr. ROBBINS. Mr. Speaker, I move that the House concur in the Senate amendments.

The Senate amendments were concurred in.

On motion of Mr. ROBBINS, a motion to reconsider the vote by which the amendments of the Senate were agreed to was laid on the table.

##### LEAVE OF ABSENCE.

Mr. RUSK, by unanimous consent, obtained leave of absence for this day, on account of sickness.

##### MILDRED P. POULLAIN.

Mr. LAWSON. Mr. Speaker, I ask unanimous consent for the consideration of the resolution which I send to the desk.



The resolution (reported as a substitute for H. R. 989) was read, as follows:

*Resolved*, That the bill (H. R. 989) for the relief of Mildred P. Poullain, widow of Dr. Thomas N. Poullain, deceased, be, and the same is hereby, referred to the Court of Claims for a finding of facts, under the provisions of the acts of March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker acts.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. DINGLEY. What is this for, Mr. Speaker?

The SPEAKER. The Clerk can report the bill, if the gentleman desires.

Mr. LAWSON. Mr. Speaker, I will say to the gentleman that this is a claim for cotton which was taken three months after the war closed. The resolution is unanimously reported by the Committee on War Claims, recommending the reference of the case to the Court of Claims to ascertain the facts.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was adopted.

On motion of Mr. LAWSON, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

GILMAN L. JOHNSON.

Mr. CURTIS of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 840) to correct the muster of Lieut. Gilman L. Johnson.

The bill was read, as follows:

*Be it enacted*, etc., That the Secretary of War be, and is hereby, authorized and directed to correct the record of Second Lieut. Gilman L. Johnson, late of the One hundred and forty-second Regiment of New York Infantry, so as to make his muster as said lieutenant date from the date of his enlistment in said regiment, and that he have all rights and emoluments due him thereby or by reason thereof.

The SPEAKER. Is there objection to the request of the gentleman from New York for the present consideration of this bill?

Mr. BYNUM. Mr. Speaker, reserving the right to object, I desire to ask the gentleman if this is not one of a class of cases?

Mr. CURTIS of New York. No, sir; it is an entirely distinct case, as I think I can make plain to the House if I may make an explanation.

The SPEAKER. Without objection, the gentleman can make a short explanation.

Mr. CURTIS of New York. Mr. Speaker, the beneficiary of this, Gilman L. Johnson, now a resident of the State of Iowa, was one of the first boys to enlist in the company which I organized in April, 1861, and he served through the term of that regiment, the Sixteenth New York Infantry. Later, when I became colonel of the One hundred and forty-second New York Volunteers, and the Sixteenth Regiment had been mustered out of the service, I asked the governor of New York to commission him a second lieutenant in the One hundred and forty-second Volunteers. He joined the regiment when serving in South Carolina, but, in the meantime, the exigencies of the service had so reduced the regiment that he could not be mustered a second lieutenant for want of sufficient men.

Instead of returning home he enlisted, at my suggestion, in the One hundred and forty-second, and was later made sergeant and shortly after was made sergeant-major. He performed during all the time from his enlistment duties pertaining to the rank of a commissioned officer. He commanded troops on Johns Island in January, 1864, and lost his right arm in the engagement. When it was found that some time must elapse before he could be mustered as a second lieutenant—the occasion did not really occur until the next October, when the regiment was increased by recruits—I recommended his appointment as first lieutenant. That commission was made out, but was on board a vessel that was several weeks under water in Hampton Roads, so that it was a long time after he was commissioned before he was mustered as first lieutenant.

This young man was a brave soldier and discharged his duty in the various positions he occupied with ability, and by reason of his long and faithful service he is justly entitled to this relief. A similar bill was introduced in the last Congress and referred to the Committee on Military Affairs. The gentleman from Iowa [Mr. HULL], who, as lieutenant-governor of that State, had known Mr. Johnson when he was in the State senate, reported the bill favorably and it passed the House, but the time before adjournment was too short to secure its passage in the Senate. The bill has been again reported by the gentleman from Iowa [Mr. HULL] from the Military Committee, and it comes before the House as one of the most meritorious measures, in relation to the correction of a military record, ever presented here.

Mr. BYNUM. Mr. Speaker, this is only one of a class of bills. There are several such cases and I believe there ought to be general legislation instead of special, and therefore I object to the consideration of this bill now.

EVENING SESSION DISPENSED WITH.

Mr. MOSES. I ask unanimous consent that the session of tonight be dispensed with.

Mr. BYNUM. I object.

A MEMBER (to Mr. BYNUM). Do not object; members can not get here on account of the storm.

Mr. BYNUM. It is suggested to me by a number of gentlemen that on account of the storm members will not be able to attend the session this evening. I therefore withdraw my objection.

The SPEAKER. In the absence of objection the order requested will be made.

There was no objection.

ORDER OF BUSINESS.

Mr. DOCKERY. I ask unanimous consent that the call of committees for reports be omitted, and that gentlemen having reports to present may file them with the Clerk.

There being no objection, it was ordered accordingly.

Mr. DOCKERY. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. RICHARDSON of Tennessee in the chair.

The first business in order was the bill (H. R. 8665) making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes.

Mr. DOCKERY. With the consent of the Committee on Naval Affairs I ask that this bill be passed over.

There was no objection.

LEGISLATIVE APPROPRIATION BILL.

The Committee of the Whole then proceeded to the consideration of the bill (H. R. 8767) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes.

Mr. DOCKERY. I ask unanimous consent that the first or formal reading of this bill be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. DOCKERY. Mr. Chairman, I desire to make a very brief statement.

The total estimates for legislative, executive, and judicial expenses for the ensuing fiscal year amounted to \$22,349,101.57. But that estimate failed to include \$250,000 for special examiners, which the Secretary of the Interior intended to provide for; so that the total estimates should have been \$22,599,101.57. The appropriations for 1895 amounted to \$21,367,623.29. So that the estimates for 1896 show an increase of \$1,231,478.28 over the appropriations for 1895. The bill now before the committee carries \$21,367,623.27, being \$437,903.23 more than the appropriations for the current year.

I have here statements, which I will submit, showing the reductions made in this bill, which will amount to \$463,637.10, the items of which are as follows:

Reductions under appropriations for 1895.	No. salaries.	Amount.	Total.
Senate:			
Clerks to Committees on Woman Suffrage and Mines and Mining, at \$2,100 each omitted; the amount for pages increased \$3,640 on account of length of next session; and for per diem folders \$18 on account of additional day in next fiscal year, making a net reduction of.....	2		\$542.00
House of Representatives:			
Clerks to session committees, reduced from 23 to 14 in number.....	9		
Library of Congress:			
For work on catalogue, omitted.....			2,500.00
State Department:			
Clerks at \$800 each.....	2	\$1,600.00	
Editing laws, from \$3,000 to \$2,000.....		1,000.00	
			2,600.00
Treasury Department (except offices of Auditor for Treasury and Commissioner of Internal Revenue), net reduction.....	7		82,179.10
Mints and assay offices, net reduction.....			12,300.00
Government in the Territories, net reduction.....			118,450.00
War Department, net reduction.....	62		77,100.00
State, War, and Navy building:			
Fuel, light, and repairs.....			4,120.00
Interior Department (except expenses special examiners in Pension Office), net reduction.....	118		128,056.00
Surveyors-general, contingent expenses, as estimated.....			1,300.00
Post-Office Department, net reduction.....	4		5,040.00
Court of Private Land Claims:			
By omission of provision for, after December 31, 1895.....		16,750.00	
By omission of special assistants provided for until December 31, 1895.....		16,000.00	
			32,750.00
Court of Appeals, District of Columbia:			
Clerical assistance for, as estimated.....			1,500.00
Total reductions.....	204		463,637.10

I have also a statement showing the increases in the bill, amounting to \$901,540.33, making the net increase (consisting of 159 sal-

aries) \$437,903.23. The increases arise, as will be found on examination of the statement which I submit, almost entirely from three items—the appropriations made necessary for the collection of the income tax, amounting to \$493,300; the increased amount necessary to pay members' clerks for the long session of Congress; and \$250,000 for special examiners.

Increases over appropriations for 1895.	No. salaries.	Amount.	Total.
<b>House of Representatives:</b>			
For compensation of members, \$3,000; for the pay of session employees on account of length of next session, net, \$10,941.58; for pay of clerk hire to members, \$133,858.75; making \$147,800.33, less \$11,000 reduction in sum for folding material.....			\$136,800.33
<b>Income tax collection:</b>			
Clerks in office of Auditor for Treasury.....	15	\$18,200.00	
Clerks in office of Commissioner of Internal Revenue.....	24	30,500.00	
Additional deputy collectors and expenses.....	303	406,600.00	
Additional revenue agents and expenses.....	10	36,000.00	
	352		493,300.00
<b>Mints and assay offices:</b>			
Additional clerk for mint at Denver.....	1		
<b>Pension examiners:</b>			
Per diem and traveling expenses, from \$250,000 to \$500,000.....			250,000.00
<b>Department of Justice:</b>			
Additional clerical force for accounts division.....	10		17,050.00
<b>Department of Labor: Net increase.....</b>			700.00
<b>Navy Department: Net increase, including increase of \$7,000 for publishing Naval War Records.....</b>			3,600.00
<b>Total increases.....</b>	<b>363</b>		<b>901,540.33</b>

## RECAPITULATION.

	No. salaries.	Amount.
Total increases.....	363	\$901,540.33
Total reductions.....	204	463,637.10
<b>Net increase.....</b>	<b>159</b>	<b>437,903.23</b>

Mr. Chairman, I now ask consent that general debate on this bill be considered as closed, with the understanding that if on any paragraph when reached there should be a desire for more extended debate than would be allowed under the five-minute rule, the gentleman from Maine [Mr. DINGLEY] and myself will have no difficulty in arranging the matter.

Mr. DINGLEY. I do not wish at this time to make any remarks in reference to the bill. I prefer to postpone my remarks until the paragraphs embracing certain changes shall be reached. The gentleman from South Dakota [Mr. PICKLER] informs me that he would like to have thirty minutes.

Mr. PICKLER. I should like to occupy thirty or forty minutes—perhaps not so much—but prefer to do so, if I can, when we reach the subject which I wish to discuss.

Mr. DOCKERY. That will be all right. I presume the gentleman has reference to the appropriation for pension examiners?

Mr. PICKLER. Yes, sir.

Mr. DINGLEY. The understanding is, then, that when we reach certain provisions in the bill in which changes have been made there will be no objection to a reasonable time for debate?

Mr. DOCKERY. I do not think there will be any trouble between the gentleman from Maine and myself on that account. Of course, I do not want to open the door to debate without limit.

Mr. DINGLEY. Not at all.

Mr. DOCKERY. I think we can agree upon the time when we reach any item of the bill.

Mr. DINGLEY. All right. I prefer to make any remarks I desire to submit when we reach the particular item in the bill.

Mr. DOCKERY. I have no desire whatever to cut off any reasonable debate.

Mr. PICKLER. It is understood if I should desire thirty or forty minutes during the progress of the bill that I can have it?

Mr. DOCKERY. There will be no trouble about that.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri that the general debate be now closed? The Chair hears none.

Mr. BRECKINRIDGE. What was the agreement?

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that all general debate be closed on the bill and that it be read by sections for amendment.

Mr. BRECKINRIDGE. As I understood the colloquy, there was an agreement that when certain sections of the bill were read there might be debate beyond the time allowed under the five-minute rule.

The CHAIRMAN. The Chair was not able to hear the colloquy to which the gentleman refers.

Mr. DOCKERY. I stated that if more extended time was desired on any particular provision than the five-minute rule allowed the gentleman from Maine and myself would be able to reach some agreement.

Mr. BRECKINRIDGE. But that was not made a part of the agreement in the committee.

Mr. DOCKERY. I do not think there will be any trouble about it.

The CHAIRMAN. Does the gentleman from Kentucky object to closing general debate on the bill?

Mr. BRECKINRIDGE. I do not.

The CHAIRMAN. Then the Clerk will proceed to read the bill by paragraphs for amendment and debate.

The Clerk proceeded to read the bill. Having reached the paragraph under the head of "Congressional Directory," on line 9—

Mr. DOCKERY. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RICHARDSON of Tennessee reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill H. R. 8767, had come to no resolution thereon.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 273) for the immediate relief of the suffering poor in the District of Columbia; in which the concurrence of the House was requested.

## MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

## THE GOLD RESERVE.

The SPEAKER. Without objection, the Chair will submit to the House at this time the message of the President.

The message was read, referred to the Committee on Ways and Means, and ordered to be printed [the reading being accompanied by manifestations of applause on the floor.]

It is as follows:

To the Congress of the United States:

Since my recent communication to the Congress, calling attention to our financial condition and suggesting legislation which I deemed essential to our national welfare and credit, the anxiety and apprehension then existing in business circles have continued.

As a precaution, therefore, against the failure of timely legislative aid through Congressional action, cautious preparations have been pending to employ to the best possible advantage, in default of better means, such executive authority as may, without additional legislation, be exercised for the purpose of reinforcing and maintaining in our Treasury an adequate and safe gold reserve.

In the judgment of those especially charged with this responsibility, the business situation is so critical and the legislative situation is so unpromising, with the omission thus far on the part of Congress to beneficially enlarge the powers of the Secretary of the Treasury in the premises, as to enjoin immediate Executive action with the facilities now at hand.

Therefore, in pursuance of section 8700 of the Revised Statutes, the details of an arrangement have this day been concluded with parties abundantly able to fulfill their undertaking, whereby bonds of the United States, authorized under the act of July 14, 1875, payable in coin thirty years after their date, with interest at the rate of 4 per cent per annum, to the amount of a little less than \$62,400,000, are to be issued for the purchase of gold coin, amounting to a sum slightly in excess of \$65,000,000, to be delivered to the Treasury of the United States, which sum, added to the gold now held in our reserve, will so restore such reserve as to make it amount to something more than \$100,000,000. Such a premium is to be allowed to the Government upon the bonds as to fix the rate of interest upon the amount of gold realized at 3½ per cent per annum. At least one-half of the gold to be obtained is to be supplied from abroad, which is a very important and favorable feature of the transaction.

The privilege is especially reserved to the Government to substitute at par within ten days from this date, in lieu of the 4 per cent coin bonds, other bonds in terms payable in gold and bearing only 3 per cent interest, if the issue of the same should in the meantime be authorized by the Congress.

The arrangement thus completed, which, after careful inquiry, appears in present circumstances and considering all the objects desired to be the best attainable, develops such a difference in the estimation of investors between bonds made payable in coin and those specifically made payable in gold in favor of the latter as is



represented by three-fourths of a cent in annual interest. In the agreement just concluded the annual saving in interest to the Government, if 3 per cent gold bonds should be substituted for 4 per cent coin bonds under the privilege reserved, would be \$539,159, amounting in thirty years, or at the maturity of the coin bonds, to \$16,174,770.

Of course there never should be a doubt in any quarter as to the redemption in gold of the bonds of the Government which are made payable in coin. Therefore, the discrimination, in the judgment of investors, between our bond obligations payable in coin and those specifically made payable in gold is very significant. It is hardly necessary to suggest that, whatever may be our views on the subject, the sentiments or preferences of those with whom we must negotiate in disposing of our bonds for gold are not subject to our dictation.

I have only to add that in my opinion the transaction herein detailed for the information of the Congress promises better results than the efforts previously made in the direction of effectively adding to our gold reserve through the sale of bonds; and I believe it will tend, as far as such action can in present circumstances, to meet the determination expressed in the law repealing the silver-purchasing clause of the act of July 14, 1890, and that, in the language of such repealing act, the arrangement made will aid our efforts to "insure the maintenance of the parity in value of the coins of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts."

GROVER CLEVELAND.

EXECUTIVE MANSION, February 8, 1895.

#### LEGISLATIVE APPROPRIATION BILL.

Mr. DOCKERY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the further consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. RICHARDSON of Tennessee in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

That the Speaker of the House of Representatives of the Fifty-third Congress shall, before the expiration of his term of service, appoint from among the Representatives-elect to the Fifty-fourth Congress a temporary committee on accounts, of three members, which said committee on accounts shall have the same powers and perform the same duties in reference to payments made from the contingent fund of the House of Representatives of the Fifty-fourth Congress as are now authorized by law and the rules of the present House of Representatives; and which said temporary committee on accounts shall begin to exercise its powers immediately upon the termination of this Congress, and shall continue to exercise and discharge said duties until after the meeting and organization of the House of Representatives of the Fifty-fourth Congress and until the appointment of the regular Committee on Accounts. And all payments made out of the contingent fund of the House of Representatives upon vouchers approved by said temporary committee on accounts shall be deemed, held, and taken, and are hereby declared to be, conclusive upon all the Departments and auditing officers of the Government. And hereafter the Speaker of the House of Representatives of each subsequent Congress shall, before the termination of the last session of each Congress, appoint, from the Representatives-elect, a temporary committee on accounts of three members, with similar powers and for the same purposes.

Mr. PICKLER. I desire to reserve the point of order on the paragraph beginning with line 28, on page 10, down to and including line 28, on page 11, until we can hear some explanation of what this is intended to accomplish. It is a new provision of law.

Mr. DOCKERY. The object is simply this: Under the new accounting system the disbursing officers are required to make prompt reports. They can not pay out any public moneys and consult their own convenience as to making reports. The disbursement of the contingent fund of the House is under the supervision of the committee on accounts. This body—the House of Representatives—is not a continuing body. At the end of every two years there is usually a vacancy of nine months, when the House is not in session, and it is necessary therefore to appoint temporarily a Committee on Accounts of three members to authorize the payment of the contingent fund.

The amount involved is small, only about \$8,000, as I am informed, and goes to the washerwomen and laborers about the Capitol.

Mr. PICKLER. How has it been done heretofore?

Mr. DOCKERY. The disbursing officer has made up his accounts and then made his report to the Treasury at his convenience. He is now required to do so promptly under the new law, and this is in the interest of the prompt payment of what is due to the laborers about the Capitol.

Mr. PICKLER. I withdraw the point of order.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk, continuing the reading of the bill, read as follows:

For mileage, \$120,000.

For compensation of the officers, clerks, messengers, and others in the service of the House of Representatives, \$385,297.32.

Mr. HUNTER. Mr. Chairman, I see here an item for mileage, \$130,000, and for compensation of officers, clerks, messen-

gers, and others in the service of the House of Representatives, \$385,297.32.

I find that for the same service, apparently, for the Senate, the compensation for clerks, messengers, and others was \$425,700, making about \$100,000 more paid for clerical services and necessary expenses of the Senate than is paid by the House. I should like to have an explanation of that from the chairman of the committee.

Mr. DOCKERY. As far as the mileage is concerned, that is fixed by law.

Mr. HUNTER. The mileage is not included in the question that I ask. I wish to know about the compensation of officers, clerks, etc.

Mr. DOCKERY. I will simply state to the gentleman that it is the old contest between the Senate and the House, which is known to everybody. We all understand that the force carried at the other end of the Capitol is very much larger and at a larger compensation than the force at this end of the Capitol. The Senate claims the right to fix their own affairs, and it is a contest that has gone on for perhaps fifty years. I suppose it will go on for the next fifty years, and the end of each repeated contest will be that the Senate will get what they claim to be their right, to fix the compensation and number of their own employees.

Mr. HUNTER. While I am perfectly willing to concede to the Senate the right to ask for appropriations for the various persons employed there, and to ask that the various places be filled under their regulations, yet at the same time it seems to me that there is such a discrepancy here, when this House certainly ought to cost a great deal more than the Senate for the transaction of its business of this character, that we ought here and now to settle this matter so that there would be at least some sort of parity between the Senate and the House in this question of expenditure.

Mr. DOCKERY. I understand the gentleman has offered no amendment.

Mr. HUNTER. I ask for an explanation.

Mr. DOCKERY. It is the old fight, known to every member here. If the gentleman wants my opinion, I think the Senate have too many employees, and that they are paid too much. That is my judgment.

Mr. MONEY. The House has always thought that.

Mr. DOCKERY. The House has always thought that. This House is no exception to the rule. The House under all administrations has antagonized that policy, but the Senate have always insisted upon fixing the number and compensation of their own employees.

Mr. DINGLEY. We have always been compelled to admit that the Senate could control its own domestic concerns and the House its own domestic concerns.

Mr. DOCKERY. That has always been the result.

The Clerk, resuming the reading of the bill, read as follows:

Office of the Clerk: For Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, \$5,000; and for hire of horses and wagons and cartage for the use of the Clerk's office, \$900, or so much thereof as may be necessary; for Chief Clerk, Journal Clerk, and two reading clerks, at \$3,000 each, and for the Journal Clerk for preparing Digest of the Rules, \$1,000 per annum; tally clerk, \$2,000; for printing and bill clerk, and disbursing clerk, at \$2,500 each; for file clerk and enrolling clerk, at \$2,500 each; for assistant disbursing clerk, assistant enrolling clerk, resolution and petition clerk, newspaper clerk, index clerk, assistant journal clerk, and librarian, at \$2,000 each; for distributing clerk, stationery clerk, and two assistant librarians, at \$1,800 each; for one bookkeeper and seven clerks, at \$1,600 each; for document clerk and locksmith, at \$1,400 each; two messengers in the House library, at \$1,314 each; telegraph operator and assistant file clerk, at \$1,200 each; one page, one laborer in the bathroom, and four laborers, at \$720 each; one assistant index clerk, during the session and ninety-two days after its close, three hundred and four days, at \$5 per day, \$1,824; one page in the enrolling room, and messenger in the Chief Clerk's office, at \$720 each; in all, \$83,282.

Mr. DOCKERY. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 13, after line 5, insert the following:

"That hereafter the engrossing and enrolling of bills and joint resolutions of either House of Congress shall be done in accordance with the concurrent resolution adopted by the Fifty-third Congress at its first session, November 1, 1893: *Provided*, That during the last six days of a session such engrossing and enrolling of bills and joint resolutions may be done otherwise than as prescribed in said concurrent resolution, upon the order of Congress by concurrent resolution."

Mr. CANNON of Illinois. I should like to ask a question, so that I may reserve a point of order if I desire to.

Mr. BRECKINRIDGE. I was going to suggest that instead of it being done by joint resolution, it were better to have it done, I will suggest to the chairman of the committee, by the joint order of the President of the Senate and the Speaker of the House—

Mr. DOCKERY. It is not a joint resolution. It is a concurrent resolution.

Mr. BRECKINRIDGE. Than by any resolution.

Mr. DOCKERY. I think I can explain it.

Mr. BRECKINRIDGE. It seems to me it would be better to let it be done by the joint order of the presiding officers of the

two Houses than by resolution of the two Houses themselves, because such a resolution will take time.

Mr. DOCKERY. I want to say simply this: That this continues the present system of engrossing and enrolling bills by printing, but allows, during the last week of the session, the two bodies by concurrent resolution, if there should be an emergency, to employ the old methods. There might be such an emergency as would make it necessary to employ the old method. This simply continues the present method of engrossing and enrolling bills by printing, except that it provides that, during the last week of the session, when everything is in a rush, the two bodies by concurrent resolution may provide for a modification of the system, if necessary.

Mr. BRECKINRIDGE. If there should arise such an emergency, why not let it be met in the discretion of the President of the Senate and the Speaker of the House? Why not let them do it.

Mr. DOCKERY. For this reason: It is thought the better policy now to provide for that by concurrent resolution.

Mr. BRECKINRIDGE. I have no objection. The emergency arises pretty quickly, especially in connection with appropriation bills, at the close of the session.

Mr. DOCKERY. That would be a privileged resolution in either body.

Mr. DINGLEY. In other words, Mr. Chairman, the concurrent resolution that was adopted by the House and the Senate simply applies to the present Congress, and this provision is to continue this printing method of enrolled and engrossed bills in the future which has worked so well. And I want to say with reference to that method that not a single error has occurred in consequence of it; and wherever an error has occurred it has been through some officers or one or other of the two Houses. There is a general desire to make this arrangement permanent in the future.

The CHAIRMAN. The Chair understood the gentleman from Illinois [Mr. CANNON] to make a point of order.

Mr. CANNON of Illinois. Upon the statement of the gentleman from Maine, and the gentleman from Missouri also, I will not insist upon the point of order.

The amendment was agreed to.

The Clerk read as follows:

For superintendent of document room, at the rate of \$2,000 per annum, and for two laborers, at the rate of \$900 per annum each, until December 2, 1895, or until the assembling of the first session of the Fifty-fourth Congress, \$1,900.55.

Mr. DOCKERY. I desire to offer an amendment.

The Clerk read as follows:

On page 7, after line 11, insert the following:

"For two laborers, now authorized under a resolution to be employed in the office of the Clerk from March 4, 1895, to June 30, 1896, inclusive, at \$90 per month, \$1,900.55."

Mr. DOCKERY. That is pursuant to an order of the House.

The CHAIRMAN. If there be no objection the amendment will be considered as agreed to.

There was no objection, and it was so ordered.

The Clerk read as follows:

Clerks and messengers to committees: For clerk to the Committee on Ways and Means, \$3,000; assistant clerk, \$1,000; messenger, \$1,000; clerk to the Committee on Appropriations, \$3,000; assistant clerk, \$1,000; messenger, \$1,000; clerks to Committees on Accounts, Agriculture, Claims, District of Columbia, Elections, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Invalid Pensions, Judiciary, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Post-Office and Post-Roads, Public Buildings and Grounds, Public Lands, Rivers and Harbors, War Claims, and clerk to continue Digest of Claims under resolution of March 7, 1888, at \$2,000 each; and for assistant clerk to the Committee on War Claims, \$1,200; in all, \$50,400.

Mr. PICKLER. I move to strike out the last word. I would like to inquire of the gentleman in charge of the bill how many less clerks are provided for committees than heretofore.

Mr. DOCKERY. There are 9 less, including 5 assistant clerks. They are usually provided for by resolution at the first session of each Congress.

Mr. PICKLER. How many less does the gentleman say are provided for?

Mr. DOCKERY. Nine less.

Mr. DINGLEY. The annual clerks are just the same. In the paragraph following the reduction of session clerks is made.

Mr. PICKLER. I withdraw the pro forma amendment.

Mr. DINGLEY. I desire to say that the annual clerks which are provided for in this bill are precisely as they stand in the current law. There has been an application made to the Committee on Appropriations to give an annual clerk to the Committee on Banking and Currency, but the committee did not feel authorized to make any recommendation for that, the House not having acted upon it. Therefore the annual clerks stand precisely as in the current law. There is a reduction in the next paragraph in the number of session clerks—5 clerks and 4 assistant clerks.

The Clerk read as follows:

For 14 clerks to committees, at \$6 each per day during the session, \$17,808.

Mr. PICKLER. I move to strike out the last word.

Now, as I understand the gentleman in charge of the bill, there are 8 less assistant per diem clerks provided for here.

Mr. DINGLEY. Nine less.

Mr. DOCKERY. Nine less are provided for under this paragraph.

Mr. PICKLER. Are these the clerks that heretofore have been used as assistant clerks to committees?

Mr. DOCKERY. They are usually provided for by resolution, to be paid out of the contingent fund, at the first session of each Congress. When it desires to furnish the committees with additional assistance Congress passes a resolution providing for their payment out of the contingent fund; and then at the second session the salaries for those assistant clerks to committees are provided for in the legislative bill.

Mr. PICKLER. Then, if this reduction is made, it will take away that many assistants from these committees.

Mr. DOCKERY. It does for the time. But the practice is that each Congress determines for itself what number of assistant clerks it desires.

Mr. PICKLER. As I understand, when members were provided with individual clerks, quite a large number of these committees were deprived of clerks. It was considered that the member's clerk could take care of them.

Mr. DOCKERY. That is right; and instead of these 9 assistants we give 9 additional clerks to members.

Mr. PICKLER. I think the members ought to have annual clerks, just like the Senate.

A MEMBER. That is right.

Mr. DOCKERY. That is not the issue here.

Mr. PICKLER. But we might adopt that issue. There are a number of these committees that can not get along without clerks, and it is a saving to the Government for a member of a committee to have an individual clerk. The Agricultural Department has lessened its expense quite largely, as I understand, because members are now provided with clerks, and that Department is not required to do the work that they had done heretofore.

Mr. DOCKERY. We have simply provided for 14 clerks to the committees, and that does not interfere at all with the annual clerkships.

Mr. PICKLER. I am interested in this. Being a member of the Committee on Invalid Pensions, I know we need clerical assistance. My point is, whether in the next Congress members will have to get along without that assistance.

Mr. DOCKERY. It is left for each Congress to determine what clerical assistance it wants.

Mr. PICKLER. I do not understand—it may be my inability—where this reduction is to be made.

Mr. DOCKERY. I will illustrate: Suppose, which is not altogether unlikely, that the gentleman from South Dakota [Mr. PICKLER] should be chairman of the Committee on Invalid Pensions in the next House. He would doubtless offer a resolution providing that the committee be allowed one or two additional clerks, to be paid out of the contingent fund of the House. That resolution would be reported by the Committee on Accounts and would doubtless be agreed to, as such resolutions generally are, and the committee would have its assistant clerks, as it has had in the past.

Mr. PICKLER. But why should we not provide on this bill now for annual clerks for members and be done with it?

Mr. DOCKERY. Because the custom has always been to allow each House to determine for itself what additional clerical service it needs.

Mr. LIVINGSTON. The gentleman from Missouri misapprehends the question of the gentleman from South Dakota. He asks why not provide annual clerks for members now?

Mr. DOCKERY. I did not understand the gentleman's inquiry in that way. That is another question entirely.

Mr. DINGLEY. Mr. Chairman, it is perhaps proper that the committee should fully understand just the change that the provision in the bill makes. Five session clerks to committees that now have them are dropped under this bill. Those are the Committees on Mines and Mining, on the Revision of the Laws, on the Library, on the Election of President and Vice-President, and on Arid Lands. One assistant clerk is dropped from the Committee on Military Affairs, 1 from another committee, and 2 assistant clerks are dropped from the Committee on Invalid Pensions. This makes 9 in all that are dropped, leaving 1 annual clerk to the Committee on Invalid Pensions, and also the clerk that is ordinarily detailed from the Pension Office. Of course, as to assistant clerks, the next House will undoubtedly take care of that, but as to these five committees whose per diem clerks are dropped by the pending provision, 5 additional clerks will be given to the members.

The whole question lies right here. Since the original distribution of committees at the beginning of the last Congress, by a joint resolution of Congress all members who do not have a clerk as chairman of a committee have been provided with clerks at the rate of \$100 per month during the session. In view of that fact the committee have dropped these 5 committee clerks, on



the ground that it does not appear that the committees by whom they are employed have had any business of consequence during the life of this Congress. The only difference, of course, is in this respect: if the chairman of a committee has a per diem clerk, the compensation of that clerk will be \$80 a month more than that of his session clerk would be under the resolution adopted at the beginning of the present Congress. In either case the chairman obtains the clerk, the difference being only in the compensation.

The simple question is whether or not the per diem clerks for the five committees that I have named shall be dropped, and the chairmen of those committees, in pursuance of law, be each allowed a clerk at \$100 a month. Otherwise there would be the same number of clerks to whom a compensation of \$80 a month more would be paid. The question is whether, in view of the fact that we now by law give every member a clerk, we shall drop clerks for the chairmen of the committees where it appears that those committees are doing little or no business.

Mr. BARTLETT. I should like to ask the gentleman from Maine what committees lose their session clerks under this bill?

Mr. DINGLEY. I have already named them: The Committee on Mines and Mining, the Committee on Revision of the Laws, the Committee on the Library, the Committee on Election of President and Vice-President, and the Committee on Arid Lands.

Mr. BARTLETT. I want to say a word as to the proposition to deprive the Committee on the Library of its clerk. I have the honor to be chairman of that committee now, but I shall not be in the next Congress. The session clerk receives \$186 a month instead of the \$100 which he would receive if he were my private secretary. It is claimed that the committee does no work. That is an error. We do have meetings and we have a great deal of business before us, and the only reason that we have not reported many bills at this session has been that we have refrained from doing so out of deference to the wishes of the Committee on Appropriations, by whom we were told that they would allow no appropriation whatever of such a nature to go through. The aggregate of the bills before our committee amounts probably to hundreds of thousands of dollars, if not to a million. Those bills come from almost every part of the Union, from nearly every State—North, South, East, and West. Now, I submit that to deprive a committee of that character of its session clerk is an error on the side of niggardly policy, and I do not think it should be done.

Mr. HULL. Mr. Chairman, as I understand, this reduction does not apply to this Congress.

Mr. DINGLEY. No; to the next Congress.

Mr. HULL. There are 19 of these committee clerks that this Congress has had, and you propose to reduce the number by 5. Now, I want to suggest to my friend from Maine that by this policy he thrusts upon the next Congress the burden of coming in here with a resolution from each committee asking for a clerk.

Mr. DINGLEY. Provided they decide to do so.

Mr. HULL. You do that, and that policy will make it appear that the next Congress is increasing the number of clerks, when as a matter of fact it will be asking only for the number that this Congress has.

Mr. DINGLEY. But those clerks were obtained by joint resolution at the beginning of this Congress.

Mr. HULL. But we shall be met with the charge that we are trying to increase the number of our clerks, when, in fact, we shall only be restoring the old number. Mr. Chairman, I move to amend by striking out "fourteen" and inserting "twenty-three." If this amendment should be adopted, I shall follow it with an increase of the amount appropriated, so as to leave these clerks just as they stand in the present Congress.

The CHAIRMAN. The paragraph to which that amendment applies has not been read.

Mr. HULL. Let it be read, then.

Mr. DOCKERY. Is there any amendment pending? I should like this discussion to proceed in order.

Mr. PICKLER. I suggest that by unanimous consent, before we pass to a new paragraph, we return to the top of page 18, to consider the matter of members' clerks and see whether we can not settle it. I have an amendment in reference to that matter.

Mr. DOCKERY. If anything should occur making it necessary in the rearrangement of paragraphs passed over, that can be returned to by consent.

The CHAIRMAN. The Clerk will read the next paragraph.

The Clerk read as follows:

For 14 clerks to committees, at \$6 each per day, during the session, \$17,808.

Mr. HULL. I now move to amend by striking out "fourteen" and inserting "twenty-three," so as to provide for 23 clerks to committees, etc.

I offer this amendment, Mr. Chairman, because the number which I propose to insert is the number of clerks which our committees have had heretofore and the number which we have at the present time. The proposition in effect is that the committees shall have their per diem clerks in the Fifty-fourth Congress just

as they have them now. There is no reason why this Congress should start out to handicap the next Congress as to the number of its committee clerks.

Mr. DOCKERY. Allow me to say that the last Congress had 34 of these session clerks; and this Congress has dispensed with 11 of those clerkships, which were useless.

Mr. HULL. The presumption is that this is a very economical Congress, and that it has reduced its force to the lowest number consistent with the interest of the public service. When this Congress reduced the number from 34 to 23 it made all the reduction in its judgment necessary. I think the gentleman in charge of this bill, the gentleman from Missouri [Mr. DOCKERY], ought to concede that if we in this Congress have reduced the number of clerks from 34 to 23, the presumption is that we have done the best that could be done. Why should we now try to cut down the force of the next Congress or compel the committees in that Congress to come in with resolution after resolution, fighting each question separately, to determine whether they shall have the same number of clerks that we have in this Congress, thus subjecting its committees to the false criticism of unusual clerical force.

Mr. DOCKERY. Certainly the gentleman did not hear the explanation I made a while ago.

Mr. HULL. Oh, yes, I did; but what I am considering is the effect of your action, not your explanation.

Mr. DOCKERY. The custom, so far at least as assistant clerks are concerned, is to let each House determine for itself the number of assistant clerks it shall have. This House determined that question for itself; former Houses have done so; and the Fifty-fourth Congress ought to be allowed to do the same.

Mr. HULL. The Fifty-second Congress did not reduce the number below 23.

Mr. DOCKERY. They made a reduction from 34 to 23.

Mr. HULL. And stopped at that.

Mr. DOCKERY. That was done by unanimous vote.

Mr. HULL. And 23 has stood as the number for this Congress?

Mr. DOCKERY. Yes, sir.

Mr. HULL. And now you propose to reduce the number to 14, and the presumption is that you are handicapping the next Congress.

Mr. DOCKERY. No, we can not handicap the next Congress, because this is a matter which, according to custom, each House determines for itself.

Mr. BOUTELLE. For what Congress are we making provision in this bill?

Mr. DOCKERY. For the first session of the next Congress.

Mr. BOUTELLE. Then why does the gentleman say that this does not affect the next Congress?

Mr. DOCKERY. I explained a while ago to the gentleman from South Dakota, and have since explained to the gentleman from Iowa, that, so far as the number of assistant clerks is concerned, it is a matter which, according to custom, has always been left to be determined by each House for itself.

Mr. BOUTELLE. But it seems that in this case we are undertaking to determine it for the next House.

Mr. DOCKERY. My proposition is that we shall not do so; that we provide for the essential committee clerkships and allow the next House to determine for itself how many assistant clerks shall be appointed.

Mr. HULL. I do not understand, Mr. Chairman, that this is confined to assistant clerks; as I understand, we are striking out five committee clerks as well as a number of assistant clerks. We strike out five committee clerks absolutely. The gentleman from Missouri talks as though the proposition in the bill affected simply the assistant clerks. That is not the fact; it affects clerks of both classes, and places the next Congress at a disadvantage.

Mr. DOCKERY. If I was so understood I wish to qualify that statement, because there are some session clerks included.

Mr. HULL. Five session clerks, as I understand, and 4 assistant clerks.

Mr. DOCKERY. The gentleman is right as to that. But I want to say to the gentleman that the House has stricken out 11 clerks to useless committees already. This is a matter that, so far as I am concerned, I am willing, and in the committee was also willing, to leave to the minority of the committee, because it is a matter that refers to the next House. I left it to gentlemen representing the minority, and the bill comes before the House in this form with their approval.

Mr. HULL. I think it would be better grace to let the next House determine that question for itself, rather than for this House to undertake to do it.

Mr. DOCKERY. But of course we are compelled to make the law at this session.

Mr. HULL. Oh, yes; you can make the law; I am perfectly willing for that. But do not undertake to limit the next House in this manner.

I am perfectly willing, Mr. Chairman, to let this go over until

we reach the paragraph referred to by the gentleman from South Dakota.

Mr. DOCKERY. Very well; let it be passed over for the present.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

For clerk hire, Members and Delegates, House of Representatives: To pay Members and Delegates the amount which they certify they have paid or agreed to pay for clerk hire necessarily employed by them in the discharge of their official and representative duties, as provided in the joint resolution approved March 3, 1895, \$250,000.00, or so much thereof as may be necessary.

Mr. BARTLETT. I offer the amendment I send to the desk.

The Clerk read as follows:

On page 18 strike out all after the word "Representatives" in line 2, down to and including the word "necessary" in line 9, and insert:

"For annual clerks to Members who are not chairmen of committees, and to Delegates from Territories, at \$1,200 each, from and after March 4, 1895."

[Cries of "Vote!" "Vote!"]

Mr. DOCKERY. I feel constrained to raise the point of order upon that. [Cries of "No!" and "Vote!"]

Mr. BARTLETT. Mr. Chairman—

The CHAIRMAN. The gentleman from Missouri, as the Chair understands, makes the point of order against the amendment.

Mr. PICKLER. Oh, I hope the gentleman will not do that.

The CHAIRMAN. Does the gentleman from Missouri desire to be heard upon the point of order?

Mr. DOCKERY. No; I will simply submit it.

The CHAIRMAN. Then the Chair overrules the point of order, and submits the amendment.

The Chair proceeded to submit the question; and announced that the yeas seemed to have it.

Mr. BRECKINRIDGE. I rise to offer an amendment to the amendment.

Mr. PICKLER. I make the point that it is too late to offer an amendment.

The CHAIRMAN. The Chair thinks the gentleman has a right to submit an amendment at this time.

Mr. BRECKINRIDGE. I move to strike out of the amendment of the gentleman from New York the words "eighteen hundred and ninety-five" and insert in lieu thereof the words "from the day the Fifty-fourth Congress assembles."

I go out of Congress and have no personal interest in the matter. I offer this amendment; and I can speak from experience as to the propriety of its adoption. I do not think that members of Congress ought to have clerks assigned to them prior to the organization of Congress. I think it is not proper in any sense of the word, nor is it necessary; but when Congress assembles then I believe the services of the clerk are required, his compensation ought to begin, and that the need of a clerk during a recess between the sessions is as great as it is while Congress is in session. I think the proper thing to do is to let the clerk's salary begin on the day the Congress assembles and continue until the expiration of the Congress. That is a fair and proper thing, and that is what is proposed in the amendment. I make to the amendment of the gentleman from New York. To provide clerks for members before they have to be here and do not need to make any arrangements requiring such assistance seems to me to be entirely unnecessary and improper.

Mr. MCCREARY of Kentucky. I ask for the reading of the amendment of the gentleman from New York and the amendment to the amendment proposed by the gentleman from Kentucky.

The amendment of Mr. BARTLETT was again read.

Mr. PICKLER. Mr. Chairman, what is this amendment?

The CHAIRMAN. This is the amendment of the gentleman from New York [Mr. BARTLETT].

Mr. PICKLER. That has been already adopted.

Mr. HOPKINS of Illinois. I make the point of order that the committee has already voted upon that amendment and agreed to it.

The CHAIRMAN. The Clerk will report the amendment to the amendment proposed by the gentleman from Kentucky.

The Clerk read as follows:

Strike out the words "March 4, 1895" and insert "from the day the Fifty-fourth Congress assembles."

Mr. PICKLER. I make the point of order on the amendment. I want to know how an amendment can be offered to an amendment that has been already adopted. The committee had voted on the amendment of the gentleman from New York.

The CHAIRMAN. The committee was voting on the amendment, but the Chair had not announced the result. The gentleman from Kentucky rose in time, although the Chair was just on the point of announcing the vote.

Mr. BRECKINRIDGE. I wish to modify my amendment, to strike out of the amendment of the gentleman from New York the word "annual" also.

The CHAIRMAN. The gentleman from Kentucky will submit his amendment in writing.

Mr. McMILLIN. Mr. Chairman, as I occupy a little different situation from that of my friend from Kentucky who offers the amendment, I feel that I can, without any passion or prejudice in the matter, address myself to it, unhampered by the fact that I am not in the next Congress.

I happen to be of that number who will be members of the next Congress. I believe that, if the amendment of the gentleman from New York is to be adopted and this clerical place is to be made more permanent, the amendment of the gentleman from Kentucky ought to prevail.

There is no sufficient reason why we should make an appropriation of over a third of a million dollars now for the purpose of giving clerks to members for the nine months to intervene between the 4th of March and the 1st of December. If I have made a correct mental calculation, that is about what it would take to meet this proposition of the gentleman from New York. Now, I believe that if we are to adopt the amendment offered by the gentleman from New York, that of the gentleman from Kentucky [Mr. BRECKINRIDGE] ought to prevail. What reason is there for each member of the House keeping a clerk at \$1,200 a year, during the recess?

I know the great duties that devolve upon members during the session, but in making provision for them under existing law we ought to be careful not to make any more expensive drafts upon the Treasury than we can avoid. I shall therefore favor the amendment of the gentleman from Kentucky as a substitute for the amendment of the gentleman from New York; but I am opposed to both, and I shall vote against giving annual clerks in any shape, form, or fashion. The present law allows clerk hire for members during the session. The amendment of the gentleman from New York converts these clerkships to annual places at twelve-hundred-dollar salaries. The present law gives a clerk only to those members who are not chairmen of committees which have a clerk. But this goes still further and gives a clerk to every member for nine months when Congress is not in session. It should not be adopted.

Mr. DOCKERY. I am entirely willing that the House shall have a chance to vote on this proposition, because it is a matter which relates to the convenience and comfort of the House; but I am opposed to this proposition for annual clerks. I do not believe it is wise. I do not believe it is sound policy to provide clerks for members for the nine months when the House is not in session. I know there is seemingly a strong claim in equity, because the other body is provided with annual clerks; but I confess frankly, Mr. Chairman, that if this proposition should prevail I can not understand what use I would have for a clerk during the nine months. I am unwilling, and I trust that this House will not support the proposition, to give annual clerks to members during vacation, when those clerks can have no official duties to discharge.

Mr. DOOLITTLE. I suppose it would be within the power of every member, under this provision, to employ a clerk during such time as he needed his services, and certify just the amount actually paid.

Mr. DOCKERY. While that is true, I want to say another thing, if the gentleman will allow me. While I am opposed to annual clerks and shall vote against this proposition, because I do not see how I can use a clerk during the vacation, I do believe that some amendment ought to be made to existing law in respect to the employment of these clerks. The members of this body and the body that is to follow ought not to be under the suspicion, by the terms of the law now on the statute books, of using any of the fund for our own purposes.

Several MEMBERS. That is right.

Mr. DOCKERY. I think that provision ought to be changed in some respect, because we ought to avoid the suspicion and the very appearance of any provision that would make any part of this sum payable to the members of the House for their own use. While I think there ought to be an amendment to that statute by which we should each have a clerk during the session, I do not believe that the business committed to the members of this House warrants them in having annual clerks during the vacation.

Mr. BRECKINRIDGE. I rise for the purpose of putting my amendment in the shape of a substitute.

The CHAIRMAN. The Clerk will report the provision which is offered as a substitute, as the Chair understands it.

The Clerk read as follows:

For clerks to Members who are not chairmen of committees, and to Delegates, \$100 per month, from the day the Fifty-fourth Congress meets until March 4, 1897.

Mr. PICKLER. Let me ask the gentleman from Kentucky—

The CHAIRMAN. The Chair must recognize the gentleman from New York [Mr. BARTLETT], who offers the first amendment.

Mr. BARTLETT. I should like to say a few words in favor of the amendment which I have offered. There is no man in this



House who is more in favor of true economy or economical management than I am. But I believe for one that we should either have no clerks at all or that we should have annual clerks.

Several MEMBERS. That is right.

Mr. BARTLETT. I for one do not care whether I have a clerk or secretary or not, but if I have a clerk or secretary I think he should be an annual clerk. Now, I was unaware, until I heard the gentleman from Kentucky and the gentleman from Missouri announce it, that the Fifty-fourth Congress could not possibly meet until December next. That is the first authoritative intimation that I have had that there was no possible danger under any circumstances whatever of an extra session.

Mr. McMILLIN. Will the gentleman permit me right there?

Mr. BARTLETT. No; I can not. Now, let us see how absolutely illogical the substitute offered by the gentleman from Kentucky [Mr. BRECKINRIDGE] is. The present system is right or the amendment that I offer is right. We do not want any such hybrid plan as that offered by the gentleman from Kentucky. What does he suggest? He says that this annual salary shall commence on the first day of the first session of the Fifty-fourth Congress, and then continue as an annual salary until the 4th of March, 1897.

Mr. LIVINGSTON. This bill does not go beyond June 30, 1896.

Mr. BARTLETT. What logic is there in the gentleman's proposition? If we are to have annual clerks, those clerks should come into official existence with the inception of the new Congress.

Now, gentlemen, I say to you that I have fought appropriations whenever I have thought them to be unjust. But I believe this is a just amendment, which should receive the support of this body and that it will receive it on both sides of the House.

Mr. MCCREARY of Kentucky. Mr. Chairman, for many years the members of this House had no clerks during the session of Congress. When members of this House debated the question and passed the amendment which gave to each member a clerk the argument presented was that while we, as Representatives, were attending to our duties as Congressmen we needed clerks to assist us with our correspondence, etc. That was the main argument presented then. I believe now that we should adhere to that position. I am satisfied that each member of Congress needs a clerk when Congress is in session; but I do not believe that members' clerks ought to be paid when Congress is not in session. I believe, also, that instead of requiring a member of Congress to certify, as he is now required, there should be a change in the law, so that each clerk be allowed a certain amount while Congress is in session.

Mr. DOCKERY. Will the gentleman allow me to offer a substitute for both propositions?

Mr. MCCREARY of Kentucky. I yield, as I have said all I desired to say.

The CHAIRMAN. One substitute is already pending. The gentleman from Kentucky has offered a substitute for the pending amendment; therefore another substitute will not be in order.

Mr. McMILLIN. I ask consent to have the proposition of the gentleman from Missouri, chairman of the subcommittee in charge of the bill, read.

The CHAIRMAN. That motion is not in order.

Mr. McMILLIN. I am not making a motion, I am only asking consent.

The CHAIRMAN. That is not in order unless it is properly offered, if it is offered as a substitute.

Mr. McMILLIN. But, Mr. Chairman, I asked the Chair to ask consent of the committee that the amendment proposed by the gentleman from Missouri be read; and I think it is due him.

The CHAIRMAN. If the gentleman offers it as a substitute it can not be entertained.

Mr. DOCKERY. Mr. Chairman—

The CHAIRMAN. The Chair will recognize the gentleman from Missouri.

Mr. WILLIAMS of Mississippi. He can read it in his own time.

The CHAIRMAN. The gentleman can read it in his own time.

Mr. DOCKERY. In my own time I will have this read, to be offered as a substitute at the proper time. I understood the proposition of the gentleman from Kentucky was offered as an amendment.

The CHAIRMAN. It is a substitute.

Mr. DOCKERY. Then I ask to have read in my time the substitute I will offer as soon as I can do so.

The Clerk read as follows:

Strike out all after the word "Representatives," in line 2, down to and including line 9, on page 18, and insert the following:

"For clerks to members who are not chairmen of committees entitled to have clerks and to Delegates from Territories, at the rate of \$100 per month each during the session of Congress, \$230,880.15, or so much thereof as may be necessary."

Mr. PICKLER. That is the law now.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Kentucky.

Mr. DE ARMOND. Mr. Chairman, there is embodied—

Mr. HOOKER of Mississippi. I hope that the Chair will be able to procure better order.

The CHAIRMAN. The Chair has failed to get better order. The Chair can not control members, but can only appeal to them. The gentleman from Missouri is recognized.

Mr. DE ARMOND. Mr. Chairman, there is embodied in the rules of this House a provision to the effect that an amendment changing existing law shall not be admissible upon an appropriation bill unless it lessens the amount carried by the bill. I have known that provision to be successfully invoked time and time again for the economical purpose of saving five or ten dollars or a hundred dollars; but for the first time, so far as I know, in the history of this House or the Congress which preceded it, that proposition has been offered, in a pro forma way, as a point of order against an amendment here proposed which would take out of the Treasury between next March and next December \$300,000 or \$400,000; and it has been handled in a way to invoke an overruling of it. The point of order has been overruled, and we stand here under a decision of the Chair that a proposition to change the law by amendment to an appropriation bill, so as to provide for paying to each member of this House \$100 per month for clerk hire when the House is not in session, is admissible under the rules of the House. Ordinarily such points are made by gentlemen looking only to the interest of the Treasury and having in charge the bill.

For the first time probably in the history of this House or of any legislative body the gentleman having charge of this bill has sat in his seat, as if abandoning the point made by him, when asked whether he had anything to say upon the point of order—one unquestionably good and held good time and time again. He had nothing to say, and certainly a novel ruling has dropped from the Chair, to the effect that a point of order, good at all times when offered against small items, is worth nothing against this large one.

Mr. MOSES. If the point was good probably the gentleman did not think it needed any defense.

Mr. DE ARMOND. I know nothing about that. I am now directing the attention of this committee to a remarkable passage in its recent history, utterly unparalleled in the history of this Congress or of any other Congress that ever sat. A proposition to so change existing law as to take money from the Treasury for nothing, without merit and without right, and give it to the members of the body entertaining the proposition, who are gathering like vultures about the carcass, ready to pounce upon what does not belong to them under the law—that kind of a proposition is before us, and the members of this committee are hungry to adopt it, with a pro forma point of order made and practically surrendered and overruled. I believe that if this House shall declare in favor of a proposition to donate to members \$100 a month when the Congress is not in session it will have made respectable everything else that it has done and has not done, and will have placed upon a pinnacle this particular act as worthy of condemnation. And it will receive condemnation from one end to the other of this Republic. [Applause.]

The CHAIRMAN. The question is on the substitute offered by the gentleman from Kentucky.

Mr. CANNON of Illinois. Mr. Chairman, but a very short time ago I came into the Hall and found this amendment pending. I shall talk to the amendment. I do not know about the point of order, but that is past. I shall not seek to lecture the House. I shall perform my own duty as a Representative, following my own convictions and my own sense of right, and I do not think I shall be flushed by another's lecture.

I concede to the honorable gentleman from Missouri [Mr. DE ARMOND], who has just addressed the committee, the fullest privilege to voice his own sentiments and control his own vote, and I claim the same privilege for myself. In the years that have passed, long before we had any appropriation for clerks for Members, the Senate first authorized clerks for Senators, payable out of the contingent fund. At that time I heard substantially the speech that the gentleman from Missouri has just made, and I have heard it repeated many times since, although never better than he has repeated it to-day.

Year after year I heard this talk about the extravagance of the Senate, and these appeals to the toiling millions to rise up and put down an extravagance that was outside of the law. When the speech was first made I supposed there would be a volcano, a popular uprising, and I went home and tried to interest some of my people about it, and they said to me substantially that a Government so large and with such varied interests that it costs four or five hundred million dollars a year to run it—that such a country, legislated for by a Senate and House of Representatives, could not afford to be penurious or to be controlled by false economy.

Well, I quit talking along that line. [Laughter.] Finally the Senate clerks were made annual, and the same kind of declamation went on, and when I went out of Congress at the close of the Fifty-

first Congress and did not know that I would ever be here again and before the allowance was made for clerks to members, just as I was going out I bore my testimony to the fact that I believed the people would be best served by making an allowance for clerks to members as had been made to the Senators. [Applause.] I so believe now. We have clerks during the session; that is, gentlemen who want them have, for if anybody thinks he does not need a clerk he is not compelled to have one. We have them during the session, and there is just as much reason why we should have them during the vacation. The man who, the moment the gavel falls at the end of a session of Congress, goes home and hibernates is not worthy to be a member of Congress. [Laughter and applause.] It is all the while investigation; it is all the while demand from the constituency; and if a man performs his duty and is not a drone all his time will be taken up, and he ought to have the privilege and the aid of a clerk during vacation as well as during the session.

Ah, gentlemen, let the next Congress, and those that are to follow after it, be composed of men who have the courage of their convictions and the wisdom to choose rightly and then let them choose rightly, and, whichever party is in power, you will not find the people complaining or calling us to account because we avail ourselves of the ordinary aids for the performance of our duties. There is not a merchant anywhere in the United States having a good sized business, there is not a small jobber nor a large retailer, but has a stenographer or typewriter. He does not occupy his time doing clerical work and we ought not to have to do it, and gentlemen mistake if they think they are going to alarm the country because we have the courage to demand that which will enable us to discharge our duties here to the best advantage for the country and for the people whom we represent. I shall vote for the amendment.

Mr. SNODGRASS. Mr. Chairman, I want to ask the gentleman from Illinois a simple question, which he can answer in my time. I want to know if these grocery stores and other business establishments that he speaks of that have clerks would want to pay the salaries of those clerks provided they shut up their businesses?

Mr. CANNON of Illinois. We never shut up business while we are members of Congress. The term runs for two years. Do you refuse your \$416 a month for the next nine months during vacation? [Laughter.]

Mr. SNODGRASS. In reply to that, I want to say that when this House is not in session members are drawing \$416 a month, and they ought to do their work themselves, and not take from the Treasury \$100 a month additional, when they have nothing to do except to investigate and keep up their little correspondence.

Mr. HEPBURN. Mr. Chairman, I think that gentlemen who oppose this appropriation misapprehend the question. For my part I want no appropriation from the public Treasury to compensate or assist in compensating a clerk to do my work. I favor this appropriation so that I may have some one under my direction to do the work of my constituents. [Applause.] This morning I received in my mail 17 letters, no one of them suggesting a strictly public duty, but all of them from constituents asking me to do something for them here in this city—to look after a pension, to attend to a matter in the Land Office, or something of that kind—no one of them suggesting a strictly official duty. Now, I know that the people of this country who require this kind of non-official service from their Representatives are willing that it should be paid for. I receive at least 600 letters a month on matters which are not official, but which are of great interest to my constituents.

Mr. HUNTER. Let me ask the gentleman a question. He will be at his home in Iowa during the recess. Now, will he keep this clerk here?

Mr. HEPBURN. I will keep him here in the city of Washington to attend to this business, as he is doing to-day. He is a hard-working, industrious man, whom I brought from my home, and who puts in his entire time in attending to this business for my constituents. There is no gratuity to me in this appropriation. It is not any addition to my salary. No dollar of this money goes to me. Every dollar that I receive for such service goes to this man who does this business for my constituents, and they will be willing that he should be paid.

Mr. TERRY. Mr. Chairman, the question whether or not we should support the amendment creating an additional charge on the Treasury can not well be determined without some reference to the condition of the Treasury and the means whereby it is proposed to strengthen it. In the course of some remarks which I had the honor to submit on the 28th of January, 1895, I stated: "In the summer of 1893 we were told that the way to get out of our financial troubles was to 'repeal the bullion-purchasing clause of the Sherman Act.' That was done, and still the drain of gold went on. The next cry was to 'issue bonds,' and the President and the Secretary of the Treasury had that done; but it was soon discovered that every proposal for the sale of bonds amounted

simply to an advertisement for a fresh raid upon the Treasury to get gold with which to buy those very bonds." And so the farce goes on.

In this connection, and in support of the statement I then made, I send to the Clerk's desk to be read certain portions of an article from the New York Press of January 7. The Clerk will read the portions in the parentheses.

The Clerk read as follows:

GOLD TO BUY BONDS—WALL STREET READY TO ROB TREASURY PETER TO PAY PAUL.

Fully \$700,000 in gold coin was withdrawn from the subtreasury yesterday. While this is not a large amount as compared with other days, it is significant and suggestive. It means nothing more or less than that the banks and trust companies in the city are preparing to take up a considerable proportion of the prospective bond issue.

But it is more than likely that the banks will get even with the Government after all. The quiet gold hoarding that is going on just now means that this money is to be used to buy the new bonds, and after they are once obtained it will be a comparatively easy matter for the purchasers to replenish their vaults and safes with practically the same coin again by means of legal tenders. In short, it is only another instance of Peter being robbed to pay Paul.

NO ISSUE AT PRESENT.

Both Mr. Morgan and Mr. Belmont were at their offices yesterday, which gave color to the report that everything was "fixed" so far as the new issue is concerned. Mr. Belmont declined to be interviewed, and Mr. Morgan had only this to say for publication: "I am satisfied that no announcement of a bond issue will be made until after a vote in the House on the Springer bill. I am also satisfied that President Cleveland and Secretary Carlisle are keenly alive to the situation."

The withdrawal of half a million in coin from the subtreasury yesterday by the Merchants' National Bank excited a good deal of gossip in Wall street. It is said that the gold is wanted for local subscribers to the bond issue.

It is said that the home bankers will take from twenty-five to fifty millions of the new bond issue. This only confirms what has before been stated that Europe will furnish at least fifty millions of the yellow metal for Uncle Sam's Treasury. But it is a nice question whether the actual gold will come here or whether it will appear in the form of drafts to the credit of the Government. No matter what shape it takes, it will begin to dwindle away as snow under a summer sun.

[Here the hammer fell.]

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. STOCKDALE. Mr. Chairman, I move to amend the amendment by striking out the last word. I have no particular interest in this matter, except that I do not wish it to pass without saying a word upon it. I do not see why this Congress should be so liberal toward the next. We propose here to make appropriation enough to pay the amount of money which members of the next Congress may certify they have paid out for their clerks. Sir, if the members of the next Congress desire to have annual clerks, they can make the necessary additional appropriation themselves and take the responsibility. I do not think they ought to shuffle it off on us; and that is just what is being done to-day.

One word further. There is not a member of this House who is to serve in the next Congress who will not devote the time during the recess to his private business; yet these gentlemen want the United States to hire a clerk to help them do that business. Some of these gentlemen who want to go to Europe (and I have no objection to their going to Europe and staying there if they want to) desire to leave a clerk here to attend to their public business while they are away on a frolic. I say it is incumbent upon a member of Congress to devote his own time, or at least one-fourth of his time, in vacation to his public correspondence, and he can attend to it in one-half his time; and he should not expect to have the United States hire a clerk for him to attend to his private business. We will have to borrow over \$300,000 to pay members' clerks before the members are sworn in.

Mr. TALBERT of South Carolina. Mr. Chairman, I want to enter my protest here and now against this proposition, which will increase the appropriation by nearly one-half million, to pay members' clerks during the recess. It has been said, and truly said, by the distinguished gentleman from Illinois [Mr. CANNON] that this is a great country; that this is a great Government; that we are possibly the richest nation on the face of God's green earth, with 170,000 or 180,000 miles of railroad, with great cities, with numerous banks and other institutions, etc. Truly we are the greatest nation upon the face of the earth. But, Mr. Chairman, beneath all this greatness and grandeur and wealth is the canker of a disturbed and an oppressed people, who are ground to the dust between the upper and the nether millstones of want and usury; who pay by their labor every dollar that is appropriated by these "billion-dollar Congresses." I want to protest by my voice and my vote for the great mass of people who to-day are recognized only in the burdens they bear in the way of taxation and Government expenses; who are already up to their eyebrows in debt.

Mr. Chairman, it is for that people and that class of our people that I raise my voice to-day and plead against adding this additional feather to the camel's back which is already bearing such a burden. It is true that gentlemen here may be engaged in important business for their constituents, but they could attend to that business, many of them, very much better if they would let



alone the entertainments and receptions; if they would stay away from parties, stay away from card tables and drinking saloons and elsewhere, and come here and attend to their duties. Nine out of ten, I am satisfied, of the members of this House only want clerks to do a duty that they could do and ought to do themselves, as has been well said by the gentleman from Mississippi, and I am unwilling to sit here and see this extra expense saddled upon a starving people, while nothing is done for their relief.

I want to enter my solemn protest against increasing the burdens under which they labor now. The whole tendency of the times is to increase the burden imposed upon the taxpayer. Every employee of the Government, who is now receiving too much, wants his wages raised; and the members of this House, some of them I am sure, who are now ready to vote extra pay to clerks, would be doubtless willing to vote to raise their own salaries to \$10,000 a year. I am opposed to it, and will not vote any increase of taxes on an already overburdened people; and upon this principle I will stand or fall. Give us something that will relieve instead of increasing the hardships of the country, and I stand ready to support it with my voice and my vote, but never, no never, will I assist by my vote in saddling upon the country, already ruined, any measure that will add to the sufferings; and I want to warn members of this House that one day, if this thing continues, an enraged people will hold them to personal account—and ought to. [Applause.]

Mr. HENDERSON of Iowa. Mr. Chairman, I move to strike out the first word of the amendment to the amendment.

This is quite an important matter. I wish to call the attention of the committee to one distinction which must not be lost sight of, and which was brought to my mind forcibly by a remark of the gentleman who last occupied the floor. When this matter was first discussed in this body, in connection with the Senate clerks some years ago, the argument was made here with considerable force that it was of the same character as the salary grab. We were told that a wave of indignant condemnation would come from the people of all parts of the country if such a provision was enacted into law. The same argument was made with renewed vigor and force when we gave to the members of the House session clerks.

I appeal to the House now if there has been any cry of that character, and if any clamor has ever come up from the masses of the people on account of the employment of clerks to Senators or the payment of session clerks for the members of the House? Never. And why? Simply because the salary grab, about which there was a proper outcry, was a provision in the interest of the individual members, while this legislation is in the interest of the people themselves, and they alone. [Applause.] Every dollar of the money expended for this clerical service goes to the benefit of the masses of the people of the country. Not one dollar of the money paid to my clerk, the child of a stricken paralytic who fought four years for his country, touches my pocket. But the service he renders goes for the benefit of the 180,000 people that I have the honor to represent on this floor, and for their benefit alone.

Why, gentlemen, you know what your mails are every day. You know the arguments, documents, and circulars that you used to be compelled to throw into your waste baskets, often even unopened and usually unread, because we had no time whatever to give to them from our duties here. Now we have some time to give to the consideration of public questions that come to us in that manner, and in that way we are able to render more efficient duty to our constituents. [Applause.] All know that it has grown to be a part of the business of the Representative to look after a thousand details not heretofore contemplated by the laws that provided for this body; and you can not recede from that. You can not change the habits of the people. They look to their Representatives for this, and they have a proper ground for the belief that their wishes will be attended to.

As far as the transaction of business in the Departments is concerned, for instance, while a member cannot properly in his representative capacity act as an attorney there, yet by the aid of a clerk he can investigate the problems involved, and spread light amongst the people, which can not be done through any other agency without involving an enormous expense to the people. By the assistance of a clerk the capacity of the Representative to serve the people is vastly increased.

The clerk of the Representative should be his right hand and connected with his brain, to become a part of his legislative life, which connection never terminates with the termination of a session of Congress—never. I have to carry on my legislative work as diligently after the adjournment of a Congress as I do on the floor of the House, because there are a thousand and one details in which you are compelled to employ the services of your stenographer and typewriter. Why, the correspondence of the American people has increased several hundred per cent in the last few years. Intelligence by means of the electric telegraph and telephone, by the aid of stenography and the typewriter, has enlarged

wonderfully in the last few years, and has enlarged mainly for the benefit of the masses. If you are compelled to write your own letters you are obliged to dispose of important questions presented to you in a mere sentence; but by the assistance of the stenographer and typewriter you can give full attention to such matters, and any man who consults the interests of the people will vote in favor of the employment of these annual clerks if he has the courage of his convictions. [Applause.]

[Here the hammer fell.]

The CHAIRMAN. The Chair will regard the pro forma amendment as withdrawn, and the question will be taken on the substitute proposed by the gentleman from Kentucky.

The substitute was rejected.

Mr. DOCKERY. Now, Mr. Chairman, I offer the following as a substitute for the proposition of the gentleman from New York. It carries the amount of the present law, and provides clerks for members, placing them on the roll of the House, and dispensing with the requirement of certification on the part of members.

The Clerk read as follows:

Strike out on page 18 all after the word "Representatives," in line 2, down to and including line 9, and insert "for clerks to Members who are not chairmen of committees, entitled to have clerks, and to Delegates from Territories, at the rate of \$100 per month each during the session of Congress, \$200-\$250.15, or so much thereof as may be necessary."

Mr. SNODGRASS. I offer an amendment to the substitute.

The Clerk read as follows:

That the joint resolution authorizing members to certify monthly the amount paid by them for clerk hire, and directing the same to be paid out of the contingent fund of the House, approved March 3, 1893, be, and the same is hereby, repealed.

Mr. WILLIAM A. STONE and Mr. HOOKER of New York. Point of order on that.

The CHAIRMAN. What is the point of order?

Mr. WILLIAM A. STONE. The point of order is that the amendment is new legislation and is not germane to the proposition pending.

Mr. SNODGRASS. It reduces expenditure.

The CHAIRMAN. It is new legislation, but new legislation is not always obnoxious to the rule if it reduces expenditures. As the Chair understands this amendment, it simply repeals a section of existing law.

Mr. SNODGRASS. And it reduces expenditures.

The CHAIRMAN. It is not germane to the substitute, but it might be in order as an independent amendment, however. If the committee votes down this proposition the Chair will recognize the gentleman to offer it as an independent amendment. It would not be germane to this amendment, as the Chair thinks. The Chair will recognize the gentleman later if he desires recognition. The question now is on the substitute offered by the gentleman from Missouri.

Mr. ROBERTSON of Louisiana. I desire to ask the gentleman from Missouri one or two questions in regard to his substitute. I desire to know what difference there is between the existing law and the proposition which the gentleman now makes.

Mr. PICKLER. Practically none.

Mr. DOCKERY. There is this difference, which is a vital difference, it seems to me. Under existing law members are required to certify that they have paid not exceeding \$100 a month for clerical service. So far as the public record shows, there is no way to identify the beneficiary of the \$100 which is drawn for clerk hire. Now, if this substitute is adopted it will carry exactly the amount of the current law, but it will enroll these clerks on the list, to be paid by the disbursing officer of the House, so that the public records will show whom each member employs, and the clerk will receive the money direct, instead of the member.

Mr. ROBERTSON of Louisiana. I agree with the gentleman on that. I think something in the nature of his amendment should be enacted into law. I believe that members ought not to be called upon to certify to the fact that they have employed clerks for so much during each month.

But I am in favor of the main proposition. I am in favor of annual clerks, in the method provided by the amendment offered by the gentleman from New York [Mr. BARTLETT]. The amendment of the gentleman from New York, I believe, does not cover the point which the gentleman from Missouri [Mr. DOCKERY] suggests.

Mr. CHICKERING. Yes, it does, I think.

Mr. BARTLETT. I understand that the amendment offered by me does cover that point, that if these clerks were annual clerks their names would be entered on the rolls, and there would be no doubt of the beneficiaries. I am willing, however, to have that inserted in my amendment.

The CHAIRMAN. If the gentleman from New York [Mr. BARTLETT] proposes a modification of his amendment it would be in order to have that done before voting upon the proposed substitute offered by the gentleman from Missouri. Therefore if the gentleman desires to modify his amendment he can do so.

Mr. BARTLETT. I will modify the amendment.

The CHAIRMAN. The amendment will be offered in that form, if there is no objection. The gentleman can make the modification. The question now is on the substitute offered by the gentleman from Missouri [Mr. DOCKERY].

Mr. BRECKINRIDGE. Mr. Chairman, I desire to say just one word in answer to the gentleman from Illinois [Mr. CANNON] and the gentlemen from Iowa [Mr. HENDERSON and Mr. HEPBURN].

Under the amendment offered by the gentleman from New York, if the Fifty-fourth Congress does not assemble until December, the clerks will be paid \$900 each for that vacation, and as nobody can tell who are to be chairmen of committees, it means 356 clerks for nine months at \$900 each, which, in round numbers, is something over \$300,000. During that time not a single member of Congress is obliged to be in Washington, and each member of Congress gets \$416 a month for doing the work which is imposed upon him. During that time every member is in a condition to attend to whatever private business he has. This is taking something over \$300,000 out of the Treasury for work which the members of Congress can well do, for work which the members of Congress in point of fact actually do, for which they are paid, and it is simply that much paid to some gentleman in each member's district. The amendment that I offer is upon an entirely different principle.

When a member of Congress comes here in December and begins his service he gets a clerk and the time covered by the short vacation is extremely uncertain and may be very short. During that time the member's mail goes on, the member's departmental work goes on, and during that time, under our law, if he is a candidate for reelection, he has his canvass on his hands. It therefore seems to me that it is not unjust that the man selected in December, 1895, shall not be required to pay his way back to his home during the short vacation and return to Washington for the short session, and that the member be compelled to face the alternative of depriving himself of the time necessary for his canvass or depriving his people of his full service.

I admit that the only ground upon which I could offer an amendment and vote for it at all is that the service of the clerk is not for the member, but is in reality a service to his people; that I believe to be his value, as was said by the gentleman from Iowa [Mr. HEPBURN]. It is service to the people; but from March to December it is not service to the people. The member of Congress is able to do it. He is paid to do it. He does not have to make his arrangements to come to Washington. That salary for this nine months is given to him for this very purpose, and, instead of your performing that duty, so far as that is concerned, it is taking a sum of money out of the Treasury absolutely without necessity or excuse for it. [Cries of "Vote!"]

Mr. POWERS. Mr. Chairman, I desire to call the attention of the committee to the practical working of the substitute proposed by the gentleman from Missouri. I hope the committee, on the pending motion to amend existing law by providing for annual clerks rather than session clerks, will at least make the burden of the people as small as possible. Now, the suggestion of the gentleman from Missouri is that the names of the clerks shall go upon the rolls of the House as regular payees. Of course that implies, and of necessity it follows, that these clerks will draw their pay of \$100 per month from the beginning of the year to the end of it, no matter whether their services are required or not.

Now, under the existing law no member keeps a clerk under pay unless he needs his services, and he is obliged to certify to the fact that he has employed and paid out so much money for those services. In the course of the vacation if the member does not require the services of a clerk he will have no occasion to employ one, and therefore there will be no expense to the public Treasury. But under the plan proposed by the gentleman from Missouri that clerk would continue to draw his pay whether he was actually employed or not.

Mr. DOCKERY. Only during the session. He draws the money instead of the member.

Mr. POWERS. Only during the session. Very well, Mr. Chairman, then I have misapprehended the scope of the gentleman's amendment. But I think, Mr. Chairman, that during the session members ought to certify to the employment of their clerks. That puts every member upon his honor—and I assume no man upon the floor of this House would certify to the payment for any services that have not been rendered. I think that provision a wise one, and we ought to keep it under the new dispensation, if we are to have a new dispensation.

Mr. STONE of Kentucky. I move to strike out the last word for the purpose of making some remarks, and then I will withdraw the pro forma amendment.

I have listened very attentively to this discussion, and I have been more impressed with the labor and hardships incident to being a member of Congress in the last twenty minutes than I ever was before in my life. [Laughter.] My term of service expires very soon, and from the way the gentlemen who are to be

in the next Congress talk I think I am pretty glad I am not going to be here, because in the years that have gone by I have done all the work I had to do. If the gentlemen are to suffer so much here in the future I am really very sorry for them. [Laughter.] Now, my experience has taught me we do not need clerks during the vacation. We have been told that the next Congress is going to have a great amount of work to do, and if that be so and members will have to do as much as the gentleman from Iowa [Mr. HENDERSON] says, they will want clerks to read the circulars sent them from one section of the country to the other.

Now, Mr. Chairman, I happened to find in my pocket a moment ago an extract from a paper, written by a bright young fellow in the country, which seems to be entirely applicable to the situation at this time, and it sets forth a description of the kind of men that the members of the next Congress should have; and I would like to have it read in my time.

The Clerk read as follows:

The politician is my shepherd: I shall not want any good thing during the campaign. He leadeth me into the saloon for my vote's sake. He filleth my pockets with fine cigars and my beer glass runneth over. He inquireth after the health of my family, even unto the fourth generation. Yea, though I walk through the mud and rain to vote for him and shout myself hoarse, when he is elected he straightway forgetteth me. Yea, though I meet him in his office, he knoweth me not. Surely the wool has been pulled over my eyes all the days of my life.

[Great laughter.]

Mr. VAN VOORHIS of New York. I rise to oppose the last amendment.

The CHAIRMAN. Debate is exhausted on this amendment.

Mr. VAN VOORHIS of New York. I move to strike out the last word.

Mr. DOCKERY. Mr. Chairman, I ask unanimous consent that debate be closed in five minutes on this paragraph and all amendments thereto, and that the time be given to the gentleman from New York.

The CHAIRMAN. The gentleman from Missouri asks that debate on the paragraph and all amendments thereto be closed in five minutes. Is there objection?

Mr. DE ARMOND. I object.

Mr. VAN VOORHIS of New York. Mr. Chairman, I am one of those who have no personal interest in this matter because my term will expire on the 4th of next March, but since I have been in Congress I have observed that those members who are of most value to the country are those who do a great deal of work, and a large proportion of the work that they have to do is clerical, and they ought not to be required to do it themselves. They need clerical assistance of various kinds. A member sometimes needs one clerk to go to the Departments, and a stenographer for other work; and right here I would suggest that the proposition to have a clerk who shall go upon the roll is inconvenient and ought to be changed.

A member may want to employ a clerk at a small compensation at his home and another in Washington, and some of the time he may want a stenographer. The member ought to be allowed a certain sum of money per month for clerical service, to be divided up as he likes, and not be compelled to pay it all to one person, who may not, and very likely will not, be able to do all the different kinds of work that he requires done. For that reason I think the plan of having a clerk named by the member and put upon the roll, to draw the entire allowance, should be corrected, and the money, as I have suggested, should go to the member, who should pay it out to one clerk, or two, or three, just as his work and his convenience demand.

Mr. DOCKERY. Mr. Chairman, I withdraw the substitute that I offered, and submit another which is a little more specific.

The amendment was read, as follows:

Strike out all from line 1 to line 9, inclusive, on page 18, and insert in lieu thereof the following:

"FOR CLERKS TO MEMBERS.

"For clerks to Members who are not chairmen of committees entitled to clerks and for Delegates from Territories, at the rate of \$100 per month during the session of Congress, such clerks to be appointed by the Members and Delegates, and to be borne upon the rolls of the Clerk of the House, \$330,889.15, or so much thereof as may be necessary."

The CHAIRMAN. The question is on the substitute.

Mr. EVERETT. Mr. Chairman, I am in favor of the amendment originally proposed by the gentleman from New York, and I think that the propriety of that amendment is sufficiently proved by some of the arguments that have been used against it. If the principal argument against it is that members of Congress, whether of this or of the next Congress, are "vultures," the fact that a gentleman has to resort to such language shows how weak he must feel his own case to be. [Laughter and applause.]

If, on the other hand, it is attempted to bear down a plain business proposition by reading a profane parody of the twenty-third psalm, I think that those of us who favor the amendment may feel assured that our cause is right. [Applause.]

Mr. Chairman, I have no personal interest in this matter. I shall not be a member of the next Congress. I doubt if I shall



ever be a member of any Congress again. [Laughter.] As I said in the first speech I made here, I never clearly knew why I was elected to the present one. [Laughter.] But this I know: Such service as I have been able to render to this House, to my country, or to my constituents has been made easy, has been made in some measure successful, by the services of a young man whom I brought here, who was previously unknown to me, but who has become a personal friend, and who has helped me in the work that I have had to do for my constituents and has done a great deal of it, clerical work, such as I never could have done myself, and such as, I will venture to say, most members here never could have done.

Mr. COX. Do you not think they ought to have elected the young man? [Laughter.]

Mr. EVERETT. I will answer that question. Whenever that young man sees fit to run for office his native town will elect him to almost anything he wants. [Laughter and applause.] And, Mr. Chairman, I will say further, that his services, like the services of many valuable clerks here, can not be secured for a mere monthly salary, because the higher class of clerks in this country are not in the habit of being engaged by breaks and fits, but must have an engagement which lasts through the year, as is known to be the rule in all business establishments. Many of these clerks are worth more than a hundred dollars a month, more than \$1,200 a year, and if they go on they will soon demonstrate their value to all who employ them. If anybody in the next Congress can secure the services of the young man of whom I have spoken he will be lucky, and I maintain that we ought to put this important class of employees, a class rising in importance every year, a class to whom many of us owe our best success here, on the plain business basis of annual salaries. [Applause.]

#### MESSAGE FROM THE PRESIDENT.

The committee informally rose; and the Speaker having resumed the chair, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries.

#### LEGISLATIVE APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session.

Mr. BOUTELLE. I understand that the message just received from the President is very brief. I ask that it may be read.

The CHAIRMAN. The Committee of the Whole has resumed its session, and it would not be in order to read the message in committee.

Mr. BRECKINRIDGE addressed the Chair.

The CHAIRMAN. The gentleman from Kentucky, the Chair understands, desires to offer an amendment.

Mr. BOUTELLE. I think, as a matter of respect to the Chief Magistrate, we ought to read this message.

The CHAIRMAN. That would not be in order now.

Mr. BOUTELLE. I move that the committee rise for the purpose of having the message read.

The CHAIRMAN. The Chair has recognized the gentleman from Kentucky to offer an amendment. The Clerk will read the amendment.

Mr. BOUTELLE. I move that the committee rise.

The CHAIRMAN. The motion is not in order.

Mr. BRECKINRIDGE. I desire to move to amend the substitute offered by the gentleman from Missouri by striking out the words "who are not chairmen of committees."

The CHAIRMAN. The first question is upon the amendment of the gentleman from Kentucky to the substitute.

Mr. PICKLER. I make the point of order that the effect of this amendment would be to give every chairman of committee another clerk in addition to the committee clerk, thus increasing the appropriation and changing existing law.

Mr. BRECKINRIDGE. I think the actual effect would be that a great many committees that now have clerks would be dispensed with.

The CHAIRMAN. The Chair does not think the point of order well taken.

Mr. BRECKINRIDGE. The point that I desire to submit (not that I think this amendment is likely to pass at present, although it will hereafter) is that the clerk of a committee ought not to be the clerk of the chairman of the committee. He ought to be, in the proper sense of the term, the clerk of the committee, charged with the public business of the committee. He has no such relation to the chairman as the representative of a constituency as to identify him with that constituency. He ought to be selected for entirely different reasons than those for which we select our private secretaries. If this amendment should be adopted, its effect would be, in the first place, to abolish about a dozen or fifteen wholly useless committees, which are now expensive and troublesome, and which take up room in the Capitol that is needed for other purposes.

The amendment would also abolish a dozen or fifteen assistant

clerks, who really under the guise of assistant clerks do the work of the chairmen of committees. The amendment would be in the interest of the public service and in the interest of economy. There is no reason why the public business of the committees should be subordinated to the private or official business of the chairmen. I care nothing personally in regard to the amendment, but I put it in the RECORD for members to think about. It is a reform which will come hereafter.

The question being taken, the amendment of Mr. BRECKINRIDGE was rejected.

Mr. COX. I move to amend the substitute of the gentleman from Missouri by striking out "\$100" and inserting "\$80." [Cries of "Oh, no."] The question being taken on the amendment of Mr. Cox, it was rejected.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Missouri.

The question being taken; there were on a division (called for by Mr. DOCKERY)—ayes 54, noes 108.

Mr. DOCKERY. Tellers.

Tellers were not ordered, only 15 members voting therefor.

Mr. TALBERT of South Carolina. I make the point of no quorum.

The CHAIRMAN. That point comes too late after tellers have been demanded. The amendment of the gentleman from Missouri is rejected. The question is now on the original amendment of the gentleman from New York.

Mr. SNODGRASS. I desire to offer my amendment now to that amendment.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Tennessee [Mr. SNODGRASS].

The Clerk read as follows:

That the "joint resolution authorizing members to certify monthly the amount paid by them for clerk hire, and directing the same to be paid out of the contingent fund of the House," approved March 2, 1893, be, and the same is hereby, repealed.

The CHAIRMAN. The question is on the adoption of the amendment just read.

Mr. BROWN. I rise to a parliamentary inquiry. I wish to know what change has been made in the amendment offered by the gentleman from New York since it was first introduced.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York if there be no objection. The Chair is not informed of any change that has been made.

Mr. BROWN. I understood the gentleman from New York to say that he had made some modification.

The CHAIRMAN. Then the Clerk will report the amendment as modified. The amendment proposed by the gentleman from New York as modified will be read.

The amendment as modified was again read.

Mr. DE ARMOND. I make the point of order on that.

Mr. BROWN. I believe I have the floor, Mr. Chairman, and have not yielded it.

The CHAIRMAN. The gentleman from Indiana was recognized to make a parliamentary inquiry.

Mr. BROWN. I understand that the amendment the gentleman now offers is not the amendment which was first introduced and against which the point of order was made and on which the Chair ruled. This is a new proposition, and I make the point of order against the amendment that it does not reduce expenditures and is the enactment of new legislation upon an appropriation bill.

Mr. DE ARMOND. Mr. Chairman—

The CHAIRMAN. The Chair will rule upon the question of order. There is no new amendment offered. The gentleman has simply modified his amendment, and it has been debated for a couple of hours. The Chair repeats that it is not a new amendment.

Mr. BROWN. It a new proposition.

The CHAIRMAN. No; the gentleman simply modifies his amendment by changing the form, but not the substance of it.

Mr. DE ARMOND. Mr. Chairman—

The CHAIRMAN. The question is on agreeing to the amendment to the amendment proposed by the gentleman from Tennessee [Mr. SNODGRASS], which will be again read.

The amendment to the amendment was again reported.

Mr. DE ARMOND. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DE ARMOND. I rose to address the Chair before the amendment of the gentleman from Tennessee was read, and immediately after the gentleman from Indiana [Mr. BROWN] took his seat, desiring to address myself to the question of order raised by him, which I was about to do—

Mr. PICKLER. But the gentleman rose too late.

Mr. DE ARMOND. I think not. That, however, I want to find out, and if the Chair, instead of hearing an argument on the point of order, had decided it, my purpose was to take an appeal from the decision of the Chair.

Mr. PICKLER. But it is too late.

The CHAIRMAN. The Chair has no desire, of course, to cut the gentleman off from the right of appeal, and if that was the purpose of the gentleman the Chair will, of course, entertain it.

Mr. DE ARMOND. That was my purpose.

The CHAIRMAN. The Chair will entertain the appeal if the gentleman desires to make it.

Mr. DE ARMOND. I would like first to understand the situation, and shall endeavor to find that out without the aid of the gentleman from South Dakota.

I rose immediately after the gentleman from Indiana [Mr. BROWN] had taken his seat to make a point of order and for the purpose of addressing the Chair upon that point of order, if the Chair would hear anything upon it.

Now, I rise at this time not for the purpose of securing recognition, but to learn whether the Chair will hear any discussion upon the question of order raised by the gentleman from Indiana. If so, I desire to be heard very briefly.

Mr. HULL. But that has already been ruled upon.

Mr. VAN VOORHIS of New York. I think you have been heard upon it.

Mr. DE ARMOND. Well, you may hear from me again.

The CHAIRMAN. The Chair will hear the gentleman if there is any necessity for it, or any other gentleman who wishes to address the Chair on a question of order. But the modification made by the gentleman from New York was simply to omit the word "annual" from the amendment and insert in another part of it the words "per annum." The Chair did not think it was such a material modification of the amendment as would make it a new proposition.

Mr. BARTLETT. Mr. Chairman, I rise to withdraw the modification.

The CHAIRMAN. Then the question is not before the committee. The question is on agreeing to the amendment to the amendment proposed by the gentleman from Tennessee.

The question was taken, and on a division there were—ayes 15, noes 146.

Mr. SNODGRASS and Mr. TALBERT of South Carolina. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. SNODGRASS and Mr. PIGOTT were appointed tellers.

Mr. VAN VOORHIS of New York. I hope these gentlemen will not filibuster against an appropriation bill.

Mr. DOCKERY (pending the count by tellers). I ask unanimous consent to pass this over until Monday.

Several members objected.

Mr. SNODGRASS (before the count by tellers had been announced). I will withdraw the point of no quorum.

Mr. SIMPSON. I renew it.

The CHAIRMAN. The tellers will resume the count.

The committee having divided, the tellers reported—ayes 9, noes 172.

So the amendment to the amendment was rejected.

The question recurred on the amendment proposed by Mr. BARTLETT.

Mr. DOCKERY. I ask unanimous consent that the paragraph be passed over until Monday.

Mr. BARTLETT and others objected.

The question was taken, and on a division (demanded by Mr. DOCKERY) there were—ayes 112, noes 86.

Mr. TALBERT of South Carolina. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from South Carolina makes the point of no quorum. The Chair will appoint as tellers the gentleman from New York [Mr. BARTLETT] and the gentleman from South Carolina [Mr. TALBERT].

Mr. HEPBURN. Has not a quorum voted? One hundred and seventy-eight gentlemen have voted, have they not?

The CHAIRMAN. One hundred and seventy-eight have voted. The committee again divided, and the tellers reported—ayes 98, noes 34.

Mr. DOCKERY. I move that the committee rise.

The CHAIRMAN. The Chair will direct the roll to be called under the rule.

Mr. DOCKERY. I move that the committee rise.

Mr. TALBERT of South Carolina. I raise the point of order on that.

Mr. WILLIAM A. STONE. I raise a point of order. The rule provides that when the committee finds itself without a quorum the roll shall be called. The committee can not rise, because you are endeavoring to ascertain whether you have a quorum or not. The committee can do nothing else except to call the roll.

The CHAIRMAN. The Chair will first direct the rule to be read to the committee.

The Clerk read as follows:

Whenever a Committee of the Whole House finds itself without a quorum, the chairman shall cause the roll to be called, and thereupon the committee shall rise, and the chairman shall report the names of the absentees to the

House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

The CHAIRMAN. The Speaker of the House has uniformly held during this session that where the committee finds itself without a quorum the roll must be called.

Mr. DOCKERY. I withdraw the motion.

The CHAIRMAN. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Abbott,	Dunphy,	Linton,	Sayers,
Adams, Pa.	Ellis, Ky.	Lockwood,	Schermerhorn,
Alderson,	English, Cal.	Loud,	Settle,
Allen,	English, N. J.	Magner,	Sherman,
Apsley,	Enloe,	Maguire,	Sibley,
Barnes,	Erdman,	Mahon,	Sickles,
Belden,	Fielder,	Martin,	Simpson,
Bell, Tex.	Funk,	Marvin, N. Y.	Sipe,
Berry,	Fyan,	McAleer,	Somers,
Blair,	Gear,	McCall,	Sorg,
Bland,	Geary,	McGann,	Springer,
Boen,	Gillet, N. Y.	McKalg,	Stevens,
Boutelle,	Gillet, Mass.	McKeighan,	Stone, C. W.
Branch,	Goodnight,	Mercer,	Storer,
Bredorick,	Gorman,	Meyer,	Swanson,
Bryan,	Graham,	Milliken,	Sweet,
Burnes,	Griffin, Mich.	Moon,	Tarsney,
Cadmus,	Haines,	Moore,	Taylor, Ind.
Campbell,	Hare,	Morse,	Tucker,
Caruth,	Harter,	Murray,	Tyler,
Catchings,	Haugen,	Newlands,	Van Voorhis, Ohio
Childs,	Hayes,	O'Neill, Mo.	Wadsworth,
Cockran,	Heiner,	Outhwaite,	Wanger,
Cogswell,	Hendrix,	Paschal,	Washington,
Conn,	Hicks,	Pence,	Wangh,
Coombs,	Hines,	Price,	Weadock,
Cooper, Tex.	Holman,	Quigg,	Wever,
Cornish,	Houk,	Randall,	Wheeler, Ill.
Covert,	Hudson,	Rayner,	Williams, Ill.
Crain,	Hutcheson,	Richardson, Mich.	Wilson, Ohio
Crawford,	Johnson, Ind.	Ritchie,	Wilson, Wash.
Dalzell,	Johnson, Ohio	Robinson, Pa.	Wise.
Denson,	Kribbs,	Rusk,	
Dunn,	Lane,	Fyan,	

Mr. CURTIS of Kansas. I ask that my colleague [Mr. BRODERICK] be excused for the day, on account of sickness.

The CHAIRMAN. That can be done in the House. The committee will now rise under the rule.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RICHARDSON of Tennessee, chairman of the Committee of the Whole House on the state of the Union, reported that that committee, finding itself without a quorum, had caused the roll to be called; that 210 members had responded to their names; that he herewith reported the names of the absentees to the House.

The SPEAKER. The names of the absentees will be entered upon the Journal. Under the rule the House will resolve itself into Committee of the Whole again without motion.

The committee again resumed its session, with Mr. RICHARDSON of Tennessee in the chair.

The CHAIRMAN. The tellers [Mr. BARTLETT and Mr. TALBERT of South Carolina] will again take their places.

The committee again divided.

Pending the count,

Mr. DOCKERY said: Pending the count, I desire to ask permission to make a motion that the committee rise.

The CHAIRMAN. It does not take unanimous consent. The vote has not been announced.

Mr. WILLIAM A. STONE. Mr. Chairman, I raise the point of order upon that.

Mr. CANNON of Illinois. I raise a question of order on that.

The CHAIRMAN. The tellers have not yet reported.

Mr. CANNON of Illinois. Pending a division, can the committee rise?

The CHAIRMAN. The point of no quorum was made, tellers have been appointed, and, pending the vote by tellers, the gentleman from Missouri moves that the committee rise.

Mr. CANNON of Illinois. While the House is dividing.

The CHAIRMAN. The Chair will hear the gentleman on that point.

Mr. CANNON of Illinois. It seems to me that while the vote is being taken the committee can not rise. I make that suggestion.

The CHAIRMAN. The Chair does not want to violate any precedent.

Mr. CANNON of Illinois. I am not much of an authority on parliamentary matters. The opinion of the Chair is much better than mine; but if it is not so it ought to be so.

The CHAIRMAN. The Chair has always held that when the point of no quorum was made and the vote by tellers developed that fact, there was nothing to do but to call the roll; but pending that, the only question was whether the motion can be entertained that the committee rise.

Mr. CANNON of Illinois. The committee is then dividing touching a question which is in point, and there can not be two questions coming up at the same time. The House is dividing, and must decide that matter that is then being voted upon. I think no other motion can be made.



The CHAIRMAN. The point of order being made, the Chair will not make any ruling.

Mr. DOCKERY. The Chair will see this: That if it is not in order to move that the committee rise at this point—

Mr. TALBERT of South Carolina. I desire to have the vote announced.

The CHAIRMAN. The gentleman from Missouri has the floor, and the Chair can not take the gentleman off the floor, nor can the gentleman from South Carolina.

Mr. DOCKERY. I was about to say, that the Chair will observe at once that the committee under that ruling may get itself into such a condition that it can never rise. As soon as the fact that there is no quorum is developed the roll is called, and then, when the roll is called and more than a quorum answer and we go into the House, we can not move to adjourn.

Mr. PICKLER. Why not?

Mr. DOCKERY. The rule provides specifically that the committee shall then resume its session, and therefore the seesawing can go on forever.

Mr. PAYNE. I will suggest that the remedy is for the gentlemen on the other side of this question to vote.

Mr. CANNON of Illinois. But there is a time when the committee can rise. After the roll is called and develops the presence of a quorum then the rule takes the House back into the committee, when a motion to rise can be made.

The CHAIRMAN. Then immediately the gentleman can make the motion, or any gentleman can move that the committee rise. That difficulty which the gentleman from Missouri [Mr. DOCKERY] suggests would then be avoided. Of course the Chair would not want to make any ruling that would prevent the committee from rising or that a motion could be made under any circumstances; but, as suggested by the gentleman from Illinois very properly, whenever the roll is called, a quorum answers, the committee rises, and that fact is reported to the House, then the Speaker directs that the committee again resume its sitting under the rule. Then it would be in order to move that the committee rise.

Mr. TALBERT of South Carolina. I ask that the vote be announced.

Mr. DINGLEY. Mr. Chairman, one moment. I understand that we lack 40 or 45 of a quorum. It is very evident that a quorum can not be obtained at this time.

Mr. LIVINGSTON. They are here.

Mr. GROUT. Let them vote.

Mr. DINGLEY. You can not compel gentlemen to vote, but I will make no further suggestions.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent to make a motion that the committee rise.

Mr. PICKLER. I object.

Mr. BRECKINRIDGE. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRECKINRIDGE. Is it in order for the committee to call for the report of the vote?

The CHAIRMAN. The Chair thinks not; but the Chair will announce it without calling for it. Upon this question the ayes are 95 and the noes are 43.

A MEMBER. No quorum.

The CHAIRMAN. No quorum has voted, and the Clerk will call the roll.

The roll was called, when the following-named members failed to answer to their names:

Abbott,	Covert,	Harter,	McGann,
Adams, Pa.,	Crain,	Hartman,	McKaig,
Alderson,	Crawford,	Haugen,	McKeighan,
Allen,	Dalzell,	Hayes,	McNagney,
Apsley,	Denson,	Helmer,	Mercer,
Avery,	Dinsmore,	Hendrix,	Meyer,
Barnes,	Dolliver,	Henry,	Milliken,
Belden,	Dunn,	Hermann,	Moon,
Beltzhoover,	Dunphy,	Hicks,	Moore,
Berry,	Ellis, Ky.,	Hines,	Morse,
Blair,	English, Cal.,	Holman,	Murray,
Bland,	English, N. J.,	Houk,	Newlands,
Boatner,	Epes,	Hudson,	O'Neill, Mo.,
Boen,	Erdman,	Hutcheson,	Outhwaite,
Bower, N. C.,	Fielder,	Johnson, Ind.,	Paschal,
Broderick,	Fletcher,	Johnson, Ohio,	Pence,
Bryan,	Funk,	Jones,	Price,
Bunn,	Fyan,	Kribbs,	Quigg,
Burnes,	Gear,	Lane,	Randall,
Cadmus,	Gear,	Layton,	Rayner,
Campbell,	Geissenhainer,	Linton,	Richardson, Tenn.,
Catchings,	Gillet, N. Y.,	Little,	Ritchie,
Clancy,	Gillet, Mass.,	Lockwood,	Robinson, Pa.,
Cobb, Mo.,	Goodnight,	Loud,	Rusk,
Cockran,	Gorman,	Lucas,	Schermerhorn,
Coffin,	Graham,	Magner,	Settle,
Cogswell,	Griffin, Mich.,	Maguire,	Sherman,
Conn,	Haines,	Mahon,	Sibley,
Coombs,	Hammond,	Martin, Ind.,	Sickles,
Cooper, Tex.,	Hare,	Marvin, N. Y.,	Sipe,
Cooper, Wis.,	Harmer,	McAleer,	Sorg,
Cornish,	Harris,	McCall,	Springer,

Stevens,  
Stone, C. W.  
Storer,  
Swanson,  
Sweet,  
Tarsney,

Taylor, Ind.  
Tucker,  
Tyler,  
Van Voorhis, Ohio,  
Wadsworth,  
Wanger,

Washington,  
Waugh,  
Weadock,  
Wells,  
Wever,  
Wheeler, Ill.

White,  
Williams, Ill.  
Wilson, Ohio,  
Wilson, Wash.  
Wolverton.

At the conclusion of the call of the roll the committee rose, the Speaker resumed the chair, and Mr. RICHARDSON, from the Committee of the Whole, reported that the committee having found itself without a quorum he had directed the roll to be called, that 209 members had answered to their names, and that he now reported the names of the absentees to the House.

The SPEAKER. The names of the absentees will be entered on the Journal. Two hundred and nine members have answered to their names, and the committee will resume its session.

The Committee of the Whole accordingly resumed its session, Mr. RICHARDSON of Tennessee in the chair.

Mr. DOCKERY. Mr. Chairman, I ask unanimous consent that the paragraph under consideration be passed over for the present without prejudice.

Mr. WALKER, Mr. PICKLER, and others objected.

Mr. DOCKERY. Then, Mr. Chairman, I move that the committee rise.

Mr. WILLIAMS, STONE. Mr. Chairman, before that motion is put I desire to know whether it is the intention of the gentleman to move that the House resolve itself into Committee of the Whole for further consideration of this appropriation bill to-day?

Mr. DOCKERY. It is not.

The motion that the committee rise was agreed to—ayes 123, noes 4.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RICHARDSON of Tennessee, from the Committee of the Whole on the state of the Union, reported that they had had under consideration a bill (H. R. 8767), the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

#### HAWAII.

The SPEAKER laid before the House the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a copy of a telegraphic dispatch just received from Mr. Willis, our minister to Hawaii, with a copy of the reply thereto which was immediately sent by the Secretary of State.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 3, 1895.

Mr. HITT. Will the Chair direct that the telegrams be read also?

The SPEAKER. Without objection, the inclosures will be read. They are not long.

The Clerk read as follows:

Mr. Willis to Mr. Gresham.

[Telegram.]

HONOLULU, January 30, 1895 (San Francisco, February 6, 1895).

Revolt over 9th. Casualties: Government, 1; royalist, 2. Court-martial convened 17th; has tried 38 cases; 200 more to be tried and daily arrests. Gullick, former minister, and Seward, minister, major in Federal army, both Americans, and Rickard, Englishman, sentenced to death; all heretofore prominent in politics. T. B. Walker, formerly in the United States Army, imprisonment for life and \$5,000 fine. Other sentences not disclosed, but will probably be death. Requested copies of record for our Government to determine its duty before final sentence, but no answer yet. Bitter feeling and threats of mob violence, which arrival of Philadelphia yesterday may prevent. Liliuokalani made prisoner 16th; on 24th relinquished all claims and swore allegiance Republic, imploring clemency for Hawaiians. Government replies to Liliuokalani: "This document can not be taken to exempt you in the slightest degree from personal and individual liability" for complicity in late conspiracy. Denies that she had any rights since January 14, 1893, when she attempted new constitution. "Fully appreciates her call to disaffected to recognize Republic, and will give full consideration to her unselfish appeal for clemency" for participants.

ALBERT S. WILLIS.

UNITED STATES DISPATCH AGENT,

Post-Office Building, San Francisco, Cal.:

Forward following by first steamer to A. S. Willis, United States minister, Honolulu:

If American citizens were condemned to death by a military tribunal, not for actual participation in reported revolution but for complicity only, or if condemned to death by such a tribunal for actual participation but not after open fair trial, with opportunity for defense, demand delay of execution, and in either case report to your Government evidence relied on to support death sentence.

The SPEAKER. This message will be referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. BOUTELLE. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. BOUTELLE. I rise to ask the Chair, as a parliamentary inquiry, whether a motion to refer the message with the accompanying dispatches to the Committee of the Whole on the state of the Union would not be in order, in view of the fact that the papers seem to demonstrate a very remarkable and striking change of public policy on the part of our Government since the 19th of January last, when the instructions were given to Admiral Beardslee

in which the doctrine was set forth with great particularity that "an American citizen who, during a revolution in a foreign country, participates in an attempt by force of arms or violence to maintain or overthrow the existing government can not claim that the Government of the United States shall protect him against the consequences of such act," but that such citizens would thereby "forfeit their right in that regard to the protection of the American flag;" whereas the Secretary of State, as I understand from this document just read, has instructed the United States minister at Honolulu to peremptorily "demand" of the Hawaiian Government "a delay of execution" of the sentences pronounced by its tribunals against persons convicted of complicity in an attempt to overthrow the Republic by force of arms—

Mr. MCCREARY of Kentucky, Mr. WHEELER of Alabama, and others. Regular order.

The SPEAKER. Debate is not in order.

Mr. BOUTELLE. I ask whether a motion would be in order to refer this document to the Committee of the Whole on the state of the Union?

The SPEAKER. It has been referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. BOUTELLE. Mr. Speaker— [Cries of "Order!"] I hope gentlemen on the other side will try to be calm about this matter, and they will get through alive. The Speaker and I can find out what the merit of my inquiry is. If I can trust the Speaker you should not be afraid to. My inquiry, Mr. Speaker, was simply whether a motion to refer the message and documents to the Committee of the Whole on the state of the Union would be in order?

The SPEAKER. The Chair thinks not. The message, with the documents, has been referred to the Committee on Foreign Affairs, and ordered to be printed.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 879) granting a pension to Josephine P. Kelton, widow of Brig. Gen. John C. Kelton, late Adjutant-General United States Army, deceased.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2173) to amend an act entitled "An act to establish a United States court in the Indian Territory, and for other purposes," approved March 1, 1889, and an act entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," approved May 2, 1890; to provide for the redistricting of the Indian Territory for judicial purposes, for an additional judge and more United States commissioners, and to prescribe the jurisdiction, duties, and authority of such judges and commissioners, and for other purposes, had asked for a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. VILAS, Mr. TELLER, and Mr. PLATT as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 8563) to adopt special rules for the navigation of harbors, rivers, and inland waters of the United States, supplementary to the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea," had asked a conference with the House on the bill and amendments, and had appointed Mr. RANSOM, Mr. WHITE, and FRYE as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 8165) authorizing the Kansas City, Oklahoma and Pacific Railway Company to construct and operate a railway through the Indian Territory, and for other purposes; in which the concurrence of the House was requested.

#### ENROLLED BILL SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 8552) to authorize the appointment of cadets to the Naval Academy; when the Speaker signed the same.

#### REPORTS OF COMMITTEES.

The following reports of committees were handed in at the Clerk's desk, referred to their appropriate calendars, and otherwise disposed of as indicated below:

#### BOUNDARIES OF THE THREE JUDICIAL DISTRICTS IN ALABAMA.

Mr. HARRISON, from the Committee on the Judiciary, reported back with amendments the bill (S. 1827) to define the boundaries of the three judicial districts in the State of Alabama, and to regulate therein the jurisdiction of the courts of the United States and the powers and duties of the judges thereof, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### CONTESTS OF ELECTIONS OF MEMBERS OF THE HOUSE OF REPRESENTATIVES.

Mr. BECKNER submitted the views of the minority of the Committee on Elections on the bill (H. R. 8108) relating to contests of elections of members of the House of Representatives; which was ordered to be printed.

#### SUFFERING POOR IN DISTRICT OF COLUMBIA.

Mr. RICHARDSON of Tennessee. I ask unanimous consent for the consideration of a bill to which I think there will be no objection.

The Clerk read as follows:

A bill (S. 2736) for the immediate relief of the suffering poor of the District of Columbia.

*Be it enacted, etc.* That there is hereby appropriated the sum of \$10,000 out of any money in the Treasury not otherwise appropriated for the immediate relief of the suffering poor of the District of Columbia, to be disbursed under the direction of the Commissioners of said District by the organized charities of said District, one-half of said sum to be charged to said District.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. RICHARDSON of Tennessee, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SIMPSON subsequently said: Mr. Speaker, I rise for the purpose of making a parliamentary inquiry. Would it be in order now to move a reconsideration of the bill which was passed a few moments ago granting relief for the poor of this District? I desire to ascertain whether the whole of the sum appropriated in that bill is to be paid by the General Government, or whether the District of Columbia will pay its half.

The SPEAKER. The bill provides that one-half of the appropriation shall be paid by the District.

Mr. SIMPSON. Then I have no proposition to submit.

#### LEAVE OF ABSENCE.

Mr. HOLMAN, by unanimous consent, obtained leave of absence for this day, on account of sickness in his family.

#### PREVENTION OF MARINE COLLISIONS.

Mr. FITHIAN. Mr. Speaker, I desire to ask that the House nonconcur in the amendments of the Senate to House bill No. 8563, and that a committee of conference be appointed.

The SPEAKER. That bill was laid before the House this morning. The request of the gentleman requires unanimous consent.

Mr. FITHIAN. I ask unanimous consent.

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 8563) to adopt special rules for the navigation of harbors, rivers, and inland waters of the United States, supplementary to the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

The SPEAKER. This bill has been returned from the Senate with amendments, and with a request for a conference. The gentleman from Illinois [Mr. FITHIAN] asks that the House nonconcur in the amendments of the Senate and agree to the conference. If there be no objection that order will be made.

There was no objection.

The SPEAKER announced the appointment of Mr. ROBBINS, Mr. PIGOTT, and Mr. WHITE as conferees on the part of the House.

#### PRIVATE PENSION BILLS, ETC.

Mr. PICKLER. Mr. Speaker, I desire to ask whether it is not in order now to take up and pass bills which were reported from the Committee of the Whole last Friday evening?

The SPEAKER. That would be in order.

Mr. PICKLER. I ask that those bills be now taken up.

The SPEAKER. There are certain bills reported from the Committee of the Whole on the Private Calendar upon which the previous question has been ordered. Those bills will now be taken up, if no other motion be made.

Bills of the following titles were taken up, the amendments thereto reported from the Committee of the Whole on the Private Calendar agreed to, and the bills respectively ordered to be engrossed for a third reading, read the third time, and passed:

A bill (H. R. 5005) for the relief of William Albin;

A bill (H. R. 5642) for the relief of Elizabeth Brower;

A bill (H. R. 1716) for the relief of Ellen Coney;

A bill (S. 684) for the relief of Mrs. Evalyn N. Van Vliet;

A bill (H. R. 6659) for the relief of Capt. Isaac D. Toll;

A bill (H. R. 3988) to pension Marilla Parsons;

A bill (H. R. 1581) granting a pension to French W. Thornhill;

A bill (H. R. 6430) to pension J. C. Pinney;

A bill (H. R. 3128) for the relief of Samuel Burrell;

A bill (H. R. 5260) granting an increase of pension to Thomas Corigan;

A bill (H. R. 4935) granting a pension to Louisa C. Conwell;



A bill (S. 1526) for the relief of Henry Halteman;  
A bill (H. R. 6633) for the relief of George W. Harbaugh; and  
A bill (S. 823) granting a pension to Julia E. Lock.

The SPEAKER. If there be no objection, a motion to reconsider the several votes on the passage of these bills will be laid on the table.

There was no objection.

And then, on motion of Mr. DOCKERY (at 4 o'clock and 20 minutes p. m.), the House adjourned.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 3 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PENDLETON of West Virginia, from the Committee on Private Land Claims: A bill (S. 341) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes. (Report No. 1786.)

By Mr. COBB of Alabama, from the Committee on the District of Columbia: A bill (H. R. 8624) for the relief of James Linskey from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens. (Report No. 1788.)

By Mr. MAHON, from the Committee on War Claims: A bill (S. 528) for the relief of A. W. Willis, administrator. (Report No. 1789.)

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (S. 1688) for the relief of Enoch Davis, and the same was referred to the Committee on War Claims.

#### PUBLIC BILLS AND A RESOLUTION.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. HERMANN (by request): A bill (H. R. 8822) for the relief of the States of New York, New Jersey, New Hampshire, Pennsylvania, Delaware, Rhode Island, Maine, Massachusetts, Maryland, Michigan, Minnesota, Missouri, Vermont, Virginia, West Virginia, Connecticut, Colorado, California, Illinois, Indiana, Iowa, South Carolina, Kentucky, Kansas, Nebraska, Nevada, Florida, Ohio, Oregon, Washington, Wisconsin, and the cities of New York and Baltimore, and for other purposes—to the Committee on War Claims.

By Mr. WALKER: A bill (H. R. 8823) to authorize the Secretary of the Treasury to issue bonds to maintain a sufficient gold reserve and to redeem and retire United States notes, and for other purposes—to the Committee on Ways and Means.

By Mr. TATE: A resolution calling upon the Committee on Rules to assign a day for the consideration of general bills reported from the Committee on Pensions—to the Committee on Rules.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. HARMER: A bill (H. R. 8824) granting a pension to William B. Matchett—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Georgia: A bill (H. R. 8825) to pension Mrs. Sarah M. Brady—to the Committee on Pensions.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 8826) for the relief of the estate of John Waters, deceased, late of Scott County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8827) for the relief of Jesse M. Pearson, of Scott County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8828) for the relief of John E. Pearson, of Scott County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8829) for the relief of the estate of Nancy Lay, deceased, late of Scott County, Miss.—to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER of New Hampshire: Resolution of the New Hampshire legislature favoring the annexation of the Hawaiian Islands and requesting the Representatives from the State to favor such annexation—to the Committee on Foreign Affairs.

By Mr. BELTZHOVER: Resolutions of citizens of York and Wrightsville, Pa., against granting suffrage to aliens—to the Committee on Immigration and Naturalization.

Also, resolutions of citizens of Wrightsville and York, Pa., against sectarian appropriations of public money—to the Committee on Appropriations.

By Mr. BOEN: Petition of W. D. Smith and 28 others, praying Congress to (1) prohibit the further issue of bonds; (2) favoring unlimited coinage of silver and gold at the American ratio of 16 to 1; (3) issue of full legal-tender paper money sufficient to make the aggregate volume of gold, silver, and paper money \$50 per capita; (4) the abolition of national banks and the issue of money by the Government direct—to the Committee on Banking and Currency.

By Mr. CHICKERING: Petition of Hiram Grant, pensioner on certificate No. 4863, late private Company M, Second Regiment, United States Artillery, for increase of pension to \$30 per month—to the Committee on Invalid Pensions.

By Mr. DURBOROW: Memorial and resolutions of the general assembly of the State of Illinois favoring the bill to pension Maj. Gen. John A. McClelland—to the Committee on Invalid Pensions.

Also, resolutions of the St. Louis Live Stock Exchange, approving the recommendations of the President on the financial question as embodied in his recent message to Congress—to the Committee on Banking and Currency.

By Mr. ENGLISH of New Jersey: Petition of E. O. Hovey and others, of Newark, N. J., praying for legislation against the Honduras lottery—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Petition of post-office clerks of Vermont, in behalf of House bill 56—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Boston Merchants' Association, in behalf of financial legislation—to the Committee on Ways and Means.

By Mr. HARMER: Petition for the passage of House resolution of January 19 [Mr. COOMBS'S] for ratification of a permanent treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, preamble and resolution adopted at a meeting of 355 citizens of the city of Philadelphia, Pa., setting forth that in a number of States the right of franchise is granted to aliens after a residence of from four to five months to one year, and, that the rights of the legal citizens may not be abridged, petitioning that Congress shall adopt a joint resolution proposing an amendment to the Constitution of the United States that no State shall grant the right of franchise to any person in violation of the laws of the United States—to the Committee on the Judiciary.

Also, resolution adopted at a meeting of 355 citizens of the city of Philadelphia, Pa., in favor of maintaining civil and religious liberty by absolute separation of church and State, and in favor of an amendment to the Constitution of the United States against the use of the property or credit of the United States, or any State, or any money raised by taxation, for maintaining any institution wholly or in part under sectarian or ecclesiastical control—to the Committee on the Judiciary.

By Mr. McETRICK: Petition of the American Federation of Labor for an inquiry into the system of hiring labor for public works, and to inquire and report upon the matter of municipalities conducting public works on the day-labor system in this and other countries—to the Committee on Labor.

By Mr. McGANN: Petition of the Chicago Real Estate Board, urging the establishment of branch hydrographic offices at the principal lake ports—to the Committee on Naval Affairs.

Also, petition of the house of representatives, concurred in by the senate, of the State of Illinois, urging the passage of the bill to grant a pension to Gen. John A. McClelland—to the Committee on Invalid Pensions.

By Mr. MEREDITH: Petition of Emmart, Dunbar & Co., to be paid, out of the treasury of the District of Columbia, the sum of \$14,500.22, the amount found due said firm by the accounting officers of the District for work and labor done—to the Committee on Appropriations.

By Mr. SAYERS: Petition of business men of Houston, Tex., asking that sugar bounty be paid on the crop of 1894—to the Committee on Ways and Means.

By Mr. THOMAS: Petition and statement to accompany House bill 8820 for the relief of Henry L. Fitch—to the Committee on Indian Affairs.

By Mr. TYLER: Petition of citizens of Norfolk, Va., asking for an amendment to the Constitution prohibiting Federal aid to religious denominations, etc.—to the Committee on the Judiciary.

Also, petition of citizens of Norfolk, Va., for a constitutional amendment prohibiting States from granting the right of suffrage except to citizens of the United States—to the Committee on the Judiciary.

By Mr. WANGER: Preamble and resolutions of a meeting of 98 citizens of Abington; 100 citizens of Montgomery Square, Montgomery County; 77 citizens of Cold Point, Montgomery County; 54 citizens of Warrington, Bucks County; and 38 citizens of Southampton, Bucks County, all of Pennsylvania, for the submission of an amendment to the Constitution of the United States prohibiting any State from granting the suffrage to any person not a citizen of the United States—to the Committee on the Judiciary.

Also, preamble and resolution of a meeting of citizens of Jenkin-

town, Pa., for the submission of an amendment to the Constitution of the United States, prohibiting any State from granting the suffrage to any person not a citizen of the United States—to the Committee on the Judiciary.

Also, preamble and resolution of a meeting of citizens of Jenkintown, Pa., for the submission of an amendment to the Constitution of the United States, prohibiting any establishment of religion and opposing sectarian appropriations—to the Committee on the Judiciary.

## SENATE.

SATURDAY, February 9, 1895.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

## CREDENTIALS.

Mr. JONES of Arkansas presented the credentials of JAMES H. BERRY, chosen by the legislature of the State of Arkansas a Senator from that State for the term commencing March 4, 1895.

The credentials were read, and ordered to be filed.

Mr. BATE presented the credentials of ISHAM G. HARRIS, chosen by the legislature of the State of Tennessee a Senator from that State for the term commencing March 4, 1895.

The credentials were read, and ordered to be filed.

## EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 2d instant, internal-revenue forms Nos. 365 and 366 as the blank forms which are now being distributed to be filled out and sworn to as returns of the existing income tax, and stating that the blank forms and all parts thereof are based upon the provisions of the act of Congress entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," in effect August 28, 1894, as contained in sections 27 to 37, both inclusive, as that act has been construed and understood by the Treasury Department; which was read.

Mr. HILL. Will the communication and accompanying blanks be printed as a matter of course? If not, I ask to have it printed and lie on the table.

Mr. HALE. Let the blanks also be printed with it.

Mr. HILL. I may want to make some remarks on the subject after it is printed.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

Mr. SHERMAN. I do not see any use to print the blanks. They will be distributed by the Department.

Mr. HALE. But Senators would then have them where they could conveniently reach them without being obliged to send to the Department for them. There is great interest in the matter, and it seems to me to be only proper to have them right here.

Mr. CHANDLER. I trust the Senator from Ohio will not object to printing the blanks. That is the very thing we want to have printed. We were assured by the Senator from Ohio [Mr. BRICE], the colleague of the Senator on this side of the Chamber, that these blanks were not to be insisted upon. We shall find it difficult to determine what provisions are insisted upon and what are not, and to learn the exact situation of this question, unless we have everything printed.

Mr. SHERMAN. If the Senator really thinks it is worth while to print the blanks over again at expense to the Government, let it be done. Senators can get all the blanks from the Treasury Department that are needed by sending for them. But if they want a new edition printed, very well.

Mr. CHANDLER. We want the public to understand what the blanks are that the Secretary of the Treasury thinks are in accordance with law, and which some of us, including, I think, the Senator from Ohio, believe are not according to law.

The VICE-PRESIDENT. Is there objection to printing the blanks?

Mr. HAWLEY. It is not necessary, I think, to print the blanks in the large form of the actual blanks circulated. All we want is the reading matter. The blanks can be printed on ordinary size paper, making a few pages of the document.

Mr. CHANDLER. Certainly, they are not to be printed as large blanks, but are to be embodied in the report of the Secretary of the Treasury; otherwise the reply is worthless. If a Senator wants to send to the Department for one he will be as well off whether we have the blanks printed or not.

Mr. HILL. We want them printed, not in the precise shape and form of the blanks, but we want the matter printed.

Mr. HALE. They can regulate that at the Printing Office.

Mr. HILL. The Printing Office will regulate that matter. I desire to have the blanks printed because the position taken by the Secretary of the Treasury seems to be entirely different from that assumed before the conference committee by the Commissioner of Internal Revenue.

The VICE-PRESIDENT. Without objection, the communication and the accompanying blanks will be printed and lie on the table.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 6th instant calling for information in reference to the improvement of Wilmington Harbor, California, a letter from the Chief of Engineers, United States Army, together with a report by Lieut. Col. W. H. H. Benyaurd, Corps of Engineers, containing estimates amounting to \$392,725 for the further improvement of that harbor; which was read.

Mr. WHITE. I move that the communication and accompanying papers be printed as a document and referred to the Committee on Commerce. The papers will be needed in the consideration of that subject.

The motion was agreed to.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, in response to a resolution of December 13, 1894, calling for a report of the Commissioner of the General Land Office of April 8, 1878, to the Secretary of the Interior, a copy of the testimony accompanying report of Agent Joseph Emery, dated June 6, 1887, to the Commissioner of Indian Affairs, and copies of any other reports, papers, or correspondence in the records or files of the Department of the Interior or the bureaus thereof concerning the accuracy of the survey of the boundary lines of the Klamath Indian Reservation, in the State of Oregon, etc., transmitting a report of the Commissioner of Indian Affairs, together with a report of the Commissioner of the General Land Office on the subject; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 684) for the relief of the heirs of the late Mrs. Catherine P. Culver, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDS, Mr. RUSSELL of Georgia, and Mr. KIEFER managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 814) for the relief of the representatives of Daniel C. Rodman, deceased, and others.

The message further announced that the House had passed the bill (S. 684) for the relief of Mrs. Evalyn N. Van Vliet, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 8165) authorizing the Kansas City, Oklahoma and Pacific Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1581) granting a pension to French W. Thornhill;

A bill (H. R. 1716) granting a pension to Ellen Carney;

A bill (H. R. 3128) for the relief of Samuel Burrell;

A bill (H. R. 3988) granting a pension to Marilla Parsons, of Detroit, Mich.;

A bill (H. R. 4935) granting a pension to Louisa C. Conwell;

A bill (H. R. 5005) to remove the charge of desertion from the record of William Albin, late of Company D, Thirty-fourth Regiment Indiana Volunteer Infantry;

A bill (H. R. 5260) granting an increase of pension to Thomas Corigan;

A bill (H. R. 5642) granting a pension to Elizabeth Brower, a hospital nurse in the war of the rebellion;

A bill (H. R. 6430) granting an increase of pension to Jesse C. Pinney;

A bill (H. R. 6633) for the relief of George W. Harbaugh; and

A bill (H. R. 6659) to increase the pension of Capt. Isaac D. Toll.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 828) granting a pension to Julia E. Lock, formerly widow of the late Gen. Daniel McCook;

A bill (S. 879) granting a pension to Josephine P. Kelton, widow of Brig. Gen. John C. Kelton, late Adjutant-General United States Army, deceased;

A bill (S. 1526) for the relief of Henry Halteman;

A bill (S. 2433) to amend and extend the provisions of an act entitled "An act to provide for the opening of certain abandoned military reservations, and for other purposes," approved August 23, 1894;

A bill (S. 2736) for the immediate relief of the suffering poor of the District of Columbia; and



A joint resolution (H. Res. 269) authorizing the Secretary of War to make a survey of Kalamazoo River from Lake Michigan to Saugatuck.

#### PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a petition of Tuscarawas Division, No. 255, Brotherhood of Locomotive Engineers, of Dennison, Ohio, praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which was ordered to lie on the table.

He also presented petitions of 70 citizens of Greensburg; of 40 citizens of Lake; of 40 citizens of Elkton, and of 103 citizens of Coshocton, all in the State of Ohio, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

He also presented petitions of 70 citizens of Greensburg; of 40 citizens of Minerva, and of 40 citizens of Lake, all in the State of Ohio, praying for the adoption of an amendment to the Constitution of the United States to prevent the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

Mr. BLANCHARD. I present a telegraphic memorial from the New Orleans Cotton Exchange on the subject of the continuance of the fast-mail service into New Orleans from the East by way of Atlanta. I also present a telegraphic memorial of the Stock Exchange of the city of New Orleans, La., on the same subject. Inasmuch as the Post-Office appropriation bill is now on the Calendar, I move that the memorials lie on the table.

The motion was agreed to.

Mr. DUBOIS. I present a joint resolution of the legislature of the State of Idaho, requesting the passage of a bankruptcy bill.

Mr. GEORGE. Ought not the petition to be read, being from the legislature of a State?

Mr. DUBOIS. I ask that the resolution be read, and that it lie on the table.

The petition was read, and ordered to lie on the table, as follows:

[Senate joint resolution No. 3.—By Parkinson.]

Requesting the honorable the Senate and the House of Representatives of the United States to pass a bankruptcy bill.

Whereas the disastrous financial panic which has prevailed in the United States for some three years has visited bankruptcy and distress upon thousands of unfortunate debtors, and their hopelessly insolvent condition merits the consideration of the National Legislature: Therefore, be it

Resolved by the legislature of the State of Idaho: SECTION 1. That the Senate and House of Representatives of the United States be earnestly and respectfully requested to pass at the present session a bankruptcy act that will give relief to the large and daily increasing debtor class now existing throughout the country.

SEC. 2. That the delegation in Congress from the State of Idaho be requested to use every effort to speed the passage of the desired law.

SEC. 3. That the secretary of the State of Idaho transmit immediately upon its passage this joint resolution to the Congress of the United States.

Approved January 20, 1895.

WILLIAM J. McCONNELL, Governor.

#### EXECUTIVE DEPARTMENT, Secretary's Office, State of Idaho.

I, Isaac W. Garrett, secretary of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of Senate joint resolution No. 3, requesting the Congress of the United States to pass a bankruptcy bill, which was filed in this office the 29th day of January, A. D. 1895, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 31st day of January, A. D. 1895.

I. W. GARRETT, Secretary of State.

Mr. TURPIE presented a petition of Typographical Union, No. 97, of Peru, Ind., praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which was ordered to lie on the table.

Mr. HILL. I present some resolutions of the Buffalo Merchants' Exchange of New York, indorsing the measure now before the Committee on Foreign Relations of the Senate as an amendment to the diplomatic and consular appropriation bill. There is no statement as to what the amendment is, but, whatever it is, the Buffalo Merchants' Exchange is in favor of it.

The VICE-PRESIDENT. The resolutions will lie on the table.

Mr. HILL presented a petition of the Central Labor Union of Brooklyn, N. Y., praying for the passage of House bill No. 56, providing for the classification of postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the legislature of the State of New York, praying for the passage of House bill No. 6685, fixing the salaries of letter carriers in the service of the United States; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HARRIS presented a petition of Lookout Division, No. 198, Brotherhood of Locomotive Engineers, of Chattanooga, Tenn., praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which was ordered to lie on the table.

He also presented a petition of sundry business firms of Nashville, Tenn., praying for the enactment of legislation to secure to the sugar producers of the United States a compensating bounty upon the crops of the year 1894; which was referred to the Committee on Finance.

Mr. HARRIS. I present the petition of a committee appointed by a mass meeting of citizens of the District of Columbia, the committee composed of Justice Harlan, General Schofield, and a half dozen other prominent and distinguished citizens, praying for the completion of the sewer system of the District and an increased water supply for the city. I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. McMILLAN presented a petition of sundry letter carriers of Grand Rapids, Mich., praying for the passage of Senate bill No. 2523, to regulate the mode of removal of letter carriers, post-office clerks, and railway postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Journeymen Tailors' Union, No. 83, of Saginaw; of Cigar Makers' Union, No. 99, of Three Rivers; of Mineral King Lodge, No. 129, Brotherhood of Locomotive Firemen, of Escanaba; of Cigar Makers' Union, No. 167, of Owosso, and of Manistee Union, No. 36, National Longshoremen's Association, of Manistee, all in the State of Michigan, praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which were ordered to lie on the table.

Mr. VEST presented a petition of the Builders' Exchange of St. Louis, Mo., praying for the passage of House bill No. 5645, providing for the construction of a new bridge at St. Louis, Mo.; which was referred to the Committee on Commerce.

#### REPORTS OF COMMITTEES.

Mr. BATE. I am directed by the Committee on Military Affairs to report back the concurrent resolution of the House of Representatives providing for a special joint committee of fifteen to prepare a plan for the participation of Congress in the dedication of the Chickamauga and Chattanooga National Military Park, September 19 and 20, 1895. As the time is short and there was no opposition to it in the other House, and I assume there will be none here, I beg the indulgence of the Senate to have it passed at once. If there is any opposition to it, however, I will withdraw the request.

Mr. HALE. Let us go through with the morning business in order.

Mr. BATE. It will take but a short time; only the time necessary to read the concurrent resolution.

Mr. HALE. If we break into the regular order of routine morning business, in the first place, it is confusing to the clerks, and then no Senator can tell when it is proper for him to come in with routine business. I hope the Senator will not ask it until we reach the proper order.

Mr. BATE. I stated distinctly that if there was opposition I would not press the request.

Mr. HALE. The Senator can call up the resolution when we reach that order.

Mr. BATE. I shall do so.

#### SHIP CANAL BETWEEN THE GREAT LAKES AND THE ATLANTIC.

Mr. WASHBURN. I am directed by the Committee on Commerce, to whom the subject was referred, to report a joint resolution; and I ask for its present consideration.

The joint resolution (S. R. 130) authorizing a preliminary inquiry concerning deep waterways between the ocean and Great Lakes and providing commissioners therefor, was read the first time by its title and the second time at length; as follows:

Be it resolved, etc., That the President of the United States is authorized to appoint, immediately after the passage of this joint resolution, three persons, who shall have power to meet and confer with any similar committee which may be appointed by the Government of Great Britain or of the Dominion of Canada, and who shall make inquiry and report whether it is feasible to build such canals as shall enable vessels engaged in ocean commerce to pass to and fro between the Great Lakes and the Atlantic Ocean, with an adequate and controllable supply of water for continual use; where such canals can be most conveniently located, the probable cost of the same, with estimates in detail; and if any part of the same should be built in the territory of Canada, what regulations or treaty arrangements will be necessary between the United States and Great Britain to preserve the free use of such canal to the people of this country at all times; and all necessary facts and considerations relating to the construction and future use of deep-water channels between the Great Lakes and the Atlantic Ocean. The persons so appointed shall serve without compensation in any form, but they shall be paid their actual traveling and other necessary expenses, not exceeding in all \$10,000, for which purpose the said sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated.

The President may, in his discretion, detail as one of such persons an officer of the Engineer Corps of the Army.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amend

ment, ordered to be engrossed for a third reading, read the third time, and passed.

#### CHICKAMAUGA NATIONAL MILITARY PARK.

Mr. BATE. I call up the concurrent resolution which I reported a few minutes ago from the Committee on Military Affairs.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

*Resolved by the House of Representatives (the Senate concurring), That the invitation of the honorable Secretary of War be accepted and that a joint special committee of 15 members is hereby created, 9 of whom shall be appointed by the Speaker of the House and 6 by the Presiding Officer of the Senate, whose duty it shall be to prepare and report to their respective Houses for consideration a plan for the proper participation of Congress in the dedication of the Chickamauga and Chattanooga National Military Park, on September 19 and 20 next.*

#### BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 2739) authorizing the examination, in certain cases, of officers of the Navy and the Marine Corps to determine their fitness to perform their duties; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PEPPER. I ask leave to introduce a bill by request. It relates to a subject in which I think a great deal of interest is felt. The bill seems to be carefully drawn. I ask that it may be read twice by its title, and referred to the Committee on the District of Columbia.

The bill (S. 2740) to provide a representative assembly for the District of Columbia was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PALMER introduced a joint resolution (S. R. 131) declaring the meaning of section 1069 of the Revised Statutes; which was read twice by its title, and referred to the Committee on the Judiciary.

#### AMENDMENTS TO BILLS.

Mr. CAREY submitted an amendment intended to be proposed by him to the bill (H. R. 353) to enable the people of New Mexico to form a constitution and State government and to be admitted into the Union on an equal footing with the original States; which was referred to the Committee on Territories, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. MANDERSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Printing.

Mr. HUNTON submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. BRICE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. HARRIS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

#### POSTMASTERS IN OKLAHOMA TERRITORY.

Mr. CAREY. I ask unanimous consent for the present consideration of the bill (H. R. 7020) to readjust the salaries and allowances of the postmasters at Guthrie, Oklahoma City, and Kingfisher, in Oklahoma Territory.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JACOB ECKERT.

Mr. SHERMAN. I ask unanimous consent for the present consideration of the bill (H. R. 6244) to remove the charge of desertion from the military record of Jacob Eckert.

Mr. CALL. I hope the Senate will proceed to the consideration of the resolution I offered yesterday, which comes up regularly this morning.

Mr. SHERMAN. The bill I desire to have considered will take but a moment. It is a House bill, and has been favorably reported by the Committee on Military Affairs of the Senate.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. POWER. I ask the Senator from Florida to yield to me for the present consideration of Senate bill 1142.

Mr. CALL. I must ask that the regular order of morning business be proceeded with.

The VICE-PRESIDENT. Objection is interposed by the Senator from Florida.

Mr. BUTLER. May I appeal to the good nature of the Senator from Florida to permit me to call up Senate bill 917?

Mr. CALL. I would do so with pleasure, but if I yield to the Senator I must yield also to others.

Mr. BUTLER. I think not.

Mr. CALL. I will give way to the Senator from South Carolina and then to the Senator from Montana, but to no others.

#### NEWBERRY COLLEGE, SOUTH CAROLINA.

Mr. BUTLER. I ask unanimous consent of the Senate for the present consideration of the bill (S. 917) for the relief of the Newberry College, Newberry, S. C.

The VICE-PRESIDENT. The Chair did not understand the statement of the Senator from Florida.

Mr. CALL. I said that I should call for the regular order, having a right to the floor upon the resolution introduced by me yesterday, but I yield to the Senator from South Carolina, and then shall yield to the Senator from Montana, provided the bills they desire to have considered do not provoke debate.

Mr. BUTLER. I am quite sure the bill for which I desire consideration will not provoke debate. I ask unanimous consent that it may be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 917) for the relief of the Newberry College, Newberry, S. C. It directs the Secretary of the Treasury to pay to the trustees of the Newberry College of the Evangelical Lutheran Synod of South Carolina, in Newberry, \$15,000 for injuries to the buildings of the college, resulting in its destruction, and caused by the troops of the United States while in possession of and occupying it as a barrack, after the close of the war, in 1865, in South Carolina, in full payment of all claims by said college on account of the use, occupation, and loss of the buildings.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ASSAY OFFICE AT HELENA, MONT.

Mr. POWER. I ask unanimous consent for the present consideration of the bill (S. 1142) directing the parting and refining of bullion to be carried on at the United States assay office at Helena, Mont.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HUNTON. I ask unanimous consent for the present consideration of the bill (H. R. 8486) for the relief of Abraham D. Prince.

Mr. CALL. I call for the regular order.

The VICE-PRESIDENT. There is objection to the request of the Senator from Virginia. The introduction of concurrent and other resolutions is in order.

#### PRINTING OF NICARAGUAN CANAL REPORT.

Mr. MORGAN submitted the following resolution; which was referred to the Committee on Printing:

*Resolved, That 10,000 copies of Senate report No. 331, Fifty-third Congress, second session, with index thereto, be printed, of which 8,000 copies shall be for the use of the House of Representatives and 4,000 copies for the use of the Senate.*

#### ISSUE AND SALE OF UNITED STATES BONDS.

Mr. PEPPER. I offer a resolution which I ask may lie over and be printed.

The resolution was read, and ordered to lie over and be printed, as follows:

*Resolved, That the Committee on the Judiciary be, and it is hereby, directed to report to the Senate forthwith, with its action thereon, Senate resolution (Miscellaneous Document No. 3) adopted on the 5th day of December, 1894, as follows:*

*Resolved, That the Committee on the Judiciary be, and it is hereby, instructed to inquire and report whether the acts of the Secretary of the Treasury, in issuing and selling United States bonds in the months of February and December, 1894, were authorized by any act or acts of Congress then in force.*

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 8123) for the relief of Samuel Burrell;

A bill (H. R. 5005) to remove the charge of desertion from the record of William Albin, late of Company D, Thirty-fourth Regiment Indiana Volunteer Infantry; and

A bill (H. R. 6633) for the relief of George W. Harbaugh.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1581) granting a pension to French W. Thornhill;

A bill (H. R. 1716) granting a pension to Ellen Carney;

A bill (H. R. 3906) granting a pension to Marilla Parsons, of Detroit, Mich.;

A bill (H. R. 4935) granting a pension to Louisa C. Conwell;



A bill (H. R. 5260) granting an increase of pension to Thomas Corigan;

A bill (H. R. 5642) granting a pension to Elizabeth Brower, a hospital nurse in the war of the rebellion;

A bill (H. R. 6430) granting an increase of pension to Jesse C. Pinney; and

A bill (H. R. 6659) to increase the pension of Capt. Isaac D. Toll.

LOUISIANA OR HONDURAS LOTTERY COMPANY.

The VICE-PRESIDENT. If there be no further resolutions, concurrent or other, the Chair lays before the Senate a resolution submitted by the Senator from Florida, coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. CALL on the 8th instant, as follows:

*Resolved by the Senate, That a special committee be, and is hereby, created, who shall be charged with the duty of inquiring and reporting to the Senate whether the Louisiana or Honduras Lottery Company has been established and is now operating in the State of Florida and is engaged in business there and in the use of the mails and of the interstate-commerce corporations or companies in violation of the laws of the United States. The committee shall also inquire whether the Louisiana or Honduras Company, its owners, managers, directors, or agents have entered into a combination with any person or persons or corporations for the control of the elections of the members of Congress, and whether it owns, either directly or indirectly, any interest in newspapers published in the State, and whether they, or any of them, have contributed money for the establishment of newspapers or for subsidizing newspapers.*

*The committee shall also inquire and report what sums of money, if any, have been expended by the Louisiana or Honduras Lottery Company to influence the legislation of Congress, or by any person or corporation in any way connected, combined with, or interested in such lottery company, and by what persons such money was expended, and by what persons it was contributed.*

Mr. HALE. Mr. President, does that resolution come over from yesterday?

The VICE-PRESIDENT. It comes over from yesterday, it being a resolution then introduced.

Mr. BLACKBURN. Does the Chair hold that, in the absence of a vote by the Senate, the consideration of the resolution can now be proceeded with?

The VICE-PRESIDENT. The resolution was introduced by the Senator from Florida yesterday, and comes up as a part of the morning business.

Mr. GRAY. Is there any unfinished morning business, Mr. President?

Mr. BLACKBURN. This resolution has not been under consideration?

The VICE-PRESIDENT. This resolution has not been.

Mr. BLACKBURN. It occurred to me that the consideration of the resolution could not be reached except by a vote of the Senate. At any rate, Mr. President, I will ask unanimous consent that the Senate now proceed to the consideration of the diplomatic and consular appropriation bill.

Mr. CALL. I object.

The VICE-PRESIDENT. Objection is made. The Chair will state, in response to the Senator from Kentucky, that the resolution just read was introduced yesterday and comes up as a part of the morning business. The Chair did not understand the inquiry of the Senator from Delaware [Mr. GRAY].

Mr. GRAY. I ask the Chair, as a matter of information, if there is any unfinished morning business technically.

The VICE-PRESIDENT. Under the rules there is no unfinished business in the morning hour, but the Chair is obliged to lay before the Senate as a part of the morning business resolutions coming over from the previous day.

Mr. CALL. Mr. President, the consideration of this resolution seems to excite some misapprehension on the part of Senators, and it is somewhat singular that it should be so. On yesterday the Senator from Maryland [Mr. GORMAN] made the following observations, which I read from the RECORD:

*I suggest, Mr. President, that this is entering upon a field of inquiry which no Senator or Member of the House of Representatives of either party has ever suggested, unless it was a question as to the election of a Senator or a Member of the House of Representatives. Then I think this body has gone so far as to hold that it was impossible to go back and inquire into the morals of the men constituting a State legislature which elected a Senator to this body. It does seem to me that this is a most remarkable proposition, and one which, if it is followed out, will entirely wipe out the States and absorb in Congress the entire control over the morals and everything else connected with the government of the States.*

The Senator from Maryland is not so accurate in his statement of facts and in his recollection of history as he might be. It is somewhat singular that he did not remember that a Democratic House of Representatives in 1876 passed a resolution for the investigation of elections in the States and of frauds committed—I have it before me—with regard to the Presidential election and all the organization of the State governments under the reconstruction laws:

*Resolved, That the Committee on Privileges and Elections, when appointed, be, and it hereby is, instructed to inquire and report as soon as may be—*

*1. Whether in any of the elections named in said amendment in said States in the years 1875 or 1876 the right of any portion of such inhabitants and citizens to vote as aforesaid has been in anywise denied or abridged.*

*2. To what extent such denial or abridgment has been carried.*

*3. By what means such denial or abridgment has been accomplished.*

*4. By whom has such denial or abridgment been effected.*

*5. With what motives and for what purposes has such denial or abridgment been carried on.*

*6. By what authority or pretended authority has such denial or abridgment been exercised.*

*Resolved by the Senate of the United States (the House of Representatives concurring), That a joint committee, consisting of 7 Senators and 14 Representatives, be appointed, whose duty it shall be to inquire into the condition of the late insurrectionary States, so far as regards the execution of the laws and the safety of the lives and property of the citizens of the United States, with leave to report, at any time during the next or any subsequent session of Congress, the result of their investigation to either or both Houses of Congress, with such recommendations as they may deem expedient; that said committee be authorized to appoint clerks and stenographers, to sit during the recess, to send for persons and papers, to administer oaths and take testimony, and to visit, at their discretion, through subcommittees, any portions of said States during the recess of Congress; and the expenses of said committee shall be paid out of the contingent fund of the Senate, upon vouchers approved by the chairman of said committee.*

*Resolved, That a select committee, to consist of 9 Senators, be appointed by the Chair to inquire and report to the Senate whether at the recent elections the constitutional rights of American citizens were violated in any of the States of the Union; whether the right of suffrage of citizens of the United States, or of any class of such citizens, was denied or abridged by the action of the election officers of any State or of the United States, in refusing to receive their votes, in failing to count them, or in receiving and counting fraudulent ballots in pursuance of a conspiracy to make the lawful votes of such citizens of none effect; and whether such citizens were prevented from exercising the elective franchise, or forced to use it against their wishes, by violence or threats, or hostile demonstrations of armed men or other organizations, or by any other unlawful means or practices. The committee shall also inquire whether any citizen of any State has been dismissed or threatened with dismissal from employment or deprivation of any right or privilege by reason of his vote or intention to vote at the recent elections, or has been otherwise interfered with.*

*And to inquire whether in the year 1878 money was raised by assessment or otherwise upon Federal officeholders or employees for election purposes, and under what circumstances and by what means, and, if so, what amount was so raised and how the same was expended; and, further, whether such assessments were or not in violation of law.*

*And shall inquire into the action and conduct of United States supervisors of elections in the several States; and as to the number of marshals, deputy marshals, and others employed to take part in the conduct of the said elections; in what State or city appointed; the amount of money paid or promised to be paid to them, and how and by whom, and under what law authorized.*

*Resolved, That the committee be further instructed to inquire and report whether it is within the competency of Congress to provide by additional legislation for the more perfect security of the right of suffrage to citizens of the United States in all the States of the Union.*

*Resolved, That in prosecuting these inquiries the committee shall have the right, by itself or by any subcommittee, to send for persons and papers, to take testimony, to administer oaths, and to visit any portion of the country when such visit may, in their judgment, facilitate the object of the inquiry.*

The Senator must have known that, and he must have known that it was the result of the inquiries of this Democratic committee which spread the information throughout the country which satisfied the leaders of the Republican party and the Democrats of the necessity of some change in the organization of those States. Why, then, in the presence of this fact, when this resolution does not refer by any possible construction to an investigation of any election or of the conduct of any official of the State of Florida or any other State—does not touch it, does not refer to it—why this eagerness on the part of the Senator from Maryland to prevent the passage of a resolution looking to the prevention of a foreign corporation from using the laws of the United States that it may subjugate the sovereignty of the people and destroy the rights of the States?

The Senator from Maryland, so far from being a Democrat and a State-rights man in respect to this resolution, is aiding a foreign corporation and a few individuals to destroy the States and their reserved rights and the sovereignty of the people.

Everybody knows that here is a great contest between the people of the United States and a few individuals who are incorporated, great lines of transportation, and trusts and syndicates, constituting an oligarchy with a power of taxation greater than that reserved to the Government itself, and good and patriotic men of both parties desire that these franchises should be held subject to reasonable and just control and that they should be limited.

What does this resolution ask? It asks that a foreign corporation, domiciled in Honduras, having the right to enter the customhouse at Tampa Bay or anywhere else in the United States, using the interstate-commerce laws of the United States, making combinations that it may eventually secure a lodgment within the United States, shall be investigated to ascertain whether or not there is any necessity for legislation on the part of Congress to do what? To interfere with elections or morals? No; but to ascertain whether or not the Congress of the United States shall prohibit the use of the laws for sheltering the operations of this corporation within the limits of the United States. Yet Senators, presuming that the people of the United States have not the intelligence to consider this question, say that this touches upon the sovereignty of the States and interferes with the character and the organization made by the people, when it is intended to protect the people of the United States from a powerful combination destroying the sovereignty of the States.

Mr. President, I have no doubt of the authority and duty of Congress to investigate whatever attacks the rights and sovereignty of the people of the United States. I do doubt the power

of Congress to interfere with the autonomy of the States. I respect the rights and sovereignty of the people of the States and their reserved rights, and I respect them enough to oppose any corporation or any power which seeks to substitute a few individuals in the place of the people. But, Mr. President, while I have no doubt upon this subject, it is within the competency of Congress to gather information which is important to legislation upon any subject connected with its duty, I have stricken from this resolution every word which referred to any State, or the control or allusions to elections in any State. I have stricken the words, "the State of Florida," out of the resolution, so that it now reads:

*Resolved by the Senate, That a special committee be, and is hereby, created, who shall be charged with the duty of inquiring and reporting to the Senate whether the Louisiana or Honduras Lottery Company has been established and is now operating in the United States and is making use of the mails and of the interstate-commerce corporations or companies in violation of the laws of the United States. The committee shall also inquire whether the Louisiana or Honduras Company, its owners, managers, directors, or agents have entered into a combination with any person or persons or corporations for the control of the elections of the members of Congress and whether it owns, either directly or indirectly, any interest in newspapers published in the United States, and whether they, or any of them, have contributed money for the establishment of newspapers or for subsidizing newspapers. The committee shall also inquire and report what sums of money, if any, have been expended by the Louisiana or Honduras Lottery Company to influence the legislation of Congress, or by any person or corporation in any way connected, combined with, or interested in such lottery company, and by what persons such money was expended, and by what persons it was contributed.*

Mr. President, we had a committee of investigation here not two months ago to ascertain whether the trusts and syndicates which Senators on the other side of the Chamber assailed in reference to the recent tariff bill had expended money or used influences upon this body. Why does the Senator from Maryland talk about there being no precedent for an inquiry of this character? Is it not important to know if a foreign corporation has expended money to influence legislation in bringing Senators here, as it is said they have done?

So there is no foundation for this opposition. This resolution asks that the most powerful corporation of modern days, excepting the East India Company, charged with expending great sums of money to influence legislation of the Congress of the United States, shall be inquired into.

Mr. President, I am not an enemy of corporations. I am willing that they should use their franchises reasonably and properly, subject to the power of the people; but I am not willing that they should be given unlimited power under the guise of Democracy, which is no Democracy, but which is a violation of the party faith and principles, and no man can be a Democrat of the school of Thomas Jefferson and be willing to subject this people to the unlimited power and control of corporate authority. That is a kind of Democracy which is not known among the people.

This resolution is a harmless one. I take the responsibility of it both at home and here. I am not afraid to maintain the right and duty and power of the people over both foreign and domestic corporations. But here is a foreign corporation already prohibited by Congress from using the instrumentalities of the Government, and it is to be remembered that this position was taken in the face of the fact that a great portion of the Democratic people of the country believe that corporate influences are powerful and control the legislation of Congress.

Mr. President, I am indifferent whether this resolution passes or not. I think I know the American people; I think I know they can not be deceived. They know the trend of public affairs; they know the policies which are necessary for the well-being of the masses, and they know that the destruction of this Government and the liberties of this people lie in the concentration of the power of this Government in the hands of a few men incorporated in the form of corporate associations, changing the entire character of the Government, a Government by the people. Is a foreign corporation, possessed of vast revenues, to be permitted to come into this country and violate our laws?

When it is proposed to inquire what they have done, and if they have done nothing offensive to the laws to let them go, when you ask no exercise of authority by Congress except in this legitimate sphere, you are met with the statement that this is an unprecedented thing, although a resolution has heretofore been passed by a Democratic House of Representatives for a similar investigation.

I am opposed just as much as and more than is the Senator from Maryland to anything that impinges upon the reserved rights of the States and the people thereof or anything that tends to the destruction of their political autonomy. I have here a resolution passed by the Democratic House of Representatives, submitted by Mr. Thompson. I shall not read it, but will put it in the RECORD as a part of my speech.

*Resolved, That three special committees, one of 15 members to proceed to Louisiana, one of 8 members to proceed to Florida, and one of 9 members to proceed to South Carolina, shall be appointed by the Speaker of the House to investigate the recent elections therein and the action of the returning or canvassing boards in the said States in reference thereto, and to report all the facts essential to an honest return of the votes received by the electors of the said States for President and Vice-President of the United*

States, and to a fair understanding thereof by the people; and that for the purpose of speedily executing this resolution the said committees shall have power to send for persons and papers, to administer oaths, to take testimony, and, at their discretion, to detail subcommittees with like authority to send for persons and papers, to administer oaths, and to take testimony; and that the said committee and their subcommittees may employ stenographers, clerks, and messengers; and be attended each by a deputy sergeant-at-arms; and the said committees shall have leave to report at any time, by bill or otherwise.

Mr. President, I shall not detain the Senate any longer. I hope the resolution will be passed.

Mr. HILL. Will the Senator from Florida give way to me for a moment?

Mr. CALL. Certainly.

Mr. HILL. As one member of the Senate I think the resolution ought to be disposed of one way or the other. It has been here a number of days. The Senator from Florida has made many efforts to have it disposed of and, I for one am anxious to have it passed or defeated or something done with it, so as to get it out of the way. I agree with a good deal of the criticism that was made yesterday by the Senator from Maryland [Mr. GORMAN] as to the resolution. I think it is altogether too broad. I do not see that we need to investigate the election of members of the legislature of Florida or the governor of that State.

Mr. GEORGE. I have just read the resolution as modified by the Senator from Florida, and the particular objection to which the Senator from New York now alludes has been eliminated.

Mr. HILL. I was going to offer an amendment striking out the greater part of the resolution. Perhaps I might as well, without any further remark, offer the amendment now.

Mr. CHANDLER. May I ask the Senator from New York whether he has read the modified resolution now under consideration by the Senate?

Mr. CALL. The modified resolution strikes out all reference to the State of Florida or any State, and refers only to the United States. If the Senator will allow me one moment, I will state that there was nothing in the original resolution that referred to the election of any member of the State legislature. It referred to the action of the Honduras Lottery Company in attempting to affect legislation.

Mr. HILL. That is only another way of investigating the same matter.

Mr. CALL. I am content to strike out reference to the legislature of Florida or any other legislature.

Mr. HARRIS. Will the Senator from New York allow the resolution as modified to be read?

Mr. HILL. Yes.

Mr. GORMAN. Let it be read.

Mr. HILL. It will facilitate the matter.

Mr. SHERMAN. It is very materially changed.

The Secretary read as follows:

*Resolved by the Senate, That a special committee be, and is hereby, created, who shall be charged with the duty of inquiring and reporting to the Senate whether the Louisiana or Honduras Lottery Company has been established and is now operating in the State of Florida and is engaged in business there and in the use of the mails and of the interstate-commerce corporations or companies in violation of the laws of the United States—*

Mr. CALL. The words "State of Florida" were stricken out and the words "United States" were inserted. The clerks are reading the wrong resolution.

Mr. SHERMAN. That is right.

Mr. CHANDLER. It is right as it now stands.

Mr. WOLCOTT. I should like to have the resolution read.

Mr. CALL. The resolution as modified is at the desk.

Mr. HALE. Does not the Senator from Florida want to state the number who shall compose the committee?

Mr. CALL. I have no objection to the number being stated.

Mr. WOLCOTT. Make it eleven.

Mr. HALE. The number ought to be stated in the resolution.

Mr. CALL. I will say "five."

Mr. BUTLER. Let the resolution be read as modified.

Mr. HALE. A committee of five is, I understand, proposed.

Mr. WOLCOTT. Let the whole resolution be read from beginning to end.

Mr. CALL. I ask that the resolution as modified be read.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

*Resolved by the Senate, That a special committee be, and is hereby created, who shall be charged with the duty of inquiring and reporting to the Senate whether the Louisiana or Honduras Lottery Company has been established and is now operating in the United States and making use of the mails and of interstate—*

Mr. SHERMAN. "And is engaged."

The Secretary continued to read, as follows:

and making use of the mails and of the interstate-commerce corporations or companies in violation of the laws of the United States. The committee shall also inquire whether the Louisiana or Honduras Lottery Company, its owners, managers, directors, or agents have entered into a combination with any person or persons or corporations for the control of the election of members of Congress, and whether it owns, either directly or indirectly, any interest in newspapers published in the United States, and whether it or any corporation or persons connected with it or them have contributed money for the establishment of newspapers or for subsidizing newspapers.



Mr. MANDERSON. I ask that that part of the resolution may be read which has in it the extraordinary proposition that this body shall investigate the qualifications of members of the House of Representatives.

Mr. CALL. There is nothing of that kind in the resolution.

Mr. BLACKBURN. I submit that the resolution as modified, if not referred to a committee, ought to be printed.

Mr. ALDRICH. It ought to be referred to a committee on style.

Mr. SHERMAN. If the Senator from Florida will take the resolution as he had it printed in the new form, it seems to me there can be no objection to it and no controversy about it. I will ask to have the resolution read as it is printed here, which I think is a great deal better than the modified resolution, changed since the resolution was printed.

The PRESIDING OFFICER (Mr. WHITE in the chair). Does the Chair understand the Senator from Ohio to offer an amendment to the resolution?

Mr. SHERMAN. No. I think if what I have sent to the desk is read, Senators having it on their tables before them—

The PRESIDING OFFICER. The document which the Senator from Ohio has sent to the desk is the original resolution, the Chair understands.

Mr. SHERMAN. No; it was modified by the Senator from Florida [Mr. CALL].

The PRESIDING OFFICER. The resolution as presented by the Senator from Ohio [Mr. SHERMAN] will be read.

Mr. WOLCOTT. I rise to make an inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state his inquiry.

Mr. WOLCOTT. Was the reading of the other resolution finished, or did the clerk stop in the midst of the reading?

The PRESIDING OFFICER. The Chair understands that the resolution handed in this morning, as modified by the Senator from Florida [Mr. CALL], has been read. The Senator from Ohio [Mr. SHERMAN] now presents a resolution which was previously offered by the Senator from Florida [Mr. CALL], as the Chair understands, and asks that the same be read for information.

Mr. WOLCOTT. Then I ask, also for information, whether the resolution as amended by the Senator from Florida, which we have just had read, preceded or followed the resolution prepared by the Senator from Florida which the Senator from Ohio has now asked to have read?

The PRESIDING OFFICER. The Chair understands that the resolution as first read succeeded the resolution now sent to the desk by the Senator from Ohio.

Mr. WOLCOTT. Very well. Then I understand the Senator from Ohio does not wish to be understood as saying that the resolution he now sends up is the present view of the Senator from Florida?

Mr. SHERMAN. I do understand it so.

Mr. WOLCOTT. The Senator from Florida sent to the desk a subsequent resolution which meets his view, and the Secretary was interrupted in the reading of it.

The PRESIDING OFFICER. The Senator from Ohio requests the reading of a resolution. The Secretary will read as indicated.

Mr. WOLCOTT. Oh, no.

Mr. SHERMAN. Let me say a few words to clear the atmosphere around us.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. WOLCOTT. I do for an explanation.

Mr. SHERMAN. The Senator from Florida [Mr. CALL] introduced a resolution which required the Senate to investigate what happened in the legislature of Florida, and also several other matters over which we have no jurisdiction. The Senator from Florida afterwards had printed a proposition which excludes all the objectionable matter and simply requires an examination into the conduct of a foreign corporation which is interfering with our postal laws and which tends to degrade our people by introducing vicious habits as to lotteries. Now, the resolution as printed and submitted by the Senator from Florida is right—every word of it. I hope it will now be read.

Mr. WOLCOTT. Of course it will not be read until we are through making this inquiry. As I understand the parliamentary situation, the Senator from New York [Mr. HILL] requested the Senator from Florida [Mr. CALL] to give way for a moment, stating that he was in deep sympathy with the Senator from Florida as to a very little of what the Senator from Florida desired—

Mr. HILL. That is a pretty broad statement. [Laughter.]

Mr. WOLCOTT. And offered a resolution looking to the accomplishment of that result. Whereupon the Senator from Mississippi [Mr. GEORGE] stated to the Senator from New York [Mr. HILL] that the Senator from Florida [Mr. CALL] had prepared another resolution which eliminated all the objectionable matter to which the Senator from New York made protest, and requested that before the Senator from New York send to the Chair his resolution to be read the resolution as offered by the Senator from Florida should be first read.

While the Secretary was in the midst of reading that resolution, which is the last production of the Senator from Florida, the Senator from Ohio [Mr. SHERMAN] rose and presented a resolution which he says embodies the views of the Senator from Florida. [Laughter.]

Mr. HILL. I desire to say that all that is admissible under our rules. [Laughter.]

Mr. CALL. Now, Mr. President—

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. WOLCOTT. I am very glad to give way to the Senator from Florida if he will tell us which resolution now meets his views.

Mr. CALL. The Senator from Colorado, like every lawyer in stating his own case, states it in his own way, and generally wrong.

Mr. WOLCOTT. If I may be permitted, I will say that I am endeavoring to state the case of the Senator from Florida as stated by himself and not as stated by other Senators.

Mr. CALL. I beg pardon; the statement of the Senator from Colorado is entirely incorrect. A new resolution has been offered here day after day, amended, and changed from the original, because there has been an effort to bury the resolution in the committee, and everyone knows that if anything ever goes there it rarely comes back. The resolution offered by me referred to by the Senator from Ohio [Mr. SHERMAN] was offered yesterday. This morning it came up regularly.

I modified the resolution by striking out several words referring to the State of Florida, although I have in my hand a resolution of a Democratic committee of the Democratic House of Representatives, passed in 1876, sending to Florida, Louisiana, and South Carolina a committee to examine into the action of the returning boards and all the elections in those States. Still, to gratify these unnecessary criticisms, I have stricken out every word relating to a particular State.

Mr. GRAY. The resolution now relates to the elections of Representatives in Congress.

Mr. CALL. The modified resolution was read at the desk.

Mr. BUTLER. Let us have a vote on the question.

Mr. CALL. The Senator from Ohio has offered a resolution, being the resolution I offered yesterday without the modification I made this morning.

Mr. ALDRICH. The Senator from Florida includes in the resolution an inquiry as to the ownership of certain newspapers in his own State.

Mr. CALL. I have stricken out that provision.

Mr. ALDRICH. I suggest that he make that general.

Mr. CALL. I have made it general.

Mr. ALDRICH. The question of the ownership of newspapers in the United States opens up a very valuable and curious field of inquiry, and I suggest that if we are going into that question at all we should make the inquiry general.

Mr. CALL. It is general.

Mr. ALDRICH. We should make it apply to all States and all localities.

Mr. GRAY. All newspapers.

Mr. ALDRICH. And all newspapers.

Mr. BLACKBURN. I move that the Senate now proceed to the consideration of the diplomatic and consular appropriation bill.

Mr. HOAR. I thought the Senator from Florida [Mr. CALL] had the floor.

Mr. BLACKBURN. I was recognized by the Chair. The Senator from Florida has yielded the floor three times.

Mr. CALL. I beg pardon.

The PRESIDING OFFICER. The Chair understood that the Senator from Florida had yielded the floor, and the Chair recognized the Senator from Rhode Island [Mr. ALDRICH]. Thereupon, the Senator from Rhode Island resuming his seat, the Chair recognized the Senator from Kentucky [Mr. BLACKBURN].

Mr. BLACKBURN. Then in my own right I move that the Senate proceed to the consideration of the appropriation bill.

Mr. CALL. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Florida will state his point of order.

Mr. CALL. I yielded the floor to several Senators, not permanently, but for the purpose of making inquiries in regard to the resolution.

Mr. BLACKBURN. I protest—

Mr. CALL. I yielded for that purpose, and had no objection to so yielding; but now the Senator from Kentucky, as upon three preceding days, seems very anxious that there shall be no action upon the resolution.

Mr. BLACKBURN. I object to debate, Mr. President.

Mr. CALL. I make the point of order that the Senator from Kentucky has no right to the floor.

The PRESIDING OFFICER. The Senator from Kentucky, having been recognized by the Chair, is entitled to the floor. The

Chair was not aware of the circumstance that the Senator from Florida had only temporarily yielded the floor.

Mr. BLACKBURN. I deny that any Senator has the right to take the floor and farm out the time of the Senate.

The PRESIDING OFFICER. The Senator from Kentucky has been recognized. His motion is in order and is now before the Senate. The question before the Senate is on agreeing to the motion of the Senator from Kentucky to proceed to the consideration of the consular and diplomatic appropriation bill.

The motion was agreed to.

#### ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 5603) to repeal an act entitled "An act to amend the laws relative to shipping commissions," approved August 19, 1890.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8234) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1896, the pending question being on the amendment reported by the Committee on Appropriations, on page 9, after line 8, to insert:

#### CONSTRUCTION OF TELEGRAPH CABLE BETWEEN THE UNITED STATES AND THE HAWAIIAN ISLANDS.

The President is hereby authorized to contract for the entire work of laying a telegraph cable between the United States and the Hawaiian Islands and to direct the prosecution of such work whenever such a contract shall be made, and as a part of the cost of such cable the sum of \$500,000 is hereby appropriated.

Mr. BLACKBURN. Mr. President, debate upon the pending amendment submitted by the committee has lasted now for several days. The Senate seems to have lost sight of the fact that the question pending before it is not the amendment just read at the desk, but it is a question of order raised by the Senator from Texas [Mr. MILLS]. In all the days which have been consumed in this debate, I do not remember that any Senator except the Senator from Alabama [Mr. MORGAN], who addressed the Senate yesterday—

Mr. ALDRICH. The Senator from Kentucky is mistaken as to his facts. The Senator from Texas withdrew his point of order.

Mr. BLACKBURN. The Senator from Texas told me he did not, and has made a special request—

Mr. ALDRICH. The RECORD will show that he did withdraw it.

The PRESIDING OFFICER. A question being raised with reference to the matter, the Chair will appeal to the RECORD. The present occupant of the chair was not then present. The Secretary will examine the RECORD and report its statement in this respect.

Mr. BLACKBURN. I can not be mistaken. The junior Senator from Texas [Mr. MILLS] made the point of order against the amendment. At the request of the Senator from Maine [Mr. HALE] he agreed to withhold the point of order in order that Senators might have an opportunity of discussing the amendment. The Senator from Texas was not in the Senate yesterday, and left at a comparatively early hour in the afternoon of the day before, and in both instances he asked me to see, if he were not present, that the point of order was insisted upon and decided.

Mr. HALE. I suppose there is no real question about it. I think, technically, that at the time the Senator from Texas did withdraw the point of order and intended to renew it.

Mr. BLACKBURN. It does not matter. It would be renewed anyway.

Mr. HALE. The Senator from Kentucky can renew it.

Mr. BLACKBURN. I would do so except that the Senator from Texas tells me he still insisted upon his point of order.

Mr. HALE. I suppose he would have to renew it, probably.

Mr. BLACKBURN. Very well; it would be renewed. In that connection I desire to say that though I am in charge of the bill by the direction of the Committee on Appropriations, I have never favored the amendment that is now under consideration. I shall vote against its being incorporated into the pending bill on the question of merit. I shall vote to sustain the point of order. I do not believe the amendment is in order under the rule. I rely upon two propositions to sustain the objection.

In the first place, I do believe that this is general legislation, which it is sought by the committee amendment to ingraft upon an appropriation bill. It has never been passed upon or reported favorably by any standing or select committee of this body. It has never been estimated for or reported by a Department of the Government. More than that, it is obnoxious to the rule from another standpoint. It certainly is not germane to the bill. It is a provision looking to the expenditure of money for a purpose not connected with or germane to a bill which simply proposes to make appropriations for the pay and maintenance of the diplomatic and consular service of this country.

I need not weary the Senate by a discussion of the rule. I do not think anything could be made plainer.

Rule XVI provides that—

All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation—

And surely this is a new item of appropriation—

unless it be made to carry out the provisions of some existing law—

That is not claimed in this case—

or treaty stipulation—

Which surely does not apply here—

or act, or resolution previously passed by the Senate during that session—

For which there is no claim made in any quarter—

or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

Mr. HALE. Now, right there—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Maine?

Mr. BLACKBURN. Most certainly.

Mr. HALE. Does not the Senator from Kentucky forget that this amendment comes here by the sanction of a standing committee of the Senate, to wit, the Committee on Appropriations? The Senator loses sight of the fact that the Committee on Appropriations has the same power to give sanction to an amendment to a bill that any other committee has; and the Committee on Appropriations has directed the amendment to be put upon the bill, thereby exercising the same authority that any other standing committee would exercise if it moved the amendment to the bill after the bill came into this Chamber. I think the Senator from Kentucky, as an old parliamentarian, will acknowledge that. The Committee on Appropriations is not ousted of the same power that other committees have.

Mr. BLACKBURN. I am not going to contend that the position which the Senator from Maine seems to take now is unfair. That it is novel, that it is without precedent, I think he will admit. But I do not object to it on that ground. It is but perfectly natural that the Senator from Maine, advocating and supporting the amendment, should resort to methods which are without precedent and novel, because the amendment itself is without precedent in the history of this country. Never before was it proposed; much less by a rider upon a general appropriation bill, to commit the Government to the expenditure of \$3,000,000 or any other amount of money for building a cable to any foreign shore. The amendment itself is an unprecedented and novel proposition. The arguments by which the Senator from Maine seeks to support it are entitled to be novel and unprecedented, too.

I now insist that he can not point to an instance, nor can any other Senator, where such a construction was ever put upon that rule. It never before was claimed in the history of the Senate.

Mr. ALDRICH. Will the Senator from Kentucky allow me?

Mr. BLACKBURN. Will the Senator from Rhode Island please allow me to finish this sentence? I want to finish the sentence.

Mr. ALDRICH. I will furnish one instance.

Mr. BLACKBURN. I will go back. Never before in the history of the Government did any Senator ever claim that Rule XVI was to be so construed as to allow the Committee on Appropriations to be either the standing or the select committee that must recommend an amendment before it shall be in order and cease to be obnoxious to that rule. The practice is universal and unbroken—there never was an instance in which it was violated or disregarded—in the construction of that clause of Rule XVI; that it means that some committee, standing or select, other than the Committee on Appropriations, shall have recommended an amendment and sent it through this Chamber to the Committee on Appropriations before the Committee on Appropriations has the right under the rule to incorporate it in a bill.

Mr. CALL. Will the Senator from Kentucky allow me to ask him a question?

Mr. BLACKBURN. The Senator from Rhode Island [Mr. ALDRICH] appealed to me a moment since, and I will yield to him first.

Mr. ALDRICH. The Senator from Kentucky will find precedents in every general appropriation bill that was ever reported to the Senate from the Committee on Appropriations. There never has been a bill, I will venture to say, reported from that committee to the Senate which did not contain new provisions increasing appropriations already made and new items of appropriation recommended by the Committee on Appropriations and by nobody else.

Mr. BLACKBURN. I have asked the Senator to put his finger on a case, which he has failed to do.

Mr. ALDRICH. I think the Senator from Iowa [Mr. ALLISON] will justify all I have said in that respect. Certainly dur-



ing my service in the Senate I have never known a general appropriation bill to be reported that did not contain such provisions.

Mr. BLACKBURN. Will the Senator from Rhode Island, to whom I am always more than glad to yield the floor, now whilst he is on the floor, please answer me one question?

Mr. ALDRICH. Certainly.

Mr. BLACKBURN. Will he indicate and point out a single, solitary instance which has occurred within the last one hundred years where a point of order having been made, the Senate ever did sustain a proposition to interject into a general appropriation bill any item or amendment that was obnoxious to the sixteenth rule?

Mr. ALDRICH. The Senate has certainly done so, and it is doing it all the time.

Mr. BLACKBURN. Will the Senator please point me to one instance?

Mr. ALDRICH. If the Senator from Kentucky will permit me, I will send for the Indian appropriation bill, reported by the committee yesterday, and I will show him not only one, but scores of amendments of the same character reported by the Committee on Appropriations.

Mr. BLACKBURN. The Senator from Rhode Island does not answer my question. He is now talking about a bill which has never been before the Senate for consideration.

Mr. ALDRICH. I will show the Senator from Kentucky such instances in this very bill.

Mr. BLACKBURN. The question I ask the Senator from Rhode Island is whether within the last one hundred years there is an instance to be found with a search warrant where a point of order was made under Rule XVI and was overruled either by the Presiding Officer of this body or by a vote of the Senate, and such an amendment was allowed to be considered?

Mr. ALDRICH. I have never heard the construction now contended for by the Senator from Kentucky urged in the Senate by any Senator, and I think no such question was ever raised.

Mr. BLACKBURN. Very well. It seems that this novel and unprecedented amendment is bringing out novel and unprecedented things all around.

Mr. ALDRICH. It certainly is. No Senator on this floor ever contended that that rule had the construction which the Senator from Kentucky now undertakes to place upon it.

Mr. HARRIS. Will the Senator from Kentucky allow me to suggest in a very few words the only point in the matter?

Mr. BLACKBURN. If the Senator from Tennessee will indulge me but a moment—I shall not detain the Senate much longer—I will state that I am trying to do, and if I may be left uninterrupted for five minutes I will do, just what the Senator from Tennessee wants to do. I will tell the Chair and tell the Senate where I think the point is.

Mr. MORGAN. Will the Senator from Kentucky allow me?

Mr. BLACKBURN. I beg the Senator from Alabama to excuse me.

Mr. MORGAN. I wish to ask a question for information. The Senator from Kentucky is a distinguished member of the Committee on Appropriations. I desire to ask him to inform me on what appropriation act it was that the appropriation of money was made to survey this same cable route?

Mr. BLACKBURN. Oh, Mr. President, I do not want to be led off.

Mr. MORGAN. This will not lead the Senator off.

Mr. BLACKBURN. I will answer the Senator. He is generally better informed upon all subjects than any other Senator. My recollection is that it was done in 1891.

Mr. HALE. On the naval appropriation act?

Mr. BLACKBURN. On the naval appropriation act. Now, if I may be allowed, with the permission of the Senator from Alabama, I will resume.

Mr. MORGAN. I beg the Senator's pardon for interrupting him. I know the question rather put him out.

Mr. BLACKBURN. On the contrary, it did not annoy me a particle except by its absolute irrelevance and meaninglessness in this connection.

Now, having said so much in reference to my objection to the amendment under the first clause of Rule XVI, I desire to call the attention of the Senate to paragraph 3 of the same rule. I insist that either under paragraph 1 or paragraph 2 it is utterly impossible for the Chair or for the Senate to hold that the amendment has any place in the pending bill. I have read the first paragraph. Now I will read the third paragraph:

No amendment which proposes general legislation shall be received to any appropriation bill—

Mark you, the disjunctive form is employed here—

nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

Is there a Senator upon this floor who will contend that the amendment is germane to the subject-matter of the pending bill?

Mr. MORGAN. If the Senator from Kentucky asks the question I will answer yes.

Mr. BLACKBURN. I want Senators to answer in their own time, if they please.

Mr. MORGAN. There is one here; and I was right about it.

Mr. BLACKBURN. Now, if I am entitled to the floor, I will proceed. I am trying to get through—

Mr. WOLCOTT. What was the answer of the Senator from Alabama? We could not on this side hear what he said.

Mr. BLACKBURN. I suggest that the Senator from Alabama did not have the floor to say anything.

Mr. WOLCOTT. I certainly should like to know what reply the Senator from Alabama made.

Mr. BLACKBURN. The Senate is not making much headway. If I can be let alone for five minutes by the clock I will do as I have done for the last week, keep my seat, say nothing, and let everyone else talk until he gets tired. The third paragraph of Rule XVI reads:

No amendment which proposes general legislation shall be received to any general appropriation bill.

Then the rule goes on with a bill of particulars:

Nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

Now, I insist that under the first clause of this rule it is the duty of the Chair, upon the point of order being raised, to determine it subject to appeal to the Senate. Under the third paragraph of the rule the Chair is not only not called upon, but he is not permitted to decide the question of relevancy. That shall be submitted to the Senate and be decided without debate. But under the first clause of the third paragraph of the rule it is the duty of the Chair to rule and to determine, subject to the right of appeal to the Senate.

Mr. President, either under the first clause or under the third clause I hold that this amendment is not entitled to be considered here. It is not germane to the subject-matter of the pending bill. It does not relate to the paragraph to which it is attached. More than that, it has never been recommended by any standing or select committee of this body. It has never been estimated for by any Department of this Government. Besides, sir, in my judgment, even if not obnoxious to the rule, it has no merit upon which to stand.

Mr. MITCHELL of Oregon. The Senator from Kentucky does not claim that the amendment changes any existing law? The Senator does not make that claim?

Mr. BLACKBURN. There is no law to be changed upon this subject. It is new legislation. It changes the attitude of the Government. It is the first time in the history of this Government that the proposition was ever made that we should go to work to build foreign cables.

Mr. MITCHELL of Oregon. But it changes no existing law.

Mr. BLACKBURN. Everyone understands very well, Mr. President, what the amendment is. It is an entering wedge, looking to the expenditure of three millions of money to lay a cable from the California coast to Honolulu or the Hawaiian Islands. It is the entering wedge of that project of annexation which lies so close to the hearts of many Senators here. I have no quarrel with them. I simply say it is without precedent. I have never favored the amendment, and I shall vote against it when the vote is reached at half past 2 o'clock. I am not going into general discussion of the question of annexation. What I mean to say is that if Senators will take this rule and read the first and third paragraphs, they must, in my judgment, come to the conclusion that the men who wrote those paragraphs in that rule were employing the plainest and strongest English that any tongue has ever yet controlled to prevent the introduction of just such amendments on just such bills and under just such circumstances.

Mr. MANDERSON. Mr. President, it seems to me (and I make the statement without intending to reflect in the least degree upon my distinguished friend) that the Senator from Kentucky [Mr. BLACKBURN] occupies to-day a most remarkable and exceptional position. He stands here in charge of the bill. He stands here as the representative of the Committee on Appropriations. There is before the Senate for consideration a provision in the bill, new, it is true, new legislation perhaps, that has received the sanction of the majority of the committee which has charged him with the care of the bill, and he not only invokes against it the usual course—

Mr. BLACKBURN. Against what?

Mr. MANDERSON. Against the adoption of the amendment proposed by his committee. He not only invokes argument against it, but he brings, as I take it, exceptional and strained interpretation of the rules of the Senate.

Mr. BLACKBURN. Will the Senator from Nebraska allow me to ask him a question which is purely on this subject?

Mr. MANDERSON. Certainly; with great pleasure.

Mr. BLACKBURN. Do I understand the Senator from Nebraska to impute to me any unusual conduct in that I am in charge of a bill one provision of which has been put in by a majority vote of the committee to which I do not give my assent? Is there anything—

Mr. MANDERSON. I do not dispute the Senator's right to do it. I do not dispute the propriety of his action.

Mr. BLACKBURN. That is all.

Mr. MANDERSON. I say it is unusual that a Senator should find himself in that position.

Mr. BLACKBURN. It is not pleasant, either.

Mr. MANDERSON. I can realize that it is unpleasant.

Now, Mr. President, the rules of the Senate are not only very frequently disregarded by a majority of this body, but they are frequently set aside. If we were to pursue them in their strictness they would be barriers to legislation. But we do not pursue them in their strictness. We expunge them altogether very frequently by the unanimous consent of the Senate. I have never known an occasion when a rule was invoked by a point of order and a majority of the Senate were in favor of ingrafting upon an appropriation bill, even general legislation, that the rule was not entirely disregarded, the Chair overruled at times, and at other times the rules set aside by a majority vote.

Mr. BLACKBURN. Will the Senator allow me just a moment?

Mr. MANDERSON. Certainly.

Mr. BLACKBURN. The senior Senator from Nebraska is one of the best equipped members of the Senate Committee on Rules. I indorse what he says. I go further. I not only agree with him that there never was a time when a rule was invoked here that a majority of the Senate wanted to override it that they did not do it—

Mr. MANDERSON. Always.

Mr. BLACKBURN. But I go further and state that, in my judgment, the Senate has no rules and never did have since I have known anything about it. I go further and appeal to the Senator from Nebraska and make him my witness by whom to prove that it is not my fault. For at least eighteen months or two years past I have done my best in the Committee on Rules to get them to adopt a rule by which the Senate could transact business, but I have never succeeded because I could not secure the invaluable aid of the senior Senator from Nebraska.

Mr. MANDERSON. That is very true. The rules are good enough for me as they stand, and their principal merit is that we can so quickly get rid of them when we desire.

Mr. President, I was struck with the remark yesterday of the Senator from Alabama [Mr. MORGAN], who said he cared nothing for the rules of the Senate; that this is a proposition so meritorious, that it is a proposition so important to the best interests of this country, that notwithstanding he might be of the opinion that placing it upon an appropriation bill is in violation of the rule, he would not vote to sustain the point of order. I concur with him upon that proposition. I agree with him that the amendment reported from the Committee on Appropriations is of such vast importance to this country that no rule should be permitted to stand in the way of its enactment into law.

I wish very much that there had been a crowded Senate when the Senator from Alabama made that luminous and wonderful speech yesterday, showing the necessities for the building of this cable. He set forth in most apt language and in eloquent terms why we should not only build this cable, but why we should annex those islands of the Pacific Ocean. I think the time has come when this great Republic of ours should extend its limits. I do not know but that there is in me something of the spirit of the filibusterer, as those were called who were in favor of the annexation of islands in years gone by. This country can never obtain commercial supremacy among the nations of the world until it has entered as the rival of that great power, England, in obtaining the islands of the ocean. No true American can pick up the map of this continent without feeling, as it seems to me, a sense of shame that one of the islands which forms the military and the naval key to our situation has over it the flag of England—I mean the Bermudas. He can not but feel a sense of shame when he sees that all the islands from Cuba to the Lower Antilles, which stand like sentinels at the Gulf of Mexico, are owned by foreign powers and not one of them is owned by the Government of the United States.

We stand, Mr. President, in the position where a great army would stand that would allow its outposts to be held by the enemy. Unquestionably if we do not reach our hands for the purpose of taking not only the Sandwich Islands, but ultimately some of the islands of the Caribbean Sea, we never can assume among the nations of the earth that naval and military supremacy which must be in the leadership of commercial power.

So, on a question so important as this, I for one do not hesitate, even although I might agree with the Senator from Kentucky, in

voting to violate the rules of the Senate. They ought not to stand in the way, but should be brushed aside when a question is so important as the one before us.

Now, the Senator from Kentucky (I regret his absence from the Chamber, and I have been talking in this general way simply in the hope that he might return) challenges the Senator from Rhode Island to bring forward some instances that are akin to this in the legislative history of the Senate. I remember several of them. I know that there came from the Committee on Appropriations, not by the report of any standing or select committee, the proposition to subsidize ships for mail carriage. As I recall the appropriation of \$400,000 or \$600,000, it was challenged on this floor by the raising of the point of order that it was general legislation upon an appropriation bill; and that emanated from the Committee on Appropriations.

I remember that on some of the naval appropriation bills there have been emanating from the Committee on Appropriations, and not by the suggestion of any standing committee, large appropriations for the building of ships. I sent a few moments ago to the document room and obtained the sundry civil appropriation act of the last Congress. It is full of propositions that emanated directly and in the first instance from the Committee on Appropriations, and I have no question but that reference to the debates upon that bill would show that the point of order was raised against several of them. I find on page 70 of this print a proposition with reference to the settlers on the Des Moines River lands. As I recall that provision (and my recollection in that respect is verified by the Senator from Iowa [Mr. ALLISON], who had charge of that important subject-matter) it did not emanate from any of the standing or select committees of the body, but came from the Appropriations—

Mr. PASCO. If the Senator from Nebraska will allow me to correct him, I will state that the amendment to which he refers came from the Committee on Public Lands.

Mr. MANDERSON. Then I was mistaken.

Mr. PASCO. It was considered first by that committee and referred on their motion to the Committee on Appropriations.

Mr. MANDERSON. I know it was a very old piece of legislation. Is the Senator from Florida confident that it came from the Committee on Public Lands at the last session?

Mr. PASCO. I am.

Mr. MANDERSON. That, then, is an exception. Now, I turn to page 123 and I find a proviso which changed existing law as to the United States district attorneys, and which did not come from the Committee on the Judiciary. It provided that hereafter—

The United States district attorney shall be allowed one fee and one mileage actually traveled to and from the place of hearing for his attendance in person, or by his assistant before a United States commissioner or other committing magistrate in each case and no more.

Mr. BLACKBURN. Will the Senator from Nebraska allow a question?

Mr. MANDERSON. Certainly.

Mr. BLACKBURN. Was there any point of order made against that amendment?

Mr. MANDERSON. I do not know that there was.

Mr. BLACKBURN. Then how could it have been excluded? Mr. MANDERSON. I gave, in the absence of the Senator, several instances where points of order were made.

Mr. BLACKBURN. And were overruled?

Mr. MANDERSON. And were overruled by the Senate.

Mr. BLACKBURN. With the Senator's permission I will ask him if such action was taken in those cases in the exercise of that absolute disregard of the rule that the Senator says the Senate always employs?

Mr. MANDERSON. I think so.

Mr. BLACKBURN. So do I.

Mr. MANDERSON. I think the rule was completely disregarded by the Senate. I refer particularly to the instance where upon one of the great appropriation bills there was imposed a subsidy for mail steamers, which was presented by the Committee on Appropriations. As I recall it, the point of order was made upon it as against the committee's amendment, the point of order was overruled by the vote of the Senate, and the amendment was retained upon the bill.

Mr. BLACKBURN. I will make a contract with the Senator, with his permission, by which I will not interrupt him again or ask him another question if he will let me ask him one right here.

Mr. MANDERSON. The Senator may ask me all he pleases.

Mr. BLACKBURN. Do I understand that the Senator is defending the pending amendment upon the ground that it is outside of the rule, but that the practice of the Senate has been never to pay any attention to its rules, but to violate them on all occasions, and consequently it ought to do it now?

Mr. MANDERSON. That is my position exactly.

Mr. BLACKBURN. That is it?

Mr. MANDERSON. That is my position exactly.



Mr. BLACKBURN. Then there is no quarrel between the Senator and myself.

Mr. MANDERSON. None whatever. I always bow to the judgment of the chairman of the Committee on Rules when he attempts to construe a rule, even when I know he is wrong. I follow my leader implicitly in that direction. I take exactly the position suggested by the Senator from Kentucky; that this is a piece of legislation so important for this country that the rules of the Senate, which are daily more honored in their breach than in their observance, should be torn asunder to place this important piece of legislation on this appropriation bill. Now, if this debate shall continue long enough so as to make it worth my while to expend the time, I will undertake to show to the Senator from Kentucky a great many instances during his period of service in the Senate when the Committee on Appropriations, without suggestion from any standing committee, has presented new legislation upon appropriation bills, the point of order made against them frequently, and the Senate overruling the point of order and voting the amendment upon the bill. I hope when that shall appear he will be content to follow these numerous precedents and follow the majority of his committee.

Mr. PALMER. May I ask the Senator from Nebraska a question?

Mr. MANDERSON. Certainly. I am through.

Mr. PALMER. Is it the duty of the Chair to observe the rules?

Mr. MANDERSON. The rules in their wonderful latitude permit the Presiding Officer of the body a very delightful opportunity to evade responsibility and submit all questions for the vote of the Senate. I am glad to say that the Presiding Officers of this body upon important questions usually take that course, and I have no question but that that will be the course which will be taken by whoever shall preside when the question of order shall come to be submitted; he will leave it to the Senate itself, that makes the rules and breaks the rules, to determine whether in this particular instance the rule shall be broken.

Mr. GRAY. Mr. President, the abnormal character of the amendment, the impropriety of urging it at this time, is well illustrated by the situation in which we find ourselves at this moment. Here is legislation, whether it be in order or not, confessedly of the most important character, so important that more than one Senator has said upon his own responsibility and in his place that he was willing to throw to the winds all the rules that govern the procedure of this body; that he was willing that anarchy should come into that procedure if need be in order to bring about the adoption of the amendment.

The Senator from Nebraska [Mr. MANDERSON] has said, with an emphasis that I have never before known him to employ, that he was willing, so important did he consider the crisis—I think that was the word—to violate every rule that the Senate has adopted to govern its procedure, and that nothing of propriety or of parliamentary usage should stand in the way of incorporating this amendment upon the pending appropriation bill.

Now, Mr. President, I want to appeal to the Senate and I want to appeal to the country as to whether the adoption of this measure by such methods will receive the sanction of this body or of the public sentiment of the country. Why should our judgments be hurried, stamped by this proclamation of a crisis, a national crisis in our affairs, in order that we may expend three millions of money in giving us telegraphic communication with the Islands of Hawaii? What has occurred, what is there in the situation, what is there in the history of our times, to justify these extraordinary propositions and this extraordinary language, if I may be allowed without offense to so characterize it, of the Senator from Nebraska and of the Senator from Alabama [Mr. MORGAN]?

Why, sir, we were all slumbering peacefully in the regular intervals of repose until the Senator from Maine [Mr. HALE] introduced the amendment. I doubt whether it ever occurred to a single member of this body until it occurred to the fertile, direct, and practical mind of the Senator from Maine that the amendment was necessary for the peace, the comfort, or the happiness of this country to be introduced and incorporated in the pending bill.

Mr. HALE. I hope the Senator from Delaware will not convey the impression that he alone believes that this matter took thought and form in a strange and unaccountable manner in my brain. Three years ago Congress entered in upon this matter and provided for a survey with the direct object of building this cable. That laid the foundation of it; and since then there have been other proceedings in both bodies touching it. I was only proposing to carry out what Congress had embarked upon in this matter, believing that the time has come when the original purpose of Congress embodied in our bills should be carried into effect. It was not a new, a strange, and uncouth object that I obtruded on the public mind by any means.

Mr. GRAY. Mr. President, the Senator from Maine is correct in stating that there had been, three years ago, a preliminary investigation of the route for a telegraph cable to Hawaii; but he misunderstood me if he thinks I meant to criticize his right to

introduce the amendment. Not at all. But I wish to call the attention of the Senate and the country to the fact that grave and distinguished Senators on this floor have, with an emphasis and with an excitement that I have rarely seen equaled, sought to call our attention to the existence of some alleged crisis in our national life; that suddenly, upon the introduction of the amendment by the Senator from Maine, they seemed to have waked up to a danger that was menacing the country, and that there was an importance to be attached to the consideration of the subject which warranted the breaking of all the rules of the Senate and our relapsing into a state of anarchy in this body, so far as rules are concerned, in order that we might with unseemly haste and precipitation incorporate a proposition to spend \$3,000,000 in giving us telegraphic communication with Hawaii.

Mr. HALE. Now, does not the Senator from Delaware frankly think that the debates in this body and elsewhere for the last two years upon the general subject of the Hawaiian Islands and our relations to them, and transactions there, have so brought the whole matter to the public attention that this is naturally the focalizing of all that? This is the first practical thing that has been proposed by anybody. All the rest has been debate upon resolutions of one sentiment or another, and it has finally resulted that this project has been brought forward as a practical business matter. Is not that natural?

Mr. GRAY. I concede that the Senator from Maine, who is the author of this amendment, has offered the first practical suggestion which has been made in this long and weary debate that has occupied our time during the last two years; but during all that time I do not believe that any Senator within the sound of my voice or any member of this body had worked himself up into a state of mind such as was manifested by the Senator from Nebraska this morning and the Senator from Alabama yesterday afternoon in regard to the gravity of the situation which they attempted to depict.

Why was it that not until the suggestion of a telegraphic cable, not until there was a suggestion to spend three millions of the people's money in order to forward some scheme, commercial or otherwise, did we discover this grave national situation that required us to go without our ordinary rest and our heads to be perturbed on their pillows with visions of disaster and danger threatening this country unless this cable should be immediately built?

It seems to me, so far as I can view this matter, that the terror displayed by the Senator from Alabama on yesterday afternoon was altogether disproportionate to anything that I can see in the situation. Of course my own powers of observation and perspicacity may be entirely at fault, and the Senator from Alabama may be entirely right, but I am only expressing my own astonishment that a situation so grave as this should not be obvious even to my poor powers of perception.

Mr. MORGAN. If the Senator will allow me a moment, I was not conscious that I was in any state of terror yesterday afternoon when I had the honor of the floor, and I did not express any terror of anybody. I expressed merely what I conceived to be an obvious necessity that we should take time by the forelock and do something now which would prevent us from being robbed of a possession that I thought was ours under treaty arrangement.

Mr. GRAY. Think of it, Mr. President. That survey was made—may I ask the Senator from Maine how long ago?

Mr. HALE. In 1891.

Mr. GRAY. That survey was made in 1891, four years ago, and yet in all that interval we have been sleeping on our posts, and not giving the alarm to the country that was given yesterday by the Senator from Alabama and by the Senator from Nebraska this morning, and failing to call attention to this grave crisis which was threatening our peace and our prosperity.

Mr. HALE. The Senator is wrong in saying that we have slept on it ever since. In the very next Congress after that, the Committee on Appropriations reported a project for a subsidy amounting to \$3,000,000, to be given to a company to build a cable. That was beaten and thrown out, and the main reason given was that an association, a company, would absorb it, would grab it, and the Government would lose all control of it, although it should pay the money, and now, on the heels of that, the Committee on Appropriations has put in another proposition that the Government shall build the cable and own it and operate it. We have not slept since 1891, but have tried to accomplish this.

Mr. MITCHELL of Oregon. If the Senator will allow me, I will say that I introduced a proposition in 1891 for the incorporation of a company to construct and lay a cable to the Sandwich Islands.

The VICE-PRESIDENT. The Senator will please suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (H. R. 4600) to establish a uniform system of bankruptcy.

Mr. BLACKBURN. We are proceeding under a unanimous

consent agreement to vote to-day; but, without raising that point, I ask unanimous consent that the unfinished business may be informally and temporarily laid aside and that the Senate continue the consideration of the appropriation bill.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. GRAY. Mr. President, I do not wish to exaggerate the attitude taken by the Senator from Alabama and the Senator from Nebraska in their advocacy of this proposed cable.

Mr. HALE. I did not know that the Senator was aware that action had been taken by Congress, and that we have been all the time endeavoring to accomplish it.

Mr. GRAY. I listened to the Senator from Maine when he spoke on this amendment, as I usually listen to him, with great respect and interest and instruction, and I heard him recite that incident in its history; but it does not appear that even then the situation was considered so grave that we could not deliberately, without excitement, and without having our judgment hurried, pass upon the propriety of giving a subsidy to a private corporation, or of considering that no necessity existed for telegraphic communication with the Hawaiian Islands, and it seems to have occurred to no one even to suggest, if they disapproved of the first method, of employing the one it is proposed to employ now. So I think I am right in saying that in all this time we have been serenely occupied with the ordinary affairs of legislation, without being at all disturbed by any of those things imagined by the Senator from Alabama.

Mr. President, as I listened to the Senator from Alabama in his eloquent recital of the influence and power of the British Empire and the necessity there was on our part to be the vigilant sentinels of our country in its time of danger, I could have almost supposed that we were on the verge of a war with our kindred across the sea.

Mr. MORGAN. I did not allude to that, but I think we are on the verge of being very badly cheated. That is my idea.

Mr. GRAY. "Very badly cheated," but there was a great deal more in the manner and tone of the Senator than the danger of being pretty badly cheated would account for. I think, perhaps, the gentlemen who are conducting affairs in Hawaii, so far as they are concerned, can take care of themselves when it comes to a bargain or to a matter of being cheated on one side or the other. The Senator is in milder mood now.

Mr. President, I have learned in my service, now not a short one, in this body that there is no better way to excite flagging interest—or rather to create interest—in a measure than to invoke the fear of British aggression, British influence, British power, British competition, and I have sat here many a time and on frequent occasions and listened to these appeals to a sentiment which I do not believe is one calculated to promote lucidity of judgment or that temperateness and deliberation which ought to characterize legislative action. I for one am a little wearied of these appeals. I think that the United States and that the American people have outgrown this state of pupillage. I think that we no longer ought to seek to occupy the provincial status which these appeals indicate or would seem to make necessary in order that they might be of effect.

I do not think that it is a very lofty, high, or patriotic feeling not to believe that the legislation of this country, its policy, its attitude, and its standing among the nations of the world are assured and can be maintained without fear of British aggression or of British influence, and I should deplore appeals of that kind as tending to warp the judgment and to confuse the understanding of those who ought to bring to the consideration of public matters a clear judgment and an undisturbed mental action in order that we may have the best legislative results. Many a selfish scheme has been promoted by this unworthy practice.

Mr. President, I should like some Senator to tell me what it is we have to fear from Great Britain. When a real interest of this country is involved, or if the prosperity or existence or integrity of our country should be threatened, I believe that there is a courage and confidence in the bosom of every patriotic American citizen which will enable him to fling defiance in the face of any power on earth without blenching and without fear.

Mr. HAWLEY. The Senator asks a question, and I should like to have an opportunity to answer it, though I do not desire to take up his time in doing so.

Mr. GRAY. I hope the Senator will not take much time, because we vote at half past 2 o'clock, and I am anxious that the Senator from Massachusetts [Mr. LODGE] shall take the floor on his consular amendment.

Mr. HAWLEY. I shall not take up much of the Senator's time.

I wish to ask the Senator if he sees no significance in the fact that Great Britain, with the finest navy in the world, is securing strategic positions all around the globe. She has secured islands everywhere for military and naval stations, and Hawaii is the last one of those in a commanding position within comparatively easy

reach that is left open to our competition. Is there no weight to be given to that? Is it not possible that we may have something to do with the affairs of the outside world at some time in the future?

Mr. GRAY. Mr. President, I am not disturbed by the course of British Empire, which is often alluded to here in terms of apprehension if not of criticism and denunciation. I do not hold myself as an American Senator and an American citizen bound to follow her example. I have thought that American policies and an American international morality have been established in the hundred years of our existence, and I am a great deal more proud of that than I am of any attempt to imitate Great Britain in her career of empire around the world—these stepping stones, as some Senator calls them, which are to be established across the Pacific, in order that we may imitate the world-girdling policy of that country, which it seems to me impossible for some Senators here to banish from their thoughts.

There is another consideration to which I wish to briefly ask the attention of the Senate, I have not the time to more than allude to it, and that is this: We are called upon by this amendment to take an initial step, a new departure in legislation by an amendment to an appropriation bill, without the consideration of any of the standing committees of this body which have the time and the competence to examine and maturely consider the proposition in all its bearings. These committees are created for that purpose. In the parliamentary tumult of the closing days of this session we are to be asked here in fifteen minutes from this time to vote upon this most important proposition.

I protest, Mr. President, that this is not such a performance of our high legislative duties as will commend itself to the people of this country. We are asked to embark in an enterprise which, in its initial step, is to involve an expenditure of three millions of money. The Senator from Oregon [Mr. MITCHELL] confessed yesterday that it was only an initial step, and that he was in favor of making it a part of a great system of Pacific cables which would cover the bottom of that ocean and take us all around this globe.

Where are we to stop? What are the interests of your constituents [the Vice-President in the chair] and mine, sir, of the men who plow the furrows in the field and who work early and late in the factories, in this expenditure which comes, after all, from the product of their toil? It is made in the interest primarily of certain commercial and business interests of the Island of Hawaii; it is made for no purpose which concerns the Government of these United States. We have in use no harbor there; we have no fortifications which make a cable a military necessity. If this is to be the first step in annexation, then I ask Senators not to reverse the natural process. Let us annex the Hawaiian Islands and consider the cable afterwards when the military necessity arises. But I do protest against having this matter prejudged and the American people committed to annexation in this indirect manner.

Mr. President, one word, and only a word, about the point of order which has been raised under Rule XVI. If this is not general legislation I have failed to hear any Senator explain what it is. Of course it is general legislation, and the Senator from Nebraska and the Senator from Alabama in what they said yesterday afternoon and this morning have not undertaken to show wherein this is not obnoxious to the language and spirit of that rule; but they have boldly confronted the situation by saying, "rules or no rules, the crisis is so important that this amendment must be incorporated in this appropriation bill."

Mr. MORGAN. The Senator will allow me a moment. If he had been in the Senate when I made my speech yesterday afternoon he would not have made that remark, because I elaborately argued the proposition that every single particle of this amendment was in order.

Mr. ALDRICH. And in order under the rules.

Mr. MORGAN. Yes, in order under the rules; and I took up the rule and discussed it, and I believe it to be in order, unquestionably in order.

Mr. GRAY. It may have been my misfortune not to have had the opportunity of hearing the argument of the Senator. I heard the Senator, it is true, say he believed the amendment was in order. That was his opinion. But in that part of his speech I heard—and I thought I heard it all—he took refuge where the Senator from Nebraska has taken refuge, in the power of the Senate to disregard its own rules. Of course I admit that is a matter which will address itself to the conscience and judgment of individual Senators, and I have no right to criticize, nor do I presume to criticize, any Senator for his vote upon this matter. I can only say for myself that I can not find it consistent with my duty to vote squarely against what I believe to be a rule of this Senate which I am obliged to conform to.

Mr. HOAR. How does the Senator distinguish this amendment in principle from an amendment to a river and harbor bill for an improvement in Delaware Bay, which the Committee on Commerce would insert in the bill as a matter of course?



Mr. GRAY. Mr. President, a river and harbor bill is a matter which deals, of course, with rivers and harbors, and the addition of an item to that bill of appropriation for a distinct harbor is not, I believe, so far as I can give an answer to the Senator's question now, a matter of general legislation. This amendment, however, is a matter of general legislation obviously, inasmuch as it undertakes to change the attitude of this Government as it has existed during a hundred years toward project of this kind proposed to be put in the control of Government itself to manage, maintain, and operate.

Mr. HOAR. The Senator seems to fail to comprehend the point of my question, which is: Why is this amendment a matter of general legislation any more than an amendment for the improvement of the harbor of Delaware Bay would be general legislation when offered to a river and harbor bill?

Mr. GRAY. I think it differs.

Mr. HOAR. Why?

Mr. GRAY. I think it does differ, but I have not time to do more than to ask the Senator why this is not a matter of general legislation, which I should be glad he would in his own time explain, and not by comparing it with some other matter which may or may not be obnoxious to the same rule.

Mr. HOAR. This is a proposition for a special public work in the interest of commerce, just as every proposition for an amendment to the river and harbor bill is a proposition in the interest of commerce. It is a special public work, and we never have treated such a proposition as general legislation.

Mr. GRAY. This is a great deal more than a special public work. It is a proposition that the Government of the United States for the first time in its history shall not only build, but shall maintain and operate an instrumentality of communication between this country and a foreign country. It is just as important and just as much a departure from our policy as if it were a proposition to build, equip, and operate a line of steamships between this country and the Sandwich Islands—every bit as much—and I say it is a departure not only in fact, but it is a departure in principle; and the Senator from Nebraska the other day in the colloquy he had with the Senator from Maine I think demonstrated that it was a concession to the State socialistic principles which the Senator from Nebraska seemed himself to advocate. It is just as much a departure, I say again, as it would be to equip a railroad from the lakes to the Gulf and to maintain a railroad service by the Government of the United States.

Mr. President, I do not think that in this hasty manner we should attempt to incorporate legislation not only of that general but that far-reaching character upon an appropriation bill and in the short time which is given to debate of this bill in all its multifarious items that we should impose upon this country a system or a scheme so far-reaching and important as this is destined to be.

I hope that, if the Chair shall undertake to decide this question, he will take the view I have taken, that this can not be anything else but general legislation; and that if it is submitted to the Senate without a decision by the Chair, I hope that Senators will feel that the rules of this body do amount to something, that they were adopted in order to govern procedure here, and that we might illustrate the capacity of American Senators to observe the rules which they themselves have made.

Mr. LODGE. Mr. President, at the close of the session last evening the Senate was good enough to give unanimous consent that a certain amendment which I offered in regard to the reorganization of the consular service should be considered as pending; and I desire before the time comes for taking the vote to say a few words in regard to that amendment.

It is the intention of the Senator from Alabama [Mr. MORGAN], as I understand, to offer a bill which has been reported by the Committee on Foreign Relations, looking to the same object, the reorganization of the consular service, as a substitute for my amendment. That substitute, if offered by the Senator from Alabama, with one slight change, I shall most gladly accept. It is an excellent bill, more compact than my amendment, and embodies the same principles. I have no time in the few minutes which remain to argue this case as it ought to be argued, but the report of the Senator from Alabama from the Committee on Foreign Relations in regard to the bill seems to me absolutely conclusive on the subject and to contain all the facts which can possibly be desired by anyone.

The all-important point, however, involved in it, to my mind, is that with our consular service open, as it now is, to constant change we never succeed in getting anything like a permanent or an effective service. A consular service is not placed abroad merely to attend to ordinary consular duties; it is placed there to promote the business interests of the United States. We are at a disadvantage with every other civilized nation in the organization of our service. Every four years, at every change of Administration, men who have just begun to learn their duties are thrown out and we are forced to begin all over again with a new set of men unfamiliar with the language of the country to which they

are sent, unfamiliar with the business of the country, and with everything to learn.

The object of the substitute to be offered by the Senator from Alabama, the one controlling object, is to endeavor to retain in the consular service of the United States a body of trained men able to promote and push our business interests in every country of the world, and for that purpose to take them out from the wretched condition of being the mere sport of politics.

The state of our consular service, owing to the fact that we do not have trained men in it, has been such that we have lost ground in competition with the other great commercial nations of the world. It is one of the great instrumentalities for promoting our business that we have thus almost wholly laid aside. The business organizations of this country have been aroused to this evil. I have here resolutions from Buffalo and Baltimore, and others have come in from Boston, New York, and Chicago, and from the National Board of Trade, representing the merchants and the business men of this country, and demanding such a change as is here proposed in the consular service. I ask permission to have inserted in the RECORD some of these communications as part of my remarks.

There being no objection, the papers were ordered to be printed in the RECORD, as follows:

BUFFALO MERCHANTS' EXCHANGE,  
Buffalo, N. Y., February 6, 1895.

DEAR SIR: At a meeting of the members of the Buffalo Merchants' Exchange, held this day, the following resolution was adopted unanimously: Resolved, That the Merchants' Exchange of Buffalo indorses the measure now before Congress—before the Committee on Foreign Relations of the Senate—as an amendment to the diplomatic and consular appropriation bill, and recommend its early passage by both branches of Congress.

Copies of this resolution forwarded to Senators HILL and MURPHY, Jr., and Congressmen LOCKWOOD and DANIELS; also to Senate and House of Representatives.

Yours, faithfully,

WILLIAM THURSTONE, Secretary.

HON. SENATOR HENRY CABOT LODGE,  
Washington, D. C.

BUILDERS' ASSOCIATION EXCHANGE.

Whereas we, the Builders' Association Exchange of Buffalo, N. Y., believing that business interests of these United States demand the best talent obtainable in our consular service, and that the same should be filled by men of ability and efficiency, whose tenure of office should be proficiency, instead of politics; and

Whereas there is now pending in the Senate of the United States a bill introduced by Senator LODGE, providing that the consular service shall be placed under civil-service rules: Therefore, be it

Resolved, That we approve of such measure, and recommend its passage by both Houses of Congress.

ROOMS OF THE BOARD OF TRADE,  
Baltimore, Md., February 4, 1895.

To the honorable members of the Senate and House of Representatives in Congress assembled, Washington, D. C.:

The following preamble and resolutions were adopted by the Board of Trade of the city of Baltimore, at regular monthly meeting of this date, with reference to the consular service of the United States:

Whereas the subject of appointments to the consular service of the United States has been under consideration by this board, we desire to record our opinion that the efficiency of this important service would be greatly benefited by an adequate civil service examination before appointment, as well as permanency of tenure and a system of promotion from the less to the more desirable places; and

Whereas there is now pending in the Senate of the United States a measure, introduced by Senator LODGE, to provide for the reorganization of the diplomatic and consular service, which fulfills the essential conditions considered necessary to secure efficient and creditable service:

Resolved, That the Board of Trade of the city of Baltimore heartily approves of this measure now before the Senate Committee on Foreign Relations, and recommends its early passage by both Houses of Congress.

Resolved, That copies of these resolutions be forwarded to the members of the United States Senate and House of Representatives, and that the Senators and Representatives from Maryland be requested to contribute their best endeavors toward the passage of the measure.

Respectfully submitted.

EUGENE LEVERING, President.  
H. C. LANDIS, Secretary.

Mr. LODGE. I have briefly stated the purpose of the bill presented by the Senator from Alabama, which he will move as a substitute for my amendment. It has been most carefully considered by him and by the Committee on Foreign Relations, as may be seen by examining the report. I have not time, Mr. President, to enter into the details as I should like to; but the bill meets the great object to be attained. It provides for giving us a permanent service of trained men who, by their training and their permanency in office, will be able to promote the business interests of the United States abroad. It will cure a great evil; it will enable us to get a service such as the United States has never had. That is the object of the bill; and I sincerely hope that the Senate will sustain the Committee on Foreign Relations in adopting it.

Mr. President, I have not spoken during the debate in regard to the Hawaiian cable, and I wish now to say just a single word on that most important matter before I sit down. I desire especially, in reply to something which the Senator from Delaware [Mr. GRAY] has just said, to say that it seems to me that the great purpose of the pending amendment for the construction and laying of a cable to the Sandwich Islands is not to spend \$3,000,000

for protecting the commercial interests of Hawaii, but to take the first great step toward a proper protection of the United States of America in the regions lying around and beyond our coast. This is the first great practical step toward the maintenance of the sea power of the United States, of which the Senator from Alabama spoke yesterday.

Mr. President, the whole tendency of modern times is toward consolidation. The day of little states is past. It is the time of great states and great peoples, and that, in my judgment, is a movement which makes for civilization and the advancement of mankind. The great nations of the earth are reaching out to take the waste places that are necessary for their advance and their protection. In this world movement I want my country to play its full part and have its full share. I would not have the United States enter on the acquisition of distant possessions after the fashion of England, but I would have her look well to all her interests outside as well as inside her own borders.

I advocate the building of this cable, as I advocate the building of the Nicaragua Canal, or the taking of other islands on our Atlantic Coast because they are all necessary to the protection and to the development of the United States. In the present day, and historically also, I have always been opposed to the Democratic party and its principles, but that party in the past has had one great principle which I have always believed in, and that is, the extension of the boundaries of the United States wherever it was necessary to do so. Alaska is the one great extension made under Republican auspices; and that was made under the lead of Charles Sumner, Senator from my own State. The other great extensions have been Democratic work. They have been the work of Jefferson, when he made the Louisiana purchase by violating not merely the rules of the Senate, but the Constitution of the United States, as he himself admitted.

We owe to the Democratic party Texas and the extensions to the South. We owe to the Democratic party Florida, and for Florida Andrew Jackson, one of the gods of modern Democracy, fought. Yet to-day we are told by the official leaders of the Democratic party that we must get out of Hawaii and get out of Samoa, and we are going to lose, I fear, the Nicaraguan Canal in a Democratic House of Representatives.

Such have been the principles of the Democratic party in the past in regard to the extension of the United States; they are American principles; and it bodes ill for the Democratic party when its leaders permit those great principles of American development to pass, as they have passed, into the exclusive keeping of their opponents.

Mr. President, I am ready to join with any Senator or with members of any party in the policy which looks to the maintenance of our power beyond our borders by taking possession of islands like Hawaii. England has studded our eastern coast with her naval stations and her forts. We should look to it that we are also protected there. I think that if there is any provincialism in regard to our attitude toward England it is the provincialism which would yield to her when our own interests are at stake. My opinion of England is such that I would imitate her in the conquering and aggressive policy which has carried her flag around the world. That is the spirit of the English-speaking race, and I do not want to see it abandoned by those of that race who dwell within the borders of the United States. It is the American spirit, the spirit which has made this great country what it is, and it can not be curbed or checked either by feeble leadership and mistaken policies at home or by resistance abroad, whether that resistance comes from England or any other foreign country.

Mr. MORGAN. I desire the floor, Mr. President, for just one moment.

The Senator from Massachusetts [Mr. LODGE] proposes to offer an amendment to the pending bill reforming the consular service. I propose to offer as a substitute for that amendment a bill reported from the Committee on Foreign Relations of the Senate.

I merely wish to explain that the reformation which is to take place, if that bill be adopted, will not take effect until after the expiration of the fiscal year covered by the present bill. I ask the chairman of the Committee on Appropriations to notice the fact that it does not take effect until the 1st of July, 1896.

I wish to explain further, it will go into the bill in the form of regulations of the consular system of the United States. The different sections instead of being numbered are lettered, and it concludes with a provision that the amendment shall not take effect until the 1st day of July, 1896. This is all I wish to say about it.

Mr. BLACKBURN and Mr. GEORGE addressed the Chair.

The VICE-PRESIDENT. The Senator from Kentucky.

Mr. BLACKBURN. I suggest that the hour of half past 2 o'clock has arrived, at which, by an order of the Senate made by unanimous consent, debate is to cease and voting is to begin.

Mr. GEORGE. I ask the unanimous consent of the Senate—

Mr. BLACKBURN. Let me suggest to the Senator from Mississippi that the point of order be disposed of.

Mr. GEORGE. I ask the unanimous consent of the Senate to

present an amendment at the request of the State Department. It is a very small amendment, making a small appropriation to pay debts of the United States aggregating about \$500.

Mr. HALE. Let that go over.

Mr. BLACKBURN. Let it be considered by unanimous consent as pending.

The VICE-PRESIDENT. After the pending question is disposed of, the Chair will recognize the Senator from Mississippi for the purpose of offering the amendment.

Mr. HALE. Before the vote is taken on the pending amendment I ask to incorporate in it the amendment of which I gave notice, to add at the end of the clause the words "said cable to be owned and operated by the United States Government." I do not think the words are needed, but I stated that before the vote was taken I should ask that the clause be incorporated. I ask that the amendment may be modified by adding those words.

Mr. BLACKBURN. All right.

Mr. HALE. Then the vote may be taken.

The VICE-PRESIDENT. The hour of half past 2 o'clock having arrived, the amendments are to be voted upon.

Mr. BLACKBURN. In the absence of the junior Senator from Texas [Mr. MILLS], I desire to submit the point of order raised against the amendment, which rests upon two grounds of objection.

Mr. ALDRICH. I suggest that debate is not in order.

Mr. BLACKBURN. I am not going to debate the question.

The VICE-PRESIDENT. The Chair desires the Senator from Kentucky to state the point of order.

Mr. BLACKBURN. I shall not indulge in one word of debate.

Mr. HOAR. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Massachusetts will state his parliamentary inquiry.

Mr. HOAR. Will the Chair state again exactly the order of the Senate under which we are now proceeding?

The VICE-PRESIDENT. The Chair will have the RECORD read, showing the unanimous-consent agreement.

The Secretary read as follows:

Mr. BLACKBURN. Before the message is read I ask the unanimous consent of the Senate that at the hour of half past 2 o'clock to-morrow the Senate will, without further debate, proceed to vote upon the then pending amendments to the pending appropriation bill and upon the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky that at half past 2 o'clock to-morrow the Senate proceed to vote on the amendments to the pending bill and on the bill? The Chair hears no objection, and it is so ordered.—CONGRESSIONAL RECORD, February 8, 1896, page 2184.

The VICE-PRESIDENT. The Chair requests the Senator from Kentucky to state the point of order against the proposed amendment.

Mr. BLACKBURN. The point of order raised by the junior Senator from Texas [Mr. MILLS] against the amendment, I understand, rests upon two grounds of objection: First, that it is obnoxious to the first clause of Rule XVI in that it does not increase an appropriation already made, but adds a new item of appropriation which is not needed to carry out any existing law or treaty stipulation, and is not in accord with any act or resolution passed by the Senate at this session, and that it has not been moved by the direction of a standing or select committee nor proposed in pursuance of the estimate of the head of some one of the Departments.

Secondly, the amendment is obnoxious to the third paragraph of the same rule:

3. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

The VICE-PRESIDENT. The Chair will state that one item included in the point of order made by the Senator from Kentucky the Chair is required under the rule to submit to the Senate. The Chair will submit to the Senate the question—

Mr. BLACKBURN. I suggest that by unanimous consent both points be decided by the Senate at once.

Mr. HALE. The Chair has only to submit the question whether the amendment is in order. That includes all.

Mr. BLACKBURN. So I say.

The VICE-PRESIDENT. The Chair submits to the Senate the question, Is the proposed amendment in order?

Mr. HOAR. I desire to inquire of the Chair whether an agreement of the Senate that at a certain hour the amendment shall be voted upon does not cut off questions of order on that amendment.

Mr. BLACKBURN. I do not think that needs any discussion.

Mr. HOAR. I was not present when the understanding was reached.

Mr. BLACKBURN. With the point of order pending, I take it the Chair can not cut the Senate off from determining it.

Mr. HOAR. The unanimous agreement of the Senate that the Senate shall vote on the amendment at a particular hour would seem to waive a point of order. However, I am informed by Sen-



ators around me that the Senator from Texas [Mr. MILLS] reserved this point of order from the unanimous agreement. If that be true, there is no doubt that the point of order must be decided.

The VICE-PRESIDENT. That is certainly true.

Mr. HOAR. Otherwise I should insist that it can not be raised.

Mr. BLACKBURN. Here is what the Senator from Maine [Mr. HALE] said:

I ask the Senator from Texas if he is not willing to hold his point of order for the present? We shall have some debate on the subject, and, as the Senator from Texas knows, under the rules of the Senate we can get it just as well on the point of order as on the merits of the case; but if the Senator will withhold his point until Senators have had an opportunity to say something upon the proposition I think he will get at his purpose.

Mr. HOAR. It is evident the reservation was made. Otherwise the Senate would have cut off the point of order by the agreement to vote at this hour.

The VICE-PRESIDENT. The Chair submits to the Senate the question, Is the amendment reported from the Committee on Appropriations in order?

Mr. HALE. On that question let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. KYLE (when Mr. ALLEN's name was called). The Senator from Nebraska [Mr. ALLEN] is necessarily absent from the Chamber, and is paired with the Senator from Tennessee [Mr. BATE].

Mr. BATE (when his name was called). I am paired with the Senator from Nebraska [Mr. ALLEN], and therefore withhold my vote. I should vote "nay" if he were present.

Mr. CAFFERY (when Mr. BLANCHARD's name was called). My colleague [Mr. BLANCHARD] desired me to state that he is detained from the Chamber by sickness, and he asks to be excused for the rest of the day. My colleague is paired with the Senator from Michigan [Mr. McMILLAN].

Mr. BUTLER (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. CAMERON]. I understand he would vote "yea" if present, and as I should vote the same way I ask to have my vote recorded. I vote "yea."

Mr. GEORGE (when Mr. COKE's name was called). I was requested by the Senator from Texas [Mr. COKE] to announce that he is paired with the Senator from Oregon [Mr. DOLPH]. The Senator from Texas [Mr. COKE] would vote "nay" if he were present.

Mr. HUNTON (when Mr. DANIEL's name was called). I desire to state that my colleague [Mr. DANIEL] is paired with the Senator from Nevada [Mr. JONES].

Mr. MITCHELL of Oregon (when Mr. DOLPH's name was called). My colleague [Mr. DOLPH] is paired with the Senator from Texas [Mr. COKE]. Both Senators are absent.

Mr. PASCO (when Mr. FAULKNER's name was called). The Senator from West Virginia [Mr. FAULKNER] has been called from the city to-day. He is paired with the Senator from North Carolina [Mr. PRITCHARD].

Mr. LODGE (when Mr. GALLINGER's name was called). The Senator from New Hampshire [Mr. GALLINGER] is paired with the junior Senator from Texas [Mr. MILLS].

Mr. GIBSON (when his name was called). On this question I am paired with the senior Senator from Pennsylvania [Mr. CAMERON]. If he were present and voting I should vote "nay."

Mr. HIGGINS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. McPHERSON]. I will transfer my pair to the Senator from Pennsylvania [Mr. QUAY] and vote. I vote "yea."

Mr. HOAR (when his name was called). I have a general pair with the Senator from Alabama [Mr. PUGH]. I do not know how he would vote on this question. I transfer my pair to the Senator from Idaho [Mr. SHOUP] and I vote "yea."

Mr. McLAURIN (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. DIXON]. I transfer my pair to the junior Senator from South Carolina [Mr. IRBY] and vote "nay."

Mr. McMILLAN (when his name was called). I am paired on this question with the Senator from Louisiana [Mr. BLANCHARD]. I should vote "yea" if he were present and he would vote "nay."

Mr. MARTIN (when his name was called). I am paired with the junior Senator from Montana [Mr. MANTLE]. I do not know how he would vote if present. I should vote "nay."

Mr. PASCO (when Mr. MILLS's name was called). The Senator from Texas [Mr. MILLS] is necessarily absent from the city to-day. I have been requested to announce that he is paired with the Senator from New Hampshire [Mr. GALLINGER], who is detained from the Chamber by indisposition.

Mr. TURPIE (when the name of Mr. VOORHEES was called). My colleague [Mr. VOORHEES] is paired on this question with the Senator from Minnesota [Mr. DAVIS].

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP]. I should vote "yea" on this question were he present. I am informed by the Senator

from Idaho [Mr. DUBOIS] that his colleague [Mr. SHOUP] would vote the same way, and if I am correct about that I will vote.

Mr. FRYE. Some Senator has already announced a pair with the Senator from Idaho [Mr. SHOUP].

Mr. WHITE. All right; I will vote. I vote "yea."

The roll call was concluded.

Mr. ALLISON. I desire to state that my colleague [Mr. WILSON], who is absent on account of illness, is paired with the senior Senator from Georgia [Mr. GORDON]. My colleague would vote "yea" if he were here.

Mr. MARTIN. I am paired with the junior Senator from Montana [Mr. MANTLE]. I suggest to the Senator from Minnesota [Mr. DAVIS], who is paired with the Senator from Indiana [Mr. VOORHEES], that we transfer our respective pairs so that we can vote.

Mr. DAVIS. Very well.

Mr. MARTIN. Then the Senator from Montana [Mr. MANTLE] will stand paired with the Senator from Indiana [Mr. VOORHEES]. I vote "nay."

Mr. DAVIS. I vote "yea."

Mr. SQUIRE. I have a general pair with the Senator from Virginia [Mr. DANIEL]. I am under the impression that he favors the amendment, but not being certain on that point, I withhold my vote. If I were at liberty to vote I should vote for the amendment.

Mr. HUNTON. I will state to the Senator from Washington that I announced a few moments ago that my colleague [Mr. DANIEL] is paired with the Senator from Nevada [Mr. JONES].

Mr. PASCO. The Senator from Nevada [Mr. JONES] is paired with the Senator from South Carolina [Mr. IRBY].

Mr. HUNTON. Then I withdraw the announcement.

Mr. ALDRICH. Two pairs have been announced with the Senator from South Carolina [Mr. IRBY]. The Senator from Mississippi [Mr. McLAURIN] announced the pair of my colleague [Mr. DIXON] with the Senator from South Carolina [Mr. IRBY], and then it was announced that the Senator from Nevada [Mr. JONES] is paired with the Senator from South Carolina [Mr. IRBY].

Mr. McLAURIN. I was unable to hear the statement of the Senator from Rhode Island [Mr. ALDRICH].

Mr. LODGE. It appears that the Senator from South Carolina [Mr. IRBY] has been paired twice, once with the Senator from Rhode Island [Mr. DIXON].

Mr. McLAURIN. The Senator from South Carolina [Mr. IRBY] asked me to take care of his pair.

Mr. LODGE. And he is also paired with the Senator from Nevada [Mr. JONES].

Mr. McLAURIN. Who paired the Senator from South Carolina [Mr. IRBY] with the Senator from Nevada [Mr. JONES]?

Mr. LODGE. In the absence of the Senator from New Hampshire [Mr. GALLINGER] I have charge of the pairs on the Republican side, and I paired the Senator from South Carolina [Mr. IRBY] with the Senator from Nevada [Mr. JONES].

Mr. McLAURIN. I had charge of the pair of the Senator from South Carolina [Mr. IRBY], and, as I told him I would do, I transferred to him my pair with the Senator from Rhode Island [Mr. DIXON].

Mr. LODGE. Very well. That relieves the Senator from Nevada [Mr. JONES] of his pair, and enables the Senator from Washington [Mr. SQUIRE] to vote.

Mr. SQUIRE. Being at liberty to vote, I vote "yea."

Mr. HUNTON. I ask the Senator from Massachusetts [Mr. LODGE] with whom is the Senator from Nevada [Mr. JONES] paired, according to his announcement just now?

Mr. LODGE. The Senator from Nevada [Mr. JONES] now stands paired with the Senator from Virginia [Mr. DANIEL].

Mr. HUNTON. But with whom did the Senator from Massachusetts announce that the Senator from Nevada was paired?

Mr. LODGE. With the Senator from South Carolina [Mr. IRBY].

Mr. HUNTON. What has become of that pair?

Mr. LODGE. The pair of the Senator from Nevada [Mr. JONES] was transferred to the Senator from Rhode Island [Mr. DIXON] by the Senator from Mississippi [Mr. McLAURIN], which sets the Senator from Nevada [Mr. JONES] free and enables him to be paired with the Senator's colleague [Mr. DANIEL], which has been done.

The result was announced—yeas 36, nays 25; as follows:

## YEAS—36.

Aldrich,	Davis,	Hoar,	Platt,
Allison,	Dubois,	Kyle,	Proctor,
Burrows,	Frye,	Lodge,	Sherman,
Butler,	Gorman,	Manderson,	Squire,
Call,	Hale,	Mitchell of Oreg.	Stewart,
Carey,	Hansbrough,	Morgan,	Teller,
Chandler,	Hawley,	Morrill,	Washburn,
Clark,	Higgins,	Peffer,	White,
Cullom,	Hill,	Perkins,	Wolcott.

## NAYS—25.

Berry,  
Blackburn,  
Brice,  
Caffery,  
Cockrell,  
George,  
Gray,

Harris,  
Huntton,  
Jones of Ark.  
Lindsay,  
McLaurin,  
Martin,  
Mitchell of Wis.

Murphy,  
Palmer,  
Pasco,  
Pettigrew,  
Ransom,  
Roach,  
Smith,

Turpie,  
Vest,  
Vilas,  
Walsh.

## NOT VOTING—24.

Allen,  
Bate,  
Blanchard,  
Camden,  
Cameron,  
Coke,  
Daniel,

Dixon,  
Dolph,  
Faulkner,  
Gallinger,  
Gibson,  
Gordon,  
Irby,

Jones of Nev.  
McMillan,  
McPherson,  
Mantle,  
Mills,  
Power,  
Pritchard,

Pugh,  
Quay,  
Shoup,  
Voorhees,  
Wilson.

The VICE-PRESIDENT. The Senate decides the amendment to be in order. The question is on agreeing to the amendment reported by the Committee on Appropriations.

Mr. GRAY. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I understand the Senator from Pennsylvania [Mr. CAMERON], with whom I have a general pair, would vote for the amendment, and, as I should do the same, I vote "yea."

Mr. GEORGE (when Mr. COKE's name was called). I was requested by the Senator from Texas [Mr. COKE] to state that if present he would vote "nay." He is paired with the Senator from Oregon [Mr. DOLPH].

Mr. DAVIS (when his name was called). Under the arrangement of the transfer of pairs made between myself and the Senator from Kansas [Mr. MARTIN] on the last vote, I vote "yea."

Mr. ALDRICH (when Mr. DIXON's name was called). My colleague [Mr. DIXON] is detained from the Senate by indisposition. He is paired, under the arrangement which has been stated, with the Senator from South Carolina [Mr. IRBY]. If my colleague were present he would vote "yea."

Mr. GIBSON (when his name was called). As I have heretofore announced, I am paired with the senior Senator from Pennsylvania [Mr. CAMERON].

Mr. HIGGINS (when his name was called). I again announce the transfer of my pair with the Senator from New Jersey [Mr. McPHERSON] to the junior Senator from Pennsylvania [Mr. QUAY]. I vote "yea."

Mr. HOAR (when his name was called). I announce the transfer of my pair with the Senator from Alabama [Mr. PUGH] to the Senator from Idaho [Mr. SHOUP]. I vote "yea."

Mr. McLAURIN (when his name was called). I transfer my general pair with the junior Senator from Rhode Island [Mr. DIXON] to the junior Senator from South Carolina [Mr. IRBY], and vote "nay."

Mr. McMILLAN (when his name was called). I again announce my pair with the junior Senator from Louisiana [Mr. BLANCHARD].

Mr. MARTIN (when his name was called). In pursuance of the arrangement between the Senator from Minnesota [Mr. DAVIS] and myself, by which we have transferred our respective pairs, I vote "yea."

Mr. SQUIRE (when his name was called). I have a general pair with the Senator from Virginia [Mr. DANIEL]. By a transfer of pairs which has been arranged the Senator from Virginia [Mr. DANIEL] stands paired with the Senator from Nevada [Mr. JONES]. Under the circumstances, I am at liberty to vote. I vote "yea."

Mr. TURPIE (when Mr. VOORHEES's name was called). I wish to state that my colleague [Mr. VOORHEES] was paired with the Senator from Minnesota [Mr. DAVIS], but by an arrangement with the Senator from Kansas [Mr. MARTIN] the pair of my colleague has been transferred to the Senator from Montana [Mr. MANTLE].

The roll call was concluded.

Mr. MITCHELL of Oregon. My colleague [Mr. DOLPH] is detained from the Senate. If he were present he would vote for this amendment. He is paired with the senior Senator from Texas [Mr. COKE].

Mr. BATE. I desire to announce that I am paired on this question with the junior Senator from Nebraska [Mr. ALLEN]. If he were present and I had a right to vote I should vote "nay," and he would vote "yea."

Mr. ALLISON. I announce again that if my colleague [Mr. WILSON] were here he would vote "yea." He is paired with the Senator from Georgia [Mr. GORDON].

The result was announced—yeas 26, nays 25; as follows:

## YEAS—26.

Aldrich,  
Allison,  
Burrows,  
Butler,  
Call,

Carey,  
Chandler,  
Clark,  
Cullom,  
Davis,

Dubois,  
Frye,  
Gorman,  
Hale,  
Hansbrough,

Hawley,  
Higgins,  
Hill,  
Hoar,  
Kyle,

Lodge,  
Manderson,  
Mitchell of Oreg.  
Morgan,

Merrill,  
Peffer,  
Perkins,  
Platt,

Proctor,  
Sherman,  
Squire,  
Stewart,

Teller,  
Washburn,  
White,  
Wolcott.

## NAYS—25.

Berry,  
Blackburn,  
Brice,  
Caffery,  
Cockrell,  
George,  
Gray,

Harris,  
Huntton,  
Jones of Ark.  
Lindsay,  
McLaurin,  
Martin,  
Mitchell of Wis.

Murphy,  
Palmer,  
Pasco,  
Pettigrew,  
Ransom,  
Roach,  
Smith,

Turpie,  
Vest,  
Vilas,  
Walsh.

## NOT VOTING—24.

Allen,  
Bate,  
Blanchard,  
Camden,  
Cameron,  
Coke,  
Daniel,

Dixon,  
Dolph,  
Faulkner,  
Gallinger,  
Gibson,  
Gordon,  
Irby,

Jones of Nev.  
McMillan,  
McPherson,  
Mantle,  
Mills,  
Power,  
Pritchard,

Pugh,  
Quay,  
Shoup,  
Voorhees,  
Wilson.

So the amendment was agreed to.

The VICE-PRESIDENT. The question is upon the amendment proposed by the Senator from Massachusetts [Mr. LODGE].

Mr. BLACKBURN. I raise the point of order upon that amendment.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Amend the bill by adding thereto the following:

## TO REGULATE THE CONSULAR SERVICE OF THE UNITED STATES.

a. That the consular service of the United States shall be reorganized in the manner hereinafter provided in this act, and the regulations applying to said service shall also include secretaries of embassy and of legation and one attached to each embassy and legation.

b. That the rules and regulations necessary to carry out this reorganization shall be established under the direction of the President of the United States, except as otherwise provided in this act, and that the plan of reorganization shall be completed and such reorganization begun within the period of one year from the date of its passage.

c. That the offices of consular agents shall not be affected by this reorganization.

d. The reorganization shall include all other offices of the consular service. The offices of consular clerk are transformed into vice-consulates of the third class, and shall be held by the consular clerks now in office.

e. That the reorganized service shall consist of the following classes of offices in the diplomatic and consular service: Offices of secretary of embassy of the first class with a salary to each office of \$3,500; offices of secretary of embassy of the second class with a salary to each office of \$3,000; offices of secretary of legation of the first class with a salary to each office of \$2,500; offices of secretary of legation of the second class with a salary to each office of \$2,000; offices of consul-general of the first class with a salary to each office of \$5,000; offices of consul-general of the second class with a salary to each office of \$4,000; offices of consul of the first class with a salary to each office of \$3,000; offices of consul of the second class with a salary to each office of \$2,000; offices of vice-consul of the first class with a salary to each office of \$1,800; offices of vice-consul of the second class with a salary to each office of \$1,500; and offices of vice-consul of the third class with a salary to each office of \$1,200. All of said offices shall be filled by appointment of the President, by and with the advice and consent of the Senate.

f. That all notarial services, when certified under the hand and seal of a consular officer, shall be deemed official services, and the fees therefor shall be charged and collected, and accounted for to the Treasury of the United States, except such notarial fees as are received by consular agents, which they shall retain.

g. That no person under the age of 21 years shall be admitted to the consular service after the reorganization herein provided shall have been established, and persons above 18 years may be attaches to embassies and legations.

h. That the present incumbents of the consular offices included in the plan of reorganization provided for in this act shall be gradually recalled within three years from the date of its passage; and they may be readmitted to the class of the service which they now hold, or any other class, on passing the prescribed examination, if they are found to be duly qualified.

i. That the President shall appoint a board of organization, consisting of five members, who are to be the Civil Service Commissioners and two officers of the Department of State. The functions of this board shall be the following: It shall determine the rules for appointing examiners and the regulations as to the time and places for examinations, the method of application for admission and of conducting the examinations for entrance and promotion in the service, the character and scope of the subjects to be submitted as tests of knowledge and efficiency, and all other matters appertaining to the subject of examinations.

k. That the subjects of examination for promotion in the service shall be chiefly, but not exclusively, related to the duties and the work of the consular and diplomatic service, and promotion to consul of the first class or of secretary of embassy shall require the passing an examination in a second foreign language.

l. That candidates who successfully pass the examination for admission to the service shall become eligible for appointment in the lowest class of the service, or to any higher grade for which they are duly qualified, not above that of consul of the first class or secretary of embassy of the second class.

m. That in the procedure of promotion in the consular and diplomatic service under this act no class shall be overstepped, and the minimum length of service in any class before promotion to the next highest shall be six months, and any person in the Department of State in the classified service may be assigned for duty transferred from the Department to the consular service abroad, and vice versa, at the discretion of the President, on passing the regular examination provided for the office to which he is thus transferred.

n. That the subjects of examination for admission to the service shall be:

- First. The history of the most important treaties, from the peace of Westphalia to the present time.
- Second. History of the United States.
- Third. The Constitution of the United States.
- Fourth. International law, public and private.
- Fifth. Elements of commercial law.
- Sixth. Geography (physical, historical, and political).
- Seventh. Arithmetic.
- Eighth. English language.
- Ninth. Foreign languages; the examination to be written or oral, in either German, French, Spanish, Portuguese, Italian, Russian, Chinese, or Japanese.



o. One attaché shall be appointed to each embassy and legation, at a salary of \$1,200 per annum, who, after one year's service, and after he has attained the age of 21 years, shall be eligible as a vice-consul or secretary of legation of the second class upon passing an examination, if he is found to be duly qualified.

p. That hereafter all appointments shall be to a designated class, and not to a particular position within that class, and the President may, in his discretion, transfer at any time from place to place diplomatic or consular officers, but without reduction of salary, and at the expense of the Government.

q. That the places at which consulates are established by law are not changed by the provisions of this act; but the President shall arrange the same into classes, to correspond with the requirements of this act, and, from time to time, he may place any consulate in a different class and may temporarily change the location of any consulate to meet the necessities of the public service; but no greater number of consuls of any class shall be appointed than are provided by law.

Sec. — That all laws inconsistent with this act, after this plan of reorganization embraced in the foregoing sections lettered from a to g, inclusive, shall go into effect, are hereby repealed, but this repealing clause shall not take effect until July 1, 1896.

Mr. LODGE. I merely desire to say in regard to the point of order that the bill creates and abolishes consulates; it makes consuls and unmakes them; it regulates their salaries, and lowers and raises their salaries. There is nothing in the amendment I offer which does not pertain to the regulation of consuls.

Mr. BLACKBURN. I do not object to the amendment upon the ground of irrelevancy, but I hold that it is clearly, and I should think admittedly in every feature, in conflict with the rule. I take it that the Senator from Massachusetts will not insist that the amendment is in order.

Mr. LODGE. I do not agree with the Senator. I think it is clearly germane to the bill if anything is germane to the bill.

Mr. BLACKBURN. I did not make the point of order that the amendment is not germane. Has the Senator's amendment, as he proposes it, ever been considered by any committee of this body, either select or standing?

Mr. LODGE. It has been considered by the Committee on Foreign Relations.

Mr. BLACKBURN. It was never considered by the Committee on Appropriations. Now, I make the point of order—

Mr. LODGE. I think it highly probable, but that does not cut me off from offering the amendment.

Mr. BLACKBURN. No; but it is general legislation, which the Senator will surely admit. It proposes to reorganize the whole consular service of the United States. There are not five members in this Chamber who have ever read it.

Mr. LODGE. Does the Senator think that general legislation can not be placed upon an appropriation bill?

Mr. BLACKBURN. Unless we are to pursue the course proposed by the Senator from Nebraska, which is to disregard every rule. I do say—

Mr. MANDERSON. May I interrupt to say that the Senate has again proven the truth of my assertion—

Mr. BLACKBURN. I agree that it has added another to the list of bad precedents.

Mr. MANDERSON. That the rules of the Senate are made to be broken when the proper occasion arrives.

Mr. HALE. Let us have the regular order.

Mr. HARRIS. The Senate is violating another very distinct rule, which is that a question of order is not debatable. I should be glad to remind Senators of that fact.

Mr. HALE. Besides, the agreement is that we shall proceed to vote.

Mr. BLACKBURN. The question of order is debatable.

Mr. HARRIS. A question of order is not debatable.

Mr. BLACKBURN. I insist that a question of order is debatable in the discretion of the Chair.

The VICE-PRESIDENT. The Chair was listening to the suggestions of Senators upon the point of order.

Mr. LODGE. I desire to make a parliamentary inquiry. No point of order was reserved against my amendment, as was the case with the committee's amendment. I submit that the agreement of the Senate cuts it off.

Mr. BLACKBURN. The amendment never was offered except by unanimous consent under the order of the Senate after the committee amendments should be disposed of.

Mr. LODGE. It was pending, and the Senator had the same opportunity to interpose a point of order against it.

Mr. BLACKBURN. After the committee amendment was disposed of and the Senator offered his amendment I made the point of order against it.

The VICE-PRESIDENT. The Chair will submit to the Senate the question, Is the proposed amendment in order? [Putting the question.] The yeas seem to have it. The yeas have it, and the amendment is not in order.

Mr. CALL. I have an amendment to offer which is recommended by the Committee on Foreign Relations.

The VICE-PRESIDENT. The amendment proposed by the Senator from Florida will be read.

The SECRETARY. Insert the following proviso:

Provided, That the President of the United States is authorized to employ assistant secretaries of legation who can read and speak the language of the

country to which the ambassadors or ministers of the United States are accredited when the public interest requires such employment, and the person so employed shall receive the same compensation as herein provided for the secretaries of legation of the United States to such country.

Mr. BLACKBURN. Mr. President—

Mr. ALDRICH and others. Question!

Mr. BLACKBURN. I have nothing to say except that the proposed amendment submitted by the Senator from Florida has been recommended by the Committee on Foreign Relations. It has that backing before the Senate. I think I know what the purpose of the Senator from Florida is, and I am thoroughly in sympathy with him. It does create one new office in the shape of an assistant secretary of legation. I am not disposed to antagonize it.

Mr. CALL. I am reliably informed that at one of the legations where very important negotiations are pending there is no one connected with the legation who can speak the language, and that important negotiations are conducted by the subjects of the foreign Government, none of the American legation being able to speak the language.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. CALL].

The question being put, a division was called for; and the yeas were 13.

Mr. CALL. I withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn by the Senator from Florida.

Mr. GEORGE. I offer an amendment at the suggestion of the State Department.

The VICE-PRESIDENT. The amendment will be stated at the desk.

The SECRETARY. On page 25, after line 16, insert:

To pay for expenses incurred by order of the Department of State, at the request of the Committee on Agriculture and Forestry of the United States Senate, in making investigation into the consumption and production of cotton in their respective consular districts, as follows:

J. W. Pepper, United States consul at Milan	\$9.65
R. W. Hemick, United States consul at Geneva	24.12
Alton Angier, United States consul at Rheims	38.70
A. H. Lowrie, commercial agent at Freiburg	10.75
A. J. Bensusan, vice-consul at Cadiz	5.00

And to Thomas E. Heenan, consul at Odessa, for loss of salary occasioned by his absence, under orders of the State Department, in investigating cotton culture in Asiatic Russia, his report thereon having been furnished by the said Department to said committee, viz, \$326.90.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Mississippi [Mr. GEORGE].

The amendment was agreed to.

Mr. VEST. On page 3, lines 8 and 9, I move to strike out "six" and "thirteen" before "thousand" and insert "seven" and "fifteen." The amendment raises the salary of the ministers plenipotentiary in Portugal and Switzerland \$1,000, making it \$7,500 instead of \$6,500.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 8, page 3, strike out the word "six" before "thousand" and insert "seven," and in line 9 strike out the word "thirteen" before "thousand" and insert "fifteen;" so as to read:

Envoys extraordinary and ministers plenipotentiary to Switzerland and Portugal, at \$7,500 each, \$15,000.

The amendment was agreed to.

Mr. CHANDLER. I move to reconsider the vote by which the last amendment but one was adopted, the amendment placing certain deficiencies upon the bill.

The VICE-PRESIDENT. The Senator from New Hampshire moves to reconsider the vote by which the amendment proposed by the Senator from Mississippi [Mr. GEORGE] was agreed to.

Mr. CHANDLER. I ask to have the amendment read.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. On page 25, after line 16, insert:

To pay for expenses incurred by order of the Department of State at the request of the Committee on Agriculture and Forestry of the United States Senate in making investigation into the consumption and production of cotton in their respective consular districts, as follows:

J. W. Pepper, United States consul at Milan	\$9.65
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A. J. Bensusan, vice-consul at Cadiz	5.00

And to Thomas E. Heenan, consul at Odessa, for loss of salary occasioned by his absence, under orders of the State Department, in investigating cotton culture in Asiatic Russia, his report thereon having been furnished by the said Department to said committee, viz, \$326.90.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Hampshire.

Mr. BLACKBURN. This item belongs properly on the deficiency bill.

Mr. CHANDLER. If there is any special reason why it should go on this bill instead of the deficiency bill—

Mr. BLACKBURN. There is none. It belongs properly on the deficiency bill.

Mr. CHANDLER. Undoubtedly.

Mr. BLACKBURN. The money is due; there is no question of that. It would be more proper to put it on the deficiency bill than on the diplomatic and consular bill.

Mr. CHANDLER. Does the Senator like to put amendments of this kind on the pending bill instead of on the deficiency bill?

Mr. BLACKBURN. No; upon the contrary, I think the suggestion of the Senator from New Hampshire is very proper.

The VICE-PRESIDENT. The question is on the motion to reconsider the vote by which the amendment of the Senator from Mississippi was agreed to.

The motion to reconsider was not agreed to.

Mr. CALL. If there be no objection, I ask that in lieu of the amendment which I withdrew, authorizing the appointment by the President of an assistant secretary of legation at any foreign embassy where no member of the legation can speak the language of the country, that I be allowed to move that the President may, if in his judgment necessary, appoint an assistant secretary of legation at Berlin who can speak and write the German language. I do it upon the ground that important negotiations are now pending with that country in respect to the imports and exports of the two countries, and I am informed that there is not a single member of the legation there who is familiar with the German language or with the habits and business of that country.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Florida?

Mr. MANDERSON. Are we to understand that at the Berlin legation there is no one who can speak the German language attached to the legation?

Mr. CALL. I am informed by Mr. Charles Allen, an ex-member of Congress from New York, a gentleman of very high standing and entire reliability, in a letter from him from that place, that such is the fact.

Mr. ALDRICH. Under the order of the Senate debate is not in order. I ask that the rule may be enforced in that respect.

The VICE-PRESIDENT. Debate was proceeding by unanimous consent. Is there objection to the request of the Senator from Florida?

Mr. HALE. I object.

The VICE-PRESIDENT. The Chair hears none. Will the Senator from Florida indicate the point where his amendment is to come in?

Mr. CALL. In the memorandum I sent to the Secretary's desk—

Mr. BLACKBURN. What is the amendment the Senator proposes?

Mr. CALL. An assistant secretary of legation at Berlin to be employed—

The VICE-PRESIDENT. The Senator will suspend. The Chair asked if there was objection, and the Chair was unable to hear any response, owing to the confusion in the Chamber. The Chair will again inquire if there is objection to the request of the Senator from Florida.

Mr. ALDRICH. I objected to any discussion of the question. I suggest that this matter be taken up by the committee. This is not the place to consider it.

The VICE-PRESIDENT. Does the Senator from Rhode Island object to the request?

Mr. ALDRICH. I object to it.

The VICE-PRESIDENT. There is objection. The bill is still as in Committee of the Whole and open to amendment. If there are no further amendments as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### POST-OFFICE APPROPRIATION BILL.

Mr. BLACKBURN. Without any idea of going on with the bill at this time I ask the Senate to proceed to the consideration of the bill (H. R. 8272) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896.

Mr. HALE. The Senator wants to get it before the Senate.

Mr. BLACKBURN. I want to get the bill before the Senate.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. BLACKBURN. I will not ask for the reading of the bill at this time. I want the record to show that by the action of the Senate in taking up the Post-Office appropriation bill the unfinished business, which is the bill (H. R. 4609) to establish a uniform system of bankruptcy, coming over from a previous day, is not to be displaced and sent to the Calendar, but only temporarily laid aside.

The VICE-PRESIDENT. Without objection, it will be so ordered.

#### LOUISIANA OR HONDURAS LOTTERY COMPANY.

Mr. CALL. I offer a resolution which has been heretofore read. I ask that it may be printed and laid on the table until Monday morning.

The resolution was ordered to lie on the table and to be printed, as follows:

*Resolved by the Senate,* That a special committee be, and is hereby, created, who shall be charged with the duty of inquiring and reporting to the Senate whether the Louisiana or Honduras Lottery Company has been established and is now operating in the United States and is engaged in business herein and in the use of the mails and of the interstate-commerce corporations or companies in violation of the laws of the United States. The committee shall also inquire whether the Louisiana or Honduras Company, its owners, managers, directors, or agents have entered into a combination with any person or persons or corporations for the control of the elections of the members of Congress and whether it owns, either directly or indirectly, any interest in newspapers published in the United States and whether they, or any of them, have contributed money for the establishment of newspapers or for subsidizing newspapers.

The committee shall also inquire and report what sums of money, if any, have been expended by the Louisiana or Honduras Lottery Company to influence the legislation of Congress, or by any person or corporation in any way connected, combined with, or interested in such lottery company, and by what persons such money was expended, and by what persons it was contributed.

#### MEMORIAL ADDRESSES ON THE LATE SENATOR STOCKBRIDGE.

Mr. McMILLAN. Mr. President, I ask leave to submit for adoption the resolutions which I send to the desk.

The VICE-PRESIDENT. The resolutions will be read.

The Secretary read the resolutions, and they were considered by unanimous consent, and unanimously agreed to, as follows:

*Resolved,* That the Senate has heard with profound sorrow of the death of Hon. Francis B. Stockbridge, late a Senator from the State of Michigan.

*Resolved,* That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

*Resolved,* That the Secretary communicate these resolutions to the House of Representatives.

Mr. McMILLAN. Mr. President, the late Francis B. Stockbridge occupied what may well be called Michigan's historic seat in this body. In 1835 the people of Michigan, claiming their rights under the ordinance of 1787, organized and put into full operation a State government and sent to this body Lucius Lyon and John Norvell. For nearly fourteen months these two Senators-elect were kept in the Senate corridors, until the boundary dispute between the young State and Congress was settled as such disputes are usually settled—in favor of the stronger party.

On taking his seat in the Senate, January 26, 1837, Mr. Lyon was assigned by lot to the first class; and after serving in the Twenty-fourth and Twenty-fifth Congresses he gave way for Augustus S. Porter, elected by the Whigs, who had an accidental majority in the legislature of 1840. Five years later Lewis Cass entered the Senate. Among all the Commonwealth builders of the Northwest, Cass was the most distinguished. By just and honorable treaties he had obtained the extinguishment of the Indian title to lands that comprise not less than one-fourth of the present States of Ohio, Indiana, Illinois, Wisconsin, and Michigan; and as Secretary of War and minister to France under Jackson he had won fame at home and abroad.

During the twelve most eventful years when the Constitution was on trial he stood with Webster and Clay as its defender; and during that period was the Presidential candidate of his party. It was during his second term in the Senate that the movement to resist the extension of slavery north and west took definite shape; and nowhere was this movement stronger than in Michigan, where it found expression in the first Republican State convention, held at Jackson on the 6th day of July, 1854. Of the members of that convention Chandler, Bingham, Jacob M. Howard, and Christiancy afterwards were elected to this body. It is not necessary for me to do more than to advert to the fact that for eighteen of the most trying years of this Government Zachariah Chandler represented in the Senate the uncompromising loyalty of Michigan. Sustained and supported by his State, he was an aggressive leader; and after a brief intermission he was elected to this body for a fourth time, and he died in the harness.

It was during the years immediately following the war of the rebellion that the vast natural resources of Michigan became available. These conquests over nature called into prominence a new class of men. The State of Michigan held in trust for the whole country a series of waterways and a wealth of iron, copper, timber, and salt which needed but the fostering care of the Government to supply the people of this country with cheap transportation and cheap raw materials. As Cass represented Michigan's devotion to the Constitution, and as Chandler represented Michigan's intense loyalty to the Union, just as truly, though less conspicuously, Mr. Stockbridge represented the commercial enterprise of his State.

Like his illustrious predecessors, Mr. Stockbridge was a native of New England, having been born in the town of Bath, Me., on the 9th day of April, 1826. Then, as now, the first ambition of a



New England boy was to establish himself in Boston; and thither young Stockbridge went at the age of 17. Equipped with an excellent common-school education, for four years he received a solid business training in one of those large wholesale houses which were at that time centers of trade for the entire country. But when the smell of pine is an inheritance it rarely happens that one loses his inborn love of the woods and its product, and it was altogether natural that on attaining his majority the young man should seek the bustling young city of Chicago as the scene of his activities and the lumber trade as a means of building his fortune.

In 1851 his outlying interests drew him to the source of his supplies in Allegan County, Mich.; and a few years later he made his home in Kalamazoo, where he became a very considerable part of Michigan's "big village," as the place was known until a few years ago, when it became a beautiful city. As a member of the staff of the great war governor, Austin Blair, Mr. Stockbridge acquired the honorary title of colonel, by which he was familiarly known, probably because the rank served well to record a sort of half paternal, half friendly relation in which he stood to the people among whom he had made his home.

In 1869 he represented his district in the State legislature, and two years later he received the not unusual promotion to the State senate. Careful, conscientious, industrious, and clear-sighted in all his legislative work, his genial nature and his readiness to assist in every good work made friends for him all over the State, and but for his own expressed wish undoubtedly he would have been called to the executive chair. Instead he came to this body in 1887 as the especial representative of rapidly developing and vigorous western Michigan.

What battles he fought against circumstances we do not know. In the end he conquered and became what the world terms a "successful" man, with large interests not only in his own State, but also in the South and the far West. Liberal by nature, he used his wealth to build up the industries of his town and to establish, strengthen, and maintain its charities. Happy in his domestic life, he left a widow to mourn the loss of a devoted husband, and many relatives to regret keenly the taking away of one who had been as a father to them.

Of his work in the Senate it is unnecessary to speak here further than to say that when his first term was drawing to an end the voice of Michigan, as interpreted with a very large degree of unanimity by the legislature, was for his return. He had satisfied the people of his State. We who were accustomed to his presence in this Chamber can testify to his devotion to the interests of his country, his State, and his party; and when on April 30 of last year death came upon him suddenly as he was caring for another it was the universal feeling here that a wise counselor and a devoted friend had been taken from us.

Mr. FRYE. Mr. President, Maine never loses interest in her sons who leave to engage in life's conflicts elsewhere, and she always rejoices in their successes. She is proud of the boy who left as a sailor before the mast, then became one of the heaviest ship-owners on the Pacific Slope, then governor of California, and now a United States Senator; and of another born on one of her hill-side farms, educated in her public schools, graduated from one of her colleges, who then went West, became a successful business man, then represented his adopted State of Minnesota in the national House of Representatives, and now is a colleague of ours in this Chamber. These men, and such as these, are a State's jewels.

I think, Mr. President, that Maine equips her children fairly well for such contests. She has always been a border State, almost entirely surrounded by ocean and by a foreign land. She is located in the extreme northeast of the Republic. Her early history was one of cruel war. The price of a livelihood was always a struggle; if sought offshore, a ceaseless contest with wind and wave and rock-bound coast; if inshore, then the conquering of the primeval forest and the revealing of land which never laughed with a harvest when tickled with a hoe, but responded only to hard work. Her climate is severe, her winter long and cold.

Mr. President, these conditions, seemingly unfavorable, I think combine to make her people self-reliant, courageous, patient, economical, thrifty—legacies to her children of infinitely greater value than ease, luxury, and money.

Senator Stockbridge, to whose memory we are to-day paying tribute, was one of these boys. He was born in the shipbuilding town of Bath, of good old New England stock on both sides. His father was an eminent physician in that section of the State, but of course in those days with a small income, and could give his son only the advantages of the common schools, with a term or two in an academy.

Young Stockbridge, at the age of 16 years, self-reliant, started out for himself; went to Boston in a store. He was adventurous and bold and soon found that his counter was altogether too narrow for him. He went West, located in Chicago, then far distant from the home of his birth. He engaged in the lumber business,

it may be, inspired to it by the whispering pines of his own native State.

He was sagacious and cool, but bold. In all of his proposed investments he was his own explorer, his own counselor, depending entirely on his own judgment. He regarded contracts, whether written or oral, as sacred, and observed them with the strictest fidelity both in letter and in spirit. He was a strictly honest man, and was not long in gaining a reputation which insured to him all the credit he needed for his extensive operations.

He was a man thoroughly familiar with men. Having been poor himself, he sympathized with the poor, gained the entire confidence and esteem of all his employees, always treated them not only justly, but generously; so his extensive operations were never crippled by strikes nor injurious combinations. It was not long before he became one of the great lumber kings in the West and had acquired wealth.

Mr. President, I have observed too frequently, when men seek riches, they are apt to acquire a love for money itself—one of the most debasing of the passions of the human heart. Not so Mr. Stockbridge. He seemed to think he was a steward for his Lord, and that the property he acquired was a trust to be administered by him faithfully for the good of his fellows.

He was exceedingly generous and charitable, as large gifts to benevolent, literary, and religious associations and institutions testify, and he indulged in an immense amount of that giving of which the left hand knows nothing of what the right hand is doing. It is known in Kalamazoo that on Christmas and on Thanksgiving days no table of the poor man was left without a supply equal to that on his own, and that he did it.

In this charitable career he fortunately always had the sympathy and the loving cooperation of his wife, who, while it may be, was more impulsive than he, was equally generous.

I have said that Mr. Stockbridge's early education was limited, but he inherited an intense love for books, was a constant student even when business cares almost overwhelmed him, was familiar with the current literature and well read in the classics. He had one of the finest and best selected private libraries I have ever seen of books—not ornaments, not furniture, but familiar friends. He was fond of art, and lavishly expended his money for choice pictures, fine statuary, and rare bric-a-brac. So it happened that in the latter years of his life neither in conversation nor in public speech nor in letters could one discover the school deprivations of his boyhood.

He was ambitious. Why not? If all men were content, what would this world be? He had acquired wealth; he had leisure; he knew that he had the confidence and esteem of his fellow-citizens; he knew equally well that he could render his country and State valuable service, so sought, not unduly, not improperly, public position. His people were ever ready to gratify him. He served in both houses of his State legislature, and then twice they elected him to the highest office in their gift, that of United States Senator.

As a Senator, we can all bear witness to his fidelity, to his constant attention to the duties of the great office. On committee his services were regarded as invaluable on account of his large experience in affairs, his careful attention to whatever was committed to him, and his untiring energy. He seldom indulged in debate, but when he did he attracted attention by the dignity and the courtesy of his bearing, by the closeness of his logic, by the clearness of his statements.

He was princely in his hospitalities. He had an elegant home in Kalamazoo, surrounded by beautiful and extensive grounds, and the doors were always wide open. I have had the pleasure to be his guest, and the moment I entered the house found myself invested with everything that heart could desire—horses and carriages and servants, and everything that money could buy were mine. Mrs. Stockbridge was a charming hostess, and seemed to take more pleasure in the bestowing than even the guest did in the receiving.

Mr. Stockbridge was a man of strong convictions and fixed principles, to some seeming almost stern and Puritanic in his fidelity to them. His stand on temperance may illustrate this. He was a total abstainer from intoxicants and never would allow even wine in his house. Here in Washington he kept open house, as he did at home, and was lavish in his hospitality. He was giving frequent dinner parties, and I presume every Senator in my hearing has been his guest. His table was always splendidly equipped, furnished with everything to tempt the appetite and delight the taste, but never any wine. I have no hesitation in saying that no Senator here, whatever his own private tastes and wishes might be, left that hospitable table without a new and a profounder respect for the Senator who dared disregard the requirements of custom and of fashion in devotion to principle.

Mr. President, Mr. Stockbridge was in every respect a strong man, a warm friend, a good neighbor, a patriotic citizen, a devoted husband; and he was more and better than all these—he was an earnest, faithful Christian, a member of the Protestant

Episcopal Church, active in all of its charities, faithful to all of its obligations.

It is well with him. He has only passed through the open door of his Father's house, and has entered now upon life eternal, with all its wealth of possibilities.

Mr. JONES of Arkansas. Mr. President, Mr. Stockbridge and I were warm personal friends, and when the sad intelligence came to us that he was no more I felt that I had sustained a personal loss which could never be repaired, for at any time of life one does not easily make new friendships.

During the whole of Mr. Stockbridge's service in this body I believe it was my fortune to be associated with him on the Committee on Indian Affairs. In the discharge of the duties devolving on us in that committee we were often associated together on subcommittees in the investigation of questions referred to us. In this way I came to know him intimately and to learn his great worth and merit, and I hazard nothing in saying that no man of correct feelings could know him well and not be his friend.

One of the most striking traits in his character was his fine, well-balanced, sound judgment. Never swayed by passion or prejudice, he held always a just balance in weighing the merits and demerits of any question; and when he had the opportunity for a full investigation of any matter his judgment upon it would command the respect of all who knew him.

This quality was manifest in everything connected with him. His marked personal success in every walk of life in which he entered, the high position he held among those with whom he was associated in business and politics in his own State and here all bore evidence of it.

Perhaps his most lovable trait, that which attached his friends to him most warmly, was his own generous feelings and his broad charity. He judged no one harshly, never attributed unworthy motives to others, and never suspected others of sinister purposes, but always put that construction upon the conduct of others which most accorded with his own high standard of proper conduct.

While he was distinguished for his modesty he was at the same time possessed of great force of character, exhibiting in himself such a happy blending of modest worth and self-reliant manliness as forms the finest type of our Western manhood.

Of the antagonisms which rude self-assertion is always sure to arouse he knew absolutely nothing.

His courteous bearing toward and gentle regard for the rights and feelings of others never for a moment forsook him, and carried the conviction to all who came in contact with him that he was in the finest sense of the word a gentleman.

I knew him in his home, and it was there that he appeared to the best advantage and in the most favorable light. No one who ever came within the circle of the personal friends and congenial spirits drawn together by his discriminating friendship could forget the charm of his hospitable home, and I am sure that no one ever went out from under his roof without feeling that his was a home of unusual loveliness, the crowning glory of which was the beautiful life of the husband and wife who made it what it was.

Mr. President, until the last man who knew and served with Mr. Stockbridge shall have passed out from this body he will not be forgotten here. No seat will again be marked as his; his name will not again appear upon our official rolls; but his memory will linger like a sweet incense here where his presence brought only pleasure.

Mr. CULLOM. Mr. President, I am sure the Commonwealth of Illinois, which I have the honor in part to represent in this Senate, would not have me remain silent on this sad occasion.

Mr. President, as has been said by the distinguished Senator from Michigan [Mr. McMILLAN], the colleague of the late Senator Stockbridge, whom we mourn, the deceased had entered upon his second term of service in the Senate, and to those of us who only knew him as we ordinarily know each other here there seemed many years of usefulness before him. Mr. Stockbridge, when he determined to leave Boston to find a new home, located for a time in Chicago. He was soon attracted, however, by business ventures, into the State of Michigan, where he made his permanent home, his fortune, and his fame.

His life was a career of honor and great usefulness in that Commonwealth, and he endeared himself to all the people. In the Senate he won the esteem of all and the affection of those here who most associated with him and knew him best. He was a man of strong sense, always quickly discerning the right, never swerving from it, and was a most excellent and conscientious legislator. He performed his duty under all circumstances, and met the highest expectations of the people on all occasions. Few men in the Senate have more completely won the confidence and esteem of the members of this body than did Senator Stockbridge.

He was a good man in the quiet walks of life, as he was a faithful servant of the people in his public career. He was a man of

business. He not only responded to the calls of his people to perform public duty, but he conducted large business operations as farmer, stock raiser, and land and lumber trader. He not only sought as a legislator to build up and sustain the policy which he believed to be for the best interests of the great body of the American people, but he sought also to develop by business enterprises the resources and wealth of this country.

Mr. President, men are in a large degree what they make themselves. I recognize the fact that geniuses and poets are born, not made; but after all, the man who starts out with a determination that he will be a man among men, that he will carve out his own fortune, that he will make the world better for his living in it, and labors to that end, is the best type of manhood and leaves behind him more to be gratefully remembered by the people.

Mr. Stockbridge made no pretensions to genius or to oratory, but he was an honest man with more than ordinary ability, and was always for the right. During all his manhood life, private and public, the people with whom he lived and whom he served appreciated and trusted him.

Mr. President, it was my good fortune to become somewhat intimately acquainted with the deceased after he entered this Chamber, and the longer I knew him and the more closely I became associated with him the more highly I regarded him. He had no concealments, but was direct and single-minded, always resting upon the truth.

He was a patriotic man; he loved our free institutions; he loved liberty, and was proud of the glory of our country and its position among the nations. He was a Republican and believed in the principles and policies of the party, but he was never offensive in presenting his views in the presence of men who did not agree with him.

Mr. President, he is gone, and his place has been filled in this body. The same experience must come to us all. I well remember his stalwart form and his vigorous bearing when he first entered the Senate; and I also sadly remember the many strong men who have been Senators upon this floor during the twelve years of my membership, and have, like him, surrendered to the great destroyer. Humanity is forever subject to the great law of change. From birth to our final breath we pass constantly on and on, never halting till the silent shore is reached. Senators may ordain, and the people may obey their ordinances, but death shows no favors to the tribunes.

The departed Senator began his business career in the great metropolis of my State, Chicago, and he laid down his life in that city, surrounded in his last hours by his relatives and friends. I accompanied his remains to their last resting place in the city of his home, where many thousands of his neighbors and friends, with saddened hearts, followed all that was left of Francis B. Stockbridge to the grave.

I pay my last tribute of respect to his memory. Peace be to his ashes.

Mr. BURROWS. Mr. President, while I can not hope to add anything to the just meed of praise bestowed upon the life and character of the late Senator Stockbridge, yet I should do violence to my own feelings and sense of duty to permit the occasion to pass without expressing and placing on record my high appreciation of his character as a man and his worth as a citizen. Knowing him as I did in private life, and of his many admirable qualities, I am not surprised that Senators who were associated with him in this body even for a brief period should be able to bear testimony to his personal worth, and his fidelity, integrity, and rare good judgment in the discharge of public duties, and his unswerving devotion to the interests of his State and the country.

These encomiums by his colleagues will be exceedingly gratifying to the people of Michigan, who twice honored him with a seat in the Senate and who to-day hold his memory in the highest regard and deeply deplore that his life could not have been spared to the full completion of the term to which their partiality had called him. In forming an estimate of his character your judgment, of necessity, is based almost entirely upon your association with him in his official capacity as a member of the Senate. But there was another side to his nature none the less attractive and praiseworthy.

He was known to you as a Senator. I knew him as a neighbor and friend, with whom it was my good fortune, during the last twenty years of his life, to be in almost daily intercourse, thus affording an opportunity of discerning those admirable qualities of head and heart which attached him to his friends and secured for him an enduring place in the affectionate regard of his fellow-citizens. During this period of nearly a quarter of a century we were residents of the same city and much of the time of the same ward, and were naturally thrown together in social intercourse, freed from the restraints of public life which sometimes obscure for the moment the dominating characteristics of the human heart. It was under such circumstances and amid such surround-



ings I came to know Senator Stockbridge, and became attached to him as a neighbor and friend.

In looking back on the years of that acquaintance and summing up its incidents, if called upon to single out the chief and controlling elements of his character, those which molded and dominated his whole life and made it a marvelous success, I should have no hesitancy in declaring they were his wonderful self-reliance and superb courage. He had confidence in his own judgment and the courage to execute what his judgment approved. This was exemplified in early life. Born at Bath, Me., in 1826, in 1842, when but 16 years of age, he determined to take upon himself, in a measure at least, the duties and responsibilities of life, and to that end made his first venture as a clerk in a mercantile establishment in the city of Boston, where for a period of five years he devoted himself to the duties of his position, acquiring his first practical lessons in business affairs and developing those qualities of integrity and self-reliance which marked the whole course of his future life. It was during this experimental period, undoubtedly, that he became conscious of his natural bent of mind and aptitude for business pursuits, and having made the discovery, without attempting to force his life into unnatural channels, so frequently attempted and so frequently disastrous, he had the rare good judgment to enter the open way pointed out by his inclinations and dedicated his life to an active business career.

Having thus determined his course, he entered upon it with the ardor and enthusiasm of youth and pursued it with unflinching energy to the end, permitting no obstacle, however formidable, to impede his progress or turn him aside from the consummation of his supreme purpose.

His resolution formed, it only remained for him to determine the character of his business and the field of his operations. With that sagacity and foresight for which he was noted, he saw in the forests of the Northwest the possibility of a great business future, and accordingly in 1847, at the age of 21, he took up his residence as a lumber merchant in the city of Chicago, a place then of less than 10,000 inhabitants, where he laid the foundations of his future success. From a lumber merchant he became a lumber manufacturer, and pushing his way into the forests of Michigan and the Northwest, erecting mills and establishing camps, he moved forward in the course of his destiny until he was recognized as among the foremost business men of the Northwest.

In 1853 he became a citizen of Michigan and retained his residence in the State during the remainder of his life. Here he enlarged his business, became connected with other and important industrial enterprises until, at the time of his death, his business interests, varied and complicated, extended beyond the limits of the State from the extreme south to the distant forests of the Pacific Slope. This great business success was due in a large measure, if not chiefly, to those characteristics of which I spoke in the beginning, and which he possessed in a preeminent degree—self-reliance and courage. These were the weapons with which, single-handed and alone, he made his way in the industrial world.

But this tribute would be incomplete without mentioning another phase of his character, as pronounced as those to which I have already referred, namely, his kindness and boundless generosity. His liberality knew no bounds but the measure of his ability, and his charity no restraint but the limit of its necessities. It was this that greatly endeared him to his people. Reserved, yet companionable; dignified, yet without ostentation, he freely mingled with all the people in their everyday life, acquainting himself with their conditions and ministering to their necessities. Possessed of an abundant fortune, which sometimes dries up the "milk of human kindness," he bestowed private charity with a lavish hand, while his donations to public objects were on the broadest scale of liberality. Church and school, benevolent and charitable institutions alike were the recipients of his favor. The city of his home is to-day adorned with enduring monuments to his public benefactions.

But while engaged in large business enterprises, demanding his chief thought and attention, he was not so wholly engrossed by these as to be entirely indifferent to passing political events. In these he took a lively interest, and early identifying himself with the Republican party, he became an active and influential member of that organization, adhering to its varying fortunes with characteristic steadfastness. Here, as in the business world, he quickly secured the confidence of the people and was twice elected to the State legislature, serving first in the house and subsequently in the senate, where, in the discharge of his legislative duties, he displayed the same rare good judgment which had always characterized his business life. Though a man of practical affairs, yet in his capacity as a legislator he rendered great service to his party and the State; and after all, the highest statesmanship is only the application of sound business principles to governmental affairs.

That business knowledge he possessed in a remarkable degree, and it must have advantaged him and the Senate while here in

the transaction of the public duties incident to this Chamber. His death is a loss to the Senate, the State, and the country.

It is a consolation, however, to know that though his life fell short of the allotted span, yet it was full of good deeds worthy of remembrance and emulation.

In his unexpected death we have a fresh reminder of the brevity and uncertainty of this earthly existence.

I can not refrain from one single reflection. Nothing has so impressed me with the transitory character of human life as the contemplation of the changes wrought in the personnel of the National Congress within the brief period since I first became a member of the House of Representatives in 1873. The intervening years have served to remove from these Halls most of the participants in the legislative duties of twenty-two years ago. Out of a membership in the House at that time of something over 300, the names of only five of that number are borne on its roll of present membership.

Call to-day in this Chamber the names of the Senators which constituted the members of the Senate in 1873, and only eight out of seventy-two would make response. Some have passed to other spheres of human action, while many sleep with the fathers. How rapidly the scenes change! How startling the transformations! The actors of to-day sleep in the graves of to-morrow, while the drama moves on with unabated interest. When contemplating these things we call to mind the words of one who, standing in a gallery whose walls were hung with the portraits of departed generations, exclaimed, "These are the realities, we the shadows!"

Mr. President, as a further mark of respect to the memory of the deceased, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 7 minutes p. m.) the Senate adjourned until Monday, February 11, 1895, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

SATURDAY, February 9, 1895.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read and approved.

### EXPENDITURES FOR COLLEGE ENDOWMENT.

The SPEAKER laid before the House a letter from the Acting Secretary of the Interior, transmitting a statement of disbursements made for the fiscal year ending June 30, 1895, under the act endowing colleges, etc.; which was referred to the Committee on Education.

### IMPROVEMENT OF CARVERS HARBOR, MAINE.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting preliminary examination, and report by the Chief of Engineers, of the improvements of Carvers Harbor, Maine; which was referred to the Committee on Rivers and Harbors.

### KANSAS CITY, OKLAHOMA AND PACIFIC RAILWAY COMPANY.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 8165) authorizing the Kansas City, Oklahoma and Pacific Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

Mr. COCKRELL. Mr. Speaker, I move that the House concur in the amendments of the Senate, which are mainly formal.

The Senate amendments were read and concurred in.

The title of the bill was amended so as to read: "A bill authorizing the Kansas City, Oklahoma and Pacific Railway Company to construct and operate a railway through Indian reservations in the Indian Territory, and the Territories of Oklahoma and New Mexico, and for other purposes."

### PUBLIC BUILDING, CHICAGO.

The SPEAKER also laid before the House the bill (H. R. 397) to provide for the erection of a Government building at Chicago, Ill., with Senate amendments.

Mr. BANKHEAD. Mr. Speaker, I ask that the Senate amendments be read, with a view to moving concurrence.

Mr. SAYERS. What are the Senate amendments?

The SPEAKER. The Senate amendments will be read.

The amendments were read at length.

Mr. SAYERS. This is quite an important bill, and I ask the gentleman from Alabama having it in charge to allow it to lay over until Monday so that I may examine it. It is possible that I will offer no objection whatever to the Senate amendments; but I desire an opportunity of examining them, and ask that the bill lay on the table for the time being.

Mr. BANKHEAD. I, of course, feel very much inclined to oblige the gentleman from Texas in this matter, but we have a very short time in which to act on matters of this kind. This is

an important question and ought to be promptly attended to. The bill does not carry any appropriation.

Mr. SAYERS. But it fixes the liability of the Government at \$4,000,000 in the future.

The request I make, Mr. Speaker, is to let it lie over until Monday. I shall not offer any captious objection if I find on examination that the bill is right.

Mr. BANKHEAD. Very well; I will let it go over until Monday.

The SPEAKER. Without objection, the bill will lie on the table for the present.

There was no objection.

DANIEL C. RODMAN, DECEASED.

Mr. RUSSELL of Connecticut. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 914) for the relief of the representatives of Daniel C. Rodman, deceased, and others.

Mr. DOCKERY. I desire to give notice that after one recognition on each side I shall have to call for the regular order.

The SPEAKER. The bill will be read, after which the Chair will ask if there be objection.

The bill was read, as follows:

*Be it enacted, etc., That Daniel C. Rodman, Ossian B. Hart, Charles Slager, Calvin L. Robinson, Ozias Buddington, and Joseph R. Richard, sureties upon the bond of Ozias Morgan, given as security for the faithful performance by said Ozias Morgan of his duties as receiver of public moneys and disbursing agent of the United States land office at Tallahassee, Fla., from 1866 to 1870, and their heirs and legal representatives, be, and they are hereby, released and discharged of and from all and every obligation and liability whatsoever on account of said bond.*

Mr. SAYERS. Will the gentleman make a statement as to the object of the bill?

Mr. RUSSELL of Connecticut. If I may be permitted to do so, Mr. Speaker, I will make a brief statement covering the purpose of the bill.

The SPEAKER. Without objection, the gentleman will have that permission.

Mr. RUSSELL of Connecticut. Mr. Speaker, the parties mentioned here were the sureties on the bond of Ozias Morgan, who was a receiver of public moneys in Florida some thirty years ago, and on a final settlement of the affairs of the receiver with the Government it was ascertained that there was some slight deficit in his account. Suits were instituted promptly against five of the six sureties to recover the amount of the bond. One of the suits was compromised. In the case of the others the defendants were dead or were reported as absolutely insolvent and unable to satisfy the judgment. The sixth surety, soon after signing the bond, returned to Connecticut and lived there five or six years after the suits were decided against the other sureties. He received no notice of the default of the receiver, nor any notice that the suit was instituted against his fellow-bondsmen during his lifetime. Some years after his death, however, a demand was made upon his estate for the amount of the bond—

Mr. SAYERS. Does the bill propose to relieve the surety of the amount of the liability on the official bond of the receiver?

Mr. RUSSELL of Connecticut. That is what the bill proposes.

Mr. SAYERS. When was the original suit instituted against the other sureties?

Mr. RUSSELL of Connecticut. In 1875. There was no suit, however, instituted against the widow of Daniel C. Rodman, and the Comptroller of the Treasury recommends that there be a dismissal of the demand against her.

Mr. SAYERS. How much is involved?

Mr. RUSSELL of Connecticut. The whole amount of the deficit of the receiver was in the neighborhood of \$1,800 or \$1,900.

The SPEAKER. Is there objection to the present consideration of the Senate bill?

There being no objection, the bill was considered, ordered to a third reading, and, being read the third time, was passed.

On motion of Mr. RUSSELL of Connecticut, a motion to reconsider the last vote was laid on the table.

MINES ON PRIVATE LAND CLAIMS.

Mr. JOSEPH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7148) to authorize the exploration and purchase of mines within the boundaries of private land claims.

The bill was read at length.

Mr. SAYERS. Mr. Speaker, this seems to be a far-reaching bill, and I should like to have some explanation of it before unanimous consent is given for its consideration.

The SPEAKER. Without objection, the gentleman from New Mexico will be permitted to make a short explanation.

Mr. JOSEPH. Let the communication of the Secretary of the Interior, which is a part of the report, be read.

Mr. HOLMAN. I suppose there is a report accompanying this bill. Let us have the report read.

The SPEAKER. Without objection, the report can be read.

The Clerk proceeded to read the report.

During the reading,

Mr. WILLIAM A. STONE said: Mr. Speaker, I do not see any reason for taking up any more time in this matter. I shall object to the consideration of the bill.

The SPEAKER. The gentleman from Pennsylvania objects.

Mr. DOCKERY. I call for the regular order.

HEIRS OF THE LATE MRS. CATHERINE T. CULVER.

Mr. DOOLITTLE. Mr. Speaker, I desire to call up a privileged motion, to reconsider a vote of concurrence in a Senate amendment.

The SPEAKER. The gentleman from Washington calls up a privileged motion, to reconsider a vote of concurrence in a Senate amendment to a House bill. The Clerk will report the title of the bill, and then the Chair will state the parliamentary condition.

The Clerk read as follows:

A bill (H. R. 664) for the relief of the heirs of the late Mrs. Catherine T. Culver.

In line 6, strike out the words "eight hundred and forty" and insert the words "five hundred;" so that it will read: "\$500."

The SPEAKER. This is a House bill with a Senate amendment. The Senate amended the bill by reducing the amount from \$840 to \$500, and the House concurred in the Senate amendment. The gentleman from Washington entered a motion to reconsider the vote by which the House concurred in the Senate amendment, and he now calls up his motion to reconsider.

Mr. DOOLITTLE. I will make a brief statement if any gentleman desires it.

The SPEAKER. Without objection, the gentleman will be permitted to make a brief explanation.

Mr. DOOLITTLE. This work was done by the late Mrs. Culver while Mr. Stephens, of Georgia, was the chairman of the Committee on Coinage, Weights, and Measures in this House. The work was done for that committee. We find that the work could not be performed for a less sum to-day than it was done for more than seventeen years ago. We are not asking for any interest on this sum of \$840, which is what would be required for the performance of the work at this time. These facts were not presented perhaps as they should have been before the same committee when the matter was considered, and the consequence was that the amount was cut down from \$840 to \$500. I am informed that if we non-concur in this amendment it will be entirely agreeable to the gentlemen at the other end who insisted on the cutting down of the amount. The amount of \$840, after all these years, is to be paid to the heirs at law of the late Mrs. Culver, who performed this work.

Mr. HOLMAN. Will the gentleman explain why the money was not paid at the time?

Mr. DOOLITTLE. No appropriation was made at the time. This action has been recommended in half a dozen Congresses at least, but it never reached a stage when it could be considered in the House until during the last session.

Mr. HOLMAN. The services were rendered without authority, were they not?

Mr. DOOLITTLE. No, sir; the services were not rendered without authority. The whole subject was up when this bill passed this House. The services were rendered to this Government, and the result of her work was published and accepted by the Government, and it is a valuable work and has been in use ever since its publication.

The motion to reconsider was agreed to.

Mr. DOOLITTLE. I move that the House disagree to the Senate amendments.

The SPEAKER. The gentleman from Washington moves that the House disagree to the Senate amendments, and asks for a conference on the disagreeing votes of the two Houses. Without objection, that order will be made.

There was no objection.

The Speaker appointed as conferees on the part of the House Mr. RICHARDS, Mr. RUSSELL of Georgia, and Mr. KIEFER.

DEFICIENCIES, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting additional estimates of deficiencies in appropriations for the District of Columbia submitted by the Commissioners; which was ordered to be printed and referred to the Committee on Appropriations.

PERSONAL EXPLANATION.

The SPEAKER. The gentleman from New York [Mr. VAN VOORHIS] desires a moment or two in which to make a personal explanation. Without objection, that will be allowed.

Mr. VAN VOORHIS of New York. Mr. Speaker, it is well



known to the members of this House that this country has been visited by a missionary. His name is the Hon. W. Randall Creamer. He came from Great Britain, a country that is so eminently peaceful, so averse to encroachments, territorial or otherwise; so moderate in its pretensions, so free from aggrandizement, so yielding in its relations with foreign powers. His mission was a mission of peace. It was to secure a treaty between the United States and Great Britain by which all differences between them should be decided by arbitration. It had no relation to any of the other nations.

He came on the *Teutonic*. He arrived here on the 16th of January, I think. He came fortified and accredited with a petition signed by 354 members of the British Parliament, addressed to the President and to Congress. He made his way to Washington. He solicited an opportunity to be heard before the Committee on Foreign Affairs of the House of Representatives. Every member of that committee, I believe, is in favor of the nations adjusting their differences by pacific means, and of resorting to the arbitration of war only when that is the last resort. The request of Mr. Creamer was unanimously granted by that committee. He was heard. On rising to address the committee, he invited any member of the committee to ask him questions. Availing myself of that invitation, I asked him a few questions. The cross-examination was not severe or lengthy; but the missionary somehow seemed to lose his temper. I did not know it at the time, but after going away from the committee room he charged me, in high quarters, with having insulted him when before the Committee on Foreign Affairs. This charge he made not only to members of this House, but to others.

Now, Mr. Speaker, the gentleman was entirely mistaken. I was guilty of no such offense. Such an offense as that would be a breach, as it seems to me, of the privileges of members of the House. To insult a member of the British Parliament when he was being heard before a committee of this House would be conduct unbecoming a gentleman as well as unbecoming a member of Congress. I have written him a letter in which I have informed him that I did not insult him and had no such intent. As that letter tells the whole story, I will ask the Clerk to read it, and I leave the matter there.

The Clerk read as follows:

WASHINGTON, D. C., February 4, 1895.

MY DEAR SIR: I have learned with surprise and sincere regret that you have charged me with insulting you on the occasion of your appearance before the Committee on Foreign Affairs of the House of Representatives on Thursday, the 24th ultimo. With a view of disabusing your mind and relieving myself from so unjust a charge let me recapitulate for you the circumstances of your appearance before that committee.

You asked an opportunity to be heard on the subject of an international treaty of peace between Great Britain and the United States which shall bind the two nations to refer to arbitration disputes which diplomacy fails to adjust. In common with the other members of the committee I accepted the term "international" in its broad sense and gladly voted to grant you the privilege you requested, having the highest respect for the British Parliament, from which you came accredited to our committee. At the opening of your remarks you stated that you would prefer to answer questions that might suggest themselves to any member of the committee rather than to make a formal speech. Accepting the suggestion so courteously given, I ventured to ask you several questions. The first was, "Is the British Government satisfied with the result of the Bering Sea arbitration?" You answered this in the affirmative. I then asked, "Is it the policy of the British Government to preserve the herds of fur-bearing seals in Bering Sea and the North Pacific Ocean, or destroy them?" You hesitated, and finally said that you did not know. I then asked you, "Assuming that both nations desired the preservation of the seals, do you not think that that arbitration resulted in a signal failure?" To this you made no direct answer. Other questions were asked by different members of the committee as well as myself.

For instance, you were asked if "the British Government is willing to arbitrate its differences with the weaker powers; whether England will agree to arbitrate her differences with the Republic of Venezuela as well as with the stronger nations?" To this you did not give a satisfactory reply, very much to my regret. Hoping to draw from you a statement which would have great weight as coming from one so highly commended by the members of the British Parliament, I asked you if it had not been "the policy of the United States and Great Britain for many years to arbitrate their differences where diplomacy failed to adjust them, and why the latter should single out this country—a power competent to take care of itself without arbitration—and omit all the weaker powers that needed to be protected?" I regretted then, as I regret now, that you did not give a full and direct answer to that question.

I asked you "who the proposed arbitrators were to be, and by what mode they were to be selected." You answered that the matter of and manner of selecting arbitrators had not yet been considered; that the first thing is to agree to a treaty of peace, and a method of choosing arbitrators could be arranged later. I asked you, "If the treaty were limited to the United States and Great Britain, it would not follow as a matter of necessity that American disputes with Great Britain would be referred to European arbitrators?" You said you thought not, but that no plan for selecting arbitrators had been matured. You added that you had thought of selecting two judges of the highest court in each country, and if the four disagreed, they could select a fifth arbitrator. What could or would be done if they were tied upon that, you did not tell us.

I remember remarking to you that I thought "who are the arbitrators to be and how are they to be appointed" was a matter vital to such a treaty, and not a mere incident. On that you seemed to disagree with me.

So far as my memory serves me, these are all of the questions that I asked you.

From your reading of the daily newspapers, you must be aware of the very prevailing belief that England has ever been more solicitous to secure treaties of arbitration with stronger nations than with weak. I hoped that your appearance before our committee might be made a means of dissipating this belief if it were unjust, and thus lead all nations to the adoption of the policy

of arbitration, of which you have been so eloquent a champion. Having been so long engaged in this work, and having given it so much of your eminent ability, you must recognize the fact that the sentiment to which I refer stands in the way of the adoption of any general international agreement as to arbitration of difficulties. I am of those who believe that this is one of the most important questions of the age, and I hailed your coming before our committee as an indication of a desire on the part of the people in your country to forward the good work to which so many able men have devoted their lives. In this country the sentiment in favor of arbitration is practically unanimous, but our people believe that the most effective steps toward securing universal arbitration lie in the direction of the weaker powers against encroachments of the stronger. I believe, too, that in England public sentiment is becoming so strong as to prevent wars to a great extent. I need only refer in this connection to what I esteem the crowning glory of Gladstone's career—the prevention of war at a time when it seemed inevitable.

Holding these views, you may readily imagine my anxiety to make the most of the very favorable opportunity afforded by your visit to our committee. You came bearing recommendations and endorsements from a very influential portion of the British Parliament. You came at a time when there were questions pending between many different nations as to boundaries and other rights. It seemed to me most important that a strong expression should be drawn from one holding so high a position as yourself, and it did not seem possible to me that a member of the British Parliament, standing before us as a representative Englishman, could have any hesitation in declaring the willingness of his people to arbitrate with the weaker governments quite as readily as with those they might have occasion to fear in case of war. And it seems incredible to me that you could consider a question bearing upon this point as an insult.

I beg to assure you that it was offered with no such intent. I would not thus, as a representative of the people of this country, insult our friends in England. I would not even intimate that there was any question or any doubt in my mind as to the high stand England would take when the question of arbitration with a weaker power was presented to her. If I have erred in this respect, and if you deem the questions I have quoted above an insult to you, I must plead my higher estimation of the English character than your present complaint would seem to justify, and beg to assure you that in spite of your complaint I shall hold to the opinion I have expressed until forced to admit that the common belief is correct, and that England seeks arbitration only for the purpose of escaping danger.

I am, sir, yours, very truly,

JOHN VAN VOORHIS.

HON. WILLIAM R. CREAMER,  
Member of Parliament, London, England.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:  
To Mr. MARSHALL, indefinitely, on account of sickness in his family.

To Mr. HOLMAN, on account of sickness in his family.

#### ORDER OF BUSINESS.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent that gentlemen having reports to submit may be permitted to file them with the Clerk.

The SPEAKER. The gentleman from Missouri asks unanimous consent that gentlemen having reports to submit may file them with the Clerk. Is there objection?

Mr. RICHARDSON of Tennessee. Mr. Speaker, I do not object, but I have an adverse report which I desire to have announced as being filed from the desk; and I ask that gentlemen of the minority may have leave to file their views if they desire to do so, and that the bill be put upon the Calendar with an adverse report.

The SPEAKER. The gentleman from Tennessee submits an adverse report. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 8768) to secure adequate compensation for the right to construct, use, extend, and operate street railways in the District of Columbia.

Mr. RICHARDSON of Tennessee. I ask that it go upon the Calendar.

The SPEAKER. The bill will go upon the Calendar adversely reported. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none, and the call of committees for reports is dispensed with.

Mr. DOCKERY. Mr. Speaker, after consultation with the gentleman from Pennsylvania [Mr. SCRANTON], who has charge of the special order which begins at 2 o'clock, I ask that the special order be postponed until 3 o'clock.

The SPEAKER. Without objection, the special order will be postponed until 3 o'clock instead of 2. [After a pause.] The Chair hears no objection.

Mr. DOCKERY. I now ask that the Committee on the District of Columbia be assigned Tuesday next instead of Monday. It is very important to get through with the consideration of the legislative, executive, and judicial appropriation bill.

Mr. HEARD. Mr. Chairman, I will say that on consultation with a majority of the members of the Committee on the District of Columbia, on the request of the gentleman from Missouri and his committee, it will be altogether agreeable to our committee that Tuesday be assigned to us instead of Monday, if it is agreeable to the House.

The SPEAKER. The gentleman from Missouri asks unanimous consent that Tuesday be assigned to the Committee on the District of Columbia for the consideration of its business, on the same terms to which under the rules Monday would be assigned to that committee. Is there objection? [After a pause.] The Chair hears none.

## LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. DOCKERY. I now move that the House resolve itself into Committee of the Whole for the further consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. RICHARDSON of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of an appropriation bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 8767) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes.

The CHAIRMAN. When the committee rose, before the House adjourned on yesterday, the committee was dividing.

Mr. DOCKERY. Mr. Chairman, I ask unanimous consent that this paragraph go over until Monday.

Mr. BARTLETT and Mr. WILLIAM A. STONE. I object.

The CHAIRMAN. Objection is made.

Mr. WILLIAM A. STONE. Regular order.

The CHAIRMAN. The regular order is demanded.

Mr. DINGLEY. Mr. Chairman, I would suggest to the gentleman from Missouri that the point of order that no quorum voted be withdrawn, with the understanding that there shall be a ye-and-nay vote in the House.

Mr. CANNON of Illinois. Oh, well, there would be anyhow, if one-fifth of the members present demanded it.

Mr. DINGLEY. I suggest that the point of no quorum be withdrawn.

Mr. DOCKERY. That agreement will have to be made in the House.

Mr. CANNON of Illinois. This amendment changes the bill, and necessarily there will have to be a vote in the House; and that may be a ye-and-nay vote if one-fifth the members present demand it. For that reason I do not see why the point of no quorum may not be withdrawn, and then we can go on with those parts of the bill to which there is no contest. That will give a ye-and-nay vote in the House.

Mr. DOCKERY. Mr. Chairman, I was about to ask unanimous consent that this paragraph and the pending amendment be reported to the House without recommendation, and with the understanding that a ye-and-nay vote upon it be taken in the House.

Mr. PICKLER. No, no. It is already adopted.

Mr. CANNON of Illinois. The recommendation by the committee can be reversed by the House. Let it go to the House as an amendment reported from the Committee of the Whole.

Mr. DINGLEY. As a large majority, although not a quorum, have voted in favor of the amendment, it seems to me that in the interest of public business the point of no quorum should be withdrawn, with the understanding that there shall be, as there would be inevitably, a ye-and-nay vote upon it in the House. I think that ought to be satisfactory.

Mr. DOCKERY. There will undoubtedly be a ye-and-nay vote upon this in the House.

Mr. SIMPSON. Mr. Chairman, I suggest to gentlemen that it is useless to waste time in this way, as the point of no quorum will not be withdrawn.

Mr. TALBERT of South Carolina. We can go on with business if the gentleman from New York will withdraw the amendment.

Mr. CANNON of Illinois. That is, if the minority can have their way they will graciously let the majority proceed with the consideration of the bill.

Mr. TALBERT of South Carolina. Then let the majority bring a quorum here to pass this amendment.

The CHAIRMAN. When the committee rose yesterday the pending question was on the amendment of the gentleman from New York, Mr. BARTLETT. The point of no quorum was made, and the Chair appointed to act as tellers the gentleman from New York, Mr. BARTLETT, and the gentleman from South Carolina, Mr. TALBERT. The tellers will take their places and the Clerk will report the amendment.

The Clerk read the amendment of Mr. BARTLETT, as follows:

Page 18, strike out all after "Representatives," in line 2, down to and including line 9, and insert in lieu of it the following:

"For annual clerks to members who are not chairmen of committees and to Delegates from Territories, at \$1,200 each, from and after March 4, 1895.

The committee again divided; and the tellers reported—ayes 124, noes 59.

So the amendment was adopted.

Mr. McMILLIN. Mr. Chairman, I give notice that I shall demand the yeas and nays on this amendment in the House.

Mr. DOCKERY. I give notice that I shall also ask for the yeas and nays.

The CHAIRMAN. It is not necessary to give notice. The Clerk will read.

The Clerk proceeded to read the second paragraph on page 18, under the heading, "For contingent expenses."

Mr. HULL (during the reading). Mr. Chairman, I rise to a question of order. My understanding was that the provision in relation to committee clerks was to come up immediately after this other matter should be disposed of. I ask that that be now taken up. I do not think it will occupy much time.

Mr. DINGLEY. I suggest that the gentleman let that matter go over until we have gone through the bill.

Mr. HULL. Mr. Chairman, at the suggestion of the gentleman from Maine [Mr. DINGLEY] I am willing that that paragraph shall go over until the remainder of the bill is completed.

The CHAIRMAN. Then the Clerk will proceed with the reading.

The Clerk read as follows:

## CIVIL SERVICE COMMISSION.

For three Commissioners, at \$3,500 each; one chief examiner, \$3,000; one secretary, \$2,000; eight clerks of class 4; ten clerks of class 3; thirteen clerks of class 2; fifteen clerks of class 1; three clerks, at \$1,000 each; two clerks, at \$800 each; one messenger; two laborers; one engineer, \$840; and two watchmen; in all, \$91,340.

Mr. BRECKINRIDGE. Mr. Chairman, I desire to make a point of order on that paragraph. In lines 10 and 11 it reads: "one secretary, \$2,000." The point of order I make is that under the statute the salary of that officer is fixed at \$1,600, and that the additional \$400 is contrary to the rule which provides that we can not, in an appropriation bill, change existing law so as to increase expenditures.

Mr. SAYERS. Was not that done yesterday?

Mr. DOCKERY. Mr. Chairman, I desire to state that I think the point of order of the gentleman from Kentucky is well taken, and I will move to amend the provision by striking out "two thousand" and inserting "sixteen hundred."

The CHAIRMAN. The Chair sustains the point of order.

Mr. BRECKINRIDGE. Mr. Chairman, I move to strike out the last word of the paragraph.

The CHAIRMAN. Let the Chair get the parliamentary status right. The Chair strikes out the \$2,000 on the point of order made by the gentleman from Kentucky. Does the gentleman from Missouri [Mr. DOCKERY] move to amend the paragraph?

Mr. DOCKERY. I understood the gentleman from Kentucky to say that the salary fixed by the statute was \$1,600.

Mr. BRECKINRIDGE. That is correct.

Mr. DOCKERY. Then, Mr. Chairman, I move to insert \$1,600.

The CHAIRMAN. The Chair will hear the gentleman from Kentucky on that amendment.

Mr. BRECKINRIDGE. I desire to have read at the Clerk's desk and printed in the RECORD a list of officers provided for in this bill who are given larger salaries than those prescribed by the statute, with the pages of the bill where the appropriations are found.

The list was read, as follows:

## Salaries in excess of statute limit.

Page of bill.	Title of office.	Legal salary.	Salary in bill.	Law fixing salary.
21	Private secretary to President.....	\$3,500	\$5,000	R. S., page 155.
22	Secretary Civil Service Commission.	1,000	2,000.	Sup. R. S., page 363.
22	Assistant Secretary of State.....	3,500	4,000	Sup. R. S., page 2.
40	Chief clerk of Bureau of Statistics.	2,000	2,250	R. S., page 235.
79	First Assistant Secretary of the Interior.	3,500	4,000	Sup. R. S., page 2.
79	Chief clerk, Interior Department.	2,200	2,500	R. S., page 440.
81	Commissioner General Land Office.	3,000	5,000	Sup. R. S., page 2.
81	Chief clerk, General Land Office.	2,000	2,250	R. S., page 440.
83	Commissioner Indian Affairs.....	3,000	4,000	R. S., page 462.
84	Commissioner of Pensions.....	3,000	5,000	Sup. R. S., page 2.
84	First Deputy Commissioner of Pensions.	2,500	3,000	R. S., page 472.
84	Chief clerk, Pension Office.....	2,000	2,250	R. S., page 440.
86	Commissioner of Patents.....	4,500	5,000	R. S., page 477.
98	Chief clerk, Post-Office Department.	2,200	2,500	R. S., page 363.
98	First Assistant Postmaster General.	3,500	4,000	Sup. R. S., page 2.
99	Superintendent Money-Order System.	3,000	3,500	Do.
99	Second Assistant Postmaster-General.	3,500	4,000	Do.
100	Third Assistant Postmaster-General.	3,500	4,000	Do.
107	Disturbing clerk, Department of Labor.	1,800	2,000	Sup. R. S., page 500.
106	Chief clerk, Department of Justice.	2,200	2,800	R. S., page 351.

Total number of salaries in the bill that are in excess of the statute limit, 20. Aggregate amount of excess, \$13,250.



Mr. BRECKINRIDGE. If my time has not expired—  
The CHAIRMAN. The time of the gentleman has expired, and the question is on agreeing to the amendment of the gentleman from Missouri.

Mr. DINGLEY. Mr. Chairman, before passing from this provision and the amendment proposed by the gentleman from Missouri I desire to say a word with reference to the subject raised by the gentleman from Kentucky.

It is true that the law provides a salary of \$1,600 for the secretary of the Civil Service Commission. In the current law, however, as fixed in the appropriation bill of last year, this salary is placed at \$2,000. Undoubtedly the point of order lies against it; and I may say that there are twenty or thirty salaries in the bill to which the same point of order would apply; not that we have increased any salary above the current law. We have placed them in the bill at the same as in the appropriations for the current year, but some of them in the current appropriation bill are larger than as fixed by the statute and have been so for some time.

In this case the provision of the bill simply restores what has been the custom in connection with this salary heretofore by giving the same amount as that fixed in the current law. But the point of order, as I have suggested, will lie against some twenty-two salaries for the same reason.

Mr. COFFEEN of Wyoming. I ask that the amendment be again read.

The amendment was again read.

Mr. BRECKINRIDGE. I move to strike out "\$1,600" and insert "\$1,500," and I do it for the purpose of sending to the desk to have printed in the RECORD in connection with my remarks a list of salaries of officers in the employ of the Government which are less than the amount fixed in the statute.

The list is as follows:

*Salaries less than statute limit.*

Page of bill.	Title of office.	Legal salary.	Salary in bill.	Law fixing salary.
21	Executive clerk and disbursing officer, Executive office.	\$2,300	\$2,000	R. S., page 155.
21	Executive clerk.	2,300	2,000	Do.
21	Steward, Executive.	2,000	1,800	R. S., pages 155-156.
Treasury Department:				
26	Chief, division of customs.	2,800	2,750	Volume 18, page 306.
26	Assistant chief, division of customs.	2,400	2,000	Do.
27	Chief, division of appointments.	2,800	2,750	Do.
27	Assistant chief, division of appointments.	2,400	2,000	Do.
27	Chief, division of public moneys.	2,800	2,500	Do.
27	Assistant chief, division of public moneys.	2,400	2,000	Do.
28	Assistant chief, division Revenue-Cutter Service.	2,400	2,000	Do.
28	Chief, division of stationery.	2,800	2,500	Do.
29	Chief, division of mails and files.	2,800	2,500	Do.
21-34	2 disbursing clerks.	2,800	2,500	Do.
35	24 chiefs of division in Auditors' Offices.	2,100	2,000	Volume 18, page 307.
35	Treasurer United States.	6,500	6,000	R. S., 301.
35	Assistant treasurer United States.	3,800	3,000	Sup. R. S., page 75.
35	Cashier, Treasurer's Office.	3,800	3,000	Volume 18, page 307.
35	Assistant cashier, Treasurer's Office.	3,500	3,000	Do.
35	Chief clerk, Treasurer's Office.	2,700	2,500	Do.
35	5 chiefs of division, Treasurer's Office.	2,700	2,500	Volume 18, page 308.
35	1 teller, Treasurer's Office.	2,700	2,500	Do.
35	1 teller, Treasurer's Office.	2,600	2,500	Do.
35	2 assistant tellers, Treasurer's Office.	2,300	2,250	Do.
36	1 teller, Treasurer's Office.	2,600	2,500	Volume 18, page 309.
36	1 bookkeeper, Treasurer's Office, national-bank division.	2,600	2,500	Do.
36	1 assistant bookkeeper, Treasurer's Office, national-bank division.	2,500	2,400	Do.
36	1 assistant teller, Treasurer's Office, national-bank division.	2,200	2,000	Do.
36	Register of Treasury.	4,500	4,000	Sup. R. S., page 75.
36	Assistant Register of Treasury.	2,500	2,250	Do.
37	Deputy Comptroller of Currency.	3,000	2,800	Sup. R. S., page 76.
37	3 chiefs of division, Comptroller of Currency's Office.	2,400	2,300	Do.
37	Superintendent, Comptroller of Currency's Office.	2,400	2,300	Volume 18, page 309.
37	Teller, Comptroller of Currency's Office.	2,400	2,000	Do.
37	Bookkeeper, Comptroller of Currency's Office.	2,400	2,000	Do.
37	Assistant bookkeeper, Comptroller of Currency's Office.	2,200	2,000	Do.
38	Deputy Commissioner of Internal Revenue.	3,500	3,300	R. S., page 322.
38	5 heads of division, Internal Revenue.	2,500	2,250	Volume 18, page 308.

*Salaries less than statute limit—Continued.*

Page of bill.	Title of office.	Legal salary.	Salary in bill.	Law fixing salary.
28	Stenographer, Internal Revenue.	\$2,000	\$1,800	Volume 18, page 308.
30	Chief clerk, Light-House Board.	2,500	2,400	Do.
40	Commissioner of Navigation.	4,000	3,000	Sup. R. S., page 461.
48	Assistant treasurer at Baltimore.	5,000	4,500	R. S., 3596.
49	Assistant treasurer at Chicago.	5,000	4,500	Do.
50	Assistant treasurer at Cincinnati.	5,000	4,500	Do.
50	Assistant treasurer at New Orleans.	4,500	4,000	Do.
53	Assistant treasurer at St. Louis.	5,000	4,500	Do.
53	Assistant treasurer at San Francisco.	6,000	4,500	Do.
59	Governor of Arizona.	3,500	2,000	R. S., 1845.
59	Secretary of Arizona.	2,500	1,800	Do.
60	Governor of New Mexico.	3,500	2,000	Do.
60	Secretary of New Mexico.	2,500	1,800	Do.
61	Governor of Utah.	3,500	2,000	Do.
61	Secretary of Utah.	2,500	1,800	Do.
61	5 commissioners, Utah.	5,000	2,000	Sup. R. S., page 373.
87	Chief clerk, Patent Office.	2,500	2,250	R. S., 440.
89	Chief clerk, Bureau of Education.	2,000	1,800	R. S., 440.
91	Commissioner of Railroads.	5,000	4,500	Sup. R. S., page 194.
91	Bookkeeper under Commissioner of Railroads.	2,400	2,000	Do.
91	Assistant bookkeeper under Commissioner of Railroads.	2,000	1,800	Do.
92	Director Geological Survey.	6,000	5,000	Sup. R. S., page 251.
94	Surveyor-general, Alaska.	3,000	2,000	R. S., 2210.
94	Surveyor-general, California.	3,000	2,000	Do.
94	Surveyor-general, Colorado.	3,000	2,000	Do.
94	Surveyor-general, Florida.	2,000	1,800	R. S., 2208.
95	Surveyor-general, Idaho.	3,000	2,000	R. S., 2210.
95	Surveyor-general, Louisiana.	2,000	1,800	R. S., 2208.
95	Surveyor-general, Minnesota.	2,000	1,800	Do.
95	Surveyor-general, Montana.	3,000	2,000	R. S., 2210.
96	Surveyor-general, Nevada.	3,000	1,800	Do.
96	Surveyor-general, New Mexico.	3,000	2,000	Do.
96	Surveyor-general, Oregon.	2,500	2,000	R. S., 2209.
97	Surveyor-general, Utah.	3,000	2,000	R. S., 2210.
97	Surveyor-general, Washington.	2,500	2,000	R. S., 2209.
97	Surveyor-general, Wyoming.	3,000	2,000	R. S., 2210.
102	Disbursing clerk, Post-Office Department.	2,300	2,100	R. S., 303.
105	Solicitor-General, Department of Justice.	7,500	7,000	R. S., 347.
105	Solicitor Internal Revenue, Department of Justice.	5,000	4,500	R. S., 349.

Total number of salaries in the bill at less than statute limit, 115. Amount necessary to bring them up to statute limit, \$53,350.

Mr. BRECKINRIDGE. I ought to state to the committee in this connection that there is no salary in this bill, except one that I now recall, which is larger than is provided in the current appropriation bill for this year.

Mr. SAYERS. And will not the gentleman from Kentucky go further and state that there is no salary larger than for years past?

Mr. BRECKINRIDGE. I had intended to make that statement. The gentleman from Texas did not permit me to conclude my sentence. I believe there has been but one increase; that is to say, there is no salary larger, as I now remember, than for the current year, and no salary other than it has been for a good many years past; nor has any salary been brought up to the statute that has been heretofore appropriated for at less than the statutory requirement. There is, therefore, in what I say no criticism upon the subcommittee that prepared this bill, nor on the committee which acted upon the report of the subcommittee and accepted it. It is simply presented as a matter of information which it seemed to me it was well for the Committee of the Whole and the House to have possession of.

And I may state, Mr. Chairman, in this connection another curious feature not only in this bill, but generally in the appropriation bills. I suppose that it is not unfair to say that fully 20 per cent of the officers to whom salaries are paid by the appropriation bills have been created not by statute, but only by the appropriation bills themselves. I repeat the statement that it is not unfair to suggest that of the number of persons to whom we pay salaries probably 20 per cent of the positions they fill have been created by the appropriation bills and not by separate statutes. I do not pretend to make any criticism upon this condition, but simply state the fact.

Mr. BLACK. Let me ask the gentleman from Kentucky this question: Do you not think it a bad practice, this sort of legislation, and is it not in flagrant violation of the rules of the House?

Mr. BRECKINRIDGE. The gentleman from Georgia asks me a question which involves an argument. I can answer, however, in a general way by saying that I do not think it a very bad practice; it may be in a special case that it would be a bad practice; but there are many cases where the salary theretofore fixed for an office is wholly incommensurate with the work involved, because

of changed conditions; for instance, when the office was created the work attached to it was small, but by successive gradations the work has been increased so as to make it entirely proper that there should be an increase in the salary. On the other hand, large salaries have been given in cases where the work of an office was large at the time, but by changed conditions the salary paid would be wholly out of proportion to the amount of work done. It is extremely difficult to make separate bills to cover each of these cases as they arise, and I am not prepared to say, therefore, that it is a bad practice for the House, in making up the appropriation bills, to make the salary fit the actual work done and the responsibility involved in the special office to which it applies.

I withdraw the amendment I last offered.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. DOCKERY].

Mr. COFFEEN of Wyoming. I wish to offer an amendment to the amendment.

Mr. BOWERS of California. I have an amendment to offer.

The CHAIRMAN. The Chair will first recognize the gentleman from Wyoming, who desires to offer an amendment to the amendment.

The Clerk read as follows:

On page 22, strike out all of line 8, down to and including line 21.

Mr. DOCKERY. The latter clause, from line 18 to 21, has not yet been read.

The CHAIRMAN. The Chair for the present sustains the point of order against the amendment. This latter paragraph has not yet been read.

Mr. DOCKERY. Let it be read now.

The CHAIRMAN. But there is an amendment pending, and the question will be first taken on that.

The amendment of Mr. DOCKERY was agreed to.

Mr. BOWERS of California. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend on page 22 by striking out, in lines 11, 12, and 13, the words "eight clerks of class 4, ten clerks of class 3, thirteen clerks of class 2, fifteen clerks of class 1."

Mr. BOWERS of California. My amendment contemplates dispensing with the services of 48 clerks. This Civil Service Commission—the fifth wheel of this Government coach—is growing into importance. There are 63 persons now employed and this bill provides an appropriation of \$97,000 for them.

The whole business is a fraud and subterfuge; an imported, un-American humbug. The gentleman from Ohio [Mr. GROSVENOR] during the last session uttered a truth when he said that formerly when a clerk went out of office on a change of Administration he went out carrying his good character with him with colors flying; but to-day, under a civil-service reform that keeps no man in office whom his superior does not want there, he simply goes out characterized as inefficient, or dishonest, or something of that kind. I have here now the proof of it. You have it yourselves.

Mr. TAYLOR of Indiana. Why should the gentleman confine his amendment simply to clerks? Why not apply it to all?

Mr. BOWERS of California. I will finish it all up if you will just give me time. In the post-office at New York the other day 43 employees were discharged, many of them having been there eight, ten, and sixteen years, and as it happened only 41 out of the 43 were Republicans. That was simply a coincidence.

Mr. HULICK. Was not that enough?

Mr. BOWERS of California. It was enough, yes. Down in Fresno a carrier employed for years had charges preferred against him. He was discharged. He telegraphed, as I have evidence here, to the Commission—to the Department—that the charges were false, and asked for an investigation. I have here the statement that the postmaster was sustained, and that the man could not have an investigation.

I have here the statement of a man who served for years in the custom-house at San Diego. When they changed collectors the new collector, rightfully, as I believe, chose his own assistants. He was responsible for that office, and he had a right to say who his assistants should be; but this man supposed there was something in civil-service reform. He did not understand the game, and so I got this long paper. In it he says that his dismissal was in violation of the regulations; as if that made any difference. The collector, under this law, after certifying, as he does here, to the man's efficiency when calling for his resignation, was forced suddenly to find the man inefficient and incapable, and to say to him, "For that reason you must go." Why, in every office in the country the head of that office must have the choosing of his assistants. He must be held responsible, and you have no right to hold him responsible unless you let him select his assistants. There is no manufacturing business, there is no business carried on in the United States that could be successful that would allow some outside commission to choose the clerks, assistants, and confidential men. They must be selected by the responsible parties themselves.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOWERS of California. I move to strike out the last three words.

The CHAIRMAN. That is not in order.

Mr. BOWERS of California. Very well; I will withdraw the amendment and send another one to the Clerk's desk.

Mr. STOCKDALE. I wish to make an inquiry. Does not the order under which we proceed provide that when any special matter is reached which gentlemen desire to discuss there may be an extension of the time?

Mr. VAN VOORHIS of New York. Yes.

The CHAIRMAN. The Chair is not so informed. The gentleman from California withdraws his amendment. The Clerk will read.

The Clerk read as follows:

For necessary traveling expenses, including those of examiners acting under the direction of the Commission, and for expenses of examinations and investigations held elsewhere than at Washington, \$8,000.

Mr. BOWERS of California. Now, I have an amendment which I wish to offer to that paragraph.

Mr. HUNTER. I offer my amendment now.

The CHAIRMAN. The Chair will state to the gentleman from Illinois [Mr. HUNTER] that the amendment of the gentleman from California will be first in order, as it is an amendment to perfect the text. The Clerk will report the amendment proposed by the gentleman from California [Mr. BOWERS].

The Clerk read as follows:

In line 31, on page 22, amend by striking out the words "six thousand dollars."

Mr. HULL. A parliamentary inquiry, Mr. Chairman. If the vote on this is negative, will it then be in order to move to strike out and insert another number?

The CHAIRMAN. It will be in order.

Mr. BOWERS of California. Now, Mr. Chairman, I have offered this amendment simply to bring to the attention of the committee the facts. I have not in five minutes' time to read these statements, but there is not a member here who does not know that this Civil Service Commission or law does not keep one employee in office anywhere if his principal does not want him there. He makes life a burden to him, and can do it, and he gets out. This civil-service annex to the Government has changed the rule only in one particular. Formerly the employee went out because his party went out. Now they go out all the same, but if one kicks or protests against going you simply have to make a charge against him under this law that he is "inefficient" or dishonest or something of that kind. That is all the Commission has accomplished, and it is wrong, entirely wrong. You should hold no man responsible for the administration of an office unless you allow that man to run it. You, in your mercantile business, know that no merchant would ever submit to have outsiders determine whom he should employ. By means of this civil-service-reform business you have deceived thousands and thousands of people. All over the country young men and young women, believing that there was something in the civil-service-reform business, not knowing that it is an absolute humbug from beginning to end, have been cheated by it. No private business could stand the application of this principle. This great, rich Government may endure it. It is a political humbug all the way through; it is useless and growing, and you are going to create another class of "Justice Shallows." The system is growing every day, and appropriations are being made for clerks and more places for them.

Mr. DOCKERY. I will state to the gentleman from California that it has not grown for several years. It is exactly the force we have carried for several years.

Mr. BOWERS of California. It has got to be pretty bad already, and it can not grow into a bigger humbug than it is.

Mr. DOCKERY. I was speaking of the clerical force. That has not increased.

Mr. BOWERS of California. It is something that is carried on at an expense of \$97,000 to this Government, and the people of the United States can dispense with it with profit and honor to themselves. It is simply another part of the plan to make places for employees and furnish appropriations for them. Every one of you gentlemen knows what I am telling you is true. We know that in not a single case has the Commission power to do anything to put a man back if his principal does not want him. As I said before, he will make such a man's life a burden to him. The whole business is useless and a deceit, but it is one of these patented humbugs that has been persistently advertised.

Mr. HULL. Mr. Chairman, the argument made by the gentleman from California is against the law creating civil service rather than against the principle of civil service. I believe that in place of cutting down the amount appropriated we should increase the appropriation for this department. The Civil Service Commission has no power to carry out its findings. The criticism seems to come from this fact. It can only investigate and report. I know personally of cases which have occurred where they have made full investigations and the facts have been reported to the Departments. That the Departments have persisted in violating the purposes of the law should not be charged against the Commission.



Mr. BOWERS of California. I know of cases where they have refused to investigate and do not do it.

Mr. HULL. I believe I have the floor, and can show that failure to investigate was caused by want of funds.

Mr. BOWERS of California. I yield you the floor.

Mr. HULL. These investigations will furnish valuable information for future legislation. The gentleman speaks about his cases where no investigation was had. The trouble has been that the Commission is not furnished with funds sufficient to make an investigation at every place where an investigation should be made. In my town an investigation was had and the Civil Service Commission found that letter carriers had been discharged because they would not contribute to the Democratic campaign fund. If there was no law on the subject I would say that was all right; but there is a law, and the fault does not lie with the Civil Service Commission. It lies with the administration of the different Departments of this Government. The Commissioners sent a man to Des Moines to investigate—a Democratic special agent. He reported the facts—that these men were removed without cause; that they were efficient in the discharge of their duties and dismissed without cause. He reported that he found that they had discharged their duties faithfully and well. The fault with the system is that the Civil Service Commission can only report the facts and leave it to some other officer of the Department to say whether the wrong shall be righted or not.

In the cases reported the Commission performed its full duty in reporting all the facts and demanding the restoration of the men discharged. That this law continues to be violated is not to be charged to the civil service. I should like to see this fund increased from \$6,000 to \$10,000, so that in the next two years we could gain information as to what has been done in the different Departments of this Government—in the Post-Office, in the Interior, in the Treasury, and in all the other Departments of the Government—as to whether they have enforced the law upon the statute books. It is true that the law should be amended so that when the Civil Service Commission finds that there has been a violation of law they can remedy it by going into court and having the men reinstated who have been removed without cause.

The gentleman is mistaken when he states that the character of the man turned out is blackened. That is not the case. Every man in the community has his character established; so that his removal is known to be simply a political removal, unless he is a man of bad character, and then the facts should be known. I believe that finally this law must be amended so as to make it more effective; so that every Administration, no matter of what party, will be compelled to obey the civil-service law or it will be repealed. The law can not stand with one party obeying it and the other ignoring it. Let us give it a fair trial, and amend it so as to make it effective. Let us get the information. Then if it can not be made to work equally with all parties repeal it. This commission has not funds to send men to California for the purpose of making investigations. Increase the appropriation and they will give the people of the United States a valuable amount of information as to the method of administering this law by this Administration. Mere pretenses of loyalty to civil-service reform will not save this Administration, and especially the Cabinet officers, from condemnation of friends of the principles of civil-service reform if continued violations of the law are permitted and the men committing flagrant outrages are upheld. I want the Commission strengthened so that all the facts in every case complained of can be collected and preserved for future use.

Mr. BOWERS of California. Would you apply this principle to your own business? If you were running a factory, would you not want to select your own assistants?

Mr. HULL. The civil-service law does not reach the higher grades of officers, the confidential men charged with the administration of these duties; it simply reaches the clerks. Furthermore, the public business is not the same as a man's private business. It belongs to all the people and not to any individual, and I want to say to the gentleman from California that the method of competitive examination, properly applied, selects a class of clerks who give the Government better service than it ever got under any other system.

[Here the hammer fell.]

Mr. STOCKDALE. Mr. Chairman—

The CHAIRMAN. Debate on the amendment is exhausted.

[Mr. STOCKDALE addressed the committee. See Appendix.]

Mr. DOCKERY. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto be limited to ten minutes.

Mr. STOCKDALE. I object.

Mr. DOCKERY. Say fifteen minutes.

Mr. HUNTER. If the committee will give me the privilege of printing some remarks on this subject I will not occupy any time, and probably the objection will not be insisted upon.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

Mr. RAY. Mr. Chairman, I want to say a word in reply to the remarks of the gentleman from California [Mr. BOWERS] and in defense of the Civil Service Commissioners.

I have never posed as a reformer, nor do I ever intend to do so; but I have watched with considerable interest the working of the Civil Service Commission under the present Commissioners. I have had some cases of complaint from my own district and have brought them before the Commissioners, and have always found these gentlemen active, ever ready to unearth any wrong that is believed to exist or that has been done, and to correct the evil so far as within their power to act.

The defect or trouble in regard to this matter is not with the Commissioners themselves, but is with the law under which they are operating. They find, for instance, that a person has been removed from office for purely political reasons; they so find on an examination and so report, and ask that the removed official, clerk, or whatever he may be, be restored. But they are utterly powerless to carry into effect their own recommendations, and there the matter is compelled to rest.

So far as I am concerned, I would like to see the arm of the Commissioners strengthened. I would like to see the law so amended that they shall have the power, when they find that there has been a violation of the law, and an official has been improperly removed, to restore that clerk or that official to the place from which he has been improperly removed in defiance of the intent and purpose of the law.

That there is fraud in connection with some of the cases of removal I certainly believe; but it does not rest with the Commissioners, and they ought not to be charged with it. It rests in the various Departments; and, therefore, I think the gentleman from California should qualify very materially the charges he has made against the Commissioners, because it goes out to the country that there is rottenness, corruption, or inattention to duty on the part of the Commissioners, when as a matter of fact they are handicapped by the law under which they are operating, and find it impossible to undo wrongs committed or restore officials improperly removed.

In defense of the Commissioners, and that they may not stand in an improper light before the country, I have made this statement. The law provides a way for clerks to get into place. The way is narrow and thorny, and is as easily traveled by an incompetent as by a competent person, so far as real business capacity is concerned. But when the places are filled by those who have passed the necessary ordeal they may be removed at any time by a head of Department for any cause and the law affords no remedy. The law, therefore, operates only as a restraining power upon the heads of Departments. They do not often make removals when it can be clearly demonstrated that the removal is for political reasons alone. But it does permit and encourage the preferment of unfounded and false charges, and as these are not often investigated the discharged employee rests under a false imputation and suffers in his standing at home as well as abroad. The law is defective and ought to be amended and made efficient and effective.

Mr. BOWERS of California. Mr. Chairman, I desire to occupy the floor for a minute or two in justice to myself.

In the remarks I made I have in no respect intended to reflect personally upon the Commissioners themselves.

Mr. LOUD. And you did not.

Mr. BOWERS of California. Nor did I reflect upon them as far as I know. Certainly it was not my intention; and I do not think that anything I have said can fairly be construed as a reflection upon them.

But I have nothing to take back. My objection is against the system as a system, and my complaint is that it is useless. The Commissioners themselves are powerless. The Administration has the power, and the Commissioners can not help themselves. They are absolutely useless; they are the fifth wheel to the coach. So far as I know personally they are estimable gentlemen, and have always tried to do the very best they possibly could; but they can not do anything, situated as they are, they can only recommend persons for appointment—there their functions cease. They ought not to be allowed to do this, because every man who is put in charge of an important Department of the Government ought to be held responsible for its proper management, and he certainly can not be held so responsible if others are to appoint his assistants over whom he can exercise no control, and he is and must, in the nature of things, be the best judge.

Mr. RAY. Allow me to ask if the gentleman does not believe that this Commission operates at least as a restraining power on the different Departments of the Government in making removals?

Mr. BOWERS of California. Not a particle. The evidence is that there is not a particle of restraint anywhere, and the papers of the country have made that plain to all the people. There is not a member here who does not know it. Why, how was it in your own State but a few days ago? Have you forgotten that? The law only requires the heads of Departments to make charges,

and the Commission may investigate them; but if they do, and the charge is found to be unwarranted, they have no power to reinstate the official who has been dropped from the rolls, and even if the party is reinstated his chief or head of division can make it so uncomfortable for him that he can not possibly stay.

Mr. SNODGRASS. Is it not true that when the heads of Departments bring charges against an official they have declined not only to allow a defense from any character of charges, but that the party charged is not permitted to know the nature of the charges? I know that to be true myself.

Mr. BOWERS of California. I have the facts here to substantiate all of these things. Here they are from the people who have been dismissed, signed with their own names, and they have in many instances not been allowed an investigation, their appeals to the Department having been entirely unheard. That is a common thing. Nor do I think the chiefs of Departments of the Government should be bothered with such appeals. There are hundreds of thousands of employees in the different Departments, and if everyone that is discharged may appeal and have a hearing, you would have thousands of cases; it is impracticable, it is useless. No matter how long a member may have served here, how useful he may have become, he is discharged every two years, and must present his claims for reappointment. I believe that every man should have a fair chance, every avenue opened to him. I do not believe in setting apart a class of officeholders. If the Civil Service Commission could carry out its plans it would become a vast irresponsible machine, and the real power behind the throne, a President maker. It is bad as it is, but fortunate that it has no more power.

[Here the hammer fell.]

Mr. HUNTER. Mr. Chairman, the amendment that I now offer is for the purpose of striking out of this bill all the appropriation providing for the execution and carrying out of the civil-service law. However, I would be willing to provide for a board of examiners whose duty it should be to examine and ascertain the necessary qualification of applicants for office; but not one cent to continue this insidious assault upon representative government, the Civil Service Committee of this House having peremptorily declined to report any bill to remedy the many known defects of this law or to even report back any of the bills referred to them in order that such action as the people demand might be considered by this House.

I am free to say that I desire to do now by indirection that which this Congress has failed to do by direct enactment; that is, to make no appropriation of the people's money for the continuance or enforcement of this civil-service law except in the case I have mentioned. Let us starve it out of existence, so that it may dissolve into its original mugwump element.

This law when it was first sprung upon the country was not considered with reference to its effects upon popular government or what effect it would have upon the established rights of the people to control public affairs. They did not presume at the time of the adoption of this law that they were actually setting up a new un-American device in government—a dual power in the administration of a common government. The very law itself and the reasons laid down by its authors at the time it was under discussion and passed show that the sole object of its friends was to relieve and exempt themselves from the importunities and demands of their constituents who desired places in the public service, or, to make it a little more specific, these members of Congress who by a little brief preferment received at the hands of the people, whom they now ostracise, presumed that they were, like Mercurio's soul, above the heads of these people, and should be protected from their rightful demands.

They sought by this law to draw the line on the people that had created them members of Congress. That one claim alone should have condemned the law at its very inception. Such puerile legislation should be beneath the indorsement of any man or Representative. It is a counterpart of the royal prerogative. It was never supposed to be a crime to ask the influence of Representatives or friends in procuring an honorable position until this law was enacted. However, it is a crime now, and almost certain defeat for any applicant to let his political convictions be known, and if a member of Congress should dare to speak a good word for an appointment or the promotion of his friend it would be taken as a circumstance against him under the restrictions of this law. Not that the official heads of the Departments desire to make such a test, yet it is imposed upon them, substantially, by the civil-service rules and the construction placed upon a law by the "holier than thou" Commissioners. The right of all American citizens to aspire to place and ask for office is one of the boasted privileges that belong to our institutions.

I wish to ask if the time has come that an American freeman has to cringe at the feet of his own creation, with bowed head, and supplicate for a freeman's rights? Are we to recognize the doctrine of master and servant, of emperor and subject, of imperialism in the shoddy garb of a mugwump trio? Has our sta-

tion here lifted us above the people? I hold that it is one of the important obligations that all members are under to their constituents to cheerfully give such time and effort as the merits of the claimant deserve. Although a novice in the details of national legislation, I had always supposed that the highest and most important duty imposed upon a representative of the people was to secure the best possible service in the administration to all the people, select the men from his party in the district that he represents who would best serve the interests of all. However, it has been discovered of late that there is a higher and purer class of people who should have the right to select more than one-half of the officers of this Government, a class of men who are not responsible to the people for any of their official acts.

Have we forgotten that a member of Congress is the sworn agent and servant of the people? By what process did he become sovereign and the people subjects? Is a member of Congress to be removed beyond the touch of the people merely because they have intrusted him with their sovereignty for a brief season? Why should they be asked to abdicate their authority and have it conferred upon a commission? This Mugwump stamp of nobility can not stand in line with the principles of true Democracy; it must be repealed. The members of the Senate and House are held responsible by the people more than all other public officers for the character of the public service. Yet they are denied the right under this law to name or participate in the selection of the appointive officers of the Government, which duty is imposed upon them by our theory of government, which has existed for more than a century.

The power is now in the hands of a commission, and, strange to say, we have men upon this floor who call themselves Democrats that are willing to perpetuate this law that strikes down the fundamental principles of true Democracy. I am emboldened here and now in this presence to say that I shall not only vote to starve this hybrid spawn of antidemocracy to death, but, if we shall fail to destroy it to-day, continue the fight before the people until this Hall shall be filled with Democrats that dare to do their duty and effect its repeal. Make it one of the issues of the next campaign.

What higher and more important duty pertains to a Representative in Congress than it is to see that the public service is under the care and control of the most efficient men in the country? They are specially charged with that duty. Who knows better than the accredited representatives of the people the character, the qualifications, and the worthiness of the men who should fill the appointive offices in public places? They are presumed to be and are the people's representatives to do the people's business, and no commission should be allowed to intervene between the people and them.

While it is not my purpose to arraign any of our predecessors in Congress with improper motives, yet I am free to say that no man should be allowed to hold a certificate of membership upon this floor who seeks or desires to avoid these duties for which he is elected, and attempts to force such a law as we now have between him and his constituents in order that he may disport himself in ease and comfort as a pretended superior individual, when he, in fact, by virtue of his office, is called upon to make greater sacrifices and be more prompt in every detail of public duty than he would be under any other circumstances. There are some angelic members that think any effort on their part to secure place for a constituent is compromising to their exalted position. I do not know how this matter of trying to change men in the Government service has affected other members, but in my brief experience it has been a labor of love with me to turn a Republican out and turn a Democrat in.

But, Mr. Chairman, has this law accomplished the purpose for which it was enacted? I appeal to every member in this House for judgment. Has it protected you from the demands of your constituents for place? Certainly not. Every member knows that constant importunities of applicants continue; and why should they not? This is supposed to be a popular Government, based upon the will of the people, where every man may aspire to any office. When the electors decree a change of Administration—a change of policy which necessitates a change of party—they are entitled to that change, from the greatest to the smallest, in all the Departments. Can I not urge, with the utmost propriety, that a change of the appointive officers is just as essential to the change of Administration as the change of the elective officers? If this is not true, popular government is a failure. When we have changed less than one-fourth of the officeholders of this Government can we say truthfully that we have changed the administration in obedience to the will of the people that was expressed through the ballot box.

Some gentlemen have the boldness to claim that when we have changed the President and a few heads of the different Departments the decree of the people has been fully executed and that the masses of the people should be content. Mr. Chairman, that may be done when human nature has become wholly revolutionized and changed; when all of the honors and emoluments of office



have been taken away; when this new Mugwump doctrine that the office must seek the man, and that in some way the desire of men for office must be abridged, that the masses of the people must lift themselves into a higher and purer atmosphere and regale themselves with the pernicious idea that this Republic can be administered on the delusion of nonpartisanship. This lofty and serene ideal has never been attained by any people upon this earth. The masses of the people know nothing of it. It only obtains with the gentlemen that have secured soft places and the political dreamer that never knew what popular government meant.

It is the recognized rule not only of the Federal but of the State governments that all elective officers shall be changed every two or four years, however efficient the men that they elect, recognizing a fixed term of office, but it is strongly insisted by many members, as well as by all the Mugwumps, that the appointive officers should hold their places for life. This doctrine was sought to be engrafted upon our institutions at the inception of this Government by Alexander Hamilton and the British aristocracy in this country that entertained the views of the Royal household of Great Britain.

That question was fought out between the British followers of Alexander Hamilton upon the one side, and by Thomas Jefferson with his Democratic friends upon the other. The principle of popular government triumphed in that day and the friends of a British Monarchy were completely overwhelmed, and from that hour until now the recognized doctrine of free government based upon the independent will of the people has been recognized by a very large majority of our countrymen. In this connection I wish it to be distinctly understood by the present incumbents in office as well as the whole country that I make no criticism upon them. I am glad to say and believe that the morals, the intelligence, and the character of our men and women in the different Departments of the Government are not only equal to the highest grade of our own people, but of a like number of people of any country in the world. But the great question is, Do these employees or agents of the Government take their high and important trusts from the people?

I presume there is no member here who will contend that they do. They are under no obligations to the popular will. They hold their office for life. They can defy all the power of the people. They are independent of all the duties of citizenship. They may or may not be in sympathy with the expressed will of the people. They are caused to be a mere machine under this civil-service law, owing obedience to the beck and nod of a Commission and not the people. They are not subject to the same laws and rules that govern citizens. They hold no place in the body politic. They are forced to be an uncomplaining piece of machinery that is fixed by arbitrary law.

It is not my purpose to make complaint of the employees or the service that they are required to render. It is honorable. It is necessary. But the present method of filling the stations is what I complain of. This law is vicious as well as monstrous. It goes far beyond the responsible limitations of the appointing power. It not only confers upon the President the power to appoint a commission who is responsible to no power save the will of the President, but it gives to the President the power to extend or limit its application to more than 100,000 officeholders. It arbitrarily gives to a commission the power to fix its own rules and regulations, by which American citizens alone can hold office. The elective franchise is unknown in this circle of political power. The representatives of the people are driven from its councils and told that the wishes of the people must not interfere with what the gentleman from Massachusetts calls "a beautiful theory." This Civil Service Commission is now exercising authority, and appointing more civil officers for the Government of this country than the 13,000,000 voters. There is not a Representative in this Congress but knows that this law is a fraud and that there has been jugglery in its execution; that there is no moral or political force to sustain it. It lives upon deception and feeds upon the credulity of a patient people.

I hold that we should have a civil-service law that ascertains simply the necessary qualifications and requires the fitness of all persons elected or appointed, however such a rule as that might depopulate this House. I still further hold that there should be a tenure of office fixed by law for all appointees as well as those that are fixed for elective officers. And when the people vote a change in favor of the Democratic party they should have the offices all filled by Democrats, and when the Republicans accede to power by the voice of the people they should have the offices also changed in their favor. Any other policy, in my judgment, is a denial of the right of the people to govern, and strikes a blow at the very existence of our form of government. I believe that the doctrine laid down by the fathers at the very inception of this Government should be observed as fundamental.

I believe that all appointive and elective officers should be required to go back at the end of a reasonable term of four or six

years and take their places in the ranks of the people and assume the responsibilities of citizenship. What will be the conditions of thousands of men and women who are now booked for a life office in the public service? Their salaries are not sufficient to enable a large share of them to lay by a competency for old age. When they have become so old that they can not longer hold their places, what then? Will there be a retired list like those of the Regular Army? Or shall we adopt the false doctrine of paternalism and support them at public expense? If so, who is to pay the bills?

Mr. Chairman, it is to be regretted that there are gentlemen upon this floor, supplemented by the members of the Civil Service Commission, who are persistent in telling us that there are many places in the various Departments that it is impossible to fill by outside parties, that the present incumbents have become so efficient that their services can not be dispensed with. I do not question the sincerity of these gentlemen, but I am forced to deny their position. If their contention is true that there are no other persons competent to fill their places and perform the duties, we should confess that perfection has been attained, that the world has come to a standstill, and that popular government is self-destructive. We should enact a law at once to abolish these offices as fast as these perfect incumbents die and have the Government go out of business.

Mr. Chairman, this civil-service law is a cankerworm now in the body politic that is eating at the vitals of popular institutions. Its logical and natural effect upon the people of this country if permitted to continue as it is to-day is to establish a monarchy. It is a doctrine that comes to us from the monarchies of the Old World, where the despotic head can name the officers and employees of his dynasty without consulting the will of the people. This new application of the principles of an Austrian monarchy I do not think will take very deep root in American soil. Who are the friends of this foreign scheme of conducting the affairs of our Government? Not the men who are the sworn officers of the Government, who are charged with its enforcement; Mugwump organization, civil-service leagues, Miss Nancy clubs, that are continually finding fault with the established methods of carrying out popular government, men who think that the rights of the common people should be abridged.

Most of the appointive power believe as I do, that this law should be stricken from the statute books. The only excuse that is made for it by its pretended friends is that the business of the Government should be run as an individual corporation runs its own private business. It seems to me that it is perfectly apparent that this Government can not be run as a private corporation, where a common head employs all the labor; regulates its use and term of service. This Government is a popular government, where every man has a right to say how he wants it managed and controlled. He is a coequal partner with every other citizen in the control of public affairs. What would you think of a railroad company calling in all of its employees and submitting to them the question of the management of the road, how many trains to run, rate of speed, weight of rails, and rate of freight, all of which is to be determined by their votes, where the section hand has as much power in determining the question as the owner of the road; or some large manufacturing establishment leaving the general management or its financial policy to a vote of its employees?

Some men seem to think and argue that there is no difference between the conduct and management of a private business and a popular form of government like ours. A private business, as recognized under our laws, is an absolute despotism so far as the right to control its own existence, its property, and its creation. It determines the quality, the price, and the kind of labor it wishes, and disposes of it as it pleases. Our Government is substantially a voluntary organization, a mutual agreement between its citizens that they will enact laws to protect each citizen in his right to life, liberty, and property—a Government of the people and by the people. This Government belongs to all the people, not a part, not a few, not to a royal head, and they have the unquestioned right to change its policy and place its control in the hands of the friends of any change that they think best. To deny such right is to deny to the people the right to control their own affairs in their own way.

Under this civil-service law the will of the people is set at defiance and ignored. When they vote to change the administration of the Government no change takes place except in a few elective offices and heads of Departments. Men are not selected to carry out the will of the people who are in accord with their policy, but the man or woman who stands first on the eligible list, who in three cases out of four are avowed political enemies of the declared wishes of the people. Take for example a postmaster appointed by the present Administration. He takes the oath of office, gives his bond to the Government, to secure the faithful discharge of every duty and obligation for the good of the service. He accepts his commission and steps into the office. There he finds the stamp clerk a Republican, the postal-order clerk a Republican, and

the ten carriers all Republicans, all political enemies of his. Not one of them speaks to him or he to them; no harmony, no common interests, but he is responsible for everything done in the office, and his business is in the hands of his enemies. That is what is called politely civil-service reform.

This same relation and condition exists generally throughout all the Departments in the public service. No such relation should exist, and it never was intended that it should be a rule in the transaction of public affairs. I believe that a term of office should be fixed by law for all appointees in the Government service, and the tenures should be no longer than the term fixed for our elective offices. Have the term expire on the 1st day of July succeeding each Administration. Then, if there were persons whose services were so exceptional that they could not be dispensed with at that time, let the appointing power reappoint them for such time as the necessity of the service required. This law violates every principle of even and equitable apportionment that should obtain in a country like ours.

An apportionment should be made out of the number of appointive officers that each Congressional district is entitled to, and then the members should have the right to name the parties to fill all the places, subject, however, to the necessary examination and qualification for the places to be filled. Apportionments are now made under this pretended civil-service law according to grade without reference to locality. They might all come from one State or community. I am advised that the District of Columbia has 11 per cent of the places now in the different Departments of the Government, when in fact they are not entitled to 1 per cent. I believe that patronage should be distributed according to population and representation, the same as legislative powers are given under the Constitution.

The present law as it now stands, with this manifest inequality, will never be acceptable to the masses of the people, for our Government is founded upon the right of the electors to go to the polls at stated periods and change the public officers for political reasons, and political reasons alone. And they also believe that the same rule and principle should be adopted with reference to all the appointive officers. The President can not to-day under this civil-service law appoint or remove a single officer in the Government for political reasons, while the people change the policy of their Government for political reasons alone. What a commentary is this upon popular government! What interest will the people of the United States take in a Presidential election when the only change is Cleveland for McKinley or McKinley for Cleveland every four years? I feel certain that they will become indifferent as to all questions of a national character.

All persons who are ambitious for preferment or official honor and that distinction which is accorded to people in a free Government will cease to have any interest in the perpetuation of a people's government. When that condition is established then the danger to free institutions is at hand. No republic can live when the people lose interest in its beneficence as well as its popular character. Self-interest will take the place of patriotism. Indifference will take the place of vigilance, and monarchy will take the place of democracy. I hold that this law is a long step toward the denial of the right of the people to govern this Republic through their own chosen representatives. The intent and effect of the law is to remove the control of the Government far away from the people and establish it in the hands of the few.

Can the people of the United States to-day by their votes elect a Democratic or Republican President and expect to have the Administration Democratic or Republican with this law in force? If they obey this law they are compelled to appoint about 140,000 officeholders whose political status, character, and purpose are concealed and unknown to them, men whose independence and manhood must be subordinated in order to be in favor with the appointing power. Such a demand upon free American citizens is an outrage and an insult in a Government like this of ours.

Under a Democratic Administration that is elected by the people, after the qualifications of an applicant have been ascertained by a proper examination, the only question then, that should be asked is, is he a Democrat? The same rule should obtain with the Republican party, if the good Lord should so far forget His duties here upon this earth as to permit the Republican party to succeed to power again. This law changes our whole system of political patronage, and is radically inconsistent with the true principle of Democracy, as well as the long-established rules of popular government and constitutional liberty. It is un-American as well as an insidious assault upon the well-defined teachings of the fathers. I am one who stands ready for its repeal, of all of its provisions, except that portion that provides for the necessary ascertainment of qualification for the respective places. I feel assured that as soon as the people are fully aware of the dangers that lie concealed like a poisonous serpent in every line of this law they will demand its repeal and assert their right to govern in all the Departments of the Government in accordance with the Constitution of their country.

Can this Government hope to live and perpetuate its existence outside and independent of the great principle of popular rights? Can the teaching of a century and the traditions of all time be effaced from the hearts and lives of the people in a day? It would seem that we have learned nothing from the long line of precedents that have come down to us through the ages. Democrats, I appeal to you this day to remember that this Government can not live should we surrender the right of the people to govern through their own chosen representatives. Free government must receive the breath of life as it is breathed through the ballot box. The voice of the people is the inspiration of free institutions, and this Republic can not live with an official class independent of their power. To surrender to a commission the authority to select a majority of the officers of the Government is an innovation upon popular government that is pregnant with alarm. It must be arrested or we will at an early day be compelled to accept a monarchical form of government.

Mr. SNODGRASS. Mr. Chairman—

The CHAIRMAN. The Chair will recognize some gentleman who is in favor of the law.

Mr. SNODGRASS. There is nobody, Mr. Chairman, who is in favor of the law.

Mr. WANGER. Mr. Chairman, I most cordially support the law, not so much for what it is as for what it ought to be. What ever just criticisms may be made against it they are solely on account of its insufficiency, and the true way to correct existing evils is to enlarge the powers of the Commission and to establish such regulations as will require obedience on the part of heads of Departments to the plain intent and meaning of the regulations.

I agree with the gentleman from California [Mr. BOWERS] that men should not be dismissed from office simply because charges are made against them. The amendment which has been recommended by the Civil Service Reform Association, that the accused shall be furnished with copies of the charges, and be given an opportunity for a hearing, and only be dismissed after full hearing, ought certainly to be incorporated into the law, and there are a number of other amendments which ought to be made.

There is no doubt that by and through this law, especially with such amendments as experience from time to time may dictate, we may have a far higher standard of qualification, and we may to a large extent remove the evils which now exist on account of the large number of persons who are drawn to this city in the hope of obtaining employment in the various Departments only to find their expectations disappointed.

We shall discover that there can be no injury to the public service by making fitness the underlying basis of appointment to position and to retention therein, but, on the contrary, its efficiency will be promoted and the public welfare greatly advanced.

Let us, therefore, uphold the Commission to the extent that existing law permits and remove the cause of objection by wise and intelligent improvement of its possibilities for usefulness.

Mr. BOWERS of California. I withdraw my last amendment.

The CHAIRMAN. The gentleman from California withdraws his amendment.

Mr. DOCKERY. I desire to ask unanimous consent that where an amendment is agreed to to any paragraph in the bill which involves a change of the total of the bill that the Clerk be authorized to change the total to correspond with amendment adopted.

The CHAIRMAN. Is there any objection to the request of the gentleman from Missouri, chairman of the committee?

There was no objection.

The CHAIRMAN. The question is now on the amendment of the gentleman from Illinois [Mr. HUNTER] to strike out, on page 22, all from line 8 to line 21, inclusive.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SNODGRASS. Division.

The committee divided; and there were—ayes 20, noes 32.

Mr. SNODGRASS made the point of no quorum, but subsequently withdrew it.

Accordingly the amendment was rejected.

The Clerk read as follows:

For contingent expenses, namely: For care and subsistence of horses and repairs of wagons, carriage, and harness, rent of stable and wagon shed, care of clocks, telegraphic, and electric apparatus, and repairs to the same, and for miscellaneous items not including the foregoing; in all, \$3,000.

Mr. BRECKINRIDGE. I desire to offer an amendment.

The Clerk read as follows:

Amend by inserting after the word "foregoing," in line 23 of page 23, "but including the expenses necessary in the judgment of the President to secure to American citizens under charges of complicity in the late revolt in the Hawaiian Islands, open and impartial trials by legal tribunals, and to prevent the infliction of capital punishment on any American citizen without such trial," and strike out the word "three" and insert "twenty-five."

Mr. DINGLEY. I reserve the point of order. I want to hear what this is.

Mr. DOCKERY. I am constrained to make the point of order against this amendment, but will reserve it if the gentleman desires to be heard.



Mr. BRECKINRIDGE. I do not desire to have it reserved. If it is not in order I do not want to take up the time of the committee. If the Chairman will look at the provision on page 23 he will see what it is. I do not desire to say anything. This is for contingent expenses of the State Department; and it says for miscellaneous items, showing it is not for items named, but various items. Now, to that line I offer the amendment.

Mr. DOCKERY. I call the attention of the Chair and the gentleman from Kentucky to the fact that this is for contingent expenses of the Department at Washington.

Mr. BRECKINRIDGE. Yes, it is contingent expenses; but under the control of the Secretary of State. Now, the proposition is whether it is in order to make the contingent expenses under miscellaneous items, any other than those of the character named therein. I want to be perfectly frank with the Chairman. I have some doubt, because, of the principle of a sociis noscitur—to be known from its allies or associates—and the item should be of the character named therein.

The CHAIRMAN. The Chair thinks it is perhaps obnoxious on that ground, and therefore sustains the point of order.

The Clerk read as follows:

Division of stationery, printing, and blanks: For chief of division, \$2,500; two clerks of class 4; two clerks of class 3; three clerks of class 2; two clerks of class 1; three clerks, at \$900 each; two messengers; three assistant messengers; one foreman of bindery, at \$4 per day; four binders, at \$3.20 per day each; and one sewer and folder, at \$2.50 per day; in all, \$28,500.20.

Mr. DOCKERY. I offer an amendment.

The Clerk read as follows:

On page 28, in line 20, strike out "two clerks" and insert "four clerks;" and in line 22, strike out "three clerks" and insert "two;" in line 23, strike out "three" and insert "two;" and on page 29, in lines 1 and 2, strike out "\$28,520" and insert "\$30,500."

Mr. DOCKERY. In support of that I ask to have printed in the RECORD a letter from the Secretary of the Treasury and accompanying papers.

The CHAIRMAN. The gentleman does not desire to have it read?

Mr. DOCKERY. No.

Mr. DINGLEY. It simply makes it conform to the current law.

Mr. DOCKERY. That is all.

The CHAIRMAN. If there be no objection the amendment will be agreed to, and the letter will be printed in the RECORD.

There was no objection, and it was so ordered.

The communication is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., February 7, 1895.

SIR: Referring to the appropriation in the legislative, executive, and judicial bill, for the year 1896, for the division of stationery, printing, and blanks of this Department, wherein two fourth-class clerks are dropped and one \$900 clerk allowed in their stead, I have the honor to request that your committee will reconsider its action and appropriate for the division as estimated for by this Department, and in support thereof submit the following reasons:

First. This division has no assistant chief, and one of the fourth-class clerks has to discharge the duties of that position.

Second. The duties of this division are so varied as to require it to be separated into three subdivisions with a fourth-class clerk at the head of each, and the nature of the work is such as to require strict integrity and high capacity in them to carry it forward without loss of money or inconvenience to the Government.

Third. It has always been conceded by all my predecessors that an unusual amount of responsibility was attached to this division, and that the clerks were in no sense overpaid for the character of the service required of them.

In addition to the work of issuing stationery, books and blanks, customs stamps, check books, etc., the division has to pay by check bills amounting to about \$30,000 annually, has about 30 books used in its bookkeeping, and has the auditing of all accounts arising from the purchase of stationery, postage stamps, departmental telegraphing, advertising of the Department, etc.; in fact, the designation of the division is somewhat of a misnomer and does not convey a very correct idea of the real character of its work.

Respectfully, yours,

J. G. CARLISLE, Secretary.

Hon. A. M. DOCKERY,  
Committee on Appropriations, House of Representatives.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., February 6, 1895.

BOOKS AND BLANKS SECTION.

First. Edits, proof reads, keeps on hand, and issues all books (including catalogues) and blanks to customs officers, custodians of public buildings, commissioners of immigration, shipping commissioners, assistant treasurers, national-bank depositors, receivers of public moneys, superintendents of life-saving stations, marine-hospital officers, revenue steamers, and inspectors of steam vessels.

Second. The above involves supplying about 1,000 officers with about 3,000 distinct forms, at a cost for printing of about \$75,000 per annum; printing requisitions, about 2,000 per annum; books printed, about 150,000 per annum; blanks printed, about 8,000,000 per annum; requisitions filled, about 3,300 per annum (1 to 200 items each).

The above necessitates (1) careful and intelligent supervision of all printer's copy, including constant reference to law and regulations; determining the quantities of forms necessary, etc.; (2) a record of orders on the Public Printer; (3) a revision of all requisitions; (4) letters of transmittal and receipts; (5) a record of all forms issued; (6) charges to officers of cost of all forms issued; (7) correspondence; the character, quantity, and variety of which an inspection of the Department letter book for at least one year alone can show.

Fourth. The results obtained are uniformity in style and economy in cost; facilitates the examination of out-of-town offices by Department special agents by having the forms and records the same throughout the country,

and makes it convenient in the Department to receive, examine, and file papers because of their uniform style, size, and shape.

Fifth. There are six large storerooms full of books and blanks, in which supplies are received daily from the Public Printer, and from which supplies are forwarded to all parts of the country daily. The above does not include the New York City customs and treasury blank forms, which are forwarded immediately upon their receipt from the printer.

Sixth. The present and only customs maps in existence were prepared under the supervision of this section.

Seventh. The present regulations for the government of customs inspectors, weighers, and gaugers were compiled (in connection with a special agent) by the fourth-class clerk having immediate charge of the books and blanks.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., February 8, 1895.

DEAR SIR: Please allow me to supplement in writing what I said to you to-day in reference to reducing the clerical force in the division of stationery, printing, and blanks.

The opinion was expressed that the number of fourth-class clerks in said division is out of proportion to the whole number of clerks employed, and in excess of other divisions. In reply, I would say in all deference that I think the questions should be: What responsibilities have these clerks? What is the character and quantity of their work? What judgment or discretion are they daily called upon to exercise in incurring expense and issuing Government property? I wish very much your committee might make a personal examination of the division and satisfy itself on these points. The more the committee probed the better I would like it. If after a thorough personal investigation the committee should decide against the division, I would feel a great deal better satisfied than to have a reduction made because of real or supposed difference with other divisions.

The work of the division is unlike that of any other division in the Department. If its work can not be compared with the work of other divisions, why attempt to bring its salaries to a dead level with other divisions?

I do not wish to bolster up the division at the expense of any other division, and would not now make any comparisons had not disparaging comparisons been first made against it. But as a matter of fact this division has no more fourth-class clerks in proportion to the whole number employed than four other divisions of the same office.

As to the intelligent and discriminating revision of requisitions, I might have cited many stronger cases than the one I did. For instance, upon one occasion a collector of customs (Shieldsboro, Miss.) made a semiannual requisition for books and blanks, and of the books ordered 644 (56 different kinds) were withheld, and of the blanks 9,210 (73 different kinds), aggregating a total cost (and saving) of \$1,382.53. The cost of the requisition when filled was \$170.62. As an evidence that the pruning was an intelligent one, I would say that no protest was made against it.

Respectfully, yours,

SAMUEL ROADS, JR.,

Chief Division Stationery, Printing, and Blanks.

Hon. A. M. DOCKERY,  
House of Representatives.

The Clerk read as follows:

Office of Auditor for Treasury Department: For Auditor, \$4,000; Deputy Auditor, \$2,500; one law clerk, \$2,000; four chiefs of division, at \$2,000 each; eighteen clerks of class 4, including confidential clerk to the Auditor; fifteen clerks of class 3; thirteen clerks of class 2; twenty clerks of class 1; twelve clerks, at \$1,000 each; three clerks, at \$900 each; three assistant messengers; and four laborers; in all, \$134,000.

Mr. DOCKERY. I offer the following amendment:

The Clerk read as follows:

On page 31, after line 22, insert the following:

"On and after April 1, 1895, each master of a vessel arriving in the United States from a foreign port shall, immediately upon landing and before entering his vessel at the custom-house, mail to the Auditor for the Treasury Department, Washington, a true copy of the manifest of his vessel, and shall on entering his vessel make affidavit that he has mailed such copy and that the same is true and correct; and he shall also mail to the said Auditor a true copy of the corrected manifest filed on any post entry of his vessel. Any master who neglects or refuses to mail to the Auditor the required copy of the original or corrected manifest shall be subject to the same fines and penalties fixed by law for his failure to deliver the manifest of his vessel to the collector."

Mr. BAKER of New Hampshire. I desire to ask the gentleman if this applies to ports where there is a naval officer?

Mr. DOCKERY. It applies to all ports.

Mr. BAKER of New Hampshire. Then I make the point of order against it. It is not necessary where there is a naval officer.

Mr. DOCKERY. Then, Mr. Chairman, I will amend the section so as to make it apply to ports where there is no naval officer.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Provided, That this shall not apply to ports where there are naval officers.

The amendment as modified was agreed to.

Mr. DOCKERY. I offer the following additional amendment.

The Clerk read as follows:

On page 31, after the amendment last adopted, insert the following:

"For additional clerical force from April 1, 1895, to June 30, 1896, inclusive, for the liquidation of manifests of vessels and cars arriving in the United States from foreign countries with merchandise for consumption, namely, three clerks of class 1, three clerks at the rate of \$1,000 per annum, and three clerks at the rate of \$900 each; in all \$11,625."

The CHAIRMAN. If there be no objection, the amendment will be agreed to.

There was no objection, and the amendment was agreed to.

The Clerk read as follows:

For the purpose of restoring and repairing the worn-out and defaced rolls and vouchers in the Second Auditor's Office, \$21,000.

Mr. DOCKERY. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 22, line 12, strike out "Second Auditor's Office" and insert in lieu thereof the words "office of the Auditor for the War Department."

The amendment was agreed to.

The Clerk read as follows:

Office of Auditor for State and other Departments: For Auditor, \$4,000; Deputy Auditor, \$2,500; one law clerk, \$2,000; three chiefs of division, at \$2,000 each; nine clerks of class 4; eleven clerks of class 3; ten clerks of class 2; six clerks of class 1; five clerks, at \$1,000 each; four clerks, at \$900 each; two copyists; one messenger; and three laborers; in all, \$32,720.

Mr. DOCKERY. Mr. Chairman, I offer the amendments which I send to the desk.

The amendments were read, as follows:

Page 31, line 18, strike out "nine" and insert "ten."  
Same page, line 22, strike out "eighty-two thousand seven hundred" and insert "eighty-four thousand five hundred."

The amendments were agreed to.

The Clerk read as follows:

For increased force in the office of the Commissioner of Internal Revenue, made necessary by the act of August 23, 1894, imposing a tax on incomes:

For one statistician, \$2,500; one head of division, \$2,250; six clerks of class 2; eight clerks of class 1; seven clerks, at \$1,000 each; one messenger; in all, \$30,500.

For one stamp agent, \$1,000, and one counter, \$900; in all, \$2,500, the same to be reimbursed by the stamp manufacturers.

Mr. RAY. Mr. Chairman, I desire to make a motion in relation to the paragraphs just read.

Mr. DOCKERY. These paragraphs relate to the collection of the income tax.

Mr. DINGLEY. There are two or three other places in the bill where appropriations are made for the same general purpose, and I may state at this point that the expense of the officials for collecting the income tax is about half a million dollars.

Mr. DOCKERY. Five hundred and eight thousand three hundred and ninety dollars.

Mr. RAY. That does not include all of the additional expense that will be made necessary by the law.

Mr. DOCKERY. Everything except \$15,000 for printing, which is carried in the sundry civil bill.

Mr. DINGLEY. Mr. Chairman, as there is another provision in this bill relating to the same subject, I ask unanimous consent that these paragraphs relating to the force for collecting the income tax be passed over for the present, with the understanding that when we shall have reached another provision relating to the same subject one motion may be made to strike out both.

Mr. RAY. That will be satisfactory to me.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection, and it was so ordered.

The Clerk read as follows:

Bureau of Navigation: For Commissioner of Navigation, \$3,600; two clerks of class 4; one clerk of class 3; two clerks of class 2; four clerks of class 1; nine clerks, at \$900 each; one assistant messenger; and one laborer; in all, \$25,850.

Mr. DINGLEY. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend by inserting in line 9, page 40, after the word "four," the following: "Additional to one clerk designated as deputy commissioner, \$200."

Mr. DOCKERY. That is all right.

The amendment was agreed to.

The Clerk read as follows:

Office of Superintendent of Immigration: For Superintendent of Immigration, \$4,000; chief clerk, \$2,000; and two clerks of class 1; in all, \$3,400, the same to be paid from the permanent appropriation for expenses of regulating immigration.

Mr. DOCKERY. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 44, strike out all of lines 9 to 14, inclusive, and insert in lieu thereof the following:

"BUREAU OF IMMIGRATION.

"For Superintendent of Immigration, who shall hereafter be designated as Commissioner-General of Immigration, and in addition to his other duties shall have charge, under the Secretary of the Treasury, of the alien contract-labor laws, \$4,000; chief clerk, \$2,000; confidential clerk, \$1,200; statistician and stenographer, with power to act as immigrant inspector, \$1,800; a messenger and one assistant messenger; in all, \$10,500; which, together with other expenses of regulating immigration, shall be paid from the permanent appropriations for expenses of regulating immigration: *Provided*, That hereafter special immigration inspectors, not to exceed three, may be detailed for duty in the Bureau at Washington: *And provided further*, That the same salaries for persons occupying the same positions as those above specified may be paid for the present fiscal year from said appropriation."

Mr. DINGLEY. I understand that this amendment is offered in accordance with the suggestions of the Secretary of the Treasury.

Mr. DOCKERY. It is offered after consultation with the Secretary and the Comptroller of the Treasury.

Mr. DINGLEY. How much does it increase the force?

Mr. DOCKERY. It does not increase it at all. The reorganization, however, proposed as a result of the legislation of the last sundry civil bill did increase the force; but that reorganization

was not approved by the committee. I ask that the letter of the Secretary be printed.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., February 5, 1895.

SIR: Under existing law no person in any of the Executive Departments can be employed unless such employment is authorized and payment therefor specifically provided for by Congress.

Section 7 of an act approved March 3, 1881, provides that the office of Superintendent of Immigration is hereby created and established, whose salary shall be \$4,000 per annum, payable monthly; he shall have a chief clerk at a salary of \$2,000 per annum, and two first-class clerks.

No appropriation, however, was made to carry this act into effect, and under an opinion of the Attorney-General, dated April 15, 1891, the Department was authorized to pay their salaries out of the fund known as the "immigrant fund," derived from the head tax imposed upon aliens entering the United States, act of August 3, 1882. Subsequently, in an opinion dated October 19, 1891, the Attorney-General, in answer to a letter from the Secretary of the Treasury dated October 10, 1891, says that "if, in your judgment, it is necessary so to do in order to properly regulate immigration, or to carry the acts relating thereto into full and effective execution, you are, in my opinion, authorized to appoint or designate a supervising inspector, or a special inspector, to perform such duties in connection with the service as you shall direct, and to serve at such place or places as will, in your judgment, best promote the efficient administration of the immigration inspection service. The appointee may properly be paid from the immigrant fund."

Under the above opinion special inspectors and other employees were appointed, and as the needs of the service demanded their number has been from time to time increased.

In an act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1895, approved July 31, 1894, the following language appears:

"Office of the Superintendent of Immigration: For Superintendent of Immigration, \$4,000; chief clerk, \$2,000; two clerks of first class; in all \$3,400, the same to be paid from the permanent appropriation for expenses regulating immigration."

Here we have a direct appropriation by Congress for the service, and in view of which, in my opinion, the Bureau can not act further under the opinion of the Attorney-General referred to above; and it will now be necessary for Congress, if the present force employed is to be continued, to make direct appropriation therefor, said appropriation to be immediately available.

I attach hereto a list of the officers now employed in the service at Washington, who, in my opinion, are necessary to properly conduct the duties imposed under the immigration acts of March 3, 1891, and March 3, 1893, together with a rough draft of a bill which, if incorporated into law, will enable me to carry on the Bureau as it is now organized.

Should this appropriation, however, not be made immediately available, the officers now employed must be discharged and the efficiency of the Bureau greatly impaired.

Respectfully, yours,

J. G. CARLISLE, Secretary.

The above letter expresses my opinion of the proper construction to be placed upon the laws therein discussed.

HON. ALEXANDER M. DOCKERY,  
House of Representatives.

R. B. BOWLER, Comptroller.

The amendment was agreed to.

The Clerk read as follows:

For salaries and expenses of 303 additional deputy collectors, including stationery, said deputies to be employed in the same manner as now provided by law, and are necessary in order to carry into effect the act of August 23, 1894, imposing a tax on incomes, \$408,800.

For salaries and expenses of agents and surveyors, fees and expenses of gaugers, salaries of storekeepers, and for miscellaneous expenses, \$1,900,000.

For salaries and expenses of 10 additional revenue agents to be employed and paid in the same manner as now provided by law, the same being necessary to carry into effect and enforce the act of August 23, 1894, imposing a tax on incomes, \$30,000.

Mr. RAY. Mr. Chairman, I move to strike out the paragraph commencing on page 38, line 20, down to and including line 7 on page 39. Then, on page 47, the paragraph commencing with line 19 down to and including line 25 on that page; and, on page 48, commencing with line 4, down to and including line 9.

Mr. DINGLEY. The gentleman's motion, I understand, includes all the provisions in relation to the force that is required to collect the income tax.

Mr. RAY. Mr. Chairman, I notice by these paragraphs of the bill, which I have proposed to strike out, that there is an additional expense involved, if my calculation is accurate, of \$477,690.

Mr. DINGLEY. The total amount is a little over one-half million of dollars.

Mr. DOCKERY. Five hundred and eight thousand three hundred and ninety dollars is the exact amount.

Mr. RAY. Then a portion of that is carried in another bill?

Mr. DOCKERY. Yes. This bill carries a total appropriation of \$493,390, and there is a provision for printing in the sundry civil bill amounting to \$15,000 more, making the total amount, as stated by the gentleman from Maine, \$508,390.

Mr. RAY. That is the additional annual expense to the Government for the collection of the income tax?

Mr. DOCKERY. That is correct.

Mr. RAY. Now, does that estimate give all of the expense that will be involved in connection with this matter?

Mr. DOCKERY. The committee so understands.

Mr. DINGLEY. All that is estimated at the present time. But there is no doubt there will be a deficiency presented to the next Congress. It will cost considerably more than that.

Mr. RAY. Is there anything added for the additional expense in the various districts throughout the United States where these deputy collectors will operate?

Mr. DOCKERY. I understand that the amount of the appro-



priation, \$508,390, includes every dollar that the Department at the time regards as necessary to collect the income tax.

Mr. RAY. Including the deputies, additional traveling, printing, and incidental expenses of all kinds?

Mr. DOCKERY. That is the Department estimate at this time. I do not know, of course, whether it is correct or not.

Mr. RAY. I would like to ask further if any estimate is made of the probable income that will be derived by the Government from the operation of this tax?

Mr. DOCKERY. I think the statement was made—I do not remember whether officially or not, or whether before the committee or in the newspapers, but I remember to have seen it or heard it—that the estimated revenue to the Government would be probably thirty or forty million dollars.

Mr. DINGLEY. I think no statement was made before the committee.

Mr. DOCKERY. I was not certain whether it appeared in evidence before the committee or not.

Mr. DINGLEY. I remember asking the Commissioner myself his estimate of the probable revenue to be derived from the tax, and his reply was that the statistics did not warrant an estimate at that time.

Mr. DOCKERY. I have no doubt the gentleman from Maine is correct.

Mr. RAY. Of course I have not had time to figure it out for myself; but I wish to ask the gentleman in charge of this bill the number of new employees created by the bill.

Mr. DOCKERY. Fifteen clerks in the office of the Auditor for the Treasury Department and 303 deputy collectors and 10 revenue agents—special agents—as well as a statistical board in the office of the Commissioner of Internal Revenue. I do not recollect the exact number of clerks there—33, I think.

Mr. DINGLEY. Three hundred and fifty-two officials are estimated for to collect this tax.

Mr. RAY. How many are located here?

Mr. DOCKERY. I printed the statement in the RECORD on yesterday, but I have no doubt the gentleman from Maine is correct.

Mr. DINGLEY. Thirty-nine are provided for in the office in the city of Washington and 313 elsewhere throughout the country, 303 being deputy collectors and 10 special revenue agents, making a whole force of 352 persons engaged in the collection of this tax and provided for in the appropriation bill at an expense, including the printing, of \$508,000, in round numbers.

Mr. RAY. And there is no provision of law directing from where the additional force are to be appointed?

Mr. DINGLEY. None whatever.

Mr. RAY. That is within the discretion of the officials. They can be appointed wherever they think necessary?

Mr. DINGLEY. Yes.

Mr. RAY. I do not care, Mr. Chairman, to press my motion to strike out. I made it more for the purpose of obtaining this information and having it appear of record in this connection than for any other purpose, and I therefore withdraw the motion.

Mr. DOCKERY. I am obliged to the gentleman.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

#### UNITED STATES MINTS AND ASSAY OFFICES.

Mint at Carson, Nev.: For superintendent, \$3,000; for assayer, and melter and refiner, at \$2,500 each; cashier, \$2,000; chief clerk and bookkeeper, at \$1,800 each; assistant assayer, assistant melter and refiner, and weigh clerk, at \$1,500 each; in all, \$18,100.

Mr. HULL. I desire some information in regard to this paragraph. This mint at Carson City is, as I understand it, simply an assay office of no greater dignity than the one at Boise City, Idaho, and I do not see any necessity for so large a force.

Mr. DOCKERY. It is the force recommended by the Director of the Mint and is the force required for the purpose of assaying, as the committee was informed.

Mr. HULL. They do nothing but assay there, I believe.

Mr. DOCKERY. That is all.

Mr. HULL. And yet you have a force here two or three times as great as that at Boise City, and larger than the force at Denver.

Mr. DOCKERY. We followed the exact estimates of the Director of the Mint; and this force has been greatly reduced during the current year.

Mr. HULL. It seems to me that for an assay office this appropriation is excessive.

I have no information personally—

Mr. DOCKERY. The committee, of course, have no technical knowledge upon the question. We have followed the recommendations of the Director of the Mint. If the gentleman proposes to offer an amendment—

Mr. HULL. I do not propose to offer an amendment. I simply call attention to the force here. It seems to me to be larger than any possible requirement of the office can warrant, and to my mind is a marked instance of extravagant appropriation.

Mr. DOCKERY. Then, if it is, the responsibility is on the shoulders of the Director of the Mint, not on the committee. We have simply followed the estimates.

The CHAIRMAN. The Chair will call the attention of the gentleman from Missouri to line 11, page 50, under the head, "Office of assistant treasurer at — Orleans." It should read "New Orleans;" and if there be no objection that word will be inserted.

There was no objection, and it was so ordered.

The Clerk resumed the reading of the bill and read to the bottom of line 2, page 56.

Mr. DOCKERY. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RICHARDSON of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8767) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes, and had come to no resolution thereon.

#### RETURNS OF INCOMES FOR THE YEAR 1894.

Mr. WILSON of West Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Joint resolution extending from March 1, 1895, to the 15th day of April, 1895, the time for making returns of income for the year 1894.

Resolved, etc., That the time fixed by existing law for the rendering of income returns, to wit: "On or before the first Monday of March in every year" (section 35, act of August 28, 1894, and section 3173, Revised Statutes, as amended by section 34 of that act), is hereby extended, with reference only to returns of income for the year 1894, so that it shall be lawful to make such returns for that year on or before the 15th day of April, 1895.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia for the present consideration of this resolution?

Mr. REED. I should like to understand what this is. It has never been brought before the Committee on Ways and Means, has it?

Mr. WILSON of West Virginia. This was passed unanimously by the Committee on Ways and Means this morning.

Mr. REED. It was when we were not there.

Mr. WILSON of West Virginia. All the Republican members were present except the gentleman from Maine.

Mr. PAYNE. I was not there.

Mr. REED. My colleague, the gentleman from New York [Mr. PAYNE], does not know anything about it. Will the gentleman be kind enough to explain it?

Mr. WILSON of West Virginia. It is simply a resolution, passed at the request of the Department, to extend the time from the 1st of March to the 15th of April, during which time returns under the income-tax law may be made.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia for the present consideration of this joint resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. WILSON of West Virginia, a motion to reconsider the last vote was laid on the table.

#### ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and a joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 828) granting a pension to Julia E. Lock, formerly widow of the late Gen. Daniel McCook;

A bill (S. 1526) for the relief of Henry Halteman;

A bill (S. 879) granting a pension to Josephine P. Kelton, widow of Brig. Gen. John C. Kelton, late Adjutant-General United States Army, deceased;

A bill (S. 2433) to amend and extend the provisions of an act entitled "An act to provide for the opening of certain abandoned military reservations, and for other purposes," approved August 23, 1894;

A bill (S. 2736) for the immediate relief of the suffering poor of the District of Columbia; and

Joint resolution (H. Res. 269) authorizing the Secretary of War to make a survey of Kalamazoo River from Lake Michigan to Saugatuck.

#### REPORT OF A COMMITTEE.

The following report of a committee was handed in at the Clerk's desk and referred to its appropriate Calendar, as indicated below:

#### EAST WASHINGTON BELT LINE RAILWAY COMPANY.

Mr. COOPER of Indiana, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. 8057)

to incorporate the East Washington Belt Line Railway Company; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

**PUBLIC HEALTH, ETC., DISTRICT OF COLUMBIA.**

Mr. COOPER of Indiana. Mr. Speaker, I ask unanimous consent to print in the RECORD a short petition relating to the health and public improvement of the District of Columbia.

The SPEAKER. The gentleman from Indiana [Mr. COOPER] asks unanimous consent to print the petition relating to the health of the District. Is there objection?

There was no objection.

The petition is as follows:

WASHINGTON, D. C., February 7, 1895.

*To the Senate and House of Representatives:*

The undersigned were appointed a committee by a mass meeting of citizens held at the Shoreham on Saturday, February 2, and were directed to urge upon Congress the necessity of some early provision for the extension of the sewerage system and the improvement of the water supply in the District of Columbia.

The subjects referred to have been long under consideration by Congress and careful investigation has been made regarding them, not only by the municipal officers of this city, but by the committees on the District of Columbia in both the House and Senate, who have made elaborate reports to both Houses urging prompt and favorable action, realizing the imperative needs of the proper facilities for sewerage as well as absolute purification of the supply of water for this District.

The seriousness of the situation, so far as sewers are concerned, was recognized by President Harrison, and a board of sanitary engineers of the highest prominence and character was appointed by authority of Congress, to whom they reported in 1890. From that date to this the substance of the report has been constantly brought to the attention of the proper authorities, but without resulting in any action.

The necessity for action regarding the improvement of the water supply has been stated by the Chief of Engineers, and has also been demonstrated by the lack of water during the past few weeks.

That there has not been a greater mortality in the District of Columbia, in view of the contamination of the water, as well as defective sewerage, seems remarkable.

The national capital, where so many citizens from all parts of the country live during part of the year at least, is one of the most exposed so far as typhoid fever and other kindred diseases are concerned.

Pure water alone should be furnished and there should be an abundant supply, the use of which should be encouraged rather than restricted.

No private corporation or individual would be allowed to furnish a city with an insufficient supply of water, or where there was the least suspicion of danger that it was in any way polluted or tainted so as to endanger human health or life by the propagation or extension of disease.

No matter how great the supply of water may be, it can not be used to advantage or with safety without adequate sewerage.

Congress absolutely controls the revenues of this city. When it is not in session no officer can entertain an appeal involving the appropriation of funds. The taxpayers are compelled to meet charges for maintaining the municipal government and yet are absolutely powerless as to the expenditure of their contributions for this purpose. The only source of relief, therefore, is found in Congress.

This city has had a phenomenal growth within the last quarter of a century, and although wonderful improvements have been made, still they have not been rapid enough in the directions indicated to meet the demands of health and comfort. Thousands of new residents have located here from all quarters of the country, and are now looking for protection to the intelligent and liberal action of Congress, for they can look nowhere else.

There can be no question that any proper expenditure of money for furnishing every modern appliance for comfort and health would meet with the unqualified and vigorous support of a very large majority of our taxpayers.

So far as possible the urgency of speedy action has been set forth by the Medical Society of the District of Columbia, whose president has been most active and efficient in expressing the views of this body for many months past to both the Senate and House of Representatives, and also by the Board of Trade, an organization composed of more than 500 leading and representative citizens of the District of Columbia, and among them a large number of the heaviest taxpayers.

This committee, therefore, is not communicating any new information regarding the needs of the District or the dangers which attend the postponement of prompt action for relief. We do, however, feel that steps should be taken at once to remedy the dangerous condition and to remove causes which are liable at any time to result in a largely increased death rate and bring terrible disaster upon the national capital.

Very respectfully, your obedient servants,

JOHN M. HARLAN.  
W. J. BOARDMAN.  
J. M. SCHOFIELD.  
JAMES G. BERRET.  
CROSBY S. NOYES.  
FRAN'S COLTON.  
JOHN S. BILLINGS.

**ENROLLED BILL SIGNED.**

Mr. PEARSON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (H. R. 5603) to amend an act entitled "An act to amend the laws relative to shipping commissioners," approved August 19, 1890, and for other purposes; when the Speaker signed the same.

**LEAVE OF ABSENCE.**

By unanimous consent, leave of absence was granted to Mr. TUCKER, for to-day, on account of sickness.

**HOURLY OF MEETING ON MONDAY NEXT.**

Mr. DOCKERY. I ask unanimous consent that the House meet at half past 11 on Monday.

The SPEAKER. The gentleman from Missouri [Mr. DOCKERY] asks unanimous consent that the House meet at 11.30 o'clock on Monday. Is there objection?

There was no objection.

**SOUTHERN UTE INDIANS.**

Mr. LYNCH. Mr. Speaker, I desire to present a conference report.

The SPEAKER. The gentleman from Wisconsin submits a conference report, which the Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6792) to disapprove the treaty heretofore made with the Southern Ute Indians to be removed to the Territory of Utah, and providing for settling them down in severalty where they may so elect and are qualified, and to settle all those not electing to take lands in severalty on the west 40 miles of present reservation and in portions of New Mexico, and for other purposes, and to carry out the provisions of the treaty with said Indians June 15, 1890, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with an amendment as follows:

Add as a new section:

"SEC. 6. That the foregoing provisions of this act shall take effect only upon the acceptance thereof and consent thereto by a majority of all the male adult Indians now located or residing upon the reservation, which acceptance shall be at once obtained under such regulations as the Secretary of the Interior may prescribe."

And the Senate agree to the same.

W. S. HOLMAN,  
THOS. LYNCH,  
CHARLES CURTIS,  
*Managers on the part of the House.*  
JAMES K. JONES,  
W. N. ROACH,  
R. F. PETTIGREW,  
*Managers on the part of the Senate.*

The SPEAKER. Let the statement of the House conferees be read.

The statement of the House conferees was read, as follows:

**STATEMENT.**

Amendment numbered 1, page 1, lines 7 and 8: The words "disapproved and" stricken out as surplusage.

Amendment numbered 2, page 2, section 2, line 1: The words "ninety days" stricken out and "six months" inserted.

Amendment numbered 3, page 2, section 2, line 9: Strike out all after the word "entitled," down to and including the word "purposes," in line 12, and insert: "An act to accept and ratify the agreement submitted by the confederated band of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes, and to make the necessary appropriations for carrying out the same."

This amendment simply perfects the title of the bill.

Amendment numbered 4: On page 2, section 2, line 14, after the word "Indians," insert: "Provided, That Indians taking allotments as herein provided shall retain their interest in all tribal property."

Amendment numbered 5: Page 3, section 4, line 1, strike out "ninety days" and insert "six months."

Amendment numbered 6: Page 3, section 4, line 11, after the word "no," insert "homestead," and add a new section, to be numbered section 6, as follows:

"SEC. 6. That the foregoing provisions of this act shall take effect only upon the acceptance thereof, and consent thereto, by a majority of all the male adult Indians now located or residing on the reservation, which acceptance shall be at once obtained, under such regulations as the Secretary of the Interior may prescribe."

The effect of this amendment is to stay all proceedings under this act until approved by the tribe.

W. S. HOLMAN,  
THOS. LYNCH,  
CHARLES CURTIS,  
*Managers on the part of the House.*

The conference report was agreed to.

**THE LATE HON. MYRON B. WRIGHT.**

The SPEAKER. The Clerk will report the special order.

The Clerk read as follows:

*Resolved*, That the second Saturday in February, 1895, beginning at 2 o'clock in the afternoon, be set apart for eulogies on the life and services of Hon. Myron B. Wright, late a Representative from the Fifteenth district of Pennsylvania.

Mr. SCRANTON. Mr. Speaker, I ask present consideration of the resolutions I send to the Clerk's desk.

The Clerk read as follows:

*Resolved*, That the House has heard with profound sorrow of the death of the Hon. Myron B. Wright, late a Representative from the State of Pennsylvania.

*Resolved*, That as a mark of respect to the memory of the deceased the business be now suspended, that his associates may be able to pay proper tribute to his high character and distinguished services.

*Resolved*, That as an additional mark of respect the House shall, at the close of these ceremonies, stand adjourned.

*Resolved*, That the Clerk communicate these resolutions to the Senate.

The resolutions were unanimously agreed to.

Mr. SCRANTON. Mr. Speaker, in the busy hours of a closing Congress again we pause to turn the leaves of memory and pay fraternal tribute to one who was present in his seat at the adjournment of our last session, but who before we reconvened had left us forevermore. He was in the prime of manhood, with every expectation of life, was filling a useful and honorable career, and his future was bright and promising. The sudden death of such an one is a rude shock to strong men and appalling to surviving friends, even though death itself can have no terrors if it is but an awakening of the mortal into immortality.

The Fifteenth district of Pennsylvania—Bradford, Wyoming, Susquehanna, and Wayne counties—was not prepared for the death of its Congressman on the 13th of November last, and greatly



mourns his loss. Although ailing with throat trouble for a year past, so serious termination of his illness was not expected. While seeking restoration of health in Canada, he was elected for the fourth time last November by a largely increased majority despite absence from his district during the campaign.

Myron B. Wright was notably successful in all his undertakings. Nominally the cashier of the First National Bank of Susquehanna, to which position he successively rose from a clerkship, he was, in fact, the bank itself. He was largely interested in the manufacture of wood alcohol and acids, from which enterprise he amassed a large fortune. His political career was marked by the same successful characteristics as his business life. When first nominated for Congress, in 1888, he had never held office, except as school director, and was not even well known throughout his own county, although born, reared, and always a resident of it, while to the other three counties he was almost a stranger. But the Fifteenth district learned to appreciate his qualities of leadership, and in knowing him realized his usefulness and loved and swore by him. At the outset of his Congressional aspirations it was supposed he merely wanted perhaps the honor of a single term, or the regulation two terms at most. But under his influence and direction the hitherto discordant elements in the district became harmonious and he was honored as no Congressman from the Wilmet district since the days of Grow, before the war.

In his first—the Fifty-first—Congress he immediately took rank as a valued adviser in tariff legislation, and in consequence there arose between Wright and McKinley an intimacy which ripened into the closest friendship. It is characteristic of his generous nature that subsequently, when Governor McKinley suffered financial ruin through others, Myron B. Wright was one of a few moneyed friends who came to the great protectionist's relief by paying all his obligations, saving Mrs. McKinley's own estate and the Governor's personal credit. Mr. Wright was a close friend of Senator QUAY, whose attention he first attracted by the thorough work he did for Blaine in 1884 throughout the southern tier of New York and his liberal personal expenditures for the purpose. No one in the Pennsylvania Congressional delegation was personally more popular than he, while his friendships were equally strong with colleagues in other sections.

Myron B. Wright was in the zenith of manhood, 47 years of age, and while he has left a record and pleasant memories unattainable by many men of equal advantages whose years might double his, the thought is uppermost at this time, what a loss is a man of such promise! To him the accumulation of money was valued only as a means of doing good; he was generosity and honor personified, and many a recipient of his open-heartedness will cherish his memory in sorrow. Although without advantages of a liberal education and with no pretense to public speaking, during his career in Congress as a thinker, a student, and a writer he developed an aptitude for his surroundings and produced several excellent speeches and open letters expressing opinions upon public affairs which attracted much favorable attention and commendation, notably his reply to the sugar planters' appeal from Louisiana.

Mr. Wright owned his residence in Washington, and spent much of his time here during recesses of Congress, attending to the interests of his constituents. His predecessors, Jadwin and Bunell, were slaves to their district, especially in pension matters, but Wright eclipsed even their record in this respect—not an easy task. His summers of late years were largely spent on the St. Lawrence, among the beautiful Thousand Islands, where he entertained in princely manner in his own cottage, his private steam launch, etc. He had scarcely been a resident of his district for six years, and yet with each year he had grown steadily in the esteem and affection of his constituents. The Fifteenth district will miss him, his colleagues in Congress will miss him, and his large circle of valued acquaintances and many friends everywhere will miss him and mourn his untimely demise.

Who is this grim visitant that comes to our dwelling place? His mien is sinister, his countenance forbidding, his eyes are sad and somber. At his approach our flowers lose their fragrance, the air its freshness, our very skies their brilliancy. He comes and our happy laughter is changed into inconsolable tears; he comes and our joyous apparel is cast aside—we clothe us in the garb of grief. He wears the mantle of destruction; his glance is that of the conqueror; his lips are silent. And yet to some he appears with the glad look of an expectant lover; to some he appears as the harbinger of rest, as the angel of charity; he brings a gift—the peace of God which passeth all understanding. It is Death. It is Death, uncontrollable, insatiable, and inexorable, who has taken from among us a mark that has shone earnest and steadfast as a beacon light of example to those who love the precepts of manliness and virtue, and as a pillar of ominous cloud to those who love them not.

It is sad for us to know that never again we shall behold that genial face, that look of friendly welcome; that never again we shall feel the warm clasp of his hand, whose firm and kindly pressure betokened the singleness and sincerity of his character. And

it is sad for him to pass from a world where its noblest and its fairest delighted to honor him—from a world that gazed from the laurels that marked his brow but yesterday to those even fairer ones which surely awaited his future. Yet can we grieve that he roams—as must so good a man—the halls of everlasting light; that he gazes with the eyes of divine content not upon the dingy beauties of human life, but upon those mansions whose walls in close unutterable happiness and eternal rest! Ours is the loss. Peace, brother, farewell!

Mr. CAUSEY. Mr. Speaker, after a brief illness Myron B. Wright, a Representative from the Fifteenth Congressional district of the State of Pennsylvania, died at Trenton, Canada, whither he had gone in search of health, on November 13, 1894. In the prime of life, just when his sterling qualities were making him conspicuous among his fellow-men, "God's finger touched him, and he slept."

I feel, Mr. Speaker, that in my humble way I must weave some little garland to the memory of my departed friend, even though it be intertwined with those heart throbs and sighs which find their readiest expression chiefly in tears.

My first acquaintance with Mr. Wright began when I entered Congress, and during my first term there sprang up a warm and sincere friendship between us that continued until he was called to another world. It is almost impossible to describe how the friendships in Congress are formed. They are like those of school and college life, it seems to me. Almost imperceptibly that between our deceased brother and myself grew. He was a warm-hearted, sincere, genuine man. He received no especial educational advantages in early life but by sheer industry, honesty, and perseverance, rose step by step from an humble position to one of affluence and prominence. He had a just pride in his early achievements, but was as modest as a woman, and only after long intimacy could he be induced to speak of his success in life.

One of his well-marked characteristics was his generosity and kindness. He delighted in making all around him happy, and never seemed to enjoy himself more than when he was entertaining his friends. His acts of charity were many and always done so unostentatiously that he really made the recipients feel that they were doing him a kindness in accepting them.

At his funeral I saw the carpenter and the blacksmith, as well as the banker and the merchant, as they looked on the bier, shed bitter tears for him who had been the great strength of the town. More than once the expression was heard, while the whole town was in mourning, "Myron B. Wright was the friend of all that was good."

In the death of Mr. Wright his family lost a devoted husband and loving father, whose presence made home supremely happy; the churches a faithful supporter; his neighbors a kind and courteous friend, whose warm heart and cordial hand always gave them sincere welcome; his district and State an able and industrious Representative, who was true to every trust.

He has gone from the cares and trials of this life to the crowning glories of eternity, but his memory will live in the hearts of his friends and of the people he represented so faithfully and so well.

Mr. CHARLES W. STONE. Mr. Speaker, three hundred and fifty-six men were elected to the membership of this House. During the two years of its existence eleven of these have died, and of these eleven more than one-third were from the State of Pennsylvania. Four times has the grim messenger come to our delegation with his sad summons. Four times has this House paused in its proceedings and laid aside its ordinary business to pay becoming tributes of respect to the memory of Pennsylvania's dead. The sturdy and strong Mutchler, the genial and generous Lilly, the amiable and attentive O'Neill, the modest and manly Wright, all men of high character, of distinguished services, of earnest purpose, and of winning qualities, have gone on before, and the places that knew them here shall know them no more forever. Pennsylvania is stricken and mourns, but the country shares in her loss, and the Congress of all the States joins in her expressions of sorrow and her tributes of respect. These men were Representatives of single districts and from but one State, but they were lawmakers for the whole of a great nation. No district nor State lines bounded their patriotism nor limited their loyalty, and their examples and their memories are part of the treasure of a common country.

Death is seldom welcome. We shrink from its cold touch. Its summons seems never kind, its presence never timely. We recognize the messenger of infinite power and infinite love, and we bow to its decrees, but to us they are still inscrutable. Why the nation must lose an experienced and faithful legislator, his constituents a trusted and efficient Representative, his family a loved father and husband, still in the flower of vigorous manhood, no one can understand. A mission is apparently unfinished, a work

but partly done, a life quenched at the time of its greatest usefulness. Why is it? Only the voice of Omniscience can answer.

Myron Wright was my colleague and friend for four years, and yet I came to know him thoroughly and fully only during the later weeks and months of his service here. A common and special interest in certain features of the revenue legislation of last session brought us much together and gave me exceptional opportunities to learn the depth and the breadth of his mind and heart. He was quiet and unpretentious, seldom mingling in debate, never obtruding himself upon the public gaze, but he had a broad grasp of public questions and an intelligent comprehension of pending measures, and was always earnest and positive in his opinions and convictions and frank and outspoken in their expression.

He loved his country, was patriotic in all his impulses; but the interests of his constituents were his first care, and for them he labored with an earnestness and zeal that knew no weariness or flagging. He enjoyed, as he deserved to enjoy, their fullest confidence. From the historic district of Wilmot and Grow he was sent for three successive terms, and when he died he had been re-nominated without opposition and reelected by a greatly increased majority for a fourth term.

He was conscientious in the performance of duty, true to his word, true to his friends, true to himself. He was frank by nature, sincere and earnest in word and act. As a citizen he was enterprising and public-spirited, living close to the people among whom he was born and always had his home, mingling with them in their everyday life, sympathizing with their feelings and sharing in their aspirations. As a business man he was straightforward in his methods, honorable and upright in his dealings, energetic and successful in his enterprises. In his family he was affectionate, kind, and true, the light of their life, the guide of their action.

Mr. Speaker, I shall attempt no statement of the events of Mr. Wright's life, no detailed analysis of his character or achievements. That is the privilege of those who had known him longer if not better than I did, but I could not refrain on this occasion from adding my tribute of affectionate admiration of his many manly qualities, of appreciative respect for his character, his life and his work, of sincere sympathy for his widowed wife doubly bereaved in the loss of husband and son, for the orphaned boy who loses by the same cruel blow a father's guidance and a brother's companionship.

This House loses a valued member, the nation a faithful servant, his constituents a watchful, zealous, and true Representative, you and I a loved friend, but we can hardly appreciate the darkness and sorrow and desolation which came into the life of wife and son, of brother, father, and friends, when the light of that life went out in that foreign land. We can not lighten their burden, we can not lessen their sorrow, we can but tender in proper terms the condolence of associates who loved him and who sympathize with them.

Mr. Speaker, if I would sum up in a single sentence my estimate of the life and work of Myron B. Wright and grave upon his monument a fitting epitaph, I could not do better than quote the words of another:

He has done the work of a true man.

Mr. SMITH of Arizona. Mr. Speaker, death comes to all despite every tear that love may shed and every prayer that breaking hearts may force toward heaven. The world has grown old enough to view with some philosophy the death of the young and the old, but no human wisdom or faith, no hope or love, has ever yet fully reconciled us to the death of a friend in the very noon-tide of a successful and hopeful life; and we, his friends, stand to-day at the bier of Myron B. Wright overwhelmed by the sense of our loss. While the records of the proceedings of this body show much that he has done for his district, which he loved so well, and for his country, which he loved more, tempts me to enter into a full history of his service here, I feel constrained to speak of him as a man and a friend, leaving a review of his public service to abler hands than mine.

In my eight years' service in this distinguished body I have known with more or less intimacy almost every man serving in this House, and among them I have never found a truer or a kinder soul than that which animated our departed friend. With a heart as wide as man's universe, a faith as broad as the promises of God, he felt constrained in his benefactions by no creed, but gave freely to every deserving cause and rejoiced in every good work and kindly deed of man. I have never known a man of broader charity than he. There was nothing narrow or proscriptive in his nature. In all my intercourse with him I never heard a criticism of any human being's conduct fall from his lips. Let this not be considered as want of strength in him. I know he felt as strongly as you or I and would not hesitate to rebuke wrong whenever and wherever he met it.

I trust I may be pardoned here in alluding to an incident somewhat personal and recounted only to throw a glint of light on the

hospitality of his character. In the Fifty-first Congress several friends of his concluded to go the Thousand Islands in the St. Lawrence River on a fishing excursion and he was, of course, the central figure and heart of the company. He came to me and in his inexpressibly cordial and sweet way asked me to join the party, to which I readily consented, being myself fond of the sport and well acquainted with the members of the party. Transportation was provided by Mr. Wright; boats, boatmen, and bait were likewise provided by him, each of us thinking that he was keeping account for settlement when our tour was ended. We never saw any item of that account. He laughingly said he had lost it, and no importunity could force him to take a cent from any one of us. He loved that beautiful river, and loved to take his friends to the sweet delights of its placid bosom. He was a rare good fisherman. I remember few days of more pleasure than his bright eyes have given me, when sitting opposite him in his boat, observing him as he watched his trolling spoon for a rise of the mighty muskellunge.

Myron B. Wright was a lover of God and nature. The deep forest gave him inspiration; the roar of ocean was music to him; the unwrinkled waters of the clear river was his delight. Every blossoming flower, singing bird, and leafing tree touched a sweet chord in his loving nature.

With all this tenderness was mixed a strength of purpose, a determination of will which raised the young school teacher from poverty to affluence, from obscurity to a prominent place on the floor of this House. Rarely have I seen such a combination of strength and loveliness united in a character.

He never made a brow look dark,  
Nor caused a tear but when he died.

The shock of his death came not alone to his devoted wife, for he had scarcely passed the river when his son, in whom he took great and just pride, followed him into the great beyond, the double tragedy leaving a void in a happy home that even time's effacing hand can never hide.

As has been well said lately on this floor, "He is not gone, Mr. Speaker. All the developments and achievements of the future, like the coral isles in the Pacific, become beautiful because they are based upon the innumerable mausoleums which we help to make—that foundation on which the glory, the prosperity, and the immortality of all that is good will rest forever."

Mr. WANGER. Mr. Speaker, the melancholy satisfaction of paying tribute to the virtues of one who was in his life, as citizen and as Representative, an example meriting emulation, unites in this instance with the warmth of a high personal regard. Memory fondly lingers over those who held our friendship by the noble attributes of gentle courtesy, steadfast fidelity, and unfailing helpfulness, which were so richly manifested by our late colleague, the Hon. Myron B. Wright.

Unacquainted until a very few years since, a single meeting with him established a feeling of companionship as if of long existence and subsequent association increased its fervor and added to it the respect due his keen insight, sound judgment, and ripe experience, while his cordial welcome as a member of this body and generous proffer of assistance in acquiring familiarity with its methods of procedure and those of the Executive Departments of the Government won my lasting gratitude.

That he was of genial nature and the soul of honor all who met him felt; of patriotic fidelity to public duty his associates in this body, especially those of the committees on which he served, well knew; and of zealous devotion to the welfare of his constituents the latter had convincing proof in attention given to their wants and the achievement of gratifying results. If his remote predecessor, the distinguished author of the Wilmot Proviso, will be remembered for devotion to a national cause, his memory will be enshrined in the gratitude of his constituents for the added reason of unusual efforts for the success of their humbler personal interests.

On the comparatively few occasions when he spoke in this Chamber it was after careful preparation and with thorough knowledge of the subjects treated, in a logical manner, and with rich illustrations and cogent reasoning, giving to his addresses a permanent value and leaving them a storehouse of information to the student of political economy and general public affairs.

His success in the business and political world illustrates the possibilities for the American youth who combines with honesty and industry intelligence, enterprise, and courage. From an humble clerkship he rose to the position of cashier of the leading bank of his town, and was the originator and directing spirit of a number of important manufacturing and commercial enterprises; and in a district where the principle of rotation among counties in the selection of Representative in this body had long prevailed he was thrice reelected without controversy respecting the nomination.

Removed from among us by that grim reaper who harvests from every age and condition, our sorrow at the loss is softened by the



fact stated in the language of the ritual of a fraternal order of which our lamented colleague was a member:

The memory of his virtues lingers in our remembrance, and reflects its shining luster beyond the portals of the tomb. The earthen vase which had contained precious odors will lose none of its fragrance though the clay be broken and shattered.

**Mr. COVERT.** Mr. Speaker, on leaving my room this morning to come to this Chamber my eyes turned, as they had turned very often before, to a picture hanging on the wall. In the foreground were depicted the thoughtful, kindly, animated faces of Senator PROCTOR of Vermont, Senator GIBSON of Maryland, and Senator CALL of Florida. In a modest place in a group in the background of the picture was a faithful delineation of the compact figure and the open, manly face of Myron B. Wright of Pennsylvania.

It was the representation of a joint committee of the Senate and House instructed by Congress in 1893 to visit Cuba to examine into the matter of immigration in its possible relation to threatened infectious diseases. It was my great good fortune to be one of that joint commission, and I but voice the thought of every member of it when I say that the genial personality and the frank and hearty comradeship of Myron B. Wright formed most potential factors in making the entire journey most pleasurable. A previously existing friendship, already warm and cordial in character, was strengthened and cemented by the close companionship born of this journey.

We can all of us readily comprehend that in the Fifteenth Pennsylvania district, as in every other district represented on this floor, there are very many able and influential men properly ambitious of political distinction. It was creditable alike to Mr. Wright and the constituency that sent him here that this modest, unassuming gentleman, from whom all self-seeking was far removed as the earth from the sky, should have been elected and thereafter, as we have been reminded to-day, thrice reelected to hold the commission of his home people in this Chamber.

He was always an accessible, patient, laborious, conscientious Representative, and the large and important interests of his district were during his entire service here absolutely safe in his keeping.

He had no overweening ambition in the direction of exalted statesmanship. His political faith was firmly founded, and he was quite content to accept the traditions and teachings of his party without attempting to devise new policies or novel methods of governmental action. While he stood broadly upon the platform of Republicanism, his manly, genial nature made for him strong and devoted friends on the Democratic side of this Chamber. We of the opposition join with saddened hearts to-day in the expression of sincerest sympathy with his broken home circle and of deepest sorrow at the severance of the ties which bound him to us.

Myron B. Wright had all those manly qualities and gentle virtues that from all time have commended their possessors to the warm and tender regard of their fellow-men.

His faithfulness, his modesty, his kindness of heart—these were the attributes that brought his fellow-members to him and held them to him even as with bonds of steel. Above all things else he was faithful, and this one quality, faithfulness—involving devotion to duty and fidelity to friends—most surely forms the noblest attribute in the character of any man.

As Lowell grandly summarizes it in his *Image Breaker*—

Wealth and rule slip down with fortune as her wheel turns round;  
He who keeps his faith, he only can not be disowned.  
Little was a change of station, loss of life or crown,  
But the wreck were past retrieving if the man fell down.

Through all his life the man whose memory we are met to-day to honor kept his faith with himself and with all mankind. In the performance of any duty, even though the slightest, he never fell and never even faltered.

Not with his eyes lowered downward to the earth, but with his gaze turned steadfastly to the skies, Myron B. Wright passed onward to his death, leaving behind him the record of a public and a private life each alike unspotted and unstained.

**Mr. HICKS.** Mr. Speaker, to do proper honor to the memory and pay proper tribute to the labors of an active, earnest, painstaking, and conscientious member of this honorable and distinguished branch of the American Congress is a privilege I would not seek and a duty that I would not approach without hesitation and solicitude. The people of the great State of Pennsylvania stand with us to-day in doing honor to the memory, talents, energy, and industry of my late colleague, Hon. Myron B. Wright. "What a man does for others, not what they do for him, gives him immortality," says that great and distinguished statesman, Daniel Webster. And it is well written by another that—

He who loves his fellow-men the best,  
His name on Heaven's immortal scroll leads all the rest.

In the light of these truisms and by this rule of the measuring of life's success, the success of my late distinguished colleague, Myron B. Wright, stands like a tower, and his memory to his

people in the light of his unselfishness and his labor for others is like a sweet perfume, and his honesty, purity, and integrity stand in as bold prominence as do his native hills of northern Pennsylvania.

It was during our brief months of vacation that the never-failing and vigilant seeker after men overtook him, and our remembrance of his devotion to duty recalls to mind as but yesterday how faithfully he represented his district and State in all that pertained to its welfare and prosperity as he understood it; and how broad he made his platform of duty and of right; how deeply he cultivated and always maintained a high sense of honor and fidelity to his country. No personal interest or cause had weight with him when duty pointed in another direction. His delightful companionship, his social and friendly disposition and intercourse so endeared him to his fellow-members and to all who knew him that his death was more felt, and created more than an ordinary vacancy. In this busy Hall where all is life and energy it is rarely that the dropping out of a single member would be missed, yet in the death of our friend all who ever came in contact with him can not but miss his friendly face, his stalwart form, and the cordial greeting that characterized his intercourse with all of his fellow-members.

It is said that death seeks a shining mark, and this has been truly verified in the death of our friend, as none upon this side of the Chamber was more truly loved than he. To those of us who knew the affliction from which he suffered in the days immediately preceding the adjournment of our second session, and recollecting the solicitude exhibited by him for the interest of his district and State, and how faithfully he labored in protecting the same during the last days of the session, we can not find words sufficient to express our admiration of his devotion to duty; and when remonstrated with on account of his health and failing strength he answered, "My people expect me to care for them when I am here," and afterwards when upon the floor of the Senate in the performance of the same duty, he expressed the same thought to a fellow-member after being most earnestly entreated to first consider himself. Self was not a part of our friend's life—devotion to duty and to successfully labor for others was his daily, yea, hourly, care.

It was scarcely thought that so soon we would be called upon to mourn his departure upon that journey from which none ever returns; that journey which so many dread, but which to our friend exhibited no terrors. He entered the dark valley without fears or doubts. Yet Mr. Speaker, such is the uncertainty of human life—to-day alive, to-morrow forever silent. Surely our days are as the grass of the field, and our deeds alone are left to speak for us. How proudly we can point to the deeds of our friend, and in the light of them and of his many acts of kindness we realize that we have lost one of our noblest and choicest spirits and the great Commonwealth of Pennsylvania a distinguished statesman of broad mind, honest action, and pure and noble purposes, and his people whom he loved with such fervor and served with zeal and fidelity have lost a most faithful and devoted friend and Representative.

Said one of his neighbors, in writing of him:

Myron B. Wright was in the prime of manhood, 47 years of age, and while he has left a record and pleasant memories unattainable by many men of equal advantages whose years might double his, the thought is uppermost at this time what a loss is a man of such promise. To him the accumulation of money was valued only as a means of doing good; he was generosity and honor personified, and many a recipient of his open-heartedness will cherish his memory in sorrow. Although without advantages of a liberal education and with no pretense to public speaking, his career in Congress as a thinker, a student, and writer developed an aptitude for his surroundings and produced several excellent speeches and open letters expressing opinions upon public affairs which attracted much favorable attention.

Says another of his career:

Mr. Wright's career as a legislator, like that which marked his private business life, was brilliant and successful and characterized by inherent fidelity. His growing popularity among his constituents in the Fifteenth district, by whom he was reelected to Congress for a fourth term a few days previous to his death, is best shown by the increased majority given him over that received by him in the contest of 1892. In 1892 he received 4,555 plurality in the district; in 1894, 8,150—a gain of 3,616. This certainly may be considered a flattering compliment as well as a verdict of popular approval of his record as a Congressman by the intelligent voters composing the district.

And said his pastor, in his eloquent and impressive sermon eulogistic of our friend, commenting upon his personal traits:

Myron B. Wright was the pride of his Congressional district. On November 6 he was elected for the fourth time to represent the old Wilmet district, and in honoring him the district honored itself, for a man more faithful to what he believed to be his duty to his constituents was not to be found. And how much his laborious efforts for others may have contributed to his early death I am not prepared to say; but this much I do know, that night after night, week after week, and month after month this faithful servant of the people toiled for others; that no poor soldier appealed to him in vain. The defenders of his country's flag and honor were his special care.

One of the strongest characteristics of Myron B. Wright was his friendship. When he did you a favor it was with so much grace that it almost seemed that you had conferred a favor upon him in permitting him to do it.

Standing here to-day, I can sorrowfully voice the cry that comes up from all these interested hearts, why is it? No human being has the power to answer but He who is infinite in love, mercy, and compassion, who alone can tell, hides the answer in the depths of His own infinite purposes, and we bow before His will and say, "He doeth all things well!"

Our friend was a typical American, devoted to his country and its institutions; he loved them as he loved his life. He was like

many other distinguished men of this great nation—he rose from the ranks of the people, and was honored by the people as one of them who developed traits of leadership, and when thus honored he was found in every respect worthy, and prided himself in keeping in touch with the people from whom he came. They knew his generous heart and noble instincts, and he never failed to respond to a worthy cause or a proper call. Thus was his public life.

Of his home life, all those who entered its sacred and loved precincts found happiness, contentment, and genuine hospitality, enjoying a fair share of the wealth of this world as the result of his own labors. He was without ostentation. We dare not venture to further comment here, nor bring to mind to wounded hearts the poignancy of a loved wife and mother's grief not only for the loved husband, but also a stalwart son, who, in his devotion to his father, was carried away by the same dread disease, and they were both entombed on the same day side by side.

It is pleasant to know, Mr. Speaker—

That not . . . with life's precarious fire  
The immortal ties of nature shall expire.  
These shall resist the triumph of decay,  
When time is o'er and worlds have passed away.  
Cold in the dust the perished heart may lie,  
But that which warmed it once shall never die;  
That spark, unburied in its mortal frame,  
With living light eternal, and the same  
Shall beam on joy's interminable years,  
Unveiled by darkness—unassuaged by tears.

Our friend died absent from home in search of health and strength, attended by his beloved wife and his two sons, the eldest of whom died within a day or two after his loved and honored father. It was, however, his privilege and pleasure to receive, a few days before his death, the pleasing and gratifying news of his being for the fourth time chosen by the people as their honored Representative to this House. The large concourse of friends and distinguished citizens from all parts of his great State present at the last sad rites of his funeral attest and prove the affection and esteem in which he was held by those who knew him best. And in the presence of his neighbors and a vast concourse of sympathizing friends he was buried on one of the hills overlooking the beautiful waters of the Susquehanna that he so much loved and admired in his lifetime.

We can well say of him:

He had run his bright career  
And served men nobly, and acceptance found,  
And borne to light, and right, his witness high,  
What can such better crave than to die  
And wait the issue sleeping under ground.

To our friend death had no terrors, and with the record of a useful and honored life behind him he went forth into immortality, the life that is to come, with a certainty of receiving a reward for his devotion to duty and a rest from his labors.

Mr. WILLIAM A. STONE. Mr. Speaker, one of the first men that I learned to know in Congress was Myron B. Wright.

He was not an excitable man, nor was he given to much imagination. He always took as a foundation for his reasonings a fact instead of a theory. He was practical in all that he said and did. He did not aim to be witty, nor did he aspire to oratory, and yet the people who knew him would rely on his judgment and follow his leadership. He came here to represent his district faithfully, honestly, and sensibly, and he did it in each particular. The district was never better represented and never more closely looked after.

He impressed you at once as a practical, candid, truthful man. People would not lie to him, for they saw at once that if they did he would not believe them. He was shrewd, cautious, and conservative, but once got his confidence and he was as confiding and trustful as a child, but he never was deceived, and never trusted anyone who did not deserve it.

He knew human nature, and knew what men would do under given circumstances. He knew what his people expected him to do, and his course in Congress was very satisfactory to those who sent him here. He was a much safer and better Representative than many more brilliant men. He rightly understood that he was not sent here so much to make speeches as to vote the will of his constituents. He was invaluable on committees, where the Congressman principally does his work. He had no difficulty in finding which was the right side of every question, and his vote was always on that side.

He was a stalwart in all his public acts, and never dodged or hesitated to assume their responsibilities. Being a practical business man, he soon became a successful politician, not in the sense in which it is sometimes understood, but in the sense of a leader and guide among his party friends.

He was genial, kind-hearted, and popular among his colleagues. He had as many friends in the House as any man who ever sat in it for the same length of time.

Such a man was Myron B. Wright as I understood him. His death was a shock to me. I did not know that he was ill until I heard that he had passed away. Cut off in the prime of life, his untimely death illustrates the frail tenure by which we hold. In

the midst of action, busy with plans for the future and partly matured plans of the past, he is suddenly and unexpectedly summoned; no excuse, no plea, would palliate the stern messenger.

It seems hard that a man like him, just in the height of his usefulness to his family and the people of his district, should be called; and yet death comes quite frequently in this way.

We, his colleagues, on this day set apart to him, can all faithfully say that in his death we have lost a worthy coworker, a valiant comrade, and a dearly loved friend.

Mr. GROW. Mr. Speaker, during this Congress with short intervals the funeral dirge has reminded us that—

The battle of our life is brief,  
The alarm, the struggle, the relief;  
Then sleep we side by side.

Myron B. Wright, our departed colleague, was elected four successive times, the last one just a week before his death, to represent the Congressional district in the State of Pennsylvania composed of the counties of Bradford, Susquehanna, Wayne, and Wyoming. The two largest counties of his district, Bradford and Susquehanna, with Tioga County, for more than a third of a century preceding 1860 had composed a Congressional district whose people in the stirring political events of that period acted no inconspicuous part in the history of the country.

The year Mr. Wright was born David Wilmot, then representing that district, offered an amendment to a bill pending in this House appropriating \$2,000,000, to be placed at the disposal of the President, for concluding a peace with the Republic of Mexico of the war then pending by reason of the annexation of Texas. The proviso was adopted in this House by the unanimous vote of the Representatives from the nonslaveholding States, with three exceptions. But the bill thus amended was defeated in the Senate. Mr. Wilmot's amendment provided—

That as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States by virtue of any treaty which may be negotiated between them, and to the use by the Executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory except for crime, whereof the party shall first be duly convicted.

This amendment has gone into history as the Wilmot proviso. The congressional action on this question was the beginning of the third epoch of what is recognized as the specific periods of slavery agitation in our country. The first was the adoption of Jefferson's proviso in the Ordinance of 1787, which prohibited slavery in all the territory lying northwest of the Ohio River. The second was the passage of the act of March 6, 1820, which prohibited slavery in all the territory of the Louisiana purchase north of the parallel of 36° 30' north latitude except what was in the State of Missouri. This act is known as the Missouri compromise. The third period was the adoption of this proviso near the close of the first session of the Twenty-ninth Congress, in 1846, and which culminated eight years later, on the 26th day of May, 1854, in the passage of the Kansas and Nebraska bill, which repealed the restriction on the extension of slavery in the act of March 6, 1820. This was the opening prelude to the mightiest conflict of arms in the history of the race. It caused the dismemberment and dissolution of old political parties and the formation of new ones. Within three months after the repeal of the Missouri compromise the first action anywhere of organized political parties was taken in this old Wilmot district for combining the political elements which a little later coalesced throughout the nonslaveholding States into the Republican party, whose banner, inscribed with "Free soil, free speech, and free men," was borne to victory six years later by its great standard-bearer, the unlettered child of the prairies, Abraham Lincoln.

Preceding the coalescence of the political elements in this Congressional district mass meetings, it is true, were held in other portions of the country recommending the formation of a new political party and suggesting fitting names for the new organization. But the political elements, Whig, Democratic, Free Soil, and Abolitionist proper, in this old district were the first anywhere to combine in the same political party. At the election in October, 1854, the Representative in Congress from this district, who had opposed the repeal of the Missouri compromise, was re-elected by the unanimous vote of the district. Franklin Pierce, for President, had received in 1852 2,500 majority, and Lincoln in 1860 received over 11,000.

In the midst of such a people Mr. Wright was born and surrounded by such political influences he grew to manhood. Like his boy associates of the neighborhood, his youth was passed in labors on the farm in summer and in attending the district school in the winter. The last year of his school education was spent at the academy in Montrose, the county seat of his native county. Afterwards for a short time he taught school in the neighboring townships until he found employment as a clerk at low wages (about \$3 per week) in a bank at Susquehanna, of which subsequently he was elected cashier, which position he held until the time of his death.

Mr. Wright in his career illustrates in a marked degree the beneficent influences of the free institutions under which we live,



where man is born to no rank or condition in life, and where all the highways to honorable distinction lead alike from the district schoolhouse and the lowly cot of honest toil, the same as from the gilded palaces of wealth or the halls of academic culture. Without any of the fortuitous advantages of family wealth or family influence, Mr. Wright by his own inherent force of character wrought his way to business success and to political positions of honor. By his fidelity to every trust and his laborious faithfulness in the discharge of the duties incident to his position he won the respect and esteem of the people among whom he lived and achieved that highly commendable, as well as most desirable success in life which comes to all who do well their part.

You may be tiller of the soil, or toiler by the day;  
Remember, then, he does the best, the best in every way,  
Who has a single aim in view, determined from the start,  
In whatever he shall pursue, to truly do his part.  
Tho' doctor, lawyer, teacher, priest, learn this command by heart:  
They never fail, but all succeed, who simply do their part.

Mr. SCRANTON. Mr. Speaker, several gentlemen who desired to make remarks on this occasion are unavoidably absent, and I ask unanimous consent that they be permitted to print their remarks in the RECORD.

There was no objection, and it was so ordered.

The House then, pursuant to the resolutions previously adopted (at 4 o'clock and 9 minutes p. m.), adjourned until half past 11 o'clock a. m. on Monday next.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BELTZHOVER, from the Committee on War Claims: A bill (H. R. 8173) for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased. (Report No. 1791.)

By Mr. MAHON, from the same committee: A bill (H. R. 907) to carry out the findings of the Court of Claims in the case of Thaddeus Collard. (Report No. 1792.)

By Mr. RICHARDS, from the Committee on Claims: A bill (H. R. 6870) for the relief of James Phelan, internal-revenue collector at Detroit, Mich. (Report No. 1794.)

#### PUBLIC BILLS AND RESOLUTION.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. GEISSENHAIN: A bill (H. R. 8830) authorizing the examination, in certain cases, of officers of the Navy and the Marine Corps to determine their fitness to perform their duties—to the Committee on Naval Affairs.

By Mr. TAWNEY: A bill (H. R. 8831) for an act to compel street railway companies to protect certain of their employees from the inclemencies of the weather—to the Committee on the District of Columbia.

By Mr. DAVIS: A bill (H. R. 8832) for the relief of the United States Treasury, the issue of a uniform United States lawful currency, and for other purposes—to the Committee on Banking and Currency.

By Mr. HEARD (by request): A joint resolution (H. Res. 372) making an appropriation of \$5,000 for clearing the Potomac River of ice—to the Committee on Appropriations.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. AVERY: A bill (H. R. 8833) to correct the record of Elindsley W. Murray—to the Committee on Military Affairs.

By Mr. COFFIN of Maryland: A bill (H. R. 8834) for the relief of Richard P. Blackstone—to the Committee on War Claims.

By Mr. FLYNN (by request): A bill (H. R. 8835) for the relief of certain persons of African descent resident in the Choctaw and Chickasaw nations, in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. HALL of Missouri (by request): A bill (H. R. 8836) for the relief of Arra M. Farnsworth—to the Committee on Indian Affairs.

By Mr. TAWNEY: A bill (H. R. 8837) granting an increase of pension to Daniel H. Cherry—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH: Protests of the German Saloon Keepers' Association of the town of Lake, Chicago, Ill., and of Hyde Park Liquor Dealers' Association, Chicago, Ill., protesting against the proposed increase in the excise tax on beer—to the Committee on Ways and Means.

By Mr. BRETZ: Petition of the Central Labor Union, Indianapolis, Ind., in favor of House bill 7756—to the Committee on Labor.

By Mr. BROOKSHIRE: Papers to accompany bill to pension Patrick W. Halloran—to the Committee on Invalid Pensions.

By Mr. BELTZHOVER: Resolutions of the Young Men's Democratic Association of New York, in favor of 3 per cent bonds—to the Committee on Ways and Means.

By Mr. COFFIN of Maryland: Papers to accompany House bill 4291—to the Committee on War Claims.

By Mr. DURBOROW: Suggestions offered by the National Wholesale Druggists' Association, Philadelphia Drug Exchange, and College of Pharmacy, defining alcohol for manufacturing purposes—to the Committee on Ways and Means.

By Mr. IKIRT: Resolution of 40 citizens of Elkton, Lake, and Minerva, all of Ohio, against granting suffrage to aliens—to the Committee on Immigration and Naturalization.

Also, resolutions of 40 citizens each of Minerva and Lake, Ohio, against sectarian appropriations of public money—to the Committee on Appropriations.

By Mr. McCLEARY of Minnesota: Resolutions of the Board of Trade of Mankato, Minn., favoring the policy of President Cleveland's recent message on the issuance of bonds to support the credit of the nation—to the Committee on Banking and Currency.

By Mr. MCKAIG: Petition of Wallace Poole, administrator of William D. Poole, deceased, late of Montgomery County, Md., praying that his war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of Richard Poole, administrator of Frederick S. Poole, deceased, late of Montgomery County, Md., praying that his war claim be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

Also, petition of Laura N. Mumma, praying that the war claim of Samuel Grove, deceased, late of Washington County, Md., be referred to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. MORGAN: Petition of Joseph Randleman, late of Company M, Eighth Regiment of Missouri State Militia, for special relief—to the Committee on War Claims.

By Mr. RUSK: Petition for the passage of Mr. COOMBS's House resolution of January 19, for the ratification of a permanent treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. RUSSELL of Connecticut: Resolution of Connecticut State board of health, in favor of House bill 8481, relating to pollution of interstate streams and lakes—to the Committee on Interstate and Foreign Commerce.

By Mr. VAN VOORHIS of Ohio: Memorial of the Retail Clerks' Union of Zanesville, Ohio, favoring the enactment of a law for the betterment of the condition of the seamen of the American merchant marine—to the Committee on Merchant Marine and Fisheries.

Also, a resolution of a meeting of 77 citizens of Summerfield, Ohio, protesting against the granting of franchise to any person not a citizen of the United States—to the Committee on Immigration and Naturalization.

#### SENATE.

MONDAY, February 11, 1895.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT. The Secretary will read the Journal of the proceedings of Saturday last.

Mr. ALLEN. I ask unanimous consent that the reading of the Journal be dispensed with.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Nebraska?

Mr. MORRILL. I think the Journal had better be read. There is not a quorum present.

The VICE-PRESIDENT. The Secretary will read the Journal. The Secretary proceeded to read the Journal of the proceedings of Saturday last.

Mr. KYLE. I ask unanimous consent that the further reading of the Journal be dispensed with.

The VICE-PRESIDENT. Objection has been interposed to dispensing with the reading, the Chair will state to the Senator from South Dakota.

Mr. KYLE. Very well.

The Secretary resumed and concluded the reading of the Journal of the proceedings of Saturday last; and it was approved.

#### ENROLLED BILL SIGNED.

The VICE-PRESIDENT signed the enrolled bill (H. R. 5603) to repeal an act entitled "An act to amend the laws relative to shipping commissioners," approved August 19, 1890; which had previously received the signature of the Speaker of the House of Representatives.

## CREDENTIALS.

Mr. LODGE presented the credentials of GEORGE F. HOAR, chosen by the legislature of the State of Massachusetts a Senator from that State for the term commencing March 4, 1895.

The credentials were read, and ordered to be filed.

Mr. BATE. In connection with the credentials of my colleague [Mr. HARRIS], heretofore presented by me, chosen as Senator from the State of Tennessee for the term of six years from the 4th day of March next, I present the certificate of the governor of the State, and ask that it be filed with the credentials.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

## EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, in response to a resolution of the 31st ultimo, calling for a list of the claims of officers of the Navy, or their legal representatives, for sea pay while on receiving ships, which claims were appropriated for in the deficiency appropriation act of 1889; and also a list of all claims wholly allowed and paid under the decision of the Supreme Court of the United States *vs.* Strong, the amounts paid, etc., transmitting a report of the Auditor of the Navy Department, with accompanying statements; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6792) to disapprove the treaty heretofore made with the Southern Ute Indians to be removed to the Territory of Utah, and providing for settling them down in severalty where they may so elect and are qualified, and to settle all those not electing to take lands in severalty on the west 40 miles of present reservation and in portions of New Mexico, and for other purposes, and to carry out the provisions of the treaty with said Indians June 15, 1880.

The message also announced that the House had passed a joint resolution (H. Res. 273) extending from March 1, 1895, to April 15, 1895, the time for making returns of income for the year 1894; in which it requested the concurrence of the Senate.

## DEATH OF HON. MYRON B. WRIGHT.

The message further communicated to the Senate the resolutions of the House of Representatives on the death of Hon. Myron B. Wright, late a Representative from the State of Pennsylvania.

Mr. CAMERON. I ask that the resolutions just received from the House of Representatives on the death of my late colleague in that body may lie on the table for the present.

The VICE-PRESIDENT. It will be so ordered.

Mr. CAMERON. I shall call up the resolutions on some appropriate occasion in the future.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a communication from the Secretary of the Treasury, transmitting a letter from Mr. E. R. Sharwood, secretary of the Philadelphia Maritime Exchange, and the inspector of the Fourth light-house district, forwarding a petition from sundry merchants of Boston, Mass., praying that an appropriation be made for the establishment of a light-ship on the Overfalls Shoal at the entrance to Delaware Bay; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. CAMERON presented resolutions of the legislature of the State of Pennsylvania, urging the passage of the so-called Stone immigration bill; which were referred to the Committee on Immigration, and ordered to be printed in the RECORD, as follows:

## STATE OF PENNSYLVANIA.

IN THE HOUSE OF REPRESENTATIVES, January 25, 1895.

*Resolved (if the senate concur).* That we recognize in the constant influx of an ignorant and vicious class of immigrants a great and growing evil, highly injurious to American workingmen and dangerous to American institutions; we therefore urge upon Congress the necessity of the enactment of some law that will correct this evil.

Believing the bill introduced by Hon. WILLIAM A. STONE, of Allegheny, to be the most practical measure that has been proposed, we would respectfully but earnestly recommend its passage.

*Resolved.* That the chief clerk be directed to communicate this resolution to both branches of Congress.

Extract from the journal of the house of representatives.

A. D. FETTEROLF,

Chief Clerk of the House of Representatives.

IN THE SENATE, January 29, 1895.

The foregoing resolutions concurred in.

E. W. SMILEY,

Chief Clerk of the Senate.

Approved the 5th day of February, A. D. 1895.

DANIEL H. HASTINGS.

I hereby certify that the foregoing is a true and correct copy of the above resolutions.

A. D. FETTEROLF,

Chief Clerk of the House of Representatives.

He also presented a resolution of the legislature of the State of Pennsylvania, urging the passage of the bill for the establishment of a national park at Gettysburg, Pa.; which was ordered to lie on the table and to be printed in the RECORD, as follows:

## STATE OF PENNSYLVANIA.

IN THE HOUSE OF REPRESENTATIVES, January 10, 1895.

*Resolved (if the senate concur).* That the legislature of Pennsylvania respectfully request our Senators and Members in Congress to use their influence and urge the speedy passage of the Sickles bill for the purpose of creating a national park of the battlefield of Gettysburg.

Extract from the journal of the house of representatives.

A. D. FETTEROLF,

Chief Clerk of the House of Representatives.

IN THE SENATE, January —, 1895.

The foregoing resolution concurred in.

E. W. SMILEY,

Chief Clerk of the Senate.

Approved the 5th day of February, A. D. 1895.

DANIEL H. HASTINGS.

I hereby certify that the foregoing is a true and correct copy of the above resolution.

A. D. FETTEROLF,

Chief Clerk of the House of Representatives.

Mr. CAMERON presented a petition of Lieut. Ezra S. Griffin Camp, No. 8, Sons of Veterans, United States Army, of Scranton, Pa., praying for the passage of House bill No. 5315, to prevent the desecration of the national flag for advertising purposes; which was referred to the Committee on Military Affairs.

He also presented the petition of H. P. Armsby, director of the Pennsylvania State College, of Center County, Pa., praying for the passage of Senate joint resolution No. 120, providing for the publication of the Columbian dairy tests; which was referred to the Committee on Printing.

He also presented a memorial of the Yacht Club of Philadelphia, Pa., remonstrating against the adoption of the plan of the proposed bridge of the Pennsylvania and New Jersey Railroad Company across the Delaware River from Bridesburg, Pa., to Fishers Point, N. J.; which was referred to the Committee on Commerce.

He also presented a memorial of the Insurance Company of North America, of Philadelphia, Pa., remonstrating against the repeal of the law requiring the United States district judge for the southern district of Florida to reside at Key West, Fla.; which was ordered to lie on the table.

He also presented a petition of the Trade and Labor Council of Scranton, Pa., and a petition of Typographical Union, No. 137, of Johnstown, Pa., praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which were ordered to lie on the table.

He also presented petitions of 300 citizens of Harrisburg; of 146 citizens of Royaltown; of 80 citizens of Muncy; of 100 citizens of Mont Alto; of 240 citizens of Pittsburg; of sundry citizens of Everson; of 102 citizens of Pittsburg; of 135 citizens of Indiana; of 170 citizens of Chester; of 65 citizens of Smithton; of 40 citizens of Marion Center; of 25 citizens of Manor; of 157 citizens of Birdsboro; of 48 citizens of East Wheatfield; of 101 citizens of Bolivar; of 355 citizens of Frankford; of sundry citizens of Wapwallopen; of 71 citizens of Rock, and of 100 citizens of Philadelphia, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States to prevent the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Smiths Ferry; of 135 citizens of Indiana; of 40 citizens of Marion Center; of 170 citizens of Chester; of 150 citizens of Connellsville; of 183 citizens of Thurlow; of 77 citizens of Cold Point; of 101 citizens of Bolivar; of 355 citizens of Frankford; of 101 citizens of Philadelphia; of 90 citizens of Abington; of 189 citizens of Harrisburg; of 91 citizens of Bellevue; of 45 citizens of Dempseytown; of 100 citizens of Mont Alto; of 176 citizens of Lebanon; of 289 citizens of Reading; of 80 citizens of Muncy; of 300 citizens of Harrisburg, and of 140 citizens of Royaltown, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

Mr. QUAY presented a memorial of the Board of Trade of Scranton, Pa., remonstrating against the passage of the so-called Bailey bankruptcy bill; which was ordered to lie on the table.

He also presented a memorial of the Medical Society of Philadelphia County, Pa., remonstrating against the passage of the bill known as the naval reorganization bill; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Orwigsburg, Pottstown, Mercer, Chambersburg, and Philadelphia, all in the State of Pennsylvania, praying for the passage of the so-called Stone immigration bill, providing for the consular inspection of immigrants before embarkation; which were referred to the Committee on Immigration.

He also presented petitions of 189 citizens of Thurlow; of sundry citizens of Smiths Ferry; of 100 citizens of Montgomery



Square; of 98 citizens of Abington; of 60 citizens of Philadelphia; of 84 citizens of Allegheny; of 54 citizens of Warrington; of 387 citizens of Shenandoah; of 50 citizens of Gettysburg; of 85 citizens of Fogelsville; of 77 citizens of Cold Point; of 157 citizens of Connellsville; of 143 citizens of Carlisle; of 123 citizens of Philadelphia; of 27 citizens of Saulsburg; of sundry citizens of Gettysburg; of sundry citizens of Donegal; of sundry citizens of South Pittsburg; of sundry citizens of Castle Shannon; of 50 citizens of Pittsburg; of 200 citizens of Philadelphia; of 43 citizens of Waynesburg; of 121 citizens of Wissa; of 63 citizens of Townville; of 42 citizens of Goheenville, and of D. J. Laing Council, Junior Order of United American Mechanics, of Reading, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States to prevent the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

He also presented petitions of 40 citizens of New Buffalo; of 27 citizens of Saulsburg; of 85 citizens of West Philadelphia; of sundry citizens of Gettysburg; of 54 citizens of Warrington; of 71 citizens of Rock; of sundry citizens of Wapwallopen; of 40 citizens of Armagh; of sundry citizens of Everson; of sundry citizens of South Pittsburg; of sundry citizens of Castle Shannon; of 50 citizens of Pittsburg; of 53 citizens of Point Marion; of 43 citizens of Waynesburg; of 103 citizens of Pittsburg; of 63 citizens of Townville; of 42 citizens of Goheenville; of 60 citizens of Philadelphia; of 157 citizens of Birdsboro; of 25 citizens of Manor Station; of 84 citizens of Allegheny; of 85 citizens of Fogelsville; of 200 citizens of Philadelphia; of 121 citizens of Wissa; of 387 citizens of Shenandoah; of 50 citizens of Gettysburg; of 65 citizens of Smithton; of 123 citizens of Philadelphia; of 143 citizens of Carlisle, and of D. J. Laing Council, Junior Order of United American Mechanics, of Reading, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States, providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

Mr. PEPPER. I present a petition in the form of a resolution from the legislature of the State of Kansas. I can read it in perhaps shorter time than I can state its contents:

Whereas the experience of settling the Great Plains country has demonstrated a remarkably fertile soil, but a deficiency of water for agricultural purposes; and

Whereas the annual rise of the Missouri River causes great damage in the lower valleys, entailing great loss of property and the expenditure of vast sums of money by the Government to prevent damage by overflow: Therefore be it

*Resolved by the house of representatives of the State of Kansas (the senate concurring therein), That the Congress of the United States be requested to cause to be made a thorough scientific survey to ascertain the feasibility of constructing a great national canal to be utilized in carrying off the flood waters of said river from some point near the base of the mountains, and utilizing the same for irrigation purposes on the Great Plains.*

I move that the petition be referred to the Committee on Irrigation and Reclamation of Arid Lands.

The motion was agreed to.

Mr. PEPPER. I have another paper from the same source. While it is not a memorial or a petition, it is in the nature of one, and I think it appropriate to be presented to the Senate. It is a request from both houses of the legislature of Kansas asking their Senators to support an amendment to the Constitution of the United States providing for the election of United States Senators by a direct vote of the people. I move that the paper be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. DAVIS. I present a joint memorial of the legislature of the State of Minnesota, recommending the election of United States Senators by a popular vote. I ask that the memorial be read and referred to the Committee on Privileges and Elections.

The memorial was read, and referred to the Committee on Privileges and Elections, as follows:

A joint memorial of the senate and house of representatives of the State of Minnesota, recommending the election of United States Senators by a popular vote.

Whereas it is the sentiment of the people of the State of Minnesota that United States Senators be elected by popular vote: Therefore,

*Resolved by the house of representatives (the senate concurring), That our Senators and Representatives in Congress be instructed and requested to use their influence in securing such an amendment to the Constitution of the United States as will confer upon the electors of the several States the right to choose their Senators at general elections.*

*Resolved further, That the secretary of state be, and he is hereby, requested to forward one copy of this memorial to each of our Senators and Representatives in Congress at as early a day as may be convenient.*

STATE OF MINNESOTA, Department of State:

I, Albert Berg, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with the original joint memorial, being house file No. 150, in my office of house file No. 150, a joint resolution relating to the election of United States Senators by a popular vote, as filed February 6, 1895, and that said copy is a true and correct transcript of said original joint memorial and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capital in St. Paul this 8th day of February, A. D. 1895.

[SEAL.]

ALBERT BERG, Secretary of State.

Mr. DAVIS. I also present a joint resolution of the legislature of the State of Minnesota, relating to the railroad pooling bill now pending in the Senate. I ask that the resolution be read and that it lie on the table.

The resolution was read, and ordered to lie on the table, as follows:

A joint resolution relating to the railroad pooling bill now pending in the United States Senate.

Whereas section 4 of Article X of the constitution of the State of Minnesota, providing that all corporations being common carriers, enjoying the right of way in pursuance of the provisions of this section, shall be bound to carry the mineral, agricultural, and other productions of manufactures on equal and reasonable terms; and

Whereas many of the railroad corporations chartered and endowed with munificent grants and valuable franchises, rights, and privileges by this State have, by their extension through growth and consolidation, become interstate common carriers, and as such claim freedom from State jurisdiction and regulation; and

Whereas all attempts at State regulation designed to protect the people of the State from such common misuse of railroad corporate power as rebates, pooling, and unequal and unreasonable traffic charges have proved insufficient by reason of the position of these corporations as being mediums of interstate commerce, as claimed by them; and

Whereas the House of Representatives of the United States has recently passed and there is now pending in the Senate a bill called the "Patterson pooling bill," which is designed to repeal that portion of the interstate-commerce law which prohibits the pooling of business or earnings among competing railroad lines, and thus to legalize a gigantic trust and to destroy all competition among common carriers and entirely sweep away the only protection the people of this State and of the country have against such monopolies: Now, therefore,

*Be it resolved by the legislature of the State of Minnesota, That our Senators and Representatives in Congress be, and they are hereby, requested to use all their influence and all honorable means to defeat such bill and to prevent it being enacted into a law.*

*Resolved, That a copy of the above preamble and resolution be sent by the governor of the State to our Senators and Representatives in Congress.*

STATE OF MINNESOTA, Department of State:

I, Albert Berg, secretary of state of the State of Minnesota, do hereby certify that I have compared the annexed copy with the original joint resolution, being senate file No. 37 in my office of senate file No. 37, being a joint resolution relating to the railroad pooling bill now pending in the United States Senate, and that said copy is a true and correct transcript of said original resolution, as filed February 4, 1895, and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol in St. Paul, this 8th day of February, A. D. 1895.

[SEAL.]

ALBERT BERG, Secretary of State.

Mr. SHERMAN presented a petition of branch No. 4, Shipmasters' Association of the Great Lakes, of Cleveland, Ohio, praying for the establishment of branch hydrographic offices at each of the principal lake ports; which was referred to the Committee on Commerce.

He also presented a petition of 14 members of the bar of the northern district of Ohio, praying for the appointment of an additional circuit judge for that circuit; which was referred to the Committee on the Judiciary.

He also presented petitions of 91 citizens of Congress, of 47 citizens of Bolivar, of 75 citizens of Forest, of 60 citizens of Fitchville, and of 40 citizens of Armstrong, all in the State of Ohio, praying for the adoption of an amendment to the Constitution of the United States, providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

He also presented petitions of 91 citizens of Congress, of 47 citizens of Bolivar, of 75 citizens of Forest, of 40 citizens of Armstrong, and of 43 citizens of Lowellville, all in the State of Ohio, praying for the adoption of an amendment to the Constitution of the United States to prevent the appropriation of moneys for sectarian purposes; which were referred to the Committee on the Judiciary.

Mr. DUBOIS. I present a joint memorial of the legislature of the State of Idaho, remonstrating against the passage of House bill 8504 to improve the public surveys, and for other purposes. I ask that the memorial be read, and that it lie on the table.

The memorial was read, and ordered to lie on the table, as follows:

Senate joint memorial No. 3.—By Day.

To the honorable the Senate and House of Representatives in Congress assembled:

Your memorialists, the legislature of the State of Idaho, would respectfully but urgently protest against the passage of the bill H. R. 8504, a bill to improve the public surveys and other purposes, or any other measure for the abolition of the office of surveyor-general and the United States land offices in the several public-land States.

In the opinion of your memorialists, the enactment of any such law would be destructive of the best interests of the people resident in such States.

Approved February 4, 1895.

WILLIAM J. MCCONNELL, Governor.

EXECUTIVE DEPARTMENT, Secretary's Office, State of Idaho.

I, Isaac W. Garrett, secretary of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of Senate joint memorial No. 3, which was filed in this office the 4th day of February, A. D. 1895, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 4th day of February, A. D. 1895.

[SEAL.]

I. W. GARRETT, Secretary of State.

Mr. MARTIN. I present a copy of a resolution passed by the legislature of the State of Kansas. My colleague stated the substance of it. I send the resolution to the desk and ask that it be read and referred to the Committee on Privileges and Elections. The resolution was read, and referred to the Committee on Privileges and Elections, as follows:

House concurrent resolution No. 7.

*Resolved by the house of representatives of the State of Kansas (the senate concurring therein), That our Senators in the United States Senate and our Members of Congress be, and they are hereby, requested to support an amendment to the Constitution of the United States providing for the election of United States Senators by a direct vote of the people.*

Mr. BATE presented a petition in the form of resolutions adopted at a meeting of bankers of Nashville, Tenn., praying for the enactment of legislation granting to the sugar growers of the United States a compensating bounty on the crops of 1894; which was referred to the Committee on Appropriations.

Mr. BUTLER presented resolutions adopted at a meeting of the Young Men's Business League, of Charleston, S. C., favoring the provisions contained in the President's recent message and praying for the enactment of legislation which will carry out his views; which were referred to the Committee on Finance.

Mr. HARRIS. I present a petition in the form of resolutions from the Order of Railway Conductors of America, of Memphis, Tenn., praying that railroad companies be prohibited from discriminating against employees or applicants for employment by reason of their membership in labor organizations. I move that the petition be referred to the Committee on Education and Labor. The motion was agreed to.

Mr. HARRIS. I also present a telegram from the bar of Chattanooga, Tenn., requesting that an additional circuit judge be allowed in the sixth judicial circuit. I move that the petition be referred to the Committee on the Judiciary. The motion was agreed to.

Mr. LODGE presented petitions of Shoemakers' International Union, No. 105, of Brockton; of Granite Cutters' National Union of Quincy, and of Iron Molders' Union, No. 129, of Boston, all in the State of Massachusetts, praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which were ordered to lie on the table.

Mr. HILL presented a petition of the Chamber of Commerce of New York, praying for the enactment of legislation providing for the reorganization of the consular and diplomatic service; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Chamber of Commerce of New York, praying that an appropriation of \$45,000 be made for the building of an additional second tug for the protection of the harbor and its tributaries at that port; which was referred to the Committee on Appropriations.

Mr. HANSBROUGH. I present a memorial of the board of county commissioners of Rolette County, N. Dak., remonstrating against the passage of Senate bill No. 2011 to provide for the relinquishment by the Turtle Mountain Band of Pembina Chippewa Indians to the United States of the title to certain unceded lands in the State of North Dakota, as it would be a hardship and injustice to the many settlers in that county.

I will state, Mr. President, that this memorial was sent me at the end of the last session of Congress, but I have not had an opportunity to present it until now. I move that the memorial be referred to the Committee on Indian Affairs. The motion was agreed to.

Mr. HANSBROUGH presented a petition of sundry citizens residing on the Fort Rice Military Reservation, situated in the counties of Morton, Emmons, and Burleigh, in the State of North Dakota, praying for the enactment of legislation opening this reservation to actual settlement under the homestead laws of the United States; which was referred to the Committee on Public Lands.

Mr. HOAR presented a memorial of the New England Board of Trade, remonstrating against the passage of the so-called Bailey bankruptcy bill; which was ordered to lie on the table.

He also presented the petition of R. M. Fairfield and 6 other citizens of Fairfield, Mass., praying for the enactment of legislation granting a compensating bounty upon the sugar crops of 1894; which was referred to the Committee on Appropriations.

He also presented a petition of the Republican Club of Massachusetts, praying that an appropriation be made to enlarge the dry dock at Charlestown, Mass., to dimensions sufficient to receive the battle ship *Massachusetts* and merchant steamers of the first class; which was referred to the Committee on Appropriations.

He also presented a petition of the Commercial Club of Boston, Mass., praying that an appropriation be made to defray the expense of enlarging the old dry dock in Boston Harbor and for the construction of a new one; which was referred to the Committee on Appropriations.

Mr. ALLEN presented a petition of 2,435 voters in the State of Alabama, praying for a republican form of government; which was referred to the Committee on Privileges and Elections.

#### SOUTHERN UTE INDIANS.

Mr. JONES of Arkansas submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6792) to disapprove the treaty heretofore made with the Southern Ute Indians to be removed to the Territory of Utah, and providing for settling them down in severalty where they may so elect and are qualified, and to settle all those not electing to take lands in severalty on the west 40 miles of present reservation and in portions of New Mexico, and for other purposes, and to carry out the provisions of the treaty with said Indians June 15, 1880, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate and agree to the same with an amendment as follows:

Add as a new section:

"SEC. 6. That the foregoing provisions of this act shall take effect only upon the acceptance thereof and consent thereto by a majority of all the male adult Indians now located or residing upon the reservation, which acceptance shall be at once obtained under such regulations as the Secretary of the Interior may prescribe."

And the Senate agree to the same.

JAMES K. JONES,  
W. N. ROACH,  
R. F. PETTIGREW,  
*Managers on the part of the Senate.*  
W. S. HOLMAN,  
THOS. LYNCH,  
CHARLES CURTIS,  
*Managers on the part of the House.*

The report was concurred in.

#### REPORTS OF COMMITTEES.

Mr. PEPPER, from the Committee on Agriculture and Forestry, reported an amendment intended to be proposed to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 3988) granting a pension to Marrilla Parsons, of Detroit, Mich., reported it without amendment, and submitted a report thereon.

Mr. PALMER. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 5377) granting a pension to Richard B. Knight, to report it without amendment and to submit a report thereon. I will state that a bill substantially like this has passed the two Houses heretofore, in which a mere verbal mistake has been discovered, and this is to correct a typographical error in that bill. I hope the bill may be disposed of at this time.

The VICE-PRESIDENT. The Senator from Illinois asks unanimous consent for the present consideration of the bill reported by him.

Mr. CALL. Mr. President—

Mr. PALMER. I hope the Senator from Florida will allow the report to be read. He will see at once that the bill is merely to correct a verbal mistake.

Mr. CALL. I hope the Senator will not ask to have the bill considered at this time, but will allow the morning business to be gone through with.

The VICE-PRESIDENT. Objection is made, and the bill will be placed on the Calendar.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (H. R. 5260) granting an increase of pension to Thomas Corigan, reported it without amendment, and submitted a report thereon.

Mr. HILL, from the Committee on the Judiciary, to whom was referred the bill (S. 2688) to provide for the striking of juries in the District of Columbia, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2424) regulating the procedure in criminal causes in the States of North and South Dakota, reported it without amendment.

Mr. PETTIGREW, from the Committee on Public Lands, to whom was referred an amendment submitted by Mr. HANSBROUGH on the 8th instant intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUAY, from the Committee on Pensions, to whom was referred the bill (H. R. 5642) granting a pension to Elizabeth Brower, a hospital nurse during the war of the rebellion, reported it without amendment, and submitted a report thereon.

#### ENGROSSMENT AND ENROLLMENT OF BILLS.

Mr. GORMAN, from the Committee on Printing, reported the following concurrent resolution; which was considered by unanimous consent, and agreed to:

*Resolved by the Senate (the House of Representatives concurring), That during the last ten days of any session of Congress the engrossing and enrolling of bills and joint resolutions by printing, as provided for in the concurrent resolution adopted by the Fifty-third Congress, first session, November 1, 1893, may be suspended, and said bills and joint resolutions may be written by hand when in the judgment of the Joint Committee on Printing it is deemed necessary.*



## REPORT OF STRIKE COMMISSION.

Mr. GORMAN. The Committee on Printing, to whom was referred a concurrent resolution submitted by the Senator from Indiana [Mr. VOORHEES], December 10, 1894, for the printing of the report of the United States Strike Commission on the Chicago strike of June and July, 1894, direct me to report it back with an amendment in the nature of a substitute. I ask unanimous consent that it may be considered at this time.

By unanimous consent, the Senate proceeded to consider the concurrent resolution, which was read, as follows:

*Resolved by the Senate (the House of Representatives concurring).* That there be printed, bound in cloth, and properly wrapped for mailing, 20,000 extra copies of the report on the Chicago strike of June and July, 1894, by the United States Strike Commission appointed by the President July 26, 1894; 10,000 copies for the use of the House of Representatives, 5,000 copies for the use of the Senate, and 5,000 copies for the use of the Department of Labor.

The amendment of the Committee on Printing was to strike out all after the resolving clause and insert the following:

That there be printed of the report on the Chicago strike of June and July, 1894, of the United States Strike Commission, appointed by the President July 26, 1894, 10,500 extra copies, in paper covers, without appendices, of which number 2,500 shall be for the use of the Senate, 5,000 for the use of the House of Representatives, and 3,000 for the use of the Department of Labor; also 5,000 extra copies of said report, with appendices, in paper covers, of which number 1,000 shall be for the use of the Senate, 2,000 for the use of the House, and 2,000 for the use of the Department of Labor.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

## EXTRADITION OF GENERAL EZETA.

Mr. GORMAN, from the Committee on Printing, reported the following order; which was considered by unanimous consent, and agreed to:

*Ordered.* That the arguments of counsel and decision of the court in the extradition case of General Ezeta, together with the brief on behalf of the refugees as an appendix, be printed.

## ABANDONED FORT M'KINNEY MILITARY RESERVATION.

Mr. CAREY. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. 2409) granting certain lands in the abandoned military reservation at Fort McKinney, Johnson County, Wyo., to the State of Wyoming for public purposes, to report it with an amendment. I ask unanimous consent for the present consideration of the bill.

Mr. CALL. I hope the Senator will not make that request. Let us go through with the morning business.

Mr. CAREY. I will inform the Senator from Florida that it will not take two minutes to pass the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CALL. If I should consent to the request of the Senator from Wyoming there would be a great many other Senators who would make similar requests, and I am anxious that the resolution heretofore submitted by me, which has been before the Senate for some time, shall be voted upon. The Senator can present his report at a later time and secure consideration of the bill.

Mr. CAREY. I am afraid the Senator's resolution will remain before the Senate for some time.

The VICE-PRESIDENT. Objection being made, the bill will be placed on the Calendar.

## ST. JOSEPH HARBOR, MICHIGAN.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the joint resolution (H. Res. 261) authorizing the Secretary of War to expend a portion of the appropriation made in the river and harbor act of 1894 for St. Joseph Harbor, in the State of Michigan, to complete the connection between St. Joseph Harbor and Benton Harbor, to report it with an amendment. I ask unanimous consent that it may now be considered.

Mr. CALL. I hope the Senator will not ask that.

Mr. FRYE. It will not take a minute.

Mr. CALL. I have objected in other cases.

The VICE-PRESIDENT. Does the Senator from Florida object?

Mr. CALL. I do not object in this case on the assurance of the Senator that the bill will not occupy time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was reported from the Committee on Commerce with an amendment, in line 3, after the word "authorized," to insert "in his discretion," so as to make the joint resolution read:

*Resolved, etc.* That the Secretary of War be, and he is, authorized, in his discretion, to apply so much of the appropriation for the improvement of St. Joseph Harbor, in the State of Michigan, made in the river and harbor act of 1894, as may in his judgment be necessary to complete the connection between St. Joseph Harbor and Benton Harbor in said State of Michigan.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

## COMMITTEE ON INDIAN AFFAIRS.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the following resolution, submitted by himself on the 8th instant, reported it without amendment and moved that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate; which was agreed to:

*Resolved.* That the Committee on Indian Affairs be instructed, as now constituted, either by full committee or such subcommittee or committees as may be appointed by the chairman thereof, with the full power of such committee to continue during the coming recess of Congress the investigations authorized by the resolutions of May 13, 1890, and February 27, 1891, with the authority and in the manner and to the extent provided in said resolutions, and in the pursuance of such investigations to visit the several Indian reservations, Indian schools supported in whole or in part by the Government, and the Five Nations in the Indian Territory, or any reservation where, in the opinion of said committee, it may be necessary to extend their investigations.

Second. That said committee or subcommittee shall have power to send for persons and papers, to administer oaths, and to examine witnesses under oath touching the matters which they are hereby empowered to investigate, and may hold their sessions during the recess of the Senate at such place or places as they may determine; and the necessary and proper expense incurred in the execution of this order shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of said committee.

Mr. JONES of Arkansas subsequently reported the resolution without amendment from the Committee to Audit and Control the Contingent Expenses of the Senate; and it was placed on the Calendar.

## BILLS INTRODUCED.

Mr. MITCHELL of Oregon introduced a bill (S. 2741) to increase the pension of Maj. Gen. Julius H. Stahel; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 2742) providing for an additional circuit judge in the sixth judicial circuit, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WOLCOTT introduced a bill (S. 2743) for the relief of James G. Field; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. HOAR introduced a bill (S. 2744) granting a pension to Mrs. Ann M. Madden; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 2745) to authorize the Postmaster-General to refund to Volley P. Hart, postmaster at Sedalia, Mo., moneys sent him by the Post-Office Department for disbursement and lost by the failure of the First National Bank of Sedalia; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. BATE introduced a bill (S. 2746) granting an increase of pension to Napoleon B. Breedlove; which was read twice by its title, and referred to the Committee on Pensions.

## LITIGATION AGAINST PACIFIC RAILROADS.

Mr. PETTIGREW. I introduce a joint resolution and ask that it be read at length.

The joint resolution (S. R. 132) authorizing the employment of counsel for the purpose of bringing suits against the directors and stockholders of the Union and Central Pacific railroads was read the first time by its title, and the second time at length, as follows:

Joint resolution authorizing the employment of counsel for the purpose of bringing suits against the directors and stockholders of the Union and Central Pacific railroads.

*Resolved by the Senate and House of Representatives, etc.* That the President is hereby requested to employ counsel for the purpose of bringing suits against the directors and stockholders of the Union and Central Pacific railroads who received the stock of said roads without paying cash for the same; also to recover from the directors, officers, and stockholders of said roads such sums of money as were stolen by them or diverted and converted to any unlawful purpose, and therefore not placed in the sinking fund as required by law; and the President is hereby authorized to pay to said attorneys the sum of 5 per cent of all sums recovered from said directors or stockholders. The Attorney-General is also directed to foreclose the mortgage of the Government on said roads at the earliest possible date, and to take steps to pay off the prior incumbrance on said roads and to use the sinking fund for that purpose; to ascertain the amount of money belonging to the Union Pacific and Central Pacific railroads that has been invested in branch lines, and the amount of bonds and stock of other companies now the property of said roads, and to take steps to secure the Government interest therein; to ascertain the amount of land now the property of said roads and recover the same or protect the Government interest in connection therewith.

SEC. 2. That for the purpose of carrying out the provisions of this resolution the sum of \$100,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. PETTIGREW. I ask that the joint resolution be printed and lie upon the table. I wish hereafter to submit some few remarks in connection therewith.

I wish to say at this time that I shall furnish to the Senate a list of the stockholders who have converted the stocks of these companies, and also the amounts for which they are liable.

I shall also furnish to the Senate a list of the securities, bonds, and stock of the branch lines which are the property of the Union and Central Pacific railroads.

I think that the management of these roads has been a disgrace to American civilization, and while I think it is not worse than the management of most of the railroads which have been built

in this country, still I think that it is the duty of Congress in this case to correct the evil.

At some future time I shall undertake to show the Senate the methods practiced by other railroad companies in this country to rob their stockholders and bondholders in reorganizing corporations, and I think I can demonstrate that if there is any fear with regard to the bonds and stocks of American corporations it does not result from any fear in relation to our currency, but rather to the rascality of the manipulators of these properties, residing almost entirely in Eastern cities and having the center of their operations in Wall street.

The VICE-PRESIDENT. The joint resolution will lie on the table, at the request of the Senator from South Dakota.

#### AMENDMENTS TO BILLS.

Mr. BUTLER submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed and, with the accompanying paper, referred to the Committee on Indian Affairs.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Territories, and ordered to be printed.

Mr. CAMERON submitted an amendment intended to be proposed by him to the bill (S. 3297) to provide for the restatement, readjustment, settlement, and payment of dues to army officers in certain cases; which was ordered to lie on the table and be printed.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. WHITE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. BATE submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TURPIE submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

#### BIMETALLISM AND GOLD BONDS.

Mr. HILL submitted the following concurrent resolution; which was read:

*Resolved (if the House of Representatives concur), That it is the sense of Congress that the true policy of the Government requires that its efforts should be steadily directed to the establishment of a safe system of bimetalism, wherein gold and silver may be maintained at a parity, and every dollar coined may be the equal in value and power of every other dollar coined or issued by the United States; but if our efforts to establish or maintain such bimetalism shall not be wholly successful, and if for any reason our silver coin shall not hereafter be at parity with gold coin and the equal thereof in value and power in the market and in the payment of debts, then it is hereby declared that the bonds of the United States now or hereafter issued which by their terms are payable in coin, shall nevertheless be paid in standard gold dollars, it being the policy of the United States that its creditors shall at all times be paid in the best money in use.*

Mr. HILL. I desire the immediate consideration of the resolution.

Mr. BUTLER. Let the resolution go over. I object to its present consideration.

Mr. STEWART. I am ready to make some remarks upon the resolution at this time.

The VICE-PRESIDENT. The Senator from New York has the floor.

Mr. HILL. I ask that the resolution may go over, and be printed.

The VICE-PRESIDENT. The resolution will go over under the rule, and be printed.

#### GOLD PURCHASES.

Mr. STEWART submitted the following concurrent resolution; which was read:

*Resolved by the Senate (the House of Representatives concurring therein), That there is no authority of law to buy gold coin in preference to silver coin for any purpose whatever.*

Mr. STEWART. I ask that the resolution may lie over until to-morrow morning.

The VICE-PRESIDENT. The resolution will go over under the rule.

Mr. STEWART. I will be likely to make some remarks upon it to-morrow morning.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 8th instant approved and signed the following acts:

An act (S. 1478) providing for an additional circuit judge in the seventh judicial circuit, and for other purposes;

An act (S. 1135) granting a pension to Mrs. Katharine Todd Crittenden;

An act (S. 2618) for the relief of Grace Roberts, doctor of medicine; and

An act (S. 2563) to authorize the city of Charlotte, N. C., to beautify and use as a public park the United States mint property in said city under rules and regulations prescribed by the Secretary of the Treasury.

The message also announced that the President of the United States had on the 9th instant approved and signed the act (S. 2736) for the immediate relief of the suffering poor of the District of Columbia.

#### HOUSE BILL REFERRED.

The joint resolution (H. Res. 273) extending from March 1, 1895, to the 15th day of April, 1895, the time for making returns of incomes for the year 1894 was read twice by its title, and referred to the Committee on Finance.

#### REGULATIONS RESPECTING FUR SEALS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, on motion of Mr. MORGAN, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

On the 8th day of January I received a copy of the following Senate resolution:

*"Resolved, That the President be requested, if not incompatible with the public interests, to communicate to the Senate all reports, documents, and other papers, including logs of vessels, relating to the enforcement of the regulations respecting fur seals adopted by the Governments of the United States and Great Britain, in accordance with the decision of the tribunal of arbitration, convened at Paris, and the resolutions under which said reports are required to be made, as well as relating to the number of seals taken during the season of 1894 by pelagic hunters and by the lessees of the Pribilof and Commander islands; also, relating to the steps which may have been taken to extend the said regulations to the Asiatic waters of the North Pacific Ocean and Bering Sea and to secure the concurrence of other nations in said regulations; and, further, all papers not heretofore published, including communications of the agent of the United States before said tribunal at Paris, relating to the claims of the British Government on account of the seizure of the sealing vessels in Bering Sea."*

In compliance with said request I herewith transmit sundry papers, documents, and reports which have been returned to me by the Secretary of State, the Secretary of the Treasury, and the Secretary of the Navy, to whom said resolution was referred. I am not in possession of any further information touching the various subjects embodied in such resolution.

It will be seen from a letter of the Secretary of the Navy, accompanying the papers and documents sent from his Department, that it is impossible to furnish at this time the complete log books of some of the naval vessels referred to in the resolution, but I venture to express the hope that the reports of the commanders of such vessels herewith submitted will be found to contain in substance so much of the matters recorded in said log books as are important in answering the inquiries addressed to me by the Senate.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 11, 1895.

#### HISTORICAL MUSEUM, DES MOINES, IOWA.

Mr. ALLISON. I ask unanimous consent for the present consideration of the bill (S. 2589) granting cannon to the Historical Museum, Des Moines, Iowa.

Mr. CALL. I hope the Senator will not press that. I must object to the consideration of the bill.

Mr. ALLISON. If the bill takes more than a minute I will withdraw it.

Mr. CALL. If the Senator in charge of the Post-Office appropriation bill will not call it up for a time, I will give way.

Mr. ALLISON. I will agree to an additional minute.

Mr. CALL. Very well, then, I shall give way.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2589) granting cannon to the Historical Museum, Des Moines, Iowa, which was reported from the Committee on Military Affairs with an amendment, in line 6, after the word "one," to insert "condemned;" so as to make the bill read:

*Be it enacted, etc., That the Secretary of the Navy be, and is hereby, authorized and directed to supply the Iowa Historical Museum, Des Moines, Iowa, on the request of the governor, with two condemned cannon and one condemned seacoast mortar from the Portsmouth Navy-Yard, N. H., the State of Iowa to pay all the expenses of transportation, etc.*

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### HEIRS OF CATHARINE P. CULVER.

Mr. PASCO. There is a message from the House of Representatives on the table of the Vice-President which I ask may be laid before the Senate at this time.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 684) for the relief of the heirs of the late Mrs. Catharine P. Culver, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PASCO. I move that the Senate insist on its amendments disagreed to by the House of Representatives, and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to



appoint the conferees on the part of the Senate, and Mr. PASCO, Mr. MITCHELL of Oregon, and Mr. ALLEN were appointed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 397) to provide for the erection of a Government building at Chicago, Ill.

#### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 397) to provide for the erection of a Government building at Chicago, Ill.; and it was thereupon signed by the Vice-President.

#### MINERAL LANDS IN MONTANA AND IDAHO.

Mr. GORMAN. A few days since I entered a motion to reconsider the vote by which House bill 3476, known as the mineral land bill, was passed. The Senator in charge of the bill and others interested in it desire to make certain amendments to it. I ask that my motion may be now considered.

Mr. CALL. I object to the consideration of anything other than morning business at this time.

The VICE-PRESIDENT. There is objection.

Mr. DUBOIS. I ask the Senator from Florida if he will not withdraw his objection for a few moments to the consideration of the bill? It is a very important matter.

Mr. GORMAN. My motion is only for the reconsideration of a bill.

Mr. CALL. I do not object to that.

Mr. GORMAN. I understand the Senator from Florida not to object.

Mr. BERRY. I can indicate where the proposed amendments should come in.

Mr. GORMAN. I trust the bill will be laid before the Senate by unanimous consent.

The VICE-PRESIDENT. Is there objection to the present consideration of the motion heretofore entered by the Senator from Maryland for the reconsideration of the vote by which the bill was read the third time and passed?

Mr. PLATT. What is the bill?

Mr. GORMAN. It is House bill 3476, relating to mineral lands.

Mr. PLATT. The one relating to the Northern Pacific Railroad lands?

Mr. BERRY and Mr. GORMAN. Yes.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maryland to reconsider the vote by which the bill (H. R. 3476) to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho was read the third time and passed.

The motion to reconsider was agreed to.

Mr. BERRY. After the word "expenses," in line 20, section 2, I move the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "expenses," in line 20, of section 2, on page 2, it is proposed to insert:

But the total amount of compensation to be paid to each commissioner annually shall in no case exceed the sum of \$2,500.

The amendment was agreed to.

Mr. BERRY. In line 16 of section 2, on page 3, after the words "provided for," I move to strike out all down to and including the word "party," in line 18.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, section 2, it is proposed to strike out all after the words "provided for," in line 16, down to and including the word "party," in line 18, as follows:

Not more than two of the commissioners in any one district shall be appointed from the same political party.

Mr. HOAR. Is that an office which is proposed to be created? I do not approve of putting such provisions in our statutes.

Mr. BERRY. It is to strike out the provision which has been read.

Mr. HOAR. I beg pardon; I thought it was to insert.

The amendment was agreed to.

Mr. BERRY. After the word "located," in line 6, section 5, page 6, I move to insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "located," in line 6, section 5, page 6, it is proposed to insert:

And in one newspaper published in the capitals of Montana and Idaho.

The amendment was agreed to.

Mr. BERRY. After the word "Provided," in line 24, section 5, page 6, I move to strike out the remainder of the section, and insert in lieu thereof what I ask to have read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the word

"Provided," in line 24 of section 5, on page 6, down to and including the word "lands," in line 6, on page 7, as follows:

That at such hearings the United States district attorney or his assistants for the judicial district in which the land is situated shall appear and defend the interests of the United States, and for such service he shall receive compensation not exceeding \$15 per day for each day's actual service before the register and receiver, to be paid out of the fund provided for the examination and classification of said mineral lands.

And insert:

That at such hearings the United States shall be represented and defended by the United States district attorney, or his assistants, for the judicial district in which the land is situated, or by some proper officer of the Interior Department, detailed by the Secretary of the Interior for that purpose, who shall receive a compensation not exceeding \$10 per day for each day's actual service before the register and receiver, to be paid out of the fund provided for the examination and classification of said mineral lands.

The amendment was agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BERRY. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. BERRY, Mr. POWER, and Mr. DUBOIS were appointed.

#### AMENDMENT OF INTERSTATE-COMMERCE ACT.

Mr. BLACKBURN. Mr. President—

Mr. BUTLER. The Senator from Kentucky very kindly yields to me to make a statement. I desire to give notice that after the disposition of the Post-Office appropriation bill I shall call up the resolution which I offered a few days ago to take up for consideration House bill 7273, amending the interstate-commerce law, with a view of submitting some remarks in reference to the matter.

#### POST-OFFICE APPROPRIATION BILL.

Mr. BLACKBURN. I move that the Senate now proceed to the consideration of the bill making appropriations for the postal service for the next fiscal year.

Mr. ALLEN. I hope the Senator from Kentucky will permit me to occupy the floor for the purpose of presenting the matter in regard to the late election in Alabama.

Mr. BLACKBURN. I ask the Senator from Nebraska how much time he wants?

Mr. ALLEN. I think I can probably submit all I desire to say by half past 3 o'clock.

Mr. BLACKBURN. Under the instructions I have from the Committee on Appropriations I can not, though I should like to, accede to the request of the Senator from Nebraska.

Mr. ALLEN. It is a very important measure.

Mr. BLACKBURN. Three weeks from this day the present Congress dies. We have seven or eight general appropriation bills yet untouched by the Senate, the Post-Office appropriation bill being one of them, and my instructions from the Committee on Appropriations are to utilize every moment of time that can possibly be had until this bill shall have been disposed of.

Mr. ALLEN. Mr. President—

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Kentucky that the Senate proceed to the consideration of the bill (H. R. 8272) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896. The motion is not debatable. The Chair will hear the motion of the Senator from Nebraska, however.

Mr. ALLEN. I desire to offer an amendment to the motion to the effect that we proceed now to the consideration of the resolution relative to the recent elections in the State of Alabama.

The VICE-PRESIDENT. The Chair can not entertain the motion of the Senator from Nebraska [Mr. ALLEN]. The question is on agreeing to the motion of the Senator from Kentucky [Mr. BLACKBURN] that the Senate proceed to the consideration of the Post-Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8272) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896, which had been reported from the Committee on Appropriations with amendments.

Mr. BLACKBURN. I ask that the first formal reading of the bill be dispensed with, and that the amendments reported by the Committee on Appropriations be considered and disposed of as they are reached in the reading of the bill and before other amendments are acted upon.

The VICE-PRESIDENT. If there be no objection, that course will be pursued. The reading of the bill will proceed.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 3, line 11, before the word "thousand," to strike out "twelve" and insert "fifteen;" so as to make the clause read:

For printing facing slips and cutting same, card slide-labels, blanks and books of an urgent nature for the postal service, \$15,000.

The amendment was agreed to.

The next amendment was, on page 4, line 15, after the word "million," to strike out "one" and insert "two;" so as to read:

For railway post-office car service, \$3,205,000.

Mr. CHANDLER. I suppose this increased sum is proposed by the committee in connection with the amendment which follows, inserting the words "said sum shall be expended under the direction and in the discretion of the Postmaster-General?"

Mr. BLACKBURN. I will say to the Senator from New Hampshire that the estimate of the Department was for \$3,205,000. The other House reduced it by \$100,000. The Postmaster-General came before the committee and satisfied the committee that unless the amount estimated for was appropriated, that is, unless there was an increase of \$100,000 made, it would cripple the service to that extent.

Mr. CHANDLER. Then I understand from the Senator from Kentucky that the increase from \$3,105,000 to \$3,205,000 is merely to restore an estimate of the Department and has no reference to the extraordinary provision which follows this clause. That being the case, I make no objection to the adoption of the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 4, line 16, in the provision for railway post-office car service, after the word "dollars," to insert:

Said sum shall be expended under the direction and in the discretion of the Postmaster-General, and any provision of existing law in conflict herewith is hereby repealed.

Mr. LODGE. I make the point of order against the amendment that it proposes general legislation of the most extensive kind, repealing all existing laws relating to the Railway Mail Service, setting aside the present policy of establishing mail routes by law, and putting the whole matter in the discretion of the Postmaster-General. It seems to me there could be no more general legislation than that. Without pausing to discuss the merits of the question, I simply make the point of order that the amendment proposes general legislation and is out of order on an appropriation bill.

Mr. BLACKBURN. Mr. President, I desire to correct the statement made by the Senator from Massachusetts [Mr. LODGE]. If he will read the proposed committee amendment he will see his error. It does not propose to repeal the existing law in reference to fast mail service. The proposed amendment has for its object the repeal of no existing law except such as is in conflict with the amendment itself. If the Senator from Massachusetts will examine the subject he will find that it is not proposed to repeal any law or any part of a law except the act passed on the 3d day of March, 1873.

That act fixes a sliding scale of remuneration for the use of postal cars, but it fixes only the maximum which shall be allowed for the use of a 40-foot car, a 50-foot car, and a 60-foot car. The act of March 3, 1873, has these several provisions in the shape of maximum limitations which shall be allowed. In point of fact those maximum rates, as I am informed, have been allowed in all cases from then until now. The amendment proposes to repeal no law and no part of any law except those provisions which establish these maximum rates for the use of postal cars.

If the Senate will indulge me before it undertakes to dispose of the point of order made by the Senator from Massachusetts [Mr. LODGE], I will state the reason the committee had for inserting the amendment. We are paying exorbitantly high prices for the use of the postal cars. It is claimed by some, and it will, I apprehend, be so asserted here in connection with this paragraph, that to-day the Government of the United States pays every twelve months for the use of postal cars as much money as it costs to buy the cars, keep them in repair, and light, heat, and operate them. I do not say this is exactly correct; I say it is claimed by some that it is true. The Postmaster-General stated to the subcommittee that it is true that the Government to-day, under the maximum limitations fixed by the act of March 3, 1873, is paying for the use of postal cars every sixteen months a sum equal to the cost of building, repairing, maintaining, lighting, heating, and hauling the cars.

Mr. MITCHELL of Oregon. May I ask the Senator from Kentucky a question?

Mr. BLACKBURN. Certainly.

Mr. MITCHELL of Oregon. If it be true that the only effect of the amendment is to repeal a provision of existing law which fixes the maximum rates that the Postmaster-General shall allow for service of this kind, how does that repeal remedy the difficulty alluded to by the Senator from Kentucky?

Mr. BLACKBURN. If the Senator from Oregon had been a little more patient, I was trying to answer that in advance of his question.

Mr. MITCHELL of Oregon. There is nothing in the law now, I understand, which compels the payment of the maximum rates.

Mr. BLACKBURN. Not a bit of it. That is just the point I was trying to get at when interrupted.

Now, the truth is it may be answered and said that the matter is now in the discretion of the Postmaster-General. I say it is; I admit it is. It is clearly competent for Congress to fix the rates of pay at a million dollars a mile a year or at one mill a mile if it wants to; but I am referring to the practical result tested for a period of more than twenty years. It must be borne in mind that there is no contract under which the Government is responsible to the railroad company for any compensation for the use of these postal cars. The Government makes a contract with a railroad company to carry, between two points, so much mail measured by the hundredweight for so much money. That is the contract the Government makes. It is the business of the railroad company to provide the vehicle in which to transport the mail. But the Government wants to send its postal clerks along to distribute the mail at the different points and post-offices along the route, and for that reason, outside the contract and by way of supplement to the contract, the Government does allow this extra compensation. It might with some show of justification be claimed that the Government allows a gratuity in the shape of compensation to the road for the use of its postal cars.

The committee does not object to that, but what the committee is objecting to is the payment by the Government of exorbitant rates—rates that result in the disbursement of a sum every twelve or eighteen months which equals the cost of building, repairing, and maintaining the cars. The committee think it is too much. Consequently the committee thought it was absolutely necessary to fasten the responsibility somewhere. In order to do that Congress must confer discretion upon somebody. I do not want to give unusual discretionary powers either to this or to any other Department of the Government, but the responsibility and the discretion are inseparable. If it be conceded that the Government is to-day paying rates that are too high, they ought to be reduced, and the committee thought the Postmaster-General ought to have that discretion lodged with his Department, and that we should say to him, "We give you absolute discretion to fix those rates upon a fair compensatory basis, and we mean to hold you responsible to Congress if you discriminate or act unfairly or make unduly large allowances."

Mr. MITCHELL of Oregon. The Postmaster-General can reduce the rates now as the law stands, and if the proposed amendment is adopted then he can increase them, which he can not do now if the law is allowed to remain as it is.

Mr. BLACKBURN. I should very much like to see that man found who, as Postmaster-General, would be possessed of the temerity, if given the discretion and charged with the responsibility, to increase the rates paid for this service over any line of railway in the country. Congress has now, by the act of March 3, 1873, said that it is proper and fair that these maximum allowances shall be made, and the practical result has been that they have always been made. They are too high, in the opinion of the committee, and ought to be reduced. Will Congress undertake by arbitrary legislation to say what compensation shall be given to each and every one of the different railroads which haul postal cars over this country? This is absurd. It is impracticable; it is impossible; we can not do it. We can fix the total amount, which it is proposed to do in the pending amendment, by giving the Postmaster-General exactly the sum he estimates for this service, and then saying to him, "We now repeal those sliding schedules in the act of 1873 legalizing the allowance of the maximum rate therein stated, and leave it to you to make your contracts; and we mean to hold you responsible if they are not fairly made and the Government is not fairly treated and fully protected."

If Congress does not lodge this discretion somewhere, and if this or some other amendment is not incorporated into the pending appropriation bill, we are to go on as we have been going for nearly a quarter of a century, paying the maximum rates that are legalized by the act of March, 1873, and paying rates which the Postmaster-General asserts amount every sixteen or eighteen months to the cost of the building, repairing, operating, and maintaining the postal cars themselves. The only object the committee had in view was to reduce those rates, believing that they were indefensibly high; and the committee were not able to devise a plan that seemed to insure better results than the amendment which it has now submitted. If any Senator will come to the aid of the committee and propose an amendment to the amendment which will better accomplish the purpose in view, speaking as far as I have the right to do for the committee, I shall gladly accept it.

Mr. LODGE. Mr. President, the sections of law proposed to be repealed by this clause are the acts of March 3, 1873, and sections 4003, 4003, 4004, and 4005 of the Revised Statutes. That certainly constitutes general legislation, for it repeals a number of sections of existing law.

Mr. GRAY. What are those sections about?

Mr. LODGE. Those sections, as the Senator from Kentucky [Mr. BLACKBURN] has said, relate to the cars, the length of the



cars, the rates of compensation, etc. I have no objection at all to giving the Postmaster-General authority in regard to the rates, but that is not the point in the amendment, as I look at it.

Mr. PLATT. He has that now.

Mr. LODGE. I think he has sufficient authority in that respect already. But the amendment must be taken in connection with the next amendment, against which the point of order would not lie. The next amendment proposes to strike out the provision in regard to special facilities on trunk lines for fast mails. By striking out that provision and putting in this amendment, against which I have made the point of order, we put into the hands of the Postmaster-General the power to select the route by which the special fast mail shall go on the trunk lines.

Mr. BLACKBURN. Will the Senator from Massachusetts allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. BLACKBURN. Against which amendment does the Senator from Massachusetts make his point of order?

Mr. LODGE. I make the point of order against the amendment on page 4, commencing in line 16 and going down to and including line 19.

Mr. BLACKBURN. But I notice that the Senator is discussing the next proposed amendment, which begins in line 25.

Mr. LODGE. If the Senator from Kentucky had been listening to me—

Mr. BLACKBURN. I heard every word.

Mr. LODGE. Then I failed to express myself clearly. I said the point of order laid against the pending amendment, and that the importance of the amendment was when taken in connection with the next amendment.

Mr. BLACKBURN. I suggest that we have not reached the next one yet.

Mr. LODGE. I can not argue as to this amendment without pointing out what the effect of the next amendment will be, because it is the next amendment joined to this one which makes the pending amendment objectionable.

Mr. BLACKBURN. Then it is a double-barreled point of order which the Senator makes.

Mr. LODGE. Not at all. My point of order does not lie against the next amendment, and it can not, as the Senator from Kentucky is well aware.

Mr. BLACKBURN. Does the Senator admit that the point of order is not good against the amendment in lines 16 to 19, unless it be considered in connection with another amendment which we have not reached?

Mr. LODGE. The effect of this amendment combined with the next amendment is to throw into the hands of the Postmaster-General the right to put the special facilities for the fast mails where he pleases. To that I strongly object. I think it should be settled by Congress. I make the point of order against this amendment because I want to stop that.

Mr. BLACKBURN. But I understand the Senator from Massachusetts makes his point of order against the amendment now pending—

Mr. LODGE. I do.

Mr. BLACKBURN. And argues in support of the point of order, predicated his argument upon another amendment which the Senate has not yet reached.

Mr. LODGE. I argue the point on this amendment because the effect of the amendment, if carried, with the next amendment—

Mr. BLACKBURN. We have not got to the next amendment.

Mr. LODGE. Will be to throw into the hands of the Postmaster-General discretion as to the whole of this fast railway mail.

Mr. BLACKBURN. With the Senator's permission, I merely submit that the point of order made against the pending amendment must stand or fall upon this one amendment, and not on any other amendment which has not been considered.

Mr. LODGE. The point of order does not lie against the other amendment at all, and no point of order can be made against it, in my judgment.

Mr. BLACKBURN. I am afraid the Senator from Massachusetts fails to understand me. The point I make is that neither the Chair nor the Senate can, in determining the point of order made against the pending amendment, consider any other proposed amendment that has not been reached.

Mr. LODGE. I was making the—

Mr. PLATT. Will the Senator yield to me a moment?

Mr. LODGE. Certainly.

Mr. PLATT. The Senator from Massachusetts is stating his motive for making this point of order, which is that he connects it with another amendment. There are other Senators here who would make the point of order from other motives.

Mr. LODGE. I make the point of order against this amendment (and I think it is a good one) that it is general legislation repealing existing law and putting in the hands of the Postmaster-

General new powers. That is the point of order I make against this amendment.

My reason for making the point of order—my motive, I should say in making it—is because I think the effect of the provision will be to put in his hands the fast railway mail routes. But that is wholly distinct from the point of order. I want to beat both amendments, and the reason why I desire to beat both amendments is because I do not care to throw into the hands of the Postmaster-General the control of the fast-mail routes which have been arranged by Congress with a view to fast-mail service for the different sections of the country.

There is one fast-mail route provided for in the paragraph which has been stricken out by the committee which is of immense importance to all the great business of the Eastern part of the country. If the first amendment is adopted it will leave the Postmaster-General power to alter or change those routes in any way he desires. That is my motive for taking both amendments; but my point of order against the pending amendment has nothing whatever to do with the second amendment. It is confined entirely to the objection to the amendment that it is general legislation and therefore contrary to the rules of the Senate. I was simply taking occasion, as I had the floor, to explain why I am against both amendments, and I could not discuss the first amendment without also discussing the second.

To the second amendment I am very strongly opposed. No point of order lies against it. I am very much averse to taking away the authority of Congress in settling the fast-mail routes and putting them into the hands of the Postmaster-General. They are well settled now, as it seems to me, and I think that is the general belief of the people whom I represent. I do not want to see them destroyed, as is proposed by the second of these committee amendments, and thrown into the control of the Postmaster-General, as is proposed by the first amendment.

Mr. BLACKBURN. Will the Senator please allow me to ask him a question before he leaves the floor?

Mr. LODGE. Certainly.

Mr. BLACKBURN. The Senator insists on discussing an amendment that the Senate has not yet reached, and I am bound to follow him there with a question. If the suggestion of the committee should be adopted and the paragraph which has not yet been reached, beginning with line 25, should be stricken out, does the Senator mean to say that that would leave it discretionary with the Postmaster-General to give out contracts for fast mails to any lines that he might please?

Mr. LODGE. Certainly, if the second amendment is adopted.

Mr. BLACKBURN. Upon the contrary, if the second one is adopted, there is not a penny of money appropriated for any fast-mail facilities anywhere on any road.

Mr. LODGE. No; they will all have to come under this one clause.

Mr. BLACKBURN. This clause does not provide for any special facilities for fast mails.

Mr. LODGE. Do I understand the Senator from Kentucky that it is the proposal of the bill to abolish special fast mails?

Mr. BLACKBURN. I do, for the reason that there is only one road in America to-day getting this mail subsidy of \$196,000 and more, and that the Post-Office Department never did recommend it, but for two years the Postmaster-General sent reports to Congress asking Congress to abolish it, for the reason that it was a positive detriment instead of a benefit to the postal service.

Mr. WOLCOTT. What line is that?

Mr. BLACKBURN. It is the line down the Atlantic coast. I think they call it the Southern line now. The railroads change their names so rapidly that one can not keep up with the changes unless he is identified with the roads. It is the only line from Boston on down the Atlantic coast. I do not mean the Atlantic Coast Line, which is the line that had it for years. Two years ago another line came in and got it. It used to be called the Richmond and Danville system. I think it is now called the Southern system. That is the only line on this continent which gets a penny from the Government in the shape of a subsidy, and it gets one hundred and ninety-six thousand and odd dollars every year, running with a parallel line that does not get a penny, and between New York and Atlanta there are less than sixty minutes' difference in the schedules of that subsidized fast-mail line and the competing parallel line known as the Sea Coast Air Line that does not get a penny. So it is the purpose of the committee on this bill to strike out that subsidy of \$196,000, and that is the only effect of the proposed amendment, which begins on line 25, at the foot of page 4, which amendment has not yet been reached.

Mr. HUNTON. Will the Senator from Kentucky allow me to ask him a question?

Mr. BLACKBURN. I am speaking now in the time of the Senator from Massachusetts.

Mr. HUNTON. Will the Senator from Massachusetts allow me?

Mr. LODGE. Certainly.

Mr. HUNTON. I understood the Senator from Kentucky to say there is but one railway line in the United States that gets the benefit of this appropriation of \$198,000.

Mr. ALLISON. But one railway route.

Mr. BLACKBURN. I said one route. There are different lines that use parts of the same route.

Mr. HUNTON. I understood the Senator to especially mention the Southern Railway Company.

Mr. BLACKBURN. I stated the terminal points, beginning in Boston and running down to Atlanta.

Mr. LODGE. It begins at Springfield, Mass.

Mr. CULLOM. Let me read the provision in the bill which the committee propose to strike out:

For necessary and special facilities on trunk lines from Springfield, Mass., by way of New York and Washington, to Atlanta and New Orleans, \$100,614.22.

Mr. BLACKBURN. That is right.

Mr. CULLOM. That is the line established by the last Post-Office appropriation act, and there is no other line to which the Government is paying for what are called special facilities.

Mr. BLACKBURN. Not a penny.

Mr. HUNTON. I beg leave to call attention to the proviso, which meets very many of the points made by the Senator from Kentucky.

Mr. BLACKBURN. That the money shall only be expended when the Postmaster-General may deem it necessary.

Mr. HUNTON. It reads:

*Provided, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.*

Mr. BLACKBURN. Exactly; and yet every year that a dollar of money has been appropriated for this service it has been paid to that road. That is true of the two years in which the Post-Office Department officially advised Congress that the special service ought to be repealed and abolished, and that it was a positive detriment instead of a benefit. Yet the Post-Office Department paid it.

Mr. HUNTON. And yet the Department could have withheld every dollar.

Mr. BLACKBURN. And yet the Postmaster-General did not withhold a single dollar, and he never will as long as the appropriation is carried in the Post-Office appropriation bill.

Mr. LODGE. Mr. President, just one word in regard to these lines. I know nothing about the lines which have received the subsidy. I do not even know their names. I do know that the fast-mail service has been of great value, certainly to my part of the country, and I do not want to see it abolished.

Under this provision the Senator from Kentucky says that the line, he is informed by the Department, is of no value; that we gain nothing from it, and we spend a great deal of money. There is a provision in the clause that is stricken out by the committee which gives the Postmaster-General absolute discretion if the line is of no value, and why that can not be left to his discretion as well as leaving the whole three-million-dollar appropriation to his discretion I do not see.

Mr. BLACKBURN. I suggest, Mr. President—

Mr. LODGE. The Senator will excuse me one moment.

Mr. BLACKBURN. Certainly.

Mr. LODGE. That fast-mail route is of great importance. I should be very sorry to see it abolished, for I believe it is of great value to the business interests of the Northeast, who have large dealings with the South. I do not want to see it abolished. I think that a route established like that by Congress is of great value and ought to be retained. That is why I resist putting it so absolutely in the hands of the Postmaster-General.

Mr. BLACKBURN. But the Senator is well aware that he is now discussing an amendment which has not been reached and which is not before the Senate at all.

Mr. LODGE. I am aware of that, and I have tried to explain to the Senator from Kentucky that the two amendments are really linked together. One comprises my motives and the other is amenable to the point of order.

Mr. ALLISON. Mr. President, as a member of the Committee on Appropriations I opposed the amendment now under consideration, believing that it is a radical and unwise change of existing law, and that it does not in any sense reach the suggestions which have been made by the Senator from Kentucky as respects the question of compensation or the reduction of compensation. It does not wholly repeal section 4004 of the Revised Statutes. It does repeal that section so far as it may be inconsistent with the provisions of this amendment, and it therefore places under the control of the Postmaster-General, without qualification, the power to use the appropriation of \$3,000,000 in his discretion for such fast mails as he may think wise to establish or continue.

Mr. PLATT. Will the Senator from Iowa allow me to interrupt him?

Mr. ALLISON. Certainly.

Mr. PLATT. The Senator says that it does not repeal entirely

the section of the statute alluded to, by which I suppose he means that with this amendment in the appropriation bill it would still be the duty of the Postmaster-General to send the mails in railway postal cars as at present.

Mr. ALLISON. No; I do not say that it would still be his duty to do so. In that sense it may repeal section 4004, but it only repeals section 4004 so far as to limit the price the Postmaster-General may pay.

Mr. PLATT. I wish to ask the Senator from Iowa whether, with this amendment adopted, the Postmaster-General can not then purchase cars, as was proposed in an amendment which the Senator from Wisconsin [Mr. VILAS] was going to submit to the bill? Does not the amendment, if adopted, allow the Postmaster-General to buy postal cars and put them on the road?

Mr. ALLISON. I have no doubt if he chooses so to expend this money he can do that, but the point I make as respects the absolute repeal of section 4004 is that if the Postmaster-General sees proper to pay a higher sum, and a much higher sum, for the postal cars he has under the pending amendment the power to do it.

Mr. PLATT. Certainly.

Mr. WOLCOTT. Will the Senator from Iowa permit an interruption for a moment?

Mr. ALLISON. Certainly.

Mr. WOLCOTT. I am in very serious doubt as to how it is my duty to vote as to the amendment, and I wish to ask the Senator a question or two, if I may. In the first place, is it not reasonable to presume that if the Postmaster-General desires to strike out the provisions of law which say that for use of postal cars he shall pay a maximum rate he asks this because it is the inevitable result of such a provision that the maximum rate becomes the rate? Is not that possibly true? In the second place, no matter what are the vicissitudes or changes of parties, we always believe in the integrity and character of our Postmasters-General. We must say that, no matter whether we are of the same political faith with them or not. We know they are trying to make the greatest number of trips in the quickest possible time for the least possible expenditure of money. Every Postmaster-General of the United States is trying to make that sort of a record.

Now, is not this departmental and not legislative work, and is it not really a better and more intelligent way that the Postmaster-General should himself determine as to what railroad lines shall carry the mails rather than that the two Houses of Congress, who necessarily proceed in a lumbering sort of fashion, should enact that every particular road shall carry a particular mail? It is with a view of getting the Senator from Iowa to enlighten me on these subjects that I ask the questions. That I apprehend must be the purpose of the bill.

Mr. ALLISON. The Senator's questions are of course pertinent to the debate, but I submit that it is not the custom in these appropriation bills to leave wholly and absolutely the discretion in the hands of the head of a Department. On the contrary, it is the practice of Congress in all the appropriation bills to carefully limit, or to limit as carefully as we can, the expenditure of money under the various heads of appropriation. So we have a law that fixes the compensation for the transportation of mails by two or three provisions. One is by weight, another by speed, another by the use of postal cars. All these are elements in the compensation that is to be paid for this service.

Now, the Senator from Kentucky says the compensation paid is too much. If it is too much it is wholly within the power of the Postmaster-General to reduce the compensation. It is not, I think, a fair interpretation of a statute to say that because we fix a maximum rate beyond which the Postmaster-General shall not go, he is therefore under any sort of compulsion, implied or otherwise, to pay that maximum rate in every instance; and as a matter of fact he does not do so. I do not know about the present Postmaster-General, but I know that former Postmasters-General have exercised free discretion in limiting the pay upon these postal cars.

Mr. PLATT. The compensation has been twice reduced by law.

Mr. ALLISON. As the Senator from Connecticut says, the schedule of pay has twice been reduced by law, at one time 10 per cent and at another 20 per cent. I submit to those who are in favor of this provision that instead of providing, as is provided here, that this sum shall be placed in the hands of the Postmaster-General without limitation, either as to what he shall pay or as to what routes he shall select, if this compensation is too much we should proceed as we have proceeded heretofore and reduce the compensation 5 or 10 per cent; whatever reduction ought to be made.

This postal-car provision enters into and becomes a part of the compensation paid to these railroad lines. I dissent from the view expressed by the Senator from Massachusetts as to the second amendment, and I feel called upon to discuss that somewhat in connection with the pending amendment, as has already been done. The reason why the committee struck out the provision beginning in line 25 was not in any way connected with the pend-



ing amendment, but it was because we believed that if the Postmaster-General was true in his statement in regard to the excess of compensation paid to other railway lines, it was not wise for us to allow this railway line to receive all the compensation that other lines receive and in addition to that the extraordinary sum provided for in the bill.

I agree with the Senator from Massachusetts that if the pending amendment as it stands in the bill is adopted by the Senate and passed by Congress it will be within the province of the Postmaster-General to reinstate at once the provision which we have stricken out and which we believe ought not to exist, because he can use the appropriation of \$3,000,000 in his discretion for postal cars upon that route. Therefore it is that I am in favor of striking out the whole provision in order that when the appropriation of \$3,000,000 is expended it shall be expended under existing law until we change that law by some affirmative provision; and if it is too much, as I know the distinguished Senator from Wisconsin thinks it is, let us reduce the compensation by a general scaling down of the allowances to railway lines.

But there can be no question that the amendment is out of order. I do not wish to debate that question. If we can repeal the provisions of the Revised Statutes here referred to, we can on an appropriation bill repeal any provision respecting any of the sections of the Revised Statutes.

Mr. BLACKBURN. Will the Senator from Iowa allow me to ask him a question?

Mr. ALLISON. Certainly.

Mr. BLACKBURN. Would it in anywise obviate the Senator's objection to add to the proposed amendment, after the word "repealed," in line 19, page 14, the following proviso:

*Provided, That no part of said sum shall be expended for the purchase of postal cars, or for special facilities on fast-mail trains.*

Mr. ALLISON. That would help it.

Mr. BLACKBURN. I intend to offer that amendment to the amendment of the committee.

Mr. ALLISON. That would help it some.

Mr. BLACKBURN. I ask leave to submit that amendment to the amendment right now.

Mr. ALLISON. Very well.

The VICE-PRESIDENT. It will be so ordered, without objection.

Mr. ALLISON. That would prevent the purchase of postal cars.

Mr. BLACKBURN. Yes, sir; and it would do more. It would prevent the purchase of postal cars and prevent the expenditure of a penny of the appropriation of \$3,205,000 for the securing of special facilities on any fast-mail trains in this country.

Mr. ALLISON. Mr. President—

Mr. PLATT. What was the order made by the Chair?

The VICE-PRESIDENT. The amendment of the Senator from Kentucky will be stated, if the Senator from Iowa will yield for a moment.

Mr. ALLISON. The Senator from Kentucky offers an amendment to the amendment of the committee.

Mr. BLACKBURN. I asked the consent of the Senator from Iowa to submit it now, thinking it might change the current of debate.

The VICE-PRESIDENT. The amendment of the Senator from Kentucky to the amendment of the committee will be read.

The SECRETARY. Add, after the word "repealed," in line 19, page 14, the following proviso:

*Provided, That no part of said sum shall be expended for the purchase of postal cars or for special facilities on fast-mail trains.*

The VICE-PRESIDENT. It is a modification proposed by the Senator from Kentucky to the amendment of the Committee on Appropriations.

Mr. ALLISON. Mr. President—

Mr. PLATT. Does it require unanimous consent to so modify it?

Mr. BLACKBURN. I ask consent. Of course I can offer it when we get through with the committee's amendments, but I asked consent to submit it now—

Mr. PLATT. That is right.

Mr. BLACKBURN. As it might probably change the current of debate.

The VICE-PRESIDENT. That was the order of the Chair. The Chair heard no objection, and the amendment to the amendment will be considered as pending.

Mr. PLATT. There is no objection that it shall be submitted as a pending amendment to the amendment.

Mr. BLACKBURN. That is all I have asked.

The VICE-PRESIDENT. That was the order of the Chair.

Mr. ALLISON. Of course that amendment improves the provision as respects the purchase of postal cars, but it absolutely by its terms prohibits any fast mails hereafter.

Mr. BLACKBURN. That is the object of the next amendment anyway.

Mr. ALLISON. No; it is not. The object of the next amendment is to prevent special appropriations for fast mails.

Mr. BLACKBURN. The Senator will admit—

Mr. ALLISON. All the fast mails are provided for under the provisions of sections 4002, 4003, and 4004. Now the Senator proposes to provide that none of this money shall be used for that purpose at all.

Mr. PLATT. That is it.

Mr. ALLISON. If that is prohibited we might as well strike out the whole appropriation, practically, because a great portion of the \$3,000,000 is used on the great trunk lines for the purpose of securing speed and for the purpose of securing special trains.

Mr. BLACKBURN. Does the Senator from Iowa mean to be understood as telling the Senate that the greater portion of the three million and odd dollars, or a single penny of it, has ever been used for the purpose of securing special facilities on fast-mail trains? If so, he is not supported by any report made by the Post-Office Department, I am sure.

Mr. ALLISON. The Senator misunderstands me. I say that unless this appropriation is used for the promotion of fast-mail trains the fast-mail trains can not go, because they will not go under the ordinary appropriation.

Mr. BLACKBURN. The language I have submitted does not touch the case.

Mr. ALLISON. Very well.

Mr. BLACKBURN. It simply says that the money shall not be expended for the purpose of securing special facilities on fast-mail trains. I undertake to say, speaking in the light of the official reports of the Department, that there never has been a dollar of Government money used for the purpose of securing special facilities on fast-mail trains, except in the case of the Atlantic Coast Line, and then in the case of the present line that is to-day receiving this money. That is stricken out by the committee.

Mr. ALLISON. The Senator and myself—

Mr. BLACKBURN. We agree.

Mr. ALLISON. We agree, except that I understood from the phraseology of his amendment that it would prevent the use of this money.

Mr. BLACKBURN. No. I ask that the amendment be read again.

Mr. ALLISON. That is not necessary.

Mr. BLACKBURN. It does not.

Mr. ALLISON. Now, this appropriation constitutes a great part of the compensation of all the railways that transport mails upon special mail trains, such as are started from New York, Chicago, and other cities of the United States. Therefore, unless it be the purpose of those who are in favor of this provision to destroy these rapid mails, practically, this appropriation thus limited will place it within the power of the Postmaster-General to curtail or destroy the service on fast-mail trains. But under this provision and under the general provisions he can now make arrangements whereby the fast mails can be secured; and in that way they have been secured.

Mr. BLACKBURN. I do not mean to disturb it.

Mr. ALLISON. I know the Senator does not, nor did the Committee on Appropriations.

Now, the Senator from Wisconsin introduces an amendment specifically providing for the purchase and use by the Government itself of the postal cars. He does that for the purpose of getting rid of this appropriation. I was at first inclined to think that there was very much in his suggestions respecting that question, but on further examination I find that the postal-car service is so intertwined with the entire postal system of our country that that will be endangered if we allow the purchase of the cars by the Government itself. Yet the Committee on Appropriations have unconsciously or intentionally provided for the same thing practically by the amendment that is here proposed. I merely want to say that I regard the pending amendment as unwise. I think it is a change of existing law which ought not to be made now and in this form. Therefore I shall vote against it when I have an opportunity to vote upon the question.

Mr. CULLOM. Mr. President, when this bill was before the Committee on Appropriations, after hearing quite an able argument in favor of an amendment to the general law providing that the Government of the United States should either purchase or build its own postal cars, some members of the committee for the time came to believe that the charges upon the Government on account of carrying the mails were much greater than they ought to have been or ought to be at this time. So the result was that a majority of the committee undertook to amend the law so that the Postmaster-General might in some way reduce the expense of carrying the mails to the Government of the United States. The result of it was that a majority of the committee voted in the bill the amendment which is now under consideration. The amendment, as I take it, is subject to the point of order that it is new legislation, but as we have got into the habit in the Senate of de-

bating everything upon which a point of order is made upon its merits, and if the question is to be submitted to the Senate—

The VICE-PRESIDENT. The Senator from Illinois will please suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 4609) to establish a uniform system of bankruptcy.

Mr. BLACKBURN. I ask that by unanimous consent the unfinished business, without prejudice, be informally laid aside, temporarily, that the Senate may proceed with the consideration of the pending appropriation bill.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The Senator from Illinois will proceed.

Mr. CULLOM. I have just said, Mr. President, that I was of the opinion that the point of order that this amendment was new legislation, and therefore not in order on the bill, was a good point, but that as we had got into the habit of debating the merits of a question, and then passing upon the point of order as we thought the merits justified, I suppose that course will be taken in this instance.

Upon carefully looking into this question I think that the Senate of the United States ought not to agree to the amendment. It is contrary to what has been the policy of the Government heretofore, and it seems to me that it is an attempt to place this whole subject in the hands of the Postmaster-General, and to abdicate, so far as Congress is concerned, any control over the question of carrying the mails, except to make the appropriations for which the Postmaster-General asks. While I am in favor of amending the law, if necessary, so that we shall not pay a nickel more than we ought to pay for carrying the mails, I am not in favor of putting the whole subject in the hands of one man, whoever that man may be, to determine what the policy of the Government shall be with reference to that subject.

Let me say, Mr. President, that, so far as I know, the Postmaster-General, Mr. Bissell, has made no recommendation upon this subject. On the contrary, his report, as I understand it, does not refer to it at all.

Mr. BLACKBURN. If the Senator will allow me—

Mr. CULLOM. Certainly.

Mr. BLACKBURN. I think it but fair to the Postmaster-General to make a statement just there, with which I know the Senator from Illinois is not acquainted.

Some weeks ago, during the absence of the Senator from Illinois from this city, his place as a member of the subcommittee having this bill in charge was temporarily taken by the Senator from Colorado [Mr. TELLER]. The Postmaster-General appeared before the subcommittee, consisting at that time of the Senator from Colorado, the Senator from Maryland [Mr. GORMAN], and myself, and in a long interview, covering all the points involved in the consideration of the bill, he did express himself as very decidedly of the opinion that the rates paid for this postal-car service were enormously high and should be reduced.

He went further and told the subcommittee that he was sure that efforts upon the part of his predecessors had been made in that direction, as well as by himself since his coming into office, but that by one method or another they were frustrated, and that practically no reduction was coming, as no reduction ever did come unless it was in obedience to the positive legislative action of Congress. It was in that interview that he said he thought about every sixteen or eighteen months the Government would pay as much for the use of these postal cars—a matter altogether separate from the transportation of the mails, by the way, for that is paid for under another contract—that the Government every sixteen or eighteen months, in his judgment, was paying about as much for the use of these postal cars as it cost to build, repair, maintain, and operate the cars.

Mr. CULLOM. If the Senator has finished—

Mr. BLACKBURN. I have. I know the Senator was not here when this interview occurred.

Mr. CULLOM. I was informed that the Postmaster-General either voluntarily or by request—I do not know which—had appeared before the subcommittee of the Committee on Appropriations and made a statement with reference to some provisions of the bill. I am not advised that the Postmaster-General's statement was put in writing by the subcommittee.

Mr. BLACKBURN. It was not.

Mr. CULLOM. Mr. President, before I advocate a general change of policy with reference to the conduct of the Government in supplying mails to the people of this country I should like to have the Postmaster-General say in writing what he is for and what changes in the law ought to be made, and the reasons therefor, if he has any. I think that if the Postmaster-General had been so impressed with the importance of a change of the statutes on that question, when he made his report he would have said something about it; but the truth is that, in my opinion, scarcely anybody in this Senate or out of it ever thought of a change of policy with reference to this question until the honorable Senator

from Wisconsin [Mr. VILAS] introduced an amendment here proposing to purchase or build all the postal cars of this country.

It is stated truthfully by the chairman of the subcommittee in charge of the bill that the Government pays probably every sixteen or eighteen months for carrying the mails, or for the use, if you please, of a car, the price of it. That statement technically is true, but, as a matter of fact, it is not simply a question of running the postal car or paying rent for the car. The fact is that the postal cars are great traveling post-offices, equipped by the railroad companies for the conduct of the post-office business as the trains speed over the country from one side of it to the other. The mere rent of the car is of very little consequence compared with what the railroad company does in equipping it, transporting it, making it a post-office, and carrying the men who conduct the post-office as it is run from one side of the country to the other. The Senator perhaps knows that there are between six and seven thousand men engaged in this postal-car service, conducting the mails and distributing them as the train goes from one section of the country to another. Who pays for their transportation? The railroads carry them, and if the railroads were to get 2 cents a mile for carrying the postal clerks they would get between \$5,000,000 and \$6,000,000 for that service alone. The men are regarded under the law as passengers; and as such the common carrier which transports the mail is liable for damages which may occur to those persons, just as it is liable for damages to any other passenger upon the train.

So while it may seem from the statement of the Senator from Kentucky, or the Senator from Wisconsin, when he comes to make his statement, that we are paying enormous rents—and I do not know but we are—there are more things to be taken into account in connection with this service than simply the car itself.

Besides that, if we are paying more money than we ought to pay, let us have a hearing either before the Postmaster-General or by the Post-Offices and Post-Roads Committee of the Senate and find out exactly what the trouble is with the law and whether we are paying too much or too little.

The amendment was inserted in this bill without any hearing being given to anybody. The railroads have not been called upon to state whether this proposition is reasonable or not. It is proposed simply to leave it to one man to change the whole policy of the Government, and leave it to one man to determine whether the Government is now paying more than it ought to pay for this service.

Let me say another thing, Mr. President. I contend, and I do not think anybody will dispute it, that the law as it is gives the Postmaster-General the right to reduce the amount which is paid for a 40-foot, a 50-foot, or a 60-foot car. He can do it now, and yet I am informed that the Postmaster-General comes in here for the first time, after he had made his annual report, and says that we ought to change the law, in order to prevent him from paying more for the postal cars than the postal cars are worth. I do not desire to be put in the attitude of wanting to give one cent more for the postal service than it is actually worth to the Government, but I am unwilling to favor any policy which is likely to cripple or break down the postal service as we have it to-day.

Let me say that the postal service of the United States, as has been stated by Postmasters-General, is the best perhaps that can be found anywhere in the world. For instance, Postmaster-General Dickinson said in 1888:

Statistics are given showing that in cheapness of postage, gross revenue and expenditures, number of post-offices, extent of mail routes, mileage of mail service, and volume of mail matter transmitted the postal system of the United States is the leading one of the world.

I am prepared to believe that that statement is true, and it is one of the glories of the American nation to-day that our postal service is the best perhaps of any service which is given to us by any branch or Department of the Government. I want to see it improved instead of broken down. I want to see the people of the United States, who are interested in the postal service more than they are in any service which we have in the Government, furnished facilities as cheaply as possible and as thoroughly to their convenience as it can be done consistent with the revenues of the Government. The Post-Office Department connects itself more closely with the great body of the American people than any other Government service. The mails go to the doors of our people.

There will perhaps be an attempt made before this bill is disposed of to cut off nearly all the free-delivery offices of the country. There are 602, I believe, now. There is a proposition—it is not in this bill, but it will probably be made—to reduce those free-delivery offices from 602 by four hundred and eighty-odd—I forget the exact number, but leaving 120 only—which would save, it is true, \$2,000,000 to the Government. That sounds very well, especially in these times when we have a scarcity of money, but I am opposed to any such measure as that.

Only a few years ago it was the policy of the Government not only to extend free deliveries to the large cities of the country, to



all cities having 10,000 inhabitants, I believe—I do not remember the exact number—but also to extend it into the country beyond the towns, and thus accommodate the farmers as well as the people who live in the cities.

Mr. HAWLEY. Will the Senator allow me to make a suggestion on that line?

Mr. CULLOM. Yes, sir.

Mr. HAWLEY. The Senator has very properly spoken of our splendid postal service, but it is in line with his remarks to say that it is well to remember that Great Britain undertakes to carry, and always does carry, the letter actually to the man's door.

Mr. CULLOM. That is done not only in Great Britain, but in France, I think, and in some other countries as well. It was the policy of this Government two or three years ago to reach out in that way, but the proposition now seems to be to go backward, and not only not to keep the free-delivery offices we have, but to drop nearly all of them out for the purpose of saving a few million dollars.

Mr. President, I am for cheap postage, and I am for the policy which will give the greatest possible accommodations to the great masses of the people who do business among themselves. I think myself—and I am talking outside of the record a little—that we ought to reduce letter postage to the great body of the people of this country to 1 cent instead of keeping it at 2 cents, as it is now. Think of it, Mr. President!

The Post-Office Department costs in round numbers between eighty-nine and ninety million dollars, as I remember it. I will give the figures here somewhat in detail:

The amount of this bill as it comes from the House is \$89,442,997.86; the amount of the estimates by the Department, \$91,059,283.64; amount of estimated postal revenues, \$86,907,407; amount appropriated by the law of 1895, \$87,236,599.55.

Mr. President, there is the estimated amount required to continue this mail service on the basis of the law as it exists to-day.

The people who enjoy the mail service pay substantially for all of it. There is a little deficit of a few million dollars this year, and so there has been a slight deficit in years previous, but substantially the masses of the people who buy the stamps and put them upon envelopes are paying the cost of this service which is of such enormous value to the great body of the people. Now it is proposed to inaugurate a policy which may cripple that service.

I am unwilling to favor any amendment to this bill which may have the effect of crippling the service as we have it to-day. Let the Postmaster-General take the money which he estimates is necessary to run the postal service of the country and proceed to run it, and if he, in the administration of his office, finds that he can save money, consistent with giving as thorough a postal service to the people as that which is given to-day, let him propose to Congress such reforms as he thinks proper, and if he deems a change of the laws necessary, Congress will take up that subject and proceed to enact any law which it may deem to be necessary in harmony with the great interests of the people. But, instead of doing that, suddenly it turns out that the committee come in here simply upon an informal conference with the Postmaster-General, upon a suggestion from him that we are paying more for postal cars every year than they are worth, and they propose to change the entire law so far as to give the Postmaster-General absolute power to exercise his own judgment in the expenditure of three or four million dollars. I am not willing to do that, no matter who is Postmaster-General. I insist upon adhering to the policy of the Government as it has been carried on heretofore in relation to the mail service.

It will be seen, as has already been stated, that Congress has reduced the amount to be paid for carrying the mails on two or three occasions. First, there was a reduction of 10 per cent, then a reduction of 5 per cent on the railroads carrying the mails, and a reduction on the Government roads of 30 per cent at one time, and so the reductions have gone forward under the control of the legislative power of the Government.

If the Postmaster-General suggests to Congress that he thinks we are paying too much, let him send here a report showing exactly wherein the system ought to be changed from that which now exists under the law. The Postmaster-General ought not to be the embodiment of the law as the sole distributor of this money. Let him suggest such changes of the law as will be in harmony with existing law, under which we have been reducing the cost of this service, if he thinks the cost ought to be reduced. Then we will take up his suggestions and consider them. Committee after committee has been in session in this and in previous Congresses considering the subject of whether the Government has been paying too much or too little for this postal service, and they have investigated and continue to investigate it, and reports have been made, the result of which has been that two reductions have been made in the cost of carrying the mails.

The mails are, however, carried not only in postal cars—for there are very few of them comparatively, five or six or seven hun-

dred, I suppose—but the vast amount of the mail is carried by weight over the country, and under the law the mail is weighed every four years, I believe, and then the railroad companies are paid wholly on the basis of weight ascertained at a given time, and they go on and carry the mail for four years under that arrangement. In 1890, for instance, the mails were weighed, and whether the mail increases fourfold or not between that period and 1894, precisely the same rate of compensation continues to be paid. So there is a fairness about this thing which ought to be observed, in my judgment, by the Congress of the United States.

As to the question of striking out the special facility clause of this bill as it came from the House of Representatives, I voted in committee to strike it out. I tried to have that provision of the law repealed some years ago. I did it then because it seemed to me, from all the evidence I could get, that it was giving no special accommodations to the people. The evidence before the Committee on Appropriations is to the effect that under that provision the railroad lines which carry the mails only get into Atlanta, for instance, going south, fifty-six minutes earlier than the competing lines running along down the coast. The committee do not think, and I understand the Postmaster-General does not think, that that provision ought to be retained in the bill, and I shall vote to strike it out because, in my judgment, in that case we are paying about \$200,000 a year to a number of railroads making a general line from Springfield, Mass., to New Orleans that we ought not to pay.

Mr. VEST. Mr. President, I fail to appreciate the argument of the Senator from Illinois [Mr. CULLOM]. If the postal railroad cars should be owned by the United States Government and be used as post-offices, we should simply place that branch of the postal service on the same footing with the post-office buildings of the United States. We now are making large appropriations for post-office buildings, in which the officers of the Government distribute and receive the mails of the country. If these cars are ambulatory post-offices, why should we not own them?

The Senator conjures up, I think, a phantom as to the expense of hauling the postal clerks in these cars. Can we not make a contract in regard to the hauling of the cars and then put as many officers in the cars as we see proper to put there? What objection can there be to a system of that kind if it saves money to the people of this country?

Where does this opposition come from? Mr. President, it is astonishing with what unanimity the railroad companies of the United States fight every proposition to place cars which do not belong to them upon their rails. I had a very remarkable exemplification of this a few years ago when I was chairman of the committee of the Senate upon meat products, and had occasion to examine into the way in which meats and cattle were hauled upon the railroads, especially going in and coming out of Chicago. If any Senator will examine that sworn testimony of the railroad officials he will find that upon all the railroads running from Chicago to New York no cattle owner was permitted to put a car that he had rented or bought or built, unless it was the large packing houses in the city of Chicago, who built their own refrigerator cars and ran them upon these railroads, and received a rebate upon every ton of meat that they hauled from Chicago to New York and to the seaboard. But when a cattle owner from Iowa or Wisconsin or Missouri or Kansas or Nebraska proposed to rent a car or to build a car to go through from Omaha, for instance, to New York, when he arrived in Chicago he was coolly informed that he must drop his own car and pay for a car that belonged to the railroad companies that owned the lines from Chicago to the seaboard. That was the unquestioned state of the case, and it remains so to-day.

We reported from that committee a bill to do away with this outrageous oppression and monopoly, but I was never able, on account of some subtle influence in this body, to get that bill considered, and it is now here ready for action. We can not get it considered. The railroad companies were determined that all the cattle shippers should put cattle upon their cars, take them off at Buffalo, and pay for the cost of feeding and watering the cattle in the stock yards at Buffalo and Chicago, they being the property of the railroad companies.

I endeavored, sir, as chairman of that committee, to get hold of the books of the Chicago Stock Yards companies, to see who owned those yards, but they refused to produce those books and they spirited away their witnesses and their employees, so that they could not be brought before the committee; and here to-day when we propose, in the interest of the people of the United States, to build our own cars, as we build our own post-office buildings, we are told very coolly that we can not do it, that it is throwing away money, that the Post-Office Department should not have this discretion. Suppose you give this discretion to the Postmaster-General, does that put him off this continent? Does that take him away from the jurisdiction of this Congress? Can we not supervise his expenditures? Can we not look through his discretion? Does it remove him from the control of the representatives of the people of this country? No, Mr. President.

These railroad companies seem determined to control absolutely

all the transportation that goes over their roads, and that no private citizen, and not even the Government of the United States, shall build and own cars and pay a reasonable compensation for their being hauled.

Mark the difference between the Pullman Palace Car Company and the great meat shippers of Chicago, and the ordinary people of the United States. Whenever these corporations come in contact with other corporations with so much money that they can neither terrorize them nor drive them away, then they immediately make terms. Messrs. Armour, and Swift & Co., at Chicago, with their enormous capital, coerced these railroad companies into allowing them to put their own cars upon the tracks that run east from Chicago to the seaboard. Mr. Pullman, with his enormous capital, is able to coerce these railroad companies into making terms with him, and then he proceeds to put his own price upon the people of the United States for sleeping facilities on his cars, and when the Senator from Ohio [Mr. SHERMAN] undertakes here in this body to limit the enormous charges made by Mr. Pullman, we are told that we have no right to do it, that we are invading private property, and that Mr. Pullman has a right to charge what he pleases!

These railroad companies to-day—and I assert it, and they do not dare to deny it—are giving rebates to meat shippers in the city of Chicago. When one of my constituents who brings a bunch of 50 head of cattle to be shipped abroad from New York gets to Chicago he is made to unload his cattle and water and feed them in stock yards which belong to the railroad companies. When he wants to ship on to New York he can not put the cattle in his own cars, but he must put them in cattle cars belonging to the railroad company and reship them to Buffalo and pay these expenses again in the stock yards there, which also belong to the railroad companies.

I do not care whether the Postmaster-General recommends this or not. I am willing to take the word of an ex-Postmaster-General, now a member of this body, the Senator from Wisconsin [Mr. VILAS], who is the author of this amendment. I am willing to take his opinion, and I wish to seize every opportunity to make everything in the way of transportation in this country cheaper to the Government and to the people. It is absurd beyond description to tell us that the Postmaster-General, if the amendment is adopted, will escape the jurisdiction of Congress and do as he pleases. We have not yet come to that sort of autocracy in any department of this Government, and for one I am not willing to admit that it can be done.

Mr. PEPPER. Mr. President, I wish to submit a suggestion or two upon the pending bill, and probably this is as good a time for me to do it as any other. The remarks of the Senator from Missouri [Mr. VEST] make what I have to say particularly applicable at this time.

I will preface what I have to say by the statement that the post-office business of the United States now amounts to about 20 per cent, or nearly 20 per cent, of the entire business of the Government, and that the cost of the Railway Mail Service equals about 10 per cent of the total passenger traffic of the country. While I have not investigated the subject in all its fullness, yet I understand that practically the railway companies which carry our mails dictate the terms upon which the compensation is based, that there is no competition among bidders for carrying the mail.

The late Postmaster-General, Mr. Wanamaker, was of opinion that the carrying of the United States mails cost the people of the United States three or four times as much as the transportation is actually worth, and that it is because of the fact that the railway companies themselves dictate the terms. I remember that in a conversation with that officer once I asked him why he did not propose legislation or why Congress did not act, having such information, and his reply was that the railway companies of the country see to it that the representatives in Congress in both branches take care of the interests of the railway people, and that it is practically impossible to procure legislation in the way of reducing those expenses.

Mr. President, I believe the time has come when it is important that we shall begin at least to consider whether or not the Government itself, acting independently of the railway companies if need be, shall transport its own mails. It is my intention at the proper time to propose an amendment, on page 4, in line 15, to insert between the first and second words in that line the following:

The purchase, equipment, and furnishing of railway post-office cars, ——— dollars.

So that it will amount to an appropriation of whatever sum the Senate sees proper, if it sees proper to name any amount, for the purchase of railway cars. Then we will be somewhat in the position referred to by the Senator from Missouri [Mr. VEST] as to whether or not we can place our cars upon the railway tracks of the country; and when the time comes, if it ever shall, that there is a conflict between the railway companies and the people of the United States acting through their Government, then we will begin the solution of the question of Government ownership and control of railway property. So the object I have in view in pro-

posing the amendment and submitting these remarks is to suggest to the Senate the consideration of the question whether the time is not here when the people themselves shall look after the carrying of their own mails. Ninety-one million dollars are proposed to be appropriated for the fiscal year ending June 30, 1896, for the carrying of our mails, enough in ten years at that rate annually to build a mail railway along all the principal railway routes of the country. This will be an entering wedge in the great question of Government control of all our transportation.

Now, I have no doubt it is true, as the Senator from Kentucky [Mr. BLACKBURN] says, because he has given the subject more examination than I have, and as repeated, if I remember correctly, by the Senator from Missouri [Mr. VEST], that every sixteen or eighteen months we pay enough for the use of the railway postal cars which we are now using to build and equip them. My amendment proposes that we shall buy the cars outright and furnish and equip them as our own cars. Then, whether we are permitted at a reasonable rate to use them upon the railway tracks now laid is a matter to be determined in the future.

The amount of money to be expended, as has been stated, is very large; but, going into details, it is wonderful what our railway postal service means. The different lines or routes that are now run over by our post-office cars number 1,136 and the mileage is 149,141.45. The number of cars under the control of the Post-Office Department that are now in use for the carrying of mails, cars upon which clerks are detailed to perform duty the same as they do in an ordinary post-office which is stationary, is 3,162. Then there are apartment cars besides these which carry the mails in sacks and packages and by weight.

The total number of apartment cars in use is 1,911; in reserve, 521. The total number of whole cars in use is 550; in reserve, 175. The total distance traveled by the crews that separate the mails of these traveling post-office cars is 155,932,942 miles; equal to a continuous line six thousand times around the earth at the equator. The number of clerks employed was 6,256 and their salary the last year amounted to \$6,871,926.99.

The pieces of mail handled in transit amount to 10,033,973,790, and this does not include the matter redistributed for immediate delivery, which amounts to 483,667,275 pieces. During the last year, in addition to this vast amount of matter handled, the clerks also received, receipted for, recorded, and properly dispatched 15,253,536 registered packages and pieces, and 1,333,457 through registered pouches and inner registered sacks. The cost of simply the railway car service alone, separate and apart from the other matters, for the year ended June 30, 1894, was \$2,921,957.18, and the appropriation proposed in the paragraph which we are now considering is \$3,205,000. It is increasing continually. The total cost of the Railway Mail Service, including the different items for the year 1894, was \$27,103,091.16.

As to the growth of the business, I have here the report of the General Superintendent of the Railway Mail Service. I find on page 5 a table which shows the rapid and steady increase in the mail business. I find that in 1884, ten years ago, the total number of pieces of mail distributed was 4,519,661,900, and in 1894, ten years later, the amount had increased about 240 per cent, to 10,033,973,790, and so the table goes on referring to different items showing a continual increase. Then, as to the increase of cost, I find on page 29 of the same report, taking a period of fourteen years beginning in 1881, the amount expended that year for railway mail service was \$1,268,221, and in 1894 the amount I gave a moment ago, \$2,933,203. So that continuously from year to year we are increasing these expenditures. For the fiscal year ending June 30, 1896, the expense will be \$91,000,000. In five years from now, by the time the twentieth century comes, it will cost us for postal facilities a round \$100,000,000.

It was suggested a moment ago by the Senator from Illinois [Mr. CULLOM] that we could easily reduce the cost of carrying our letters from 2 cents to 1 cent apiece. If that be true, we can reduce expenditures in other directions; but before we can procure this reduction, it will be necessary for the people to take charge of the matter themselves.

This is all I wish to say. I want to submit to Senators, it may seem a little odd and yet it ought not to be, considering the source it comes from, that a member of this body should suggest at this time, under present circumstances, the public control of the railways. But, Mr. President, the railways are highways. They are public highways, and the people have a right to control them. They ought to go further; but, at a more appropriate time I expect to refer to that particular branch of the subject again. The point I now submit to the Senate is, whether it is not time for us to make preparation for taking charge of the carrying of our own mails ourselves.

Mr. ALLEN. Mr. President, the remarks of the Senator from Illinois [Mr. CULLOM] upon the proposed amendment making an appropriation for the purchase of cars by the Government for postal purposes bring into view one of the questions that is being agitated by members of the Populist party. It is a step in the right direction, in my judgment. The time is rapidly approach-



ing when the Government must take charge not only in the sense of supervision, but in the sense of absolute ownership, of postal cars, as well as of the engine that draws them and the track upon which they run.

The remarks of the Senator from Missouri [Mr. VEST] are a revelation to me. I have known in a general way, of course, that the railroads are controlling the shipments of stock, that they are exacting from the people unusual sums of money, and resorting to many devices to do so; but I have never known that we had reached that point in the history of this country with reference to railroads where it was to be openly confessed that the Government is unequal to the emergency of controlling them, and where the railroad companies themselves not only dictate our policy to a large extent with reference to the railway postal service, but where they completely dictate the policy of the carrying commerce of this country and openly defy any attempt on the part of Congress or any legislative body to control them in that respect.

This brings me, Mr. President, to observe that the true starting point with reference to the management of the affairs of this Government lies, not so much in attention to these matters of detail at this time as it is for us to enter on and settle the question whether the people of the United States and of the different States of the Union shall have a republican form of government, a government such as is guaranteed to them by the Constitution of this country. Mr. President, this country's success, its prosperity, and its endurance are dependent upon a government administered strictly in accordance with our Constitution.

While upon this topic I desire to call attention now, it being as well to do so at this time as any other, to the condition of political affairs existing in the State of Alabama. It is a delicate matter for me to speak of, and I shall speak of it as delicately as I can and at the same time produce facts to the Senate and the country which I think ought to be produced and which I think the people are fairly entitled to know. There can not be any doubt, if the evidence I have in my possession is to be believed, and I think it is, that the State of Alabama for at least two or three years has been deprived of a republican form of government. I do not mean that the State does not elect officers there at all, and that her people enjoy none of the forms of a republican system of government; but I do mean to say that the people of the State, or a very large portion of them, have been deprived of the substance of a republican form of government, which is the essential of our constitutional guaranty.

I have been the recipient of letters almost without number from prominent men of that State, the recipient of affidavits and different forms of evidence, calling attention to the deplorable condition existing there, and asking Congress to take some steps to secure the right of suffrage and the legitimate results of the right of the elective franchise in that State. Members of the legislature, numbering I think something like thirty-five, Populists and Republicans, recently met in a joint caucus and sent me resolutions reciting the fact that a republican form of government does not exist in that State, and urging upon Congress an investigation with reference to that matter, and then legislation based upon such investigation necessary and essential to secure them their rights. I have many of these letters with me at this time, and some of the resolutions, to which I will briefly refer.

I introduced in the Senate on the 19th day of December last a resolution covering this question, which I will read:

*Resolved, That a committee of five Senators, not more than two of whom shall be members of the same political party, shall, on the adoption of this resolution, be appointed by the Vice-President, whose duty it shall be to make inquiry into whether there is, and for the last two years and a half just past has been, a republican form of government in the State of Alabama, and inquire into the manner of the election of United States Senators and Members of Congress from said State, and whether there was any fraud, force, intimidation, or other unfairness in the elections in said State; inquire into the election of State senators and members of the legislature, in so far as their election might affect the election of a United States Senator, and into all other matters and things in any manner pertaining to or affecting the political autonomy of said State, and the status of its membership in the United States Senate and the Congress of the United States, and the fairness of the elections by which the selection of the United States Senators and Members of Congress was brought about.*

A large portion of the people of that State, numbering many thousands, claim that a republican form of government does not exist there and has not existed for many years and that it is impossible under the existing condition of affairs for them to give expression to their sentiments upon any political question at the ballot box and have those sentiments carried into execution as thus expressed. I will at this time read a letter I have received from R. A. Moseley, jr., upon this subject:

ROOMS REPUBLICAN STATE EXECUTIVE COMMITTEE,  
Birmingham, Ala., January 30, 1895.

SIR: I am glad to see that you are leading in a movement before the Senate to send a committee of five to investigate the Bourbon Democratic election methods in this State. I do not believe we have had a free ballot and an honest count in this State since the administration of Governor D. P. Lewis, twenty-three years ago.

Yours, very truly,

R. A. MOSELEY, JR.,

Chairman Republican State Executive Committee.

HON. WILLIAM V. ALLEN.

United States Senate, Washington, D. C.

In connection with the letter of Dr. Moseley, who is the official head of the Republican organization of that State, I will read a letter of recent date, sent to me by Hon. R. F. Kolb, who has been twice a candidate for governor of Alabama upon the Populist ticket, and who claims, and whose friends claim, that he has been twice elected:

BIRMINGHAM, ALA., January 7, 1895.

MY DEAR SIR: I write to thank you for the interest you are taking in our Alabama contest.

The evidence of frauds in our last August election is being formulated and will soon be forwarded to you by Col. W. S. Reese. When all this evidence is published to the world it will cause the organized Democracy of Alabama and their election methods to stink in the nostrils of the nation.

I mail you to-day copies of the last two issues of the People's Tribune.

I am, very truly, yours,

R. F. KOLB.

HON. WILLIAM V. ALLEN, Washington, D. C.

I will read a letter from Hon. S. M. Adams, of Blocton, Ala., who is chairman of the State Populist executive committee:

BLOCTON, ALA., January 10, 1895.

DEAR SIR: Please accept many thanks in behalf of the People's party and all honest citizens in the State of Alabama for the effort that you are making in the Senate to have restored to the people of Alabama a republican form of government, for as it now stands we do not have it.

Very respectfully,

S. M. ADAMS,

Chairman State Executive Committee, People's Party.

HON. WILLIAM V. ALLEN, Washington, D. C.

I read a letter from Hon. A. C. Nixon, chairman of the People's Party Congressional committee of the Eighth Alabama district:

NEW DECATUR, ALA., December 28, 1894.

DEAR SIR: Permit me to thank you, in behalf of our people in the northern district of Alabama, for your interest in our behalf in presenting the resolution in the United States Senate for a committee to investigate the elections of this State. Believe me that all the people of this State who are opposed to ring rule will appreciate your efforts and energy in giving our people a chance to prove that high-handed anarchy has possession of our State government, and that the most fraudulent methods have kept not only the State government but the Representatives in Congress in the possession of a vile and unprincipled ring.

We have evidence that has never been yet presented, even that Captain Kolb and W. S. Reeves have not yet figured upon. The methods have been various. What methods were used in the black belt could not be used in the northern part of the State, but other methods were resorted to. In the August election here in Decatur 200 voters went to the polls in one body, all in favor of Captain Kolb's ticket. They asked for one of the clerks to be appointed who would represent their side, as a guaranty that they would have their votes honestly recorded. The request was refused, and they said they would not vote and have the votes counted opposite to or against the side that they were cast.

In some beats we can show by sworn evidence of the voters who testify that they voted against the "organized" double the number there was given for our candidate. Were the votes counted as cast both representatives of the legislature from Morgan County, who voted for General MORGAN's election, would have been defeated and the two votes would have been cast for W. S. Reeves. Not only that, but Col. Lee Crandall would have received the certificate of election instead of Gen. JOSEPH WHEELER. And what is still worse, many of our people here say, "What is the use?" and refuse to vote, believing that they will be robbed of their vote anyhow, and stay at home. In fact, the spirit of liberty is about crushed. The writer of this letter has always been a Democrat, and still believes in the platform as pronounced by the Democratic convention of 1868 that nominated Seymour and Blair; but, Senator, I am now with the People's Party and I believe I am still for the same platform of 1868. Permit me again to thank you for your interest and energy.

I am, most truly, yours,

A. C. NIXON,

Chairman People's Party Congressional Committee, Eighth District.

HON. WILLIAM V. ALLEN.

I have in my possession many dozens of such letters, which I forbear to read.

The resolutions which I have read were resolutions adopted by a joint caucus of members of the People's Party and the Republican members of the general assembly of Alabama, now in session, held on the 26th of January. The following preamble and resolutions were offered by Hon. R. T. Ewing and unanimously adopted by a rising vote:

At a meeting of the caucus of the People's Party and Republican members of the general assembly of Alabama, held on the 26th of January, the following preambles and resolutions were offered by Hon. R. T. Ewing and unanimously adopted by a rising vote:

Whereas the Hon. W. V. ALLEN has introduced a resolution in the United States Senate which, if adopted, would assure an investigation that would develop the fraud perpetrated in the August election in 1894; and

Whereas this movement may involve the restoration of the rights and liberties of the people of Alabama; and

Whereas this consummation is most earnestly desired by every adherent of right and every advocate of justice and every devotee of freedom and liberty of this State; and

Whereas this action on the part of Hon. W. V. ALLEN is most heartily approved and indorsed: Therefore,

Be it resolved, That the sincere acknowledgment and most earnest thanks of each senator and representative in this caucus are hereby tendered to Hon. W. V. ALLEN for this exhibition of broad-minded statesmanship, which would protect freedom and liberty and vouchsafe the enjoyment of every right and privilege to every citizen of this great Republic.

Resolved further, That we request Hon. W. V. ALLEN to abate no effort, to relax no zeal, and to tire not, nor grow weary in the praiseworthy undertaking in which he has embarked, but, encouraged by that love of liberty which inspires every patriot, and stimulated by that devotion to duty which has ever characterized all his public efforts, to go forward and onward, until the people of our beloved State shall be disenthralled from the slavery imposed by fraud manipulators and perpetrators, by corrupt officers, and our people shall have restored to them their lost liberties.

Resolved further, That a copy of these preambles and resolutions be transmitted to the Hon. W. V. ALLEN as a feeble recognition of the deep gratitude held by every member of this caucus for his unselfish, patriotic, and noble efforts in our behalf.

A. T. GOODWIN, *Chairman.*

Mr. CHANDLER. I think that when a question so important is being discussed, the question whether a sovereign State of the Union has a republican form of government, there ought to be a quorum present in the Senate Chamber. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Dubois,	Lindsay,	Platt,
Bate,	Faulkner,	Lodge,	Power,
Berry,	Frye,	McLaurin,	Proctor,
Blackburn,	Gibson,	McMillan,	Pugh,
Blanchard,	Gordon,	Manderson,	Ransom,
Caffery,	Gorman,	Mantle,	Squire,
Call,	Hansbrough,	Mitchell of Ore.	Stewart,
Camden,	Harris,	Morgan,	Teller,
Cameron,	Howley,	Palmer,	Vest,
Chandler,	Hoar,	Pasco,	Vilas,
Clark,	Hunton,	Peffer,	Walsh,
Cockrell,	Jones of Ark.	Perkins,	Washburn,
Cullom,	Kyle,	Pettigrew,	Wolcott,

The PRESIDING OFFICER (Mr. HILL in the chair). Fifty-two Senators are present. The Senator from Nebraska will proceed.

Mr. ALLEN. I desire to call the attention of the Senate to the particular condition of affairs in the State of Alabama, which is borne out by the testimony in my possession, and which I will read.

I have had prepared by competent authority a brief statement showing the condition of the actual vote in that State at the August election in 1894, as well as the fraudulent votes cast, and which it is claimed were counted, showing conclusively a change in the result of the election in consequence of this method. There are certain counties in the State of Alabama known as the black belt counties. I know nothing of them except as I look upon them on the map, and as I am able to gather evidence of the condition of the people and the election machinery in those counties. Here is a paper which contains the vote of the black belt counties, which I will read:

Black belt counties.	State election, August, 1894.			Representation in legislature.		Population—Census 1890.
	Votes counted.	Vote estimated actually cast.	Estimated fraudulent vote.	Senate.	House.	
Antauga.....	1,113	340	773	*1	1	13,330
Barbour.....	4,084	1,213	2,871	1	2	34,898
Bullock.....	2,001	795	1,206	(a)	2	27,033
Clarke.....	2,959	905	2,054	(b)	3	22,624
Dallas.....	6,684	2,045	4,639	1	3	49,350
Greene.....	1,045	319	726	1	1	22,097
Hale.....	3,107	950	2,157	1	2	27,501
Lowndes.....	5,356	1,638	3,718	(†)	2	31,550
Monroe.....	2,074	634	1,440	(c)	1	18,990
Montgomery.....	5,210	1,594	3,616	1	4	56,172
Marengo.....	3,852	1,178	2,674	(e)	2	33,095
Perry.....	1,673	511	1,162	(d)	2	29,332
Russell.....	1,690	517	1,173	(e)	2	24,066
Sumter.....	2,251	688	1,563	(f)	2	29,574
Wilcox.....	6,401	1,958	4,443	1	2	30,816
Total.....	50,080	15,315	34,765		30	

\* Includes Lowndes. † With Antauga. a Bullock and Macon, 1. b Clarke, Choctaw, and Washington, 1. c Monroe, Baldwin, and Escambia, 1. d Perry and Bibb, 1. e Russell and Lee, 1. f Sumter and Pickens, 1.

Mr. PLATT. Will the Senator excuse me for asking what is his authority for stating that there are 34,000 fraudulent votes out of fifty-some thousand?

Mr. ALLEN. I will show the Senator as I proceed the authority for that statement. I think I will be able to make it plain.

Mr. PLATT. The Senator has not been well heard on this side.

Mr. ALLEN. I stated that I have evidence covering several of these counties almost completely. I did not have the evidence so completely, however, as to some other counties, but have estimated that the same frauds ran through them that we found to exist in the counties of which we have evidence. This result is produced in many of these counties. This estimate is based upon actual evidence in my possession, and I had this table made for the purpose of putting it in a form so that it can be readily understood. Take, for instance, the county of Bullock, Fitzpatrick's election beat, as it is called in that State. The votes counted there were votes at the gubernatorial election in August, 1894. Oates was the Democratic candidate and Kolb the Populist candidate for governor. There were counted for Oates 331 votes, for Kolb 22; total, 353. As a matter of fact only 104 votes were actually cast. Two hundred and forty-nine were fraudulent votes. I will read a copy of an affidavit, the original of which is in the possession of Mr. Skaggs, a prominent citizen of the State of Alabama, regarding this matter.

Here are the names of 104 persons who voted at that beat at that time:

#### BULLOCK COUNTY.

- |                         |                                  |                                 |
|-------------------------|----------------------------------|---------------------------------|
| 1. R. F. Kirley.        | 57. Tony Baldwin (color-<br>ed). | 71. Negro.                      |
| 2. H. S. Kirley.        | 58. Negro.                       | 72. Wm. Patterson.              |
| 3. Jesse Edwards.       | 59. Negro.                       | 73. G. R. Knight.               |
| 4. R. J. Given.         | 60. Negro.                       | 74. Henry Williams.             |
| 5. F. L. Rutland.       | 61. Negro.                       | 75. J. R. Padgett.              |
| 6. O. McVay.            | 62. Negro.                       | 76. J. O. Griswold.             |
| 7. F. Ellis.            | 63. Chas. Orum.                  | 77. Hugh Evans.                 |
| 8. R. O. Campbell.      | 64. Chas. Eidson.                | 78. Geo. Stowers.               |
| 9. Fitz Merriwether.    | 65. Tom Crowell.                 | 79. EH Gray.                    |
| 10. B. J. Baldwin.      | 66. E. Napier.                   | 80. Tom Godfrey (color-<br>ed). |
| 11. Jas. Orum.          | 67. Negro.                       | 81. W. W. Edson.                |
| 12. W. M. Turnipseed.   | 68. Gus Stone.                   | 82. Wes. Baskin.                |
| 13. Marion McVay.       | 69. B. F. Perry.                 | 83. Negro.                      |
| 14. Jordan McVay.       | 70. W. B. Merriwether.           | 84. J. C. Alford.               |
| 15. Morgan McVay.       | 71. Chas. Merriwether.           | 85. W. C. Huffham.              |
| 16. O. D. Asbell.       | 72. H. P. Huffham.               | 86. F. E. Tompkins.             |
| 17. Dave Pugh.          | 73. C. B. Moss.                  | 87. W. P. Carter.               |
| 18. H. F. Turnipseed.   | 74. J. C. Quillin.               | 88. C. C. Baker.                |
| 19. Andrew Pitch, sr.   | 75. Negro.                       | 89. W. A. Gholston.             |
| 20. Chas. Sherwood.     | 76. Negro.                       | 90. W. P. Huffham.              |
| 21. Joe King (colored). | 77. Negro.                       | 91. H. C. Williams.             |
| 22. Geo. Reynolds.      | 78. Negro.                       | 92. F. B. Williams.             |
| 23. E. D. Grimes.       | 79. Negro.                       | 93. J. H. Seay.                 |
| 24. J. T. Roberts.      | 80. ——— Lucas.                   | 94. Jas. Yeats.                 |
| 25. Dick Sherwood.      | 81. J. P. Colvin.                | 95. Jas. Eidson.                |
| 26. Andrew Pitch, jr.   | 82. Henry Evans.                 | 96. Negro.                      |
| 27. Tom Turnipseed.     | 83. F. H. Ingram.                | 97. F. K. Bunkley.              |
| 28. Oscar Powell.       | 84. L. Wells.                    | 98. Negro.                      |
| 29. Alex. Cameron.      | 85. Mitchell Merriweth-<br>er.   | 99. W. B. Howard.               |
| 30. R. H. Hutchinson.   | 86. J. C. Crowell.               | 100. B. F. Darnell.             |
| 31. George Ellis.       | 87. John Sheally.                | 101. Jno. Carmichael.           |
| 32. A. F. McDonald.     | 88. Jim Darnell.                 | 102. ——— Worthington.           |
| 33. John Ellis.         | 89. Wm. Fenn.                    | 103. C. A. Sheally.             |
| 34. M. W. Thompson.     | 90. R. J. Gholston.              | 104. A. V. Barnett.             |

#### STATE OF ALABAMA, Bullock County:

Before me, W. J. Dantzler, a justice of the peace in and for said county and State, personally appeared F. E. Tompkins, W. P. Huffham, and N. P. Carter, who, being duly sworn, depose and say that the above is a true and correct list of all voters who entered the voting place at Fitzpatrick, not including the inspectors, clerks, and returning officer.

F. E. TOMPKINS.  
W. P. HUFFHAM.  
N. P. CARTER.

Subscribed and sworn to before me this 6th day of August, 1894.

W. J. DANTZLER, *Justice of the Peace.*

In Lowndes County there were counted for Oates at that election 4,995 votes, for Kolb 361, making a total of 5,356. Of this number 3,048 were fraudulent. To establish this assertion, I read the following affidavit of L. Reese:

#### STATE OF ALABAMA, County of Lowndes:

Before me, H. R. Williamson, a justice of the peace in and for the said county and State, personally appeared L. Reese, who is personally known to me as a man of good reputation for truth and veracity, and as a prominent and influential citizen of said county, who, after being duly sworn, says under oath, that at the State election held in said county and State on the first Monday in August, 1894, the supporters of Ruben F. Kolb, candidate for governor, had inspectors at fourteen of the precincts or voting places in said county, as required by law, at which voting places or precincts William C. Oates, candidate for governor, received 555 votes, and Ruben F. Kolb, candidate for governor, received 355 votes.

That at the other six voting places or precincts in said county the supporters of Ruben F. Kolb, candidate for governor, were not allowed an inspector as provided by law, and that William C. Oates, candidate for governor, had returned for him 1,617 votes, and Ruben F. Kolb, candidate for governor, had returned for him 6 votes, as having been cast at said election in said six precincts.

Affiant further states that he was present at Hayneville, the county seat of said Lowndes County, on the Saturday following said day of election, when the county board of supervisors canvassed the vote of said county; and affiant witnessed the canvass of the official vote of the county of Lowndes, at the same time taking down on paper the vote by precincts as called out by the sheriff of said county, said sheriff being one of said board of supervisors; that the total vote of said Lowndes county, as canvassed by precincts by said board of supervisors, and as called out by said sheriff, and noted down by the clerk and others present, was 2,272 votes for Oates for governor, and 361 votes for Kolb for governor.

That in the official declaration of the result of the State election in the different counties, as made by the speaker of the house of representatives of Alabama, the result in said Lowndes County was given as 4,995 votes for William C. Oates for governor, and 361 votes for Ruben F. Kolb for governor.

L. REESE.

Subscribed and sworn to before me this, the 3d day of January, 1895.

H. R. WILLIAMSON,  
*Justice of the Peace.*

In Dallas County the total vote counted was 6,517. Fifteen hundred and seventy-seven were actually cast; 4,940 were fraudulent. In support of that, I read the following affidavit:

#### STATE OF ALABAMA, County of Dallas [Senator MORGAN's home county]:

Before me, R. O. Blakey, a notary public in and for said county and State, personally appeared David Lloyd, who, being duly sworn, deposes and says as follows:

That he is a citizen of Dallas County, Ala., and has been residing in said county for ten years, and is now engaged in business of a general merchandise and commission merchant.

Affiant further states that he is well acquainted in Dallas County, Ala., knowing personally and in a business way a large number of the citizens of said county; that he took an active interest in the campaign preceding the election for State officers and members of the general assembly in this State, held on the 6th day of August, 1894; that, by correspondence and personal interviews with prominent citizens from every precinct in said county, affiant became well informed as to the number of voters actually registered prior to the said August election; that he has been informed and has good reason to believe that there were not exceeding 2,000 voters actually registered; that the negro voters residing in said county had been advised not to



register, and that, in his opinion, and to the best of his knowledge and belief, not more than 5 per cent of the negro voters in said county registered for said election.

Affiant further states that he was chairman of the executive committee of the Jeffersonian Democracy of said county during the recent campaign in the State election, and that, in this way, he undertook, prior to said August election, to perfect an arrangement by which he might be informed as to the number of votes actually cast in said county at said election; and for this purpose he, as chairman of said executive committee, requested and had reputable citizens in nearly every precinct in said county to remain at the different polling places on the day of said election from the opening to the closing of the polls; and from the reports of such citizens who did remain at such polling places he obtained what he believes to be accurate information as to the number of votes actually cast in the different precincts in said county at said election; and such information, so obtained, is corroborated by current reports from various sources, and is generally believed by reputable citizens in Dallas County.

Affiant further declares that the following is a full statement, in detail, of the votes actually cast in the different precincts in said county at said election:

Votes.	Votes.
Plantersville beat, No. 1.....	41
Summerfield beat, No. 2.....	35
Woodlawn beat, No. 3.....	24
Valley Creek beat, No. 4.....	43
Harroll's beat, No. 5.....	13
Dublin beat, No. 6.....	48
Martin's beat, No. 7.....	77
Orville beat, No. 8.....	31
Lexington beat, No. 9.....	45
River beat, No. 10.....	20
Pine Flat beat, No. 11.....	16
Old Town beat, No. 12.....	103
Pleasant Hill beat, No. 13.....	35
Richmond beat, No. 14.....	18
Portland beat, No. 15.....	26
Burnsville beat, No. 22.....	22
Union beat, No. 23.....	29
Pence's beat, No. 24.....	37
Liberty Hill beat, No. 25.....	15
Vernon beat, No. 27.....	12
Marion Junction beat, No. 28.....	25
Brown's beat, No. 29.....	17
King's beat, No. 30.....	31
Smylie's beat, No. 31.....	7
Elm Bluff beat, No. 32.....	11
Carlowville beat, No. 33.....	22
Boykin's beat, No. 34.....	34
Mitchell's beat, No. 35.....	35
Selma beat, No. 36.....	719
	1,577

Affiant further states that there are actually 36 voting precincts in Dallas County, Ala., but that 5 precincts are included in the city of Selma, in every one of which precincts, in municipal elections, a voting place is provided, but that in county, State, and Federal elections all voters residing in the 5 precincts included in the city of Selma vote at precinct No. 36.

Affiant further states that at Cahaba precinct No. 16, the polls were not opened, and no election was held in said precinct on the 6th day of August, 1894.

Affiant further states that the grand jury of Dallas County recently undertook to investigate frauds in said election, held in said county; and, for that purpose, sent a committee from said grand jury to wait upon P. G. Wood, judge of probate of said county, and to request of him the registration lists as returned to his office from the various precincts of said county. Such request was refused by said judge of probate. Said committee waited upon said probate judge a second time, and requested to be permitted to inspect said registration lists, and that after the second refusal on the part of said probate judge said committee was informed by said judge of probate that the registration lists could not be delivered to them without an order from the judge of the circuit court. After said second refusal a conference was held between the foreman of said grand jury and said judge of probate and no further effort was made on the part of said grand jury to investigate said frauds and irregularities.

DAVID LLOYD.

Subscribed and sworn to before me this the 22d day of December, 1894.

R. O. BLAKEY, Notary Public.

I may as well state in this connection, Mr. President, that according to the law of the State of Alabama the judge of probate in each county is the legal custodian of the registration books of the different beats in his county.

I will read another affidavit:

STATE OF ALABAMA, County of Dallas [The city in which Senator MORGAN lives, beat 36].

Before me, R. O. Blakey, a notary public in and for said county and State, personally appeared S. P. McIlwain, who is known to me, and who, being duly sworn, deposes and says as follows:

That he is a citizen of Dallas County, Ala., and has been a resident of said county for sixty-five years; that there are 36 precincts in the county of Dallas, and that the city of Selma includes 5 of these precincts; that in the municipal elections there are 5 polling places in said city of Selma; but in the county, State, and Federal elections all electors residing in the 5 precincts composing the city of Selma are required to vote at precinct No. 36, at the court-house, in the city of Selma; that he was at the polling place of precinct No. 36, in the city of Selma, on the 6th day of August, 1894; that he was at said precinct before the opening of the polls on the day of said election, and remained at said polls continuously, from the opening to the closing of the polls; that he saw every man who entered the polling place at said precinct No. 36, and saw that only 719 voters, including the election managers, clerks, and the returning officer, entered said polling place from the time the polls were opened until they were closed on the day of said election.

Affiant further states that he was within 75 feet of said polling place, and in a position to see every man who entered said polling place, and no man could enter said polling place without said affiant seeing him, as affiant did not leave said polling place on day of said election from the time the polls were opened until they were closed, and that 719 voters, and no more, entered said polling place on said election day, the 6th of August, 1894.

Affiant further states that he was present at the court-house on the Saturday following said election, at a canvassing of the returns before the county supervisors, and that the following is a statement in detail of the votes as announced by the county supervisors, and alleged to have been returned from the various precincts of said county, to wit:

Votes.	Votes.
Plantersville beat, No. 1.....	41
Summerfield beat, No. 2.....	230
Woodlawn beat, No. 3.....	150
Valley Creek beat, No. 4.....	43
Harroll's beat, No. 5.....	13
Dublin beat, No. 6.....	45
Martin's beat, No. 7.....	667
Orville beat, No. 8.....	432
Lexington beat, No. 9.....	277
River beat, No. 10.....	293
Pine Flat beat, No. 11.....	16
Old Town beat, No. 12.....	290
Pleasant Hill beat, No. 13.....	129
Richmond beat, No. 14.....	13
Portland beat, No. 15.....	26
Burnsville beat, No. 22.....	22
Union beat, No. 23.....	329
Pence's beat, No. 24.....	37
Liberty Hill beat, No. 25.....	315
Vernon beat, No. 27.....	12
Brown's beat, No. 29.....	317
King's beat, No. 30.....	31
Smylie's beat, No. 31.....	12
Elm Bluff beat, No. 32.....	182
Carlowville beat, No. 33.....	22
Boykin's beat, No. 34.....	110
Mitchell's beat, No. 35.....	400
Selma beat, No. 36.....	2,063
Marion Junction beat, No. 23.....	117
	6,517

Affiant further states that having lived in said county of Dallas for many years he is well acquainted with the people of said county, and is well informed as to the public sentiment and political movements in said county; that he is informed and has reason to believe, and does believe, that very few of the negro voters in said Dallas County registered during the year 1894, and that at least 75 per cent of the voters of said Dallas County are negroes; that he has seen a statement published showing the actual vote, by precincts, of Dallas County on the 6th day of August, 1894, to be a total of 1,577 votes; and that he is informed and has good reason to believe, after a personal investigation, that 1,577 votes is the total number of votes cast in said county of Dallas on the 6th day of August, 1894.

S. P. McILWAIN.

Subscribed and sworn to before me this the 22d day of December, 1894.

R. O. BLAKEY, Notary Public.

Also the following:

STATE OF ALABAMA, County of Dallas:

Before me, A. Kayser, a notary public in and for said county and State, personally appeared J. Gilbert Johnson, who is known to me, and who, being duly sworn, deposes and says as follows:

That he is a citizen of Lexington precinct, No. 9, in said county and State; that he registered in said precinct about 4 o'clock in the afternoon on the 26th day of May, 1894, said day being the last day in the registration period in 1894; that he registered before W. W. Berry, registrar of said precinct; that the registration certificate given affiant was No. 227; that up to the time affiant registered there had not been registered exceeding 50 voters; that affiant inquired of a large number of negroes whom he saw in and about or near to the residence of said registrar, where registration was being made, and that he did not meet one who did not tell him that he had not registered.

Affiant further states that he requested a number of negroes, whom he saw after affiant had registered, to go immediately and register; that after being registered said parties, who had registered at request of affiant, came to affiant and exhibited their registration certificates, and said registration certificates were numbered above 227, that being the number of affiant's certificate of registration.

Affiant further states that he was born and brought up in said precinct, and personally knows every white man in said precinct; that he carefully canvassed said precinct, and made a list of every white voter in said precinct, and that there were 47 white voters, and no more, in said precinct.

Affiant further states that he is well informed as to the negro population of said precinct, and from personal knowledge and diligent inquiry he has reason to believe, and does believe, that there were not exceeding six negroes who had registered in said precinct up to the time affiant registered, and that not more than 12 or 15 negroes registered after affiant registered.

Affiant further states that about a week after the close of the registration period he called upon P. G. Wood, judge of probate of said county, and informed said P. G. Wood that false entries had been made on the registration list from said precinct No. 9.

Affiant further states that he was present at said Lexington precinct, No. 9, in said county, at the election held on the 6th day of August, 1894, from the time the polls were opened until they were closed; that he saw every man who entered the polling place in said precinct on the day of said election, and that there were 45 men, and no more, including the election managers, clerks, and returning officer, who entered said polling place on said election day, from the time the polls were opened until they were closed.

Affiant further states that he remained continuously within 75 feet of said polling place, from the time the polls were opened until they were closed on said election day, and was in a position all the time said polls were open to see every man who came to or entered said polling place, and that there were 45 men, and no more, who entered said polling place.

Affiant further states that on the inside of the polling place at said election, in said precinct, there were four men, three white men and one negro; that said white men were W. W. Berry, T. J. Lock, and — Dudley, and the negro aforesaid was Simon Armstrong; that said four men acted as inspectors and clerks at said election in said precinct, and that they were all the men who were inside of said polling place for the purpose of managing said election.

Affiant further states that all of said inspectors and clerks were members of the "organized" Democratic party, and that the opposition to the "organized" Democracy had no representative at said polling place at said election.

J. GILBERT JOHNSON.

Subscribed and sworn to before me this the 22d day of December, 1894.

A. KAYSER, Notary Public.

STATE OF ALABAMA, County of Dallas:

Before me, R. O. Blakey, a notary public in and for said county and State, personally appeared E. H. Surles and L. Brady, who are known to me, and who, being duly sworn, depose and say, each for himself, as follows:

That he is a citizen of Dallas County, Ala., residing in Summerfield precinct, No. 2; that he was present at said precinct on the 6th day of August, 1894, and remained at the polling place in said precinct from the time the polls were opened until they were closed; that from the time said polls were opened until they were closed they saw every man who entered said polling place in said precinct; that there were 35 men, and no more, including the election managers, clerks, and returning officer, who entered said polling place in said precinct on the 6th day of August, 1894; that one of the election managers at said precinct in said election was a negro named Nick Moore; that said Nick Moore told said affiants that he, Nick Moore, had never registered for said election, and said affiants have reason to believe, and do believe, that said Nick Moore had never registered as an elector at said election.

Affiants further state that said Nick Moore is an illiterate negro, who can neither read nor write.

E. H. SURLS.

L. BRADY.

Subscribed and sworn to before me this the 22d day of December, 1894.

R. O. BLAKEY, Notary Public.

STATE OF ALABAMA, County of Dallas:

Before me, R. O. Blakey, a notary public in and for said county and State, personally appeared E. F. Sumerlin, A. Irwin, and A. L. Gilmer, who are known to me, and who, being duly sworn, depose and say, each for himself, as follows:

That he is a citizen of Dallas County, Ala., residing in Union precinct, No. 23; that he was present at said precinct on the 6th day of August, 1894, and remained at the polling place of said precinct from the time the polls were opened until they were closed, with the exception of about half an hour, when they went to dinner, a distance of between 200 and 300 yards from said polling place; and that from the time the polls were opened until they were closed they saw every man who entered the polling place in said precinct, with the exception of such, if any, who entered during the period of about half an hour, when they were 200 or 300 yards away from said polling place; and that there were 29 men, and no more, including the election managers,

\* Official returns give 227. † 220 returned as official. ‡ 329, official returns.

clerks, and returning officer, who entered the polling place in said precinct on the 6th day of August, 1894; that during their absence of about half an hour from said polling place E. Gilmer\* remained at said polling place for the purpose of keeping the tally from the time they left until they returned, and upon return of said affiants to said polling place said Ed. Gilmer told said affiants that no man had entered said polling place, nor was a vote cast while they were away.

A. L. GILMER,  
E. F. SUMERLIN,  
A. IRWIN.

Subscribed and sworn to before me this the 22d day of December, 1894.  
R. O. BLAKEY, Notary Public.

#### STATE OF ALABAMA, County of Dallas:

Before me, R. O. Blakey, a notary public in and for said county and State, personally appeared Ed. Gilmer, who is known to me, and who, being duly sworn, deposes and says:

That he is a citizen of Union precinct, No. 23, Dallas County, Ala.; that he was at Union precinct, No. 23, on the 6th day of August, 1894; that he saw R. F. Sumerlin, A. Irwin, and A. L. Gilmer at the voting place of said precinct on day of said election; that said Sumerlin, Irwin, and Gilmer left said polling place about 12 o'clock noon, and went a distance of 200 or 300 yards, and remained about half hour; that at the request of said Sumerlin, Irwin, and Gilmer, affiant remained at said polling place while they were absent, and that while said above-named parties were absent from said polling place no one entered said polling place, and there was no vote cast at said polling place while they were absent.

Affiant further states that J. J. Townsend, Jim Orr, and J. N. Williams were election managers at said election in said precinct.

EDDIE GILMER.

Subscribed and sworn to before me this the 22d day of December, 1894.  
R. O. BLAKEY, Notary Public.

#### STATE OF ALABAMA, County of Dallas:

Before me, R. O. Blakey, a notary public in and for said county and State, personally appeared William Bell, who is known to me, and who, being duly sworn, deposes and says as follows:

That he is a citizen of Dallas County, Ala., and is over 21 years of age; that he was the returning officer from Pence's beat, No. 24, in said county, for the election held on the 6th day of August, 1894; that on the morning after said election he was in Selma, the county seat of said county, with the returns from said precinct; that in said Selma he met Louis Bamberger, returning officer from Martin's beat, No. 7, in said county; that in a conversation with said Louis Bamberger and E. B. Martin, on said morning, said Martin, so affiant is informed, being one of the inspectors of said election at Martin's beat, No. 7, said Bamberger said to affiant that the total vote cast at said Martin's beat, No. 7, on the 6th day of August, 1894, was 77+ votes, and no more, and that said votes had been counted and returned as cast.

Said Bamberger further said to affiant that the election held on the 6th day of August, 1894, at said precinct, was the only fair election that had been held in said precinct in a good many years.

WILLIAM BELL.

Subscribed and sworn to before me this the 21st day of December, 1894.  
R. O. BLAKEY, Notary Public.

This much, Mr. President, upon the evidence of instances of specific fraud with reference to the State ticket in the State of Alabama at the August election of 1894.

At Hollow Square beat, in Hale County, the votes counted were 368; the votes actually cast, according to the affidavit, were 52; there being 316 fraudulent votes counted for Oates. I read the following affidavit:

#### STATE OF ALABAMA, County of Hale:

Before me, J. M. Jefferson, a notary public in and for said county and State, personally appeared H. T. Stringfellow, who is known to me, and who, by me being duly sworn according to law, deposes and says as follows:

That he is a resident of said Hale County, Ala., and over the age of 21 years; that he was present at Hollow Square beat, No. 6, in said county and State, at the election on the 6th day of August, 1894; that the inspectors of said election at said precinct were S. W. Walton, Jim McCrory, and Alf Johnson; that the clerks of said election were J. W. Stephenson and Jim Wilson; and affiant further states that all of said inspectors and clerks at said election in said precinct are well known as members of the "organized" Democratic party.

Affiant further states that before the opening of the polls at said election, said inspectors, at the suggestion of S. W. Walton, held up their hands and said substantially as follows: "We agree to hold this election for the best interest of the country."

Affiant further states that there was at the opening of the polls no magistrate present, but that A. J. May, magistrate of said precinct, appeared at the polls about 10 o'clock a. m.

Affiant with his son, B. M. Stringfellow, who was over twenty years of age, and not twenty-one on the 6th day of August, 1894, and W. H. May, were present when said inspectors opened the polls; that affiant with his son, B. M. Stringfellow, remained at said polling place, or within 70 feet of the same, continuously, from the opening of the polls until they were closed; that said W. H. May remained with affiant and his son at the polls until about 12 o'clock noon, when W. H. May went to dinner.

Affiant further states that from the time the polls were opened until they were closed at said precinct in said county and State, the total number of voters who entered said polling place was 52, and no more. Affiant states that he saw every man who entered said polling place from the time said inspectors opened said polls for holding said election until the close of said polling place, and that there were 52 men who entered said polling place within said time, every one of whom was personally known to said affiant.

Affiant further states that there were about 308 votes returned from said precinct at said election, of which 5 were declared for Kolb and 303 for Oates, the nominees for governor, respectively, at the election held on the 6th day of August, 1894.

Affiant further states that during the month of November, after the election for Congressman was held on the 6th day of November last, he, with three other citizens of said precinct, No. 6, went before A. J. May, a justice of the peace in and for said precinct, and stated that they desired to make oath as to irregularities which occurred at said election in said precinct, held on the 6th day of November last; and that said A. J. May refused to affiant and those who were with him the privilege of making oath before him as magistrate, stating that he, A. J. May, was afraid to take the oath of affiant and those who were with him, for the reason that other parties, who were "or-

ganized" Democrats, were friendly to said A. J. May, and that it would injure him to take the oath of affiant and those who were with him.

H. T. STRINGFELLOW.

Subscribed and sworn to before me this the 20th day of December, 1894.  
J. M. JEFFERSON, Notary Public.

The law of the State of Alabama requires, "when it is practicable"—I think I use the exact language of the statute—that where there are candidates representing two opposing political parties, one of the judges or inspectors of the election shall be selected from the opposite political party.

In Pin Hook beat the votes counted were 163; the votes actually polled were 49; 113 were fraudulent. In support of that I read the following affidavit:

#### STATE OF ALABAMA, County of Hale:

Before me, J. M. Jefferson, a notary public in and for said county and State, personally appeared before A. J. Mayfield, who is known to me, and who, being duly sworn according to law, deposes and says:

That he is over 21 years of age, and is a citizen of Hale County; that he was present at Pin Hook beat, No. 2, in said county and State, at the election held on the 6th day of August, 1894; that he was at the polling place at said precinct at the time the polls were opened on said day of said election, and remained there until they were closed, with the exception of about two hours at noon, while he was at dinner; that during his absence of two hours he left F. T. May in his place to keep tally of the votes cast; that while affiant was present at said polling place on said day of said election there were only 44 votes cast, and that F. T. May told said affiant that while affiant was absent and said May was acting in his place there were only 5 votes cast, making a total of 49 votes cast in said precinct at said election, including the votes cast by election managers, clerks, and returning officer.

Affiant further states that he has reason to believe, and does believe, that there were 49 voters, and no more, who entered said polling place on said day of said election; that while he was present, as stated, there were only 44 voters, including the election managers, clerks, and returning officer, who entered said polling place.

A. J. MAYFIELD.

Subscribed and sworn to before me this the 20th day of December, 1894.  
J. M. JEFFERSON, Notary Public.

At Cedarville beat, Hale County, the votes counted were 504; votes actually polled, 48; fraudulent, 456. In support of this statement I read the following affidavits:

#### STATE OF ALABAMA, County of Hale:

Before me, J. M. Jefferson, a notary public in and for said county and State, personally appeared James M. Hobson, who is known to me, and who, being duly sworn, deposes and says as follows:

That he is a resident citizen of said county and State, and is over 21 years of age; that Tom Wilburn was one of the inspectors in Precinct No. 1, Havana, in said county and State, at the election held on the 6th day of August, 1894; that the other two inspectors of election in said precinct were members of the "organized" Democratic party.

Affiant further states that he was present at the court-house on the Saturday following said election at a canvassing of the returns of said election; that when the box of Precinct No. 1, Havana, was opened, the returns were signed by only two inspectors, both of whom were "organized" Democrats, and that before the vote in said precinct was announced, a motion was made by affiant before the supervisor of said election to throw out said box on account of the failure of one of the inspectors to sign the returns, whereas the law required that all three of the inspectors should sign the returns, and because of gross irregularities in the nature of intimidation, perpetrated by certain officers holding the election; and the affiant offered to prove by the inspector, who was there present, and who declined and refused to sign said returns because of such irregularities and intimidation which said inspector could not prevent, that such irregularities were perpetrated. Motion of affiant was overruled.

J. M. HOBSON.

Subscribed and sworn to before me this the 19th day of December, 1894.  
J. M. JEFFERSON, Notary Public.

#### STATE OF ALABAMA, County of Hale:

Before me, J. M. Jefferson, a notary public in and for said county and State, personally appeared James M. Hobson and E. A. Hobson, who are known to me, and who, being duly sworn, depose and say, each for himself, as follows:

That he is a resident citizen of said Hale County, Ala., and over the age of 21 years; that he is personally acquainted with W. C. Christian, judge of probate of said county; that said W. C. Christian, judge of probate, officially stated to each of said affiants, after the close of the registration period, but before the election held on the 6th day of August, 1894, that the total number of votes registered at Cedarville beat, No. 7, in said county and State, was 58, and no more. And the affiants further state that the registrar, P. H. Waller, of said Cedarville precinct, No. 7, stated to each of said affiants, after the registration period had closed, but before said election, that the total number of voters registered in said Precinct No. 7 was 58, and no more.

And said affiants further say that the total number of votes, as shown by the returns of said election, held on the 6th day of August, 1894, and as counted by the board of supervisors, was 504 as having been cast in said precinct at said election; and that all of said 504 votes were returned as having been cast for William C. Oates, nominee of the "organized" Democracy.

JAMES M. HOBSON.  
E. A. HOBSON.

Subscribed and sworn to before me this the 19th day of December, 1894.  
J. M. JEFFERSON, Notary Public.

In Jefferson County the charges of fraud in the management of Bessemer beat and other voting precincts are supported by the affidavits of T. T. Huey, J. M. Crook, C. H. Spencer, H. J. Palmer, T. R. Rollins, T. W. Lloyd, J. M. Farrell, J. J. Sullivan, James Moore, and John McEniry. One hundred and sixteen voters were denied the right to vote (see affidavit of James Moore).

#### STATE OF ALABAMA, Jefferson County:

Before me, J. H. Reville, a justice of the peace in and for said county and State, personally appeared J. M. Crook, C. H. Spencer, T. T. Huey, and H. T. Palmer, who are known to me, and who, being duly sworn, depose and say, each for himself, as follows:

That he is a citizen of Bessemer precinct, No. 33, in said county and State; that he was at the polling place of said precinct at the election held on the 6th day of August, 1894. That they were informed, and have just reason to be-

\*See Gilmer's affidavit. †Official returns give 667.



lieve, that an agreement had been reached between C. H. Spencer, president of the Jeffersonian Democracy of said precinct, and James Trotter, president of the organized Democracy of said precinct, and other leading and representative men of both political factions, that at said election the Jeffersonian Democracy should have one clerk and both the Jeffersonian and organized Democracy should have thirteen fixers each.

Affiants further state that they were present at said polling place when the polls were opened on day of said election, and that at the opening of said polls the managers of said election gave notice that only three fixers would be allowed the Jeffersonians and that the organized Democracy would have six fixers, against which arrangement, affiants are informed, Z. T. Carwile, Jeffersonian manager, protested.

Affiants further state that about one hour and a half or two hours after the polls had been opened in said precinct the managers of said election agreed to there being four fixers for the Jeffersonian Democracy and eight fixers for the organized Democracy, and thereupon affiant H. J. Palmer began to act as fixer for the Jeffersonian Democracy.

Affiants further state that at said polling place on said election day there were provided 12 booths; that at the opening of the polls the managers administered the oath to illiterate voters, as required by law, 12 at a time, and that this method continued for about one hour after the polls were opened, and that during said time said election progressed satisfactorily, and there was no disorder or confusion at said polling place, but that about one hour after the polls were opened the managers announced that only one illiterate voter would be permitted to appear and qualify at a time; that following said announcement said managers, to wit, W. R. Henderson and T. P. Waller, organized Democrats, in various improper and illegal ways, interrogated illiterate voters by asking them many useless and unnecessary questions, such as their names, places of residence, etc., and permitted deputy sheriffs and ticket fixers, who were organized Democrats, to bulldoze, intimidate, and confuse illiterate voters who appeared at said polling place and declared their inability to mark their own tickets and presented their certificates of registration.

Affiants further state that deputy sheriffs and fixers were permitted inside of the polling place at all times, and that said deputy sheriffs and fixers joined with the managers in asking illiterate voters many questions tending to retard the voting and confuse and embarrass illiterate voters, said questions being unnecessary and irrelevant, such as where do you live, what is your name, etc.

Affiants, J. M. Crook, C. H. Spencer, and H. T. Palmer, further state that one J. M. Perkins, an employee of the T. C. L. and R. E. Co., and an "organized" Democrat claiming to be a deputy sheriff and fixer at said election, was inside said polling place, leaning over the table on which the ballot box was placed; that Z. T. Carwile, one of the managers of said election, called upon Deputy Sheriff Burgin to cause Perkins to move from said table. Said deputy sheriff refused, saying that he had no authority to remove said Perkins. Affiants further state that said Perkins would go to the booths while tickets were being fixed for illiterate voters, and listen to the conversation between the illiterate voters and the fixers.

Affiants further state that about 11 o'clock in the morning on day of said election at said polling place, Officer — arrested W. D. Brown, one of the fixers selected from the Jeffersonian Democracy, under warrant issued by William Jackson, notary public and ex officio justice of the peace, upon complaint of E. A. Little, said Jackson and Little being members of the "organized" Democracy; that Officer Burgin also arrested affiant C. H. Spencer, fixer, and Z. T. Carwile, Jeffersonian manager, under warrant issued by said Jackson, on complaint of said Little; that upon being arrested said Spencer and Carwile offered to give bond, but said Burgin refused to take bond, stating that he had no authority to do so, and that parties arrested must go to Birmingham. Affiant Spencer states that he went to the telephone and telephoned to Sheriff Morrow, at Birmingham, Ala., and asked said Sheriff Morrow if he had given orders that affiant and other parties arrested should not be allowed bond. Said Sheriff Morrow asked affiant what he (affiant) had done. Affiant replied that he had done nothing. Said Morrow then asked what that fellow Carwile had been doing. Said affiant told said Morrow that said Carwile had been doing nothing but his duty. Said Morrow then telephoned said Spencer that he (Spencer) should be allowed bond. Affiant Spencer further states that when he returned to said polling place said officer had left and bond had been fixed.

Affiants further state that, when the polls were opened at said precinct on day of said election, the booths were arranged so as to obscure the view of the election managers, clerks, and the general public from occupants of said booths, for the front of said booths were turned in an opposite direction from the managers and clerks at said election, as well as from the public; but about 11 o'clock in the morning of said election day one of the deputy sheriffs reversed said booths so as to have said election booths facing the election managers, clerks, and the public, and thereby giving full view of the occupants of said booths, said occupants being seen by the election managers, clerks, and the general public.

Affiants Spencer, Palmer, and Crook further state that one E. A. Little, an "organized" Democrat, who was present at said polling place, directed said deputy sheriff to change said election booths.

Affiants Spencer, Crook, and Palmer state that E. A. Little, William Jackson, and L. Y. Lyscomb, all "organized" Democrats, and said Lyscomb being the nominee for representative from said county on the "organized" Democratic ticket, were within 15 feet of said polling place, calling out to illiterate voters who entered said polling place, telling them what fixers to call upon to fix their tickets, and said Little was cursing, using loud and boisterous language, and in many ways intimidating and bulldozing timid and illiterate voters.

T. T. HUEY.  
J. M. CROOK.  
C. H. SPENCER.  
H. J. PALMER.

Subscribed and sworn to before me this the 4th day of January, 1895.

J. H. REVILLE, Justice of the Peace.

#### STATE OF ALABAMA, Jefferson County:

Before me, J. H. Reville, a justice of the peace in and for said county and State, personally appeared J. M. Crook, C. H. Spencer, J. J. Sullivan, Henry Palmer, James Moore, John McEniry, T. R. Collins, T. W. Lloyd, and J. M. Farrell, who are known to me, and who, being duly sworn, depose and say, each for himself, as follows:

That he was present at the polling place of Bessemer precinct at the election held on the 6th day of August, 1894; that there were about twenty-five deputy sheriffs, or men claiming to be deputy sheriffs and wearing the badges of such officers, at said polling place on the day of said election.

And affiants are informed and have good reason to believe that all of the deputy sheriffs aforesaid were members of the "organized" Democracy, and that the action of such deputy sheriffs tended and was in the direction of bulldozing and intimidating illiterate voters who were supposed to favor the Jeffersonian ticket; that said deputy sheriffs, by bulldozing and intimidation, prevented a large number of voters from entering the polling place and cast-

ing their votes; that the ropes about said polling place were so arranged as to enable such deputy sheriffs and police officers to favor those whom they wished to favor in entering said polling place.

And affiants saw said deputy sheriffs and police officers push many negroes away, although said negroes were trying to enter said polling place in regular order, and said deputy sheriffs and police officers permitted men known to be "organized" Democrats, and who were wearing Gates badges, to crawl under the ropes, and thus reach the polling place ahead of those who were in regular line; that many voters secured badges of police officers and deputy sheriffs, and in that way entered said polling place ahead of those who were in line and cast their votes; that all such voters who obtained badges from police officers or deputy sheriffs were supposed to be "organized" Democrats, and such voters, so affiants are informed, obtained said badges from deputy sheriffs and police officers who were "organized" Democrats, by stating to such officers that they intended to vote the "organized" Democratic ticket, and thereby said voters secured said officers' badges for the purpose of entering said polling place ahead of voters who were in regular line.

Affiants Spencer and Crook further state that, among many other acts of bulldozing and intimidation, — a negro, when he entered said polling place to vote was immediately arrested by Jim Perkins, a deputy sheriff as well as an "organized" Democrat, and said voter was taken outside of said polling place; but in a few minutes said Perkins came back with said negro and stated that he (Perkins) was mistaken, and that said negro wanted said Perkins to fix his (— negro) ticket; that said Perkins entered the booth with said negro and held a conversation with said negro, which affiants could not hear, but said negro indignantly left said polling place and declared that he would not vote; and said negro did not vote.

Affiants Spencer and Sullivan further state that they saw Jim Tate, A. A. Randall, and Charlie Gurst (Randall being an alderman of the city of Bessemer, and Gurst and Tate being police officers of said city) outside of the ropes violently pushing and shoving negroes away, and aiding white men to reach the polling place ahead of such negroes whom they had pushed away, although said negroes were in regular line when pushed away by said officers.

C. H. SPENCER.  
J. M. CROOK.  
T. R. COLLINS.  
T. W. LLOYD.  
J. M. FARRELL.  
J. J. SULLIVAN.  
JAMES MOORE.  
JOHN MCENIRY.

Subscribed and sworn to before me this 4th day of January, 1895.

J. H. REVILLE, Justice of the Peace.

#### STATE OF ALABAMA, Jefferson County:

Before me, J. H. Reville, a justice of the peace in and for said county and State, personally appeared James Moore, who is known to me, and who, being duly sworn, deposes and says as follows:

That he is a resident of Bessemer precinct, No. 33, in said county and State, and was present at the voting place in said precinct at the election held on the 6th day of August, 1894; that at the time the polls were closed there was a large number of voters who had not voted at said election, but who had been present at said polling place for the purpose of voting at said election; that, with other citizens of said precinct, he examined the registration certificates in the possession of some of the voters who were denied the opportunity of voting, and counted 116 registration certificates in the possession of that many voters, who declared that they had been outside of the polling place for the purpose of voting, but were prevented on account of not being able to secure access to the polls before they were closed; that the confusion and disorder which prevailed at said polling place on said day was the cause of their not being able to gain access to the polls.

JAMES MOORE.

Subscribed and sworn to before me this the 4th day of January, 1895.

J. H. REVILLE, Justice of the Peace.

#### Regarding Montgomery County, I read:

Pike Roads beat (affidavits of S. S. Belser and A. J. Simmons):	
Votes cast .....	130
Votes counted .....	504
City beat No. 3:	
Affidavit of W. V. Newton—	
Votes cast .....	116
Votes counted .....	198
Affidavit of W. E. Alred—	
Votes cast .....	330
Votes counted .....	945
City beat No. 4, box 1:	
Affidavit of Peyton Bibb—	
Votes cast .....	501
Affidavit of E. R. Holt—	
Votes cast .....	10
Affidavit of A. B. Brassel—	
Votes cast .....	35
Affidavit of W. B. Smith, sr.—	
Votes cast .....	6
Total votes counted in city beat No. 4, box 1 .....	719
City beat No. 4, box 2:	
Affidavit of W. B. Smith—	
Votes cast .....	67
Affidavit of B. K. Ponder—	
Votes cast .....	343
Total votes counted in city beat No. 4, box 2 .....	457

NOTE.—These three beats in Montgomery County are the only ones at which persons were stationed for the purpose of counting the vote in order to detect the fraud. There were several other beats at which the frauds were in about the same ratio as Pike Roads.

#### STATE OF ALABAMA, Montgomery County:

Before me, W. M. Blakey, a notary public in and for said county and State, personally appeared S. S. Belser and A. J. Simmons, who, being by me first duly sworn, doth depose and say:

That upon Monday, the 6th day of August, 1894, they were at Pike Road, in the county of Montgomery, Ala., at 7:30 o'clock on the morning of said day, and remained within sight of the polls in said beat during the entire day; that when they arrived at said polling place at 7:30 said polling place was not open, but that while they were unhitching their horse the managers of said election, before 8 o'clock, opened said polls and allowed voters to commence depositing their ballots.

Affiants further aver that at said polling place in said beat there were, during said election, only 130 votes polled during the entire day, though the official count of the county aforesaid shows that 504 votes were polled at said box.

Affiants further aver that they remained within sight of the voting place during the entire day. Affiants further aver that the managers of election did not announce that the voting polls were to be closed at 5 o'clock in the afternoon, and did not make any announcement at all of the fact.

S. S. BELSER.  
A. J. SIMMONS.

Subscribed and sworn to before me this 14th day of August, 1894.  
W. M. BLAKEY, Notary Public.

**STATE OF ALABAMA, Montgomery County:**

Before me, Pat McGauly, a notary public in and for said county and State, personally appeared W. V. Newton, made known to me, who, being duly sworn, doth depose and say:

I was present when the polls were opened at the voting place in beat No. 3, on Lee street, in the rear of Robertson's store, Montgomery County, Ala., August 6, 1894, and remained at said polling place until the polls were closed; and occupied, while the polls were open, a position from which I could see every voter who went to the polls at said polling place, and I did see every voter who went to the polls at said polling place; that I carefully counted all the voters who entered said polling place on that day; that 111 white voters and 5 colored voters, and no more, entered said polling place while said polls were open on said day.

W. V. NEWTON.

Subscribed and sworn to before me this 6th day of August, 1894.  
PAT MCGAULY, Notary Public.

**STATE OF ALABAMA, Montgomery County:**

Before me, Pat McGauly, a notary public in and for said county and State, personally appeared W. E. Allred, made known to me, who, being duly sworn, doth depose and say:

I was present when the polls were opened at the voting place in beat No. 3, at the corner of Lee and Montgomery streets, Montgomery County, Ala., August 6, 1894, and remained at said polling place until the polls were closed, and while at said polling place occupied a position from which I could see, and did see, every voter who went to the polls in said precinct; that I carefully counted all the voters who entered said polling place, and that 324 white voters and 6 colored voters, and no more, entered said polling place while the polls were open on said day.

W. E. ALLRED.

Subscribed and sworn to before me this 6th day of August, 1894.  
PAT MCGAULY, Notary Public.

**STATE OF ALABAMA, Montgomery County:**

Before me, Pat McGauly, a notary public in and for said county and State, personally appeared Peyton Bibb, who is personally known to me as a man of high character and good standing in the community in which he lives, and always maintained a character for honesty and integrity, and who, being by me duly sworn, deposes and says as follows:

That he was at the polling place of box 1, beat No. 4, in said county, at the election held on the 6th day of August, 1894; that he was present when the polls were opened and kept the number of voters who went into the two polling places of beat 4 until the arrival of B. K. Ponder, who kept the number of voters in box 2, beat 4; that up to the time B. K. Ponder arrived 20 voters went into the polling places of boxes 1 and 2, and to the best of his knowledge and belief a majority of them went into box No. 1, beat 4; that these persons were exclusive of the inspectors, fixers, and returning officers. That at about 9 o'clock A. B. Brassell relieved him for an interval of probably an hour or more, when he returned and kept the number of votes cast until relieved by E. R. Holt; that within one hour he again returned and relieved Mr. Holt, and continued to keep count of the votes cast until relieved by Walter B. Smith, sr., which last interval consumed only the time necessary for him to vote and return. That during the time that he was present at said polling place keeping count of said votes as cast there were 579 voters who went into said poll, and no more, excepting number as above stated who went into the poll while he was keeping the number of votes cast for both boxes No. 1 and No. 2.

PEYTON BIBB.

Subscribed and sworn to before me this 16th day of January, A. D. 1895.  
PAT MCGAULY, Notary Public.

**STATE OF ALABAMA, Montgomery County:**

Before me, William M. Blakey, a notary public in and for said county and State, personally appeared Walter B. Smith, sr., who is personally known to me, and who, being by me first duly sworn, doth depose and say:

I kept count of the votes polled in beat 4, corner of Lawrence and Washington streets, in the city of Montgomery, Ala., on August 6, 1894, during the absence of Mr. Ben Ponder, which was for the space of about one hour, and I occupied a position from which I could see every one that went into said voting place, and I did see every voter who went to the polls at said polling place during the time that I kept tally of said voting, and I carefully counted all the voters who entered said polling place, and that 59 white persons and 8 colored persons, and no more, entered said polling place while said polls were open that day during my keeping tally of said vote, and that the number of 67 votes was all that was cast while I was keeping said tally.

W. B. SMITH, Sr.

Subscribed and sworn to before me this 26th day of September, 1894.  
W. M. BLAKEY, Notary Public.

**STATE OF ALABAMA, Montgomery County:**

Before me, William M. Blakey, a notary public in and for said county and State, personally appeared Ben K. Ponder, who is personally known to me, and who, being by me first duly sworn, doth depose to say:

I kept count of all the votes polled in beat No. 4, corner of Lawrence and Washington streets, in the city of Montgomery, Ala., on August 6, 1894, except during the hours of 12 and 1, while I was absent at dinner, and Mr. W. B. Smith kept tally during my absence, and a short time, when the polls were first opened, when Peyton Bibb kept count.

I occupied a position from which I could see every one that went into the polling place, and I did see every voter that went into said polling place, except during the time I have stated that I was away; and I carefully counted all the voters who entered said polling place, and 286 were all the voters that entered said polling place while I was keeping the tally of the votes cast, and which was during the entire time that the voting was done at said polling place, with the exception of the time I have stated that Mr. W. B. Smith, sr. kept the same, and that the number of 286 votes was all that was cast while I was keeping said tally in the box opening on Lawrence street.

B. K. PONDER.

Subscribed and sworn to before me this 26th day of September, 1894.  
W. M. BLAKEY, Notary Public.

**STATE OF ALABAMA, Montgomery County:**

Before me, William M. Blakey, a notary public in and for said county and State, personally appeared Edward R. Holt, who is personally known to me, and who, being by me first duly sworn, doth depose and say:

I kept count of the votes polled in beat No. 4, corner of Lawrence and Washington streets, in the city of Montgomery, Ala., on August 6, 1894, during the absence of Mr. Peyton Bibb, which was for the space of fifteen or twenty minutes; and I occupied a position from which I could see everyone that went into said voting place, and I did see every voter who went to the polls at said polling place during the time that I kept tally of the said voting; and I carefully counted all the voters who entered said polling place; that 8 white persons and 2 colored persons, and no more, entered said polling place while said polls were open that day during my keeping tally of said vote; that the number of 10 votes was all that was cast while I was keeping tally.

E. R. HOLT, Sr.

Subscribed and sworn to before me this 26th day of September, 1894.  
W. M. BLAKEY, Notary Public.

**STATE OF ALABAMA, Montgomery County:**

Before me, Pat McGauly, a notary public in and for said county and State, personally appeared A. B. Brassell, made known to me as a man of high character and good standing in the community in which he lives, and has always maintained a character for honesty and integrity, and who, being by me duly sworn, deposes and says as follows:

That he appeared at box No. 1, beat No. 4, in said county, on the 6th day of August, 1894, about 9 o'clock a. m., and kept count of the number of men who went into the polling place during the absence of Mr. Peyton Bibb; that during that interval there were 35 men who went into said polling place, and no more; that when Mr. Peyton Bibb returned he left the polling place, and did not keep tally any longer, but left Mr. Peyton Bibb keeping count of the voters who went into said polling place.

A. B. BRASSELL.

Subscribed and sworn to before me this 16th day of January, A. D. 1895.  
[SEAL.] PAT MCGAULY, Notary Public.

**STATE OF ALABAMA, Montgomery County:**

Before me, Pat McGauly, a notary public in and for said county and State, personally appeared Walter B. Smith, sr., made known to me as a man of high character and good standing in the community in which he lives, and has always maintained a character for honesty and integrity, and who, being by me duly sworn, deposes and says as follows:

That he came to the polling place, box 1, beat No. 4, in said county, on the 6th day of August, 1894, and relieved Mr. Peyton Bibb, who went to vote, keeping count of the number of voters who went into the polling place of said box 1, beat No. 4, during the absence of Mr. Peyton Bibb; and that during that interval he kept tally, and there were not exceeding 6 men who went into the polling place, and no more; that when Mr. Peyton Bibb returned from the polling place where he had gone to vote, that said Bibb relieved him and he left Mr. Bibb keeping tally on the number of voters.

W. B. SMITH, Sr.

Subscribed and sworn to before me this 16th day of January, A. D. 1895.  
PAT MCGAULY, Notary Public.

In Wilcox County, Pineapple beat, the votes counted were 393; votes actually cast, 142; fraudulent votes 251. I read the following affidavit in support of that charge:

**STATE OF ALABAMA, Wilcox County:**

Before me, C. M. McLean, a justice of the peace in and for said county and State, personally appeared J. J. Sessions, who is known to me, and who being duly sworn according to law, deposes and says:

That he has resided in Wilcox County, Ala., from the time of his birth, in 1844, with the exception of about four years; that he is well acquainted with the condition of the people in said county, and their political affiliations; that during the campaign immediately preceding the election for members of the general assembly and State officers, held on the 6th day of August, 1894, he took part in political affairs, and was in a position to have correct information as to the political condition in said county; that the negroes, who were largely in the majority in said county and represented about four thousand of the voting population of said county, had been advised not to register; and affiant, after diligent inquiry and careful personal investigation, has reason to believe, and does believe, that not exceeding eight per cent (8%) of the negroes registered in said county for the elections of 1894.

Affiant further states that about ten or fifteen days after the registration period closed in 1894, he called at the office of the judge of probate at Camden, the county seat of Wilcox County, Ala., for the purpose of inspecting the registration list from Pine Apple precinct, and making a copy of said list; that the judge of probate was absent, but that affiant asked — Ratcliff, the clerk in the office of the judge of probate, the privilege of seeing the registration list returned from Pine Apple precinct, and was informed by — Ratcliff, the clerk, that no list from Pine Apple precinct had been filed in the office.

Affiant further states that he was at the voting place in said Pine Apple precinct on the 6th day of August, 1894, and remained at said voting place from the time the polls opened until they closed, with the exception of about one hour; that when he left said polling place, at his request his brother, W. B. Sessions, remained at said polling place for the purpose of keeping a count of the number of men who voted, and that the number who entered said polling place while affiant was present and the number who entered said polling place while affiant was absent, as shown by the list furnished him by his brother, made a total of one hundred and forty-two, including the election inspectors and clerks, who entered said polling place on said election day.

And affiant further states that the inspectors at said election were Alex Kyser, John Knight, and Sol McIntosh; and that Sol McIntosh is a negro, who, affiant is informed and has reason to believe, can neither read nor write; that the clerks at said election were A. C. Luckie and Thos. Stanford.

Affiant further states that he has been informed by several citizens of Wilcox County, particularly by two negroes who reside at Gees Bend precinct, in said county, that no election was held at said Gees Bend precinct on the 6th day of August, 1894; but that notwithstanding the polls were never open and no election was held at said precinct, as affiant is informed and has reason to believe, an alleged majority of two hundred and fifty-eight (258) for William C. Oates for governor was returned from said precinct.

J. J. SESSIONS.

Sworn and subscribed to before me this 21st day of January, 1895.  
C. M. MCLEAN, Justice of the Peace.

In Whitehall precinct, Wilcox County, beat No. 5, the votes



counted were 182; those actually cast 53; 129 fraudulent. In support of that charge I read the following affidavit:

**STATE OF ALABAMA, Marengo County:**

Before me, W. A. Bridges, a justice of the peace in and for said county and State, personally appeared B. F. Foxworth, W. J. Foxworth, W. H. England, and F. L. Daniels, of Wilcox County, Ala., who are known to me as men of good character and influential position in the community in which they live, and who, being duly sworn according to law, depose and say, each for himself, as follows:

That he was present at Whitehall precinct, beat 5, on the 6th day of August, 1894, in Wilcox County, Ala., at the election held for State officers and members of the general assembly. That he was in a position at said voting place to see every man who entered said polling place, and that from the time the polls were opened until they closed there were fifty-three (53) men, including election managers and clerks, entered said polling place, and no more.

Affiants further state that Dr. F. E. Crum, B. E. Devan, Jr., and a negro named Dink Miles were the election inspectors, and that R. J. Huggins and Lamar Fountaine were the clerks at said voting place on said election day.

Affiants further state that they know the negro inspector, Dink Miles, and that said Dink Miles can neither read nor write.

B. F. FOXWORTH.  
W. J. FOXWORTH.  
W. H. ENGLAND.  
F. L. DANIELS.

Subscribed and sworn to before me this 16th day of January, 1895.  
W. A. BRIDGES, Justice of the Peace.

At Bethel precinct, beat No. 6, votes counted, 457; actually cast, 137; 320 fraudulent. In support of that charge I read the following affidavit:

**STATE OF ALABAMA, Marengo County:**

Before me, W. A. Bridges, a justice of the peace in and for said county and State, personally appeared H. C. Pearson and T. J. Pearson, of Wilcox County, Ala., who are known to me as men of good character and influential position in the community in which they live, and who, being duly sworn according to law, depose and say, each for himself, as follows:

That they were present at Bethel precinct, beat 6, in Wilcox County, Ala., at the election held for State officers and members of the general assembly on the 6th day of August, 1894; that they were in a position at said voting place to see every man who entered said polling place, and that from the time the polls were opened until they closed there were one hundred and thirty-seven (137) men, and no more, who entered said polling place.

Affiants further state that J. D. Crawford and H. M. Jordan were the only inspectors at said precinct; and that these two men were the only inspectors there; and that J. D. Carmichael, George Deantzier were the clerks at said voting place on said election day.

H. C. PEARSON.  
T. J. PEARSON.

Sworn and subscribed to before me this 16th day of January, 1895.  
W. A. BRIDGES, Justice of the Peace.

At Mims beat No. 13, votes counted, 142; actually cast, 57; fraudulent, 85; and in support of that charge I read the following affidavit:

**STATE OF ALABAMA, Wilcox County:**

Before me, J. I. Davis, a justice of the peace in said county and State, personally appeared W. B. Rogers, who is known to me, and who, being duly sworn according to law, deposes and says:

That he is a resident of Mims precinct, beat No. 13, of said county and State. That he was at the voting place in said precinct at the election held on the 6th day of August, 1894. That the inspectors of the election at said precinct were Wash Watson, William Sadler, and Bob Stillings; that the clerks of the election of said precinct were J. I. Davis and Tom Smith. That he arrived at said polling place before the polls were opened, and remained at said polling place within 60 feet of where the votes were being cast continuously from the time the polls were opened until they were closed. That he did not leave said polling place from the time they were opened until they closed, and was in a position to see every man who entered said polling place, and no person could have entered said polling place without affiant seeing such person from the time the polls were opened until they were closed. And that from the time the polls were opened until they were closed fifty-seven (57) men, including the election inspectors and clerks, and no more, entered said polling place.

W. B. ROGERS.

Sworn and subscribed to before me this 16th day of January, 1895.  
J. I. DAVIS, Justice of the Peace.

At Clifton beat, votes counted, 223; actually cast, 38; 185 fraudulent; and in support of that charge I read the following affidavit:

**STATE OF ALABAMA, Marengo County:**

Before me, W. A. Bridges, a justice of the peace in and for said county and State, personally appeared J. H. Pritchard and J. L. Pearson, both of whom are known to me as citizens of good standing and worthy of belief, and who, being duly sworn according to law, depose and say:

That they were present at Clifton precinct, beat No. —, Wilcox County, Alabama, at the election held on the 6th day of August, 1894, and that the inspectors at said election were B. W. Grice, Sam Wilkinson, and Tom Mitchell, and that said Tom Mitchell is a negro who can neither read nor write. That they remained at said polling place from the time the polls opened continuously until they closed, and did not leave said polling place from the time the polls were opened until they closed. That from the time the polls were opened at said precinct until they closed there were thirty-eight (38) men who entered said polling place, and no more.

Affiants further state that they were in a position to see every man who entered said polling place, and no man could have entered said polling place without affiants seeing them, and that thirty-eight (38) men, including the election managers and clerks, were the number who entered said polling place from the time they opened until they closed.

J. L. PEARSON.  
J. H. PRITCHARD.

Subscribed and sworn to before me this 16th day of January, 1895.  
W. A. BRIDGES, Justice of the Peace.

At Gees Bend beat, votes actually counted, 258; actually polled, none. The affidavit in support of this charge asserts that the polls were not even opened, there being no pretense of holding an election at that place. The affidavit is as follows:

**STATE OF ALABAMA, Marengo County:**

Before me, W. A. Bridges, a justice of the peace in and for said county and State, personally appeared J. H. Pritchard, who is known to me as a man of good character and an influential citizen of Wilcox County, Ala., and who, being duly sworn according to law, deposes and says:

That he was at Camden, the county seat of said Wilcox County, Ala., on the Saturday following the election held on the 6th of August, 1894; that with W. B. Rogers and John Chance he heard the vote as announced from the various precincts in said county before the board of supervisors, and that the vote as so announced was as follows:

	Kolb.	Oates.
Bethel beat, No. 6.....	14	457
Canton.....		352
Mount Hope.....		319
Fox Mill.....	47	48
Gees Bend.....		258
Lower Peach Tree.....		651
Clifton.....	7	223
White Hall.....		182
Prairie Bluff beat, No. 4.....		387
Blacks Bluff.....	1	241
Pine Apple.....	19	363
Sedan beat, No. 15.....	2	263
Camden.....	1	596
Boiling Springs.....		299
Rehoboth beat, No. 3.....	1	195
Allenton beat, No. 9.....	1	336
Bonhams beat, No. 10.....		234
Mims.....	12	142
Ackerville.....	5	258
Snow Hill beat, No. 12.....	8	526
Total.....	131	6,300

Affiant further states that the foregoing tabulated statement, showing the total of (131) one hundred and thirty-one votes for Kolb, and six thousand three hundred for Oates is a correct and exact copy of the vote as announced by the county supervisors at the county seat of said county on the Saturday following the election held on the 6th day of August, 1894.

Affiant further states that he is informed, and has reason to believe, that at Gees Bend, where an alleged majority of two hundred and fifty-eight (258) was returned for Oates, no election was held and the polls were not opened on the 6th of August, 1894; and that after inquiry and careful investigation he has reason to believe, and does believe, that there were less than (1,200) twelve hundred votes cast in the county at the election held on the 6th of August, 1894, and that he is informed, and has reason to believe, that the total vote cast for William C. Oates and the ticket headed by him on the 6th of August, 1894, was not exceeding one thousand (1,000) votes. That the negro voters of Wilcox County, Alabama, were advised not to register, and that in opinion of affiant not exceeding eight per cent of the negro voters in Wilcox County, Alabama, registered in the year 1894. That there are only about fourteen hundred (1,400) white voters in said county.

J. H. PRITCHARD.

Subscribed and sworn to before me this 16th day of January, 1895.  
W. A. BRIDGES, Justice of the Peace.

At Laneville beat, No. 9, Hale County, votes counted, 105; votes actually cast, 63; 42 fraudulent.

In support of this charge I read the following affidavit:

**STATE OF ALABAMA, Hale County:**

Personally came before me, D. F. Myers, a notary public, Thos. S. Hylton and W. R. Jones, who, being duly sworn according to law, depose and say each for himself that they were both present at the election for Congressmen on November 6, 1894, at Laneville beat, No. 9, in said county; that they are well acquainted with both the white and colored voters therein, and that on said day they each took their position near to the polling place where they could and did see every person entering the polling place from the opening to the closing of the polls. And each for himself states that only thirty-three colored men and thirty white men went into the polling place that day. And that the vote returned as shown by the certified poll list shown us this day from the probate office of said county shows one hundred and five ballots or votes polled. And we each further state that there is a number of names of persons on said poll lists who do not and never did in the past reside in said beat that we ever heard of. And these names are of persons unknown to us.

THOS. S. HYLTON.  
W. R. JONES.

Sworn to and subscribed before me this 2d day of February, 1895.  
D. F. MYERS, Notary Public.

At the present time in the senate of the State of Alabama there are 14 out of 33 senators known as "hold overs," 9 Democrats and 5 Populists. This method of holding an election in that State, according to the estimate I have made of the ratio of fraud running through these several counties, at places where I have not been able to obtain the exact figures, would completely change the complexion of the senate, and would give the Republicans and Populists combined 22 out of the 33.

In the house of representatives, which is composed of 100 members, the same ratio, according to the estimate I have made, would change the result. So that the Democratic party is in charge of that branch of the State government in consequence of fraud. These frauds have changed the result, which without fraud would have given to the Populists, Republicans, and Jeffersonian Democrats, all of whom were working together, 71 out of the total membership of 100.

The effect of this upon the Congressional representation can also be seen to some extent. I have here a table of the votes actually counted and cast, and the fraudulent vote, and the census with reference to the Fourth Congressional district. Perhaps I should say that a contest is pending before the other branch of Congress with reference to the election in this Congressional district, and

that I have no purpose in the introduction of the evidence that has been printed here to in any manner prejudice or influence that contest. It is not my purpose to prejudice any rights Mr. Robbins, the contestee in that case, may have.

According to this table—and I will not stop to read it in detail, but insert it in my remarks—the total votes counted in that district were 26,821; the total votes actually cast were 6,104; the fraudulent votes were 20,717. In the same counties, at the November (1894) election, the votes counted were 17,900; actually cast, 4,074; fraudulent, 13,826.

Congressional election, Fourth District.

Counties in Fourth district.	Presidential election, November, 1892.			Representation in legislature.		Population, census 1890.
	Votes counted.	Votes estimated actually cast.	Fraudulent votes.	Senate.	House.	
Calhoun .....	5,084	1,157	3,927	1	2	33,835
Chilton .....	1,639	384	1,305	1	1	14,549
Cleburne .....	1,754	369	1,355	(*)	1	13,218
Dallas .....	9,314	2,129	7,194	1	3	49,350
Shelby .....	3,646	830	2,816	(†)	1	20,836
Talladega .....	5,534	1,214	4,120	(‡)	2	23,346
Total .....	26,821	6,104	20,717		10	

\* With Calhoun. † Shelby and Elmore with Chilton. ‡ Talladega and Clay, I.

Congressional election, November, 1894.

Fourth district .....	17,900	4,074	13,826		10	161,184
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I will read a letter received by me from Mr. Aldrich, the contestant, written January 17, 1895:

SELMA, ALA., January 17, 1895.

MY DEAR SIR: Inclosed please find copies of a number of affidavits taken in the matter of the Congressional election held on the 6th day of November last in the Fourth Congressional district of Alabama.

The first to which I call your attention are those with reference to Dallas County. The affidavit of J. Gilbert Johnson shows that in Lexington precinct there were only 35 votes cast, yet from that precinct 250 votes were returned for Mr. Robbins and 1 for myself.

The affidavit of Mr. A. S. Jones shows that there were but 31 votes cast in Summerfield beat, yet the returns gave Mr. Robbins 100 and myself 2.

The affidavit of S. P. McIlwain shows that there were only 723 votes cast at the court-house in the city of Selma, which was the only voting place in that city, yet the returns show that Mr. Robbins received 2,014 votes and I 15 votes.

The affidavit of Mr. R. L. Grimes shows that there were but 6 votes cast in Union precinct, yet the returns gave Mr. Robbins 233 and none for me.

The affidavit of L. W. Mason shows that there were but 17 votes cast in Mitchell's beat, yet Mr. Robbins received from the returns 389 votes and I none. There are two affidavits in regard to the election in Martin's precinct, viz, that of Lee Bell and of William Bell, Jr. They both agree that there were only 60 votes in that precinct, yet the returns show that Mr. Robbins received 503 and I received none.

We also have the affidavit of E. M. Riley, who undertook to count the vote that was cast in Orrville beat, but who, by threats of personal injury, was made to leave the polling place about 11 o'clock in the morning, which shows that the election officers desired to manipulate the election, and that the presence of a witness would interfere with them. We feel satisfied from that and other testimony that there were not exceeding 35 votes cast in that precinct, although 308 were returned from there for Mr. Robbins.

I will next call your attention to the affidavit of J. H. Fancher and J. N. Allen in regard to the vote at Montevallo box, in Shelby County. This box is within 2 miles of my home, and it is the box at which I vote. I am justly proud of the actual result of the election in that precinct, although the returns show that Mr. Robbins received a majority of 9 votes at that box. The truth of the matter is that we were allowed neither a clerk or a fixer at that box, and therefore our only representative, an inspector, was frequently called from his position at the box in order to mark votes for the illiterate voters who desired to vote for me.

The "fixer," as I understand it, according to the Alabama expression, is not the "fixer" according to the New York expression. A "fixer" in Alabama is a man who is permitted to mark a ballot for an illiterate voter, and he is not recognized by the law by that title. I ask the Senator from Alabama how this is.

Mr. PUGH. No; that is the name they give it, but it is not the legal name. I forget the name.

Mr. ALLEN—

However, we had a tally kept on the inside by this inspector—

Inspector, is that it?

Mr. PUGH. Yes; I think so.

Mr. ALLEN. Then the names "fixer" and "inspector" are synonymous, so far as the office is concerned?

Mr. PUGH. I think so.

Mr. ALLEN. Mr. Aldrich proceeds:

However, we had a tally kept on the inside by this inspector, showing all the votes cast, and also a tally kept on the outside, showing all the voters who entered the polling place. These two tally sheets agreed in that there were 894 votes cast altogether at that box. We also had a clerk to keep a record of all the voters who voluntarily stated, after coming from the polls, that they had voted for me. In this way when the polls closed we were satisfied that my majority was not less than 180. Much to our surprise, however, the declared result showed that Mr. Robbins had a majority of 9. I have since that time obtained a sworn statement of 250 voters that they each and everyone voted for me.

I would further state that at the counting of the ballots after the polls had closed there were, as the affidavit of Mr. Harrison will show, 14 more ballots in the box than there were names on the poll list; and I have just learned through an official letter from the probate judge of Shelby County that the

poll list of the November election last in Montevallo beat has never been returned to his office, as is required by law. Out of a total vote of 304 cast at that box I did not receive less than 200 votes, which is proven by the above-mentioned affidavits, and my majority at that box should not have been less than 186. This majority, added to the 9 votes credited to Mr. Robbins, would make a difference of 195 in the total vote of the county.

I also inclose my own affidavit that I have the originals of the hereinmentioned affidavits.

You will also find inclosed a tabulated statement of the actual vote cast in Dallas County, as well as the vote as declared in that county.

I also send you a list of the inspectors asked for to represent my interest, and those who were actually appointed in Dallas County. These lists are set forth on two blanks. The first one shows that there were 15 beats from which correct returns were made, and that in 11 of these 15 beats there were appointed to represent me, and there did represent me, men whose appointment in the capacity of inspectors I requested.

In the other 13 precincts, from every one of which fraudulent returns were made, there was not a single inspector appointed that was asked for, and I had no representative at all at these boxes, unless it be some illiterate negro. Evidence of this will be found in River and Mitchell's beats, where the inspectors who were supposed to represent me were unable to write, and have signed the returns by their marks.

I am now engaged in taking testimony in my contest, and am developing other and equally startling facts which I will lay before you later.

Thanking you for your efforts toward securing a republican form of government in Alabama, I am,

Yours, very truly,

W. F. ALDRICH.

Hon. WILLIAM V. ALLEN,  
United States Senate Chamber, Washington, D. C.

In Union beat, votes cast, 6; counted, 293; fraudulent, 287. I have here an affidavit of Mr. A. L. Gilmer, which I will read in support of this charge:

STATE OF ALABAMA, County of Dallas:

Before me, A. Kayser, a notary public in and for said county and State, personally appeared A. L. Gilmer, who, being duly sworn, states as follows:

I am a citizen of the State of Alabama and the county of Dallas, and I was present on Tuesday, November the 6th, 1894, at the Webb place, which is the polling place for Union precinct, in said county and State, and was there continuously from the opening to the closing of the polls; that the said election was held for a member of the Fifty-fourth Congress, from the Fourth Congressional District of Alabama; that I saw and counted every person who went into said polling place from the opening to the closing of the polls in said precinct at said election, and there were six (6) persons who went into said polling place from the opening to the closing of the polls, including the officials who were by law permitted to be in said polling place.

A. L. GILMER.

Subscribed and sworn to before me this tenth day of November, 1894.

A. KAYSER, Notary Public.

In Boykins beat, thirty-fourth precinct, votes cast, 12; votes counted, 25; fraudulent, 13.

In Elm Bluff beat, thirty-second precinct, votes cast, 7; votes counted, 135; fraudulent, 128.

In Pence's beat, vote cast, 1; votes counted, 30; fraudulent, 29. I come now to consider the election law of the State of Alabama, commonly known as the Sayre election law.

The first section provides:

That the judges of probate shall superintend the registration of election in their respective counties.

They seem to be in charge of the list of registered voters.

The second section provides:

That the governor shall appoint, as soon as practicable after the passage of this act, one competent person as registrar for each county; and such registrar shall hold office for four years and shall appoint a competent person as assistant registrar for each precinct or ward in their respective county, and the governor shall have power to fill any vacancy should any occur in office of registrar. And such registrars, before entering on their duties, shall take an oath of office as prescribed in section one, article fifteen of the constitution of Alabama, which oath may be administered by any officer authorized by law to administer oaths in this State, and must be filed in the office of the judge of probate of the county. Such registrars are authorized to administer the registration oath, and it shall not be lawful for any other officer or person to administer the same.

By the third section it is provided:

That it shall be the duty of such registrars within the several precincts or wards for which they are appointed, respectively, in each year in which any general, State, or Federal election is to be held, to make registration of the electors residing in such precincts or wards upon blank forms provided for that purpose, and shall not register in any other way or in any other form than that herein prescribed.

The fourth section provides:

That the registrars in each precinct or ward shall begin registration on the first Monday in May, and shall continue the same for eighteen successive days, Sundays excepted, except in cities of 10,000 or more inhabitants, where thirty days' time for registration shall be given.

The State election takes place in August. Section 5 provides:

That it shall not be lawful to register any elector in any precinct or ward in this State after the time herein prescribed for such registration; but the registrars shall be present at the polling places in the precincts or wards for which they are respectively appointed on the day of any general or special election to register such persons as may have reached the age of 21 years since the last registration, and none other.

I wish to call attention briefly to this section because its vice is apparent. Taken in connection with the preceding section (4), which compels all voters to register between the 1st and 18th days of May, and at no other time than between those dates, it is manifest that great injustice is done the voters of the State of Alabama. I can well understand why some time should be fixed, a reasonable time, before the opening of the polls and holding the elections in large cities and in the larger towns; but in the country precincts I know of no reason (and I think the State of Alabama is not different in that respect from any other agricultural and mineral State) why the voters should be compelled to register



between the 1st and 18th days of May and at a time when probably nine-tenths of them are engaged in their fields and at their several occupations, and when they have reached the busiest season of the year.

I am not disposed to stand here and urge that there was any ulterior motive in the passage of this section of the law; of that I know nothing, and I certainly would not make a charge against the State unless I had some evidence in my possession that would warrant it; and then it would be very unpleasant to make it. But I can conceive of no reason in the world why the voters in country precincts, almost all of whom are farmers and planters or engaged in kindred occupations, away from centers of population, should be compelled to go to some registrar and register their names between the 1st and the 18th of May, at the precise time when they should be and are engaged in their industrial pursuits.

I can see, however, that if there were any purpose to prevent a portion of the people of the State from registering, and by that means keep them from attending the polls and voting, this would be a very successful way, indeed. But what is to be said of the fifth section, which does not give a voter an opportunity to register after the 18th of May? I think it will be found that in most of the States of this Union where there are registration laws provision has been made later along for the registration of persons who through sickness or accident or some unforeseen event have been prevented from registering earlier. Suppose a man should be detained at his home by sickness or be absent in some other section of the country at the time when he should have registered, according to the strict letter of the law, would it be right to deprive that citizen, when he should recover from his sickness or return to his home, of the privilege of being registered and casting his vote at the ensuing election? Yet that is precisely what this fifth section of the Sayre Alabama election law accomplishes.

That it shall not be lawful to register any elector—

So says the law—

In any precinct or ward in this State after the time herein prescribed for such registration—

Here is a direct inhibition. An elector can not be registered, it makes no difference what the circumstances may be, however equitable and just they may be, if he takes his chances. If he does not register between the 1st and 18th days of May he is absolutely deprived of his privilege except in the single and unimportant instance of a young man who has reached his majority and is to cast his first vote—

but the registrars—

Says the fifth section of this law—

shall be present at the polling places in the precincts or wards for which they are respectively appointed on the day of any general or special election to register such persons as may have reached the age of 21 years since the last registration, and none other.

Mr. President, that has a direct effect in destroying the freedom of elections. I am not disposed to cavil about the election laws of the State of Alabama so long as they afford the voters of that State a free and full opportunity to cast their votes and have them counted. Whenever we give credence to the doctrine that a State can wipe out indirectly the right of citizenship, nullify or destroy it by legislation of this kind, we reach a period in the history of our Government where our Government is destroyed. The very foundation stone upon which this Republic is built, and upon which it must stand in the future, if it does stand—and we all hope it may—is a free, full, and complete right upon the part of every American citizen invested with the elective franchise to cast his vote, without unnecessary restraint, without intimidation or fraud, and have that vote counted as he may cast it. If we submit for one moment to the doctrine that elections in the different States can be manipulated in the interest of any particular political party, we submit to the introduction of a doctrine that will be destructive of this Union and destructive of the States themselves.

I have never been myself a believer in the Federal election law that was repealed by act of Congress a few months ago. I am not in favor of sending armed bodies of men into the different States of the Union for the purpose of controlling elections. I do not believe that the freedom of expression should ever be threatened or menaced by the bayonet of a soldier. But I do believe that this Government has power—and of that I have no doubt—and that it is its duty to follow every citizen of the United States into his home and protect him in the right of the elective franchise.

As a citizen of the State of Nebraska I owe my State certain duties; as a citizen of the United States I owe the General Government certain duties. These duties never conflict; they are always harmonious. As a citizen of the State of Nebraska that State owes me certain obligations; as a citizen of the United States this Government owes me certain obligations, which it must fulfill or be recreant to its trust, and chief among those obligations is the one that guarantees to me the right of giving expression to my sentiments in the choice of officers, State and national, and that protects my ballot and causes it to be counted as it is cast.

The next section of this law then provides—and I shall not go through it in detail—that a certificate of registration shall be issued to the voter, giving it a number, date, etc.

Then these sections follow:

SEC. 6. *Be it further enacted*, That each registrar shall, at the time of his registration, furnish to each elector who may register a certificate of registration, which shall be in the following form:

State election, 189—

Federal election, 189—

I, ———, registrar, do hereby certify that ——— has this day registered before me as an elector in precinct (or ward) No. —.

Witness my hand this — day —, 189—

(Signed)

———, Registrar.

SEC. 6. *Be it further enacted*, That any person who shall purchase or offer to purchase, or in any way attempt to get possession of the certificate of registration of any voter, with the intent to use said certificate of registration in any manner to control the vote or manage the vote, shall be guilty of a misdemeanor, and on conviction shall be fined not less than \$100 and be imprisoned in the county jail for not less than thirty days.

SEC. 7. *Be it further enacted*, That each registrar shall, within two weeks after the expiration of the time prescribed, make a true copy of the list of names registered, which copy, along with the original registration list, he must return to the office of judge of probate of the county.

SEC. 8. *Be it further enacted*, That the judge of probate shall, from the registration list of electors returned to his office, make a correct alphabetical list of the electors so registered by precinct or ward, which list shall be certified by him officially to be a full and correct transcript of registered electors as the same appears from the returns of the registrars in his office. One copy of said list for each precinct or ward the judge of probate shall deliver to the inspectors of election in each precinct or ward immediately preceding every election.

SEC. 9. *Be it further enacted*, That the judge of probate must furnish, previous to the 1st day of May of each year in which any general, State, or Federal election is to be held, to the registrars the books and blanks necessary for the registration of electors, and each page of such books shall be in the following form:

STATE OF ALABAMA, County of —.

We, the undersigned, registered electors, each for himself, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the constitution of the State of Alabama; that I am not excluded from registering or voting by any clauses in section three of article eight of the constitution of the State of Alabama, and that I am a qualified elector under the constitution and laws of the State.

No.	Date.	Name.	Registration attestation.	White or colored.	Residence.	Employer and remarks.

I, ———, registrar for said precinct (or ward) No. —, in the county of —, do hereby certify that the above and foregoing names of registered voters, from number 1 to number —, inclusive, were duly registered by me according to law, and that each of said persons so registered took and subscribed before me the above and foregoing oath, on the dates set opposite to their several names.

Witness my hand this — day of —, 189—.

SEC. 10. *Be it further enacted*, That each judge of probate shall be paid for his services about the registration and certification of electors such reasonable compensation as may be allowed by the court of county commissioners or the board of revenue, in no event less than 2 cents for each elector registered and certified, and in addition thereto the necessary expense of printing the books and certificates herein provided for.

SEC. 11. *Be it further enacted*, That the compensation of registrars shall be 3 cents for each elector registered and certified, as herein provided, which shall be paid by the county.

SEC. 12. *Be it further enacted*, That if any registrar neglects, fails, or refuses to perform the duties herein prescribed, or if there is a vacancy in the office, the county registrar shall appoint some competent person to act in his stead.

SEC. 13. *Be it further enacted*, That it shall be unlawful to register any person except in the precinct or ward in which such person is entitled to vote, and the registrar, when he has no personal knowledge of the identity or residence of the person offering for registration, shall examine him under oath touching the same, which oath shall be administered by the registrar.

SEC. 14. *Be it further enacted*, That in all elections hereafter held in this State on any subject which may by law be submitted to a vote of the people, and for all or any State, county, district, or municipal officers, the voting shall be by secret ballots, printed and distributed as hereinafter provided; and no ballot shall be received or counted in any election to which this act applies except it be provided as herein prescribed.

I will read the form of ballot prescribed by this Sayre law, which is found in section 21:

OFFICIAL BALLOT.—ELECTION, ———, 189—.

[Make a cross mark (X) before the name of the candidate of your choice.]

(Vote for one.)

For governor,

HENRY FISHER.  
WILLIAM JONES.  
JOHN SMITH.

(Vote for one.)

For secretary of state,  
WILLIAM KING.  
THOMAS MOORE.  
JAMES SIMPSON.

(Vote for one.)

For sheriff,  
THOMAS JONES.  
GEORGE SMITH.  
JAMES WHITE.

(Vote for two.)

For representative in the general assembly,  
WILLIAM DANIELS.  
JOHN DOE.

Constitutional amendment—Yes.  
Constitutional amendment—No.

It will be seen that no other ballot is to be received or counted than the ballot in this form:

And no ballot shall be received or counted in any election to which this act applies except it be provided as herein prescribed.

So a form of ballot is given to the voter. Ordinarily, the most intelligent men, or amongst the most intelligent men of this country, need something on the ballot to designate not only the office for which a candidate is running, but something to designate the political party to which he belongs. There is nothing in this form of ballot to designate the political party to which these candidates, Henry Fisher, William Jones, and John Smith (which are mere fictitious names on the ticket to illustrate the character of the ballot) belong; nothing whatever to tell whether Mr. Fisher is a Republican candidate for Governor, or Mr. Jones a Prohibition candidate for Governor, or Mr. Smith a Populist candidate for Governor, nor is there the slightest thing to indicate the politics of these candidates.

Take the State of Alabama—and I say this with proper respect and without the slightest levity—where there is a large percentage of illiterate voters, it necessarily being so in consequence of the condition of certain classes of people there; there the advantage is all on the side of the man who can read and write. While I have no disposition to encourage illiteracy by making a ticket so broad and plain that it will stand out like the sign upon a fence, I think in fairness there ought to be something upon this ballot to indicate to the voter that a certain man is a candidate of a particular party, and that the other man is a candidate belonging to some other party.

I am not prepared to say, and I do not assert, that there was any purpose to mislead any portion of the people of that State by the formulation of a ballot of this kind, placing it within an iron case, or, if it differs from that form, I suppose by the failure to cross a "t" or dot an "i," it shall neither be received nor counted. Of course it is nugatory; its effect is destroyed; its legal vitality is gone. But if I wanted to draft a law that would shut out a portion of the voters of a State from exercising their elective franchise I should draft it in precisely this form, for that is its legitimate effect.

The remaining sections of the act are as follows:

SEC. 15. *Be it further enacted*, That the printing and delivery of the ballots and cards of instruction to voters hereinafter prescribed shall, in municipal elections, be paid for by the several cities or towns, respectively, and in all other elections by the several counties, respectively.

SEC. 16. *Be it further enacted*, That the probate judge of each county shall cause to be printed on the ballots to be used in their respective counties the names of all candidates who have been put in nomination by any caucus, convention, mass meeting, primary election, or other assembly of any political party or faction in this State, and certified in writing and filed with him not more than sixty nor less than twenty days previous to the day of election, which certificate shall contain the name of each person nominated and the office for which he is nominated, and shall be signed by the presiding officer and secretary of such caucus, mass meeting, or other assembly, or by the canvassing board of such primary election, and be duly acknowledged by one or more of them before an officer authorized by law to take the acknowledgments.

The judge of probate shall also cause to be printed upon said ballots the name of any qualified elector who has been requested to be a candidate for any office by written petition signed, in case of a candidate for a State or Federal office, by at least five hundred electors, and in case of a county or municipal office by at least twenty-five electors qualified to vote in the election to fill said office, when such petition has been filed with him not more than sixty nor less than twenty days previous to the election. And in addition to the name printed on said ballot, and whether there be any names printed on said ballots or no, there shall be printed under each office to be voted for at the election blank lines in number equal to the number of persons who may be elected to fill that office. The name of no person shall be printed upon the ballot who shall, not less than twenty days before the election, notify the judge of probate, in writing, acknowledged before an officer authorized by law to take acknowledgments, that he will not accept the nomination specified in the certificate of nomination or request of electors.

In case of any person to be voted for by the electors of the whole State or of an entire Congressional district or judicial circuit, such certificate of nomination shall be filed in the office of the secretary of state not less than thirty days before the day of election; and such secretary of the state shall thereupon immediately certify to the probate judge of each county in the State in case of an officer to be voted for by the electors of the whole State, and to the probate judges of the counties composing the judicial circuit or Congressional district in case of an officer to be voted for by the electors of such circuit or district, upon suitable blanks to be prepared by him for that purpose, the fact of such nomination and the name of the nominee or nominees and the office to which he or they may be nominated; and the name of such person shall be printed by the judge of probate upon the ballot in its proper place in all respects as herein provided for nominations filed in the office of the probate judge; and any secretary of state who shall willfully fail or refuse to certify such nominations as herein provided shall be guilty of a misdemeanor, and on conviction shall be fined not more than \$1,000; and in the event of such failure or refusal such certificate shall be made by the State auditor.

SEC. 17. *Be it further enacted*, That any person who shall falsely make or fraudulently destroy any certificate of nomination, or any part thereof, or file any certificate of nomination knowing the same or any part thereof to be false, or suppress any nomination which has been duly filed, or any part thereof, or forge or falsely write the name or initials of any inspector of election on any ballot, shall be guilty of a felony, and on conviction thereof shall be imprisoned in the penitentiary not less than one nor more than five years.

SEC. 18. *Be it further enacted*, That the probate judge shall cause to be preserved in his office all certificates and petitions of nomination filed therein under the provisions of this act for six months after the election for which such nominations are made.

SEC. 19. *Be it further enacted*, That the ballots printed in accordance with the provisions of this act shall contain the names of all candidates nominated as hereinbefore provided who have not declined. The names of all candidates

for the same office shall be printed together, arranged alphabetically, according to the initial letter of their surnames, irrespective of party. But the order in which the titles of the several offices to be filled shall be arranged upon the ballots shall be left to the discretion of the officer charged with the printing of said ballots.

SEC. 20. *Be it further enacted*, That whenever a constitutional amendment or other public measure is submitted to a vote of the people the substance of such amendment or other public measure shall be twice in the same language clearly indicated upon the ballot after the list of candidates, followed in one case by the word "Yes" and in the other by the word "No."

SEC. 21. *Be it further enacted*, That all ballots provided by the judge of probate of any county for an election shall be alike, printed in plain type, in straight lines, upon plain white paper so thick that the printing can not be distinguished from the back, with a slender line between each name and extending sufficiently to the left of the names to easily permit making before each name a cross mark (X), and in the appropriate place the words "Vote for one" (or two, or other number, as the case may be), to indicate the number which may be elected to each office, and shall be substantially in the following form, except the order in which the several offices to be filled are stated, namely:

SEC. 22. *Be it further enacted*, That all ballots for use in each precinct or ward shall be fastened together in convenient numbers in books or blocks in such manner that each ballot may be detached and removed separately. Each ballot shall have attached to it a stub of sufficient size to enable one of the inspectors to write or stamp his name or initials thereon, and so attached to the ballot that when the same is folded the stub can be detached therefrom without injury to the ballot or exposing the contents thereof.

SEC. 23. *Be it further enacted*, That there shall be provided for each voting place at least one hundred ballots for every fifty registered electors at said polling place.

SEC. 24. *Be it further enacted*, That the sheriff of each county, at the expense of the county, or in case of a municipal election the mayor or other chief executive officer, at the expense of the city or town, shall provide at each polling place a room or covered inclosure, and in such room or covered inclosure shall provide booths or compartments, one booth or compartment for each one hundred, or fraction of one hundred over fifty, electors registered for that election, and furnish each with a shelf or table for the convenience of electors preparing their ballots. Each booth or compartment shall be so arranged that it will be impossible for one elector at a shelf or table in one compartment to see an elector at another shelf or table in another compartment in the act of marking his ballot. Each voting shelf, or table, shall be kept supplied with conveniences for marking the ballots.

SEC. 25. *Be it further enacted*, That no person shall be permitted under any pretext whatever to come within 50 feet of any door or window of any polling room from the opening of the polls until the completion of the count of the ballots and certification of the returns, except as herein provided.

SEC. 26. *Be it further enacted*, That the judge of probate of each county shall cause to be printed in large type on the cards instructions for the guidance of electors in preparing their ballots. He shall furnish to the sheriff twelve, or more if necessary, such cards for each precinct or ward, and it shall be the duty of the sheriff to post one of such cards in each booth or compartment for the preparation of ballots, and not less than three in prominent places elsewhere about and outside of the polling place upon the day of election. Said cards shall be printed in large, clear type, and shall contain full instructions to electors as to what should be done; first, to obtain ballots for voting; second, to prepare the ballot for deposit in the ballot box; third, to obtain a new ballot in place of one accidentally spoiled.

SEC. 27. *Be it further enacted*, That any person who willfully, during or before an election, removes, tears down, or destroys or defaces any booth or compartment, or any convenience provided for the purpose of enabling the elector to prepare his ballot, or any card printed for the instruction of electors, shall be fined not less than ten nor more than five hundred dollars.

SEC. 28. *Be it further enacted*, That except as electors are admitted, one at a time to vote, and except as the sheriff, or his deputy, the inspectors and clerks of election, and as many electors as there may be booths or compartments, no person shall be permitted within fifty feet of the polling room.

SEC. 29. *Be it further enacted*, That when the right to vote of any person who demands to be permitted to vote is questioned by an elector, the said challenge shall be communicated to the inspectors before the person is permitted to vote by the sheriff, or some other officer or person in attendance, and in charge of admission to the polling place, when his right to vote is determined as required by law.

SEC. 30. *Be it further enacted*, That when all the booths or compartments are occupied, and other electors are waiting to vote, no other electors shall occupy a booth or compartment for a longer time than five minutes. No elector shall be allowed to occupy a booth or compartment already occupied by another, nor to speak or converse with anyone, except as herein provided, while in the polling place.

SEC. 31. *Be it further enacted*, That after having voted, or declined or failed to vote within the five minutes, the elector shall immediately withdraw from the polling place and go beyond the prohibited distance, and not enter the polling place again.

SEC. 32. *Be it further enacted*, That each elector upon entering the polling room shall be given one ballot by the inspectors. Before delivering the ballot to the elector at least one of the inspectors shall write or stamp, or shall have already stamped or written or printed, his initials or name on the stub attached to the ballot. On receiving the ballot the elector shall forthwith, and without leaving the polling room, retire alone to one of the booths or compartments provided for that purpose, and there prepare the ballot with pen and ink or pencil in the appropriate margin or place a cross mark (X) before the name of the candidate of his choice for each office to be filled, or by filling in the name of the candidate of his choice in the blank provided therefor, and marking a cross mark (X) in the appropriate margin and likewise by marking a cross mark (X) before the answer he desires, in case of a constitutional amendment or other question submitted to a vote of the people.

SEC. 33. *Be it further enacted*, That any elector applying to vote, who shall declare on oath, which oath may be administered by any one of the inspectors, that by reason of his inability to read the English language, he is unable to prepare his ballot, may have the assistance of an inspector to be selected by the elector or a person to be appointed for that purpose by the inspectors of election, and the inspectors may appoint as many assistants as they may deem necessary in the preparation of his ballot, and the person so appointed or the inspector selected shall retire to a booth or compartment with the elector and there mark the elector's ballot by marking with pen and ink or stencil cross marks (X) before the name of each candidate for each office to be given to him by the elector without suggestion or interference from the assistant. The assistant shall then deliver the ballot to the elector and withdraw from the booth or compartment. In all other respects he shall vote as is required of other electors: *Provided*, That no candidate for election shall act as assistant to any elector in the preparation of his ballot.

SEC. 34. *Be it further enacted*, That any elector applying to vote, who shall declare on oath, which oath may be administered by any one of the inspectors, that by reason of blindness, or the loss of the use of his hand or hands, he is unable to prepare his ballot, may have the assistance of such assistant as may have been appointed or inspector selected; then the assistant shall retire



with the elector who asks for assistance in the preparation of his ballot to a booth or compartment and there prepare the elector's ballot, so as to indicate the elector's declared choice of candidates as to each office to be filled, without suggestion or interference from the assistant. But in all cases any elector, before retiring to the booth, may have one of the clerks of election to read over to him the titles of the offices to be filled and of the candidates therefor.

SEC. 35. *Be it further enacted*, That before any elector applying for assistance in the preparation of his ballot, as provided in sections 33 or 34, shall be required or permitted to declare his choice of candidates, all electors, including those in the booths or compartments, after voting, shall be required to withdraw from the polling place.

SEC. 36. *Be it further enacted*, That in order to prevent repeating, no elector shall be allowed to receive a ballot from the inspectors nor to cast a ballot until he shall have produced and surrendered to the inspectors of election at the polling place the certificates of registration hereinbefore provided for; but if the elections are to be held for State (including county), then and in that event the inspectors holding the election coming on first shall, upon the production of the elector's certificate of registration, strike out, by drawing with pen and ink or stamp a heavy line through them, the words printed upon said certificate showing the election at which the ballot is cast, and return the certificate to the elector. But this act, so far as the registration of electors and the production of the registration certificates is concerned, shall not be so construed as to affect the ordinances now or hereafter ordained by any municipal corporation chartered by the general assembly providing for the separate registration of electors for municipal elections, nor shall it apply to any special or municipal election unless the same shall be held at the same time as the State or Federal election. In case of any special or municipal election held at a time different from a general election, unless under special registration laws applying to that city or town election only, all electors will be entitled to vote without producing or surrendering a certificate of whose names appear on the registration lists filed in the office of the judge of probate at the next preceding general election and those who have become qualified since the last registration, and who may register on the day of election, as herein provided.

SEC. 38. *Be it further enacted*, That any inspector who shall willfully deceive any elector in preparing his ballot shall be guilty of a felony, and, on conviction thereof, shall be imprisoned in the penitentiary not less than one nor more than five years.

SEC. 39. *Be it further enacted*, That any person who shall disclose how any elector may have voted, unless upon the trial of an indictment under section 38 of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten nor more than one hundred dollars.

SEC. 40. *Be it further enacted*, That any elector who shall by accident or mistake spoil a ballot, so that he can not conveniently or safely vote the same, may return it to the inspectors and receive another in lieu thereof. In no case shall any person be permitted to carry a ballot outside of the polling room.

SEC. 41. *Be it further enacted*, That after preparing his ballot the elector shall fold the same so as to conceal the face thereof and show the stub thereto attached, with the name or initials of the inspector, and hand it to the receiving inspector, who shall, after detaching the stub, deposit the ballot in the box in the manner now prescribed by law.

SEC. 42. *Be it further enacted*, That if the elector marks more names than there are persons to be elected to any office, or if for any reason it is impossible to determine the elector's choice for an office to be filled, his ballot shall not be counted for such office; but this shall not vitiate the ballot so far as properly marked, nor shall any ballot be rejected for any technical error which does not make it impossible to determine the elector's choice. Nothing herein contained shall be construed to prevent any elector from voting for any qualified person other than those whose names are printed on the ballots.

SEC. 43. *Be it further enacted*, That any elector who shall, except as herein provided, allow his ballot to be seen by any person, or who shall take or remove, or attempt to take or remove, any ballot from the polling place before the close of the polls, or place any mark upon his ballot by which it may be identified, or any person who shall interfere with any elector when inside the polling place, or when marking his ballot, or unduly influence any elector in the preparation of his ballot, or any elector who shall remain longer than the specified time allowed by this act in the booth or compartment after being notified that his time has expired, or who shall endeavor to induce any elector to show how he marks or has marked his ballot, or aids, or attempts to aid, any elector by means of any mechanical device or any other means whatever in marking his ballot, or shall print or secure to be printed or have in his possession any copy of the ballot prepared to be voted, shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than ten nor more than one hundred dollars, and any ballot marked by the elector for identification shall be rejected.

SEC. 44. *Be it further enacted*, That any officer who willfully and knowingly refuses or fails to perform the duties herein prescribed shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$100 nor more than \$1,000; but this section shall not be held to apply to cases where a different penalty is prescribed by this act.

SEC. 45. *Be it further enacted*, That any judge of probate or other officer on whom the duties of the judge of probate may have been temporarily devolved, who willfully and knowingly neglects, fails, or refuses to perform the duties herein prescribed, shall be guilty of a misdemeanor, except as herein otherwise provided, and, on conviction, shall be fined not less than \$500 nor more than \$1,000. And in the event the judge of probate of any county is unable or neglects, fails, or refuses to perform the duties herein prescribed, the duties, responsibilities, and authority of the judge of probate shall devolve upon the clerk of the circuit court of the county.

SEC. 46. *Be it further enacted*, That it shall be the duty of the sheriff of each county in this State, on each day of election, to be present in person or by deputy at all election precincts where elections are held in his county, and it shall be his duty to preserve good order, and to carry out the intent and purpose of this act such sheriff, or his deputy, may specially deputize a sufficient force to act at all election precincts on the day of any election that he may deem necessary, and in case of necessity may raise a posse comitatus to put down all riots or attempted riots or disturbances.

SEC. 47. *Be it further enacted*, That in case of any municipal election held at a time different from a general State or Federal election the duties herein prescribed for the judge of probate in respect to receiving nominations, printing and distributing ballots and cards of instruction, shall be discharged under the same sanctions by the mayor or other chief executive officer of the city or town.

SEC. 48. *Be it further enacted*, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

I want to call attention to two or three important matters in connection with this election law. In the first place, the rule has been laid down in Alabama that the officers whose names I have read do not act in a ministerial capacity, but as judicial officers, pos-

sessing judicial functions, and therefore that their action can not be controlled by the judiciary of that State. It would be presumptuous on my part, of course, to offer any opinion contrary to the judgment of the supreme court of Alabama, but I can and will call attention to the fact that that court has laid down two different rules within the last two years. For instance, in the case of Dudley against the county officers of Lowndes County, in 1886, the opinion not being reported, the supreme court decided the case on appeal, holding that the officers were performing a ministerial act and granted the writ of mandamus. I have that opinion, and I think I will read it, as it sets forth probably as fully as it can be expressed, or more fully than it can be expressed by me at least, the nature of the application and the acts of the officers.

The Hon. John Moore was a judge of the fourth judicial circuit of that State.

TO HON. JOHN MOORE,  
Judge of the Fourth Judicial Circuit of Alabama,  
in which is located the County of Lowndes:

Your petitioners, Joseph R. Dudley, V. H. Bell, and W. R. Polly, in behalf of themselves and a large number of other citizens of Lowndes County, in said State, respectfully show unto your honor—

1. That they and those they represent are now and have been for many years resident citizens of said Lowndes County, and are now and have been for several years qualified electors therein.

2. That since February last there have been two opposing political parties in said county, viz, those in favor of supporting the nominees for the several county offices nominated by a convention or a so-called convention held in Hayneville on the 8th day of February, 1886, and those supporting the nominees for said offices nominated on the 28th day of May, 1886, at and by a primary election held by the white Democratic voters of said county. The lines of distinction and opposition of these two opposing political parties were well drawn and known to all citizens of Lowndes County at and before the said primary election held on the said 28th of May, and these facts were known to the judge of probate, the sheriff, and the clerk of the circuit court of said county on and before the 28th day of June, 1886.

3. That heretofore, viz, on the said 28th June, 1886, the judge of probate, sheriff, and clerk of the circuit court of said county met together at the court-house of said county and acted under section 250 of the code of 1876, and appointed inspectors of election for each election precinct in said county for the election to be held on the 1st Monday in August, 1886, for State and county officers. The said section of the code of 1876 requires the said judge of probate, sheriff, and clerk of the circuit court at least thirty days before any election in said county to appoint three inspectors for each place of voting in said county, two of whom shall be members of opposing political parties, if practicable, and one returning officer for each precinct in said county.

4. That in making said appointment of the said inspectors for Precinct No. 1, (Benton beat), the said judge of probate, sheriff, and clerk of the circuit court appointed Eli T. Robinson, W. H. May, and Jules Sterne, all and each of whom belonged at the time to the same political party; each and all of them were and are supporters of the nominees made on the 8th February, 1886, and each and all of them were opposed, and are now opposed, to the nominees made by the primary election held on the 28th of May, 1886. There was at the time, viz, the 28th of June, 1886, and before that time, a large number of intelligent white men, qualified electors of said precinct, belonging to the opposite party to that to which the said Eli T. Robinson, W. H. May, and Jules Sterne belonged, and these said intelligent white men of the opposing political party were well qualified to make inspectors of election, and these facts were well known to the said judge of probate, sheriff, and clerk of the circuit court at and before the said 28th June, 1886, and at and before the appointment of the said Eli T. Robinson, W. H. May, and Jules Sterne. At and before the appointment of the said Eli T. Robinson, W. H. May, and Jules Sterne, the names of J. S. Edson and E. G. Maull, both good and true men, residents and qualified voters of said precinct, and well qualified to discharge the duties of inspectors of election, and belonging to the party supporting the nominees of primary election were suggested and presented to said judge of probate, sheriff, and clerk of the circuit court, one of whom, viz, the said J. S. Edson, or E. G. Maull was asked to be appointed inspector for said precinct.

The said Maull and Edson, at and before the said 28th June, 1886, belonged to the political party opposed to the nominees of the said February convention and in favor of the nominees of the primary election, and these facts were well known to the said judge of probate, sheriff, and clerk of the circuit court at and before the said appointment on the said 28th June, 1886. Yet the said judge of probate, sheriff, and clerk of the circuit court, well knowing that it was entirely practicable to appoint two inspectors of said election for said precinct of opposing political parties, refused to appoint either the said Edson or the said Maull, or any other person of the political party opposing the nominees of the February convention, 1886; and they appointed the said Eli T. Robinson, W. H. May, and Jules Sterne, all of whom belonged to the same political party. And the said Eli T. Robinson was at and before the said 28th June, 1886, a justice of the peace for said precinct, and was and is a candidate for reelection to said office at the election to be held on the said first Monday in August, 1886, and thus the said Robinson will become a judge in his own election.

5. That in Precinct No. 18, in said county (Loundesboro beat), the said judge of probate, sheriff, and clerk of the circuit court, at the same time and place, appointed for the said precinct L. H. McCurdy, Archy Douglass, and L. W. Hunter, each and all of whom belonged to the same political party, viz, to that party favoring the nominees of the said February convention and opposing the nominees made at said primary election. At and before said appointment there were residing in said precinct many white persons of intelligence and character, well qualified to make good inspectors of election, qualified voters of said precinct, who were opposed to the nominees of the said February convention and favoring the nominees of the said primary election, and these facts were known to the said judge of probate, sheriff, and clerks of the circuit court at and before the 28th June, 1886.

At and before the said 28th June, 1886, and at and before the appointment of the inspectors of election for said precinct No. 18, the names of C. E. Reese, jr., and B. S. Powell, each of whom was well qualified to make a good inspector of election and each of whom was a well-qualified elector of said precinct, were suggested and presented to the said judge of probate, sheriff, and clerk of the circuit court as fit men to be made inspectors of election in said precinct, both of whom belonged to a different political party from the said McCurdy, Douglass, and Hunter, and these facts were well known to the said judge of probate, sheriff, and clerk of circuit court at and before the 28th June, 1886, yet the said judge of probate, sheriff, and clerk of the circuit court refused to appoint either the said Reese or Powell or any other person who belonged to the party opposing the nominees of the February convention as inspectors of election for said precinct, although there were many resident qualified electors of said precinct belonging to said opposing parties, and all

these facts were well known to said judge of probate, sheriff, and clerk of the circuit court at and before the 28th June, 1886.

6. That the said judge of probate, sheriff, and clerk of circuit court of said county appointed as inspector of election of precinct No. 19 (St. Clair beat), J. W. Rast, C. M. Smith, and A. J. Harris, and each and all of whom belonged to the same political party, viz, the party favoring the election of the nominees made at said February convention and opposed to the nominees selected at said May primary election, and these facts were well known to said judge of probate, sheriff, and clerk of the circuit court at and before the time they made said appointment. There were at and before said appointment good and true men, qualified electors of said precinct, who belonged to the opposing political party, and this fact was well known to said judge of probate, sheriff, and clerk of the circuit court at and before the time of the appointment of inspectors of election for said precinct No. 19; and at and before said appointment was made the name of Frank Powell, a resident and well-qualified elector of said precinct and well qualified to be an inspector of election, and who was opposed to the political party which said Rast, Smith, and Harris favored, was presented to said judge of probate, sheriff, and clerk of the circuit court as a fit person for inspector of election at said precinct No. 19, yet the said judge of probate, sheriff, and clerk of the circuit court refused to appoint the said Powell or any other person who favored the nominees of the primary election and opposed the nominees favored by the said Rast, Smith, and Harris as an inspector of election for said precinct No. 19.

7. There are in precinct No. 1 (Benton beat) about 250 qualified voters. There are in said precinct No. 18 over 400 qualified voters, and in precinct No. 19 there about 350 qualified voters.

8. That each of the said inspectors of election so appointed in said several precincts belonged at the time of their appointment to the Democratic party, and neither of them belonged to the Republican party. There was not then and is not now any contest in said county between the Democratic and Republican parties. The Republican party has no candidates for any office in said county, and the only opposing political parties in said county of Lowndes at and before the appointment of said inspectors of election were the two named, viz, the one favoring the election of the nominees of the February convention, and the other opposing the election of said nominees, but favoring the election of the nominees of the primary election in May, 1886. And the election of the nominees by these respective parties constituted at the time of the appointment of the said inspectors of election and now constitute the only contest in the election to be held on the first Monday in August, 1886; and they respectively are opposing political parties and were so, the only opposing political parties in the county of Lowndes at and before the appointment of said inspectors of election in said precincts, and these facts were well known to the said judge of probate, sheriff, and clerk of the circuit court at and before the said appointments were made.

The premises considered, your petitioners pray your honor to grant a writ of mandamus or other appropriate writ commanding the said judge of probate, sheriff, and clerk of the circuit court of Lowndes County to appear before your honor at an early day to be fixed by your honor, and at such place as your honor may appoint, to show cause why the appointment of inspectors of election for the said several precincts should not be vacated and why someone should not be appointed of the political party opposed to the party favored by the said inspectors or for such order as your honor may make in the premises; and your petitioners pray for such action as will speedily rectify the wrong perpetrated upon them and those whom they represent by the action of the said judge of probate, sheriff, and clerk of the circuit court; and, as in duty bound, your petitioners will ever pray, etc.

WATTS & SON, for Petitioners.

Personally appeared before me, James Jackson, a notary public and ex officio a justice of the peace for precinct No. 4, for county of Montgomery, the State of Alabama, Joseph R. Dudley, V. H. Bell, who, having been duly sworn, depose and say on oath that the facts set forth in the foregoing petition are true in substance and fact.

V. H. BELL,  
JO. R. DUDLEY.

Sworn to and subscribed before me this 7th day of July, 1886.

JAMES JACKSON,  
Notary Public, ex-officio Justice of the Peace.

Filed in the office of the clerk of the circuit court of Perry County this 8th day of July, 1886.

L. S. JONES, Clerk.

MARION, ALA., July 8, 1886.

I decline to issue the writ prayed for in the foregoing petition.

JOHN MOORE,  
Judge Fourth Judicial Circuit of Alabama.

MARION, ALA., July 8, 1886.

Ex parte Joseph R. Dudley and Vincent H. Bell and W. R. Polley:

Application to John Moore, judge of the fourth judicial circuit, for a writ of mandamus.

On this day was presented to me for consideration and action the petition of Joseph R. Dudley and V. H. Bell and W. R. Polley, citizens of Lowndes County, Alabama, asking that a writ of mandamus or other appropriate writ be issued by me commanding the judge of probate, sheriff, and clerk of the circuit court, all of Lowndes County, to appear before me at a time and place, to be designated by me, to show cause why the appointment of inspectors of election appointed by them for the following-named precincts in Lowndes County, to wit, Precinct No. 1 (Benton beat), Precinct No. 18 (Lowndesboro beat), and Precinct No. 19 (St. Clair beat) should not be vacated, and why someone should not be appointed of the political party opposed to the party favored by said inspectors, which said petition is hereto attached and made a part hereof. Upon consideration thereof, it is considered that the same be, and it is hereby, refused; and the said Joseph R. Dudley, V. H. Bell, and W. R. Polley having applied for an appeal to the supreme court of this State from said decision, and having given an appeal bond, with good and sufficient security, which has been approved by me, it is therefore considered that said appeal be granted, returnable to the supreme court of this State on Tuesday, the 13th day of July, 1886.

Done on this 8th day of July, 1886.

JOHN MOORE,  
Judge Fourth Judicial Circuit.

The case went to the supreme court in accordance with the prayer and of this petition. The following is the record in the latter court:

SUPREME COURT, Thursday, July 22, 1886.

The court met pursuant to adjournment.  
Present, all the justices.

Second division, 580. Joseph R. Dudley et al. vs. H. W. Caffey, judge, etc., et al. Perry circuit court.

Come the parties, by attorneys, and argue and submit this cause for decision.

The court adjourned till Friday, the 23d day of July, 1886, at 12 o'clock m.

SUPREME COURT, Friday, July 23, 1886.

The court met pursuant to adjournment.  
Present, all the justices.

Second division, 580. Joseph R. Dudley et al. vs. H. W. Caffey, judge of probate, et al. Perry circuit court.

Come the parties, by attorneys, and the record and matters therein assigned for errors being argued and submitted and duly examined and understood by the court, it is considered and ordered that the demurrer interposed in said cause be stricken from the file. It is also considered that the order made by Hon. John Moore, judge of the fourth judicial circuit of the State of Alabama, refusing to issue the writ prayed for in said petition be reversed and annulled. And this court, proceeding to render the said judgment the said judge of the fourth judicial circuit should have rendered, doth consider and order that an alternative writ of mandamus be issued to the said appellees, returnable to the next term of the circuit court of Lowndes County, requiring them to show cause why the appointment of inspectors of election for the said several precincts should not be vacated, and why someone should not be appointed who is a member of the political party opposed to the party favored by said inspectors. It is also considered that the appellees pay the costs of appeal in this court and in said circuit court.

The court adjourned till Thursday, the 29th day of July, 1886, at 12 o'clock m. (Minute book of the supreme court of Alabama, 1884, pages 367, 368.)

It was not doubted then, and indeed I question very much whether it is doubted to any great extent in legal circles now, that the fulfillment of the plain duties of a mandatory statute was ministerial and not judicial in its character. It is not true, Mr. President, that the exercise of judgment is always a judicial act. The duties of an office may be entirely ministerial and the officer have very large discretion. No one ever supposed that a member of a county board of supervisors or county commissioners exercised a judicial function in passing upon and allowing a claim submitted to him, or in inquiring about some matter essential to enable him to fully discharge his duty; and yet we are all cognizant of the fact that there is a wide range of discretion upon the part of such an officer in gathering information with reference to his duty. You may take, for instance, the case of a clerk of a court who is required, under the statutes of many States, to examine into the question of the sufficiency of sureties that are offered to a recognizance or bond. The courts of this country have been almost uniform in holding that while the discharge of that duty requires the exercise of judgment, necessarily requiring the officer to ascertain by the best means within his power the financial sufficiency of the sureties, yet it is a ministerial act. Courts can and do control such acts daily by the issuance of the writ of mandamus.

The supreme court of the State of Alabama, however, more recently overruled the rule they laid down in the case of *Dudley vs. The County Officers of Lowndes County*; and in the case of *Taylor vs. Kolb*, appealed from Madison County in 1893, the same court by the same chief justice decided that the appointment of inspectors of an election beat was a judicial act, and that mandamus would not lie. Section 352 of the Civil Code of Alabama, 1886—and this was the statute which was under discussion in this case—reads as follows:

The judge of probate, sheriff, clerk of the circuit court, or any two of them, must, at least thirty days before the holding of any election in their county, appoint three inspectors for each place of voting, two of whom shall be members of opposing political parties if practicable, and one return officer for each precinct, to act at the place of holding elections in each precinct.

It is held, then, that the statute is one that gives judicial power to these officers, the judge of probate, the sheriff, the clerk of the circuit court, who form a commission for the purpose of performing the duties laid down in the statute with reference to the appointment of election officers. The words "if practicable" have been inserted in the statute, and therefore it is held that these persons are the sole judges of the practicability of appointing a person of opposite political faith as an inspector or judge of election.

Mr. President, suppose it were made plain, as it has been made by the affidavits which I have read, that in many of these precincts there are persons amply qualified to perform the duties of inspectors of election, persons whose education is not questioned or questionable; yet it is here laid down as a logical result of the last decision of supreme court that if a judge of probate and sheriff and clerk of the court, acting as a mere commission to carry into execution a ministerial law, say that it is not practicable, that is an end of it, and their decision can not be controlled. If the probate judge, the sheriff, and the clerk were corrupt persons, if they had the least disposition to change the result of an election in a precinct, here is unrestrained opportunity, and it is held that the court can not reach and control their action; that the people must depend simply upon the honesty of these officers without any power to invoke judicial process to control them.

I do not know, of course, aside from the evidence which has been placed in my hands, the extent to which this abuse has been carried, but it doubtless has been carried to a great extent. The Populist party, and the Jeffersonian Democrats, as they call themselves, and the Republicans as well—and I have less sympathy for the Republicans than for the others—

Mr. CHANDLER. Why is that?

Mr. ALLEN. It would take me too long to tell. Mr. President.



Mr. CHANDLER. I should like to have the Senator explain that before he gets through.

Mr. ALLEN. All these have been shut out. According to the returns of the different returning boards of the State, the State is in control of what is known as the organized Democracy. Something like 86,000 votes were cast for Mr. Kolb for governor in 1894, and yet the control of the entire election machinery of the State was in charge of the organized Democracy, who returned votes at places where the polls were not even opened. In many instances positive frauds have been shown by the affidavits I have read.

Now, the ordinary citizen would suppose that the courts were open to him for some remedy; that he could not be deprived of his right to cast his vote and have it counted, with the poor satisfaction that after that was done he might sue the officer and recover damages. It is questionable how much damages he could get under those circumstances. That would be no protection to him. The only protection he could have, the only successful protection, would be that protection found in the courts that would require these officers by a writ of mandamus or other appropriate writ to follow out the law not only in letter but in spirit.

The supreme court of that State did lay down that rule, and it was a sound rule. They did compel the officers of several of the precincts in 1886 to follow out the law and appoint as inspectors of election persons of opposite political faith.

In 1893, when there was some hope of carrying the State of Alabama for another party than the organized Democracy, when at last there seems to be occasion for a different rule, that different rule was instituted and the former decision was overruled. Now, I do not pretend to arraign the court of last resort of that State; I would not suffer myself to do that; but if the rule laid down by them in their last decision is to become the law of this country, if it is to be universally adopted, then the political machinery of State and nation will be in the hands of the party that can fortify itself by fraud and perjury and violence. There never will be an opportunity to remove it. It either means an appeal to the courts to control these ministerial officers in the discharge of their duty, or it means an appeal to force or revolution to overturn the Government that suffers such things to take place without remedy.

Mr. PUGH. If the Senator from Nebraska will allow me, I will ask him to put into his remarks the decision of the court overruling the one which he has read to the Senate. I think that justice to the court and to the merits of the question involved certainly requires that the last decision should be published, giving the reasons upon which the court changed the rule. I have no doubt that the last decision was the law of the case, and I do not think any court would entertain any other opinion.

Mr. ALLEN. My recollection is that the last decision does not refer to the first one at all.

Mr. PUGH. It may not; but the Senator says the court laid down a different rule.

Mr. ALLEN. I am perfectly willing to insert the syllabus if that will be sufficient.

Mr. PUGH. And the decision of the judge.

Mr. ALLEN. I will insert it in such form that there will be enough given to express the idea.

Mr. PUGH. Yes; that will be fair.

Following is the syllabus of the case referred to:

1. The duties to be performed by the judge of probate, sheriff, and clerk under Code 1886, § 352, requiring them to appoint three inspectors of election, "two of whom shall be members of opposing political parties, if practicable," are not purely ministerial, but require judicial judgment and discretion and consideration of evidence; and therefore mandamus, while it lies to compel them to act, does not lie to control their action.

Mr. ALLEN. Mr. President, when we consider the former law on this subject, the history of elections, and the zeal of party spirit throughout the whole country, there is no escape from the fact that each opposing political party should have a representative at each polling place. That is a question of paramount importance and right. The tendency of each political party to commit frauds and to cheat and intimidate at elections suggests the idea that for each opposing political party to have a representative at each election would tend to suppress or detect the prostitution of the ballot box and secure fair and honest elections. Hence, the right of each opposing political party to have a representative at each election is one of prime necessity and right. Each opposing political party must have such representative. This right can not be defeated, postponed, or impaired because of the political affiliations or bias of the appointing officials.

To disobey the law in this regard and defeat the right of an opposing political party to have such representative at an election is to permit the appointing power to lend itself to the commission of election frauds and to aid in the suppression of the popular will. To do this is, to say the least, a great public wrong or high crime. It corrupts, if it does not destroy, the very basic principles upon which popular representative government rests, and upon which constitutional liberty finds its chief support.

Can it be possible that such a far-reaching and conservative

right, such a sacred privilege, must find its only security, support, and maintenance in the mere discretion or judgment of a tribunal perhaps antagonistic to the right?

The boast of our institutions, the glory of our free people, is that ours is a Government of laws and not of men; that it is a country where rights are secured, where liberty is protected, and where free institutions are vindicated by law and not by the discretion of officialism. The policy of our legislation and the practice of our courts have always been to leave as little as possible to the discretion of officials, however exalted.

It is an imperative and potent canon of interpretation of all laws that the word "may," when employed in a statute that invokes action on the part of an official, when the duty arising from the statute is for the benefit of the public or of a third person in interest, shall be subject to the imperative construction, interpretation, and mandatory import of the word "must." There can be no doubt that this canon of interpretation finds great support in our laws and institutions from the sedulous care that has been exercised to limit the discretion of all officials.

The sacred and constitutional right, the right preservative of all other rights, the right to vote and to have the vote counted, and the results of an election honestly declared as the majority directs, certainly was never intended to be menaced by the discretion of any officer or tribunal or to be imperiled or defeated by the partisan bias of the discretion of any man or official.

To accept the idea as lawful that the right of an "opposing political party" to have an inspector at an election rests in the judicial ascertainment of facts or in the discretion of any man or official is to let in the iniquitous means to sweep away the right, to breed discontent among the people. It will generate suspicion, beget distrust, and finally lead to open hostility to the Government.

Statesmanship and wisdom, to say nothing of the teachings of the recent past and the ominous present, suggest to all that the right, sacred under section 352 of the civil code of Alabama, was not intended by the legislature to rest its security upon the mere discretion or judicial opinion of any man or tribunal, but that law imperatively secured the right and commanded its observance and enforcement as a matter of prime importance.

It can not be successfully contended, and it should not be suggested, that the legislature of so great and intelligent a State as Alabama would lend itself to enacting laws that on their face propose to give rights, and at the same time in the same act establish the means of their defeat, by no wrongful act whatever of the party for whose benefit such right was given, but by the mere uncontrolled and uncontrollable discretion of an official. Such a construction is an insult to the integrity and intelligence of the legislature and a travesty upon justice and right.

The right of the "opposing political party" to have an inspector at each place of voting is actually created and established by the statute, and does not exist by any adjudication, opinion, or discretion of any official. This right, being created by the law, can not be defeated by the mere discretion or judgment of an official upon a matter collateral to the right or by the machinery by which the right is to be secured. The right, being created clearly by positive enactment, can only be defeated by positive enactment. It can not be taken away by mere construction or discretion of any tribunal.

The appointing authority has no power to determine whether or not an opposing political party shall have an inspector. That right is clearly given by the statute. The duty to appoint such inspector is imperative and admits of no discretion.

The distinction is sought to be created from the language of the statute which, it is contended, allows the appointing power to ascertain from facts if a proposed inspector does belong to an "opposing political party."

The words "if practicable," contained in the statute, most unquestionably refer to the ascertainment of the fact whether or not there is an "opposing party" contending in the election, and not, there being an opposing political party, to the question of whether it would be practicable to appoint an inspector from that party. If there be such a political party the duty is imperative upon the appointing power to select an inspector from the membership of such party. To leave the enforcement of such right to the discretion of the appointing power would be to submit the enjoyment of such right not to the statute that has already granted it, but such right already granted may be denied, defeated, or impaired by the discretion of the appointing power. Any other construction would leave the right granted in the statute subject to the mere discretion of the appointing power, and might lead to the denial of the right when there should be an opposing political party.

Is the duty of the appointing power in this case a ministerial duty in which there is no discretion, or is it a judicial duty in which a discretion must of a necessity be exercised?

A ministerial act and a ministerial duty are quite synonymous, and are defined to be acts or duties which are performed in a given state of facts, in a prescribed manner, in obedience to the mandate of legal authority, without regard to or the exercise of

judgment upon the propriety of the act or duty to be performed. *Floumory vs. City of Jeffersonville* (17 Indiana, 174); *Mississippi vs. Johnson* (4 Wallace, 498); *Grider vs. Tally* (77 Alabama, 425).

I call the attention of the distinguished Senator from Alabama [Mr. PUGH] to this statement. Here is the rule, as I understand it, with reference to this class of duties:

That a necessity may exist for the ascertainment, from personal knowledge and information derived from other sources, of the state of facts on which the performance of the act becomes a clear and specific duty does not operate to convert it into an act judicial in its nature. Such is not the judgment or discretion which is an essential element of judicial action.

I call the Senator's attention to *Grider vs. Tally* (77 Alabama, 466); *Crane vs. Camp* (12 Connecticut, 464); *State vs. Doyle*, (40 Wisconsin, 175-188).

The statute is imperative that two of the inspectors must be members of "opposing political parties, if practicable." The fact that the appointing power might from necessity have to resort to personal knowledge, or to information derived from other sources, to ascertain that there were opposing political parties contending in the election, and that a certain person was a member of one party or the other, does not convert the act into one of a judicial nature.

The right is clearly given and imperative by the statute, and the appointing tribunal has no authority to determine the propriety or necessity of such appointment when there is an opposing political party. When a certain person is a member of such party, although this information may be derived from personal knowledge possessed by the members of the appointing tribunal or from other sources, then the mandate of the law is that an inspector must be appointed from such "opposing political party." There is no room for the operation of judgment or discretion. (*Rains vs. Simpson*, 50 Texas, 496-501.)

The duty which the appointing tribunal discharges under this statute is of a public character, in the nature of a public trust, and the tribunal can act legally only when acting in strict conformity to the statute that creates the trust.

The judicial act that is contradistinguished from the ministerial act under consideration is where evidence is introduced by contending parties acting for private advantage in a hearing granted to the opposing forces, and where, upon such evidence, the tribunal is called upon to decide as to the legality or propriety of granting the prayer, or performing the act or discharging the duty at issue.

I have shown in a former part of this argument that the phrase "if practicable," as found in the statute, does not relate to the propriety of the appointment, but to the ascertainment of the existence of opposing political parties.

The statute requires no question to be considered as to the propriety of the appointment or the qualifications or capacity of the inspector, but only his membership of such opposing political party. To ascertain this membership, as I have shown, does not require a judicial act.

Mr. MARTIN. I shall be very greatly obliged to the Senator from Nebraska, as well as the Senate, if I may be allowed just a moment of time to have a little bill passed which has been reported favorably from the Committee on Military Affairs. It will take but a moment.

Mr. ALLEN. I will yield for that purpose.

#### FRONTIER GUARDS.

Mr. MARTIN. I ask the Senate to proceed to the consideration of Senate bill 2372.

The VICE-PRESIDENT. The Senator from Kansas asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (S. 2372) to authorize and direct the Secretary of War to place on file in the War Department the names of the officers and members of the Frontier Guards, mustered into the volunteer military service of the United States on the 16th day of April, 1861, and issue discharges to the same.

Mr. HAWLEY. I should like to suggest to my colleague upon the Committee on Military Affairs, and the chairman of it, that I have to-day seen in the hands of a member of the Frontier Guards a discharge which was issued at the time, and which is very much like what we propose to give by law. It has the signature, or a facsimile of the signature, of Simon Cameron and of Abraham Lincoln, and recites in it exactly what this bill proposes to recite in the discharge to be issued. If the Senator from Kansas will let the bill lie over until to-morrow I will help to bring it up again if he wants to call it up. I should like to show the discharge to the chairman of the committee to-morrow.

Mr. BATE. Under that statement I will ask that the bill may lie over.

Mr. HAWLEY. The Senator from Tennessee will find it in the room of the Committee on Military Affairs. I left it there this afternoon.

Mr. CHANDLER. The same kind of a discharge, I understand the Senator from Connecticut, has already been issued that is wanted from the War Department.

Mr. HAWLEY. It has the essential elements of the discharge which is provided by the bill.

Mr. MARTIN. I do not understand that it was issued by the War Department, because no bill of this kind has ever passed Congress.

Mr. CHANDLER. Do I understand that the Senator from Kansas proposes to strike out the provision that the discharges shall be in the exact language of the discharges of Capt. James H. Lane?

Mr. MARTIN. Yes, sir; and I propose to insert the words substantially in line 13, after the word "be."

Mr. WOLCOTT. The discussion of the Senator from Nebraska [Mr. ALLEN] upon the pending amendment to the Post-Office appropriation bill is so interesting and pertinent that I shall object to the consideration of the bill if it is to give rise to further discussion. I would rather hear the Senator from Nebraska.

Mr. QUAY. I suggest that there is not a quorum of the Senate present.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. BLACKBURN. If the Senator from Pennsylvania will withdraw the call I will move an adjournment.

Mr. QUAY. I withdraw the call.

Mr. CHANDLER. The call can not be withdrawn when a suggestion that there is no quorum present has been made.

The VICE-PRESIDENT. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Chandler,	Hansbrough,	Perkins,
Allison,	Clark,	Hawley,	Platt,
Bate,	Cockrell,	Hill,	Quay,
Berry,	Coke,	Hoar,	Turpie,
Blackburn,	Cullom,	Hunton,	Wolcott.
Butler,	George,	Martin,	
Candlen,	Gray,	Pasco,	
Carey,	Hale,	Peffer,	

Mr. COKE. My colleague [Mr. MILLS] is detained at home by sickness, and has been for several days.

The VICE-PRESIDENT. Twenty-nine Senators have answered to their names. There is not a quorum present.

Mr. BLACKBURN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 41 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 12, 1895, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

MONDAY, February 11, 1895.

The House met at 11.30 o'clock a. m. and was called to order by the Speaker. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of Saturday's proceedings was read and approved.

#### FUR SEALS IN BERING SEA.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, pursuant to House resolution of the 23d ultimo, additional information relating to fur seals in Bering Sea; which was referred to the Committee on Ways and Means, and ordered to be printed.

#### CHIPPEWA INDIAN LANDS IN MINNESOTA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a communication from the Chief of Engineers in relation to Chippewa Indian lands in Minnesota subject to overflow by operation of reservoirs at the head waters of the Mississippi River; which was referred to the Committee on Indian Affairs, and ordered to be printed.

#### PUBLIC BUILDING AT CHICAGO, ILL.

The SPEAKER also laid before the House the bill (H. R. 397) to provide for the erection of a Government building at Chicago, Ill.

The SPEAKER. This bill has been returned from the Senate with amendments.

Mr. DURBOROW. On Saturday last the gentleman from Alabama [Mr. BANKHEAD], chairman of the Committee on Public Buildings and Grounds, made a motion to concur in these amendments, but at the request of the gentleman from Texas the matter went over. I now renew the motion that the amendments of the Senate be concurred in.

The motion was agreed to.

On motion of Mr. DURBOROW, a motion to reconsider the vote by which the amendments of the Senate were concurred in was laid on the table.

#### LEAVE OF ABSENCE.

Mr. OUTHWAITE, by unanimous consent, obtained leave of absence for this day, on account of sickness.



## ORDER OF BUSINESS.

Mr. DOCKERY. Mr. Speaker, I must ask for the regular order.  
The SPEAKER. The regular order is the call of committees for reports.

Mr. DOCKERY. I ask unanimous consent that the call of committees for reports be dispensed with, and that gentlemen having reports to make may have consent to file them with the Clerk.

The SPEAKER. In the absence of objection, that order will be made.

There was no objection.

## BRANCH MINT AT DENVER, COLO.

Mr. BLAND. I have a privileged matter which I desire to call up.

The SPEAKER. The title of the bill which the gentleman sends to the desk will be read.

The Clerk read as follows:

A bill (S. 1867) to provide for coinage at the branch mint at Denver, Colo.

Mr. BLAND. I ask that this bill be taken up for consideration.  
The SPEAKER. The gentleman from Missouri [Mr. BLAND] presents a bill from the Committee on Coinage, Weights, and Measures, and calls it up for consideration.

Mr. DINGLEY. Let it be read.

The SPEAKER. Has the gentleman from Missouri the engrossed copy of the bill?

Mr. BLAND. This is a printed copy of it.

The SPEAKER. The bill certified by the Secretary of the Senate and which is called the engrossed copy is the bill which must be used at the desk.

Mr. BLAND. That copy of the bill must be down in my committee room. I have sent for it. I ask that meanwhile this printed copy be substituted. The other will be here in a few moments.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] asks that this copy be read instead of the engrossed copy, which will be here in a moment. In the absence of objection, the Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.* That hereafter there shall be carried on at the branch mint of the United States at Denver, in the State of Colorado, the coinage of gold and silver.

SEC. 2. That the provisions of sections 3496 and 3497 of the Revised Statutes of the United States are hereby made applicable to the mint of the United States at Denver, Colo., and that so much of sections 3553, 3559, 3560, and 3561 of the Revised Statutes of the United States as relates to the mint at Denver, Colo., are hereby repealed; and that the compensation of the officers of said mint shall be the same as those of the mint at Carson City, Nev.

SEC. 3. That all laws and parts of laws in force in relation to the mints of the United States, and for the government of the officers and persons employed therein, shall be applicable to the mint at Denver.

Mr. BLAND. I yield to the gentleman from Colorado [Mr. PENCE].

Mr. DINGLEY. I reserve the right to object until I can hear an explanation of the bill. I think it is all right.

Mr. PENCE. Mr. Speaker, at the beginning of this session of Congress we thought we might secure an appropriation for the establishment of a mint with full equipment at Denver. A bill for the purpose was introduced in the Senate, and I introduced in this House a similar bill, making an appropriation of \$600,000. We soon found, however, that it was idle to hope for any measure of that kind at this time. We then submitted to the Treasury Department the necessity of using the assay office at Denver for minting purposes, especially for the minting of gold. With that view Senator WOLCOTT introduced in the Senate the present bill, which was referred to the Committee on Finance of that body and by that committee submitted to the Secretary of the Treasury, who in his reply calls attention to the growing production of gold in the States adjacent to Denver, naming Colorado, South Dakota, Arizona, New Mexico, Utah, Idaho, and Montana. He also calls attention to the fact that the gold product of that region, which in 1892 was something over \$11,000,000, had in 1893 increased to \$19,000,000, and in 1894 to \$26,000,000, as shown by the tables embraced in his report. These figures are certainly not too large. We think from the reports of the express companies, such as Wells, Fargo & Co., that they are too small. The Secretary in his communication gives his reasons for recommending that coinage be hereafter carried on at this branch mint.

Mr. DINGLEY. This mint at Denver is now simply an assay office—

Mr. PENCE. If the gentleman will excuse me a moment I will call his attention to what the statute provides—

Mr. DINGLEY. And the proposition is to enlarge it to a full mint?

Mr. PENCE. Yes, sir.

Mr. DINGLEY. And the officers are to receive the same compensation as those of the mint at Carson City, which is a mint proper in law, although in fact only an assay office.

Mr. PENCE. The compensation is fixed now by the statute I have in my hand, and will read if it be desired. It is provided

that the assayer shall receive \$2,500 and the melter \$2,500. This is the only change. Under this bill the compensation is fixed the same as it is at Carson City, Nev. At Carson City it is \$3,000; and so the only increase is the increase of these two salaries from \$2,500 to \$3,000.

Mr. MONEY. The mint at Carson City is not in operation, is it?

Mr. PENCE. The mint at Carson City, I understand, is not in active operation on account of the inconvenience of making shipments and the cost of the expressage. After the bullion is stamped it is sent to the mint in Philadelphia.

Mr. DINGLEY. This increases the amount at Denver about \$6,000 annually.

Mr. PENCE. No; I think the gentleman from Maine is mistaken in that.

Mr. DINGLEY. I have the appropriation bill in my hand, and the amount appropriated for Carson City is \$18,100, and Denver \$12,350, or nearly \$6,000 difference between them.

Mr. HULL. But I think the wages of the workmen are also included in the Denver amount.

Mr. PENCE. I think the gentleman from Maine is mistaken as to that.

Mr. DINGLEY. No; I have the bill before me, and it covers only officials and not the wages of workmen.

Mr. PENCE. Is that the appropriation bill as passed or as reported?

Mr. DINGLEY. As it was reported and as the law was for the last year. I think there has been some slight increase at Denver, however.

Mr. PENCE. Yes, there has been; but I think the only difference the gentleman will find between this bill and the amount appropriated is the increase of \$500 in the compensation of the assayer and melter.

Mr. DINGLEY. The language of the bill is to make applicable the statutes relating to the mints generally to the mint at Denver. The bill goes on to say:

The compensation of the officers of said mint shall be the same as those of the mint at Carson City, Nev.

Now, at Carson City, Nev., there is a cashier at \$2,000. There is no cashier at Denver. Of course a mint proper would require the services of a cashier.

Mr. PENCE. If the gentleman will permit me, the Department suggests that hereafter they may have to recommend some changes in the official force. But now the only difference is in the compensation of these two officers, which is increased \$500 a year.

Mr. SAYERS. How many?

Mr. PENCE. Two officers at \$500 each, making \$1,000 in all.

When the Department shall take active steps in the operation of the mint there they will perhaps have to recommend some changes in the list of officials and in the compensation. But that will be a subject to come up hereafter and be determined by another Congress. We can not determine that now.

Mr. DINGLEY. You only propose to take the officers now in charge and have the salaries regulated as they are at Carson City?

Mr. PENCE. That is all.

Mr. DINGLEY. I agree entirely with the suggestion that, in view of the large increase in the output of gold in Colorado and the neighboring States which go to Denver, it ought to be made a full mint. The only question with me is whether it is necessary to retain also the full mint at Carson City, or whether that could not properly be made an assay office; in other words, to change the relation between the two places, making Denver a full mint and Carson City an assay office.

Mr. PENCE. I would suggest to the gentleman from Maine that that might be arranged in future by recommendation from the Department. Of course the gentleman will understand that we do not want to antagonize Carson City.

Mr. DINGLEY. I understand that. I am merely pointing out the fact that we have a full mint at Carson City, Nev., now, and whether it would not be to the interest of the Government to make that mint an assay office in law as it is in fact, and establish the full mint at Denver.

Mr. DOCKERY. I would suggest to the gentleman from Maine that the appropriation carried in this bill for the Carson City mint puts it on the basis of an assay office now.

Mr. HULL. Oh, no. I think the gentleman is mistaken in that.

Mr. DOCKERY. That is the statement of the Director of the Mint.

Mr. DINGLEY. The appropriation bill before me shows that the amount fixed for compensation of the officials at Carson City is \$18,100 and for the officials at Denver only \$12,350, there being some \$6,000 more at Carson City than at Denver.

Now, that unquestionably must rest on the basis that it is not a full mint. As a matter of fact, I think it is only practically an assay office. I think what ought to be done would be to change the relative position of these two places; that is to say, make Carson City an assay office and Denver a full mint.

But, Mr. Speaker, I have no objection to the proposition here, and only desired to call attention to this fact in connection with it, not with a view to obstructing its passage.

Mr. DOCKERY. Let us have a vote.

Mr. PENCE. I ask the passage of the bill.

The SPEAKER. The gentleman from Missouri [Mr. BLAND] asks consent to suspend the vote until the engrossed copy of the bill has been produced. It is not yet at the desk.

Mr. DOCKERY. I suggest that by unanimous consent this matter come up immediately after the disposition of the legislative bill, as I understand the engrossed copy is not here.

Mr. PENCE. The matter is in charge of the chairman of the Committee on Coinage, Weights, and Measures, who only yielded to me to explain the proposition.

The SPEAKER. The gentleman from Missouri asks that the matter be held up until the engrossed copy is supplied.

Mr. SAYERS. I ask unanimous consent that this bill remain on the table, to be called up to-morrow or such other time as the gentleman from Missouri may desire.

The SPEAKER. It is not on the table; but if there be no objection the question on the passage of the bill will be submitted after the committee rises to-day.

There was no objection, and it was so ordered.

#### ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 397) to provide for the erection of a Government building at Chicago, Ill.; and

A bill (S. 814) for the relief of the representatives of Daniel C. Rodman, deceased, and others.

#### COMMITTEE CHANGE.

Mr. SOMERS was, by unanimous consent, excused from further service on the Committee on the Public Lands, and the Speaker appointed Mr. CAMINETTI in his place.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

On motion of Mr. DOCKERY, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8767) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes, with Mr. RICHARDSON of Tennessee in the chair.

The CHAIRMAN. The Clerk will report the pending paragraph.

Mr. DOCKERY. I ask unanimous consent to return to page 31, to the amendment relating to masters of vessels.

Mr. PENDLETON of West Virginia. I object.

Mr. DOCKERY. I then ask the Clerk to proceed with the reading of the bill.

The CHAIRMAN. Does the gentleman withdraw his request?

Mr. DOCKERY. Yes; I ask the Clerk to resume the reading of the bill.

The Clerk, proceeding with the reading of the bill, read as follows:

Assay office at Charlotte, N. C.: For assayer and melter, \$1,500; assistant assayer, \$1,250; in all, \$2,750.

For incidental and contingent expenses, including labor, \$2,000.

Mr. HULL. Mr. Chairman, I understand that the assay office at Charlotte, N. C., has absolutely no business. The money that is appropriated every year for carrying it on would more than pay for all the metal that is submitted there in five years, as I understand. It is carried in the legislative appropriation bill every year simply because the Congress before carried it there. I move to strike it out.

The CHAIRMAN. Will the gentleman indicate the lines which he moves to strike out?

Mr. HULL. I move to strike out lines 18 to 23, inclusive, on page 57.

Mr. DOCKERY. Mr. Chairman, here is the testimony of the Director of the Mint before the subcommittee:

The CHAIRMAN. You think you will need \$10,000?

Mr. PRESTON. Yes, sir; we will need it.

The CHAIRMAN. For Charlotte you estimate the same as the current law?

Mr. PRESTON. Just the same.

Mr. DINGLEY. How about that? There were some criticisms in the House, a few days ago, about that mint. What is the work that is really being done there?

Mr. PRESTON. It is simply a little assay office, where deposits of gold are received and paid for.

Mr. DINGLEY. What was the amount of gold received there the last fiscal year?

Mr. PRESTON. I think it was something over \$100,000, but I can not remember exactly at this moment; no, it is about \$170,000 I think, but I am not positive.

Mr. DINGLEY. Is it necessary to have that assay office there for the convenience of the people around there; gold is the only product which centers there?

Mr. PRESTON. That is all—North Carolina, Georgia, Alabama, and South Carolina.

Mr. DINGLEY. Has the production been running down there?

Mr. PRESTON. Well, it increased a little last year, but I think it is a little off this year—that is, it increased a little in 1890, and it has been a little less in 1894.

So, according to the testimony of the Director of the Mint, the annual production of gold that is brought to that mint amounts to about \$170,000.

Mr. ALEXANDER. Mr. Chairman, I should like to call the attention of the gentleman from Iowa to the fact that there are nearly 200,000 square miles of territory that produce gold which are tributary to that mint. This territory extends from the Potomac River to Alabama. The production of gold has varied in different years according to the way that labor could be employed.

As everyone familiar with gold mining knows, a gold dollar generally costs from two to three dollars to get it—that is, taking the total amount of labor that is expended over the entire country—and we find that the average cost of the production of gold is not any greater in the belt from here to Alabama than it is in other sections of the country, taking a long series of years together.

The products of the farm have been reduced to that degree that there is absolutely no money either in raising wheat or cotton or stock. Consequently a great many people in that section of the country have commenced to look out for minerals.

This country is peculiar in this respect: You can work it down to water at very slight cost. The gold is comparatively free. But the moment you strike water it turns into sulphurets, and requires large plants to chlorinate the ore in order to extract the gold. It looks to me now as though there would be more capital invested in the mining industry of this section, on account of the depreciation of farm products, than there has been for the past ten years.

Charlotte is a railroad center. They had a mint there long before the war, and they coined a considerable amount of money. The records of the different mines are kept at this mint. Anyone who wants to go into gold mining can get there the record of what has been taken out of the different mines. The chief assayer has been charged by the Director of the Mint with getting up statistics of all the mines from Maryland to Alabama, and if the gentleman will examine his report he will find that it covers the number of square miles that I have already stated, and that there are a great number of people who will be benefited by maintaining this assay office there.

Now, if the conditions were good, if farm labor paid, why there might be some excuse for it; but right at this particular time, when agriculture is so depressed, and a man can make a few dollars from branch or surface mining during the summer months when not at work in his crop, and where he stands a chance of developing a mine that can be sold to a corporation or large capitalist, I think it is really necessary for this section of country that this office be retained.

Mr. HULL. Mr. Chairman, after the statement of the gentleman I do not care to press the amendment. My understanding was that the amount to be assayed altogether was about \$170,000. I have misplaced my report of the Director of the Mint, but from the statement of the gentleman from Missouri the amount seems to be so large that I think it is much preferable to the assay office at Carson City.

Mr. DOCKERY. I have no information on the subject except what I get from the Director of the Mint.

The CHAIRMAN. The amendment is withdrawn.

The Clerk read as follows:

Assay office at Helena, Mont.: For salary of assayer in charge, \$2,250; melter, \$1,800; chief clerk, \$1,800; one clerk, \$1,400; in all, \$7,250.

For wages of workmen, \$13,000.

For incidental and contingent expenses, \$5,000.

Mr. HARTMAN. I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

That the Secretary of the Treasury is hereby authorized and required to establish at the United States assay office at Helena, Mont., a refinery for refining and parting gold and silver and for casting the same into bars, ingots, or disks.

That the Secretary of the Treasury is hereby directed to keep a fund in coin and gold and silver bars from which depositors of gold and silver bullion at the said assay office can be paid as soon as the values of deposits have been ascertained by melt and assay.

That the charges for these operations shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, to equal but not to exceed the expenses thereof, and all provisions of law relating to the refineries of the mints and assay offices shall apply to the parting and refining of bullion at the assay office at Helena, Mont.

Mr. DOCKERY. I desire to reserve the point of order until I can hear further concerning the amendment.

The CHAIRMAN. The gentleman from Montana will be heard on the point of order.

Mr. HARTMAN. Mr. Chairman, I want to say to the gentleman from Missouri that this is a copy of a bill which passed the Senate a few days ago, and it is in the form which I submitted to the gentleman in charge of the bill the day before yesterday. It has already met with the approval of the chairman of the Committee on Coinage, Weights, and Measures, who is now on the floor and can speak for himself. I have offered it with the understanding with the chairman of the Committee on Appropriations that if it met with the approval of the chairman of the Committee



on Coinage, Weights, and Measures that it might be appended as an amendment to this bill. The gentleman is present and can make a statement concerning the matter.

Mr. BLAND. With reference to this bill, I have not had time to consider it fully; but so far as my judgment is concerned I think it is a matter of some importance to have it enacted.

Mr. DOCKERY. I want to ask my colleague whether or not he is prepared to say, and he is an expert on these matters, that he thinks it is necessary?

Mr. BLAND. I would not say that it is absolutely necessary and indispensable; but I think it is a matter of importance, and that Congress would do well to enact it.

Mr. DOCKERY. What expense would be involved?

Mr. BLAND. That I do not know; but I think it would be a great convenience to have it in Montana.

Mr. HARTMAN. If the gentleman in charge of the bill will permit me, I will submit a very brief memorandum which I have received from the Treasury Department:

In case of the establishment of a plant for parting and refining bullion at the United States assay office at Helena, Mont., it would necessarily be conducted by a sulphuric-acid process, that being the most economical, by reason of the amount that would be realized by the Government from the sale of the by-products (blue vitriol) resulting from that process.

During 1893 the amount of silver bullion produced in Montana from quartz and milling ores was estimated at 9,017,000 fine ounces. Bullion produced from ores of this character could readily be refined by Government refineries, and the bullion from these ores, milled within the State, would no doubt be sent to the assay office at Helena to be refined if there were a refinery attached to that institution. After the first cost of the erection of a plant there would be no further expense to the Government for its support, as under the law the charges collected are made applicable to the payment of the expenses for parting and refining bullion, and no other moneys could be used for the payment of the expenses of the refinery. The gold bullion deposited at Helena would then naturally be refined before its transmission to the mint. If it were refined at Helena, it would be readily converted into coin as soon as its receipt at the mint. The amount that would be realized by the sale to the Government of the by-products would depend entirely upon the volume of the business done.

In other words, it would be a self-sustaining institution. The sale of the by-products would pay all the expenses that might be incurred.

Mr. DOCKERY. I wish the gentleman would explain this third section:

That the charges for these operations shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, to equal but not to exceed the expenses thereof, and all provisions of law relating to the refineries of the mints and assay offices shall apply to the parting and refining of bullion at the assay office at Helena, Mont.

Mr. HARTMAN. May I answer that? The proposed charges referred to there, I will state, are charges which the office makes to parties bringing bullion there to assay. It is not a charge against the United States, but a charge against the individuals, who would be compelled to pay by reason of bringing their bullion there for assaying, for parting and refining. It does not constitute one dollar of expense to the Government for that purpose at all.

Mr. DOCKERY. What expense is put on the Government?

Mr. HARTMAN. There is no expense put on the Government except the cost of the original establishment of the plant; and for that we do not ask a dollar of appropriation at the hands of this Congress—not a cent.

Mr. DOCKERY. It seems that this bill was introduced April 3, 1894, and has not been reported.

Mr. HARTMAN. It has been reported and passed the Senate.

Mr. DOCKERY. This very bill?

Mr. HARTMAN. This very bill, verbatim et literatim. It passed the Senate three or four days ago, and was referred to our committee; and I have not yet had a hearing before that committee on the subject.

Mr. DOCKERY. In view of the statement made by the chairman of the Committee on Coinage, Weights, and Measures, I will not make a point of order against the amendment.

Mr. HARTMAN. I call for a vote then, Mr. Chairman.

The amendment was agreed to.

The Clerk read as follows:

Territory of Oklahoma: For salary of governor, \$2,000; chief justice and four associate judges, at \$3,000 each; and secretary, \$1,800; \$19,400. For contingent expenses of the Territory, to be expended by the governor, \$1,000.

Mr. McRAE. Mr. Chairman, I move to amend in line 24, page 60, by inserting after the word "thousand" the words "five hundred;" so as to make the appropriation for contingent expenses \$1,500.

Mr. FLYNN. Mr. Chairman, I offer an amendment to the amendment, which I send to the desk.

The amendment to the amendment was read, as follows:

Page 60, line 24, strike out "one thousand" and insert "two thousand two hundred."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. McRAE. Mr. Chairman, I have moved to make the inci-

dental expense fund \$1,500, because that is the sum carried by the current law. It ought to be more, but I do not expect more than was allowed in the last act. The amendment proposed by the gentleman from Oklahoma ought in my opinion to be adopted. Indeed, I think the estimate shows that the appropriation for this purpose ought to be \$3,000, because that much is actually used. I understand that the Territorial government appropriates only \$800. I have no objection to the amendment proposed by the gentleman representing the Territory; indeed I think it ought to be adopted, but in any event the appropriation certainly ought to be as large as that of last year. In the case of Alaska \$2,000 is allowed by this bill for contingent expenses of the governor's office. The Territory of Oklahoma has fifty times as many people as Alaska; its business is very much more important, and the duties of the governor's office much more arduous than in Alaska or any other Territory.

Mr. FLYNN. Mr. Chairman, in the appropriation bill passed last year the House raised the appropriation for the contingent expenses of the governor's office from \$500 to \$1,500. Since that time the business of the office has largely increased. I send to the Clerk's desk and asked to have read the letter of the governor transmitted to the Secretary of the Treasury with the estimate.

The letter was read, as follows:

EXECUTIVE DEPARTMENT, Guthrie, Okla., September 27, 1894.

DEAR SIR: I have the honor to submit herewith an estimate of the expenses of the governor's office, Territory of Oklahoma, for the fiscal year ending June 30, 1895. In the matter of the contingent expenses, Territory of Oklahoma, to be expended by the governor, I have made a careful itemized statement as conservative as is consistent with the efficient administration of this office. I have tried at all times to be economical in expending this appropriation, but it has heretofore been utterly inadequate to meet the demands of the office, and I have been compelled to draw on my salary for expenses, a very unpleasant duty, I assure you. The items of this estimate are for private secretary, \$1,200, which is as low as an efficient man can be secured for; stenographer and typewriter, \$500; rent, \$400; janitor, \$240; fuel and lights, \$150; stationery, \$300; telegrams, \$200; furniture, \$100; other incidentals, \$10; telephone, \$15. The opening of Indian reservations and the supervision of new counties entails an unavoidable large expense on the governor's office. To have the office hampered with a lack of funds to carry on its legitimate work is certainly not to the best interests of the public, and I sincerely hope that the appropriation will be made as included in the estimate.

I have the honor to be, your most obedient servant.

WILLIAM C. RENFROW, Governor.

Hon. SECRETARY OF THE TREASURY,  
Washington, D. C.

Mr. FLYNN. The Territory of Oklahoma to-day constitutes the largest Congressional district in the United States. The governor informs me by a letter received this morning that his mail runs above 100 letters a day. We have a thoroughly American constituency there, who write to the governor freely in relation to all sorts of matters. The governor has made a detailed statement of the expenses that are absolutely necessary for the proper maintenance of his office; but instead of allowing what was allowed last year, which was a thousand dollars too little, the Committee on Appropriations have reduced the amount \$500. I hope that the House will do justice to the governor's office of our Territory, and will allow the amount that is absolutely required to conduct the business of that office in an intelligent and safe manner.

Mr. DOCKERY. Mr. Chairman, the amount allowed for contingent expenses to each of the Territorial governors, except the governor of Oklahoma, is fixed at \$500.

Mr. FLYNN. I beg the gentleman's pardon. Two thousand dollars is allowed in Alaska.

Mr. DOCKERY. That is true; but the gentleman will note that the governor of Alaska is compelled to travel all over that large Territory, and, with the exception of Alaska, where there are peculiar and special reasons for a larger allowance, the contingent expenses for the Territorial governors are fixed at \$500 each. In the case of Oklahoma an increase was made shortly after the admission of the Territory, and I believe that since the admission the contingent expenses of the governor's office have exceeded \$500, though I do not now recall the facts with certainty. But in this bill we give \$1,000, and in addition to that the governor is allowed, as I am advised, \$800 by the Territorial government. That gives him \$1,800 for contingent expenses; and, while I recognize the fact that there are some unusual demands upon the governor's office in that new and rapidly growing Territory, I think the \$1,000 allowed by Congress and the \$800 allowed by the Territory is ample to meet all necessary demands.

Mr. FLYNN. Admitting that the governor is allowed \$800 by the Territory, it should be remembered that his estimate of the amount required for this purpose is \$3,000. I have deducted that \$800 from the estimate, which leaves the \$2,200 provided for in my amendment.

The question was taken on the amendment of Mr. FLYNN to the amendment of Mr. McRAE, and the Chairman declared that the yeas seemed to have it.

Mr. FLYNN. I ask for a division.

The committee divided; and there were—ayes 40, noes 43.

Mr. FLYNN. I demand tellers.

Tellers were refused, only 23 members voting in favor thereof. So the amendment to the amendment was rejected.

Mr. PENDLETON of West Virginia. Mr. Chairman, I make the point that no quorum has voted.

The CHAIRMAN. The point comes too late after the demand for tellers has been refused. The question now is on the amendment of the gentleman from Arkansas [Mr. McRAE], which the Clerk will report.

The Clerk read as follows:

After the word "thousand," in line 24, page 50, insert "five hundred;" so that the clause will read: "\$1,500."

The question being taken on agreeing to the amendment of Mr. McRAE, there were—ayes 53, noes 34.

Mr. PENDLETON of West Virginia made the point of no quorum, but, after a pause, withdrew it.

Mr. DOCKERY. I demand tellers.

Tellers were ordered, 27 voting in favor thereof; and Mr. DOCKERY and Mr. McRAE were appointed.

The committee again divided; and the tellers reported—ayes 68, noes 40.

So the amendment was agreed to.

Mr. DOCKERY. I shall ask for the yeas and nays on this amendment in the House.

The Clerk read as follows, under the heading "Territory of Oklahoma:"

For legislative expenses, namely: For rent of office, furniture, fuel, lights, stationery, clerk hire, printing, postage, ice, record casings, and messenger, porter, and other incidental expenses of the secretary's office, \$2,000.

Mr. FLYNN. I move to amend by striking out at the end of the paragraph just read "\$2,000" and inserting "\$3,558.75."

Mr. Chairman, the estimates from the office of the secretary of Oklahoma show the exact amount which is included in my amendment. By an inadvertence of ours at the last session we reduced the appropriation for the secretary's office \$250 in order to secure the adoption of an amendment authorizing the convening of a session of our Territorial legislature. That sum of \$250, although reported at that time by the committee, has never been made good. Now the secretary of our Territory has sent in an estimate of what he claims to be absolutely necessary for the proper conduct of his office, and those figures are the figures included in the amendment I have sent to the Clerk's desk. I hope this amendment will be adopted in accordance with the estimate.

Mr. DOCKERY. Mr. Chairman, the amount named in the bill is the exact amount given to every Territory of the Union for expenses of this kind in the off year when the legislature does not meet. If the increased amount proposed in the amendment is to be given to the Territory of Oklahoma simply for the asking, the same amount ought to be allowed to the other Territories. The House ought to act advisedly on this question. There were some equities which might be urged in support of the claim of the gentleman from Arkansas [Mr. McRAE] with reference to contingent expenses; but when it comes to increasing every item for this Territory, thus discriminating against other Territories, I think it time for the House to halt and consider this matter.

Mr. FLYNN. The gentleman now concedes that the increased allowance for contingent expenses was equitable although he opposed it.

Mr. DOCKERY. I said there might be some sort of equity in the claim, because the Territory had \$1,500 for that purpose this year.

Mr. FLYNN. It appears that because we reside in a Territory the gentleman in charge of this bill would reduce our expenses to what he personally thinks necessary, without regard to what the proper officials state to be the necessities. Last year, as I have stated, the Committee on Appropriations reported \$250 more for the secretary's office than was actually allowed, because, in order to obviate objection to one of our amendments, we struck out \$250 in order that there might be a reduction of expenditure; and by that means we obtained a session of our legislature. That \$250, as I have stated, has never been made up. The gentleman from Missouri this year has not included even that in this bill.

Mr. DOCKERY. That would be a matter for the deficiency bill, if it should go anywhere.

The question being taken on the amendment of Mr. FLYNN, there were—ayes 41, noes 94.

Mr. PENDLETON of West Virginia. No quorum.

Tellers were ordered; and Mr. ROBERTSON of Louisiana and Mr. PENDLETON of West Virginia were appointed.

The committee again divided; and the tellers reported—ayes 28, noes 88.

The CHAIRMAN (Mr. BAILEY). No quorum having voted, the Chair will direct the Clerk to call the roll.

The Clerk proceeded to call the roll; when the following-named members failed to answer:

Abbott,	Crain,	Hines,	Phillips,
Aldrich,	Culbertson,	Holman,	Powers,
Allen,	Dalzell,	Hopkins, Ill.	Price,
Babcock,	De Forest,	Houck,	Quigg,
Bartholdt,	Dolliver,	Hulick,	Randall,
Beckner,	Donovan,	Ikert,	Rayner,
Belden,	Dunn,	Johnson, Ind.	Robinson, Pa.
Bell, Tex.	Dunphy,	Johnson, Ohio	Rusk,
Boltzhoover,	Durborow,	Kem,	Russell, Conn.
Borrry,	English, N. J.	Lapham,	Ryan,
Blair,	Enloe,	Linton,	Schermerhorn,
Boatner,	Erdman,	Loud,	Sherman,
Boen,	Fleider,	Loudenslager,	Sibley,
Boutelle,	Fithian,	Magnor,	Sickles,
Broderick,	Forman,	Maguire,	Sipe,
Brosius,	Funk,	Marshall,	Somers,
Brown,	Gardner,	McAleer,	Stallings,
Burnes,	Gear,	McCall,	Stona, W. A.
Cabaniss,	Geary,	McCleary, Minn.	Storer,
Cadmus,	Geissenhainer,	McDannold,	Straus,
Caminetti,	Gillet, N. Y.	McDowell,	Swanson,
Campbell,	Goldzier,	McGann,	Sweet,
Catchings,	Goodnight,	McKeighan,	Tucker,
Causey,	Gorman,	McLaurin,	Turpin,
Childs,	Graham,	McMillin,	Wanger,
Clancy,	Grosvenor,	McNagay,	Waugh,
Cockrell,	Hall, Mo.	Moon,	Wells,
Coffeen, Wyo.	Hare,	Moore,	Wever,
Cogswell,	Harrison,	Morse,	White,
Conn,	Harter,	Murray,	Wilson, Ohio
Cooper, Ind.	Heiner, Pa.	Newlands,	Wilson, W. Va.
Counish,	Henderson, Ill.	O'Neill, Mo.	Wise,
Cousins,	Hendrix,	Outhwaite,	Woomer.
Covert,	Hicks,	Paschal,	

The CHAIRMAN. The committee, under the rule, will now rise and report the result of the call to the House.

Mr. BARWIG. I ask that my colleague, Mr. WELLS, be excused on account of sickness in his family.

The CHAIRMAN. That can be done in the House. The committee will rise under the rule.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BAILEY, as Chairman of the Committee of the Whole, reported that the committee, having had under consideration the legislative appropriation bill, had found itself without a quorum; whereupon he had directed the roll to be called, and now reported the absentees to the House.

Mr. COBB of Alabama. Mr. Speaker, I ask that my colleague, Mr. HARRISON, be excused to-day on account of sickness.

There was no objection.

The SPEAKER. The names of the absentees will be entered upon the Journal. Two hundred and thirteen members having answered to their names, a quorum being present, under the rule the committee will resume its session.

The Committee of the Whole resumed its session.

The CHAIRMAN. The tellers will resume their places and proceed with the count.

The committee again divided; and the tellers reported—ayes 43, noes 139.

So the amendment was rejected.

The Clerk read as follows:

#### WAR DEPARTMENT.

Office of the Secretary: For compensation of the Secretary of War, \$8,000; Assistant Secretary, \$4,500; chief clerk, \$2,500; disbursing clerk, \$2,000; three chiefs of division, at \$2,000 each; one stenographer, \$1,800; five clerks of class 4; clerk to the Assistant Secretary, \$1,800; five clerks of class 3; eight clerks of class 2; twelve clerks of class 1; four clerks, at \$1,000 each; four messengers; seven assistant messengers; eight laborers; carpenter, and foreman of laborers, at \$1,000 each; two carpenters, at \$900 each; one hostler, \$600; two hostlers and one watchman, at \$540 each; in all, \$92,900.

Mr. DOCKERY. I offer the amendment I send to the desk.

The Clerk read as follows:

Amend, on page 63, line 23, by adding the following:

"That so much of section 229 of the Revised Statutes of the United States as requires the Secretary of War to lay before Congress, at the commencement of each regular session, a statement of all contracts for supplies or services which have been made by him, or under his direction, during the year preceding, and so much of the army appropriation act for the fiscal year 1885, approved July 1, 1884, as requires the Quartermaster-General and the Commissary-General of Subsistence to report all purchases of supplies made by their departments, with their costs and place of delivery, to the Secretary of War for transmission to Congress annually, be, and the same are, repealed."

The amendment was agreed to.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HOOKER of Mississippi having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 8234) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1896; in which the concurrence of the House was requested.

The message also announced that the Senate had passed with amendments the bill (H. R. 6585) granting a pension to Elizabeth Moore English, asked a conference with the House on the



bill and amendments, and had appointed Mr. GALLINGER, Mr. PALMER, and Mr. HAWLEY as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 7020) to readjust the salaries and allowances of the postmasters at Guthrie, Oklahoma City, and Kingfisher, in Oklahoma Territory; and

A bill (H. R. 6244) to remove the charge of desertion from the military record of Jacob Eckert.

The message also announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 917) for the relief of the Newberry College, Newberry, S. C.;

A bill (S. 1142) directing the parting and refining of bullion to be carried on at the United States assay office at Helena, Mont.;

A bill (S. 2531) to amend the charter of the Metropolitan Railroad Company of the District of Columbia;

A bill (S. 2699) for the encouragement of education in the State of Mississippi;

Joint resolution (S. R. 113) instructing the Secretary of War to return to the State of Michigan the flags of certain regiments of Michigan Volunteer Infantry;

Joint resolution (S. R. 128) making an appropriation of \$5,000 for clearing the Potomac River of ice; and

Joint resolution (S. R. 130) authorizing a preliminary inquiry concerning deep waterways between the ocean and Great Lakes, and providing commissioners therefor.

The message also announced that the Senate had passed the following resolutions:

*Resolved*, That the Senate has heard with profound sorrow of the death of Hon. Francis B. Stockbridge, late a Senator from the State of Michigan.

*Resolved*, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives.

*Resolved*, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The message also announced that the Senate had passed without amendment the following resolution:

*Resolved by the House of Representatives (the Senate concurring)*, That the invitation of the honorable Secretary of War be accepted and that a joint special committee of 15 members is hereby created, 9 of whom shall be appointed by the Speaker of the House and 6 by the Presiding Officer of the Senate, whose duty it shall be to prepare and report to their respective Houses for consideration a plan for the proper participation of Congress in the dedication of the Chickamauga and Chattanooga National Military Park on September 19 and 20 next.

#### LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee again resumed its session, Mr. BAILEY in the chair.

The Clerk read as follows:

#### DEPARTMENT OF THE INTERIOR.

Office of the Secretary: For compensation of the Secretary of the Interior, \$3,000; First Assistant Secretary, \$4,500; Assistant Secretary, \$4,000; chief clerk, \$2,500, and \$250 additional as superintendent of the Patent Office building; nine members of a board of pension appeals, to be appointed by the Secretary of the Interior, at \$2,000 each; one special land inspector connected with the administration of the public-land service, to be appointed by the Secretary of the Interior and to be subject to his direction, \$2,500; one clerk in charge of documents, \$2,000; six clerks, chiefs of division, at \$2,000 each, one of whom shall be disbursing clerk; private secretary to the Secretary of the Interior, \$2,000; five clerks of class 4; seven clerks of class 3; one custodian, who shall give bond in such sum as the Secretary of the Interior may determine, \$2,000; one bookkeeper for custodian, \$1,200; seven clerks of class 2; fourteen clerks of class 1, two of whom shall be stenographers or typewriters; one returns-office clerk, \$1,200; one female clerk, to be designated by the President, to sign land patents, \$1,200; two clerks, at \$1,000 each; seven copyists; one telephone operator, \$800; three messengers; six assistant messengers; fourteen laborers; two skilled mechanics, one at \$900 and one at \$720; two carpenters, at \$900 each; one laborer, \$800; one packer, \$800; one conductor of elevator, at \$720; four charwomen; one captain of the watch, \$1,000; forty watchmen; additional to two watchmen acting as lieutenants of watchmen, at \$120 each; one engineer, \$1,200; assistant engineer, \$1,000; and seven firemen; in all, \$176,770.

Mr. FLYNN. Mr. Chairman, I desire to make the point of order against the provision incorporated in this paragraph in lines 13 and 14—"private secretary to the Secretary of the Interior, \$2,000."

The CHAIRMAN (Mr. BAILEY). What point of order does the gentleman make?

Mr. FLYNN. That this is new legislation not authorized by existing law, and is an increase of expenditures.

Mr. DOCKERY. I am advised that there is no law authorizing this officer. He has only lived in the appropriation bills which have passed Congress heretofore.

The CHAIRMAN. If there is no law authorizing this officer, and the point of order is made, the Chair will be constrained to hold that it is well taken.

Mr. DOCKERY. I am advised, and suppose it is correct, that there is no law.

Mr. FLYNN. There is no law.

The CHAIRMAN. The Chair hopes, however, that gentlemen will be certain as to the fact on which the point of order is based.

Mr. DOCKERY. I find, on examination, that there is no provision of law authorizing this appointment.

The CHAIRMAN. There being no law authorizing this officer, and the point of order having been made, the Chair sustains it, and the provision will be stricken out.

The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

General Land Office: For the Commissioner of the General Land Office, \$5,000; one Assistant Commissioner, to be appointed by the President, by and with the advice and consent of the Senate, who shall be authorized to sign such letters, papers, and documents, and to perform such other duties as may be directed by the Commissioner, and shall act as Commissioner in the absence of that officer or in case of a vacancy in the office of Commissioner, \$3,500; chief clerk, \$2,250; two law clerks, at \$2,200 each; three inspectors of surveyors-general and district land offices, at \$2,000 each; recorder, \$2,000; ten chiefs of divisions, at \$2,000 each; two law examiners, at \$2,000 each; ten principal examiners of land claims and contests, at \$2,000 each; twenty-nine clerks of class 4; fifty-seven clerks of class 3; fifty-eight clerks of class 2; sixty-one clerks of class 1; forty-five clerks, at \$1,000 each; fifty copyists; two messengers; nine assistant messengers; twelve laborers; and six packers, at \$720 each; in all, \$475,350.

Mr. BRECKINRIDGE. I make the point of order against the provision for the salary of the Commissioner of the General Land Office. Under the law he is entitled to a salary of only \$3,000. The amount provided here is \$5,000.

The CHAIRMAN (Mr. RICHARDSON of Tennessee). Does the gentleman from Missouri desire to be heard upon the point of order?

Mr. DOCKERY. The point of order, if made, is undoubtedly well taken. The statute fixes the salary at \$3,000, as I understand it, but the appropriation bills for some years past have provided \$5,000.

Mr. BRECKINRIDGE. I desire to make this statement, with the permission of the Chair:

The Commissioner of the General Land Office has a salary by law of \$3,000 and his chief clerk a compensation of \$2,000. Some years ago the salary of the Commissioner was increased in an appropriation bill to \$5,000. I suppose that the work of the Land Office has necessarily greatly decreased. We have very much less land than we formerly had; and it seems to me that at the present time, when a salary is worth more than ever before, that it is not a proper thing to increase salaries in those positions where the business has decreased.

Now, for instance the Commissioner of Pensions is entitled to \$3,000 salary under the law. That was fixed as the compensation for the office when the business was comparatively small. The Commissioner of Pensions now disburses about \$140,000,000 a year, and receives a salary of \$5,000. In the same way the salaries of his two assistants have been increased. I shall make no point of order upon that, because the increase seems to me to be not an improper one. But here are the Commissioner of the General Land Office, the Commissioner of Patents, the Commissioner of Indian Affairs, in whose offices there has been no increase of business, but where as to at least two of them if not three there has been an actual decrease, where the work done is neither in importance nor in quantity equal to what it has been heretofore. I make the statement to the committee, and if it chooses to let it go, I can do so. Having made the statement, and having put the information in possession of the committees of the House, I will not insist upon the point of order.

Mr. DOCKERY. The point of order is undoubtedly good.

Mr. BRECKINRIDGE. I withdraw the point of order.

The Clerk, proceeding with the reading of the bill, read as follows:

Indian Office: For the Commissioner of Indian Affairs, \$4,000; Assistant Commissioner, who shall also perform the duties of chief clerk, \$3,000; financial clerk, \$2,000; chief of division, \$2,000; principal bookkeeper, \$1,800; five clerks of class 4; additional to one clerk of class 4 in charge of the educational division, \$200; ten clerks of class 3; one draftsman, \$1,600; one stenographer, \$1,600; one stenographer, \$1,400; twelve clerks of class 2; twenty-two clerks of class 1; nine clerks, at \$1,000 each; twelve copyists; one messenger; two assistant messengers; one laborer; one female messenger, \$840; one messenger boy, \$300; and two charwomen; in all, \$110,220.

Mr. DOCKERY. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 84, after line 7, insert the following:

"That the account of moneys due the Cherokee Nation under any of the treaties made in the years 1817, 1819, 1825, 1833, 1835, 1836, 1846, 1866, and 1868, and any laws passed by the Congress of the United States for the purpose of carrying said treaties or any of them into effect, prepared in accordance with the provisions of the act of March 3, 1863, and reported to Congress in House Executive Document No. 182, Fifty-third Congress, third session, be referred to the Attorney-General, and he is hereby authorized and directed to review the conclusions of law reached by the Department of the Interior in said accounts and report his conclusions thereon to Congress at its next regular session: *Provided*, He may, if he deem such action advisable, refer said account to the Auditor for the Interior Department for a restatement thereof in accordance with the conclusions of law reached by him; which account, when made by the Auditor for the Interior Department, shall be transmitted to the Comptroller of the Treasury for revision, and by him, when completed, transmitted to the Attorney-General for report to Congress at its next regular session as above provided."

Mr. FLYNN. That refers to the act opening the Cherokee Outlet and those others, does it not?

Mr. DOCKERY. That provision relates to paragraph 4 of the treaty which was confirmed by the United States in the act of March 3, 1891, providing for the purchase of the Cherokee Strip. The United States paid a little more than \$8,000,000. I do not remember the exact amount. In the treaty which was ratified at that time there was an authorization for the statement of some old accounts which the Government was alleged to owe these tribes. Now, we find that under that treaty a statement of the account has been made simply by an administrative office, the Indian Office. We do not know whether the statement is correct or not as to computation. We do not know whether it is correct as to the interpretation of treaties, with reference to amounts, and this simply refers the whole question to the Attorney-General, upon questions of fact and of law and of amount, for him to report to the next Congress.

Mr. FLYNN. The only thing I do not like is that it is stated in your amendment that they are to take the construction of law expounded by the Interior Department as law.

Mr. DOCKERY. Oh, no; that is exactly what we are differing about. We have grave doubts as to the construction of the Interior Department.

The amendment offered by Mr. DOCKERY was agreed to.

Mr. PICKLER. Mr. Chairman, at the bottom of page 83 there is a provision for one stenographer for the Indian Office at \$1,600 and one stenographer at \$1,400. I desire to know whether those are the same salaries they have been receiving heretofore.

Mr. DINGLEY. Just the same.

Mr. DOCKERY. The same salaries as are carried in the current law.

Mr. LYNCH. I move to amend by adding, after the word "dollars," in line 23, page 83, the following:

Additional to one clerk in charge of the financial division, \$900.

The bill provides for five clerks of class 4. One of these clerks is made chief of the division on education, and his salary is raised to \$2,000.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

On page 83, after the word "dollars," in line 23, insert:  
"Additional to one clerk in charge of the financial division, \$900."

Mr. DINGLEY. I reserve the point of order on that amendment until I can hear a statement about it. It is an increase of salary.

Mr. LYNCH. Of these five clerks of class 4, one has been put at the head of the division of education. He gets \$200 more, making his salary \$2,000 as Chief of the Bureau of Education. Now, my amendment proposes to give another one of them, who is selected to be chief of the financial division, a salary of \$2,000 also.

Mr. DINGLEY. There is already a financial clerk at \$2,000. I reserve the point of order on that amendment. I want to hear what is the reason for this increase of salary.

Mr. LYNCH. This is only to equalize the salaries, and to give the chiefs of divisions the same salary.

Mr. DINGLEY. But here is a financial clerk at \$2,000.

Mr. LYNCH. That is the same.

Mr. DINGLEY. Do you mean to say that a clerk of class 4 is in charge of a financial division?

Mr. LYNCH. The position of chief of the financial division is now being filled by one of the clerks of class 4.

Mr. DINGLEY. What is the financial clerk, then?

Mr. LYNCH. The head bookkeeper there, I suppose. It is a separate office entirely.

Mr. DINGLEY. Mr. Chairman, this matter has not been examined by the committee, and I shall have to insist upon the point of order until it is made more plain that there is some reason for it. I do not see any.

The CHAIRMAN. The Chair thinks that the amendment of the gentleman from Wisconsin is obnoxious to the point of order, and therefore sustains the point of order.

Mr. DE ARMOND. I offer an amendment.

The Clerk read as follows:

Amend line 23, on page 83, under the subhead "Indian Office," by striking out the word "ten" therein and inserting in lieu thereof the word "twelve," so that the clause will read, "twelve clerks of class 3;" and amend line 1, page 84, by striking out the word "twelve" therein and inserting in lieu thereof the word "ten," so as to read, "ten clerks of class 2;" and also, in line 7, page 84, by striking out the word "two" therein and inserting in lieu thereof the word "six," so that the clause included in line 7 and partly in line 6 will read, "in all, \$110,000."

Mr. DE ARMOND. I desire to have a letter read as a reason for the amendment.

The Clerk read as follows:

THE TREASURY DEPARTMENT, January 15, 1895.

SIR: I have the honor to transmit herewith, for the consideration of Congress, a communication from the Secretary of the Interior of the 12th instant, amending his estimate on page 55 of the Book of Estimates for 1896, for "salaries, Indian Office," so as to provide in that office for two clerks of class 3 in lieu of two clerks of class 2, for reasons stated in said communication.

Respectfully, yours,

C. S. HAMLIN, Acting Secretary.  
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, January 9, 1895.

SIR: I have the honor to state that there are clerks in the land division of this office, which is really the law division of the office, whose duties require a high order of intelligence and learning in the law. Two of these clerks receive now but \$1,400 each per annum. They are graduates in law, duly licensed members of the bar, and the work upon which they are respectively engaged is of an important and intricate character, and usually involves consideration of legal questions.

I know that their legal training and knowledge constitute a material aid to them in the discharge of their respective duties, and feel that the compensation paid them is not commensurate with the services required of and rendered by them.

I am constrained to the opinion that there are persons filling similar positions in other bureaus of this Department and in other Executive Departments of the Government of whom no greater qualifications are required and who are classed as law clerks and paid salaries from \$1,800 to \$2,500.

By reason of their familiarity with the customs, laws, and matters of fact peculiar to Indian affairs, which can be acquired only by years of actual experience, they are fairly and justly entitled to an increased compensation, and there is no prospect of securing such increase, at least for a long time to come, through the usual methods of promotion when vacancies occur in the higher grades.

I am forced to the conclusion that the only practicable way, apparently, of securing within reasonable time a portion at least of the further compensation fairly earned by them is by increased appropriations.

I therefore have the honor to recommend that Congress be asked through the regular channels to so amend the legislative, executive, and judicial appropriation bill now before that body as to provide for the substitution of two clerks of class 3 in this office for two clerks of class 2, with the view of their promotion to the higher grade. This amendment would involve an increased expenditure of only \$400 per year, which, though small and insignificant, will be of material assistance to them and a recognition in some measure of the valuable services rendered by them.

Very respectfully, your obedient servant.

D. M. BROWNING, Commissioner.

THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, January 12, 1895.

Respectfully forwarded through the honorable Secretary of the Treasury for the favorable consideration of Congress.

HOKE SMITH, Secretary.

The amendment was agreed to.

Mr. DINGLEY. Mr. Chairman, I ask unanimous consent to pass over what is under the head of Pension Office, on pages 84, 85, and 86, without prejudice, to be returned to when we shall have completed the bill.

There was no objection, and it was so ordered.

The Clerk read as follows:

Patent Office: For the Commissioner of Patents, \$5,000; Assistant Commissioner, who shall perform such duties pertaining to the office of Commissioner as may be assigned him by the Commissioner, \$3,000; chief clerk, \$2,250; two law clerks, at \$2,000 each; three examiners in chief, at \$3,000 each; examiner of interferences, \$2,500; thirty-two principal examiners, at \$2,500 each; thirty-four first assistant examiners, at \$1,800 each; thirty-eight second assistant examiners, at \$1,600 each; forty-three third assistant examiners, at \$1,400 each; fifty-two fourth assistant examiners, at \$1,200 each; financial clerk, \$2,000, who shall give bonds in such amount as the Secretary of the Interior may determine; librarian, \$2,000; three chiefs of division, at \$2,000 each; three assistant chiefs of division, at \$1,900 each; five clerks of class 4, one of whom shall act as application clerk; one machinist, \$1,600; six clerks of class 3, one of whom shall be translator of languages; fourteen clerks of class 2; fifty-one clerks of class 1, including one in lieu of a clerk detailed from Pension Office; one skilled laborer, \$1,200; three skilled draftsmen, at \$1,200 each; four draftsmen, at \$1,000 each; one messenger and property clerk, \$1,000; twenty-five permanent clerks, at \$1,000 each; five model attendants, at \$1,000 each; ten model attendants, at \$800 each; sixty copyists, five of whom may be copyists of drawings; seventy-six copyists, at \$750 each; three messengers; twenty assistant messengers; forty-five laborers, at \$600 each; forty-five laborers, at \$480 each; fifteen messenger boys, at \$300 each; in all, \$994,190.

For purchase of professional and scientific books and expenses of transporting publications of patents issued by the Patent Office to foreign governments, \$2,000.

Mr. DOCKERY. Mr. Chairman, I ask that all from line 15 on page 88 down to and including line 9 on page 89 be considered together, as a committee amendment is to be offered there which covers it entirely.

The CHAIRMAN. If there be no objection, that will be agreed to.

There was no objection.

Mr. DOCKERY. I offer the following amendment.

The Clerk read as follows:

On page 88 strike out all from line 15 to line 25, inclusive, and on page 89 strike out all down to line 10, and insert in lieu thereof the following:

For producing the Official Gazette, including weekly, monthly, quarterly, and annual indexes therefor, exclusive of expired patents, \$99,655.

For producing copies of the weekly issues of patents, for producing copies of designs, trade-marks, and pending applications, and for the reproduction of exhausted copies of drawings and specifications; said work referred to in this and the preceding paragraph to be done under the supervision of the Commissioner of Patents, and in the city of Washington, or within such a reasonable distance therefrom as the Secretary of the Interior may consider to be not disadvantageous to the Department; and the Commissioner of Patents, under the direction of the Secretary of the Interior, shall be authorized to make contract for the work authorized in this and the preceding paragraphs upon competitive bids, after proper notice by publication: *Provided*, That the Public Printer may also make a proposal for doing said work: *And provided further*, That the entire work may be done at the Government Printing Office, if, in the judgment of the Joint Committee on Printing, or, if there be no joint committee, in the judgment of the Committee on Printing of either House, it shall be deemed to be for the best interest of the Government, \$61,120.

Mr. ROBERTSON of Louisiana. I ask that that proposition be passed over. The committee reported a different proposition in the bill.



There was no objection, and the paragraph was passed over.  
The Clerk read as follows:

Office of Commissioner of Railroads: For Commissioner, \$4,500; bookkeeper, \$2,000; assistant bookkeeper, \$1,800; one clerk of class 1; one clerk, \$1,000, in lieu of a clerk detailed from the Pension Office, and one assistant messenger; in all, \$11,220.

For examination of books and accounts of certain subsidized railroad companies and inspecting roads, shops, machinery, and equipments thereof, \$1,000.

Mr. DOCKERY. Mr. Chairman, the paragraph relating to the Patent Office was passed over. I ask that it be returned to for the consideration of the amendment that I offered. It is entirely satisfactory to the gentleman from Louisiana [Mr. ROBERTSON], who asked that the paragraph be passed over. I ask that the amendment be considered as agreed to.

Mr. TRACEY. I would like to have the amendment read.

The CHAIRMAN. The amendment has been read.

Mr. TRACEY. I would like to hear the amendment read again. The amendment was again reported.

Mr. McMILLIN. Mr. Chairman, reserving the point of order, I wish to know what change this makes in the existing law.

Mr. ROBERTSON of Louisiana. Mr. Chairman, the Commissioner of Patents before the Committee on Appropriations asked to be permitted hereafter to have the Official Gazette printed and the photolithographing for it done by contract. Heretofore the work has been done partly by contract and partly out of an appropriation for printing for the Interior Department. It is estimated that if it can be done by contract there will be a saving of \$13,000 annually by the Government. The committee passed upon that suggestion and provided for it in the bill, but since that it has been discovered that some of the annual indexes were not provided for in the appropriation recommended by the committee, and that in order to have all the work done by the Government it would be necessary to change the language of the provision. Under this amendment the Official Gazette can be printed wholly by contract or by the Public Printer, as may be deemed for the best interests of the Government, and it can be done all from one appropriation and not from two as heretofore. It can be done under this provision, not part at the Government Printing Office and part by contract, but all of it by contract or all of it at the Printing Office, as may be found best.

Mr. McMILLIN. I understand that the right is reserved to the Commissioner of Patents to reject any bids that are made and have the work done by the Government if he thinks proper?

Mr. ROBERTSON of Louisiana. Yes; he can do it either way.

The amendment was adopted.

The Clerk read as follows:

For surveyor-general of the Territory of Arizona, \$2,000; and for the clerks in his office, \$5,000; in all, \$7,000.

Mr. SMITH of Arizona. Mr. Chairman, I move to amend line 7, on page 94, by inserting, after the word "thousand" and before the word "dollars," the words "five hundred," so as to make the provision read: "For surveyor-general of the Territory of Arizona, \$2,500." The law as it stands, I believe, gives this officer a salary of \$3,000. If I am mistaken in that I ask the gentleman from Missouri to correct me. Now, when the law allows \$3,000 it does not seem to me exactly right, in the case of an efficient officer with very great and important duties, to cut him down arbitrarily to \$2,000 a year. The expenses of living in that Territory are much greater than they are here. A compensation of \$2,000 is not more than equivalent to \$1,200 or \$1,500 here in living expenses alone, and this cutting-down process simply has the effect of making good officers work for almost nothing. The law giving this surveyor-general \$3,000 a year, it seems to me that as little as this House can properly do is to appropriate \$2,500, as proposed by my amendment, which is still \$500 less than the legal salary. I think that on this subject I voice the sentiment of every man on the Public Lands Committee, for we all recognize that these officers are very poorly paid, and I insist that this committee ought to appropriate at least within \$500 of the salary which the law allows for these services.

Mr. DOCKERY. Mr. Chairman, the amount carried in this bill is exactly the amount in the current law, and I want to notify the committee now that if the salary of this surveyor-general is to be increased it will involve the increase of the salary of every surveyor-general in the bill.

Mr. SMITH of Arizona. How many of them are there in all?

Mr. DOCKERY. There are sixteen of them.

Mr. SMITH of Arizona. Well, if you increased the whole sixteen it would add only \$8,000 to this bill.

Mr. DOCKERY. Their salaries are fixed in the current law, fixed after consultation with the Senate. These gentlemen took their offices knowing what the salaries were, and in my judgment they are abundantly paid for the services which they render. The estimates submitted to Congress at the beginning of the session seemed on their face to bear the approval of the Secretary of the Interior for an increase of these salaries, and I addressed him a letter upon the subject. I have here his reply, which I will ask to

have read, in which he disapproves of any increase of salaries for these officers above the amount in the current law.

Mr. DINGLEY. I call my colleague's attention to the fact that there are some fifteen of these surveyors-general.

Mr. DOCKERY. There are sixteen of them, and if you increase the salary of one you are bound, in justice, to increase the salaries of them all. I ask that the Secretary's letter be read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,  
Washington, January 15, 1895.

SIR: In reply to your communication of the 11th instant, making inquiry concerning the proposed increase of salaries of surveyors-general, as submitted in the estimates of this Department, I have to state that it was not my intention to ask for any increase in such salaries. I am of the opinion that the amounts fixed in the appropriation bill for the current year as a compensation to each is reasonable and sufficient. I therefore disapprove of any recommendation heretofore made for any apparent increase in such salaries.

Very respectfully,

HOKE SMITH, Secretary.

Hon. A. M. DOCKERY,

Chairman Subcommittee in Charge of the Legislative,  
Executive, and Judicial Bill, House of Representatives.

Mr. SMITH of Arizona. The gentleman says that the amount in this bill is the amount in "the current law," by which I want this committee to understand that he means the last appropriation bill.

Mr. DOCKERY. That is right.

Mr. SMITH of Arizona. But the statute law of the United States provides that these men shall have \$3,000 a year each, and, without any reason on the face of the earth that I can see, except one of economy, the Committee on Appropriations have seen fit to cut these salaries down to \$2,000 a year, and then the gentleman calls that "the current law."

Mr. DINGLEY. The compensation of these officers has been at that figure for many years.

Mr. DOOLITTLE. Not many. It was cut down in 1893.

Mr. SMITH of Arizona. The gentleman from Maine suggests that this reduction has been made for many years, but I do not know that the lapse of time justifies a wrong. The longer this wrong has been perpetrated the greater shame it is for this House. We should either amend the law or give these men the salary that the law gives them.

Mr. TALBERT of South Carolina. Does not this only prorate the salaries, reducing some and raising others, so as to put them on an equality?

Mr. SMITH of Arizona. No, sir. This is simply an arbitrary reduction. It is a reduction of the salary of every surveyor-general in the United States \$1,000 a year, without warrant of law, the committee simply saying, "We will give you so much, and no more."

Mr. TALBERT of South Carolina. A reduction of each one?

Mr. DOOLITTLE. Of each one.

Mr. SMITH of Arizona. In my Territory there is a very efficient surveyor-general, and, as I have already said, if you increase the appropriations in this bill so as to give each one of these officers an increase of \$500, it would add only \$8,000 to this bill, and the amount would still be \$8,000 less than the general law provides.

They can scarcely live on these salaries, and certainly they should not be obliged to serve for \$1,000 less per annum than the general law of the country gives them.

Mr. DOCKERY. Mr. Chairman, I want to call attention to the action of the Fifty-first Congress on this question of salaries of surveyors-general. The most recent statute on this subject—a statute passed after deliberation on the part of Congress—is that fixing the salaries of the surveyors-general of North and South Dakota at \$2,000 each. This act, as I have stated, was passed by the Fifty-first Congress, and shows the last deliberate action of Congress upon the question of the compensation of surveyors-general.

Mr. SMITH of Arizona. Why were not the other surveyors-general included?

Mr. DOCKERY. Simply because Congress was then legislating with reference to the newly admitted States of North and South Dakota. Doubtless if attention had been challenged to the point the committee would have reported in favor of fixing the salaries of the surveyors-general of the other Territories at the same figure. These men took these offices at \$2,000 each—

Mr. SMITH of Arizona. How?

Mr. DOCKERY. By appointment. They were anxious and eager to get these positions at \$2,000. I have no doubt that they are efficient officers. At least they ought to be, as they are all Democrats, I suppose—at least they ought to be Democrats under a Democratic Administration. I do not know that they are.

Several MEMBERS on the Republican side. They are all Democrats.

Mr. DOCKERY. I am glad to hear it, because I believe that all positions outside of the civil service should be filled by Democrats without delay.

Now, these Democratic gentlemen—good and efficient officers, I have no doubt—hungered and thirsted after these offices at a salary of \$2,000 each; yet they have scarcely warmed their seats before they are writing to the gentleman from Wyoming and the gentleman from Washington and to my good friend from Arizona asking that their salaries be increased. I have no criticism to make of the gentlemen who, in consequence of such appeals, are undertaking on this floor to secure an increase of salaries. They are doing exactly what I should do if I were representing any one of those States or Territories. I would present as best I could the claims of these gentlemen for increased salaries. Still, the fact remains that we must pass on these questions judiciously and fairly; and in so doing we must remember that the incumbents of these positions are anxious to retain them at the present salary.

Mr. PICKLER. Allow me to ask a question. Is it not the custom of the Appropriations Committee of this House to trample down all salaries, right or wrong?

Mr. DOCKERY. Oh, no; I think the gentleman can not have read this bill.

Mr. PICKLER. Well, that is too broad a statement; but let me ask—

Mr. DOCKERY. I think the gentleman ought to amend his statement.

Mr. PICKLER. Is it not the custom of the Appropriations Committee to resist all increases, whatever may be the argument offered in their favor?

Mr. DOCKERY. All improper increases. [Laughter.]

Mr. SMITH of Arizona. The gentleman from Missouri states that we who advocate this proposition have received letters from these surveyors-general asking for an increase of their salaries. I want to say in justification not of myself, but of the surveyor-general of my Territory, that I do not remember ever to have received a line from him asking an increase of his salary; but I have received letter after letter from him asking for an increase of service in his office. I have made my motion in justice to these officers rather than on account of any appeal coming from them.

Mr. DOOLITTLE. Mr. Chairman, when we reach during the consideration of this bill the clause providing the salary of the surveyor-general of Washington I desire to offer an amendment increasing the amount named in the bill \$500. The bill proposes to pay this officer, as in these other cases, \$2,000. Now, the surveyor-general of the State of Washington has duties that consume all his time. He has made an admirable officer, and, as has been stated by the gentleman from Arizona, the general law provides for a salary of \$3,000. The change which has been made on the appropriation bills, cutting down these salaries to \$2,000, was not made until March, 1893. There certainly is no justice whatever in cutting down the salary of this officer to \$2,000. On the contrary, there is every reason, on account of the duties imposed and his conscientious discharge of them, why he should receive the full sum of \$3,000. His expenses are very large in various ways, and he is rendering the State most excellent service. If the salaries of all these officers were raised to \$2,500 it would require, as has been stated here, an additional appropriation of only \$8,000, and it would be simply doing justice to these men.

Mr. SAYERS. Is not this officer now getting \$2,000 a year?

Mr. DOOLITTLE. He is, while the general law provides that he shall receive \$3,000; but Congress refuses to make the appropriation.

Mr. SAYERS. He has held this office some time?

Mr. DOOLITTLE. He has been holding it since the incoming of this Administration; but this change in the amount of salary allowed was not made until March, 1893.

The sum of \$2,000 appropriated in this bill is not a sufficient compensation for the services rendered by this official to the people of this country, and especially to the people of the State of Washington, and it should be increased in common justice, in common fairness and decency, to at least \$2,500 a year. I do not think that there ought to be quibbling in this manner to save a trifling expense like this and do an act of injustice.

Of course I understand the allusion made, that these men took the offices knowing what they were doing. Of course they knew what they were to receive; but when the law fixed their compensation at \$3,000 they had reason to suppose that it would not be arbitrarily cut down to \$2,000; and there is no reason that can be assigned for forcing them to accept the sum of \$2,000 and perform the work of the office when \$2,500 would be but a bare compensation.

I appreciate also the fact that there is some honor and credit attached to the holding of such offices, and men will hold on to them even when the compensation is inadequate. But that does not justify us in underpaying them for the services they render. [Here the hammer fell.]

Mr. COFFEEN of Wyoming. Mr. Chairman, I desire first to make a brief response to the voluntary charge of the gentleman representing the Committee on Appropriations [Mr. DOCKERY],

that we are invaded with letters from the surveyors-general with reference to the question of compensation. In my case I have received no such letter, word, or syllable from the surveyor-general of Wyoming.

Mr. DOCKERY. Then the official must be satisfied with the amount of compensation fixed.

Mr. COFFEEN of Wyoming. Nevertheless, from my own knowledge of the facts, I had it in mind to move an amendment in behalf of the surveyor-general of Wyoming, when we reach that provision, similar to that offered by the gentleman from Arizona, because the situation in that case is similar to the one he describes, and I shall favor, therefore, the amendment he offers and in all other cases of surveyors-general increasing their compensation at least \$500 above the amount fixed in this bill.

It appears to me rather a strange thing, when members of the committee plead that they are giving the legal amount of appropriation in this case, that a member of their own committee, in the RECORD, on page 2212, has published a table of salaries carried by the bill which are less than the statutory requirements. I refer to the table published by Mr. BRECKINRIDGE of Kentucky a few days ago. You will find in that table that the legal limit of the salary of the surveyor-general of Wyoming is \$3,000, while the bill proposes but \$2,000. As far as it may be ground for argument, we are perfectly willing to grant that the appropriation of last year was \$3,000. That is true. But during a panic, during a time of distress and financial stringency, while that argument might apply, it can not apply now when the Secretary of the Treasury and his friends here on this floor, who represent his views on financial questions, report that there is a surplus or will be a surplus in the Treasury soon, and hence that argument falls to the ground.

Another word in reference to this question of compensation. The surveyor-general is the superintending officer over technical work. The general rule in all the Departments, with reference to salaries, is that the superintending officer shall have at least as much salary for the work he does as his subordinates and the technical workers whose work must pass under his inspection; but in the case of the surveyors-general it is well known to gentlemen here that the surveyors in the field will make from \$2,000 to \$10,000 a year, and yet when you come to the officer in charge, the superintending officer, you allow him but \$2,000 compensation. I say, then, that it is only fair that we should demand an increase in all of these cases.

Mr. HARTMAN. Mr. Chairman, I desire to occupy the floor very briefly for the purpose of concurring most heartily in the remarks of the gentleman from Arizona [Mr. SMITH], and to give notice that I shall offer an amendment increasing the salary of the surveyor-general of Montana, when that question comes up, to the same amount proposed for the surveyor-general of Arizona.

I am not going to occupy but a moment or two, as I am sure the committee is impatient; but it does seem to me that if the Congress of the United States, in the face of existing law providing \$3,000 per annum as compensation of these surveyors-general, assumes the right to arbitrarily and deliberately appropriate only two-thirds of that sum, then it would have the same right to pursue the same course with reference to any other salary. They would have the same right to cut the salary of members of Congress and provide that they shall have \$3,000 or \$4,000, as to reduce the salary of surveyors-general.

Mr. LOUD. There is not much danger in doing that, however. [Laughter.]

Mr. HARTMAN. I know there is not much danger, especially as long as we are here voting upon it ourselves.

These gentlemen who occupy the positions of surveyors-general are required to be skilled in their business and they ought to have the statutory amount. The gentleman refers to the acts of the Fifty-first Congress. I do not care what that Congress did or did not. The question is, did it do right? If so, it is well enough for this Congress to ratify it and make it general and let it be applied to all alike, North and South Dakota, as well as the other States, putting all of them on the same footing, and if you reduce one to \$2,000 let all be reduced. I hold that the salary ought to be increased, that the compensation is insufficient, and I hope the amendment will be adopted.

Mr. DOCKERY. The able and accomplished gentleman from Montana ought to be satisfied with something less than the entire earth. We gave him an assay office this morning.

Mr. HARTMAN. Mr. Chairman, let me say that no gentleman on the floor has been more courteous and generous than the gentleman in charge of this bill. I do not find any fault with him, nor do I charge parsimony in the preparation of the bill. But I think, having a knowledge of the facts, that these surveyors-general ought to have \$3,000 a year, and in the case of Montana I will make a motion to that effect.

The question being taken on the amendment of Mr. SMITH of Arizona, the committee divided; and there were—ayes 32, noes 54.

Mr. PENDLETON of West Virginia. No quorum.



The CHAIRMAN. The Chair will order tellers—

Mr. DOCKERY. I hope the amendment will be withdrawn.

Mr. SMITH of Arizona. I withdraw the amendment.

The Clerk, proceeding with the reading of the bill, read as follows:

For surveyor-general of the Territory of Arizona, \$2,000; and for the clerks in his office, \$5,000; in all, \$7,000.

Mr. SMITH of Arizona. I move to amend line 8, page 94, by inserting the words "five hundred dollars;" so that it will read "for the clerks in his office, \$5,500."

The amendment was read by the Clerk, as follows:

On page 94, after the word "thousand" in line 8, insert the words "five hundred."

Mr. DOCKERY. I hope the gentleman will not press that amendment. After a somewhat extended conference with the Senate last year we put up the amounts for clerk hire very considerably, and this is exactly the amount provided for the current year.

Mr. SMITH of Arizona. An appeal from my friend from Missouri strikes me forcefully, and nothing in the world except the sufferings of the people whom I attempt to represent here would prompt me to press this.

Mr. DOCKERY. We gave you an increase of \$2,000 on this item last year.

Mr. SMITH of Arizona. I know that, and I do not believe that the conditions which exist in my district apply so strongly to another one of these cases. The condition is simply this: We are behind. The \$2,000 additional enabled our surveyor-general to get along a great deal better, and under it he caught up to within some sixteen months of the work which had been behind in his office. These surveys are going on. People are making applications for patents for their lands. The field notes are placed in the surveyor-general's office and must lie on the table there for sixteen months for the want of clerical assistance. This means that the patents must be withheld for that length of time. The men who make the surveys in the field are many of them borrowing the money with which to do it, and they are kept out of their money and are compelled to pay 2 per cent a month for it. The result is now that when a survey is made the surveyor loses nearly all the money he attempts to make. The field notes are left in the office for sixteen months before they are sent to the Department for final settlement, and it takes about two years to get a patent after the survey is made.

Mr. DOCKERY. It will not do to increase these amounts. We gave the gentleman \$2,000 additional last year, and we give him that same \$2,000 again this year.

The amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

For surveyor-general of Montana, \$2,000; and for the clerks in his office, \$10,000; in all, \$12,000.

Mr. HARTMAN. On page 95, line 21, after the word "thousand," I move to insert the words "five hundred," making that increase in the salary.

The amendment was read, as follows:

On page 95, line 21, after the word "thousand," insert the words "five hundred dollars."

The amendment was rejected.

Mr. HARTMAN. On line 23, page 95, I desire to move to strike out the word "ten" and insert the word "eleven."

Mr. SMITH of Arizona. I should like to ask the gentleman in charge of this bill, or anyone else who knows, why it is that \$10,000 were given for clerk hire in the office of the surveyor-general of Montana, while \$5,000 are given for clerk hire in the office of the surveyor-general of Arizona? I have no doubt that the gentleman's amendment ought to carry, and I do not wish to be understood as in any way opposing it, but I should like to know about the matter. Did these figures come from the Senate or did they originate in the House?

Mr. DOCKERY. This amount is given simply because the Department made a larger estimate.

Mr. SMITH of Arizona. How much did they estimate?

Mr. DOCKERY. Fifteen thousand dollars.

Mr. SMITH of Arizona. How much did they estimate for Arizona?

Mr. DOCKERY. Ten thousand five hundred dollars.

Mr. SMITH of Arizona. And we got how much?

Mr. DOCKERY. Seven thousand dollars.

Mr. SMITH of Arizona. Now, Mr. Chairman, this appropriation has been cut down about a third, as I understand it, from the amount recommended, from the amount which the Department say ought to be given. The Department have said so, time and time again, to this House. They have estimated \$1,000 for Montana; and while my amendment has been beaten, I know the conditions of this country well enough to insist that the amendment of the gentleman from Montana [Mr. HARTMAN] should be carried. If the Department have estimated \$15,000 for that office, I know

it is needed. In every one of these cases the trouble is that in attempting to save a few dollars to the Treasury, the people on the other side of the mountains are absolutely ground to the dust. Why, these surveys have got to be made. This work must be done some time; and why put it off from year to year, and leave the work dragging along, and keep up the necessity for maintaining the office of surveyor-general for years and years in the future?

It is false economy to attempt to cut them down to the niggardly sums here given, and the full amount recommended by the Secretary of the Interior, especially for the clerks for these offices, ought to be given him, and thereby give what the public land offices need. I hope the amendment of the gentleman will carry.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For surveyor-general of the Territory of New Mexico, \$2,000; and for clerks in his office, \$7,000; in all, \$9,000.

For fuel, books, stationery, and other incidental expenses, \$1,000.

Mr. JOSEPH. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

On page 96, line 11, strike out \$2,000 and insert \$2,500.

Mr. JOSEPH. Mr. Chairman, I believe that the surveyor-general of New Mexico ought to be made an exception to this rule, for the reason that the law creating the United States Court of Private Land Claims for certain States and Territories increased the duties and responsibilities for the surveyor-general of New Mexico tenfold. Under and by virtue of that law he is required to approve and plat the surveys of over 5,000 private land claims in the Territory of New Mexico. That has materially increased the duties and responsibilities of that official, and for that reason I hope the committee will restore his pay to \$2,500.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For surveyor-general of Oregon, \$2,000; and for the clerks in his office \$5,000; in all, \$7,000.

For fuel, books, stationery, pay of messenger, and other incidental expenses, \$1,000.

Mr. HERMANN. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

In line 21, page 96, after the word "thousand," insert the words "five hundred;" so as to read: For surveyor-general of Oregon, \$2,500.

Mr. HERMANN. Mr. Chairman, the very competent gentleman who now occupies the position of surveyor-general from my State is different from myself as to his political views, being an appointee of the present Administration; but I must take this position in his case as I have heretofore in the cases of the surveyors-general who were of my own political faith, upon the ground of merit alone. I want to say this to the committee, looking to the difficulties which now surround the services of the surveyor-general, that they are tenfold greater than they ever have been before, owing to the fact that the class of lands which were easy to survey, the plains and level lands of the West, are now largely completed so far as surveys are concerned, and in the surveys which now remain are confined to the mountainous in character, being largely through dense timber and brush; and therefore they are difficult and complicated to survey.

Then, again, there is this to be said to the committee, that since the adoption of public surveys by surveying contracts, a great part of the work that heretofore involved the Interior Department now devolves on the surveyors-general of the different States, making the amount of work they are now doing twofold what it formerly was. Then it is necessary for the surveyor-general to supervise, to inspect, and to examine the surveys under two or three contracts as to the same lands, thereby adding very materially not only to his labors, but also including the complications which surround the public surveys. Now, as to my State, there are at least 30,000,000 acres of public land yet to be surveyed.

There is this further to be said, that there is a greater demand for the surveys of the remaining portion of the public lands in the West than ever before, because of the ceaseless tide of immigration that is sweeping all over that portion of the unsurveyed public land system. There is greater necessity for having additional clerical assistance for the surveyor-general, and also for having men who are competent, who have had sufficient experience to take charge of this great region which is to be surveyed. Therefore it occurs to me that we should fix the salary here at such a figure as to offer inducements to the men actually most capable known to the surveying profession of the United States, in order that we may avoid the great number of errors which are constantly arising in the surveyor-general's office, which in turn come before the Interior Department, thereby not only increasing the expense of the party for the survey, but also delaying those who are entitled to a title on the public lands from getting that which they have earned of the public lands of the United States.

I ask, Mr. Chairman, that this committee be generous, be just, as well as somewhat more enlightened than we have been heretofore in regard to the survey of the public lands.

Mr. PAYNE. Will the gentleman yield to me for a question?

Mr. HERMANN. Certainly.

Mr. PAYNE. Do you expect there will be any change in the efficiency of these officials if the salaries are increased.

Mr. HERMANN. I may say to my friend that I am looking at the question entirely aside from partisanship or patronage.

Mr. PAYNE. I understood the gentleman to say that he wanted this increase in the salary in order to get the best talent.

Mr. HERMANN. Yes, sir.

Mr. PAYNE. Do you expect there will be any change in the talent if you get the increase of this salary?

Mr. HERMANN. I will say to my friend that I fear that men of ability enough to occupy these places will leave their positions unless the salary is made sufficient, and men of less ability will take their places.

Mr. COOMBS. Oh, no; you need not be afraid of that.

Mr. PAYNE. Did you ever know of any of these gentlemen occupying these offices resigning? [Laughter.]

Mr. HERMANN. I have occasionally, in my life.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For surveyor-general of Washington, \$2,000; and for the clerks in his office, \$0,500; in all, \$11,500.

Mr. DOOLITTLE. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 97, line 14, after the word "thousand," insert "five hundred;" so as to make the clause read: "For surveyor-general of Washington, \$2,500."

Mr. DOOLITTLE. Mr. Chairman, I ask to have read in connection with this amendment an extract from the estimates of the surveyor-general of Washington.

The extract was read, as follows:

Surveyor-general's salary	\$3,000
Salaries of clerks in his office	13,300
	16,300
For rent of office, books, stationery, building plats and field notes, lights, fuel, pay of messenger, and other incidental expenses	2,000
Total	18,300

Mr. DOOLITTLE. Now, I desire to ask the gentleman in charge of this bill why it is that the allowance for Montana is \$12,000, while it is only \$11,500 for Washington. It certainly must be well known to that gentleman and the Committee on Appropriations that the public-land surveys which are being carried on in Washington are largely in excess of those that are being carried on in Montana, and therefore I would like to know the reason for the difference between the allowances. I wish to ask further whether this is not a cutting down of former appropriations for these purposes, apart from the salary of the surveyor-general.

Mr. DOCKERY. There is a difference in the estimates. In 1891 your State got for these purposes \$10,000; in 1892, \$10,000; in 1893, \$10,000; in 1894, \$10,500. This bill gives you \$11,500, which is a thousand dollars more than you got last year or than you ever got before.

Mr. DOOLITTLE. I thought that the appropriation last year was \$12,000, the same as that for Montana.

Mr. DOCKERY. No, sir.

Mr. DOOLITTLE. Well, I may be mistaken about that; but, Mr. Chairman, I desire to insist upon my amendment for all the reasons that have been stated here in support of the amendments which have been offered in reference to the surveyors-general of other States.

Mr. DOCKERY. And for other reasons to be assigned later on. [Laughter.]

Mr. DOOLITTLE. Yes, sir.

The amendment was rejected.

The Clerk read as follows:

For surveyor-general of Wyoming, \$2,000; and for clerks in his office, \$4,800; in all, \$6,800.

Mr. COFFEEN of Wyoming. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 97, line 20, after "two thousand," insert "five hundred;" in line 21, strike out "four," before "thousand," and insert "six;" and in line 22, strike out "six" and insert "eight."

Mr. COFFEEN of Wyoming. Mr. Chairman, I am surprised that with all the efforts we have put forth here for the purpose of increasing to a reasonable degree the salaries of some of these Western officers, we are met with constant defeat. I have voted for all the amendments that have been offered by gentlemen representing Western constituencies, and I desire now to call special attention to the situation in Wyoming. With a mountainous and unsettled region where it is difficult to carry on surveys, we have been cut down by this bill to \$5,800, while Montana on the north gets \$10,000, Idaho on the west \$10,000 or \$11,000, and Colorado on the south \$10,000. Those are the allowances made in these other cases, but when it comes to Wyoming, where the need is certainly not less than in any of these other States, you cut us down to one-half the amount.

Now, I am not asking this committee to increase the appropriation for Wyoming even up to the amount given to Montana, or Idaho, or Colorado, which surround us and which have only equivalent work, although I think that would be only fair; but I do ask that you will give us at least \$2,000 more than the amount in the bill, making the appropriation for Wyoming \$8,000 as against ten or eleven thousand for these other States. We will try to be satisfied with that very moderate increase, and we ask our Democratic friends here to consider this question on its merits, to look at the equities of the case, and not always to vote pro forma for the report of the Committee on Appropriations. I ask you gentlemen to give this Western country the fair play which it deserves. I ask for a vote on this amendment which I have offered.

The question being taken on the amendment of Mr. COFFEEN of Wyoming, the Chairman declared that the yeas seemed to have it.

Mr. COFFEEN of Wyoming. I ask for a division.

The committee divided; and there were—ayes 13, yeas 73.

So the amendment was rejected.

The Clerk read as follows:

Office First Assistant Postmaster-General: For First Assistant Postmaster-General, \$4,000; chief clerk, \$2,000; superintendent of salary and allowance division, \$2,700; superintendent of post-office supplies, \$2,000; superintendent of free delivery, \$3,000; assistant superintendent of free delivery, \$2,000; three clerks of class 4; nine clerks of class 3; eight clerks of class 2; nine clerks of class 1; eight clerks, at \$1,000 each; three clerks, at \$900 each; six assistant messengers; nine laborers; two pages, at \$380 each; Superintendent of the Money-Order System, \$3,500; chief clerk, \$2,000; six clerks of class 4; eight clerks of class 3; five clerks of class 2; six clerks of class 1; six clerks, at \$1,000 each; two clerks, at \$900 each; one assistant messenger; one engineer, \$1,000; one assistant engineer for additional building for Auditor for the Post-Office Department, \$1,000; one fireman; four watchmen; one conductor of elevator, \$720; four charwomen; one female laborer, \$490; and ten laborers; Superintendent of Dead-Letter Office, \$2,500; one clerk of class 4, who shall be chief clerk; one clerk of class 3; three clerks of class 2; ten clerks of class 1; twenty-four clerks of class 1; twenty-eight clerks, at \$1,000 each; thirty-three clerks, at \$900 each; one assistant messenger; six laborers; four female laborers, at \$480 each; in all, \$283,300.

Mr. LOUD. Mr. Chairman, I observe that the salary of the superintendent of the salary and allowance division is made \$2,700. I would like to ask whether that is not an increase of \$500.

Mr. DOCKERY. It is.

Mr. LOUD. While this amount is only \$500, I think we ought to take into consideration the direction in which we are drifting in the Post-Office Department. The Democratic party rode into power some years ago on the cry of retrenchment and reform, and it did practice for a time, especially while the Republican party was in charge of the general administration, the doctrines upon which it had got into power. But this fact now confronts us as regards the Post-Office Department, that its expenditures have been increasing during the last two years in a greater ratio than ever before in our history, and this in the face of a constant decrease in the receipts of that Department. Now, it seems to me that we ought to practice "economy and reform" all along the line. I have seen the gentleman from Missouri [Mr. DOCKERY] in charge of this bill work himself almost into a passion in denouncing the extravagance of the "billion-dollar Congress," and other gentlemen here have indulged in the same kind of denunciation. Now, I am willing to admit that the office of chief of the salary and allowance division in the Post-Office Department is one of the most important in the Government service.

The salary may not be too large, but I know that from this office emanates much of the increase of expenditures in the Post-Office Department. If the salary of this officer should have been \$2,700 per year that fact should have been demonstrated to Congress long ago.

A gentleman near me asks whether Mr. Scott still holds this position. I understand he does not. I am free to say on the floor of this House that I never had any particular or special admiration for the gentleman referred to because I was never able to get any recommendations of appropriations from him. I beg to suggest to the House that as soon as Mr. Scott was removed and a good Democrat put in his place a recommendation of this increase of salary is brought before this House.

Now, Mr. Chairman, I do not propose to be very persistent in regard to this matter. I have simply desired to bring it to the attention of the House.

Mr. COOMBS. Mr. Chairman, in relation to the increased compensation of this officer, the committee looked into the matter very carefully. We were anxious not to increase the expenditures one dollar beyond what was necessary. But after a full investigation of the matter the committee decided to meet partially the views of the Postmaster-General in this respect. The gentleman who had charge of this department, which is a very important one, involving a vast amount of detail, is a very capable officer, highly appreciated on account of his executive ability, a man who for the performance of a similar class of work in the private walks of life, in any commercial enterprise or in any railroad corporation, would command a salary of \$5,000 a year.

As I have said, the committee was anxious that there should be



no unnecessary increase of expenses; but after looking into the matter two or three times the increase was finally consented to, and I hope the Committee of the Whole will sustain it.

Mr. DOCKERY. I hope the gentleman from California [Mr. LOUD] will withdraw his amendment.

Mr. LOUD. After the able exposition of this case by the gentleman from New York [Mr. COOMBS] I withdraw the amendment. [Laughter.]

The Clerk read as follows:

Office of the Solicitor of the Treasury: For Solicitor of the Treasury, \$4,500; assistant solicitor, \$3,000; chief clerk, \$2,000; three clerks of class 4; three clerks of class 3; four clerks of class 2; one assistant messenger; and one laborer; in all, \$23,680.

Mr. HEPBURN. I move to amend the paragraph just read by striking out "three" where it occurs the second time in line 4 and inserting the word "four;" and by striking out the word "four" in line 5 and inserting "three;" so as to read "four clerks of class 3; three clerks of class 2."

The purpose of this amendment is to enable the stenographer of this bureau to be placed on the same footing as the other stenographers of his grade and class. I have talked with the chairman and other members of the committee on this subject, and I think there is no objection to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Circuit court of appeals: For nine additional circuit judges, at \$6,000 each; for nine clerks, at \$3,000 each; in all, \$81,000.

Mr. TERRY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the paragraph just read the following:

"Provided, That said clerks shall make annually, within thirty days after the 30th day of June, to the Secretary of the Treasury a return of all costs collected by them in cases disposed of during the preceding year by said courts, and, after deducting the incidental expenses of their respective offices, including clerk hire, and their compensation as provided by section 9 of the act of March 3, 1891, establishing the circuit courts of appeals, not exceeding \$500, said expenses to be certified by the senior circuit judge of the proper circuit, shall pay any surplus of such costs that may remain into the Treasury of the United States at the time of making said return: *Provided further*, That each circuit court of appeals shall be entitled to retain and have expended, under the direction of the Attorney-General, for law books for its use, one-half of such surplus accrued therein for the fiscal year 1896."

Mr. DINGLEY. I reserve a point of order upon this amendment on the ground that it is new legislation.

Mr. TERRY. I do not think the amendment is obnoxious to a point of order; and if it should be, I hope my friend from Maine will not insist on the point. This is a very necessary matter. By communications received from the judges of the circuit courts of appeals, it is made apparent that they need this appropriation to purchase law books. You give here to the Attorney-General's Office \$1,000 for the purchase of additional law books, although that office already has a library. You give to the Department of Labor \$1,000 for the purchase of books. But here are these circuit courts of appeals, high tribunals charged with the most important duties, and they have absolutely no library at all.

Attention has been called to this matter by different judges of the courts of appeals, and from letters I have received myself I know how important they regard it; and I am satisfied that this proposition is in the interest of economy, as it will conduce to the prompt dispatch of business if these judges should be furnished with a convenient library. Under the present circumstances, when some knotty question is brought up, they are often obliged to send out in order to get books of reference. If it is necessary that the Supreme Court should have a library, it is just as necessary that these courts of appeals should have, as the greater proportion of business stops with them—never gets to the Supreme Court at all.

My amendment is in the identical language employed in the last appropriation bill, the only change being the insertion of 1896 instead of 1895. I trust that my friend from Maine will not object to the proposition either by a point of order or otherwise.

Mr. DINGLEY. Mr. Chairman, my objection to the amendment proposed by the gentleman from Arkansas does not lie in the fact that it is an appropriation for the purchase of a library for the court of appeals, but to the method by which it proposes to reach the desired end. In the first place, under the law enacted last year all of these fees must be covered into the Treasury. Then in the last appropriation bill, on motion of the gentleman from Arkansas himself, a proviso was added to which we consented with the understanding that it was to be for the current year only—a proviso that one-half of the fees might be reserved for the purchase of a library for the court of appeals. I consented to the enactment of that proviso on the assumption that it applied only to the current year. But the principle involved is entirely wrong. The fees should be covered into the Treasury absolutely and fully; and if then an appropriation is to be made for the purchase of a library or for any other purpose, it should be made in the ordinary way directly. Otherwise, of course, we can have no knowledge of, or check on, the expenditures.

Has the gentleman from Arkansas the information which will enable him to state the amount of the expenditure for this purpose during the year?

Mr. TERRY. I have not at hand. I telephoned to the Attorney-General this morning for the information, but have not yet received it.

I will state to my friend from Maine, however, that he is mistaken as to how the appropriation got on the bill of last year. It was not entirely on an amendment of mine—

Mr. DINGLEY. But at the request of the gentleman from Arkansas it was included, under the expectation that it was to apply simply to this year—the current year. There was no expectation that it was to be repeated. If there had been I certainly should have opposed it, because I object to the principles involved.

Mr. TERRY. I had introduced a bill making a permanent provision, the gentleman will remember—

Mr. DINGLEY. You introduced the bill, but objection was made.

Mr. TERRY. And the committee, instead of taking my view of the matter—that is, instead of making it permanent—made it applicable to the one year only, and I then had an amendment made to the proposition as reported by the committee.

Mr. DINGLEY. That is correct. It was only for the one year, and for the reason I have stated.

The committee will perceive that the gentleman from Arkansas is not able to give us the information as to the amount expended this year. We have no positive information as to how much money was actually expended on this account; and that is the evil of this form of appropriation. We do not know the amount that will be expended and have no check whatever on the expenditure.

I would say, with all due deference to my friend from Arkansas, that if it is proposed to make this appropriation for the library it should be a direct appropriation and the fees covered entirely into the Treasury. If it was to continue for the next fiscal year only perhaps I should not object, but as a permanent system I do most seriously object to it.

Mr. TERRY. I am not asking to make it permanent now. I think from the letter I showed to the gentleman from Maine this morning from one of the judges, that the provision if made in this bill for one year will be sufficient.

Mr. DINGLEY. My impression is that we shall find the same application coming to us next year.

Mr. TERRY. I will agree with the gentleman from Maine that if I bring it forward again he may object to it. Let me have it now, and I am quite sure it will not be necessary to repeat it.

Mr. DINGLEY. As far as I am concerned, I wish to say that if the system will terminate with the pending bill, and in the future if such an appropriation is desired that it shall be made directly. I will withdraw my objection for this time.

Mr. TERRY. I think I can assure the gentleman on that point. I am very much obliged to him.

I ask a vote on the amendment.

The amendment was agreed to.

The Clerk read as follows:

Hereafter every officer required by law to take and approve official bond shall cause the same to be examined at least once every two years for the purpose of ascertaining the sufficiency of the sureties thereon; and every officer having power to fix the amount of an official bond shall examine it to ascertain the sufficiency of the amount thereof and approve or fix said amount at least once in two years and as much oftener as he may deem it necessary.

Mr. HEPBURN. Mr. Chairman, I hope the gentleman in charge of the bill will give some explanation of this provision. It seems to me that the legislation would be faulty. For instance, there are some bonds that are required by one officer and are approved by another.

Mr. DOCKERY. This paragraph was prepared by the Solicitor of the Treasury in connection with the Postmaster-General and a number of other gentlemen.

Mr. HEPBURN. But is it practicable to carry it out? Here are bonds, for instance, approved by the Solicitor of the Treasury and deposited with the Comptroller. He has no control over the bonds from that time. This provides that it is made the duty of the officer who takes the bond to examine into the sufficiency of the sureties every two years; but at the same time the bond may be in the custody of another man. It also requires the officer who has power to fix the amount of the bonds to examine as to the sufficiency of the amount at least once in two years when he may not have it under his control.

Mr. DOCKERY. The Solicitor of the Treasury reviewed it and has informed us that it is desirable to have it enacted into law. We find on an investigation of the matter that the present system is all chaotic. This does not disturb the existing law as to fixing the amount of the bonds or their approval; but in the case of an officer where he has power to take and approve a bond it is his duty to examine as to the sufficiency of it and also to ascertain whether the sureties are solvent from time to time.

Mr. HEPBURN. But here is the difficulty. The section provides that—

Hereafter every officer required by law to take and approve official bonds shall cause the same to be examined at least once every two years, etc.

Now, there are a number of bonds required by one officer and approved by another officer.

Mr. DOCKERY. That is true, but wherever he has taken or approved an official bond, it matters not where the bond may be, it is his duty to examine it. This provision was very carefully examined by the Postmaster-General and the Solicitor of the Treasury, and I believe it is correct.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 6. Section 3711 of the Revised Statutes is amended, to take effect on and after July 1, 1895, to read as follows:

"Sec. 3711. It shall not be lawful for any officer or person in the civil, military, or naval service of the United States in the District of Columbia to purchase anthracite or bituminous coal or wood for the public service except on condition that the same shall, before delivery, be inspected and weighed or measured by some competent person, to be appointed by the head of the Department or chief of the branch of the service for which the purchase is made from among the persons authorized to be employed in such Department or branch of the service. The person so appointed shall ascertain that each ton of coal weighed by him shall consist of 2,240 pounds, and that each cord of wood to be so measured shall be of the standard measure of 128 cubic feet. Each load or parcel of wood or coal weighed and measured by him shall be accompanied by his certificate of the number of tons or pounds of coal and the number of cords or parts of cords of wood in each load or parcel."

Mr. PENDLETON of West Virginia. I desire to make a point of order to this section, that it changes existing law and does not reduce expenditures. At the present moment the inspectors of coal and wood are not paid by the Government as such inspectors. They are paid by fees which they receive from the contractors who furnish the Government with coal and wood.

Mr. DOCKERY. The point of order can not be well taken, because on the 30th of January this bill was referred to the Appropriations Committee, with leave given by the House to insert it in this bill.

Mr. PENDLETON of West Virginia. If the Chair holds that this point of order is not well taken I desire to move to strike out the entire section.

The CHAIRMAN. The Chair understands the gentleman from Missouri to state that leave has already been given by the House to insert the section in this bill.

Mr. DOCKERY. Yes, on the 30th of January.

The CHAIRMAN. That being so, the Chair overrules the point of order.

Mr. PENDLETON of West Virginia. I move to strike out section 6. The law at present provides that the officials who inspect or weigh the coal and wood delivered to the different Departments shall be paid not by the Government but by the contractor, 20 cents on each ton of coal that is weighed and 9 cents on each cord of wood. This provision does not save anything to the Government. It simply saves to the contractors, and the Government employs men to do this work who are doing other work at small pay and who take these places because the fees give them additional pay. If this section be suffered to remain in the bill it will simply save the contractors from paying for the inspection of this coal and wood and will compel the Government to make provision for it.

Mr. COOMBS. Do you not think that the contractor can afford to furnish his coal or wood at a less price if he does not have to pay these fees?

Mr. PENDLETON of West Virginia. I do not think he would do so. I do not think it would enter in his contract price at all. I do not believe he would make any less contract with the Government, and at the same time the Government would have to pay the salaries to these people. It is hard work. They have to be up early in the morning, sometimes as early as 3 and 4 and 5 o'clock, to do this weighing. The men who do it at present are mainly laborers, and the increased compensation that they get in the way of these fees is relied upon by them for their pay. This will simply work a saving to the contractors and not to the Government.

Mr. DOCKERY. I want to say a word in reply to my friend. In the first place he is in error in the statement that these positions are held by laborers in the main. That is true as to one or two, but in the War Department the position is held by an eighteen-hundred-dollar clerk, who receives about \$1,200 fees additional. In the Treasury Department the position is held by an assistant custodian who gets \$1,200.

Mr. PENDLETON of West Virginia. Will the gentleman allow me to ask him a question?

Mr. DOCKERY. Certainly.

Mr. PENDLETON of West Virginia. Who holds this position in the War Department?

Mr. DOCKERY. I believe a gentleman by the name of Thorpe.

Mr. PENDLETON of West Virginia. The gentleman whom I know holds the place, and whom I have always understood does the weighing for the War Department, for the White House, and for the Monument, is a laborer.

Mr. DOCKERY. I hold in my hand the following letter:

STATE, WAR, AND NAVY, January 8, 1895.

The person now designated under section 3711 of the Revised Statutes to inspect coal and wood purchased for the State, War, and Navy Department building holds an appointment under the War Department as clerk of class 4, and receives a salary of \$1,800 per annum. He has inspected about 5,000 tons of coal and about 150 cords of wood for which the contractor should have paid him about \$1,013.50.

THOM WILLIAMSON,  
Chief Engineer, U. S. N. S.

Hon. ALEX. M. DOCKERY.

Mr. PENDLETON of West Virginia. I refer to the man who does this work for the White House and Monument.

Mr. DOCKERY. This letter is dated January 8, 1895. That is the only information I have.

Mr. PENDLETON of West Virginia. That is certainly a mistake, because there is a constituent of mine, a laborer, who does it and who gets all the fees.

Mr. DOCKERY. That is another man. In the Department of Justice there is a clerk who gets \$1,200. This case is simply this: Under the statute as it exists now gentlemen in the public service are designated to weigh coal and wood. They receive certain compensation.

That compensation, of course, is in addition to the regular salary, or a salary paid by these contractors to these persons so designated, in round numbers, according to official statements, of \$8,475.65 in all the various Departments. Of course the fact that these fees are to be paid by the contractors appears in the advertisement. It therefore costs the Government just that much more for coal than it otherwise would—that is \$8,475, assuming these figures to be correct. Then, again, in the opinion of the committee the fee system is objectionable at every point. We know that in the operations of the Department of Justice the effort has repeatedly been made to supplant the fee system there with a salary list; and the committee believe that men already in the Government service who are fully compensated should be designated to perform this service without additional cost to the Government, and the result will be a saving of at least \$8,500 in the price of coal. It will also have the effect of removing temptation to give large weights from those engaged in connection with this work of weighing, and the Government should have its own agents to inspect the coal without putting these gentlemen under any obligation to the contractors.

Mr. PENDLETON of West Virginia. By the present law the persons who are performing this duty are under official bond in the amount of \$5,000 to secure the faithful performance of their duties, and they each receive 20 cents a ton from the contractors. Now, under the present section in this bill the Government will simply have to take men from other duties in order to perform this service, and they have to rely upon that for their fees.

Mr. DOCKERY. It takes them now, and then pays in addition.

Mr. PENDLETON of West Virginia. It takes the man to whom I am calling your attention. This work is done by men who get the fees and a small salary; whereas, if you adopt this plan, the salaries will have to be increased.

Mr. DOCKERY. Let us have a vote, if the gentleman is through.

The amendment was rejected.

Mr. CRAWFORD. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

After line 2, page 117, insert:  
"Provided, That this section shall not apply to or affect persons designated who are not receiving \$900 salary or more than \$400 in fees."

Mr. CRAWFORD. Mr. Chairman, the gentleman from Missouri [Mr. DOCKERY] makes his fight against the coal weighers because he says they are getting large fees.

Mr. DOCKERY. The gentleman is mistaken. My objection was against the whole fee system.

Mr. CRAWFORD. That was the object of it. The gentleman referred to the War Department, where the party who does this weighing gets \$1,800 in salary and about \$1,200 in fees.

Mr. DOCKERY. That is true of that Department.

Mr. CRAWFORD. Now, then, that salary is sufficient perhaps to enable that man to discharge this duty as to that office, but the gentleman ought not to strike out the other men, laborers perhaps, who get small wages and who are doing this work out of office hours frequently. The gentleman ought to know that the Department can not designate men to do this work out of the regular office hours. They can not designate men to go there at 7 o'clock in the morning and work at this employment until 6 o'clock or 7 o'clock in the evening, as the case may be.

Mr. DOCKERY. That can be done under this law.

Mr. CRAWFORD. It ought not to be so. These men who are doing this weighing and getting 20 cents a ton have to give bond in the amount of \$5,000. They have to go to the surety companies, and, as they require 1 per cent, they would have to pay \$50 for making that bond.



Mr. DOCKERY. They would come under the new law.

Mr. CRAWFORD. But the bond is running, and they have already paid.

Mr. DOCKERY. But the gentleman will understand that this does not take effect until the 1st of July.

Mr. CRAWFORD. But still these parties who do the weighing have to go to work and do it out of regular hours. They commence with this work long before the other people of the Department are at work and they work until 6 or 7 o'clock in the evening if it suits the contractor to deliver at that time. How are you going to compel these employees to do it? You can not do it out of the regular hours, and you would not ask these men to render longer service than the other people in the Department. I do not think it is just and proper that it shall be forced upon them. They are getting very small wages in the majority of instances. Now, because some men do get a larger amount, why does the gentleman want to strike at the other men, the laborers, who are designated, some of whom are only getting \$700 or \$800 a year. If they do get 20 cents a ton for weighing the coal it does not amount to more than \$300; and the Government does not pay it. It is paid by the contractor. Now, if you want to favor the poor men who are getting very small wages, you ought to make the exception in the case where the work is done by laborers.

Mr. TAYLOR of Indiana. Have you a constituent doing that work in one of the Departments?

Mr. CRAWFORD. I have one, in the Agricultural Department, who is getting \$800 and the fees for weighing coal, amounting to \$300; making in all about \$1,100. Is it right and proper to eliminate this small sum? Will this House cut down the compensation of a man who is as competent as many who are getting better salaries? Will they allow such a man to be designated and be required to work from 7 o'clock in the morning until 6 o'clock at night perhaps, while the other employees of the Department are only required to work from 9 until 4? That would not be fair. The head of that Department can not designate a man to do this work except in the regular hours of the Department. Ordinarily these duties are performed after the Departments close. The hours of the Departments do not correspond with the hours of the business people of the city. I want to ask the gentleman how he is going to get over that? How are you going to designate men to commence this work at 7 o'clock in the morning and continue it until 6 o'clock in the evening. The Department has no authority over the employees before and after the regular hours. This is the reason fees were allowed. Would you have them do this extra work for nothing while others who are connected with the Department have gone to their homes and are sitting by their warm firesides?

Mr. DOCKERY. How does the gentleman say it is done?

Mr. CRAWFORD. You must have uniform rules; you can not work one man ten hours a day and another six.

Mr. DOCKERY. The law expressly provides for not less than seven hours a day, and then it provides that the head of a Department can extend or limit it. That rests with the head of the Department. The work may not exceed eight hours.

Mr. CRAWFORD. You can not make the contractors keep those hours. You have to meet them within the business hours of the city. Why do you not provide that these men designated to do this work shall not meet these contractors at different hours from the Department hours? Why do you not provide an increase of their salaries to meet that objection? I say that this is a serious objection to your reform, and I do not believe that this House will enforce such a rule upon men who are getting small salaries so as to require them to do this work for nothing when it does not cost the Government a cent as the law now is.

Mr. DOCKERY. The Government can fix the time for the delivery of the coal. They will be very glad to deliver it at any time that is fixed by the Government, and they will make a very handsome profit, too.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

The question being taken on the amendment of Mr. CRAWFORD, the Chairman declared that the yeas seemed to have it.

Mr. CRAWFORD. I ask for a division.

The committee divided; and there were—ayes 9, noes 65.

So the amendment was rejected.

The Clerk read as follows:

SEC. 8. Section 2 of the act of Congress approved May 14, 1880, for the relief of settlers upon the public lands, is repealed. Contests and rights already initiated shall not be affected by this repeal.

Mr. PICKLER. Mr. Chairman, I reserve the point of order against the provision just read.

Mr. DOCKERY. That is useless. I will say to the gentleman that this was reported to the House by the Joint Commission of Congress with the recommendation that it be referred to the Committee on Public Lands; it was so referred and was reported from that committee and referred to the Committee on Appropriations with the right to incorporate it in an appropriation bill.

Mr. PICKLER. I withdraw the point of order.

Mr. HAINER of Nebraska offered the following as a substitute for section 8:

That section 2 of the act of Congress approved May 14, 1880, for the relief of settlers upon the public lands be amended to read as follows:

"SEC. 2. In all cases where any person has contested, paid the land-office fees, and procured the cancellation of any preemption, homestead, or timber-culture entry he shall be notified by the register of the land office of the district in which such land is situated of such cancellation, and shall be allowed thirty days from date of such notice to enter said lands: *Provided*, That the contestant shall in all cases in his affidavit of contest allege and on the hearing prove that he institutes said contest in good faith and for the sole purpose of entering and holding the lands covered thereby under the homestead laws of the United States as and for his home, and that he will in all respects comply with the homestead laws in relation to said entry: *Provided further*, That said register shall be entitled to a fee of \$1 for giving such notice, to be paid by the contestant and not to be reported. Contests and rights already instituted shall not be affected by this amendment."

Mr. DOCKERY. Mr. Chairman, I make the point of order against that substitute that it changes existing law, does not reduce expenditures, and is not germane.

Mr. HAINER of Nebraska. Mr. Chairman, the substitute which I have offered certainly would not change existing law any more than the section in the bill does.

The CHAIRMAN. No; but the House has already made the section in order by giving the Committee on Appropriations permission to insert it in the bill.

Mr. HAINER of Nebraska. If that is so, then it must certainly be in order to amend the section. It is not yet the law, and if authority was given to insert it in this appropriation bill, that carries with it the right to propose amendments. Then, as to the other point, my amendment is certainly germane to this section.

Mr. PICKLER. Of course it is. This substitute is simply the proposition that is in the bill, except that it contains a provision to protect bona fide settlers. It is exactly the same, only that it saves to bona fide settlers the right to make contests, and it certainly is in order.

Mr. HAINER of Nebraska. Mr. Chairman, I trust the gentleman from Missouri will withhold his point of order.

Mr. DOCKERY. I will reserve the point of order if the gentleman from Nebraska wishes to be heard.

Mr. HAINER of Nebraska. Mr. Chairman, I am in full sympathy with section 8. Its purpose is to correct an evil which has grown up under our land laws, which have been so construed as to put a premium upon contests in land cases where those contests were not meritorious.

It is proposed by this amendment to break up that practice under which meritorious settlers have been blackmailed, and at the same time to allow settlers who in good faith and for the purpose of making their homes upon the land desire to institute contests to do so. Certainly, we do not propose by this legislation to inhibit contests which are founded in good faith and have a meritorious basis. We ought to protect meritorious contests and at the same time put down the practice of blackmailing which has grown up. Now, the amendment which I propose is to amend an old law giving the preference to such persons as have a meritorious case and as, on the hearing, prove that they institute the contest in good faith and for the purpose of making the land their home, in compliance with the homestead laws. Such an amendment is certainly meritorious, and its justice and desirability I am sure will commend themselves to Western Representatives here who are interested in perfecting our public-land laws.

Mr. DOCKERY. I ask for a ruling.

The CHAIRMAN. Section 8 of the bill provides that section 2 of an act of Congress approved May 14, 1880, for the relief of settlers upon the public lands, shall be repealed, and a saving is then made in favor of contests already initiated. The amendment which is proposed by the gentleman from Nebraska does not repeal that section, but simply modifies it. The Chair, therefore, overrules the point of order, and the question is on the amendment of the gentleman from Nebraska.

Mr. McRAE. Mr. Chairman, I desire to offer an amendment to the amendment.

The amendment to the amendment was read, as follows:

*Provided further*, That nothing herein shall prevent the sending of any contest to the board of equitable review for adjustment, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Mr. HAINER of Nebraska. I accept the amendment.

Mr. McRAE. Mr. Chairman, if the amendment of the gentleman from Nebraska is to be adopted, this proviso should be added. I believe that section 2 of the act of May 14, 1880, has conducted to more blackmail, oppression, and fraud, and more annoyance to settlers than all other influences combined. Since the passage of that law all kinds of land contests in the local land offices, the General Land Office, and in the office of the Secretary of the Interior have been piling up, until to-day they stand as an obstruction in the way not only of the cases that are contested, but of other cases that ought to be settled and passed to patent. The settlers are harassed, and nobody benefited except the lawyers and land agents who hang around the local land offices and the Land Office here. Occasionally a contestant that prosecutes

under that law does so in good faith and for the honest purpose of exposing a fraud and to honestly acquire a home, but such is not the rule by any means.

The most trivial technicalities are taken advantage of to disturb the peace and quiet of communities and to arrest the titles of honest settlers who have tried to comply with the law and earnestly desire to acquire homes under it. Unless some reasonable modification of the law can be made, I believe it ought to be repealed. If there be a class of people in the world for whom I have a supreme contempt, it is that class who go around and by reason of having access to the records of the land offices here or elsewhere find defects in the entries of poor illiterate settlers and then contest their claims, either for blackmailing purposes or even for the purpose of appropriating their homes which they have undertaken to acquire under the public-land laws. They breed discord and trouble in the settlement as well as injure good citizens. They are a meddlesome set that deserve and generally receive the contempt of all good citizens.

When this law was passed the preemption law and the timber-culture law were in force, and the commutation period under the homestead law was only six months. Under these laws many frauds were committed, and there was some excuse for giving this preferential right to contestants; but there is but little use for it now.

[Here the hammer fell.]

Mr. McRAE. I should like to have a few moments more.

Mr. DOCKERY. I ask unanimous consent that the gentleman have five minutes more.

There was no objection.

Mr. McRAE. If you will refer to the records of contests in Oklahoma, where the land is valuable, you will find that thousands and thousands of speculative contests have been instituted, and many honest men have been compelled to abandon their improved homes after being pauperized by contest after contest. Many of the claims are not worth what the contests have cost the parties. The same condition in less degree exists all over the public-land States where lands are valuable. Whatever step may be thought necessary in the future, the best thing for us now to do is to say to these despicable characters who hang around the land offices for the purpose of disturbing honest settlers under the law that there shall no longer be a premium upon such conduct. Let the Government make the examination. Why not? It has plenty of time. It has seven years in which to detect any fraud in homestead entries. Better by far that there should be some entries passed that may be erroneous or even fraudulent than to thus invite this wholesale litigation, with all the expense and evils that must necessarily follow it. I am not opposed to a fair modification, but I am not prepared to support this amendment without further consideration.

[Here the hammer fell.]

Mr. HAINER of Nebraska. Mr. Chairman, I think the gentleman from Arkansas [Mr. McRAE] misapprehends the purpose of this amendment. It provides that the contestant shall in his affidavit of contest allege and on the hearing prove that he proposes to take the land as and for his home. It throws the burden upon him. The gentleman should not confound the blackmailing cases to which he has referred with the cases sought to be protected by this amendment. The amendment makes but a single exception in the general rule, and it looks to the protection of the settler.

Mr. PICKLER. This proposition is recommended by the Commissioner of the General Land Office. Here is his letter recommending it.

Mr. SMITH of Arizona. As the gentleman from Nebraska will remember, I had a conference with him in regard to this amendment. I have thought over the matter since, and I want to ask him whether he thinks the requirement of an oath that the contest is made in good faith is going to be any obstacle in the way of a man who intends to blackmail the settler who has nothing but a mere technical defect in his title. Will not the contests be made just the same under this amendment as under the old law? You may require proof of bona fides and all that, but will not the blackmailing of every settler who has the least technical defect in his title go on just the same?

Mr. HAINER of Nebraska. I think not, because the contestant must not only allege, but on the hearing prove that he intends to take the land as and for his home.

Mr. SMITH of Arizona. But the title of the settler is put in jeopardy, and his money may be gone before that proof is required.

Mr. HAINER of Nebraska. No; the proof must be made on the hearing.

Mr. SMITH of Arizona. But the contest is going on when the hearing comes up.

Mr. HAINER of Nebraska. Certainly.

Mr. McRAE. The repeal of section 2 will still leave the right of contest. All that section does is to give a preference right of entry for thirty days to the successful contestant. If he be an honest man with an honest purpose to enable the Government to

expose fraud, he will make his contest and take his chances with other men to enter the land if he be a qualified entryman, and if he is right he will get the land in nine out of ten cases.

Mr. HAINER of Nebraska. My friend is familiar with land-office practice. Does he not know that if we do away with all preference right whatever, hangers-on about the land offices, having the first opportunity to know that the contest has succeeded, will slip in and make their entries? So that by an absolute repeal of this section you offer a premium in another form to these blackmailers.

Mr. McRAE. I think not.

Mr. HAINER of Nebraska. Certainly; they will have the first knowledge and the first opportunity.

Mr. McRAE. Not if the officers are honest. The board of equitable review, if the settler has substantially complied with the law, ought to have the right to approve his entry without regard to how much money the contestant may have spent. There should be no vested right to enter public land. If there should be as palpable fraud and the entry is canceled, nobody except a qualified entryman can enter and no other should be allowed any right by contest or otherwise. There should be no special advantage to anybody. No bonus or premium should be offered by the Government.

Mr. HAINER of Nebraska. But these hangers-on about the land offices will certainly have the first knowledge of the fact that the patent has been canceled.

Mr. McRAE. But if the land office is honestly administered, as it ought to be, and no preferences given, this information can not be had and there will be no hangers-on. Their avocation will be gone. But if this preference right be allowed, an official notice is given, as it now is, saying in substance to the contestant, "You have thirty days from this date to take this man's home and turn him, his wife, and children out upon the cold charities of the world," or if not qualified find some one who is, although the settler may have honestly endeavored to comply with the law, misled perhaps by some ill-informed lawyer or by some misconstruction of his own in regard to the statutes under which he sought to secure a home. I have in mind some cases that amount to nothing less than outrages.

Mr. HAINER of Nebraska. I join most heartily with my friend from Arkansas in desiring to protect this class of citizens. I want to protect that class just as much as he does, and the amendment I have offered does it. But I want to go a little further and protect the meritorious contestant also who makes his contest honestly, and give him an opportunity of being protected from the sharks who lie around the land offices waiting a chance to slip in and make an entry and oust him of his rights. I want to protect the man who makes his contest in good faith, where the contest is sustained and the person desires to take up a homestead under our beneficial homestead laws.

Mr. McRAE. But it is so hard to separate the good from the bad, and the bad, it seems, predominates so largely in all of this matter, that I can not consent to see the law perpetuated unless substantially modified.

Mr. DOCKERY. Now, Mr. Chairman, I ask a vote. This has the approval of the Secretary of the Interior.

Mr. PICKLER. Oh, Mr. Chairman, we are not ready to vote yet.

The CHAIRMAN. The question will be first taken on the amendment to the amendment proposed by the gentleman from Arkansas.

Mr. PICKLER. I want to say to the gentleman from Arkansas and to the gentleman from Missouri [Mr. DOCKERY] that this is a very important matter that you are undertaking to repeal here. We all agree as to the attack that has been made on the speculative contestant. I have no sympathy with that class of people myself. But here is the point that is not protected under your section and is protected by the amendment of the gentleman from Nebraska: Suppose there is a speculative filing on a piece of land, and an honest homesteader comes and wants to contest it. No man, however honest he is, can make a contest at an expenditure of less than from \$25 to \$200—

Mr. SMITH of Arizona. What does it cost to threaten?

Mr. PICKLER. If a man goes on in the utmost good faith and makes his contest and succeeds in putting off the filing; after he has gone to all of this expense and clears the way for a proper title he finds that somebody else lying around the office has found out when the entry is canceled and makes the filing in his stead. Now, it is to protect men who with an honest purpose make their entries that this amendment was drawn. It is a protection to the honest contestant.

Why will gentlemen not consent to this amendment? It covers all the fraudulent contests and protects as well the man who honestly makes his contest. Why, in my part of the country I believe that three-fourths of the lands now taken are taken up by men who came there and filed contests on abandoned lands, and thus put the contestant out of the way and filed their own claims.



Under this provision, if adopted, no man can do that with safety. The speculative filing will remain on the land, and no honest man will go to the expense of filing the contest and carrying it through when some one lying around the office can take advantage of it and make the filing as soon as the way is clear.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PICKLER. I have a letter from the Commissioner of the General Land Office here that is decidedly against your proposition in the bill and in favor of this amendment.

Mr. DOCKERY. I am not surprised at that.

Mr. PICKLER. Oh, well, the Secretary of the Interior is with him on this.

Mr. DOCKERY. Not at all.

Mr. SMITH of Arizona. Mr. Chairman, I am surprised that our friends from the West are found in opposition to the repeal of that section of the law. I have not seen many honest men running around through my part of the country at the beck of an attorney or anybody else a thousand miles away to make honest contests against the settlers.

My friend from Nebraska [Mr. HAINER] kindly submitted his amendment to me before it was introduced, and spoke, I think, to most of the men who were interested in it from the West. Since that time I have thought of several instances which came under my own personal observation, and I do not believe, as suggested in my question a moment ago, that we are going to stop this blackmailing process by such an amendment as this. The gentleman from South Dakota has referred to the single case of the honest settler who makes his contest and has the preference right which is lost by somebody slipping in ahead of him. I would like to ask the gentleman if he knows of a single case of an honest settler who ever won in a contest and had his preference right to the thirty days who would take away some other man's right by getting in ahead and making a filing? We do not do things that way in my part of the country. We are more liberal and generous.

Mr. PICKLER. Do you give him any chance to get his right?

Mr. SMITH of Arizona. I do not want to give any man the chance, under any specious plea, here or elsewhere, at the beck of any attorney, to send somebody else out there or hire somebody to make a contest against a settler on the public lands, on account of some mere technicality.

Mr. PICKLER. We all agree with this speech of the gentleman, but here is the point we are trying to save: The man who honestly contests a filing and wants to make it his home goes to the expense of making the contest. Under this provision another man can come in and file on the land, and the contestant will be out the amount of his expense, and will get no benefit.

Mr. SMITH of Arizona. What is the contestant doing while the other fellow is making the filing?

Mr. PICKLER. He can not lie around the land office as the land sharks do. You must protect him.

Mr. SMITH of Arizona. I know, and you know, and every man who is familiar with these cases has received letters showing that these things start by some one around the land office, who knows of some technicality, getting some one else to file a contest.

Mr. HAINER of Nebraska. Does not the gentleman know of any cases where entries have been made on land where no attempt has been made to reside on them or to improve them, or to comply with the law at all, and is there any way of clearing such entries other than by contest?

Mr. PICKLER. None.

Mr. SMITH of Arizona. None, and it is the simplest thing in the world. I know, and you know, if you have been an attorney in land cases, that it is the commonest practice in the world if there is an abandoned location. There is nothing in the world to prevent an honest settler from taking it, under the repeal of this section. Of course there are cases where a man has to leave the country sometimes, to make enough money so that he can stay when he comes back. The neighbors recognize that, and in those cases there is no difficulty, but in the case of an absolute abandonment, where a man does not want the land, there is no difficulty in an honest settler getting it, and there will be none if this section is repealed.

Mr. PICKLER. There will be difficulty—

Mr. HAINER of Nebraska. When the preference right is repealed, then the man with the first knowledge of the canceling of an entry will have the advantage.

Mr. SMITH of Arizona. The man who has the first knowledge is apt to be the man who wants to settle on the land.

Mr. PICKLER. Oh, no; it is the sharks around the land offices.

Mr. SIMPSON. The question in my mind is that if this section is repealed it may remove the fear of contest and there will be many more fraudulent entries than there now are.

Mr. SMITH of Arizona. I have not the slightest fear in the world so far as my country is concerned; because in the settlement of public lands I have never seen a valid settlement beaten in such a contest, but I have seen men pay attorneys to make fraudulent contests, and the men whose entries have been con-

tested could not bear the expense of making a proper defense of their rights. That has been the effect of this infamous act. It was not the purpose of the framers of the act, but in effect it has been nothing but a blackmailing business in that country.

Mr. BOWERS of California. I only want to occupy one minute, simply to say that I have had five or six contestants for land entries writing to me to go to the Land Office here, to the Interior Department, to represent their cases. In every instance it has been a person who has been lying around the land office, who, finding that the rightful claimant has been temporarily away from his claim for a short time during these hard times to earn something for his family, has filed a contest. They are all of that class. Not one of the cases to which I refer has been honest. I hope the committee will stand by this bill and repeal that infamous blackmailing section. That is all it is.

Mr. FLYNN. I dislike very much to disagree with my friends from the West on this proposition. I do not think I exaggerate when I say that one-half of the contest business in the Land Office to-day comes from my Territory, and three-fourths of the contests that have come from there have come by virtue of this outrageous section which has been heretofore the law.

It is said that a man must make affidavit of good faith and intent to prosecute his contest to the end. What is there to prevent his changing his mind within twenty-four hours after he makes the affidavit? That is the rule. A man files now on a piece of land, and if it is valuable it is immaterial whether he is a qualified entryman or not. Some shark hires somebody else to file a contest. The man is then notified that for \$500 that contest will be relinquished. Perhaps he pays the amount rather than be kept out of his title for three years, rather than to take the long, tedious route through the Department, which means at least three years. As soon as that contest is relinquished and the \$500 is paid the shark hunts up another man and another contest is filed, and perhaps another \$500 is paid to have that contest relinquished. I hope that preference right will be repealed and then you will have an honest administration of justice in land litigation.

Mr. HUDSON. Is the gentleman in favor of the amendment proposed by the gentleman from Nebraska [Mr. HAINER]?

Mr. FLYNN. I am not, for this reason, that I do not think it changes the existing law as a matter of fact.

Mr. PICKLER. How are you going to protect the honest man who files a contest and goes to the expense of making it for the purpose of canceling a fraudulent entry?

Mr. FLYNN. You can not protect him. He has got to take his chances just the same as any other American citizen. American citizens who want land in the West are able as a rule to protect themselves.

If this law had not been in existence our country would not have been torn up as it has, and contestants would not have been pauperized by leeches who, for blackmailing purposes, have contested their homes and held them up so that they could get some money out of them. If there ever was a just amendment proposed it is this which proposes to repeal that law and wipe it from the statute books. Honest men will never get the worst of it by repealing that act, but the leeches who hang around the land offices will. In my Territory I have known of one man contesting six claims, and he wanted to get money out of the different parties whose titles he was contesting. I hope this committee will sustain the Committee on Appropriations and vote with them to repeal this bill and let it in the amendment.

Mr. DOCKERY. Let us have a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Arkansas to the amendment.

Mr. PICKLER. I ask that this letter of the General Land Office be printed in the RECORD. I will not ask that it be read.

The letter is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
Washington.

SIR: I have the honor to report that I have considered the draft of a bill entitled "A bill to improve the methods of the General Land Office, and for other purposes," which you handed me.

The first section provides "that section 2 of the act of Congress approved May 14, 1890, for the relief of settlers upon the public lands, is repealed. Contests and rights already initiated shall not be affected by this repeal."

The section proposed to be repealed reads as follows:

"In all cases where any person has contested, paid the land-office fees, and procured the cancellation of any preemption, homestead, or timber-culture entry, he shall be notified by the register of the land office of the district in which such land is situated of such cancellation, and shall be allowed thirty days from date of such notice to enter said lands: *Provided*, That said register shall be entitled to a fee of \$1 for the giving of such notice, to be paid by the contestant and not to be reported."

It is to be remarked in connection therewith that the right to enter contests against entries of public lands does not depend upon or arise from the section proposed to be repealed. Applications to contest are in the nature of informations to the Government of proceedings set on foot against persons who attempt in fraud or evasion of the law to acquire title to any tract of public land, or to segregate it from the mass of the public lands, to the injury of the just rights of individuals or the public to protect which it is made by the law the duty of the Department.

Acting upon such information, the Department authorizes proceedings in the nature of an investigation to determine the facts of the case, the rights of the parties, preliminary to applying the proper remedy. These proceedings

naturally take the form of a contest between the informants or others acting in the interest of the public on the one side and the party against whose efforts to improperly appropriate or segregate the land the information is directed on the other side.

There is also a class of contests which arise between adverse claimants of public land who assert a right under the statutes to appropriate the land in question against the claim of the other. Such claims it is the duty of the Department to adjudicate, which duty it can not properly discharge without first allowing the parties a hearing, at which testimony may be adduced with respect to controverted matters of fact and arguments heard and authorities cited with reference to any questions of law involved, with a view to rendering a decision thereon. This proceeding retains also necessarily the form of a contest. In such cases the right of one party or the other is asserted under the general laws; the preference right given in section 2 aforesaid is not necessary and the repeal proposed would not affect this class of cases.

The condition of affairs giving rise to contests necessarily results from the statutes by which the United States undertakes to dispose of its public lands, to the adverse claims and interests, and to persons seeking to avail themselves thereof. The section 2 proposed to be repealed does not cause these contests, but merely gives a preference right to the successful contestant in a certain class of contests to initiate a right to the land of which the title at the close of the contest is found to remain in the United States, and to be therefore subject to disposal under the statutes. Before that statute was enacted in 1880 contests were numerous, and the contestants when successful often sought to acquire title to the land by becoming the first legal applicant therefor after the close of the contest.

If it should be repealed it is not to be assumed that contests would cease as the result thereof. Before the passage of that statute it was a common thing for the parties desiring to acquire title to the land to employ attorneys who would attend at the Department, acquire the earliest information of its action when taken, and immediately communicate it by telegram or otherwise to the parties interested in making the earliest entry thereof. The section now proposed to be repealed rendered this unnecessary by allowing the contestants the preference right, and permitting the exercise thereof within thirty days from notice to be given by the register of the district land office of the decision of the case. It also operated to prevent the injustice of third parties coming in after the close of the contests and appropriating the land as the first legal applicant after the contestant had cleared the record of the invalid entry by an expensive contest.

I think that it is erroneous to conclude that the work in connection with contests in this office would be diminished to any great extent by the repeal of that statute, or to such an extent as to justify a material reduction of the force now employed therein.

Any increase that may be observed in the yearly average of contest cases or to appeals in such cases since the enactment of that statute should not, in my opinion, be regarded merely as the result of its operation. It may be attributed in a great measure to other causes. The exhaustion of the class of lands subject to appropriation at ordinary private entry and of scrip locatable upon lands not subject thereto free from the condition of residence and cultivation has, during the period referred to, enhanced the value of the homestead, which is almost the sole means of acquiring title to desirable tracts, and a corresponding increase in competition and consequent litigation by the homestead claimants has followed.

It is further to be considered that the preference right, created by said section 2 to the successful contestant, costs the Government nothing, while it constitutes a sufficient inducement to lead parties conversant therewith to furnish information of intended frauds and evasions of the law that can not otherwise be obtained even at a great outlay from the public Treasury.

The public lands are a great possession which the Government holds in trust for the purpose of affording homes for the people, and it should not neglect any available means of protecting them from misappropriation characterized by illegality and fraud. I am, therefore, of opinion that the offer of a preference right to the successful contestant as per said section 2 should be continued. It is particularly inopportune now that the appropriations for special agents to investigate fraudulent and illegal entries of the public lands are reduced to a small amount from considerations of economy, that this inexpensive means of attaining the same end should be thrown away.

I think, therefore, that it would be unwise to repeal said section 2.

Very respectfully,

S. W. LAMOREUX, *Commissioner.*

The Honorable SECRETARY OF THE INTERIOR.

The CHAIRMAN. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment as amended.

The question was taken, and the Chairman announced that the yeas seemed to have it.

Mr. HAINER of Nebraska. Division.

The committee divided; and there were—ayes 10; yeas 98.

So the amendment as amended was rejected.

Mr. JOHNSON of North Dakota. Mr. Chairman, I move to amend by striking out section 8 of this bill. Of course I regret very much that the amendment of the gentleman from Nebraska [Mr. HAINER] did not carry; but I think the case should not be left in the one-sided position in which we are now about to leave it. There are two sides to this question. Why, the impression left upon the House by this discussion would be that all contestants are dishonest and the contestees in these cases are all honest men. You might just as well go on and say that all the plaintiffs in all cases were honest and all the defendants were dishonest. There are two sides to the question. In speaking of this case of the contestants being dishonest and the contestees honest, gentlemen have spoken mostly as attorneys, looking at the question from the direction of land-office practice. Look at it through the other end of the telescope and you will get a different view.

The chairman of the Committee on the Public Lands [Mr. McRAE] has well stated that section 2, or the part that is proposed to be repealed, provides a preference right for thirty days. But that is not all that section 2 does. Section 2 provides, first, that in case of cancellation of the claim that the register of the land office shall notify the contestants; and, second, that he shall have thirty days' preference right to make his filing. The

latter clause of section 2 has been discussed, but not a word has been said about the first part of the section. When a contest has been initiated and the decision made at the land office by the register, then it becomes the duty of that register to mail to the contestant the ruling he has made, and then the contestant has thirty days to make his filing. Under the law, if passed, if we repeal that section, the "hangers-on" about the land office will get the first notice of the conclusion of that contest; and instead of being for the benefit of the honest settler, who has given much of his time, his work, and his money, it would not inure to his benefit at all. It will inure in almost every case to the benefit of the attorneys and the hangers-on around the local land office.

Now, in the neighborhood where I live, what is the situation? Ten or twelve years ago there was a great wave of immigration that swept over the country, during which many went into the pursuit of agriculture who were not competent to make good farmers, and who did not succeed, although they might be well qualified for other business. They were honest men who failed and went away. Many of them were men who were working on the railroads, and some were girls, who had no idea of farming, and simply wanted to acquire property and title to a piece of land. Now, the neighbors living around there have notice of the contests on these lands—

The CHAIRMAN. The time of the gentleman has expired.

Mr. LACEY. Mr. Chairman, I rise to oppose the amendment, and in regard to it I want to call the attention of the committee to the language of section 8. The last section of section 2 provides "that contests and rights already initiated shall not be affected by this repeal."

For fifteen years it has been the policy as to land contests to give a preferential right to the man who instituted a contest to file an entry at any time within thirty days after its determination in his favor. That has been found to result in a large increase of litigation. The proposed repeal simply stops the business at this point, preserving the rights of parties who have heretofore filed contests.

Mr. JOHNSON of North Dakota. How does the gentleman know that that law has produced increased litigation? There may have been more contests since 1880 than before, but it does not follow that they have resulted from that law.

Mr. LACEY. We know it for this reason, that in ninety-nine cases out of one hundred, the result of a contest being the cancellation of an entry, it is followed either by the purchase of the right of the contesting party, a relinquishment from him, or by an entry and filing made by him. Now, parties having heretofore commenced contests and expended money and time, their rights ought to be preserved, and their rights are preserved by this proposed amendment; but hereafter this act will give notice to gentlemen filing contests that they must take their chances with the balance of mankind. The result of that will be that contests hereafter will be made by Government officers rather than by private individuals for their own special advantage, the number of contests will be greatly reduced, and at the same time the rights of men who have got their cases already pending in the courts or in the land offices will be preserved.

The motion to strike out section 8 was rejected.

Mr. PICKLER. Mr. Chairman, I offer an amendment to section 8.

The amendment was read, as follows:

*Provided*, That hereafter timber-culture claimants shall not be required, in making final proof, to be personally present at the land office to which such proof is to be presented, but the claimant may have his or her personal evidence taken at place of residence and transmitted to the proper land office under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. DOCKERY. Mr. Chairman, I make the point of order against that amendment.

Mr. PICKLER. I want to be heard on that, Mr. Chairman. What is the gentleman's point of order?

Mr. DOCKERY. It is the point of order usually made upon an appropriation bill. It is hardly necessary to elaborate it. When a point of order is made on an amendment to an appropriation bill the questions to be considered are, first, whether it is germane, and, second, whether it reduces expenditures, either as to the number of salaries or to the amount carried by the bill.

Mr. PICKLER. Mr. Chairman, this section 8 which the gentleman has put into this appropriation bill relates to the public lands, and really has no business here. Nevertheless, it is in the bill, and it has now been passed upon by this Committee of the Whole. It relates to settlement on the public lands, to contests as to public lands; it relates altogether to the public lands. Now, I simply offer an amendment as to the making of proof of timber-culture entries, and that is in order without doubt. I repeat, this is a public-land section which the Committee on Appropriations have put in this bill. It ought not to be here, but they have brought it in here nevertheless, and my amendment is germane to it.

The CHAIRMAN. The Chair will ask the gentleman from



South Dakota a question. Does section 2 of the act of May 14, 1880, relate to timber-culture claimants and the manner in which they can make final proof?

Mr. PICKLER. Yes, sir; it relates to contests of all kinds, timber-culture contests as well as others.

The CHAIRMAN. If that is true, then the Chair thinks the point of order is not well taken.

Mr. PICKLER. This amendment which I have offered is a very harmless one, and I hope the point of order will be withdrawn and the amendment adopted.

The CHAIRMAN. The Chair was intimating that in his opinion the point of order would not be well taken, provided section 2 of the act of May 14, 1880, relates to the manner in which timber-culture claimants shall make final proof, because the amendment deals with that identical question.

Mr. PICKLER. Section 2 of the act of May 14, 1880, deals with contests, including timber-culture contests.

The CHAIRMAN. In that case the Chair thinks the amendment would be in order. The Chair will hear the gentleman from Arkansas [Mr. McRAE] on the point of order.

Mr. SPRINGER. Let section 2 of the act of May 14, 1880, be read.

The section was read, as follows:

Sec. 2. In all cases where any person has contested, paid the land-office fees, and procured the cancellation of any preemption, homestead, or timber-culture entry, he shall be notified by the register of the land office of the district in which such land is situated of such cancellation, and shall be allowed thirty days from date of such notice to enter said lands: *Provided*, That said register shall be entitled to a fee of \$1 for the giving of such notice, to be paid by the contestant, and not to be reported.

Mr. McRAE. Mr. Chairman, that section does not relate to the method of making final proof of any kind. It relates alone to the preferential right given to contestants who are successful. They are generally assailing the final proof of somebody else, not making any proof for themselves. There are other provisions of law, relating to the manner of making proof, before whom it shall be taken, how it shall be transmitted, etc.; but there is nothing in the section just read which relates to the making of final proof of any character, and I hardly think the amendment in order.

Mr. PICKLER. Mr. Chairman, that section can not be narrowly construed. This is a general provision as to the land laws of the United States, relating to all kinds of contests, and homestead, preemption, and timber-culture contests all come under that section. Here is a provision in regard to proofs in timber-culture contests; but, sir, in every contest that comes up this question as to the manner of proof, what has been done by the settler and what is alleged by the contestant, arises. The construction contended for here would be a very narrow one, I think.

Mr. McRAE. I have not examined the amendment to determine its merits. I have been discussing the point of order. The amendment may be all right, and I think would be very desirable and convenient for timber-culture entrymen, but, in my judgment, it is not germane to this section. If it is in order I see no objection to it.

The CHAIRMAN. The Chair will cause the amendment to be again read.

The Clerk again read the amendment.

Mr. PICKLER. I believe that if the point of order be reserved so that this amendment can be properly explained it will be acceptable. What is its effect? The timber-culture law is now repealed, but a large number of timber-culture claims are yet to be proved up. Under the law the timber-culture entryman has not been required to be a resident of the State where the land is. Thus it has happened that men from Indiana, from New York, from Ohio, from Illinois, and other States have come West and made these timber-culture entries. When they come to make their proof how must that be done? They must present the evidence of two witnesses who reside in the vicinity of the land as to its condition and whether the requirements of law have been complied with. Now, to present his proof the claimant is required to travel, it may be, five hundred or a thousand miles from his home to where the land is situated. This is a great hardship. The amendment simply provides—

The CHAIRMAN. The Chair will say to the gentleman from South Dakota [Mr. PICKLER] that he inclines to agree with the gentleman on the point of order, and would prefer to hear from some gentleman on the other side.

Mr. PICKLER. I thought the point of order would be withdrawn. The amendment can do no harm to anyone. It will simply save expense to these claimants.

Mr. DOCKERY. Does the Chair think the amendment is in order?

The CHAIRMAN. The Chair is inclined to overrule the point of order.

The question being taken, the amendment was rejected; there being—ayes 31, noes 60.

The Clerk resumed and concluded the reading of the bill.

Mr. DOCKERY. I ask now that we return to page 31 of the

bill in order to amend the amendment which was adopted relating to masters of vessels. I ask unanimous consent to strike out on line 29 of page 31 the word "April" and insert "July," so as to read "on and after July 1, 1895."

The CHAIRMAN. In the absence of objection, that amendment will be made.

There was no objection.

Mr. DOCKERY. I now ask that the paragraph as amended be transferred to page 117 and appear as section 10 of the bill.

The CHAIRMAN. In the absence of objection, that order will be made.

There was no objection.

Mr. DOCKERY. I now ask that section 10, on page 117, be numbered section 11.

There was no objection.

Mr. DOCKERY. I ask now that we return to page 14 to consider the amendment in regard to committee clerks.

Mr. HULL. I wish to modify the amendment I offered the other day so as to provide for 19 clerks instead of 23.

Mr. DOCKERY. I think there is no objection to that.

Mr. HULL. The amendment as modified will simply make the number of committee clerks the same as at the present session of Congress while allowing the reduction to be made in the assistant clerkships.

Mr. DOCKERY. I agree to that.

The CHAIRMAN. The amendment as modified will be read:

The Clerk read as follows:

On page 14, in line 15, strike out "14" and insert "19;" so as to read, "for 19 clerks of committees," etc.

Mr. SPRINGER. I desire to amend the amendment so as to reduce the number of clerks one less than that embraced in the proposition of the gentleman from Iowa, and also to add a proviso to it. If the amendment is carried it could not be stricken out and a less number inserted. So I will ask to offer an amendment to the amendment to strike out "19" and insert in lieu thereof "17."

Mr. HULL. What is the object?

Mr. SPRINGER. So that I can move the additional matter I propose in connection with this clerkship. I wish to take out one of the assistant clerks and make the clerk to the Committee on Banking and Currency an annual clerk. It will be the same number, but one would be annual. I move to strike out the word "nineteen" from the amendment—

Mr. HULL. You can do that by adding to the number I propose.

Mr. SPRINGER. But I want to make one less of the session clerks and one more of the annual.

Mr. HULL. You must remember that my amendment is still dropping five from the present number, and you want to drop two more. Why do you drop two if you want simply to make an annual clerk for your committee?

Mr. SPRINGER. I only want to drop one.

Mr. HULL. Then one less would be 18, and not 17 in all.

Mr. SPRINGER. Yes; that is correct; that should have been the amendment. My purpose was to strike out "19" and make it "18." It is intended in the 19 to include a session clerk for the Banking and Currency Committee.

Now, Mr. Chairman, I wish to insert 18 instead of 19, and in addition to that what I send to the desk.

The SPEAKER. The Clerk will read the amendment to the amendment.

The Clerk read as follows:

Amend, on page 14, line 15, by striking out the word "nineteen" and inserting in lieu thereof "eighteen," and by adding at the end of the paragraph, in line 17, the following:

"For clerk to the Committee on Banking and Currency, \$2,000, and the compensation of the clerk of the Committee on Banking and Currency shall begin from and after the passage of this act, and so much as may be necessary for the payment of such salary until the 1st day of July, 1895, is hereby appropriated and shall be immediately available."

Mr. BLACK. I make the point of order on that.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. BLACK. I understand it changes existing law and does not retrench expenditures.

Now, I am opposed to any increase of the clerical force of the House to any of the committees. I have had the honor to serve somewhat on the Committee on Banking and Currency, and I see no use in perpetuating a clerkship for that committee during the recess of Congress.

The CHAIRMAN. Does the gentleman state that this will increase the number of the annual clerks?

Mr. BLACK. Well, it is not an annual clerkship now, but this makes it so. So it must be an increase.

The CHAIRMAN. But the number authorized by existing law may be larger than the number of clerks provided for in this amendment.

Mr. BLACK. I ask if this does not change existing law?

The CHAIRMAN. But the Chair was asking the gentleman how it would affect the number of clerks.

Mr. BLACK. Well, the clerk to the Committee on Banking and Currency is not an annual clerk and this makes him so.

The CHAIRMAN. The question was whether there were more than 18 clerks authorized by existing law.

Mr. BLACK. I do not know.

The CHAIRMAN. Because if so this does not increase expenditures.

Mr. BLACK. It increases expenditures as far as this committee is concerned. As to the other committees I am not informed.

Mr. DOCKERY. There is no statute authorizing an annual clerk to the Committee on Banking and Currency.

Mr. SPRINGER. I desire to be heard on the point of order.

The words "existing law" in the rules of the House refer to permanent statutes, prescribing rules for the government of people, or the amount to be appropriated by each Congress for salaries. There is no law in existence with reference to clerks of committees; and it has been the practice in Congress for the House and Senate to fix the number of employees and their salaries, and prescribing their duties, in the appropriation bills; and the compensation is carried in the same bill. We have a right to determine the number of clerks and officers of the House that are necessary to transact the business. There is no existing law, I repeat, on the subject.

Mr. BLACK. What business is this clerk to perform?

Mr. SPRINGER. The public business.

Mr. BLACK. What public business is there for the Committee on Banking and Currency to perform in the recess?

Mr. SPRINGER. I am not arguing the merits of the case now. I will come to that later. I am trying to argue on the point of order, and am speaking solely to that.

Mr. SIMPSON. Will the gentleman tell me if this does not raise the salary of the clerk of the Committee on Banking and Currency?

Mr. SPRINGER. Mr. Chairman, there is no clerk to the Committee on Banking and Currency established by any law of this House.

Mr. SIMPSON. You have a clerk now.

Mr. SPRINGER. Allow me to finish the sentence. The number of session clerks allowed in the House is fixed in the appropriation bill from session to session, and when the House meets a report comes in from the Committee on Accounts, distributing these clerks to certain committees, and as each House may determine. This session, I believe, we failed to distribute eight or ten of the clerks allowed. It is simply an allowance by law as to the number.

Mr. SIMPSON. Is there now a law fixing the compensation of these clerks?

Mr. SPRINGER. There is a law fixing the compensation of clerks for the session.

Mr. SIMPSON. What do they get?

Mr. SPRINGER. It is fixed in the appropriation bill—\$6 a day while Congress is in session—and this simply provides that this committee shall have an annual clerk. Now, if there were an existing law on this subject that so many committees should be entitled to clerks—but the last Congress dropped one of these committees that was entitled to an annual clerk, namely, the Committee on Arid Lands. That was in the list of committees having annual clerks.

Mr. SIMPSON. But, as I understand the gentleman's amendment, it changes existing law.

Mr. SPRINGER. There is no law on the subject.

Mr. SIMPSON. The present law appoints a clerk during the session, and your amendment makes him an annual clerk, and therefore it is a change of existing law.

Mr. SPRINGER. The existing law is not that kind of existing law which the rules contemplate, because there is no general statute fixing the number, but it is an amount carried by each appropriation from year to year, and Congress fixes these amounts at each session. There is no law authorizing anybody to be employed after the 1st of July next.

Mr. SIMPSON. Then this House fixes it at every session?

Mr. SPRINGER. Yes; and therefore we have not regarded this as coming within the rule changing existing law at all, but it is for the discretion of the House at each session to determine.

Mr. COX. I ask the gentleman to yield to me for one question?

Mr. SPRINGER. Certainly.

Mr. COX. The clerk of the Committee on Banking and Currency is a clerk who serves during the session. The proposition is to reduce the number of clerks. Now, if you reduce the number and increase the clerkship to an annual one, you simply reduce at one end and increase at the other. Now, the question is, what use have you for a clerk to the Committee on Banking and Currency during the recess of Congress?

Mr. SIMPSON. Or at any other time.

Mr. SPRINGER. I will answer that question by asking an-

other pertinent question. What use is there for a clerk to the Committee on Accounts or to the Committee on Agriculture, or to the Committee on Claims, or to the Committee on the District of Columbia—

Mr. COX. I do not think there is any use at all.

Mr. SPRINGER. Or to the Committee on Foreign Affairs, or to the Committee on Indian Affairs, or to the Committee on Invalid Pensions, or to the Committee on Merchant Marine and Fisheries, or to the Committee on Military Affairs, or to the Committee on Naval Affairs, or to the Committee on the Post-Office and Post-Roads, or to the Committee on Public Buildings and Grounds, or to the Committee on Public Lands, or to the Committee on Rivers and Harbors, or to the Committee on War Claims, and so forth? The answer to this is—

The CHAIRMAN. The Chair is ready to rule on the question. The Chair understands the contention of the gentleman from Illinois that the House regulates this matter at each session, as it were, but it is also done, as the Chair remembers, upon a report from the Committee on Accounts upon a matter which is referred to the Committee on Accounts, which gives that committee jurisdiction of the question. Now, the proposition here is to do this upon an appropriation bill.

Mr. SPRINGER. Let me call the attention of the Chair to one fact, the Committee on Accounts has jurisdiction over the contingent fund of this House, but has no jurisdiction over matters running beyond the session of this House, and could not therefore have jurisdiction of this matter.

The CHAIRMAN. But the point the Chair was about to make is that the committee do have jurisdiction of the question at the time they present it. They make a report and it is competent for the House to increase the number of session clerks. It may make them all annual clerks if it sees fit to do so when reported upon by the Committee on Accounts, or any committee to whom the subject has been referred for that provision.

But here is a proposition to make a permanent clerk. The Chair thinks the point of order is well taken.

Mr. SPRINGER. I want to call the attention of the Chair to this point, that the Committee on Accounts has made such a recommendation in regard to business that went on during the session; but this matter relates solely to a time over which the Committee on Accounts have no jurisdiction whatever. [Cries of "Regular order!"]

The CHAIRMAN. That changes the law. The Clerk will report the pending amendment.

The Clerk read as follows:

On page 14, line 15, strike out the word "four" and insert "nine;" so as to read "nineteen clerks to committees, at \$6 each per day during the session, \$17,808."

The CHAIRMAN. The question is on this amendment.

Mr. BLACK. I would like to ask the gentleman who offered this amendment to give us some information upon this question. If I understand, the bill as reported provides for 14 of these permanent clerks, and the gentleman proposes to strike out 14 and make it 19.

Mr. HULL. My amendment only applies to session clerks—not to the annual clerks.

Mr. BLACK. What committees do you want these clerks for?

Mr. HULL. The committees that have these clerks now during this session. There are 23 of these clerks. The number of these clerks to committees is sought to be reduced. Four of them are assistant clerks. Now, we leave the four assistant clerks out of the bill entirely.

Mr. BLACK. I can not hear the gentleman.

Mr. HULL. That is the fault of the House more than mine.

Mr. BLACK. I understand that.

Mr. HULL. The Fifty-second Congress, as I understand it, had 34 clerks.

Mr. BLACK. I ask for order, Mr. Chairman, I can not hear the gentleman.

Mr. HULL. This legislation is for the next Congress, and not for this Congress at all. This Congress has now 23 clerks. The proposition of this amendment is to start the next Congress with 14 clerks of committees. It is true that each Congress can settle for itself the number of clerks it desires after it gets together, and that is why I offer this amendment. In order to obtain the clerks it requires the bringing in of a resolution and having it adopted.

Mr. BLACK. I can not hear the gentleman.

The CHAIRMAN. The Chair will endeavor to assist the gentleman in getting order. Gentlemen will please cease conversation or retire to the cloakroom. The gentleman from Iowa will suspend until gentlemen resume their seats and cease conversation.

Mr. VAN VOORHIS of New York. Mr. Chairman—

The CHAIRMAN. The gentleman from Iowa has the floor.

Mr. HULL. I do not know how much the gentleman from Georgia heard of my explanation.

Mr. BLACK. I did not hear; I can not hear the gentleman.



Mr. HULL. Well, if I can have order, I think I can state the matter so that the gentleman can understand. As I was saying, this legislation applies to the Fifty-fourth Congress only; not to the Fifty-third Congress at all.

Mr. BLACK. Can not we leave that to the Fifty-fourth Congress?

Mr. HULL. I am proposing in my amendment to concede to this Congress the right to cut off 4 assistant clerks to committees; but my amendment starts the next Congress with its session clerks at 19, which is the same number that this Congress now has. It does not increase the number now on the roll. On the contrary, my amendment, if adopted, will reduce the number on the roll.

Mr. DOCKERY. If I understand the gentleman, you simply give to the next Congress exactly what this Congress has, so far as session clerks are concerned, striking out 4 assistant clerks, and leaving that Congress to determine the question whether it wishes to provide those assistant clerks.

Mr. HULL. That is right. It leaves simply the next Congress to determine what assistant clerks it may desire.

Mr. BLACK. They do not serve during the vacation.

Mr. HULL. They only serve during the session.

Mr. BLACK. It does not increase the number.

Mr. HULL. It decreases the number.

Mr. HUDSON. Do they draw their pay during the vacation?

Mr. HULL. They draw no pay except during the session, and after having been appointed by the chairmen of the committees.

Mr. VAN VOORHIS of New York. Mr. Chairman, I think the amendment to give the Committee on Banking and Currency an annual clerk is right and proper. I was in hopes that this provision relating to clerks would apply to the committees of the present House. We need more brains in some of these committees, especially in the financial committee—the Committee on Banking and Currency and the Committee on Ways and Means. Those committees have utterly failed to meet the needs of the country and the Government. And I do not know of any way that we can get more brains into these committees except to hire brainy clerks. How does the case stand? The President of the United States has notified us that he has made a bargain by which the paper of this country is to be shaved over \$16,000,000 on a loan of sixty-two and one-half millions. We find that the man with whom he made the bargain is his law partner, or his late law partner. No notice of the dissolution of the partnership has ever come to my attention.

By this bargain the President boldly puts gold at a premium of 25 per cent over coin, which is both gold and silver. I tell you the whole thing looks on its face suspicious. Money is low in the market. Call loans are only 1 to 1½ per cent. Three months' loans are only 2½ per cent, and much less for large sums. And yet the President borrows sixty-two and one-half millions at 3½ per cent, and the man who loans the money offers it at 3 per cent, if made payable in gold. It looks like a big steal. Truly we need more clerks in these finance committees. We want some more brains; somebody who can solve the financial problems that now vex us. And if the committees can not solve them let us get some brainy clerk who can. [Laughter.]

The transaction as it stands is a scandal and a disgrace.

The New York lawyer who has bought these sixty-two and one-half millions of bonds at 3½ per cent interest can place every one of them at 3 per cent and make a nice little profit of about \$16,000,000 out of it. Let us give the committees more clerks.

Mr. DOCKERY. Let us have a vote.

The question was taken; and the Chairman announced that the yeas seemed to have it.

Mr. HULL. Division.

The committee divided; and there were—ayes 89, yeas 45.

So the amendment was agreed to.

Mr. DOCKERY. Now, Mr. Chairman, we have passed over the provision for the Pension Office, on page 84.

The CHAIRMAN. The Chair will direct the Clerk to read that part of the bill.

The Clerk read as follows:

Pension Office: For the Commissioner of Pensions, \$5,000; first deputy commissioner, \$3,000; second deputy commissioner, \$3,000; chief clerk, \$2,250; assistant chief clerk, \$2,000; medical referee, \$3,000; assistant medical referee, \$2,250; two qualified surgeons, who shall be experts in their profession, at \$2,900 each; thirty-eight medical examiners, who shall be surgeons of education, skill, and experience in their profession, at \$1,800 each; ten chiefs of division, at \$2,000 each; law clerk, \$2,000; fifty-eight principal examiners, at \$2,000 each; twenty assistant chiefs of division, at \$1,800 each; three stenographers, at \$1,600 each; seventy clerks of class 4; eighty-five clerks of class 3; three hundred and fifty clerks of class 2; four hundred and thirty-eight clerks of class 1; two hundred and eighty-seven clerks, at \$1,000 each; one superintendent of building, \$1,400; two engineers, at \$1,200 each; one hundred and seventy-five copyists; thirty-three messengers; twelve assistant messengers; twenty messenger boys, at \$400 each; one painter, skilled in his trade, \$800; one cabinetmaker, skilled in his trade, \$800; one captain of the watch, \$840; three sergeants of the watch, at \$750 each; twenty watchmen; three firemen; twenty-five laborers; five female laborers, at \$400 each; and fifteen charwomen; in all, \$2,066,710.

For per diem, when absent from home and travelling on duty outside the District of Columbia, for special examiners or other persons employed in the Bureau of Pensions, detailed for the purpose of making special investigations

pertaining to said Bureau, in lieu of expenses for subsistence, not exceeding \$3 per day, and for actual and necessary expenses for transportation and assistance and any other necessary expenses, including telegrams, \$500,000: *Provided*, That two special examiners, or clerks, detailed and acting as chief and assistant chief of the division of special examiners, may be allowed, from this appropriation, in addition to their salaries and in lieu of per diem and all expenses for subsistence, a sum sufficient to make their annual compensation \$2,000 and \$1,800, respectively; and whenever it may be necessary for either of them to travel on official business outside the District of Columbia by special direction of the Commissioner, he shall receive the same allowance, in lieu of subsistence and for transportation, as is herein provided for special examiners and detailed clerks engaged in field service; and the Secretary of the Interior shall so apportion the sum herein appropriated as to prevent a deficiency therein.

For an additional force of one hundred and fifty special examiners for one year, at a salary of \$1,300 each, \$195,000, and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified.

Mr. DINGLEY. I call the attention of the gentleman having the bill in charge to the fact that two or three gentlemen on this side desire to make some remarks upon this part of the bill, and I would like to come to an agreement as to the time.

Mr. DOCKERY. How much time is desired?

Mr. DINGLEY. The gentleman from South Dakota [Mr. PICKLER] wants half an hour, and the gentleman from Iowa wishes to occupy some time. I suppose that on the part of those favoring the bill very little time will be wanted, and I would suggest that one hour be allowed for debate, fifty minutes of which shall be given to those who wish to criticize the bill and ten minutes to those who favor it as it stands.

Mr. DOCKERY. When general debate was closed the understanding was that when this part of the bill was reached such time should be allowed as might be desired. How much time is asked on that side?

Mr. PICKLER. I regret now, Mr. Chairman, that I consented to the passing over of this part of the bill, because I desired more time than I can well hope for now; but I understand that the gentleman desires to dispose of his bill and I will try to get through in a very short time.

Mr. DOCKERY. If the debate is going to occupy an hour we shall not get the bill through to-night.

Mr. DINGLEY. Perhaps gentlemen desiring to speak will consent to occupy so much less time, so that we may get through with the bill.

Mr. DOCKERY. Well, how much time is desired?

Mr. DINGLEY. I think one hour will be sufficient. There is no one but the gentleman from South Dakota, as I understand, who desires to occupy more than a few minutes.

Mr. PICKLER. I will try to get through in fifteen minutes.

Mr. BRECKINRIDGE. Mr. Chairman, I understand that all the paragraphs in the bill relating to the Pension Office have been reserved for consideration, so that questions of order may be raised and amendments may be submitted.

The CHAIRMAN. The Chair so understands.

Mr. DOCKERY. Mr. Chairman, I ask unanimous consent that debate on these paragraphs be limited to forty-five minutes for gentlemen opposing the provisions in the bill, and fifteen minutes for those in favor of the bill as it stands.

Mr. WILLIAM A. STONE. Mr. Chairman, before I can consent to that I want to know when this matter will come up for further consideration.

Mr. DOCKERY. I will modify the proposition so as to ask unanimous consent that debate on the paragraphs relating to the Pension Office be limited to forty-five minutes to be occupied by gentlemen opposed to the provisions of the bill, and thirty minutes to be occupied by those in favor of them.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. WILLIAM A. STONE. Before I consent to that proposition, Mr. Chairman, I want to know when further consideration of this bill is to be had.

Mr. DOCKERY. If this agreement can be made it is my purpose to move that the committee rise.

Mr. WILLIAM A. STONE. I understand that; but to-morrow is set apart for other business, so that I want to know when this bill is to come up again.

Mr. DOCKERY. We will try to arrange that.

Mr. WILLIAM A. STONE. Well, let it be arranged now.

Mr. DOCKERY. It can not be arranged in committee. The committee has no power to arrange it.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that all debate on the paragraphs relating to pensions be limited to an hour and a quarter, forty-five minutes to be occupied by gentlemen in opposition to the bill and thirty minutes by those in favor of it.

Mr. VAN VOORHIS of New York. Mr. Chairman, I do not think that is time enough, and I object.

Mr. VAN VOORHIS of New York almost immediately withdrew his objection, unanimous consent was given, and the request was agreed to.

Mr. DOCKERY. Now, Mr. Chairman, I move that the committee rise.

Mr. DINGLEY. Before that motion is put, Mr. Chairman, as I am called away in the morning, I would like to make a brief statement as to facts connected with the pension appropriations in this bill. I shall not occupy more than five or seven minutes.

Mr. DOCKERY. Then I withdraw the motion that the committee rise. As the gentleman from Maine has to leave the city to-morrow, he can occupy now a part of the forty-five minutes allotted to that side. I will state, however, that it is not my purpose to ask for a vote on any proposition this afternoon.

Mr. PICKLER. If the vote is not to be taken this afternoon we do not want to be limited to forty-five minutes.

Mr. SAYERS. Mr. Chairman, I ask the gentleman from Missouri and the committee to agree that the time occupied by the gentleman from Maine [Mr. DINGLEY] this afternoon shall not be taken out of the forty-five minutes allowed on that side for debate.

Mr. DOCKERY. I have no objection to that.

Mr. PICKLER. When the time was limited I understood that the vote was to be taken to-night.

Mr. DOCKERY. Oh, no.

Mr. PICKLER. Well, then, I shall insist on my thirty minutes to-morrow.

The CHAIRMAN. The agreement as to debate has already been made.

Mr. SAYERS. Mr. Chairman, I ask that my proposition be put to the committee, that the time consumed by the gentleman from Maine [Mr. DINGLEY] this afternoon shall not be included in the forty-five minutes allowed for debate on that side.

The CHAIRMAN. The gentleman from Texas asks that the time which may be used by the gentleman from Maine [Mr. DINGLEY] this afternoon be not included in the hour and a quarter which has just been allowed for debate on this portion of the bill. If there be no objection, that order will be made.

There was no objection.

Mr. DOCKERY. I desire now to state that as soon as the gentleman from Maine concludes his remarks I shall move that the committee rise; and when we get back into the House I propose to try to make some arrangement by which we can get a final vote on this bill to-morrow.

Mr. DINGLEY. Mr. Chairman, I desire to occupy but a very few minutes for the purpose of presenting to the committee the changes which have been made in the appropriations for the Pension Office by the pending bill for the next fiscal year, and the reasons therefor.

First, there is the appropriation for special examiners in the field, per diem, etc., \$500,000. In the appropriation bill for the current fiscal year the appropriation was only \$250,000; but it will be remembered that when Congress reassembled in December last the Commissioner of Pensions asked for a deficiency appropriation of \$250,000, which was granted by a vote of both Houses. So that the appropriation for the current year, covering the original appropriation and the deficiency appropriation, was \$500,000, exactly what is covered by this bill for the next fiscal year. The same thing took place in the preceding fiscal year. So that for two years the expenditures for special examiners in the field has been \$500,000 annually.

The Commissioner of Pensions came before the subcommittee that prepared this bill and informed us that it was necessary to have that full sum; that he had expended that amount during the last year and the previous year. When I inquired what the effect would be if an appropriation of only \$250,000 should be made with a provision that the amount should be so distributed as not to create a deficiency, he said he would be obliged to call in one-half the special examiners in the field, and that he desired to know at the very beginning of the fiscal year whether that was to be the policy adopted by Congress. I then asked him what would be the effect upon the business of the Pension Office if that should be done. He replied that it must inevitably cause delay in the adjudication of pension cases because the office felt it its duty to refer to the examiners in the field a certain number of cases, and in order to keep up with the work as cases were thus referred, not less than \$500,000 and the force that is now maintained in the field would be required.

When I inquired of him further as to what this special force in the field was doing, he replied that 80 per cent of this expenditure was being made directly to aid pensioners whose cases had not been satisfactorily made out, where the Pension Office desired further investigation, and therefore that in every respect it must be held to be in the interest of the pensioner. As to the other 20 per cent, he said that it was used in cases where fraud had been alleged or where suspicious circumstances had arisen, and that in every point of view the full appropriation which was asked by the Pension Office, and also asked by the Secretary of the Interior, was needed if pension adjudications are to go on at the rate at which they are now going on.

I concluded, therefore, that in view of the statements which had been made by the Commissioner of Pensions and by the Secretary of the Interior it was desirable that the full appropriation asked for should be given in the interest of the pensioner.

I may say in this connection that last year this amount was used, and the year before it was used; and while for three fiscal years preceding the amount used was not so large, yet prior to the enactment of the pension law of 1890 there was for two or three years substantially the same amount appropriated.

Mr. LACEY. Does the gentleman know the number of special examiners now in the field?

Mr. DINGLEY. Two hundred and sixty, or thereabouts, I think.

Mr. DOCKERY. Two hundred and sixty-two, I believe.

Mr. LACEY. You provide for 150 in addition.

Mr. DINGLEY. Those are included in the 262. Of this number 150 are appointed as special examiners and 112 are detailed from the Pension Office.

Mr. LACEY. One hundred and ninety-five thousand dollars is expressly set apart for the 150, besides the \$500,000.

Mr. DINGLEY. One hundred and ninety-five thousand dollars is for salaries of the force of 150, and \$500,000 for the compensation of the detailed force and for expenses.

Mr. LACEY. How many clerks will be dropped from the Pension Office if this bill as it stands should go into effect?

Mr. DINGLEY. I will come to that in a moment.

So much with reference to this appropriation for special examiners in the field. I now come to the reduction that has been made in the clerks of the Pension Office, and in order that the Committee of the Whole may act intelligently, I desire to present the substance of what was said to the subcommittee by the Commissioner of Pensions.

The Commissioner and the Secretary of the Interior recommend a reduction of 165 clerks on the rolls of the Pension Office, of which 51 have been for several years assigned to other bureaus in the Interior Department, making an actual reduction of 114 in the force of clerks in the Pension Office. When the fact was brought out that the reduction of the force in the Pension Office was to be net 114 I asked the Commissioner of Pensions whether such a reduction would not result in delay in the adjudication of cases. I also asked the same question of the Secretary of the Interior. Both replied that it would not. And when I inquired as to how this could be possible, their explanation was substantially this, that there are in the Pension Office a large number of clerks, some advanced in years, unable to perform their duties properly, and others who are inefficient; and that in some of the divisions there is an excess of force, and no room to expand; so that the work is not being done economically and efficiently; and in the judgment of these officers if this force should be reduced net 114 by the discharge of the inefficient as much work would be done as has been done in previous years.

In view of this statement, where the head of the Pension Office and the Secretary of the Interior have taken upon themselves the responsibility of officially informing the subcommittee of the Committee on Appropriations and through the subcommittee and full committee of informing the House that the reduction of this force will tend to economy and to efficiency in that branch of the service, and that it will in no way result in retarding the adjudication of pension claims, I felt that the responsibility of the reduction must rest with the executive officers of the Government making such a recommendation.

It is but just to myself, however, that I should say, notwithstanding what the Commissioner of Pensions as well as the Secretary of the Interior says, that I can hardly conceive how it is possible that a reduction of 112 clerks in the Pension Office at this time will not result necessarily in increased delay in the adjudication of pension cases, although I bow to their judgment as responsible administrative officers, holding them responsible if the result shall be otherwise than what they affirm it will be. I felt it my duty to present to the committee the statements which were made to the subcommittee by the Commissioner of Pensions and the Secretary of the Interior.

Mr. VAN VOORHIS of New York. The proposed reduction of force meets the approval of the Commissioner of Pensions?

Mr. DINGLEY. Yes; both the Commissioner of Pensions and the Secretary of the Interior.

Mr. PICKLER. Let me ask the gentleman from Maine this question: Has not the Secretary of the Interior the power now under the law to remove any incompetent clerk without the action of Congress?

Mr. DINGLEY. Undoubtedly he has.

Mr. HAUGEN. Why, then, has he not exercised the power if he wishes to?

Mr. DINGLEY. If I understand his position, he takes the ground that if the appropriation by Congress for the old number of clerks is made he ought not to take the responsibility of reducing that number without some action on the part of Congress.



Mr. HULICK. Was it suggested that these clerks should be discharged for want of space or room in that building?

Mr. DINGLEY. That was suggested.

Mr. HULICK. I have seen it stated in the public prints that that was alleged as a reason.

Mr. DINGLEY. That was one of the reasons assigned. The Secretary and the Commissioner claimed that they were greatly crowded in the Pension Office at the present time. I may say that I called the attention of the Commissioner and the Secretary of the Interior to the fact that there are two rooms in the office now occupied by the Railroad Commission, who were placed in the Pension building by act of Congress, which might be utilized for the force of the Pension Bureau, and let the Commission go elsewhere.

Mr. MILLIKEN. Let me ask my colleague whether there are more clerks now in the office than there were two years ago?

Mr. DINGLEY. No more. Practically the same.

Mr. MILLIKEN. Then how does it happen that it is more crowded now than it was two years ago?

Mr. DINGLEY. Well, that is a problem which gentlemen must solve for themselves.

Mr. PENCE. I suppose because a new Administration came in and spread itself. [Laughter.]

Mr. MILLIKEN. Was there any suggestion to the effect that the number of clerks might be reduced and finally we would be called upon for more clerks, filling up these places with somebody else?

Mr. HULICK. That is just the question I was about to ask the gentleman.

Mr. DINGLEY. I asked the Commissioner if the reduction took place now, whether we might not be called upon at some time in the early future to supply their places? I inferred from his statements that, in his judgment, the force could be reduced year by year, as the business of the office had passed its highest point.

Mr. LACEY. Is not this the inauguration of a new policy on the part of Congress to indorse a discharge of over 100 clerks in the office adjudicating claims of pensioners and the employment of 150 new men to go out into the field to hunt up evidence against claimants? Is it not, I say, a Congressional indorsement of a policy which the House has heretofore condemned?

Mr. COOMBS. I do not think this symposium ought to go on, at least without some protest.

Mr. O'NEIL of Massachusetts. Let me ask the gentleman from Maine if it is not true that we have reduced the number of clerks largely in the Record and Pension Division—

Mr. DINGLEY. We have reduced the force in the Record and Pension Division in the War Department.

Mr. O'NEIL of Massachusetts. Because the work has been accomplished?

Mr. DINGLEY. That is correct.

Mr. O'NEIL of Massachusetts. And it is expected that some day or other the same will happen in the Pension Office proper, because the work will be done?

Mr. DINGLEY. In view of that inquiry it is proper to say that 300 clerks were dropped in the appropriations for the current year from the Record and Pension Division of the War Department in consequence of the near completion of the card system of noting the service of volunteers, and 50 more in the pending bill, making 350 in all. This extra force was authorized to complete the card system by the Fifty-first Congress, and its completion greatly aids in the adjudication of pension claims.

Mr. HUDSON. Is it not true that there are a number of old clerks in the Pension Bureau who have served faithfully a great many years, and that it ought to be the policy of the Government to maintain them there?

Mr. DINGLEY. There is no doubt that among the old clerks, who are perhaps not now fitted to do the usual amount of work, there are many who incurred disabilities in the war for the preservation of the Union.

Mr. HUDSON. And it would be neither patriotic nor just to turn them out at this time.

Mr. DINGLEY. There is no doubt but that is the situation.

Mr. HAINER of Nebraska. Is it not true that by reason of the fact that about 60 clerks have been taken out of the Pension Bureau and put into the field, the certificates which are being issued from time to time have been greatly reduced until now they average only about 200 per week, or about one-third as many as the roll is being reduced by reason of suspensions and deaths?

Mr. DINGLEY. Very likely that may be so, although the Commissioner claims that by sending these clerks into the field he is forwarding the work of the Pension Office more than would be possible if the clerks were in the office.

Mr. COOMBS. I would ask the gentleman from Maine whether it is not a fact that the easy cases which can be disposed of in the Pension Bureau having decreased in number and the difficult cases which require special investigation and help on the part of

the examiners being in the majority at the present time—if it is not really facilitating the granting of pensions to send these special examiners into the field, in that way assisting the arrangement of complicated cases? That is the reason, I understand, why that is being done, and that involves a lowering of the force of the office.

Mr. DINGLEY. I have no doubt that special examiners sent into the field for the purpose of aiding applicants for pensions who have not fully made out their cases, but who seem to be deserving and worthy, really tend to their benefit, if it is done in good faith.

Mr. COOMBS. Is not the gentleman from Maine really convinced that that is the case now?

Mr. DINGLEY. I think so at present, from the information I could obtain from the Commissioner of Pensions. I think at present 80 per cent of this force is being used to assist claimants believed to be deserving to make out their cases, and 20 per cent in the investigation of cases charged to be fraudulent or otherwise regarded as doubtful. At present about the same number of new cases are being sent to the field for examination as are investigated and reported by that force, and the work is about a year behind.

Mr. WALKER. When I made the remark a moment ago I did not understand the point. Do I understand that it is thought these 114 men will be efficient in the Interior Department proper, but because of their disabilities are not as efficient in this Department, and that for the purpose of keeping them on the roll for the service they have done in the Army and other meritorious service, this change is desired to be made? Is that the point?

Mr. DINGLEY. Oh, no! Fifty-one clerks were some time ago transferred to other bureaus or divisions in the Interior Department, and have since been continued on the Pension rolls.

Mr. WALKER. I am talking about the 114?

Mr. DINGLEY. Fifty-one clerks of the Pension Office have been in various other departments of the Interior Department for periods extending from one to five years. They have been carried on the Pension Office rolls, but are really doing work in other bureaus of the Interior Department. The pension fund is charged with them; but that is no new thing. That has been done for several years. But the other 114, whom the Commissioner proposes to drop, compose a part of the present force in the Pension Office. The 51 and the 114 make the 165 which are to be taken from the Pension rolls by this bill.

Mr. COOMBS. We are changing all that in the various departments.

Mr. O'NEIL of Massachusetts. When the gentleman from Maine says that these clerks being authorized by law, neither the Secretary of the Interior nor the Commissioner of Pensions felt like making the reduction except as authorized by Congress to do so, has not the committee reporting this bill run up against exactly the same condition existing in all the other Departments, when every Department finds itself compelled to carry, through influence of some kind or another, clerks who are not competent, who can only be gotten rid of by legislative enactment such as is proposed by this bill?

Mr. DINGLEY. They can discharge them. There is nothing in the civil-service law that prevents the discharge of a clerk at any time. The civil-service law controls the method of appointment, not the method of discharge.

Mr. O'NEIL of Massachusetts. They can, but they will not, and when they want to get rid of them they always come in and ask for such legislative enactment as this; not because they could not discharge them, but because they will not, as the pressure is so strong.

Mr. DINGLEY. It is true, in the Record and Pension Office that had in charge the preparation of the card of service of the volunteers, that the force was reduced by the appropriation bill of each year. There is no doubt about that at all.

Mr. PICKLER. The force in the Census Office was not discharged in that way.

Mr. VAN VOORHIS of New York. Is it not true that a great many of these cases have been sent to these examiners and retained for a very long time, and so delayed the cases, while there was no necessity for sending them out at all?

Mr. PAYNE. I understand that these 51 clerks have been detailed to other departments of the Interior Department.

Mr. DINGLEY. Yes, sir. And the pending legislative bill places these 51 clerks on the rolls of the divisions where they are working, which should have been done before.

Mr. PAYNE. Is there any question that these 51 clerks have been discharging their duty?

Mr. DINGLEY. I think not. That is, they have been discharging the duties of the divisions outside of the Pension Office to which they had been transferred, although they have been paid as a part of the Pension Office force.

Mr. PAYNE. How do they propose to supply the places where they are?

Mr. DINGLEY. They are to be kept where they now are.  
Mr. O'NEIL of Massachusetts. And their salaries carried on the rolls of the division in which they are working.

Mr. PAYNE. Why not take these 51 and have them fill, so far as they will, the places of the 114 clerks of the Pension Bureau? Why not call them back to the Pension Department and have them discharge their duties there?

Mr. DINGLEY. The reply of the Commissioner of Pensions would be that his office is now full and running over.

Mr. MILLIKEN. Will my colleague allow me to ask him one question?

Mr. DINGLEY. Certainly.

Mr. MILLIKEN. In providing for these discharges is any discrimination made in favor of old veteran soldiers?

Mr. HUDSON. And their widows.

Mr. DINGLEY. As far as I could get any information from the cross-examination that I indulged in, I may say that the Commissioner of Pensions conveyed the impression that he intends to discharge men who are unable to do the work of the office without regard to the question of what their desert might be on other grounds. He claimed to put it on the ground of efficiency.

Mr. HULICK. Will the gentleman allow me to ask him this question? How will the Commissioner determine upon the clerks in his Department whom he will discharge, or is he to reduce the force hereafter at his own discretion? Has the committee any information as to that?

Mr. DINGLEY. We have no information as to that beyond what I have already stated.

Mr. O'NEIL of Massachusetts. But the gentleman will recollect that this bill does not go into effect until the 1st of July.

Mr. DINGLEY. Inasmuch as this is an appropriation bill for the fiscal year commencing on the 1st of July next, the Commissioner will not, I presume, drop clerks until then.

I desire to bring out these facts now, as I am to be absent from the city to-morrow and next day.

Mr. DOCKERY. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RICHARDSON of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8767, and had come to no resolution thereon.

Mr. DOCKERY. Mr. Speaker, after some consultation with the chairman of the Committee on the District of Columbia and the chairman of the Committee on Naval Affairs, I desire to ask unanimous consent that Wednesday be substituted for the consideration of business reported from the Committee on the District of Columbia, instead of to-morrow.

The SPEAKER. The gentleman from Missouri asks unanimous consent that Wednesday be substituted for to-morrow for the consideration of business reported from the Committee on the District of Columbia.

Mr. HEARD. Under the same conditions, Mr. Speaker, that we had with reference to Tuesday?

The SPEAKER. Under the same conditions. Is there objection? [After a pause.] The Chair hears none.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent that the hour of meeting to-morrow be half past 11 o'clock.

Mr. PICKLER. I object.

The SPEAKER. Objection is made.

#### COINAGE AT THE BRANCH MINT AT DENVER, COLO.

The SPEAKER. The Clerk will now report the bill that was called up this morning.

The Clerk read as follows:

A bill (S. 1667) to provide for coinage at the branch mint at Denver, Colo.

The SPEAKER. This bill was read and considered this morning, and went over until this afternoon because the engrossed bill was not here. The question is upon the third reading of the Senate bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BLAND, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The SPEAKER laid before the House the consular and diplomatic appropriation bill with Senate amendments.

Mr. MCCREARY of Kentucky. I ask unanimous consent that the amendments of the Senate be nonconcurrent in and that a conference be requested.

Mr. HITT. Does the gentleman make that motion as to all the amendments?

Mr. MCCREARY of Kentucky. As to all the amendments.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to nonconcur in the Senate amendments and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The following conferees were appointed on the part of the House: Mr. MCCREARY of Kentucky, Mr. HOOKER of Mississippi, and Mr. HITT.

THOMAS CORIGAN.

Mr. MARTIN of Indiana. Mr. Speaker, I ask for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

*Resolved*, That the Senate be requested to return to the House the bill (H. R. 8290) entitled "A bill granting an increase of pension to Thomas Corigan."

Mr. LACEY. I object to the recall of that bill.

Mr. SAYERS. I move that the House adjourn.

The SPEAKER. One moment. The gentleman from Alabama has a conference report, and states that it will not take any time.

Mr. MARTIN of Indiana. Have I not the right to offer this as a privileged resolution?

The SPEAKER. If the gentleman will withhold that until the morning the Chair will look into it.

#### ENROLLED BILL SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 8165) authorizing the Kansas City, Oklahoma and Pacific Railway Company to construct and operate a railway through Indian reservations in the Indian Territory and the Territories of Oklahoma and New Mexico, and for other purposes; when the Speaker signed the same.

#### REPORTS OF COMMITTEES.

The following reports of committees were handed in at the Clerk's desk, referred to their appropriate Calendars, and otherwise disposed of as indicated below:

#### LIFE-SAVING STATION NEAR CITY POINT, BOSTON HARBOR, MASS.

Mr. WISE, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (S. 2595) to establish a life-saving station at or near City Point, Boston Harbor, Mass.; which was referred to the Union Calendar, and, with the accompanying report, ordered to be printed.

#### PUBLIC LANDS.

Mr. MCRAE, from the Committee on the Public Lands, reported back favorably the bill (H. R. 8795) designating the officers before whom preliminary affidavits in entries of public lands may be executed; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### METROPOLITAN RAILROAD COMPANY.

Mr. RUSK, from the Committee on the District of Columbia, reported in lieu of the bill H. R. 8403 a bill (H. R. 8841) to amend the charter of the Metropolitan Railroad Company of the District of Columbia; which, with the accompanying report, was ordered to be printed, and referred to the House Calendar.

The bill H. R. 8403 was ordered to be laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6792) to disapprove the treaty heretofore made with the Southern Ute Indians to be removed to the Territory of Utah, and providing for settling them down in severalty, etc.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 684) for the relief of the heirs of the late Mrs. Catherine P. Culver, disagreed to by the House, had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. PASCO, Mr. MITCHELL of Oregon, and Mr. ALLEN as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendment joint resolution (H. Res. 261) authorizing the Secretary of War to expend a portion of the appropriations made in the river and harbor act of 1894 for St. Joseph Harbor, in the State of Michigan, to complete the connection between St. Joseph Harbor and Benton Harbor; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the bill (S. 2589) granting cannon to the Historical Museum, Des Moines, Iowa; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

*Resolved by the Senate (the House of Representatives concurring)*, That there be printed of the Report on the Chicago Strike of June and July, 1904, of the United States Strike Commission, appointed by the President July 26, 1894, 10,500 extra copies, in paper covers, without appendixes, of which number 2,500 shall be for the use of the Senate, 5,000 for the use of the House of Representatives, and 3,000 for the use of the Department of Labor; also 5,000 extra copies of said report with appendixes, in paper covers, of which number 1,000 shall be for the use of the Senate, 2,000 for the use of the House, and 2,000 for the use of the Department of Labor.



Also:

*Resolved by the Senate (the House of Representatives concurring). That during the last ten days of any session of Congress the engrossing and enrolling of bills and joint resolutions by providing as provided for in the concurrent resolution adopted by the Fifty-third Congress, first session, November 1, 1893, may be suspended, and said bills and joint resolutions may be written by hand when in the judgment of the Joint Committee on Printing it is deemed necessary.*

#### SPECIAL RULES FOR NAVIGATION OF HARBORS, RIVERS, AND INLAND WATERS.

Mr. ROBBINS. Mr. Speaker, I submit a conference report.  
The Clerk read as follows:

The committee of conference on the disagreeing votes of the two houses on the amendments of the Senate to the bill (H. R. 8563) to adopt special rules for the navigation of harbors, rivers, and inland waters of the United States, supplemental to the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Insert the word "eight" after the word "February," and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title, and agree to the same.

GASTON A. ROBBINS,  
J. P. PIGOTT,  
W. J. WHITE,

*Managers on the part of the House.*

M. W. RANSOM,  
STEPHEN M. WHITE,  
WM. P. FRYE,

*Managers on the part of the Senate.*

The statement of the House conferees was read, as follows:

The Senate has amended the title and added a section, section 4, providing that this bill shall not apply to the Great Lakes. These amendments were necessary, as the lake bill has become a law, and unless the Great Lakes are specially excluded from this bill, this bill might be construed to repeal the new lake act.

The Senate has added section 2 at the request of the maritime interests of New York and Philadelphia. It authorizes the Secretary of the Treasury to define harbor limits, within which the local rules shall apply and outside of which the international rules shall apply.

Instead of reenacting all of section 4234, the Senate has reenacted part of it as section 3 of the bill. The part omitted is a requirement that a sailing vessel shall show a torch to an approaching steamer. Such torch should only be displayed from the stern when the steamer is overtaking the sailing vessel, as provided for in the international rules.

The Senate has stricken out on page 1, lines 7, 8, and 9, the provision that vessels coming from or departing for the high seas shall carry with them the international rules up to their wharves or from their wharves to sea. Maritime interests in New York, on consultation with Judge Addison Brown, an authority on collision cases, concluded that it is better to require seagoing vessels to change their rules and conform to the local regulations upon entering harbors, rather than to allow them, as first proposed, to come up to their wharves under the deep-sea rules, which would have involved two sets of rules in operation in the harbors.

The bill is not the best possible bill, but it is the best which can be done in the limited time of the session remaining, and it ought to pass as soon as possible, so that notice may be sent out by the Treasury to shipping interests as long before March 1 as possible.

Mr. ROBBINS. I move the adoption of the conference report.  
The motion was agreed to.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:  
To Mr. MARSHALL, indefinitely, on account of sickness in his family.

To Mr. CABANISS, this week, on account of important business.

To Mr. WELLS, indefinitely, on account of sickness in his family.

To Mr. HOLMAN, for this day, on account of sickness in his family.

#### WITHDRAWAL OF PAPERS.

Mr. TRACEY, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Daniel Leary, Fifty-first Congress, no adverse report having been made thereon.

Mr. ADAMS of Pennsylvania, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of Henry B. Wood, Fifty-first Congress, no adverse report having been made thereon.

Mr. SAYERS. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII Mr. BELTZHOVER, from the Committee on War Claims, reported the bill (H. R. 8908) for the relief of Francis Kilburn, which, with the accompanying report (No. 1795), was ordered to be printed and referred to the Committee of the Whole House.

#### PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. CHARLES W. STONE: A bill (H. R. 8838) to incorporate the International Pacific Cable Company—to the Committee on Foreign Affairs.

By Mr. JOSEPH: A bill (H. R. 8839) approving an act entitled "An act authorizing the rebuilding of the Territorial capitol at Santa Fe, N. Mex., which was destroyed by fire May 12, 1893"—to the Committee on the Territories.

By Mr. HUDSON: A bill (H. R. 8840) defining and to punish certain crimes, and for other purposes—to the Committee on the Judiciary.

By Mr. MCKAIG: A bill (H. R. 8842) to amend an act to provide for terms of the United States circuit and district courts at Cumberland, Md., approved March 21, 1892, and for other purposes—to the Committee on the Judiciary.

By Mr. STORER: A bill (H. R. 8843) providing for an additional circuit judge in the Sixth judicial circuit, and for other purposes—to the Committee on the Judiciary.

By Mr. RICHARDSON of Tennessee: A joint resolution (H. Res. 274) relative to the engrossing and enrolling of bills and joint resolutions of either House of Congress—to the Committee on Printing.

By Mr. BALDWIN: Joint resolutions of senate and house of representatives of the State of Minnesota, recommending the election of United States Senators by a popular vote—to the Committee on Election of President and Vice-President and Representatives in Congress.

Also, joint resolution of senate and house of representatives of the State of Minnesota, relating to the railroad pooling bill now pending in the United States Senate—to the Committee on Interstate and Foreign Commerce.

By Mr. CRISP (by request): A memorial from the legislature of Arizona Territory, praying the revocation of the order removing the troops from San Carlos Indian Reservation—to the Committee on Military Affairs.

Also (by request), a memorial from the legislature of Washington, urging the passage of the Nicaragua Canal bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CURTIS of Kansas: A resolution of the legislature of the State of Kansas, in behalf of an amendment to the Constitution providing for the election of United States Senators by a direct vote of the people—to the Committee on Election of President and Vice-President and Representatives in Congress.

Also, a resolution of the legislature of the State of Kansas, requesting that Congress cause to be made a thorough scientific survey to ascertain the feasibility of constructing a great national canal, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. FLETCHER: A resolution of the joint assembly of the State of Minnesota, against the passage of the pooling bill—to the Committee on Interstate and Foreign Commerce.

Also, a memorial of the joint assembly of the State of Minnesota, favoring the election of Senators by a direct vote of the people—to the Committee on Election of President and Vice-President and Representatives in Congress.

By Mr. KIEFER: A joint resolution by the legislature of the State of Minnesota, to prevent the passage of the railroad pooling bill—to the Committee on Interstate and Foreign Commerce.

Also, a joint memorial of the senate and house of representatives of the State of Minnesota, recommending the election of United States Senators by a popular vote—to the Committee on Election of President and Vice-President and Representatives in Congress.

By Mr. MOORE: A joint resolution of the legislature of Kansas, requesting Congress to cause a survey to be made to ascertain if it is possible to utilize the flood waters of the Missouri River to irrigate the Great Plains—to the Committee on Irrigation of Arid Lands.

By Mr. TAWNEY: A memorial of the legislature of Minnesota, favoring the election of United States Senators by a direct vote of the people—to the Committee on Election of President and Vice-President and Representatives in Congress.

Also, a joint resolution of the legislature of Minnesota protesting against the passage by Congress of the bill known as the Patterson bill—to the Committee on Interstate and Foreign Commerce.

By Mr. TRACEY: A joint resolution of the New York legislature, urging the passage of the bills H. R. 56 and 6685—to the Committee on the Post-Office and Post-Roads.

By Mr. McCLEARY of Minnesota: A joint memorial of the legislature of the State of Minnesota, in favor of the election of United States Senators by a direct vote of the people—to the Committee on Election of President and Vice-President and Representatives in Congress.

## PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BELTZHOVER: A bill (H. R. 8844) for the relief of Cyrus Martin—to the Committee on War Claims.

By Mr. FLYNN: A bill (H. R. 8845) granting a pension to George Machamer—to the Committee on Invalid Pensions.

By Mr. HEARD: A bill (H. R. 8846) to authorize the Postmaster-General to refund to Volley P. Hart, postmaster at Sedalia, Mo., moneys sent him by the Post-Office Department for disbursement and lost by the failure of the First National Bank of Sedalia—to the Committee on Claims.

By Mr. STORER (by request): A bill (H. R. 8847) to appropriate \$15,000 for the benefit of Eli Norris to enable him to construct certain steel-projectile guns—to the Committee on Appropriations.

By Mr. WOLVERTON: A bill (H. R. 8848) to increase the pension of Harriet C. Gregg, widow of Col. John Irvin Gregg, from \$30 to \$50 per month—to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS of Pennsylvania: Petition of citizens of Philadelphia against lotteries—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of Colorado: Petition of citizens of Averton, Pueblo County, Colo., protesting against any further issue of bonds by the United States Government—to the Committee on Banking and Currency.

By Mr. BRICKNER: Protest of the Wisconsin Saloonkeepers' Benevolent Association, against the proposed increase of the beer tax—to the Committee on Ways and Means.

By Mr. DURBOROW: Resolutions of the Chicago Branch of the Shipmasters' Association of the Great Lakes, urging the establishment of branch hydrographic offices at each of the principal lake ports, and for sufficient appropriations therefor—to the Committee on Naval Affairs.

Also, memorial of Chicago Jewelers' Association, in favor of the recommendations of the President in his late message—to the Committee on Banking and Currency.

Also, protest of the Horticultural Society of Chicago, against the present distribution of seeds and commending the recommendations of Secretary Morton to abolish same—to the Committee on Agriculture.

By Mr. GRAHAM: Petition of the Central Labor Union of Brooklyn, N. Y., in favor of House bill 56, for the classification of postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. HALL of Missouri: Petition of citizens of Randolph County, Mo., in favor of a banking and currency system—to the Committee on Banking and Currency.

By Mr. HARMER: Preamble and resolution adopted at a meeting of 398 citizens of Bridesburg, Philadelphia, Pa., held February 8, 1895, in favor of maintaining civil and religious liberty by absolute separation of church and state, and in favor of an amendment to the Constitution of the United States against the use of the property or credit of the United States, or any State, or any money raised by taxation, for maintaining any institution wholly or in part under sectarian or ecclesiastical control—to the Committee on the Judiciary.

Also, preamble and resolution adopted at a meeting of 398 citizens of Bridesburg, Philadelphia, Pa., held February 8, 1895, setting forth that in a number of States the right of franchise is granted to aliens after a residence of from four to five months to one year, and, that the rights of the legal citizens may not be abridged, petitioning that Congress shall adopt a joint resolution proposing an amendment to the Constitution of the United States that no State shall grant the right of franchise to any person in violation of the laws of the United States—to the Committee on the Judiciary.

By Mr. HITT: Memorial and resolutions of the Chicago Jewelers' Association favoring the financial recommendations in the President's message of January 28, 1895—to the Committee on Banking and Currency.

By Mr. IKIRT: Resolution of 350 citizens of Canton and 43 of Lowellville, Ohio, against granting suffrage to aliens—to the Committee on the Judiciary.

Also, resolution of 350 citizens of Canton and 43 of Lowellville, Ohio, against sectarian appropriations of public money—to the Committee on Appropriations.

By Mr. LOUDENSLAGER: Petition of George O. Adams and others, in favor of House bill 5246 providing for consular inspection of immigrants before embarkation—to the Committee on the Judiciary.

By Mr. MEREDITH: Petition of Lum Smith, praying for an

examination of Post-office Inspector Anthony Comstock—to the Committee on Reform in the Civil Service.

By Mr. PIGOTT: Remonstrance of the Wine, Liquor, and Beer Dealers' Association of Derby, Conn., against any increase of the beer tax—to the Committee on Ways and Means.

By Mr. REYBURN: Resolution of 300 citizens of Falls of Schuylkill, Philadelphia, Pa., against granting suffrage to aliens—to the Committee on the Judiciary.

Also, resolutions of 300 citizens of Falls of Schuylkill, Philadelphia, Pa., against sectarian appropriations of public money—to the Committee on Appropriations.

By Mr. SMITH of Illinois: Petition urging the passage of Senate bill 1620, entitled "An act for the suppression of lottery traffic"—to the Committee on the Judiciary.

By Mr. STONE of Kentucky: Petition of Lucinda B. Brown, administratrix of James Brown, deceased, late of Adams County, Miss., surviving partner of Reynolds & Brown, to the Congress of the United States, asking reference of said claim to the Court of Claims—to the Committee on War Claims.

By Mr. CHARLES W. STONE: Petition of Fred Beck, of Spring Creek, Warren County, Pa., against printing the report of the Columbian dairy tests—to the Committee on Printing.

Also, memorial of Folwell Lodge, No. 326, Brotherhood of Locomotive Engineers, of Bradford, Pa., in favor of the passage of House bill 5603—to the Committee on Merchant Marine and Fisheries.

Also, resolution of 45 citizens of Dempseytown, Pa., in favor of an amendment to the Constitution prohibiting any State from granting the right of suffrage to any person not a citizen of the United States—to the Committee on the Judiciary.

By Mr. STRONG: Petition of 75 citizens of Forest, Ohio, in favor of an amendment to the Constitution providing that no State shall grant the right of franchise to any person who is not a citizen of the United States—to the Committee on the Judiciary.

Also, petition of 75 citizens of Forest, Ohio, praying for a constitutional amendment providing that neither Congress nor any State shall pass any law respecting an establishment of religion—to the Committee on the Judiciary.

By Mr. TAYLOR of Indiana (by request): Petition of Hugh N. Clark and others, of Evansville, Ind., asking legislative amendment to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of Hugh N. Clark and others, of Evansville, Ind., asking legislation looking to change of the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of members of Archer Post, No. 28, Department of Indiana, Grand Army of the Republic, asking an increase of pension for Samuel W. Scott, late of Company G, Thirteenth Regiment Tennessee Cavalry, from \$10 to \$20 per month—to the Committee on Pensions.

By Mr. WARNER: Memorial of New York Chamber of Commerce in favor of an additional tug for the use of the supervisor of the harbor at New York and for more liberal appropriations for use of said supervisor—to the Committee on Appropriations.

Also, memorial of New York Chamber of Commerce in favor of the Morgan and Lodge bills for the reorganization of the consular and diplomatic service—to the Committee on Foreign Affairs.

## SENATE.

TUESDAY, February 12, 1895.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8234) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1896, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCREARY, Mr. HOOKER of Mississippi, and Mr. HITT managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8563) to adopt special rules for the navigation of harbors, rivers, and inland waters of the United States, supplementary to the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

The message further announced that the House had passed the bill (S. 1667) to provide for coinage at the branch mint at Denver, Colo.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had



signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 814) for the relief of the representatives of Daniel C. Rodman, deceased, and others; and

A bill (H. R. 8165) authorizing the Kansas City, Oklahoma and Pacific Railway Company to construct and operate a railway through Indian reservations in the Indian Territory, and the Territories of Oklahoma and New Mexico, and for other purposes.

#### EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a draft of a joint resolution authorizing the publication of 5,000 copies of the monthly synopsis of decisions of the Treasury Department and of the Board of General Appraisers at New York, under the customs and navigation laws, which are needed for the use of that Department and of the customs service throughout the United States and of other interested persons, and recommending that speedy action be taken on the joint resolution; which, with the accompanying paper, was referred to the Committee on Printing, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the 2d instant, a report of the machinery and other materials used for experimenting in the manufacture of sugar in different parts of the country which have been furnished by the General Government, where such machinery and other materials have been used, where they are now, the cost of them, expense on that account, amounts sold, and the price of same; which, on the motion of Mr. PEPPER, was, with the accompanying papers, referred to the Committee on Agriculture and Forestry, and ordered to be printed.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the legislative assembly of the Territory of Arizona; which was read, and referred to the Committee on Military Affairs, as follows:

#### TERRITORY OF ARIZONA, OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA, Territory of Arizona, ss:

I, Charles M. Bruce, secretary of the Territory of Arizona, do hereby certify that the within copy is a true and complete transcript of the house memorial No. 1, of the eighteenth legislative assembly of Arizona, filed in this office the 5th day of February, A. D. 1895, at 10 o'clock a. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed my official seal. Done at the city of Phoenix this 5th day of February, 1895.

[SEAL.]

CHARLES M. BRUCE,  
Secretary of the Territory.

House memorial No. 1.—Protesting against the removal of troops from San Carlos, Ariz.

To the Senate and House of Representatives  
of the United States of America in Congress assembled:

Your memorialists, the eighteenth legislative assembly of the Territory of Arizona, beg leave to represent to your honorable bodies—

That there are now about 4,000 Apache Indians located and near San Carlos, on the White Mountain Indian Reservation.

The effect upon these Indians by the abandonment of San Carlos as a military post is not realized by the War Department.

Heretofore the Indians have furnished nearly all of the fuel, wood, hay, and barley consumed by the military, besides finding a market for the various other products of their farms and articles of Indian manufacture.

These Indians have supplied the post of San Carlos yearly about—

1,300 cords of wood, at \$6 a cord.....	\$7,800
400 tons of hay, at \$15 .....	6,000
400,000 pounds of barley, at \$1.25 .....	5,000

Total .....

18,800

And, besides, considerable additional revenues were derived from the sale and manufacture of Indian beadwork to the officers and soldiers, which was expended for the staple articles of food and clothing.

Nevertheless, with all of this revenue, these Indians have suffered for the necessities of life, and the majority have had to go hungry several days of each week.

When these Indians, who are only partly civilized and whose savage spirit is only subdued by the constant presence of the United States troops, will be without adequate food and clothing for their bodily sustenance and comfort, and by the withdrawal of the troops they will be driven to desperation by starvation and insufficiency of clothing and compelled to raid, plunder, and murder our citizens as in years past.

Now, therefore, we, your memorialists of the eighteenth legislative assembly, do earnestly assure your honorable bodies that the foregoing are facts readily proved, and in view of the alarming situation we earnestly protest against the removal of troops from San Carlos, and ask your honorable bodies to have the order rescinded.

Resolved, That the secretary of the Territory is hereby requested to transmit a copy of the foregoing memorial to the honorable the Senate and House of Representatives, to the Secretary of the Interior, and to our Delegate in Congress, and that our Delegate be, and is hereby, requested to use all honorable means to bring this matter to their earnest and favorable consideration.

J. H. CARPENTER, Speaker.  
A. J. DORAN, President.

(Indorsed): I hereby certify that the within memorial originated in the house, and is known as house memorial No. 1.

CHAS. D. REPPY, Chief Clerk.

Filed in the office of the secretary of the Territory of Arizona this 5th day of February, A. D. 1895, at 10 a. m.

CHARLES M. BRUCE,  
Secretary of Arizona.

By F. B. DEVEREUX, Asst.

Mr. LODGE presented a petition of the Real Estate Exchange of Buffalo, N. Y., praying for the enactment of legislation re-

organizing the diplomatic and consular service of the United States; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Business Men's Association of Gloucester, Mass., praying for a more equitable arrangement of the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HARRIS. I present a letter from certain judges of the United States circuit court of appeals for the sixth circuit, stating the importance of passing a bill which shall give an additional circuit judge to that circuit and the circuit court of appeals. I move that the letter be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. HARRIS. I also present telegrams from the bars of Nashville, Memphis, and Knoxville, Tenn., recommending the creation of a third judge for the sixth judicial circuit. I move that the telegrams be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. CULLOM. I present a petition signed by express companies of Chicago and by a large number of other citizens, including bankers, praying Congress to enact some legislation affording protection to life and property upon trains, especially with reference to the conduct of the mails and express packages and so on, for the prevention and punishment of train wrecking and robbery, including Federal offenses of all kinds. The petition is somewhat lengthy, and I shall not undertake to read it. I ask that it be referred to the proper committee. I am not sure but that the subject has been heretofore referred to the Committee on the Judiciary. I ask the Senator from Connecticut if that is not the case.

Mr. PLATT. What is the subject?

Mr. CULLOM. It is in reference to legislation respecting train robbery, etc. Is that before your committee?

Mr. PLATT. I think not.

Mr. CULLOM. I move that the petition be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. PLATT presented a petition of Comstock Lodge No. 332, Brotherhood of Railroad Trainmen of South Norwalk, Conn., praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which was ordered to lie on the table.

He also presented a petition of the Cherokee Indian Citizenship Association of the Cherokee Nation, Indian Territory, praying for the enactment of legislation whereby the controversy now existing between members of that association and the Cherokee Nation may be adjusted, and the claimants have a right to participate in the lands and moneys secured by treaty stipulations to the whole Cherokee people, etc.; which was referred to the Committee on Indian Affairs.

Mr. QUAY presented petitions of 240 citizens of Pittsburg; of 79 citizens of Cowansburg; of sundry citizens of Adamsburg; of 50 citizens of Hoboken; of 300 citizens of Philadelphia; of 70 citizens of Palo Alto; of 40 citizens of New Bethlehem; of 57 citizens of Rundell; of 159 citizens of New Castle; of 200 citizens of Bristol, and of 136 citizens of Bennett, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States," which were referred to the Committee on the Judiciary.

He also presented petitions of 146 citizens of Pittsburg, of 70 citizens of Steelton, of 189 citizens of Harrisburg, of 130 citizens of Erie, of 50 citizens of Hoboken, of 45 citizens of Dempseytown, of 91 citizens of Bellevue, of 40 citizens of New Bethlehem, of 159 citizens of New Castle, of 136 citizens of Bennett, of 130 citizens of Montoursville, of 57 citizens of Rundell, and of 150 citizens of South Fork, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States to prevent the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

Mr. BUTLER presented resolutions adopted by the Chamber of Commerce of Charleston, S. C., favoring the provisions contained in the recent message of the President, and praying for the enactment of legislation carrying out his views; which were referred to the Committee on Finance.

He also presented resolutions adopted by the Board of Associated Banks of Charleston, S. C., favoring the recommendation of the President for the issuance of 3 per cent bonds; which, with the accompanying letter from the chairman of the board, was referred to the Committee on Finance.

Mr. HAWLEY presented a petition of the Platner & Porter Paper Manufacturing Company and three other business firms of Unionville, Conn., praying for the enactment of legislation to secure the payment of the sugar bounty on the crops of 1894; which was referred to the Committee on Appropriations.

Mr. SHERMAN presented a petition of Iron Moulders' Union No. 183, of Dayton, Ohio, praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which was ordered to lie on the table.

He also presented petitions of sundry citizens of Tupper Plain; of 60 citizens of Syracuse, and of 60 citizens of Brookville, all in the State of Ohio, praying for the adoption of an amendment to the Constitution of the United States to prevent the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

He also presented a petition of 60 citizens of Brookville, Ohio, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which was referred to the Committee on the Judiciary.

Mr. TURPIE presented a petition of sundry citizens of Lafayette, Ind., praying for the passage of Senate bill No. 2523, to regulate the salaries and mode of removal of postal employees; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 40 citizens of Red Key, Ind., praying for the adoption of an amendment to the Constitution of the United States to prevent the appropriation of moneys for sectarian institutions; which was referred to the Committee on the Judiciary.

He also presented a petition of 40 citizens of Red Key, Ind., praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which was referred to the Committee on the Judiciary.

Mr. ALLEN presented a memorial of sundry citizens of Nebraska, remonstrating against the issuance of interest-bearing bonds; which was referred to the Committee on Finance.

Mr. BATE presented petitions of members of the bar of Chattanooga and Nashville, Tenn., praying for the appointment of a third circuit judge for the sixth judicial circuit; which was referred to the Committee on the Judiciary.

Mr. WALSH presented a petition of the Travelers' Protective Association of Atlanta, Ga., praying for the enactment of legislation to permit the railroads of the United States to issue interchangeable mileage books and to give special privileges of free or excess baggage with such mileage; which was ordered to lie on the table.

He also presented a petition of Central City Lodge, No. 8, of Macon, Ga., praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which was ordered to lie on the table.

#### FINANCIAL STATEMENTS.

Mr. COCKRELL. I present an abstract of reports made to the Comptroller of the Currency, showing the condition of the national banks in the United States at the close of business on Wednesday, the 19th day of December, 1894, the last report of the lawful money reserve of the national banks as shown by the reports of their condition at the close of business on December 19, 1894, and also a statement showing the paper currency of each denomination outstanding January 31, 1895. I move that the statements be printed as one document.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. GRAY. I am instructed by the Committee on Privileges and Elections, to whom was referred the joint resolution (H. Res. 20) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States, to report it adversely, with leave to file a report at another time, and with leave to the minority of the committee to file their views.

Mr. TURPIE. I present the views of the minority of the committee in favor of the joint resolution just reported adversely. I ask that the same be filed, and that they be printed.

The VICE-PRESIDENT. It will be so ordered. The joint resolution will be placed on the Calendar with the adverse report of the committee.

Mr. FAULKNER, from the Committee on Territories, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying report, referred to the Committee on Appropriations.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (H. R. 6852) for the relief of William E. Bond, reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Pensions, to whom was referred the bill (H. R. 6417) to pension Mary E. Hamilton, widow of David Hamilton, soldier in Indian war of 1818, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL, of Oregon, from the Committee on Post-Offices and Post-Roads, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL, of Wisconsin, from the Committee on Military Affairs, to whom was referred the bill (S. 1864) for the relief of George W. Harbaugh, submitted an adverse report thereon.

Mr. MANDERSON. I ask that the bill be placed on the Calendar with the adverse report in order to save all rights.

The VICE-PRESIDENT. It will be so ordered.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (S. 1027) granting a pension to Mary Clare Kelly, reported it with an amendment, and submitted a report thereon.

Mr. WASHBURN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2377) for the relief of H. F. Menough, late postmaster at Rock Springs, Wyo., reported it with an amendment, and submitted a report thereon.

Mr. PALMER. For the Senator from New Hampshire [Mr. GALLINGER], who, owing to indisposition, is not able to be in the Senate, I report back favorably from the Committee on Pensions, without amendment, the bill (S. 1229) granting a pension to Bridget Devine, and submit a report thereon.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. CAREY, from the Committee on Public Lands, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HUNTON, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 2066) for the relief of Charles A. Edwards, reported it without amendment.

Mr. VEST. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 1980) authorizing the establishment of a free port at Fort Pond Bay or elsewhere in the waters of Long Island, in the State of New York, to report it back with amendments. I am instructed to state that all of the members of the committee do not consider themselves obligated to support the bill, but a majority thought that it ought to be reported for the consideration of the Senate. I ask that certain exhibits, which are marked, shall be printed, and that the bill go to the Calendar.

The VICE-PRESIDENT. That order will be made in the absence of objection.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred an amendment submitted by Mr. BUTLER on this day, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, reported an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. 2663) to provide for the erection of a public building in the cities of Winston-Salem, N. C., reported it with amendments.

Mr. PETTIGREW, from the Committee on Public Lands, to whom was referred an amendment submitted by himself on the 9th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. CALL, from the Committee on Appropriations, to whom was referred the bill (H. R. 8727) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1896, reported it with amendments, and submitted a report thereon.

#### COINAGE OF SILVER.

Mr. JONES of Arkansas. I am directed by the Committee on Finance, to whom was referred the bill (S. 2642) providing for the issue of bonds, the coinage of silver, and for other purposes, to report it with amendments, and amending the title so as to read: "A bill providing for the unrestricted coinage of silver, and for other purposes."

Mr. ALDRICH. I ask that the amendments be read.

Mr. HILL. I should like to have the bill read if it is in order. If not, I ask unanimous consent for that purpose.

Mr. ALDRICH. I should like to have the bill and amendments read at the desk.

The VICE-PRESIDENT. The bill will be read as proposed to be amended.

Mr. JONES of Arkansas. I will state to Senators that it is the bill introduced by me some time ago with the proposition of the committee that all of the bill be stricken out except section 9, which is retained with certain amendments. I suggest that that section be read with the proposed amendments.

Mr. ALDRICH. As this is a very important measure, I think the Senate and the country ought to understand exactly what is proposed, and therefore I ask that the bill may be read and that the amendments also may be read.

Mr. GRAY. Certainly the original bill need not be read.

Mr. JONES of Arkansas. Does the Senator from Rhode Island desire to have the whole bill read, including the part proposed to be stricken out?

Mr. ALDRICH. I think we ought to know exactly what is being done. Therefore I desire that the bill may be read and that the amendments of the committee may be read.



Mr. JONES of Arkansas. I have no objection.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary proceeded to read the bill.

Mr. MANDERSON. For a proper understanding of this matter, I should like to know whether the Secretary is reading the bill as reported from the Committee on Finance. Is it not the bill as introduced by the Senator from Arkansas [Mr. JONES] some time ago?

Mr. JONES of Arkansas. The bill as reported back simply proposes to strike out all of the bill except section 9. The Senator from Rhode Island asked for the reading of the entire bill, and after the bill is read I suppose the Secretary will announce that the proposition of the committee is to strike out what he is now reading and to pass only section 9, which provides for the unrestricted coinage of silver.

Mr. ALDRICH. My purpose in calling for the reading of the bill was to show that all those portions of the bill which have any merit from my standpoint have been stricken out by the committee and that one of the objectionable sections is reported by the committee favorably. I have no objection to withdrawing my request if the Senator from Arkansas desires that the whole bill shall not be read.

Mr. HALE. Let it be printed.

Mr. JONES of Arkansas. I do not object at all.

Mr. ALDRICH. I think it had better be printed in the RECORD, and that the section which is reported favorably be read.

Mr. PLATT. Let the Secretary read the ninth section as reported by the committee.

Mr. HARRIS. For economy of time I hope that course will be taken.

Mr. SHERMAN. I think the whole bill ought to be printed in the RECORD.

Mr. ALDRICH. That was my suggestion, that it all be printed.

Mr. HARRIS. Let it be printed.

The VICE-PRESIDENT. It will be so ordered.

The bill as introduced by Mr. JONES of Arkansas January 23, 1895, and referred to the Committee on Finance, is as follows:

A bill (S. 2042) providing for the issue of bonds, the coinage of silver, and for other purposes.

*Be it enacted, etc.* That authority is hereby given to the Secretary of the Treasury to issue bonds of the United States to the amount of \$500,000,000, coupon or registered, at the option of the buyer, payable, principal and interest, in coin of the present standard value, and bearing interest at the rate of 3 per cent per annum, payable quarterly, and not to be sold at less than par, the bonds to mature thirty years from date, and be redeemable at the option of the Government after twenty years; and that the Secretary of the Treasury be, and he is hereby, authorized to use the proceeds of the sale of said bonds to defray current expenses of the Government, and for the redemption of United States legal-tender notes and of Treasury notes issued under the act of July 14, 1890, as hereinafter provided. That said bonds shall be of the denominations of \$20 and \$50, and multiples of said sums, respectively, at the option of the purchasers thereof, and shall be in such form as may be prescribed by the Secretary of the Treasury; and said bonds and the interest thereon shall be exempt from the payment of all taxes and duties to the United States, and from all taxation by or under State, municipal, or other local authority, and said bonds and coupons shall be made payable at the Treasury of the United States. Whenever the Secretary of the Treasury shall offer any of the bonds herein authorized for sale, he shall advertise the same and authorize subscriptions therefor to be made at the Treasury Department, and at any subtreasury, and any bank in which United States bonds are deposited, it being the intention of this act to give full and free opportunity for general subscription, and payment therefor may be made in gold coin, but the Secretary of the Treasury may, in his discretion, accept in payment therefor United States legal-tender notes and Treasury notes issued under the act of July 14, 1890.

SEC. 2. That national banking associations are hereby authorized and permitted to issue circulating notes to the par value of United States bonds deposited with the Secretary of the Treasury, and the tax on such circulation is hereby reduced to one-fourth of 1 per cent per annum, payable semi-annually on the first days of January and July of each year.

SEC. 3. That section 9 of the act approved July 13, 1882, entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," be, and the same is hereby, repealed, and hereafter no national banking association, continuing to transact business as such, shall retire the whole or any part of its circulation without written authority therefor from the Secretary of the Treasury; and so much of section 12 of the said act as authorizes and directs the Secretary of the Treasury to receive deposits of gold coin with the Treasurer or Assistant Treasurers of the United States and to issue certificates therefor, be, and the same is hereby, repealed, but this repeal shall not in any manner affect the validity or use of such certificates heretofore issued.

SEC. 4. That hereafter national banking associations desiring to retire the whole or any part of their circulating notes shall, if so required by the Secretary of the Treasury, deposit with the Treasurer of the United States gold coin equal to the amount of notes to be retired, and each of said banking associations shall at all times keep on deposit with the Treasurer of the United States, in gold coin, a sum equal to 5 per cent of its outstanding circulating notes, and the same sum shall be held and used for the redemption of such notes, and for no other purpose.

SEC. 5. That not exceeding one-half of the lawful reserves on account of deposits now required by law to be kept by national banking associations may consist of bonds of the United States issued under this act, the same to be estimated at their par value.

SEC. 6. That no national bank note shall be hereafter issued of a denomination less than \$10, and all notes of such banks now outstanding of denominations less than that sum shall be, as rapidly as practicable, taken up, redeemed, and canceled and other notes of \$10 and larger denominations shall be issued in their stead under the direction of the Comptroller of the Currency.

SEC. 7. That the Secretary of the Treasury is hereby authorized and directed, out of the proceeds of the sale of bonds as hereinbefore provided, to cancel and destroy all United States legal-tender notes and Treasury notes

issued under the act of July 14, 1890, of denominations less than \$10, and to issue a like amount of silver certificates in denominations of \$1, \$2, and \$5, which said certificates shall be payable to bearer in silver, it being the intention of this act that neither the Treasury Department nor national banks shall issue or keep in circulation any notes other than silver certificates of a less denomination than \$10; and the Secretary of the Treasury is authorized, at the request of any holder, to receive Treasury notes and United States legal-tender notes, and to issue in lieu thereof silver certificates in denominations less than \$10, and he shall cancel and retire the legal-tender notes and Treasury notes so received.

SEC. 8. That the Secretary of the Treasury is hereby authorized and directed, out of the proceeds arising from the sale of the bonds hereinbefore authorized, and from any surplus revenues, to redeem and cancel, and not reissue, said United States legal-tender notes and Treasury notes whenever and as fast as the aggregate circulation of United States legal-tender notes, Treasury notes, silver certificates, and national bank notes shall be in excess of the aggregate amount of United States notes, Treasury notes, national bank notes, and silver certificates in circulation at the date of the passage of this act.

SEC. 9. That from and after the passage of this act the Secretary of the Treasury is hereby authorized and directed to receive at any United States mint, from any citizen of the United States, silver bullion of standard fineness, and coin the same into silver dollars of 412 grains each. The seigniorage on the said bullion shall belong to the United States, and shall be the difference between the coinage value thereof and the price of the bullion in London on the day the deposit is made, and all expenditures for coinage done under the provisions of this act shall be paid out of said seigniorage; and the Secretary of the Treasury shall deliver to the depositors of such bullion standard silver dollars equal in amount to the price thereof as aforesaid; and whenever the said coins herein provided for shall be received into the Treasury, certificates in denominations of less than \$10 may be issued thereon, in the manner now provided by law.

SEC. 10. That the Secretary of the Treasury shall make such rules and regulations, and employ such clerical and other force as may be necessary to carry this act into effect, and a sum sufficient for that purpose is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The VICE-PRESIDENT. Section 9 will be read as proposed to be amended by the committee.

Mr. HALE. I take it the Senator from Arkansas does not propose any action at this time.

Mr. JONES of Arkansas. I should be glad to have immediate action if there is no objection.

Mr. HALE. Of course if action is to be taken it ought to be read, but if no action is to be taken at this time it is just as well to have it printed in the RECORD and printed in regular form. Then we shall all have it before us without using up the time in the reading.

Mr. JONES of Arkansas. I should be glad to have unanimous consent for the immediate consideration of the bill.

Mr. ALDRICH. I suggest that the section reported favorably be read and that the remainder of the bill be printed in the RECORD.

Mr. JONES of Arkansas. I suggest that the Secretary read the bill as reported.

Mr. HALE. That is right.

The SECRETARY. The Committee on Finance report to strike out all after the enacting clause of the bill and to insert:

That from and after the passage of this act the Secretary of the Treasury is hereby authorized and directed to receive at any United States mint, from any citizen of the United States, silver bullion of standard fineness, and coin the same into silver dollars of 412 grains each. The seigniorage on the said bullion shall belong to the United States, and shall be the difference between the coinage value thereof and the market price of the bullion in New York on the day the deposit is made, and all expenditures for coinage done under the provisions of this act shall be paid out of said seigniorage; and the Secretary of the Treasury shall deliver to the depositors of such bullion standard silver dollars equal in amount to the price thereof as aforesaid; and whenever the said coins herein provided for shall be received into the Treasury, certificates may be issued thereon, in the manner now provided by law.

Amend the title so as to read: "A bill providing for the unrestricted coinage of silver, and for other purposes."

Mr. SHERMAN. I wish to say in justice to the minority of the committee that this bill is reported by a bare majority of 1 vote. In justice to the minority of the committee I should state that the opposition to the bill as reported was very decided, and that the majority was simply 1 vote.

Mr. JONES of Arkansas. It may be fair for me to state also that the advocacy of the bill as reported was very decided by a majority of 1 vote.

Mr. ALDRICH. I understand the Senator from Arkansas desires that the bill shall be taken up for immediate consideration. So far as I am concerned personally, and I am now speaking only for myself, I am quite willing that it shall by unanimous consent take the place of the bankruptcy bill as the unfinished business, to be taken up whenever—

Mr. GEORGE. I object to that.

Mr. ALDRICH. To be taken up for discussion whenever the appropriation bills are not before the Senate.

Mr. BERRY. To be taken up and voted on without debate.

Mr. CALL. I object to further discussion. I call for the regular order.

The VICE-PRESIDENT. There is objection to further debate. The bill will be placed on the Calendar.

Mr. HARRIS. I suggest to the Senator from Rhode Island that if the bill can be passed now without debate I think the Senator from Florida will withdraw his objection.

Mr. ALDRICH. I hardly think that is possible this morning.

Mr. HARRIS. I think the Senator would object to that himself.

Mr. ALDRICH. I think I should.

## INCOME RETURNS FOR 1894.

Mr. VEST. I am instructed by the Committee on Finance, to whom was referred the joint resolution (H. Res. 273) extending from March 1, 1895, to the 15th day of April, 1895, the time for making returns of income for the year 1894, to report it back with certain amendments and ask its immediate consideration by the Senate. It is a matter that must be determined at once if acted upon at all.

The VICE-PRESIDENT. Is there objection?

Mr. CALL. I ask leave to submit a resolution at this time, to be printed and lie on the table until to-morrow morning.

The VICE-PRESIDENT. The Chair will recognize the Senator from Florida when the pending business is disposed of.

Mr. VEST. I think when the Senate hears the nature of the joint resolution they will agree that it ought to be acted upon now.

Mr. CHANDLER. I ask that the amendments reported by the committee may be read.

The VICE-PRESIDENT. The amendments reported by the Committee on Finance will be stated.

The SECRETARY. It is proposed to add to the joint resolution the following:

*Be it further resolved*, That in computing incomes under said act the amounts necessarily paid for fire insurance premiums and for ordinary repairs upon any real estate shall be deducted from the rents accrued or received from such real estate.

*And also resolved*, That in computing incomes under said act the amounts received as dividends upon the stock of any corporation, company, or association shall not be included, in case such dividends are also liable to the tax of 2 per cent upon the net profits of said corporation, company, or association, although such tax may not have been actually paid by said corporation, company, or association at the time of making returns by the person, corporation, or association receiving such dividends.

*Be it further resolved*, That no taxpayer shall be required in his, her, or its annual return under said act to answer any interrogatories except as specifically provided in said act.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. MITCHELL of Oregon. I should like to see the joint resolution in print.

Mr. HILL and Mr. MORRILL. It is all right.

Mr. MITCHELL of Oregon. It may be all right, but I should like to see it in print. I object to the consideration of the joint resolution now.

The VICE-PRESIDENT. There is objection to the consideration of the joint resolution, and it will be placed on the Calendar.

## DELAWARE RIVER BRIDGE.

Mr. QUAY. I am instructed by the Committee on Commerce, to whom was referred the resolution submitted by my colleague [Mr. CAMERON] January 29, 1895, for the appointment of a commission of not less than three engineers of the United States Army to inquire and determine whether the bridge across the Delaware River between the States of New Jersey and Pennsylvania would be an unreasonable obstruction to the commerce of the river, to report in lieu thereof a joint resolution which I ask may be considered at this time.

The joint resolution (S. R. 133) directing the Secretary of War to make an examination of the bridge to be constructed over the Delaware River between the States of New Jersey and Pennsylvania was read the first time by its title, and the second time at length, as follows:

*Resolved by the Senate and House of Representatives, etc.*, That the Secretary of War be, and he is hereby, directed to appoint a commission of not less than three engineers, United States Army, which shall convene at Philadelphia and inquire and determine whether the bridge across the Delaware River as projected under Senate bill No. 1950, second session Fifty-third Congress, entitled "A bill to authorize the construction of a bridge over the Delaware River between the States of New Jersey and Pennsylvania, to regulate commerce in and over such bridge, and to establish such bridge as a military and post road," approved June 14, 1894, would be an unreasonable obstruction to the commerce of the river, and shall report to him its findings; and that until the said commission has made its report the work of constructing said bridge shall not be proceeded with.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH W. ADY.

Mr. GRAY, from the Committee on Privileges and Elections, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the contingent fund of the Senate, to Joseph W. Ady, the contestant of the seat of JOHN MARTIN, a Senator from Kansas, the sum of \$2,000, in full of expenses incurred by the said Joseph W. Ady in his said contest.

## BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 2747) defining the qualifications of chief inspector and deputy inspectors of plumbing in the

District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. WASHBURN introduced a bill (S. 2748) to authorize the Wisconsin and New Duluth Bridge Company to construct a bridge over the St. Louis River, between the States of Wisconsin and Minnesota; which was read twice by its title, and referred to the Committee on Commerce.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. PASCO submitted an amendment intended to be proposed by him to the sundry civil appropriation bill, providing for survey and preparing of plans for improvement of Tampa Bay and preliminary examination; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. LODGE submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. BUTLER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which, with the accompanying letter from the Secretary of the Treasury, was referred to the Committee on Public Buildings and Grounds.

Mr. CAREY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. SQUIRE submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

## WITHDRAWAL OF PAPERS.

On motion of Mr. GORDON, it was

*Ordered*, That the papers filed in the Fifty-second Congress relating to the claim of Mildred P. Poulain, widow of Dr. Thomas N. Poulain, for relief, be withdrawn from the files of the Senate, under the rules thereof.

## NEW YORK POST-OFFICES.

Mr. HILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Postmaster-General be, and is hereby, directed to furnish to the Senate information as to post-offices in the State of New York in the following particulars:

First. The number of Presidential post-offices.

Second. The number of other post-offices.

Third. The number of postmasters in Presidential offices who were appointed by President Harrison and who were permitted by President Cleveland to serve out their full terms, and the number removed for cause before the expiration of their terms.

Fourth. The number of postmasters in Presidential offices appointed by President Harrison whose terms have not yet expired, and the number whose terms have expired for which no nominations have been made.

Fifth. What policy has been adopted by the present Administration in reference to postmasters of offices (other than Presidential offices) who are appointed for no fixed term, whether they have been removed at pleasure or allowed as a general rule to serve a term of four years; the number of such postmasters appointed by the preceding Administration who are still in office, and the number who were permitted to serve out a full period of four years, but whose successors have been appointed, and the number who have served such period who are still in office.

## REGULATIONS TO PREVENT COLLISIONS AT SEA.

Mr. VEST submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of State be directed to inform the Senate what foreign nations have adopted or refused to adopt the regulations for preventing collisions at sea which were directed to be followed by all public and private vessels of the United States upon the high seas and in all waters connected therewith navigable by seagoing vessels by act of Congress approved August 19, 1890, and proclaimed by the President on July 13, 1894; also that he transmit to the Senate all information he may have as to such matter, together with the correspondence had between the United States and other Governments in regard thereto.

## CLAIM FOR SEIZURE OF COTTON.

Mr. McLaurin submitted the following resolution; which was referred to the Committee on Claims:

*Resolved*, That Senate bill No. 2222, entitled "A bill for the relief of the owners of certain cotton shipped from Natchez, Miss., in August, 1863, on the steamer *Gladiator* be, and the same hereby is, referred to the Court of Claims for examination and report under the provisions of section 14 of the act approved March 3, 1887, entitled 'An act to provide for the bringing of suits against the Government of the United States.'"

## PREVENTION OF COLLISIONS AT SEA.

Mr. WHITE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8563) to adopt special rules for the navigation of harbors, rivers, and inland waters of the United States, supplementary to the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.



That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: Insert the word "eighth" after the word "February;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title, and agree to the same.

M. W. RANSOM,  
STEPHEN M. WHITE,  
WILLIAM P. FRYE,  
*Managers on the part of the Senate.*  
GASTON A. ROBBINS,  
J. P. PIGOTT,  
W. J. WHITE,  
*Managers on the part of the House.*

The report was concurred in.

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 11th instant approved and signed the act (S. 445) changing the name of Georgetown, in the District of Columbia, and for other purposes.

#### ISSUE AND SALE OF UNITED STATES BONDS.

The VICE-PRESIDENT. If there be no further concurrent or other resolutions, the Chair lays before the Senate a resolution submitted by the Senator from Kansas, coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. PEPPER on the 9th instant, as follows:

*Resolved*, That the Committee on the Judiciary be, and it is hereby, directed to report to the Senate forthwith, with its action thereon, Senate resolution (Miscellaneous Document No. 3) adopted on the 5th day of December, 1894, as follows:

*Resolved*, That the Committee on the Judiciary be, and it is hereby, instructed to inquire and report whether the acts of the Secretary of the Treasury, in issuing and selling United States bonds in the months of February and December, 1894, were authorized by any act or acts of Congress then in force.

Mr. CALL. Mr. President, I think that the resolution I offered, and which was under discussion yesterday, has precedence in regular order.

Mr. BLACKBURN. That resolution, I think, went to the Calendar under the action of the Senate yesterday morning.

Mr. CALL. There was no action of the Senate on the resolution yesterday; but I understood unanimous consent was given that it should not lose its place.

Mr. BLACKBURN. No. The resolution was not taken up yesterday in the morning hour, but the Post-Office appropriation bill was taken up on my motion.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions in the order in which they are reached, and the resolution of the Senator from Kansas was first upon the list, and was so laid before the Senate.

Mr. PEPPER. I ask that the resolution may be adopted.

Mr. ALDRICH. I ask that the resolution may be read, so that we may know what it is.

Mr. CALL. I submit that the resolution which I offered has precedence in time, if I am not mistaken, over the resolution of the Senator from Kansas.

The VICE-PRESIDENT. The Chair is governed by the record as shown at the desk, and not by the recollection of Senators.

Mr. HOAR. I desire to suggest to the Senator who has charge of the resolution, and to the Senate, that the chairman of the Judiciary Committee is suffering with a heavy cold and is not able to be in his seat this morning. I therefore suggest that the resolution stand over until he shall come in. He should be present if the resolution is to be discussed.

Mr. PEPPER. I asked that the resolution might be adopted. I did not ask for its discussion.

Mr. HOAR. I ask the Senator to let the resolution stand over on the ground that the chairman of the Judiciary Committee is absent.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts?

Mr. GORMAN. Let us have the resolution read, Mr. President.

The VICE-PRESIDENT. The resolution will be again read.

The Secretary read the resolution submitted by Mr. PEPPER on the 9th instant.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. PLATT. The suggestion has been made that the resolution ought not to be considered this morning, because the chairman of the Committee on the Judiciary is not here. The resolution is, in a certain sense, a reflection upon the Judiciary Committee for not having reported the resolution formerly submitted by the Senator from Kansas, and certainly the chairman of the committee is the proper person to reply.

Mr. STEWART. Has the Senator any objection to my making a few remarks about the resolution before it passes away?

Mr. HOAR. I should like the chairman of the Judiciary Committee to hear the Senator's remarks.

Mr. STEWART. He can read them in the RECORD

Mr. PLATT. We are always glad to listen to the Senator from Nevada.

Mr. STEWART. Then I should like to make a few remarks.

Mr. PEPPER. I do not want the floor taken away from me just yet. I have no objection to the resolution going over, provided it does not lose its place.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kansas?

Mr. STEWART and Mr. GORMAN. I object.

The VICE-PRESIDENT. There is objection.

Mr. PEPPER. Then, Mr. President, I desire to be heard upon the resolution.

The VICE-PRESIDENT. The Chair recognizes the Senator from Kansas.

Mr. PEPPER. Mr. President, I did not intend to discuss this resolution, and I expect now to occupy but a very short time. I think I appreciate as highly as any member of the Senate the importance of promptness in our action during the remainder of the present session. We are very much pressed, but in view of the fact that, first, there seemed to be a disposition to discuss the resolution, and, second, objection to its going over and retaining its place, I feel it my duty to call attention to my reasons for offering the resolution, for, as was suggested by the Senator from Connecticut [Mr. PLATT], it may seem to be a reflection on the Committee on the Judiciary.

Mr. President; I have charged upon this floor once before, and repeat the charge now—for that is the foundation of this proceeding—that the Treasury Department ever since 1878 has been deceiving the people, whether deliberately and intentionally or not I do not care to say. It began in the year 1878 and continued until the Administration of President Harrison, and in the first message of that distinguished man he called attention to the condition of our finances. Why did not the President begin in 1865, at the close of the great war? The policy adopted at that time has been followed until the present. During the administration of Mr. Secretary Foster a statement was sent out to the people apparently upon request—it was used as a campaign document—showing and intending to show that there never had been in circulation any paper money excepting the greenbacks and demand notes, throwing out of the calculation utterly all the compound-interest notes, all the 7-30 notes, and every other class of our paper currency excepting only the greenbacks. Our Treasury reports since 1878 have continually been made up upon that idea.

In addition to that, Mr. President, we find that now, in the reports which are being issued from day to day, in place of asserting that the silver bullion in the Treasury is worth its coin value, the Secretary of the Treasury conveys the idea that we purchased it at its market value, and that that is the only value which it can have in making up our accounts. There are about \$134,000,000 of silver bullion in the Treasury, as the report shows, whereas in fact the coinage value of the bullion is perhaps 25 per cent more than that—yes, about 33 per cent more than that. So, if the actual coinage value of the silver bullion now in the Treasury were given it would be about \$175,000,000 instead of \$134,000,000.

I might go on and enumerate a large number of other instances, but I shall not take time now to do it, wherein, in my judgment, the Treasury Department has been deceiving the public concerning our finances. Last year, in January, the Secretary of the Treasury came to Congress, honest man that he was, and asked permission by statute authorizing him to purchase gold with bonds, but Congress denied him that privilege. Then, believing it was his duty, and acting under the advice of the President of the United States, to maintain the gold reserve, he assumed authority, and there were no objections raised in this body, and, so far as I know, none in the other body, excepting those which were raised by members of the party to which I belong. I called attention to the fact at that time, and so did my colleagues; and when the present Congress convened, upon the first day of the session I presented the following resolution to the Senate:

*Resolved*, That the Committee on the Judiciary be, and it is hereby, instructed to inquire and report whether the acts of the Secretary of the Treasury in issuing and selling United States bonds in the months of February and December, 1894, were authorized by any act or acts of Congress then in force.

That resolution was offered on the 3d day of December, 1894, more than two months ago. No report on it has yet been made by the committee. It is not my business nor is it my desire or intention to even intimate what reasons, if any, the committee have had for not acting upon the resolution, but their nonaction, or at least their neglect or failure to report the resolution, is in entire accord with the conduct and the management of the Treasury Department during the last eighteen years.

I assume, Mr. President, that the committee did not regard the subject-matter of the resolution as worth considering, and therefore it was not reported. Hence I do not intend any disrespect to the committee whatever, because that has been the custom and has been the practice of committees of this body as to all mat-

ters of this kind. I remember when I introduced a resolution during our long debate in 1893, asking the Secretary of the Treasury to inform the Senate whether the national banks of the country were being conducted in violation of law or not, that Senators upon both sides of the Chamber arose and with some feeling asserted that it was an impertinence upon the part of the Senator from Kansas to ask a question of this kind; that during times of great stress and emergency public officers ought not to be expected to obey the law fully and in detail, and that there ought to be large discretion allowed.

So it is now. The Secretary of the Treasury and his chief are selling the public credit upon the open market. They have even gone so far, Mr. President, latterly, since this resolution was presented to the Senate, as to confer privately with foreigners, or with the agents of foreign banking institutions, trading the credit of the people of the United States to our ancient enemy at three-fourths of 1 per cent—yes, nearly 1 per cent—more than the last bonds were negotiated for, and at 1½ per cent more than the bonds of the city of New York are now carrying; and this, too, in the face of the fact that members of this body and members of the House of Representatives—if I am not out of order in referring to that—have been asserting from the beginning and are now asserting, that the sale of these bonds is without authority of law.

I spent some time in discussing this resolution the second day after it was introduced for the very purpose of showing, and I thought that I did show conclusively, that the President and his Secretary were acting outside of the law. I feel quite certain that the distinguished senior Senator from Ohio [Mr. SHERMAN] took the same view of the subject I did, at least measurably.

During the pendency of an appropriation bill at the last session of the Fifty-second Congress the Senator from Ohio proposed an amendment authorizing the Secretary to sell bonds of either of the classes provided for in the refunding act of 1870 or bonds bearing 3 per cent interest at his discretion. Evidently it was the belief of that distinguished Senator at the time that there was no authority upon the part of the Treasury Department, or at least that the people would question such authority, to issue bonds under existing circumstances without some fresh authority from the National Legislature. It was under those circumstances that I asked for the adoption of the resolution in the utmost good faith. I remember stating, while discussing the resolution, that if acts of this kind had been committed in the earlier years of the Republic the guilty officers would have been impeached for high crimes and misdemeanors. I believe so now. We are drifting along from day to day and month to month and year to year, allowing the officers in charge of great public affairs to use their own judgment and override the law and the Constitution, and it is time the brakes were put on.

Senators—and though there are different grades of Senators, the same as there are of common people, yet a Senator is presumed to be a man of some responsibility—and Members of the House of Representatives charge that these acts are done without authority of law. Now I come into the Senate as a Senator, upon my responsibility as a Senator, and I ask our Judiciary Committee to give us their opinion as to whether these acts are in accordance with the law or, to put it in a more genteel form perhaps, whether there was any statute existing at the time authorizing these acts upon the part of the officers.

The Committee on the Judiciary of the Senate of the United States is composed of distinguished men, men of rare learning in law, of judicial training, and great ability, standing high not only as lawyers and jurists, but as statesmen. Their opinion would be worth a great deal to the people of the country. It would be very satisfying to the public mind if that committee should come in and by a large majority or unanimously say that in their opinion the President and Secretary of the Treasury were justified not only by the exigencies, but by the letter of the law in issuing bonds. I confess that it would go a great way toward satisfying my mind—a great way, indeed—for I should feel it my duty to yield to their superior judgment upon a matter of this kind. The resolution of itself was very important, sufficiently so to justify its existence, and that is the reason why it was offered.

Now I ask that the committee report the resolution. If they are not going to take any action upon it, let them say so and let them say why they will not take any action, if they wish to. All that the resolution before the Senate asks is that the committee shall report to the Senate the result of their action upon it. It is no reflection. It was not in my mind at all to reflect upon the honor, the integrity, or the industry of the committee.

Mr. HILL. Will the Senator from Kansas allow me a moment?

Mr. PEPPER. Certainly.

Mr. HILL. Undoubtedly before the Judiciary Committee would act upon the resolution they would desire the opinion of the Attorney-General of the United States. I am not now called upon, in the absence of the chairman of the committee, to explain the precise reason why a report has not yet been made, but I think I

can say that undoubtedly the committee would be disposed to ask the opinion of the Attorney-General.

Mr. STEWART. I should like to inquire by what authority the committee would ask the opinion of the Attorney-General.

Mr. HILL. Any committee of the House of Representatives or the Senate can ask the opinion of a law officer of the Government. He can give it or not as he pleases. Undoubtedly, sir, he would give it. I simply suggest to the Senator from Kansas whether all practical purposes would not be served by an amendment of the resolution, requesting the Attorney-General to give to the Senate his opinion.

Mr. PEPPER. No; I do not want the opinion of the Attorney-General. I regard my own opinion upon this point as good as that of the Attorney-General.

Mr. HILL. I have nothing whatever to say after that statement.

Mr. PEPPER. I have no doubt, sir, that I have given the subject more attention than either the Attorney-General or the Senator from New York. I have no doubt that I have given it not only more careful consideration, but more intelligent consideration.

Mr. President, I wish the opinion of the Judiciary Committee of the Senate. I will state for the information of the Senator from New York that I was caught in that trap once before with respect to the resolution to which I referred a few minutes ago, asking the Secretary of the Treasury to inform the Senate whether the business of the national banks was being conducted in violation of law. The resolution was referred to the Finance Committee over my objection, and it was done, as I afterwards learned, for the very purpose of submitting it not to the Secretary of the Treasury, but to the Comptroller of the Currency, a gentleman who, in connection with his official duties, has an attachment that suggests to him the propriety of going to banquets and meetings of bankers for the purpose of praising and lauding the national-banking system of the country and suggesting that the national banks ought to be continued for the purpose of regulating the speculative tendencies of the common people of the country. In that case the resolution was referred to the Comptroller of the Currency, and finally a statement came in here that he had no official information that there had been any violations of law in the matter referred to.

We all understood that very well. We knew that the Comptroller had no official information. We knew that he did not want any official information. We knew that the Secretary of the Treasury had no official information. We believed that he did not want any. We knew that the Senate of the United States had no official information upon that point. It was very evident from what occurred upon this floor that the Senate did not want any official information upon that particular point. So the resolution was side tracked in that manner.

Now, the Senator from New York [Mr. HILL] suggests that it would be good policy and he has no doubt the committee would be anxious to refer the matter to the Attorney-General. The statutes are plain. The statutes were made by the Congress of the United States, and this body, if any body in the world, ought to understand their meaning. This much in reference to the object of offering the resolution in the first place and of offering this one.

I have prepared a good deal of matter by way of discussing this question further and bringing out points that I did not bring out in the argument before, but I shall not take up the time of the Senate to do so. As I said in the beginning, had it not been for objections upon one side or another I should not have said a word upon the resolution at all. That is all I care to say just now.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5740) incorporating the Society of American Florists.

The message also announced that the House has disagreed to the amendment of the Senate to the bill (H. R. 6595) granting a pension to Elizabeth Moore English, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MOSES, Mr. STALLINGS, and Mr. LOUDENSLAGER managers at the conference on the part of the House.

The message further announced that the House insisted upon its amendments to the bill (S. 2173) to amend an act entitled "An act to establish a United States court in the Indian Territory, and for other purposes," approved March 1, 1889, and an act entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," approved May 2, 1890; to provide for the redistricting of the Indian Territory for judicial purposes, for an additional judge and more United States commissioners, and to prescribe the jurisdiction, duties, and au-



thority of such judges and commissioners, and for other purposes, disagreed to by the Senate, and agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULBERSON, Mr. BAILEY, and Mr. RAY managers at the conference on the part of the House.

The message also announced that the House had passed the following bill and joint resolution:

A bill (S. 2699) for the encouragement of education in the State of Mississippi; and

A joint resolution (S. R. 113) instructing the Secretary of War to return to the State of Michigan the flags of certain regiments of Michigan volunteer infantry.

The message further announced that the House had agreed to the concurrent resolution of the Senate providing that the engrossing and enrolling of bills and joint resolutions, as provided for in the concurrent resolution adopted by the Fifty-third Congress, first session, November 1, 1893, be suspended, and said bills and joint resolutions be written by hand when, in the judgment of the Joint Committee on Printing, it is deemed necessary, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the following bill and joint resolution:

A bill (H. R. 7839) to bridge the Newark Bay; and

A joint resolution (H. Res. 261) authorizing the Secretary of War to expend a portion of the appropriation made in the river and harbor act of 1894 for St. Joseph Harbor, in the State of Michigan, to complete the connection between St. Joseph Harbor and Benton Harbor.

The message further requested the Senate to return to the House the bill (H. R. 5260) granting an increase of pension to Thomas Corigan, the same having been adversely reported by the Committee of the Whole and by error passed by the House.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 6244) to remove the charge of desertion from the military record of Jacob Eckert;

A bill (H. R. 6792) to disapprove the treaty heretofore made with the Southern Ute Indians to be removed to the Territory of Utah, and providing for settling them down in severalty where they may so elect and are qualified, and to settle all those not electing to take lands in severalty on the west 40 miles of present reservation and in portions of New Mexico, and for other purposes, and to carry out the provisions of the treaty with said Indians June 15, 1890; and

A bill (H. R. 7020) to readjust the salaries and allowances of the postmasters at Guthrie, Oklahoma City, and Kingfisher, in Oklahoma Territory.

#### POST-OFFICE APPROPRIATION BILL.

Mr. BLACKBURN. I move that the Senate proceed to the consideration of the bill making appropriations for the support of the postal service for the next fiscal year.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8273) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896.

The VICE-PRESIDENT. The Senator from Nebraska [Mr. ALLEN] is entitled to the floor.

Mr. ALLEN. Mr. President—

Mr. STEWART. Will the Senator from Nebraska give way to me for a few moments?

Mr. ALLEN. I will yield for a few moments.

Mr. STEWART. Mr. President, I feel it my duty to call the attention of the Senate to the message of the President of date February 8, 1895.

To my mind it is a very extraordinary document, issued as it seems to me upon the face of it, without a due examination of the law of Congress. It is stated in the message among other things as follows:

As a precaution, therefore, against the failure of timely legislative aid through Congressional action, cautious preparations have been pending to employ to the best possible advantage, in default of better means, such executive authority as may, without additional legislation, be exercised for the purpose of reinforcing and maintaining in our Treasury an adequate and safe gold reserve.

I submit that the President has no authority of law to take any measure whatever to obtain or keep a gold reserve. He further states:

Therefore, in pursuance of section 3700 of the Revised Statutes, the details of an arrangement have this day been concluded with parties abundantly able to fulfill their undertaking, whereby bonds of the United States, authorized under the act of July 14, 1875, payable in coin thirty years after their date, with interest at the rate of 4 per cent per annum, to the amount of a little less than \$62,400,000, are to be issued for the purchase of gold coin amounting to a sum slightly in excess of \$65,000,000, to be delivered to the Treasury of the United States, which sum, added to the gold now held in our reserve, will so restore such reserve as to make it amount to something more than \$100,000,000.

Such a premium is to be allowed to the Government upon the bonds as to fix the rate of interest upon the amount of gold realized at 3½ per cent per annum. At least one-half of the gold to be obtained is to be supplied from abroad, which is a very important and favorable feature of the transaction.

The privilege is especially reserved to the Government to substitute at par within ten days from this date, in lieu of the 4 per cent coin bonds, other bonds in terms payable in gold and bearing only 3 per cent interest, if the issue of the same should in the meantime be authorized by the Congress.

The arrangement thus completed, which, after careful inquiry, appears in present circumstances and considering all the objects desired to be the best attainable, develops such a difference in the estimation of investors between bonds made payable in coin and those specifically made payable in gold in favor of the latter, as is represented by three-fourths of a cent in annual interest. In the agreement just concluded the annual saving in interest to the Government, if 3 per cent gold bonds should be substituted for 4 per cent coin bonds under the privilege reserved, would be \$330,150, amounting in thirty years, or at the maturity of the coin bonds, to \$16,174,770.

Before I discuss this question further I desire to call the attention of the Senate to a clerical error in the President's message. He refers in the clause I have just read to the act of July 14, 1875. I telephoned to Mr. Thurber, the President's private secretary, stating that there was no such act, that Congress was not in session at that time, and that the President must refer to the refunding act of July 14, 1870, or resumption act of January 14, 1875, and asked him for an explanation. I received in reply from Mr. Thurber the following:

Clerical error; should read "January 14, 1875."

That would be the resumption act.

Now, the President says, in the paragraph I have read, that this action is taken in pursuance of section 3700 of the Revised Statutes, which reads as follows:

Sec. 3700. The Secretary of the Treasury may purchase coin with any of the bonds or notes of the United States, authorized by law, at such rates and upon such terms as he may deem most advantageous to the public interest.

It will be observed that he can only sell bonds which are authorized by law. There are no bonds authorized by law except under the act of January 14, 1875. The refunding act of July 14, 1870, contains this provision:

But nothing in this act or in any other law now in force shall be construed to authorize any increase whatever of the bonded debt of the United States.

So the act of July 14, 1870, prohibited the sale of bonds which would increase the public debt. That act was executed. The public debt was funded without any increase or decrease nominally. So that all laws which existed previous to that time, authorizing the issuance of bonds which would increase the public debt, were by that act repealed. The reference to that section now can have no bearing upon the power of the President, and he must fall back upon whatever authority may be found in the resumption act.

I can hardly conceive why or for what purpose any reference should be made to section 3700 of the Revised Statutes. So far as that had any power at all in connection with this matter it has been repealed.

I shall again call the attention of the Senate to the language of the resumption act, which is the only act under which there can be any possible claim for the authority to issue bonds. That portion of the act relating to this particular matter reads as follows:

And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem, in coin—

Mark the language, "coin"—

the United States legal-tender notes then outstanding, on their presentation for redemption at the office of the Assistant Treasurer of the United States in the city of New York, in sums of not less than \$50. And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenues, from time to time, in the Treasury not otherwise appropriated, and to issue, sell, and dispose of, at not less than par, in coin, either of the descriptions of bonds of the United States described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," with like qualities, privileges, and exemptions, to the extent necessary to carry this act into full effect, and to use the proceeds thereof for the purposes aforesaid.

Then the resumption act authorized the Secretary of the Treasury to issue and sell bonds of the description contained in the act of July 14, 1870, to the extent necessary to obtain coin to provide

for the redemption of the greenbacks which were outstanding on the 1st day of January, 1879. That is the full extent of the authority. Those bonds are, by the refunding act of July 14, 1870, made payable in coin of the then standard value, which consisted of gold dollars of 25½ grains and of silver dollars of 412½ grains of standard silver.

So the bonds issued under the resumption act were payable, the same as all other bonds, in silver as well as gold. That question has been before Congress, as I showed a few days ago, and has repeatedly been brought to the attention of the Senate; and a resolution was passed by more than a two-thirds vote in both Houses of Congress, declaring that all the bonds issued by the United States are payable in silver coin as well as gold coin. There can be no question as to that.

The President further says:

Of course there never should be a doubt in any quarter as to the redemption in gold of the bonds of the Government which are made payable in coin. Therefore the discrimination in the judgment of investors between our bond obligations payable in coin and those specifically made payable in gold is very

significant. It is hardly necessary to suggest that whatever may be our views on the subject, the sentiments of preferences of those with whom we must negotiate in disposing of our bonds for gold are not subject to our dictation.

I have only to add that in my opinion the transaction herein detailed for the information of the Congress promises better results than the efforts previously made in the direction of effectively adding to our gold reserve through the sale of bonds; and I believe it will tend, as far as such action can, in present circumstances, to meet the determination expressed in the law repealing the silver-purchasing clause of the act of July 14, 1890, and that, in the language of such repealing act, the arrangement made will aid our efforts to "insure the maintenance of the parity in value of the coins of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts."

The quotation contained in the last paragraph from the act extorted from Congress in the extra session to repeal the purchasing clause of the Sherman Act is unfortunate. The phrase "insure the maintenance of the parity in value of the coins of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts" is wrenched from the context and its meaning distorted. The paragraph of the law in which that phrase is found reads as follows:

And it is hereby declared to be the policy of the United States to continue the use of both gold and silver as standard money of equal extrinsic and exchangeable value, such equality to be secured through international agreement, or by such safeguards of legislation as will insure the maintenance of the parity in value of the coins of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts.

What is there in this law to authorize the President of the United States to refuse to use silver coin as standard money in payment of Government obligations expressly made payable in coin of either gold or silver? On the contrary, it is expressly declared in the very sentence from which the quotation is taken to be "the policy of the United States to continue the use of both gold and silver as standard money." By what authority does the President discontinue such use, and why does he say—

Of course there never should be a doubt in any quarter as to the redemption in gold of the bonds of the Government which are made payable in coin?

Why is it a matter of course that the laws of the United States and the resolutions of the two Houses of Congress should be disregarded?

Again, I call the attention of the President to the concurrent resolution of the two Houses which passed the Senate on the 25th day of January, 1878, and the House on the 28th day of the same month. The preamble and resolution are as follows:

Whereas, by the act entitled "An act to strengthen the public credit," approved March 18, 1869, it was provided and declared that the faith of the United States was thereby solemnly pledged to the payment in coin or its equivalent of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of such obligations had expressly provided that the same might be paid in lawful money or other currency than gold and silver; and

Whereas all the bonds of the United States authorized to be issued by the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, by the terms of said act were declared to be redeemable in coin of the then present standard value, bearing interest payable semi-annually in such coin; and

Whereas all bonds of the United States authorized to be issued under the act entitled "An act to provide for the resumption of specie payments," approved July 14, 1875, are required to be of the description of bonds of the United States described in the said act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt;" and

Whereas at the date of the passage of said act of Congress last aforesaid, to wit, the 14th day of July, 1870, the coin of the United States of standard value of that date included silver dollars of the weight of 412½ grains each, declared by the act approved January 18, 1837, entitled "An act supplementary to the act entitled 'An act establishing a mint and regulating the coins of the United States,'" to be a legal tender of payment according to their nominal value for any sums whatever: Therefore,

Resolved by the Senate (the House of Representatives concurring therein), That all the bonds issued by the United States, issued or authorized to be issued under the said acts of Congress hereinbefore recited, are payable, principal and interest, at the option of the Government of the United States, in silver dollars of the coinage of the United States, containing 412½ grains each of standard silver and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith nor in derogation of the rights of the public creditor.—CONGRESSIONAL RECORD, volume 7, part 1, Forty-fifth Congress, second session, page 564.

Two votes were taken in the Senate on the passage of the foregoing resolution; the first on the resolution and the second on the preamble. The vote on the resolution was as follows:

YEAS—Allison, Armstrong, Bailey, Beck, Booth, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Chaffee, Coke, Conover, Davis of Illinois, Davis of West Virginia, Dennis, Dorsey, Eustis, Ferry, Gordon, Grover, Hereford, Howe, Johnston, Jones of Florida, Jones of Nevada, Kirkwood, McCreery, McDonald, McMillan, Matthews, Maxey, Merrimon, Morgan, Oglesby, Plumb, Ransom, Saulsbury, Saunders, Spencer, Teller, Thurman, Voorhees, Wallace, Withers—43.

NAYS—Anthony, Barnum, Bayard, Blaine, Burnside, Christiancy, Conkling, Dawes, Eaton, Edmunds, Hamlin, Kernan, Lamar, McPherson, Mitchell, Morrill, Paddock, Randolph, Rollins, Sargent, Wadleigh, Windom—22.

ABSENT—Butler, Cockrell, Garland, Harris, Hill, Hoar, Ingalls, Kellogg, Patterson, Sharon, Whyte—11.  
(*Ibid.*, page 561.)

The vote on the preamble was as follows:

YEAS—Allison, Armstrong, Bailey, Beck, Booth, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Chaffee, Coke, Conover, Davis of Illinois, Davis of West Virginia, Dennis, Dorsey, Eustis, Ferry, Gordon, Grover, Hereford, Howe, Johnston, Jones of Florida, Jones of Nevada, Kirkwood, McCreery, McDonald, McMillan, Matthews, Maxey, Merrimon, Morgan, Oglesby, Plumb, Ransom, Saulsbury, Saunders, Spencer, Teller, Thurman, Voorhees, Wallace—42.

NAYS—Anthony, Barnum, Bayard, Blaine, Burnside, Christiancy, Conkling, Dawes, Eaton, Edmunds, Hamlin, Kernan, Lamar, Mitchell, Morrill, Paddock, Rollins, Sargent, Wadleigh, Windom—20.

ABSENT—Butler, Cockrell, Garland, Harris, Hill, Hoar, Ingalls, Kellogg, McPherson, Patterson, Randolph, Sharon, Whyte, Withers—14.  
(*Ibid.*, page 564.)

As will be observed, among those recorded in the affirmative on the passage of the resolution will be found the name of my honorable friend from Iowa [Mr. ALLISON] on both votes; also the name of the Senator from Pennsylvania [Mr. CAMERON], and that of the Senator from Nevada [Mr. JONES]. The Senator from Missouri [Mr. COCKRELL] and the Senator from Tennessee [Mr. HARRIS] were present in favor of the resolution.

The concurrent resolution was adopted in the Senate, as I have stated, on the 25th day of January, 1878. In the House of Representatives the resolution was concurred in as a whole, the preamble and the resolution being voted upon at the same time, by one vote, and the resolution and preamble were concurred in by the House of Representatives by a vote of 189 to 79. Among those voting for that resolution I find the names of John G. Carlisle, the present Secretary of the Treasury; William McKinley, ROGER Q. MILLS, WILLIAM M. SPRINGER, and ex-Secretary of the Treasury Charles Foster, of Ohio. There we have the present Secretary and the ex-Secretary of the Treasury declaring that the obligations of the United States were payable in silver coin.

Did the President know of this resolution and of the overwhelming vote by which it was passed when he said:

Of course there never should be any doubt as to the redemption in gold of the bonds of the United States which are made payable in coin?

But we need not go to that act for construction. We need not argue the correctness of the construction given by Congress on the plain language of the law. The President and the syndicate with which he is dealing have given it a construction. They have construed the bonds that are about to be issued as silver bonds.

There can be no question about that, for the President tells us so. He tells us, in the passage I have read, that he can sell gold bonds for 3 per cent, whereas he can sell no bonds which he can issue under existing laws for less than 8½ per cent. The difference in per cent is equal to 15 per cent premium. The President is offering 15 per cent premium now for gold. It is proposed to sell the bonds of the United States and buy gold at 15 per cent premium. That will be on the basis of 3 per cent; but if the credit of the Government had not been impaired by the alarm raised by the Treasury Department and the banks, if this question had not been raised at all, our bonds would sell at par, drawing only 2½ per cent.

A few years ago about \$50,000,000 of our bonds fell due, and the Secretary of the Treasury was enabled to obtain an extension at 2 per cent. In 1879, or about that date, when the fours had from seventeen to eighteen years to run, they sold in the market at 27 per cent premium. If they had had the full time to run they would have sold for over 30 per cent premium, and really the President is paying more than 30 per cent premium for gold today. That is the real fact, and the country may as well understand that we are paying to-day, on the proposition submitted by the President, more than 30 per cent premium above what we would be required to pay if this question had not been raised by the banks, by the Secretary of the Treasury, and by the President.

On the 5th of November, 1892, no longer ago than that, the market price of the bonds of the United States reduced the interest to 2½ per cent. Now, we must pay 3½ per cent on bonds running thirty years, which would have realized November, 1892, at least 30 per cent premium. But the President says he is selling these bonds to buy gold—not coin, but to buy gold—to maintain a gold reserve, not a coin reserve, a thing unknown to the law.

Will the President contend that the bonds he is selling must be paid in gold? The premium he is paying treats them as bonds payable in silver. The President says under the contract which he has made that if they were gold bonds he could sell them at par, drawing only 3 per cent interest, but they not being gold bonds he is obliged to pay 15 per cent premium. If the bonds he is now selling are silver bonds and not gold bonds, why does he assume that the bonds heretofore issued are gold bonds? All the outstanding bonds of the United States are of the same description and subject to the same decisions, and are issued under the provisions of the act of July 14, 1870.

The amount that we would lose by these transactions would not be so grievous, the country could bear it, if it did not entail other consequences almost too alarming to describe. It is done for the purpose of maintaining the gold standard. We have come to the point where we must pay a large premium on gold to maintain the gold standard. Will that premium ever be less? On the contrary, will it not increase as the credit of the Government becomes weaker and weaker under these operations?

How are we situated to maintain the gold standard? We have gold obligations which require an annual payment of at least \$500,000,000. I will give the estimates. It is estimated that from \$175,000,000 to \$200,000,000 annually is paid for carrying our commerce



on the ocean in foreign bottoms. It is estimated that \$250,000,000 is annually paid for interest and dividends on foreign investments. Some place the amount much higher. It would undoubtedly be greater than that if we did not continue to borrow, if we sent it all abroad. It is estimated that \$100,000,000 is carried out by travelers in foreign lands, making in round numbers at least \$500,000,000 in gold that we must pay to Europe to keep what gold we have. We have not been able to do it, and we are now borrowing money and paying a premium on gold for that purpose.

See how we are situated with regard to foreign countries who are our creditors. The gold on the continent of Europe is beyond our reach. Russia holds her \$550,000,000 or more in her war chest, and hoards it. Austria holds her \$200,000,000, the most of which she got from us, in her treasury to meet the interest on her gold obligations.

It will be remembered that her debt of twenty-four hundred million dollars drawing 5 per cent and payable in silver was converted for the benefit of the Rothschild syndicate into \$2,800,000,000 of 4 per cent perpetual gold bonds. The \$200,000,000 that she has in her treasury must be held for that purpose, and it is proposed to buy from \$40,000,000 to \$50,000,000 more in the near future. France with her \$900,000,000 of gold and \$700,000,000 of silver and some \$700,000,000 or \$800,000,000 of paper is able to keep her gold.

In the first place she has an ample circulating medium, which keeps the people at work and enables her to maintain the balance of trade in her favor. In the next place, when gold is demanded for export she pays silver and keeps her gold. Germany, also a creditor nation, guards her gold by her silver. She has the same option that France and the United States have to pay in either gold or silver. She has about \$150,000,000 of silver left, and when gold is demanded for export she pays silver. Consequently the gold on the Continent is practically beyond our reach.

How is it with the gold in Great Britain? The amount of gold in Great Britain is estimated at \$450,000,000 or \$500,000,000. How does she keep it? According to Mr. Gladstone the outside world owes her \$10,000,000,000; according to other estimates the amount is much larger, bringing in annually from \$500,000,000 to \$600,000,000 from foreign countries. Besides, she does the carrying trade of the world, which amounts to an enormous sum, estimated as high as \$300,000,000. She with \$800,000,000 annually to the good and we with \$500,000,000 annually to the bad, the contest is unequal.

How are we to pay the \$500,000,000 of gold that is necessary in order to keep the gold we have for circulation? We have only two ways to obtain it. One is by selling our products in foreign markets; and we have had some experience in that. Every time we bid for gold and every time any other country bids for gold the price of gold goes up, and the gold price of commodities goes down, until we have been unable to sell enough products to retain our gold; and the gap between our ability to pay and our obligations will increase as years go on. For every dollar the people of the United States or the Government of the United States borrows to pay interest on borrowed money adds to the fixed obligations and requires a larger payment the succeeding year.

The conversion of the obligations of the United States which were payable in lawful money into obligations payable in coin was a gratuity to the bondholders which they failed to appreciate. The conversion of coin obligations into gold obligations by the Administration without authority of law is ruining the credit of the Government and destroying the prosperity of the country. The administration of no other civilized nation in the world would dare assume such responsibility. The obligations of France, the same as those of the United States, are by law payable in gold or silver coin.

The administration of the Republic of France has uniformly denied the right of the holders of Government paper to dictate in what kind of coin they should be paid, but on the contrary has exercised the option conferred by law to pay in silver whenever it was most convenient, and by that means retains \$900,000,000 of gold in the country. The law of Germany makes the obligations of that country payable in either gold or silver, and the imperial power of the Emperor respects that law and pays silver and refuses to pay gold whenever it is more convenient for the Government to pay in the white metal.

Before the Emperor of Austria undertook to convert \$2,400,000,000 of 5 per cent silver bonds into \$2,800,000,000 of 4 per cent gold bonds, he was forced to obtain legislative sanction therefor. But in the Republic of America, where the Constitution and the laws of Congress passed in pursuance thereof are the paramount law of the land, all the obligations of the Government, which are, by law, payable in either gold or silver, have been converted by the executive department into obligations payable in gold alone.

We have passed the point when there can be any question with regard to our ability to buy gold with our commodities. We have not the ability. That is demonstrated beyond peradventure; and failing in that ability the President of the United States has assumed the responsibility of selling bonds, payable in coin, either

gold or silver, to buy gold; and he has now offered a premium of 15 per cent according to his own showing.

The fact is it is a much larger per cent, because a 3 per cent bond ought to be at a premium of 15 or 20 per cent. He is really paying a premium of over 30 per cent to get gold; and with this premium going on you pile up the debt year after year. But in the meantime people will be without money; falling prices and hard times will continue.

It is said that we must restore confidence. How can confidence be restored when the fact is demonstrated that it is impossible for us to maintain a gold standard without borrowing? How can confidence be restored with \$1,100,000,000, in round numbers, of paper and silver, all of which, on the theory of the Department, must be redeemed in gold, and with no means of obtaining gold to redeem it except by borrowing it and paying a premium on it? That is the reason why business men dare not move. They see this vast volume of currency to be redeemed in gold with no gold for redemption. Prices will go down. Confidence will not be restored while we are engaged in this vain effort to obtain gold by borrowing.

To me this is the darkest period of our history. It seems to me to be the turning point, for if we go on borrowing money the time is not far distant when there must be a crash such as the world has never seen. In the meantime, if this process can be sufficiently prolonged and property be put down lower and lower, as it must be, and times grow harder and harder, as they must under this process, the time is not far distant when there will be great discontent. There will be uprisings of the people, and the military will be called upon, as it was last summer, to enforce the laws.

Order must be preserved; the peace of society must not be disturbed. We all agree that we can not endure the upturning of society. Consequently the military arm will be used, and when the military arm is used on a large scale, as it is bound to be in the near future to suppress discontent, you will have a military dictator. We are moving on in that direction with such speed as no other country ever did. We are moving on to destruction. On a gold basis without gold, which is our situation, unless we pay a premium on it, and a large one, when our ability to pay a premium ceases, when our credit is destroyed, moving on in that way gives no hope to any patriotic man.

It must be remembered that it has been well said that starving men will not maintain a republic. This Republic rests upon a free and independent people. Individual prosperity is at the bottom. Take away individual prosperity, destroy opportunities for enterprise, as you are now doing, and the time is not far distant when your Republic must cease. No liberal government of any kind has ever been able to withstand the condition to which we are approaching. A few rich and the masses impoverished is a condition which marks the end of republican institutions. Liberties of every kind have fallen before such conditions. They have arisen in every liberal government. In every government where the people have once had freedom similar conditions to those which confront us preceded their downfall. The few became very rich, the masses very poor, and despotism became the rule.

Now, independent of the disobedience of law, independent of the fact that Congress has never sanctioned the conduct of the Treasury Department as it is now conducted, the fact remains that the Congress of the United States is responsible to see to it that we do not move further in this direction. You may talk of trusts of various kinds. While this grand trust, which is the money of the world, controls, you have a trust that is greater than the Government, a trust that is greater than all trusts, a trust that absorbs all trusts. Other trusts must act in conformity to it. The railroads are at the mercy of the money-lending classes. They are bonded for an enormous amount and they must do as their creditor dictates. The debtor is emphatically in the case of the railroads the slave of the creditor.

Take any other of the corporations against which the people murmur and if you will look far enough you will see that the corporations are helpless; that they are depending upon the ability of the people of the United States to obtain gold which is exhausted, except by the use of our credit, and our credit will soon be exhausted. See the premium we are now paying for gold and imagine what must come next; and then do you say that we shall go on in this course? They ask what will be your remedy.

I say that the remedy is easy. We must have an independent financial policy for the United States. We must furnish the people of the United States with a sufficient circulating medium so that business can be prosecuted, so that individual prosperity may come again, so that your factories and your mines will be opened, so that your fields will furnish a return for the labor of the farmer. This must be done if our Republic is to be saved. There is no halfway work about it. We must meet the situation as it is.

The issuance of bonds without authority of law to buy gold for a reserve is not what the statute says. It says you may buy coin

to redeem the greenbacks which were outstanding on the 1st of January, 1879—not gold, but coin; and there is no authority to buy either gold or silver while there is a sufficient amount of silver available for that purpose, for power to sell bonds is only to be exercised to the extent necessary to buy coin to redeem the greenbacks; and while there is silver in the Treasury which can be made available there is no excuse for buying either gold or silver. There is no law for it.

How then with regard to silver? I do not know exactly how much silver is in the Treasury which is not pledged for the redemption of the silver certificates. It is \$20,000,000 or more. I believe there were \$30,000,000 of silver coin there on the 1st of the present month. It is made the duty of the Secretary of the Treasury to coin all the silver that he has on hand to provide for the redemption of the Treasury notes issued under the act of 1890. Congress passed a bill requiring it to be coined and authorizing the issue of silver certificates on the seigniorage in the Treasury, some fifty-odd million ounces, making some \$30,000,000, and it was vetoed by the President.

The Department has in every way refused to use silver to carry into effect the laws which would give an abundance of silver with which to redeem the Treasury notes and all other obligations.

Now, the President says that we must have gold in the Treasury; and if the President can not have legislation he will contract with foreign syndicates and pay a premium for gold without the sanction of Congress.

It seems to me that it is time the Senate should face this question squarely. Shall this process go on; shall this usurpation go on; shall this refusal to comply with the laws of Congress and use the silver available go on? Both the Democratic party and the Republican party in their platforms solemnly pledged themselves to use silver as standard money.

Mr. President, the remark has been made that it was unfortunate that the President did not offer these bonds to the people. It was certainly unusual. The contract for the bonds before they were issued to a foreign syndicate was a remarkable transaction. It was said the other day by the Senator from Ohio [Mr. SHERMAN] that the people would readily take these bonds; that they have in the savings banks \$1,600,000,000 of gold and want the bonds. I think it would have been better to give the people an opportunity to take the bonds, but I deny that the depositors in savings banks have there any \$1,600,000,000 of gold or any \$1,600,000,000 of money.

It is true the savings banks owe their depositors that amount, or about that amount, but I question the ability of the banks to return it under the gold standard. It is impossible. Your savings banks and your trust companies can not endure the gold standard and exist. The securities in the savings banks and trust companies upon which they pay their depositors interest are perishing. They are not worth to-day 50 cents on the dollar in gold of their original cost. The failure of railroads and the failure of corporations, the shrinkage of securities, will sap the foundation of all your savings banks and trust companies, and again the people must suffer.

It may be that the precaution was taken to deal with a foreign syndicate for fear that the depositors in savings banks and trust companies would desire to invest in the bonds, and in that event the inability of the banks to respond would be developed. It might be dangerous to give the people anything that would be safe investment, for they might be inclined to draw their money out of the savings banks and trust companies, and the securities those companies hold might be thrown upon the market.

I should like to know where the stocks of the railroad companies are. I understand that they have gone out of the market to the extent of nearly a million shares—\$100,000,000. Where are they? Are they in the banks? If they are those who hold such securities had better take warning because on a gold basis they must continue to depreciate. If they depend upon the ability of the United States to buy gold and pay a premium on it (and that is the only way we can get gold) the stocks of railroads and of all corporations of every description, including their bonds, must shrink and continue to shrink, and depreciate in the market.

The time is coming when this process of contraction will shake the foundation of all the institutions in the land. It was a dangerous experiment to depreciate the value of commodities in this country, your wheat and cotton. To compel them to be sold for gold, thus enhancing the value of gold to the disuse of silver was a dangerous experiment. Those who undertook that experiment did not realize that they were destroying the foundation of the prosperity of the country and destroying the security which they held.

The PRESIDING OFFICER (Mr. KYLE in the chair). The Senator from Nevada will suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 4609) to establish a uniform system of bankruptcy.

Mr. HARRIS. I ask unanimous consent that the unfinished business may be informally laid aside so that the Senate may continue the consideration of the Post-Office appropriation bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEWART. Mr. President, I want to appeal to the Senate of the United States to view this question squarely, and to consider how it is possible to obtain gold to maintain the gold standard. I want the Senate to consider how we are to pay our fixed charges to foreign countries, now amounting annually to at least \$500,000,000, and increasing daily, and I want the Senate to consider the perilous road we are traveling when we have commenced to pay a premium on gold for the purpose of keeping it here, and when we know that nothing but an unlimited debt can keep it here, nor can even that keep it here longer than our credit remains good.

In the mean time the people must suffer, and the people are suffering. I wish that the Senate of the United States and those in authority would consider the suffering of 70,000,000 people, whose enterprises have been destroyed and who are without hope. All chance for the independence of individual men is removed and opportunity is removed from them, and yet we are told that we must wait for better times. When and how can better times come under this process of borrowing gold at a premium, when we are without the ability to sell our products for a sufficient price to keep our gold at home?

In all the history of this country there has never been a more gloomy spectacle presented than now, and there never has been as much suffering in the United States at any period during the existence of the Government as there is to-day. Never has there been as much despair; never has there been as much anxiety; never has there been so much poverty and distress; never have there been so many men out of employment; never has there been such a disastrous condition presented to the people. Shall we persist in aggravating it by borrowing more money, and particularly borrowing it without authority of law? Will not Congress stop this disastrous and ruinous policy? If not, the people must continue to suffer the consequences.

Until this all-important question is settled no other question ought to be considered by any party of men who claim to be patriotic and who love their country. We ought to stop here and now and liberate the people from the oppression of the gold corner, which is sapping the foundations of our institutions and precipitating us into revolution and anarchy, which, if continued, will finally result in despotism.

I read in a Philadelphia paper the other day that all the conditions were present in this country which preceded the French Revolution. The article went on column after column enumerating the conditions then in France and now in the United States, showing that the existing conditions parallel those which existed in France at the time of their revolution. Like conditions will produce like results.

The conditions are such now that the money of the world is mostly pooled in Europe, and can only be obtained at such prices as avarice dictates, while our industries for want of money are prostrated, while our people are out of employment, and while suffering prevails everywhere. What can you expect from such conditions but a recurrence similar to the French Revolution?

I am not an alarmist, but, Mr. President, the condition of the country warrants all I say, and I warn Senators here to-day that if this policy is pursued much longer consequences will occur which will shock civilization itself.

HEIRS OF D. FULFORD—VETO MESSAGE.

The PRESIDING OFFICER. The Chair lays before the Senate a message from the President of the United States, which will be read.

The Secretary read as follows:

To the Senate:

I return herewith, without approval, Senate bill No. 143, entitled "An act for the relief of the heirs of D. Fulford."

This bill directs the Secretary of the Treasury "to redeem, in favor of the heirs at law of D. Fulford, four bonds of the United States, consols of 1867, of the denomination of \$500, \$100, \$50, and \$50, and known as five-twenties, said bonds having been destroyed by fire the 9th day of July, 1872, and to pay to the heirs at law of said D. Fulford the amount of said bonds, together with accrued interest from July 1, 1872, to the date of the maturity of said bonds."

The bill further provides that the heirs to whom the payment is to be made shall execute and file with the Secretary of the Treasury a bond "conditioned to save harmless the United States from loss or liability on account of said bonds or the interest accrued thereon, and to contain such words as to cover any liability resulting from any mistake in the designation or description of the bonds, so that in no event shall the United States be called upon by a rightful claimant for a second payment thereof."

The proposition is that the Government shall pay bonds alleged to have been destroyed by fire nearly twenty-three years ago.

The Secretary of the Treasury states that an application for the payment of these bonds, made by Mr. Fulford himself, was rejected by the Department because he was unable to describe the bonds in such a way as to permit their identification and because the evidence of their destruction by fire was inconclusive.

The Senate Committee on Claims, however, in their report on the bill under consideration, state that they are entirely satisfied that Mr. Fulford was



the owner of four Government bonds, one for \$500, one for \$100, and two for \$50, and that they were burned with his residence, which was destroyed by fire on the 9th day of July, 1872, and that while he could not furnish the numbers or descriptions of said bonds, he understood all these bonds were of the class known as consols of 1867, and that he had collected the coupons thereon for the interest due July 1, 1872.

The particular class of bonds mentioned were dated July 1, 1867, and were payable or redeemable not less than five nor more than twenty years from their date. The short period expired, therefore, on the 1st day of July, 1872. That was the date when the last coupons on Mr. Fulford's bonds, which it is alleged were detached and collected, became due, and only nine days before the supposed destruction of the bonds by fire.

A letter from the Secretary of the Treasury dated July 20, 1892, attached to the report of the Senate Committee made upon a bill similar to this, which was pending at that time, discloses the fact that among the consols of 1867 then outstanding there were 107 of the denomination of \$500, 107 of the denomination of \$100, and 35 of the denomination of \$50. This statement merely shows that there were numerous bonds precisely similar to those described as belonging to Mr. Fulford, which had not, in July, 1892, been redeemed, though the extreme limit of their maturity expired on the 1st day of July, 1897. The letter of the Secretary further discloses, however, that there were two of these outstanding bonds of the denomination of \$500, and two of the denomination of \$100, upon which coupons of interest had not been paid since July 1, 1872. Of course, this lends plausibility to the suggestion that two of these four bonds, one of each denomination, were those destroyed when Mr. Fulford's house was burned in July, 1872, but this suggestion loses its force under the additional statement in the letter of the Secretary of the Treasury that in July, 1892, there were no consols of 1867 of the denomination of \$50 whose last coupon was paid July 1, 1872. This shows conclusively that no \$50 bonds of this class were destroyed by fire in Mr. Fulford's house and casts great uncertainty upon the description of the other bonds inasmuch as the theory of the claimants seems to be that all the bonds destroyed belonged to the same class.

In 1893, upon an examination of the records of the Treasury Department, it was found that the two unpaid bonds for \$500, reported in 1892 as outstanding, from which no coupons had been paid since July 1, 1872, still remained unredeemed, but that one of the two one-hundred-dollar bonds which were in that condition in 1892 had been since that time paid and canceled. I think it must be conceded that this late redemption of this bond greatly weakens any presumption that the other three will not be presented for payment.

It is perfectly clear that so far as this bill directs the payment to the persons therein named of two consols of 1867 of the denomination of \$50 each, on the ground that such bonds were destroyed by fire in July, 1872, it requires the payment of money to those not entitled to it, since it is shown that these consols could not have been destroyed at the time stated, because coupons due on all consols of that denomination unredeemed have been paid since that date.

While the objections to the payment of the amount of the other two bonds mentioned in the bill are less conclusive, there seems to be so much doubt and uncertainty concerning their description and character, and their identification as unredeemed consols of 1867 is so unsatisfactory that in my opinion it is not safe to assume, as is done in this bill, that they are represented among those bonds of that class recorded as still outstanding, whose coupons for some reason have not been presented for payment since July 1, 1872.

I do not believe that an indemnity bond could be drawn which, as against the strict rights of sureties, would protect the Government against double liability in case all the payments directed by this bill were made. Even if the payments were confined to the two larger consols described there would be great difficulty in framing a bond which would surely indemnify the Government.

There should always be a willingness to save the holders of Government securities from damage through their loss or destruction; but in my judgment a bad precedent would be established by paying obligations whose destruction and identification are not more satisfactorily established than in this case.

EXECUTIVE MANSION, February 12, 1895.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. MITCHELL of Oregon. I move that the message of the President be printed and, with the bill, referred to the Committee on Claims.

The motion was agreed to.

#### REPORT OF BUREAU OF THE AMERICAN REPUBLICS.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a communication from the Secretary of State, covering the report of the Director of the Bureau of the American Republics for the year 1894.

GROVER CLEVELAND.

EXECUTIVE MANSION, Washington, February 12, 1895.

#### RED CLIFF INDIAN RESERVATION, WIS.

Mr. MITCHELL of Wisconsin. I ask unanimous consent of the Senate that House joint resolution No. 140 be taken up at this time. It is a joint resolution which is local in its nature. It has the sanction of the Commissioner of Indian Affairs and the Secretary of the Interior, has received a favorable report in the House of Representatives, and also in the Senate by the Senator from Idaho [Mr. SHOUP] who is now absent.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 140) to confirm the enlargement of the Red Cliff Indian Reservation, in the State of Wisconsin, made in 1863, and for the allotment of same.

Mr. PLATT. What committee reported that joint resolution?

The PRESIDING OFFICER. The Committee on Indian Affairs.

Mr. MITCHELL of Wisconsin. I will say to the Senator that there is a lengthy report accompanying the joint resolution.

Mr. PLATT. By whom was it reported from the Committee on Indian Affairs?

Mr. MITCHELL of Wisconsin. It was reported by the Senator from Idaho [Mr. SHOUP].

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8272) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896.

Mr. ALLEN resumed the speech begun by him yesterday. After having spoken for five minutes—

Mr. HOAR. I suggest, Mr. President, that this very important matter of the overthrow of the constitutional powers which the majority of the people in a free State have erected ought to be discussed when the Senate is full.

Mr. ALLEN. I am unable to hear the Senator from Massachusetts.

Mr. HOAR. I addressed the Chair, suggesting the absence of a quorum.

Mr. ALLEN. I hope the Senator will withdraw that suggestion.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Dubois,	Lodge,	Pritchard,
Allison,	Faulkner,	McLaurin,	Proctor,
Bate,	George,	McMillan,	Quay,
Berry,	Gordon,	Manderson,	Hansom,
Blanchard,	Gorman,	Mantle,	Roach,
Butler,	Gray,	Mills,	Sherman,
Caffery,	Hale,	Mitchell of Oreg.	Turpie,
Call,	Hansbrough,	Morrill,	Vilas,
Camden,	Hawley,	Palmer,	Walsh,
Cameron,	Higgins,	Pasco,	Washburn,
Chandler,	Hoar,	Peffer,	White,
Clark,	Huntton,	Perkins,	Wolcott,
Cockrell,	Jones of Ark.	Platt,	
Coke,	Kyle,	Power,	

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum is present. The Senator from Nebraska will proceed.

Mr. ALLEN. Mr. President, when I ceased my remarks yesterday I was discussing the question whether the functions to be performed by an election board in the State of Alabama, composed of the probate judge, the sheriff, and the circuit clerk, were of a judicial or a ministerial character. I will resume the discussion at that point.

Suppose the appointing power had refused to appoint any inspectors at all, could not a mandamus issue and compel it to do this act? Undoubtedly, because to hold otherwise would place elections at the caprice of the power vested with the authority to appoint inspectors. The duty to appoint an inspector from an opposing political party is imperative, and if this duty is not performed, but the inspector is appointed and not from an opposing political party, that is practically, so far as the observance of this right is concerned, the same as if no appointment at all had been made.

Mr. CHANDLER. May I ask the Senator a question?

Mr. ALLEN. Certainly.

Mr. CHANDLER. Supposing there is a nominal fulfillment of the law, but a man is appointed to represent the minority party who is devoid of the ability to read or write, a man who is utterly incapable of performing the functions of an election officer, I ask the Senator whether he thinks that in that event there is a compliance with the law.

Mr. ALLEN. Mr. President, I do not think there is a compliance with the law in that event, and I think that at this time I will state some authority upon that point. In answer to the Senator from New Hampshire [Mr. CHANDLER] I will call his attention to the case of *The United States vs. Caruthers*, from Mississippi, reported in 15 Federal Reporter, page 309, in which this language is used by the court:

It is an impossibility for a person who can neither read nor write to properly discharge the duties of an inspector of such elections. It is their duty to determine what votes are proper to be received and counted and those properly to be rejected, to ascertain the whole number cast for each candidate, and to make and sign the proper returns.

Although a statute providing for the appointment of persons to fill vacancies or assist as inspectors of elections does not use the words "competent and suitable person," these qualifications are necessarily implied, as the vacancy would not be properly filled unless by one having the same qualifications possessed by the person for whom he is substituted.

I take it that, in the absence of any authority to the contrary, a person who is appointed an inspector of election must be reasonably well qualified to perform the duties imposed upon him. The statute makes it the imperative duty of the official named to appoint inspectors from opposing political parties. The right and the duty are each clearly defined by the statute.

This duty does not arise if there is no opposing political party.

This is the meaning of the words of the statute "if practicable," and it can not be claimed that the right can be defeated by bare opinion or caprice that the contingency has not occurred, or does not exist, upon which the right is brought into operation. Error of judgment, caprice, political bias in weighing facts can not defeat rights clearly secured by statute.

The distinction between the right, and the existence of the contingency upon which the enjoyment of the right is predicated, must not be overlooked. The right expressly created and conferred upon opposing political parties is to have a representative at each polling place, called an inspector. Such inspector must be appointed by the officials named in the statute.

This is the mandate of the statute or legal authority, and obedience to it does not involve judicial discretion or knowledge. There are no adverse or antagonistic rights involved in the matter, no opposing or contesting litigation, but the performance of a public duty in securing and enforcing rights conferred for the public good. Private rights, as such, are not involved. There is no weighing of adverse claims.

The appointing power in this case does not determine what the law is. That is fixed by statute, and it acts under the superior power and authority of the statute which has already determined what the rights are. The ex parte duty of the appointing power is to ascertain that there is an opposing political party, but this does not make its act in this respect judicial.

I think it must be conceded by those who investigate this question with any degree of care and fairness that the duties imposed upon this board, composed of the probate judge, the sheriff, and the clerk of the circuit court, are purely ministerial. Not a duty imposed upon them by statute has the least judicial caste or character.

Under this construction of the supreme court of Alabama in the last case to which I have referred, and which reversed the first case, the election board, if I may call these officials such, have the entire authority to determine who shall be inspectors of elections. They have the entire and unrestrained authority to determine whether the appointment of a person representing a different political faith is "practicable" or not. One might have the education of a college professor, live in the neighborhood, and be entirely competent to discharge the duties imposed upon him by the statute, and yet if this board, exercising ministerial functions, sees fit to declare that there is no person in the precinct having the requisite qualifications their action in that respect would be conclusive.

I submit that the rule in this country, with possibly some few exceptions, has been that these officers discharge purely ministerial duties, that they are subject to the judicial tribunals in the discharge of their duties, and can be reached by the process of mandamus or other proper legal process.

It is not necessary for me to argue for any length of time as to the opportunity afforded by the other construction to deprive an opposite political party of their proper representation upon an election board, and of the opportunity afforded to the party in possession of the election board to commit frauds, and by that means practically to disfranchise a great portion of the people of a State.

I have here a newspaper report which I think is quite authentic—at least it is presented to me as authentic—of an attempt upon the part of the Populists, the Jeffersonian Democrats, and the Republicans of Alabama, to obtain redress at the hands of the courts in that State, and I will read from it briefly:

Before Judge Tyson, in the circuit court, the petition of Thomas McCullough and B. K. Ponder, praying for a writ of mandamus, addressed to the judge of probate, Hon. F. C. Randolph, of this county, to compel him to give them a certified copy of the original registration list of beat 12, was heard. Colonel Troy represented the relators, and Capt. John G. Winter, George M. Marks, esq., and Capt. E. A. Graham were retained for the respondent.

This account goes on at some length to give the arguments of counsel, respectively, in behalf of the writ of mandamus and against it, and concludes with this statement:

The court granted the motion to quash and dismiss, and also sustained the demurrer. The reasons assigned were that this was not such a record as the law required a certified copy thereof to be furnished; that the relators showed no such interest as the law required, admitting that they could in any event make a legal demand for a certified copy.

I understand this to be the rule in that State. If I am wrong the distinguished Senators here can correct me. Two propositions are laid down by this court which can not be sustained in the State of Alabama or any other State of this Union, or wherever English jurisprudence is administered. The first is this:

That this was not such a record as the law required a certified copy thereof to be furnished.

Every public record in this country, whether it belong to the Government of the United States or a State, with the possible exception of diplomatic correspondence or matters of that character (such as would injuriously affect the Government by inspection), which furnishes competent evidence for me to prove some right I possess, I have a right either to inspect or to obtain a certified copy of and use it in evidence. It can not be possible that the rule is to prevail in the State of Alabama that the list of registered

voters, which is required to be kept in some particular place, can be secreted at all times and under all circumstances from the voters of the precinct, and they can be prohibited from an examination of it for the purpose of determining whether it is genuine or fraudulent, or whether there has been a complete registration. Nor can any judge who understands the duties imposed on him and who is true to the maintenance of the laws of his country hold that an elector of that precinct is not entitled to a certified copy or to an inspection of registration lists of that kind.

Then the court held that the relators showed "no such interest" as would entitle them to a certified copy or an inspection. Mr. President, a legal voter of the precinct in which you live is charged with the duty of seeing that the ballot cast there is a pure and honest ballot; can some custodian of the registered list of voters in your precinct say with impunity that neither you nor any other competent person shall examine it or have a certified copy of it, and will courts of your State step in and deny this privilege? A court in Alabama has denied these persons the privilege of examining the registration list. Was it essential to know the list of voters? The law requires a registration of the voters of every polling precinct in the State. A man must be registered between the 1st and the 18th of May, and no person after that time is for any reason permitted to register, except those who have reached years of maturity between the day of registration and the day of election.

Is it not an essential safeguard to an election in the State of Alabama that some person shall have a right to see the number of persons who are registered; that someone shall have a right to see the registration list itself, and to know whether it is genuine or whether it is fabricated? Will an honest court in this country at any time deny a respectable citizen, a voter of a particular voting precinct, the privilege that should be properly accorded to him? I mention this as one of the circumstances that have taken place in that State, showing that the Populists, Jeffersonian Democrats, and Republicans have alike been denied their rights, and to show the influence that this denial has had upon the election in that State.

Some peculiar decisions have been made in the State of Alabama with reference to elections. The supreme court of that State has decided, as I understand it—and I shall not read the decision at length—that where the statute creates a board before whom a contest for an elective position may be made the common-law writ of quo warranto will not lie. In my judgment the rule is not sustained by the common law. It is not sustained by any statute law, for I believe the rule to be, without an exception in this country, that where a statute confers a new right that did not exist at common law and creates a tribunal before whom that right can be determined, there the remedy prescribed by the statute is exclusive. But where the statute simply recognizes or enlarges a right which existed at common law and creates a tribunal before whom that right can be determined, the remedy is not an exclusive remedy, but is a cumulative remedy.

The party whose rights are affected may, under such circumstances, appeal to the statutory tribunal or resort to the courts of record of his county and State; but the supreme court of Alabama has held to the contrary, so that if any contests are to be made with reference to local officers, and, I understand, with reference to State officers, there is no provision whatever for any contest. If any contest is made with reference to an elective office, it must be made, not before a court charged with the solemn duty of adjudicating fairly upon the rights of citizens, but before some local tribunal, created for the express purpose of determining the rights of the contestant—a partisan tribunal, a tribunal under no particular responsibility to anyone, and who, if they see fit, can carry into execution a purpose to disfranchise the people of their locality.

I shall not dwell upon this point. I shall content myself with declaring to any fair-minded lawyer or judge in this country that that Alabama decision overrules the universal decisions of the American courts, the rule being always that where the individual has a common-law right and there is a common-law remedy he may resort to either the new tribunal or to the old tribunal, as he sees fit.

It may be said that at common law an individual could not contest for an office through the process known as information in the nature of quo warranto. That was true early in the history of the common law, but when this country was established the English individual had a right to inform in his own behalf, and the same judgment that ousted the contestee placed the contestant in possession of the office. It came to us as a part of our inheritance from the mother country and is the settled law of this country to-day.

Now, I wish to show for a moment the operations of the election law in Alabama, as prepared by a distinguished lawyer of that State whose name I do not give. He says:

The provisions of the Sayre election law in regard to registration are unfair and capable of being used to practice fraud in the following ways: The governor appoints all the county registrars. Of course he selects only



the most partisan and those readiest to aid in frauds. He gives no bond and receives no pay. His only duty is to select and qualify beat registrars. This "qualification" consists in administering an oath not prescribed by the statute nor specifically defined. It might be in this form, and was, no doubt, in some instances: "You solemnly swear that you will register the voters of your beat and manage the affairs of your office to the best interests of the Democratic party, so help you God."

These beat registrars are not required to open the books at any time or place and it would require very little adroitness to evade opposition voters and render it so inconvenient and troublesome that they would fail to register. The Democratic voters of the beat could be notified when and where he could be found and all register. Those of the opposition could not know, and if the beat registrar so desired they never could find him and his books at the same time. The presence of the books is as necessary as the registrar, as the law provides how each voter must register on the books.

The probate judge has superintendence of the registration; that is, to provide the books and certificates, and keep the books when they shall be filed. If in collusion with the beat registrar he can aid in false registration by preventing an inspection of the books. In Montgomery County the effort to mandamus the probate judge was unsuccessfully made, so that the registration books might be purged. The circuit court decided not to grant mandamus, and dismissed the proceedings. The courts can always be depended upon to rule on the side of the fraud manipulators.

By defeating the efforts of 20 per cent of the opposition to Democracy in the counties in which the opposition has a majority and adding an average of 20 per cent where the Democrats have the probate judge makes a difference sufficient to defeat almost any party.

The law in regard to appointment of inspectors requires that three shall be appointed, not more than two of whom shall belong to the same party. Although there was no Republican ticket in the field, in nearly every instance possible, where the Democrats had the probate judge, clerk, and sheriff, or any two of them, two Democrats and an illiterate Republican were appointed. The inspectors and returning officer go into the poll, which must be protected for 50 feet in every direction, so that no one can observe, see, or hear what transpires. If the inspectors are willing to perjure themselves they are not sworn. If not, there is no way to ascertain the fact; and if it was ascertained and reported to the board of supervisors they could not reject the returns, provided they should be regular on their face.

There is no opportunity or means provided by which an illegal voter can be challenged.

There is no way by which fraud can be detected, except for one or more to stand outside the inclosure and count those who shall go into the poll, and that would only be efficacious in preventing more votes being counted than were cast.

The "fixer," or "fixers," all of whom may be of the dominant party, is wholly without responsibility. He is not sworn.

The person generally selected by the opposition is an unscrupulous and shrewd man who can deceive the illiterate voter. The illiterate voter is required to swear that he can not read or write before he can secure the aid of the fixer. He is therefore completely at the mercy of the fixer.

At nearly every poll in the black belt all the inspectors were Democrats and all the fixers of the same party. It was the exception when they were sworn except to take the following oath: "You do solemnly swear that you will conduct this election to the best interests of the Democratic party, so help you God."

With two Democratic and one opposition inspector the following tricks are played:

*Modus operandi.*—The table is so arranged that one Democrat sits on the end to receive the votes. The opposition inspector is behind him, or partially so. As the voter gives the Democrat his ticket, the act is done immediately in front of him so that the opposition inspector does not see it. When handed to him, the voter passes out. The Democratic inspector exchanges another made-out ticket, properly certified on the back, passes it to the opposition inspector to put in the box. In order to do this the inspector acts so fairly and seems so anxious to do right that suspicion is disarmed and watchfulness ceases when the work is done.

Another plan is to have a conspiracy to exchange boxes. The election is honestly conducted. When the polls are about to close the fixer on the outside is told how many votes have been polled. He has a box fixed so that exactly that number can be put in another similar box, and does it. When the polls are closed one of the Democrats proposes to go to another room to some adjacent building to supper, or some other plan is adopted by which the boxes are exchanged.

Another way is to call out the Democratic candidates from a ticket when the opposition candidates are marked upon it.

Another is for the two Democratic clerks to use the "foot patting" dodge, which consists in marking the Democratic candidates on the tally sheet as the opposition candidates are called out to be noted on the tally sheets. In order to make the tally sheets correspond, the leading clerk pats the foot of the other clerk whenever he shall make a false entry on the tally sheet. In this way every other vote of the opposition can be falsely tallied, and, of course, falsely counted, as the summary is made on the tally sheet.

If the opposition inspector watches the inspector calling the ticket the clerks can cheat him of half of the votes to which his ticket is entitled. If the opposition inspector watches the clerks keep tally the inspector who calls the names can cheat him of half by falsely calling the names.

If the opposition inspector keeps tally and watches every ticket the calling inspector will slip Democratic tickets in the box and steal as many of those in it out.

If the "slipping act" will not work, after calling a few minutes and perceiving that the opposition inspector keeps tally and inspects every ticket, the "knock off" job is put up, which consists in accidentally knocking the box off the end of the table, and, while stooping down to pick it up, stick a handful of the box tickets in the left coat pocket and put a handful of Democratic tickets in the box from the right pocket. When this feat is successfully accomplished, the opposition is called around to see that no tickets are left on the floor and that the box is undisturbed, except the shaking up it got in the fall. If the tickets in the box should not tally in number with those on the poll list, the crowd turns upon the opposition inspector with great surprise that he could not and had not put the tickets handed to him in the box or put more than was handed to him, as the number of tickets are less or greater than the poll list shows. While conscious of innocence, the opposition inspector is so embarrassed that he readily accepts any solution offered.

The bulldozing act is another way to fix the opposition inspector so that he will either not be so watchful or not kick. This is done by one of the inspectors becoming very angry at the first intimation or insinuation of unfairness. With two inspectors, two clerks, and a returning officer on the other side, the last named being a deputy sheriff to enforce order by stopping any difficulty from being raised by the opposition inspector's fault-finding or captious objections, the chances are always good for the "razzle-dazzle" act to work nicely, unless the opposition inspector has plenty of nerve and a good pistol, with the reputation of using it on very slight provocation.

During the twenty years which fraud has been practiced at elections in

this State, no one has been indicted, prosecuted, or convicted for the commission of any crime against the elective franchise.

2. During the twenty years of election frauds in Alabama, the black-belt counties have controlled the offices and public affairs of Alabama, and when a black-belt leader has moved to other sections of the State he has been promoted and elected to office and given control in public affairs.

3. The Congressional districts have been so gerrymandered that all but one are so formed as to have one or more negro counties in each of them, and they are dominated by the influence of the black-belt oligarchy.

I have here and desire to introduce in this connection a map showing the black-belt district of the State of Alabama. [See next page for map.] I do not know that I can exhibit it properly, but every district in that State, with the exception of the Seventh and Eighth, has a portion of the black belt attached to it. The Sixth district, for instance, has Greene and Sumter counties; the Ninth has Hale and Perry; the First has Marengo, Clarke, and Monroe; the Second has Wilcox and Montgomery; the Third, Bullock, Russell, and Barbour; the Fifth Lowndes and Autauga; the Fourth has Dallas. The Fourth is a very irregularly shaped district, as Senators will see by examining the map [exhibiting the map], starting at the west side of the State and running down to the southeast, almost across the entire State. The effect of this districting—

Mr. CHANDLER. May I ask the Senator from Nebraska a question?

Mr. ALLEN. Certainly.

Mr. CHANDLER. Does he understand that the original design in making the districts in this way was that the white portions of the districts would control the black portions? Was it the original design in carefully putting on every district a certain portion of the territory thickly populated with colored people that the white sections of the districts might overcome the black sections? Was that the idea, or what was the idea in carefully shaping the districts in the way the Senator describes?

Mr. ALLEN. I would not like to express an opinion on that question. I do not know what the design was. I can see, however, what could be accomplished by that. I can see that if it was the design that the white element of the districts should dominate that could easily be accomplished, because they evidently have a majority in these districts. But in my judgment the districting of the State has amounted to a boomerang. The white people in the districts have been overcome by six or seven thousand majority by the counting of votes in the black belt that in fact never were cast.

Mr. CHANDLER. Then the result is, as I understand it—and the Senator will pardon me for alluding to it—that whereas the original design was that the white portion of the districts should overcome the black portion, now fraudulent majorities certified up from the black portion overcome the division that has taken place among the whites in the white sections.

Mr. ALLEN. The latter statement of the Senator from New Hampshire is true. As to the other I know nothing.

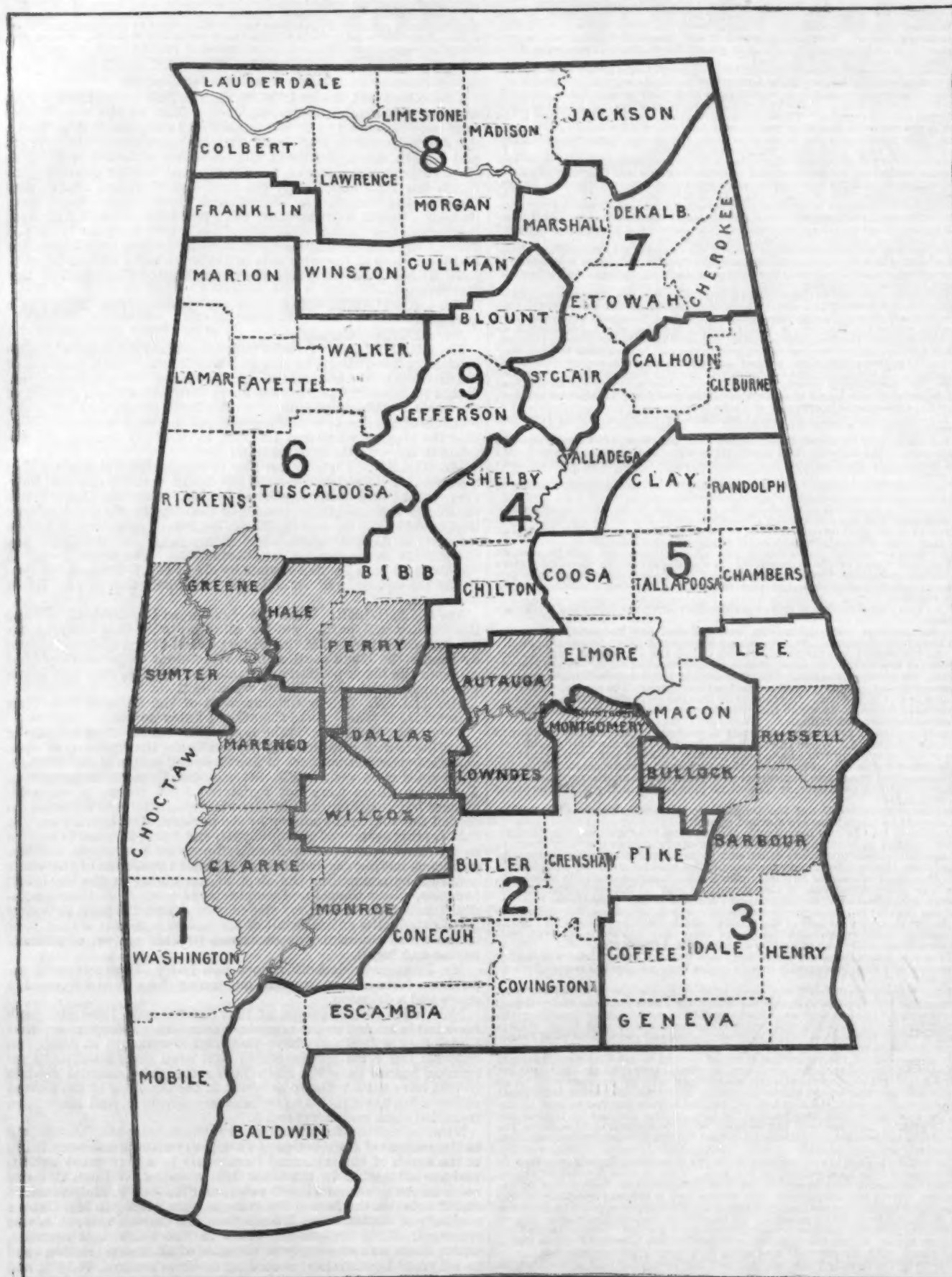
There, Mr. President, is the seat of the fraud. It is capable of proof beyond all question and beyond doubt that in many of these counties, where from three to five thousand and in some instances 6,000 votes were returned in favor of the Democratic candidate, Mr. Oates, there were not registered 1,000 voters; in some instances but very few; and in many instances the vote returned exceeded the vote in the county by 200 per cent, or relatively so. So that by this system of manipulation and fraud in what is known as the black belt, the Populists, Jeffersonian Democrats, and Republicans having carried, I think, almost two-thirds of the white counties, by controlling the election machinery in the black-belt counties, where the colored people stayed away from the registration board and where they stayed away from the polls to a very great extent, the entire result of the honest vote cast in that State in the white counties was overcome by this system of political rapine and fraud.

Mr. President, what effect does this have? It overturns a republican form of Government, and makes it a hiss and byword, a snare and a delusion.

Now, what do the people of that State want? I can not speak for what is known as the organized Democracy, except to say that I hope they will always have their rights regarded as American citizens; but certainly the 83,283 that even these fraudulent returning boards gave Mr. Kolb during the gubernatorial contest in 1894 have some right to be heard in the Congress of the United States when their rights as citizens are involved, and have been trampled upon and disregarded.

Now, let us look for a moment at the consequences. According to the returns of the election of 1894, the election machinery being in the hands of the organized Democracy to a very great extent, perhaps altogether in the black belt counties, William C. Oates received for governor 110,865 votes, and Reuben F. Kolb received 83,283 votes on the face of the returns, thus giving to Mr. Oates a majority of 27,582. But deduct from Mr. Oates's vote, as it was returned, 37,765 fraudulent votes in the black belt counties, where there was seemingly no pretense of an honest election (and he only had legitimately, according to these returns, 76,100), and

MAP OF THE STATE OF ALABAMA SHOWING CONGRESSIONAL DISTRICTS.





Kolb was elected by a majority of 7,183, to say nothing of the evidence that I have put in the record here, and that these people will be able to produce on a hearing, showing that in very many instances where Mr. Kolb received a large number of votes they were, to a great extent, and in some instances absolutely, taken away from him and added to the Oates column. So I have no hesitation in saying that Reuben F. Kolb, according to all American law if it is executed, and according to the honest vote of the State of Alabama cast at the August election of 1894, is to-day its de jure governor by fully 20,000 votes.

What remedy is there for these people? It is not pleasant for me to say anything about the State of Alabama or about any other State, and what I do say is with a good deal of reluctance, but I realize the fact that Alabama is represented in this Chamber by two of our most distinguished and able members, men of national reputation and high character. But what is to become of American institutions if the honest expression of the people at the ballot is to be wiped out by ballot-box stuffing and by fraudulent returns?

I want to say to you, Mr. President, that, so far as I am concerned, I want the same rule applied to the Republican and Democratic parties that I ask to be applied to the Populist party. I want to see the time speedily come when, under the fair skies of America, every man, wherever he may be, who is an honest and legal voter, can cast his vote in absolute security and have that vote counted, I care not to what political party he belongs. As an American citizen he is entitled to this, and it is our duty to assist him in obtaining his rights.

I hold in my hand the Montgomery Journal of February 8, 1895, a Democratic daily paper published at the capital of the State. I ask the Secretary to read the article I have marked in the copy that I send to the desk.

The VICE-PRESIDENT. If there be no objection, the Secretary will read as indicated.

The Secretary read as follows:

**ALARMING ARE THE POLITICAL AND THE FINANCIAL CONDITIONS, SAYS HON. W. H. SKAGGS, A LEADING POPULIST—A GLOOMY PICTURE OF THE UNREST OF THE PEOPLE—HE THINKS KOLB COULD PRECIPITATE CIVIL WAR IN THIS STATE—INTIMATES KOLB MAY CAUSE TROUBLE IF THE LEGISLATURE FAILS TO ACT.**

Hon. W. H. Skaggs, late chairman of the Jeffersonian campaign committee, is in this city, and in an interview with a Journal reporter to-day said:

"Since the latter part of November, I have been traveling principally in what is known as the 'black belt' section. In the absence of any legal process of investigation evidence obtained is, of course, ex parte, but affidavits have been taken only from those with whom I have personal acquaintance, or whose good standing and reputation for veracity and good character has been ascertained by careful investigation. In many instances negroes who are reputed to be reliable have been in a position to give evidence, but I have invariably declined to take any information from negroes. Of the many affidavits obtained at least 85 per cent of the affiants are ex-Confederate soldiers. It was generally charged in the last campaign that the supporters of Captain Kolb, Populists and Jeffersonians, were men without education and men who did not enjoy the confidence and respect of their fellow citizens; in short, they were called the 'rag-tag' element. I find that this 'rag-tag' element is made up of ex-Confederate soldiers. In many precincts I observed that every ex-Confederate soldier supported the ticket headed by Captain Kolb. This is particularly true in Wilcox and Dallas counties, where the greatest frauds were perpetrated.

"In Dallas County a fraudulent majority of over 5,000 was returned for Colonel Oates. The total vote, as I now recall, was 6,607. I have affidavits to show a steal of over 5,000 votes in that county. Take, for instance, Brown's beat. The fraudulent returns show 317 for Oates and 17 for Kolb. Two reputable citizens (one of whom has been a citizen of Dallas County for thirty-five years, and whose character I am told by Populists and organized Democrats is above reproach) swear that they were in a position to see every man who entered the polling place, and did see every man who entered the polling place from the time the polls opened until they closed; that there were only 17 men, including the election managers and clerks who entered said polling place. Several citizens in this precinct swear that there are only 20 white voters in Brown's beat. This is one of many instances of the frauds perpetrated in Dallas County.

"In Wilcox County the frauds were no less barefaced, notorious, and shameful. There were not exceeding 1,031 votes actually cast in Wilcox County, yet a majority of about 6,000 is returned for Colonel Oates from that county. In one precinct in Bullock County three reputable citizens swear that they saw every man who entered the polling place. I have in my possession a list in detail giving the name of every man who entered the polling place. There were 104 men, and no more, who entered, and yet a fraudulent vote of 343 was returned. Of this number, I don't recall just now how many were given to Oates, but I think it was over 300. Dallas and Wilcox are the banner counties for rascality, but Bullock, Barbour, Henry, Marengo, Clark, and, in fact, all the black belt counties and a number of the white counties, claimed for Oates, showed shameful records of lawlessness and corruption. I have obtained certified reports showing that registrars in some instances collected in the full amount of their fees for false entries on the registration lists. Jeffersonians and Populists in all the black belt counties that I have visited claim that it is impossible to obtain an indictment against men who practice this lawlessness, for the reason that in almost every instance the supporters of Kolb are excluded from the grand jury.

"The feeling of unrest and dissatisfaction prevailing in this State is alarming in the highest degree. That which Mr. Carlyle speaks of as a condition of passive inertia immediately preceding the French revolution is the correct picture of existing conditions in Alabama, and the history of the times preceding that outbreak impresses me as a story of our own times. The people have so long been robbed of their votes, insult has been added to injury, and the insolence of this lawless element and their beneficiaries has become so burdensome to the great majority of the people that they openly threaten violent steps.

"I regard the position of Captain Kolb as unique in the history of our State and decidedly interesting. Prior to my personal investigation of existing conditions, I held to the opinion that the spirit of conservatism perhaps predominated among his supporters; but I am now fully persuaded that if he should but speak the word there would be a revolutionary outbreak in many parts of the State, that could not be suppressed short of much bloodshed. A

condition of poverty and abject want exists to a degree that I had not anticipated. It may be justly claimed that in many parts of Alabama the farmers have been reduced to the lowest state of animal existence. Many of them are now in that condition, and others are rapidly approaching a condition of hunger, and they will be as dangerous as other hungry animals.

"Colonel Reese has copies of affidavits obtained by me prior to his departure. A great deal of additional information has been obtained, however, since he left the State, and I am still engaged in the work.

"I earnestly hope that the legislature will not adjourn without enacting a contest law and making such amendments to our election laws as will secure honest elections. A failure to do this will only aggravate existing conditions and strengthen the intensity of feeling that now prevails. If the conditions were fully understood and properly appreciated I believe that a majority of the general assembly, without regard to party affiliation, would support the proper and necessary measures to establish quiet and restore normal conditions in this State."

Mr. ALLEN. Mr. President, it seems to me that these facts, as I have adduced them and placed them in the RECORD, irregular as my method has been in doing so, fully warrant a Congressional investigation of the political conditions of the State of Alabama.

Now, the question comes to my mind as a Senator of the United States, what is the duty, what is the power of the Government with reference to the State of Alabama or any other State under like circumstances? Certainly we can not suffer any portion of the people of the United States to be deprived of their constitutional right to enjoy the benefits of a republican form of government. The duty is imposed upon the National Government to guarantee to every State in the Union a republican form of government. That was an obligation that we assumed when the Constitution was formed and when it was adopted. It was as apparent at that time as it is now, and even more so, that this country was in danger not only from foes without, but from foes within. The struggle of our ancestors to establish this Government was a marvelous one, and stands out in history without a parallel. Our colonies had been under the domination of Great Britain; commercial union after commercial union had been formed between the colonies, and the relations broken off. There was great danger of an attempt upon the part of some of the colonies to set up for themselves a monarchical form of government. There was not only danger from that source, but there was danger of invasion from without as well as invasion of one colony by others.

There must of necessity be a central power which can control the affairs of the nation. For instance, if New York should undertake to invade Rhode Island, there must be somewhere in this nation a power that could check the great State of New York from invading and wiping from the political map a State of the size of Rhode Island. The power could not reside with the States themselves, for it was a power which, in the nature of things, must be exercised by a general and central Government; and for that purpose, in my judgment, section 4 of Article IV of the Constitution was framed:

The United States shall guarantee to every State in this Union a republican form of government—

That is the first proposition—

and shall protect each of them against invasion—

That is the second proposition—

and on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence.

That is the third proposition of this section.

I do not propose to consume the time of the Senate in discussing what constitutes a republican form of government. I take it that the language should be given its popular signification, and that a republican form of government consists in a government by the people through representatives chosen by themselves. It must follow, as a necessary consequence, that if the good people of Alabama, or any great portion of them, are deprived of their constitutional right to choose representatives and officers for the control and management of their own affairs, for the selection of local officers and members of Congress, they are deprived of the right of republican form of government.

I do not attach any special significance to the word "form" as used here. I understand quite well that governments may differ substantially and yet be in form the same kind. A government can be very tyrannical and yet be republican in form; but I believe that it was the design and purpose of the framers of the Constitution to lodge the power in Congress to guarantee to every State in the Union a government republican not only in form, but republican in substance as well.

Mr. CHANDLER. If the Senator will allow me, I desire to say right upon that point, that the original proposition of this clause in the convention which framed the Constitution did not use the word "form." The original proposition was that the United States should guarantee to each State a republican government, and when the language was finally settled, although the word "form" came in, the meaning unquestionably was exactly as the Senator now construes it, that the United States should guarantee to every State a republican government. The word "form" had no special significance attached to it. The Senator will notice

that if he will review the history of the debates in connection with the formation of the Constitution.

Mr. ALLEN. I think at this point I shall turn back to the history of this provision.

Among the defects in the Articles of Confederation—

It is said—

which were severely felt, was the want of uniformity in cases requiring it, as laws of naturalization and bankruptcy and coercive authority to act on individuals, and the guarantee of the internal tranquility of the States. The Federal authority had ceased to be respected abroad, and dispositions were shown there to take advantage of its imbecility and to speculate on its approaching downfall. At home it had lost all confidence and credit; the unstable and unjust career of the States had also forfeited the respect and confidence essential to order and good government, involving a general decay of confidence and credit between man and man. It was also known that there were individuals who had betrayed a bias toward monarchy, and there had always been some not unfavorable to a partition of the Union into several confederacies, either from a better chance of figuring on a sectional theater or that the sections would require stronger governments, or, by their hostile conflicts, lead to a monarchical consolidation. The idea of dismemberment had recently made its appearance in the newspapers.

When the convention which framed the Federal Constitution had convened, Mr. Randolph introduced, May 29, 1787, a series of resolutions, the eleventh of which is in the following language. I call the attention of the Senator from New Hampshire to this:

*Resolved*, That a republican government, and the territory of each State, except in the instance of a voluntary junction of government and territory, ought to be guaranteed by the United States to each State.

June 5, 1787, the question of guaranteeing to the States a republican form of government again came up, and, on the motion of Mr. Patterson, was postponed until the question of representation should be decided.

June 11, 1787, we are informed by the official history of the convention, the question was again presented, alterations having been made in the resolution, making it read: "That a republican constitution and its existing laws ought to be guaranteed to each State by the United States," and it was agreed to without debate.

June 13, 1787, Mr. Gorham reported on behalf of the committee, among other things, the following resolution:

*Resolved*, That a republican constitution and its existing laws ought to be guaranteed to each State by the United States.

July 18, 1787, this question was again before the convention, Mr. Wilson calling up the resolution I have just quoted. Mr. Morris "thought the resolution objectionable, as he would be very unwilling," so he said, "that such laws as then existed in Rhode Island should be guaranteed."

The discussion of this provision in Elliot's Debates is very meager. It was claimed on the one hand, and denied on the other, that Congress should guarantee the laws then in existence in the Colonies as well as those made in the future.

Mr. Wilson said the object "is merely to secure the States against dangerous commotions, insurrections, and rebellions." Colonel Mason observed, "If the General Government should have no right to suppress rebellions against particular States, it will be in a bad situation indeed. As rebellions against itself originate in and against undivided States, it must remain a passive spectator of its own subversion."

Mr. President, I think in that language is embraced the idea that actuated the framers of the Constitution, that the General Government should have power not only to protect the nation as a nation, but to protect every State as an integral portion of the nation.

The debate ran on from day to day during the existence of the constitutional convention, and in the draft presented to the convention on August 6, 1787, the following language occurs:

The United States shall guarantee to each State a republican form of government, and shall protect each State against foreign invasion, and on the application of its legislature, against domestic violence.

This was again changed, as I recollect it, into the form in which I find it in our Constitution now. The debates show that the word "form" was not discussed. It seems to be assumed that the chief purpose in framing this section of the Constitution was to give a central or national power by which the nation might protect itself against foreign invasion, and might protect every State as an essential part of its own existence against foreign invasion and domestic violence; and not only this, but that it should guarantee to every State—and I do not believe that it meant a State in its technical sense—a republican form of government. I think the guaranty must be construed to go further; in the nature of things, it must go to the extent of guaranteeing to every citizen of a State his right to participate in the affairs of that State and the affairs of the nation. It will not do to say, if a mere handful of men obtain possession of the official machinery of a State, and by force, fraud, violence, or intimidation overawe and overcome a majority of the people of a State, that that State is enjoying a republican form of government. The framers of this great charter of our liberties were not foolish enough to reason thus.

It is essential, in order that an individual may enjoy perfect health, that every portion of his body must be healthy; it makes no difference where disease starts, it will, unless checked, cul-

minate in death; and the guaranty to the nation as a nation, and to each State as an important part of the nation, can never be fulfilled until this Government takes hold of every individual throughout the length and breadth of the land and effectually guarantees to him the full measure of his liberties under the Constitution. To suffer an individual to be deprived of his rights would be like the starting of a disease of the body; unless checked it would culminate in the death of the State and the nation.

Mr. President, this guaranty was not left here. Subsequent provisions of the Constitution have placed the right of the individual citizen beyond all question, and I refer simply and briefly to the language of the fourteenth and fifteenth amendments to the Constitution. The fourteenth amendment provides:

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 1 of the fifteenth amendment is as follows:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

I read this for the purpose of showing that the doctrine believed in by some persons in this country that the citizen must obtain his rights exclusively through the State organization is not true. I do not believe that it was ever contemplated that my rights as a citizen of the United States should be at the mercy of the particular State in which I happen to reside. It may seem presumptuous in me to give expression to it, but I never believed in the doctrine that a man's right to vote in a republican government was a privilege conferred upon him by that government, or that it was essential to confer it by the fundamental law.

When a man is born under the flag of a republic he becomes a citizen of that republic, and when born elsewhere and he takes the oath of allegiance he becomes a citizen of that republic; and in a republic that rests upon popular sovereignty as its foundation, that man carries with him by birth or by naturalization the inalienable right to participate in the affairs of the government and to cast his vote, if that be the method adopted for the choice of officers and the policy it is to pursue. I understand that in saying this I am opposed by a long line of decisions of the Supreme Court of the United States; I am not in ignorance of the fact that possibly I stand alone in this belief; but I can not conceive of the existence of an American citizen or a citizen of a republican government without at the same time considering his right to participate in that government as natural and as inalienable as is the arm or any other member of the human body. It is impossible for me to conceive of a man residing in a country, and who is said to be a citizen of that country, whose institutions are based upon popular sovereignty, who, under proper regulations, does not possess the right to participate in its affairs.

I admit, Mr. President, that as a matter of safeguard, and for the purposes of protecting the Government, we have a right to place certain restrictions upon the exercise of this right of the elective franchise; but when proper safeguards have been created a man must possess the right to participate in the affairs of the Government under whose flag he lives and to whose institutions he owes allegiance, else he is not a citizen of that country, or the form of the Government is not republican.

I do not desire to be understood as saying that the States have no rights as States. Our Government is a government of enumerated powers. If a power is not expressed in the Constitution or is not necessarily implied to carry out some granted power, it does not exist, and can not be exercised. Nor am I a believer, upon the other hand, in the doctrine that any State in the Union can say that the General Government can not pass its lines and protect its citizens. When this country guaranteed to every State in the Union a republican form of government, it carried with it the power, and the duty as well, to pass the lines of the State that might deny to a citizen any of the privileges or immunities of citizenship, and to protect him in their enjoyment.

What are the people of Alabama to do? Are they to be deprived for all time of the right to participate in the affairs of this Government in its elections, or must they resort to revolution? This can not be tolerated for a moment. Sir, are we powerless to reach out the strong arm of the nation and protect these people who are thus suffering and who have been imposed upon? Should we not exercise this constitutional power, and inquire into the condition of the people of that State as to whether they are enjoying a republican form of government, and, if we ascertain that their rights have been taken away from them, frame such legislation as will guarantee to them, in common with the people of the Union, a republican form of government? This Government can not endure when it is unjust to its people, when it fails to protect every man, woman, and child beneath the Stars and Stripes. The protection must run to every State and Territory in the Union. It



must be a full realization of the guaranties and rights of the Constitution.

Having said this much, Mr. President, I beg to express the hope that, without unnecessary delay, this resolution will be adopted, a committee appointed, and an investigation made.

THOMAS CORIGAN.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives to return to the House the bill (H. R. 5260) granting an increase of pension to Thomas Corigan, the bill having been adversely reported by the Committee of the Whole and by error passed the House; and by unanimous consent the request was ordered to be complied with and the bill returned to the House of Representatives.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 8234) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1896, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BLACKBURN. I move that the Senate insist on its amendments, and accede to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. BLACKBURN, Mr. BRICE, and Mr. HALE were appointed.

#### ENGROSSMENT AND ENROLLMENT OF BILLS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the concurrent resolution of the Senate providing that during the last ten days of any session of Congress the engrossing and enrolling of bills and joint resolutions by printing, as provided for in the concurrent resolution adopted by the Fifty-third Congress, first session, November 1, 1893, may be suspended, and said bills and joint resolutions may be written by hand when, in the judgment of the Joint Committee on Printing, it is deemed necessary.

The amendment of the House of Representatives was, in line 1, to strike out "ten" and insert "six," before "days;" so as to read: "during the last six days of any session."

Mr. GORMAN. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

#### CONSIDERATION OF PENSION BILLS.

Mr. PALMER. Unless there be some reason why my application shall be denied, I ask that the pending appropriation bill be laid aside informally, and that the Senate give a half hour to the consideration of pension bills on the Calendar.

Mr. BLACKBURN. At this time?

Mr. PALMER. At any time most convenient to the Senate.

Mr. BLACKBURN. I trust that that will not be done now. All of yesterday and all of to-day have been utilized for some purpose other than the consideration of the Post-Office appropriation bill, and I do hope that now we may be able to get the Senate to agree to go on with that bill.

Mr. MORGAN. I desire to submit a few observations to the Senate.

Mr. PALMER. I recognize the paramount necessity of disposing of the appropriation bills. If the Senator from Kentucky will indicate when in his judgment I may properly make the application which I made a moment ago for the consideration of the pension bills I will defer to him.

Mr. BLACKBURN. How long will it probably require?

Mr. PALMER. Not over a half hour, if the Senate is as kind to these bills as it usually is.

Mr. BLACKBURN. Then I will ask the Senator from Illinois if it would not be agreeable to him to take up those bills, say, at 5 o'clock this afternoon.

Mr. PALMER. It would be perfectly satisfactory.

Mr. BLACKBURN. I trust that may be done.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

#### ELECTIONS IN ALABAMA.

Mr. MORGAN. Mr. President, my colleague and I consider that it is our duty to place upon the records of the Senate a protest which I will now proceed to read.

The undersigned Senators, accredited to this body by the State of Alabama, respectfully and earnestly protest against the proceeding in the Senate on the part of the Senator from Nebraska [Mr. ALLEN], which has occupied the attention of the Senate for near two days, in clear abuse of the parliamentary law, in disregard of the urgent necessities of the public business, and a gratuitous assault upon the rights of Alabama as a State of the Union and upon the character of her government and people.

The bill pending before the Senate when the Senator from Ne

braska was recognized by the Chair as being entitled to the floor on yesterday was the regular appropriation bill for the support of the Post-Office Department. Nothing contained in that bill related to the government of the State of Alabama, or to its election laws, or to any proceedings under such laws in the election of a governor or the members of the legislature or the members of the House of Representatives in Congress, or to the election of a Senator of the United States for Alabama. These subjects were not in the remotest degree relevant, pertinent, or germane to any point of the measure that was before the Senate.

It was impossible, in any parliamentary sense, for the Senate to vote upon any of these subjects while considering that appropriation bill, or upon any motion to expel Alabama from the Union or her Senators from this Chamber, or to institute an investigation as to the regularity, justice, honesty, or constitutionality of her government touching those elections.

It is equally impossible for her Senators, with decent respect for the Senate and a proper regard for the public business, now to reply to the charges of gross fraud and injustice in some eight or nine of the 66 counties in the State upon which the Senator from Nebraska, through an unjustifiable abuse of the privileges of debate, has taken occasion to arraign the State of Alabama at the bar of the Senate as a common culprit. Due respect and deference for the sovereign State they together represent forbid the Senators from Alabama from acknowledging the right of the Senate or from admitting its jurisdiction to hear and determine a question relating to her rights as one of the sovereign States of the American Union.

Whatever attitude Congress may have the power to impose upon a State of the Union, it can not be asserted that either House of Congress, acting alone, can decree that a State is in the Union or out of it, according to its pleasure, nor can an investigation be lawfully made which has for its object such a determination as to the rights of a State, except under a law of Congress duly enacted and approved.

There is no motion pending in the Senate to expel Alabama from the Union, or her Senators from this Chamber, and the attack of the Senator from Nebraska upon that State is, therefore, a merely gratuitous assault.

That it has been made by one who is a stranger to our government, our laws, and our people, who knows nothing about them except upon information derived from others, as he has confessed in his remarks in the Senate, relieves that Senator from the category of being a witness against us, and places him in the more difficult one of becoming our accuser, upon hearsay, or the ex parte statements of interested and embittered politicians, and of adding the weight of his Senatorial position and the solemnity of a hearing before the Senate and the world on the floor of this Chamber to those statements.

The Senators from Alabama consider the form and the time and place selected for this assault upon their State as a serious abuse of the privileges of Senators and of the dignity of the body.

His remarks in the Senate yesterday and to-day were directed (so far as they were pointed to any legislative or other result) to the election of a governor of Alabama, to the election of members of the legislature who had the duty of electing a Senator of the United States, and to the election of members of the House of Representatives in Congress.

He says these seats in the House are being contested. That fact should prevent the Senate from any interference in that matter, under the commonest instincts of propriety. The election of a governor in Alabama is not a matter that, on any occasion, can fall within the jurisdiction of the Senate of the United States to decide. The election of members of the legislature that elect Senators of the United States is a subject that is closed to investigation in this Chamber by many decisions of this body.

The laws of Alabama provide for contests of seats in both branches of the general assembly, but they require the contestant to give security for costs in such cases.

In the present legislature, consisting, in both houses, of 133 members, no seat has been contested, notwithstanding the Senator claims that his party has 9 representatives in the Senate and 36 in the house. That burden is assumed by the Senator from Nebraska, without cost or security for costs, upon information derived from those who hope to gain some reward of office or of allowances for making a contest in the way now attempted.

They supply him with affidavits, letters, and notes, and he launches them upon the Senate and the world through the medium of the CONGRESSIONAL RECORD at the expense of the Government.

The Senator makes no statement in his place, vouched for upon his responsibility as a Senator, of any fact that is derogatory to the State government. But, without having submitted these ex parte statements to anyone who is concerned for the honor or rights of that State, he sends them out as proofs of our guilt upon charges that are not even formulated and in the absence of any specifications.

Broadside assertions are made and the CONGRESSIONAL RECORD

is made the vehicle, at public expense, of advertising the personal and political assertions and complainings of men who evade justice at home and under State laws, and before home judges and juries, and come to the Senate for a hearing which it has no jurisdiction to conduct. This is not the proper forum, nor is it the proper occasion, nor the proper manner for arraigning a sovereign State at the bar of the Senate.

We, as her representatives, decline, on our part, to bring Alabama before the Senate upon such accusations, or to make any answer to them in the form or manner in which they are presented, and we ask to spread this our solemn protest against this unprecedented wrong and indignity upon the records of the Senate.

Respectfully,

JOHN T. MORGAN.  
JAMES L. PUGH.

#### POST-OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8272) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896.

**THE VICE-PRESIDENT.** The Senator from Massachusetts [Mr. LODGE] makes the point of order against the pending amendment to the bill. The Chair submits to the Senate the question, Is the amendment reported by the Committee on Appropriations in order?

Mr. HALE. Let the amendment be stated.

Mr. VEST. Let it be read.

Mr. HOAR. And then let the point of order be stated.

**THE VICE-PRESIDENT.** The proposed amendment will be stated.

**THE SECRETARY.** After the word "dollars," in line 16, page 4, the Committee on Appropriations report to insert:

Said sum shall be expended under the direction and in the discretion of the Postmaster-General, and any provision of existing law in conflict herewith is hereby repealed.

**THE VICE-PRESIDENT.** The Senator from Massachusetts [Mr. LODGE] makes the point of order that the amendment proposes general legislation upon a general appropriation bill.

Mr. GORMAN. Mr. President, I merely desire to say one word before the vote is taken.

The amendment reported by the Committee on Appropriations is one intended to reduce the expenditures of the Government. It is intended to be a limitation, notwithstanding the criticisms of the distinguished Senator from Iowa [Mr. ALLISON] and others who have addressed the Senate upon this question. The Postmaster-General comes here in his report to Congress and states what is true, that the expenditures of that great Department of the Government exceed the receipts by more than \$5,000,000. He has made sundry suggestions to bring the expenditures within the amount of the receipts, and one of the propositions presented to Congress is to reduce the payments on account of the chartering or hiring of the cars known as postal cars. On that item over \$3,000,000 is expended per annum, and the statement of the Department is that the amount paid every sixteen months for the use of the cars, the rate being fixed arbitrarily by law over which the Department has no control whatever, will pay the total cost of the cars.

When Congress fixed the rate to be allowed to the railroad companies for these cars it was probably within bounds, it was probably not too great, but like everything else in the transportation of all the products of the world the cost has been reduced. Everything has been reduced except this one single item.

Mr. PEPPER. I ask the Senator from Maryland to state at this point what is the compensation allowed by Congress.

Mr. GORMAN. I have not the act before me, but I will give the Senator the information in a few moments.

Mr. President, there has been no reduction, because the law fixes the compensation; but it is admitted on all sides that it is too great. The Postmaster-General and, I think, the Post-Office Committee, at all events the distinguished Senator from Wisconsin [Mr. VILAS], in their anxiety to get this expenditure within a reasonable amount have brought in any number of propositions, among them one that the Government should purchase the cars and own, operate, maintain, and repair them. That proposition, it strikes me, would be extraordinary, one not economical, and one which, in my judgment, the Government should not enter upon. I have no desire to reduce the compensation of the railroad companies beyond a fair and reasonable amount, but there is no business man in the country who does not understand perfectly that the arbitrary rate fixed by the act of 1873 is too great and ought to be reduced.

Now, the Appropriations Committee have brought in an amendment putting the full sum of \$3,205,000 in the hands of the Postmaster-General to be used at his discretion to enable him to reduce the rate. Senators on the other side of the Chamber have suggested that that is too great a power to place in the hands

of the Postmaster-General; and that under the provision as it has been drawn by the Committee on Appropriations possibly he might buy cars. The Senator in charge of the bill has suggested an amendment which will prohibit that idea.

Mr. BLACKBURN. If the Senator from Maryland will allow me I will hand him the act of 1873.

Mr. GORMAN. Will the Senator kindly read just what the rates are?

Mr. BLACKBURN. In answer to the Senator from Kansas I will read the paragraph in the act of March 3, 1873, that he wants to hear:

For increase of compensation for the transportation of mails on railroad routes upon the condition and at the rate hereinafter mentioned, \$500,000, or so much thereof as may be necessary: *Provided*, That the Postmaster-General be, and he is hereby, authorized and directed to readjust the compensation hereafter to be paid for the transportation of mails on railroad routes upon the conditions and at the rates hereinafter mentioned, to wit: That the mails shall be conveyed with due frequency and speed; that sufficient and suitable room, fixtures, and furniture, in a car or apartment properly lighted and warmed, shall be provided for route agents to accompany and distribute the mails; and that the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of 200 pounds, \$50; 500 pounds, \$75; 1,000 pounds, \$100; 1,500 pounds, \$125; 2,000 pounds, \$150; 3,500 pounds, \$175; 5,000 pounds, \$200, and \$25 additional for every additional 2,000 pounds, the average weight to be ascertained, in every case, by the actual weighing of the mails for such a number of successive working days, not less than thirty, at such times, after June 30, 1873, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct.

This that I have read from that act is the contract per hundred-weight that the Post-Office Department agrees to pay for the transportation of the mails per mile; and it will be noticed that the lighting, heating, furnishing, equipping, and maintaining of the cars for the use of the postal clerks is conditioned for in the contract. Now, then, comes the following additional proviso:

*Provided further*, That additional pay may be allowed for every line comprising a daily trip each way of railway post-office cars, at a rate not exceeding \$5 per mile per annum for cars 40 feet in length; and \$30 per annum for 45 feet cars; and \$40 per mile per annum for 50 feet cars; and \$50 per mile per annum for 55 to 60 feet cars.

Mr. CULLOM. All that is now discretionary with the Postmaster-General.

Mr. PASCO. I ask if those are the maximum rates?

Mr. BLACKBURN. Those are the maximum rates. I will repeat what I said to the Senate yesterday, that, as the Senator from Maryland remembers, the Postmaster-General assures us that those maximum rates have always been paid and always will be paid unless—

Mr. GORMAN. They are in fact the minimum rates.

Mr. BLACKBURN. They are in fact the minimum rates in point of practice and always will be until by positive legislative enactment they shall be repealed or modified.

Mr. PLATT. May I inquire whether those rates have not been reduced by law?

Mr. BLACKBURN. Twice.

Mr. PLATT. Once 10 per cent and once 5 per cent?

Mr. BLACKBURN. Yes.

Mr. GORMAN. That is true; they have been reduced 5 and 10 per cent.

Mr. PASCO. May I ask the Senator from Maryland a question?

Mr. GORMAN. Certainly.

Mr. PASCO. What existing law will it be necessary to repeal in order to carry out the views of the committee?

Mr. GORMAN. The provision the Senator from Kentucky has read.

Mr. PASCO. It does not seem to me that that law needs to be repealed.

Mr. GORMAN. Now, if the Senator will permit me a moment, I can understand perfectly the objection of Senators on both sides of the Chamber, but I have in mind for the moment only Senators on the other side of the Chamber that in an expenditure of this kind and to this amount it would probably be unwise for Congress to put the entire matter in the hands of the Postmaster-General. I think the distinguished Senator from Illinois [Mr. CULLOM] raised the point that it is too great a power to put in the hands of a Postmaster-General. There is force in that suggestion. I am perfectly well aware that Postmasters-General during my time have been unable to cope with these great railroad corporations and keep the expenditures on account of the ordinary carriage of the mails with the postal-car facilities down to a reasonable amount. It is a great power for any man to meet. They have the most intelligent corps of attorneys that there are employed in the United States. It is safe to say that the services of a very large per cent of all the great men of the country are engaged by one or the other line of transportation, and I do not know that in my time I have seen a Postmaster-General strong enough to cope with them and to keep the expenditures of those accounts within proper limits.

Mr. CHANDLER. Will the Senator let me ask him a question right there?



Mr. GORMAN. Certainly.

Mr. CHANDLER. I wish to see whether I have not in mind the substance of the amendment. Because no Postmaster-General has been found with courage enough to reduce the maximum rates, therefore we must remove the maximum and give him power to increase the rates. Is not that the precise proposition of the committee?

Mr. GORMAN. It is true that the only reductions which have been made in this expenditure have been made by Congress and not by the Postmaster-General.

Mr. CHANDLER. Now, let me ask the Senator how it helps the matter to remove the maximum and give the Postmaster-General power to pay more?

Mr. GORMAN. If the Senator will give me only a moment, I think I recognize the force of that objection. I recognize what the Senator from New Hampshire and others have said, that they do not want to place this power in the hands of the Postmaster-General, first, because it is wrong in principle; and second, because they fear he will not exercise the power if granted to him. I confess as I find human nature and the present organization and the past organization of the Post-Office Department the latter suggestion strikes me with great force.

I believe it is a fact that the great power we now have to contend with in the management and control of the transportation of our mails is a power greater in this country than any other single organization. It almost dictates the policy of Congress as well as of the Departments. I myself, upon reflection, since the amendment has been brought in here, have taken the same view. I rather think myself, after what has been said and knowing to some extent the capacity and the surroundings of this case, that probably it would be well for Congress again to make a specific reduction of 10 per cent.

It would not be too great; and I shall ask the Senator in charge of the pending bill when we reach the proper point for an amendment to gratify the critics of the amendment reported from the Committee on Appropriations, and let us put in the amount of 10 per cent reduction, and then have no question as to the weakness or the strength of the Postmaster-General. I think probably that would be the better way to meet it. But on the direct question presented to the Senate, I should like the Senate to understand that whether the amendment is in order or not, it is an amendment that is perfectly just and fair in itself; that it is in the interest of the people, and does no injustice to the railroads. It is an amendment intended to reduce this appropriation; and that has been done over and over again in every appropriation bill that has ever come into Congress. There never has been a serious question as to the propriety of considering any amendment that restricts or reduces an expenditure.

I submit to the Senate that the bare question which we are to vote upon in a few moments is that and nothing else. When we come to the question of what the compensation ought to be, that is a matter for each Senator to determine for himself; but at the proper time, if the amendment is voted in order, I shall request the distinguished Senator in charge of the bill to put on the following proviso in lieu of the one that is now pending:

That the Postmaster-General is hereby directed to reduce by 10 per cent for the fiscal year 1896 the rates paid for the fiscal year 1895 for all railroad postal-car service.

That will bring up the direct question.

Mr. BLACKBURN. Will the Senator from Maryland allow me to ask him a question?

Mr. GORMAN. With great pleasure.

Mr. BLACKBURN. Would not the same end be better reached to let the amendment read something after the fashion I will suggest? Let it read, after the word "dollars," in line 16:

Said sum shall be expended under the direction and in the discretion of the Postmaster-General, and a reduction of not less than 10 per cent upon existing rates shall be made.

Mr. GORMAN. That would cover the point.

Mr. BLACKBURN. Leaving out the rest of the italicized amendment proposed by the committee looking to the repeal of existing law.

Mr. CHANDLER. I ask the Senator how we know that 10 per cent will be the right reduction to make.

Mr. BLACKBURN. I do not say it is; I say, "not less than 10 per cent." I would leave it in the discretion of the Postmaster-General, provided he reduced it more than 10 per cent; but I would make it compulsory upon the Department to reduce it that much. Mr. HALE obtained the floor.

Mr. CAREY. Will the Senator from Kentucky allow me to ask him a question?

Mr. BLACKBURN. Certainly; but I am speaking in the time of the Senator from Maryland.

Mr. CAREY. I should like to ask the Senator from Kentucky whether the committee has such evidence before it as will justify it in making this reduction.

Mr. BLACKBURN. Most certainly.

Mr. CAREY. Does the Senator know whether the fast mails can be continued across this continent if there is a reduction of 10 per cent?

Mr. BLACKBURN. We have the authority of the Post-Office Department for saying that this reduction will in no wise affect the schedules upon which mails are now being delivered. When the Senator talks about fast mails he is likely either to get confused himself or to confuse somebody else. This provision has nothing to do with the special-facilities fund for fast-mail service. That is another part of the bill altogether.

Mr. CAREY. What I want to say to the Senator—

Mr. HALE. Mr. President, if the Senator from Wyoming appeals to me, I will yield to him. I have the floor, I think.

Mr. CAREY. I beg pardon; I did not know that the Senator had the floor.

Mr. BLACKBURN. I am not claiming the floor; I have it not.

Mr. HALE. I yield to the Senator from Wyoming if he wishes to ask a question.

Mr. CAREY. I beg the Senator's pardon.

Mr. HALE. I only wish to say that I do not know of any investigation which the Committee on Appropriations has made justifying it in coming to a conclusion that any abatement or reduction of rates or increase of rates is proper now. A certain fixed law of the land declares what shall be the rates until that law is changed under due form and order. If I have ever seen any amendment that barely and boldly in terms declared itself to be general legislation this is one, for it says that appropriating, as the other House has appropriated, the general fund under existing law the "said sum shall be expended under the direction and in the discretion of the Postmaster-General," which is a change of law. But that there might be no question that it was a change of law and general legislation it goes on and says, "any provision of existing law in conflict herewith is hereby repealed."

Mr. BLACKBURN. I call the Senator's attention to the fact that it has been suggested that that portion of the amendment shall be dropped and left out of consideration.

Mr. HALE. The question of order is upon the amendment as it is submitted now to the Senate as in Committee of the Whole.

Mr. BLACKBURN. I intend to ask permission to modify the amendment.

Mr. HALE. Then, taking the hint the Senator has made, that he abandons the declarative part of the amendment which in terms announces that it is change of existing law, I would simply say that if you leave off that declarative part the amendment is just the same a change of existing law, and it is general legislation.

Senators ought not to be confused by the term "general legislation," because if legislation affecting one of the great Departments of the Government, whether it be the Post-Office, the Treasury, the Navy, or the War Department, in its operations is not general legislation, then there is hardly any general legislation on the statute book. General legislation, as I understand it, as used in the clause of the rules that is invoked here, means legislation that is not private legislation. We have the body of general legislation every year, the legislation that is enacted at a session of Congress, approved by the President, and thereby becoming a law.

Mr. BLACKBURN. Will the Senator from Maine allow me a question?

Mr. HALE. Certainly.

Mr. BLACKBURN. Under the definition he is now giving of general legislation, is he not somewhat revising the opinion he expressed by his vote here recently on the amendment to the diplomatic and consular bill proposing to appropriate \$500,000 for a cable?

Mr. HALE. Not in the slightest.

Mr. BLACKBURN. That was not general legislation?

Mr. HALE. That was entirely different from this provision.

Mr. BLACKBURN. Yes; it was for a cable.

Mr. HALE. I did not express myself on the subject whether it was general legislation or not.

Mr. BLACKBURN. I thought the Senator voted that it was not general legislation.

Mr. HALE. I voted that it was in order because it was announced by everybody; and there are, I may say here—and I should like the attention of the Chair, though what I am going to say may not be worth listening to—

The VICE-PRESIDENT. The Chair is listening to the Senator.

Mr. HALE. There are very few questions that in the previous history of the Senate points of order being made have been submitted to the Senate. I listened with some dissatisfaction the other day to the broad statements made by two or three Senators that the rules of this body amount to nothing and are only made to be broken. I deny that such is the fact. The great body of the rules of the Senate are clearly drawn, easily comprehended, and are followed by the Senate in doing its business. The Senate is an orderly body. It is emphatically an orderly body. It proceeds in order, and when the rules are invoked and points of order

are made in the previous history of the Senate they have in ninety-nine cases out of a hundred been observed.

There are rare cases where great questions arise, and having been submitted upon points of order to the Senate, the Senate has voted upon the merits of the proposition and not upon the merit of the point of order. But those questions have been rare in my experience. I have never known in the consideration of an appropriation bill where points of order are made, sometimes a hundred on an appropriation bill, that more than one or two in a session would be submitted to the body to decide, but the Chair, whoever may be in the chair (and we have been fortunate and are now in having good parliamentarians in the chair), has decided the question. It is a rare case that any appeal is taken. The rule is invoked, it is read, or is already familiar in the mind of the Presiding Officer, the decision is made, and the Senate bows to it.

I have never known in my experience a half dozen cases of appeal from the decision of the Chair upon points of order. The rules are not to be broken as a general thing, but are made to be kept. The only way the Senate will ever proceed in an orderly manner, or in manner of dispatch, to do the business of the Senate, is that points of order, unless they are these rare, great questions, shall be decided promptly by the Chair without debate, and then let any Senator who chooses take an appeal.

That is my observation, and I think that it is necessary for the conduct of business. I do not believe in any other way, with the great appropriation bills yet to be reached, that we can get through the business of the Senate, saying nothing of any measures outside of the appropriation bills, between now and the 4th day of March next. The only way will be to execute what has been heretofore the rule, the practice of the Senate, that the Chair shall decide points of order and then whoever chooses to appeal may take an appeal. But no appeals are taken, practically.

Now, as to the question of general legislation. When I was diverted by the question of the Senator from Kentucky I was trying to come to the point of what is general legislation. Some Senators seem to have an idea that any legislation which does not apply to the solar system or the inhabitants of the earth or the people of the United States is not general. I do not so understand general legislation. I understand that our frame of statutes, which comes to us every year, is made up of general legislation and private legislation, comprehending two classes. When we legislate for a great Department of the Government, when we declare what shall be the operation of the Post-Office Department, which is one of the general Departments of the Government, it is general legislation; it is legislation such as it is provided in our rules is not in order upon an appropriation bill to be so changed. If there is any argument that can be made it is that way. Otherwise, as I have said, you will get nothing construed as general legislation unless it treats upon the whole subject of the United States and all the people therein.

Therefore, Mr. President, to me it is as plain as day that the amendment is itself in form general legislation, declared to be general legislation, and that it is none the less general legislation because the declarative part is struck off at the suggestion of the Senator from Kentucky. The body of laws under which the Post-Office Department lives and operates and has its being and its efficiency declares that these rates shall be fixed by the law at certain amounts for each rate. That is the general provision applied to all this service, and whenever we undertake to change it upon an appropriation bill, we are doing it out of order. So, upon the rules of the Senate, which I still adhere to and believe should be adhered to, I have no hesitation in voting that this proposition, however much you may divide it and leave off the declarative part, still means a change in existing law and is subject to the point of order.

Mr. BLACKBURN. I now propose what I send to the desk, in lieu of the amendment printed in italics on page 4, and we will see whether any objections which have been stated to the proposed amendment can be applied to it.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In lieu of the amendment reported by the committee it is proposed to insert, after the word "dollars," in line 16, page 4:

Said sum shall be expended under the direction and in the discretion of the Postmaster-General: *Provided*, That a reduction of not less than 10 per cent shall be made upon the present rates of compensation: *And provided also*, That no part of said sum shall be expended for the purchase of postal cars.

Mr. HALE. How does the Senator under the rules of the Senate get any additional jurisdiction against the point of order by declaring that the amendment shall reduce expenditures? The other House has that rule. He and I have had service together there and years ago became familiar with that rule; but that rule has never been adopted in the Senate.

Mr. BLACKBURN. Does the Senator mean to say that when Congress on two occasions heretofore has reduced the rate of compensation on the postal cars it was not in order on an appropriation bill?

Mr. HALE. It clearly would not have been in order if the point of order had been made. I do not object—

Mr. BLACKBURN. If the Senator means to make a point of order upon the amendment, I certainly am ready to meet it. If it has come to that, I should like to have the Senator from Maine point me to a rule that strips Congress of the power to reduce the rates of compensation that it is now paying on these contracts for the transmission of the mails.

Mr. HALE. It is for the Senator to point out to me a rule under which he can do it. If a provision were brought in here in an appropriation bill that the salaries of members of the Senate and the other House should be \$4,000, although that is a reduction, I do not suppose that there would be any question but that it would be subject to a point of order that it changed existing law. The reduction of a rate fixed by law is no more in order than the increase of a rate fixed by law.

Mr. BLACKBURN. The rate, the sum that is being paid to these railroad companies has no fixed term of years to run.

Mr. HALE. I do not speak about funds; but the Senator has just read the classification fixed by law which is upon the statute books, as to how this shall be done. I do not know whether it is right or wrong. I have not looked into that question. I know that we are undertaking here to change that general law, and that generally that is not a good thing for us to undertake. Whether it will be good in this case I do not know. I have not investigated it; I have had no time to investigate it.

I will say to the Senator from Kentucky that he is very thorough in his preparation about bills he has charge of and bills in which he is interested, and he has not had time to look into this whole question to see whether these rates ought to be reduced 10 per cent. I do not believe—

Mr. BLACKBURN. I beg the Senator's pardon, but I have looked into it very thoroughly.

Mr. HALE. If the Senator has he must have sat up nights, because he has been very busy here and in the committee.

Mr. BLACKBURN. The Senator from Maine is not a member of the subcommittee.

Mr. HALE. The amendment is just the same, I think, subject to a point of order.

Mr. BLACKBURN. Very well. Then, Mr. President, I understand the Senator at last, and his proposition now, translated into English, means this, and nothing else: That the railroad companies hold vested rights at the figures fixed in the act of March 3, 1873, and that it is not within the power of an American Congress, either now or in the remainder of time or in the stretch of eternity, ever to reduce their compensation one penny. He has not asserted the right of eminent domain as involved here, but he has asserted in plain English that the railroad companies hold vested rights at present rates of compensation, and that the Congress of the United States has no power now, and never can have any, even under an amendment to the Constitution, to reduce the rates of compensation paid to these railroad companies.

Mr. HALE. If the Senator will allow me, he knows I have made no such statement as that. I have simply said that in this narrow, selected arena of an appropriation bill we can not do it where the point of order is invoked.

Mr. BLACKBURN. I am perfectly willing to let the Senate pass upon that.

Mr. HALE. I have not said that. On a bill properly brought in here, which had been investigated by the appropriate committee, of course Congress could do it. I made no such suggestion as the Senator has stated, but I said we could not do it here.

Mr. BLACKBURN. Very well. We are doing it in a dozen instances in this very bill.

Mr. HALE. I think probably we are.

Mr. BLACKBURN. On last Saturday the Senator from Maine saw no objection, although a point of order was strenuously urged, to doing that same thing on another appropriation bill, where there was an opportunity to expend some millions of money in building a cable across the Pacific Ocean.

I am perfectly willing to submit this question to the Senate and let the Senate determine on the modified amendment whether it is possible for the Congress of the United States ever to lay its sacrilegious hand upon one penny of the fixed, exorbitant, robber rates of compensation which are now being paid to these railroad companies for the use of the postal cars outside of any contract, in fulfillment of no obligation, in redemption of no promise or pledge ever given, and in discharge of no obligation that exists either in any court of equity, law, or conscience on this earth.

Mr. MANDERSON. Will the Senator before he sits down kindly state to the Senate whether this new amendment is from the Committee on Appropriations or does he offer it individually?

Mr. BLACKBURN. I claim that I have the right to offer it. I am in charge of this bill; I have consulted with the other members of the Committee on Appropriations to whom I have had access; I am offering it with their approval; and I think the Senator from Nebraska will bear me out in the statement that, so far as



my observation or experience goes in the Senate Chamber, I never heard the right of a Senator in charge of a bill questioned when he undertook to modify an amendment that was pending.

Mr. MANDERSON. I did not understand that this was a modification, but that it was the entire abandonment of the amendment reported by the committee.

Mr. BLACKBURN. By no means. If the Senator will take the trouble to read the proposed amendment I do not think he will need an argument to convince him that it is anything more than a modification.

Mr. MANDERSON. It is a total change of the amendment proposed by the committee.

Mr. BLACKBURN. It is not a total change.

Mr. MANDERSON. A substitute.

Mr. BLACKBURN. It is not. It is a modification of the amendment printed in italics, as the Senator may inform himself by having it read at the desk.

Mr. MANDERSON. I tried to inform myself on that subject. I am very much obliged to the Senator.

Mr. BLACKBURN. I said the Senator could inform himself by having it read at the desk.

Mr. MANDERSON. I ask, then, that the proposition reported by the Committee on Appropriations be read, and after it the substitute or amendment or modification proposed by the Senator.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read the amendment reported by the Committee on Appropriations, which was, on page 4, line 16, after the word "dollars," to insert:

Said sum shall be expended under the direction and in the discretion of the Postmaster-General, and any provision of existing law in conflict herewith is hereby repealed.

Mr. MANDERSON. Now, kindly read the substitute.

The SECRETARY. The substitute reads as follows:

Said sum shall be expended under the direction and in the discretion of the Postmaster-General: *Provided*, That a reduction of not less than 10 per cent shall be made upon present rates of compensation; *And provided also*, That no part of the said sum shall be expended for the purchase of postal cars.

Mr. MANDERSON. I now submit to the Senator whether that is not substantially a new proposition, involving, as it does, a provision for the reduction of the rates of compensation and excluding any expenditure for the purchase of postal cars.

Mr. BLACKBURN. I think not; but if it will save time I will just accept the situation as this, that the Senator from Nebraska challenges my right—

Mr. MANDERSON. No, I do not do that.

Mr. BLACKBURN. To offer anything in lieu of the amendment submitted by the committee. I will accept that as the situation; I will disclaim any authority or right to do that; and in my own individual right as a Senator I now submit that as an amendment to the pending amendment. I certainly have that right.

Mr. MANDERSON. I submit that if that is the position taken by the Senator from Kentucky, and if he offers this proposition in his individual capacity as a Senator, not as representing the committee, it is subject to the point of order that it has not received the sanction of the favorable report of a standing or select committee of this body one day before the consideration of the bill.

Mr. BLACKBURN. Does the Senator mean to say that any Senator, the humblest one on this floor, has not a right to offer any amendment he pleases to any amendment that may be proposed to this bill?

Mr. MANDERSON. I submit this is not an amendment to the committee's amendment, but a substitute offered by the Senator in his individual capacity.

Mr. BLACKBURN. I beg the Senator's pardon. He has no right when I offer an amendment to an amendment to insist upon its being a substitute. The Senator who moves it moves it as a substitute or an amendment, as he pleases. I am astounded that a member of the Committee on Rules, so well versed in parliamentary law as the Senator from Nebraska, should intimate that any particular Senator in this Chamber has not an unquestionable right to offer any amendment he pleases to any and every amendment that is proposed to this bill.

Mr. MANDERSON. But here is the astonishing proposition, as it seems to me, that, the committee amendment being pending, the point of order was made upon it and is pending and not disposed of.

Mr. BLACKBURN. Very well; it has been pending for two days.

Mr. MANDERSON. Pending that, the Senator in his individual capacity submits an amendment which, it seems to me, is a very different proposition from that proposed by the Committee on Appropriations.

Mr. BLACKBURN. The amendment is intended to be different.

Mr. MANDERSON. It is offered by an individual Senator, and I invoke the rule that he must have the sanction of the re-

port of a standing or select committee of this body to make such an amendment in order.

Mr. BLACKBURN. All I have to say is that this is the first time—and I repeat it—that I ever knew a Senator to challenge the right of another Senator in charge of a bill to modify an amendment which he had submitted.

Mr. MANDERSON. I do not.

Mr. BLACKBURN. But as the Senator from Nebraska did challenge that right in my case, in order to save time, if it be possible to do that, I yield, and I assert no right except the right that every member of this body holds in his own individual capacity to offer an amendment to an amendment pending. I offer that now.

Mr. HOAR. May I ask the Senator a question?

Mr. BLACKBURN. Certainly.

Mr. HOAR. Does the Senator claim that when an amendment is moved by a committee and a point of order is taken to it that any individual Senator can move an amendment to that amendment until the point of order is decided?

Mr. BLACKBURN. We can not have it decided until the time the point of order is disposed of.

I stated to the Senate, in the plainest language of which I am master, that I proposed to submit a modification of the committee's amendment, hoping that it would meet the views of the objector and do away with the necessity of passing upon that point of order. If that is not the result, and if the point of order is insisted upon, then I want that point of order decided; and, no matter what may be the decision of the Chair or of the Senate, I shall then move the modified amendment which I have had read at the desk of the Secretary.

Mr. MANDERSON. As I understand it, then, it is simply a notice of an amendment that is to come.

Mr. BLACKBURN. I had asked that it might be accepted, and I heard no objection from any Senator.

Mr. MANDERSON. What I feared was that the Senator in steering his parliamentary ship so that it might avoid Scylla has lost it on Charybdis. I want to avoid that shipwreck.

Mr. BLACKBURN. I trust the Senator will allow me the privilege of selecting my own pilot. [Laughter.]

The VICE-PRESIDENT. Is there objection to the modification of the original amendment as proposed by the committee?

Mr. PLATT. Certainly there is, Mr. President.

The VICE-PRESIDENT. There is objection.

Mr. CAREY. I wish to ask the Senator from Kentucky a question. He said, in reply to my former question, that I was referring to another provision of the bill. I want to know whether this bill purposes to pay for fast mails except under this special provision.

Mr. BLACKBURN. I will show the Senator that it does not pay for them anywhere and does not propose to. As the bill came from the House of Representatives that paragraph began with line 25, at the foot of page 4, and ran down to and including line 7, on page 5. The Committee on Appropriations has recommended that that whole paragraph be stricken out.

Mr. CAREY. I have made no allusion whatever to that paragraph.

Mr. BLACKBURN. I understood the Senator did.

Mr. CAREY. I ask the Senator this question: If the Committee on Appropriations has investigated this question, and if the reduction is made in the price allowed to these postal cars and the transportation of mails, whether the fast mail across the continent will be maintained in that connection?

Mr. BLACKBURN. What does the Senator mean by "fast mail?"

Mr. CAREY. There is a fast mail leaving the city of Chicago at 3 o'clock in the morning, reaching Omaha in the afternoon at 5, and then proceeding across the continent. As I understand, the way we obtain that mail service is not by a subsidy, but by the Postmaster-General diverting the mails from parallel lines to that road on condition that the road will run that fast mail.

Mr. BLACKBURN. This provision does not interfere with that in the slightest; and so says the Postmaster-General.

Mr. CAREY. It will interfere with it if it interferes with the compensation which is allowed.

Mr. BLACKBURN. If the pending amendment be agreed to, it does not interfere in any way whatever with the transportation of the mails about which the Senator inquires; and so states the Postmaster-General.

Mr. CAREY. It undoubtedly will interfere with that service, because it is carried on under this very clause of this bill.

Now, I wish to ask the Senator another question, if he will kindly answer it, which is, whether it is in the discretion of the Postmaster-General as to what compensation shall be allowed?

Mr. BLACKBURN. I would say no, and that for twenty-two years it never has been.

Mr. CAREY. That certainly does not alter the law. It fixes the maximum rate he may allow, and he is not compelled to allow any compensation for the fast mail.

The VICE-PRESIDENT. The Chair will submit the question to the Senate. Is the proposed amendment in order?

Mr. CHANDLER. Mr. President, I have been waiting to say a few words on this important subject. I have not been disposed to discuss the point of order, although I agree with the Senator from Maine [Mr. HALE] that, this being general legislation upon an appropriation bill which changes materially existing law, it is subject to the point of order.

Upon the merits of the question I desire to extend my thanks to the Senator from Kentucky [Mr. BLACKBURN], representing the majority of the Committee on Appropriations, who have proposed this amendment for relieving me from a very great apprehension that I felt on yesterday, and down to a recent period to-day, with reference to the amendment. I had supposed that the amendment was designed to give unlimited power to the Postmaster-General to increase the compensation of the railroad companies for postal-car service to just such an extent as he might choose to go.

I had read the provisions of the statute which provide that the compensation for the mail-car service should not exceed certain sums, and I had felt that there was safety in those provisions, that the Postmaster-General had ample power to reduce the payments below the sums fixed by the statute, but had no power to exceed the maximum fixed by the statute, and here was a provision reported by the committee deliberately, presumably after having had full consideration in the committee room, which proposed to strike down the maximum sum fixed by the statute and to repeal all restrictions upon the Postmaster-General, and to allow him to take the \$3,505,000 and apply it to the railway post-office car service, paying exactly such rates as he chose to pay.

Mr. President, that was the proposed amendment as I read it yesterday and as I read it now in the printed bill before me, and I felt that that was not only obnoxious to the point of order, but was a most unwise provision of law.

It is the policy of the Government to make specific appropriations in all cases where specific appropriations can be made. No one knows any better than the Senator from Kentucky and the Senator from Maryland [Mr. GORMAN] that that is the policy of the Committee on Appropriations, which they have aided during this Congress in conducting so well in this body; and here they come in and produce a most extensive possible provision, which strikes down at one blow every provision of existing law which is to guide the Postmaster-General in the expenditure of this large sum of \$3,505,000, and says to him: "Spend that money exactly as you please; give it to what railroad companies you please to give it; take it away from what railroad companies you choose to take it away from; and when you pay it to any railroad company for postal-car service, pay for that postal-car service exactly the prices that you choose to pay."

That was the amendment of the committee; that was the amendment that was debated yesterday and the amendment that was debated to-day until a few moments ago, when the Senator from Kentucky, upon his responsibility as an individual Senator, proposed to amend the amendment of the committee and make it, as he now proclaims and as the Senator from Maryland proclaims, an economical provision designed for the purpose of reducing Government expenditures.

Mr. President, I know the Senator from Maryland has been promising us all this session some measure of economy. The Senator promised it to us upon the District of Columbia appropriation bill, and we succeeded in getting a little economy, but very little, upon that bill. The Senator from Maryland has taken the floor to-day, and now it appears that here is one of the Senator's measures of economy; but when you examine the Senator's measure of economy exactly as it comes through the Committee on Appropriations, lo and behold, it is a provision intended to become a part of a statute which takes away every existing limitation and restriction upon the Postmaster-General in the expenditure of this large sum of money, and says to him, "Expend it exactly as you please, do with it just what you choose, and you shall be justified in doing this, any provision of existing law to the contrary notwithstanding." That is the measure of economy proposed by the Committee on Appropriations!

Mr. President, I regret that the Senator from Maryland in framing this provision of the bill in committee, if he had really intended it to be what he now says it is to be, a measure of economy and reduction, had not made the fact that this was economy and reduction to stand right out upon the face of this proposition itself, so that we might understand in the beginning that it was economy and reform which the Senator from Kentucky and the Senator from Maryland were after, and not, as we read it then and as we must read it now, a measure to remove every restriction from the Postmaster-General, to put this enormous sum of money wholly at his discretion and within his power to do with it exactly what he pleases.

Mr. BLACKBURN. I am sure that it is the purpose of the Senator from New Hampshire to be entirely fair, and he will not forget that the RECORD shows that I stated yesterday morn-

ing that the committee would be under obligations to any Senator who would suggest any modification of the language of the proposed amendment that would better accomplish the purpose of the committee, which I avowed then and there, and that was to reduce the present existing rates of compensation.

Mr. CHANDLER. Mr. President, I do wish to be entirely fair to the Senator, but the Senator is aware that everything that is said in the debate is not listened to by the 88 Senators who are now entitled to seats upon this floor. The Senator did make an opening statement; but if it was intended when this provision was drawn up to make it a measure of economy and reduction, I did not know it until after there had been opposition made to the clause and quite a debate had taken place upon it.

Mr. President, I am not impugning the good faith of the Senator from Kentucky nor the good faith of the Senator from Maryland; I accept their statements that the object of the original provision was to reduce the compensation for the postal-car service; but this I am afraid of, that the amendment was drawn for the committee by somebody else, prepared perhaps at the Post-Office Department, and that it was brought to the two Senators who now take an interest in it and conduct the advocacy of it, and they were told that it was designed for the purpose of enabling the Postmaster-General to cut down these rates, and as those Senators are very busy and entirely innocent, they were induced to take a clause which, on the face of it, as it seems to me, is very objectionable to any economist or reformer in this body.

Mr. BLACKBURN. I am sure the Senator wants to be corrected when he is in error.

Mr. CHANDLER. Always.

Mr. BLACKBURN. In this case he is a poor guesser, for the amendment as italicized in the bill as reported by the committee was drafted and redrafted more than a half dozen times by the committee, and never was furnished by anybody.

Mr. CHANDLER. Then, Mr. President, I wish the committee had put me out of my misery when the report came in—

Mr. BLACKBURN. You would not be happy then. [Laughter.]

Mr. CHANDLER. Instead of holding me here a day and a half under the impression that here was a very dangerous power to be sought for by the Postmaster-General, one that is not in accordance with the existing practices and policy of the Committee on Appropriations, and which was intended to give a dangerous power to the Postmaster-General in the expenditure of this money.

Mr. GRAY. Will the Senator allow me to ask him a question for information?

Mr. CHANDLER. Certainly.

Mr. GRAY. How does the Senator understand the existing law to be in regard to the control of the Postmaster-General over this appropriation without the committee's amendment?

Mr. CHANDLER. It is perfectly clear how it is. The Postmaster-General can pay for the postal-car service according to certain schedules, not exceeding so much money for each postal car that is used. The provision has been read over and over again, but it is an important part of the discussion of this subject, and therefore I shall read it again:

SEC. 4004. Additional pay may be allowed for every line comprising a daily trip each way of railway post-office cars, at a rate not exceeding \$25 per mile per annum for cars 40 feet in length; and \$30 per mile per annum for 45-foot cars; and \$40 per mile per annum for 50-foot cars; and \$50 per mile per annum for 55 to 60 foot cars.

And, as the Senator from Illinois [Mr. CULLOM] showed yesterday, there have been two reductions in the maximum rate.

Mr. President, here is an existing system which has grown up after many years' practice, a system of postal-car service. It has become a part of the statute law, and it has become a part of the methods of conducting the Post-Office Department. This appropriation, as it has been made hitherto, has been made with reference to the existing law and with reference to the existing customs of the Post-Office Department, and there has not been the slightest difficulty under that law in having any Postmaster-General cut down the rates if he thought they were exorbitant.

I never dreamed when I saw this provision and compared it with the statute that the object was to reduce expenditures, to reduce the price to be paid for the postal-car service. I never dreamed that was the result, because the moment I looked at this provision of the Revised Statutes I saw that a maximum was fixed, and that any Postmaster-General who had courage to do it could cut the rate down 10 per cent, 20 per cent, 30 per cent, or could cut it down to any per cent he pleased, and there would be no appeal from his decision except to come to Congress and have the Postmaster-General overruled in his projects of reform by an affirmative statute the other way.

Mr. GRAY. Now, will the Senator as satisfactorily explain how the committee's amendment will alter and change that method of control?

Mr. CHANDLER. The committee's amendment strikes down the limitations upon the prices to be paid, as the Senator from Iowa [Mr. ALLISON] showed yesterday, and here is a provision



that the Postmaster-General shall pay not exceeding certain rates, and the committee bring in a provision which says:

Said sum shall be expended under the direction and in the discretion of the Postmaster-General, and any provision of existing law in conflict herewith is hereby repealed.

Now, I ask the Senator from Delaware whether if that provision—

Mr. GRAY. I am asking for information.

Mr. CHANDLER. If that provision were to pass exactly as it was reported by the committee, whether the Postmaster-General could not raise rates and pay any price he pleased?

Mr. GRAY. I think he could. I wanted that to be made plain.

Mr. CHANDLER. Then, I ask the Senator whether that was not a suspicious amendment to bring in here, and whether anyone would have supposed that that amendment was a measure of economy and reform up to the time the Senator from Maryland rose a little while ago and said the object of it was to cut down expenditures? I do not suppose the Senator from Maryland intended to lead the Senate to believe that the Senator from Kentucky was any less disposed to be economical in this body than he. But the Senator from Maryland seems to have thought that there was some doubt in the minds of the Senate as to what this amendment was intended for. So the Senator arose and said the object of it was to cut down expenditures. I say, Mr. President, in all good faith, that until the Senator arose and said that, I believed the object of this clause, as it was put in the bill, was to secure power to the present Postmaster-General to increase the rates of payment for postal-car service.

Mr. GORMAN. The Senator makes a very broad statement now, and not such a one as he ordinarily makes, one which in fact is so far from being accurate, that I think the Senator himself will be glad to correct it.

Mr. CHANDLER. It was accurate as to my belief, Mr. President, not as to the purpose of the committee.

Mr. GORMAN. No, as to the law. The Senator from New Hampshire understands perfectly that this provision as reported in the bill with the amendment limits the total expenditure on this account to \$3,205,000, and that it is not possible for the Postmaster-General to exceed that amount. The Senator also knows that it is not unusual to put in the hands of the Postmaster-General the discretion to use large amounts of money, for in that service it can not be otherwise.

The Senator also knows that the act fixing the compensation per car has for twenty years been construed to mean that the maximum shall be the minimum. The Postmaster-General has so stated, his predecessors have so stated, and if he had the undoubted power to use his discretion he would use it and reduce the compensation. After the comments of the distinguished Senator from Illinois [Mr. CULLOM] and the distinguished Senator from Iowa [Mr. ALLISON] it occurred to me that if there could be any question as to the sincerity of the Post-Office Department or the ability of the Postmaster-General to do it, it would be wise for Congress to say that the reduction shall be at least 10 per cent.

The Senator from New Hampshire, I think, therefore did myself and others who have considered this matter in committee a very great injustice in what he said. Our whole object from the beginning, and the provision carries it on its face, was to report a measure for economy, to save three or four hundred thousand dollars to the people without crippling the service and without doing injustice to anyone.

Mr. CHANDLER. Mr. President—

The VICE-PRESIDENT. The Chair will remind the Senator from New Hampshire that by the unanimous-consent agreement at 5 o'clock pension bills were to be taken up.

Mr. CHANDLER. Then allow me to remark that the trouble with the Senator from Maryland is that what he has stated does not appear upon the face of the amendment, but the contrary is clearly to be implied from the face of the amendment as it stood until the motion was made to amend it a little while ago.

Mr. BLACKBURN. I wish to call the attention of the Chair to the fact, if it be necessary to make the statement, that the taking up of pension bills at 5 o'clock under the unanimous-consent agreement is not understood as prejudicing or affecting the status of the Post-Office appropriation bill.

Mr. VEST. Certainly not. The appropriation bill will be informally laid aside.

Mr. CULLOM. Certainly not. The Senator from Kentucky would have a right to call up the appropriation bill anyway.

Mr. PALMER. I so understood it when the Senator from Kentucky gave me the half hour. I call for the special order.

The VICE-PRESIDENT. The first private pension bill on the Calendar favorably reported will be proceeded with.

JOSEPH PORTER.

The bill (S. 2141) granting a pension to Joseph Porter was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "rate," to strike out "provided for total blindness" and insert "of \$30 per month;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Joseph Porter, late a private in Company K, Eighth New York Heavy Artillery, at the rate of \$30 per month, in lieu of the pension he now receives.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CATHERINE OTT.

The bill (H. R. 6868) for the relief of Catherine Ott, widow of Joseph Ott, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine Ott, widow of Joseph Ott, late a musician in the Veteran Reserve Corps.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAULINE M. POOLER.

The bill (H. R. 862) granting a pension to Pauline M. Pooler was considered as in Committee of the Whole. It proposes to pay a pension of \$12 per month to Mrs. Pauline M. Pooler, of Caledonia, Ohio, dependent mother of Lawson E. Pooler, late a private in Company D, Second Regiment Ohio Volunteer Cavalry. It is provided that if the widow of the soldier on account of whose services the pension is granted shall ever be granted a pension on his account the pension proposed to be granted by the bill shall cease.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT KIRACOFFE.

The bill (S. 2307) granting a pension to Robert Kiracoffe, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "twenty-five" and insert "twelve;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Robert Kiracoffe, late a private in Company G, Eighty-first Ohio Volunteer Infantry, and pay him a pension at the rate of \$12 per month, in lieu of the amount he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NANCY G. ALLABACH.

The bill (S. 1639) granting a pension to Nancy G. Allabach was considered as in Committee of the Whole. It proposes to pay a pension of \$30 per month to Nancy G. Allabach, widow of Peter H. Allabach, late colonel One hundred and thirty-first Pennsylvania Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARIAN C. GURNEY.

The bill (S. 2539) granting a pension to Marian C. Gurney was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "Infantry," to insert the following proviso:

*Provided,* That if it shall at any time be ascertained that said James W. Gurney is living, then the pension herein granted shall cease to be paid to said widow.

So as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the act approved June 27, 1890, the name of Marian C. Gurney, the indigent widow of James W. Gurney, late a captain of Company E, One hundred and twenty-seventh Regiment New York Volunteer Infantry: *Provided,* That if it shall at any time be ascertained that said James W. Gurney is living, then the pension herein granted shall cease to be paid to said widow.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. MARY L. CLARK.

The bill (H. R. 0074) to pension Mrs. Mary L. Clark was considered as in Committee of the Whole. It proposes to pay a pension of \$12 per month to Mrs. Mary L. Clark, of Cottonwood Falls, Kans., the stepmother of James K. Clark, who was a private in Company A, One hundred and tenth Regiment Illinois Volunteers.

Mr. HILL. I should like to ask what is the ground for the pension which is proposed to be paid? Is not this case covered by

general law? Is there not somewhere or other a general provision for stepmothers? What is the point in the case? It is not patriotic to make any inquiry about pension bills, but once in a while curiosity impels one to ask a question.

Mr. COCKRELL. Let the report be read.

Mr. PALMER. I ask to have the report read. That is the best explanation. This is a case where the stepmother has been the actual mother.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. PALMER January 29, 1895, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6074) granting a pension to Mary L. Clark, have examined the same, and report:

The report of the Committee on Invalid Pensions of the House of Representatives hereto appended is adopted, and the passage of the bill is recommended.

#### HOUSE REPORT.

The Committee on Invalid Pensions have considered the bill (H. R. 6794) to pension Mrs. John H. Clark, and submit the following report:

It is shown by the affidavit of George George, S. A. Breese, C. W. Baldwin, and Mrs. J. H. Clark, on file with the Committee on Invalid Pensions, and the evidence on file in pension claim of John H. Clark, dependent father of James K. Clark, who was a private in Company A, One hundred and tenth Illinois Volunteers (certificate No. 191886), that Mrs. Mary L. Clark, of Cottonwood Falls, Kans., is widow of the late John H. Clark, and that her husband died at said city on the 29th day of April, 1894, and that he was a pensioner at the rate of \$12 per month as dependent father.

Mrs. Clark was married to the late John H. Clark in October, 1847, and at that time her stepson was about four years old. The evidence shows that he lived with his father and stepmother until he entered the Army, and she always cared for him the same as though he were her own son, and that they were very fond of each other.

The evidence on file in the Pension Office shows that the soldier was never married, and that for several years before his enlistment he worked out and helped support his father's family, and that after he enlisted he sent part of his pay to his father.

The soldier, James K. Clark, enlisted August 12, 1862, and served until the date of his death, November 3, 1862, of typhoid fever contracted in the service.

The evidence shows he was in good health at the date of his enlistment; that he had typhoid fever November, 1862; was taken to the hospital at Danville, Ky., where he died.

The evidence shows that the stepmother is now 73 years of age; has a small lot and a little three-room house upon which the taxes are unpaid; that she is in almost destitute circumstances, and will be a charge upon the county unless she is allowed this pension.

Her husband was allowed a pension at \$8 per month as dependent father in 1863, which commenced on the 4th day of November, 1862, and which was increased to \$12 per month, and continued to the date of his death.

This small pension was the only income the family had, and as the stepmother married the father when the son was but 4 years of age, and always cared for and treated him as her own child, and as the son assisted in the support of father and mother for several years prior to his death, and was never married, and as the stepmother lived with the father until his death, your committee recommend the passage of the bill after being amended by inserting the name "Mary L." in lieu of "John H." in line 7, and also in the title of the bill.

Mr. HILL. This seems to be a proper case.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARY R. WILLIAMS.

The bill (H. R. 7602) to pension Mary R. Williams was considered as in Committee of the Whole. It proposes to pay a pension of \$12 a month to Mary R. Williams, widow of Gustavus A. Williams, deceased, late assistant surgeon in the Army of the United States during the Seminole war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EUNICE PUTMAN.

The bill (H. R. 2051) to grant a pension to Eunice Putman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eunice Putman, permanently helpless daughter of John Putman, late a private in Company D, One hundred and eighty-sixth Regiment New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SAMUEL F. TENANT.

The bill (H. R. 7359) to pension Samuel F. Tenant was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel F. Tenant, late of Company F, Fourth Indiana Legion State Militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JAMES H. OSGOOD.

The bill (S. 2654) granting an increase of pension to James H. Osgood was considered as in Committee of the Whole. It proposes to pay to James H. Osgood, late a seaman on the United States ship *Circassian*, a pension of \$50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FLORENCE G. BUSKIRK.

The bill (S. 2671) granting an increase of pension to Florence G. Buskirk was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, in line 6, after the word "Florence," to strike out "G" and insert "W;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Florence W. Buskirk, widow of John W. Buskirk, late a corporal in Company G, Forty-ninth Regiment of Indiana Volunteer Infantry, at the rate of \$20 per month.

Mr. PLATT. Is there a report accompanying the bill?

The VICE-PRESIDENT. There is a report.

Mr. PLATT. I should like to hear it read.

The VICE-PRESIDENT. The report will be read.

Mr. PLATT. Perhaps the Senator from Illinois [Mr. PALMER] can explain the bill.

Mr. PALMER. I should prefer to have the report read.

Mr. PLATT. I saw that it was an unusual sum, and therefore asked that the report be read.

The Secretary read the report submitted by Mr. GALLINGER on the 4th instant, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2671) granting a pension to Florence W. Buskirk, have examined the same, and report:

Mr. Buskirk when very young went into the Forty-ninth Regiment of Indiana Volunteers in the War for the Union, and made an excellent record as a soldier. He was corporal of his company. After his discharge from the Army in 1863, on account of disabilities incurred in the service and in the line of duty, he studied law, and rapidly rose to the head of his profession at Bloomington, Ind. He became one of the best lawyers of his age, although always infirm on account of his army service. Some four or five years before his death his health entirely broke down, and he became utterly helpless. He was pensioned by the Department on account of total disability incurred in the service and in the line of duty at the full rate of \$20 per month.

For nearly four years he was unable to walk a single step, or to dress or undress himself, or to use his hands to convey food to his mouth. In this condition his wife, who now survives him, nursed him as a woman would an infant child. All that remained of him was his clear mind, while every want of his body had to be cared for by others. Mrs. Buskirk devoted herself to his care and support without a day's intermission, and hardly an hour's, for more than three years and a half prior to his death. She was left destitute when he died, and his pension ceased, and she is placed on the roll as his widow on a pension of \$8 per month. She has neither property nor income except this small pension.

Hon. D. W. VOORHEES, United States Senator from Indiana, personally appeared before the committee and stated that he was acquainted with the soldier and his family for many years and is personally cognizant of all the facts herein stated, and to his own knowledge he is satisfied that the widow is in extremely needy circumstances.

In view of these exceptional facts and circumstances, your committee recommend the passage of the bill with an amendment.

Amend by striking out the letter "G" in the middle of the name and insert "W" wherever it appears.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Pensions.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Florence W. Buskirk."

#### SAMUEL GOLDWATER.

The bill (S. 2371) granting a pension to Samuel Goldwater was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 4, after the word "roll," to strike out "subject to the provisions and limitations of the pension laws" and insert "at the rate of \$15 per month;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$15 per month, the name of Samuel Goldwater, late of Company A, First Regiment Missouri Volunteer Infantry, National Guard.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### LOUISA M. SIPPELL.

The bill (H. R. 6076) to repeal the special act granting a pension to Louisa M. Sippell was considered as in Committee of the Whole. It proposes to repeal an act entitled "An act granting a pension to Louisa M. Sippell, widow of William E. Sippell, of Company H, Thirteenth Regiment New Jersey Volunteer Infantry," approved September 29, 1890.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HIRAM R. RHEA.

The bill (H. R. 4658) granting a pension to Hiram R. Rhea was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram R. Rhea, as of Company G, Third North Carolina Mounted Infantry, at a rate proportionate to the degree of disability from such gunshot wounds as may be shown to the satisfaction of the Secretary to have been received at the hands of Confederate soldiers or sympathizers while Rhea was attempting to cooperate with the Union forces, and provided it be shown by the evidence that he was a member of that organi-



zation; and repeals the act entitled "An act granting a pension to Hiram R. Rhea," approved March 3, 1871.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

On motion of Mr. PALMER, the title was amended so as to read: "A bill granting a pension to Hiram R. Rhea, and repealing an act approved March 3, 1871."

#### CATHARINE DILLON.

The bill (S. 1238) granting a pension to Catharine Dillon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twenty" and insert "twelve;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll subject to the provisions and limitations of the pension laws, the name of Catharine Dillon, of Logansport, Ind., widow of Patrick Dillon, deceased, late a private of Company E, Ninth Regiment of Illinois Cavalry, and pay her a pension at the rate of \$12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CATHERINE R. JARDINE.

The bill (S. 2460) granting a pension to Catherine R. Jardine, widow of Brig. Gen. Edward Jardine, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "one hundred" and insert "fifty;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Catherine R. Jardine, widow of Edward Jardine, late brigadier-general of the Army of the United States, and pay her at the rate of \$50 a month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ELIZABETH A. GRANGER.

The bill (S. 2148) granting a pension to Elizabeth A. Granger was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Elizabeth A. Granger, widow of Robert S. Granger, brevet major-general, United States Army, and to pay her a pension at the rate of \$50 per month, to commence from the 26th day of April, 1894, and to continue during her widowhood.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SARAH E. ROEBUCK.

The bill (H. R. 6131) to grant a pension to Sarah E. Roebuck was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of Sarah E. Roebuck, widow Lawrence R. Roebuck, late quartermaster's employee, and to pay her a pension at the rate of \$13 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARY A. HALL.

The bill (S. 2491) granting a pension to Mary A. Hall was considered as in Committee of the Whole. It proposes to place on the pension roll, subject to the limitations and provisions of the pension laws, the name of Mary A. Hall, widow of Charles J. Hall, late of Company A, Seventh Regiment of Connecticut Volunteers, and to allow her a pension rated at \$12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the the third time, and passed.

#### WILLIAM ARMSTRONG.

The bill (H. R. 6985) granting a pension to William Armstrong was considered as in Committee of the Whole. It proposes to place upon the pension roll the name of William Armstrong, late a private in Company A, Gray's Battalion Arkansas Volunteers, in the war with Mexico, and to allow him a pension rated at \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### JULIA WEEKS.

The bill (H. R. 6493) granting an increase of pension to Julia Weeks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia Weeks, of Allegan, Mich., widow of Capt. Harrison S. Weeks, Eighth Cavalry, and to pay her a pension of \$30 per month, the same to be in lieu of the pension now drawn by her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### WILLIAM B. MATCHETT.

The bill (S. 2696) granting a pension to William B. Matchett was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twenty" and insert "fifteen;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William B. Matchett, chaplain of the Tenth Regiment of New York Volunteers, at the rate of \$15 per month, from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### RICHARD R. KNIGHT.

The bill (H. R. 5377) granting a pension to Richard R. Knight was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard R. Knight, son of Philip T. Knight, alias Patrick Reardon, late of Company B, Thirty-first Regiment Massachusetts Volunteer Infantry, and to pay him a pension subject to the provisions and limitations of the act approved June 27, 1890. But if any pension be allowed under the general laws on account of the above-named soldier, pension under this act shall cease.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARILLA PARSONS.

The bill (H. R. 3988) granting a pension to Marilla Parsons, of Detroit, Mich., was considered as in Committee of the Whole. It proposes to place on the pension roll, at the rate of \$12 per month, the name of Marilla Parsons, of Detroit, Mich., dependent stepmother of Daniel P. Parsons, late captain of Company D, Eleventh Missouri Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ELIZABETH BROWER.

The bill (H. R. 5642) granting a pension to Elizabeth Brower, a hospital nurse during the war of the rebellion, was considered as in Committee of the Whole. It proposes to place on the pension roll, at the rate of \$12 per month, the name of Elizabeth Brower, formerly a hospital nurse in the war of the rebellion, and to pay the same to her duly appointed guardian or committee.

Mr. HOAR. Are not all pensions to persons who are under guardianship paid to guardians of course without a special provision?

Mr. QUAY. I suppose that would generally be the case, but this lady is insane and she is in an asylum at present.

Mr. HOAR. This is a House bill?

Mr. QUAY. It is a House bill.

Mr. COCKRELL. Why should the word "committee" be in the bill? Who is the committee? There is no such person known in law. The language of the bill is "and to pay the same to her duly appointed guardian or committee."

Mr. QUAY. The "committee" is the name used in the State of Pennsylvania. The guardian appointed by the court under an inquisition of lunacy is called the "committee."

Mr. COCKRELL. All right.

Mr. PALMER. In different States different terms are used.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ABRAHAM B. PRINCE.

Mr. HUNTON. I ask unanimous consent for the present consideration of the bill (H. R. 8486) to relieve Abraham B. Prince. There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

*Be it enacted, etc.,* That all real estate lying in the District of Columbia heretofore purchased by and conveyed to Abraham D. Prince be, and the same is hereby, relieved and exempted from the operations of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," approved March 3, A. D. 1887, and all forfeitures incurred by force of said act in respect to such real estate be, and the same are hereby, remitted.

Mr. HOAR. Was not such an act passed by the Senate in the last Congress?

Mr. HUNTON. No, sir; it was a statute passed in 1887, forbidding foreigners to hold real estate. This man came to this country when an infant, and supposed he was naturalized by the naturalization of his father.

Mr. HOAR. I thought we passed a statute for his benefit a year or two ago.

Mr. HUNTON. Oh, no.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PUBLIC BUILDINGS IN WINSTON-SALEM, N. C.

Mr. RANSOM. I ask the unanimous consent of the Senate for

the present consideration of the bill reported to-day favorably from the Committee on Public Buildings and Grounds, being the bill (S. 2663) to provide for the erection of a public building in the cities of Winston-Salem, N. C.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with amendments.

Mr. PLATT. I wish the Senator from North Carolina would explain why this building is to be built in the cities of Winston-Salem. Are they two cities?

Mr. RANSOM. Yes, sir. As I thought my friend from Connecticut knew, they are known as twin cities in North Carolina. The two cities come right together; there is just a street between; and the public building will answer for both places.

Mr. PLATT. That is all right.

The VICE-PRESIDENT. The amendments of the committee will be stated.

The amendments were, in line 12, to strike out "two" before "hundred" and insert "one," and in line 13, to strike out "two" before "hundred" and insert "one;" so as to read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post-office and other Government offices in the cities of Winston-Salem, State of North Carolina, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of \$150,000, which said sum of \$150,000 is hereby appropriated for said purpose, out of any moneys in the United States Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### FRONTIER GUARDS.

Mr. MARTIN. I ask the courtesy of the Senate to consider the bill (S. 2372) to authorize and direct the Secretary of War to place on file in the War Department the names of the officers and members of the Frontier Guards, mustered into the volunteer military service of the United States on the 16th day of April, 1861, and issue discharges to the same.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Military Affairs with amendments, in line 6, after the word "guards," to insert "alleged to have been;" in line 9, after the word "furnish," to insert "proof;" in line 10, after the word "satisfactory," to strike out "proof" and insert "to the Secretary of War;" in the beginning of line 11, to strike out "comrades" and insert "members;" and in line 12, before the word "military," insert "such;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to place upon the files of the War Department the names of the officers and men of an organization known as the Frontier Guards, alleged to have been regularly mustered into the volunteer military service of the United States on the 16th day of April, 1861, and issue discharges to such of them as shall furnish proof satisfactory to the Secretary of War, by affidavits of members or officers of said organization, that they rendered such military service and were honorably discharged; said discharges shall be in the form and language used by James H. Lane, captain of said Frontier Guards, in issuing discharges therefrom: *Provided*, That none of said officers or men shall be entitled to pay, or allowance, or bounty, or pension by reason of service in such guards.

The amendments were agreed to.

Mr. MARTIN. In line 13 I move to insert the word "substantially" after the word "be," and to strike out "and language," in the same line; so as to read:

Said discharges shall be substantially in the form used by James H. Lane, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### LOSS OF PERSONAL PROPERTY IN NAVAL SERVICE.

Mr. CHANDLER. I ask for the present consideration of the bill (S. 1201) for the relief of the sufferers by the wreck of the United States steamer *Tallapoosa*.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CHANDLER. I ask that the amendment proposed by the Senator from Maine [Mr. HALE] be read instead of the bill.

Mr. HARRIS. Is that a substitute for the bill?

Mr. CHANDLER. It is a substitute for the bill.

The VICE-PRESIDENT. The proposed substitute will be read. The SECRETARY. Strike out all after the enacting clause and insert:

That the proper accounting officers of the Treasury be, and they are hereby authorized and directed to examine into, ascertain, and determine the value

of the private property belonging to officers, petty officers, seamen, and others in the naval service of the United States which has been or may hereafter be lost and destroyed in the naval service, under the following circumstances:

First. When such loss or destruction was without fault or negligence on the part of the claimant.

Second. Where the private property so lost or destroyed was shipped on board an unseaworthy vessel by order of any officer authorized to give such order or direct such shipment.

Third. Where it appears that the loss or destruction of the private property was not the fault or negligence of the claimant. And the amount of such loss or losses so ascertained and determined upon settlement by the accounting officers of the Treasury shall be paid out of any money in the Treasury not otherwise appropriated, and shall be in full for all such loss or damage: *Provided*, That any claim which shall be presented and acted upon under authority of this act shall be held as finally determined, and shall never thereafter be reopened or considered: *And provided further*, That this act shall not apply to losses sustained in time of war: *And provided further*, That the liability of the Government under this act shall be limited to such articles of personal property as is required by the United States Naval Regulations, and in force at the time of loss or destruction, for such officers, petty officers, seamen, or others engaged in the public service, in the line of duty: *And provided further*, That the amounts which have been paid to persons in the naval service under sections 238, 239, and 240 of the Revised Statutes shall be deducted in the settlement of all claims under this act: *And provided further*, That nothing in this act shall be so construed as to authorize the payment to any officer, petty officer, seaman, or other person of any article or articles except such as are required by the United States Naval Regulations in the performance of their official duties: *And provided further*, That the value of the article or articles lost or destroyed shall be their value at the date of loss or destruction: *And provided further*, That all claims now existing shall be presented within two years, and not after, from the passage of this act; and all such claims hereafter arising be presented within two years from the occurrence of the loss or destruction. That nothing in this act shall be construed to authorize the reopening or payment of any claims for losses on vessels sunk or otherwise destroyed prior to August 20, 1864.

Mr. COCKRELL. Those provisions are not applicable to the *Tallapoosa* alone?

Mr. CHANDLER. No; it is a general measure, applicable to all losses of this kind. The object is to substitute a general bill for the special bill. I will let it go over until to-morrow. Let it go back on the Calendar.

Mr. COCKRELL. To retain its present place?

Mr. CHANDLER. To retain its place on the Calendar, having been read. The substitute is broader in some respects than I supposed. I will let it remain on the Calendar.

The VICE-PRESIDENT. The bill will go over, retaining its place on the Calendar.

#### JAMES GRACE.

Mr. PASCO. I ask unanimous consent that the Senate now consider the bill (S. 1530) for the relief of James Grace.

By unanimous consent, the bill was considered as in Committee of the Whole. It proposes to pay \$155 to James Grace, of Washington, in the District of Columbia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### CIRCUIT COURTS OF APPEALS.

Mr. HOAR. I ask leave to call up the bill (H. R. 5216) to amend the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on the Judiciary with an amendment, to insert at the end of the bill the following additional proviso:

*And provided further*, That the court below may in its discretion require as a condition of the appeal an additional injunction bond.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### WINNEBAGO INDIANS IN MINNESOTA.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill (H. R. 7731) for the relief of certain Winnebago Indians in Minnesota.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. COKE. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I hope the Senator will allow us to go on just five or ten minutes longer.

Mr. QUAY. I hope the Senator from Texas will withdraw the motion.

Mr. COKE. I will withdraw the motion for a few minutes.

#### PUBLIC BUILDING AT POTTSVILLE, PA.

Mr. QUAY. I ask unanimous consent for the present consid-



eration of the bill (H. R. 155) to erect a public buildings at Pottsville, Pa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT BROCKTON, MASS.

Mr. VILAS. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. I have one public-building bill, which is a small one and which has been waiting for a great many years, which I should like to have considered.

Mr. HILL. Is there any more money in the Treasury, Mr. President?

Mr. HOAR. I ask the Senator from Wisconsin to withdraw his motion that I may call up the bill to which I refer.

Mr. VILAS. I give way to the Senator from Massachusetts.

Mr. HOAR. I ask unanimous consent for the present consideration of the bill (H. R. 116) for the erection of a public building at Brockton, Mass.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HOME FOR DESTITUTE COLORED PERSONS.

Mr. PEPPER. I ask unanimous consent for the present consideration of the bill (H. R. 7095) to provide for the erection of a national home for aged and infirm colored persons, and for the maintenance of the inmates thereof.

Mr. HILL. Does it take any money?

Mr. PEPPER. No; it is money that is already on hand.

Mr. COCKRELL. Mr. President, it is not right to ask for the consideration of that bill at this time. I am not fighting the bill, but the Senator knows perfectly well that there are two or three Senators who have always insisted on being present when that bill is considered.

Mr. VILAS. I was about to make a statement similar to that made by the Senator from Missouri.

The VICE-PRESIDENT. Does the Senator from Wisconsin object?

Mr. VILAS. I do not myself object to the consideration of the bill, but I understand there is objection to it.

Mr. COCKRELL. I am not making any objection personally, but I know that if the bill should be passed a motion to reconsider would be entered, and it would be of no earthly use to pass the bill.

Mr. VEST. What is the bill?

Mr. PEPPER. It is a bill to provide for the erection of a national home for aged and infirm colored persons and for the maintenance of the inmates thereof.

Mr. COCKRELL. The Senator from Maryland [Mr. GORMAN] has objected to that bill time and again.

Mr. VILAS. I think, Mr. President, I must insist on my motion that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Wisconsin.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 13, 1895, at 12 o'clock m.

#### NOMINATIONS.

*Executive nominations received by the Senate February 12, 1895.*

##### POSTMASTERS.

J. H. Hudson, to be postmaster at Pine Bluff, in the county of Jefferson and State of Arkansas, in the place of James M. Hudson, removed.

Jefferson D. Adams, to be postmaster at Rico, in the county of Dolores and State of Colorado, in the place of Joseph Meredith, whose commission expired January 9, 1895.

David R. Post, to be postmaster at Deep River, in the county of Middlesex and State of Connecticut, in the place of Charles A. Kirtland, whose commission expired February 9, 1895.

W. C. Bremerman, to be postmaster at Boone, in the county of Boone and State of Iowa, in the place of William B. Menns, whose commission expired December 13, 1894.

James A. Jackson, to be postmaster at Howard, in the county of Elk and State of Kansas, in the place of Joseph B. Dobyns, whose commission expired January 31, 1895.

Abram Claude, to be postmaster at Annapolis, in the county of Anne Arundel and State of Maryland, in the place of Washington G. Tuck, whose commission expired June 14, 1894.

John B. Sweeney, to be postmaster at Hagerstown, in the county of Washington and State of Maryland, in the place of James P. Harter, whose commission will expire February 14, 1895.

John C. Curtin, to be postmaster at Helena, in the county of Lewis and Clarke and State of Montana, in the place of Tilghman H. Clowell, whose commission expires March 3, 1895.

Asa F. Hollebaugh, to be postmaster at Falls City, in the county of Richardson and State of Nebraska, in the place of Edward J. Holdbrook, deceased.

August Kleine, to be postmaster at West Point, in the county of Cuming and State of Nebraska, in the place of Anton J. Langer, whose commission will expire February 14, 1895.

Euclid Martin, to be postmaster at Omaha, in the county of Douglas and State of Nebraska, in the place of T. S. Clarkson, whose commission expired October 1, 1894.

Arthur L. Morse, to be postmaster at Atkinson, in the county of Holt and State of Nebraska, in the place of James L. McDonald, removed.

John R. Stannard, to be postmaster at Boonville, in the county of Oneida and State of New York, in the place of Garry A. Willard, whose commission expired January 27, 1895.

Timothy J. Williams, to be postmaster at Richwood, in the county of Union and State of Ohio, in the place of John W. Crawford, whose commission expired February 9, 1895.

J. Miller Bloom, to be postmaster at Clearfield, in the county of Clearfield and State of Pennsylvania, in the place of Albert M. Row, whose commission expired September 30, 1894.

Martin J. Conley, to be postmaster at Warren, in the county of Bristol and State of Rhode Island, in the place of William B. Nichols, deceased.

Charles F. Easterbrooks, to be postmaster at Bristol, in the county of Bristol and State of Rhode Island, in the place of William M. Gorham, whose commission will expire February 14, 1895.

William L. Izlar, to be postmaster at Orangeburg, in the county of Orangeburg and State of South Carolina, in the place of Philipp Gerlach, whose commission expired December 18, 1894.

F. G. Edmiston, to be postmaster at Crockett, in the county of Houston and State of Texas, in the place of Frank H. Hill, whose commission expired January 6, 1895.

Henry M. Fitzgerald, to be postmaster at Greenwich, in the county of Fairfield and State of Connecticut, in the place of William E. Ritch, whose commission expired February 9, 1895.

Charles G. Kress, to be postmaster at Lewiston, in the county of Nez Perce and State of Idaho, in the place of John L. Chapman, removed.

George W. Harmon, to be postmaster at Auburn, in the county of Nemaha and State of Nebraska, in the place of Rush O. Fellows, whose commission expired February 9, 1895.

James D. Leming, to be postmaster at Broken Bow, in the county of Custer and State of Nebraska, in the place of W. A. Gilmore, removed.

Thomas Regan, to be postmaster at Crawford, in the county of Daves and State of Nebraska, in the place of John B. Grotton, whose commission will expire February 27, 1895.

Rockwell B. Mitchell, to be postmaster at Bridgeport, in the county of Belmont and State of Ohio, in the place of Johnson Brown, whose commission expired January 19, 1895.

##### ASSOCIATE JUSTICE.

Gideon D. Bantz, of New Mexico Territory, to be associate justice of the supreme court of the Territory of New Mexico, vice Albert B. Fall, resigned.

##### SURVEYOR OF CUSTOMS.

Bartholomew Kennedy, of Iowa, to be surveyor of customs for the port of Des Moines, in the State of Iowa, to succeed John C. Hotchkiss, removed.

##### PROMOTIONS IN THE NAVY.

Asst. Engineer John T. Myers, to be a second lieutenant in the Marine Corps, to take rank next after Second Lieut. Thomas S. Borden.

Second Lieut. Walter Ball, United States Marine Corps, to be an assistant engineer in the Navy, to take rank next after Asst. Engineer Raymond D. Hasbrouck.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 12, 1895.*

##### POSTMASTERS.

A. C. Dixon, to be postmaster at Kilbourn City, in the county of Columbia and State of Wisconsin.

John W. Hanson, to be postmaster at Lake Mills, in the county of Jefferson and State of Wisconsin.

Euclid Martin, to be postmaster at Omaha, in the county of Douglas and State of Nebraska.

## HOUSE OF REPRESENTATIVES.

TUESDAY, February 12, 1895.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read and approved.

## PHOTOLITHOGRAPHING FOR PATENT OFFICE.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate of deficiency in the appropriation for photolithographing for the Patent Office for the current fiscal year, submitted by the Secretary of the Interior; which was referred to the Committee on Appropriations, and ordered to be printed.

## DEPARTMENT OF JUSTICE.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting estimates of deficiencies in the appropriations for the Department of Justice for the current fiscal year submitted by the Attorney-General; which was referred to the Committee on Appropriations, and ordered to be printed.

## UNITED STATES COURTS IN THE INDIAN TERRITORY.

The SPEAKER also laid before the House, with amendments of the House thereto disagreed to by the Senate, and on which a conference was requested, an act (S. 2173) to amend an act entitled "An act to establish a United States court in the Indian Territory, and for other purposes," approved March 1, 1889, and an act entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," approved May 2, 1890; to provide for the redistricting of the Indian Territory for judicial purposes, for an additional judge and more United States commissioners, and to prescribe the jurisdiction, duties, and authority of such judges and commissioners, and for other purposes.

Mr. CULBERSON. Mr. Speaker, I move that the House further insist upon its amendments and agree to the conference asked for by the Senate.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. CULBERSON, Mr. BAILEY, and Mr. RAY.

## SOCIETY OF AMERICAN FLORISTS.

Mr. HATCH. Mr. Speaker, I desire to present a conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to House bill (H. R. 5740) incorporating the Society of American Florists, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same amended as follows:

In lieu of the words struck out insert the words: "By purchase, and such other estate as may be donated or bequeathed to it;" and the Senate agree to the same.

W. H. HATCH,

W. S. FORMAN,

Managers on the part of the House.

M. W. RANSOM,

W. A. PEPPER,

REDFIELD PROCTOR,

Managers on the part of the Senate.

The statement of the House conferees was read, as follows:

The conferees on the part of the House report that they have agreed to the report submitted, the effect of which is to retain the language of the bill as it passed the House, with an amendment which, in lieu of the words stricken out by the Senate, inserts the words "by purchase, and such other estate as may be donated or bequeathed to it;" and respectfully recommend the adoption of the conference report.

W. H. HATCH,

W. S. FORMAN,

Conferees on the part of the House.

Mr. HATCH. Mr. Speaker, I move the adoption of the report.

The conference report was adopted.

On motion of Mr. HATCH, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

## ST. JOSEPH HARBOR, MICHIGAN.

The SPEAKER also laid before the House a joint resolution (H. Res. 261) authorizing the Secretary of War to expend a portion of the appropriation made in the river and harbor act of 1894 for St. Joseph Harbor, in the State of Michigan, to complete the connection between St. Joseph Harbor and Benton Harbor, with an amendment of the Senate thereto.

The amendment was read, as follows:

Line 3, after the word "authorized," insert "in his discretion;" so as to make the provision read: "That the Secretary of War be, and he is hereby, authorized in his discretion," etc.

Mr. THOMAS. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. THOMAS, a motion to reconsider the vote by which the Senate amendment was concurred in was laid on the table.

## ELIZABETH MOORE ENGLISH.

The SPEAKER also laid before the House a bill (H. R. 6885) granting a pension to Elizabeth Moore English, with an amendment of the Senate thereto, on which a conference was requested.

Mr. MOSES. Mr. Speaker, I ask that the House nonconcur in the Senate amendment and agree to a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. MOSES, Mr. STALLINGS, and Mr. LOUDENSLAGER.

## NEWBERRY COLLEGE, SOUTH CAROLINA.

The SPEAKER also laid before the House a bill (S. 917) for the relief of the Newberry College, South Carolina.

Mr. LATIMER. Mr. Speaker, I ask unanimous consent for the present consideration of that bill.

Mr. SAYERS. Mr. Speaker, I trust that the gentleman will allow that bill to lie over until I can confer with him about it. It ought not to pass without careful examination.

Mr. LATIMER. Then, Mr. Speaker, I ask unanimous consent that the bill lie on the Speaker's table for the present.

Mr. MAHON objected, but subsequently withdrew his objection on learning that the bill had already been reported by the House Committee on War Claims.

## RETURN OF FLAGS TO MICHIGAN REGIMENTS.

The SPEAKER also laid before the House a joint resolution (S. R. 113) instructing the Secretary of War to return to the State of Michigan the flags of certain regiments of Michigan volunteer infantry.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that that bill be now considered.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, instructed to return to the State of Michigan the regimental flags of the Seventeenth, Nineteenth, and Twentieth Regiments of Michigan Volunteer Infantry.

The SPEAKER. Is there objection to considering this resolution at this time?

There was no objection.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. THOMAS, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

## HISTORICAL MUSEUM, DES MOINES, IOWA.

The SPEAKER also laid before the House a bill (S. 2539) to grant cannon to the Historical Museum of Des Moines, Iowa; which was referred to the Committee on Military Affairs.

## REFINING OF BULLION, HELENA, MONT.

The SPEAKER also laid before the House a bill (S. 1142) directing the parting and refining of bullion to be carried on at the United States assay office at Helena, Mont.; which was referred to the Committee on Coinage, Weights, and Measures.

## CLEARING THE POTOMAC OF ICE.

The SPEAKER also laid before the House a joint resolution (S. R. 128) making an appropriation of \$5,000 for clearing the Potomac River of ice; which was referred to the Committee on Appropriations.

## DEEP WATERWAYS BETWEEN THE OCEAN AND GREAT LAKES.

The SPEAKER also laid before the House a joint resolution (S. R. 130) authorizing a preliminary inquiry concerning deep waterways between the ocean and Great Lakes and providing commissions therefor; which was referred to the Committee on Interstate and Foreign Commerce.

## EDUCATION IN MISSISSIPPI.

The SPEAKER laid before the House the bill (S. 2699) for the encouragement of education in Mississippi.

Mr. HOOKER of Mississippi. I ask unanimous consent that this bill may now be put on its passage.

The bill was read, as follows:

Be it enacted, etc., That the governor of the State of Mississippi be, and he is hereby, authorized to select out of the unoccupied and uninhabited lands of the United States, within the said State, 46,080 acres of land, in legal subdivisions, being a total equivalent to two townships, and shall certify the same to the Secretary of the Interior, who shall forthwith, upon receipt of said certificate, issue to the State of Mississippi patents for said lands: *Provided*, That the proceeds of one township of said lands, when sold or leased, shall forever remain a fund for the use of the agricultural and mechanical college of said State; and the proceeds of one of said townships of land, when sold or leased, shall forever remain a fund for the use of the agricultural and mechanical college for colored persons, established and maintained by said State.

Sec. 2. That in making said selection the governor of said State of Mississippi shall designate the lands for the agricultural and mechanical college, and the lands for the agricultural and mechanical college for colored persons.

The SPEAKER. Is there objection to the present consideration of this bill?



Mr. HOOKER of Mississippi. I wish to say a single word, and then to ask that the Senate report, which is very brief, may be read. This bill proposes to assign a certain quantity of land for the colored school, mechanical and agricultural, and a similar quantity for the white school, mechanical and agricultural, in the northern part of our State. The bill does not appropriate a single dollar. I ask that the report of the Senate committee be read:

The report was read, as follows:

The Committee on Public Lands, to whom was referred Senate bill 2000, having considered the same, beg leave to report as follows:

By an act of the legislature of the State of Mississippi, approved May 13, 1871, Alcorn University of Mississippi, a seminary of learning for colored persons, was established, and has been maintained by the State of Mississippi ever since.

By an act of the legislature of the State of Mississippi, approved February 23, 1878, the name of said institution of learning was changed to the Alcorn Agricultural and Mechanical College of the State of Mississippi. By the act last aforesaid (Laws of Mississippi, 1878, page 118) the Agricultural and Mechanical College of the State of Mississippi was established, and thereafter, in the same year, located at Starkville, Miss., and has been maintained by the State of Mississippi ever since.

The Agricultural and Mechanical College of the State of Mississippi was established and is maintained for the education of the white youth of the State of Mississippi, and the Alcorn Agricultural and Mechanical College of the State of Mississippi was established and is maintained for the education of the colored youth of the State of Mississippi. The passage of this bill will not require any appropriation of money by the United States Government. It does not grant anything that will bring any revenue into the Treasury of the United States; at the same time it will greatly encourage these worthy institutions of learning and materially add to their efficiency and usefulness.

Your committee therefore unanimously report and recommend that the bill pass without amendment.

Mr. HOOKER of Mississippi. This was the unanimous report of the Senate committee; and the bill passed the Senate unanimously.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. HOOKER of Mississippi, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### REPORT ON CHICAGO STRIKE.

The SPEAKER also laid before the House the following concurrent resolution of the Senate; which was referred to the Committee on Printing:

*Resolved by the Senate (the House of Representatives concurring).* That there be printed of the report on the Chicago strike of June and July, 1894, of the United States Strike Commission, appointed by the President July 20, 1894, 10,500 extra copies, in paper covers, without appendixes; of which number 2,500 shall be for the use of the Senate, 5,000 for the use of the House of Representatives, and 3,000 for the use of the Department of Labor; also 5,000 extra copies of said report with appendixes, in paper covers, of which number 1,000 shall be for the use of the Senate, 2,000 for the use of the House, and 2,000 for the use of the Department of Labor.

#### DEATH OF SENATOR STOCKBRIDGE, OF MICHIGAN.

The SPEAKER also laid before the House the following resolution of the Senate; which was laid on the table:

*Resolved.* That the Senate has heard with profound sorrow of the death of Hon. Francis B. Stockbridge, late a Senator from the State of Michigan.

*Resolved.* That as a mark of respect to the memory of the deceased the business of the Senate be now suspended, to enable his associates to pay proper tribute to his high character and distinguished public services.

*Resolved.* That the Secretary communicate these resolutions to the House of Representatives.

*Resolved.* That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

#### ENGROSSMENT AND ENROLLMENT OF BILLS, ETC.

The SPEAKER also laid before the House the following concurrent resolution of the Senate:

*Resolved by the Senate (the House of Representatives concurring).* That during the last ten days of any session of Congress the engrossing and enrolling of bills and joint resolutions by printing, as provided for in the concurrent resolution adopted by the Fifty-third Congress, first session, November 1, 1893, may be suspended, and said bills and joint resolutions may be written by hand when in the judgment of the Joint Committee on Printing it is deemed necessary.

Mr. RICHARDSON of Tennessee. Mr. Speaker, the Committee on Printing have examined this resolution, and also a House resolution in similar terms, introduced by myself, upon which the committee has directed a favorable report. I ask that this Senate resolution be now considered; and if the House agrees to take it up, I propose to move an amendment striking out "ten" and inserting "six," so that the standing resolution on this subject may be suspended during the last six days of the session instead of the last ten days.

There being no objection, the House proceeded to consider the resolution.

Mr. RICHARDSON of Tennessee. I move to amend the resolution by striking out "ten," in the first line, and inserting "six;" so as to read, "during the last six days of any session of Congress."

The amendment was agreed to.

Mr. CANNON of Illinois. I should like to ask a question. Is it anticipated by the gentleman from Tennessee that during the last six days of the session the engrossing of bills and resolutions will be after the old style and not by printing?

Mr. RICHARDSON of Tennessee. It is anticipated that during the last six days of the short session particularly there may be such a rush in connection with the great appropriation bills that the Government Printing Office, on account of its distance from the Capitol, would not be able to print the engrossed and the enrolled copies. This resolution as amended provides simply that during the last six days of the Congressional session the standing resolution on this subject may be suspended upon the authority of the Joint Committee on Printing of the two Houses, so as to permit certain pages or portions of any bill to be engrossed or enrolled by pen instead of printing.

Mr. CANNON of Illinois. In other words, the new system, which serves the purpose in the ordinary run of business, when any system would be sufficient, does not do the work when there is pressure; so that we are to have both systems, with presumably the errors of each, and possibly the virtues of neither.

Mr. RICHARDSON of Tennessee. The gentleman is altogether mistaken.

Mr. CANNON of Illinois. I am asking for information.

Mr. RICHARDSON of Tennessee. I understood the gentleman to be making an assumption, not asking a question.

Mr. CANNON of Illinois. No; there was an interrogation point at the end of my remarks. [Laughter.]

Mr. RICHARDSON of Tennessee. I will say then that the gentleman is mistaken in stating that we are to have two systems. I want to say that the experience under the new system has been such as to lead us to believe that it is a most valuable reform. By reason of the improvement brought about by substituting printing for writing not a solitary error, I believe, has escaped the attention of the clerks and the two Houses of Congress.

Mr. DOCKERY. Not a single error.

Mr. RICHARDSON of Tennessee. The gentleman from Missouri [Mr. DOCKERY], it will be remembered, called attention a few days ago, when the legislative bill was under consideration, to the fact that not a solitary error has crept into any of these bills, because it is so much easier to detect errors when they are in print than when they are in manuscript. The object of the present resolution is to prevent these errors; such errors, the gentleman remembers, as occurred in the great tariff bill passed in the Fifty-first Congress, as well as other errors of importance which have been found in bills heretofore.

Mr. CANNON of Illinois. But, if the gentleman will allow me, there has never been any trouble in the ordinary run of the session about the detection of errors and making corrections heretofore. The strain that comes on any system is in the last six days of the session, when most of the time some of us can scarcely tell whether we are standing on our heads or our feet.

Mr. RICHARDSON of Tennessee. That is very true; but the error in the McKinley bill, if my recollection serves me right, was not an error committed in the closing hours of the session; for, as I recollect the fact, that bill passed early in October, about the 2d of the month, I think, and we were in session until the 20th of October. So that was not brought about by reason of the hurry and confusion in the closing hours of the session.

Mr. COOMBS. I would like to ask the gentleman from Tennessee a question for information, so as to know how to vote on this proposition. I would like to know the reason for reducing the number of days proposed in the resolution from ten to six?

Mr. RICHARDSON of Tennessee. Simply for the reason that I want to make the time when it is permissible to prepare the bills in this way just as short as possible. We prefer the other system, and this is only to be used in case of absolute emergency.

Mr. COOMBS. But does not the resolution contemplate that if no necessity arises for the use of this modification it will not be employed, no matter what time in the session you permit it to be done?

Mr. RICHARDSON of Tennessee. Well, for that matter, according to the view of the gentleman, it would be just as well to modify the resolution so as to make it applicable to the entire session. But we desire to reduce the limit as low as possible.

The SPEAKER. The proposition is on agreeing to the resolution as amended.

The resolution was agreed to.

On motion of Mr. RICHARDSON of Tennessee, a motion to reconsider the last vote was laid on the table.

#### BRIDGE ACROSS NEWARK BAY.

The SPEAKER also laid before the House the Senate amendments to the bill (H. R. 7839) to bridge the Newark Bay.

Mr. DUNN. Mr. Speaker, I ask for the reading of the amendments of the Senate.

The amendments were read.

Mr. DUNN. I move to concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. DUNN, a motion to reconsider the last vote was laid on the table.

## RESTORATION OF CERTAIN LANDS, ALABAMA AND MISSISSIPPI.

Mr. KYLE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8614) to authorize the Secretary of the Navy to certify to the Secretary of the Interior for restoration to the public domain lands in the States of Alabama and Mississippi not needed for naval purposes.

The SPEAKER. The bill will be read subject to objection. The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Navy be, and he is hereby, authorized to cause to be certified to the Secretary of the Interior, for restoration to the public domain, the whole or such portion or portions of the several tracts of land in the States of Alabama and Mississippi heretofore set apart and reserved for naval uses as are no longer required for the purposes for which they were reserved, or for any purposes connected with the naval service; and upon such certification the tracts of land described therein shall be duly restored to and become a part of the public lands of the United States: *Provided,* That all persons who have, in good faith, made improvements on said reserved lands so certified at the time of the passage of this act, and who occupy the same, shall be entitled to purchase the part or parts so occupied and improved by them, not to exceed 160 acres to any one person, at \$1.25 per acre, within such reasonable time as may be fixed by the Secretary of the Interior.

Mr. KYLE. I ask that the amendment recommended by the committee be read.

The Clerk read as follows:

Strike out all after the word "States," in line 12, and add the following: "And a preference right of entry for a period of six months from the date of this act shall be given all bona fide settlers who are qualified to enter under the homestead law and have made improvements and are now residing upon any agricultural lands in said reservations, and for a period of six months from the date of settlement when that shall occur after the date of this act: *Provided,* That persons who enter under the homestead law shall pay for such lands not less than the value heretofore or hereafter determined by appraisal, nor less than the price of the land at the time of the entry, and such payment may, at the option of the purchaser, be made in five equal installments, at times and at rates of interest to be fixed by the Secretary of the Interior."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CANNON of Illinois. Well, I will object, Mr. Speaker, until I can understand something about it. It seems to me that this is a matter of sufficient importance to entitle it to some consideration.

Mr. KYLE. If the gentleman will permit an explanation I think I can meet his objection.

I will state to the gentleman and to the House that the purpose of this bill is to restore to the public domain certain lands in the States of Mississippi and Alabama that have been heretofore by executive order reserved for naval purposes. The Secretary of the Navy states in his report that the lands are no longer necessary for naval purposes for the reason that live oak has gone out of use in naval construction, and these lands were reserved because of the live-oak timber they contained. They have stopped using that kind of timber in the Navy, and the Secretary recommends that the lands be restored to the public domain. They will of course then be subject to entry as any other public lands.

Mr. CANNON of Illinois. What is the quantity of land involved?

Mr. KYLE. About 30,000 acres, I am informed, in Mississippi, perhaps a little more; 40,000 acres in Alabama.

Mr. CANNON of Illinois. I judge from the bill that there are a lot of trespassers on the land now.

Mr. KYLE. Well, the bill guards against wrong to the Government on that account.

Mr. CANNON of Illinois. Yes; but they are allowed to take at \$1.25 an acre, although they may be trespassers upon the land now.

Now, I do not know what the lands are worth, but you might be giving land worth \$25 or \$50 an acre at a nominal price.

Mr. CATCHINGS. I think there is a uniform price for all lands in Mississippi.

Mr. KYLE. That is correct.

Mr. STOCKDALE. If the gentleman from Illinois will notice the amendment to the bill he will see that provision is made against that. It says:

*Provided,* That persons who enter under the homestead law shall pay for such lands not less than the value heretofore or hereafter determined by appraisal, nor less than the price of the land at the time of the entry, and such payment may, at the option of the purchaser, be made in five equal installments, at times and at rates of interest to be fixed by the Secretary of the Interior.

Mr. LACEY. I will state to the gentleman from Illinois that this is a copy of the general bill restoring reservations to the public domain.

Mr. KYLE. This bill comes with the indorsement of the Secretary of the Navy, who says the lands are no longer needed for the purpose to which they were heretofore devoted, and recommends their restoration to the public domain. It comes with the unanimous report of the Committee on the Public Lands; and if the House will permit me, I would like to read what is stated by the Secretary of the Navy in reference to it, which is as follows:

In the early part of the present century a number of tracts of land in the States of Florida, Alabama, and Mississippi were reserved from the public

domain for naval purposes as a source of supply for live-oak timber. At that time the probable future needs of the Government appeared to warrant the segregation from the public domain of these extensive tracts, particularly in view of the fact that live oak was then the chief material used for the heavy timbers of naval vessels. In consequence, however, of the general disuse of wood in naval construction, such timber is now no longer required in any quantity for naval uses, and the Department has for many years past given no attention to said lands.

There are on hand now in the navy-yards at Norfolk, Brooklyn, and elsewhere many thousands of feet of seasoned live oak, for which the Department has been unable to find either use or sale. The Navy Department has not, therefore, seen proper to extend any special supervision over these reservations, especially as the Department of Justice is charged with the general duty of preventing trespasses upon the property of the United States. This duty is, no doubt, being faithfully performed, but so far as the Navy is concerned no reason is perceived why the Department of Justice should be longer burdened with the task. Having stated this much, it may not be out of place to say that, in my opinion, such reservations obstruct the settlement and development of the sections in which they are located, and offer a continuing temptation to trespassers and squatters.

The Secretary of the Interior, in answer to a recent inquiry from this Department on the subject, stated that in his opinion ample provision for the restoration to the public domain of such of these lands as lie within the State of Florida is contained in the "act to authorize the Secretary of the Navy to transfer to the Secretary of the Interior all lands in the State of Florida not needed for naval purposes," approved March 3, 1879 (Stat. L., vol. 20, page 470). This Department is now taking the necessary steps to transfer to the Secretary of the Interior such of these lands as are no longer needed for naval purposes, in order that they may be restored to "entry and sale in the same manner and under the same conditions as other public lands of the United States" in pursuance of section 2 of the act cited.

The provisions of the act of March 3, 1879, apply, however, only to lands lying within the State of Florida. Inasmuch as the conditions which have prompted the action above referred to in the case of lands in the State of Florida apply with equal force to naval reservations of like character in the States of Alabama and Mississippi, it is respectfully recommended that Congress be asked to extend the provisions of that act to the States last named.

Thus it will be seen that he recommends that these lands be restored.

Mr. CANNON of Illinois. As I understand it, the Committee on the Public Lands are unanimous in their report.

Mr. KYLE. That is my information about it.

Mr. LACEY. There is no doubt about that.

Mr. CANNON of Illinois. Has the gentleman from Iowa [Mr. LACEY], who is a member of that committee, given this matter a personal examination?

Mr. LACEY. I have given this matter careful attention, and I will say in addition to what has been stated that in each navy-yard there is a quantity of live-oak timber piled up which is useless under the new methods of construction.

Mr. CANNON of Illinois. I withdraw the objection.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The amendment recommended by the committee was agreed to.

Mr. STOCKDALE. Now I offer my amendment.

The amendment was read, as follows:

At the end of line 32 insert the following proviso:

*"Provided,* That so much of said lands as are situated on Back Bay, near the city of Biloxi, in the State of Mississippi, shall be disposed of under the town-site law and not as agricultural lands."

Mr. KYLE. I accept that amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. KYLE, a motion to reconsider the last vote was laid on the table.

BASIL MORELAND.

Mr. BOWERS of California. Mr. Speaker—

Mr. DOCKERY. I desire to give notice that I shall call for the regular order after a recognition on either side.

The SPEAKER. The Chair will recognize the gentleman from California [Mr. BOWERS].

Mr. BOWERS of California. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4704) for the relief of Basil Moreland.

The bill was read, as follows:

*Be it enacted, etc.,* That there be paid, out of any money in the Treasury not otherwise appropriated, to Basil Moreland the sum of \$2,212, in full for all claim he may have against the United States for his land and improvements in Blue Earth County, Minn., taken by the United States for the Winnebago Indians.

Mr. BOWERS of California. I ask that the report be read. It is brief.

Mr. SAYERS. Let us have an explanation of this bill?

Mr. BOWERS of California. If gentlemen will listen to the report they will see that this bill is all right.

The SPEAKER. Without objection, the report will be read.

The report (by Mr. CURTIS of Kansas) was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 4704) for the relief of Basil Moreland, having considered the same and accompanying papers, respectfully submit the following report:

That the committee find the facts to be as stated in Senate report 575, Forty-sixth Congress, second session, which said report is hereto annexed and made a part of this report, and is as follows:

"In March, 1854, Basil Moreland settled upon the unsurveyed public lands in the Territory of Minnesota, on Blue Earth River. He built a good house and fenced and cultivated a considerable portion of said land. At the time of



this settlement no right of preemption as to the unsurveyed public lands existed, but in that same year, August 4, 1854, Congress passed an act authorizing such preemption. On the 17th of March, 1856, Moreland, having continued to reside on and cultivate said land, went to the land office with his witnesses to prove his settlement and right of preemption and offered to pay the money, which was refused by the register of the land office upon the ground that this land was embraced in a boundary recently set apart as a home reservation for the Winnebago Indians, in accordance with a treaty of February 27, 1855. He continued to reside upon and cultivate said land until the fall of 1856, when he was evicted by the agent of said Indian tribe. In the fall of 1861, the Indians having been removed to another reservation, he returned to said farm, and continued to reside on and cultivate the same until it was sold for the benefit of the Winnebagoes for \$1,212 in 1863.

"The treaty with the Winnebagoes did not locate the reservation, but provided it should be on Blue Earth River, and it was surveyed and located so as to include Moreland's land, after Moreland's settlement, and after the passage of the act of August 4, 1854, by which he acquired a clear vested right to preempt said land, and of which his expulsion could not divest him; and when he returned to it in 1861 his rights were as complete as when he was forcibly expelled from it.

"He made another effort to perfect his title by an appeal to the Secretary of the Interior, Hon. Caleb Smith, and offered to locate the land with a military land warrant. The Secretary, after a full examination of the case, in April, 1862, decided that Moreland was entitled to preempt said land, and directed the Commissioner of the Land Office to allow him to perfect his title by locating the same with a military land warrant, which was done and the patent actually issued, dated April 10, 1863, but was arrested in its transmission by order of Secretary of the Interior J. P. Usher, who had succeeded Caleb Smith in the Department of the Interior.

"The entry was canceled and the land warrant returned on the ground that the treaty with the Indians was the supreme law of the land. The reasoning of the Secretary is not satisfactory, but admitting its force as a matter of law, it does not affect Moreland's equitable claim for damages. There can be no doubt of his right to preempt said land, and that he did all the law required of him to perfect his title, but lost his land and improvements and has never been paid for either.

"An act of Congress of July 14, 1862, directed the Secretary of the Interior to examine and audit the claims of persons damaged by the treaty with the Winnebagoes. Then preceptors to the number of 20 presented the claims which were allowed by the Secretary, and have all been paid except Moreland. (See letter of Secretary Usher to Commissioner of Indian Affairs of date April 22, 1865.)

"The land sold for \$1,224, the improvements were valued at \$1,200, and the committee believe that Moreland is justly entitled to this sum less the value of the land warrant, which was returned to him, say \$200; and they therefore recommend that the bill do pass."

The committee therefore adopt said Senate report as the report of this committee, and report the accompanying bill for his relief, with the recommendation that it pass.

Mr. SAYERS. Mr. Speaker, I should like to ask the gentleman from California some questions in regard to this bill before either objecting or consenting to its consideration. I understand, from the reading of this report, that this land was sold for the benefit of the Winnebago Indians?

Mr. BOWERS of California. Yes.

Mr. SAYERS. Have they any money subject to their credit in the Treasury?

Mr. BOWERS of California. I do not know anything about that.

Mr. SAYERS. It would be better to ascertain whether this money is in the Treasury. If the land was sold and the money paid over to the Indians, it should be paid out of their annuity.

Mr. BOWERS of California. Will the gentleman allow me to say one word—

Mr. SAYERS. Another question. The land was sold for \$1,224, and the improvements were valued at \$1,200?

Mr. BOWERS of California. Yes.

Mr. SAYERS. And the committee believe that Mr. Moreland is justly entitled to this sum of \$2,400 less the \$200. I submit to the gentleman that there is a possibility of this claim having been doubled up or duplicated.

Mr. BOWERS of California. The records are all complete, and I have the affidavits and records of the Interior Department maintaining and fortifying every fact stated in the report. The man was on the land for five years. The patent was actually issued. Here is the report of the Secretary of the Interior, who ordered the patent to be issued to him.

Mr. SAYERS. I will admit that.

Mr. BOWERS of California. He was on the land for five years. There were 19 other claimants on this land, who have all been paid. This is the only remaining case. He is my neighbor. He is a poor man. The Government has taken his property and sold it from him, and it is a righteous claim, which ought to be paid.

Mr. SAYERS. I am not objecting to the merits of the claim, but it seems to me from this report that instead of \$2,424 being due there is only \$1,200 due.

Mr. TAWNEY. Part of it is for the land and part of it is for the improvements. They valued the improvements at \$1,200, they valued the land at over \$1,200, and the two combined make the aggregate amount which the claimant is entitled to.

Mr. SAYERS. This says the land sold for \$1,224, and of course that carried the improvements with it.

Mr. BOWERS of California. No; he had made over \$1,500 worth of improvements—

Mr. SAYERS. All I want is to see whether this amount should be paid. I will agree that whatever is justly due the man shall be paid, but I do not want, in the face of this report, to allow the payment of \$2,400.

Mr. BOWERS of California. The gentleman from Texas asks that I let this go over, and I ask unanimous consent that it go over until to-morrow morning; that it come up then.

The SPEAKER. The gentleman asks unanimous consent to let this matter of consent go over until to-morrow morning. Is there objection?

There was no objection.

Mr. DOCKERY. Yielding to pressure, I will not insist on the demand for the regular order until there have been further recognitions, provided there is no debate.

ELIZABETH J. COOK.

Mr. McRAE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8401) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook, who, at the town of Washington, Hempstead County, Ark., in the month of July, 1846, volunteered and served as a United States soldier in the war with Mexico, in Captain Babbitt's company, Colonel Hoffman's regiment, of Kentucky troops, and pay her a pension of \$12 per month.

The SPEAKER. Is there objection to the request?

Mr. TALBERT of South Carolina. I would like to ask if this bill has been considered at a Friday night session?

Mr. McRAE. It has not been considered at the Friday night session, but it has been favorably and unanimously reported by the Committee on Pensions.

Mr. TALBERT of South Carolina. Is not that the proper course for it to have taken?

Mr. McRAE. That is the proper course beyond all question unless unanimous consent is given.

Mr. LOUD. How long does this man claim to have been in the service?

Mr. McRAE. The report will show that.

Mr. LOUD. Twenty-nine days, is it not?

Mr. McRAE. He went through the whole service and made a splendid soldier.

Mr. LOUD. Is not this a case in which he served only twenty-nine days? If the man had served thirty days there would not be any necessity for his coming here for a special act.

Mr. McRAE. He enlisted at the beginning and served through the war, but his name is not borne on the rolls of the War Department, and for that error the widow has to come to Congress.

Mr. LOUD. This is not the twenty-nine days' case?

Several MEMBERS. No.

The amendment recommended by the committee was read, as follows:

In lines 9 and 10 strike out the words "in Captain Babbitt's company, Colonel Hoffman's regiment of Kentucky troops," and insert "in the First Arkansas Mounted Infantry Volunteers."

The SPEAKER. Is there objection to the request for the consideration of this bill?

Mr. JONES. Reserving the right to object, I would like to have the report read.

The report (by Mr. MOSES) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8401) to grant pension to Elizabeth J. Cook, have considered the same and respectfully report as follows:

The claimant is the widow of the late Robert T. Cook, of Arkadelphia, Clark County, Ark., who is shown to have served as a soldier in the war with Mexico, but of whose service no record can now be found at the War Department.

Mrs. Cook has made application at the Pension Office under the Mexican war act of January 29, 1867, but the case has been regarded as inadmissible because of the aforesaid inability to find a record of the soldier's service.

Your committee has before them, however, convincing proof that, notwithstanding the failure to discover a record, the soldier did serve as alleged. John C. Peay, an aged citizen of very high standing, of Little Rock, Ark., swears that he was second lieutenant in Company E, First Arkansas Mounted Infantry, in the war with Mexico; that the regiment was mustered at Washington, Ark., and while stationed there Robert T. Cook was employed in the commissary department, and when the regiment left for San Antonio, Tex., Cook continued with the organization as commissary sergeant.

The witness testifies further that he saw Cook several times on the march to San Antonio, and also on the march from Rio Grande to Saltillo, Mexico. Witness was subsequently assigned to picket duty, and when he last saw Cook in the service he was on duty at Saltillo, about December 20, 1846, and he (witness) was officially informed that Cook remained at said place in service as late as January or February, 1847. After the war witness was well acquainted with Cook in Arkansas, and often conversed with him about their military service in Mexico.

Correspondence with the War Department by your committee elicits the information that the service of Lieutenant Peay is a matter of record.

Mr. Cook's service is further shown by the testimony of Lewis Stardage, formerly a slave belonging to the mother of Mrs. Cook. This witness testifies to having a distinct recollection of the time when Mr. Cook joined the company of cavalry for the Mexican war, and was absent several months. After his return home Mr. Cook said he had been to Mexico, and often related incidents connected with his service in that country.

Another old-time acquaintance of the claimant and her husband, Mr. W. H. Calloway, of Clark County, Ark., swears that as early as 1855, when there was no idea of pensions being granted to Mexican war veterans, he heard Robert T. Cook relate circumstances connected with his service in Mexico, and further that Cook was a man of honor and integrity.

The claimant was married to the soldier December 7, 1843, and he died June 14, 1880. She is now about sixty-seven years old, and stands in much need of the pension provided by the bill.

The passage of the bill is respectfully recommended, with an amendment striking out all after the word "Mexico" in line 9 to and including the word "troops" in line 11 and substituting therefor the words, "in the First Arkansas Mounted Infantry Volunteers."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? [After a pause.] The Chair hears none.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McRAE, a motion to reconsider the vote by which the bill was passed was laid on the table.

[Mr. WILSON of Washington, recently elected Senator from that State, appeared on the floor and was greeted with loud applause on both sides of the House.]

JAMES STEWART.

Mr. STORER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5224) for the relief of James Stewart.

The bill was read, as follows:

*Be it enacted, etc.,* That the claim of James Stewart, who served as first sergeant, Company B, second and fourth lieutenant Fourth Artillery, and captain Eighteenth Infantry of the United States Army in the late war of the rebellion, for a balance of wages earned by him in the suppression of said rebellion and during his entire time of service in said Army, and not paid to him, be, and the same is hereby, referred to the Court of Claims for due investigation; and jurisdiction is hereby conferred upon said court to render a judgment, irrespective of the lapse of time, for the amount, if any, found due of the United States upon the said claim.

The SPEAKER. Is there objection to the request of the gentleman from Ohio. [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. STORER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. DOCKERY. I demand the regular order.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SORG, for this day, on account of sickness.

REMOVAL OF TROOPS FROM SAN CARLOS AGENCY.

Mr. SMITH of Arizona. Mr. Speaker, I ask unanimous consent to print in the RECORD resolutions of the house of representatives of the Territory of Arizona concerning the San Carlos military reservation.

There was no objection, and it was so ordered.

The memorial is as follows:

TERRITORY OF ARIZONA, OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA, Territory of Arizona, ss:

I, Charles M. Bruce, secretary of the Territory of Arizona, do hereby certify that the within copy is a true and complete transcript of the house memorial No. 1, of the eighteenth legislative assembly of Arizona, filed in this office the 5th day of February, A. D. 1895, at 10 o'clock a. m., as provided by law. In testimony whereof, I have hereunto set my hand and affixed my official seal. Done at the city of Phoenix this 5th day of February, 1895.

[SEAL.]

CHARLES M. BRUCE,  
Secretary of the Territory.

House memorial No. 1—Protesting against the removal of troops from San Carlos, Ariz.

To the Senate and House of Representatives of the  
United States of America in Congress assembled:

Your memorialists, the eighteenth legislative assembly of the Territory of Arizona, beg leave to represent to your honorable bodies:

That there are now about 4,000 Apache Indians located and near San Carlos, on the White Mountain Indian Reservation.

The effect upon these Indians by the abandonment of San Carlos as a military post is not realized by the War Department.

Heretofore the Indians have furnished nearly all of the fuel, wood, hay, and barley consumed by the military, besides finding a market for the various other products of their farms and articles of Indian manufacture.

These Indians have supplied the post of San Carlos yearly about—

1,300 cords of wood, at \$6 a cord.....	\$7,800
400 tons of hay, at \$15.....	6,000
400,000 pounds of barley, at \$1.25.....	5,000

Total..... 18,800

And, besides, considerable additional revenues were derived from the sale and manufacture of Indian beadwork to the officers and soldiers, which was expended for the staple articles of food and clothing.

Nevertheless with all of this revenue these Indians have suffered for the necessities of life, and the majority have had to go hungry several days of each week.

When these Indians, who are only partly civilized, and whose savage spirit is only subdued by the constant presence of the United States troops, will be without adequate food and clothing for their bodily sustenance and comfort and by the withdrawal of the troops, they will be driven to desperation by starvation and insufficiency of clothing and compelled to raid, plunder, and murder our citizens as in years past.

Now, therefore, we, your memorialists of the eighteenth legislative assembly, do earnestly pray your honorable bodies that the foregoing are facts readily proven, and in view of the alarming situation we earnestly protest against the removal of troops from San Carlos, and ask your honorable bodies to have the order rescinded.

Resolved, That the secretary of the Territory is hereby requested to transmit a copy of the foregoing memorial to the honorable the Senate and House of Representatives, the Secretary of the Interior, and to our Delegate in Congress, and that our Delegate be, and is hereby, requested to use all honorable means to bring this matter to their earnest and favorable consideration.

A. J. DORAN, President.  
J. H. CARPENTER, Speaker.

(Indorsed): I hereby certify that the within memorial originated in the house, and is known as house memorial No. 1.

CHAS. D. REPPY, Chief Clerk.

Filed in the office of the secretary of the Territory of Arizona this 5th day of February, A. D. 1895, at 10 a. m.

CHAS. M. BRUCE,  
Secretary of Arizona.

By F. B. DEVEREUX, Assistant.

CLAIMS OF OFFICERS AND ENLISTED MEN OF THE ARMY FOR LOSS OF PRIVATE PROPERTY DESTROYED.

Mr. OUTHWAITE. Mr. Speaker, I ask that the bill (H. R. 8387) to amend an act entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for the loss of private property destroyed in the military service of the United States," approved March 3, 1885, be recommitted to the Committee on Military Affairs.

There was no objection, and it was so ordered.

ORDER OF BUSINESS.

Mr. DOCKERY. Mr. Speaker, I ask that the call of committees be dispensed with, and that gentlemen having reports to make may file them with the Clerk.

There was no objection, and it was so ordered.

JURIES IN THE DISTRICT OF COLUMBIA.

Mr. GOODNIGHT, from the Committee on the Judiciary, reported favorably the bill (H. R. 8227) to provide for the striking of juries in the District of Columbia.

Mr. GOODNIGHT. Mr. Speaker, the Senate has passed a bill similar in all respects to this, and I ask that it be retained on the Speaker's table until the bill from the Senate is brought over, which I understand it will be to-day.

The SPEAKER. This will have to be printed and go on the Calendar. The gentleman can call it up just as well from the Calendar.

Mr. GOODNIGHT. Very well.

THOMAS CORIGAN.

Mr. MARTIN of Indiana. Mr. Speaker, I desire to bring up the matter which was presented to the Speaker last evening, as to whether or not my motion calling on the Senate to return a bill was not one of privilege, and one which could not be shut out by a single objection. It seems to me that it is.

The SPEAKER. The Chair has not had opportunity to look into the matter. Perhaps there is no objection.

Mr. HULL. I object.

The SPEAKER. This is a resolution calling on the Senate to return a bill. The Clerk will report it.

The Clerk read as follows:

Resolved, That the Senate be requested to return to the House the bill (H. R. 5200) entitled "A bill granting an increase of pension to Thomas Corigan."

Mr. MARTIN of Indiana. Mr. Speaker, I desire to make a short statement in regard to the matter. On the 25th day of January, among the other bills that came before the Committee of the Whole at the Friday night session was that to increase the pension of Thomas Corigan. It is not necessary now to discuss the merits of the question. The Committee of the Whole at that time adopted, by a majority, a recommendation that the bill be referred back to the House to be laid upon the table; and it was so reported back to the House to lie on the table.

Mr. TAYLOR of Indiana. At two different times.

Mr. MARTIN of Indiana. It came in that way before the House on last Friday. I was absent at the time when those bills came up. This bill came up among others, and the House, by inadvertence of the Clerk or some person, took the bill up as having been favorably reported, when in point of fact it was before the House on an unfavorable report.

Mr. JONES. The previous question had been ordered on the other bills, and not on this one.

Mr. MARTIN of Indiana. Now, then, I submit it was taken up by the House under the supposition that there was a favorable report, when in point of fact it was unfavorably reported; and perhaps the House voted for it and passed it with that understanding. Now, then, in the first place, it seems to me we ought to have this bill brought back, because if that bill is to be considered at all upon its merits it ought to be again referred to the Committee of the Whole and let the House act upon it for the purpose of passing it. Now, I have not undertaken to discuss the merits of the bill at all. But I desire to say further to the House that it passed the House as a bill to give to the Secretary of the Interior the right to place this man upon the pension roll.

The bill is not worth the paper it is printed upon, and it seems to me that under all the circumstances, the Committee of the Whole



having reported the bill unfavorably, the House having passed it under a misapprehension, and the bill itself being worthless, it is a question of the highest privilege that it should be brought back if the House has power to bring it back, and should be disposed of upon the report that was actually made to the House by the Committee of the Whole. I take this view without desiring to say a word either way as to the merits of the bill, but simply as a matter of justice to the House of Representatives and to the Committee of the Whole which acted upon it at the Friday night session.

Mr. HULL. Mr. Speaker, is the resolution before the House?

The SPEAKER. The Chair has not had time to examine the question and is not clear as to whether the resolution is privileged. Is there objection to considering the resolution?

Mr. HULL. Mr. Speaker, objection was made yesterday, but if it is in order to bring it up at this time, of course I do not want to argue the question as to whether it should come up or not. I do, however, desire to say a few words upon the merits of the case.

The SPEAKER. The gentleman will recollect that the other day, late in the afternoon, several pension bills were taken up, and this one was presented to the House among those that had been favorably reported. In fact it was indorsed as having been reported unfavorably, but, in the hurry, that indorsement escaped the notice of the Clerk, and the attention of the House was not called to it.

Mr. TAYLOR of Indiana. The bill is not worth the paper it is printed on.

Mr. HULL. Oh, that is all nonsense. The Senate can amend it if it desires.

The SPEAKER. The bill must come back in any case.

Mr. HULL. Certainly. Now, Mr. Speaker, this bill passed the Committee of the Whole at two different night sessions by a very large vote, and was only defeated by the fact that the gentleman from Virginia [Mr. JONES] raised the point of no quorum. The last time the bill was considered the committee was exceedingly anxious to get away from all contested cases and proceed to consider those to which no objection was made. This bill was at the head of the Calendar. Just before it was taken up my colleague from Iowa [Mr. LACEY] asked unanimous consent that the order of the Calendar be departed from that the roll be called, and that each member present, when his name should be called, should have the right to call up a bill.

I conceived it to be my duty to object, in the interest of this old soldier, as his bill was next on the Calendar, and I really think, from expressions made by the members of the committee at the time, that the defeat of the bill resulted more from my objecting to the proposition to call the roll than from any supposed want of merit of the bill. When the vote was taken the idea was in my mind to raise the point of no quorum in order to save the bill, but one of the clerks told me that if it was let alone it would come before the House and we could have a vote upon it with an unfavorable report just as well as with a favorable report, and I therefore did not raise the point of no quorum, although I think it was only a matter of two votes.

However, it seems there has been a misunderstanding, and one that has deceived the House. Personally, I shall not put myself in the position of trying or seeming to try to perpetrate any fraud upon the House in any way whatever. I am exceedingly anxious that in some way this man shall have an honest and fair vote on his claim in the House, because I know him to be deserving, and I now ask the chairman of the committee to consent to this. Let this resolution go through; let the bill be called back, and then, when it comes back, let us have a vote upon it on the merits and let the House decide the question.

Everyone can see that by reason of the mistake I have waived certain rights that I might have exercised. I could have moved that the committee be discharged from further consideration of the bill and that a vote be taken on it in the House, and could have appealed to the House on that motion. If the bill takes the usual course that means its absolute death for this session at least. Therefore, in the interest of justice and fairness all around, I ask that, as a mistake has been made, for which I do not hold anybody responsible, certainly not myself, the bill be brought back and submitted to the House on its merits, and let the House determine whether it shall pass or not.

Mr. DOCKERY. Mr. Speaker, I understand the parliamentary situation to be this: This bill was reported from the Committee of the Whole adversely. Now, if it is recalled from the Senate it comes back to the House for action, and the House may, if it chooses, disagree to the recommendation of the Committee of the Whole, or may take any action that it thinks proper. The bill, as I understand, is bound to come before the House for some sort of action, and the House can either approve or disapprove the recommendation of the Committee of the Whole.

Mr. HULL. I understand that; but why not agree to my proposition, that instead of having one vote upon it and then sending it back to the Committee of the Whole, we shall proceed, if the adverse recommendation of the committee is voted down, to take a

vote upon the passage of the bill. It seems to me that that is a fair proposition.

Mr. JONES. Mr. Speaker, I do not wish to discuss the merits of this claim; but inasmuch as my course in connection with it has been referred to by the gentleman from Iowa, I simply want to say that his recollection of the history of this bill is incorrect. The gentleman states that this bill was passed by the Committee of the Whole twice by a large vote, and that its favorable recommendation was prevented only by the interposition of the point of no quorum. The gentleman has forgotten that upon one occasion at least during the last session of Congress this bill was ordered reported to the House adversely by a vote of the Committee of the Whole, and that it was only then saved by the gentleman who had charge of it raising the question of no quorum. The bill, then, has been reported adversely once, and on another occasion was saved from a like fate by the point of no quorum being made.

In the interest of truth I want to make this statement.

Mr. HULL. The gentleman from Virginia is absolutely making a misstatement to this House. The bill was twice favorably acted on in Committee of the Whole by a large vote, as the records will show, and was prevented from passing by the point of "no quorum." It was defeated twice, and was saved once by the point of "no quorum" when unfavorably acted upon.

Mr. JONES. Ah; the gentleman from Iowa did not make that statement. He makes it now for the first time.

Mr. HULL. I made the statement that the bill passed the Committee of the Whole twice, and was prevented from being favorably reported by the point of no quorum. That statement is absolutely correct; and each time that it was passed upon favorably it passed by a large vote—a vote of 3 to 1; and each time when it was defeated it was by a close margin; and the unfavorable action was taken more with the idea of getting rid of a contested case than upon the merits of the question. So that the gentleman did not state the facts correctly.

Mr. JONES. The bill twice received the unfavorable action of the Committee of the Whole. The gentleman from Iowa did not make that statement.

The SPEAKER. If the gentleman from Indiana [Mr. MARTIN] would modify his resolution so as to allege that this bill was reported unfavorably from the Committee of the Whole, and was considered by the House under the idea that it had been favorably reported, the Chair thinks the resolution would be privileged. But a simple resolution to recall a bill can hardly be considered privileged, because in that case such a resolution might be presented with regard to any bill that is passed. To make the resolution privileged it should show that the House has acted under some misunderstanding of the report of the committee or something of that kind.

Mr. TAYLOR of Indiana. The report of the Committee of the Whole, which is a matter of record, shows that the bill was reported unfavorably.

The SPEAKER. The Chair thinks that the resolution should allege some error or misapprehension in order to make it privileged.

Mr. TAYLOR of Indiana. The record shows that the bill was reported unfavorably; and would not that fact, being matter of record, be sufficient, taken in connection with the terms of the resolution, to make it privileged?

The SPEAKER. The records show that the bill was unfavorably reported; still, when a bill is unfavorably reported it is within the power of the House to disagree to the report and pass the bill.

Mr. VAN VOORHIS of New York. Will the Speaker allow me a parliamentary inquiry? If this bill should be called back from the Senate would it not lie on the Speaker's table for such action as the House might choose to take when it comes up? It could not, as I understand, go back to the Committee of the Whole.

The SPEAKER. It would not go again to the Committee of the Whole. The Committee of the Whole is discharged from the further consideration of the bill, having reported it back to the House with an unfavorable recommendation. If the bill should be returned and should lie on the table it would be considered the first time the House might take up bills reported from the Committee of the Whole.

Mr. HULL. If the House should disagree to the report of the Committee of the Whole what would then be the position of the bill?

The SPEAKER. The question would be on its passage.

Mr. HULL. Then I have no objection at all to the recall of the bill.

The SPEAKER. The resolution as modified by the gentleman from Indiana will be read.

The Clerk read as follows:

*Resolved*, That the Senate be requested to return to the House the bill (H. R. 5200) granting an increase of pension to Thomas Corigan, the bill having been adversely reported from the Committee of the Whole and by an error passed by the House.

The resolution was adopted.

## LEGISLATIVE APPROPRIATION BILL.

On motion of Mr. DOCKERY, the House resolved itself into Committee of the Whole on the state of the Union (Mr. RICHARDSON of Tennessee in the chair) and resumed the consideration of the bill (H. R. 8767) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes.

Mr. DOCKERY. Mr. Chairman, when the Committee of the Whole was last in session it was agreed by unanimous consent that forty-five minutes for debate should be assigned to the gentlemen opposed to the provisions of the bill in regard to the Pension Office and thirty minutes to those gentlemen in favor of the bill as reported. I ask that the gentleman from Pennsylvania [Mr. BINGHAM], representing the minority, be allowed to take charge of the forty-five minutes and distribute the time.

Mr. BINGHAM. The gentleman from South Dakota [Mr. PICKLER] desires to proceed, and will limit himself within the time allowed to this side.

Mr. PICKLER. I think so.

The CHAIRMAN. Consent is asked that the gentleman from Pennsylvania [Mr. BINGHAM] be allowed to control the forty-five minutes on one side and the gentleman from Missouri [Mr. DOCKERY] to control the thirty minutes on the other.

Mr. PICKLER. When the forty-five-minute proposition was talked of last night, it was with the understanding that there was to be a vote on the legislative bill last night; there was no agreement that the debate should be limited to forty-five minutes under the present circumstances.

Mr. BINGHAM. There is no one asking for debate on this side, I believe, other than the gentleman from South Dakota.

The CHAIRMAN. The Clerk will report the agreement which was made.

Mr. PICKLER. I do not know that that is necessary, if nobody else on this side wants to occupy time.

The CHAIRMAN. The gentleman from South Dakota is mistaken as to the terms of the agreement.

Mr. PICKLER. The Chair will find, that following the agreement as it first appears, I made the proposition that the agreement was only on the understanding that we were to vote on the bill last night.

Mr. DOCKERY. There is no use raising any question of that kind when the gentleman from South Dakota is going to get all the time that he wants.

Mr. BINGHAM. The gentleman from South Dakota can have all the time he desires to the extent of thirty minutes.

The CHAIRMAN. Then the gentleman from Pennsylvania [Mr. BINGHAM], without objection, will control the forty-five minutes on that side and the gentleman from Missouri [Mr. DOCKERY] the thirty minutes on the other.

There was no objection.

Mr. BINGHAM. I yield thirty minutes, if he desires that much time, to the gentleman from South Dakota [Mr. PICKLER].

Mr. PICKLER. Mr. Chairman, I desire to offer a substitute for that portion of the bill relating to the Pension Office. I send it to the desk and ask to have it read.

The Clerk read as follows:

Amend by striking out on pages 84 and 85 of the bill as follows, beginning with the word "ten," in line 23, page 84, down to and including the word "copyists," on page 85, and insert:

"Twelve chiefs of division, at \$2,000 each; law clerk, \$2,000; fifty-eight principal examiners, at \$2,000 each; twenty-four assistant chiefs of division, at \$1,800 each; three stenographers, at \$1,600 each; seventy-seven clerks of class 4; ninety-seven clerks of class 3; three hundred and seventy-five clerks of class 2; four hundred and seventy-eight clerks of class 1; three hundred and thirty-seven clerks, at \$1,000 each; one superintendent of building, \$1,400; two engineers, at \$1,200 each; two hundred copyists."

Mr. DOCKERY. What is the total force carried by the amendment?

Mr. PICKLER. Mr. Chairman, the amendment I offer is exactly the present law. The amount is not stated. The amendment is to strike out the provision in the bill which reduces the clerical force in the Pension Office and insert in its proper place the number now employed in the office under the present law.

I desire, Mr. Chairman, the attention of the committee for a short time to try and show by the figures, in the first place, that there is no reason why this reduction of 165 clerks should be made in the Pension Office at the present time and under the present circumstances; and, secondly, to show that this is not really recommended by anybody with any kind of emphasis or earnestness, not even by the Secretary of the Interior nor the Commissioner of Pensions, with any kind of good reason.

## AMOUNT OF WORK IN PENSION OFFICE.

I wish to call the attention of the committee first to the amount of work now existing in the office and awaiting action by the clerical force. It must be remembered that the pending proposition in this bill as it comes to us from the Committee on Appropriations is to reduce the force there about one-tenth; in other words, for about every 10 clerks in the office the proposition is to take

away one, amounting in the aggregate to 165 clerks. Let us examine now in what condition the work of the office is, and determine from that whether this is a proper time to undertake such a reduction, or whether the reduction can be justified under existing circumstances.

I call your attention to the last annual report of the Commissioner of Pensions. By reference to page 35 of the report you will find the total number of pending claims, and I beg the committee to mark this particularly. The total number of pending claims in the office, the number of claims that are now awaiting action of the clerks in the office, is 619,027. Remember, now, that that is the number of claims awaiting action in the office by the clerical force; more, I suppose, than have ever before been known in the history of the office at any one time.

I further call your attention to page 37 of the same report, and on that page will be found the number of claimants not pensioned. Mark you, this is the number of claimants that are drawing no pension whatever, and the aggregate is 287,209. There are 619,027 claims pending and 287,209 claimants drawing no pension. Further than that, gentlemen of the committee, on the pension bill that went from the House to the Senate lately that body has graded the rate of all pensions below \$6 per month so that they shall be brought up to that amount; and I am informed, by probably the best authority in the House upon the subject, that the conference committee is almost certain to agree to this amendment. That will bring in 48,447 new claims by this action of the Senate, which is now, in fact, I suppose, almost as certain as if enacted into law, and will add that additional work to the clerical force. We have, then, this statement of the number of claims:

Awaiting action, 619,027.

Number of claimants not drawing pensions, 287,209.

New claims under the Senate amendment, 48,447.

I submit, then, in view of these figures, that this is no time for the reduction of the force in the office, and I submit further—and I say it is to the credit of the Commissioner of Pensions—that while in something of a halting way he seems to agree to this reduction, in the evidence before the committee he did not earnestly recommend it. The Secretary of the Interior is a little more positive, but there is nothing in the recommendations of these officers that will warrant Congress for a moment in making this reduction.

## QUIET RECOMMENDATION OF COMMITTEE.

It is a little singular when we reflect upon the method by which this matter is brought before the House by the Committee on Appropriations. It would seem that in as important a reduction as this in one of the Departments of the Government, a reduction taking away nearly one-tenth of the force of a Bureau of the Government, that the Committee on Appropriations would have given some statement in reference to it or gone into the matter at length in the report accompanying the bill. But in this report there is not a word in regard to this reduction except in one of the tables of figures, where, by a mathematical process of addition and subtraction, we are able to ascertain that this number of clerks is reduced 165 from what it was last year. But there is not a word in the report proper about it, and you would not know from the bill, unless by an examination either of the Book of Estimates or some other outside source, of this large reduction of Pension force. It seems to be a silent reduction that the committee fail to enter into any explanation concerning or give any reasons for in their report.

## EVIDENCE OF COMMISSIONER AND SECRETARY.

Now, I want to call attention to what the Commissioner of Pensions says in regard to this, and also to the statement of the Secretary of the Interior, and I now read from the hearings before the subcommittee of the House Committee on Appropriations, page 87.

I submit that these two officers, the Commissioner of Pensions and the Secretary of the Interior, are desirous, as shown by their own evidence, of turning out a lot of the Pension employees, but do not want to assume the burden of it themselves, and want Congress to step into the breach and become responsible. That is this whole proposition. Let us see what Commissioner Lochren says:

Mr. DINGLEY. How much reduction of your force in the Pension Office do you recommend?

Commissioner LOCHREN. That is a matter I did not know you were going to inquire about, but speaking from recollection, I think it is about 165.

Mr. DINGLEY. Are those clerks in a large number of divisions or are they concentrated in a few divisions?

Commissioner LOCHREN. No, sir; I presume it will lessen the number in most of the divisions.

Mr. DINGLEY. Is this a reduction on account of the decrease of work to be done?

Commissioner LOCHREN. No, sir; not particularly, but we are somewhat crowded.

Mr. DINGLEY. And you have more force than you can accommodate?

Commissioner LOCHREN. It is somewhat so, Governor. We find it very difficult to accommodate as much force in the rooms we have.

There is the answer of the Commissioner of Pensions. Is there anything positive about that? Governor DINGLEY put both those propositions to him.



"It is somewhat so, Governor." That is the answer of the Commissioner.

Mr. DINGLEY. Is that the sole reason you make the reduction? Commissioner LOCHREN. No, sir; it is not the sole reason. I might say there is a certain number of clerks, probably not a very small number, who have outlived their usefulness, and that is one reason.

Mr. DINGLEY. That takes in about what proportion of those who are to be discharged?

Commissioner LOCHREN. I should think it would include the most of them.

Mr. DINGLEY. Then the work of your office has not diminished?

Commissioner LOCHREN. There is work enough there.

Mr. DINGLEY. If this is to be done, this reduction of force, therefore, will necessarily diminish the amount of work that will be done?

Commissioner LOCHREN. I do not fancy it will greatly; I do not think it will have that effect.

You see the Commissioner there admits it means a decrease of the amount of work done, but he says it will not be greatly decreased.

Mr. DINGLEY. For what reason do you think so?

Commissioner LOCHREN. Well, it is clearing the office of some of the dead-wood and giving those who remain more opportunity, more elbowroom.

Now, they have the same elbowroom down there that they had under the other Commissioner. They have the same elbowroom that they have had at all times heretofore. With all this vast amount of work on hand, they want to turn out about one-tenth of their force. It is like a farmer in my country in a 500-acre wheat field, with 20 reapers in it. He says to two of them, "Go home; I want elbowroom and will do this work with 18."

I desire to call attention to what Secretary Smith says, and what his reasons are. He does not disguise the matter. He comes to the proposition flat-footed, and here is what Mr. Smith says. This is on page 64 of these hearings. The gentleman from New York [Mr. COOMBS], a member of this committee, seems to have given the Secretary his cue. The gentleman from New York [Mr. COOMBS] says to the Secretary:

There is a good deal of mischief in the bureaus of your Department; for instance in the Land and Indian Bureaus.

Mr. Smith ignores the Land and Indian Bureaus and jumps to the Pension Office on the cue given him by Mr. COOMBS. He says:

Yes; particularly in the Pension Bureau.

That is the mischief.

I beg the attention of the committee to this proposition of Secretary Smith, because here is the whole thing in a nutshell as to what they are trying to do.

Mr. SMITH. Yes, sir; particularly in the Pension Bureau. The truth is, and I have no hesitation in saying it here, that we have a larger force in the Pension Bureau in proportion to the work they do than in any other office in the Department. We have a great many people there who are not of much account. There are a great many old women, wives of soldiers, and a number of soldiers under the civil service who are only about one-half of a clerk. They continue on as a sort of halfway pensioners.

Here is the secret of it. It is to get rid of those old soldiers and their widows in the Department.

In other words, Secretary Smith says there are a lot of people over there who ought to be removed, and he wants Congress to do it by wholesale. But, he says, if you investigate each particular case there is reason why they should be kept in. This is his exact language:

We have tried somewhat to put in bright young men in order to strengthen the force, and I think if strict rules were applied there would be a great many removals; but if you investigate each case there would be some particular reason for keeping them in.

Now, Mr. Chairman, my proposition is that under the laws as they now exist, if there are any people there who are inefficient, if there are any persons in the Pension Office who ought to be turned out, if there are any there that ought not to be in the public service, then Secretary Smith has the power now to obviate the difficulty without asking Congress to step in and back him and assume all responsibility.

#### AVOIDS RESPONSIBILITY.

What is the object of this limping and halting way that Commissioner Lochren says "somewhat, governor," in his answer, and with Secretary Smith's assertion that the object is to turn out wholesale the widows of soldiers and old soldiers who are deemed inefficient, when they fail to do it themselves? They will not assume the responsibility that is assumed by all the Secretaries in the other Departments, but they come in and ask Congress to act. The question is whether this committee is willing to go upon record as standing back of this proposition and authorizing the Secretary of the Interior to turn out these widows of soldiers and these old soldiers that he himself says, in his own language, which I have quoted, when each case comes to be examined separately there are reasons why that party should not be turned out.

Mr. HULICK. Is there any intimation anywhere in the examination by the committee of the Commissioner or the Secretary that if these places were required to be filled hereafter, that they

are calling upon Congress to discharge, Congress would be called upon to appoint in the places of these clerks to be discharged?

Mr. PICKLER. Oh, I think not.

Mr. HULICK. They are willing to take the responsibility of filling the places, but not willing to take the responsibility of discharging them.

Mr. PICKLER. I am of the opinion that it would not be a very great while until these very gentlemen would fill these places; and they would be wanted, beyond all contradiction, by the report of the Commissioner himself. The work of the Pension Office is about, on an average,

#### THREE YEARS BEHIND.

from the best information that I can get from that office—three years behind. Is there any reason why the force should be diminished when we have that much work that needs attention? I believe that, as to these departments regulating their business, they should regulate it as a man in private affairs regulates his. I affirm that there is but one Bureau of the Government in this city where a member of Congress can make an inquiry and can have an answer in the time he ought to have it—it is that of Colonel Ainsworth, the chief of the Record and Pension Division. A member of Congress writes him making an inquiry to-day, and he has his answer to-morrow. There is some satisfaction and business in that. But as to any other Departments of the Government you have to wait anywhere from ten days to ten years for an answer.

Mr. HERMANN. Is there any reason to believe that if this provision should be carried out and these men discharged public business would be expedited in the Pension Office?

Mr. PICKLER. Oh, no. I think there is no assurance of that kind. They do not pretend that the business will be expedited. The inference from their statement is that it will be retarded. They talk about its giving more "elbowroom;" but that is all a pretense, in my opinion.

Mr. HERMANN. It is not the policy of that Department to cut down the force in order to bring the allowance of pensions to a minimum, so that the appropriation shall not be increased?

Mr. PICKLER. I do not make that charge. I am one of the last men to make charges against public officers on this floor; but I think anybody who will give a candid examination to this matter, and recall the history of the Pension Office for the last two years, will see what the result would be. Here we find \$500,000 appropriated in this bill to send out these young men—for they are principally young men—who are sent out as special examiners under the pretense that they are to aid in the settlement of pension claims. We find this large appropriation for that. And then we find a disposition to cut down the working force of the office. We find that the work is three years behind, and we find 40,000 of these soldiers dying every year; we find large numbers of widows' claims in the Pension Office awaiting adjustment; and when we note all these facts, and we then find that this Appropriation Committee, under the pretended recommendation of the Secretary of the Interior and the Commissioner of Pensions, come in and make a proposition to reduce this force nearly one-tenth, it seems to me that the Pension Office is not acting in good faith in granting these pensions as they ought to be granted.

Mr. VAN VOORHIS of New York. Will you state how many cases have been acted upon by the Pension Office and granted during the last year?

Mr. PICKLER. About 30,000 original, besides increases and restorations.

Mr. VAN VOORHIS of New York. And how many do you say are not acted on?

Mr. PICKLER. Six hundred and nineteen thousand and twenty-seven claims of all kinds.

Mr. VAN VOORHIS of New York. So that there is abundance of work for all the clerks for several years.

Mr. PICKLER. Yes; for several years. And there comes a proposition from the Senate to make the minimum rate of pension \$6, which gives 48,000 other cases to be acted upon; and yet they are asking to reduce the number of clerks in the Pension Office.

#### PENSION OFFICE FORCE ALWAYS REDUCED.

Clerks who have been in the Pension Office and others detailed from there to the other Departments should be put to work in their own Department. Mr. Chairman, as is shown by the testimony here, when the Indian Office wants a detail, or the Land Office wants a detail, as sworn to by Secretary Smith, they go to the Pension Office. That is the first force that they seek to reduce. They make their details from the Pension Office, as a rule, when the other Departments want them, and thus the work in the Pension Office suffers, and two score thousand soldiers are dying each year, many of them with unadjusted claims in the Pension Office, and thousands of others go to almshouses and poorhouses of the land because the Pension Office fails to act upon their claims and give them their just dues.

It does seem, Mr. Chairman, that every proposition to retard the

work in the Pension Office, every maneuver that can be contrived to make the allowance of pension claims slower, is resorted to.

SHALL CONGRESS DISCHARGE SOLDIERS AND THEIR WIDOWS?

Now, Mr. Chairman, I want to put this question to members on both sides of this Chamber: Are you willing to say to Secretary Smith and the Commissioner of Pensions that you will relieve them from all responsibility of discharging inefficient clerks and will take the burden upon yourselves? You are not doing that for any other Department of the Government. It is acknowledged by everybody, as was stated by the gentleman from Maine [Mr. DINGLEY] last evening, and as we all know, that every head of a Department has the power to discharge any inefficient clerk. They are making such discharges in the Departments under one pretense and another every day, and they have full power and authority under the law to do it. Now, if there are inefficient clerks in the Pension Office, let the Commissioner and the Secretary take the responsibility that the other Secretaries and heads of bureaus do, and not come in here and ask Congress to stand behind them in making those discharges.

Mr. BOWERS of California. Yes; and they can discharge any efficient clerk either, by making the charge that he is inefficient.

Mr. PICKLER. Oh, we all know that there is no trouble, it seems, in the heads of the Departments getting rid of any clerk they want to get rid of, whether he is efficient or not. Therefore, by what kind of reasoning, by what kind of pretext, by what kind of justice toward the other Departments shall we allow the Secretary of the Interior and the Commissioner of Pensions to come here and say to this House of Representatives: "Here are some old soldiers whom we want to turn out of office; here are some widows of old soldiers, here are some inefficient people that we want to turn out, and we want you to stand behind us, as we do not want to take the responsibility ourselves?" Gentlemen, do you not have to assume your own responsibilities? Who assumes your responsibility as members of Congress? Who assumes the responsibility when you make a recommendation for a post-office or any other office? Who takes the responsibility as to how your votes shall go on the record? You take it yourselves, and the public officer who is not willing to take the responsibilities of his office ought to resign.

Mr. COOMBS. I understand the gentleman to say that the Commissioner of Pensions is trying to put the responsibility on Congress.

Mr. PICKLER. I do say so. If Congress is going into the business of discharging clerks and making appointments to office, then it seems to me that we have a bigger job on hand than ever before. Is not the gentleman from New York a civil-service reformer?

Mr. COOMBS. I am. But I want to ask the gentleman whether he thinks it shows any malignity on the part of the Commissioner of Pensions to come to Congress and ask their advice and direction in this matter.

Mr. PICKLER. Oh, I do not say there is any malignity in it. He simply wants to get rid of some of these people, and instead of doing as the other heads of bureaus do he comes and says to Congress: "You take the burden; you take the responsibility."

Mr. COOMBS. Yes; because he appreciates what men like you would say if he made the changes himself.

Mr. PICKLER. Yes, sir; I would criticize him if he commenced to put out soldiers and their widows, as the Appropriation Committee propose to do in this bill. It is an attack upon soldiers which I resent.

Mr. HUNTER. I will ask the gentleman whether we have not, as a House of Representatives, as the representatives of the people, abdicated all our authority over the Government Departments and surrendered it to a Civil Service Commission.

Mr. PICKLER. To a large extent, yes. I believe in the Civil Service Commission. I believe in civil service. I wish all these offices were under the civil-service rules.

I believe it is the best thing for the country; but I believe that, as was suggested by the gentleman from Mississippi the other day, these clerks ought to have a tenure of office. I would put them in for six years, with the understanding that then they were to go out, except soldiers and their widows, and that there was to be rotation in office. I believe the present system is ruinous to many of these clerks, and you have a good illustration of it here, when these people in the Pension Office who have become old and helpless are to be turned out upon the tender mercies of the world unfit for any other business. I believe in civil-service reform; but I would give the clerks a tenure of office. I would have two-thirds of the force in the office old clerks, and one-third coming in new all the time, and under that arrangement the business of this Government would be done and well done. I believe, too, as was suggested the other day, that there ought to be an apportionment by Congressional districts, so that all parts of the country would have a fair show in this matter of appointments to office, and that

my section and all other sections shall have an equal chance in filling these offices. I am in favor of that kind of civil service.

Mr. COOMBS. The gentleman says that these clerkships in the Pension Office should be apportioned to Congressional districts, and at the same time he says they should be given to veterans of the late war. Now, there are Congressional districts in this country that can not furnish one veteran of the late war; and what would the gentleman do in such cases?

Mr. PICKLER. There is not such a Congressional district in the United States. There is no district to which pensions are not going to-day. The gentleman can not name one. Furthermore, these old soldiers can very few of them pass the civil-service examination, but when they can they should have the preference in appointments, and those that are now in should not be turned out. But I was not speaking particularly of the Pension Office. I was speaking of the officers in the Departments generally. I was laying down a general proposition. I am opposed to turning soldiers and soldiers' widows out of the Pension Office. I suppose the gentleman will support the Secretary of the Interior in asking this House to indorse the proposition which I have read from his evidence that the House of Representatives solemnly assembled here shall declare that these old soldiers and soldiers' widows must go out of that office, even though the Secretary of the Interior says in the same breath that there are reasons in each case why they should be retained.

WHAT WE WANT.

We want no reduction in the pension force. Every mail I get letters from these old veterans complaining in many instances of claims pending for years and no action thereon.

We want this pension force in good faith to try to forward claims and not retard them.

We want less technical letters written simply to consume time, less technical orders issued, less time spent in seeking to make excuses for not allowing pensions, and less time spent in perfecting appeals to courts to deprive soldiers of their honest pensions, and more time spent in honest, industrious work by the Pension Office to allow the claims of these dying claimants.

The work is years behind and this proposition is to still more delay it. We want force enough to bring the work up to date as speedily as it can be done practically. If there is not room in the Pension Office for the clerks, let other rooms be rented. This proposition is to hinder the work of the office and should be voted down. My substitute should be adopted.

The CHAIRMAN. The time of the gentleman from South Dakota [Mr. PICKLER] has expired.

Mr. PICKLER. Unless somebody else wants to occupy the time, I should like to have five minutes more. I have been interrupted.

Mr. BINGHAM. The gentleman has had his time.

Mr. PICKLER. I only want to say this by way of explanation: I do not think I shall consent again, as I have heretofore, to limiting debate in this way. I agreed with these gentlemen that general debate should be closed. They told me that I would have no difficulty in getting all the time I wanted. When it came to this proposition, to accommodate the gentleman from Maine I agreed to waive my right, and now, as usually happens, I am limited in my time. I simply want to say that this is the last time I will consent to yield my rights. But for that I might have had an hour.

Mr. Chairman, I ask unanimous consent to make some additions to my remarks in the RECORD.

There was no objection.

Mr. MILLIKEN rose.

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. BINGHAM. Yes; I yield five minutes to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Chairman, I wish to say to the gentleman from South Dakota that I do not want to encroach upon any of his "rights." I think I have imposed myself upon this House very much less than the gentleman who now talks about yielding his "rights" to me. I have been in this House long enough to believe that I have some rights of my own, and certainly I shall never be a beggar to the gentleman from South Dakota or any other member of this House for any of their rights.

Mr. PICKLER. If the gentleman is alluding to me, he has misunderstood me. I think the gentleman ought to have such time as he may desire. I was only talking about not getting my own rights.

Mr. MILLIKEN. All right. I have only five minutes.

Now, Mr. Chairman, I object to the insidious way in which this bill endeavors to oust a number of old veterans from the Pension Office. It is said that the Commissioner of Pensions has the power to do this himself, but he will not exercise it. I am glad he will



not. It shows that he has a heart and a soul in which resides the spirit of patriotism.

Why, Mr. Chairman, if the employees who are the least competent are to be discharged from the Pension Office, of course the old veteran will have to go. The war ended thirty years ago; there can not be a Union veteran in the Pension Office who is in the prime and pride of manhood. None of them can be less than fifty years old. Hence this proposition to discharge the least competent means simply a discharge of the old veterans and nobody else.

Plutarch tells us that the father of Themistocles took his son down to the seashore and showed him there the old hulks that had been left upon the beach to decay. He wanted to impress upon the mind of his son a lesson to deter him from entering public life. He said to him:

If you enter public life the people when they get through with using you will leave you on the strand like these old hulks. There was a day when the commanders of those vessels were proud of their commands; there was a time when these were gallant ships that sailed the sea triumphantly. Now they were thrown upon the shore to decay.

So, Mr. Chairman, there was a time when you were proud of these old soldiers—when with bright eyes and brave hearts they went to the front to defend the country which to-day is rejoicing in the fruits of their heroism. You did not believe then the time would come when it should be proposed by legislation to cast them upon the shore like old hulks neglected and decaying. Themistocles, rejecting the advice of his father, entered public life; but the lesson which his father had sought to teach him proved to be true. After serving his country faithfully and with transcendent ability, after he had saved it from destruction by the Persians, he was forced to flee to the very nation whose forces he had defeated, and die in a foreign land.

Shall we legislate to treat the nearly worn-out veterans of the Union armies in this ungrateful way? Shall they be cast aside like worn-out ships upon the shore, to be neglected in their old age? Even if they can not do the work of young men they are entitled to our grateful consideration. They have done their duty to their country when they were in their prime, and I believe that when this Government shall turn its back upon them, the men who were its defenders, who saved the national life, who made it possible for you and me to live under one flag and in an undivided country, God will turn his back upon this nation.

[Here the hammer fell.]

Mr. COOMBS. Mr. Chairman, I am not here to defend the action of the Commissioner of Pensions. I do not deem it necessary. In the discussion incident upon the passage of our last appropriation bill an attack was made upon the employment of special examiners sent out into the field by the Commissioner. To-day that attack is withdrawn, events having justified his action in that particular, not only to the country, but even this Congress finds nothing to criticize in the matter. It has been discovered that the cases which are now in the Pension Office for examination are, in very great part, those that can not be expeditiously disposed of in the office, and that the soldiers need skilled assistance and help in order to perfect their claims.

The gentleman from Maine [Mr. DINGLEY] yesterday, in answer to an inquiry of mine, admitted that up to 80 per cent at least of the examiners were honestly at work perfecting the claims of the old soldiers. I shall say no more, therefore, on that point, but turn my attention to the proposition, or the question, that is attracting the attention of the House to-day, namely, to the proposed discharge of a number of clerks from the Pension Office. The Commissioner of Pensions comes to us and says that he has a superabundance of clerks and makes certain recommendations and gives certain advice. But it is in the province of Congress to act under that advice or not as it sees fit.

If he had acted up to the full measure of his authority; if he had desired to act independently in regard to this matter, he could have dispensed with the clerks on his own motion and without any authority of Congress. But he places before the Representatives of the people the exact condition of the Department and asks advice, and is criticised on that account. There is no reason why it should be assumed that the people to be discharged are veterans. In answer to the inquiries of the Committee on Appropriations he says that the work being done by the agents in the field has made it unnecessary for him to have as much help in the Bureau. It was his plain duty to answer those questions honestly. The committee has formulated its recommendations in accordance with that information, and it now remains for you to decide whether or not those recommendations shall be followed.

Mr. BOATNER. Is he not a veteran himself?

Mr. COOMBS. He is a veteran, and I think that he can be trusted to look after the interests of the veterans.

But, Mr. Chairman, I am going now to leave the pension question and talk of something else.

#### THE FINANCIAL SITUATION.

I am going to take advantage of the latitude of debate which

the House allows and speak of the financial situation as developed in the last few days—

Mr. PICKLER. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. PICKLER. The gentleman from New York has given notice that he is not going to talk on the question before the House, but is going to discuss the financial question. We are under the five-minutes debate, and I make the point of order that the gentleman can not pursue that line of argument.

Mr. COOMBS. The gentleman is mistaken. The House has given consent that I occupy the floor for fifteen minutes.

Mr. PICKLER. I withdraw the point of order.

Mr. COOMBS. The President a short time ago, in the discharge of his duty, sent a message to this House in which he pointed out the perils that surrounded the financial situation and the dangers that menaced the integrity of our national credit. It was an earnest message, approved of by the country at large, and merited our immediate and careful attention. He appealed to the patriotism of the members; besought them to bury partisanship and act together in order to avert impending trouble.

At the same time he pointed out the inadequacy of the power placed in his hands to discharge his obligation to maintain the parity of the various classes of Government obligations, and distinctly told us what he needed to enable him to do it. He made certain recommendations that were in great part embodied into a bill and presented for our consideration by the chairman of the Committee on Banking and Currency.

After a three-days discussion it was defeated. In defeating that measure this House assumed a grave responsibility. It not only denied to our Executive the powers that he said were necessary in order to enable him to maintain the integrity of our nation's finances, but it ignored the appeals that came up from all parts of the land. The people indorsed his policy and implored Congress to follow his indications. You disdainfully rejected them, and when the bill was defeated a yell of triumph went up, papers were thrown into the air with wild demonstrations of delight. Yes, you gloried in the fact that you had made it more difficult and more expensive for him to sustain the integrity of our nation, to maintain our respectable position among the great nations of the earth. The day will come when you will not feel proud of that victory.

History will do credit to the magnificent courage and integrity of purpose of our President, who, when denied the remedies that he had asked for, calmly and quietly took upon his own shoulders the load that you had refused to help him carry.

It became necessary for him to fall back upon the powers placed in the hands of the Executive by a preceding generation, and not adapted to the emergency which confronted him. He found that while the two preceding issues of bonds had temporarily relieved the drain upon the gold reserve, it had been only temporary. That in order to secure real relief it was necessary to place our bonds abroad under such conditions as would warrant the belief that they would not be immediately returned, receiving gold in payment from the foreign stores instead of from our own meager supply. No one will say that it was not a wise policy, but one surrounded by many difficulties. You had denied the authority to insert the word "gold" in place of "coin" in our future issues of bonds, and had thus cast a doubt upon their ultimate redemption in the only coin recognized by the investors of the world.

Under these adverse conditions, driven by the necessity of replenishing our gold reserve, he negotiated the loan of which he informed you three days ago in his special message. He pointed out to you that should Congress within ten days decide to insert the word "gold" instead of "coin" the terms would be changed so as to admit of an ultimate saving of over \$16,000,000. There is no doubt that it was the best arrangement that could be made, and again threw upon your shoulders the responsibility of deciding whether or not you would by an honest and open expression of your intention to pay in gold save the nation that vast amount of money.

You have not yet decided that question, and much of our future reputation and standing among the financial nations of the world depends upon it. It will be difficult to convince foreign investors in our securities that we have an honest intention to pay our debts in gold if we decline it. They will not believe that any sanemen will pay such an enormous price for the privilege of indulging themselves in their obstinacy.

It has recently been pointed out that the price realized for the new bonds was less than the market price of another class of bonds on the day in which the arrangement was consummated, and explanations have been requested. It does not seem to me to be a very difficult question to answer, and I will do it in a sentence. It is because our people have more confidence in their ultimate redemption in gold than is held by the foreign investor, and if we would secure foreign gold we must float them abroad, at a less price than we can float the same bonds at home.

Mr. BOATNER. Well, is that so?

Mr. COOMBS. It is, because our credit stands higher at home than it does abroad.

Mr. SNODGRASS. Then we had better trade with home people.

Mr. COOMBS. I can not submit to interruptions in the brief time I have, and I hope the gentleman will not insist upon it.

I would point out, too, Mr. Chairman, that the reason the people abroad have been compelled to lose confidence in our bonds—

Mr. BLAND. Let me say to the gentleman—

Mr. COOMBS. I decline most positively to yield. I have but a few moments. The gentleman has had his own time.

Mr. SNODGRASS. Let the gentleman from New York defend the Administration without interruption.

Mr. COOMBS. If the defense of a good business policy is defending the Administration then I am doing so; but I wish it to be distinctly understood that I have not communicated with it in relation to what I have said or what I shall say hereafter. I should be proud to be its authorized defender on this floor, but can not aspire to that distinction.

Mr. SNODGRASS. Why should they not have confidence in our bonds when they get their gold regularly?

Mr. COOMBS. I hope the gentleman will be required to keep still and allow me to proceed without interruption. I ask the Chair to protect me from the gentleman from Tennessee.

Mr. SNODGRASS. The gentleman asked a question, and I have a right to answer it.

Mr. COOMBS. I did not ask the gentleman a question. Let me proceed without interruption.

The CHAIRMAN. The gentleman can not be interrupted without his own consent.

Mr. SNODGRASS. I ask that the gentleman be protected.

Mr. COOMBS. Before I was interrupted by the gentleman from Tennessee I was on the point of showing why it is that the credit of our bonds stands higher at home than abroad, and will now, if I am permitted to go on, proceed to do so.

Our people at home do not believe that under any circumstances will our bonded debt be paid in anything else than the best money under the sun. They do not believe that the people will ever countenance repudiation or partial repudiation. They are not frightened by the vapors of demagogues or theorists, who are tolerated because they are not taken seriously, but are looked upon as an unavoidable temporary nuisance in a popular Government, and that they do not in any way represent the honest sentiment of the American masses.

The foreign investor can not understand this matter as fully as we do, and there are many things to excite his fears. He sees a bill brought before this House providing that we place in plain language what the commercial and financial world believe to be our intentions, namely, to pay our bonds in gold, and we deliberately scout the idea and defeat the bill.

How is he to know, as we do, that you do not represent the honest sentiment of the people? He may possibly have lost confidence in the financial integrity of the present House, and have taken courage in the fact that it is soon to be replaced by the opposite party, but that confidence is destroyed when they find the leader of that party, under whom the new House is soon to be organized, proposing a measure which also avoids that very vital point, the promise to pay our bonds in gold.

And they say if the present House of Representatives are not in favor of declaring to the world that their bonds shall be honestly paid, and if the Administration that is to come, through its leader and its possible candidate for President, avoids that point, avoids making any committal of himself, what have we to hope for? I ask you, gentlemen of the House of Representatives, if foreign bondholders have any reason, from the action of Congress, particularly when they look at the action of another body at the other end of this Capitol—I ask you if they have any reason to have confidence in us, and is there any reason why our bonds should not come back to us? Or if for any reason we seek to sell them abroad that we should not be obliged to submit to extraordinary terms? It is a business operation, and the profit must be proportioned to the supposed risk—

Mr. BOATNER. Would it interrupt my friend—

Mr. COOMBS. I am sorry, but I can not allow an interruption. You have placed upon the shoulders of the Executive of this nation the duty and responsibility of maintaining its credit, and yet you disregard his reasonable advice and refuse to grant him the remedies that he asks for to enable him to perform his duties properly. You have been and are hard taskmasters, but I thank God that we have in the executive chair a man who, confident in his own integrity, does not hesitate to take responsibilities, who sees his course clear, and who will defend the nation notwithstanding you desert him. He has the confidence of the people and they will stand behind him.

Mr. SNODGRASS. I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SNODGRASS. Because the other branch of Congress has reported a free-coinage bill the gentleman has no right to malign it.

Mr. COOMBS. I have not maligned anyone. They have acted upon their own responsibility and according to their own judgment of what constitutes financial integrity.

Mr. SNODGRASS. Mr. Chairman, I desire to ask the gentleman a question.

Mr. COOMBS. You can not ask me a question. I have refused to yield to you, and decency requires that you do not interfere with me.

I say, gentlemen, that the condition which confronts us in relation to our standing before the world is one of the most serious that can be imagined. I look around upon your faces in the House, and I see a smile of incredulity. When it was foretold before the war of the rebellion that we should have a long and bloody conflict that same smile passed over the countenances of gentlemen then present.

I tell you that if you allow the credit of this country to be ruined abroad, if you allow us to be discredited before the nations of the earth, it will be more than a four-years conflict before we can regain the position to which we are entitled. It will cost us billions of money to regain the ground that we have lost and other billions in the way of losses from lack of prosperity. It will cost us the respect of the world. It will entail a loss of self-respect.

Mr. VAN VOORHIS of New York. Will my colleague allow me to ask him a question?

Mr. COOMBS. No; I will not yield. I know that in making my voice heard here to-day upon this subject I have but performed a patriotic duty, and I believe that the time will come when those who to-day malign the friends of sound currency and good honest business methods in the conduct of our financial affairs of the Government will see their mistake. The time will come when the friends of a sound and honest currency will be honored, and the men who smile with incredulity when disaster is foretold will hide their heads in shame.

Mr. DOCKERY. How much time have I remaining?

The CHAIRMAN. The gentleman from Missouri has thirteen minutes remaining and the gentleman from Pennsylvania [Mr. BINGHAM] has ten minutes remaining.

Mr. BINGHAM. I yield five minutes to the gentleman from Nebraska [Mr. HAINER].

Mr. HAINER of Nebraska. I desire to have read the letter which I send to the Clerk's desk.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,  
Washington, D. C., February 12, 1895.

MY DEAR SIR: In the debate in the House yesterday I have just noticed that you asked Mr. DINGLEY the question:

"Is it not true that by reason of the fact that about 80 clerks have been taken out of the Pension Bureau and put into the field, the certificates which are being issued from time to time have been greatly reduced, until now they average only about 300 per week, or about one-third as many as the roll is being reduced by reason of suspensions and deaths?"

Mr. DINGLEY replied: "Very likely that may be so," etc. I feel that you would not make an intentional misrepresentation, and beg to call your attention to the fact that the average number of certificates issued per day is very close to 300, and has been for some time past.

From the report for the week ending February 9, 1895, now before me, I find there were 1,754 certificates issued; for the week previous there were 1,423; the week prior to that there were 1,595; for the week ending January 19, 1895, there were 1,944, and during the week ending January 13, 1895, there were 2,665.

I am, sir, very respectfully,

D. I. MURPHY,  
First Deputy Commissioner.

Hon. EUGENE J. HAINER,  
House of Representatives.

Mr. HAINER of Nebraska. Mr. Chairman, certainly no person should desire to place the Pension Bureau in a worse position than it deserves to be placed by the facts. Desiring to treat it with the utmost fairness, I have caused to be read this letter, which must be presumed to state the facts most favorable to the Bureau. Gentlemen who listened to its reading must have noted, and I call the attention of the committee and the country to it, that the honorable deputy does not deny the substantive propositions contained in my question of yesterday directed to the gentleman from Maine [Mr. DINGLEY]. He does not deny that 60 clerks have been taken out of the office to be placed in the field; that in consequence the number of claims allowed has been greatly reduced, and that now the number dropped may be three times as great as that placed on the rolls. His letter shows that the average of claims has fallen from 2,665 to 1,423.

This reduction we may well believe is a natural and necessary consequence of taking 60 competent and experienced examiners out of the office. How else can you account for this reduction of almost one-half during the past month?

In this connection the exact figures as given by the Commissioner in his last annual report at page 39 are significant, and demonstrate that the Bureau is not engaged in doing the great service for the defenders of the country which its friends would have us believe.



Number of pensions allowed and increased during the year, with the annual value of all pensions on the rolls.

Year ending June 30, 1894.	Pensions allowed and increased during the year.						Dropped from the roll.		Reductions in rate.		Number of pensioners June 30, 1894.	Annual value of pensions as shown by the roll June 30, 1894.	
	Original.		Increase, reissue, and additional.		Restoration and renewal.		No.	Annual value.	No.	Annual value.			
	No.	Annual value.	No.	Annual value.	No.	Annual value.							
Army, general law	(invalids	5,907	\$514,268.00	14,876	\$1,072,559.00	1,992	\$212,128.08	8,942	\$1,006,715.00	525	\$54,313.00	357,525	\$55,535,350
	nurses	137	10,728.00	2	—	—	—	7	1,008.00	—	—	414	50,616
	widows, etc	4,111	605,655.00	501	45,986.81	73	10,418.56	8,742	1,243,375.00	1,140	27,696.00	103,081	15,637,498
Navy, general law	(invalids	223	20,467.00	177	17,930.10	20	3,177.80	238	51,308.00	7	2.88	4,749	950,004
	widows, etc	114	20,107.00	15	1,372.50	3	410.40	236	55,897.00	17	504.00	2,404	423,168
Army, act June 27, 1890.	(invalids	8,470	801,754.00	6,318	574,243.02	162	15,783.66	12,738	1,500,664.00	2,638	118,480.00	363,068	43,179,552
	widows, etc	15,264	1,584,556.00	269	14,526.00	133	17,597.97	3,717	525,881.00	1,495	35,460.00	89,518	8,967,091
Navy, act June 27, 1890	(invalids	340	36,727.00	149	6,677.75	6	547.20	486	58,966.00	34	1,176.00	12,016	1,391,880
	widows, etc	762	80,010.00	12	192.00	1	96.00	135	16,670.00	66	1,680.00	4,742	497,016
War of 1812	survivors	—	—	1	240.00	—	—	41	3,936.00	—	—	45	5,556
	widows	26	3,840.00	13	—	2	288.00	1,066	144,864.00	—	—	4,447	693,212
War with Mexico	survivors	174	16,704.00	3,880	186,240.00	4	384.00	866	83,136.00	—	—	13,461	1,485,060
	widows	702	67,362.00	3	—	2	192.00	387	37,152.00	—	—	7,086	742,596
Indian wars, 1832-1842	survivors	868	82,368.00	19	—	—	—	208	19,208.00	—	—	3,104	297,984
	widows	1,998	191,508.00	—	—	—	—	52	4,992.00	—	—	3,284	315,204
Total		30,065	4,081,357.00	26,236	1,910,967.78	2,398	290,963.67	37,951	5,352,572.00	5,929	230,597.00	989,544	130,130,863
Average annual value of each pension												\$134.20	
Average annual value of each pension under the general law												135.06	
Average annual value of each pension under act June 27, 1890												115.12	

This table shows that the number of claims allowed exceeds the number dropped by only 1,134, and that 5,920 were reduced, so that the number dropped and reduced exceeds by nearly 4,800 the names added to the rolls.

Compare this with the record of former years:

In 1891 there were allowed 156,486 claims; in 1892, 224,047 claims, and in 1893, 121,630 claims.

Let it be remembered, too, that in the allowances now being made must be included reissues; old certificates are being canceled and new ones issued at lower rates. How many there are of this class I do not know, but their number I conclude from personal observation to be large.

Comment is unnecessary. The bare statement of these facts and figures taken from the published record of the Bureau is sufficient to carry that condemnation which found partial voice at the polls last November. The proposition involved in the pending amendment is to still further reduce the force in the Bureau, and that despite the fact that more than 600,000 claimants are knocking at the doors for admission, and more than \$23,000,000 from last year's appropriation remain unexpended. At the rate claims were acted upon last year four years would be required to pass upon the cases now filed. Reduce the force and these claimants must wait still longer. The dictates of common honesty require that these cases be passed upon in time if we are to help them at all. God will take care of the claimants in eternity. If these clerks are inefficient, discharge them and employ others. If there is not room for them to work, rent sufficient buildings, but pass upon these waiting, deserving cases. Refusal to act upon them is a denial of justice and approaches hard upon crime.

Mr. DOCKERY. I yield five minutes to the gentleman from New York [Mr. VAN VOORHIS].

Mr. VAN VOORHIS of New York. Mr. Chairman, this debate has taken a rather singular turn. We were considering that provision of the bill by which the Pension department seeks to dismiss a large number of clerks—not quite 200—who are necessary to perform the duties of the Pension Bureau, and who are absolutely needed there, if the 600,000 of undecided pension claims are to be determined. My colleague [Mr. COOMBS] has drifted away from the bill before the committee and into the financial question. I listened with great interest to what he had to say upon that question, and I must say that I believe that he is a much better lawyer than he is a financier.

Mr. COOMBS. I am not a lawyer. [Laughter.]

Mr. VAN VOORHIS of New York. Then I take back the compliment. [Renewed laughter.]

Mr. SNODGRASS. That settles it, then.

Mr. COOMBS. So I have to stand on my financial record entirely.

Mr. VAN VOORHIS of New York. We find ourselves in this situation: By the legislation of this Congress and the action of this Democratic Administration the Government is obliged to borrow money to live on. The question is this: How shall we borrow it? I was in hopes that my friend from New York would explain why, when, on Friday last, when Government thirties, at 4 per cent interest, having run eighteen years, and with only twelve more to run, were sold in the market at New York at 110½, the President should make a bargain with his former law partner, or his present one for all I know, to sell to him at private sale sixty-two millions of—

Mr. COOMBS. I call the gentleman to order.

Mr. VAN VOORHIS of New York. The difference is 6 per cent. I had hoped that my colleague would explain that matter so the country can see why it was done.

The CHAIRMAN. The gentleman will state his point of order.

Mr. COOMBS. My point of order is that the gentleman is attacking the Chief Executive of the nation and making insinuations against him.

Mr. VAN VOORHIS of New York. Oh, no.

Mr. COOMBS. He is making insinuations that ought not to be allowed to be made.

Mr. VAN VOORHIS of New York. I am making no insinuations. I simply state facts; I draw no inferences. Anybody can draw their own inferences. I had hoped my colleague would give the House an explanation of this unusual and strange proceeding. He has failed to do so.

The CHAIRMAN. The gentleman will proceed in order.

Mr. VAN VOORHIS of New York. Sell to him at private sale sixty-two millions of the same class of bonds, bearing the same rate of interest, payable in the same kind of money, viz, coin, and having the advantage of thirty years to run, instead of twelve, for 104½. When such bonds were selling in open market at a premium of 10½ cents, why should the President sell sixty-two millions of them at private sale for a premium of only 4½?

If the gentleman has a good explanation, I wanted him to make it.

Mr. COOMBS. I did make that explanation in my previous remarks.

Mr. VAN VOORHIS of New York. I wanted him to make that explanation so plain that we can understand what it is. His explanation did not explain.

Mr. COOMBS. You did not hear me because you were not listening, and I do not expect to be able to convince you.

Mr. VAN VOORHIS of New York. I wanted to understand why it is that while Government 4 per cent thirties were selling in the market in New York at a premium of 10½ per cent this loan was made to a New York lawyer at a premium of only 4½ per cent. What becomes of the 6 per cent difference in the sale of the same class of bonds on the same day?

Why was the sale made to the agents of the Rothschilds of Europe at 6 per cent less than the bonds would bring in Wall street? The gentleman says our credit is bad, and gives that as the only reason.

Mr. COOMBS. It is not as good abroad as it is at home for reasons that I have given.

Mr. VAN VOORHIS of New York. I deny it. The credit of the United States is as good as that of any nation on the face of the earth. It is not in the power of this Congress and this Administration to destroy the credit of this country.

Mr. COOMBS. The Administration is not destroying it, but guarding it without the help of Congress.

Mr. VAN VOORHIS of New York. Yes; guarding it by degrading and cheapening our bonds. If our credit is destroyed how can you sell even gold bonds? Where are these bonds held?

Mr. SNODGRASS. They are held abroad.

Mr. VAN VOORHIS of New York. And sell here at a premium of 10½ cents.

These old bonds have twelve years to run, and a thirty-year bond is much more valuable than a twelve-year bond; so that the gentleman's explanation, if he made one, as I said before, did not explain. The country wants to know just now why it is that

the President dictates to this House that we shall not borrow any money unless we put the word "gold" in the bond. Why is it that he says that if we use the word "coin" it will require a bonus of \$16,000,000 on a loan of \$62,000,000? And coin includes both gold and silver.

Mr. SNODGRASS. And who gets the margin?

Mr. VAN VOORHIS of New York. And, as my friend from Tennessee asks, who gets it?

Mr. COOMBS. Whom do you think gets it?

Mr. VAN VOORHIS of New York. Oh, I do not know.

Mr. COOMBS. You prefer to make an insinuation rather than a charge.

Mr. VAN VOORHIS of New York. I do not believe that you get a dollar of it. [Laughter.] I make no insinuation. I believe the bonds could be floated as a 3 per cent bond and \$16,000,000 saved to the Treasury.

Mr. COOMBS. You prefer innuendo to plain statement. You prefer by vile insinuations to try to blacken the character of the only man who stands up before the world for the integrity of the country.

Mr. VAN VOORHIS of New York. Not at all. I simply state facts. I attack the character or integrity of no one.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I rise to a point of order. I ask that the two gentlemen from New York be protected from one another. [Laughter and confusion in the Hall.]

The CHAIRMAN. Public business will be suspended until order is restored.

Mr. VAN VOORHIS of New York. Mr. Chairman, my colleague says that the country needs the gold to make the gold reserve good in the Treasury. How came the reserve to be impaired? Simply and solely because this Administration has been using it to support the Government when it ought to have had revenue sufficient for that purpose. The Republicans always had revenue sufficient when they were in control of affairs.

One word more and I shall sit down. We offered from this side of the House a proposition that would help the Government out of the difficulties of the situation—a proposition to issue 3 per cent bonds payable in coin and let the people of the United States take them. It was to be a people's loan. They could be sold at the post-offices and wherever the people have their dollars to invest; a loan that would be taken to ten times the amount that is required, taken in this country by our own people at 3 per cent, and thus easily escape paying this enormous bonus in order to get foreigners to take our loan.

Mr. COOMBS. Will the gentleman answer a question?

Mr. VAN VOORHIS of New York. Certainly. I will do for you what you refused me.

Mr. COOMBS. The proposition from your leader on that side was not in the direction of retiring these Treasury notes and greenbacks that constantly make their depredations upon the Treasury, and any man who knows the financial situation knows that to accept that proposition would be simply to keep turning over the same weary wheel which we have been turning for the last year. That proposition would not meet the necessities of the situation at all.

Mr. VAN VOORHIS of New York. Mr. Chairman, I did not yield for a speech. The gentleman, it appears, has a wheel in his head. [Laughter.] I suspected it before, but now he confesses it. He wants to revolutionize our whole financial policy his way, when the urgent question, the question absolutely necessary to be acted upon is how can this Government get money enough for its immediate and indispensable needs. [Applause on the Republican side.]

[Here the hammer fell.]

Mr. DOCKERY. I ask the gentleman from Pennsylvania [Mr. BINGHAM] to use the remainder of his time now.

Mr. BINGHAM. Mr. Chairman, the matter of the reduction of the clerical force in the Pension Office was thoroughly gone over in the Subcommittee on Appropriations. Governor DINGLEY, last evening, before going away for a few days, fully gave expression to the House as to his position on this question. It is hardly necessary for me to say that, of subcommittee with him, I fully concur in his conclusions. The propositions submitted to your committee were simply these: That we would increase the special force for special work \$250,000, giving for the next fiscal year a half million dollars for work in the field for contested pension cases. That is \$250,000 larger than we have heretofore given save under deficiency bills.

The Commissioner of Pensions, as well as the Secretary of the Interior, came before the committee and made statements, in substance, saying: "We can reduce the clerical force under this appropriation almost \$200,000 for the next fiscal year. For some six or eight years past there have been detailed in various divisions or bureaus in the Interior Department between 50 and 60 clerks from the Pension Bureau who have not been doing pension work."

The Committee on Appropriations took up those several bureaus and said:

We will give you the clerical force in those bureaus which have heretofore been detailed from the Pension Bureau.

That left a possible reduction in the Pension Bureau of 114 clerks. Both the Commissioner and the Secretary said:

We have in our vast body of clerical force, covering an appropriation annually of upward of \$2,000,000, 114 men and women whom we can dispense with because they are superannuated, because they do not do a full day's work, and further because, being relieved of that force, we can do better work in the Pension Office.

The gentleman from Maine [Mr. DINGLEY] and myself critically examined the Secretary of the Interior and the Commissioner of Pensions; and we reached the conclusion that in view of the giving of half a million of dollars for the special examining force of the Pension Bureau we could wisely dispense with these 114 superannuated and unmeritorious clerks who have heretofore been doing a line of work—

Mr. PICKLER. Will the gentleman allow me—

Mr. BINGHAM. No; not now. That these men may have been soldiers or that these widows may be the widows of soldiers is of course a question for reasonable consideration. But the soldier and the widow of the soldier receive under the statute special consideration in appointments in the Pension Bureau when positions are filled. The intention of the statute, the consideration and the generosity of Congress, run only to the extent of preference in the appointment. When a man or a woman is engaged in any clerical branch of any Department of this Government the standard of obligation must reach as high as that which is applied to any other clerks. The merit of having been a soldier, or the sad condition of being the widow of a soldier, runs only to the question of appointment. After that every condition is equal.

[Here the hammer fell.]

Mr. DOCKERY. I yield to the gentleman three minutes additional.

Mr. BINGHAM. I wish to say to the House that, accepting the well-considered judgment of the Secretary of the Interior, accepting the critical examination to which we subjected the Commissioner of Pensions when he was before our committee, I for one, ever watchful of the interests of the soldier on this floor, identified with every vote of generosity and patriotism toward the soldier, believe as my best judgment after such examination that the pension administration will be bettered by the acceptance of this reduction of clerical force and the acceptance of the quarter of a million dollars additional for special pension examiners in connection with the examination of special pension claims.

Mr. BAKER of New Hampshire. Will the gentleman allow me a question?

Mr. BINGHAM. Certainly.

Mr. BAKER of New Hampshire. Does the gentleman think that a soldier who has lost one arm should be required to do just as much work as a clerk who has two arms?

Mr. BINGHAM. As to clerical work, yes. The Government gives the soldier for the loss of his arm that to which your patriotism and mine have contributed, an honorable recognition by way of pension; but in working as a clerk, receiving \$1,200, \$1,400, or \$1,600, the standard of efficiency, after the admission of the man to the service, must be adhered to.

Mr. BAKER of New Hampshire. But if a man is admitted to clerical service because he is a soldier, and he is required to do work which it is impossible for him to do because of his service as a soldier, then his admission into the service is a farce.

Mr. BINGHAM. No; his services as a soldier go to give him preference in admission. The supposition of the law is always that his ability to do the work is on a parity with that of others who are assigned work of the same class.

Mr. BAKER of New Hampshire. But why should not the same advantage be given to the soldier all through his service as in his appointment?

Mr. BINGHAM. The preference based on the recognition of his services as a soldier is given to him in his appointment upon the distinct presumption that he is capable of doing the work. If you are going to establish any other standard, then you must have your pension roll of clerks as well as your regular pension rolls for disability in the service.

Mr. BAKER of New Hampshire. Yes; but the gentleman would blot out altogether after the clerk is appointed the distinction based upon service as a soldier.

Mr. BINGHAM. The man when appointed as clerk must do his full day's work.

Mr. BAKER of New Hampshire. But in the case supposed he can not; he has but one arm.

Mr. BINGHAM. Then he gets his pension.

Mr. BAKER of New Hampshire. Then he goes out of office.

Mr. BINGHAM. He does not go out of office.

Mr. BAKER of New Hampshire. On the gentleman's theory he does.



Mr. BINGHAM. There are lines of work which one-armed men can do.

Mr. BAKER of New Hampshire. Not as clerks.

Mr. BINGHAM. The gentleman is not fair in his proposition at all.

Mr. BAKER of New Hampshire. I am entirely so.

Mr. BINGHAM. The proposition is a simple one. If the gentleman's view is correct, why do we not provide in the statutes that the one-armed man appointed as clerk shall do less work than the two-armed man?

Mr. BAKER of New Hampshire. Because God Almighty declared it in His statute when he made men with two arms. That is the reason.

Mr. BINGHAM. That is all very well. But you fix in your statute a limitation as to compensation by reason of work done. You provide your different classes of clerks, one, two, three, and four. The gentleman might as well say that the clerk holding a one-thousand-dollar position should receive a salary of \$1,400.

Mr. BAKER of New Hampshire. We are not talking about promotion; we are talking about entrance into the service at all.

Mr. BINGHAM. I make this proposition: We have provided in our statutes that ex-soldiers should receive recognition as such in clerical appointments. But once in a clerical place, the ex-soldier must do his full line of clerical work.

Mr. BAKER of New Hampshire. And this bill takes it away.

Mr. BINGHAM. Oh, no.

Mr. PICKLER. Will the gentleman allow me to ask him a question?

Mr. BINGHAM. With pleasure.

Mr. PICKLER. Suppose a soldier is given a place in any one of the Departments, and after serving for a time it is found that he is not able to do the work to which he is assigned. Are there not light places in all of the Departments where he could be retained?

Mr. BINGHAM. Oh, of course. But the gentleman understands that the work is graded, and the clerks who do a certain class of work receive one compensation—

Mr. PICKLER. But he could be retained?

Mr. BINGHAM. Certainly.

Mr. PICKLER. Then, why turn him out?

Mr. BINGHAM. We do not turn him out. This does not turn him out. The matter rests entirely in the discretion of the head of the office.

Mr. PICKLER. I beg the gentleman's pardon. The Secretary of the Interior in his testimony before the committee that I read a short time ago said that the object was to get rid of soldiers and soldiers' widows who are incapacitated for the work.

Mr. BINGHAM. I have no doubt that nine-tenths of the employees in the Pension Office are either soldiers or soldiers' widows.

Mr. PICKLER. And I do not want them turned out.

Mr. BINGHAM. And that is the only way you can speak of them; for the body of the force is undoubtedly soldiers or the widows of soldiers. Now, if you are going to do the Government work at all—and the pensioners who are seeking to get their pension claims allowed are interested in having it done well—but if you are going to do that work on the part of the Government you have got to do it on well-defined lines. Your statutes fix the manner of the entrance of the appointee and the preference that shall be given to certain appointees. But the supervision of the work or the manner in which the work is done rests and must necessarily rest with the head of the Bureau. When you set up a system in any bureau of the Government you must have the work done according to that system or everything will fall into disorder.

Mr. PICKLER. But why does not the Secretary put these people out if they are inefficient? Why does he recommend this matter to Congress and place the responsibility upon us?

Mr. BINGHAM. He does not. The gentleman certainly understands the question here. The Secretary tells Congress that he can do the work with a reduction of a quarter of a million of dollars, and do more work.

Mr. PICKLER. No; he does not say as much work. The Commissioner says to the contrary.

Mr. BINGHAM. The gentleman from South Dakota can not emphasize his devotion to the old soldier any more than I; but when you undertake to do the work of the Government it has got to be done on a system, and whether it be done by a soldier or a civilian it must be done under some well-defined rule.

Mr. PICKLER. But I do not see any reason why soldiers or soldiers' widows should be turned out if there is light work in the Department that they can perform.

Mr. BINGHAM. Well, they are not turning anybody out. It is a matter of discretion with the head of the Department.

Mr. PICKLER. Then let him exercise it and not ask us to take the burden of it.

Mr. BINGHAM. He does not. He simply says I can do the

work with a reduction of this force if I am allowed this appropriation to use for special examinations.

Mr. CURTIS of Kansas. Let me ask the gentleman from Pennsylvania a question.

Mr. BINGHAM. Certainly.

Mr. CURTIS of Kansas. Did the Secretary explain to the committee why it was that they were so far behind in the work of the office?

Mr. BINGHAM. We have no evidence that they are.

Mr. PICKLER. Well, we all know it. There are 619,000 cases pending.

Mr. CURTIS of Kansas. Members of Congress who have given attention to the matter know that they are behind with the work. You can not get papers in certain divisions of the office because they are behind.

Mr. BINGHAM. There is no such evidence before the committee.

Mr. CURTIS of Kansas. Then the Commissioner hid something from the committee. Now, as long as they are so far behind there should be no reductions in the force.

Mr. BINGHAM. The general assertion I recognize has force, but I fail to see it in any examination or testimony adduced before the committee.

Mr. CURTIS of Kansas. Then I repeat he must have hid something from the committee.

Mr. BINGHAM. It must have been because the committee were not able to cross-examine them.

Mr. DOCKERY. Mr. Chairman, after the very concise and satisfactory statement of this provision of the bill by the gentleman from Pennsylvania [Mr. BINGHAM] I feel it hardly necessary to add anything by way of explanation.

The House will remember that when the act of June 27, 1890, was passed 455 clerks were added to the permanent force of the Pension Office for the purpose of expediting the consideration of claims under that law. The greater part of that work has been completed. The Commissioner of Pensions and the Secretary of the Interior estimate that the force of the office is now unwieldy, and that they have 114 clerks more than necessary. There is, it is true, an apparent reduction of 165 clerks in this paragraph, but 51 are detailed to other bureaus of the Interior Department, and have been thus detailed for a long term of years. So the net reduction in the office force is but 114 clerks.

The Commissioner of Pensions expresses the view, in which the Secretary of the Interior concurs, that this reduction will rather expedite than retard the consideration and adjudication of pension claims. Upon an examination it appears that there are about 80 clerks in the Pension Office, whose annual salaries amount to \$92,800, who are either absolutely inefficient or below a fair standard of efficiency. Now, then, the inefficient clerks who cumber the rolls, instead of expediting the settlement of claims, absolutely hinder their adjudication.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will report the pending amendment.

The Clerk read as follows:

Amend by striking out, on pages 84 and 85, the following: Beginning with the word "ten," line 23, page 84, to and including the word "copyist," on page 85, line 9, and insert the following:

"Twelve chiefs of division, at \$2,000 each; law clerk, \$2,000; fifty-eight principal examiners, at \$2,000 each; twenty-four assistant chiefs of division, at \$1,800 each; three stenographers, at \$1,600 each; seventy-seven clerks of class 4; ninety-seven clerks of class 3; three hundred and seventy-five clerks of class 2; four hundred and seventy-eight clerks of class 1; three hundred and thirty-seven clerks, at \$1,000 each; one superintendent of building, \$1,400; two engineers, at \$1,200 each; two hundred copyists—

Mr. PICKLER (during the reading). I ask unanimous consent that the further reading of the substitute be omitted. It simply puts the number of pension clerks where it is now.

Mr. DOCKERY. Does it restore the 165?

Mr. PICKLER. Yes.

Mr. DOCKERY. Then you give 51 more than have been there for a long term of years.

Mr. PICKLER. Oh, no.

The CHAIRMAN. Debate is not in order.

The question was taken on the amendment of Mr. PICKLER, and the Chairman announced that the yeas appeared to have it.

Mr. PICKLER demanded a division.

The House divided; and there were—ayes 69, yeas 132.

Accordingly the amendment was rejected.

Mr. DOCKERY. Before moving that the committee rise I will say that the gentleman from Arkansas [Mr. McRAE] has a request for unanimous consent to offer an amendment, to which I have no objection.

The CHAIRMAN. The Clerk will report the amendment, after which the Chair will ask if there be objection to its consideration.

The amendment was read, as follows:

Add the following new section between sections 8 and 9, to be numbered 9: "That in initiating a claim to public land under any of the laws of the

United States, the applicant may make the preliminary affidavits required before the register or the receiver, or some officer having a seal and authorized to administer oaths, in the land district in which the land is located, such affidavits to be filed with, or transmitted to, the register and receiver, with the fee and commissions, or other payments, required by law.

"That hereafter timber-culture claimants shall not be required in making final proof to be personally present at the land office to which such proof is to be presented, but the claimant may have his or her personal evidence taken at place of residence and transmitted to the proper land office under such rules and regulations as the Secretary of the Interior may prescribe."

The CHAIRMAN. The gentleman from Arkansas [Mr. McRAE] asks unanimous consent to recur to the bill at the point indicated to offer this amendment. Is there objection?

Mr. ROBERTSON of Louisiana. I object.

On motion of Mr. DOCKERY, the committee rose; and the Speaker having resumed the chair, Mr. RICHARDSON of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8767) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes, and had directed him to report the same to the House with sundry amendments, and with the recommendation that as amended the bill do pass.

Mr. DOCKERY. Before demanding the previous question I desire to be heard upon one proposition in this bill.

Mr. DE ARMOND. Pending the request of my colleague to be heard—

Mr. DOCKERY. I have made no request.

Mr. DE ARMOND. Pending the suggestion of my colleague that he desires to be heard upon a particular provision, I wish to submit a point of order against one amendment reported in this bill by the chairman of the committee, the one relating to annual clerks to members.

The point of order which I wish to submit is that this proposition involves a change of existing law and does not reduce the amount appropriated by the bill or the number of persons employed in Government service.

The SPEAKER. That point should have been raised in the Committee of the Whole.

Mr. DE ARMOND. I desire to be heard for a moment on that question if the Chair will indulge me.

The SPEAKER. The Chair will hear the gentleman.

Mr. DE ARMOND. Of course, Mr. Speaker, there are two considerations involved in the point of order. One is whether the point of order itself is good, waiving the question whether it is made at the right time. The other question, and the one which would deserve primary consideration, is whether or not this amendment, being reported from the Committee of the Whole, the point of order can now be raised against it. To that particular question I wish to address myself briefly, of course not desiring to consume time and not desiring to intimate that the Speaker is not much more familiar with these questions than I am. The question is one which I believe has not before arisen in the House.

The first proposition, as to whether the point of order is good, I take it, may go without discussion. Wherever an amendment is such that it changes existing law and does not reduce the expenditures carried by the appropriation bill it is, under Rule XXI, unquestionably bad. This is precisely such an amendment. The only question which now arises, I think, is whether that question of order can be submitted to the Speaker of the House, this bill having come from the Committee of the Whole. The rule, as it will be observed, is a rule primarily for the guidance of the House in the disposition of the business before it. It is a rule the object of which is to prevent the incorporation into appropriation bills of propositions which change existing law, unless those propositions fall within the exception of the rule itself, as by lessening the amount carried by the bill.

The amendment proposed by the Committee of the Whole—

The SPEAKER. The Chair would state to the gentleman just there that the application of the rule to which he refers was not in the House, but in the Committee of the Whole.

Mr. DE ARMOND. If the Chair will indulge me a moment, I will ask the Clerk to read that clause of the rule. The Clerk doubtless has it at hand. I believe it is Rule XXI, second clause.

The Clerk read as follows:

2. No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States; by the reduction of the compensation of any person paid out of the Treasury of the United States or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House, members of any such commission having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Mr. DE ARMOND. Mr. Speaker, I think this provision relates to bills wherever they may come up; relates to the proceedings of

the House rather than to the proceedings of the Committee of the Whole. The provision of this—

The SPEAKER. The point is that appropriation bills come up in the Committee of the Whole, and therefore that must apply there.

Mr. DE ARMOND. If the Speaker will indulge me, the provision in reference to that is in another rule; and I submit that that provision does not throw any light upon the question I am now raising, namely, the question whether this point of order under the rule just read at the Clerk's desk can be made in the House upon an amendment reported to the House by the Committee of the Whole. That to which the Speaker refers will be found in the rule on Committee of the Whole, Rule XXIII, I believe. That provision is simply this, that, the point of order being made, no appropriation bill can be considered in the House at all until it has been considered in Committee of the Whole. That applies to the general course of appropriation bills. This other applies to amendments proposed to appropriation bills.

I think the rule to which the Speaker referred is not the one which has been read from the Clerk's desk. That rule against new legislation upon appropriation bills is not restrictive in its language, nor can it be in its intended scope. There is nothing in that rule, as suggested by the Chair, which indicates that the rule has application only in the Committee of the Whole. Suppose, for illustration, that a bill should be considered in the House as in Committee of the Whole. Suppose the point of order, good under another rule, was not made that the bill should receive its first consideration in the Committee of the Whole and consideration were entered upon in the House; then, clearly, the point which I have raised would be admissible, notwithstanding the other point of order had already been waived and consideration of the bill in the House entered upon.

An amendment does not become part and parcel of the bill until it is incorporated into it by the action of the House. This amendment comes to the House from the Committee of the Whole merely as one of the amendments to be acted upon by the House. As an amendment reported by the Committee of the Whole this rule was invoked against it when it came before the House to be considered in the House with a view to attaching it to the bill. By our rules no new legislation can be incorporated in an appropriation bill so as to escape the force of the rule which was read by the Clerk without an order from the Committee on Rules permitting that incorporation. In this case the rule I have invoked must have full and controlling force, unless it be held that the House is powerless to enforce or consider it, merely because the House is weaker than the Committee of the Whole, its own creature.

Why, a half dozen words, or even a single word, absolutely unnoticed in the hasty reading of a paragraph in Committee of the Whole, might reverse the meaning of pages of the statutes. And yet, if a point of order such as I have here raised is to be dismissed as out of time, there can be no recurrence to the improvident or accidental departure by the Committee of the Whole from the rules of the House for the purpose of raising a point of order, confessedly good if the House or the Speaker can entertain it. Surely the House should not be held to have abdicated essential power under its rules. Otherwise, an amendment having passed the Committee of the Whole by some inadvertence or oversight, the House would be absolutely powerless to exclude that amendment, however obnoxious, under its rules. Though it were passed in Committee of the Whole in violation of this rule upon which I rely, or any other rule or rules, the House could not exclude it. The House would be compelled simply to vote upon it, no matter how gross the ignorance, how palpable the blunder, or how indefensible the course of procedure through which the amendment might get into the House by report from the Committee of the Whole.

Now, the object of this rule is to prevent legislation upon appropriation bills when that legislation is of a character which would change existing law, unless it be made allowable upon such bills by reducing the expenditures carried by them. That object being sought, why is it not good and proper to accomplish it wherever it may be accomplished? Suppose an error has been committed in Committee of the Whole. Suppose, for illustration, that, as oftentimes happens in the consideration of a long bill, the member of the House chosen by the Speaker to preside over the Committee of the Whole were temporarily absent, and a point of order were suddenly raised, with an inexperienced member in the chair, and were decided incorrectly. If the Clerk, reading on, had entered upon another paragraph not only the committee but the House would be absolutely powerless to invoke its own rules to correct the error if the point of order can not be raised in the House as I am striving to invoke it here and now.

Mr. TAWNEY. An appeal could be taken from the decision of the Chair.

Mr. DE ARMOND. Yes; an appeal can be taken, of course, wherever the decision of the Chair upon a point of order is not



satisfactory to any member; but that does not meet the question. You can easily imagine an instance where a decision, manifestly wrong, has been upon a point of order in Committee of the Whole, and where, through haste, or lack of attention on the part of the presiding officer for the time being, or of the members of the committee, the Clerk has entered upon the reading of another paragraph so that the right of appeal has been lost. In such a case, if the doctrine against which I am arguing can be maintained, we are in the position that one man in the House can absolutely hold the House by the throat in defiance of its own rules.

If the question is submitted in the House in respect to an amendment reported from the Committee of the Whole whether that amendment is obnoxious to some rule of the House, what harm or wrong can happen from having the judgment on that question of the regular presiding officer of the House calmly invoked in the House before a vote is taken upon the proposition itself? What harm or wrong or violation of any rule can result from that? I have endeavored to show that upon the other construction it can very easily, very readily, happen that a decision may be made in Committee of the Whole, through haste or inadvertence, and be allowed to pass without an appeal, a decision absolutely wrong in point of parliamentary law and absolutely violative of the rules of the House.

Now, Mr. Speaker, let me call attention to another thing. These decisions stand as precedents; one is backed more or less upon another. Decisions in the House upon points of order, as well as decisions in the courts, rest upon one of two things, or upon both: upon general principles or upon authority—prior decisions. When questions of this kind are raised we know how often they are disposed of by recurrence to former decisions, and a decision of the Committee of the Whole is quoted as parliamentary law upon a similar question arising later.

Now, ought the House to be helplessly cut off, upon any particular question, from determining what is the law and what shall be the precedent? Shall the ill-advised, or hasty, or erroneous decision of a Chairman of the Committee of the Whole be beyond the reach of the House, and stand for all time for what, as a precedent, it may be worth, while in fact it is worthless in reason—stand to guide or to hamper other Chairmen presiding over the Committee of the Whole, or, worse still, that high officer, the Speaker?

I submit in conclusion that what I contend for is simply a carrying out of the purpose, the object, the scope of this rule, and making it effective, by enabling the House, in its organized capacity, with its regularly chosen and skilled officer in the chair, to determine what the decision and the precedent upon a particular point shall be. No harm can result from that. On the other hand, to take the other view is, or, to put it otherwise, might be, to make parliamentary law out of a hasty, ill-advised, erroneous decision of a Chairman of the Committee of the Whole, simply because that decision has been made.

Mr. LIVINGSTON. Suppose the amendment had been ruled out of order, would the gentleman think the House could take it up and dispose of it?

Mr. DE ARMOND. No, sir; I would not think any such thing.

Mr. LIVINGSTON. Then why do you propose that the House shall take this matter up?

Mr. NORTHWAY. The converse of the proposition ought to be true.

Mr. DE ARMOND. I will tell the gentleman why, though I am very much surprised that he should ask the question. The why is that an amendment does not come before the House from the Committee of the Whole unless it be reported to the House by that committee. If voted down in the committee it is not reported to the House—as I suppose the gentleman has discovered by this time.

Mr. LIVINGSTON. If a proposition is settled in Committee of the Whole why bring it before the House?

Mr. DE ARMOND. If it is settled in Committee of the Whole! Settled in Committee of the Whole! These propositions are not settled there. The propositions reported from the Committee of the Whole upon this bill have merely reached the legislative stage when the House is to consider them, and the question is, shall that consideration be limited to a direct vote upon the propositions themselves, or shall it be broadened so as to include the question whether they are allowable upon the bill which carries them or are violative of the rules of the House?

[Here the hammer fell.]

Mr. BAILEY. Mr. Speaker, I agree perfectly with the gentleman from Missouri [Mr. DE ARMOND] on the main question, and I intend as certainly to vote against the amendment as he does. The question now, however, is not as to the merits of that amendment, but it is a question of order, and is important, as it will establish a precedent where none now exists.

While this immediate and precise question has never been presented, it has been ruled over and again that the Speaker can not pass upon any matter which has occurred in the Committee of the

Whole unless that special matter has been referred by the committee to the House for its decision. The former practice was when a question of order arose in the Committee of the Whole for the committee to rise at once and refer it to the House; but the later and, as I believe, the better practice is to settle questions of order in the committee itself; and we now frequently see appeals taken from the decision of the Chairman of the Committee of the Whole. This can and does answer every purpose which a similar proceeding in the House could answer.

Indeed, sir, there is absolutely no difference between the Committee of the Whole and the House itself except that a Chairman presides in the committee; that there can be no previous question; that there can be no motion to lay on the table, and no vote by yeas and nays. With these exceptions the Committee of the Whole is the House itself; and any effort to establish a distinction is based upon a parliamentary fiction.

I repeat, that while there may have been no ruling upon this precise question, there are many decisions which thoroughly analogize with this and which establish the doctrine that when the Committee of the Whole has not referred a matter to the House for a decision the Speaker is not permitted to pass upon the question.

The House has nothing before it except the report of the committee, and is not presumed to know what has transpired there except as informed by the report. That report can be adopted or rejected in whole or in part, as the House in its wisdom may determine, but we can not go back and reverse the proceedings by which the committee agreed upon its report.

Mr. CANNON of Illinois. Mr. Speaker, whether this amendment may have been originally subject to a point of order or not, the point of order was made in the Committee of the Whole and was there considered; and the point of order having been overruled, the amendment is now reported to the House. I do not recollect any precedent where a point of order was made and sustained upon an amendment reported to the House from the Committee of the Whole. I do recollect, however, where points of order were made in the committee on the extra month's allowance—I think in the Forty-eighth and Forty-ninth Congresses; possibly in the Fiftieth, certainly in the Forty-eighth or Forty-ninth Congresses, or both.

In that case the point of order was overruled in Committee of the Whole and the amendment reported to the House; and my recollection is that Speaker Carlisle, on the point of order being made in the House, overruled it, and said that under the circumstances, the amendment having been reported by the committee, the House should have the privilege of voting upon it. I think I can refer the Speaker to that ruling if he desires to examine it. I believe it is upon my desk.

So much for that. If the Chair desires to hear argument upon the merits of the point of order, then I should be very glad to submit a few words. But I do not care to do so unless the Chair wishes to hear further discussion.

The SPEAKER. The Chair thinks the views of the gentleman from Illinois [Mr. CANNON] are in accord with those of the Chair. The Chair is ready to rule.

Under the rules of the House all appropriation bills are to receive their first consideration in the Committee of the Whole; and the rules of the House, so far as applicable, apply to the consideration of such bills in the committee. The action of the Committee of the Whole is reported to the House. The House is informed of such action only through the report of the Chairman of the committee.

No other cognizance is taken by the House of the proceedings in the Committee of the Whole. The amendments which are considered in the Committee of the Whole do not appear in the Journal except those favorably acted on, which are reported to the House. No reference appears in the Journal of the House to any amendment which may have been offered and voted down, though it is true such amendments appear in the proceedings in the RECORD. The House, however, takes cognizance of such matters only occurring in the committee as are reported to it from the committee.

The Chair finds quite a number of decisions to this effect:

The Speaker can not rule in regard to what occurs in Committee of the Whole unless reported by the committee to the House for such decision.—*Journal*, second session Forty-ninth Congress, page 384; second session Forty-fifth Congress, page 81. *Congressional Globe*, Thirty-ninth Congress, page 628. *Journal*, second session Forty-ninth Congress, page 384; second session Forty-fifth Congress, page 81. *Journal*, first session Fiftieth Congress, page 623. *RECORD*, May 17, 1890, Fifty-first Congress.

Again it has been decided that—

A Committee of the Whole having reported a bill to the House, the Speaker can take no cognizance of alleged irregularity in its consideration in Committee of the Whole.

The reference given in the Digest is to CONGRESSIONAL RECORD, second session Forty-ninth Congress, page 1050. The Clerk will read from the RECORD the proceedings on that occasion.

The Clerk read as follows:

Mr. WILLIS. I move the previous question.

The SPEAKER. The gentleman from Kentucky moves the previous question

upon agreeing to the amendment and ordering the bill to be engrossed and read a third time.

Mr. HEPBURN. I wish to make a point of order.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. I desire to say that the provisions of the bill making separate and distinct appropriations have not been considered in the Committee of the Whole, and no vote has been taken upon any provision appropriating a specific sum of money. Before the Committee of the Whole had proceeded beyond the consideration of the eighth line, before any subsequent paragraph had been read, this amendment was offered, and against objection a vote upon it was forced prior to the taking of any vote upon any one of the subsequent provisions of the bill. I make the point of order that the vote can not be taken upon the adoption of this substitute until the provisions of the bill have been separately read and considered in the Committee of the Whole.

The SPEAKER. Of course the House now has nothing before it, and the Chair has nothing before him except the report of the Committee of the Whole House on the state of the Union. The facts stated by the gentleman from Iowa [Mr. HEPBURN], if they be facts, might constitute a good reason for the recommittal of the bill by the House to the Committee of the Whole. But the Chair must deal with the report as presented. The bill is out of the Committee of the Whole and in the House by the action of the committee, which the Chair can not revise or overrule in any manner. The point of order is not sustained.

The SPEAKER. The Chair is unable to find any precedent sustaining the position assumed by the gentleman from Missouri in submitting the point of order, and therefore overrules it.

Mr. DE ARMOND. Mr. Speaker, with the permission of the Chair, I should like to say a single word further on this question. It may not be important, but I hope the Chair will allow me to call attention to what seems to be a difference in the situation as it now exists and that with reference to which the Speaker has just called attention. That was a point of order on an allegation, as I understand it, that the proceedings in the Committee of the Whole were irregular. This is a point of order which has nothing to do with the Committee of the Whole at all. But here is an important amendment reported to the House from the Committee of the Whole, and the point is raised that it is not in order under the rules of the House, saying nothing of what transpired in the Committee of the Whole.

The SPEAKER. The Chair thinks that under the practice and under the rulings heretofore the House could not possibly review a point of order made in the Committee of the Whole. The point is made and decided by the Chairman of the committee. There is an appeal allowed from the decision of the Chair, and then it rests with the Committee of the Whole whether the decision shall stand as the judgment of the committee or not. Under the practice suggested by the gentleman from Missouri a point of order might be raised in Committee of the Whole and determined by the Chairman, an appeal taken from the decision of the Chair, and the decision affirmed or reversed, as the case may be, in the committee; the same point of order could be brought into the House, debated, and decided by the Chair, with the right of appeal, and a judgment be rendered by the House finally upon it. The Chair does not think it would be consistent with the orderly practice of the House or consistent with the usage heretofore, and therefore overrules the point of order.

The gentleman from Missouri is recognized.

Mr. WILLIAM A. STONE. I demand the regular order.

Mr. DOCKERY. Mr. Speaker—

Mr. WILLIAM A. STONE. Mr. Speaker, is not the regular order the vote on the bill?

The SPEAKER. The gentleman in charge of the bill has not yet demanded the previous question. The gentleman from Missouri has been recognized, and the Chair supposes he will demand the previous question when he has made such debate as he may desire.

Mr. DOCKERY. Mr. Speaker, under the act approved March 3, 1893, each Member of the House and each Delegate is allowed \$100 a month for clerical services, provided that such Member or Delegate certifies to the disbursing officer of the House that he has paid, or agreed to pay, that sum. That \$100 a month runs during the session of Congress; and there is carried in this bill, pursuant to the existing law, \$230,889.15. That provides each Member and Delegate \$100 a month for clerical services from December 1 next until the 30th day of June following.

The proposition which comes to us from the Committee of the Whole does not make permanent law. Some gentlemen have supposed that this proposition makes the clerks annual. That is an error. It simply provides that beginning with the 4th day of March next and terminating with the 30th day of June, 1896, each Member and Delegate shall be allowed \$100 per month for clerical services.

Mr. OUTHWAITE. It is a proposition that those present shall vote themselves that sum.

Mr. DOCKERY. If the gentleman will allow me, it is a proposition that each Member and Delegate shall be allowed \$100 a month for clerical services from the 4th of March, 1895, to the 30th of June, 1896. Thereafter annual clerks will not be carried in the bill unless the law so provides.

Now, what is the liability involved? It means this, gentlemen, that this bill must carry provision for \$100 a month compensation for the clerks of 356 Members and four Delegates, or 360 clerks in

all, for nine months from the 4th of March next, amounting to \$324,000.

Mr. LIVINGSTON. Will the gentleman allow me—

Mr. DOCKERY. I can not yield.

Mr. LIVINGSTON. Well, you have got all the time.

Mr. DOCKERY. Allow me to complete my statement first, and I will yield afterwards.

It means also that there will be carried in this bill a liability of \$31,500 for 20 annual clerks for nine months from the 4th of March, 1895, to the 1st of December, 1895. In other words, the proposition involves a liability upon the Government of \$355,500 for the nine months ensuing after the 4th of March, 1895; and during that period Congress is not in session, and the members have not even taken upon themselves the oath of office. It means a duplication of expenditures to the extent of \$31,500, because the annual clerkships run for that time.

Now, let me illustrate that for a moment, and if my friend from Missouri [Mr. HEARD] will not object I will use his committee clerkship for the purpose of illustration. The Committee on the District of Columbia has an annual clerk. He was appointed by my friend from Missouri, the chairman of that committee. That clerk will draw his compensation at the rate of \$2,000 per annum for nine months, and my colleague's successor will also, under the amendment, have the right to name another clerk at \$100 a month for the same nine months.

Mr. RICHARDSON of Tennessee. Will my friend yield for a moment?

Mr. DOCKERY. I can not yield.

Mr. RICHARDSON of Tennessee. I think the gentleman certainly will yield to me—

The SPEAKER. The gentleman declines to yield.

Mr. RICHARDSON of Tennessee. If the gentleman declines to yield, I will not interrupt him. The gentleman has all the time.

Mr. LIVINGSTON. Divide the time with us.

Mr. DOCKERY. Why, certainly.

Mr. LIVINGSTON. How much time does the gentleman want to yield to us?

Mr. DOCKERY. The time will be equally divided. Now, let me give another illustration. Take, for instance, my friend from Alabama [Mr. BANKHEAD]. Allow me to further illustrate this proposition by the use of his committee clerkship. The Committee on Public Buildings and Grounds has an annual clerk. That clerk will draw his pay for nine months from the 4th of March until the 1st of December, and the gentleman from Alabama [Mr. BANKHEAD] will also under this amendment have the further right—because he is a member of the next House—to appoint a clerk at \$100 a month for those nine months. Now I will yield to the gentleman from Tennessee [Mr. RICHARDSON].

Mr. RICHARDSON of Tennessee. The gentleman refers to the fact that the Committee on the District of Columbia has an annual clerk, and my friend from Missouri [Mr. DOCKERY] objects that his colleague [Mr. HEARD] goes out of office on the 4th of March, and that his successor who comes in on the 4th of March will have a clerk for nine months. Now, I want to ask the gentleman if the clerk of the Committee on the District of Columbia will have anything to do with the work of the successor of the chairman of the committee.

Mr. DOCKERY. No; and what is worse—

Mr. RICHARDSON of Tennessee. Now, I want to ask my friend, is the clerk of the Committee on the District of Columbia to be the clerk of the committee or the clerk of the chairman of the committee? Is he not the clerk of the committee?

Mr. BINGHAM. All annual clerks are committee clerks.

Mr. DOCKERY. Annual and session committee clerks.

Mr. RICHARDSON of Tennessee. He works for the committee.

Mr. DOCKERY. Certainly.

Mr. STOCKDALE. You say he will be the committee clerk. Will there be any such committee?

Mr. DOCKERY. The annual clerk to the Committee on the District of Columbia certainly can not have very much public business to discharge during those nine months.

Mr. RICHARDSON of Tennessee. Then ought we not to discharge the clerk to the Committee on the District of Columbia?

Mr. DOCKERY. We ought to do it if we are going to allow each member to name a clerk at \$100 a month.

Mr. HEARD. Illustrate with somebody else. Take the Appropriations Committee. That will apply just as well.

Mr. LIVINGSTON. Is it not a fact that this bill carries a large number of items of appropriation for clerks for whose employment there is no provision of law?

Mr. DOCKERY. Certainly.

Mr. LIVINGSTON. Did you not know that when you introduced the bill?

Mr. DOCKERY. Oh, certainly; I suppose there are five hundred items in the bill that are not expressly authorized by statute and only live in appropriation bills. I have only referred to the



Committees on Public Buildings and Grounds and on the District of Columbia to illustrate the point I was seeking to make. The same illustration applies with equal force to the Committee on Appropriations and the Committee on Ways and Means and every other one of the 20 committees which have annual clerks.

Mr. MILLIKEN. Will the gentleman allow me right there?

Mr. DOCKERY. I desire to yield one-half of the time to the gentleman from New York [Mr. BARTLETT].

Mr. LIVINGSTON. I want five minutes of that time.

Mr. DOCKERY. How much time have I used?

The SPEAKER. The gentleman has used ten minutes.

Mr. DOCKERY. I will now yield thirty minutes to the gentleman from New York [Mr. BARTLETT].

Mr. BARTLETT. Mr. Speaker and gentlemen of the House, I wish first to address myself to the point which has been raised against this amendment by the gentleman from Missouri, the chairman of the Committee on Appropriations. It was suggested to me the other day that my amendment was open to the objection he raises of a duplication of clerkships—that is, in reference to the clerks of committees. I then stated to the gentleman from Missouri that if he would raise no captious objection to my amendment I was perfectly willing to have it corrected to obviate that alleged objection if it really existed. My proposition was declined, and it then occurred to me that his purpose was rather to defeat my whole amendment than to secure an amendment to my amendment in the line of the objection he raised.

I am quite willing, I state now, as I stated on that occasion, to accept any fair amendment correcting any error in my amendment if I could obtain unanimous consent; but I do not desire to see my amendment defeated by captious opposition.

Mr. GROSVENOR. Would you allow me to say a word—

Mr. BARTLETT. No, sir.

Mr. GROSVENOR. On your side of the question? [Laughter.]

Mr. BARTLETT. Yes.

Mr. GROSVENOR. If this bill passes a resolution can be put through in fifteen minutes to get rid of the bugbear suggested by the gentleman.

Mr. RICHARDSON of Tennessee. The conference committee can fix it.

Mr. BARTLETT. Any disadvantage which may have been caused by the adoption of my amendment can be cured and corrected by the committee of conference. Now let me state, in answer to the objection made by the gentleman from Missouri [Mr. DOCKERY], for whose energy, zeal, and ability I have the highest regard, that it seems to me that there is nothing in his objection. The clerks, on the 4th day of March, 1895, for instance, of the Committee on the District of Columbia and the Committee on Appropriations, will, it is true, remain in office as the clerks of those committees, liable to discharge any duty for the discharge of which they are called.

Mr. KILGORE. Will the gentleman allow me right there?

Mr. BARTLETT. No; but they are not called upon to do any work for any member of this House. The chairman of the Committee on the District of Columbia will cease to be chairman of that committee with the end of this Congress; so will the chairman of every other committee. And if these clerks remain in office it is merely to discharge committee work, and for no other purpose. Now, if you desire to abolish these clerks, if the new Congress does so, I have no objection; but that objection has no bearing upon my amendment; and there is only one possible objection which can be urged against my amendment.

It must be conceded that those members of the Fifty-third Congress who are reelected members of the Fifty-fourth Congress will require the services of their clerks during each and every day of the recess. But it may be said, why should those men who become members of the Fifty-fourth Congress, not having been members of the previous Congress, without having taken their oath of office, be allowed clerks? There seems some little point in that objection; but we must follow general principles; and if it inures to the benefit of a few, we must not take that into consideration. We must regard the good of the many, even though possibly it inures to the unnecessary benefit of a few. Moreover, I have no doubt but that the new members of the Fifty-fourth Congress will be called upon by their constituents to discharge many duties concerning which they will need clerks.

Mr. OUTHWAITE. Do you think they would be called upon to perform any duties requiring the extra pay allowed to the clerks?

Mr. BARTLETT. I do.

Mr. OUTHWAITE. If you do, will you state in what direction it will be?

Mr. BARTLETT. I have no doubt that they will be the recipients of numerous requests and letters of inquiry, and from time to time, if not daily, certainly weekly, that they will be required to perform certain duties in response to the requests of their constituents.

Mr. BLAND. Are not members paid for that?

Mr. WISE. Do not they get \$416 a month for that?

Mr. BLAND. If it is the purpose to give this additional salary to the member, why is it not done directly instead of indirectly?

Mr. BARTLETT. Let me answer the gentleman from Missouri. I say that the charge that this is trying indirectly to increase the salary of members is wrong, improper, and unjust. No member of this Congress, no member of this House, do I believe would be so unworthy as to take one dollar of this money for his personal benefit. We were treated to an extraordinary exhibition the other day.

Mr. BLAND. Will the gentleman allow me? My point is this: The member will attend to his private business and the clerk will be left to attend to what would be the public business of the member.

Mr. BARTLETT. I would ask these gentlemen who have these acute consciences, why do you draw your money during the recess; why do you take your \$416 a month?

Mr. BLAND. Mr. Speaker, the very question which I am asking is, Why should they draw the money during the recess for doing this business for which they want a clerk?

Mr. BARTLETT. I do not know how it may be with some members of this House. I know for myself that all the money I receive is \$5,000 a year, and that is all I want, although I consider it somewhat inadequate pay. All the sums that are allowed for clerk hire are for the clerks alone, for work which they perform not for us, but for the benefit of our constituents, as was ably pointed out the other day by the gentleman from Iowa [Mr. HEPBURN] and the gentleman from Illinois [Mr. CANNON]. I can only say this, that the small objection which can be raised to new members drawing this clerk hire certainly does not apply to the great body of the members of this House, and we must have some firm and lasting rule established. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has twenty-one minutes.

Mr. BARTLETT. I yield five minutes to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, this whole question is a question that addresses itself to the judgment of every member upon this floor. Is it right? [Cries of "No!" "No!"] I remember, Mr. Speaker, that when this question was before the House the gentleman from Missouri [Mr. BLAND] and others who now shout "No!" "No!" objected to members being allowed session clerks, yet what have they done from that day to this? They have gone into the office of the Sergeant-at-Arms and certified that a clerk was necessary to them, and that they had employed clerks and desired to have them paid, although when the proposition was before the House they said they had no need of a clerk.

Mr. BLAND. I never certified that I needed a clerk, and never had one except during the sessions of Congress.

Mr. LIVINGSTON. Now, Mr. Speaker, it is time we were done with demagogy on the floor of this House. [Laughter and applause.] Mr. Speaker, "You can fool all the people part of the time and you can fool a part of the people all the time, but you can not fool all the people all the time." [Applause.] And those who oppose clerks on a yea-and-nay vote, while in Committee of the Whole vote for them, will be known at last to their constituency. The question is simply this, do the members of the Fifty-fourth Congress need annual clerks or not? That is the only question. The argument has been made upon this floor privately that this should not be passed because the Fifty-fourth Congress will be Republican. [Laughter.] What difference does that make? If every single member of that Congress were Republican, how would that affect this question? If they were all Democrats, how would that affect the question? Mr. Speaker, I assert on the floor of this House that this amendment added to this bill in Committee of the Whole is not for the benefit of any member of Congress, but is for the benefit of his constituents.

Mr. HUNTER. Of one of his constituents. [Laughter.]

Mr. LIVINGSTON. I propose to vote for this proposition for the benefit of my constituents, and I am willing to take the risk of their disapproving it, and they pay the taxes. When any man says that if this appropriation passes it makes an addition to our salaries he says what is not true, and when it is charged that this is a proposition to increase the salaries of members upon this floor the charge is not true. The only purpose of it is to enable members to give better attention to the business of their constituents, which is outside the official duties of Congressmen, and which without some such provision as this it can not receive.

The private claims and personal matters pertaining to our constituents are important to them, and if our official business forbids our personal attention to these matters they should be served; especially so when the cost would only be  $4\frac{1}{2}$  mills per capita. For this small tax per capita for all the months when Congress is not in session each district could have an agent in Washington City under the control of the Representative of the

district who could answer the personal calls and private as well as public matters that can only be attended to by personal attention of someone.

Why, Mr. Speaker, I came here summer before last several times—for what purpose? To look after claims of my constituents that were pending in the Pension Office and in the Court of Claims or other Government Departments. There is not a member on this floor to-day who, when he leaves here on the 4th of March, will not be compelled to leave numerous matters concerning the interests of his constituents unattended to; and shall he be expected to run up here every two or three weeks to attend to those matters?

Mr. CARUTH. Where is that war claims office that the gentleman had to go to?

Mr. LIVINGSTON. If the gentleman is so ignorant, after having served here ten years, that he does not know the location of the Government offices, I have no time now to instruct him. [Laughter.] It is his fault if ignorant, not mine.

Mr. BARTLETT. I yield now to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON of Illinois. Mr. Speaker, in Committee of the Whole I had five minutes to say what I desired to say touching this amendment. I said it then as best I could, and I do not know that in the short time I have now I can add thereto. I have, however, nothing to take back that I said then. I have for years believed that the expenditure for clerk hire to Senators was a wise one. Some people thought otherwise.

At first the allowance was for the session, but it is now annual. I believe that is wise. I was gratified when the Fifty-second Congress, of which I did not have the honor to be a member, had the courage to make provision for clerks for members. I believed it was right, and said so before I ceased to be a Member of the Fifty-first Congress. In my judgment the average Member of Congress—and I hope I am about an average member—can use this allowance of \$100 a month for clerical assistance for the benefit of the whole country.

Mr. OUTHWAITE. I do not recall that there was any action on that subject during the Fifty-first Congress.

Mr. CANNON of Illinois. It was proposed.

Mr. OUTHWAITE. And voted down?

Mr. CANNON of Illinois. Dropped. But we made progress.

Mr. OUTHWAITE. It was carried, I believe, on a vote in Committee of the Whole, but defeated on a yea-and-nay vote in the House, was it not? [Laughter.]

Mr. CANNON of Illinois. I think so. That is my recollection. But suppose it was, that Fifty-first Congress does not meet the approval of my friend from Ohio, and I hope he will not follow the precedent that was made at that time. [Laughter.] Mr. Speaker, I believe that every member here, elected to the next Congress or a member of the present House, believes that the public interest would be served by making this appropriation. I am willing to walk up and vote for it. I believe the country will endorse it, and, as I said the other day, a country that gathers annually a revenue of \$400,000,000, or ought to, and makes expenditures of over that amount, ought not to stop and criticize an appropriation like this for clerk hire, and will not do so. [Cries of "Vote!" "Vote!"]

Mr. DOCKERY. I yield three minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. BARTLETT. I reserve the residue of my time.

Mr. WILLIAMS of Illinois. Mr. Speaker, the reason assigned in the last Congress for giving clerks to members during the session was that it was necessary that members should be present here while the House is transacting its business, and therefore necessary that they should have clerks to attend to their work about the Departments and to assist in their correspondence. No such reason exists in favor of this amendment. This proposition to furnish members clerks during vacation at the expense of the Government simply means that when vacation comes and the lawyers, the bankers, and the business men of this House give up their Congressional work and commence attending to their private affairs they shall have clerks paid by the Government to attend to their official duties, while they themselves receive \$400 per month for attending to their own private business. That is what this amendment means. [Applause.]

Mr. Speaker, the gentleman from Georgia may talk about demagoguery or any other "gogy;" I tell you the people will understand that this is simply voting money into your own pockets. What member of this House is there who can not after the 4th of March attend to all his Congressional correspondence and other official work without the assistance of a clerk? If my distinguished friend from Tennessee [Mr. PATTERSON] must go into the courts and try his cases—if other lawyers of this House and business men must look after their private affairs which have been neglected during the Congressional session, they may need clerks, it is true, to attend to their Congressional work. But I say when a man is allowed nine months in the year to attend to his private

affairs, while his official salary runs on, he can afford to hire a clerk for \$100 per month at his own expense to attend to his official duties and enjoy the other \$300 of his salary himself while attending to his own private business during vacation. I hope the amendment will be voted down. [Applause.]

[Here the hammer fell.]

Mr. DOCKERY. I yield three minutes to the gentleman from Ohio [Mr. OUTHWAITE]. [Cries of "Vote!" "Vote!"]

Mr. OUTHWAITE. Mr. Speaker, each time we rise on this side of the House to speak we hear that doleful cry upon the other side, "Vote!" "Vote!" We will not vote until we get through discussing this matter, and that satisfactorily.

I was one of those who earnestly supported the proposition that members of Congress should have clerks during the sessions of Congress. I supported it from the beginning to the end, though at no time was I directly interested. I am opposed to this proposition to give members \$100 per month for clerks the nine months preceding the commencement to the session for several good reasons. The first is, there is no necessity for it. Why should gentlemen compare the duties of a Member of Congress with those of a Senator, who has his whole State for his constituency, who receives correspondence from every part of the State? There is no comparison between the amount of clerical work required of a Member and that required of a Senator.

Again, this amendment is in violation of the spirit of the contract between Representatives and the people who sent them here. The terms of salary and labor expected for these nine months were well known—did not contain this \$100—and you gladly accepted them. When gentlemen were candidates for reelection last fall they did not let their people know that if such a proposition as this should come up they would vote in the affirmative. You know you would not have done so. To give new members this extra pay is unfair to old members who are not chairmen of committees having annual clerks. Many of them will have more clerical work in closing their next nine months than any new member will have in that time.

Then, again, this proposition is directly in the interest of the members who are to vote upon the measure. They propose to vote to themselves release from that little portion of clerical labor which comes to them during the nine months of Congressional recess. I have been in Congress for ten years, and have therefore had five opportunities to know what the work amounts to during such a recess. I have a large constituency. My district embraces a large city and contains also within its limits a very considerable number of ex-soldiers. I have always had many demands upon my time when at home; but there has never been a period when I could not perform the duties of Congressman while at home, so far as correspondence and other matters of that kind are concerned, in from one to two hours each day. It was not necessary for me to have a clerk at \$100 a month to do those things, nor is it necessary that you should have now. If you must devote your time to other matters you can employ such clerical help as you need for \$25 or \$30 per month.

There would be much more justice, much more equity, in a proposition of this sort if this Congress, instead of voting for this special proposition, should adopt an amendment to the general law to pay for clerks from the time the first session begins until the end of the term. Gentlemen do not propose to change the law; they do not propose to make a general provision for annual clerks. You simply provide that those of you who are to be members of the next Congress shall during the first nine months of your term enjoy the benefits of this \$900. Wait until the next session if you desire to do this thing. You will have the opportunity to do it in the deficiency bill. It will be just as honorable; it will be just as fair to the people then; it will be just as statesmanlike then; it will be just as necessary then. You can then vote this \$900 to yourselves for your clerk hire if you feel you ought to have it; if you are satisfied that it is justly your due.

Mr. CARUTH. I wish to ask the gentleman a question. He is, I believe, chairman of the Committee on Military Affairs?

Mr. OUTHWAITE. Yes, sir.

Mr. CARUTH. Will he have the kindness to tell me, for the information of the House (because the gentleman from Georgia seems to be the only one that knows), where the "war claims office" is?

Mr. OUTHWAITE. I am not familiar with that office; I do not know where it is.

Mr. DOCKERY. I yield two minutes to the gentleman from Colorado [Mr. PENCE].

Mr. PENCE. Mr. Speaker, I can not and will not vote for this proposition as it stands. I should be very glad to vote to give to my successor the same facilities as a member of this House which I have had and greater facilities. I believe that the services of clerk to a member should begin with the first session of the member's service, whether it be a regular or a special session, and should then continue until the end of the Congress. But I do not believe that during the vacation, which forms ordinarily the first



part of the Congressional term, a member should have this allowance for a clerk. If the gentleman from Georgia is sincere in his statement that for the present and for the future he has abandoned demagoguery on the floor, I insist on having him sworn and let it be made a matter of record. [Laughter.]

A MEMBER. He might be congratulated by the House.

Mr. PENCE. But, Mr. Speaker, there are serious objections to this amendment, which I think must be insurmountable to every member of the House who will give it a moment's consideration. As it stands I certainly think it should be defeated. But I am ready, with other gentlemen here, many of whom are retiring from Congress, and who want to do the right and proper thing not only to their successors but to the people, and arrange for an effective service in the future—we are ready to vote for a proposition that will allow the services of a clerk to members of Congress beginning with the service of the Congressman himself at the opening of the next regular session. But certainly I do not think we could conscientiously go beyond that.

[Here the hammer fell.]

Mr. BARTLETT. I yield now three minutes to the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. BINGHAM. Mr. Speaker, a single word on the subject now before us.

Gentlemen in this House protest against the allowance of a reasonable compensation for clerical labor to assist the members of the House during that period of Congress when we are not actually in session, and the impression is sought to be made that during that time there is no need for such service. Gentlemen forget at the same time that among other allowances to members is a compensation for mileage far beyond the requirements of actual travel. As an illustration, I am allowed \$56 from my city to this capital to and fro each session of Congress. It costs me \$6, and yet there is no criticism on the part of gentlemen near or far as to drawing too much compensation on that account. Gentlemen draw \$125 a session for stationery, and yet there is no man here who draws and uses that much stationery in any session of Congress.

Now, Mr. Speaker, the service of a clerk for one who gives his time to his constituency is as necessary and the work is as great during the recess as during the session of Congress. I have been a member of Congress for sixteen years, and during that entire time I have never given to business any moment of my time outside of the time I have given to my constituency, and that runs to every man who represents a large constituency. My work never ceases after the 4th of March until the reassembling of Congress, and there are as many constituents in my house each day when I go home during the recess as when I go home during the session of Congress. The service of a clerk is of assistance to me and of great value to them.

[Here the hammer fell.]

Mr. DOCKERY. I yield three minutes to the gentleman from Georgia [Mr. BLACK].

Mr. BLACK. Mr. Speaker, I do not rise at this time with any hope that I will be able to exercise any influence on this question to defeat the proposition, but more for the purpose of putting upon record my earnest protest against the adoption of the amendment reported from the Committee of the Whole. I have heard no suggestion from gentlemen who support it which to my mind is at all satisfactory or sufficient to recommend it to my favor. If you concede that members of Congress after the 4th of March have public duties to perform, you must also concede that they are paid by the people for their performance. If to my mind there was no other objection to the amendment I should feel constrained to oppose it because of the manner in which it comes before us.

I respectfully submit to the House that we are called upon here to do something which I understand to be in plain, palpable, and flagrant violation of the rules of the House. Here we are a body of lawmakers, with a system of rules for our government as binding upon us as if they were written upon the statutes of the country, and yet we are asked to trample upon those rules, and for what purpose? However gentlemen may disguise the fact, whatever methods of reasoning they may pursue, it is for the purpose of paying money for our own benefit. Gentlemen say not a dollar will go into their pockets. Undoubtedly that may be so; but the money is being used to employ somebody else to perform a service for the performance of which they are already paid by the people of this country.

Now, I submit to the House whether or not it is becoming in us, whether or not it is worthy of members of this Congress, in the face of its own rules to adopt this amendment. I have not yet heard of the denial of the fact that it was a violation of the rules, and I understand that has been practically conceded.

[Here the hammer fell.]

Mr. BARTLETT. I yield three minutes to the gentleman from Louisiana [Mr. ROBERTSON].

Mr. ROBERTSON of Louisiana. Mr. Speaker, I have been a

member of this House since the Fiftieth Congress, and I have passed through many just such scenes and outbursts of sentiment from gentlemen on this side of the House and on the other side as this whenever any question comes up here which may affect the interests of any constituency of a member where that interest may be considered personal to the member. I want to say that there is not now, nor has there been in the House, ten men within the last ten or twenty years who have performed all of the duties incumbent upon a member of Congress—I mean the entire duties with reference to the Department work, the distribution of seeds, sending out documents, and attending to the thousand and one things which are merely mechanical in their nature, but which form an important part of the duties of a member of this body.

I want to say, Mr. Chairman, that I stood upon this floor and voted to pay to the members of this House the loss which occurred to the members through the defalcation of a former Sergeant-at-Arms. I saw pass between the tellers in Committee of the Whole a large majority in favor of that measure. When the time came to call the roll there were a number of members who had passed between the tellers who, when their names were called, did not have the moral courage to stand up to their convictions and record their votes.

Now, Mr. Chairman, I want to say that when the proposition was made for clerks to members that same thing happened, and I want to say that the second proposition, made just as this is, on the eve of the adjournment of a Congress, passed, and I want to say of those who cast their votes against the proposition and denounced it as being wrong, that they were the first men to appoint clerks and to certify to the necessity of their employment. I want to say that the very same gentlemen who made the outcry against the payment of money for the defalcation of Silcott, everyone of them, with the exception, I believe, of the chairman of the Committee on Appropriations, accepted the money after it had been appropriated.

Mr. BLAND. You might include me also as one who did not accept the money.

Mr. McRAE. The gentleman should also include me.

Mr. ROBERTSON of Louisiana. These gentlemen, then, are noble and distinguished exceptions. [Laughter.]

Mr. DOCKERY. I did not accept the money.

Mr. ROBERTSON of Louisiana. I want to say that if every man has the courage of his convictions, and if every man who voted for this proposition by passing between the tellers will cast his vote as he voted then, that this proposition will carry by an overwhelming majority.

Mr. BARTLETT. I yield one minute to the gentleman from Maine [Mr. MILLIKEN].

Mr. MILLIKEN. Mr. Speaker, I have simply to say that I have stood for twelve years in this House, and have seen from time to time this same question under consideration. I have seen the House by a rising vote decide 2 to 1 in favor of clerks, and then when my friend from Indiana [Mr. HOLMAN] or some one else called for the yeas and nays, I have seen a vote of 2 to 1 the other way. In Committee of the Whole the other day this House voted 2 to 1 for annual clerks. The question is whether you have the honest courage and integrity to stand by your convictions or whether you will be stampeded by this scarecrow of what somebody in your district will do.

Mr. DOCKERY. I yield to the gentleman from New York [Mr. HAINES] one minute.

Mr. HAINES. Mr. Speaker, I am in favor of giving clerks \$100 a month for twelve months each year, commencing on the 4th day of next December. I desired in Committee of the Whole to have an amendment to this amendment, but was refused any consideration and was told that I must take this or nothing, and I have concluded that I would favor this amendment rather than have it defeated. Still I am opposed to the amendment as a whole. I do think that the members of the Fifty-third Congress who have been reelected to the Fifty-fourth Congress should have from the 4th of March clerks at \$100 a month continuously, but I do not think it is necessary for the new members of the Fifty-fourth Congress, who are not members of this Congress to have clerks from the 4th of March, when they have no work for them to do, when we who go out will have six months' work without clerks in sending out seeds, books, etc. I do not think it is fair—

[Here the hammer fell.]

Mr. BARTLETT. Mr. Speaker, I should like the attention of the House for two or three minutes, as I am now called upon to close the debate on our side.

I wish to say a word or two in answer to the gentleman from Missouri [Mr. DE ARMOND], who has attacked our side so vigorously, and who imagines he is a parliamentarian more able than the Speaker of this House or than the distinguished Chairman of the Committee of the Whole; who imagines that he is a parliamentarian greater than the able gentleman from Texas who gave us his views on the point of order when it was raised, and who also imagines that he alone holds the monopoly of honesty in this

House, he who says that we come here as vultures to prey upon a carcass. I for one do not propose to allow any man in this House to say that I am a vulture. [Laughter.] Nor do I propose to have it said that any of the gentlemen who support the amendment offered by me are birds of prey.

I say that the gentleman is mistaken. He is no eagle. He is rather the raven, that croaks continually, "Nevermore," or the daw that picks at the sleeves of honest men, of those members who favor this amendment.

Now, gentlemen, I can tell you for one that this amendment makes no personal difference to me. I have an office in New York, run at a loss and sacrifice. I have abandoned a practice of \$25,000 a year to come here. [Great laughter.] And, gentlemen, I am glad and proud to have done so, for I feel that I may be of some possible service to my constituents; but if these gentlemen imagine—

The SPEAKER. The time of the gentleman has expired.

Mr. BARTLETT. I ask for another moment. If these gentlemen imagine that their little village communities represent the people and that their communities alone represent the masses, I tell them that we represent the people just as much as they do, and our constituents believe in us and in our honesty.

Mr. DOCKERY. I yield one minute to the gentleman from New York.

Mr. LOCKWOOD. Mr. Speaker, this proposition is a very simple one. We have heard upon this floor all this session and nearly all of last session that the Treasury of the United States was "hard up." We have refused public buildings where they were necessary. We have refused improvements because the Treasury was in an embarrassed condition; but to-day we come here and demand that the country take \$300,000 or more from the Treasury to pay for clerks when Congress is not in session, and when gentlemen elected to the next Congress have nothing to do for the money which they received but to write five or ten letters a day with respect to public business, which is the only work they can do. [Applause.]

Mr. DOCKERY. I now yield four minutes to the gentleman from Texas.

Mr. SAYERS. Mr. Speaker, if I can get the attention of the House I desire to say—

Mr. HUNTER. Yield one minute to me.

Mr. SAYERS. Mr. Speaker, when I shall have spoken three minutes I wish the Chair to let me know. I desire to yield one minute to the gentleman from Illinois.

Mr. Speaker, I will address myself particularly to this side of the House. The majority will be held responsible for such legislation as may be enacted. Others will be the beneficiaries of this measure if it shall become law, but the Democrats of the House will be held responsible before the bar of public opinion for this appropriation. Now, what is the appropriation? Three hundred and fifty-five thousand dollars in order to pay for the services of clerks to ourselves when we are engaged in our private business affairs. I have been in Congress now nearly ten years, and I know something about what a Congressman does during vacation. I know that no man can rise in his seat and say that the necessities of the public service during the vacation are such as to require the employment of a clerk at \$100 per month to assist him in the performance of his official duties.

Mr. BINGHAM. Will the gentleman allow an inquiry?

Mr. PICKLER. How many clerks has the Committee on Appropriations. Three?

Mr. SAYERS. Two less than has the Committee on Invalid Pensions, of which the gentleman is a member; besides, I will say to my friend that I do not use any of the clerks of the committee during vacation.

Mr. BINGHAM. Will the gentleman now allow an inquiry?

Mr. SAYERS. I will be at home, and they will be here in Washington city attending to the business of the committee.

Mr. PICKLER. You have three; we have none.

Mr. SAYERS. Any of the members of the committee may use its clerks, and there is no member of the committee but what uses them as much as I.

Mr. BINGHAM. Will the gentleman allow me an inquiry?

Mr. SAYERS. I desire to talk to the Democrats of the House, my friend. [Laughter.]

The SPEAKER. The time of the gentleman has expired. [Laughter.]

Mr. SAYERS. Then I will take another minute. I have a minute more, Mr. Speaker.

Now, gentlemen, I will give you a parting warning. You may swell the appropriations of this Congress by such expenditures as this, but when the sum total of appropriations shall be announced to you no one of you who shall have voted for this measure will rise and say: "Mr. Speaker, I contributed to it to the amount of \$350,000 for my own personal convenience."

Mr. BINGHAM. Now will the gentleman allow an inquiry?

Mr. SAYERS. My friend will excuse me; I am talking to the Democrats.

Mr. COX. Will you yield to me?

Mr. SAYERS. No. Now you have clerks during the session of Congress.

Mr. COX. I am on your side.

Mr. SAYERS. And from the 4th day of March until the 1st day of December next there is not one Representative in twenty on this side of the House who will have anything to do except to attend to his own private business. Why, then, vote for this appropriation? Is it necessary, is it right to do so? I think not.

Mr. DOCKERY. In the one minute remaining I only desire to say that this Congress has unwisely materially enlarged and extended the franking privilege, and in my judgment this House can not afford to grant any further gratuities and benefits to the membership of this body or to those who shall come after us. I demand the previous question on the bill and amendments to its passage.

The SPEAKER. The gentleman from Missouri demands the previous question on the bill and amendments to its passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any of the amendments?

Mr. DOCKERY. I ask for a separate vote on the amendment with respect to clerks to members.

The SPEAKER. Is any other separate vote demanded? If not, the vote will be taken on them in gross.

No other separate vote was demanded.

The SPEAKER. Without objection, then, the amendments will be agreed to, except the amendment which the clerk will now report.

There was no objection.

The Clerk read as follows:

On page 18 strike out all after the word "Representatives," in line 2, down to and including the word "necessary," in line 9, and insert: "For annual clerks to Members who are not chairmen of committees, and to Delegates from Territories, at \$1,200 each, from and after March 4, 1895."

Mr. DOCKERY. Mr. Speaker, I demand the yeas and nays on that amendment.

The yeas and nays were ordered; and the Speaker appointed to act as tellers at the desk Mr. BARTLETT and Mr. TAYLOR of Indiana.

The question was taken; and there were—yeas 98, nays 142, answered "present" 4, not voting 105; as follows:

## YEAS—98.

Adams, Pa.	Doolittle,	Kribbs,	Reed,
Aldrich,	Draper,	Lacey,	Reyburn,
Apsey,	Everett,	Layton,	Robertson, La.
Avery,	Gillet, N. Y.	Lefever,	Rusk,
Babcock,	Gillett, Mass.	Linton,	Russell, Conn.
Baker, N. H.	Griffin, Mich.	Livingston,	Settle,
Bartholdt,	Grout,	Loud,	Smith,
Bartlett,	Grow,	Mahon,	Stephenson,
Bingham,	Hager,	Marsh,	Stone, C. W.
Boatner,	Hainer, Nebr.	Marvin, N. Y.	Stone, W. A.
Bowers, Cal.	Haines,	McAleer,	Storer,
Bromwell,	Harmer,	Meiklejohn,	Strong,
Bundy,	Hartman,	Mercer,	Tawney,
Cadmus,	Hayes,	Meredith,	Thomas,
Cannon, Ill.	Heiner, Pa.	Meyer,	Thurpin,
Chickering,	Henderson, Ill.	Milliken,	Van Voorhis, N. Y.
Cobb, Mo.	Henderson, Iowa	Newlands,	Van Voorhis, Ohio
Cockrell,	Hepburn,	Northway,	Walker,
Coffin, Md.	Hooker, N. Y.	Payne,	Wanger,
Cooper, Fla.	Hopkins, Ill.	Perkins,	Wheeler, Ill.
Crain,	Hopkins, Pa.	Phillips,	Wilson, Wash.
Curtis, Kans.	Hulick,	Pickler,	Woomer,
Curtis, N. Y.	Hull,	Pigott,	Wright,
Davey,	Johnson, N. Dak.	Powers,	
Dolliver,	Kiefer,	Ray,	

## NAYS—142.

Alexander,	Cannon, Cal.	Geary,	Lockwood,
Arnold,	Capehart,	Geissenhainer,	Lucas,
Bailey,	Caruth,	Goodnight,	Lynch,
Baker, Kans.	Catchings,	Gorman,	Maddox,
Baldwin,	Clancy,	Grady,	Maguire,
Bankhead,	Clarke, Mo.	Gresham,	Mallory,
Barnes,	Clarke, Ala.	Hall, Mo.	Martin, Ind.
Barwig,	Cobb, Ala.	Hammond,	McCreary, Ky.
Beckner,	Cockran,	Heard,	McDearmon,
Bell, Colo.	Coffeen, Wyo.	Henderson, N. C.	McEtrick,
Bell, Tex.	Cornish,	Henry,	McKaig,
Berry,	Cox,	Hitt,	McMillin,
Black,	Crawford,	Hocker, Miss.	McNagney,
Bland,	Daniels,	Hudson,	McRae,
Bloch,	Davis,	Hunter,	Mooney,
Bower, N. C.	De Armond,	Hutcheson,	Montgomery,
Branch,	De Forest,	Irlit,	Morgan,
Breckinridge,	Dinsmore,	Islet,	Moses,
Bretz,	Dockery,	Kem,	Mutchor,
Brickner,	Donovan,	Kilgore,	Neill,
Brookshire,	Edmunds,	Kyle,	Ogden,
Brosius,	Ellis, Ky.	Lane,	O'Neill, Mo.
Brown,	English, Cal.	Lapham,	Outwaite,
Bryan,	Epes,	Latimer,	Page,
Bunn,	Erdman,	Lawson,	Pearson,
Bynum,	Forman,	Lester,	Pence,
Caminetti,	Fyan,	Little,	Pendleton, Tex.



Reilly,	Snodgrass,	Talbott, Md.	Warner,
Richards,	Sperry,	Tate,	Weadock,
Ritchie,	Stallings,	Taylor, Ind.	Whiting,
Robbins,	Stevens,	Terry,	Williams, Ill.
Ryan,	Stockdale,	Tucker,	Williams, Miss.
Sayers,	Stone, Ky.	Turner, Ga.	Wise,
Scranton,	Strait,	Turner, Va.	Wolverton.
Shell,	Swanson,	Tyler,	
Simpson,	Talbert, S. C.	Wadsworth,	

## ANSWERED "PRESENT"—4.

Cooper, Wis.	Griffin, Wis.	Haugen,	Tracey.
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## NOT VOTING—105.

Abbott,	Dunphy,	Johnson, Ohio	Robinson, Pa.
Adams, Ky.	Durbin,	Jones,	Russell, Ga.
Aitken,	Ellis, Oreg.	Loudenslager,	Schermerhorn,
Alderson,	English, N. J.	Magner,	Sherman,
Allen,	Enloe,	Marshall,	Sibley,
Belden,	Fielder,	McCall,	Sickles,
Belthoover,	Fithian,	McCleary, Minn.	Sipe,
Blair,	Fletcher,	McCulloch,	Somers,
Boutelle,	Funk,	McDannold,	Sorg,
Broderick,	Gardner,	McDowell,	Springer,
Burnes,	Gear,	McGann,	Straus,
Cabanes,	Goldzier,	McKeighan,	Sweet,
Campbell,	Graham,	McLaurin,	Tarsney,
Causey,	Grosvonor,	Moon,	Taylor, Tenn.
Childs,	Hall, Minn.	Moore,	Updegraff,
Cogswell,	Hare,	Morse,	Washington,
Conn,	Harris,	Murray,	Wagh,
Coombs,	Harrison,	O'Neil, Mass.	Wells,
Cooper, Ind.	Harter,	Paschal,	Wever,
Cooper, Tex.	Hatch,	Patterson,	Wheeler, Ala.
Cousins,	Hendrix,	Pendleton, W. Va.	White,
Covert,	Hermann,	Price,	Wilson, Ohio
Culberson,	Hicks,	Quigg,	Wilson, W. Va.
Dalzell,	Hines,	Randall,	Woodard.
Denson,	Holman,	Rayner,	
Dingley,	Houk,	Richardson, Mich.	
Dunn,	Johnson, Ind.	Richardson, Tenn.	

Mr. COBB of Alabama. Mr. Speaker, I ask unanimous consent that my colleague, Mr. HARRISON, be excused, on account of sickness.

There was no objection, and it was so ordered.

Mr. TAYLOR of Indiana. Mr. Speaker, I ask that my colleague, Mr. HOLMAN, be excused on account of illness in his family. If present he would vote "no."

Mr. SAYERS. Mr. Speaker, I ask unanimous consent that my colleague, Mr. PASCHAL, be excused, on account of sickness.

There was no objection, and it was so ordered.

Mr. BARWIG. Mr. Speaker, I ask that my colleague, Mr. WELLS, be excused, on account of sickness in his family.

There was no objection, and it was so ordered.

Mr. ELLIS of Oregon. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall during the roll call and did he fail to hear his name called?

Mr. ELLIS of Oregon. I came in during the call, but I did not observe what portion of the roll was being called at the time.

The SPEAKER. Unless the gentleman can state that he was in the Hall and failed to hear his name called the Chair can not entertain his request.

Mr. ELLIS of Oregon. I think I was, but I am not certain. If permitted to vote I would vote in the negative.

Mr. COCKRAN. Mr. Speaker, has the gentleman from Maine, Mr. DINGLEY, voted?

The SPEAKER. He has not.

Mr. COCKRAN. Then I desire to withdraw my vote, as I am paired with him.

The SPEAKER. The gentleman from Maine, Mr. DINGLEY, is paired with the gentleman from Tennessee, Mr. RICHARDSON.

Mr. COCKRAN. Then my vote stands.

Mr. MOORE. Mr. Speaker, I am paired with the gentleman from Virginia [Mr. TURNER]. If he were present I would vote "no."

Mr. O'NEIL of Massachusetts. Mr. Speaker, I voted in the negative, but I desire to withdraw my vote, as I am paired with my colleague, General COGSWELL.

Mr. JONES. Mr. Speaker, I voted in the negative, but, being paired with the gentleman from Massachusetts [Mr. MCCALL], I withdraw my vote.

The following-named members were announced as paired: Until further notice:

Mr. RICHARDSON of Tennessee with Mr. DINGLEY.

Mr. CAUSEY with Mr. HICKS.

Mr. ABBOTT with Mr. WEVER.

Mr. JONES with Mr. MCCALL.

Mr. O'NEIL of Massachusetts with Mr. COGSWELL.

Mr. ALLEN with Mr. JOHNSON of Indiana.

The following for this day:

Mr. WOODARD with Mr. BELDEN.

Mr. MCCULLOCH with Mr. HERMANN.

Mr. PASCHAL with Mr. RANDALL.

Mr. HARRISON with Mr. GEAR.

Mr. ENGLISH of New Jersey with Mr. FUNK.

Mr. SOMERS with Mr. SWEET.

Mr. SORG with Mr. MORSE.

Mr. COVERT with Mr. HOUK.

Mr. ALDERSON with Mr. BOUTELLE.

Mr. WILSON of West Virginia with Mr. DALZELL.

Mr. COOMBS with Mr. COUSINS.

Mr. HARE with Mr. ROBINSON of Pennsylvania.

The following on this question:

Mr. UPDEGRAFF with Mr. SHERMAN.

Mr. ENLOE with Mr. TAYLOR of Tennessee.

Mr. COOPER of Wisconsin with Mr. MOON.

Mr. TURNER of Virginia with Mr. MOORE.

Mr. BURNES with Mr. AITKEN.

Mr. DENSON with Mr. GRAHAM.

Mr. WELLS with Mr. GRIFFIN of Wisconsin.

Mr. HATCH with Mr. GROSVENOR.

Mr. FLETCHER with Mr. HALL of Minnesota.

Mr. TRACEY with Mr. SCHERMERHORN.

Mr. HAUGEN. Mr. Speaker, I did not hear my name in the list of pairs, but I am paired with the gentleman from Massachusetts, Mr. MORSE. If he were present I would vote against the amendment.

The SPEAKER. Upon this question the yeas are 98, the nays are 142, and 4 have answered "present." The nays have it, and the amendment is not agreed to; so that the text stands as in the original bill. [Loud applause.]

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. DOCKERY, a motion to reconsider the vote by which the bill was passed was laid on the table.

## MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and a joint resolution of the following titles:

On February 8, 1895:

An act (H. R. 3560) granting a pension to Martha A. Geer;

An act (H. R. 6946) granting a pension to Sarah M. Brown;

An act (H. R. 5994) granting a pension to Rosanna Cobb, widow of Edmond Cobb, deceased, late of Sac and Fox war;

An act (H. R. 5843) granting a pension to Mary Finnerty;

An act (H. R. 5111) for the relief of John J. Patman;

An act (H. R. 7422) for the relief of Harriet Clayton;

An act (H. R. 5194) to pension G. O. Greiner, of Texas;

An act (H. R. 6531) to pension Nancy Gabriella Anderson;

An act (H. R. 5322) granting an increase of pension to Mrs. Margaret Smith;

An act (H. R. 4850) to increase the pension of Marcus D. Box;

An act (H. R. 5802) to increase the pension of Pickens T. Reynolds, of Hall County, Ga.;

An act (H. R. 3291) to amend section 22 of an act to regulate commerce, as amended March 2, 1889;

An act (H. R. 8277) authorizing the board of commissioners of the Soldiers' Home, in the District of Columbia, to sell certain property known as the "Asylum lot" on Pascagoula Bay, Mississippi;

An act (H. R. 7811) authorizing the El Reno Bridge Company to construct a bridge across the South Canadian River between Blaine County, Okla., and the Wichita Indian Reservation; and

Joint resolution (H. Res. 92) to print extra copies of the decisions of Interior Department relating to public lands and pensions.

On February 8, 1895:

An act (H. R. 8635) to regulate navigation on the Great Lakes and their connecting and tributary waters.

On February 11, 1895:

An act (H. R. 8253) to establish a national military park at Gettysburg, Pa.

On February 12, 1895:

An act (H. R. 7468) for the relief of William T. Holman.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8563) to adopt special rules for the navigation of harbors, rivers, and inland waters of the United States, supplementary to the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

The message also announced that the Senate had passed with amendments the bill (H. R. 3476) to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho, asked a conference with the House on the bill and amendments, and had appointed Mr. BERRY, Mr. POWER, and Mr. DUBOIS as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment joint resolution (H. Res. 140) to confirm the enlargement of the Red Cliff Indian Reservation, in the State of Wisconsin, made in 1863, and for the allotment of the same.

#### REPORTS OF COMMITTEES.

The following reports of committees were handed in at the Clerk's desk, referred to their appropriate Calendars, and otherwise disposed of as indicated below:

#### SETTLEMENT AND ADJUSTMENT OF CLAIMS.

Mr. STONE of Kentucky, from the Committee on War Claims, reported back favorably the bill (H. R. 2003) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### REGULATION OF STEAM VESSELS.

Mr. MALLORY, from the Committee on Interstate and Foreign Commerce, reported back favorably with an amendment the bill (S. 497) to amend "An act to amend section 4400 of Title LII of the Revised Statutes of the United States concerning the regulation of steam vessels," approved August 7, 1882; and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels;" which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### MOUNT VERNON BARRACKS MILITARY RESERVATION, STATE OF ALABAMA.

Mr. GORMAN, from the Committee on Military Affairs, reported back favorably the bill (H. R. 8680) granting the Mount Vernon Barracks Military Reservation to the State of Alabama for public uses; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### EXTENSION OF TIME FOR FILING CERTAIN CLAIMS.

Mr. MAHON, from the Committee on War Claims, reported back favorably the bill (H. R. 8804) to extend the time for filing certain claims for compensation for horses and other property lost in the military service of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 8244) to remove the charge of desertion from the military record of Jacob Eckert;

A bill (H. R. 6792) to disapprove the treaty heretofore made with the Southern Ute Indians to be removed to the Territory of Utah, and providing for settling them down in severalty where they may so elect and are qualified, and to settle all those not electing to take lands in severalty on the west 40 miles of present reservation and in portions of New Mexico, and for other purposes, and to carry out the provisions of the treaty with said Indians June 15, 1880; and

A bill (H. R. 7020) to readjust the salaries and allowances of the postmasters at Guthrie, Oklahoma City, and Kingfisher, in Oklahoma Territory.

#### LEAVE OF ABSENCE.

By unanimous consent, Mr. SCRANTON obtained leave of absence for one week, on account of sickness in his family.

#### LEAVE TO WITHDRAW PAPERS.

Mr. MCGANN, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of John George Ryan in the Fifty-second Congress, no adverse report having been made thereon.

#### CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK.

The SPEAKER announced the appointment of the following-named members of the House on the joint special commission to prepare and report plans for the participation of Congress in the dedication of Chickamauga and Chattanooga National Military Park:

Mr. KILGORE, Mr. MORGAN, Mr. WHEELER of Alabama, Mr. COX, Mr. MADDOX, Mr. GROSVENOR, Mr. KIEFER, Mr. STRONG, Mr. AVERY.

The House then, on motion of Mr. DOCKERY (at 4 o'clock and 35 minutes p. m.), adjourned.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HOUK, from the Committee on War Claims: A bill (H. R. 1598) for the relief of William M. Henry. (Report No. 1800.)  
By Mr. MAHON, from the same committee: A bill (H. R. 8849) for the relief of Sidney R. Smith & Co. (Report No. 1801.)

Also, from the same committee: A bill (H. R. 3140) to provide for the settlement of claims of officers and crews of the Navy to certain moiety, and conferring jurisdiction on the Court of Claims to hear and determine the same. (Report No. 1802.)

Also, from the same committee: A bill (H. R. 7922) for the relief of J. Stephen Wilcoxon. (Report No. 1817.)

Also, from the same committee: A bill (H. R. 2725) for the relief of Charles H. Adams. (Report No. 1818.)

By Mr. STONE of Kentucky, from the same committee: A bill (H. R. 1002) for the relief of the legal representative of Maj. William Kendall. (Report No. 1803.)

Also, from the same committee: A bill (H. R. 6731) for the relief of William T. Trammell. (Report No. 1804.)

Also, from the same committee: A bill (H. R. 6544) for the relief of M. C. Vinton, administrator of the estate of Samuel S. Vinton, deceased. (Report No. 1806.)

By Mr. RICHARDS, from the Committee on Claims: A bill (H. R. 4482) for the relief of William C. Watts, of Boone County, Ky. (Report No. 1805.)

By Mr. WILSON of Ohio, from the Committee on War Claims: A bill (H. R. 1314) for the relief of Mathew S. Priest, with amendment of the Senate thereto. (Report No. 1807.)

By Mr. LOUD, from the Committee on Claims: A bill (S. 429) for the relief of George H. Plant, of the District of Columbia. (Report No. 1808.)

By Mr. BUNN, from the same committee: A bill (S. 113) for the relief of Peter Grant Stewart, of Oregon. (Report No. 1809.)

By Mr. MCRAE, from the Committee on the Public Lands: A bill (H. R. 8858) for the relief of Thomas Rosbrugh. (Report No. 1814.)

By Mr. MEYER, from the Committee on Naval Affairs: A bill (H. R. 5877) for the relief of Michael Gaul. (Report No. 1815.)

By Mr. CAMPBELL, from the Committee on Claims: A bill (S. 906) to compensate Elihu Root for services rendered by direction of the Attorney-General. (Report No. 1816.)

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 8189) for the relief of Maj. Charles A. Woodruff; and the same was referred to the Committee on Claims.

#### PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PATTERSON: A bill (H. R. 8850) to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of the Pacific railroads—to the Committee on the Pacific Railroads.

By Mr. GRIFFIN of Michigan: A bill (H. R. 8851) providing an additional circuit judge in the sixth judicial district—to the Committee on the Judiciary.

By Mr. BELL of Colorado: A bill (H. R. 8852) to provide for the securing to the State of Colorado full title to all mineral lands, etc.—to the Committee on the Public Lands.

By Mr. WHITING (by request): A bill (H. R. 8853) to provide for the transfer of passengers upon the street railways of the District of Columbia—to the Committee on the District of Columbia.

By Mr. HOOKER of New York: A bill (H. R. 8854) authorizing a special election to be held by the citizens of the District of Columbia to determine whether the present municipal government shall continue or whether there shall be established in its place a representative form of government—to the Committee on the District of Columbia.



By Mr. COBB of Missouri (by request): A bill (H. R. 8855) to authorize the Secretary of the Treasury to issue bonds to maintain a sufficient gold reserve and to redeem and retire United States notes, and for other purposes—to the Committee on Ways and Means.

By Mr. WHEELER of Alabama: A bill (H. R. 8856) to locate a branch of the national prison at Florence, Ala.—to the Committee on the Judiciary.

By Mr. LITTLE: A bill (H. R. 8857) to amend section 2324 of the Revised Statutes of the United States—to the Committee on Mines and Mining.

By Mr. HUNTER: A joint resolution of the State of Illinois, asking the passage of the bill for the relief of Gen. John A. McClelland—to the Committee on Invalid Pensions.

By Mr. COOPER of Florida: A concurrent resolution, requesting suspension of opening to entry of certain lands in Columbia County, Fla.—to the Committee on the Public Lands.

By Mr. McCLEARY of Minnesota: A joint memorial of the legislature of Minnesota, against the passage of the pooling bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BOUTELLE: A joint memorial of the legislature of the State of Maine, in favor of repairing the United States frigate *Constitution*—to the Committee on Naval Affairs.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 8858) for the relief of William H. Dyer—to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 8859) for the relief of Fred Kormann—to the Committee on the Public Lands.

By Mr. HENDERSON of Illinois: A bill (H. R. 8860) to remove the charge of desertion from the military record of Patrick Cassidy—to the Committee on Military Affairs.

By Mr. RICHARDSON of Tennessee: A bill (H. R. 8861) for the relief of Dobson Johnson, of Dekalb County, Tenn.—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 8862) to grant a pension to Mary E. Hamill—to the Committee on Invalid Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 8863) to increase the pensions of soldiers of the Florida war—to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AITKEN: Petition of S. Champion and 11 others, in favor of bills to protect seamen against oppressive treatment—to the Committee on Merchant Marine and Fisheries.

By Mr. ALDRICH: Resolutions of the Chicago Jewelers' Association and others, of Chicago, Ill., praying for the enactment of legislation on the lines suggested in the President's message of January 28 last—to the Committee on Banking and Currency.

Also, petition of 5 express companies, 23 banks, and over 70 railroads and leading merchants of Chicago, asking for legislation which will afford some safeguard against train wrecks and train robberies—to the Committee on Interstate and Foreign Commerce.

By Mr. BELTZHOVER: Petition of members of the English Parliament in favor of international arbitration—to the Committee on the Judiciary.

Also, resolution of the Wholesale National Druggists' Association of Philadelphia, on the subject of free alcohol—to the Committee on Ways and Means.

Also, resolution of the State board of agriculture of Pennsylvania, in favor of dairy tests—to the Committee on Agriculture.

By Mr. BRANCH: Petition of Leah Ward, widow of William Ward, deceased, late of Carteret County, N. C., praying compensation for supplies furnished the United States during the late war—to the Committee on War Claims.

By Mr. BRICKNER: Petition of the Municipal Reform League of Milwaukee, Wis., praying for the enactment into law of a bill introduced by Senator Lodge, to provide for the reorganization of the consular and diplomatic service of the United States—to the Committee on Foreign Affairs.

Also, petition signed by 34 of the Naval Veterans' Association at the National Home at Milwaukee, Wis., praying for the retirement of enlisted men in the United States Army, Navy, or Marine Corps after thirty years' continuous service on 75 per cent pay and allowance of their respective ranks—to the Committee on Merchant Marine and Fisheries.

By Mr. BYNUM: Petition for the passage of House resolution

(Mr. COOMBS's) of January 19, 1895, for the ratification of a permanent treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. COX: Petition of a number of citizens of Wayne County, Tenn., asking for the passage of Senate bill No. 2561—to the Committee on the Territories.

By Mr. DINSMORE: Petition of H. C. Hart and 45 other citizens of Carroll County, Ark., asking for legislation prohibiting the issue of interest-bearing bonds, to abolish national banks, and for the free coinage of silver at the ratio of 16 to 1—to the Committee on Banking and Currency.

By Mr. HAINER of Nebraska: Petition of Henry Keller and 23 others, of Western, Saline County, Nebr., praying for a compensating bounty on sugar crop produced in the year 1894—to the Committee on Appropriations.

By Mr. HAUGEN: Resolution of the Wisconsin State board of health, in favor of the passage of House bill 8481, to preserve the public health—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Municipal Reform League of Milwaukee, Wis., in favor of placing the consular service under the civil-service law—to the Committee on Foreign Affairs.

By Mr. HEARD: Petition for the passage of House resolution of January 19, 1895, for the ratification of a permanent treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. HENDERSON of Illinois: Petition for an act of Congress to remove charge of desertion from Patrick Cassidy, of Amboy, Ill.—to the Committee on Military Affairs.

Also, petition of the Bureau County Liquor Dealers' Association, protesting against increasing taxes upon beer and malt liquor—to the Committee on Ways and Means.

By Mr. HUNTER: Petition of sundry citizens against certain orders of the Superintendent of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. KIEFER: Petition of Edward B. Lott, secretary of local union No. 17, Bookbinders' Union, St. Paul, Minn., favoring a restoration of wages of the employees in Government bindery to \$4 per day—to the Committee on Printing.

Also, resolution by the Chamber of Commerce of the city of St. Paul, Minn., favoring the President's financial policy—to the Committee on Banking and Currency.

By Mr. KRIBBS: Resolutions adopted by 105 citizens of Johnsbury, 46 of West Freedom, and 40 of New Bethlehem, Pa., against appropriating public money to any sectarian institutions—to the Committee on the Judiciary.

Also, resolution adopted at a meeting of 105 citizens of Johnsbury, 46 of West Freedom, and 40 of New Bethlehem, Pa., against granting the franchise to aliens—to the Committee on the Judiciary.

By Mr. LAPHAM: Petition for the passage of House resolution of January 19, 1895, for the ratification of a permanent treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. LITTLE: Memorial of the Cherokee Indian Citizenship Association, in favor of a Territorial or State government—to the Committee on the Territories.

By Mr. SPRINGER: Resolutions of the Horticultural Society of Chicago, in favor of the recommendations of Secretary Morton, and against the present method of distributing seeds—to the Committee on Agriculture.

By Mr. REYBURN: Resolutions of 185 citizens of Philadelphia, against granting the right of franchise to aliens—to the Committee on the Judiciary.

Also, resolutions of 185 citizens of Philadelphia, against appropriating public money to any sectarian institution—to the Committee on Appropriations.

By Mr. WASHINGTON: Petitions of George W. Twidwell, Anthony S. Abbay, and William S. Gray, of Davidson County; Ellsworth P. Scales and Edward Scruggs, of Williamson County; Allie A. Trice, of Montgomery County; Tetty Buchanan, of Rutherford County, and Abraham Toller, of Maury County, all of Tennessee, asking that their claims be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WOOME: Resolutions adopted at a meeting of 189 citizens of Harrisburg, and 80 of Lebanon, Pa., against granting the franchise to aliens—to the Committee on the Judiciary.

Also, resolutions adopted at a meeting of 224 citizens of Middletown, Pa., against appropriation of public money for sectarian institutions—to the Committee on the Judiciary.

By Mr. VAN VOORHIS of Ohio: Resolutions passed at a meeting of 50 citizens of Zanesville, Ohio, favoring an amendment to the Constitution to prevent the granting of the right of franchise to persons not citizens of the United States—to the Committee on the Judiciary.

## SENATE.

WEDNESDAY, February 13, 1895.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.  
The Journal of yesterday's proceedings was read and approved.

## EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, in response to a resolution of the 22d ultimo, calling for the number of pension claims sent to the board of final review since the beginning of the present fiscal year, the number of claims admitted, the number rejected, and the number acted upon, which have been before that board for a period of at least three months, transmitting a letter from the Commissioner of Pensions containing the information desired; which, with the accompanying papers, was referred to the Committee on Pensions, and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 3476) to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. McRAE, Mr. CAMINETTI, and Mr. ELLIS of Oregon, managers at the conference on the part of the House.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 5224) for the relief of James Stewart;

A bill (H. R. 8401) for the relief of Elizabeth J. Cook of Arkadelphia, Clark County, Ark., widow of Robert T. Cook;

A bill (H. R. 8614) to authorize the Secretary of the Navy to certify to the Secretary of the Interior, for restoration to the public domain, lands in the States of Alabama and Mississippi not needed for naval purposes; and

A bill (H. R. 8767) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes.

The message further announced that the Speaker of the House had appointed Mr. KILGORE, Mr. MORGAN, Mr. WHEELER of Alabama, Mr. COX, Mr. MADDOX, Mr. GROSVENOR, Mr. KIEFER, Mr. STRONG, and Mr. AVERY as members on the part of the House of the joint special committee to prepare and report a plan for the proper participation of Congress in the dedication of the Chickamauga and Chattanooga National Military Park on September 19, 1895.

## PETITIONS AND MEMORIALS.

Mr. QUAY presented petitions of 40 citizens of Eden, of 140 citizens of Lebanon, of 286 citizens of York, of 277 citizens of Germantown, of 40 citizens of Creekside, of 86 citizens of Shanksville, of 130 citizens of Orwigsburg, of 40 citizens of Mahoningtown, of 135 citizens of Luzerne, of 75 citizens of Harrisburg, of 300 citizens of Irwin, of 40 citizens of Geneva, of 240 citizens of Verona, of 145 citizens of Pennsylvania, of 40 citizens of New Hamburg, of sundry citizens of Chambersburg, of 170 citizens of East Prospect, of 164 citizens of Lancaster, of 45 citizens of Philadelphia, of 40 citizens of Kingwood, of 63 citizens of Mount Joy, of 360 citizens of Freeland, and of 79 citizens of Philadelphia, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

He also presented petitions of 130 citizens of Orwigsburg, of 80 citizens of Lebanon, of 140 citizens of Shanksville, of 40 citizens of Eden, of 286 citizens of York, of 110 citizens of Windoon, of 145 citizens of Luzerne, of 40 citizens of Geneva, of 40 citizens of New Hamburg, of 108 citizens of Manorville, of 360 citizens of Freeland, of sundry citizens of Chambersburg, and of 124 citizens of Philadelphia, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

Mr. ALLEN presented a petition of 267 citizens of Shelby County, Ala., praying for a republican form of government in that State; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the American Association of the Red Cross, praying for the enactment of legislation to protect the insignia and the name of the Red Cross; which was referred to the Committee on Foreign Relations.

Mr. SHERMAN presented a petition of Local Assembly, No. 609, Knights of Labor, of Coshocton, Ohio, and a petition of Iron Molders' Union, No. 94, of Piqua, Ohio, praying for the passage of

House bill No. 5603, to ameliorate the condition of American seamen; which were ordered to lie on the table.

Mr. BUTLER presented a petition of sundry citizens of Aiken County, S. C., alleging frauds in the elections recently held in that State and praying for the enactment of legislation to inquire into and punish the parties guilty of the frauds; which was referred to the Committee on Privileges and Elections.

Mr. LODGE presented a memorial of the Paper Trade Association, of Boston, Mass., remonstrating against the passage of the so-called Bailey bankruptcy bill, and praying for the passage of the so-called Patterson pooling bill; which was ordered to lie on the table.

Mr. HIGGINS presented a petition of the Delaware State Grange, Patrons of Husbandry, praying for the passage of the so-called Hill oleomargarine bill; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Delmar, Del., praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which was referred to the Committee on the Judiciary.

He also presented a petition of 40 citizens of Milton, Del., praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which was referred to the Committee on the Judiciary.

Mr. COCKRELL presented a petition of Stove Molders' Art and Benevolent Union, No. 10, of St. Louis, Mo., and a petition of the National Brotherhood of Electrical Workers of St. Louis, Mo., praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which were ordered to lie on the table.

Mr. COCKRELL. I also present a petition signed by a large number of business men of St. Louis, Mo., in the horse and mule trade and organized as the Horse and Mule Dealers and Raisers' Association of Missouri, representing that the horse and mule market of that city is recognized as the largest in the world, stating that they have suffered materially from the fact of the bounty on sugar being withheld from the producer by the Government, and praying for the payment of that bounty. I move that the petition be referred to the Committee on Claims.

The motion was agreed to.

Mr. COCKRELL. I present resolutions of the board of directors of the Merchants' Exchange of St. Louis, Mo., in favor of legislation by Congress to secure to the sugar raisers of the country such compensation in the way of bounty for the crop of sugar grown in 1894 as was contemplated by the law which was in existence when such crop was planted and being grown.

In connection with the resolutions I present a letter from Hon. E. O. Stanard, transmitting a communication signed by a very large number of prominent bankers and business men of St. Louis, favoring the payment of bounty to the sugar producers.

I ask that the resolutions, together with the accompanying papers, be referred to the Committee on Claims.

Mr. MANDERSON. Should not such memorials go to the Committee on Appropriations, where that matter is now pending?

Mr. COCKRELL. I think the Committee on Claims is the proper committee for the consideration of the subject. That committee has a bill pending before it for the payment of sugar bounties; but I do not suppose it makes much difference to which committee such memorials are referred.

Mr. MANDERSON. The Senator is aware that there is an amendment reported by the Committee on Claims for the same purpose, which has been referred to the Committee on Appropriations.

Mr. COCKRELL. The Committee on Claims has first jurisdiction of the subject.

Mr. MANDERSON. I shall not object to the reference proposed by the Senator.

The VICE-PRESIDENT. The resolutions and accompanying papers will be referred to the Committee on Claims.

Mr. TURPIE. I present the petition of Omer E. Huffman, of Dearborn County, Ind., late of Company H, Ninety-first Regiment Indiana Infantry, and late a seaman in the United States Navy, praying that he may be granted a pension. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. PALMER presented a petition of the Jewelers' Association of Chicago, Ill., praying for the enactment of legislation carrying out the recommendations contained in the President's recent message; which was referred to the Committee on Finance.

He also presented a memorial of the Board of Trade of Peoria, Ill., and a memorial of Pomona Grange, No. 33, of Peoria County, Ill., remonstrating against the passage of the so-called Patterson railroad pooling bill; which were ordered to lie on the table.

He also presented petitions of Local Union, No. 18, United Brotherhood of Carpenters and Joiners, of Springfield; of Electrotypers'



Union, No. 3, of Chicago; of Local Union, No. 181, United Brotherhood of Carpenters and Joiners, of Chicago; of Local Union, No. 73, Cigar Makers' International Union, of Alton; of Local Union, No. 199, United Brotherhood of Carpenters and Joiners, of Chicago; of Local Union, No. 23, United Brotherhood of Carpenters and Joiners, of Chicago; of Local Union, No. 295, United Brotherhood of Carpenters and Joiners, of Collinsville; and of Local Union, No. 257, Cigar Makers' International Union, of Bloomington, all in the State of Illinois, praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which were ordered to lie on the table.

#### REPORTS OF COMMITTEES.

Mr. MORGAN, from the Committee on Foreign Relations, to whom the subject was referred, reported a joint resolution (S. R. 134) calling on the President to take such measures as he may deem necessary to consummate the agreement between the Governments of Spain and the United States for the relief of Antonio Maximo Mora, a naturalized citizen of the United States; which was read twice by its title.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred an amendment submitted by Mr. GALLINGER on the 22d ultimo, intended to be proposed to the naval appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. WHITE, from the Committee on Territories, to whom was referred the bill (S. 957) for the relief of C. J. Baronett, of Gardiner, Mont., reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (S. 1684) granting a pension to Robert Gamble, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### BRITISH VENEZUELA-GUIANA BOUNDARY.

Mr. MORGAN. I am directed by the Committee on Foreign Relations, to whom was referred the joint resolution (H. Res. 252) relative to the British Venezuela-Guiana boundary dispute, to report it with amendments, and I will ask the Senate to consider the measure, inasmuch as there is nothing to come from it except a mere suggestion to the two Governments that they shall arbitrate the question. It will take but a moment to dispose of it. I suppose no one can have any rational objection to it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendments reported by the Committee on Foreign Relations were, in line 5, to strike out the words "boundary limits in Guiana" and insert "the boundaries;" and in line 6, before the word "earnestly," to strike out the word "most," so as to make the joint resolution read:

*Resolved by the Senate and House of Representatives, etc., That the President's suggestion, made in his last annual message to this body, namely, that Great Britain and Venezuela refer their dispute as to the boundaries to friendly arbitration, be earnestly recommended to the favorable consideration of both parties in interest.*

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. MORGAN. The committee also report an amendment to strike out the preamble.

The VICE-PRESIDENT. That amendment will be regarded as agreed to, in the absence of objection.

Mr. TURPIE. The title ought to be amended by transposing the name "Guiana," and placing it after "British."

Mr. MORGAN. Yes. I move to amend the title so as to read: "A joint resolution relative to the British Guiana-Venezuela boundary dispute."

The amendment was agreed to.

#### BILLS INTRODUCED.

Mr. PERKINS introduced a bill (S. 2750) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. PALMER (by request) introduced a bill (S. 2751) to increase the wages of the laborers in the Government Printing Office; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. JONES of Arkansas introduced a bill (S. 2752) for the relief of the trustees of the Presbyterian Church of Dardanelle, Yell County, Ark.; which was read twice by its title, and referred to the Committee on Claims.

Mr. HARRIS introduced a bill (S. 2753) authorizing the Dyersburg and Mississippi River Railway and Improvement Company to bridge the Obion River, in the State of Tennessee; which was read twice by its title, and referred to the Committee on Commerce.

#### PROPOSED ISSUE OF BONDS.

Mr. VILAS. I introduce a bill which I ask may be read at length, and that it lie on the table and be printed.

The bill (S. 2749) to save to the people of the United States \$16,170,770 was read the first time by its title and the second time at length, as follows:

Whereas the President of the United States, by his communication on the 8th day of February, 1895, has advised the Congress that, pursuant to the thirty-seven hundredth section of the Revised Statutes, he has concluded an arrangement with parties able to fulfill their undertaking, whereby gold coin to an amount slightly exceeding \$65,000,000 is to be delivered to the Treasury of the United States in return for bonds of the United States to the amount of a little less than \$62,400,000, to be issued under the authority of the act of January 14, 1875, payable in coin thirty years after date, with interest at the rate of 4 per cent per annum, by which the interest to be paid on the amount of gold to be delivered will be at the rate of 3½ per cent per annum, but that he has reserved the privilege to substitute at par within ten days, in lieu of such bonds, other bonds, in terms payable in gold, and bearing only 3 per cent interest, if the issue of the same should in the meantime be authorized by the Congress, by the exercise of which privilege there may be annually saved to the people of the United States the sum of \$539,150, amounting in the period for which the bonds will be outstanding to the aggregate sum of \$16,170,770: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,* That the Secretary of the Treasury is authorized to issue in a sum or sums not exceeding in the aggregate \$65,000,000, coupon or registered bonds of the United States, in such form as he may prescribe, and of the denomination of \$50 or some multiple of that sum, payable in gold coin of the present standard value, at the pleasure of the United States, after thirty years from the date of their issue, and bearing interest payable semi-annually in such coin at the rate of 3 per cent per annum; which said bonds and the interest thereon shall be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority; and the said bonds shall have set forth and expressed upon their face the above-specified conditions, and shall, with their coupons, be made payable at the Treasury of the United States. And the Secretary of the Treasury is hereby authorized to dispose of any of the bonds issued under this act, at not less than their par value, for gold coin of the present standard value, and to apply the proceeds thereof to the redemption of the United States legal-tender notes, which he is required to provide for the redemption of, under and pursuant to an act entitled "An act providing for the redemption of specie payments," approved January 14, 1875.

Mr. HOAR. I beg leave to ask the Senator from Wisconsin a question; and that is, where the correspondence in regard to this proposed arrangement, or the details of it, or the persons who have agreed to make it, is to be found?

Mr. VILAS. What is the Senator's inquiry?

Mr. HOAR. The bill which the Senator has just introduced recites that a certain arrangement or proposition has been made under which the United States is to save \$16,000,000 or thereabouts. I ask the Senator if he can tell the Senate where the correspondence or contract containing that arrangement is to be found, or with what persons it has been made, or the details of it. I think we ought to have in some way, if the Senator knows where it is to be found, all the details of the transaction.

Mr. VILAS. I am not the keeper of the executive documents. The President of the United States has communicated the facts to the Senate, and upon the President's message the bill which I have drawn has been introduced.

Mr. HOAR. Then the Senator has no knowledge at all as to who are the persons with whom this contract has been made, or the details or conditions of it, or where it is to be found, as I understand.

Mr. VILAS. No; I have no further knowledge than other Senators have.

Mr. WOLCOTT. I should like to ask the Senator from Wisconsin a question. Has his attention been called in the public press this morning to the announcement that these bonds are being sold in London at 112½, netting the people who are purchasing them but 8 per cent and giving to the syndicate of foreign bankers who took the loan in England some 8 per cent profit?

Mr. VILAS. I am obliged to the Senator for calling my attention to it. I intend at some time to submit some observations in respect to the bill, and there is an additional reason stated (and I am glad to have the Senator from Colorado on my side) for the adoption of the measure.

Mr. TELLER. Mr. President, I can hardly see how the suggestion made by my colleague can justify the Senator from Wisconsin in saying that my colleague is on his side. These bonds are sold in this country at 104.49. That is equivalent to paying interest on this loan at 3½ per cent. If the public press is stating it correctly, they are sold in London substantially on a basis of 3 per cent, giving to the syndicate in New York, as my colleague said, 8 per cent profit. If the Senator from Wisconsin justifies that, as I have no doubt he will, I very much doubt whether the American people will do so. The President of the United States sent us a message in which he states what he has done, but he does not give us the correspondence or the contract as made.

Mr. HOAR. Nor the facts.

Mr. TELLER. Nor the facts; and up to the present time, as I

understand, a committee of another body which has been trying to find out has not been able to ascertain who the parties are or what the terms are except as to the amount of interest. We were told in a general way that if we came to the opinion of the Executive and concluded that we would authorize the issue of a 3 per cent gold bond they would take this loan at 3 per cent. In other words, according to the President's message, they are taking it upon a silver basis because they say that they might have to take silver in payment of the bonds, and therefore they must have three-fourths of 1 per cent extra. The President then announced that they are to be paid in gold and that they must be paid in gold, although he is dealing on a silver basis.

A thirty-year bond is a valuable bond, and I have no doubt myself if the President of the United States had offered that bond to the American people in limited amounts, say \$100,000,000, it would have been promptly taken at 3 per cent. Two months ago or a little more the Government of the United States was able to make a loan of ten-year bonds at less than 3 per cent. It can not be possible that even the efforts of the Administration and the lack of business tact shown by the Treasury Department have so deteriorated and destroyed the credit of the Government that there is a difference in two months of three-fourths of 1 per cent on a bond infinitely better, having thirty years to run instead of ten.

The American people have had no opportunity to take these bonds. The President of the United States does not see fit to offer them to the American people. He offers them to a syndicate of bankers, whether European or American we do not know, but the price is, according to the public press, 8 per cent below what it is being taken for in Europe.

Mr. ALDRICH. Will the Senator from Colorado pardon me for a moment?

Mr. TELLER. Certainly.

Mr. ALDRICH. I suggest to the Senator that he ask unanimous consent that the Senate pass a resolution this morning requesting the President of the United States, if not incompatible with the public interests, to submit a copy of this contract to Congress.

Mr. TELLER. I should be quite willing to stop and let such a resolution be offered by some one who thinks he can secure that information. I have no idea myself that you can get any such information from the executive department. I understand that the committee, as I stated in another place, has so far failed to get it.

Now I wish to add another word. If these bonds are being sold on a 3 per cent interest basis in Great Britain, it is very apparent that our credit has not been so greatly impaired as the President of the United States in his message to us said it has.

Mr. VILAS. Mr. President, I did not intend by the mere introduction of the bill at this moment to bring on a special debate, although I do not wonder that there is some disposition to begin exculpation as quickly as possible. I ask that the bill be printed and lie on the table, when there will be an opportunity for debate upon it, I hope.

The VICE-PRESIDENT. The bill will lie on the table. It will be printed under the general rule.

Mr. SHERMAN. I desire to offer a substitute for Senate bill 2642, reported yesterday by the Senator from Arkansas [Mr. JONES] from the Committee on Finance. I ask that the substitute be read, and that it be printed and lie upon the table.

The Secretary read as follows:

Substitute intended to be proposed by Mr. SHERMAN to the bill (S. 2642) providing for the issue of bonds, the coinage of silver, and for other purposes.

Strike out all after the enacting clause and insert:

"That to enable the Secretary of the Treasury to provide for and maintain the redemption of United States notes according to the provisions of the act approved January 14, 1875, entitled 'An act to provide for the resumption of specie payments,' he is authorized from time to time, at his discretion, to issue, sell, and dispose of, at not less than par in gold coin, either of the description of bonds authorized in said act, or coupon or registered bonds of the United States, to an amount sufficient for the object stated in this section, bearing not to exceed 3 per cent interest per annum, payable semiannually, and redeemable, at the pleasure of the United States, in gold coin, after five years from their date, with like qualities, privileges, and exemptions provided in said act for the bonds therein authorized. And the Secretary of the Treasury shall use the proceeds thereof for the purpose provided for in this section of this act and none other.

"Sec. 2. That to provide for any temporary deficiency now existing or which may hereafter occur, the Secretary of the Treasury is hereby authorized, at his discretion, to issue certificates of indebtedness to the United States, payable to the bearer in lawful money of the United States, of the denomination of twenty-five, fifty, and one hundred dollars, with annual coupons for interest at the rate of 3 per cent per annum; and to sell and dispose of the same for not less than an equal amount of lawful money of the United States at designated depositories of the United States, and at such post-offices as he may select. And such certificates shall have the like qualities, privileges, and exemptions described in said resumption act for the bonds therein authorized. And the proceeds thereof shall be used for the purpose prescribed in this section of this act, and for none other.

"Sec. 3. That upon any deposit already or hereafter made in the manner required by law of any United States bonds or certificates bearing interest any national banking association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as provided by law, not ex-

ceeding in the whole amount the par value of the bonds deposited: *Provided*, That at no time shall the total amount of such notes issued to any such association exceed the amount at such time actually paid in of its capital stock."

Amend the title so as to read:

"A bill to provide for maintaining the redemption of United States notes, and for a temporary deficiency of revenue."

The VICE-PRESIDENT. The proposed substitute will lie on the table and be printed.

Mr. HILL subsequently said: Mr. President, yesterday there was reported from the Finance Committee a bill relating to the subject of the finances of the country, and being so reported by a committee of course it went upon the Calendar. This morning two bills in regard to the subject of the issuing of bonds and relating generally to the finances of the country were introduced, and ordered to be printed and lie upon the table. Of course it is not expected, I assume, that those bills, the one introduced by the Senator from Ohio [Mr. SHERMAN] and the other by the Senator from Wisconsin [Mr. VILAS], should go to any committee. The suggestion I make is that when printed these bills should go to the Calendar.

Mr. SHERMAN. The bill I offered is intended to be proposed as an amendment to a bill that is on the Calendar, and therefore it goes to the Calendar without any formal reference.

Mr. HILL. I suggest that the bill introduced by the Senator from Wisconsin should also go upon the Calendar.

Mr. JONES of Arkansas. The Senator from Wisconsin wants to speak upon the bill.

Mr. HILL. He can address the Senate upon it.

Mr. JONES of Arkansas. The Senator from Wisconsin himself asked that the bill lie upon the table.

Mr. BUTLER. I understand the object of the Senator from Wisconsin was that his bill should lie upon the table, as he wanted to deliver some remarks in relation to it.

Mr. HILL. This disposition of the bill will be entirely satisfactory to the Senator from Wisconsin.

Mr. TELLER. I will object to the bill going to the Calendar. It has no place on the Calendar until it has been before a committee and reported by it.

Mr. HILL. That is a matter purely within the control of the Senate.

Mr. TELLER. I suppose the Senate could vote to place the bill upon the Calendar if it saw fit to do so.

Mr. HILL. The only point in reference to having the bill placed on the Calendar is that it would then be subject to a motion to proceed to its consideration. There is a question as to whether a motion can be made to take up and consider a bill lying upon the table, but if a bill is placed upon the Calendar a motion can be made, without debate, to take it up, and a vote be had on it; and I think we have the right by motion to place the bill upon the Calendar. It is not necessary that a bill should go to a committee and be reported by a committee in order to be placed upon the Calendar. It is purely a matter within the discretion of the Senate.

The Senator from Wisconsin is now here, and if he desires he can have the bill remain on the table or take such course as he wishes. I ask the Senator if he desires to have the bill remain on the table, so that he can speak upon it.

Mr. VILAS. I should be perfectly willing to have the bill go upon the Calendar, and I suppose under the fourth subdivision of Rule XIV the bill goes to the Calendar if there be no other disposition of it, for that rule reads:

Every bill and joint resolution introduced on leave . . . shall, if objection be made to further proceeding thereon, be placed on the Calendar.

Mr. TELLER. All bills are referred to committees, and that is the only proper way to proceed. A Senator may ask that a bill be placed upon the Calendar without going to a committee, and I have no doubt the Senate can place it on the Calendar if it chooses; but the mere asking that a bill be placed on the Calendar can not place it there, and I shall object to the Senator's bill going to the Calendar. I do not object, of course, to its lying on the table.

Mr. VILAS. I asked that the bill lie on the table, so as to produce no discussion upon the point at this time; but when the Senator from New York suggested that the bill should go to the Calendar and be given the same position for discussion that the other bills are given it struck me as being a desirable course to pursue.

Mr. LODGE. I should like to make a parliamentary inquiry as to whether it is within the power of the Senate to place a bill upon the Calendar.

Mr. MORRILL. Being objected to, it goes over.

Mr. LODGE. Or does a single objection prevent it?

The VICE-PRESIDENT. The Chair will have read the fourth clause of Rule XIV.

The Secretary read as follows:

#### RULE XIV.

4. Every bill and joint resolution reported from a committee, not having previously been read, shall be read once, and twice if not objected to, on the



same day, and placed on the Calendar in the order in which the same may be reported; and every bill and joint resolution introduced on leave, and every bill and joint resolution of the House of Representatives which shall have received a first and second reading without being referred to a committee, shall, if objection be made to further proceeding thereon, be placed on the Calendar.

Mr. LODGE. Mr. President, I object to the bill lying on the table, and I understand, under the rule, that objection takes it to the Calendar.

The VICE-PRESIDENT. That is undoubtedly the correct interpretation of the rule.

Mr. CHANDLER. I rise to a parliamentary inquiry. Is a bill which is put upon the Calendar under the clause which has just been read one of the bills as to which a motion may be made to proceed to its consideration after the morning hour has closed?

Mr. HILL. I desire to have the bill placed so that a motion to take it up will be in order.

Mr. CHANDLER. I should like to have the rule read as to the motions to proceed in the morning hour to the consideration of bills upon the Calendar, for if a bill in this condition can have the same privilege of consideration as a bill which has been reported by a committee, I am very much mistaken either as to the rules or the practice of the Senate.

The VICE-PRESIDENT. The Chair will have the rule read.

Mr. CALL. Mr. President, I rise to a parliamentary inquiry. I desire to know whether all of this discussion is not out of order during the morning hour?

Mr. HILL. I rise to a parliamentary inquiry. The bill has gone to the Calendar, has it not?

The VICE-PRESIDENT. One parliamentary inquiry is already pending, the Chair will state to the Senator from New York.

Mr. CHANDLER. Which parliamentary inquiry is pending, the one submitted by me or the one submitted by the Senator from Florida?

Mr. CALL. I make the point of order.

Mr. CHANDLER. I hope the Senator will withdraw his point of order until I can have the rule read as to motions to proceed to the consideration of bills upon the Calendar.

The VICE-PRESIDENT. The Secretary will read Rule IX.

The Secretary read as follows:

Immediately after the consideration of cases not objected to upon the Calendar is completed, and not later than 3 o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order, beginning with the first subject on the Calendar next after the last subject disposed of in proceeding with the Calendar; and in such case the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

Second. A motion to proceed to the consideration of any other bill on the Calendar, which motion shall not be open to amendment.

Third. A motion to pass over the pending subject, which, if carried, shall have the effect to leave such subject without prejudice in its place on the Calendar.

Mr. CHANDLER. The Secretary has read sufficient. Now, I inquire whether the bill of the Senator from Wisconsin is on the Calendar of General Orders, so as to come within the rule which has just been read? Does the Chair so understand?

The VICE-PRESIDENT. The Chair so understands.

Mr. HOAR. There is another rule that ought to be read in that connection, to which I will call attention, and that is that a bill can not be read twice on the day it is introduced, if objected to, nor debated, except for reference.

The VICE-PRESIDENT. Unless by unanimous consent.

Mr. TELLER. I should like to know what the ruling of the Chair is? The Senator from Wisconsin introduced a bill and asked that it lie on the table for the purpose of enabling him hereafter to submit some remarks upon it. That was done by unanimous consent, I suppose.

The VICE-PRESIDENT. The Chair will state that an objection was interposed by the Senator from Massachusetts [Mr. LODGE].

Mr. TELLER. That was not until afterwards. After the Senator from New York [Mr. HILL] attempted to have the bill placed on the Calendar I objected, and the bill went to the table—that was the order of the Senate—and it is on the table now, and not on the Calendar, as I understand, unless the Senate now puts it on the Calendar. Besides, considerable other business had intervened before the Senator from New York thought of asking to have the bill placed on the Calendar.

The VICE-PRESIDENT. Objection was interposed by the Senator from Massachusetts [Mr. LODGE], and under the rule, which the Chair has had read in the hearing of the Senate, the bill has gone to the Calendar.

Mr. CALL. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Chair will hear the inquiry of the Senator from Florida.

Mr. CALL. I make the point of order that this discussion is out of order.

The VICE-PRESIDENT. The discussion has closed, the Chair will state to the Senator.

Mr. CALL. Then I call for the regular order.

The VICE-PRESIDENT. The introduction of bills is still in order.

#### AMENDMENTS TO BILLS.

Mr. TURPIE submitted two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PERKINS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to be printed.

Mr. MANDERSON submitted an amendment intended to be proposed by him to the bill (S. 2297) to provide for the restatement, readjustment, settlement, and payment of dues to army officers in certain cases; which was ordered to lie on the table, and be printed.

Mr. DAVIS submitted an amendment intended to be proposed by him to the bill (S. 2297) to provide for the restatement, readjustment, settlement, and payment of dues to army officers in certain cases; which was ordered to lie on the table, and be printed.

Mr. COKE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the bill (S. 2297) to provide for the restatement, readjustment, settlement, and payment of dues to army officers in certain cases; which was ordered to be printed, to accompany the bill.

Mr. MARTIN submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. LINDSAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

#### COAST FISHERIES OF FLORIDA.

Mr. PASCO submitted the following resolution; which was referred to the Committee on Fisheries:

*Resolved*, That the Commissioner of Fisheries is hereby directed to make inquiry in reference to the extent, methods, and present condition of the coast fisheries of Florida, more particularly the sponge and oyster fisheries, and to report as to the desirability of establishing a station for investigation, experiment, and fish-culture at some suitable point on the coast.

#### SALE OF BONDS.

Mr. ALDRICH. I offer a resolution which I send to the desk, and I ask for its present consideration.

The resolution was read, as follows:

*Resolved*, That the President of the United States be requested, if not incompatible with the public interests, to send to the Senate a copy of the contract recently entered into between the Treasury Department and the representatives of certain banking houses for the sale of United States bonds.

Mr. VEST. I object to the consideration of the resolution.

Mr. ALDRICH. I hope the Senator will not object to its consideration.

Mr. VEST. It will lead to considerable debate.

Mr. ALDRICH. There will be no discussion whatever, if the Senator will withdraw his objection.

Mr. VEST. The Senator is mistaken.

Mr. HOAR (to Mr. ALDRICH). Ask unanimous consent.

Mr. ALDRICH. I ask unanimous consent.

Mr. VEST. I object.

Mr. ALDRICH. Will the Senator object to the passage of the resolution if it leads to no discussion?

Mr. VEST. It will lead to discussion; I desire to say something about it.

The VICE-PRESIDENT. Objection being made, the resolution will go over under the rule, and be printed.

#### HOUR OF MEETING.

Mr. GORMAN submitted the following resolution, which was read:

*Resolved*, That on and after Friday, the 15th day of February, 1895, and until otherwise ordered, the daily sessions of the Senate shall begin at 11 o'clock a. m., and the morning hour shall terminate at the expiration of one hour thereafter.

Mr. GORMAN. Let the resolution lie on the table.  
Mr. CHANDLER. I ask that it go over.  
The VICE-PRESIDENT. The resolution goes over under the rule.

#### THE EVERGLADES OF FLORIDA.

Mr. PLATT submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate whether it is proposed to issue a patent to the State of Florida for that portion of the State known as the "Everglades," and, if so, whether the Seminole Indians of Florida will be thereby dispossessed of their occupancy of said lands or any portion thereof.

JOSEPH M'GUCKIAN.

Mr. GRAY submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That Joseph McGuckian be placed on the messenger roll of the Senate at a salary of \$600 per annum, to be paid monthly out of the contingent fund of the Senate, and that he be assigned to one of the committees of the Senate now without a messenger.

#### CHICKAMAUGA NATIONAL MILITARY PARK.

The VICE-PRESIDENT appointed Mr. PALMER, Mr. PASCO, Mr. MILLS, Mr. PROCTOR, Mr. SQUIRE, and Mr. PEPPER as the committee on the part of the Senate under the concurrent resolution of the two Houses providing for the appointment of a joint committee to prepare and report to their respective Houses for consideration a plan for the proper participation of Congress in the dedication of the Chickamauga and Chattanooga National Military Park, on September 19 and 20 next.

#### HOUSE BILLS REFERRED.

The bill (H. R. 5224) for the relief of James Stewart was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 8401) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook, was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 8614) to authorize the Secretary of the Navy to certify to the Secretary of the Interior for restoration to the public domain lands in the States of Alabama and Mississippi not needed for naval purposes was read twice by its title and referred to the Committee on Naval Affairs.

The bill (H. R. 8767) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

#### SOCIETY OF AMERICAN FLORISTS.

Mr. PROCTOR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to House bill (H. R. 5740) incorporating the Society of American Florists, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same, amended as follows:

In lieu of the words struck out insert the words, "by purchase, and such other estate as may be donated or bequeathed to it;" and the Senate agree to the same.

M. W. RANSOM,  
W. A. PEPPER,  
REDFIELD PROCTOR,  
*Managers on the part of the Senate.*  
W. H. HATCH,  
W. S. FORMAN,  
*Managers on the part of the House.*

The report was concurred in.

#### INCOME RETURNS FOR 1894.

Mr. VEST. Yesterday I reported from the Committee on Finance a joint resolution relative to extending the time for making returns under the income-tax law, and was instructed by that committee to urge its consideration. It is a matter of very great importance to the taxpayers of the country, and if action is had it must be had now, as the Senate knows. There are some amendments which the committee think are necessary. I ask the Senate, therefore, to take up that joint resolution and consider it.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri?

Mr. CALL. I ask the Senator from Missouri if the joint resolution will provoke any debate?

Mr. VEST. I think not.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 273) extending from March 1, 1895, to the 15th day of April, 1895, the time for making returns of income for the year 1894.

Mr. BERRY. I suggest that the joint resolution was read in full yesterday.

The VICE-PRESIDENT. The joint resolution was read yesterday, and unless its reading is called for it will not be read now. The amendments reported by the committee will be stated.

The SECRETARY. It is proposed to add to the joint resolution the following:

*Resolved*, That in computing incomes under said act the amounts necessarily paid for fire-insurance premiums and for ordinary repairs upon any real estate shall be deducted from the rents accrued or received from such real estate.

Mr. GORMAN. I think the Senator from Missouri ought in a word to explain what this joint resolution proposes to do and what changes it makes in existing law.

Mr. VEST. There are three additional clauses proposed by the Senate committee. In the first place, the joint resolution makes clear the intention of the income-tax law to give a party not in business, not in trade, as the language of the law states it, a credit for his fire insurance; in other words, it includes that amount of expense to his credit in making his return under the law.

It also makes clear the intention of the law that the cost of repairs on buildings, not betterments, but ordinary repairs, shall be included in the expenses which are allowed to him in making his return. That is the first amendment. If the Secretary will read the second amendment that will be evident.

The VICE-PRESIDENT. The question is on the first amendment, which has been read.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment will now be stated.

The SECRETARY. After the amendment just adopted it is proposed to add:

*Resolved*, That in computing incomes under said act the amounts received as dividends upon the stock of any corporation, company, or association shall not be included in case such dividends are also liable to the tax of 2 per cent upon the net profits of said corporation, company, or association, although such tax may not have been actually paid by said corporation, company, or association at the time of making returns by the person, corporation, or association receiving such dividends.

Mr. VEST. That is an amendment rendered necessary in order to remove the objection which is made now, growing out of the fact that the income tax, for instance, of 1894, has not been paid by a corporation at the time the return is made by the individual stockholder, which is March 1, 1895. Therefore this amendment states that although the corporation may not actually have paid the tax, yet if it is liable for it the individual stockholder is not compelled to give in the amount of those dividends in his return. That is the meaning of the law.

Mr. GORMAN. I ask the Senator from Missouri whether the forms sent out by the Department are not otherwise.

Mr. VEST. This conforms to the existing law.

Mr. GORMAN. The blanks are all out, and if this amendment were adopted would it not of necessity require the Department to withdraw all those blanks and issue new ones?

Mr. VEST. It would not necessarily require the Department to change the blanks, but my object in having the joint resolution passed in this form is that the taxpayers and stockholders may understand distinctly that the law has been amended, and that they are not required to put this statement in their returns. This simply makes clear the intention of Congress in enacting the law as it stands. We intended to avoid double taxation. As a matter of course, if the corporation paid the tax, the individual stockholder should not pay it. For 1894 the corporations have obviously not paid this tax, but they are liable for it, and when under the existing law, without this amendment, the stockholder makes his return under the instructions or forms which have been issued by the Internal Revenue Department, he would make the return of the dividend for which the corporation is already liable. We simply propose to provide now that he shall not make that return of that liability which exists on the part of the corporation.

Let the third amendment be now read.

The VICE-PRESIDENT. Does the Senator desire the second amendment to be now acted upon?

Mr. PLATT. Let that be agreed to.

Mr. VEST. Yes, let that be agreed to. The Senator from Maryland wanted me to explain the amendment.

The amendment was agreed to.

The VICE-PRESIDENT. The third amendment will be read. The SECRETARY. After the amendment just adopted it is proposed to add:

*Resolved*, That no taxpayer shall be required in his, her, or its annual return under said act to answer any interrogatories except as specifically provided in said act.

Mr. VEST. In other words, the law intended that the taxpayer should first make his return, and then, if the collector suspected or had good reason to believe, to use more definite language, that there was any mistake or suppression of returns or fraud, then these interrogatories could be put which it seems the Internal Revenue Department now thinks should be put in the first instance. We make clear the intention of Congress that the taxpayer shall first make his return, and that is conclusive, unless the collector sees proper to use the other instrumentalities provided in the law in order to satisfy himself of its correctness.

The amendment was agreed to.



The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time.

Mr. MORRILL. I suggest that the title of the joint resolution should be amended by adding the words "and for other purposes."

Mr. VEST. After the resolution is passed I propose to move to amend the title in that way.

The VICE-PRESIDENT. The question is, Shall the joint resolution pass?

The joint resolution was passed.

Mr. VEST. Now I move to amend the title by adding to it the words "and for other purposes."

The motion was agreed to.

Mr. VEST. I move that the Senate ask for a conference with the House of Representatives on the joint resolution and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. VEST, Mr. WHITE, and Mr. ALLISON were appointed.

Mr. VEST. One other word, Mr. President. I hold in my hand an official communication from the Treasury Department in regard to the returns upon salaries and as to whether commutation in money to officers of the Army and Navy and to members of Congress is to be included in returns. Unless some Senator asks for its reading, I shall simply request that the communication be printed in the RECORD, as it relates to a matter of very general importance.

Mr. CHANDLER. And printed as a document?

Mr. VEST. And printed as a document.

The VICE-PRESIDENT. The Chair hears no objection, and it is so ordered.

The communication referred to is as follows:

DEPARTMENT OF JUSTICE, Washington, D. C., January 2, 1895.

SIR: I have to acknowledge yours of the 13th ultimo making the following inquiries respecting the construction and effect of the new income-tax law, to wit:

1. Whether "mileage and commutation of quarters" paid officers of the United States Army are to be considered as parts of the incomes of such officers;

2. Whether, if they are to be so considered, they are to be added to, and held to be a part of, the salaries or "payments for services" within the meaning of section 33 of the act and therefore to be taken account of by paymasters under said section; and

3. Whether, in the case of an army officer subject to an income tax on his salary, the tax is to be collected in installments by deductions from his monthly pay or be collected in bulk annually and be based on the amount of salary received in the calendar year preceding the time of the collection of the tax?

Replying to these questions in their order—

First. The answer to the first question is found in Division V, page 33, Regulations Relative to the Income Tax, just issued by the Treasury Department, wherein it is expressly provided that paymasters and disbursing officers shall deduct the 2 per cent "from all salaries and payments of every kind made in money to officers or other persons in the civil, military, naval, and any other employment in the service of the United States \* \* \* upon the excess of said salaries over the rate of \$4,000 per annum."

In this particular, and though the phraseology of the two statutes is not the same, the Treasury "Regulations" construe the existing law to be the same in meaning and effect as section 86 of the act of July 1, 1862 (see Treasury Regulations, December 1, 1892), a distinction being drawn between supplies in kind which are not assessable and pecuniary payments which, though representing such supplies, are nevertheless assessable. This ruling of the Treasury Department has been promulgated since yours of the 13th ultimo, and will, I assume, be accepted as satisfactory.

Second. Under the existing statute a salary in excess of \$4,000 is taxable as such at the rate of 2 per cent upon the excess. If the recipient thereof has other income exceeding \$4,000 such excess is also taxable at the same rate. But if the salary or other compensation is \$4,000 or less, or is uncertain or irregular in amount or in the time of its accrual or being earned, then nothing is taxed as salary, but the salary is one item of the total income which becomes taxable when exceeding \$4,000. The answer to the second question, therefore, is that commutation moneys received by an officer are to be added to other incomes (including a salary of \$4,000 or less) in order to ascertain the total income the excess of which over \$4,000 is subject to a tax of 2 per cent.

Third. The third question seems to be completely answered by the following paragraph of the Income Tax Regulations, Division V, page 33:

"Paymasters and disbursing officers of the Government will make no deduction for taxes from the salary or pay of any officer or person in the employ of the United States for the year 1895 or thereafter until the amount paid to any such officer or Government employee on account of such salary or employment has reached in the aggregate for that calendar year the sum of \$4,000, when from the first payment on the excess of said amount or any part thereof the paymaster or disbursing officer making the payment shall deduct and withhold the tax of 2 per cent on the entire amount of such excess of salary or compensation payable to such officer or employee for said year. The excess upon which the tax of 2 per cent is payable shall be ascertained by deducting the sum of \$4,000 from the fixed annual salary or compensation."

Respectfully, yours,

RICHARD OLNEY, Attorney-General.

The Honorable SECRETARY OF WAR.

DELAWARE RIVER BRIDGE.

Mr. McPHERSON. I desire to enter a motion to reconsider the vote by which the joint resolution (S. R. 123) directing the Secretary of War to make an examination of the bridge to be constructed over the Delaware River between the States of New Jer-

sey and Pennsylvania was passed yesterday on the motion of the Senator from Pennsylvania [Mr. QUAY]. I was absent from my seat yesterday when the joint resolution was passed. As it concerns very materially interests in my State, one end of the bridge being in the State of New Jersey, I desire to enter a motion to reconsider the vote by which the joint resolution was passed. I will promise the Senator from Pennsylvania that to-morrow morning I shall be able, I think, either to withdraw the motion or to ask for a vote.

Mr. QUAY. The Senator from New Jersey is not ready to proceed now to the consideration of his motion?

Mr. BLACKBURN. The Senator from New Jersey says he thinks he will be ready to-morrow morning.

The VICE-PRESIDENT. The motion will be entered in accordance with the request.

Mr. QUAY. It goes over until to-morrow, to be disposed of then.

#### MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE SHAW.

Mr. VILAS. Mr. President, I beg leave to give notice that on Saturday, the 23d of February, instant, I shall ask the Senate at the proper hour to suspend business in order to listen to eulogies on the life and character of my late colleague in the House of Representatives, Hon. George B. Shaw.

#### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 7839) to bridge the Newark Bay; and

A joint resolution (H. Res. 261) authorizing the Secretary of War to expend a portion of the appropriation made in the river and harbor act of 1894 for St. Joseph Harbor, in the State of Michigan, to complete the connection between St. Joseph Harbor and Benton Harbor.

#### POST-OFFICE APPROPRIATION BILL.

Mr. BLACKBURN. I move that the Senate proceed to the consideration of the bill making appropriations for the support of the postal service.

Mr. McPHERSON. Will the Senator from Kentucky please withdraw his motion in order to enable me to call up a bill? I see there is a minute or two left before 1 o'clock.

Mr. BLACKBURN. I can not. I have had similar requests made by several Senators. Instead of there being a minute or two left, I see it is now a minute and a half after 1 o'clock.

Mr. McPHERSON. There will be no debate.

Mr. BLACKBURN. In common fairness I should have to yield first to other Senators who have made the same request. I should gladly yield to the Senator from New Jersey but for that fact.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Kentucky [Mr. BLACKBURN] that the Senate proceed to the consideration of the Post-Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8272) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896.

Mr. CHANDLER. Mr. President, when the Senate had the pending bill under consideration yesterday evening I was endeavoring to show that the proposed amendment is not only unnecessary, but dangerous. It appears that this clause is unnecessary, because the most ample power now exists in the hands of the Postmaster-General to reduce the expenditures for the railway post-office car service. The law provides a certain method of compensation, but does not provide the amount of compensation except by saying that it shall not exceed a certain sum. In other words, it provides a maximum, and that maximum has twice been reduced by legislation of Congress. Therefore upon the face of the amendment, so far as it is intended as a measure of economy, it clearly appears that it is not needed.

I have examined the remarks of the Senator from Kentucky [Mr. BLACKBURN] made in the opening of the debate upon the bill, and I find (it is due to him that I should say this) that he did state when the debate commenced that the amendment was intended to be a measure of economy and a means of securing a reduction of what he said were the enormous expenditures of the Post-Office Department in connection with the postal-car service. But in answer to the purpose that was avowed by the Senator from Kentucky, and the purpose later avowed by the Senator from Maryland [Mr. GORMAN], to whom we look as the economist of the Senate, it clearly appears, as it seems to me, that the amendment is not needed. It is entirely unnecessary. Therefore I condemn the amendment as being an alteration of existing law which is not needed for any wise purpose, which is not needed for the purpose for which the two Senators unite in saying that it is designed.

Going further than that, it appears that the amendment is not only objectionable because it is unnecessary in order to a reduction of expenditures, but it is objectionable because, as originally presented, it authorized an increase of expenditures. As the law now stands the Postmaster-General can reduce the compensation, but he can not increase it. As the amendment was proposed while he could continue to reduce the expenditures if he chose, he could also increase the expenditures to any amount. That amendment in that view is highly objectionable. It is objectionable, as I shall endeavor to show before I finish, in the form presented by the Senator from Maryland [Mr. GORMAN], which requires the Postmaster-General to reduce the compensation not less than 10 per cent.

Mr. President, there are in this city, and they from time to time gather together, men who make it their business to make money in connection with governmental transactions. They are sometimes claim agents in good and regular standing; they are sometimes lawyers in good and regular standing in the city of Washington; they are sometimes lawyers in good and regular standing in Buffalo, N. Y., and in New York City; and they are sometimes claim agents and attorneys who are in good and regular standing nowhere. But these men make it their occupation to look up business, and they seek for great corporations who have means, from whom they may extract in some way or another the money which they need for their subsistence. I shall not any more closely describe the men of this character, but I have them in my mind's eye—soldiers of fortune, men who mean to get a living in one way or another, and who generally succeed in doing it by carrying out their various schemes.

The danger of the amendment, if it had passed as originally reported, would have been that immediately after it became a law—and it will be the danger if the amendment does become a law—that some one of these men will approach an official of one of the great railroad lines which are receiving large compensation for postal-car service, and will say to him, "Are you aware that there is a provision in the Post-Office appropriation act by which your mail-car compensation can be increased in the discretion of the Postmaster-General?" The railroad official will doubtless say, "I am not aware of it." He will then be informed by the person who approaches him that such is the case; that authority has been given to grant increased compensation for postal-car service. If the railway official says that he does not intend to apply for increased compensation, that he is satisfied with the sum he receives, he will then be informed by the gentleman who waits upon him that the law not only authorizes an increase of compensation, but it authorizes a reduction of compensation, that there is such an authorization contained in the act, and that there is a special injunction given to the Postmaster-General to reduce the compensation. The intimation will be given that it will be necessary for the railroad corporation to give some attention to this subject, otherwise there will be a reduced compensation paid in the particular instance to the particular railroad company for its postal-car service.

I very much fear that in a case such as I suppose there will be an intimation that the person who approaches the railway official has it in his power to procure the Postmaster-General either to increase the compensation if the railroad wants it increased or to procure a reduction of the compensation in case the individual chooses to request a reduction. In other words, upon that amendment as it stands to-day in the bill there will be organized a system of levying upon the railroad corporations of this country by persons who claim that they have influence with the Postmaster-General and the Administration for that purpose.

I have the highest respect for the present Postmaster-General. I do not know whether the present Postmaster-General is to remain; I have heard rumors lately that he talks of resigning, and we know not who the Postmaster-General for the next two years will be. Even if our present upright and able Postmaster-General remains in office it is not right to subject him to be surrounded by the class of persons whom I have described and to the importunities of these men who want to make money out of the railroad companies and who will go to him either to ask him on the one hand to increase the postal-car pay to a particular railroad because they are already employed by the railroad or to reduce the compensation given to a particular railroad because they are not employed by the railroad company.

Mr. ALDRICH. Do I understand the Senator from New Hampshire to say that under the amendment proposed by the committee the Postmaster-General can increase the pay of certain railroads and decrease the compensation of certain other railroads for doing a similar service?

Mr. CHANDLER. Beyond all question.

Mr. ALDRICH. Is there any justification for such action on the part of the committee?

Mr. CHANDLER. When a particular sum of money is appropriated, in this case \$3,205,000 for postal-car services, to be expended under the direction and in the discretion of the Postmaster-General, any provision of existing law in conflict therewith to

the contrary notwithstanding, the Senator from Rhode Island knows very well, and he knew when he asked the question, that that public official can give to one railroad just what pay he chooses for postal-car service and he can give to another railroad just half of that sum for the same service. In other words, he can prescribe discriminating rules. He can exercise an arbitrary power. He can select his favorites and give them a hundred dollars, and he can select those railroad companies which he dislikes and give them \$50 for the same service.

Mr. BLACKBURN. Will the Senator from New Hampshire allow me to ask him a question?

Mr. CHANDLER. With great pleasure.

Mr. BLACKBURN. Is it not true, and does the Senator not know it is true, that under the act of March 3, 1873, the Postmaster-General now has that discretion absolutely, and for twenty-two years has had it, up to the maximum rates prescribed in that sliding scale?

Mr. CHANDLER. Yes; he has had the discretion, but he has pursued it under a regularly established system of postal-car service. If the Postmaster-General has had this power all the time it is mysterious to me that the two Senators who are now advocating the amendment should want to give it to him over again.

Mr. BLACKBURN. I will answer the Senator from New Hampshire, with his permission, and say that the amendment which I have submitted and which he will find printed in the RECORD this morning does not repeal any law now in existence.

Mr. ALDRICH. It does in effect but not in terms.

Mr. BLACKBURN. If I may be permitted, I assert that it neither in terms nor in effect repeals any law now in existence. It does not touch in any wise the sliding scale of compensation contained in the act of 1873, nor does it enlarge the discretion of the Postmaster-General in any wise. The only thing it does is to say that the Postmaster-General shall not spend any portion of the \$3,205,000 for the purchase or building of any postal cars, and that he shall make a reduction of not less than 10 per cent upon existing rates of compensation. That amendment leaves but one issue before the Senate, and that is whether the present rates of compensation to railroads for postal-car service shall be reduced not less than 10 per cent or left as they are at present. That is the only question here.

Mr. CHANDLER. The Senator from Kentucky very properly interrupted me to argue as to the effect of his amendment, which amendment I have not yet reached. I am dealing with the suspicious amendment as it stood until the Senator said he would offer his amendment. We have not yet reached his amendment. When I say a "suspicious amendment" I do not mean an amendment that is suspicious so far as any members of the Appropriations Committee are concerned. I do not think they fully comprehend the scope and purpose of the amendment and the use that could be made of it as they propose it, any more than I think they comprehend the use that can be made of the amendment after it shall have been amended as proposed by the Senator from Kentucky, if it shall be so amended. But I say when an amendment comes in here which is liable to be used in the way I have already described, it is an amendment which ought to be viewed with suspicion and ought to be left out of an appropriation bill. It should be taken up at some other time, in some other way, and put upon a bill for the express purpose of accomplishing the result which is sought, and not be put incidentally upon the Post-Office appropriation bill, as is now proposed.

There is the danger in reference to this matter as it stands. The Postmaster-General already has a certain power. He is to have added power by the amendment as originally proposed either to give increased compensation for postal service or to diminish it. There are people in this country, coming from their offices in Washington or Buffalo or New York, who intend the moment the bill becomes a law to go to the Postmaster-General and put him in motion for the purpose of squeezing for their benefit the railroad corporations of the country.

That is my belief. I do not believe the Senator from Maryland [Mr. GORMAN] contemplates anything of the kind; I do not believe the Senator from Kentucky [Mr. BLACKBURN] contemplates anything of the kind, and yet that in my belief is the very purpose for which so many people who are not members of the Senate of the United States or of the other branch of Congress desire the passage of the amendment. If it had been the object to draw an amendment for the purpose of putting the railroads of the country on the anxious seat, of putting all the railroads of the country in a position where every informer and every mischief-maker in the country could get after them and tell them that he would get their mail pay increased if they would employ him, or he would get their postal-car pay reduced if they would not employ him, a more appropriate amendment for that purpose could not have been devised.

There are other purposes for which money is sometimes needed. Great political committees sometimes seek for money, and in saying this I allude to both parties alike. In times of high political



excitement, when such political canvasses are pending as we have in this country, both political parties seek to get money from all available sources, and they like to get it in large sums rather than in small sums. If they can find corporations which will give them money in large sums they prefer to get it from the large corporations rather than from small donations, popular subscriptions, as we may call them, from the great masses of the political party which needs the contribution.

If the amendment had passed as originally proposed I conceive there would be great danger that for the purpose of accumulating political funds in a political canvass some political committee might be tempted to approach the railroad companies of the country and call their attention to this process of squeezing which had been put upon an appropriation act, with the suggestion that if they would make large contributions for political purposes their mail-service pay might be increased, while if they failed to make those contributions there would be great reason to fear that their mail compensation might be reduced.

Mr. ALDRICH. The Senator from New Hampshire has referred several times to the original proposition of the committee. I beg to call his attention to the fact that the new scheme of the committee does not in effect change the proposition as it was originally presented.

Mr. CHANDLER. If the Senator from Rhode Island will be patient I will come to that question.

Far be it from me to say that any political purpose of this kind is intended in the framing of the amendment. I do not think there has been any such intention in framing the amendment, but I do say that all those results are liable to flow from the adoption of the amendment. I say that it is not wise to subject the Postmaster-General, whether he be the present upright and faithful officer or some new Postmaster-General who may be appointed within the next two years, to the very great temptation with which he will be surrounded in connection with this clause, if it shall become a law. I do not think it is wise to subject the Democratic national committee to the temptation to engage in the raising of funds from the railroads of the country by putting in operation the injunction of this clause, as it was proposed in the Senate up to yesterday when the motion was made to amend it.

Mr. President, if the party to which I belong controlled the present Administration, on the eve of a Presidential election I should not be willing to have this great power of the Postmaster-General invoked in this way. I should not be willing to put into an appropriation bill which contained the usual appropriations for the railway postal-car service, the money to be disbursed in accordance with a well-defined system and practice, a clause which the Postmaster-General can not read otherwise than as an injunction to him to reopen this whole question and to promise to railroad companies he chooses to favor additional compensation and to threaten railroad companies he does not happen to like with a reduction and punishment in pursuance of this extraordinary clause in the pending appropriation bill.

Mr. GORMAN. Will the Senator from New Hampshire permit me to interrupt him there?

Mr. CHANDLER. I am always glad to be interrupted by the Senator from Maryland.

Mr. GORMAN. I think the Senator from New Hampshire, if he will permit me to say so, ought to modify his statement. As I understand him (and I confess that we do not hear on this side of the Chamber every word he says, there being so much confusion) he states now in effect that the Committee on Appropriations have reported an amendment which will open the door and enable political parties or their agents to use the Postmaster-General for the purpose of raising political funds.

Mr. CHANDLER. Yes; I say it subjects him to the temptation to do it.

Mr. GORMAN. I ask the Senator from New Hampshire whether he does not know it to be a fact that under the law as it stands now, the act passed in 1873, the Postmaster-General has absolute discretion, and he may be subjected, if it were possible to subject the Postmaster-General, to the same influences under that act which he would be subjected to under this amendment if agreed to.

Mr. CHANDLER. I think so; and I do not understand why this provision was put into the bill. I have not yet discovered the reason why it was inserted. I am trying to find out the reason. But I do say that if it was perfectly needless to put it in because the Postmaster-General has the same power to-day to reduce the compensation that he will have under any law which it is now proposed to pass, I can not understand why it is put in, unless it is because the present Postmaster-General is unwilling to be used for any improper purpose, and therefore is to be pushed on by this extraordinary provision in the appropriation bill.

Mr. GORMAN. I will tell the Senator from New Hampshire why it is put in. This provision fixing the maximum of compensation for the use of postal cars was incorporated in an appropriation bill in 1873. There have been Republican Administrations

and Democratic so-called Administrations that have construed that law to mean that the maximum fixed by the law should be the minimum, and that is the rule of the Department. It was made so by a Republican Postmaster-General. It was followed (as the rules of the Departments have been always or nearly always by the succeeding heads) by the former Postmaster-General, now the distinguished Senator from Wisconsin [Mr. VILAS], and by the present Administration. Now, we sought to change it and put the responsibility upon the Postmaster-General of reducing the compensation by having no maximum fixed; but afterwards, to meet the objections made on the other side, and with a view of saving to the people of the country \$300,000 per annum, the distinguished Senator from Kentucky who is in charge of the bill offered to make the limit of reduction 10 per cent.

Mr. CHANDLER. No, Mr. President, he did not offer to make the limit of reduction 10 per cent. He proposed to enact that the railroads shall be squeezed 10 per cent and as much more as the Postmaster-General chooses to squeeze them.

Mr. GORMAN. Very good; that does not change the present law. That is not increasing the power of the Postmaster-General.

Mr. CHANDLER. The Senator from Kentucky proposes to limit the reduction, but it is not a limitation. The Senator from Kentucky proposes that the Postmaster-General shall be commanded to reduce not less than 10 per cent. He may reduce the other 90 if he chooses. That is the way I understand the proposed amendment to the amendment of the committee.

Mr. GORMAN. The Senator from New Hampshire is perfectly well aware that the act we propose to repeal was simply a provision on an appropriation bill, and the committee want merely to—

Mr. CHANDLER. I am making no accusation against either the Senator from Kentucky or the Senator from Maryland. I have the profoundest respect for them. But I say they do not seem to realize what bad men there are in the world, not only in their own party, but in the Republican party, not only in Washington, but, as I said, in Buffalo and New York; and while the Senators are pursuing the even tenor of their way as legislators and doing what they unquestionably believe to be in the interest of economy, the other people of whom I have spoken are swarming around here, waiting for this bill to become a law in order that they may go to the railroad corporations of the country and say, "Now, under the clause as it stands, we will get your pay raised if you will employ us; we will have it reduced if you do not employ us." Now, under the amendment of the Senator from Kentucky, if that is adopted, while they can not say that they will get the pay raised if they are employed they can say that they will get it reduced if they are not employed.

In other words, if I may be allowed to state the case exactly as I look at it, the amendment as it was originally proposed was adapted to allow a lifting of pay or a squeezing of the railroads, whichever might be found best adapted to the purposes of the class of men whom I have described. The amendment was a lifter and a squeezer as it originally came in here. Now, the Senator from Kentucky moves to amend it by depriving it of its faculty as a lifter, but it still remains a squeezer.

Mr. GORMAN. The Senator from New Hampshire certainly understands that the object of the amendment is to prevent the people of the country from being squeezed by the railroads and to save three or four hundred thousand dollars of the money of the people.

Mr. CHANDLER. When I found the Senator from Kentucky laboring a little with the weight of this amendment, and the Senator from Maryland coming to his assistance to see whether it could not be got through either as it was or with suitable amendments, I was inclined to welcome the Senator from Maryland to the floor as being at last engaged in a genuine effort of economy and reform. But, Mr. President, timeo Danaos. I scrutinize with a great deal of care the measures of economy and reform which the Senator from Maryland proposes, to see whether there may not be concealed in them something which he did not intend should be there, but which wicked men elsewhere may use for the purpose of defrauding the Treasury of the United States. According to Senators every desire to carry out economy, giving implicit belief to their declarations that their only object is to reduce the postal-car service pay, I have ventured to call their attention to the fact that what they propose may be used for an improper purpose by designing men to whom they have no wish to give countenance.

The amendment of the Senator from Kentucky, to which I now come, does not obviate the objection which I have made to the amendment of the committee. It does indeed provide that there shall be a reduction, and impliedly, I am bound to believe that there will be no attempt made to increase the post-office car service under the bill if it shall become a law as it is proposed to be amended. But even then there is the same objection to the amendment which I have endeavored to point out to the Senate. The law as it will read if the amendment of the Senator from Kentucky is adopted will arbitrarily strike off 10 per cent of the

existing pay for the postal-car service. That has been done, 10 per cent once; another time 5 per cent; and now the Senator from Kentucky proposes an arbitrary reduction of 10 per cent more. I know not under what circumstances the prior reductions were made. I am bound to assume that there was a careful, judicious, and prudent investigation made, and that the conclusion was reached by Congress deliberately that the maximum rate of pay ought to be reduced, as Congress enacted that it should be.

But here and now there has been no such investigation. There are no data upon which to say that there shall be a reduction of at least 10 per cent. The proposition is objectionable in that it invites a crowding of the railroad companies by designing men, who will go to them and say, "You see what we have done. We have got the compensation reduced 10 per cent already, and it is liable to be reduced either by the present Postmaster-General or by some other Postmaster-General still lower; and you must give us employment, you must satisfy us, or these reductions will be made."

Mr. President, I am very unwilling to see the Senate set in motion this machine. I am unwilling to see the Postmaster-General enjoined in the way, and after this fashion to pursue the railroads of the country as it is proposed that he shall pursue them. I have sincere and honest fears that this amendment, however it shall be finally framed, to whatever shape it may be finally brought, either by the motions of the members of the committee or by the Senate of the United States, will be used for improper and illegitimate purposes; and that either claim agents, or political strikers, or members of political committees will take advantage of this clause and, under the special circumstances and with the specific machinery provided for that purpose in this bill, squeeze the railroads of the country in a way in which they ought not to be squeezed.

I repeat that this amendment is entirely unnecessary. I can not believe that the Postmaster-General is not willing to do his whole duty under the law as it now stands. I can not understand why any Postmaster-General should pay any more than his judgment tells him he ought to pay for carrying the mails of the United States. I scout the idea that in our public life and in our governmental life of to-day there is any such principle as that when an officer of a Department is authorized to accomplish a certain result at a maximum of cost he feels under obligation to pay the maximum in every case and has not the courage or the public integrity to see to it that the public service is carried on at an economical rate of compensation.

Mr. President, I do not believe that that is a principle. I am bound to believe that all this time the maximum rates have been paid because the successive Postmasters-General have believed that those maximum rates ought to be paid. I see now in the Senate a distinguished Senator who was for four years Postmaster-General. I do not believe that he will admit upon this floor that he was bound to pay the maximum rate for the postal-car service when it was perfectly clear upon the statute of the United States that he was to pay such sum that he thought ought to be paid, not exceeding a certain sum. I do not believe when the Senator from Wisconsin [Mr. VILAS] comes to speak upon this amendment that he will for a moment endeavor to persuade the Senate to believe that he had not the moral courage to reduce the postal-car pay if he honestly thought, as a public servant in the Post-Office Department, that it ought to be reduced.

Mr. President, the existing law is ample for the protection of the Government. The existing provision of law is ample for the promotion of economy. The existing law is ample for the reduction of these postal-car rates if the Postmaster-General, who is employed by the Government for the purpose of conducting the affairs of the Post-Office Department economically, chooses to put into effect a reduction. When Senators come in here, first with a proposition that the Postmaster-General shall have the right to increase or diminish the statutory rates according to his own discretion, notwithstanding the provisions of any existing law, and then, when they modify it so as to arbitrarily provide for a statutory reduction of 10 per cent, and just as much of an additional reduction as the Postmaster-General may choose to inflict upon corporations he does not like, or who do not happen to meet with his favor, I am led most earnestly to say that that kind of legislation, so unusual in its character, so radical in its effect, and so entirely unnecessary for the purpose which the Senators say they want to accomplish, ought to be left off of this appropriation bill and brought here in separate and independent legislation, if Senators think they can justify it to the Senate of the United States.

Mr. VILAS addressed the Senate. After having spoken some time—

The PRESIDING OFFICER (Mr. PASCO in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (H. R. 4600) to establish a uniform system of bankruptcy.

Mr. BLACKBURN. I ask consent of the Senate that the un-

finished business just stated from the desk may, without prejudice, be temporarily laid aside, and that the Senate continue the consideration of the Post-Office appropriation bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

[Mr. VILAS resumed and concluded his speech. See Appendix.]

Mr. HUNTON. Mr. President, I sympathize very fully with the remarks that fell from the distinguished Senator from Maryland [Mr. GORMAN] in favor of economy. There is no one in the Senate Chamber who will go further than I in the proper economic administration of this Government, but I am not in favor, without investigation, of singling out a certain class of people to visit our economy upon. The Senator from Maryland by his amendment proposes, without an investigation, without a report from the Postmaster-General or anybody else, to reduce the compensation paid to railways for transporting the mail 10 per cent. It may be that the railroads get too much; it may be that they do not get too much; but certain it is that the railway companies get no more than is provided for in the contract between the Postmaster-General and the railroad companies.

Mr. PLATT. How long does the contract last?

Mr. HUNTON. The contract lasts, I think, two years.

Now, Mr. President, the Postmaster-General is authorized by the present law to contract with the railroad companies at any price that he pleases provided he does not exceed a certain maximum. The whole power of the legislative department of the Government is now vested in the Postmaster-General so far as making contracts with the railroad companies for transporting the mails is concerned. The Postmaster-General has made these contracts with the railroad companies. We are to presume that he has made the best contract he could make for the Government.

It is to be presumed that the Postmaster-General believes that the contracts with the railroad companies are fair between the Government and the railroad companies, because, as we have learned in this debate and from the history of the case, the Postmaster-General has not complained in any of his reports to the Congress of the United States that he is paying too much for the transportation of the mails. He could not complain, because if he did he would complain of his own wrong, for he has the power under the law as it stands now to reduce that compensation.

So it seems to me the Postmaster-General is now clothed with all the power of the legislative department of the Government to reduce the compensation of railroad companies if they charge too much and to elevate them not beyond the maximum price in case he does not give them enough. And we are asked to go into this question and arbitrarily reduce the compensation of railroads 10 per cent without an investigation as to whether they are charging too much to the Government or whether they are charging too little.

The distinguished Senator from Wisconsin said that the Postmaster-General appeared before a subcommittee of the Committee on Appropriations. In the first place, I do not think that is the committee to investigate this question. If anything was required on the part of the Postmaster-General the matter should have been referred to the Committee on Post-Offices and Post-Roads, and let that committee, which is the appropriate committee, make the investigation. But the Postmaster-General has not said a word to the Committee on Post-Offices and Post-Roads.

I am a member of that committee, and not one line, not one word have we heard, so far as I know, from the Postmaster-General upon the subject of contracts with railroad companies for carrying the mails. So we are to enter upon this discussion and conduct our legislation on the idea that the Postmaster-General, who is now clothed with all the powers of the legislative department of the Government upon this question, is satisfied with the law as it stands.

Mr. President, the distinguished Senator from Wisconsin says that the Postmaster-General did appear before the Committee on Appropriations, or a subcommittee of that committee. Now, what did he appear for? What did he ask at the hands of that subcommittee? Nobody here knows. We know that the Committee on Appropriations changed the provisions of the bill as it passed the House, which was the regular routine appropriation for many years to carry the mail in these postal cars, and that committee reported an amendment to that provision by which the Postmaster-General was clothed with all the power to do as he pleased in regard to spending the appropriation; and a whole half page of sections in the Revised Statutes are repealed that he might be unlimited in his power in the spending of that money.

Mr. President, I have as much confidence in the integrity and honor of the Postmaster-General as any gentleman on this floor. I believe he is a man of high integrity, and I believe he is a good man in every particular; but I would not clothe a human being with such power as the amendment of the Senate committee pro-



poses to clothe the Postmaster-General with. I do not believe in it, sir.

So far as the Postmaster-General appeared before a subcommittee of the Committee on Appropriations, we have reason to believe that his only object was to get that amendment which the Committee on Appropriations reported in the bill. The distinguished Senator from Kentucky who has charge of the bill, and who I presume was chairman of the subcommittee that reported it to the full committee, has gone back upon that amendment. If anything was asked by the Postmaster-General it was that amendment; but the Senator from Kentucky has asked that an amendment to the amendment shall be adopted by which no part of the fund named in the item of the bill shall be devoted to the purchase of postal railway cars. So we have a right to believe that the Appropriations Committee has not made the investigation necessary for that committee to enter upon this question of reform that has been debated so long in the Senate.

But the distinguished Senator from Wisconsin says that he is not satisfied with the amendment of the Senator from Kentucky, and he proposes to introduce an amendment directing the Postmaster-General to buy all the postal cars that are needed to carry the mails.

Mr. President, this shows to my mind that this question has not been investigated. We are asked to enter upon a new line of reformation by legislation upon this appropriation bill which has not been investigated by any committee of the Senate charged with such investigation.

I frankly say to my friend the chairman of the Committee on Post-Offices and Post-Roads that he mentioned the matter to the committee, but there was nothing said except what he stated as his view of the case, and there was never any investigation as to whether these postal cars should be purchased by the Government or owned by the railroad companies, and I submit that the Senate ought not to enter upon this line of reform unless there has been an investigation which will show to the Senate and to the country that the acquisition of those cars would be an advantage to the Government and would not specifically hurt the railroad companies.

Mr. President, I for one am not willing to see the Government of the United States enter into a partnership with the railroad companies in transporting the mails. I do not believe in the policy of the Government owning the cars in which the mails of the United States are transported. I do not think it would be as well done as if left entirely to the railroad companies.

In the next place, grave difficulties, it seems to me, would arise if this Government partnership was entered into. Take a Government car which is transporting the mails along one of these great railway routes and an accident happens to that car, and postal railway clerks are killed.

Who is responsible for that? If the car was defective the railroad company would not be; and yet you can not sue the Government, because the Government can not be sued in tort. Therefore if this provision, so earnestly and ably advocated by the Senator from Wisconsin, were adopted, if an accident happened by which postal clerks were killed by the negligence of the Government in furnishing a poor car in which to transport them, their heirs would be absolutely remediless, and no compensation for the negligence of the Government could be obtained. I might cite a great many instances of the inconvenience and hardship and wrong that would grow out of this Government partnership with the railroad companies in transporting the mails in its own cars.

I for one believe that the present system is the right system, and I believe that the law as it now stands affords sufficient protection to the Government against extortion on the part of the railroad companies; and that is all we ought to ask. We should not ask the railroad companies to carry the mails at a dollar less than it is worth to carry them, and we must take it for granted that the Postmaster-General has not in his contracts with the railroad companies agreed to pay them a dollar more than the transportation is worth.

Mr. President, the law as it now stands authorizes the Postmaster-General to contract with the railroad companies at any price he pleases, provided he does not exceed a certain limit fixed in the statute. He has a right to come down as far as he pleases, but not a right to go up beyond a certain point. It is said that this maximum rate of compensation is the rate always agreed upon between the railroad companies and the Postmaster-General. Why is that so? It can not be because the Postmaster-General can not force the railroads to come down if they charge too much, because if he can not force them to lower their rates I should like to know how a law of Congress could force them to do so; because the Postmaster-General now under the present law has all the power which the two Houses of Congress can exert over these railroad companies.

He can say to the railroad companies at any hour or minute he pleases, "Unless you will carry the mail over your line for a cer-

tain sum, you shall not carry it at all. I will give you so much a mile. If you do not take that you shall not carry the mail in those postal cars." That is all we can say; because I presume there is no reformer upon the floor of the Senate who will maintain that the two Houses of Congress can force a railroad company to accept any terms which they impose upon them in carrying postal cars. If that be true—and I take it for granted it will not be denied—the Postmaster-General has to-day the very same power to say to these companies, "Unless you carry the mail matter at a certain price, you shall not carry it at all."

Suppose the amendment proposed by the Senator from Maryland [Mr. GORMAN] were adopted, and there was 10 per cent deduction in the compensation paid for carrying the mails, and the railroad companies of the country were to say in reply to that, "We can not afford to carry the mails at the price offered, 10 per cent off of what we have been getting," and at one single time the railroad companies of the country were to refuse to carry the mails, I ask what would be the condition of the country? Is there a Senator upon this floor who would put his constituents in the condition of getting no mail by railway, and trust to the old-time mode of transporting the mail on horseback or in stages?

Mr. GEORGE. Will the Senator allow me to ask him a question?

Mr. HUNTON. Certainly.

Mr. GEORGE. Suppose the railroad companies were all to refuse to take the mails at the present rates, then what?

Mr. HUNTON. They have a perfect right to refuse. I suppose the Senator will agree to that.

Mr. GEORGE. I ask what would be the result?

Mr. HUNTON. But the railroad companies, I say in answer to my friend from Mississippi, are organized and conducted to carry freights of all descriptions, and the more freight they can get at fair prices the better they are pleased, the more the railroad companies will flourish and be enabled to carry out their contracts. So we can not force the railroad companies to carry the mails, and therefore we must give them a compensation which will induce them as a matter of business to carry the mails for the Government in the postal cars.

Mr. BATE. Does the Senator think the railroad companies have a perfect right to dictate the terms to the Government on which they will carry the mails?

Mr. HUNTON. No, sir.

Mr. BATE. Are they not chartered as public carriers, and are they not amenable to the law of public carriers, and is it not their duty to carry the mails as such or forfeit their charters if they refuse to do so on reasonable terms?

Mr. HUNTON. I do not mean that the railroad companies can dictate to the Government terms for carrying the mails, nor do I mean to admit that the Government can dictate to the railroad companies that they shall carry the mails at a price which does not pay them the expenditure of carrying the mails. Railway companies are corporations incorporated by the different States through which they pass, and, although they are corporations, they are persons in the eye of the law, and as such entitled to all the rights and privileges of any natural person. Therefore I maintain that while a railroad company can not dictate to the Government, the Government can not dictate to a railroad company. It is a matter of bargain, of contract, between the Government and the railroad company by which the Government pays to the railroad company and the railroad company receives from the Government a sum of money sufficient to pay it for the services which it renders the Government.

Mr. BATE. If they differ about that how are you going to settle it otherwise than by legislation of Congress? We can fix upon a lower rate, 10 per cent if necessary.

Mr. HUNTON. That question of difference between the railroad companies and the Government must be settled like every other question of difference between two persons. The Government is an artificial person on the one side and the railroad company is an artificial person on the other. Those two persons meet to make a contract, and if they do not make a contract there is no human being who can force them to make it.

Mr. BATE. I think the courts have decided that railroad companies are liable and must carry the mail or forfeit their charters. They must, as common carriers, perform their duty to the public. I think this matter can be regulated in the same way that traffic is regulated under the interstate-commerce law. The railroads are not above that law, and we can regulate the rates for carrying the mail as well as the rates for carrying freight.

Mr. HUNTON. There is no trouble about the railway companies carrying the mail. They are not only glad, but anxious to do it. But they want to carry the mail at a price which will give them fair compensation for carrying it. While they may be public carriers, the Government has no right to say that they shall carry the mail at a certain price, because the statute which was proposed to be repealed by the amendment as first introduced by the committee makes provision in case the Government and

the railroad companies can not agree upon the price of carrying the mails in the postal-railway cars.

Mr. President, I am a reformer to a certain extent, but I am not a reformer to the extent that I am going into a question of reform on a law which has been in existence since 1873, unless there is evidence before me to show that we are about inaugurating a system better than that which is sought to be repealed. The only evidence before the Senate in this matter is that the Post-Office Department is satisfied with the present law. It has asked no change; it has not complained of the amount paid to the railroad companies, and therefore we, a Senate, a deliberative body composed of 83 members, are not capable, without a committee of investigation or a report from the Postmaster-General, to say what would be a better system than that which we are about to repeal.

For these reasons I am opposed to the amendments offered all around, and I trust that the old law, which has worked to the satisfaction of the Post-Office Department and about which we have heard from the Postmaster-General no complaint, will be allowed to remain the law of the land until the Postmaster-General comes before a committee of the Senate and explains the bad working of the present system and what would be a better one.

Mr. GORMAN. Mr. President, do I understand the Chair has submitted the point of order to the Senate?

Mr. ALDRICH. What point of order?

Mr. GORMAN. On the pending amendment. Do I understand the Chair has submitted the point of order to the Senate?

The VICE-PRESIDENT. The Chair was about submitting the point of order to the Senate when the Senator took the floor.

Mr. ALDRICH. What is the point of order?

Mr. BLACKBURN. The point of order raised by the Senator from Massachusetts [Mr. LODGE].

Mr. ALDRICH. On what?

Mr. BLACKBURN. On the amendment of the committee.

Mr. GORMAN. On the ground that it was general legislation.

The VICE-PRESIDENT. The Senator from Massachusetts raised the point of order against the proposed amendment that it is general legislation upon a general appropriation bill.

Mr. GORMAN. Mr. President, I shall detain the Senate but a moment, and I trust the Chair will decide the point of order and let us come to a direct vote upon the amendment itself. Before the Chair makes that decision, however, I only desire to say, in answer to the Senator from Virginia [Mr. HUNTON] and other Senators who have made some comments on the amendment, that the Committee on Appropriations, following the precedent which has been universal, have reported an amendment to the pending bill such as has been always accepted by the Senate.

Congress has in nearly every case—not in all cases—in dealing with the Post-Office Department either increased the compensation or restricted the compensation for the service by provisions inserted in appropriation bills, and the very act which we propose to modify, the act of 1873, is simply a provision in an appropriation bill.

Mr. HUNTON. Will the Senator allow me to ask him a question?

Mr. GORMAN. Certainly.

Mr. HUNTON. To which amendment is the Senator addressing himself?

Mr. GORMAN. I am addressing myself to the amendment reported by the Committee on Appropriations, which opens the whole question, the amendment restricting the expenditure of an appropriation. Senators have objected to the amendment in the form in which it comes from the committee because it gives the Postmaster-General too much power. That may be. That criticism, as I said yesterday, has great force in it. I agree with the distinguished Senator from Kentucky [Mr. BLACKBURN] who has charge of the bill that to prevent the Postmaster-General having so much power in this matter we should require him to make a 10 per cent reduction.

Mr. CULLOM. Would it interrupt the Senator if I should ask him a question?

Mr. GORMAN. No, sir.

Mr. CULLOM. I desire to inquire of the Senator if he can remember exactly what the Postmaster-General stated with reference to the amount of reductions he thought ought to be made in the compensation for carrying the mails?

Mr. GORMAN. The Senator from Virginia [Mr. HUNTON]—and the Senator from Illinois [Mr. CULLOM] will permit me to answer his question in that way—made a suggestion that the Committee on Appropriations had reported this provision without having investigated the question. I beg to say to that Senator and to the Senate that there is no provision which has been reported from the Committee on Appropriations for the purpose of reducing expenditures which has not been considered carefully, and considered in consultation with the head of the Post-Office Department.

The Postmaster-General, as the Senator from Illinois knows

perfectly well, came to the Committee on Appropriations to supplement what he had said in his report which is before every Senator, and to urge a reduction in the expenses of the Post-Office Department. The present Postmaster-General has not dealt with this question with the courage and fairness with which, in my judgment, he ought to have dealt with it. He has avoided in his public statements, it is true, the main question which is up for the discussion of the Senate.

Mr. CULLOM. That is what I wanted to ascertain, and also if the Senator remembers, as I was not present, exactly what the Postmaster-General did say verbally in the presence of the subcommittee in reference to reductions and what amount of reductions should be made.

Mr. GORMAN. The Postmaster-General, in his report and in his statements before the Committee on Appropriations, was in favor of increasing the postage upon second-class mail matter, or to exclude from postal facilities certain prints or books, and so on, or else charge on them an increased rate of postage, and also to take from the fast-mail service on the ocean and elsewhere a considerable amount. Finding that that was impracticable in the framing of the bill in another body which sent it here, he came to us and said that in this matter we could make a decided reduction, to be made in the very item which is now under discussion, for the reason that the act of 1873 has fixed a compensation for the use of postal cars, which may have been at that time proper and right, but in view of the decreased cost of transportation and the decreased charges made by the railroad companies and everybody else in the last twenty years, the compensation is excessive, and that we could take from it a certain amount.

We asked him why, under the act of 1873, which fixed the maximum compensation, he had not, as Postmaster-General, reduced that amount, and his answer was a perfect one, that for twenty years the Post-Office Department and all the Postmasters-General who had filled the office in that time had construed that provision in the act of 1873 as being the minimum and not the maximum; that it had been so accepted by the public and by every Postmaster-General, and that he could not get away from it; but that if Congress would give him the power to use his discretion by such a provision as we have reported, then he would force a proper reduction, not an excessive one.

Mr. CULLOM. The amendment reads:

*Provided, That a reduction of not less than 10 per cent shall be made upon the present rates of compensation.*

Did the Postmaster-General state that there could be safely and reasonably a reduction of 10 per cent made upon the cost of transportation in those postal cars?

Mr. GORMAN. I will not attempt to state from memory that the Postmaster-General fixed the exact amount at 10 per cent, but the statement made by him and the figures furnished convinced me as a member of that committee that we might make that reduction 15 or 20 per cent, and yet give to the railroad companies a compensation for this service greater than they receive from anybody else in the Union.

Mr. CULLOM. I do not wish to interrupt the Senator unless it is agreeable to him—

Mr. GORMAN. It is entirely agreeable.

Mr. CULLOM. I should like to know whether, in the judgment of the Senator himself, it would not be more like proper legislation for the Senate to put an amendment on this bill providing that the Postmaster-General shall investigate the whole question between now and the next Congress and report to the next Congress the testimony and the reasons why a reduction, if any, should be made?

Mr. GORMAN. The Senator from Wisconsin [Mr. VILAS], in the very exhaustive speech which he has made to-day, has shown to the Senate how much investigation we have had. Such an investigation has been made by the Postmaster-General, by committees of Congress, by a commission; and yet it all resolves itself into the one statement I made yesterday, which, in effect, was that the power of the railroad companies is so great that there has not been a Postmaster-General since 1873, under the act as it is now framed fixing the maximum rate of compensation, which has been construed to be the minimum, who has had the courage or the power to make the reduction.

Mr. CULLOM. May I ask the Senator another question, and then I shall not trouble him further?

Mr. GORMAN. Certainly.

Mr. CULLOM. I desire to inquire of the Senator, in the light of what I think has been his record heretofore, whether he believes that it is good policy on the part of the legislative department of the Government to place a vast sum of money, such as is proposed to be appropriated by this provision, entirely within the control and disposition of the Postmaster-General or any other public officer? I say this with the fullest confidence myself in the integrity and capacity of the present Postmaster-General.

Mr. GORMAN. Mr. President, I am, as a rule, as much averse to placing a large amount of money in the hands of any Cabinet of-



ficer, to be expended at his discretion, as is the Senator from Illinois or any other Senator. I think it is a bad rule, but in the conduct of the affairs of the Post-Office Department of necessity there must be placed in the control of the Postmaster-General large amounts of money. The Postmaster-General in the case which we now have under consideration under the act of 1873 was given the right to use a large amount of money, and my belief is that it was the intention of Congress to place the whole amount then appropriated, not quite \$3,000,000 when the appropriation was first made, but it has since grown until now the amount of \$3,000,000 is placed in the hands of the Postmaster-General to be expended in his discretion.

I do not believe the provision we have reported from the Committee on Appropriations extends his authority one iota, but I believe, in the light of this discussion, with the knowledge the Postmaster-General has of the affairs of the Department, that he will redeem his specific declaration to the Committee on Appropriations, that if he be relieved of the custom which has prevailed, of the rule which has been adopted, and of the decisions of his predecessors, he would use this power to save the people of this country four or five hundred thousand dollars per annum without impairing the service a particle.

Mr. CULLOM. The Senator will excuse me again.

Mr. GORMAN. Certainly.

Mr. CULLOM. The Postmaster-General is governed by this law, or he ought to be:

The Postmaster-General shall request all railroad companies transporting the mails to furnish, under seal, such data relating to the operating, receipts, and expenditures of such roads as may, in his judgment, be deemed necessary to enable him to ascertain the cost of mail transportation and the proper compensation to be paid for the same.

Does the Senator know whether the Postmaster-General has complied with that statute? If he has, his opinion as to what might have been possible might be of some value, but otherwise I do not see how it would be.

Mr. GORMAN. I trust the Chair will decide the question of order, and let the Senate come to a direct vote on the amendment, which I have no doubt is perfectly well understood now from the discussion which has been had. The only question is, whether there shall be an opportunity to reduce this compensation to some fair extent, or whether we shall be compelled to pay the exorbitant rates we are now paying.

I ask the decision of the Chair on the question of order.

Mr. ALDRICH. Mr. President, this discussion discloses a very singular condition of affairs. Neither the distinguished Senator from Wisconsin [Mr. VILAS], who was Postmaster-General during the previous Administration of the present distinguished Chief Executive, nor any of his successors in office, nor any of the gentlemen who have served on the Post-Office Committees of the Senate or the House of Representatives, nor any of the Senators who have served on the Appropriations Committees of the Senate have heretofore discovered the necessity of changing our postal laws in the direction of the pending amendment. The Senator from Wisconsin seems suddenly to have awakened to the idea that some radical change must be made at once.

Mr. VILAS. I should like to call the attention of the Senator from Rhode Island to the fact that the awakening I experienced was eight years ago.

Mr. ALDRICH. I have no doubt that awakening took place eight years ago, but the Senator has been silent, so far as I know, from that day to this as to the real interests of the Government in this matter. It is very singular, if the Government has been expending millions upon millions of dollars improperly all these years, when the law gives, as the Senator from Maryland [Mr. GORMAN] himself admits, ample discretionary power to the Postmaster-General, that all these gentlemen have not been able to discover heretofore that there was anything wrong either in the law or in the manner of its administration.

Why is this? Why do they wait until the expiring hours of this Congress, when but fifteen working days remain of this session, to suggest a change of important legislation in this summary method through an appropriation bill? I should be glad if some Senator on the other side of the Chamber would answer that question.

Mr. BLACKBURN. I will answer, and tell the Senator.

Mr. ALDRICH. I shall be very glad to hear the answer.

Mr. BLACKBURN. The only change in the world proposed is a reduction of not less than 10 per cent upon existing rates, and no Senator on this floor has yet undertaken to say that those rates are not too high.

Mr. ALDRICH. If we judge by the evidence submitted by the Senator from Kentucky, no Senator can say whether they are too high or too low.

Mr. BLACKBURN. I undertake to say that the Committee on Appropriations thought the rates were too high; the Postmaster-General thought they were too high, and nobody has ever yet been found unbarred who said they were not too high.

Mr. ALDRICH. If the Postmaster-General thinks they are too high, why does he not reduce them? If the Committee on Appropriations think they are too high, why do they increase the appropriation in this bill for this item \$150,000 above that contained in the bill as it came from the House of Representatives?

Mr. BLACKBURN. Because that service is extending every day and more money will be needed every year, even though you reduce the rates.

Mr. ALDRICH. The appropriation made in the Post-Office appropriation bill of one year ago contained no provision of this kind, and the Senator from Wisconsin, the Senator from Maryland, and the Senator from Kentucky occupied the same positions in relation to the public service then that they do now. The appropriation one year ago for this purpose was \$3,000,000, without any offensive general legislation connected with it. It is now proposed to increase the appropriation to \$3,250,000—

Mr. BLACKBURN. Three million two hundred and five thousand dollars.

Mr. ALDRICH. Very well, \$3,205,000; and to connect with that a provision which practically repeals all legislation upon this subject—

Mr. BLACKBURN. No.

Mr. ALDRICH. If the Senator will permit me to finish my sentence—

Mr. BLACKBURN. Certainly.

Mr. ALDRICH. And puts it in the power of the Postmaster-General to expend the whole sum at his discretion.

Mr. BLACKBURN. Upon the amendment now pending before the Senate for adoption there is no proposition or intimation of any purpose to repeal any law.

Mr. ALDRICH. The amendment now submitted by the Senator from Kentucky, although it is different in words from that originally submitted by him, is exactly the same in effect.

Mr. BLACKBURN. Does it repeal any law?

Mr. ALDRICH. It does repeal laws.

Mr. BLACKBURN. I will ask the Senator to read it. It is only three lines long and it is in the RECORD of this morning. Let us see it.

Mr. ALDRICH. I had a copy of it here a moment ago.

Mr. BLACKBURN. If it repeals or proposes to repeal any existing law or any portion of a law, then I am unable to comprehend the English language.

Mr. ALDRICH. The language used in the original amendment is as follows:

Said sum shall be expended under the direction and in the discretion of the Postmaster-General, and any provision of existing law in conflict herewith is hereby repealed.

Mr. BLACKBURN. That is not what I want read.

Mr. ALDRICH. The one now offered by the Senator reads as follows:

Said sum shall be expended under the direction and in the discretion of the Postmaster-General.

The words "and any provision of existing law in conflict herewith is hereby repealed" are left out, but the force and effect of the language used will be the same. It will repeal all laws in conflict with its provisions pro tanto. There can be no question about that.

Mr. BLACKBURN. I am afraid the Senator would make the same objection if we were to incorporate in here one of the commandments included in the decalogue, which would have about as much relevancy as has his objection to this amendment.

Mr. ALDRICH. I do not see, in the statement the Senator has just made, any relevancy to my criticism. I say the language used in both cases would have precisely the same effect.

Mr. BLACKBURN. Then I flatter myself that the Senator from Rhode Island is the only member of this body who has put such a construction upon the proposed amendment.

Mr. ALDRICH. I do not think any Senator can put any other construction upon it.

Mr. BLACKBURN. All right.

Mr. ALDRICH. If there is any force at all in the language that the Postmaster-General shall have unlimited discretion to spend the money as he pleases it must be that he shall have discretion by a repeal of existing legislation which limits his discretion.

Mr. BLACKBURN. He has that discretion now.

Mr. ALDRICH. No, not in all cases. There is a number of provisions in the act of 1873 aside from the question of compensation.

Mr. VILAS. This is a reduction.

Mr. ALDRICH. A reduction of what? Of compensation, yes.

Mr. VILAS. A reduction of 10 per cent.

Mr. ALDRICH. But the act of 1873, and acts passed in amendment of that act, contain many other provisions of legislation affecting and limiting the discretion of the Postmaster-General besides the mere question of compensation. Does the Senator from Wisconsin contend that they would not be repealed by this language?

Mr. VILAS. I do.

Mr. ALDRICH. They certainly would be repealed if you give the Postmaster-General discretion to spend this money as now proposed.

Mr. VILAS. With the direction that the reduction shall be not less than 10 per cent of what it is now.

Mr. ALDRICH. But the reduction applies only to the rate of compensation and the proviso does not apply to the other legislative provisions of the act of 1873, and other acts affecting the postal-car service. The Senator from Kentucky is now trying to do precisely what he tried to do in the first instance, except that he is doing it now by indirection instead of directly.

Mr. BLACKBURN. I never do anything by indirection.

Mr. ALDRICH. That seems to be the effect, from the language used.

I heard the Senator from Kentucky contend the other day with great force and power and at considerable length that an amendment offered to the diplomatic and consular bill which had never received the sanction of any other standing committee than the Committee on Appropriations was not in order.

Mr. BLACKBURN (in his seat). I think so now.

Mr. ALDRICH. The Senator from Kentucky says sotto voce he thinks so now.

Mr. BLACKBURN. Yes; I say it openly.

Mr. ALDRICH. Then this amendment is not in order by the Senator's reasoning.

Mr. BLACKBURN. I say it is in order. If consistency is what the Senator from Rhode Island admires, I should like him to spend about one hour, for I know he could not finish in less time, explaining to the Senate how a five-hundred-thousand-dollar appropriation to commence building a Hawaiian cable was in order and the amendment now pending is not in order.

Mr. ALDRICH. Because the amendment to build the Hawaiian cable, which was placed on the diplomatic and consular bill, was special legislation and not general legislation.

Mr. CHANDLER. It changed no existing law.

Mr. ALDRICH. No; it changed no existing law.

Mr. BLACKBURN. But it created a new one.

Mr. ALDRICH. This amendment is not in order as it is general legislation on a general appropriation bill. But if the contention of the Senator from Kentucky is correct, as it originated in the Committee on Appropriations, it is not in order unless it has the approval of a standing committee aside from the Committee on Appropriations, as is not the case here.

The Senator from Maryland [Mr. GORMAN] this morning gave notice of a resolution providing for an earlier hour of meeting of the Senate. It is proposed that the Senate shall meet at 11 o'clock. The Senator from Kentucky has been desirous that progress shall be made in the consideration of appropriation bills. I will say to both of those Senators that there will be no satisfactory progress in the consideration of these bills to a conclusion until they cease placing amendments of an offensive political character upon them.

Mr. BLACKBURN. Will the Senator from Rhode Island let me ask him a question, because I am anxious in the interest of the public service to find out exactly what the Senator means by that statement?

Mr. ALDRICH. Certainly, I mean—

Mr. BLACKBURN. Will the Senator let me ask the question?

Mr. ALDRICH. Certainly.

Mr. BLACKBURN. Does the Senator mean that he is now uttering a threat, in which he tells us that no progress shall be made in passing the general appropriation bills for the support of the Government so long as any amendments are proposed that are obnoxious to his hypercritical judgment?

Mr. ALDRICH. No, I am not setting up my judgment.

Mr. BLACKBURN. Does the Senator mean that we shall not have a vote upon this amendment? Because if that be it, I answer the Senator and say that so far as I am concerned, whilst I am in charge of the pending bill I never will withdraw the amendment until it is voted on if the bill stands before this body until the clock marks high noon on the 4th day of March.

Several SENATORS. Good.

Mr. ALDRICH. What I meant to say, and what I repeat, is this. We are within fifteen days of the close of the present session. The members of the Committee on Appropriations know as well as any other members of the Senate that it will take almost all if not the entire time of the Senate to consider and pass the appropriation bills if no attempt is made to place obnoxious general legislation upon them.

Mr. BLACKBURN. Without anything in them, I think, if this course is to be kept up.

Mr. ALDRICH. If the Committee on Appropriations, or the Senator from Kentucky as their representative, persist in the policy which they seem to have adopted of attempting general legislation in this manner, legislation proposed for political purposes, they will imperil the passage of the appropriation bills, and the Senator from Kentucky is as well aware of this as anyone can be.

Why is it necessary at this stage of the session to try to disarrange the postal-car service? Why this newly discovered zeal upon the part of the Senators on the other side to save a few hundred dollars or a few thousand dollars in this matter, of which they have had knowledge for years and when the remedy is ample without legislation? Does the Senator from Kentucky think that this is a proper time and place, during the consideration of an appropriation bill, to change the laws of the United States in these respects? If he does not think so, why is this amendment here? Why does he persist in it, even to the extent, as he says, of defeating every appropriation bill? And I am surprised that in that statement his course is commended by Senators on the other side.

Mr. BLACKBURN. I said I intended to insist upon the right of the Senate to determine and pass upon all amendments.

Mr. ALDRICH. Nobody questions that right at all. I understood the Senator to say that if this amendment is not retained in the bill—

Mr. BLACKBURN, Mr. GORMAN, and others. Oh, no.

Mr. BLACKBURN. All I protest against is the employment of dilatory tactics to prevent the Senate from rejecting or accepting this and all other amendments. That is all.

Mr. ALDRICH. The Senator from Kentucky did not allow me to finish my sentence.

Mr. BLACKBURN. I beg pardon.

Mr. ALDRICH. I was about to say that the committee seemed determined to retain these amendments even if their discussion led to a failure of the bill. I did not mean to say the amendment would be retained, as I am certain that when a vote is reached it will not be retained.

Mr. BLACKBURN. Oh, we will see about that when we get to a vote.

Mr. ALDRICH. I understood the Senator to say that these amendments would be pressed, and if the Senate saw fit not to accept them, or I should see fit to discuss them within proper limits, that he was quite willing that the appropriation bill should fail.

Mr. BLACKBURN. I am sure there is no person to be found either on this floor or in the gallery who ever did understand me to say any such thing.

Mr. ALDRICH. I suggest to the Senator from Kentucky, if that is not his purpose, or that of the Senator from Maryland, or the majority of the Committee on Appropriations, to press these and similar amendments to the appropriation bills even if their discussion should force an extra session they should say so at once, as the other course would certainly place us in great danger of an extra session.

Mr. BLACKBURN. We can not be frightened by that.

Mr. GORMAN. If the Senator from Kentucky will permit me, I will make a suggestion to the Senator and the Senate, that to-morrow at 2 o'clock we vote on the bill without further discussion.

Mr. BLACKBURN. I should be very happy to have that agreement reached, or to have any other hour to-morrow fixed for a vote that may suit Senators.

Mr. ALDRICH. I should be quite willing to consent to that arrangement, but there are two or three other amendments of this same character coming behind the one pending.

Mr. BLACKBURN. I do not think there is, except this one.

Mr. ALDRICH. I do not know how many more amendments the Senator from Kentucky or the Senator from Maryland may offer before the final vote is reached.

Mr. BLACKBURN. If the Senator from Rhode Island will indicate any time, I shall be glad, by unanimous consent, to fix an hour for a vote on the pending amendments and on the bill.

Mr. ALDRICH. So far as I am concerned, I am quite willing to fix any reasonable time.

Mr. BLACKBURN. Then I ask unanimous consent that without further debate, at 3 o'clock to-morrow, a vote may be taken upon all pending amendments and the bill.

Mr. ALDRICH. Say 4 o'clock.

Mr. BLACKBURN. Well, at 4 o'clock to-morrow.

Mr. CHANDLER. I object, for the reason that it would prevent debate upon the subsequent amendment relative to the Southern fast mail.

Mr. BLACKBURN. Let us say 5 o'clock.

Mr. CHANDLER. That amendment has not been debated at all.

Mr. BLACKBURN. I am perfectly willing to agree that there shall be a vote on the pending amendment at any time to-morrow that may be fixed.

Mr. HALE. Let us agree to vote on the pending amendment or any amendment to it at 3 o'clock to-morrow.

Mr. PLATT. And then proceed under the five-minute rule.

Mr. HALE. And then, under the five-minute rule, proceed to debate the bill.

Mr. BLACKBURN. Will that be satisfactory to the other side?

Mr. HALE. I think so.

Mr. BLACKBURN. Then I am more than glad to ask that that



order be entered, that at 3 o'clock to-morrow debate shall cease upon the pending committee amendment and all amendments to it.

Mr. HALE. And that voting shall then begin.

Mr. BLACKBURN. And that voting shall then begin upon the amendments pending to this amendment and on this amendment, and that then under the five-minute rule we shall proceed to consider any other amendments that may be pending to the bill.

Mr. HALE. I think that is fair. I will state that if we had in the Senate more of the five-minute debate and less of the unlimited debate we should get better consideration of the provisions in appropriation bills.

Mr. BLACKBURN. I thoroughly agree with that view. Do I understand the Senator from Maine to go this far? I am sure we understand each other up to the point I have stated. Is it to be understood that beginning after the vote shall be taken at 3 o'clock, then going on under the five-minute rule as to all other amendments, we are to reach a vote on the bill to-morrow?

Mr. HALE. I did not say anything about that. I will leave that to the Senator in charge of the bill.

Mr. BLACKBURN. I hope it may be agreed to that at 5 o'clock or 6 o'clock—

Mr. HALE. Let us get an agreement as to the pending amendment first. Let the Chair put that.

Mr. BLACKBURN. Yes.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kentucky?

Mr. ALLEN. What is the request?

The VICE-PRESIDENT. The Senator from Kentucky will again state his request.

Mr. BLACKBURN. It is that at 3 o'clock to-morrow the Senate, without further debate, will come to a vote upon this amendment and all amendments pending thereto.

Mr. HALE. That is right.

Mr. BLACKBURN. And that after those votes shall have been taken the Senate will proceed under the five-minute rule.

Mr. HALE. To consider the bill.

Mr. BLACKBURN. To consider the bill and such other amendments. That is the request.

The VICE-PRESIDENT. Is there objection?

Mr. CHANDLER. That means amendments that may be offered to this amendment?

Mr. BLACKBURN. Certainly.

Mr. HALE. Any amendment?

Mr. BLACKBURN. Certainly.

Mr. CULLOM. Or to committee amendments pending.

The VICE-PRESIDENT. Is there objection?

Mr. ALLEN. One moment. Is it understood that we are to vote at 3 o'clock on this amendment?

Mr. BLACKBURN. On the pending amendment and amendments pending to the amendment.

Mr. ALLEN. And debate upon all other amendments is to proceed under the five-minute rule?

Mr. BLACKBURN. Under the five-minute rule.

Mr. ALLEN. With no agreement as to a vote on the bill?

Mr. BLACKBURN. No.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. BLACKBURN. Now, I would add this request: That, beginning after the vote shall have been taken upon the pending amendment and amendments to the amendment at 3 o'clock, we shall then proceed under the five-minute rule to discuss other amendments which may be reached or submitted; and I ask unanimous consent that we shall reach a vote upon the bill before we adjourn to-morrow evening.

Mr. CULLOM. Say at 5 o'clock.

Mr. BLACKBURN. At 5 o'clock, say.

Mr. HALE. On the bill.

Mr. BLACKBURN. Yes, and all pending amendments, not later than 5 o'clock.

Mr. VILAS. Dispose of the whole bill?

Mr. BLACKBURN. Yes, sir.

Mr. CHANDLER. It seems to me there is no need of fixing a time for adjournment. I for one should be willing to stay here to-morrow until the bill is finished, but I do not like to agree that no possible amendment that may be offered to the bill shall be debated later than 5 o'clock.

Mr. HALE (to Mr. BLACKBURN). Let that go.

Mr. BLACKBURN. I do not press that.

Mr. BERRY. We are to finish the bill during the day, then, before adjournment.

The VICE-PRESIDENT. Is there objection?

Mr. BLACKBURN. I understand the order already entered by unanimous consent obligates the Senate to continue to proceed under the five-minute rule of debate until the bill is disposed of.

Mr. HALE. That is the first agreement. That has been agreed to.

Mr. BERRY. And we are to finish the bill to-morrow.

Mr. BLACKBURN. And that is to be done to-morrow.

Mr. CULLOM. Yes.

Mr. BLACKBURN. Is there objection to that?

The VICE-PRESIDENT. The Chair will again submit the question.

Mr. HALE. That has been agreed to.

Mr. BLACKBURN. But it has not yet been agreed that we shall finish the bill to-morrow.

The VICE-PRESIDENT. Is there objection?

Mr. ALLEN. I shall object to a final vote upon the bill to-morrow. I have no objection to fixing 5 o'clock on day after to-morrow for the final vote; but there are important amendments to be considered in connection with this measure and the bill ought not to be concluded to-morrow.

Mr. CULLOM (to Mr. BLACKBURN). Let it go then.

Mr. BLACKBURN. Objection is made, and I withdraw the suggestion.

The VICE-PRESIDENT. The Chair was unable to hear the statement of the Senator from Nebraska. Does the Senator from Nebraska object?

Mr. ALLEN. I object to a unanimous-consent agreement to vote upon the bill to-morrow.

Mr. CULLOM. Nobody is asking that.

Mr. BLACKBURN. I have withdrawn that. The order stands then.

Mr. CHANDLER. That is, to dispose of the pending amendment at 3 o'clock to-morrow and thereafter to proceed under the five-minute rule.

Mr. HALE. Yes.

Mr. BLACKBURN. To proceed under the five-minute rule until the bill is disposed of.

Mr. CHANDLER. That is all right.

The VICE-PRESIDENT. It is so ordered.

#### PUBLIC BUILDING AT PATERSON, N. J.

Mr. McPHERSON. I ask unanimous consent to call up the bill (H. R. 27) to increase the limit of cost for the erection of a public building at Paterson, N. J.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the amount heretofore fixed as a limit of cost for the public building at Paterson, N. J., to \$200,000, which is fixed as the limit of cost for the purchase of a site and the erection thereon of the building.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SALE OF PUBLIC LANDS.

Mr. BERRY. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 4952) to amend section 2455 of the Revised Statutes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which was read, as follows:

*Be it enacted, etc., That section 2455 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:*  
"Sec. 2455. It shall be lawful for the Commissioner of the General Land Office to order into market and sell for not less than \$2.50 per acre any isolated or disconnected tract or parcel of the public domain less than one quarter section which in his judgment it would be proper to expose to sale after at least thirty days' notice by the land officers of the district in which such lands may be situated: *Provided*, That lands shall not become so isolated or disconnected until the same have been subject to homestead entry for a period of three years after the surrounding land has been entered, filed upon, or sold by the Government: *Provided*, That not more than 160 acres shall be sold to any one person."

Mr. BERRY. I move, in line 8, to strike out "\$2.50" and insert "\$1.25," so as to read "\$1.25 per acre."

Mr. HALE. There is not a Senator who can tell from the reading of the bill what the original statute is. It is not recited, and no man can tell unless he has an opportunity to examine it. Therefore I must object to the further consideration of the bill. I ask that the bill go over, so that some of us can look at the statute.

Mr. BERRY. This is a House bill, and it is very easily understood. It simply proposes that where there are isolated tracts of less than 160 acres of land which for three years have been subject to homestead entry and not taken, they may be offered at public sale, and if they fail to sell at public sale that thereafter they may be offered at \$1.25 per acre.

Mr. HALE. I ask that the section of the Revised Statutes proposed to be amended may be read.

Mr. HIGGINS. I should like to ask if the bill includes public lands in all the States of the Union where public land is for sale?

Mr. BERRY. It provides that wherever there are isolated tracts of less than 160 acres which have been subject to homestead entry for three years and have not been taken the Secretary of the Interior may offer them at public sale.

Mr. HALE. Wherever the land is?

Mr. BERRY. Wherever it may be.

Mr. HALE. It is a general law?

Mr. BERRY. It is a general law except as to towns. Thereafter it may be sold at not less than \$1.25 per acre. The bill was

passed by the House of Representatives, and it has been considered and unanimously reported by the Committee on Public Lands of the Senate.

Mr. HIGGINS. What public policy is to be conserved by reducing the price of the land when land is now going up in the West?

Mr. BERRY. I will state what is the public policy. No one will homestead these isolated tracts because of the small quantity. They are lying there doing no good; the timber is being stolen off them all over the United States, and it is better that the Government should have \$2.50 or \$1.25 or whatever the land may bring than that it should lie there and the timber be taken off by timber thieves. The bill will enable a great many men who have homesteads to add to their farms 40 acres or 80 acres, it may be, by paying the Government this amount of money. It is much better than to have the land lie there and not serve any purpose whatever.

Mr. HIGGINS. I ask the Senator why it is proposed to reduce the price? Why not keep it where it is now and give the power to offer it at public sale?

Mr. BERRY. Simply because it is supposed that at public sale the land will bring as much as it is worth. It may bring \$50 an acre, and the Government will get the advantage of it. If there is a failure to sell the land at public sale anybody, if the amendment I offer is adopted, can get the land at \$1.25 an acre, which has always been the price.

Mr. GRAY. I ask the Senator from Arkansas whether anybody is going to compete in a public sale if he can afterwards get the land at \$1.25 an acre without competing?

Mr. BERRY. If there are two or three parties who want the land I imagine they will compete at public sale.

Mr. STEWART. Has the Senator any estimate of the amount of the land affected by the bill? Is there any report from the Department?

Mr. BERRY. The Department reported on the bill favorably.

Mr. STEWART. I know.

Mr. BERRY. I do not think there is any estimate as to the amount of land involved.

Mr. STEWART. Did the Department report the amount?

Mr. BERRY. I do not suppose they were called upon to report the amount. They made a favorable report to the House of Representatives on the bill.

Mr. HIGGINS. Mr. President, I object to the further consideration of the bill.

The VICE-PRESIDENT. There is objection.

Mr. BERRY. I move that the Senate proceed to the consideration of the bill notwithstanding the objection of the Senator from Delaware.

Mr. HOAR. All right. We will all vote for that.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Arkansas to proceed to the consideration of the bill.

Mr. HALE. That will displace the unfinished business. Let us have the yeas and nays on the question.

Mr. BERRY. I do not propose to displace the unfinished business. If that will be the effect of the motion I will withdraw it.

Mr. HALE. That will be the effect.

Mr. BERRY. I have no disposition to displace the unfinished business, but I simply notify the Senator from Delaware that it is not fair treatment. Senators on the other side of the Chamber get unanimous consent to pass bills from day to day—

Mr. CHANDLER. Mr. President, I rise to a question of order. Mr. BERRY. And when an application is made on this side objection is interposed.

The VICE-PRESIDENT. The Senator from New Hampshire will state his question of order.

Mr. CHANDLER. The question of order is that on a motion to proceed to the consideration of a bill debate is not allowed.

Mr. HALE. Undoubtedly.

Mr. GORMAN. Mr. President—

The VICE-PRESIDENT. The Senator from Maryland.

Mr. BERRY. I stated that if my motion would have the effect to displace the regular order I would withdraw it.

Mr. CHANDLER. The trouble is the Senator from Arkansas proceeded to scold Senators.

Mr. BERRY. I will state to the Senator from New Hampshire—

The VICE-PRESIDENT. The Chair will state that the Senator from Maryland is entitled to the floor.

Mr. BERRY. Will the Senator from Maryland yield to me?

Mr. GORMAN. Certainly.

Mr. BERRY. I will state to the Senator from New Hampshire that I say whatever I think it is proper under the rules of the Senate to say, and I do not propose that he shall interfere with that right.

Mr. CHANDLER. Will the Senator from Maryland yield to me?

Mr. GORMAN. Certainly.

Mr. CHANDLER. The Senator from Arkansas asked the Senate to proceed to the consideration of a bill which he was very anxious to have acted upon. There was considerable debate upon the bill, and at last there was objection to its further consideration. The Senator from Arkansas then moved to take up the bill. He was informed that it would displace the bankruptcy bill. He then proceeded to say that he was unwilling to press his motion, but he proceeded to scold Senators upon this side of the Chamber for interposing the objection. Now, that was all I said. If the Senator from Arkansas was not scolding I never heard scolding in this Chamber. He is at liberty to scold me or any other Senator whom he chooses to scold if he thinks it does him any particular credit at home or here.

Mr. BERRY. I had nothing to say about the Senator from New Hampshire; and I shall not say now what I was about to say. I have such an opinion of the Senator from New Hampshire that it would not be proper for me to express it on this floor.

#### PROPOSED CONSIDERATION OF UNOBTAINED BILLS.

Mr. GORMAN. Mr. President, as has been stated half a dozen times by the distinguished Senator from Kentucky and other members of the Committee on Appropriations, the consideration of the great appropriation bills that are now pending in the Senate and to be reported within the next ten days and two weeks will take up the greater part of the session. It will require nearly all the time we have to press them through in the present condition of those bills. But there are on the Calendar an immense number of bills, Senate bills and House bills, which ought to be considered in the meantime, and I suggest to the Senate that we do what is frequently done in a short session, that on Friday from 1 until 2 o'clock, and Saturday from 1 until 2 o'clock, we consider the unobjected bills on the Calendar to be called up.

Mr. HALE. Why not devote the time from the end of the routine morning business until 2 o'clock? That would be better.

Mr. GORMAN. I suggest, then, that from the end of the routine morning business until 2 o'clock on those two days the unobjected bills on the Calendar be considered, adopting the rule which has always been adopted, giving each Senator an opportunity to call up a bill.

Mr. BLACKBURN. That is right.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maryland?

Mr. ALDRICH. I suggest that the Senator from Maryland make his request for the consideration of such bills after 2 o'clock. There are quite a number of resolutions pending and others are likely to be offered.

Mr. GORMAN. I make the request for the consideration of unobjected bills before 2 o'clock. After 2 o'clock we will be compelled to press the appropriation bills. I know how it is from personal experience. There are one or two local bills on the Calendar affecting my own State which I have not had time to call up and have passed.

Mr. ALDRICH. I have no objection if it is understood that morning business includes business in the way of resolutions that shall be disposed of.

Mr. GORMAN. As a matter of course, but that the time shall be devoted from 1 o'clock to 2 o'clock to the exclusion of resolutions.

Mr. BLACKBURN. Or earlier.

Mr. GORMAN. Or earlier if we can get through with the routine morning business.

Mr. HOAR. What does the Senator from Maryland understand by routine morning business?

Mr. GORMAN. The presentation of petitions, reports, bills, and resolutions that come in.

Mr. HOAR. There are some Senators who wish to say something upon the pending resolution as to the financial situation of the country. Does the Senator understand that a resolution presented by the Senator from Rhode Island or any other Senator and going over is a part of the routine business?

Mr. GORMAN. Under the suggestion I make such resolutions will be displaced from 1 until 2 o'clock.

Mr. ALDRICH. The Senator had better not fix any hour.

Mr. BLACKBURN. It is only for two mornings.

Mr. GORMAN. It is only for two mornings, Friday and Saturday. The Senator from Rhode Island and the Senator from Massachusetts know perfectly well that unless we get the Senate bills on the Calendar through this week it will be impossible to get them through elsewhere. It is merely to facilitate business and gratify all Senators in the body that I suggest this arrangement.

Mr. ALDRICH. Suppose we take them up Saturday afternoon after 2 o'clock.

Mr. CHANDLER. I wish to suggest, with reference to the remark of the Senator from Rhode Island, that nobody would be present. One trouble about considering the Calendar when it is taken



up late in the day, as at 6 o'clock, is that there are not a sufficient number of Senators here. It seems to me the Senator from Maryland is right in asking that for one day or two days the Calendar shall be taken up for the consideration of unobjected cases when all Senators are here.

Mr. GORMAN. I ask that the time from 1 until 3 o'clock on the two days I have indicated shall be devoted to the consideration of unobjected cases.

Mr. HOAR. I should like to make one suggestion to the Senator from Maryland: Here is the bankruptcy bill as the unfinished business. It is a matter which has been in one form or another considered by the people of the country very extensively. Boards of trade, great business meetings, business men of all kinds have memorialized Congress and presented their views, and important bodies of men have come to Washington on that errand year in and year out. Now, the bankruptcy bill before the Senate (I do not wish to enter in the least into the discussion of its merits) is very objectionable, I think I have a fair right to say, to that class of persons who are usually described by the term "the business men of the country." North, South, East, and West, in New Orleans, Mobile, and St. Louis, from Oregon to New York and Boston and Baltimore, there is a great unwillingness to have that bill passed without amendments which can not be discussed and made at the present session. There is no provision in it for bankruptcy itself, as understood in the old times, which means involuntary bankruptcy, protection against wrong.

Now, why is that bill to be kept here as a menace, so that when every Senator on the other side has anything to do he comes up and says, "I want you to consent that everything else you have at heart shall be laid aside; we must not meddle with that measure," as the Senator from Arkansas did just now? Why not let it be laid aside and let us understand it?

Mr. GORMAN. I trust the Senator from Massachusetts will not press that question now on this matter concerning smaller bills.

Mr. HOAR. I am not going to do so, but I am going to press it at the proper time, which is now.

Mr. GORMAN. I agree with the Senator from Massachusetts that we must come to a direct vote on that bill, and I trust that will be done within six hours after it comes before the Senate again.

Mr. HOAR. My suggestion is that we can not come to a direct vote on it at the present session.

Mr. GORMAN. We can in some form, I will say to the Senator.

Mr. HOAR. It is impossible.

Mr. GORMAN. I suggest to the Senator that no bill can stand in the way of the general appropriation bills, and we must reach that a little later on. But I now renew my request that for two days the unobjected bills on the Calendar may be called up, as I have indicated.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maryland?

Mr. TELLER. We do not know what the request is. We have not been able in this part of the Chamber to hear anything that has been said for half an hour.

The VICE-PRESIDENT. Will the Senator from Maryland again state the request to which he desires the Senate to accede?

Mr. GORMAN. I will, sir. I ask that on Friday morning and Saturday morning, at 1 o'clock, the Senate will proceed to the consideration of any unobjected bills on the Calendar—

Mr. HALE. In their order.

Mr. GORMAN. No; but so as to give each Senator, as has been the universal rule, an opportunity to call up some one bill, the agreement to apply to every Senator in the body. I make the request for the reason which I have stated, that that is the only time when we can pass a Senate bill with any hope of having it considered elsewhere.

The VICE-PRESIDENT. Is there objection?

Mr. CALL. If the Senator from Maryland includes in his request consent that resolutions as well as bills may be called up I shall be content, but if he proposes to exclude—

Mr. GORMAN. It includes unobjected bills and resolutions.

Mr. CALL. That would place a resolution which a great many people in the United States desire to have passed entirely at the mercy of an objector.

Mr. GORMAN. It includes bills and resolutions unobjected to.

Mr. CALL. If the Senator will agree that the resolution to which I refer shall be voted on to-morrow morning I will have nothing to say. Otherwise I object to the arrangement proposed.

The VICE-PRESIDENT. The Chair was unable to understand from the Senator from Florida whether he interposes an objection to the request of the Senator from Maryland.

Mr. CALL. I said unless it is agreed that I shall have the privilege of calling up my resolution and having it voted upon without being displaced by the objection of the Senator from Maryland or the Senator from Kentucky I will not consent. If I can have the resolution considered—

Mr. GORMAN. Of course the suggestion I made was that un-

objected cases should be taken up; but if the Senator from Florida or any other Senator objects to it, I move that the Senate adjourn.

Mr. COKE. Pending that motion I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. Does the Senator from Maryland withdraw his motion?

Mr. GORMAN. I withdraw the motion to adjourn.

The VICE-PRESIDENT. The Senator from Texas moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 14, 1895, at 12 o'clock m.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 13, 1895.*

### UNITED STATES ATTORNEY.

Sinclair Taliaferro, of Texas, to be attorney of the United States for the eastern district of Texas.

### PROBATE JUDGES.

J. C. McNally, of Utah Territory, to be judge of probate in the county of Salt Lake, in the Territory of Utah.

Isaac K. Wright, of Utah Territory, to be judge of probate in the county of Sevier, in the Territory of Utah.

Henry Shields, of Utah Territory, to be judge of probate in the county of Summit, in the Territory of Utah.

John T. Lazenby, of Utah Territory, to be judge of probate in the county of Wayne, in the Territory of Utah.

F. W. Chappel, of Utah Territory, to be judge of probate in the county of Juab, in the Territory of Utah.

### PROMOTIONS IN THE ARMY.

#### Corps of Engineers.

Lieut. Col. Henry Martyn Robert, to be colonel.

Maj. Alexander Mackenzie, to be lieutenant-colonel.

Capt. John George David Knight, to be major.

First Lieut. George Arthur Zinn, to be captain.

#### Infantry arm.

Lieut. Col. William Lucius Kellogg, Fifth Infantry, to be colonel.

Maj. Henry Blanchard Freeman, Sixteenth Infantry, to be lieutenant-colonel.

Capt. William Henry McLaughlin, Eighteenth Infantry, to be major.

First Lieut. Charles McClure, Eighteenth Infantry, to be captain.

Second Lieut. James Baylies, Fifth Infantry, to be first lieutenant.

### MEMBER OF MISSISSIPPI RIVER COMMISSION.

Lieut. Col. George L. Gillespie, Corps of Engineers, United States Army, as a member of the Commission provided for in the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a 'Mississippi River Commission' for the improvement of said river from the Head of the Passes, near its mouth, to its head waters."

### POSTMASTERS.

Alexander A. McLaughlin, to be postmaster at Kenyon, in the county of Goodhue and State of Minnesota.

Patrick McKeon, to be postmaster at Rush, in the county of Chisago and State of Minnesota.

Frank J. Gove, to be postmaster at Madelia, in the county of Watonwan and State of Minnesota.

Edward Fay, to be postmaster at Moorhead, in the county of Clay and State of Minnesota.

Philip Caselberg, to be postmaster at Grand Rapids, in the county of Itasca and State of Minnesota.

Bruno Poppitz, to be postmaster at Heron, in the county of Jackson and State of Minnesota.

William C. Nash, to be postmaster at East Grand Forks, in the county of Polk and State of Minnesota.

George H. Benton, to be postmaster at Red Wing, in the county of Goodhue and State of Minnesota.

Charles B. Anderson, to be postmaster at Zumbrota, in the county of Goodhue and State of Minnesota.

Frank E. Newell, to be postmaster at Morris, in the county of Stevens and State of Minnesota.

George C. Middlebrook, to be postmaster at Millbank, in the county of Grant and State of South Dakota.

George Lion, to be postmaster at Granite Falls, in the county of Yellow Medicine and State of Minnesota.

Adolph J. Schaller, to be postmaster at Hastings, in the county of Dakota and State of Minnesota.

Frank D. Kelly, to be postmaster at Bradford, in the county of Essex and State of Massachusetts.

Albert Nunez, to be postmaster at Arabi, in the parish of St. Bernard and State of Louisiana.

Matilda Yesle, to be postmaster at Palo Alto, in the county of Santa Clara and State of California.

Frank S. Bowman, to be postmaster at Millersburg, in the county of Dauphin and State of Pennsylvania.

John W. Armstrong, to be postmaster at North Clarendon, in the county of Warren and State of Pennsylvania.

James W. Brown, to be postmaster at Neenah, in the county of Winnebago and State of Wisconsin.

Clint L. Price, to be postmaster at Wapello, in the county of Louisa and State of Iowa.

John F. Huntington, to be postmaster at Oakland, in the county of Pottawattamie and State of Iowa.

Harry E. Culbertson, to be postmaster at Edinboro, in the county of Erie and State of Pennsylvania.

August Neuman, to be postmaster at Ackley, in the county of Hardin and State of Iowa.

David O. Stone, to be postmaster at Hawarden, in the county of Sioux and State of Iowa.

Thomas F. Danaher, to be postmaster at Forest City, in the county of Winnebago and State of Iowa.

Spencer Van Petten, to be postmaster at Chenoa, in the county of McLean and State of Illinois.

Ernest D. Mayhew, to be postmaster at Kewanee, in the county of Henry and State of Illinois.

W. S. Porter, to be postmaster at Eldora, in the county of Hardin and State of Iowa.

D. H. Bell, to be postmaster at Bastrop, in the county of Bastrop and State of Texas.

Julia C. Polk, to be postmaster at Coleman, in the county of Coleman and State of Texas.

George W. Paul, to be postmaster at Claremont, in the county of Sullivan and State of New Hampshire.

Ledett A. Bostwick, to be postmaster at Lowville, in the county of Lewis and State of New York.

John E. Connelly, to be postmaster at Ashland, in the county of Middlesex and State of Massachusetts.

William J. Coogan, to be postmaster at Pittsfield, in the county of Berkshire and State of Massachusetts.

#### WITHDRAWAL.

*Executive nomination withdrawn from the Senate February 13, 1895.*

#### MARSHAL.

W. M. Campbell, to be marshal for the district of Minnesota.

#### HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 13, 1895.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

#### EXPLANATIONS OF VOTES, ETC.

Mr. HAUGEN. Mr. Speaker, on the roll call yesterday upon the question of annual clerks for members I answered "present," refraining from voting, because I believed I was paired with the gentleman from Massachusetts [Mr. MORSE]. On looking at the RECORD of this morning I find that the gentleman from Massachusetts [Mr. MORSE] was paired with the gentleman from Ohio [Mr. SORG]—whether on this particular question or as a general pair I do not know.

In explanation of my failure to vote and making the announcement I did I merely want to say that on the day before yesterday the gentleman from Massachusetts [Mr. APSLEY] asked me if I would pair on the question of annual clerks with his colleague, Mr. MORSE. I said that I would; and during the roll call on yesterday the gentleman from Massachusetts [Mr. APSLEY] turned to me and asked me whether I considered myself as paired with Mr. MORSE. I replied that I did; and for that reason I did not vote. It now appears that although I supposed I was paired with Mr. MORSE, I in fact had no pair on yesterday. I make this statement to explain why I believed I was paired and why I refrained from voting. I was opposed to the proposition, and should have so voted had I not thought that I was paired.

Mr. DENSON. I desire to make a correction. The RECORD states that on the vote yesterday upon the question of annual clerks for members I was paired with the gentleman from Texas [Mr. GRESHAM]. That gentleman, however, voted in the negative, not knowing anything about the pair, as he has informed me. I wish to say that if I had been present I should have voted against that amendment.

Mr. GRESHAM. Mr. Speaker, I am reported in the RECORD as having been paired yesterday with the gentleman from Alabama [Mr. DENSON]. I was not paired; and I understand that the erroneous statement in the RECORD arose from mistaking the name GRAHAM in the written pair for my name.

#### HOOR OF MEETING TO-MORROW.

Mr. TALBOTT of Maryland. I ask consent that to-morrow the House meet at 11 o'clock a. m.

Mr. PICKLER. What is the object?

The SPEAKER. The Chair presumes it is to give more time for the consideration of the naval appropriation bill. Is there objection to the request? The Chair hears none, and the order is made.

#### BUREAU OF AMERICAN REPUBLICS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Foreign Affairs, and ordered to be printed:

*To the Senate and House of Representatives:*

I transmit herewith for the information of the Congress a communication from the Secretary of State, covering the report of the Director of the Bureau of the American Republics for the year 1894.

GROVER CLEVELAND.

#### EXECUTIVE MANSION.

*Washington, February 13, 1895.*

#### DECISIONS UNDER THE TARIFF AND NAVIGATION LAWS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a draft of a joint resolution to provide for the printing, binding, and distribution of the decisions under the tariff and navigation laws of the United States; which was referred to the Committee on Printing, and ordered to be printed.

#### WAR CLAIMS.

The SPEAKER also laid before the House copies of the findings of the Court of Claims in the following cases; which were referred to the Committee on War Claims, and ordered to be printed: *Indiana Miami Indians vs. The United States; George W. Marlar vs. The United States; and John Hightower vs. The United States.*

#### MINERAL LANDS IN MONTANA AND IDAHO.

The SPEAKER also laid before the House the bill (H. R. 3476) to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho.

The SPEAKER. This bill has been returned from the Senate with amendments and with a request for a conference.

Mr. McRAE. I move that the House nonconcur in the Senate amendments and agree to the conference.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. McRAE, Mr. CAMINETTI, and Mr. ELLIS of Oregon as conferees on the part of the House.

#### BASIL MORELAND.

Mr. HEARD. I shall have to call for the regular order.

Mr. BOWERS of California. Mr. Speaker—

The SPEAKER. The demand for the regular order cuts off all requests for unanimous consent.

Mr. HEARD. I understand the gentleman from California [Mr. BOWERS] desires to call up some matter which went over yesterday uncompleted.

The SPEAKER. Yesterday a bill called up by the gentleman from California [Mr. BOWERS] went over until to-day by agreement. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 4704) for the relief of Basil Moreland.

The SPEAKER. The gentleman from California asked consent yesterday for the consideration of this bill, and by agreement the matter went over until to-day so that some gentleman might look into the question. Is there now objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BOWERS of California, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

The committees were called, and there were no reports presented.

The SPEAKER. This day is set apart for the consideration of business reported from the Committee on the District of Columbia.

#### JAMES LINSKEY.

Mr. HEARD. Mr. Speaker, I desire to call up at this time for present consideration the bill (H. R. 8624) for the relief of James



Linskey from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

*Be it enacted, etc.,* That all real estate lying in the District of Columbia heretofore purchased by and conveyed to James Linskey, of said District, prior to the passage of this act, be relieved and exempted from the operation of an act entitled "An act to restrict the ownership of real estate in the Territories to American citizens," approved March 3, 1887, and all forfeitures incurred by force of said act are, in respect of such real estate, hereby remitted.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HEARD, a motion to reconsider the last vote was laid on the table.

#### MARLBORO ELECTRIC RAILWAY OF MARYLAND.

Mr. HEARD. Mr. Speaker, in order to resume business where we left off on the last District day, I move that the House resolve itself into Committee of the Whole House to complete the consideration of the bill H. R. 8698, and to consider such other bills as the Committee on the District of Columbia may call up.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 8698) to authorize the Washington and Marlboro Electric Railway Company of Maryland to extend its line of road into and within the District of Columbia.

The motion of Mr. HEARD was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DOCKERY in the chair.

The CHAIRMAN. The Chair is advised that when the committee rose on the last District day general debate had been closed on the bill the title of which had been read and several amendments had been adopted to section 1 of the bill.

Mr. HEARD. That is correct.

Mr. HAINES. But the consideration of that section had not been concluded at the time the committee rose.

The CHAIRMAN. The consideration had not been concluded. The reading of section 2 had not begun.

Mr. HEARD. Then the first section is still under consideration and open to amendment?

The CHAIRMAN. That is correct.

Mr. HAINES. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Amend section 1, line 41, by striking out the words "be made" in that line and inserting the words "shall be," so as to read:

"That such extension of the road shall be within one year after the opening of Pennsylvania avenue to the Bowen road. These routes may be modified or extended at the will of Congress, and the said railway company shall comply with such modifications or extensions."

Mr. RICHARDSON of Tennessee. There is no objection to that amendment.

The amendment was agreed to.

Sections 2, 3, 4, and 5 of the bill were read.

The Clerk read section 6 of the bill, as follows:

SEC. 6. That if the said railway be operated by overhead wires the corporation shall furnish and maintain such lights along its line as the Commissioners of the District of Columbia may direct, without cost to the District of Columbia; but no overhead wires shall be constructed or used within the limits of the city of Washington.

Mr. HAINES. I move to strike out of this section lines 1, 2, 3, and 4, and down to and including the word "but," in line 5.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the following words:

"That if the said railway be operated by overhead wires the corporation shall furnish and maintain such lights along its line as the Commissioners of the District of Columbia may direct, without cost to the District of Columbia; but"

Mr. HAINES. I do not know why Congress should compel a railroad company to furnish electric lights on the line of its road. It is not in that line of business. It is only fair to any such corporation that it should be excluded from such an imposition; and therefore I ask the adoption of the amendment.

Mr. BAKER of New Hampshire. If the gentleman will allow an interruption I would like to ask him if, in the same line of his argument, there is any reason why Congress should grant this road this right of way, or to any company, and that one-half of the widening of any street or alley that shall be required should be paid half by the company and half by the District of Columbia?

Mr. HAINES. I do not.

Mr. BAKER of New Hampshire. One is just as broad as the other.

Mr. HAINES. I think not. There is no reason why they should be required to furnish electric lights.

Mr. HEARD. Mr. Chairman, that is a condition on which the bill was reported by the House committee, and it also met the approval of the District Commissioners. That is one of their require-

ments, and I think, with the gentleman from New Hampshire, that it has probably affected the judgment of the District Commissioners, and probably the committee, in agreeing to report favorably on the bill. That is to say, that these people would render this equivalent or partial equivalent for the franchise.

This bill is entirely satisfactory, as far as I have heard, to the friends of the measure. The gentleman from Maryland [Mr. COFFIN] says it is entirely satisfactory.

Mr. COFFIN of Maryland. It is.

Mr. HEARD. And I do not see why we should not keep that provision in.

Mr. HAINES. Will the gentleman permit a question?

Mr. HEARD. Certainly.

Mr. HAINES. If I am not mistaken, the gentleman from Missouri stated, no longer than two or three days ago, that he knew of no railroad corporation, with one or two possible exceptions, that were paying institutions in the District of Columbia at this time.

Mr. HEARD. None of the suburban roads.

Mr. HAINES. None of the suburban roads.

Mr. HEARD. There is no question about that being true.

Mr. HAINES. In the same bill you are requiring this company to pay 4 per cent of their gross receipts. Can they hope to do that? Is there any hope of their being able to do it? Certainly not. People introduce bills here asking us to grant franchises for the purpose of selling them, and they go to people who have the means and sell their bonds, and those people, buying the securities in good faith, do not look into the franchise granted by Congress here. Otherwise they would not invest their money. In the city of New York the Broadway line, which is worth millions of dollars, only pays 3 per cent of its gross receipts; and out of eleven hundred electric railways in the United States there are possibly four or five exceptions where such a requirement is made by the States. I do not know why Congress should sanction a bill here which must result in a railroad corporation going into the hands of the bondholders or receivers after large sums of money have been invested in it. I claim it is a wrong precedent for us to establish here, and I ask that my amendment be agreed to.

Mr. HEARD. In response to what the gentleman has said I desire simply to submit that it is true, as the reports of these different suburban roads show, that none of them have been operated at a profit, but all of them have been operated at a loss; but at the time this bill was reported and was before the Commissioners the Commissioners had not taken action upon a bill asking that such roads be relieved from the burden of paying 4 per cent of their gross earnings, and that the amount be reduced to 1½ per cent. Since that time, as I understand, the Commissioners have reported favorably upon a bill advising that Congress reduce the tax upon their gross earnings from 4 per cent down to 1½ per cent. That matter was discussed in the committee in connection with this bill and it was suggested that the tax be fixed at 1½ per cent, the amount which it was known these other suburban roads intended to ask that their tax be reduced to, but the committee thought there was no reason why this particular road should be given that reduction unless it was also given to the others.

Now, the Commissioners having reported favorably on the reduction of that 4 per cent tax to 1½ per cent, as far as I am concerned, I am perfectly content that this bill shall be amended so as to make it 1½. I do not believe in all probability that this road will pay a dividend in ten years; but, as I said a while ago, the bill in its present form is acceptable to those who ask the franchise, as I understand, and it was their purpose to accept the franchise with the 4 per cent conditions, taking the chance of Congress putting them on a footing with other suburban roads in case it reduced the tax already assessed by the charters granted to other suburban roads.

Now, so far as the people who will put their money into this enterprise, not examining the franchise, I am quite surprised to hear that statement from a man of practical experience in railroad matters, as I understand my friend from New York [Mr. HAINES] to be. I do not think this Congress needs to constitute itself a guardian to preserve the interests of men who invest their money in these enterprises. I think the men who have sense enough to make money to build these railroads are very apt to thoroughly understand the conditions which are imposed by their charters, and they make up their minds whether or not the enterprise is a good one under those conditions. I do not think there is any danger of their being taken by surprise.

Now, in conclusion, the bill as reported is acceptable to the gentleman from Maryland [Mr. COFFIN], whose people are specially interested in it, and, as I understand, it is satisfactory to those people who expect to be benefited by it. Therefore I hope the gentleman from New York [Mr. HAINES] will not insist upon an amendment which they do not ask, and which I doubt whether the House might cheerfully give.

Mr. HAINES. I ask for a vote on my amendment, Mr. Chairman.

Mr. COFFIN of Maryland. In regard to this amendment of the gentleman from New York [Mr. HAINES], while we are willing to accept the bill as it is printed and as it comes to us from the Commissioners, of course if this House wants to relieve us of the burden of putting up these lights we are willing to accept the relief. At the same time we do not raise that point. We are willing to take the judgment of the House upon the question.

Mr. RICHARDSON of Tennessee. I only ask time to say a word. I do not think the amendment of the gentleman from New York [Mr. HAINES] ought to be adopted. I do not think the gentleman from Maryland [Mr. COFFIN] ought to ask to have it adopted, and I do not understand that he does.

Mr. HEPBURN. I want to ask if this provision is not found in the charters of all the suburban roads?

Mr. RICHARDSON of Tennessee. I was going to say that it is, and for a very good reason, Mr. Chairman. These roads, run by the overhead trolley in the District outside of the city, run their cars very rapidly, at great speed. Now, the only object in this provision in the bill is to provide some protection to the people who live along the line.

It gives a light. It requires the road to put a light there, in order that lives and limbs may be protected.

Mr. HAINES. I withdraw the amendment.

Mr. RICHARDSON of Tennessee. I do not think you ought to insist on the amendment.

The Clerk read as follows:

Sec. 11. That the main line of the said railway company shall be commenced within one year and completed within two years from the passage of this act; the Fourteenth street branch of said road shall be completed within three years from the passage of this act.

Mr. HEPBURN. Mr. Chairman, I offer an amendment there. In section 11, line 1, strike out the word "main," and in lines 3, 4, and 5 strike out the words "the Fourteenth street branch of said road shall be completed within three years from the passage of this act."

The Clerk read as follows:

On page 7, section 11, strike out the word "main" in line 1, and in line 3, section 11, strike out the following: "The Fourteenth street branch of said road shall be completed within three years from the passage of this act."

Mr. HEPBURN. The object of this amendment is to require the commencement of the line of road within one year and its completion within two.

Mr. HEARD. What section?

Mr. HEPBURN. Section 11.

Mr. COFFIN of Maryland. I would like to state to the gentleman from Iowa that the road will have to build a bridge, and I think it ought to have the time given in that section.

Mr. HEPBURN. Mr. Chairman, I do not believe it is wise policy to extend to three years the construction of any of these railroads. If they are not of sufficient importance to make it profitable in the estimation of the people who are to construct them to complete them in two years, it is a wise thing to postpone the authorization of them until a later period. Three years is a long time.

Mr. HEARD. So far as that is concerned, it is a question for the exercise of the judgment of the House, but as the gentleman from Maryland [Mr. COFFIN] has stated, this company will be required to build a bridge across the Eastern Branch for their exclusive use. The road runs almost entirely in Maryland, across the Eastern Branch, and it was thought that three years was a reasonable time; but that is a matter on which each member will exercise his own judgment. It is not material to the framing of the bill, but I think that time ought to be allowed.

The amendment was rejected.

The Clerk read as follows:

Sec. 16. That said company shall, on or before the 1st of February of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December 31, and such other facts as may be required by any general law of the District of Columbia, which report shall be verified by the affidavit of the president and secretary of said company, and, if said report is not made at the time specified or within ten days thereafter, such failure shall of itself operate as a forfeiture of the privileges and rights herein granted, and it shall be the duty of the Commissioners to cause to be instituted proper judicial proceedings therefor; and said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, each year, 4 per cent of its gross earnings within the District of Columbia, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per cent of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway: *Provided*, That the payment of the said 4 per cent of its gross earnings shall not be required during the period of five years after the commencement of the operation of said railway, or any part thereof. Its real estate shall be taxed as other real estate in the District of Columbia: *Provided further*, That its tracks shall not be taxed as real estate.

Mr. HAINES. Mr. Chairman, I offer an amendment. In section 16, line 18, I move to strike out the word "four" and insert

the words "one and a half;" also, in line 29 of the same section I move to strike out the word "four" and insert the words "one and a half." I hope that will be adopted.

The CHAIRMAN. Let the Clerk state the amendment.

The Clerk read as follows:

On page 10, line 13, strike out the word "four" and insert the words "one and a half," and on page 11, line 29, strike out the word "four" and insert the words "one and a half."

Mr. HAINES. Mr. Chairman, the chairman of the Committee on the District of Columbia, who has made a study of these suburban roads, states that none of them are paying, as I understand, operating expenses even.

Mr. HEARD. The reports show that.

Mr. HAINES. The gentleman says the reports show that. Now, the District Commissioners, who have investigated that matter, have proposed a bill which will be considered later, requiring that the percentage of the gross earnings be reduced from 4 to 1½ per cent. Now, if we have been wrong in imposing these terms in the other charters, let us commence right in this instance. I do not know the parties who are asking for this franchise; but I suppose it is some one, possibly, who has some real estate that they want to dispose of.

Mr. HULL. I understand there is to be a bill brought up in the line of your amendment applying to all suburban roads?

Mr. HAINES. Yes, sir.

Mr. HULL. Why not let this bill go as it is and let all of them stand or fall together.

Mr. HAINES. We want to do right; we want to be fair.

Mr. HULL. You are not doing right in this case if this road is only required to pay 1½ per cent of the gross earnings and the others 4. It is only right for them all to go one way or the other.

Mr. HAINES. I will ask the chairman of the committee if it is expected that such a bill will be passed at this Congress?

Mr. HEARD. I think it can, Mr. Chairman. It is now before our committee and has been favorably recommended by the Commissioners. I think it will become law. Therefore the committee thought the text should remain the same as the others, and let them all be affected by the same general law.

Mr. HAINES. Now, I would ask the gentleman from Iowa if he would be in favor of a law which would make them all pay 1½ per cent?

Mr. HULL. I am not going to commit myself. I will meet that question when it arises. But I will consent to sign a recommendation that the bill be reported from the committee, but whether I shall vote in favor of it or not, if it be so reported, will be a matter for determination at the time.

Mr. COOPER of Florida. Mr. Chairman, that amendment, according to my recollection, was proposed in the Committee on the District of Columbia, and was voted down on the ground that we have a general regulation which imposes this tax of 4 per cent on gross earnings in lieu of personal-property tax on all railroads. Now, on this kind of railroad we have a bill before the committee proposing to reduce it in the case of suburban railroads to 1½ per cent, but that bill has not so far been acted on by the committee.

When this amendment was offered in the Committee on the District of Columbia the committee voted it down, because they thought that if we were going to alter the rate of taxation we ought to do it in a systematic way and make the change applicable to all the roads. If the gentleman from New York insists on a vote on his amendment I hope that it will be voted down as an amendment to the present bill, because it is against the judgment and the vote of the Committee on the District of Columbia.

Mr. HEARD. Mr. Chairman, I will not contradict the statement of my friend from Florida, because his recollection on this subject is probably better than mine. As I stated a while ago, this matter was discussed in the committee. If an amendment was offered and voted down, I do not remember it, but I have no doubt that the statement of the gentleman is correct, and I remember that after discussion the text of this bill was left to stand in conformity with the text of other suburban railroad bills. I expressed the hope a few moments ago that the amendment would prevail. In view of the statement of the gentleman from Florida as to the action of the committee, I now withdraw that remark. I hope that the gentleman from Maryland [Mr. COFFIN] will be content to let the amendment be withdrawn and let this road take its chance with the others, for I have no doubt that Congress will see the justice of passing a general law applicable to them all.

Mr. HAINES. The gentleman states that this is not a just provision which compels this railroad company to pay 4 per cent, and yet—

Mr. HEARD. Mr. Chairman, I have made no such statement, and it is not necessary that I should make any such statement. On the contrary, I think it would be an improper thing for me to say under the circumstances. I do, however, think that 4 per cent is an unreasonable rate of taxation, and I therefore expect to vote and to do all I can for the relief of this and the other roads which are taxed more than their earning capacity will justify.



Mr. HAINES. If it is unjust why not begin to correct the evil now by adopting this amendment?

Mr. HEARD. The reason has been very forcibly stated by the gentleman from Florida [Mr. COOPER]. He says and I believe that the sense of the Committee on the District of Columbia was that it would be better to let this road stand with the others and let them all be relieved, if at all, by a general law.

Mr. HEPBURN. Mr. Chairman, there may be a reason, and a good one, for this form of taxation of the tracks and franchises of a railroad company, but there is certainly no good reason for this form of taxation of the personal property of a railroad company. This form was adopted at the instance of the corporations, and the rate of 4 per cent was fixed because they knew that it would inure to their advantage, it being a less rate of taxation than the ordinary one of 1½ per cent on the valuation of their personal property.

Mr. HEARD. If the gentleman will permit me to correct him, he is entirely mistaken when he says that this originated with the corporations. It originated with the gentleman from Illinois, Mr. Rowell, when he was a member of the District Committee, and it was incorporated in these bills as they came up from time to time for consideration.

Mr. HEPBURN. The gentleman is talking only about this city. I am talking about this form of taxation generally as having been procured by the railroad companies.

Mr. HEARD. I understand that, and I say it was proposed here by the gentleman from Illinois, Mr. Rowell, one of the best members the committee ever had. He proposed it as a means of making them, in a sense, pay for their franchises.

Mr. HEPBURN. It is a form of taxation that has been in use for years, and it was in use years before the gentleman from Illinois [Mr. ROWELL] was a member of the District Committee.

Mr. HEARD. Well, it was not suggested by the corporations, as the gentleman states; it originated in the committee.

Mr. HEPBURN. It is in some of the oldest charters in this city, and it was originated in the interest of the railroad companies, to secure a less rate of taxation than the ordinary rate. That was the purpose of it. They knew that this 4 per cent tax upon their gross earnings would yield a less sum to the city than the ordinary rate of taxation. Now the proposition is to cut it down to 1½ per cent, and a general law for that purpose is suggested. It will be time enough to discuss that proposition hereafter. As I understand it, this bill puts this road on a par in this respect with all the other roads. Is not that correct?

Mr. HEARD. It is.

Mr. HEPBURN. And I see no reason why there should be an exception made in favor of this road.

Mr. COFFIN of Maryland. Mr. Chairman, we do not ask to have any advantage over any other road, and I therefore hope that the gentleman from New York [Mr. HAINES] will withdraw his amendment.

Mr. HAINES. I ask for a vote, Mr. Chairman.

The question being taken on the amendment of Mr. HAINES, the Chairman declared that the yeas seemed to have it.

Mr. HAINES. I ask for a division.

The committee divided; and there were—yeas 4, noes 26; so the amendment was rejected.

The Clerk read as follows:

SEC. 18. That the said company shall have at all times the free and uninterrupted use of the roadway, and if any person or persons shall willfully, mischievously, and unlawfully obstruct or impede the passage of cars of said railway company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depot stations, or other property belonging to the said railway company, the person or persons so offending shall forfeit and pay for each such offense not less than \$25 nor more than \$100 to said company, to be recovered as other fines and penalties in said District; and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

Mr. HEPBURN. Mr. Chairman, I want to ask the chairman of the Committee on the District of Columbia why this peculiar language is found in section 18 in relation to fines. It provides that "if any person or persons shall willfully, mischievously, and unlawfully obstruct or impede the passage of the cars of said railway, etc., the person or persons so offending shall forfeit for each such offense not less than \$25 nor more than \$100 to said company, to be recovered as other fines and penalties in said District." As I understand it these fines are to inure to the benefit of this company. In other words, after a fine has been assessed by a magistrate, or by the police court, it is to be turned over to the corporation. Is not that a new departure?

Mr. HEARD. Mr. Chairman, as I recollect, this provision has been incorporated in every bill that I have had knowledge of for ten years. According to my understanding there is no purpose in the use of that language to make these fines a source of revenue to the company. The provision is intended simply as a means of protecting the property of the company in its safe operation, a

matter which concerns the entire public, and the idea is to have somebody interested to prosecute offenders. That is why the fine is made to inure to those against whom the offense is committed. In other words, the railroad company, while protecting its property against destruction or interference, is at the same time protecting the comfort and lives of its passengers and employees. That, I understand, is the reason for inserting the language in the bill.

Mr. HEPBURN. The language of the bill is, "or in any way molest or interfere with passengers or operatives while in transit." Now, let us see how this will operate. Some man, we will suppose, makes an assault upon a passenger in one of these cars. Then a prosecution is instituted and a fine of \$100 is levied; but that fine, under the terms of the bill, inures to the benefit of the company. I am not objecting to the company having proper control over their road and proper means for protecting themselves in its operation. But for us now to provide that the ordinary fines and penalties which may be collected in the police courts for offenses of this character shall be turned over to the railroad company would be, it seems to me, an innovation in the administration of criminal justice.

Mr. HEARD. It is no innovation; it corresponds with the provisions which have been inserted in charters granted here during many years past. The justification for such a provision is that it tends to make the company interested in the prosecution of persons who thus offend by interfering with the operations of the road. This is no new feature in our legislation. It is not peculiar to this charter. If the gentleman will examine the various charters of this kind which have been granted in this District during many years past he will, I believe, find a provision of this kind in every one of them. I have made some examination; and to my personal knowledge such a provision has been inserted in all the various charters of this kind which have been granted during at least ten years past.

Mr. HEPBURN. Has the gentleman any objection to striking out the words "to said company," in line 11, page 13?

Mr. HEARD. If the judgment of the House is that those words shall go out I shall not object. The only reason for inserting them is, as I have stated, that the company may be interested in prosecuting these offenses, which are in many cases offenses against the public as well as against the property of the company.

Mr. HULICK. Have these corporations availed themselves on any occasion of such a provision as this in their charters? Has the provision operated practically as a protection?

Mr. HEARD. I do not know whether the companies have had occasion to avail themselves of the provision; but I am sure they would do so if necessary.

Mr. HEPBURN. I move to amend by striking out, in line 11, page 13, the words "to said company."

Mr. HEARD. I have no further suggestions to submit. I have stated the reason for inserting those words. The matter is one for the House to determine.

The question being taken, the amendment was agreed to, there being—yeas 23, noes 20.

The Clerk resumed and concluded the reading of the bill.

Mr. HEARD. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

#### SURVEYOR OF THE DISTRICT OF COLUMBIA.

Mr. HEARD. I desire now to call up Senate bill No. 444, which proposes to make a change in the law in regard to the surveyor of the District of Columbia. When the bill shall have been read (and the report, if called for) I propose to yield to the gentleman from Iowa [Mr. HULL], who reported the bill, and who is more familiar with the subject than I am.

The Clerk read as follows:

A bill (S. 444) making the surveyor of the District of Columbia a salaried officer, and to provide for more efficient service in the surveyor's office.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act the surveyor of the District of Columbia shall receive a salary of \$3,000 per annum in lieu of fees, and shall be under the direction and control of the Commissioners of the District of Columbia.

SEC. 2. That the surveyor shall give bond to the United States in the penalty of \$20,000, with two sureties, to be approved by the Commissioners, conditioned for the faithful discharge of the duties of his office, and shall take and subscribe an oath or affirmation before the Commissioners that he will faithfully and impartially discharge the duties of his office, which bond and oath shall be deposited with the Commissioners of the District of Columbia.

SEC. 3. That the Commissioners of the District of Columbia, on the recommendation of the surveyor, be, and they are hereby, authorized to appoint one assistant surveyor, at a salary of \$1,800 per annum; one draftsman and computer, at a salary of \$1,400 per annum; one clerk, at a salary of \$1,200 per annum; two rodmen, at \$720 each per annum; two chainmen, at \$650 each per annum; and such additional employees as may be, in the judgment of the Commissioners of the District of Columbia, temporarily required for the surveyor's operations, at an aggregate expense of not exceeding \$2,000 in any one year.

SEC. 4. That the surveyor shall, as speedily as possible, execute any order of survey made by any court or private individual of any lot or square within the cities of Washington and Georgetown, or of any land within the District

of Columbia outside of said cities, and shall make due return of a true plat and certificate thereof.

SEC. 5. That it shall be the duty of the surveyor to execute any surveying work for the District of Columbia, without charge, on the order of the Commissioners; and all fees for surveys made by the surveyor or the assistant surveyor shall be paid over to the collector of taxes of the District of Columbia under regulations to be prescribed by the Commissioners of the District of Columbia, and be covered into the Treasury of the United States as other revenues of the District are now; and the field notes of the surveyor and his assistant shall be preserved and shall be a part of the public property of the District of Columbia.

SEC. 6. That the assistant surveyor shall take the same oath his principal is required to take, and may, during the continuance of his office, discharge and perform any of the official duties of his principal, and any default or misfeasance in office by the assistant surveyor, or other assistant or helper of the surveyor, shall be deemed a breach of the official bond of his principal.

SEC. 7. That the Commissioners of the District of Columbia are hereby empowered and directed to prescribe a schedule of fees to be charged by the surveyor for his services in lieu of the fees now charged, which schedule shall be printed and conspicuously displayed in the office of the surveyor.

SEC. 8. That all laws and parts of laws in the District of Columbia relating to the surveyor now in existence, as far as the same are applicable and not in conflict with this act, are hereby continued in full force and effect.

Mr. HULL. Mr. Chairman, the report in this case is voluminous; and I think I can briefly explain the measure so as to set out the main points to the satisfaction of members.

There is a rather peculiar situation of affairs in this District. The surveyor of the District has never been a public officer, but simply a man employed under a law which does not preserve public records. The fees fixed by the District for business of this kind are below those which private parties will pay; and in many cases no funds are provided to pay for public work. The result is that the business of the District, so far as this officer is concerned, is compelled to wait his pleasure.

The Commissioners report (and an investigation bears out their statement) that under the present law the surveyor's office is absolutely independent of all supervision by the Commissioners; and the field books, notes, and preliminary records are claimed as the private property of the surveyor or his deputies. In such a state of affairs, the surveyor owning the field notes, the District Commissioners are compelled to employ in this office from time to time members of the same family; and one of the District Commissioners stated that members of a particular family have held the office practically for one hundred years. At one time a man not connected with this family was employed to do this work; but it was found impossible for him to do it because of the fact that, without the field notes which his predecessors had made, he had not sufficient data to enable him to efficiently perform the duties of the office.

The Commissioners report further that in many cases of plats, subdivisions, and surveys the report is made in such a way that you must go back to the same surveyor who made the original subdivision or plat in order to secure accurate work. The public business is compelled to wait, as a rule, on private business, because people pay more for the work than the city does; and the special-assessment division reports that the work of that office is seriously inconvenienced and greatly hindered by the nonreceipt from the office of the surveyor of the District of Columbia of the plats and subdivisions of lots in the various squares, as required by the existing orders of the Commissioners, and because of the nonreceipt of the plats and subdivisions it is impossible to make correct assessments.

Mr. SAYERS. I desire to ask the gentleman a question—

Mr. HULL. I will come to the question of expense in a moment.

Mr. SAYERS. The question to which I refer does not affect the expense. I notice in the report of the committee the statement that—

In case of the death of the surveyor the possession of the field books and notes and official memoranda might be retained by his heirs or executors, and be the subject of embarrassing legal contention before the municipal authorities could secure them, if they should be able to get possession of them at all.

Mr. HULL. That has been the case heretofore.

Mr. SAYERS. But how could that possibly happen, if the man is an officer of the Government?

Mr. HULL. He is not, however, a public officer in the sense that gives the public possession of his field notes. He is paid by fees and is not a public officer as usually understood.

Mr. SAYERS. Well, even if employed by contract he is under the District authorities.

Mr. BAKER of New Hampshire. He is appointed by the Commissioners.

Mr. HULL. Yes; under a contract to do the work as provided by law, but the law is so faulty that it should at once be amended.

Mr. SAYERS. To that extent, at least, he is a public officer. Now, why should not all of the records, notes, books, and memoranda relating to the surveys made by him while discharging his duties as a public officer go, under the contract, into the District offices and become public property?

Mr. HULL. Well, that is the very question I asked the Commissioners themselves, and they said they could not require sufficient data from the surveyor to complete the record.

Mr. HEARD. I answer the gentleman from Texas that there is no law compelling it.

Mr. HULL. The Commissioners replied, when the inquiry was suggested, that they were not able to get any concessions out of the surveyors because of the small amount of service they rendered to the District. You will notice that the amount paid to them as compensation by the District for public work is very insignificant as compared with the amount they receive from private parties. The District expenditure is small, only about \$1,000, while private parties pay between seven and eight thousand dollars a year for the surveys, and I was surprised when informed that the District had no record of these things. The answer was that there is no law requiring the preservation of the records, and in some cases where surveys have been made, or desired to be made, under the control of the District they have been compelled, although it was advantageous to employ a new surveyor, to go back to the same family who made the original survey in order to get access to the field notes, etc.

Mr. BAKER of New Hampshire. Do the committee concede that the plat books, maps of subdivisions, and field notes are the private property of the surveyors themselves?

Mr. HULL. They are regarded as the property of the surveyors.

Mr. BAKER of New Hampshire. And yet there is hardly a deed executed here that does not refer to these plats as "recorded in the office of the surveyor of the District of Columbia."

Mr. HULL. They tell me that the records are so incomplete that as a matter of fact they do not constitute what could be considered a public record, and that in many cases it is impossible to continue the service without going to the office of the surveyor in order to get this information.

Mr. BAKER of New Hampshire. As a matter of fact, I repeat that there is scarcely a deed to any property in this District that does not refer to the plats "in the office of the surveyor of the District of Columbia." They must, then, be regarded as public plats and surveys.

Mr. HULL. The Commissioners of the District informed me that there is no full official record of the surveys. They have a memorandum to some extent, but no full official record as we have in our States and cities throughout the Union.

Mr. BAKER of New Hampshire. There are about fifty great volumes of public records in the office of the surveyor.

Mr. HULL. I am simply giving what they said.

Mr. SAYERS. I understand that for all work done for private parties the charge will be made and the expense met by them in the shape of fees?

Mr. HULL. That is correct.

Mr. SAYERS. And these fees are to go into the Treasury?

Mr. HULL. Yes.

Mr. SAYERS. Into the Treasury for the benefit of the District of Columbia only?

Mr. HULL. They will go into the Treasury just as all other taxes do, that is, one-half to the credit of the District and one-half to the General Government.

Mr. SAYERS. But all other taxes and fees do not go that way, I think.

Mr. HULL. All for the support of the District do.

Mr. SAYERS. Certain court fees, as I understand, do not go into the Federal Treasury.

Mr. BAKER of New Hampshire. They form a part of the revenues of the District.

Mr. SAYERS. The court fees assist in supporting the Government.

Mr. BAKER of New Hampshire. The fees of the police court are, I think, put into the Treasury the same as other taxes. Of course, the distribution of the other fees are determined by the judicial acts.

Mr. HULL. But, if the gentleman will allow me, it is easy to obviate that. I understand that there was no question about it; this bill covers that point; but it is easy to provide that they shall be paid into the public Treasury, if the provisions of this bill are sufficiently explicit, as other taxes are under the arrangement with the General Government.

Mr. SAYERS. Now, with reference to the bill itself, I object to the establishment of additional offices. The bill provides for two rodmen, at \$720 each per annum, and two chainmen, at \$650 each per annum. I think those items should be stricken out.

Mr. HULL. The important point I have in my mind is to have this officer made a public officer, full public records kept. If the gentleman from Texas believes that these subordinates ought not to have the salaries named in the bill, it is very easy to amend it by striking them out. There is no question in my mind as to the central idea of the bill, that this surveyor should be a public officer and all his work, including field notes, shall be under the control of the District Commissioners.

Mr. HEARD. That is right.

Mr. HULL. That is the central idea that I have in my mind. All the departments of the District government which rely upon



these records for the prompt transaction of their business are unanimous in the opinion that it is absolutely necessary to change the method which they have had heretofore, namely, practically the contract system, with the surveyor. If the gentleman from Texas [Mr. SAYERS] will look at the report of the surveyor he will see that under the present law, under the fees provided, he collected the sum of \$7,500 last year, when the work was not done for the District that should have been done in order to expedite the public business.

Mr. HEARD. I ask that general debate be closed, and that the bill be read by sections for amendment.

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.*, That from and after the passage of this act the surveyor of the District of Columbia shall receive a salary of \$3,000 per annum in lieu of fees, and shall be under the direction and control of the Commissioners of the District of Columbia.

Mr. SAYERS. Mr. Chairman, I move to strike out the word "three," in line 4, and insert the word "two," so that it will read: "A salary of \$2,000 per annum."

Mr. HULL. I move to amend that by making it \$2,500. I regard the salary as fixed by the bill none too much.

Mr. SAYERS. Make it \$2,250.

Mr. HULL. Very well, if the gentleman insists upon it, I will let it go at \$2,250. He made \$2,700 last year, and I do not think \$2,250 is enough.

The amendment was read, as follows:

In lines 3 and 4, strike out the words "three thousand" and insert the words "two thousand two hundred and fifty."

Mr. HULICK. I want to ask a question of the gentleman who has charge of this bill. I am advised that the office of surveyor does not now exist in this District.

Mr. HULL. Not as a public officer.

Mr. HULICK. That is what I mean.

Mr. HULL. There is a law for a surveyor to be appointed by the District Commissioners.

Mr. HULICK. I understood that there was no surveyor.

Mr. HULL. The law does not require him as a public officer to keep records and to have an office, and all that.

Mr. HULICK. The inquiry occurred to my mind whether this first section should not provide for the establishment of the office of public surveyor?

Mr. HULL. There is a man who holds an appointment as surveyor from the Commissioners, but under the present law his duties are so lamely defined that he claims a large part of the data as his private property.

Mr. HULICK. He certainly is not a public officer unless his records are public property. Ought we not in this bill to establish the office in the first place and provide for his appointment, and provide that the records shall be public records and subject to public inspection?

Mr. HULL. This bill is prepared by the District Commissioners, and they claim that under this bill they will have that right.

Mr. HULICK. I understand there is no public surveyor of the District of Columbia.

Mr. HULL. There is a District surveyor appointed by the Commissioners.

Mr. HULICK. There may be many surveyors, but I understand there is no public surveyor.

Mr. COBB of Alabama. Oh, yes; there is a public surveyor appointed under law.

Mr. HULL. Yes; but there never has been any law properly framed to make his records public property.

Mr. HULICK. That is what I understood.

Mr. COBB of Alabama. But he is a public officer.

Mr. HULICK. Ought we not at this time to so frame the law that the records of that office shall be public property?

Mr. HULL. That is what this bill does do.

Mr. SAYERS. I ask the gentleman if the very fact of his being a public official does not make his acts and his records public?

Mr. HULICK. But they say he is a private surveyor.

Mr. COBB of Alabama. That has been a question of contention for years, and the fact has been that the Commissioners of the District of Columbia have never been able to control these records.

Mr. HULICK. Then we ought to have a law that will.

Mr. HULL. It is claimed that that will be done by this bill.

Mr. HEARD. That is what we propose to do by this bill.

Mr. RICHARDSON of Tennessee. This bill makes the records public.

Mr. HULICK. I do not see the authority here.

Mr. RICHARDSON of Tennessee. If the gentleman will read the closing part of section 5, on page 3, he will see that it reads as follows:

And the field notes of the surveyor and his assistant shall be preserved and shall be a part of the public property of the District of Columbia.

Mr. HULICK. Ought we not to pass a law to establish the office first?

Mr. COBB of Alabama. It is already established.

Mr. HULL. The officer has already been appointed by the Commissioners. He claims that under the law his field notes and plats are private property; but he is appointed by the Commissioners. I think the bill covers that point sufficiently.

Mr. COBB of Alabama. If the gentleman will pardon me, the situation is simply this: There is an office of surveyor of the District of Columbia. There is no law which requires him to do the work of the District, and therefore for all the work which he has performed heretofore for the District he has claimed the fees from the public Treasury just as if he had been working for a private individual. The result has been a large claim against the funds of the District of Columbia on behalf of this surveyor for work done for the public, such as surveying streets and the like. Now, this bill proposes to strike down all that claim and put him under the control of the District Commissioners, so that when his time is required it will be used by them.

Mr. BAKER of New Hampshire. I send to the Clerk's desk part of the existing statutes relating to the surveyor of the District of Columbia, and ask to have them read.

The Clerk read as follows:

SEC. 472. The office of the surveyor of the District is the legal office of record of the plats of all property in the city of Washington, and all records of the division of squares and lots made between the public and original proprietors, or otherwise authorized by law, shall be kept in said office.

SEC. 473. All transcripts from such records certified by the surveyor shall be evidence equally valid with certified transcripts from the land records of the District.

SEC. 474. The surveyor, before entering upon the discharge of his duties, shall take an oath or affirmation that he will faithfully and impartially perform the duties required of him by the provisions of this chapter.

SEC. 475. The plats of the squares in the city of Washington shall be drawn upon a uniform scale of not less than 1 inch to 50 feet, and shall show the lines of all subdivisions of the squares as the same existed at the date of the completion of each square.

SEC. 484. The surveyor shall ascertain and certify, and put on record at the request and expense of any person interested therein, the fact of the occupation of land by a party wall as mentioned in the preceding section.

SEC. 487. Whenever the President shall deem it necessary to subdivide any square or lot belonging to the United States, within the city of Washington, not reserved for public purposes, into convenient building lots or portions for sale and occupancy, and alleys for their accommodation, he may cause a plat to be made by the surveyor in the manner prescribed in this chapter, which plat shall be recorded by the surveyor, and the provisions of this chapter shall extend to the lots, pieces, and parcels of ground contained in such plat as fully as to subdivisions made by individual proprietors.

Mr. COBB of Alabama. If the gentleman will allow me a moment. By reading the whole law he will find there is a large amount of work done year by year by the District surveyor which does not become public property and matter of record in the office of the Commissioners, or at least that has been the contention; and now, to remove that contention, the law provides here that all these field notes shall be public property, duly recorded and kept in the office of the Commissioners.

Mr. BAKER of New Hampshire. Mr. Chairman, my contention is that all the field notes, or official transcripts of them, all the plats or plans from the field notes in the surveyors office, passing into plats of the District of Columbia, and all books or records kept by the surveyor as such are public records, and that they are such public records as are received in courts as valid evidence just the same as records of deeds; and for anyone to suggest that those records, paid for in part by the District of Columbia and part by the Government, and paid for in the remainder of instances by individuals for the purpose that they may become public records and remain such through all time, are the property of an individual is too absurd, in my mind, to be stated here in earnest by any man who has examined the subject.

Mr. HULL. Mr. Chairman, I want to say in reply to the gentleman from New Hampshire that the Commissioners of the District were before the committees at different times, not only the House committee, but the Senate committee, and they stated repeatedly that the records were not complete, that while the surveyor was a public officer in the sense of being appointed by them under the law, yet that the public business was delayed frequently because there was no appropriation to pay for his work.

Mr. HEARD. Public work ordered by the Commissioners.

Mr. HULL. Public work ordered by the Commissioners. They said the surveyor held that he was not obliged to do any work for the public unless the money was provided to pay for it as it was done. As to the point of the records not being absolutely public records, I have only the statement of the three Commissioners that the records are incomplete; that the surveyor holds that they are largely his private property, and that the Government had been compelled for years to keep the same family in office as surveyor of the District of Columbia. Now, I suppose the Commissioners knew exactly what records they had and whether they were complete or not, and the reports in writing of the different divisions of the District government go to bear out the contention of the Commissioners that the surveyor should be made a public officer and paid a salary, the public business being given a preference and all fees turned into the Treasury.

Mr. BAKER of New Hampshire. What would be done with the records of this surveyor's office if he should die or be removed?

Mr. HULL. That is a question which I suppose would have to come up at the time when it became necessary to negotiate for them; but it seems to me that it is our duty, regardless of whether this man is or is not in possession of records that the District government must have, to put the office on a public basis, make him a public officer, and require him to give a preference to the public business.

Mr. HEARD. If the gentleman will allow me to read an extract from the report of Captain Fieberger, it will throw some light upon this question. He says:

It must be conceded that it is of the greatest importance to the government of the District of Columbia and its property owners—

1. That all surveys upon subdivisions of lands shall be promptly and accurately made;

2. That errors in previous surveys shall be corrected and adjusted;

3. That accurate official records shall be deposited with the proper authorities for reference at any time and for use in making assessments;

4. That all field notebooks and other notes shall form part of the public records to correct errors inadvertently made in the plats.

The defects of the present system are:

1. It is impossible for the surveyor to make all surveys required in the District of Columbia, accurately and promptly, with the force now employed by him. Most of the subdivisions recently made outside of the city have been made by other surveyors.

2. Errors in previous surveys can only be discovered, adjusted, or corrected when all the surveys are made under the supervision of a single office. That such errors exist is apparent from the fact that in determining the limits of the tracts in Rock Creek Park, surveyed under the executive officer of the Rock Creek Park Commission, it was absolutely impossible to make the previous surveys agree with each other.

The difficulties could only be solved by the property owners going upon the ground and, guided by a few generally recognized landmarks, fixing the boundaries of their several tracts.

Instead of correcting errors, the present system is probably only adding to them, as the different surveyors are working independently. In a recent examination of the reservoir tract belonging to the United States, it was discovered that the plat of this tract and the adjacent one belonging to private parties overlapped each other by about 60 feet. These surveys were made not long ago by two different men, and not under the supervision of the surveyor of the District of Columbia. Had both been made by the surveyor he would have been compelled to correct the errors at once before making the plats.

3. Accurate official records can not be kept, as some of the surveys are now recorded in the office of the surveyor of the District of Columbia, and others with the recorder of deeds. Only the former are recognized by the assessor. This must necessarily lead to confusion.

The necessity of keeping accurate records up to date is fully explained in the accompanying letter of the officer in charge of the special assessment division.

4. All field notebooks of surveys now belong to the parties who made the surveys, and can not be used, without their permission, to correct errors which may be discovered in official records. In time they will probably be lost or destroyed.

The object of the bill is not so much to have the work of subdividing property in the District done more cheaply, but to have it done more accurately and systematically.

However, it is probable that the receipts of the office of the surveyor will be largely increased when all the work in the District is done by him.

In addition to the work for private parties the following should be done for the District of Columbia:

1. An official plat of Georgetown, of which no reliable one now exists.

2. Official surveys of streets, alleys, etc., which are being encroached upon by private parties.

The annual appropriations for contingent expenses are not now sufficient to cover the cost of having much surveying done for the District of Columbia. This accounts for the small amounts hitherto paid the surveyor.

Very respectfully,

G. J. FIEBERGER,

Captain, Corps of Engineers, U. S. A.

The ENGINEER COMMISSIONER OF THE DISTRICT OF COLUMBIA.

It is upon these facts that we have based our statements and our contention that the legislation proposed in this bill by the Commissioners themselves ought to be enacted. This statement of Captain Fieberger sets forth the facts upon which we are acting.

Mr. HULL. Mr. Chairman, I wish to read, in the same connection, a portion of the report of the special assessment division:

I have the honor to report that the work of this office is very much inconvenienced by the nonreceipt from the office of the surveyor District of Columbia of the plats of subdivisions of lots in the various squares, as required by existing order of the Commissioners District of Columbia.

The last copies of subdivisions from the surveyor's office were received last January, and it is impossible to make correct assessments without correct plats as the subdivisions may exist at the time the assessment is to be made.

I want to call the attention of the gentleman from New Hampshire to the next paragraph of this report, which says:

In this connection I take the liberty of inviting your attention to the peculiar state of existing circumstances in that the surveyor District of Columbia, who is presumed to be a District official, does not appear to consider it at all incumbent upon his office to perform any work, however necessary, for the District, upon the order of the Commissioners District of Columbia, without compensation therefor, and such work so ordered is ignored unless some appropriation can be utilized to make payment of his bill.

Mr. BAKER of New Hampshire. Mr. Chairman, I think the statements that have been read and the statement which I have made are entirely consistent.

Mr. HULL. There is no doubt of that.

Mr. BAKER of New Hampshire. The whole point is this: The surveyor contends that he should not be required to perform public duties without compensation, and, as there is no fund under which the Commissioners can compensate him, he claims that he is under no obligation to perform the duties which they demand of him and make a public record of such proposed action. In that

I wholly agree with the surveyor, and I believe in the purpose of this bill. I have only been combating the idea that the surveyor is not an officer of the District of Columbia, and that the records of his office are not public records, and I do not find that my view is controverted by anything in the reports that have been read.

Mr. HEARD. But it is stated by the Commissioners and by Captain Fieberger that they are powerless to control the surveyor's actions without tendering him his fee; and, that being the case, whether he is theoretically a District officer or not, he is in fact entirely independent of the Commissioners.

Mr. HULL. And they make the further statements to the committee that the records are very incomplete, that the present law does not give them the proper standard that a public record should have, and that the field notes of the surveyor ought to be filed with the plats that are made, to serve as a starting point for the next surveyor.

Mr. BAKER of New Hampshire. I agree to all that.

Mr. HULL. The surveyor does not file his field notes now, but under this bill he would be compelled to do so.

Mr. HEARD. Mr. Chairman, I have no knowledge as to whether the compensation provided in this bill is sufficient, insufficient, or excessive. I know that the bill came to us from the Commissioners with their indorsement and recommendation, and I assume that they have honestly and judiciously fixed the compensation. If, however, it appears to the House that these fees are excessive, let them be changed. My own opinion is that a man competent to be intrusted with running the lines and fixing the boundaries of property in this District of the value of hundreds of millions of dollars could not be employed for less than \$3,000 a year; but if the House concludes that the fees are excessive, but that the general provisions of this bill should be carried out, let them reduce the fees. All I ask is what the Commissioners contend for, that they should have complete records and the means of making such records.

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. SAYERS. I accept the amendment, Mr. Chairman.

Mr. HULL. I hope the whole amendment will be voted down.

Mr. SAYERS. But you offered an amendment to it just now.

Mr. HULL. I know; but I do not think the amendment ought to pass.

Mr. RICHARDSON of Tennessee. Allow me to make a suggestion which will probably obviate this difficulty.

Mr. SAYERS. Certainly.

Mr. RICHARDSON of Tennessee. I suggest that instead of reducing the salary below \$3,000, which the Commissioners assure me they think is neither inadequate nor excessive, we add a proviso at the close of the section that this amount shall not be paid unless the fees accruing warrant the expenditure.

Mr. HULL. I think the gentleman is mistaken in suggesting that proviso, because this does increase the expenses somewhat.

Mr. SAYERS. Four or five thousand dollars a year.

Mr. RICHARDSON of Tennessee. The simple effect of the proviso is that the salary would not be paid unless the fees received should warrant it.

Mr. HULL. By this bill we cut off all public fees, and the private fees will not cover the amount of the salary.

Mr. RICHARDSON of Tennessee. I do not think a salary of \$3,000 is excessive, and I think the fees will pay it.

Mr. SAYERS. I think we can reach an agreement on this point. I do not see the necessity for having a surveyor, an assistant surveyor, a draftsman and computer, a clerk, two rodmen, two chainmen, all recognized and paid as officers of the city government. If gentlemen think that \$3,000 should be paid to the surveyor and \$1,800 to an assistant surveyor, that may be all right; but I suggest that either the draftsman or the clerk ought to be eliminated from the bill. The trouble is that the bill provides for too many officers.

Mr. HEARD. I do not profess to have any personal knowledge in regard to the need for a draftsman and a clerk; but I assume that the Commissioners who drew this bill knew what officers were necessary, and they have expressed their judgment on the subject in drafting the bill. If a clerk and a draftsman are necessary I see no more propriety in eliminating the provision for those two officers than in striking out any other necessary part of the bill.

Mr. HAINES. Allow me to state that there is no necessity for a clerk in this business. This is on the same line as railroad surveys.

Mr. HULL. I wish to call the attention of my friend from Texas to section 7, which provides—

That the Commissioners of the District of Columbia are hereby empowered and directed to prescribe a schedule of fees to be charged by the surveyor for his services, in lieu of the fees now charged.

Mr. HEPBURN. What is to be done with the fees provided for in that section?

Mr. HULL. As I understand, they go into the Treasury.

Mr. HEPBURN. Is there any such provision in this bill?



Mr. HULL. They are covered, as I understand, by the provisions of this law into the Treasury.

Mr. HEPBURN. Under this language of the bill these fees will certainly go to the surveyor:

The Commissioners of the District of Columbia are hereby empowered and directed to prescribe a schedule of fees to be charged by the surveyor for his services, in lieu of the fees now charged.

Mr. COBB of Alabama. I call the attention of the gentleman from Iowa to the provision in section 5:

And all fees for surveys made by the surveyor or the assistant surveyor shall be paid over to the collector of taxes of the District of Columbia, under regulations to be prescribed by the Commissioners of the District of Columbia, and be covered into the Treasury of the United States as other revenues of the District are now.

Mr. HEPBURN and others. That covers the case.

Mr. HULICK obtained the floor.

Mr. SAYERS. If the gentleman from Ohio will yield a moment, I wish to withdraw my amendment.

Mr. HULL. And I withdraw mine.

The CHAIRMAN. That will leave the section as reported by the committee.

The Clerk read section 2.

Mr. HULICK. I wish to address myself to the first section of the bill. I gave way only for the purpose of allowing the amendments to be withdrawn. Before section 2 is considered I want to address myself to the first section.

The CHAIRMAN. If there be no objection, the Chair will regard section 1 as still open to amendment. The Chair hears no objection.

Mr. HULICK. The amendment of the gentleman from Texas proposed to reduce the salary of this surveyor from \$3,000 to \$2,000.

Several MEMBERS. That has been withdrawn.

Mr. HULICK. But I will renew the amendment, if necessary. As a basis for my remarks I renew the amendment offered by the gentleman from Texas to strike out "three" in line 4 of section 1 and insert "two," so as to read "that from and after the passage of this act the surveyor of the District of Columbia shall receive a salary of \$2,000," etc.

Now, Mr. Chairman, an examination of section 3 will show, adding up all of the sums covered by that section together—that is to say, an assistant surveyor, at \$1,800; one draftsman and computer, \$1,400; one clerk, \$1,200, and the other employees named in that section—that if the bill passes as it is now framed an aggregate expenditure of \$12,140 is authorized.

I am not in favor of making an office of that kind in the face of the fact that the fees have not heretofore amounted to that sum. As I understand it, the gentleman who makes the report has stated that they amounted to about \$7,000.

Mr. HULL. The statement was that they have reported fees of only about \$7,500 last year.

Mr. HULICK. That means the total amount of fees arising from the services of all these assistants who are named here.

Mr. HULL. The surveyor reports \$7,500 in fees.

Mr. HULICK. That is to say for the surveyor and all the rest of these officials mentioned here?

Mr. HULL. That is for the whole office. He paid out for help \$4,848. But it must be remembered that he did but little work for the public, only about \$1,000 in all for the District, because they had no funds to draw on out of which to pay him. The presumption is that with an adequate force, and the records all show that it is inadequate, there would be a considerable additional amount of work done for the city, and it is estimated that the additional work, if paid for as heretofore, would amount to about as much as the bill carries.

Mr. HULICK. Is this official prohibited from doing private work?

Mr. HULL. Not at all.

Mr. HULICK. Then I understand he will get over \$12,000 for fees and salary out of the public Treasury, and his assistants will do all of the work, while at the same time he will be able to go out and do private work for his own benefit.

Mr. HEARD. Not at all. All the fees derived from that work will go into the Treasury.

Mr. HULICK. You mean the private fees?

Mr. HEARD. Certainly.

Mr. HULL. It is provided that they shall be paid to the treasurer of the District of Columbia and the amount covered into the Treasury; and the additional amount covered in the bill is to be made up in a new schedule of fees adopted by the Commissioners, they having authority under the bill to establish a new schedule of fees.

Mr. HULICK. Very well; I will accept that statement.

Now, it seems that there is an increase here of over \$5,000 beyond the amount of the receipts under the present arrangement.

Mr. HULL. Not as much as that; something over four thousand. The fees last year were \$7,500.

Mr. HULICK. Well, that makes over \$5,000 difference.

Mr. HAINES. Oh, no; aggregate the sum total and you will find that the amount of fees last year deducted from the sum total leaves something over \$4,000. This proposition authorizes the employment of such additional persons as may, in the judgment of the Commissioner, be temporarily required, at an aggregate expense not exceeding \$2,000.

Mr. HULL. As a matter of fact, the absolute increase will amount to practically nothing when that is taken out. Take \$3,400 off, as is proposed in an amendment to be offered, and it will only leave about \$1,800 difference.

Mr. HULICK. I expressed my surprise at the bill because of the amount of the increase which this section carries, but accept the explanation given by the committee.

But the law, as I understand it, does not provide for the office of surveyor. I ask the question of the committee: When is this officer appointed and what is the length of his term of office?

Mr. COBB of Alabama. That is provided for in the law now existing.

Mr. HULL. There is no fixed term, I will state to the gentleman from Ohio.

Mr. HULICK. We have been told, in response to the question heretofore, that this was a sort of family concern which has been in the same family for a generation or so, and the records of the surveyor's office belong not to the public, but to this individual or family. Now, we propose to give money, making an appropriation in this bill, to an officer and allow him to employ assistants to the extent of about \$12,000, while there is not a provision of law in the bill making it a public office at all.

[Here the hammer fell.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Ohio.

Mr. HULICK. Mr. Chairman, with the understanding (that I was not aware of when I rose to address the committee) that it is proposed by the committee to strike out some of the features in this third section, I withdraw my amendment.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

Section 2 was read.

The Clerk read section 3, as follows:

SEC. 3. That the Commissioners of the District of Columbia, on the recommendation of the surveyor, be, and they are hereby, authorized to appoint one assistant surveyor, at a salary of \$1,800 per annum; one draftsman and computer, at a salary of \$1,400 per annum; one clerk, at a salary of \$1,200 per annum; two rodmen, at \$720 each per annum; two chainmen, at \$650 each per annum; and such additional employees as may be, in the judgment of the Commissioners of the District of Columbia, temporarily required for the surveyor's operations, at an aggregate expense of not exceeding \$2,000 in any one year.

Mr. SAYERS. Mr. Chairman, I move to strike out all of section 3, beginning with line 5 and ending with line 13, and insert what I send to the desk.

The Clerk read as follows:

Strike out the following words:

"One draftsman and computer, at a salary of \$1,400 per annum; one clerk, at a salary of \$1,200 per annum; two rodmen, at \$720 each per annum; two chainmen, at \$650 each per annum; and such additional employees as may be, in the judgment of the Commissioners of the District of Columbia, temporarily required for the surveyor's operations, at an aggregate expense of not exceeding \$2,000 in any one year," and insert, "and such employees as may be, in the judgment of the Commissioners of the District of Columbia, required for the surveyor's operations, at an aggregate expense of not exceeding \$4,000 in any one year."

Mr. HULL. I think the committee is willing to accept that. It is a slight change in the phraseology, and cuts down the expense some. The amendment was adopted.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 4. That the surveyor shall, as speedily as possible, execute any order of survey made by any court or private individual of any lot or square within the cities of Washington and Georgetown, or of any land within the District of Columbia outside of said cities, and shall make due return of a true plat and certificate thereof.

Mr. BAKER of New Hampshire. Congress has already passed a bill abolishing the city of Georgetown, and I think it has probably by this time become a law. Therefore I move to strike out the word "cities" in line 3, section 4, and to insert "city," and in line 4 strike out the words "and Georgetown," and in line 5 strike out the word "cities" and insert in lieu thereof the word "city."

The Clerk reported the amendment, as follows:

Amend section 4 so that it will read as follows:

"SEC. 4. That the surveyor shall, as speedily as possible, execute any order of survey made by any court or private individual of any lot or square within the city of Washington, or of any land within the District of Columbia outside of said city, and shall make due return of a true plat and certificate thereof."

The amendment was agreed to.

The Clerk, resuming the reading of the bill, read as follows:

SEC. 5. That it shall be the duty of the surveyor to execute any surveying work for the District of Columbia, without charge, on the order of the Commissioners; and all fees for surveys made by the surveyor or the assistant surveyor shall be paid over to the collector of taxes of the District of Columbia under regulations to be prescribed by the Commissioners of the District

of Columbia, and be covered into the Treasury of the United States as other revenues of the District are now; and the field notes of the surveyor and his assistant shall be preserved and shall be a part of the public property of the District of Columbia.

Mr. BAKER of New Hampshire. I offer the following amendment, to come in at the end of section 5.

The Clerk read as follows:

At the end of section 5, line 11, insert the following:

"And all records, plats, plans, and other papers or documents now existing, or hereafter made or secured by the office of the said surveyor, shall be delivered by each surveyor to his successor in office."

Mr. HULL. How are these records to be delivered to his successor? Are they not simply left in the office?

Mr. BAKER of New Hampshire. The incoming officer gives a receipt for everything when he assumes the duties of the office.

The amendment of Mr. BAKER of New Hampshire was agreed to. The Clerk completed the reading of the bill.

Mr. SAYERS. I ask unanimous consent to return to the amendment which I offered, and to insert after the word "office" the words "and operations."

The CHAIRMAN. The Clerk will report the amendment as it will read if amended.

The Clerk read as follows:

Insert, after the word "annum," in line 4, the words "and such employees as may, in the judgment of the Commissioners of the District, be required for the surveyor's office and operations, at an aggregate expense of not exceeding \$4,000 in any one year."

The amendment was agreed to.

Mr. BAKER of New Hampshire. I ask unanimous consent that we return to section 1 to consider an amendment which I wish to offer.

Mr. RICHARDSON of Tennessee. I want to hear the amendment before consent is given.

The CHAIRMAN. The amendment will be read subject to objection.

The Clerk read as follows:

After the words "shall be," in line 5, page 1, insert the words "appointed by the Commissioners of the District of Columbia for the term of four years, unless sooner removed for cause, and shall be."

Mr. RICHARDSON of Tennessee. I do not object to that.

The CHAIRMAN. Is there objection to returning to the section?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire.

Mr. HULICK. I have been unable to find any statute that establishes the office of surveyor of the District of Columbia. If there is no such law, we ought to establish the office before we adopt the amendment suggested. If there is a statute establishing that office and appointing that officer, and giving the authority that appoints him, and the term of his office and the control of the records, if there is a law which gives character to his official acts, we ought to see it before we vote upon this.

I have here the Revised Statutes, and there is not a word said in them except in the statute that was enacted on page 57 of the acts of 1873-75, referred to by the gentleman from New Hampshire. There is no provision in this statute for the establishment of that office, and I take it for granted that there is no office, because the men who have been performing that duty for two or three generations are doing it on their own motion and without any authority whatever. Now they come in and claim the right as against the United States and as against the District of Columbia to control the records that they have been making. If there is no office of that kind we must establish it by this bill. We must have the office designated, and the time when the term shall begin, and the amount of the bond, and the authority that shall make the appointment, and we should define his qualifications and all that kind of thing. The amendment that is offered is not full enough. The amendment says that there shall be an officer appointed by the District Commissioners. When will his term begin?

Mr. BAKER of New Hampshire. Immediately after the passage of this act.

Mr. HULICK. I think we should designate the day when his term of office shall begin.

Mr. HEARD. From and after the passage of the act.

Mr. HULICK. It ought to be a fixed date. I claim the amendment is not complete enough. I am in favor of the amendment except that I think it ought to be made more complete.

Mr. HEARD. This bill provides for all the points suggested by the gentleman. It provides for the surveyor giving bond and provides how he shall be appointed; provides that he shall be a regular salaried officer and that he shall be surveyor of the District of Columbia.

I do not see that the gentleman's amendment relieves the difficulty, because the very purpose of it is provided for in the body of the bill; and the committee think it is as sufficiently guarded as we could make it in the amendment of the gentleman from New Hampshire.

The amendment was agreed to.

Mr. BAKER of New Hampshire. I desire to offer an amendment just as a verbal correction. I move, in line 6, after the word "the," to insert the word "said."

The Clerk read as follows:

In line 6, after the word "the," insert the word "said."

Mr. HULL. There is no objection to that.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

#### UNION PASSENGER STATION ON B STREET NORTH.

Mr. HEARD. Mr. Chairman, I desire to call up the bill (H. R. 8262) authorizing the Commissioners of the District of Columbia to have established a union street-car passenger station on B street north, between Sixth and Seventh streets. It is on the Union Calendar.

The bill was read, as follows:

*Be it enacted, etc.,* That B street north, between Seventh street west and the public grounds occupied by the Baltimore and Potomac Railroad Company, be widened to the line of the prolongation of the south side of B street north, between Seventh and Twelfth streets west, and that the Commissioners be authorized to have established a union street-car passenger station on the said widened part of B street.

Mr. HEARD. The object of this bill is to authorize the Commissioners of the District to widen B street north here by the Center Market, for one block, to correspond with the width of the same street between Seventh and Twelfth streets, the object being to give permission to the five different street railways that center there now or chartered to come there to establish a union street-car passenger station there. The bill was prepared by the Commissioners, and the committee has agreed to it, and I believe that there is no objection to it. It does not propose a dollar of expenditure by the Government. The gentleman from New Hampshire [Mr. BAKER] will offer an amendment to the conclusion of section 1 to the effect that the work shall be done at the expense of these railroad companies, so as to make it perfectly clear that it is to be done at their expense.

The CHAIRMAN. Without objection, then, general debate will be considered as closed.

There was no objection, and it was so ordered.

Mr. BAKER of New Hampshire. I offer the amendment that I have sent to the Clerk's desk, to come in at the close of the section.

The Clerk read as follows:

Insert the following at the conclusion of the section:  
"At the expense of the street railroads using said station."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

#### ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY.

Mr. HEARD. Mr. Chairman, I now call up the bill (H. R. 8427) to amend the charter of the Eckington and Soldiers' Home Railway Company.

The bill was read, as follows:

*Be it enacted, etc.,* That the Eckington and Soldiers' Home Railway Company of the District of Columbia is hereby authorized and directed to extend its tracks, and run its cars thereon, through and along the following-named streets: Beginning at the intersection of North Capitol street and Michigan avenue, thence easterly along Michigan avenue and Bunker Hill road to its intersection with Fourth street northeast, so as to connect with the line now running to Brookland.

SEC. 2. That said railway company is directed to build and operate the extension herein granted within six months after the North Capitol street branch shall be in operation to Michigan avenue.

Mr. RICHARDSON of Tennessee. Mr. Chairman, this bill simply makes a link between the terminus of the Eckington line here, right at the point where Michigan avenue is intersected by North Capitol street, just south of the Soldiers' Home, and with this line where it now lands passengers, near the south gate at the Catholic University. There are only a few hundred yards of space in there, and the property holders of Michigan avenue ask for the extension. It is of great service to the people of Brookland and neighborhood. I ask that general debate be closed.

Mr. HAINES. Will the gentleman allow me to ask him a question there.

That said railway company is directed to build and operate the extension herein granted within six months after the North Capitol street branch shall be in operation to Michigan avenue.

Now, when is that North Capitol street branch to be established?

Mr. RICHARDSON of Tennessee. It has been delayed by the delay in opening the Prospect Park Cemetery, and because of that delay we have not got up to Michigan avenue, but will in a short time.

Mr. HAINES. Why not amend by striking out that section, and making it that they shall construct, build, and operate that road within one year of the passage of the act?

Mr. RICHARDSON of Tennessee. Because the District may not open North Capitol street through there. It will be done im-



mediately after North Capitol street is opened. I ask unanimous consent that general debate be considered as closed.

There was no objection, and it was so ordered.

The bill was ordered to be laid aside with a favorable recommendation.

#### WOMEN AS PUBLIC SCHOOL TRUSTEES IN DISTRICT OF COLUMBIA.

Mr. HEARD. Mr. Chairman, I call up the bill (S. 1717) to authorize the appointment of women as public school trustees in the District of Columbia.

The bill was read, as follows:

*Be it enacted, etc.,* That the Commissioners of the District of Columbia be, and they are hereby, authorized to appoint women as members of the board of trustees of the public schools of the District of Columbia in addition to the present membership of said board.

An amendment recommended by the committee was read, as follows:

Insert after the word "board," in line 7, the following:

"And for this purpose the number of trustees of said board shall be increased from 9 to 11, not more than 2 of whom shall be women."

Mr. HEARD. Mr. Chairman, I desire only to say in regard to this bill that it has been favorably recommended by the Commissioners and has passed the Senate, and that a similar bill pending in the House was favorably considered by our committee. A bill for this purpose was introduced in the House by the gentleman from Kansas [Mr. DAVIS]. It was referred to the District Commissioners, and the Commissioners sent up a substitute for it, which I introduced at their request. The Senate bill provided that the District Commissioners should be authorized to add women members to the board of trustees without specifying the number, but your committee have recommended the amendment which has been read, fixing the number at two.

Mr. HAINES. Does this increase the expenses of the board?

Mr. HEARD. Not a dollar. The bill simply authorizes the Commissioners to put not to exceed two women on the board.

The CHAIRMAN. Without objection, general debate will be considered closed.

There was no objection.

Mr. BAKER of New Hampshire. Mr. Chairman, I move to amend the committee's amendment so as to strike out all of it after the word "eleven."

Mr. HEARD. I hope the gentleman will not insist upon that amendment, for I am quite sure the House will not accept it. The Commissioners have not approved the bill in the form in which it would stand with that amendment and neither has the Senate.

Mr. BLACK. What is the effect of the amendment?

Mr. HEARD. To allow the whole school board to be composed of women.

The amendment of Mr. BAKER of New Hampshire was rejected, and the amendment recommended by the Committee on the District of Columbia was then agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

#### SUBURBAN RAILWAY COMPANY.

Mr. HEARD. Mr. Chairman, I call up the bill (H. R. 6816) to amend the charter of the District of Columbia Suburban Railway Company.

The CHAIRMAN. The Chair would call the attention of the gentleman to the fact that this bill is on the House Calendar.

Mr. RICHARDSON of Tennessee. And it has been debated for two days in the House already.

The CHAIRMAN. But it is not in order in Committee of the Whole.

Mr. HEARD. Then, Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SWANSON having taken the chair as Speaker pro tempore, Mr. DOCKERY, from the Committee of the Whole, reported that they had had under consideration various bills and had directed him to report the same to the House with sundry recommendations.

Mr. HEARD. Mr. Speaker, I desire now to call up for action by the House the bills which have been reported from the Committee of the Whole,

#### WASHINGTON AND MARLBORO RAILWAY.

The SPEAKER pro tempore. The Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (H. R. 2601) authorizing the Washington and Marlboro Electric Railway Company of Maryland to extend its line of road into and within the District of Columbia.

Mr. HEARD. I ask unanimous consent that the amendments recommended by the Committee of the Whole be voted upon in gross.

There was no objection.

The amendments were adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### SURVEYOR'S OFFICE, DISTRICT OF COLUMBIA.

The next bill reported from the Committee of the Whole with amendments was a bill (S. 444) making the surveyor of the District of Columbia a salaried officer, and to provide for more efficient service in the surveyor's office.

The amendments reported from the Committee of the Whole were adopted.

Mr. HULICK. Mr. Chairman, I ask unanimous consent to offer an amendment.

There was no objection.

The amendment was read, as follows:

After the word "laws," in the first line of section 8, amend by adding the words "inconsistent with the provisions of this act are hereby repealed," so that the provision will read: "All laws and parts of laws inconsistent with the provisions of this act are hereby repealed."

Mr. HEARD. I see no objection to that amendment.

The amendment was adopted.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

#### UNION PASSENGER STATION.

The next bill reported from the Committee of the Whole was a bill (H. R. 8260) to authorize the Commissioners of the District of Columbia to have established a union street-car passenger station on D street north between Sixth and Seventh.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### ECKINGTON AND SOLDIERS' HOME RAILWAY.

The next bill reported from the Committee of the Whole was the bill (H. R. 8427) to amend the charter of the Eckington and Soldiers' Home Railway Company.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

#### WOMEN AS SCHOOL TRUSTEES.

The next bill reported from the Committee of the Whole was the bill (S. 1717) to authorize the appointment of women as public school trustees in the District of Columbia.

The amendments reported from the Committee of the Whole were agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. HEARD, a motion to reconsider the votes by which the District of Columbia bills were just passed was laid on the table.

#### DISTRICT OF COLUMBIA SUBURBAN RAILWAY COMPANY.

Mr. HEARD. I now desire to call up the bill (H. R. 6816) to amend the charter of the District of Columbia Suburban Railway Company. I apprehend it will not be necessary to read this bill. It has been before the House on two previous occasions. It has been read at length; and general debate was closed. We were considering the bill by sections under the five-minute rule when it was last before the House. I yield to the gentleman from Tennessee [Mr. RICHARDSON], who had the bill in charge.

The SPEAKER pro tempore (Mr. SWANSON). The bill will be considered under the five-minute rule.

Mr. RICHARDSON of Tennessee. When this bill was last under consideration, on June 12, 1894, an amendment was proposed by the gentleman from Mississippi [Mr. WILLIAMS] upon which the yeas and nays were ordered. On the roll call no quorum voted, and thereupon the House adjourned. So that the pending question is now upon that amendment on which the yeas and nays have been ordered, and I presume there is nothing in order now but to call the roll.

The SPEAKER pro tempore. The Clerk will report the amendment of the gentleman from Mississippi [Mr. WILLIAMS].

The Clerk read as follows:

Strike out all of lines 6, 7, 8, 9, and 10, after the word "that," in line 6, on page 1, and lines 1 and 2, on page 2; the words "and assigns are hereby created," in line 2 of page 2; and insert after the word "company," in line 4, page 2, the following:

"Is hereby created, to consist of such person or persons as shall, at public auction, to be held at such time and place as shall be prescribed by the District Commissioners, after notice of not less than thirty days by publication in a Washington (D. C.) newspaper, bid the highest percentage of the annual gross proceeds of said railway business for a term of not exceeding fifty years."

Mr. TRACEY. I ask unanimous consent that the order for the calling of the yeas and nays be vacated, and that the vote be again taken on the amendment.

Mr. RICHARDSON of Tennessee. I presume a motion to reconsider the vote by which the yeas and nays were ordered would be in order. I make that motion.

The motion to reconsider was agreed to; and the question recurring on ordering the yeas and nays, they were not ordered.

The question being taken on agreeing to the amendment of Mr. WILLIAMS of Mississippi, it was rejected.

The Clerk was proceeding to read the second section of the bill, when—

Mr. HEPBURN. I hope that the gentleman from Tennessee [Mr. RICHARDSON] or some other gentleman will explain to us, before we leave section 1, the route of this road.

Mr. RICHARDSON of Tennessee. When this bill was last under consideration the first section of the bill as originally introduced was published in the RECORD; but the amendment reported by the committee, which was pending, changed somewhat the route as originally proposed; so that the section as published was somewhat misleading.

The route as now called for in the amended bill begins at the District line on the Bladensburg road, and strikes the boundary at its intersection with the Bladensburg road, which is at Fifteenth street northeast. That is one of the suburban lines. The other suburban line comes down Twelfth street extended from Trinidad, and runs over the hill there to Brookland and to the suburban village of Langdon. This line, coming down Twelfth street northeast extended, crosses the boundary; crosses H street, the line of the Columbia Railroad, and comes to Maryland avenue. Thence the line extends by double track down Maryland avenue in the direction of the Capitol to E street east; thence west on E street east to Fourth street west; thence south on Fourth street west to D street west; thence along D street over the tracks of the Metropolitan Railroad to Louisiana avenue, thence southwesterly on Louisiana avenue to a point to be located by the Commissioners of the District of Columbia east of Seventh street west.

So that brings it along E street northeast until they strike Judiciary Square. It then goes south of the square until it strikes the tracks of the Metropolitan Railroad on D street, and thence along the track of that road just south of Judiciary Square to Louisiana avenue, near the police headquarters there, where it leaves D street and runs down Louisiana avenue. That is the way it now runs and covers all of East Washington, as I said, and then the suburban lines begin.

Mr. HULL. I would like to ask the gentleman a question for information. I do not know the route of this road. Does it not parallel other lines for quite a distance?

Mr. RICHARDSON of Tennessee. Yes; it parallels the Columbia road and the Eckington and Soldiers' Home road from where it intersects that road until it strikes the Metropolitan road; that is to say, it is on E street, the Eckington is on D street as it comes into the city, while the Columbia road is on H street.

Mr. COOMBS. They are some little distance apart.

Mr. RICHARDSON of Tennessee. Well, there is one block's difference between that and the Eckington, and three from the H street line.

The SPEAKER pro tempore. The committee recommend an amendment to this section, which the Clerk will report.

The Clerk read as follows:

Strike out, after the word "road" in line 11 in section 1, page 2, all of lines 12, 13, 14, 15, and 16, and insert, "and running thence along said road to Florida avenue; thence southwesterly, by double track, on Maryland avenue to E street north; thence west on E street north to Fourth street west; thence south on Fourth street west to D street north; thence west on D street, in part over the."

Strike out, after the word "east" in line 3 in section 1, page 3, all of lines 3 and 4, and insert "to its intersection with Maryland avenue."

The amendment was agreed to.

The Clerk read section 12, as follows:

SEC. 12. That said company is hereby authorized to issue its capital stock to an amount not to exceed \$250,000, in shares of \$100 each. Said company shall require the subscribers to the capital stock to pay in cash to the treasurer appointed by the corporation the amounts severally subscribed by them as follows, namely: Ten per cent at the time of subscribing and the balance of such subscription to be paid at such times and in such amounts as the board of directors may require; and no subscription shall be deemed valid unless 10 per cent thereof shall be paid at the time of subscribing as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by the resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installments, and the person who offers to purchase the least number of shares for the assessment due shall be taken to be the highest bidder, and such sale shall be conducted under such general regulations as may be adopted in the by-laws of said company; but no stock shall be sold for less than the total assessments due and payable, or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

Mr. HEPBURN. I move the following amendment to this section.

The Clerk read as follows:

Provided, That no stock certificate shall be issued until the full face value of the same shall be paid for in money, and no bond shall be issued by said company until all the stock herein authorized shall have been paid for and issued as above directed.

The amendment was agreed to.

The Clerk read section 20, as follows:

SEC. 20. That the said company shall have at all times the free and uninterrupted use of its roadway, and if any person or persons shall willfully, mis-

chievously, and unnecessarily obstruct or impede the passage of cars of said railway company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operators while in transit, or destroy or injure the cars of said railway or depots, stations, or other property belonging to said railway company, the person or persons so offending shall forfeit and pay for each such offense not less than \$25 nor more than \$100 to said company, to be recovered as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

Mr. HEPBURN. I offer an amendment to this section.

The Clerk read as follows:

Strike out from line 14, section 20, on page 17, the words "to said company."

Mr. HEPBURN. This is another of those provisions directing that fines recovered for a public offense shall be paid to the railroad company.

Mr. COOMBS. That amendment ought to be adopted.

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. HEARD. Mr. Speaker, I ask a vote on the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, the question being upon its passage.

Mr. RICHARDSON of Tennessee. Mr. Speaker, it is agreed that this bill as passed defines the route in accordance with the amendments recommended by the Committee on the District of Columbia and not as heretofore published in the RECORD. It was published without the proposed amendment.

The SPEAKER pro tempore. The Chair is informed that the present bill is the one reported from the committee as amended, and not the one heretofore published in the RECORD.

Mr. RICHARDSON of Tennessee. That is correct.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

On motion of Mr. HEARD, a motion to reconsider the last vote was laid on the table.

#### CAPITAL RAILWAY COMPANY.

Mr. HEARD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering House bill 8714 and other bills to which we may call the attention of the committee.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. DICKERY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of a bill the title of which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 8714) to incorporate the Capital Railway Company.

Mr. HEARD. Mr. Chairman, I desire to say that this is a proposition to construct a railroad, beginning about Shepherd's Point, across the Eastern Branch, and build it into the city; but it is proposed to extend it only about six or seven blocks from the Eastern Branch up to a point where it will intersect the Anacostia road.

I ask unanimous consent, therefore, to dispense with the first formal reading of the bill as it is in the exact form prescribed by the Commissioners for all of these bills.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri to dispense with the first formal reading of the bill?

There was no objection.

The CHAIRMAN. If there be no desire for general debate it will be considered as closed by unanimous consent.

There was no objection, and it was so ordered.

The Clerk, proceeding with the reading of the bill, read as follows:

Be it enacted, etc., That John B. Stetson, Augustus Burgdorf, Clarence F. Norment, Arthur E. Bandle, Harry Upson Sims, Henry C. Longnecker, W. Frederick Snyder, Joseph B. Lewis, and William Henry Bandle, of —, their associates and assigns, be, and they are hereby, created a body corporate under the name of the Capital Railway Company, and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity within the United States, and may make and have a common seal. And said corporation is hereby authorized to construct and lay down a street railway, with the necessary switches, turn-outs, and other mechanical devices in the District of Columbia, and run cars thereon for carrying passengers, parcels, milk, and truck by and along the following route: Beginning at a point on the District line near the Potomac River, southeast of Shepherd's Ferry, thence north by such route as shall be approved by the District Commissioners: to the south side of the Eastern Branch or Anacostia River, thence across the same by transfer ferry to First street or South Capitol street, as may be approved by the District Commissioners, to M street, over the same route to the beginning; also commencing at Anacostia Railroad tracks and Harrison street, Anacostia; thence along Harrison street and Good Hope road extended, to the District line, and return over same route. These routes may be modified or extended at the will of Congress, and the Capital Railway Company shall comply with such modifications or extensions.

Mr. RICHARDSON of Tennessee. I understand there has been some modification of that route. As I understand it, the Clerk read the original text of the bill.



The CHAIRMAN. The Clerk read the bill as printed.  
Mr. RICHARDSON of Tennessee. After conversation with my colleagues I withdraw the suggestion. Let the Clerk proceed with the reading.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 4. That the said railway shall be constructed in a substantial and durable manner, and all rails, electrical and mechanical appliances, conduits, stations, etc., shall be of approved pattern.

Mr. HEPBURN. I move to amend section 4 by striking out the words "of approved pattern" and inserting the words "shall be approved by the Commissioners of the District."

Mr. HEARD. That is right.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 4, page 3, section 4, strike out the words "of approved pattern," and insert the words "approved by the Commissioners of the District of Columbia."

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 16. That the government and direction of affairs of the company shall be vested in a board of directors, nine in number, the majority of whom shall be residents of the District of Columbia, who shall be stockholders of record, and who shall hold their office for one year, and until others are duly elected and qualified to take their places as directors; and the said directors, a majority of whom shall be a quorum, shall elect one of their number to be president of the board, who shall also be president of the company, and they shall also choose a vice president, a secretary, and a treasurer, who shall give bond with surety to said company, in such sums as the said directors may require, for the faithful discharge of his trust. In the case of a vacancy in the board of directors by death, resignation, or otherwise of any director the vacancy occasioned thereby shall be filled by the remaining directors.

Mr. HAINES. In section 16, page 10, line 3, I move to strike out the words "the majority of whom shall be residents of the District of Columbia."

The amendment was read, as follows:

On page 10, section 16, line 3, strike out the following language: "The majority of whom shall be residents of the District of Columbia."

Mr. HEARD. I have no objection to striking out those words. The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 19. That said company is hereby authorized to issue its capital stock to an amount not to exceed the estimated cost of the construction and equipment of the road in shares of \$50 each, and to issue bonds not to exceed the cost of construction of the road, but such stock and bonds shall not exceed in the aggregate more than 10 per cent above the actual cost of the right of way, construction, and equipment of said road. Said company shall require the subscribers to the capital stock to pay in cash to the treasurer appointed by the corporation the amounts severally subscribed by them, as follows, namely: Ten per cent at the time of subscribing and the balance of such subscription to be paid at such times and in such amounts as the board of directors may require; and no subscription shall be deemed valid unless the 10 per cent thereof shall be paid at the time of subscribing, as hereinbefore provided; and if any stockholder shall refuse or neglect to pay any installment as aforesaid, or as required by the resolution of the board of directors, after reasonable notice of the same, the said board of directors may sell at public auction, to the highest bidder, so many shares of his stock as shall pay said installments, and the person who offers to purchase the least number of shares for the assessment due shall be taken to be the highest bidder, and such sale shall be conducted under such general regulations as may be adopted in the by-laws of said company, but no stock shall be sold for less than the total assessments due and payable, or said corporation may sue and collect the same from any delinquent subscriber in any court of competent jurisdiction.

Mr. HAINES. In section 19, page 12, line 4, I move to strike out the word "fifty" and to insert in place thereof the words "one hundred."

The amendment was read, as follows:

On page 12, line 4, strike out the word "fifty" and insert the words "one hundred;" so that it will read "\$100 each."

Mr. RICHARDSON of Tennessee. I hope my friend will not insist on that amendment. The promoters of this enterprise prefer to have the amount left at \$50. That being so, it seems to me, we ought not to insist on the change. There are such poor people going to take this stock that they want to make the shares \$50 each. [Laughter.]

Mr. HAINES. I withdraw the amendment.

Mr. HEPBURN. I move to strike out of line 7, page 12, the words "ten per cent above."

The amendment was read, as follows:

On page 12, line 7, strike out the words "ten per cent above."

The amendment was agreed to.

Mr. HEPBURN. I move to add to the section the following proviso:

Provided, That no certificate of stock shall be issued until the same has been paid for in money at its face value, and no bonds shall be issued until the stock herein authorized shall have been issued and the proceeds exhausted in construction.

Mr. VAN VOORHIS of New York. Mr. Chairman, on this question of bonds I want to say a word. I send to the Clerk's desk a resolution that I ask to have read in my time as a part of my remarks.

The Clerk read as follows:

Whereas on Friday last the President entered into a private contract in writing with certain persons to borrow \$62,000,000 of gold upon 4 per cent thirty-year bonds of the United States at a rate equivalent to 4½ per cent premium; and

Whereas bonds exactly similar, issued eighteen years ago and having only twelve years to run, were selling in the New York market on that day at a premium of 10½ per cent, and at that rate these thirty-year bonds are worth 119½; and

Whereas a cablegram from London, published in the Washington Post this morning, shows that English capitalists are ready to pay a premium of 12 per cent on said bonds; and

Whereas the Ways and Means Committee of this House, not comprehending the reason which actuated the Executive in selling so many millions of bonds at a premium of 4½ per cent, when a premium of 12 per cent could be, and much more ought to be, obtained, on yesterday had the Secretary of the Treasury before it, and examined him in relation thereto, and obtained a copy of said written contract, and all the information which the Secretary of the Treasury could give on the subject; and

Whereas the information thus obtained has not been communicated to this House; and

Whereas at this stage of this Congress, in a matter of such momentous importance, it is desirable, and the right of this House, to know what information the Ways and Means Committee has received in relation to this loan,

Resolved, That the Committee on Ways and Means of this House report immediately to this House all the testimony and evidence and statements furnished to it by the Secretary of the Treasury in relation to that loan, including the contract made with any person or persons concerning the same.

Mr. VAN VOORHIS of New York. All I have to say is that as soon as I can be recognized in the House I shall offer that resolution and ask for its immediate consideration.

Mr. WILSON of West Virginia. I have the contract here in my hand, and it will be appended to the report that I shall make this evening, so the gentleman's resolution amounts to nothing.

Mr. VAN VOORHIS of New York. The resolution has brought out the contract anyhow.

Mr. WILSON of West Virginia. No, sir; the contract was here before the gentleman's resolution was heard of, and I am going to append it to my report.

The CHAIRMAN. The question is on the proviso offered by the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. If I may be permitted to withdraw that, I will do so, and offer the following:

Add to the end of the section the words:  
"Provided, That no certificate of stock shall be issued until the same has been paid for in money at its face value."

The CHAIRMAN. The gentleman from Iowa [Mr. HEPBURN] offers an amendment which the Clerk will report.

The Clerk read as follows:

Add to the end of the section the words:  
"Provided, That no certificate of stock shall be issued until the same has been paid for in money at its face value."

The amendment was agreed to.

The Clerk read as follows:

SEC. 21. That said company shall, on or before the 1st of February of each year, make a report to Congress, through the Commissioners of the District of Columbia, of the names of all the stockholders therein and the amount of stock held by each, together with a detailed statement of the receipts and expenditures, from whatever source and on whatever account, for the preceding year ending December 31, and such other facts as may be required by any general law of the District of Columbia, which report shall be verified by the affidavit of the president and secretary of said company; and if said report is not made at the time specified or within ten days thereafter such failure shall of itself operate as a forfeiture of this charter, and it shall be the duty of the Commissioners to cause to be instituted proper judicial proceedings therefor; and said company shall pay to the District of Columbia, in lieu of personal taxes upon personal property, including cars and motive power, each year 4 per cent of its gross earnings, which amount shall be payable to the collector of taxes at the times and in the manner that other taxes are now due and payable, and subject to the same penalties on arrears; and the franchise and property of said company, both real and personal, to a sufficient amount may be seized and sold in satisfaction thereof, as now provided by law for the sale of other property for taxes; and said per cent of its gross earnings shall be in lieu of all other assessments of personal taxes upon its property used solely and exclusively in the operation and management of said railway: Provided, That the payment of the said 4 per cent of its gross earnings shall not be required during the period of five years after the commencement of the operation of any part of said railway. Its real estate shall be taxed as other real estate in the District of Columbia: Provided, That its tracks shall not be taxed as real estate.

Mr. HAINES. Mr. Chairman, I have an amendment to section 21, page 14. On page 14, line 29, in place of the word "five," insert the word "ten."

The Clerk read as follows:

On page 14, line 29, strike out the word "five" and insert in lieu thereof the word "ten."

Mr. HEPBURN. In order to balance the views of gentlemen here, I move to strike out the proviso commencing in line 27.

Mr. COFFIN of Maryland. I hope both gentlemen will withdraw their amendments.

Mr. HEPBURN. Here is a proposition to exempt the personal property of this corporation from all taxation except the 4 per cent tax upon its gross earnings. The bill as now drawn postpones the operation of this for five years after the operation of the road begins. And yet the gentleman from New York [Mr. HAINES], in his spirit of extraordinary liberality, proposes to extend that period of exemption from taxation for ten years. I am at a loss to know why gentlemen should intervene in this way in favor of this class of corporations. These men go into these operations with the expectation of making money. If they do not make money in

the first year or the second year, they are still content to go into the operation, knowing that at a later period a larger return will come and an excellent investment is found for their money, and I can see no reason in the world why they should be exempt from taxation. I see no reason why they should not pay their taxes as other people are required to pay theirs. Let the taxation be put on the ground of personal taxation. One and a half is what other people have to pay, and it seems to me there ought not to be any discrimination. Why, the gentleman is not content that they shall pay 4 per cent, but wishes to provide that they shall pay nothing for ten years. Now, I should like to have some good reason why that should be done.

Mr. HAINES. I agree with the gentleman that they should be taxed as other corporations are taxed in other cities; but I state, as I have already previously done to-day, that corporations of this character can not live and expect to pay 4 per cent of their gross earnings. It is impossible for them to do so. The history of all this character of legislation demonstrates that they can not afford to pay such a percentage.

Mr. CATCHINGS. In this particular case the gentleman will certainly keep in view the fact that the corporation has only asked for five years, and they are perfectly content to take that.

Mr. HAINES. I understand what you mean. If this was a corporation that intended in good faith by their own money to build the road it would be another matter. But they simply have a bill introduced and passed so as to get other people on the outside interested. They procure it with the intent of selling the road or franchise. This one restriction makes it impossible for these suburban roads to pay. People having real estate that they want to improve or sell simply introduce a bill authorizing a road, with a view of getting some one foolish enough to invest their money in these roads upon statements made by the original incorporators and without their investigating these charters.

Mr. HULL. What authority have you for the statement that that is the purpose or intent of these parties?

Mr. HAINES. I do not make that statement with reference to this company. That is generally the case.

Mr. RICHARDSON of Tennessee. It is not the case in this instance; and the gentleman has no authority for such a statement.

Mr. HAUGEN. Who was it that was asking for the extension of the time to ten years?

Mr. HAINES. I was.

Mr. HAUGEN. On your own motion?

Mr. HAINES. On my own motion. That they should be taxed as they are in other cities.

Mr. CATCHINGS. I hope both gentlemen will withdraw their amendments.

Mr. HAINES. I withdraw my amendment.

The CHAIRMAN. The gentleman from New York withdraws his amendment. The Clerk will report the amendment of the gentleman from Iowa.

The Clerk read as follows:

Strike out, in page 14, line 27, the words: "Provided, That the payment of the said 4 per cent of its gross earnings shall not be required during the period of five years after the commencement of the operation of any part of said railway. Its real estate shall be taxed as other real estate in the District of Columbia: *Provided*, That its tracks shall not be taxed as real estate."

Mr. HEPBURN. There are four or five of these suburban roads now in operation in this District, and our experience would seem to indicate that there are a good many gentlemen in the community who think franchises of this kind are valuable, for much of our time on District day is consumed in considering and passing this class of bills. It is evident, therefore, that somebody disagrees with the gentleman from New York [Mr. HAINES] as to the value of these franchises, and they are the men who are here clamoring to have these charters passed. I do not know that all of these charters are very valuable just now, but they are expected to become so. There was a time, probably, when the Washington and Georgetown Railway charter went a-begging, but to-day the stock of that company is worth three or four hundred per cent, and is one of the best investments that a man can have, and I take it that the men who are seeking for these charters are looking to the prospective value and not merely to the value at this time.

Mr. BRETZ. I desire to ask the gentleman whether it is true that we are granting this franchise without requiring the parties to pay for it, as we have been granting other franchises in this District?

Mr. HEPBURN. My understanding is that all the other charters of this class have required the payment of this 4 per cent tax.

Mr. HEARD. That is correct.

Mr. HEPBURN. And my understanding is that these roads, with the possible exception of one, are required to begin that payment with the beginning of the operation of the road.

Mr. RICHARDSON of Tennessee. I suggest to gentlemen who favor this bill, particularly to my friend from Mississippi, that the amendment of the gentleman from Iowa ought to prevail. There is a bill reported from the District Committee which

we intend to call up as soon as we can, reducing the tax on these suburban lines from 4 per cent to 1½ per cent. If that bill passes it will apply to this road as well as to the other suburban roads, and it seems to me that the better course would be to agree to this amendment now and let this road be dealt with like the others.

The amendment was agreed to.

The Clerk read as follows:

SEC. 23. That the said company shall have at all times the free and uninterrupted use of the roadway, subject to the rights of the public, and if any person or persons shall willfully, mischievously, and unlawfully obstruct or impede the passage of cars of said railway company with a vehicle or vehicles, or otherwise, or in any manner molest or interfere with passengers or operatives while in transit, or destroy or injure the cars of said railway, or depots, stations, or other property belonging to the said railway company, the person or persons so offending shall forfeit and pay for each such offense not less than \$25 nor more than \$100 to said company, to be recovered as other fines and penalties in said District, and shall remain liable, in addition to said penalty, for any loss or damage occasioned by his or her or their act as aforesaid; but no suit shall be brought unless commenced within sixty days after such offense shall have been committed.

Mr. HEPBURN. Mr. Chairman, I move to amend in lines 11 and 12, page 15, by striking out the words "to said company;" so as to make the clause read:

"The person or persons so offending shall forfeit and pay for each such offense not less than \$25 nor more than \$100, to be recovered as other fines and penalties in said District," etc.

The amendment was agreed to.

Mr. HEARD. Mr. Chairman, I move that the committee rise. The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 8714), to incorporate the Capital Railway Company, and had directed him to report the same to the House with amendments.

Mr. HEARD. Mr. Speaker, I move that the bill just reported from the Committee of the Whole be now considered in the House, and that the amendments recommended by the committee be agreed to.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HEARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### METROPOLITAN RAILROAD COMPANY.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I call up the bill (S. 2521) to amend the charter of the Metropolitan Railroad Company of the District of Columbia.

The bill was read, as follows:

That the charter of the Metropolitan Railroad Company of the District of Columbia be, and the same is hereby, amended so as to authorize and require the said company to lay down from the intersection of Four-and-a-half and L streets southwest, along Four-and-a-half street to P street south, a single track of underground electric road for the propulsion of its cars, thence west along P street with said single track to Water street, thence northwesterly along Water street with said single track to L street, thence east along L street with said single track to its double tracks at the intersection of Four-and-a-half and L streets southwest, and thence north by said company's double tracks as now located into its depot on Seventh street extended.

SEC. 2. That the Commissioners of the District of Columbia shall locate the said track on Four-and-a-half, P, Water, and L streets so as best to subserve the public convenience, and may in their discretion locate the same on Water street for such distance as they may deem best on the east track of the Belt Line Railway Company, so that the two companies may mutually and profitably use the space of street occupied by the said east track. The said Belt Line Railway Company and the Metropolitan Railroad Company shall each have the right to apply to the supreme court of the District of Columbia to fix a just and equitable compensation for any rights which may be affected by this law, and said court shall have power to issue execution to enforce its judgment.

SEC. 3. That the said Metropolitan Railroad Company is hereby authorized and required to lay down and continue its underground electric construction of single track from the intersection of P and Thirty-fifth streets northwest, thence running west along P street to Thirty-sixth street, thence south on Thirty-sixth street to Prospect avenue, thence east on Prospect avenue to Thirty-fifth street, thence north on Thirty-fifth street to O street, thence east, continuing its route as now located.

SEC. 4. That the number of directors of said company shall be increased from seven to nine members.

An amendment recommended by the committee was read, as follows:

SEC. 5. That the Brightwood Railway Company, the Rock Creek Railway Company, and the Georgetown and Tennyaltown Railroad Company be, and they are hereby, respectively, authorized and required to sell 4 coupon tickets for 25 cents, good for one continuous ride in the District of Columbia over the lines of said companies, respectively, and the lines of the Metropolitan Railroad Company, and the said suburban roads shall redeem the tickets collected by the Metropolitan Railroad Company at the rate of 2½ cents for each coupon ticket presented by the said Metropolitan Railroad Company. Any of the aforesaid railroad companies which shall refuse to make sale of tickets or to accept tickets so sold as herein provided for, shall be liable to a fine of \$50 for each such violation, to be recovered in the police court of the District of Columbia as other fines are recovered: *Provided*, That the proceeding for the collection of such penalty shall be commenced within thirty days from the date of the alleged refusal. The supreme court of the District of Columbia shall have, and it is hereby given, authority and jurisdiction to enforce the requirements and provisions of this section in respect of the sale of tickets on the petition of either of the aforesaid railroad companies or any citizen of the District of Columbia. And power is hereby given to the Metropolitan Railroad Company and the Rock Creek Railway Company to contract



with each other for the purchase, sale, lease, or joint operation of the line of said Rock Creek Railway Company on Florida avenue and U street, or any part thereof.

SEC. 6. That this act shall take effect in thirty days after its passage.

Mr. BAKER of New Hampshire. Mr. Speaker, I wish to inquire with reference to the matter of transfers. As I understand the amendment, the transfers are to be granted only upon payment of an additional fare, or special tickets are to be sold in such a way as to require the payment of an additional fare. I would like to hear some explanation of that. All of the railroad companies here now sell 6 tickets for 25 cents, but in this case only 4 tickets are to be sold for 25 cents.

Mr. HAINES. But the passenger gets a ride over two roads instead of one.

Mr. RICHARDSON of Tennessee. This relates only to suburban roads.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the time, and passed.

On motion of Mr. RICHARDSON of Tennessee, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### CLEARING THE POTOMAC OF ICE.

Mr. SAYERS. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the desk.

The joint resolution was read, as follows:

*Resolved by the Senate and House of Representatives, etc., That \$5,000, or so much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in equal parts, to be immediately available, is hereby appropriated, to enable the Commissioners of the District of Columbia to meet expenses that may be necessary for the purpose of clearing the Potomac River of ice within the District of Columbia.*

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. SAYERS, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

#### THREE PER CENT GOLD BONDS.

Mr. WILSON of West Virginia, from the Committee on Ways and Means, reported a joint resolution (H. Res. 275) authorizing the issue of \$65,116,275 gold 3 per cent bonds; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BRYAN. Mr. Speaker, it was understood that when this report was presented the minority of the committee should have opportunity to file their views by to-morrow morning.

Mr. WILSON of West Virginia. I hope that gentlemen of the minority will file their views to-night.

Mr. BRYAN. We will try to get the document to the Printing Office to-night.

The SPEAKER. The gentleman from Nebraska [Mr. BRYAN] asks that the minority of the Committee on Ways and Means may have leave to file their views by to-morrow morning on the joint resolution just reported. The Chair hears no objection.

Mr. McMILLIN. I suppose it would be proper to have it understood that if the House should not be in session when the minority report is completed it may be forwarded to the Public Printer at once for printing.

The SPEAKER. That will be understood, if there be no objection.

There was no objection.

Mr. VAN VOORHIS of New York. Mr. Speaker, I ask unanimous consent that the report of the Committee on Ways and Means just submitted be printed in the RECORD. I have spoken to the chairman of the committee, Mr. WILSON, about it, and he is quite willing that that should be done.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. RICHARDSON of Tennessee. Mr. Speaker, will not the report be printed as a document and be in our hands in the morning?

Mr. VAN VOORHIS of New York. It will, but we shall get the RECORD a good deal earlier than we shall get the document.

Mr. RICHARDSON of Tennessee. How long is the report?

Mr. PAYNE. Very short, only two pages.

Mr. RICHARDSON of Tennessee. The request is unusual, but I shall not object.

The report is as follows:

The Committee on Ways and Means, to whom was referred the message of the President of the United States communicated to Congress on the 8th day of February, having had the same under consideration, herewith report a joint resolution authorizing the Secretary of the Treasury to issue, sell, and dispose of bonds of the United States to an amount not exceeding \$65,116,275, bearing interest at a rate not exceeding 3 per cent per annum, principal and interest payable in gold coin of the present standard of weight and fineness, said bonds to be made payable not more than thirty years after date.

The message of the President, which is herewith appended, communicates to the House the condition of the reserve of gold in the Treasury available

for the redemption of the Government's legal-tender notes and the maintenance of the parity of its coin circulation, and the reasons which compel at the present time an issue of bonds to replenish and maintain that reserve; also the general terms of a contract, made under authority of section 3700 of the Revised Statutes, for the purchase and delivery to the Treasury of a sum slightly in excess of \$65,000,000 of gold coin, to be added to the stock in the Treasury, which amounts to only \$42,217,081.95 at the present time.

The committee have had the benefit of a conference with the Secretary of the Treasury, who exhibited to them the original contract entered into by himself on the 8th day of February and explained its details to them. A full and complete copy of said contract is hereto added. From a reading of this paper it will be seen that the arrangement of the Secretary with the parties to this contract effects the purchase of 3,500,000 ounces of standard gold coin of the United States (amounting to \$65,116,275), at least one-half of which shall be obtained in and shipped from Europe.

For this gold coin he has contracted to issue to the parties furnishing it, under authority of the act for the resumption of specie payments, approved January 14, 1875, 4 per cent thirty-year coin bonds of the United States, at a price which realizes to them interest at the rate of 3½ per cent. But the Secretary of the Treasury has reserved the right, if authority be given him by Congress, to substitute at par any bonds of the United States bearing 3 per cent interest, of which the principal and interest shall be specifically payable in United States gold coin of the present weight and fineness, said substitution, however, to be made within ten days from the date of the contract.

It is the object of the joint resolution herewith reported to give to the Secretary of the Treasury authority to substitute such bonds to the amount of the contract.

The saving to be effected to the Government, as set forth in the President's message, will be \$530,150 per year for every year the 3 per cent bonds run, and of the amount of \$16,174,770 should they run thirty years. As it is not believed by the committee that the issue of bonds specifically payable in gold will impose any additional burden or liability upon the Government than if they are made payable in coin, under its pledge and policy to preserve the parity of the coins in the two metals, the saving of this large amount becomes a matter of substantial moment and advantage to the Government; and as the parties to take the bonds are under contract to furnish gold coin for them it seems no hardship on the Government to contract to pay them back in the same coin that they furnish to it.

#### APPENDIX.

##### PRESIDENT'S MESSAGE.

To the Congress of the United States:

Since my recent communication to the Congress, calling attention to our financial condition and suggesting legislation which I deemed essential to our national welfare and credit, the anxiety and apprehension then existing in business circles have continued.

As a precaution, therefore, against the failure of timely legislative aid through Congressional action, cautious preparations have been pending to employ to the best possible advantage, in default of better means, such executive authority as may, without additional legislation, be exercised for the purpose of reinforcing and maintaining in our Treasury an adequate and safe gold reserve.

In the judgment of those especially charged with this responsibility, the business situation is so critical and the legislative situation is so unpromising, with the omission thus far on the part of Congress to beneficially enlarge the powers of the Secretary of the Treasury in the premises, as to enjoin immediate executive action with the facilities now at hand.

Therefore, in pursuance to section 3700 of the Revised Statutes, the details of an arrangement have this day been concluded with parties abundantly able to fulfill their undertaking, whereby bonds of the United States, authorized under the act of July 14, 1875, payable in coin thirty years after their date, with interest at the rate of 4 per cent per annum, to the amount of a little less than \$62,400,000, are to be issued for the purchase of gold coin, amounting to a sum slightly in excess of \$65,000,000, to be delivered to the Treasury of the United States, which sum, added to the gold now held in our reserve, will so restore such reserve as to make it amount to something more than \$100,000,000. Such a premium is to be allowed to the Government upon the bonds as to fix the rate of interest upon the amount of gold realized at 3½ per cent per annum. At least one-half of the gold to be obtained is to be supplied from abroad, which is a very important and favorable feature of the transaction.

The privilege is especially reserved to the Government to substitute at par, within ten days from this date, in lieu of the 4 per cent coin bonds, other bonds in terms payable in gold and bearing only 3 per cent interest, if the issue of the same should in the mean time be authorized by the Congress.

The arrangement thus completed, which, after careful inquiry, appears in present circumstances and considering all the objects desired to be the best attainable, develops such a difference in the estimation of investors between bonds made payable in coin and those specifically made payable in gold in favor of the latter as is represented by three-fourths of a cent in annual interest. In the agreement just concluded the annual saving in interest to the Government, if 3 per cent gold bonds should be substituted for 4 per cent coin bonds under the privilege reserved, would be \$530,150, amounting in thirty years, or at the maturity of the coin bonds, to \$16,174,770.

Of course there never should be a doubt in any quarter as to the redemption in gold of the bonds of the Government which are made payable in coin. Therefore the discrimination, in the judgment of investors, between our bond obligations payable in coin and those specifically made payable in gold is very significant. It is hardly necessary to suggest that, whatever may be our views on the subject, the sentiments or preferences of those with whom we must negotiate in disposing of our bonds for gold are not subject to our dictation.

I have only to add that in my opinion the transaction herein detailed for the information of the Congress promises better results than the efforts previously made in the direction of effectively adding to our gold reserve through the sale of bonds; and I believe it will tend, as far as such action can in present circumstances, to meet the determination expressed in the law repealing the silver-purchasing clause of the act of July 14, 1890, and that, in the language of such repealing act, the arrangement made will aid our efforts to "insure the maintenance of the parity in value of the coins of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts."

GROVER CLEVELAND.

EXECUTIVE MANSION, February 8, 1895.

#### CONTRACT.

This agreement entered into this 8th day of February, 1895, between the Secretary of the Treasury of the United States, of the first part, and Messrs. August Belmont & Co., of New York, on behalf of Messrs. N. M. Rothschild & Sons, of London, England, and themselves, and Messrs. J. P. Morgan & Co., of New York, on behalf of Messrs. J. S. Morgan & Co., of London, and themselves, parties of the second part.

Witnesseth: Whereas it is provided by the Revised Statutes of the United States (section 3700) that the Secretary of the Treasury may purchase coin

with any of the bonds or notes of the United States authorized by law, at such rates and upon such terms as he may deem most advantageous to the public interests; and the Secretary of the Treasury now deems that an emergency exists in which the public interests require that, as hereinafter provided, coin shall be purchased with the bonds of the United States, of the description hereinafter mentioned, authorized to be issued under the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, being bonds of the United States described in an act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt."

Now, therefore, the said parties of the second part hereby agree to sell and deliver to the United States 3,500,000 ounces of standard gold coin of the United States, at the rate of \$17.80441 per ounce, payable in United States 4 per cent thirty-year coupon or registered bonds, said bonds to be dated February 1, 1895, and payable at the pleasure of the United States after thirty years from date, issued under the acts of Congress of July 14, 1870, January 20, 1871, and January 14, 1875, bearing interest at the rate of 4 per cent per annum, payable quarterly.

First. Such purchase and sale of gold coin being made on the following conditions:

1. At least one-half of all coin deliverable hereunder shall be obtained in and shipped from Europe, but the shipments shall not be required to exceed 500,000 ounces per month, unless the parties of the second part shall consent thereto.

2. All deliveries shall be made at any of the subtreasuries or at any other legal depository of the United States.

3. All gold coins delivered shall be received on the basis of 23.5 grains of standard gold per dollar, if within limit of tolerance.

4. Bonds delivered under this contract are to be delivered free of accrued interest, which is to be assumed and paid by the parties of the second part at the time of their delivery to them.

Second. Should the Secretary of the Treasury desire to offer or sell any bonds of the United States on or before the 1st day of October, 1895, he shall first offer the same to the parties of the second part; but thereafter he shall be free from every such obligation to the parties of the second part.

Third. The Secretary of the Treasury hereby reserves the right, within ten days from the date hereof, in case he shall receive authority from Congress therefor, to substitute any bonds of the United States, bearing 3 per cent interest, of which the principal and interest shall be specifically payable in United States gold coin of the present weight and fineness for the bonds herein alluded to; such 3 per cent bonds to be accepted by the parties of the second part at par, i. e., at \$18.00466 per ounce of standard gold.

Fourth. No bonds shall be delivered to the parties of the second part, or either of them, except in payment for coin from time to time received hereunder; whereupon the Secretary of the Treasury of the United States shall and will deliver the bonds as herein provided, at such places as shall be designated by the parties of the second part. Any expense of delivery out of the United States shall be assumed and paid by the parties of the second part.

Fifth. In consideration of the purchase of such coin, the parties of the second part, and their associates hereunder, assume and will bear all the expense and inevitable loss of bringing gold from Europe hereunder; and, as far as lies in their power, will exert all financial influence and will make all legitimate efforts to protect the Treasury of the United States against the withdrawals of gold pending the complete performance of this contract.

In witness whereof the parties hereto have hereunto set their hands in five parts this 8th day of February, 1895.

J. G. CARLISLE,

Secretary of the Treasury.

AUGUST BELMONT & CO.,

On behalf of Messrs. N. M. Rothschild & Sons, London, and themselves.

J. P. MORGAN & CO.,

On behalf of Messrs. J. S. Morgan & Co., London, and themselves.

Attest:

W. E. CURTIS.

FRANCIS LYNDEN STETSON.

#### VIEWS OF THE MINORITY.

Owing to the limited time allowed for preparing a report (it being necessary to file the report within a few hours after the bill was agreed upon) the undersigned dissenting members of the committee are precluded from presenting their views with that elaboration which the importance of the subject would otherwise justify; but they beg to state briefly the most important reason which leads them to disapprove of the measure recommended by the majority of the committee.

First. The issue of bonds of any kind is only needed to replenish the gold reserve; and the gold reserve only needs replenishing because the Secretary of the Treasury redeems United States notes and Treasury notes in the kind of coins selected by the note holder. The note holder has no legal right to choose the coin in which the obligation shall be redeemed, but has been permitted to exercise that right by a policy inaugurated by the Treasury Department at or soon after the date of the resumption of specie payment. The opinion of the Secretary of the Treasury, Mr. Carlisle, recently given, is clear upon this point. On the 21st of January, 1895, a statement was made before the House Committee on Appropriations by Secretary Carlisle, in a printed report of which will be found the following question and answer:

Mr. SHREVE. I would like to ask you (perhaps not entirely connected with the matter under discussion) what objection there could be to having the option of redeeming either in silver or gold lie with the Treasury instead of the note holder?

Secretary CARLISLE. If that policy had been adopted at the beginning of resumption—and I am not saying this for the purpose of criticizing the action of any of my predecessors, or anybody else—but if the policy of reserving to the Government, at the beginning of resumption, the option of redeeming in gold or silver all its paper presented, I believe it would have worked beneficially, and there would have been no trouble growing out of it, but the Secretaries of the Treasury from the beginning of resumption have pursued a policy of redeeming in gold or silver at the option of the holder of the paper, and if any Secretary had afterwards attempted to change that policy and force silver upon a man who wanted gold, or gold upon a man who wanted silver, and especially if he had made that attempt at such a critical period as we have had in the last two years, my judgment is, it would have been very disastrous. There is a vast difference between establishing a policy at the beginning, and reversing a policy after it has been long established, and especially after the situation has been changed.

No one contends that the executive department of the Government can bind the Government or pledge its faith and credit by the adoption of such a policy. To so hold would be to assert that the Executive can make and repeal laws without the concurrence of the Senate and House of Representatives. Believing that the Secretary of the Treasury has now by law the right to redeem legal-tender notes by the payment of either gold or silver coin, whichever is most convenient for the Government; and believing that the exercise of this discretion by the Secretary of the Treasury is absolutely necessary to protect the Government from organized and unorganized raids upon the coin reserve, we are not willing to indorse, directly or by implication,

the administrative policy which has precipitated the present financial conditions. Neither are we willing, by authorizing bonds for the purchase of gold, to pledge the Government to a policy which discriminates against silver as a standard money and recognizes gold as the only money of ultimate redemption. So long as the note holder is allowed to choose the coin in which he is to be paid, so long will it be futile to attempt to maintain a gold reserve.

Recent experience shows that gold secured by the issue of bonds is at once drawn out by those who are interested in having more bonds issued, and thus the public debt is increased to the detriment of the taxpayer and for the benefit only of those who desire a safe investment for surplus funds. We do not believe that any real advantage will be gained by securing the gold abroad.

It is urged that a change of policy at this time will cause embarrassment. If that be true the blame must be borne by those who first inaugurated the policy and by those who have adhered to it in spite of the clear intent and letter of the law. We have only to consider whether it is wiser to resume an exercise of rights preserved by existing laws or to aggravate our present difficulties by delaying relief and entering upon new experiments. We have no hesitation in declaring it as our conviction that there is no remedy, permanent in character or promising in results, except an immediate exercise by the Secretary of the Treasury of the right to redeem United States notes and Treasury notes in standard silver coin whenever it is more convenient for the Government to do so, and we further believe that the greatest dangers which can possibly attend such a course are infinitely less than the evils which are certain to follow an adherence to the present policy.

Second. If we were willing to authorize the issue of bonds at this time to purchase gold, we would still be opposed to bonds payable specifically in gold, because an issue of such bonds would either pledge the Government to the redemption of all obligations in gold or make a discrimination against coin obligations now outstanding. There is no question that the issue of gold bonds now would at once be followed by a demand for an act making existing bonds payable in gold, and it would be urged that it would be disastrous to depart from the policy of gold bonds when once inaugurated, just as it is now urged that it will be disastrous for the Government to resume a discretion which has been temporarily surrendered to the note holder.

It is impossible to overestimate the evil influence which would be exerted by the issue of gold bonds by the Government, because such action would naturally and necessarily encourage, if not actually compel the issue of gold bonds by all public and private corporations and the making of gold contracts by individuals generally. Such an increased strain upon gold would manifest itself in a further rise in the purchasing power of the dollar and in a further and distressing addition to the load of debt now borne by the people.

Third. If we were in favor of an issue of gold bonds we would still be opposed to the issue of bonds running for thirty years. According to the terms of the contract the bond purchasers agree to accept 3 per cent gold bonds without mentioning the date of payment, but it can not be doubted that the purchasers will insist upon a thirty-year bond if discretion is given to the Secretary of the Treasury to issue such a bond.

Fourth. If we were willing to authorize the issue of thirty-year gold bonds we would still be opposed to recognizing or ratifying a contract as harsh in its terms and as imperious in its demands as the contract insisted upon by the bond purchasers.

Fifth. If we were willing to approve of such a contract under ordinary circumstances we would still be opposed to approving it when made by a sovereign Government with foreign financiers under circumstances which suggest a desire upon the part of the subjects of another country to purchase a change in the financial policy of this nation for a sum stated.

These are some of the reasons which lead us to withhold our support from the measure recommended by a majority of the committee, and they are, in our judgment, sufficient to justify our dissent. If further reasons were necessary they might be found in the fact that the contract provides for the sale of bonds at about 104, which would sell in the market at about 119; in the fact that the contract agrees to sell thirty-year gold bonds, drawing 3 per cent interest, for less than the Government three months ago sold twelve-year coin bonds, and in the additional fact that foreign investors are by the contract given a preference over American investors in the purchase of any bonds which may be issued before next October, and are also given a preference now over the American investors who but a short time ago stood ready to purchase more bonds than were then offered.

WILLIAM J. BRYAN.

JUSTIN R. WHITING.

Mr. McMILLIN and Mr. WHEELER, while dissenting from the majority of the committee, reserve an expression of their views until they have an opportunity to present them more at length upon the floor of the House.

#### BERING SEA CLAIMS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury transmitting a communication from the Secretary of State in regard to an appropriation for the payment by the United States of claims to be made by Great Britain arising out of the Bering Sea controversy; which was referred to the Committee on Appropriations, and ordered to be printed.

#### AMERICAN UNIVERSITY.

Mr. HEARD. I ask unanimous consent for the consideration of the bill (H. R. 8696) to amend the act to incorporate the American University. This bill has received the approval of the District Commissioners, but has not been reported by the Committee on the District of Columbia. It was introduced by the gentleman from Illinois [Mr. SPRINGER], and proposes an amendment (which that gentleman will explain if necessary) to the charter of the American University.

The bill was read, as follows:

*Be it enacted, etc.*, That the act to incorporate the American University, approved February 24, 1890, be amended by striking out the following words, namely: "to choose a board of trustees, consisting of not more than fifty, of whom fifteen shall constitute a quorum to do business," and by inserting in lieu thereof the following words, namely: "and the incorporators aforesaid, their associates and successors, who shall possess the qualifications herein required, shall constitute a board of trustees, by which the business of said corporation shall be transacted, which board shall hereafter consist of not less than 40 nor more than 50 persons, 11 of whom shall constitute a quorum to do business."

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.



On motion of Mr. SPRINGER, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### PROMOTION OF ANATOMICAL SCIENCE.

Mr. HEARD. I now call up the bill (H. R. 4693) for the promotion of anatomical science, and to prevent the desecration of graves in the District of Columbia.

The bill, with the amendments proposed by the Committee on the District of Columbia, was read, as follows:

*Be it enacted, etc.,* That any public officer or officers, whether directors, trustees, superintendents, wardens, keepers, or managers, having lawful charge of or control over any hospital, prison, jail, or morgue within the District of Columbia, may, with the approval of the health officer of said District, deliver to the duly authorized agent of any medical college or colleges in the District of Columbia the bodies of such deceased persons as are required to be buried at the public expense, said bodies to be distributed among the several colleges in proportion to the number of students in each: *Provided, however,* That if the deceased person, during his last illness, requested to be buried, or if within forty-eight hours after his death any person claiming to be, and satisfying the health officer that he is, a relative by blood or marriage or friend of the deceased, asks to have the body buried, or if such deceased person was a stranger or traveler who suddenly died, the body shall not be so delivered, but shall be buried.

Sec. 2. That before the bodies of such deceased persons as are mentioned in the first section shall be delivered to the authorized agents of any medical college in the District of Columbia notice shall be given by the person or persons having lawful charge of said bodies to the relative or friend of the deceased, if known; if not known, the death of the deceased shall be published at least once in a daily newspaper published in the city of Washington, in the District of Columbia, in which publication the full name of the deceased person shall, if possible, be given, and if such name be not known a description of the person and apparel of the deceased, with information of the place where they may be seen, the expenses of such publication to be paid as other expenses of the District of Columbia are paid: *Provided,* That the persons named in the first section shall not deliver the body of the deceased, as provided in this act, until at least thirty-six hours shall have elapsed since the death of said deceased and giving of said notice or the publication of the same.

Sec. 3. That every person who shall have been duly authorized by the faculty of any medical college in the District of Columbia to receive such dead bodies shall, before so receiving them, give to the health officer of said District a bond in the sum of \$200, with surety satisfactory to said health officer, and conditioned that each dead body shall be used only for the promotion of anatomical and surgical knowledge within the said District of Columbia, and that after having been so used the remains thereof shall be decently buried; and whosoever shall use such body or bodies for any purpose other than that aforesaid, or shall remove the same beyond the limits of the District of Columbia, and whosoever shall sell or buy such body or bodies, or in any way traffic in the same, or who shall disturb or remove bodies from graves in which they have been buried, or who shall disregard the expressed wishes of the deceased, or of his or her friends, where such wishes may be disclosed, as provided for in section 1 of this act, shall be deemed guilty of a misdemeanor, and shall, on conviction, be imprisoned for a term not less than two nor more than three years, at hard labor, in the jail of said District.

The amendments reported by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HEARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### EAST WASHINGTON BELT LINE RAILWAY.

Mr. HEARD. I move that the House resolve itself into Committee of the Whole for the consideration of the bill (H. R. 8057) to incorporate the East Washington Belt Line Railway Company.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. SWANSON in the chair), and proceeded to the consideration of the bill (H. R. 8057) to incorporate the East Washington Belt Line Railway Company.

Mr. HEARD. I ask unanimous consent that the first reading of this bill be dispensed with, as has been done in the cases of several bills of this character. The bill is in the exact form which the Commissioners have adopted for bills of this character.

There being no objection, the first reading of the bill was dispensed with.

Mr. HEARD. Mr. Chairman, this is a proposition to authorize the building of a street railway in East Washington. The route of this road, as described in the bill, is as follows:

Beginning at a point at or near the junction of M street and Florida avenue northeast, and extending thence along M street to Third street east, thence along said Third street southerly to Virginia avenue southeast, thence along said Virginia avenue southeasterly to I street, thence along said I street easterly to Thirteenth street and Georgia avenue southeast, thence along Thirteenth street northerly to Tennessee avenue, thence along said Tennessee avenue northeasterly to Fourteenth street, thence along said Fourteenth street northerly to Florida avenue, and thence along Florida avenue northwesterly to M street, the point of beginning.

This line of road is almost unanimously approved by the people of East Washington. The bill has been approved, substantially in its present form, by the Commissioners of the District, and has been unanimously agreed to by the District Committee, who believe that no proposition made at this session of Congress for the building of a street-car line in this District has had more merit than this.

Before the bill is read by paragraphs, I ask the reading of the report in order that the House may see the importance of the construction of this road to the people of East Washington. The schools, churches, and other institutions there will be greatly served by it, and the project is almost unanimously approved by them.

The report (by Mr. COOPER of Indiana) was read, as follows:

The Committee on the District of Columbia, to whom was referred the bill (H. R. 8057) to incorporate the East Washington Belt Line Railway Company, have had the same under consideration and recommend that the bill do pass with an amendment.

The section of the city of Washington known as East Washington contains, according to the last census, a population of between 70,000 and 75,000 people. In this entire section there is not at present a single railroad line running north and south, although there are some four or five roads which traverse it from east to west. The railroad proposed to be incorporated in this bill is to be a belt line crossing these east and west lines. It will parallel no other track, but will afford quick and convenient transportation to the large number of persons who reside in the northeast and southeast part of the city and who are at present deprived of this accommodation.

The demand for the construction of a road of this nature is almost universal. The committee has received petitions from hundreds of residents and property owners in East Washington, recommending prompt and favorable action, while the protests have been confined to a few names. Under the present conditions it is impossible to cross from the Deaf and Dumb Institute on the north to the navy-yard on the south, for instance, or from intermediate points, without making a long and circuitous journey into the western part of the city, at the expense of considerable time and several car fares. With the construction of the proposed road the connection between these extreme north and south points in East Washington will be made in a few minutes and for a single fare.

The project has received the indorsement of the Citizens' Association of Northeast Washington; of President Galludet of the Deaf and Dumb Institute; of the medical director in charge of the Marine Hospital, and of representatives of all the leading commercial, educational, and religious interests in the section which this road will benefit. Mr. A. T. Stuart, the supervising principal of the school division which includes the East Washington schools, writes that it will be a great public convenience, and will materially add to the usefulness and growth of the Eastern High School by enabling the scholars to reach the building in which that school is located. Hon. James P. Willett, the postmaster of the city of Washington, in a letter to the chairman of the Committee on the District of Columbia, says:

"This road is intended to be run from the northeastern to the southeastern part of the city, and by so doing it will be of immense advantage to the postal service of Washington."

"In East Washington, where our most important station is located, the assistance received by us from the railways is very small, as the lines run only from east to west, and vice versa. Hence, should a carrier be in the extreme northeastern part of the District and desire to make a quick trip to the East Capitol station, he would be unable to do so except by a circuitous route."

"On the contrary, should the projected road be built, the benefit that would accrue to the East Capitol station would be very great and would obviate what will otherwise be the inevitable outcome (as the volume of business is constantly increasing), an increase in the force of the East Capitol station, which will be necessary to properly dispose of current mail matter."

The committee believe that the bill, which has been framed upon the form adopted by the committee for incorporations of this nature, is surrounded with sufficient safeguards to protect the interests of the District government and of the District people, but realize that the road will fall short of the full measure of its proposed benefit unless reciprocal transfers for one fare with roads crossing its tracks are made obligatory. An amendment to this effect is therefore incorporated in the bill.

The committee also append a list of the schoolhouses, churches, and other public and private buildings directly upon or adjoining the projected line which can not be reached at present from the north or south by any railroad, as indicating the widespread necessity for the construction of the belt-line roads.

#### SCHOOLS.

Logan, Third and G streets northeast, 525 pupils attending.  
Pearce, Fourteenth street and Maryland avenue northeast, 460 pupils attending.  
Peabody, Fifth and C streets northeast, 700 pupils attending.  
Carberry, Fifth, between D and E streets northeast, 425 pupils attending.  
Maury, Fourteenth and B streets northeast, 425 pupils attending.  
Brent, Third and D streets southeast, 450 pupils attending.  
Tyler, Eleventh, between G and I streets southeast, 450 pupils attending.  
Lenox, Fifth, between Virginia avenue and G street southeast, 450 pupils attending.  
Cranch, Twelfth and G streets southeast, 330 pupils attending.  
McCormick, Third, between M and N streets southeast, 200 pupils attending.  
Giddings, Third and G streets southeast, 440 pupils attending.  
Lincoln, corner Second and C streets southeast.  
St. Peter's Parochial School, E street, between Third and Fourth streets southeast.  
St. Joseph's Parochial School, Second, between C and D streets northeast.

#### CHURCHES.

##### BAPTIST.

Maryland Avenue, corner Fourteenth street and Maryland avenue northeast.  
Second, Fourth street and Virginia avenue southeast.  
Central, Second and I streets southeast.  
Israel, Eleventh, between F and G streets northeast.  
Mount Horeb, Sixteenth, between B and C streets northeast.  
Mount Olive, Sixth, between L and M streets southeast.  
Mount Zion, Twelfth and E streets northeast.

##### CATHOLIC.

Holy Name of Jesus, Eleventh and K streets northeast.  
St. Joseph's, Second and C streets northeast.  
St. Peter's, Second and C streets southeast.  
St. Cypryan's, Thirteenth and C streets southeast.

##### EPISCOPAL.

St. Mark's, Third and A streets southeast.

##### LUTHERAN.

Church of the Reformation, Second street and Pennsylvania avenue southeast.

##### METHODIST.

Douglass Memorial, Eleventh and H streets northeast.  
Trinity, Fourth street, between South Carolina avenue and G street southeast.  
Independent, Eleventh, between G and I streets southeast.  
Twelfth Street, Twelfth street, between D and E streets southeast.  
Waugh, Third and A streets northeast.  
Ebenezer, Fourth and D streets southeast.  
Lane's Chapel, Fourteenth and G streets northeast.  
Mount Zion, Sixteenth street and North Carolina avenue northeast.  
Union Mission, Tenth and I streets northeast.

METHODIST PROTESTANT.  
First, Virginia avenue and Fifth street southeast.

PRESBYTERIAN.  
Eastern, Sixth street and Maryland avenue northeast.  
Metropolitan, Fourth and B streets southeast.

MISCELLANEOUS BUILDINGS.  
United States Capitol.  
National Library.  
East Capitol post-office, Fourth and East Capitol streets.  
Washington Hall, Third street and Pennsylvania avenue southeast.  
National Capital Bank, Pennsylvania avenue near Third street southeast.  
Providence Hospital, D street between Second and Third streets southeast.  
Garfield Park.  
Navy-yard.  
Marine Barracks.  
Naval Hospital.  
Navy-Yard Station, Baltimore and Potomac Railroad.  
Gas house.  
National Capital Brewing Company.  
Brickyard, Thirteenth street southeast.  
United States Jail.  
Poorhouse.  
City hospital.  
Workhouse.  
Lincoln Park.  
Eckington car stables, Thirteenth and D streets northeast.  
Hygienic Ice Works, Fifteenth and G streets northeast.  
Cemeteries, beyond boundary.  
Washington Brick Machine Company, Maryland avenue and boundary.  
Trinidad.  
Kendall Green.  
Sisters of the Poor, Third and H streets northeast.  
Washington brewery, Fourth and E streets northeast.

Mr. HEARD (before the reading of the report was concluded). I ask special attention to that portion of the report which shows that all the street railways which this belt line will touch are required to make reciprocal free transfers with this road. The managers of these different roads have expressed their willingness to do this; and this bill requires them to carry out that agreement.

A MEMBER. They are to make free transfers?

Mr. HEARD. Free transfers.

The Clerk resumed and concluded the reading of the report.

Mr. HEARD. I ask for the reading of the bill by sections.

The Clerk read the first section of the bill, as follows:

*Be it enacted, etc.*, That Henry L. E. Johnson, Henry L. West, Calderon Carlisle, William P. C. Hazen, Frank P. Weller, Robert M. Larnor, and Oscar Luckett, all of the city of Washington and District of Columbia, and their associates, successors, and assigns, be, and they are hereby, created a body corporate and politic under the name of the "East Washington Belt Line Railway Company," and by that name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, and make and have a common seal and the same alter at their pleasure; and houses, boiler house or houses, and all other buildings necessary for the successful operation of a horse, cable, or underground electric-motor railway. Said corporation shall receive a rate of fare not exceeding 5 cents for each passenger for each continuous ride between all points of its line, and shall sell 6 tickets for 25 cents, and make arrangements with all existing railway companies in the District of Columbia for the interchange of tickets in payment of fare on its road. Said railway shall be constructed in a substantial and durable manner, and all rails, electric and mechanical appliances, conduits, stations, etc., shall be of approved pattern.

The committee recommend the adoption of the following amendment:

Insert after the word "road" in line 9:

"And shall enter into reciprocal transfer arrangements with all street railways with which its lines connect or intersect for one fare for each continuous ride, and on failure of any such roads to so agree, said road may apply to the supreme court of the District of Columbia to enforce said agreement; and said court is hereby granted power and jurisdiction to compel such transfer arrangement and to determine the rights of the several parties as to division of fare or any other controversy growing out of such reciprocal arrangement."

The amendment was agreed to.

Mr. BRYAN. Mr. Chairman, I desire to offer an amendment to section 1.

The CHAIRMAN. That section has just been read.

Mr. BRYAN. I move to amend by striking out, in lines 9 and 10, on page 2, the words "thence along said Third street southerly to Virginia avenue southeast."

Mr. HAINES. How do you propose to fill the gap?

Mr. BRYAN. I do not propose to fill the gap.

Mr. HEARD. I desire to ask the gentleman from Nebraska what other street he would suggest as a substitute for Third street? The amendment, of course, would strike out the provision of the bill giving authority to make the west side of this line. I ask if it is his design to offer a substitute for this portion of the bill, placing the line on some other street, or simply if it is his wish to destroy that feature of the bill?

Mr. BRYAN. Mr. Chairman, I will explain to the satisfaction of the gentleman from Missouri the reasons I have for offering the amendment.

I am informed that the people who own property along Third street are not only not in favor of allowing the construction of this road in front of their property, but are very bitterly opposed to it because of the injury that it would do to their property, and also that some of these persons whose names have been signed to the petition in favor of the line have given no authority whatever to anyone to sign their names. I do not care, therefore, to put anything in place of the provision I strike out, because those who

are constructing the line, if this goes out, can tell on what other street it should be located.

But the point I make is this, that the people who live on the street where it is proposed to allow this road to run certainly have some right to consideration in the matter, and that without their consent, or at least a majority of them, this street should not be taken. And I will state to the House that the reason I happen to know anything of this is because the gentleman with whom I room owns property on that street and called my attention to the fact that the majority of owners were opposed to the construction of the line there.

This is a very narrow street. Perhaps the gentleman from Missouri can tell me the distance between the curbs.

Mr. HEARD. I can not; but I am informed that it is the usual width of streets in Washington.

Mr. BRYAN. My impression is that it is 36 feet.

Mr. VAN VOORHIS of New York. Can they go into the street anyway without the consent of the body of the owners of property?

Mr. BRYAN. Now, my proposition is to strike out the authority given here for the construction of this line on Third street between the points mentioned, and for the reasons stated, but also because of the fact that a street which is 36 feet wide between the curbs, if there be two railroad tracks allowed in the middle of it, will practically be destroyed in value, at least for residence purposes.

A gentleman there took the trouble to make a memorandum based upon inquiries, and finds that the owners of 1,604 feet of property fronting on this street are opposed to the construction of the line there—

Mr. HEARD. Will the gentleman state on what part of the line they live?

Mr. BRYAN. I think I have that statement here, too, and will give it presently. This gentleman also stated that there are but 1,027 feet of property owned by persons who are in favor of the line; and I have here the letters or statements from two or three persons whose names appear on the petition who deny that they are in favor of it. Mrs. Mary S. Eckels says that she is the owner of No. 300 Third street, and that her name was affixed to the petition against the cable road; that she is violently opposed to it, and gave no authority whatever to any person to sign her name to a petition favoring the road.

Mr. PENCE. Are you sure her name appears on the petition?

Mr. BRYAN. I have not compared it, but I presume so from the statement. Here is another man who writes stating that the petition in favor of the said road was not signed by him and was not signed by his authority. Another, Mary A. Phelan, says her name was signed there improperly, and she is violently opposed to the proposition.

Now, I do not know how the House may feel about this, but it seems to me that if you are going to put a street-car line over there, and against the protest of the people living on either side of it, and whose property is to be affected by it, that it ought not to be done, at least with as small a House as we have at the present time.

Mr. HEARD. Mr. Chairman, all I can say in reply to the gentleman from Nebraska is that of course if he insists on this amendment, or any other of the same kind, he could probably block the proceedings here to-day. If it is the purpose to insist upon the amendment I shall feel obliged to let this matter go over.

I want to say, however, in justification of the acts of the committee, that it has been represented to us by the East Washington Association, the president, Mr. Tucker, Mr. Frizzell, and others, that the people of East Washington are almost a unit in favor of this road. They said that there were a few protestants on Third street, whose property lies between the roads running east and west, they being supplied with railway facilities by the Washington and Georgetown, the Metropolitan, and the Eckington, and perhaps some other roads, and that they are not in favor of this bill. But the representations that come to us indicate that there is an overwhelming majority of the people there who are in favor of the road. That I believe to be a fact.

Mr. BRYAN. I have no doubt that the people on the east side here, on the hill, desire some such street-car line, but the question is whether the people who do not live on the street should be allowed to secure the line to the disadvantage of the people who do live on the street. Is it not possible to find some place to cross where the streets are wide enough so that the value of the property will not be destroyed by the taking up of the streets?

Mr. HEARD. If the question is addressed to me, I will say that I deny absolutely that it will destroy or, in my judgment, impair the value of the property. I have been on this committee for ten years and I have never yet known a street railway to be laid out on any street in the city where it was not contended by some of the parties that it would destroy their property, although the result has been generally, I believe, if not universally, to advance the value of the property.

But whether that be the case or not, there is nobody living on any street in a residence portion of the city who, however much



he may desire a street railway, would not prefer to have it on the next block instead of on his own; but the question is whether or not these people in East Washington, who have considered this matter and know the needs of that community, are not better qualified to decide the question of where it would be for the greatest public convenience and the least personal inconvenience to have the line located. I think they are better qualified even than the committee, or this House, and it is greatly on their representations that we base our action in recommending this bill.

I do not know whether there are any other streets over there which are wider than this or not. That is about the average width inside the curb, because, as the gentleman probably knows, years ago the District government, in order to save the expense of keeping up wide streets, narrowed the streets by widening the sidewalks, and they have made the streets very much narrower between the curbs than they originally were. But the application of that rule is universal, especially in that section.

Mr. BRYAN. If the street is not wide enough to allow two tracks without injury to the property, it is possible they might do as is done in some cases in this city, go down on one street and go back on another. While it is true that a street-car track is an advantage to a neighborhood, yet if the street is so narrow that practically the entire street is taken up by the track, so that the people can not drive along the street without fear of running into a street car, there is no question but it does injure the value of the property. The gentleman has said that the people up in that end of the town know best whether they want the track or not. They may be very anxious, living on other streets, to have the track put on this street. You know the old saying that the best place for a boil is on somebody else. They may be willing to have the tracks laid on this street if they have no property there.

Mr. HEARD. I am satisfied that they would prefer of course to have the line run along their neighbors' block instead of their own; but the East Washington Association, I believe, embraces a large proportion of the business men and most of the property owners over there, and they represent that this would give by all odds greater satisfaction than any other location.

Mr. BRYAN. If these people live on some other street, undoubtedly they think so.

Mr. HEARD. I concede that it is very often a question of selfishness, to some extent.

Mr. BRYAN. We ought to consider the wishes of the people on the street, whose property would be affected by this line.

Mr. HEARD. If that was done absolutely in every case there never would be another street railroad, because there would always be some objectors.

Mr. BAKER of New Hampshire. I wish to call the attention of the gentleman from Nebraska [Mr. BRYAN] to the route proposed in the bill. The line extends from Florida avenue north to Virginia avenue south, a distance of certainly a mile and a half.

Mr. HEARD. About 2 miles.

Mr. BAKER of New Hampshire. Nearly 2 miles, and the gentleman has presented protests from only 1,600 feet of the ownership of that 2 miles. To my mind that seems to be conclusive that the protestants are not very numerous in comparison with the whole distance to be considered.

Mr. RICHARDSON of Tennessee. The objection of one person ought not to stop this.

Mr. BRYAN. Certainly not; but these people live on Third street, between Maryland avenue and Pennsylvania avenue.

Mr. HEARD. Right between these other railroads, where they have got three railroads now. They have plenty of accommodation and have no need for this new line.

Mr. BRYAN. Does the gentleman from Missouri believe that this road ought to be put down on that particular street, to the injury of the property there, against the protests of the people who live there?

Mr. HEARD. I will say to the gentleman that we never could find a place to run the line that would satisfy everybody, but I do not know that in my whole lifetime I have known a bill to be presented to this House where there was a distance of frontage of probably 20,000 feet with only 1,600 feet protesting, as is the fact in this case. As has been stated, the protestants live between the Pennsylvania avenue line (the Washington and Georgetown line) and the Eckington road.

Mr. BAKER of New Hampshire. And the Metropolitan.

Mr. HEARD. Within a distance of a few squares, where they have three lines running near them. They have first-class accommodations, and do not need this line, as the great body of the people over there do who have petitioned in favor of it.

Now, as is found in the report, this road will reach eleven or twelve schools and a number of churches. I think there are about 10,000 people interested in the schools alone that will be benefited by the establishment of the road, as there will be eleven or twelve schools reached by this line. It presents to the House strong claims for consideration on its merits as being a public benefit of decided character.

Mr. BRYAN. I hope the gentleman will not insist upon the matter being settled at this time. Let it come up upon the next District day.

Mr. RICHARDSON of Tennessee. There will be no more District days. I would suggest to my friend that two weeks from now would bring us to the 27th, and that would only be four or five days before adjournment, when it will be utterly impossible to get another District day on account of the pressure of public business at that time. It strikes me that the gentleman ought not to do any more in the matter than I confess he has done very properly in making his protest. But in view of the lateness of the session and the importance of the measure we ought to take a vote upon it and let it go through.

Mr. BRYAN. I shall insist on a vote. [Cries of "Vote!"]

The question was taken; and the Chairman announced that the yeas seemed to have it.

Mr. BRYAN. Division.

The committee divided; and there were—yeas 15, yeas 40.

Mr. BRYAN. No quorum, Mr. Chairman.

Mr. HEARD. I hope the gentleman will not insist on his point of order.

The CHAIRMAN. Does the gentleman insist upon the point of no quorum?

Mr. BRYAN. I think it had better go over for a day or two. I shall not object to gentlemen asking for unanimous consent for its consideration in two or three days from now.

Mr. RICHARDSON of Tennessee. If it goes over to-day, it goes over for fourteen days.

Mr. BRYAN. What was the vote?

The CHAIRMAN. The yeas were 15; the yeas 40.

Mr. BRYAN. I withdraw the point of no quorum. I will call the matter to the attention of Senators if I find the majority of property owners are opposed to this line, as I am informed they are.

Mr. HEPBURN. In line 20, page 2, I move to strike out the word "horse," and wherever else it occurs in the bill.

The Clerk read the amendment, as follows:

In line 20, page 2, strike out the word "horse."

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That the said railway herein authorized to be built shall be completed and in operation within three years from the passage of this act, and in default of such completion within the time in this section specified, all rights, franchises, and privileges granted by this act shall immediately determine.

Mr. BAKER of New Hampshire. I move to insert, after the words "shall be," line 6, section 6, the words "commenced within nine months and be;" and in the same line strike out the word "three" and insert "two."

The Clerk read as follows:

After the word "be," in line 6, section 6, page 11, insert the following: "Commenced within nine months and be;" and in the same line strike out "three" and insert "two;" so as to read, "shall be commenced within nine months and be completed and in operation within two years."

The amendment was agreed to.

Mr. RICHARDSON of Tennessee. I desire to offer the following as section 7, and then I will ask to have section 7 changed to section 8.

The Clerk read as follows:

SEC. 7. That an additional one year is hereby given to the Eckington and Soldiers' Home Railroad Company for the removal of the overhead trolley wires on New York avenue.

Mr. RICHARDSON of Tennessee. I just want to say that that road is putting down the underground electric system, and intends to put it on all its system, as I am informed; but they can not in the time now allowed them put it down along New York avenue and its suburban portion, and they ask this extension in order to complete putting down the underground line, and then apply it to the whole system.

The amendment was agreed to.

Mr. RICHARDSON of Tennessee. I now ask that section 7 be changed to section 8.

The amendment was agreed to.

Mr. HEPBURN. Mr. Chairman, in order that the bill may conform to the amendments that have already been made, these words, in lines 24 and 25, page 2, should be stricken out, namely: "A stable or stables for horses and."

The amendment was agreed to.

The CHAIRMAN. There is a committee amendment which has been reported in section 1.

Mr. HEARD. What is that?

The Clerk read as follows:

After the word "road," in line 9, page 3, insert the following: "And shall enter into reciprocal transfer arrangements with all street railroads with which its lines connect or intersect for one fare for each continuous ride, and on failure of any such roads to so agree said road may apply to the supreme court of the District of Columbia to enforce said agreement; and said court is hereby granted power and jurisdiction to compel such transfer arrangement and to determine the rights of the several parties as to di-

vision of fare or any other controversy growing out of such reciprocal arrangement."

Mr. HEARD. That is the amendment to which I called the attention of the committee. It is an important one, and I hope it will be adopted.

The amendment was agreed to.

Mr. HEARD. I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

Mr. HEARD. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SWANSON, Chairman of the Committee of the Whole, reported that the committee had had under consideration the bill H. R. 8057, and had directed him to report the same to the House with sundry amendments, and that as amended it do pass.

Mr. HEARD. I move that the amendments be voted on in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HEARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 7899) to bridge the Newark Bay; and

Joint resolution (H. Res. 261) authorizing the Secretary of War to expend a portion of the appropriation made in the river and harbor act of 1894 for St. Joseph Harbor, in the State of Michigan, to complete the connection between St. Joseph Harbor and Benton Harbor.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 2141) granting a pension to Joseph Porter;

A bill (S. 2207) granting a pension to Robert Kiracofe;

A bill (S. 1639) granting a pension to Nancy G. Allabach;

A bill (S. 2539) granting a pension to Marian C. Gurney;

A bill (S. 2654) granting an increase of pension to James H. Os-good;

A bill (S. 2671) granting an increase of pension to Florence W. Buskirk;

A bill (S. 2371) granting a pension to Samuel Goldwater;

A bill (S. 1238) granting a pension to Catherine Dillon;

A bill (S. 2460) granting a pension to Catherine R. Jardine, widow of Brig. Gen. Edward Jardine;

A bill (S. 2148) granting a pension to Elizabeth A. Granger;

A bill (S. 2491) granting a pension to Mary A. Hall;

A bill (S. 2696) granting a pension to William B. Matchett;

A bill (S. 2663) to provide for the erection of a public building in the cities of Winston-Salem, N. C.;

A bill (S. 2372) to authorize and direct the Secretary of War to place on file in the War Department the names of the officers and members of the Frontier Guards mustered into the volunteer military service of the United States on the 16th day of April, 1861, and issue discharges to the same; and

A bill (S. 1530) for the relief of James Grace.

The message also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 6968) for the relief of Catherine Ott, widow of Joseph Ott;

A bill (H. R. 862) granting a pension to Pauline M. Pooler;

A bill (H. R. 6974) to pension Mrs. Mary L. Clark;

A bill (H. R. 7602) to pension Mary R. Williams;

A bill (H. R. 2051) to grant a pension to Eunice Putman;

A bill (H. R. 7359) to pension Samuel F. Tenant;

A bill (H. R. 6076) to repeal the special act granting a pension to Louisa M. Sippell;

A bill (H. R. 6131) to grant a pension to Sarah E. Roebuck;

A bill (H. R. 6985) granting a pension to William Armstrong;

A bill (H. R. 6433) granting an increase of pension to Julia Weeks;

A bill (H. R. 5377) granting a pension to Richard R. Knight;

A bill (H. R. 3988) granting a pension to Marilla Parsons, of Detroit, Mich.;

A bill (H. R. 5649) granting a pension to Elizabeth Brower, a hospital nurse during the war of the rebellion;

A bill (H. R. 8486) to relieve Abraham B. Prince;

A bill (H. R. 155) to erect a public building at Pottsville, Pa.;

A bill (H. R. 116) for the erection of a public building at Brookline, Mass.; and

A bill (H. R. 7731) for the relief of certain Winnebago Indians in Minnesota.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 4658) granting a pension to Hiram R. Rhea; and

A bill (H. R. 5216) to amend the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the concurrent resolution providing for the engrossing and enrolling of bills and joint resolutions during the last ten days of any Congress.

The message also announced that the Senate had passed the following resolution:

*Resolved*, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 5300) granting an increase of pension to Thomas Corigan.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5740) incorporating the Society of American Florists.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 8234) "making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1896," disagreed to by the House of Representatives, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BLACKBURN, Mr. BRICE, and Mr. HALE as the conferees on the part of the Senate.

#### LEAVE OF ABSENCE.

Mr. HARMER, by unanimous consent, obtained leave of absence for five days, on account of illness of his son.

#### WITHDRAWAL OF PAPERS.

Mr. MAHON, by unanimous consent, obtained leave to withdraw from the files of the House the papers of Charles F. Gillies, major Twenty-first Pennsylvania Cavalry Volunteers, there being no adverse report by the Committee on Military Affairs.

#### JURIES IN THE DISTRICT OF COLUMBIA.

Mr. HEARD. Mr. Speaker, I ask unanimous consent to take up a bill reported from the Judiciary Committee, but relating to the District of Columbia, a bill which the Judiciary Committee have requested us to try to secure the passage of to-day. It relates to juries in this District, and is regarded by the bar and by the courts as very important.

The bill (H. R. 8724) to provide for the striking of juries in the District of Columbia was read, as follows:

*Be it enacted, etc.*, That any party to an action at law pending in the supreme court of the District of Columbia may demand a struck jury for the trial of an issue of fact therein by filing a precept with the clerk of said court. Thereupon the said clerk shall take to his assistance the marshal of the said District, and the said clerk and said marshal shall select from persons who are qualified to serve as jurors in the said District the names of forty persons, impartial between the parties, who, from their intelligence and sound judgment, are believed to be well qualified to try the cause. The said clerk shall preserve a list of the persons so selected, and shall give four days' notice to both parties or the attorneys of record of the time of striking the jury, and shall furnish to each person so notified at the same time a true copy of such list. At the time designated in the said notice to the parties or their attorneys as aforesaid the clerk shall attend at his office for the purpose of striking the jury, when the party demanding the jury, or his agent or his attorney, shall strike off one name from the list, and the opposite party, his agent or attorney, another, and so on, alternately, until each shall have struck off twelve. If either party fail or refuse to attend or strike, the clerk shall strike for him. When 24 names shall have been stricken off, the clerk shall make a fair copy of the remaining 16 names, they to be the list of jurors struck for the trial for the cause, and deliver a certified list of the same to the marshal, together with the venire facias commanding him to summon such persons named in the said list as jurors, and shall annex the names contained in said list to the said venire, and the said marshal shall thereupon summon the persons named as commanded in the said writ, and shall return the said list with the venire. Upon the trial of the cause the names of the jurors shall be called as they stand upon the panel, which order must be the same as that of the list at the time of striking the jury, and the first twelve of those who appear and are not challenged for cause or set aside by the court shall be the jury and shall be sworn as such; but if the jury be not made up from such 16 jurors, the marshal shall, under the direction of the court, fill up the panel from the bystanders, or, on motion of either party, the court shall select the persons to fill the panel and issue a special venire returnable therefor forthwith. The party so calling for a special jury shall pay the expenses occasioned by the obtaining and trial of the cause by such special jury, and the same shall not be allowed to him as part of the costs in the case unless the court shall immediately after the trial of the cause certify upon the record that the said cause was proper to be tried by a special jury. The court, in its discretion, may order the payment of costs of striking and summoning a special jury, or any part thereof, before the trial of the cause wherein such jury shall be summoned.

Mr. HEARD. I yield to the gentleman from Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, this bill is reported by the Committee on the Judiciary unanimously, and I do not think any explanation is necessary.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.



On motion of Mr. HEARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### JUSTICES OF THE PEACE IN THE DISTRICT OF COLUMBIA.

Mr. HEARD. Mr. Speaker, I ask unanimous consent for the consideration of another measure reported by the Judiciary Committee, a Senate bill to extend the jurisdiction of justices of the peace in the District, and to regulate proceedings before them.

The bill (S. 655) was read, as follows:

A bill (S. 655) to extend the jurisdiction of justices of the peace in the District of Columbia, and to regulate the proceedings before them.

*Be it enacted, etc.* That justices of the peace of the District of Columbia shall have jurisdiction to hear, try, and determine all civil pleas and actions, including attachment and replevin, when the amount claimed to be due or the value of the property sought to be recovered shall not exceed \$300, except in cases where the title to real estate is in issue, actions for malicious prosecution, actions against justices of the peace or other officers for misconduct in office, and actions for slander, verbal or written, and actions for damages for breaches of promise to marry.

SEC. 2. That such jurisdiction shall be exclusive original jurisdiction where the amount claimed to be due or the value of the property sought to be recovered shall not exceed \$100, and original and concurrent with the supreme court of the District of Columbia where the amount claimed to be due or the value of the property sought to be recovered is more than \$100, but does not exceed \$300; and where the sum claimed exceeds \$30 either party shall be entitled to a trial by jury.

SEC. 3. That no appeal shall be allowed from the judgment of a justice of the peace in any common-law action unless the matter in demand in such action or pleaded in set-off thereto shall exceed the sum of \$5, nor unless the appellant, with sufficient surety, approved by the justice, enters into an undertaking to pay and satisfy whatever final judgment may be recovered in the appellate court.

SEC. 4. That writs of attachment shall be issued by justices of the peace whenever the plaintiff, his agent, or attorney shall file with said justice of the peace, whether at the commencement or during the pendency of a suit, an affidavit, supported by the testimony of one or more witnesses, showing the grounds upon which he bases his claim, and also setting forth that the plaintiff has a just right to recover against the defendant what he claims in his said affidavit, and also stating, either first, that the defendant is a nonresident of the District, or, second, that the defendant evades the service of ordinary process by concealing himself or by withdrawing from the District temporarily, or, third, that he has removed or is about to remove some of his property from the District so as to defeat just demands against him, and shall file his (plaintiff's) undertaking with sufficient surety, to be approved by said justice of the peace, to make good all costs and damages which the defendant may sustain by reason of the wrongful suing out of the attachment.

SEC. 5. That if the defendant, his agent, or attorney shall file an affidavit traversing the plaintiff's affidavit, the justice of the peace shall determine whether the facts set forth in the plaintiff's affidavit are true, and whether there was just ground for issuing the writ of attachment, and if the facts do not sustain the affidavit the justice of the peace shall quash the writ of attachment or garnishment, and this issue may be tried by said justice of the peace summarily.

SEC. 6. That the thing attached shall not be discharged from the custody of the officer seizing it until the defendant shall deliver to the said justice of the peace, to be filed in the cause, his undertaking, with sufficient surety to satisfy and pay the final judgment against him: *Provided, however*, That the principal and surety on such undertaking shall not be liable in a greater sum than the value of the thing discharged from such attachment as aforesaid, and for costs and disbursements.

SEC. 7. That if the defendant fail to execute such undertaking provided for in the last preceding section, and it shall appear from the testimony of disinterested witnesses that any of the property is of a perishable nature, or if the parties to the cause file their consent in writing therefor, the justice may issue his order directing the officer having custody thereof to dispose of the same as upon execution, and the money realized therefrom shall be paid over to the justice and applied as other money realized from the sale of the property attached is applied.

SEC. 8. That in case the defendant be found liable to the plaintiff's claim, in whole or in part, the final judgment shall be that the plaintiff recover against the defendant and his sureties.

SEC. 9. That publication may be substituted for personal service of process upon any defendant who can not be found in suits by attachment.

SEC. 10. That no order for the substitution of publication for personal service shall be made till a summons for the defendant shall have been issued and returned "not to be found."

SEC. 11. That the order of publication shall be in the following or equivalent form:

#### IN JUSTICE'S COURT OF THE DISTRICT OF COLUMBIA.

Before ———, esq., a justice of the peace.

A B, plaintiff, vs. C D, defendant. No. —

A summons in due form having been issued out of this court to a lawful constable of this District for the said defendant, and the same having been by said constable returned "not to be found," it is hereby ordered that said defendant cause his appearance to be entered herein on or before the first Tuesday —, 189 —, otherwise the cause will be proceeded with as in case of default.

SEC. 12. That the declaration in replevin shall be in the following or equivalent form:

The plaintiff sues the defendant for (wrongfully taking and detaining) (unjustly detaining) his, said plaintiff's, goods and chattels, to wit: (describe them) of the value of ——— dollars. And the plaintiff claims that the same be taken and delivered to him; or, if they are eloiigned, that he may have judgment of their said value, and all mesne profits and damages, which he estimates at ——— dollars, besides costs.

SEC. 13. That at the time of filing the declaration in replevin, the plaintiff, his agent, or attorney shall file an affidavit, sworn to before the said justice of the peace, stating:

First. That according to affiant's information and belief the plaintiff is entitled to recover possession of chattels proposed to be replevied, being the same described in the declaration.

Second. That the defendant has seized and detains, or detains, the same.

Third. That said chattels were not subject to such seizure or detention, and were not taken upon any writ of replevin.

SEC. 14. That the plaintiff shall at the same time enter into an undertaking with surety, approved by said justice of the peace, to abide by and perform the judgment of the said justice's court in the premises.

SEC. 15. That if the officer's return of the writ of replevin be that he has served the defendant with copies of the declaration, notice to plead, and summons, but that he could not get possession of the goods and chattels sued for, the plaintiff may prosecute the action for the value of the same and damage for detention, or he may renew the writ in order to get possession of the goods and chattels themselves.

SEC. 16. That if the officer's return be that he has taken possession of the goods and chattels sued for, but that the defendant is not to be found, the said justice of the peace may order that the defendant appear to the action by some fixed day, and of this order the justice of the peace shall cause notice to be given by publication in some newspaper of the District at least three times, the first of which shall be at least twenty days before the day fixed for the defendant's appearance.

SEC. 17. That if the defendant fails to appear the court may proceed as in case of default after personal service.

SEC. 18. That if the defendant appear he may plead not guilty, in which case all special matters of defense may be given in evidence, or he may plead specially.

SEC. 19. That whether defendant plead and the issue thereon joined is found against him, or his plea is held bad on demurrer, or he make default after personal service or after publication, the plaintiff's damages shall be ascertained on the trial, and the damages shall be the full value of the goods, if eloiigned by the defendant, including in every case the loss sustained by the plaintiff by reason of the detention, and judgment shall pass for the plaintiff accordingly.

SEC. 20. That if the issue be found for the defendant, or the plaintiff dis-miss or fail to prosecute his suit, the judgment shall be that the goods, if delivered to the plaintiff, be returned to the defendant, with damages, or, on failure, that the defendant recover against the plaintiff and his surety the damages by him sustained, to be assessed by the jury trying the issue, or by the justice trying the case without a jury, or, where the plaintiff dismisses or fails to prosecute his suit, by the justice.

SEC. 21. That if the defendant has eloiigned the things sued for the justice or the jury trying the case may assess such damages as may compel the defendant to return the things.

SEC. 22. That the judgment in such cases shall be that the plaintiff recover against the defendant the value of the goods as found, to be discharged by the return of the things with damages for detention, which shall also be assessed by the justice or jury trying the case.

SEC. 23. That when personal property is taken on execution or attachment issued by a justice of the peace, and such property is claimed by a person other than a defendant therein, or is claimed by the defendant to be property exempt from execution, and such claimant shall give notice in writing to the constable of his claim to such property, or that it is exempt as aforesaid, the constable shall notify the plaintiff in such writ, or his agent or attorney, of such claim, and shall also notify such plaintiff and the claimant before what justice and at what time and place a trial of the right of property shall be had.

SEC. 24. That the trial of the right of property in such cases shall be before the justice of the peace who issued such writ, unless removed by change of venue, as now provided by law; or, if he should be unable to attend to such trial, before some other justice of the peace in the said District.

SEC. 25. That the justice shall enter such cases on his docket, and the trial shall be had therein in the same manner as in other trials before justices of the peace; and a change of venue may be taken as in other cases.

SEC. 26. That in case the property shall appear to belong to the claimant, or to be exempt from execution, judgment shall be entered against the plaintiff in the execution or attachment for costs, and the property levied upon shall be released. If it shall appear that the property does not belong to the claimant, or is not so exempt as aforesaid, judgment shall be entered against said claimant for costs, including such additional costs as shall have been made by the delay in the execution of such writ.

SEC. 27. That an appeal may be taken as in other cases, providing the same is prayed on the day of the entering of judgment, and the bond shall be given within six days, Sunday exclusive, from the time of entering of the judgment.

SEC. 28. That the judgment in such cases shall be a complete indemnity to the constable in proceeding to sell or return any such property; and in case of appeal the constable shall return such property unless the party claiming, or the defendant in the execution, or his agent, shall enter into an undertaking with sufficient security to be approved by the justice for the delivery of such property to the officer if the judgment of the court shall be against the party entering into such undertaking.

SEC. 29. That the supreme court of the District is hereby authorized to make and establish such additional rules of practice and prescribe forms of process and proceedings rendered necessary by this act, and to alter and amend the same as it may from time to time deem advisable.

SEC. 30. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed; but nothing herein shall be construed to take away and limit the jurisdiction conferred upon justices of the peace by chapter 19 of the Revised Statutes of the United States relating to the District of Columbia.

Mr. HEARD. Mr. Speaker, this bill has been unanimously reported by the Judiciary Committee of the House, and there has been no protest against it by anybody in the District as far as I have heard.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HEARD, a motion to reconsider the vote by which the bill was passed was laid on the table.

The House then, on motion of Mr. HEARD (at 5 o'clock and 5 minutes p. m.), adjourned until 11 o'clock a. m. Thursday.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MAHON, from the Committee on War Claims:

A bill (H. R. 2397) for the relief of the legal representatives of Calvin B. Cunningham. (Report No. 1820.)

A bill (H. R. 7967) for the relief of William P. Buckmaster. (Report No. 1821.)

By Mr. HUTCHESON, from the Committee on Claims: A bill (S. 1881) for the relief of Edward H. Murrell. (Report No. 1822.)

By Mr. CURTIS of New York, from the Committee on Military

Affairs: A bill (H. R. 8391) for the relief of Michael Ryan. (Report No. 1823.)

By Mr. TURNER of Virginia, from the Committee on Pensions: A bill (H. R. 7091) to pension Parmelia Glass, a daughter of a deceased Revolutionary veteran. (Report No. 1825.)

A bill (H. R. 7090) to pension Sarah Wharton, a daughter of a deceased Revolutionary veteran. (Report No. 1826.)

By Mr. MOSES, from the same committee:

A bill (H. R. 8511) granting a pension to James Jones. (Report No. 1827.)

A bill (H. R. 8243) granting an increase of pension to James H. Jones, sr. (Report No. 1828.)

A bill (H. R. 901) to pension William Russell for services in Oregon Indian wars. (Report No. 1829.)

By Mr. TAWNEY, from the same committee: A bill (H. R. 5154) to pension John Morris. (Report No. 1830.)

By Mr. STALLINGS, from the same committee: A bill (H. R. 8782) granting a pension to Joseph S. Bunker. (Report No. 1831.)

By Mr. BOWERS of California, from the Committee on Military Affairs: A bill (H. R. 7352) to remove the charge of desertion from the military record of William J. Blain. (Report No. 1832.)

#### PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. SIMPSON: A bill (H. R. 8864) to remove the bar of the statute of limitation and give the right of appeal in certain cases—to the Committee on Labor.

By Mr. HUDSON: A bill (H. R. 8865) requiring bridges across navigable rivers chartered by the Government to pay 3 per cent per annum of their gross earnings to the United States for the franchise—to the Committee on Ways and Means.

By Mr. COCKRELL: A resolution calling upon the Secretary of the Interior to suspend action in the opening of lands in the territory situated in Greer County, Tex.—to the Committee on the Territories.

By Mr. HARTMAN: A resolution calling upon the Secretary of the Treasury for certain information regarding the receipts of the Treasury Department in coin, provided for in section 3657 of the Revised Statutes—to the Committee on Banking and Currency.

By Mr. MCGANN: A resolution setting aside Wednesday, February 20, 1895, for the consideration of bills reported by the Committee on Labor—to the Committee on Rules.

By Mr. HUNTER: A resolution of the house of representatives of the State of Illinois, asking for the completion of the improvement of the harbor at Waukegan, Ill.—to the Committee on Rivers and Harbors.

By Mr. HUDSON: A joint memorial of the State legislature of Kansas, asking Congress to make an appropriation for a scientific investigation of the feasibility of storing the waters of the Upper Missouri, Platte, and other rivers flowing from the Rocky Mountains for irrigation and other purposes—to the Committee on Irrigation of Arid Lands.

Also, a joint memorial of the State legislature of Kansas, asking Congress to submit to the several States a proposition to amend the Constitution of the United States so as to provide for the election of United States Senators by direct vote of the people—to the Committee on Election of President and Vice-President and Representatives in Congress.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. DOCKERY: A bill (H. R. 8866) granting a pension to Thomas Brewer—to the Committee on Invalid Pensions.

By Mr. LANE: A bill (H. R. 8967) granting an increase of pension to Joseph L. Cannon—to the Committee on Invalid Pensions.

By Mr. MCRAE: A bill (H. R. 8868) for the relief of the estate of Elias Wheat, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8869) for the relief of John McDermott—to the Committee on War Claims.

By Mr. O'NEILL of Missouri: A bill (H. R. 8870) to increase the pension of Nellie J. Meeker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8871) to remove the charge of desertion from the record of Dennis Byrnes—to the Committee on Military Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 8872) for the relief of Stephen Williams—to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Papers to accompany the claim of Flavell W. Foster, of New Hanover County, N. C.—to the Committee on War Claims.

By Mr. BELTZHOVER: Resolution of American agricultural college experimental stations in favor of Columbian dairy tests—to the Committee on Agriculture.

Also, resolution of citizens of York, Pa., against sectarian appropriations—to the Committee on Appropriations.

Also, resolution of citizens of York, Pa., against granting the right of suffrage to aliens—to the Committee on the Judiciary.

By Mr. CRAIN: Petition of merchants and citizens of the Lower Rio Grande, against the adoption of the Cockrell resolution affecting the Zona Libre, Mexico—to the Committee on Ways and Means.

By Mr. DOCKERY: Petition of W. N. McKinney and 32 other citizens of Clay County, Mo., praying for certain jurisdiction of courts hereafter established in Indian Territory—to the Committee on the Territories.

By Mr. DRAPER: Petition of citizens of Mountain Top, Pa., for the passage of House bill 8091—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Elmira, N. Y., for the passage of House bill 8091 to promote the safety of employees on railroads—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Andrews, Ind., for the passage of House bill 8091—to the Committee on Interstate and Foreign Commerce.

By Mr. HARMER: Preamble and resolution adopted at a meeting of 277 citizens of Germantown, Philadelphia, Pa., in favor of maintaining civil and religious liberty by absolute separation of church and state, and in favor of an amendment to the Constitution of the United States against the use of the property or credit of the United States, or any State, or any money raised by taxation, for maintaining any institution wholly or in part under sectarian or ecclesiastical control—to the Committee on the Judiciary.

By Mr. HOPKINS of Pennsylvania: Petition of 130 citizens of Lycoming County, praying for the adoption of a constitutional amendment on the subject of religion—to the Committee on the Judiciary.

By Mr. HUNTER: Resolutions of the Agricultural Society of Chicago, protesting against the manner of distribution of seeds—to the Committee on Agriculture.

By Mr. KIEFER: Resolutions of the Commercial Club of Stillwater, Minn., for improvement of St. Croix Lake and River—to the Committee on Rivers and Harbors.

By Mr. MCRAE: Petition of W. D. Eakin and 54 other citizens of Fulton, Ark., asking for protection against the caving of the Red River bank—to the Committee on Rivers and Harbors.

By Mr. NORTHWAY: Petition of President E. V. Zollars and 10 others, of Hiram College, Hiram, Ohio, praying for the suppression of the Louisiana Lottery—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Petition for suppression of lottery companies, by citizens of Syracuse, N. Y.—to the Committee on Interstate and Foreign Commerce.

By Mr. PEARSON: Resolution of Mingo Lodge, No. 23, Amalgamated Association of Iron and Steel Workers, United States, protesting (1) against the issue of interest-bearing bonds; (2) asking for legislation prohibiting their issue in time of peace; (3) for the free and unlimited coinage of silver at the ratio of 16 to 1; (4) for the issue of full legal-tender paper money in sufficient volume to make the aggregate of circulation of gold, silver, and paper currency not to exceed \$50 per capita, and for the abolition of national banks and the issue of money by the Government direct—to the Committee on Banking and Currency.

By Mr. REILLY: Resolution of 71 citizens of Schuylkill County, Pa., in favor of a constitutional amendment to be known as sixteenth amendment—to the Committee on the Judiciary.

Also, resolution of 71 citizens of Schuylkill County, Pa., in favor of a constitutional amendment restricting the right of suffrage to citizens of the United States—to the Committee on the Judiciary.

By Mr. SPRINGER: Circular letter of Henry H. Goodell, chairman executive committee of the Association of American Agricultural College and Experiment Stations, in favor of the publication of the records of the Columbian dairy tests—to the Committee on Agriculture.

By Mr. WANGER: Preamble and resolutions of a meeting of 171 citizens of Royersford, 62 of Doylestown, and 40 of Eden, Bucks County, Pa., for the submission of an amendment to the Constitution prohibiting any establishment of religion, or sectarian appropriations, etc.—to the Committee on the Judiciary.

Also, preamble and resolutions of a meeting of 171 citizens of Royersford, 62 of Doylestown, and 40 of Eden, Bucks County, and



50 of Wyndmoor, Pa., for the submission of an amendment to the Constitution prohibiting any State from granting the franchise to any person not a citizen of the United States—to the Committee on the Judiciary.

By Mr. WISE: Petition from citizens of Richmond, Va., relative to granting the right of suffrage to persons not citizens of the United States—to the Committee on the Judiciary.

Also, petition from citizens of Manchester, Va., relative to granting the right of suffrage to persons not citizens of the United States—to the Committee on the Judiciary.

By Mr. WHEELER of Alabama: Petition of Mary A. Abernathy, of Giles County, Tenn., praying that her claim be referred to the Court of Claims—to the Committee on War Claims.

By Mr. WOOLMER: Resolutions adopted by a meeting of 140 citizens of Lebanon and 75 of Harrisburg, Pa., against appropriating public money to aid sectarian institutions—to the Committee on the Judiciary.

Also, resolutions adopted at a meeting of 70 citizens of Steelton, Pa., against granting the right of suffrage to persons not citizens of the United States—to the Committee on the Judiciary.

### SENATE.

THURSDAY, February 14, 1895.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.  
The Journal of yesterday's proceedings was read and approved.

#### CREDENTIALS.

Mr. WALSH presented the credentials of Augustus O. Bacon, chosen by the legislature of the State of Georgia a Senator from that State for the term commencing March 4, 1895.

The credentials were read, and ordered to be filed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

A bill (H. R. 4658) granting a pension to Hiram B. Rhea; and

A bill (H. R. 5216) to amend the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 18, 1891.

The message also announced that the House had passed the following bill and joint resolution:

A bill (S. 655) to extend the jurisdiction of justices of the peace in the District of Columbia, and to regulate the proceedings before them; and

A joint resolution (S. R. 128) making an appropriation of \$5,000 for clearing the Potomac River of ice.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 1667) to provide for coinage at the branch mint at Denver, Colo.;

A bill (S. 2699) for the encouragement of education in the State of Mississippi; and

A joint resolution (S. R. 113) instructing the Secretary of War to return to the State of Michigan the flags of certain regiments of Michigan Volunteer Infantry.

#### EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, in response to a resolution of the 12th instant calling for information as to what foreign nations, if any, have adopted or refused to adopt the regulations for preventing collisions at sea, etc., certain correspondence relating to the subject; which, on the motion of Mr. VEST, was, with the accompanying papers, referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 8th instant calling for all reports as to surveys for improving Columbia River, Oregon and Washington, at Three Mile Rapids, and the construction and equipment of a boat railway from the foot of The Dalles Rapids to the head of Celilo Falls, etc., a letter from the Chief of Engineers, together with letters from Maj. James C. Post, Corps of Engineers, respecting the survey for locating the proposed boat railway; which, on the motion of Mr. MITCHELL of Oregon, was, with the accompanying papers, referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with section 194 of the Revised Statutes, a list embracing the names of the clerks

and other persons employed in the several bureaus of that Department during the calendar year ended December 31, 1894.

Mr. COCKRELL. I see that the communication transmits simply a list of names contained in the roll of paper on the Secretary's desk. I suggest that the letter of the Secretary of the Treasury be printed and that the roll of names be referred to the Committee on Printing to determine whether it shall be printed or not.

The VICE-PRESIDENT. Without objection it will be so ordered.

#### THE TREASURY RESERVE FUND.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 31st ultimo calling for information as to what portion of the reserve (so called) of \$100,000,000 in the Treasury on January 1, 1893, has been used for current expenditures, and how much of the fund realized from the recent sale of bonds has been so used, and the amount required to replace the money so used, etc.; statements of the assets of the Treasury on January 1, 1893, in excess of the liabilities on account of gold certificates, silver certificates, currency certificates, and Treasury notes of 1890.

The Secretary proceeded to read the communication.

Mr. GORMAN. I suggest that by unanimous consent the further reading of the communication be dispensed with, and that it be printed in the RECORD and in document form as well.

Mr. COCKRELL. And referred to the Committee on Finance.

Mr. GORMAN. And referred to the Committee on Finance.

Let it be printed in document form, with a special order to have it printed and on the desks of Senators to-morrow morning.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maryland? The Chair hears none, and it is so ordered.

The communication from the Secretary of the Treasury is as follows:

#### TREASURY DEPARTMENT, OFFICE OF THE SECRETARY. Washington, D. C., February 13, 1895.

To the President of the Senate:

I have the honor to acknowledge the receipt of the following Senate resolution:

"Resolved, That the Secretary of the Treasury be, and is hereby, directed to inform the Senate what portion of the reserve (so called) of \$100,000,000 in the Treasury on January 1, 1893, has been used for current expenditures, and how much of the fund realized from the recent sales of bonds has been so used, and the amount required to replace the money so used."

"Resolved, That the Secretary of the Treasury is hereby directed to report to the Senate the actual available cash balances in the Treasury applicable to current expenditures of the Government on January 1, 1894, giving specifically the amount, respectively, of gold coin and bullion, less all outstanding gold certificates and standard silver dollars, less outstanding silver certificates and current subsidiary silver coin, United States notes, less currency certificates outstanding, and Treasury notes of July 14, 1890, and national bank notes less national bank 5 per cent fund, and showing the aggregate of such available cash balances not including but stating the actual amount of the gold in the Treasury as the reserve or redemption fund, and the actual amount of the national bank-note redemption fund, and the outstanding checks and drafts; and also a like statement respecting all the foregoing items on the 1st day of July, 1893."

"Second. The actual amount of revenue received from customs, internal revenue, and miscellaneous sources in separate items, and also the amounts received from the sale of United States bonds from the 1st day of January, 1894, to the 31st day of December, 1894, both days inclusive."

"Third. A statement showing in detail all payments from the Treasury on every account except the redemption of United States and Treasury notes from the 1st day of January, 1894, to the 31st day of December, 1894, both days inclusive, and stating specifically the amount paid during that time for interest on the public debt, and the amount of payments on account of the sinking fund, the amount of payments on account of pensions, rivers and harbors, and public buildings."

"Fourth. A statement showing the balance of cash in the Treasury on the 31st day of December, 1894, available for the current expenses of the Government, but not including the gold-reserve fund, and a statement showing of what this balance consists—the amount in each class of notes and the amount in fractional coin."

"Fifth. The actual amount of gold in the Treasury on the 1st day of July and January, 1894, applicable to the redemption fund, the amount of gold received from the sale of bonds or other obligations of the Government from the 1st day of January, 1894, to the 31st day of December, 1894, both inclusive, the amount of Treasury notes and United States notes redeemed in gold between the same dates, and the actual balance of gold on this account on the 31st day of December, 1894, and also the amount of United States notes redeemed or Treasury notes by the payment of gold that have since been paid out of the Treasury for current expenses, and the amount of said notes so redeemed now in the Treasury."

"Sixth. A detailed statement showing the amount of appropriations authorized by various acts of Congress, which, since the 1st day of July, 1893, have not been drawn from the Treasury. In other words, all the obligations of the Government incurred by such authorized expenditures up to and including the 31st day of December, 1894, other than the amount due to the sinking fund."

"Seventh. The amount due to the sinking fund on the 31st day of December, 1894."

In response to the resolution, I have the honor to state:

I.

That the assets of the Treasury on January 1, 1893, in excess of the liabilities on account of gold certificates, silver certificates, currency certificates, and Treasury notes of 1890, were as follows:

Gold reserve	\$100,000,000.00
Other monies	70,313,967.46
Total	170,313,967.46

The funds realized from sales of bonds during 1894 were:

Gold and gold certificates	\$117,380,282.74
Other moneys	312.09

Total 117,380,594.83

The amounts available, in excess of current receipts, were therefore:

Gold reserve and gold proceeds of bonds	\$217,390,282.74
Other moneys	70,314,279.55

Total 287,694,562.29

The assets of the Treasury on January 31, 1895, in excess of gold certificates, silver certificates, currency certificates, and Treasury notes of 1890 were:

Gold reserve	\$44,705,067.27
Other moneys	137,986,451.77

Total 182,692,419.04

Hence it appears that the original gold reserve, augmented by the gold proceeds of the sales of bonds, was diminished during the period of twenty-five months to the extent of \$172,674,315.47, of which \$105,002,143.25 was directly or indirectly devoted to current expenses, and \$67,672,172.22, which had been converted into notes by the process of redemption, was still on hand. It is proper to state in this connection that when United States notes or Treasury notes of 1890 are redeemed in gold they are received into and held as part of the general cash assets in the Treasury, the same as any other money belonging to the Government, and under the acts of May 31, 1878, and July 14, 1890, they are paid out when necessary to defray the public expenses. Whenever it has been possible to do so, the redeemed notes have been used to procure gold coin by exchange with banks and other financial institutions, and in this way a large amount of gold was restored to the gold reserve fund during the summer of 1893, and some since that time.

## II.

That the assets and liabilities of the Treasury in excess of certificates and Treasury notes outstanding were:

### ASSETS.

	July 1, 1893.	January 1, 1894.
Gold	\$95,485,413.50	\$80,891,000.13
Silver dollars and bullion	6,797,135.31	5,995,261.23
Fractional silver coin	11,855,944.30	11,630,466.53
United States notes	13,870,333.00	5,094,202.22
Treasury notes of 1890	6,528,533.00	1,194,834.00
National bank notes	3,982,733.13	12,357,623.44
Minor coin and fractional currency	604,831.85	939,034.39
Deposits in banks	16,063,220.97	15,201,044.92
Bonds and interest paid	5,233,036.74	14,105.17
Total	160,450,661.89	133,297,277.03

### LIABILITIES.

Bank-note 5 per cent fund	\$5,971,102.25	\$6,817,395.42
Outstanding checks and drafts	3,206,181.85	4,253,180.89
Disbursing officers' balances	24,240,951.58	26,980,670.77
Other deposit and redemption accounts	4,570,155.83	4,870,474.53
Total agency account	37,988,391.51	42,921,721.61
Gold reserve	95,485,413.50	80,891,000.13
Net balance	26,976,876.79	9,483,955.29
Total liabilities	160,450,661.89	133,297,277.03

	Balances July 1, 1894.	Appropriations fiscal year 1895.	Total available.	Expenditures six months ending December 31, 1894.	Balance unexpended January 1, 1895.
Treasury	\$16,723,134.87	\$32,981,802.83	\$49,704,937.70	\$19,452,869.82	\$30,251,568.88
Customs	1,867,733.23	11,354,399.94	13,222,133.17	6,205,601.37	7,016,531.80
Internal revenue	347,706.26	3,736,215.43	4,083,921.74	1,846,064.77	2,237,856.97
Judiciary	368,232.37	5,239,015.07	5,607,247.44	4,022,236.63	1,585,010.81
Diplomatic	1,635,963.24	1,516,500.60	3,152,463.84	894,610.19	2,257,853.65
Interior, civil	2,573,169.77	7,186,135.81	9,759,305.58	3,818,922.53	5,940,383.05
Total civil and miscellaneous	24,020,969.74	62,313,570.73	86,334,540.46	36,241,304.36	50,093,155.10
War	13,909,267.45	51,652,655.01	65,561,922.46	28,487,897.82	37,074,024.64
Navy	7,241,161.21	25,824,788.83	33,065,950.04	16,213,247.25	16,852,702.79
Indians	5,002,297.11	12,920,214.06	17,922,511.19	3,954,338.03	13,968,173.16
Pensions	28,057,409.97	151,582,873.80	179,640,283.77	72,241,860.23	107,398,423.54
Interest		30,933,463.32	30,933,463.32	14,477,664.49	16,455,798.83
Total	78,291,105.48	335,232,754.56	413,523,860.04	171,616,402.18	241,907,457.86
Indefinite appropriations, including deficiency in postal revenue		29,383,660.00	29,383,660.00	15,336,077.92	14,047,582.08
Grand total	78,291,105.48	364,616,414.56	442,907,520.04	186,952,480.10	255,955,039.94

(7) The condition of the sinking fund was as follows on the 1st day of January, 1895:

Balance July 1, 1894	\$101,782,383.35
Appropriation fiscal year 1895	48,750,000.00

Total available	150,532,383.35
Expenditures six months ending December 31, 1894	25,545.00

Balance unexpended January 1, 1895	150,506,838.35
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Respectfully,

J. G. CARLISLE, Secretary.

### PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a memorial of Mingo Lodge, No. 22, Amalgamated Association of Steel and Iron Workers, of Mingo

(2) The receipts of the Government (exclusive of postal) from January 1, 1894, to December 31, 1894, were as follows:

Customs	\$131,670,789.80
Internal revenue	156,010,634.89
Miscellaneous	17,507,123.63
Deposits for redemption of national bank notes	19,175,051.00
Sale of \$100,000,000 5 per cent bonds	117,171,795.71

Total receipts 441,534,774.43

(3) The expenditures of the Government (exclusive of postal) from January 1, 1894, to December 31, 1894, were as follows:

Civil and miscellaneous, including \$5,290,285.30 for public buildings	\$101,809,341.26
War, including \$19,291,308.95 for rivers and harbors	52,320,215.13
Navy	31,984,374.37
Indians	9,888,135.99
Pensions	140,164,521.05
Interest on the public debt	28,874,353.44
Redemption of national bank notes	13,575,510.25
Sinking fund	88,202.20

Total expenditures 377,764,663.69

(4) The balance of cash in the Treasury on December 31, 1894, available for the current expenses of the Government, but not including the gold-reserve fund:

Silver dollars and bullion	\$7,650,305.23
Fractional silver coin	14,483,636.17
United States notes	34,914,157.53
Treasury notes of 1890	28,369,950.00
National bank notes	4,759,972.19
Minor coin	1,104,186.42
Deposits in banks	15,081,275.09
Bonds and interest paid	12,247.92

Total 106,375,740.55

(5) The actual amount of gold in the Treasury on the 1st day of July and January, 1894, applicable to the redemption fund was as follows:

July 1	\$64,873,024.55
January 1	80,891,000.13

The amount of gold received from the sale of United States bonds from January 1, 1894, to December 31, 1894, both inclusive, was \$117,380,282.74.

The amount of Treasury notes and United States notes redeemed in gold between the same dates was as follows:

Treasury notes	\$17,804,045.00
United States notes	123,941,059.00

Total 141,745,104.00

The actual balance of gold on this account on the 31st day of December, 1894, was \$86,244,445.05.

The amount of United States notes and Treasury notes in the Treasury January 1, 1894, exclusive of United States notes held for the redemption of currency certificates outstanding, was \$6,289,086. Adding to this \$141,745,104, the amount of such notes redeemed to December 31, 1894, as above stated, and \$45,117,738, the amount of like redemptions during the following month, gives a total of \$193,151,228 of such notes available during the whole period, exclusive of ordinary receipts. The amount of these notes remaining in the Treasury on January 31, 1895, the date of the resolution, was \$35,627,989, showing that of the total of \$186,862,842 redeemed in gold from January 1, 1894, there had been paid out the sum of \$107,523,959, and there was remaining in the Treasury a balance of \$79,338,883. Of the amount paid out \$67,985,453 was for current expenses, and \$9,538,486 was in exchange for other kinds of money, including gold.

(6) The following statement shows the unexpended balances of appropriations July 1, 1894; the appropriations for the fiscal year ending June 30, 1895; the total amount available for expenditure July 1, 1894; the amount expended during the six months ending December 31, 1894, and the balance available for expenditure January 1, 1895:

	Balances July 1, 1894.	Appropriations fiscal year 1895.	Total available.	Expenditures six months ending December 31, 1894.	Balance unexpended January 1, 1895.
Treasury	\$16,723,134.87	\$32,981,802.83	\$49,704,937.70	\$19,452,869.82	\$30,251,568.88
Customs	1,867,733.23	11,354,399.94	13,222,133.17	6,205,601.37	7,016,531.80
Internal revenue	347,706.26	3,736,215.43	4,083,921.74	1,846,064.77	2,237,856.97
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Total	78,291,105.48	335,232,754.56	413,523,860.04	171,616,402.18	241,907,457.86
Indefinite appropriations, including deficiency in postal revenue		29,383,660.00	29,383,660.00	15,336,077.92	14,047,582.08
Grand total	78,291,105.48	364,616,414.56	442,907,520.04	186,952,480.10	255,955,039.94

Junction, Ohio, remonstrating against the further issuance of United States bonds and praying for the free coinage of silver, the issuance of additional United States notes, and the abolishment of national banks; which was referred to the Committee on Finance.

He also presented a petition of the Ohio Valley Trades and Labor Assembly, of Martins Ferry, Ohio, praying for the passage of the so-called Stone immigration bill providing for the consular inspection of immigrants before embarkation; which was referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Miamisburg, of 50 citizens of Tallmadge, and of 78 citizens of Martins Ferry, all in the State of Ohio, praying for the adoption of an amendment



to the Constitution of the United States prohibiting the appropriation of moneys for sectarian purposes; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Miamisburg, of 41 citizens of St. Clair, and of 50 citizens of Tallmage, all in the State of Ohio, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

Mr. BUTLER presented a petition of Charleston Branch No. 454, National Association of Letter Carriers, of Charleston, S. C., praying for the passage of Senate bill No. 2523, which guarantees to every letter carrier a hearing before dismissal; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BLANCHARD presented a petition of the Medical Society of Shreveport, La., praying for the establishment of a department of public health; which was referred to the Committee on Epidemic Diseases.

Mr. CULLOM presented a petition of the electrotypers' union of Chicago, Ill., praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which was ordered to lie on the table.

He also presented a memorial of Pomona Grange, No. 33, of Peoria County, Ill., remonstrating against the passage of the so-called Patterson railroad pooling bill; which was ordered to lie on the table.

Mr. ALLEN presented a petition of 55 citizens of Coosa County, Ala., praying for a republican form of government in that State; which was referred to the Committee on Privileges and Elections.

Mr. HOAR presented a petition of 197 citizens of Worcester, Mass., and a petition of 136 citizens of Haverhill, Mass., praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of money by Congress for sectarian purposes; which were referred to the Committee on the Judiciary.

He also presented petitions of sundry bankers and brokers of Boston, Mass., praying for the enactment of legislation providing for the issuance of gold bonds for the completion of the syndicate contract; which were referred to the Committee on Finance.

Mr. COCKRELL presented a petition of Local Union, No. 486, United Mine Workers, of Elliott, Mo., praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which was ordered to lie on the table.

He also presented a petition of 39 citizens of Condray, Mo., praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which was referred to the Committee on the Judiciary.

Mr. TELLER presented a memorial of sundry citizens of Overton, Colo., remonstrating against the issuance of bonds by the Government of the United States; which was referred to the Committee on Finance.

He also presented a petition of 90 citizens of Colorado Springs, Colo., praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian purposes; which was referred to the Committee on the Judiciary.

He also presented a petition of the People's Party Club of Pueblo, Colo., praying for the enactment of legislation to define and limit the power and authority of the executive and judicial departments of the Government in suppressing insurrections; which was referred to the Committee on the Judiciary.

He also presented a petition of Typographical Union, No. 82, of Colorado Springs, Colo., praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which was ordered to lie on the table.

Mr. MURPHY presented a petition of sundry post-office employees of Jamestown, N. Y., praying for the passage of Senate bill No. 2523, relating to the removal of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

#### CRIMINAL TRIALS BY COURTS OF THE CHOCTAW NATION.

Mr. PLATT. I hold in my hand a petition which I think is of sufficient importance to entitle me to ask the attention of the Senate to it for a moment. The petition is short. I think the reading of it will perhaps obviate the necessity of any explanation of the circumstances on my part, and I will ask the indulgence of the Senate while I read the petition. It is from certain persons who are now on trial for murder in the Choctaw Nation. It is addressed to the Senate and House of Representatives, and is as follows:

Your petitioners, the undersigned, citizens of the Choctaw Nation by blood, but living under the American flag, respectfully represent that they are now on trial by the courts of the Choctaw Nation by indictment on the false charge of murder; that such indictment is due to homicide growing out of a political feud; that eight of your petitioners have already been tried on this charge

and convicted of murder, but are now standing a new trial because of the demand of the honorable the Secretary of the Interior; that on their former trial they were tried by an unconstitutional jury. They were not allowed to have any evidence whatever. They were even refused the right to address the jury in their own behalf. They practically were denied the right of appeal, and were informed by the judge on the bench in passing sentence of death on them that they need expect no delay by appeal or otherwise, and they were sentenced to prompt execution; your petitioners further represent that one of their number upon such a tragic mock trial, to wit, Silas Lewis, was actually sentenced and shot, not in accordance with law, through the heart, but through the right side, and was then smothered to death by holding the nostrils and forcibly pressing a handkerchief over the mouth, causing a hideous and cruel death.

Your petitioners are deeply apprehensive of similar treatment and they implore the Government of the United States that the constitutional right of a fair trial shall be secured to them as provided by the Choctaw treaty, and that the right of appeal may be provided from a Choctaw court to the United States court where the judges are free from ignorance, prejudice, or malice.

Your petitioners humbly pray this measure of justice at the hands of the great parent Government in the name of humanity and in the name of God.

Your very humble servants.

Signed by several of the persons who are under indictment.  
Mr. President, I wish to say that I believe if all the facts relating to that trial and the execution of that Indian were known they would shock the civilized world. I have here a little photograph [exhibiting] which was taken by an amateur photographer of the scene of the death of the Indian who was executed. It is claimed, and I believe truly, that one of the leading opponents of the political party to which the Indian sentenced to death belonged requested the privilege of shooting the Indian condemned, and that it was granted to him by the court.

The Choctaw law provides that an Indian who is to be executed shall be shot through the heart. This shooting was done at short range. It is scarcely possible that there was any mistake as to the aim of the party who did the killing; but instead of shooting him through the heart he shot him through the right side, and when he fell upon the ground his feet were held and he was smothered to death in about twenty minutes by the holding of a handkerchief to his nose and mouth. Meanwhile the person who had shot him, who was his enemy, was standing by complacently looking on the scene. It is the most horrible thing in my judgment that has ever occurred in the United States under forms of law. I am happy to say that it did not occur under the forms of law of the United States Government, but of the Choctaw tribe, which calls itself a nation and insists that the United States shall recognize it as a nation.

Mr. GRAY. May I ask the Senator from Connecticut what date is fixed for the executions which have been postponed?

Mr. PLATT. Nine persons were tried for this offense and sentenced under the circumstances which I believe are truly set up in the petition. Upon a representation that they had had no fair trial, that they had not been allowed to be heard even in their own defense, the Secretary of the Interior, without much law I must confess, insisted that there should be a new trial, and I think went so far as to indicate that if it was neglected the troops of the United States would be used to prevent the execution. So, a new trial was granted by the court, and one person has already been tried the second time. That person was sentenced to death, and was executed, I think, four or five months ago. The Senator from Arkansas may know.

Mr. JONES of Arkansas. It was some time during the fall; in October, I think.

Mr. PLATT. He was executed some time during the fall. The other eight are still to be tried by the same court, and they ask that a law be passed by Congress which will allow them an appeal from that court to the United States court.

Mr. CHANDLER. I should like to ask the Senator from Connecticut a question. He says that the trial had not taken place under the United States law. Certainly the United States law permits the existence on the soil of the country of these Indian courts which are engaging in these barbarous methods of conducting what is called justice.

Mr. HALE. I suppose that is by stipulation of treaty.

Mr. PLATT. It is. I can not go into that subject. That will come up for discussion in the Senate in a few days. I trust that some bill will come before the Senate which will result in an appeal from these courts to the United States courts, notwithstanding any treaty which may be supposed to prevent it at the present time.

Mr. GRAY. May I ask the Senator whether the President has any power of commutation or reprieve or interference under those treaties?

Mr. PLATT. If we admit the contention of the Choctaw Nation and the other Five Civilized Tribes neither the Government of the United States nor the Executive has any power whatever except to guarantee that those governments shall exist. This is their contention.

Mr. President, I ask that the petition be referred to the Committee on the Judiciary, which has a bill now under consideration which I hope will result in providing for an appeal from those courts.

Mr. TELLER. Mr. President, I wish to say one word about

this matter. The Secretary of the Interior intervened in this case very properly, as I think. I consulted him about the matter myself and advised him to intervene and prevent the execution of this Indian and the others who were then threatened with execution, on the ground that they had not had a fair trial. The trial had been an absolute farce, a disgrace even to the semicivilization of the Indian Territory, and a disgrace to the people of the United States that such a condition of affairs should exist within our borders. But undoubtedly the Secretary of the Interior was powerless by law, if the treaties are to be respected and obeyed and observed, to interfere except in an advisory way. However, he did go so far, and properly, too, I think, as to say that no execution should take place under that judgment. Thereupon, as the Senator from Connecticut states, there was a new trial, which undoubtedly was not in better form or any better calculated to do justice between the parties than the other, and this Indian was again convicted. The Secretary of the Interior then felt that he had gone as far as he could go and that in that case he would have to allow the Indian law to take its course; and he did allow it. The fault is not the fault of the Secretary of the Interior.

Mr. PLATT. Not at all.

Mr. TELLER. No; nobody complains of the Secretary of the Interior. He did everything probably that he could do under the circumstances. He would have done more if authority had been given him. He was alive to the situation and anxious to see that justice was done. The fault lies in our allowing those people, in defiance of the true principles of law, to conduct trials in the way they do. There is a controversy between two factions there. It is utterly impossible that one should have any justice in the courts controlled by the other. Everyone who is acquainted with the Indian character understands that the Indian is a savage creature by nature, and the slight civilization that he has taken on in the Indian Territory has not changed his natural condition and disposition very much.

I agree with the Senator from Connecticut that it has reached a point now where it is the duty of the United States to avoid a disgraceful condition and to provide some method by which the Indian courts shall either be wiped out absolutely and jurisdiction taken from them or that there shall be some provision of law by which either the executive or the judicial branch of the Government shall have some review of those so-called courts, which are partial in the extreme and not calculated at any time to do justice to the Indian who is brought before them.

The VICE-PRESIDENT. The petition will be referred to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the sundry civil appropriation bill, and submitted a report thereon; which was referred, with the accompanying report, to the Committee on Appropriations.

Mr. DAVIS, from the Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 199) relative to the medal of honor authorized by the acts of July 12, 1863, and March 3, 1863, reported it with an amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3194) to amend the record of Simon Rice, of Company A, Sixth Maryland Volunteers, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1293) to relieve Benjamin F. Church from the charge of desertion, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 8499) to authorize the construction of a bridge across the Missouri River in the county of Dakota, in the State of Nebraska, and in the city of Sioux City, in the county of Woodbury, in the State of Iowa, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2564) to authorize the construction of a bridge across the Missouri River in the county of Dakota, in the State of Nebraska, and in the city of Sioux City, in the county of Woodbury, in the State of Iowa, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the Committee on Public Buildings and Grounds, to whom was referred an amendment submitted by Mr. LINDSAY on the 13th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. COKE, from the Committee on Commerce, to whom was referred the amendment submitted by himself yesterday, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment and moved that it be referred to the Committee on Appropriations and be printed; which was agreed to.

Mr. COCKRELL, from the Joint Commission of Congress to Inquire into the Status of Laws Organizing the Executive Depart-

ments, to whom the subject was referred, submitted a report accompanied by a bill (S. 2762) to repeal in part section 229 of the Revised Statutes of the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PEPPER, from the Committee on Pensions, to whom was referred the bill (S. 2732) granting a pension to William Brown, reported it with an amendment, and submitted a report thereon.

Mr. VILAS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2503) for the relief of James Curran, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Pensions, to whom was referred the bill (S. 2664) to increase the pension of Mrs. Mary Tassin, reported it without amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Agriculture and Forestry, to whom was referred an amendment submitted by Mr. ALLEN on the 8th ultimo intended to be proposed to the Agricultural appropriation bill, reported adversely thereon; and the amendment was postponed indefinitely.

Mr. CAREY, from the Committee on Public Lands, to whom was referred an amendment submitted by himself on the 12th instant intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. PETTIGREW, from the Committee on Indian Affairs, reported an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### VICTOR HUGO M'CORD.

Mr. DAVIS, from the Committee on Foreign Relations, to whom the subject was referred, reported the following resolution, and submitted a report thereon:

*Be it resolved*, That the President is hereby requested to continue the investigation and efforts heretofore made by the United States in the matter of the claim of Victor Hugo MacCord, a citizen of the United States, against the Government of Peru, to the end that such an adjustment of said claim may be made as may be warranted by the facts in the case and by the law applicable thereto.

#### ELECTION OF SENATORS BY THE PEOPLE.

Mr. TURPIE. I ask unanimous consent to call up for consideration the joint resolution (H. Res. 20) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. CALL. I am compelled to object, and to call for the regular order. I have a resolution of very great importance to my people which I desire to have considered this morning.

The VICE-PRESIDENT. There is objection for the present. Bills and joint resolutions are next in order.

Mr. PERKINS. I desire to introduce a bill.

Mr. TURPIE. I move that the Senate proceed to the consideration of the joint resolution.

Mr. BATE. Let us get through with the morning business.

Mr. MANDERSON. I hope the Senator from Indiana will withhold his motion for the present.

The VICE-PRESIDENT. The Chair will state to the Senator from Indiana that his motion can not be entertained until after the routine morning business is closed.

#### FORD'S THEATER DISASTER.

Mr. MANDERSON. Mr. President, by the sundry civil appropriation act of last year there was appointed a special joint committee of the two Houses of Congress on the Ford's Theater disaster. I am directed by that committee to report an amendment to the sundry civil appropriation bill providing for the payment of \$5,000 in each case to the heirs or legal representatives of all persons who were instantly killed or who evidently died as the result of injuries received at that time.

I desire to say that all who have died as the result of their injuries have had their cases investigated and are included in this amendment, except the heirs of George Christopher Bollinger and Lydia P. Reynolds.

The cases of those injured are being investigated by the joint committee, but it is very evident that nothing can be done in their cases until the next session of Congress. The inclination of the committee will be to continue its work during the vacation, and I earnestly hope at the next session of Congress that the committee, whatever members may compose it, will be able finally to close this matter.

I make this statement because I know that many Senators have constituents who are interested in the matter, and we are all receiving numerous letters and applications concerning it. I hope the Committee on Appropriations will be prompt to act favorably on this amendment, and at least pay those who have lost their support by the death of their fathers or husbands.



The VICE-PRESIDENT. The amendment will be referred to the Committee on Appropriations, in the absence of objection.

#### PACIFIC COAST STATE CLAIMS.

Mr. MITCHELL of Oregon. I am instructed by the Committee on Claims to report back favorably an amendment referred to that committee, with the recommendation that it be referred to the Committee on Appropriations. The amendment proposes to pay the States of California, Oregon, and Nevada the amount of money paid by those States in the suppression of rebellion, as shown by the report of the Secretary of War, Executive Document No. 11, Fifty-first Congress, first session.

I will state, in a word, that these claims have been very thoroughly investigated by the Secretary of War, the investigation occupying some two years. A bill was introduced heretofore in the Senate and favorably reported from the Committee on Military Affairs on this subject and passed the Senate at the last Congress. Another bill on the subject has been favorably reported from the committee, and is now on the Calendar of the Senate.

I ask that the amendment be referred to the Committee on Appropriations, without printing, as the bill is now under consideration, and I hope that committee will insert it in the sundry civil appropriation bill.

The VICE-PRESIDENT. That reference will be made, in the absence of objection.

Mr. STEWART. I think the amendment reported by the Senator from Oregon had better be printed. We may want copies of it.

Mr. MITCHELL of Oregon. Very well; I have no objection to the printing of the document.

The VICE-PRESIDENT. The amendment will be printed, and referred to the Committee on Appropriations.

#### BILLS INTRODUCED.

Mr. PERKINS introduced a bill (S. 2754) to provide for the purchase of a site and the erection of a public building thereon at Oakland, in the State of California; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. McMILLAN introduced a bill (S. 2755) to establish wind signal stations at South Manitou Island, Lake Michigan; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CAMERON introduced a bill (S. 2756) for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. BURROWS introduced a bill (S. 2757) providing for an additional circuit judge in the sixth judicial circuit, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HOAR introduced a bill (S. 2758) granting a pension to William Bradshaw; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2759) granting a pension to Ezra J. Riggs; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2760) granting a pension to Joseph W. Clark; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 2761) for the recognition of the military service of the officers and enlisted men of certain Pennsylvania military organizations; which was read twice by its title, and referred to the Committee on Military Affairs.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. WOLCOTT submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. DUBOIS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FRYE submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Foreign Relations.

Mr. HILL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

#### MISSISSIPPI RIVER BRIDGE AT ST. LOUIS.

On motion of Mr. VEST, it was

Ordered, That House bill No. 5945 authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, be recommitted to the Committee on Commerce.

#### REPORT ON DISTRICT OF COLUMBIA CORPORATIONS.

Mr. GORMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the Senate document room

500 copies of Senate Report No. 1379, Fifty-second Congress, second session, being the report of the Select Committee on Incorporated Companies in the District of Columbia.

#### TAXES UPON DISTILLED SPIRITS.

Mr. LODGE. I offer a resolution which I send to the desk, and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be instructed to inform the Senate what his present estimate is of the return from the internal-revenue taxes upon distilled spirits; and whether he has any reason to believe that there will be any reduction in the revenue from this source owing to the closing of distilleries; and whether he has any information that would lead him to suppose that such closing of distilleries and consequent reduction of the revenue are likely to occur during the next calendar year.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. CALL. I make no objection, but I desire to give notice that if there is any debate on the resolution I shall insist on the regular order.

The resolution was considered by unanimous consent, and agreed to.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 12th instant approved and signed the act (S. 2353) granting right of way to the Forest City and Sioux City Railroad Company through the Sioux Indian Reservation.

The message also announced that the President of the United States had on the 13th instant approved and signed the following acts:

An act (S. 2165) to amend an act entitled "An act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," approved June 16, 1890;

An act (S. 1935) granting a pension to Elizabeth Ellery;

An act (S. 828) granting a pension to Julia E. Lock, formerly widow of the late Gen. Daniel McCook; and

An act (S. 879) granting a pension to Josephine P. Kelton, widow of Brig. Gen. John C. Kelton, late Adjutant-General United States Army, deceased.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 1717) to authorize the appointment of women as public school trustees in the District of Columbia, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4704) for the relief of Basil Moreland;

A bill (H. R. 6816) to amend the charter of the District of Columbia Suburban Railway Company;

A bill (H. R. 8057) to incorporate the East Washington Belt Line Railway Company;

A bill (H. R. 8260) to authorize the Commissioners of the District of Columbia to have established a union street-car passenger station on B street north, between Sixth and Seventh streets;

A bill (H. R. 8427) to amend the charter of the Eckington and Soldiers' Home Railway Company;

A bill (H. R. 8624) for the relief of James Linskey from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens;

A bill (H. R. 8696) to amend the act to incorporate the American University;

A bill (H. R. 8698) to authorize the Washington and Marlboro Electric Railway Company of Maryland to extend its line of road into and within the District of Columbia;

A bill (H. R. 8714) to incorporate the Capital Railway Company; and

A bill (H. R. 8724) to provide for the striking of juries in the District of Columbia.

#### REPORT ON HOMES OF WORKING PEOPLE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Printing, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the eighth special report of the Commissioner of Labor, which relates to "The Housing of the Working People" in different countries.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 14, 1895.

#### HOUSE BILLS REFERRED.

The bill (H. R. 4704) for the relief of Basil Moreland was read twice by its title, and referred to the Committee on Claims.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 8057) to incorporate the East Washington Belt Line Railway Company;

A bill (H. R. 8260) to authorize the Commissioners of the District of Columbia to have established a union street-car passenger station on B street north, between Sixth and Seventh streets;

A bill (H. R. 8427) to amend the charter of the Eckington and Soldiers' Home Railway Company;

A bill (H. R. 8624) for the relief of James Linskey from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens;

A bill (H. R. 8696) to amend the act to incorporate the American University;

A bill (H. R. 8698) to authorize the Washington and Marlboro Electric Railway Company of Maryland to extend its line of road into and within the District of Columbia; and

A bill (H. R. 8714) to incorporate the Capital Railway Company.

#### LOUISIANA OR HONDURAS LOTTERY COMPANY.

The VICE-PRESIDENT. If there be no further concurrent or other resolutions the Chair lays before the Senate a resolution submitted by the Senator from Florida [Mr. CALL], coming over from a previous day, which will be read:

The Secretary read the resolution submitted by Mr. CALL on the 9th instant, as follows:

*Resolved by the Senate, That a special committee be, and is hereby, created, who shall be charged with the duty of inquiring and reporting to the Senate, whether the Louisiana or Honduras Lottery Company has been established and is now operating in the United States and is engaged in business herein and in the use of the mails and of the interstate-commerce corporations or companies in violation of the laws of the United States. The committee shall also inquire whether the Louisiana or Honduras Company, its owners, managers, directors, or agents have entered into a combination with any person or persons or corporations for the control of the elections of the members of Congress and whether it owns, either directly or indirectly, any interest in newspapers published in the United States and whether they, or any of them, have contributed money for the establishment of newspapers or for subsidizing newspapers.*

*The committee shall also inquire and report what sums of money, if any, have been expended by the Louisiana or Honduras Lottery Company to influence the legislation of Congress, or by any person or corporation in any way connected, combined with, or interested in such lottery company, and by what persons such money was expended, and by what persons it was contributed.*

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. CALL. I move to amend the resolution by striking out all after line 12.

The VICE-PRESIDENT. The resolution will be modified as indicated by the Senator from Florida.

Mr. BLACKBURN. Let us hear the proposed amendment, Mr. President.

Mr. CHANDLER. I ask for the reading of the resolution as the Senator modifies it.

The VICE-PRESIDENT. The resolution will be read as modified.

The Secretary read as follows:

*Resolved by the Senate, That a special committee be, and is hereby, created, who shall be charged with the duty of inquiring and reporting to the Senate whether the Louisiana or Honduras Lottery Company has been established and is now operating in the United States and is engaged in business therein and in the use of the mails and of the interstate-commerce corporations or companies in violation of the laws of the United States. The committee shall also inquire whether the Louisiana or Honduras Company, its owners, managers, directors, or agents have entered into a combination with any person or persons or corporations for the control of the elections of the members of Congress.*

Mr. CALL. I ask leave to insert in the RECORD a letter from the pastor of the First Presbyterian Church in the District of Columbia, in behalf of himself and the clergy of the country in support of this resolution.

The VICE-PRESIDENT. Is there objection. The Chair hears none, and it will be so ordered.

The letter referred to is as follows:

905 I STREET NORTHWEST,  
Washington, D. C., February 13, 1895.

HONORED SEN: At a meeting of the Presbyterian Ministers' Association of this city, held Monday, February 11, I was directed as the secretary to communicate with you in respect to a matter of much importance. We have learned of the effort which you have been making for some time in the Senate to have that body take some decisive action in regard to the Louisiana Lottery, now doing business at Tampa, Fla., and we desire to assure you, sir, of our fullest sympathy in this matter, and regret that the Senate has treated your effort with such indifference. It is our hope that you will persevere in this matter until some proper action is taken by the Senate that will be in accord with the needs of the case to thwart the unprincipled persons who are engaged in so open a defiance of the law against the lottery.

Go on, sir, and the Lord bless you in your effort.

Respectfully,

ADOLAS ALLEN,

Pastor First Presbyterian Church.

[Attended by the President and Mrs. Cleveland.  
To Senator W. CALL.

Mr. BLACKBURN. Mr. President, it is so clearly proper that some reference should be made of this resolution and the proposed amendment, that I now move to refer the resolution submitted by the Senator from Florida as it is proposed to be amended to the Committee on Privileges and Elections.

The VICE-PRESIDENT. The question is on the motion of the Senator from Kentucky.

Mr. CALL. I hope that motion will not prevail. It is evidently intended in the interest of the Honduras Lottery Company. [Laughter.] It is not intended, Mr. President, for the purpose of ascertaining anything in regard to the subject.

Mr. BLACKBURN. If the Senator will allow me, I never heard of the Honduras Lottery Company and care as little about it as I do about the resolution. It is not bothering me half as much as the resolution is bothering the Senate and interfering with the public business. I am perfectly willing to change my motion, if it will please the Senator from Florida, and send the resolution to the Committee on Post-Offices or to the Committee on Revolutionary Claims or to the Private Land Claims Committee, or to perdition. [Laughter.]

Mr. CALL. Mr. President—

Mr. CHANDLER. Will the Senator allow me a serious word?

Mr. CALL. In one moment.

The Senator from Kentucky, in all his action upon this subject, whether he intends it or not, has been promoting the interests of the lottery company and its operations in the United States. He may think, contrary to the opinion of the great mass of the religious people, contrary to the opinion of all right-thinking people, that the operations of this great corporation are beneficial, and desire to encourage them, and all these motions for reference are to that end and for that purpose.

Mr. CHANDLER. Mr. President, I wish to state to the Senator from Kentucky that the Senator from Florida has so modified this resolution that I think there will be no objection to its passage. I know the only object the Senator from Kentucky had in making his motion was to remove the resolution from the way of the pending appropriation bill, which the Senator desires to have considered.

Mr. BLACKBURN. That is all I want.

Mr. CALL. There is no appropriation bill now before the Senate.

Mr. CHANDLER. If the Senate is ready to vote upon the adoption of the resolution, I hope the Senator from Kentucky will give us an opportunity for that vote.

Mr. GORMAN and others. Question!

The VICE-PRESIDENT. The question is on the motion of the Senator from Kentucky to refer the pending resolution to the Committee on Privileges and Elections.

Mr. CALL. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. McLAURIN (when his name was called). I transfer my general pair with the junior Senator from Rhode Island [Mr. DIXON] to the junior Senator from South Carolina [Mr. INBY] and vote "yea."

The roll call was concluded.

Mr. MITCHELL of Wisconsin. Has the Senator from Wyoming [Mr. CAREY] voted, Mr. President?

The VICE-PRESIDENT. He has not voted.

Mr. MITCHELL of Wisconsin. I am paired with that Senator, and withhold my vote.

Mr. PASCO. I am paired with the Senator from North Carolina [Mr. PRITCHARD]. In his absence I withhold my vote.

Mr. CAFFERY. I am paired with the Senator from Montana [Mr. POWER] who is absent. Not knowing how he would vote if present, I withhold my vote.

Mr. McPHERSON (after having voted in the affirmative). I am paired with the Senator from Delaware [Mr. HIGGINS] and therefore withdraw my vote.

The result was announced—yeas 16, nays 35; as follows:

#### YEAS—16.

Blackburn,	Gorman,	McLaurin,	Ransom,
Camden,	Gray,	McMillan,	Vest,
Cockrell,	Jones of Ark.	Manderson,	Walsh,
Faulkner,	Lindsay,	Morgan,	Wolcott.

#### NAYS—35.

Aldrich,	Cullom,	Mantle,	Pugh,
Allen,	Dubois,	Martin,	Roach,
Bate,	George,	Mitchell of Oreg.	Sherman,
Blanchard,	Hansbrough,	Morrill,	Smith,
Burrows,	Hawley,	Palmer,	Stewart,
Call,	Hill,	Peffer,	Teller,
Cameron,	Hoar,	Perkins,	Turpie,
Chandler,	Kyle,	Pettigrow,	Washburn.
Clark,	Lodge,	Proctor,	



## NOT VOTING—36.

Allison,  
Berry,  
Brice,  
Butler,  
Caffery,  
Carey,  
Coke,  
Daniel,  
Davis,

Dixon,  
Dolph,  
Frye,  
Gallinger,  
Gibson,  
Gordon,  
Hale,  
Harris,  
Higgins,

Hunton,  
Irby,  
Jones of Nev.  
McPherson,  
Mills,  
Mitchell of Wis.  
Murphy,  
Pasco,  
Platt,

Power,  
Pritchard,  
Quay,  
Shoup,  
Squire,  
Vilas,  
Voorhees,  
White,  
Wilson.

So the Senate refused to refer the resolution to the Committee on Privileges and Elections.

Mr. FAULKNER. I move to strike out all that part of the resolution referring to elections for members of Congress. I do not see myself that the Senate has anything to do with that matter.

The VICE-PRESIDENT. The Senator from West Virginia offers an amendment to the resolution which will be stated.

Mr. ALDRICH. Let the resolution be first read as modified by the Senator from Florida, that we may understand it.

The VICE-PRESIDENT. The resolution as modified by the Senator from Florida will be read.

The Secretary read the resolution of Mr. CALL as modified.

Mr. FAULKNER. Now, let my amendment be read.

The VICE-PRESIDENT. The amendment proposed by the Senator from West Virginia will be stated.

The SECRETARY. It is proposed to strike out of the resolution the following:

The committee shall also inquire whether the Louisiana or Honduras Company, its owners, managers, directors, or agents, have entered into a combination with any person or persons or corporations for the control of the elections of the members of Congress.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from West Virginia.

Mr. CALL. Mr. President, I hope the Senate will not agree to the amendment proposed by the Senator from West Virginia. I do not care to address the Senate at length upon that subject, but it is manifest that the Senator from West Virginia had no real purpose in this amendment which is beneficial in the country. No one questions that if these great foreign corporations can exercise influences here, not in Congress, but in the United States, affecting the election of members of Congress, it is within the province and the duty of every member of Congress to see that a foreign corporation, composed of a few individuals, shall not here in our country by the use of money and corrupt means endeavor to corrupt the suffrage of the country. What a proposition is that for the Senator from West Virginia to make here in the presence of the fact that the whole moral and religious sentiment of this country has been directed against the powerful influences of this corporation in this particular direction. I hope that no consideration will be given to the amendment.

Mr. MORGAN. Mr. President, the Senator from Florida, in that part of the resolution which is not included in the amendment offered by the Senator from West Virginia, will arrive at every practical result which it is possible for the Senate or for the House of Representatives to deal with in the way of legislation. If the Senator from Florida desires to put upon the country an investigation of political affairs, those that concern his election or the election of his colleague or the election of members of the House of Representatives, and to have committees sent out from this body to investigate into the political conditions of Florida, in my opinion he is violating the best interests of the people of the United States, and is assuming for this body a jurisdiction which is denied, and which is denied upon high authority. If the Senator desires to bring that subject now before the Senate of the United States, and to have it investigated upon its merits and upon the constitutional foundation on which he seeks to rest it, I notify him that he will have a long time to work before he will get his resolution through this body.

This Senate has something else to do besides involving itself in personal quarrels between politicians in Florida or anywhere else. Our time, so precious now to the welfare of this whole country, ought not to be absorbed by these personal quarrels and difficulties which are necessarily involved in such inquiries as are now launched before the Senate.

The Senator from Florida may think, Mr. President, that he will get some accessions of strength from politicians in this body by bringing in that feature of this resolution and by taking the advice of gentlemen who are continually assisting him in trying to get this country involved in political turmoil for the mere purpose of obstructing the welfare and real interest and business of the people; but he will find that he is mistaken. He can not accomplish that result in this body at this time, because, if a filibuster against the general progress of business is to be inaugurated here, if this Senate and the House of Representatives are to be clogged and fettered in this moment of great anxiety on the part of the people of the United States by bringing forward these personal wrangles and personal political quarrels, I notify Senators that they must take the responsibility and that they can not carry their measures into effect.

Mr. CALL. Will the Senator allow me to interrupt him?

Mr. MORGAN. Certainly.

Mr. CALL. I will consent to modify the resolution in the way suggested.

Mr. MORGAN. Very good. Then I will vote for the resolution.

Mr. WOLCOTT. Let the resolution be read.

The VICE-PRESIDENT. The resolution as modified will be read.

The Secretary read as follows:

*Resolved by the Senate, That a special committee be, and is hereby, created, who shall be charged with the duty of inquiring and reporting to the Senate whether the Louisiana or Honduras Lottery Company has been established and is now operating in the United States and is engaged in business therein and in the use of the mails and of the interstate-commerce corporations or companies in violation of the laws of the United States.*

Mr. WOLCOTT. Mr. President, I heartily sympathize with the remarks which were made by the Senator from Alabama [Mr. MORGAN]. I did not suppose that this resolution was seriously considered by anybody, except for the purpose of obstructing public business, and I do not believe now, except by the Senator from Florida himself, that anybody seriously contemplates that this Congress shall engage in such an idle and useless and unconstitutional chase as this resolution, if adopted, would devolve upon us to engage in.

Of what value would be the first part of the resolution as the resolution has been emasculated? We have a law of the United States, which we passed three years ago, providing that it shall be a crime for any person to engage in the business of a lottery or for persons to buy tickets or for persons to sell tickets, and we went so far as to make it an indictable offense in the city of New Orleans for a person in the city of Washington to put a letter in the mails to purchase a lottery ticket which should be received and taken out of the mail in New Orleans. We punish the sender and receiver. Our Committee on Appropriations has reported bills appropriating money, and they have been passed, authorizing the Post-Office Department to punish just such crimes as we are now seeking to investigate.

Our laws are as rigid as laws can be. Congress through its Appropriations Committee has given the Department sufficient funds to wipe out the lottery business. It would be just as competent and just as wise, it seems to me, for Congress to appoint a special committee to determine whether or not stealing is still going on in violation of law, or for Congress to investigate whether or not the crime of arson is being committed in the Western States, or whether or not any other thing forbidden by law is being done.

If somebody can show me what we are to gain by the passage of a resolution like this, I shall be very glad to vote for it. I can not understand what the Senator from Florida can hope to gain by the passage of a resolution which shall appoint, at great expense to the people of this country—for this means the drawing out of the contingent fund of ten or fifteen thousand dollars to investigate—

Mr. ALDRICH. As I understand the resolution, no money can be expended under it.

Mr. WOLCOTT. Oh, Mr. President, we all know that at the close of a session of a Congress a resolution is slid through, giving every one of these committees the right to sit during the recess, and the first man who in his race can reach the Secretary of the Senate and file his lion on the contingent fund is the man whose committee does the business; and it is nothing but a struggle from the last hour of the session to see what committee can get public money to expend on these investigations, 90 per cent of which are useless, and 90 per cent of which are intended to be useless. If Senators want to go West, it is to investigate Alaska or the Indians; if they want to take some other trip, it is to investigate some other matter.

This resolution is to investigate whether or not the laws are being disobeyed, when there are laws upon the statute book defining the penalty for the commission of the offense.

If we are to gain anything by the investigation I stand ready to vote for it; but if it be merely that we are to put ourselves upon record against this resolution for fear that we may be charged with favoring lotteries—if there is some false sentimentality to be brought in to influence our votes, that is another thing.

But, Mr. President, it is idle and it is wicked, if we are trying to save the public money, that we should embark on a wild-goose investigation, which is supposed to be followed by an appropriation of several thousand dollars, to investigate by a solemn committee of Senators that which the ordinary postal agents of the Department at \$150 a month are better able and better competent to investigate than any committee of this body.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

Mr. CALL. Mr. President, I desire to submit a few observations on the resolution. The propositions of the Senator from Colorado [Mr. WOLCOTT] are evidently and entirely unreasonable. He maintains that because there is a law it does not need to be amended, and because there is a law that there is no necessity,

whatever may be the magnitude of the evil, and however existing law may fail to afford a remedy for additional legislation to suppress it. These are the propositions which the Senator from Colorado propounds to the Senate and the people. They have no foundation in reason. They do not relate to the subject. The proposition upon which the resolution is submitted is this: A great, powerful corporation took possession of one of the States of this Union. It extended its operations throughout the United States. It used the mail facilities.

The Congress of the United States, in obedience to public sentiment and in aid of the people of Louisiana, passed certain laws for the purpose of suppressing that evil. The evil still exists under another name and with a domicile in a foreign country. The Senator from Colorado knows that evil in its entire magnitude in the State of Louisiana has been reproduced elsewhere in the United States. Of what avail, then, with his intelligence that he should make a man of straw to knock down? The proposition on which this resolution rests is one that every intelligent man in the United States knows to be true, and these attempts to cover it with ridicule only reflect ridicule upon those who make them. The purpose of this opposition is to protect that great, powerful corporation in its influence upon the public policy and the laws of the United States, and there can be no other.

Mr. President, I hope the Senate, in obedience to the public sentiment of all right-thinking people of every party, will pass the resolution and let us ascertain what are the facts in regard to the matter. Let us ascertain whether this great, foreign corporation, composed of a few citizens of the United States and of foreign countries, under the shelter of a foreign domicile is reproducing all the public evils which it created in the State of Louisiana, and if it is, whether we have or have not the power to suppress it by proper legislation. I ask for the adoption of the resolution.

Mr. BLACKBURN. Mr. President—

Mr. TELLER. Let us have a vote on the resolution.

Mr. BLACKBURN. I move that the Senate now proceed to the consideration of the bill making appropriations for the support of the postal service for the next fiscal year.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Kentucky.

Mr. CALL. I hope that motion will not prevail.

Mr. BLACKBURN. It is not debatable.

The VICE-PRESIDENT. The motion is not debatable.

Mr. BLACKBURN. I object to any debate.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a bill (H. R. 4693) for the promotion of anatomical science, and to prevent the desecration of graves in the District of Columbia; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 444) making the surveyor of the District of Columbia a salaried officer, and to provide for more efficient service in the surveyor's office, with amendments; in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 8563) to adopt special rules for the navigation of harbors, rivers, and inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal, supplementary to the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea;" and

A joint resolution (H. Res. 140) to confirm the enlargement of the Red Cliff Indian Reservation in the State of Wisconsin, made in 1863, and for the allotment of the same.

#### HOUSE BILL REFERRED.

The bill (H. R. 4693) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia was read twice by its title, and referred to the Committee on the District of Columbia.

#### POST-OFFICE APPROPRIATION BILL.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Kentucky [Mr. BLACKBURN] that the Senate proceed to the consideration of the Post-Office appropriation bill.

Mr. CALL and Mr. GEORGE called for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. McLaurin (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. DIXON] to

the junior Senator from South Carolina [Mr. IRBY], and vote "yea."

The roll call having been concluded, the result was announced—yeas 43, nays 14; as follows:

#### YEAS—43.

Aldrich,	Faulkner,	McMillan,	Platt,
Allison,	Gorman,	McPherson,	Proctor,
Berry,	Gray,	Manderson,	Ransom,
Blackburn,	Hale,	Martin,	Roach,
Camden,	Hawley,	Mitchell of Oreg.	Sherman,
Cameron,	Higgins,	Morgan,	Smith,
Carey,	Hunton,	Morrill,	Vest,
Chandler,	Jones of Ark.	Palmer,	Vilas,
Cockrell,	Lindsay,	Pasco,	Walsh,
Cullom,	Lodge,	Peffer,	Wolcott.
Davis,	McLaurin,	Perkins,	

#### NAYS—14.

Allen,	Dubois,	Kyle,	Turpie,
Bate,	George,	Mantle,	Washburn.
Blanchard,	Hansbrough,	Mitchell of Wis.	
Call,	Hoar,	Pritchard,	

#### NOT VOTING—30.

Brice,	Dolph,	Jones of Nev.	Squire,
Burrows,	Frye,	Mills,	Stewart,
Butler,	Gallinger,	Murphy,	Teller,
Caffery,	Gibson,	Pettigrew,	Voorhees,
Clark,	Gordon,	Power,	White,
Coke,	Harris,	Pugh,	Wilson.
Daniel,	Hill,	Quay,	
Dixon,	Irby,	Shoup,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8272) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896.

Mr. VILAS. I wish to put the amendment which I caused to be read yesterday and intended to offer in proper shape for a vote. I therefore move it as a substitute for the amendment proposed by the Senator from Kentucky [Mr. BLACKBURN] to the amendment of the committee.

The VICE-PRESIDENT. The Chair suggests to the Senator from Wisconsin that he withdrew yesterday the amendment he had proposed.

Mr. VILAS. The amendment was read yesterday for the purpose of bringing the subject before the Senate, but it was not formally offered. I desire now formally to offer it as an amendment by way of a substitute for the amendment proposed by the Senator from Kentucky.

The VICE-PRESIDENT. The amendment proposed by the Senator from Wisconsin will be read.

The SECRETARY. After the word "dollars," in line 16, on page 4, insert:

And the Postmaster-General is hereby authorized and directed, instead of leasing from time to time as the conditions of the service will permit, to procure by purchase the necessary post-office cars required by the service on any and all lines, and thereafter to cause the same to be provided with all needful supplies, to be kept in good order and repair, and to be drawn and operated upon any railroad which shall, under his direction, be engaged in mail transportation, and for such operation to pay the rate now provided by law for mail transportation by railroads; and every company, corporation, receiver, or other person operating any railroad which is a mail route of the United States shall transport such cars accordingly upon and in connection with all such of its regular trains as the Postmaster-General shall direct; and the Postmaster-General may, in his discretion, make purchase of such post-office cars directly from any owner thereof without advertisement, or may contract for the construction of the same; and may also make contracts for the supply, cleaning, and repair of such cars with any company, corporation, or persons, or may make other provision therefor; for which purpose he may use any part of the foregoing sum or such further sum as may be found necessary, not exceeding \$500,000.

Mr. VILAS. Mr. President, I wish to add a little more to what I said yesterday in answer to the suggestion made by the Senator from Massachusetts [Mr. HOAR] as to whether any change proposed by the amendment I have offered would be likely to interrupt mail service. I wish to call the attention of the Senator from Massachusetts to a very interesting and I think a very able report made to the Senate of the United States by the Senator from Oregon [Mr. MITCHELL] in the year 1874.

Mr. HOAR. If the Senator will excuse me, will he repeat what he said?

Mr. VILAS. I was calling attention to the inquiry which the Senator from Massachusetts made yesterday as to the likelihood of an interruption of the mail service if a change were made of this kind. I desire to read a brief extract from a very interesting and as I think able report made by the Senator from Oregon [Mr. MITCHELL] on this general subject in the year 1874, and I call attention to the language used with respect to the power of Congress over these roads. Let me say that the report is Senate Report No. 478, Forty-third Congress, first session.

Railroad companies thus formed and engaged in the general business of transportation are quasi-public corporations. There are reciprocal obligations existing between them and the public and between them and the Government. They have rights the public and the Government are bound to respect, and the people and the Government have claims upon them which they are not at liberty to ignore without rendering themselves liable to be proceeded against for a forfeiture of their chartered privileges. The Government can compel them to transport the public mails, and they may not refuse;



but in complying it is by virtue of an implied contract that such reasonable and just compensation shall be paid for such services equaling in amount what is usually paid to such companies for service of like nature by their best and most-favored customer. In this respect the Government and the public individually stand precisely upon the same footing—

The word "precisely" is italicized in the report—

and the railroad companies are bound to accord to each the same privileges of transportation, both as to time and compensation, and are prohibited as a rule, under penalty of forfeiture of their chartered rights on judicial conviction, from according special privileges to either. The railroad companies, therefore, may not say to the Government, "We will not carry your mails." They are at liberty, however, to say, "We will not transport such mails unless we are paid at least a reasonable compensation for such services." Upon the other hand, the Government may not rightfully say to the railroad companies, "You must transport the public mails on such terms as to compensation as we (the Government) may fix, although such compensation is not a reasonable one and not equal to that paid by the most-favored patrons to such companies for like service;" but it may, through its Congress, authorize the Post-Office Department to demand of all such companies the transportation of its mails upon payment of what is a reasonable compensation, or of a sum equal to that paid by other parties for services of a like nature.

The conclusion of the committee is stated in the following words:

Without inquiring, therefore, at this point into the expediency of the exercise of such a right, your committee are clearly of the opinion that Congress has the right, in the exercise of its power, to establish post-offices and post-roads:

First. To take absolutely, on paying just compensation therefor, without the consent either of the owner or of the State within which such road may be any railroad, its rolling stock and equipments, within the United States, for the public use of the transportation over the same of the United States mails.

Second. To take the temporary use of any such road and equipments on like terms for a like purpose.

The particular manner in which this may rightfully be done depends, of course, on the forms that may be prescribed by Congress whereby the just compensation to be paid may be judicially determined and its payment provided for.

I call attention to that for the purpose of showing that a committee of this body, after careful examination, has established the conclusion of the right of Congress to order it. I shall only observe further with reference to this point that the railroads of the United States have in notable instances received the favor, protection, and assistance of the United States for the reason that they were mail carriers; but recently the greatest interruption of commerce that has perhaps occurred on this continent in time of peace was practically suppressed by the action of the Government bringing its suits in the Federal courts to enforce the transportation of the mails. Is it to be conceived that a railroad company which, as I pointed out in one instance yesterday, enjoys the transportation of the mails at a cost to the Government of \$50,000 per year for each car employed by the company—

Mr. MITCHELL of Oregon. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Wisconsin yield to the Senator from Oregon?

Mr. VILAS. Certainly; only I beg to say that yesterday my time was consumed all day by interruptions and I do not want to take much time to-day.

Mr. MITCHELL of Oregon. Does the Senator take into consideration the element of hauling cars?

Mr. VILAS. These 50 cars are used for the greater part on one train. The greater share of the transportation is on the fast-mail train between New York and Chicago. I called attention yesterday to the fact that the compensation paid the New York Central road from New York to Chicago for the use of 50 cars exceeds \$2,500,000 a year, a rate of over \$50,000 per car. It is needless to say that there is no other car probably run on that road which earns any such sum of money. Much more could be added, but I merely wished to call attention to this point with respect to the question of the Senator from Massachusetts.

Now, I wish to say with regard to what the Senator from Iowa [Mr. ALLISON] called attention to yesterday, that he was entirely right when he brought forward the statute of 1873. As I expressed some doubt about it at that time I wish to be particular to withdraw that suggestion and now state the fact as the Senator from Iowa has stated it. He is correct that the transportation of the mails by weight was for the first time fixed by the statute of 1873. The fact which was upon my mind and which led me to doubt the correctness of that idea was that some of the railroad companies had refused to draw the postal cars at the rates of transportation which they were paid. But they were not then paid by weight. They had been paid under an arrangement of the Postmaster-General, by which certain roads were entitled to \$300 a mile and others to \$200 a mile, and so on; and the inequality in respect to weight was so great that upon 15 roads which received each of them \$200 a mile per annum the range in weight was from 367 pounds on the lowest to 19,133 pounds of daily service on the highest. Therefore, in 1873 that arrangement was made which the Senator from Iowa called attention to yesterday.

I desire also to call the Senator's attention to the fact that that does not in reality alter the force of the objection which I have pointed out. It is proper to say that this special payment for postal cars is an injustice to the greater number of the railroad

carriers in the country. That is particularly insisted upon in what is known as the Elmer report, made to the Postmaster-General in 1883, in which it is said shortly:

There is no reason known why 15, 25, or 35 feet of interior car space used for mails and clerks should not be made the occasion of specific allowance if 40, 50, and 60 foot cars, used in precisely the same manner, are so treated.

In point of fact this was always regarded as a sort of rent for postal cars. It was a crude and a very unsatisfactory mode of compensating the railroads and it has always been so regarded. It produces the grossest inequalities, as I could readily point out by reference to the tables furnished by the Postmaster-General. I desire to occupy no further time this morning.

Mr. PLATT. Before the Senator takes his seat, if I rightly heard him, his statement was that each car upon this special mail train between New York and Chicago was paid for by the Government at the rate of \$50,000 a year, or over that amount. Was that the Senator's statement?

Mr. VILAS. That statement perhaps the Senator did not catch exactly right, as he makes it. I will state it exactly as I understand the fact to be. On what is known as the route from New York to Chicago there are fifty postal cars employed.

Mr. TELLER. On the New York Central road.

Mr. VILAS. Yes; on the New York Central road from New York to Buffalo, and the Lake Shore and Michigan Southern from Buffalo to Chicago. There are fifty 60-foot cars employed, and the total compensation for the use of those cars and the weight compensation allowed that line exceeds \$2,500,000. I gave the exact figures yesterday.

Mr. PLATT. And that is about \$50,000 a car per annum.

Mr. VILAS. Slightly over that amount.

Mr. PLATT. And the Senator said that it would be admitted that no other car in the service of the company earned anything like that amount?

Mr. VILAS. I think so. I do not know.

Mr. PLATT. I was curious on that subject. Of course we have no data about it, but suppose a passenger car running on a rapid train from New York to Chicago—suppose that the fare is \$30, and that 30 persons on an average go in a car. Of course this is not exact, but if that were so, and the car ran 365 days in the year, the car would earn \$200,000—four times as much as the mail car earns.

Mr. VILAS. I have no doubt if the Senator were to take a particular case of that kind and suppose that the use of a car was such it would give that result; but if he will take all the passenger cars on the road, as I have taken all the postal cars, and take the entire passenger earnings of those lines, I think he will find the average very much less.

Mr. PLATT. The little hypothetical computation which I have made convinces me that upon the special passenger trains which are run from New York to Chicago the cars must earn more upon an average than the mail cars which are run at the same speed.

Mr. TELLER. I should like to ask the Senator from Wisconsin a question before he quits the subject. The Senator thinks, I understand, that we are paying too much for the fast-mail service. What is the Senator's suggestion? That we buy the cars?

Mr. VILAS. That is the amendment which I have proposed.

Mr. TELLER. Does the Senator think we could run them for less? Would not the railroad charge the Government such a rate that we would be paying practically the same amount?

Mr. VILAS. My belief is that if the proper business principles were applied to this subject from five to ten million dollars a year would easily be saved on the present rate of compensation.

Mr. TELLER. I will ask the Senator another question, then. He does not seem to have answered categorically the one I put.

Mr. VILAS. I think I answered it directly.

Mr. TELLER. I believe the whole appropriation is about \$3,000,000 for the car service.

Mr. VILAS. Oh, the car service. I am speaking of the entire service.

Mr. TELLER. Then I will speak of the entire service.

Mr. VILAS. It is nearly \$30,000,000.

Mr. TELLER. I want to know if it is not a fact that under existing law the Postmaster-General can reduce these prices, if he sees fit, without any enactment by Congress?

Mr. VILAS. I do not know why I should go again over that subject, which was very much hammered yesterday.

Mr. TELLER. I know it was, but is not that the fact? Is it not the law that the Postmaster-General is not required to pay \$50, but may pay \$30 if he wants to; and does not this after all amount to a suggestion that the Postmaster-General is not able to cope with the railroad companies, and we ought to come in and cope with them?

Mr. VILAS. It may be there is a good deal in that.

Mr. TELLER. It may be that is the fact.

The PRESIDING OFFICER. Does the Chair understand the Senator from Wisconsin to have yielded the floor?

Mr. VILAS. I was simply going to say in response to the sug-

gestion of the Senator from Colorado that this amendment in my opinion strikes exactly at the root of our difficulty. The Postmaster-General without the aid of Congress can not reform the postal service. Report after report has been made to Congress, and he fails to get it said. The Senator from Rhode Island [Mr. ALDRICH] yesterday said (I thought rather unjustly in view of all that had passed) that not only was this question newly awakened, but that it was newly presented. It has been presented by Postmaster-General after Postmaster-General; it has been discussed here on this floor a number of times, and it results in nothing.

Now, there is only one way to effect a good result for the benefit of the people, and that is that Congress shall lend some useful power to the Postmaster-General. When he reports year after year payments on this basis to the railroads and Congress appropriates the money to continue it he is helpless. He can not cope with the whole railroad system alone without the help of Congress.

Mr. TELLER. It seems to me, then, if we address ourselves to this subject we ought to fix the rates which are to be paid for the cars. If the Postmaster-General will make a statement to Congress that \$50 is too much and that \$40 is too much and that \$20 is about right we would be in a condition to act. But we are absolutely at sea, Mr. President. I do not want to give the railroad companies any more than they deserve. I want them to have fair compensation for carrying the mail. I am not one of those who believe that the United States is so poor that it should exact any service from any class of its citizens for nothing. I think they should have a fair compensation, and that the work should be well done, because the people demand it.

I understand it is now entirely within the province of the Postmaster-General to say what the compensation shall be except that he can not go above certain figures that we have fixed as a maximum. If the Postmaster-General says he can not handle these people and he has not the strength to control them, then he ought to say what he thinks we ought to do, and we might enact a law that would help him out. But it seems to me the proposition that the Government shall buy the cars and run them does not help any. If the railroads are so run now, when it comes to fixing the price that we shall pay them for their cars they will fix an extortionate price in some way for the running of the cars. There is where the great expense comes in. We would save but little in my judgment by buying the cars.

Mr. VILAS. Now, Mr. President—

Mr. TELLER. I will hear the Senator because he has had experience in this line. I do not pretend to know much about it.

Mr. VILAS. Let me ask the Senator a question. Does he not think the United States ought to be able, with all the postal cars it has now in service, numbering 740, to get a wheelage rate of transportation for those cars approximately as favorable as the Big Four in Chicago can get for drawing their meat cars, or that Mr. Pullman can get for his Pullman cars?

Mr. TELLER. Some of these cars are run on special trains.

Mr. ALDRICH. All of them are run on passenger trains.

Mr. TELLER. They are all run on passenger trains. They do not run them on freight trains. Of course I do not know anything about what the wheelage ought to be, but we have given the Postmaster-General power to fix that. It is said that he has never done it properly. I do not know whether he has or not. I know one thing, that Congress is not in any position to know what we ought to do about this matter. We have no data from the Post-Office Department that tells us how much we ought to pay for wheelage or how much we ought to pay for the cars that we do not own. We have only a statement from the Postmaster-General that we are paying too much.

Mr. VILAS. Let me suggest to the Senator from Colorado that all that is contemplated in the amendment which I have offered does not require a radical change throughout the service, but simply vests the Postmaster-General with the power to begin that change where he can safely do it, exercising the discretion with reference to it which is now vested in him by law as to compensation.

Mr. TELLER. I can not myself conceive of any advantage in giving to the Postmaster-General any new authority on this subject. If we provide for the buying of the cars, we enter upon a system that I do not believe the Senate cares about entering upon, and I do not believe the people of the country care about entering upon it. That the United States shall be the owner of these cars, and consequently enter into the manufacture and repair of cars, is not according to my idea of what the Government ought to do in a matter of this kind. While I am exceedingly anxious that the railroad companies should not rob the Government of the United States, and while I am anxious to give the Postmaster-General all the power that he wants (and I think he has it now), I am not willing to say that we will enter upon the system suggested by the purchase of cars.

I suppose the next movement in this direction will be that we can buy the railroads and run them a good deal cheaper and save

money in that way, all of which is contrary to my ideas of the purpose and object of government. Whatever may be the notions of the Senator from Wisconsin, I think he agrees with me on that point. He will hardly want to buy the railroads; and that will be the next step proposed by somebody who will want to economize.

Mr. President, I do not think that any amendment which has been offered here affords the slightest show of relief. The whole thing must be left to the Postmaster-General. If the Postmaster-General has not the courage to take hold of this matter as it ought to be dealt with, if we are paying too much now, we will continue to pay too much. I do not know whether we are paying too much or not. I am not competent to judge. The Senator from Wisconsin is perhaps more able to judge, because he has been at the head of one of the Departments, which has given him an opportunity to study these questions; but I know the rest of us are not able to determine the question.

Mr. VILAS. Let me make one observation in reference to the suggestion of the Senator from Colorado, that we must leave this matter to the Postmaster-General. I want him to reflect for a moment on the fact that although the Postmaster-General is a continuing officer he is a very shifting personality. The first annual report which I wrote was the seventh successive annual report that had been written by a different Postmaster-General. The Postmaster-General is not long enough in the government of the Post-Office Department as a rule to acquire the controlling information concerning the service necessary to do these things.

Mr. TELLER. The present Postmaster-General has been in office two years; and he has a fair prospect I imagine of staying two years longer. Then I am pretty confident that that will be the end of his administration. Up to that time at least he can battle with this subject. I have heard some rumors to the effect that he is going to resign, but I do not suppose there is any truth in that; at least I should hope not. I think his administration is quite as acceptable to the people as any other Department under the present Administration. I think we could leave it to him, especially if we would indicate in some way that we wanted some reform, which we could do in a mild way without interfering with him I think. Perhaps the discussion which has already taken place would indicate to him that the feeling is that there ought to be some reduction.

Mr. VILAS. That remedy is the one proposed by the Senator from Kentucky.

Mr. TELLER. That is a 10 per cent reduction?

Mr. VILAS. Yes.

Mr. TELLER. I do not know but that the reduction ought to be 30 per cent. I would not want to tie up his hands by saying that it should be 10, or 20, or 30 per cent. I am inclined to think from what the Senator says that there ought to be some reform in this matter. I am quite willing myself to trust the present Postmaster-General to make the reform, and if he does not do it, I think at the next session of Congress, when things will have somewhat changed, we ought to inquire, if he is not able to do it, what the opinion of the office is, and in some way we ought to find out just what we can fairly and honestly do, and not impair and interfere with the service, which we are all exceedingly anxious to do.

Mr. PLATT. Mr. President—

The PRESIDING OFFICER. The Senator from Connecticut will please suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (H. R. 4600) to establish a uniform system of bankruptcy.

Mr. BLACKBURN. I ask unanimous consent that, without prejudice, the unfinished business may be laid aside temporarily and that the Senate continue the consideration of the Post-Office appropriation bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and that order will be made.

Mr. PLATT. Mr. President, I have occupied no time in this long and interesting discussion, and I should not now if the effect of doing so would be to postpone the time of taking the vote, but as the time for taking the vote has been agreed upon, I simply desire to say a few words.

I think this is a very improper method of legislation. The chairman of the Committee on Appropriations complained the other day that Congress "dumped," to use his word, all the legislation of the session onto the Appropriations Committee. Surely this is not a case where Congress has dumped anything onto the Appropriations Committee. The Appropriations Committee, on the other hand, brings forward here a matter of business which has not been before Congress at all, which has not been recommended in any report of any Postmaster-General since the Senator from Wisconsin [Mr. VILAS] was Postmaster-General, which has not been suggested by any committee of the Senate, which has not been even suggested by any bill which has been presented to the Senate,



and which has not been presented, I may say, to either branch of Congress by the Postmaster-General, or by a committee of either branch, or by a bill introduced upon this subject.

This is evidently a matter which requires careful investigation, and the fact that it comes up now for discussion without previous agitation, without previous suggestion, without the opportunity for Senators to have in any way informed themselves with relation to its propriety, is to my mind one of the most suggestive instances against general legislation upon an appropriation bill.

The fact that the proposed method of reform has been shifted three times since the matter first came before the Senate shows of itself that the Senate is not ready to act intelligently upon this subject. First, we had the recommendation of the Post-Office Committee that this sum of \$3,205,000 should be placed in the hands of a single officer of the Government, to be expended at his discretion, without any limitation by Congress and without any consultation with the other parties to the contract or to the business which is carried on. The objections to that were so manifest and that upon the face of it is such an improper suggestion in legislation that I understand it has been practically abandoned, and for that the committee substitutes a second plan, asserting now, when the matter has not been before Congress heretofore, and when it has not been suggested in a report from any Postmaster-General since the Senator from Wisconsin was Postmaster-General, that the amount paid to the railroad companies for the service is too much, the proposition comes to cut down the rate arbitrarily 10 per cent; and, third, the Senator from Wisconsin, not being satisfied with that, proposes that the Government shall buy the postal cars and make some arrangement with the railroad companies for hauling the cars over their routes. Here are three different propositions. So the persons who insist that some reform is necessary have within three days produced three different projects of reform. It is manifest that legislation in this way may be unjust, may be improper, and that the Senate has no opportunity to properly consider the subject.

There is not a Senator here who desires that the railroad companies shall be paid any more than is fair, but I think all Senators ought to desire that a contract which has been made with the railroad companies, and which is to run two years from the present time in some instances, as suggested by the Senator from Virginia [Mr. HUNTON], should not be altered without their being heard, without their having an opportunity for representation before the committee, and without their having an opportunity to be heard by the Postmaster-General as to whether the present compensation is excessive. It simply shows that we must go arbitrarily in this matter if this legislation is to be put upon an appropriation bill.

There is great force in what the Senator from Missouri, the chairman of the Committee on Appropriations [Mr. COCKRELL], said, which is that there is a tendency here in Congress to put practically the legislation of the session upon appropriation bills. It is a bad practice. We do not get well-considered legislation in that way. The practice is just as bad, however, when the Committee on Appropriations themselves assume to legislate upon appropriation bills without such legislation having been pushed upon them by the Senate or by Senators. It is an evil and a vicious way of legislation, and that is the reason why the rule is made. It is in recognition of the fact that if we legislate upon appropriation bills beyond the proper scope of those bills we shall be likely to do injustice in the legislation.

What would have been the proper method of reaching this matter? There are two ways, one, to authorize the Postmaster-General either by himself or by a commission appointed for his assistance to investigate this whole subject, and having investigated it to inform Congress whether the rates now paid for the transportation of the mails are excessive or not, and whether any change in the method of transporting the mails would be more to the benefit of the Government and to the benefit of the service. The other way would have been to introduce a bill proposing some specific change in the matter of the transportation of the mails, have it referred to the Post-Office Committee, have it considered by that committee, call upon the Postmaster-General and call upon the other parties to the contract, the railroad companies, hear what both parties have to say, and then determine, first, whether any reduction can properly be made without injustice to the companies and to the benefit of the Government; or, second, whether any different method could be adopted with benefit to the Government and the service.

Every Senator here will admit that that is the proper way to treat a question of this kind, and yet this proposed legislation is sprung now for the first time this session and for the first time in the past eight years upon this appropriation bill when nobody had any notice that the question was coming up, and a method proposed, which has been abandoned; another method proposed, which ought to be abandoned, and a third method proposed, which would commit the Government to the purchase of cars and to assume the railroad business of the United States.

I object, therefore, to all of these amendments on the ground that we are not informed upon the subject and we can not be informed as to whether they are proper provisions to be inserted in our laws.

I doubt very much whether there is great force in the figures and statements which have been presented by the Senator from Wisconsin. Upon their face they seem plausible, but yet, when examined properly, I think there are other elements which enter into the situation which the Senator does not consider. I understand from him that a large portion of this proposed appropriation is spent for what are called fast special mail trains—trains made up entirely of postal cars, upon which are distributing offices and postal clerks, which cars are run between the two great cities of New York and Chicago. At any rate, with reference to these trains it is manifest that we can not apply any rule to them that could be properly applied to a meat car, which is transported upon a freight train, whether it be slow freight or fast freight. The service which more nearly resembles this service is the fastest passenger-train service.

Mr. ALDRICH. If the Senator from Connecticut will permit me, I find in the report of the Postmaster-General submitting to Congress the report of a commission upon this subject a statement made by the president of the Illinois Central Railroad Company as to the relative amounts received by that railroad company for mail service and express service, and I ask that the Secretary may read it, if it will not interfere with the Senator's argument.

Mr. PLATT. Not at all.

The PRESIDING OFFICER. If there be no objection, the Secretary will read as requested. The Chair hears none.

The Secretary read as follows:

I submit the allowance for postal cars is too low. The railroad company has to build these cars at great outlay, and provide them with the latest and most complete improvements, maintain and repair them, and keep them lighted and heated. I think the allowance for these cars should be increased 25 per cent, and that both space and dead weight transported should be taken into account in arriving at the proper compensation.

In this regard, I would draw your attention to what we receive for our express business, that being the nearest analogous case.

For the express company we transport one car between Chicago and Cairo on the night train, and half a car on the morning train. For this the express company guarantees us a minimum of \$27.25 per day, and they pay us at regular rates for all they carry in excess of certain defined weights, and, as a matter of fact, we receive considerably more than the sum named by way of excess. This guaranteed rate, however, produces to the company nearly \$83,000 per annum. We transport one messenger in each car, and we have no trouble or responsibility of any kind whatever in the transaction of the business, or in receiving or delivering it. It is a simple matter of providing the car, hauling it, and receiving the pay.

For the postal department we transport between Chicago and Cairo two postal cars each way daily, and also transport mail pouches on four other trains on parts of the route between these two points. For this we receive from the Department not quite \$70,000 a year. We are put to more expense in lighting and heating cars, the cars used are far more costly both to build and maintain than the express cars, and we have to transport about four times as many persons in the transaction of the postal service as in that of the express service. We are liable for penalties in case of nonarrival of mails on schedule time, and we have to be responsible for the delivery of mails to the postmaster, where the post-office is within 80 rods of the station. I think, therefore, that we do a great deal more work for the postal service than for the express service, and receive much less pay.

Mr. PLATT. Mr. President, the report from which, at the suggestion of the Senator from Rhode Island, an argument by one of the railroad companies has been read showing that the companies were not receiving enough for this service, was made to Congress in 1883. It was the report, if I am not mistaken, of a commission which was authorized by Congress to investigate this whole matter, and then presented the result of their report to Congress, nearly twelve years ago. No action has been taken by Congress up to this time upon that report, and I do not think it has ever been thought of very much until it was brought out from a dusty pigeonhole in the discussion of this proposed amendment.

If it had been true in 1883, that upon the report of that commission it had appeared that the railroad companies were receiving far too much for this service, that the pay accorded to them by law and by the Postmaster-General was properly characterized by the words "robber rates," it is very strange that nobody has suggested any reform in the matter from that day until this, except the Senator from Wisconsin when he was Postmaster-General. He was followed by another distinguished Postmaster-General, equally with him a reformer, and in the modern use of that word, I think claiming to be even a little better reformer than the Senator from Wisconsin, but he made no suggestion on the subject.

He was followed by a somewhat distinguished Republican Postmaster-General, who certainly had conceived the modern idea of reform, who had an eager eye for all the abuses which he could find in the Post-Office Department, and who even went so far as to adjust the rates for telegraph service, if I recollect aright, at 1 cent per word, under a discretion which was given him; and maintained, so far as he could, the payment of only 1 cent per word for telegraph service furnished by the Western Union Telegraph Company all through his administration. I am very much inclined to think that if that business Postmaster-General, Mr. Wanamaker, who was anxious to obtain a reputation for running the Post-Office

Department upon business principles, and who thought that 1 cent a word was enough for the telegraph service furnished to the Department, had discovered that there was any very serious abuse or very serious matter in the rates which were paid to the railroad companies for transportation of the mails in special post-office cars, he would have exercised his discretion and made lower rates.

But that was in past administrations, Mr. President, and we have now a Postmaster-General who is, and justly, the pride of the Democratic party in this Administration, and I think, by comparison, they have a right to be proud of the present Postmaster-General in comparison with the other Secretaries of the present Administration. I believe he is a very efficient, and, so far as it is possible for him to be, a nonpartisan officer, who is trying to conduct that Department in the best possible manner. He has been there two years. He had never discovered until requested to come before the Senate Committee on Appropriations that there was any too much money paid to the railroad companies for this service.

He had a discretion to pay less, and I give that official the credit of having the courage, if he thought the rates were too high for this service, to reduce them. If Senators on the other side of this Chamber upon the Appropriations Committee and the Senator from Wisconsin have not sufficient confidence in the present Postmaster-General to believe that he can do what is just and right as between the Government and the railroad companies, I have more confidence in him than they have. For two whole years he has been in charge of that Department, and if he has read the reports of his predecessors, he must have read the report of the Senator from Wisconsin when Postmaster-General, and all these facts must be patent to him, yet he has each year recommended that the requisite amount should be appropriated under the law as it now exists.

He called no attention to it in the two reports which he sent to Congress; he has not even stimulated any Senator or Representative to introduce a bill on the subject, but he has been dragged before the Appropriations Committee, and his opinion has been asked by the subcommittee, and we only get his views as they are filtered through the statements which members of the committee make here upon the floor of the Senate, and indeed, I believe, one member of the subcommittee was not present when the Postmaster-General was there.

Mr. President, that is not the way to legislate. That is all I intended to say about this matter when I rose. I do not know that these rates are too high; I have no method of informing myself on that subject. I do know that the people of this country want the best, the fastest, and the most accurate railroad mail service that it is possible to have furnished; I know that they do not stop to inquire about the expenses of the Post-Office Department with any niggardly thought in their minds, if only the mail is properly transmitted, regularly delivered, and the facilities are all that they ought to be. I believe, on the contrary, that this is the one Department of the Government in which the people are most anxious that there should be liberality shown in the matter of expenditures; and I believe it was a great convenience to the people when the special fast trains for the transportation of the mails were adopted and put in operation; and I do not believe that the people think there is any too much money spent in that service.

One other thought suggested by the report which the Senator from Wisconsin read, the report of the year 1874, I believe, made by the Senator from Oregon [Mr. MITCHELL]. I would subscribe to every word of that report in the extract which was read by the Senator from Wisconsin. I think the just relations of the Government to the railroad companies in the matter of mail transportation were most accurately and felicitously stated in that report, but the conclusion which the Senator from Wisconsin draws from it seems to me not to be warranted by the report. The report proceeds somewhat upon the principle that the Government has the right to take private property for public use upon the payment of just compensation and upon the right of the Government to use the railroads as post routes; but all these amendments proceed upon the supposed right of the Government to confiscate private property. If the Government takes private property for public use it invariably prescribes the method of compensation and the method of arriving at the amount of compensation; but here is compensation to be arbitrarily fixed by the Government without a hearing on the part of the persons to whom the compensation is to be paid.

All these amendments are a direct departure from the principles which are laid down by the report of the Senator from Oregon. What would be thought of a bill which should be introduced here to procure the site for the erection of a building for the Supreme Court of the United States, fixing the place and the amount of money which the Government would pay for it, and authorizing the Government to take it at that price? Would such a bill pass the Senate or pass Congress? If it did, would it escape the vigilance of the Executive? That is just what these amendments propose to do.

Mr. MITCHELL of Oregon. And without any investigation whatever.

Mr. PLATT. Without any investigation whatever, with no method provided for ascertaining what just compensation shall be, with no opportunity for the party most interested to be heard in relation to it. As I said when I commenced, I regard this as a most improper and vicious method of legislation.

Mr. CAREY. Mr. President, I am opposed to the amendment proposed by the committee for the reason that I believe it will seriously impair the efficiency of the mail service in the Western States and Territories. The maximum compensation is now fixed by law. It is not proposed, as I understand, to reduce the cost of carrying the mails so far as it is based upon the weight of the mail.

There have already been three very important reductions made since the passage of the law. First, a horizontal cut of 10 per cent; then a cut of 5 per cent; and then a cut of 20 per cent so far as the land-grant railroad companies are concerned. This bears very heavily upon nearly all of the railroad companies west of the city of Chicago. The roads which cross the State of Iowa are land-grant roads. Most of the roads that run across the State of Nebraska and the State of Kansas are also land-grant roads. So the land-grant roads to-day are not receiving 75 per cent of this maximum compensation. The law to-day is as complete and full as it is possible to make a law with reference to this compensation. It is positive in that it says that not greater than a certain compensation shall be allowed; and so far as the compensation is concerned as to postal cars the statute expressly provides that in case railroads fail to furnish those postal cars then they shall not be allowed the compensation which is specifically provided for.

The amendment, as I now understand, offered by the Senator from Kentucky, which is to take the place of the committee amendment, proposes to reduce the compensation for the postal cars 10 per cent. After some little investigation concerning this matter and after repeated conversations with persons in the West who are acquainted with the mail service there—and we have an excellent mail service—I am firmly convinced that a reduction of 5 per cent will take away from us our fast-mail service. There are trains made up in the city of Chicago exclusively of mail cars. They do not carry passengers and are not permitted to carry passengers. Those trains run across the State of Iowa, the State of Nebraska, the State of Wyoming, and as far west as Ogden, Utah, at a high rate of speed, most of the time at a rate of 60 miles per hour.

This fast mail, which runs on only one road across the State of Iowa and across the State of Nebraska, is obtained through the compensation at present allowed. It is by diverting the continental mails to one line of railroad that a compensation is made great enough to enable us to pay for this fast service. The fast service is a benefit to all of the Western States. The city of Denver, Colo., obtains a fast mail by trains leaving at a point known as the Julesburg Cut-off. The State of Oregon, the State of Washington, the State of California, and the State of Idaho also receive a certain benefit from the fast mail, as it greatly expedites the service in that part of the country.

When I asked the Senator from Wisconsin [Mr. VILAS] whether he knew that the railroad companies were receiving greater compensation for carrying the mails than they were entitled to, he made the reply that in some instances he believed they were, and in other instances he believed they were receiving too small compensation. If this peremptory cut is made in the law it will, of course, bring about a greater outrage so far as the companies are concerned who are not receiving a fixed compensation. Do I mistake the Senator from Wisconsin?

Mr. VILAS. The Senator from Wyoming should realize that this peremptory cut is not upon the compensation paid for weight, which is the great share, but only upon the allowance for postal cars. That is received by but a very few companies comparatively; not so very few, but few companies comparatively, and affects only a portion of their pay.

Mr. CAREY. I have already made that statement, that the cut, I understand, is to apply only to postal cars. But, as was shown I think conclusively by the Senator from Iowa [Mr. ALLISON], and the law itself is very plain upon that subject, the compensation so far as the weight of mails is concerned and the compensation for postal cars are contained in one and the same act. By reading section 4003 of the Revised Statutes the Senator will find this provision:

In case any railroad company now furnishing railway post-office cars shall refuse to provide such cars, such company shall not be entitled to any increase of compensation under the provisions of the next section.

Then it goes on to provide for additional pay being allowed for these cars at a rate not exceeding \$25 per mile, and so on, different rates being fixed for different lengths of cars. It is therefore absolutely in the discretion of the Postmaster-General to-day. He may not allow any extra compensation for the cars. The Senator from Wisconsin, late Postmaster-General, when asked whether he exercised this discretion as Postmaster-General, replied directly



that he did in some cases. It appears that the law therefore is very clear and very full so far as this is concerned, and neither of the amendments will add anything whatever to the discretion and power of the Postmaster-General.

We have the best postal service in the world. We have the cheapest service in the world. No man can look at these trains, made up exclusively of postal cars, which run across this continent without being proud of the service. In the city in which I live we have at the breakfast table the Chicago papers printed the previous morning. The mail service across this continent has been lessened in time between two and three days. This great and important service to the United States costs how much? Less than 11 cents, 10.17 cents a car per mile. I think it does not cost too much. After investigation Senators will find that the railroad companies are not receiving from this service more than the actual cost of the transmission of the mails. It is a special service. The trains are run on time-tables which are made up by the Postmaster-General or in the Post-Office Department. They run on the fastest possible time, faster than it is considered safe to transport humanity. Senators ask, why do the railroads perform this service? Every railroad company is ambitious to carry the mails. The travel of the United States follows the fast mail. There is a belief among the people that the railroads which transport the mail are the best railroads in the United States.

I hold in my hand the report of the Postmaster-General. It contains the report of the Assistant Postmaster-General and the report of the Superintendent of the Railway Mail Service of the United States. If any Senator can find one word in that volume which is not complimentary to this service as performed by the railroads of the country he can do something I have failed to do. I shall not take up the time of the Senate by reading from it, but I call the attention of the Senator from Wisconsin (Mr. VILAS) to the report of Captain White, of the Railway Mail Service. He makes only one criticism concerning the postal cars and the manner in which the companies perform the service. He says they are conforming to the desires and the wishes of the Post-Office Department; they are building the cars in the best possible way to provide against accident, to make the service efficient, and to put the postal clerks in a position to do the greatest amount of work possible. He has but one criticism to make; he says he believes the cars should be vestibuled. That is the only criticism.

Mr. President, the postal service which we have in these United States, which is so efficient, which is so creditable, has been built up after an experience of twenty-one years. If you reduce the cost of the mail service as now provided you take away from us our fast mails which we obtain to-day on the weight of the mails. Indeed, the Government only subsidizes one fast mail line in the entire United States, and that it is proposed to strike out in the pending bill. I refer to the mail line that runs from Springfield, Mass., to New Orleans. I am opposed, unless it is actually necessary, to taking that service off. There are certain conditions in the South that do not exist elsewhere in this country, and if it is necessary to subsidize one line to the Southern States I believe it is right that it should be subsidized, so that those States may have the benefit of an improved service.

Mr. BLACKBURN. I call the attention of the Senator from Wyoming to the fact that I do not understand, so far as the debate has developed anything, that it is the South which is asking a subsidy to any railroad. But I understood the junior Senator from Massachusetts (Mr. LODGE) to say that it was New England which is demanding it.

Mr. CAREY. I merely referred to that matter incidentally. I was not aware of the fact the Senator from Kentucky has just stated.

Mr. HOAR. Will the Senator from Kentucky repeat his statement as to my colleague?

Mr. BLACKBURN. I said the junior Senator from Massachusetts (Mr. LODGE) said in debate that the people of New England were anxious to hold this appropriation of \$196,000 for special fast mail facilities. That was said in the debate day before yesterday.

Mr. HOAR. If the Senator from Wyoming will pardon me, I will state that my colleague is not in the Chamber, but I did not hear the particular sentence which the Senator from Kentucky quotes.

Mr. BLACKBURN. I speak from the RECORD.

Mr. HOAR. I do not know anything about that. I think, however, that the statement which I heard the Senator from Kentucky make, that my colleague said it was New England which is demanding this service—

Mr. BLACKBURN. I did not mean to say he put it in the way of demanding the service. He said it was important to the people of New England, and he went on to argue against the recommendation of the committee to strike out the subsidy of \$196,000.

Mr. HOAR. That is quite another thing. It is important to the people of New England that they shall have a prosperous South and a prosperous West, where live people who are their

countrymen and with whom they deal. I understand this service is essential to a business communication of which New England is at one end and a large and rapidly growing and prosperous portion of the South is at the other. Their interests are alike in the matter. I do not think my colleague said anything except that.

Mr. BLACKBURN. He made an explanation of the interests of New England.

Mr. CAREY. I stated that it had only been found necessary to subsidize one fast-mail line, one running from New England to the chief Southern cities. This, I understand, has been stricken out from the pending bill, so far as the committee could strike it out. The proposition of the Senator from Wisconsin is, so far as possible, to absorb these traveling post-offices and have the Government purchase or build the cars and pay for running them on some other basis. The Senator from Wisconsin, I think, misunderstands the purpose for which compensation is paid so far as the postal cars are concerned. I have been told that very frequently not over 2,000 pounds of mail are carried in one of these cars; that the appliances are such, requiring an immense amount of room and space to handle the mail, that rarely indeed can there be placed in a car over four or five tons of mail matter.

We know that an express car or an ordinary freight car is loaded down with from 10 to 20 tons of freight. There are certain incidental things that are done by the railroad companies that are very expensive so far as these cars are concerned. As I said yesterday, on an examination of this question it will be found that if the Government paid a reasonable compensation for the fares of the postal clerks who travel in the cars it would nearly eat up the entire appropriation that is paid for all of this service. In addition to that, the railroad companies handle the mails between their stations and the various post-offices where the distance is not more than a quarter of a mile, which would undoubtedly cost the Government a very large portion of the appropriation of \$2,000,000 that is made for this purpose.

I do not believe the railroad companies should be paid any more for this service than is just and proper. I do not believe that they are being paid to-day any more than should be paid, considering the service that they give. I have perhaps as little reason to love railroad companies as any other member of this body; I am in no-wise connected with railroad companies; but I believe it is a bad time to crush railroad companies simply because they are railroad companies. It is doing an immense damage to the people of the United States. I do not believe that we should arbitrarily say that the companies shall accept a certain rate for carrying the mails. There is no constitutional provision that will force them to accept other than reasonable compensation. Unfortunately, in the West the railroads are very generally in the hands of receivers. The stocks have become very much depreciated. In many instances the roads are entirely in default in the payment of interest on their bonds. There is not sufficient business and sufficient compensation for the great companies to pay their fixed charges. I have a little clipping from a newspaper which is rather interesting at this time:

In 1893, 74 companies, operating 29,000 miles of road and representing over \$1,750,000,000 of investment, went into bankruptcy. In 1894 the record shows but 38 companies, 7,025 miles of road, and aggregate obligations of \$395,000,000.

About one-quarter of the railroads in the United States, reckoning by mileage, are now in the hands of receivers. And during the last nineteen years the work of clearing away wrecks has involved the sale under foreclosure of 593 railroads, representing 62,926 miles of road and \$3,528,125,000 of stocks and bonds.

Mr. DAVIS. I should like to ask the Senator from Wyoming if he has any information as to how many postal cars are in the service of the United States?

Mr. CAREY. About 700, I understood the Senator from Wisconsin to state.

Mr. BLACKBURN. There are between seven and eight hundred all told, of which number, in round numbers, there are about 120 or 130 that are always held in reserve to take the place of disabled cars, in the event of an accident or collision, or of cars that are being repaired.

Mr. DAVIS. Will the Senator inform me what it costs to build one of those cars?

Mr. BLACKBURN. The outside estimate as the committee was able to get it was \$6,000. That is certainly above the average cost of construction.

Mr. MITCHELL of Oregon. I should like to ask the Senator from Kentucky, in this connection, how many of those cars are run exclusively on mail trains, if the Senator knows.

Mr. BLACKBURN. It would be impossible to answer, because from what is termed the reserve, which means about 120 or 130 cars, they draw as occasion may require. Of course, at certain times they need those cars temporarily and they use them temporarily. It would be impossible for me to state how many are run exclusively in mail trains.

Mr. MITCHELL of Oregon. I know that on a great number of the roads a number of mail trains are made up exclusively of mail cars.

Mr. BLACKBURN. No; there are very few.

Mr. MITCHELL of Oregon. Trains that carry no passengers.

Mr. BLACKBURN. There are very few of such trains.

Mr. MITCHELL of Oregon. I feel quite sure—

Mr. BLACKBURN. There are some.

Mr. MITCHELL of Oregon. Is the Senator from Wyoming able to state what proportion of mail cars are run exclusively on mail trains?

Mr. CAREY. I am not able to state the number, but I presume it is very small, because there are very few fast mail trains in the United States. As I said, they are made up by diverting the mails from parallel lines to one line, for the reason that the compensation to-day allowed will not pay for many fast mail lines. In other words, if to-day the Government should make the proposition on the present basis that two mail lines should run from the Pacific Coast to the East at the compensation now paid they could not run if the compensation was divided. It is only by throwing the bulk of the weight of mails on one line that we get our fast mail through the West.

Mr. President, this matter has been very fully investigated. There was a commission appointed, at the head of which was First Assistant Postmaster-General Elmer. There is a very full report on the files of this body that can be examined. The commission do not anywhere make the proposition that the Government shall go into the business of building or buying its own cars and operating them on the railroads. So far as the fast mails are concerned, if the Government owns the cars why not own the engines? If it owns the engines, then it will have to hire the firemen and the engineers. The Government would take possession of the entire train except the engine and the men who manipulated the engine, if the provision of the Senator from Wisconsin should prevail. It would be adopting an entirely new system in this country so far as the transportation of the mails is concerned. I do not believe any advantage would be derived from it. I do not believe the cost of transporting the mails would be cheapened one particle nor that as good service would be maintained as when the railroad companies are permitted to operate their own roads on the time-tables which are to-day furnished by the Post-Office Department.

Mr. BLACKBURN (at 2 o'clock and 55 minutes p. m.). Under the order of the Senate entered on yesterday the vote on this amendment and amendments pending thereto is to be taken not later than 3 o'clock. If there be no other Senator who wishes to be heard, I will ask that the vote shall now be taken upon the first pending amendment.

The VICE-PRESIDENT. The pending question is the point of order raised by the Senator from Massachusetts [Mr. LODGE] on the first amendment.

Mr. ALDRICH. I suggest to the Senator from Kentucky that there are some Senators absent from the Chamber expecting to be here at 3 o'clock, and I think we had better wait until that time before the voting begins.

Mr. BLACKBURN. Would it not be better to have the bells rung?

Mr. CULLOM. Yes; let the bells be rung.

Mr. BLACKBURN. Then, in order to meet the suggestion of the Senator from Rhode Island, I will ask a call of the Senate, as there is evidently not a quorum in the Chamber.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Faulkner,	McLaurin,	Pritchard,
Allen,	Frye,	McMillan,	Proctor,
Allison,	George,	McPherson,	Pugh,
Bates,	Gorman,	Manderson,	Ransom,
Berry,	Hale,	Mantie,	Rauch,
Blackburn,	Hansbrough,	Martin,	Sherman,
Call,	Harris,	Mitchell of Oreg.	Stewart,
Camden,	Hawley,	Mitchell of Wis.	Teller,
Caroy,	Higgins,	Morgan,	Turpie,
Chandler,	Hill,	Morrill,	Vest,
Clark,	Hoar,	Murphy,	Vilas,
Cockrell,	Hunton,	Palmer,	Washburn,
Coke,	Jones of Ark.	Pasco,	Wolcott.
Cullom,	Kyle,	Peffer,	
Davis,	Lindsay,	Perkins,	
Dubois,	Lodge,	Platt,	

Mr. COKE. I wish to state that my colleague [Mr. MILLS] is absent on account of sickness.

The VICE-PRESIDENT. Sixty-one Senators have answered to their names. A quorum is present.

Mr. BLACKBURN. The hour of 3 o'clock having arrived—

The VICE-PRESIDENT. The hour of 3 o'clock having arrived, the Chair submits to the Senate the question, Is the amendment of the committee in order?

Mr. SHERMAN. I ask for the reading of the amendment.

The VICE-PRESIDENT. The amendment will be read.

Mr. VILAS. Is not the question to be taken first on the amendment which I offered as a substitute?

Mr. CULLOM. There is a point of order raised on the committee amendment.

Mr. HALE. There is a point of order raised on the amendment of the committee.

The VICE-PRESIDENT. A point of order has been raised on the amendment of the committee, and the point of order is submitted to the Senate, under the rules.

Mr. VILAS. The point of order was—

Mr. ALDRICH. Let the amendment be read.

Mr. VILAS. I was going to observe that a point of order can not properly lie against my amendment because it has been reported by a committee.

Mr. MITCHELL of Oregon. The point of order is against the amendment of the committee, which is in the bill.

Mr. VILAS. My amendment is a substitute for the proposition of the committee.

Mr. HALE. Let us have the amendment of the committee read, and then that question can be submitted.

Mr. PALMER. May I inquire if the question is whether the amendment proposed by the committee is in order?

The VICE-PRESIDENT. That is the question.

Mr. PALMER. It is not upon the amendment proposed by the Senator from Wisconsin?

The VICE-PRESIDENT. The amendment proposed by the Senator from Wisconsin can be moved again as an independent proposition. The amendment of the committee will be stated.

The SECRETARY. After the word "dollars" in line 16, page 4, the Committee on Appropriations report to insert:

Said sum shall be expended under the direction and in the discretion of the Postmaster-General, and any provision of existing law in conflict herewith is hereby repealed: *Provided*, That no part of said sum shall be expended for the purchase of postal cars or for special facilities on fast-mail trains.

Mr. PASCO. I understood that that amendment had been modified by the Senator from Kentucky so as to avoid the repealing features of the amendment; and it strikes me that that is the amendment before the Senate, and not the one which has been read by the Secretary.

The VICE-PRESIDENT. The Chair will state that an objection to the modification was interposed by a Senator on the left of the Chair.

Mr. BLACKBURN. I did not understand that any objection was interposed to the submission of the modified amendment. On the contrary, I think the senior Senator from Nebraska expressly disclaimed any purpose of objecting to it.

Mr. MANDERSON. My proposition was that the amendment proposed by the Senator from Kentucky could not be entertained until the point of order against the committee's amendment was disposed of; that the point of order must first be disposed of before the modified amendment could be offered by the Senator from Kentucky.

Mr. BLACKBURN. Then let us understand each other. There is no amendment pending before the Senate except the one printed in italics, submitted by the Committee on Appropriations.

Mr. MANDERSON. That is the amendment against which the point of order was raised.

Mr. BLACKBURN. And the question is whether the proposed amendment of the committee is in order, and the modification submitted by me is not before the Senate.

Mr. MANDERSON. It is not. That will come in afterwards.

Mr. BLACKBURN. Very well.

Mr. PASCO. I wish to ask if the Senator from Kentucky has not the right under our rules to modify his amendment.

Mr. ALDRICH. Not the committee amendment.

Mr. LODGE. Not the committee amendment.

Mr. HARRIS. He would have that right if it was in his own amendment.

Mr. BLACKBURN. I understand any Senator has a right to modify his own amendment, but I do not understand that under the rules, even though a Senator, as in this case, is in charge of the bill, he has a right to modify a committee amendment.

The VICE-PRESIDENT. That is the decision of the Chair.

Mr. HARRIS. I wish to ask the Senator from Kentucky if the proposed modification is made by direction of the committee or is it his own?

Mr. BLACKBURN. It was made only by the advice of some members of the committee with whom I had an opportunity to consult.

Mr. HARRIS. But it was not the action of the committee?

Mr. BLACKBURN. No, it is my own.

The VICE-PRESIDENT. Senators who are of the opinion that the amendment of the committee is in order will say "aye." [Putting the question.]

Mr. BLACKBURN. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. If he were here I should vote "yea."

Mr. CULLOM (when his name was called). I have a general



pair with the senior Senator from Delaware [Mr. GRAY], but yesterday he did not know that he would be absent from the Senate to-day and authorized me to vote without reference to the pair. I do not know how he would vote on this question; I vote "nay."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. I understand that if he were present he would vote "nay." I should vote "yea."

Mr. McLAURIN (when his name was called). I will transfer my pair with the junior Senator from Rhode Island [Mr. DIXON] to the junior Senator from South Carolina [Mr. IRBY] and vote "yea."

Mr. COKE (when Mr. MILLS's name was called). My colleague [Mr. MILLS] is absent, detained at home by sickness.

Mr. McMILLAN (when Mr. WOLCOTT's name was called). The junior Senator from Colorado [Mr. WOLCOTT] desired me to state that he was unexpectedly called out of the Chamber; and he is paired with the Senator from Ohio [Mr. BRICE].

The roll call was concluded.

Mr. MORGAN (after having voted in the affirmative). I withdraw my vote. I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. CAMDEN. I am paired with the junior Senator from Iowa [Mr. WILSON].

Mr. BATE (after having voted in the affirmative). I find that I am paired with the Senator from Georgia [Mr. GORDON], who is absent from his seat, and I withdraw my vote.

Mr. SQUIRE. I am paired with the Senator from Virginia [Mr. DANIEL], but by an arrangement with his colleague [Mr. HUNTON] my pair has been transferred to the Senator from Nevada [Mr. JONES]. Therefore, I am at liberty to vote. I vote "nay."

The result was announced—yeas 17, nays 39; as follows:

YEAS—17			
Allen,	Cockrell,	Kyle,	Vest,
Berry,	George,	Lindsay,	Vilas.
Blackburn,	Gorman,	McLaurin,	
Blanchard,	Harris,	Roach,	
Call,	Jones of Ark.	Turpie,	
NAYS—39			
Aldrich,	Hansbrough,	Mitchell of Wis.	Proctor,
Allison,	Hawley,	Morrill,	Pugh,
Carey,	Higgins,	Murphy,	Ransom,
Chandler,	Hoar,	Palmer,	Sherman,
Clark,	Hunton,	Pasco,	Squire,
Cullom,	Lodge,	Perkins,	Stewart,
Davis,	McMillan,	Teller,	White,
Dubois,	Manderson,	Pettigrew,	Walsh,
Frye,	Mantle,	Platt,	Washburn.
Hale,	Mitchell of Oreg.	Pritchard,	
NOT VOTING—31			
Bate,	Daniel,	Hill,	Quay,
Brice,	Dixon,	Irby,	Shoup,
Burrows,	Dolph,	Jones of Nev.	Smith,
Butler,	Faulkner,	McPherson,	Voorhees,
Caffery,	Gallinger,	Martin,	White,
Camden,	Gibson,	Mills,	Wilson,
Cameron,	Gordon,	Morgan,	Wolcott.
Coke,	Gray,	Power,	

The VICE-PRESIDENT. The Senate decides that the amendment of the committee is not in order.

Mr. BLACKBURN. I ask whether the amendment that I submitted day before yesterday, and which was to be considered as pending, is not now before the Senate as the first amendment to be acted upon?

Mr. MANDERSON. It can be offered.

Mr. ALDRICH. It can be offered.

Mr. BLACKBURN. I offered it day before yesterday, and asked that it might be considered as pending as a substitute for the committee's amendment, and there was no objection made.

Mr. HALE. I take it the Senator now under the agreement can offer it. It can not be debated. He can offer it and it can be voted upon at once, or any Senator can move to lay it on the table, and of course a point of order can be raised upon it.

Mr. BLACKBURN. I will submit it as an amendment right now.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 16, page 4, insert:

Said sum shall be expended under the direction and in the discretion of the Postmaster-General: *Provided*, That a reduction of not less than 10 per cent shall be made upon present rates of compensation: *And provided also*, That no part of the said sum shall be expended for the purchase of postal cars.

Mr. VILAS. Now I will offer the amendment I proposed as a substitute for the amendment of the Senator from Kentucky.

Mr. HALE. Let it be read.

The VICE-PRESIDENT. The substitute offered by the Senator from Wisconsin will be read.

The SECRETARY. Insert after the word "dollars," in line 16, page 4:

And the Postmaster-General is hereby authorized and directed, instead of

leasing from time to time as the conditions of the service will permit, to procure by purchase the necessary post-office cars required by the service on any and all lines, and thereafter to cause the same to be provided with all needful supplies, to be kept in good order and repair, and to be drawn and operated upon any railroad which shall, under his direction, be engaged in mail transportation, and for such operation to pay the rates now provided by law for mail transportation by railroads; and every company, corporation, receiver, or other person operating any railroad which is a mail route of the United States shall transport such cars accordingly upon and in connection with all such of its regular trains as the Postmaster-General shall direct; and the Postmaster-General may, in his discretion, make purchase of such post-office cars directly from any owner thereof without advertisement, or may contract for the construction of the same; and may also make contracts for the supply, cleaning, and repair of such cars with any company, corporation, or persons, or may make other provision therefor; for which purpose he may use any part of the foregoing sum or such further sum as may be found necessary, not exceeding \$500,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. VILAS] to the amendment of the Senator from Kentucky [Mr. BLACKBURN].

Mr. HALE. I move to lay the amendment to the amendment on the table, and on that I call for the yeas and nays.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine to lay the proposed substitute on the table.

Mr. HOAR. And the whole amendment.

Mr. ALDRICH. The amendment and the substitute.

Mr. BLACKBURN. Under the rule, the laying of an amendment in the nature of a substitute upon the table does not affect the amendment.

Mr. HALE. I move to lay the substitute on the table.

The VICE-PRESIDENT. The Chair was submitting that question to the Senate. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. McLAURIN. I transfer for the day my general pair with the Senator from Rhode Island [Mr. DIXON] to the Senator from South Carolina [Mr. IRBY] and vote "nay."

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

The roll call was concluded.

Mr. McMILLAN. I again announce the pair of the Senator from Colorado [Mr. WOLCOTT] with the Senator from Ohio [Mr. BRICE].

Mr. BURROWS. I am paired with the junior Senator from Maryland [Mr. GIBSON], but I am advised that, if present, he would vote in the affirmative and I therefore vote "yea."

Mr. CHANDLER. My colleague [Mr. GALLINGER] is absent from the Senate, sick. He is paired with the junior Senator from Texas [Mr. MILLS], who is also absent, sick.

Mr. BATE (after having voted in the affirmative). I am paired with the Senator from Georgia [Mr. GORDON], and as I understand on this vote, if present, he would vote the same way I do, I will let my vote stand.

Mr. PERKINS. I desire to state that my colleague [Mr. WHITE] is unavoidably absent temporarily from the Senate. He is paired with the senior Senator from Idaho [Mr. SHOUP].

Mr. HUNTON. I announce to the Senate that my colleague [Mr. DANIEL] is absent and has a general pair with the Senator from Washington [Mr. SQUIRE]. If my colleague were here he would vote "yea" upon this question. The Senator from Washington under the circumstances is at liberty to vote, as he agrees with my colleague on this question.

Mr. MITCHELL of Oregon. I desire to state that my colleague [Mr. DOLPH], if here, would vote "yea" upon the proposition. He is detained from the Senate.

The result was announced—yeas 51, nays 10; as follows:

YEAS—51			
Aldrich,	Davis,	McMillan,	Fritchard,
Allen,	Dubois,	McPherson,	Proctor,
Allison,	Faulkner,	Manderson,	Pugh,
Bate,	Frye,	Mantle,	Ransom,
Berry,	Gorman,	Mitchell of Oreg.	Roach,
Blackburn,	Hale,	Morrill,	Sherman,
Burrows,	Hansbrough,	Murphy,	Squire,
Camden,	Hawley,	Palmer,	Stewart,
Cameron,	Higgins,	Pasco,	Teller,
Carey,	Hoar,	Perkins,	Turpie,
Chandler,	Hunton,	Pettigrew,	Walsh,
Clark,	Kyle,	Platt,	Washburn.
Cullom,	Lodge,	NAYS—10	
		Harris,	McLaurin,
		Jones of Ark.	Mitchell of Wis.
		Lindsay,	Vest,
NOT VOTING—20			
Blanchard,	Dolph,	Jones of Nev.	Smith,
Brice,	Gallinger,	Martin,	Voorhees,
Burrows,	Gibson,	Mills,	White,
Butler,	Gordon,	Morgan,	Wilson,
Caffery,	Gray,	Power,	Wolcott.
Coke,	Hill,	Quay,	
Daniel,	Irby,	Shoup,	
Dixon,			

So the amendment to the amendment was laid on the table.

The VICE-PRESIDENT. The question recurs upon the amendment proposed by the Senator from Kentucky [Mr. BLACKBURN].

Mr. LODGE. I move to lay that amendment on the table.

Mr. HARRIS. Let the amendment be read.

The VICE-PRESIDENT. The Senator from Massachusetts moves to lay the amendment on the table. The amendment will be read.

The SECRETARY. After the word "dollars" in line 16, on page 4, it is proposed to insert:

Said sum shall be expended under the direction and in the discretion of the Postmaster-General: *Provided*, That a reduction of not less than 10 per cent shall be made upon the present rates of compensation: *And provided also*, That no part of said sum shall be expended for the purchase of postal cars.

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts [Mr. LODGE] to lay the amendment on the table.

Mr. ALDRICH. I ask for the yeas and nays on the motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BATE (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON] and therefore withhold my vote.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. MORGAN (when his name was called). I am paired with the Senator from Pennsylvania [Mr. QUAY].

Mr. SQUIRE (when his name was called). I make the announcement once for all for the day, so that there may be no misunderstanding, that I am paired with the Senator from Virginia [Mr. DANIEL]. His colleague [Mr. HUNTON], however, assures me that the Senator from Virginia, who is absent, if present would vote "yea." I therefore vote "yea."

The roll call was concluded.

Mr. CAMDEN. I am paired with the junior Senator from Iowa [Mr. WILSON].

Mr. BURROWS. I am paired with the junior Senator from Maryland [Mr. GIBSON], but I am advised that he would vote the same way that I shall on this question, and I vote "yea."

The result was announced—yeas 42, nays 19; as follows:

#### YEAS—42.

Aldrich,	Hale,	Mantle,	Pugh,
Allison,	Hansbrough,	Mitchell of Oreg.	Ransom,
Burrows,	Hawley,	Mitchell of Wis.	Sherman,
Cameron,	Higgins,	Morrill,	Squire,
Carey,	Hill,	Murphy,	Stewart,
Chandler,	Hoar,	Peffer,	Teller,
Clark,	Hunton,	Perkins,	Walsh,
Cullom,	Lodge,	Pettigrew,	Washburn,
Davis,	McMillan,	Platt,	Wolcott.
Dubois,	McPherson,	Pritchard,	
Frye,	Manderson,	Proctor,	

#### NAYS—19.

Allen,	Faulkner,	Kyle,	Roach,
Berry,	George,	Lindsay,	Turpie,
Blackburn,	Gorman,	McLaurin,	Vest,
Call,	Harris,	Palmer,	Vilas.
Cockrell,	Jones of Ark.	Pasco,	

#### NOT VOTING—23.

Bate,	Daniel,	Irby,	Shoup,
Blanchard,	Dixon,	Jones of Nev.	Smith,
Brice,	Dolph,	Martin,	Voorhees,
Butler,	Gallinger,	Mills,	White,
Caffery,	Gibson,	Morgan,	Wilson.
Camden,	Gordon,	Power,	
Coke,	Gray,	Quay,	

So the amendment was laid on the table.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, on page 4, after line 24, to strike out:

For necessary and special facilities on trunk lines from Springfield, Mass., by way of New York and Washington, to Atlanta and New Orleans, \$196,614.22: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

The VICE-PRESIDENT. Without objection, the amendment will be regarded as agreed to.

Mr. RANSOM. Mr. President, I do not agree to that amendment.

Mr. BLACKBURN. If there be no objection, the Chair stated, the amendment would be regarded as agreed to.

Mr. HUNTON. We do not agree to that amendment. I do not care to debate it, but I desire that the amendment of the committee which is under consideration shall be defeated. That amendment is to strike out the following words:

For necessary and special facilities on trunk lines from Springfield, Mass., by way of New York and Washington, to Atlanta and New Orleans, \$196,614.22: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

So the amendment of the committee now before the Senate is to strike out that portion of the bill as it came from the House of

Representatives which I have read to the Senate. For one I am opposed to striking out that part of the bill as it came from the other House, and desire to have it remain as that House passed it. It gives \$196,614.22 for special and necessary facilities on trunk lines from Springfield, Mass., by way of New York and Washington, to Atlanta and New Orleans.

Mr. President, this appropriation has been in every appropriation bill for the last fifteen years, I am informed by the Senator from North Carolina [Mr. RANSOM], and it has been regularly expended by the Postmaster-General for the purpose of increasing the postal facilities from Springfield Mass., to New Orleans. Every appropriation act which contained this item also contained the words to which I now call the attention of Senators:

*Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

So that if this bill stands as it came from the House of Representatives it leaves the matter entirely discretionary with the Postmaster-General whether he will spend the \$196,614.22, or any part of it, in promoting postal facilities between these points. That discretion has been left with the Postmaster-General ever since the appropriation was made fifteen years ago, and the Postmaster-General in every instance has in the exercise of that discretion spent the \$196,614.22 in increasing the mail facilities between these points. All the Postmasters-General for the last fifteen years having in their discretion spent this money, it is fair to argue that in their opinion it has been deemed necessary to spend annually \$196,614.22 in order to increase the mail facilities between these points.

Mr. President, this is an important matter. This mail goes from one end of the country to the other, and facilitates the delivery of the mail all along its route.

That is not all, sir. When this fast mail reaches the city of Richmond, for instance, all points radiating from that city are served with the mail much sooner than they otherwise would be. Therefore, I hope the amendment of the committee striking out this appropriation will not prevail.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. BLACKBURN. Mr. President—

Mr. LODGE. I was going to ask for the yeas and nays upon the amendment.

Mr. BLACKBURN. Mr. President, I shall try not to exceed the limit under the agreement of five minutes to each Senator. I only want to say that there is but one railroad company in this country that is to-day getting any subsidy for special fast mail facilities, and that is the one from Springfield, Mass., through New York and Washington, to Atlanta and New Orleans. That company is getting \$196,614.22 every year. That appropriation has never been recommended by the Post-Office Department. For two years in the report of the Postmaster-General the request was made of Congress to abolish it upon the ground that it was a positive detriment instead of a benefit to the service.

Now, I only want to call the attention of the Senate to the fact that we have pending before the Committee on Appropriations applications from other railroad companies insisting that they, too, shall be subsidized if this one is to be. For instance, here is what is known as the Seaboard Air Line. It is a parallel line to the one that is now receiving this subsidy of \$196,614.22. There is a difference of less than sixty minutes—about fifty-eight minutes—in the schedule time of these two roads between New York City and Atlanta, Ga., the one getting in round numbers \$200,000 a year as a subsidy from the Government, and the other getting nothing.

Mr. BUTLER. The Atlantic Coast Line gets nothing.

Mr. BLACKBURN. The Atlantic Coast Line gets nothing; the Seaboard Air Line gets nothing, and this company gets this \$196,614.22.

Mr. GEORGE. In other words, we are paying nearly \$200,000 for saving fifty-eight minutes in time.

Mr. BLACKBURN. Yes; we are paying \$200,000 in round numbers, or, to be exact, \$196,614.22 for a difference of fifty-eight minutes in the schedule between the subsidized and the unsubsidized parallel line from New York to Atlanta.

But that is not all that I desire to call to the attention of the Senate. Here is Cincinnati, with an amendment offered by the senior Senator from Ohio [Mr. SHERMAN], asking for \$100,000 for special mail facilities on trains going out of that city, if this provision is to stay in the bill. Here is the Seacoast Air Line asking for \$196,000 if its competitor parallel line is to have \$196,000. Here is the city of Louisville asking for \$150,000 in order that she may have these special mail facilities supported by subsidy over the two great systems, the Louisville and Nashville and the Queen and Crescent.

Mr. President, it must be admitted that each and every one of these railroad companies has as much right to this subsidy as the one that is getting it. I have no concern about it. The votes re-



cently taken in this Chamber have sufficed to convince me that it is a very difficult thing, if not an impossible thing, to beat these railroad companies on anything they want. I do not know that we can do it here, but I do insist upon one thing, and that is fairness. Either strike out the subsidy to this line or else put in \$760,000 a year in the nature of subsidies to these other lines, whose amendments are pending here, and whose rights and equity are equally as good as those of the company now receiving the subsidy.

Mr. HILL. Will the Senator allow me a moment?

Mr. BLACKBURN. Certainly.

Mr. HILL. Is the provision for the existing fast-mail line from Springfield, Mass., to Atlanta, Ga., found only in appropriation bills?

Mr. BLACKBURN. In the Post-Office appropriation acts only; and it never has been asked for by the Postmaster-General, but he twice has officially reported against it, with the request that it should be abolished, because it was a detriment instead of a benefit to the service.

Mr. FRYE. Will the Senator allow me to ask him a question?

Mr. BLACKBURN. With pleasure.

Mr. FRYE. Is this railroad line connected in any way with the steamer lines that run to Cuba and so on?

Mr. BLACKBURN. I do not understand that it is in anywise whatever. The line to which the Senator refers is the Atlantic Coast Line, and the subsidy was taken away two years ago from that line and given to this line. This used to be called the Richmond and Danville system, but they change their name every few days when they get a new receiver, and I believe it is now called the Southern Line.

Mr. BUTLER. The Southern Railway Company.

Mr. BLACKBURN. The Southern Railway Company.

Mr. BATE. They still hold on to the subsidy.

Mr. BLACKBURN. Yes; and they fight for its retention now to the exclusion of all the other railroad lines in this country.

Mr. RANSOM. Mr. President, the Senator from Kentucky makes a speech upon this matter which, taken by itself, might make some impression upon the Senate. A stranger hearing him would suppose that the Post-Office Department for now going on sixteen years had disapproved of this expenditure of money.

The law under which this provision has been made invariably left the expenditure of the money to the discretion of the Postmaster-General if necessary for the proper and advantageous carrying of the mails, and every Postmaster-General of the United States for the last sixteen years has substantially and in effect approved of this appropriation, because each of them has invariably made the expenditure.

Mr. BLACKBURN. Could the Senator be interrupted for a moment to ask a question only?

Mr. RANSOM. With great pleasure.

Mr. BLACKBURN. I would ask the Senator whether any Postmaster-General has ever estimated for this service or ever asked Congress to appropriate for it, and whether in two instances in his official report the Postmaster-General has not asked Congress to abolish it?

Mr. RANSOM. It is an old saying, that "actions speak plainer than words." I have not looked through the reports of the Postmasters-General; I have not looked at the estimates; but I see that every year the Postmasters-General have expended the money, while the act declares explicitly that it is in their discretion to expend it, if necessary for the proper and advantageous carrying of the mail. Now, you see what becomes of the Senator's argument upon that branch of the case.

In the next place, a man would be almost affected to tears to hear my friend from Kentucky talk about these railroad lines. He meant the Seaboard Air Line, sir, but he has mixed, if I may say so, the names of these different railroad companies, and he has confounded the Atlantic Coast Line and the Seaboard Air Line with each other. If the Senator from Kentucky will inform himself, as he almost always does, accurately upon these questions, he will see that this appropriation does not exclude the Seaboard Air Line. This provision declares that that line shall be from Springfield via New York and Washington to Atlanta and New Orleans, while the Senator from Kentucky declared—and he was assisted by my friend from South Carolina [Mr. BUTLER]—that the Seaboard Air Line runs from here to Atlanta, and that there is only fifty-eight minutes' difference between them.

Mr. BLACKBURN. Between New York and Atlanta.

Mr. RANSOM. Between Washington and Atlanta—I will correct the Senator again—that line going from here to Atlanta; and it is in the discretion of the Postmaster-General to say whether one line or both lines or neither line shall have the money. Where is the hardship in that? Where is the hardship, sir, when for fourteen years the Atlantic Coast Line—and I wish to say here that it is one of the best lines in the United States—from here to Tampa enjoyed the appropriation for this fast-mail facility, and for the last year it has been given to the Southern Line? Does not my friend from Kentucky see that the Southern Railway Line

from here to New Orleans goes right through the bosom of the Southern States—right through the center of Virginia, right through the center of North Carolina, a hundred and odd miles through South Carolina, right through the heart of Georgia, right through Alabama, through Mississippi, and down to New Orleans? Where, let me ask, could a road be constructed which would confer more benefit upon the Southern people by a fast-mail service?

Mr. BUTLER. I suggest to the Senator from North Carolina that I think it would be fair for him to state that the Seaboard Air Line also penetrates the central portion of his State, the central portion of my State, and the central portion of Georgia to Atlanta.

Mr. RANSOM. Certainly it does.

Mr. BUTLER. So, if that is to be the rule, it would seem to me—

Mr. RANSOM. I shall make no argument against the Seaboard Air Line. I have no purpose to do so. It goes almost by my door, and I travel on it from here to my home. It does good, but let the Postmaster-General decide which line shall have the appropriation, or whether both lines shall have it.

I am not going to make an argument here as to what fifty-eight minutes or an hour between here and Atlanta means in business, but I will make this argument, if I can have the attention of the Senate for a few moments. This fast mail line has in the last fifteen years done incalculable good to the people of the Southern States. It has given life, it has given impulse, it has given facility to business, the extent of which I can not begin to estimate. I have witnessed it myself; I have seen it. Here is a line going right down through the country to New Orleans, its branches radiating off to the mountains on one side and the seaboard on the other. There it is, sir. The simple question is, shall this facility be kept up for the people of the South or shall it be stopped—shall it be ended?

The VICE-PRESIDENT rapped with his gavel.

Mr. RANSOM. I know my time is up, and I shall not say another word.

Mr. LODGE. Mr. President, the argument of the Senator from Kentucky in favor of striking out of the bill the provision for this fast-mail service consists of one single point, that the appropriation is now given to one railroad line and that all the other railroad lines will come in and ask for a similar subsidy. There is not one syllable in the bill in regard to a railroad line. It simply provides that there shall be a fast mail-service between certain specified points, and it is open to the Postmaster-General to give the subsidy to the railroad which can give the best service. There is nothing in the provision giving the money to any particular road—not a word.

I did not know until I heard the matter debated in the Senate what railroads had the contract. I only knew that the fast-mail service was of great benefit to the merchants and business men of New England. It is proposed to abolish this fast mail service between given points because one railroad happens to have the contract. I think that is pretty hard on the large business communities which benefit from the fast-mail service. We wish to keep the fast service, and I do not care a straw what railroad gets it so long as we get the fast mail.

Mr. RANSOM. That is right.

Mr. LODGE. It can be given by the Postmaster-General to the railroad that will furnish the best service at the lowest cost. Why, because it has been given to one line of railroad, which must run over the tracks of a great many companies, it should be necessary to abolish the whole service, I can not see. I hope that, in the interest of all the States through which the fast mail passes and all the great business which is aided by it, the amendment may not prevail.

Mr. BATE. Mr. President, I understand that in the very contract which is made for the carrying of these mails it is provided that the railroads are to transport the mail with the greatest facility, with the greatest convenience, and to have the postal cars along for the purpose of facilitating the mails.

I understand there are other roads which make almost the same time from point to point as the one which receives this subsidy, and I can not see the justice of giving to one particular road an advantage of \$200,000 simply that we may have the mail a few minutes earlier. I am against it on principle, as I am opposed to bounties. This is a subsidy, and I am against subsidies. We have numerous railroads in this country which ought to compete with each other, and the advantage should be given to the road which makes the quickest time without the Government stepping in and showing to one a partiality and saying we will give you \$200,000 more or less for a rapid rate of delivery of the mail. Fifty-eight minutes, I understand, is the difference in time from here to Atlanta, running through North Carolina. You can see that, of course, from the sentiments uttered by the Senator from North Carolina [Mr. RANSOM]. It goes right through the heart of North Carolina. Each one of these roads—

Mr. RANSOM. If my friend will allow me, I know from what he says that the road does not go through Tennessee.

Mr. BATE. It does not, and I voted, as the Senator will find by the RECORD, against the Louisville and Nashville, which runs through my town, being subsidized. I voted against it on principle. I do not care whether the road goes through Tennessee or Kentucky or North Carolina or where it runs. I believe it is wrong; it is wrong in principle. I do not favor the principle of bounties; I do not favor subsidies. This is nothing but a subsidy, and I oppose it upon principle. If Congress is to enter upon this policy, let us do justice and give these other roads which are competitors a fair chance and a reasonable proportion of the subsidy.

Mr. SHERMAN. I desire to offer an amendment. The pending proposition, I understand, is to strike out the clause for a special mail service found on pages 4 and 5. I wish to move an amendment to come in after line 7 on page 5.

Mr. BLACKBURN. I ask the Senator from Ohio whether he would not prefer to withhold the amendment until action shall have been taken upon the committee amendment?

Mr. SHERMAN. I will state the reason why I think I ought not to do that. In the first place, this is an exceptional service which has been continued for a number of years. I have voted for it simply upon the statement of Senators representing the various States that this is an important aid to their postal facilities.

Now, I have the same urgent demand from the people whom I represent, from Cincinnati and Cleveland and other points, and also from Chicago and Kentucky, for a similar service. It is said that a fast-mail service from Cincinnati and Louisville, going through Nashville, Chattanooga, and other places, to New Orleans, would be of infinite service to the business interests of that part of the country, and is just as necessary in every respect as is the mail service provided for in the bill. I am not willing any longer to vote for the large expenditure for special mail facilities along the Atlantic Coast unless the same facilities, the same aid, and the same assistance are rendered to a section of the country fully as important in every respect as that along the Atlantic Coast.

Mr. CULLOM. Will the Senator from Ohio allow me to inquire whether he does not think it is better to strike out the provision for necessary and special facilities on this particular line or lines from Springfield, Mass., to New Orleans rather than to enter upon a general effort to secure similar facilities on a half dozen other lines and retain the clause which the committee recommended shall be stricken out? Had we not better get rid of the whole business?

Mr. SHERMAN. I do not wish to get rid of the whole business of increasing our mail facilities.

Mr. CULLOM. Not at all. I refer to these special facilities merely.

Mr. SHERMAN. I shall vote to strike out this clause unless some provision is made for a section of the country that is just as important as the Atlantic Coast. Ohio, Kentucky, Indiana, Illinois, and all that part of the country, and thence to New Orleans, is now becoming more populous than the whole Atlantic Slope south of New York. Therefore the same facilities ought to be extended which are extended to the Atlantic seaboard.

Mr. CULLOM. I agree with the Senator from Ohio that if this provision is to be kept in the bill there are other lines that have just as much right to be established as this one has to be maintained. But it seems to me that in these hard times, when the mail facilities are so thoroughly conducted, with frequent trains at great speed, it is better to strike out this clause rather than to enter upon a general effort to secure the establishment of a half dozen other lines, because that is what it will come to, and pay additional sums of money for their maintenance. My own opinion is that we ought not to adopt the provision in the bill, that we ought to get rid of it, because the evidence is that a line right by the side of the one which receives this appropriation makes the same time, within fifty or sixty minutes, between Springfield, Mass., and the terminus of the line.

Mr. SHERMAN. I am perfectly willing to take the advice of the Senator in charge of the bill. If he thinks on the whole that we had better postpone the consideration of the amendment I wish to offer I am perfectly willing to do it, and take a vote upon this proposition. But certainly if this clause is retained the others ought to come in.

Mr. CULLOM. I agree with that.

Mr. SHERMAN. I do not see any reason why it should not. I do not want to interfere with any fast-mail service.

Mr. BLACKBURN. With the permission of the Senator from Ohio, I suggest that the Senate vote upon the amendment submitted by the committee, which is to strike out the appropriation of \$196,000.

Mr. SHERMAN. I do not want to strike that out.

Mr. BLACKBURN. Then the Senator had best offer his amendment now.

Mr. SHERMAN. That is what I think.

Mr. BLACKBURN. Because I wish to vote to strike out the clause which proposes to appropriate \$196,000. But if that is re-

tained I shall insist with the Senator from Ohio that these other amendments ought to be admitted, too. It must be remembered that the purpose for which fifteen years ago this fund was put into the Post-Office appropriation act has ceased to exist. When the Plant Line was completed this fund was appropriated for the express purpose of furnishing fast-mail facilities from New York down the Atlantic Coast to Tampa, and there connecting with a line of fast steamers between Tampa and Havana. Now, that has all disappeared. That connection has been abandoned. The Atlantic Coast Line, which for thirteen years had the subsidy, has not had it for two years past. That was the only purpose for which the fund was ever given. It was to facilitate the rapid transit of mails from Tampa, Fla., to Havana, the Atlantic Coast Line connecting with a fast steamship line plying between those two ports. That has been abandoned, there is no longer any connection, and the Atlantic Coast Line for two years past has not had this fund. But what was known as the Richmond and Danville system, now known as the Southern Railway, which has no earthly connection with any foreign steamship line, which never carries a letter that goes beyond the limits of our own land, has the subsidy now. There is no argument to support it to-day. The only argument that ever did support it was the Tampa-Havana fast-mail steamship line, and that has ceased to exist.

Mr. CULLOM. Mr. Wanamaker and other Postmasters-General tried to get rid of it.

Mr. BLACKBURN. No Postmaster-General has ever recommended it at any time. Twice in his official report he has asked for its abolition. The only argument here used for it and the only purpose for which it was ever given ceased to exist two years ago. I stand with the Senator from Ohio and the Senator from Illinois. I say that if the subsidy is to be retained for this one line then it ought to be given to the other lines on even terms that are here with amendments pending asking for it. I notify the Senate now that if it does that it will have to appropriate, in round numbers, about three-quarters of a million of money in subsidies every year to these different railroad lines.

Mr. SHERMAN. The total amount provided for by the amendment that I sent up is \$150,000. The amount appropriated by this paragraph is \$196,000. I do not see where the Senator gets his \$600,000.

Mr. CULLOM. There are other lines.

Mr. BLACKBURN. I think it is about three-quarters of a million. The Senator from Ohio has an amendment pending here himself asking for \$150,000. Then the Seacoast Air Line has an amendment pending here asking for one hundred and ninety-six thousand six hundred and twenty-odd dollars, exactly the amount given to the line provided for in the bill. Then in addition to that the city of Louisville comes with an amendment here upon my desk in which it asks for \$150,000. In addition to that the Senator from Illinois has served notice on the committee that if any subsidy for special mail facilities is retained in the bill he has an amendment to offer on behalf of the city of Chicago. So the Senator can not get the figures below \$750,000 a year asked for in the way of subsidies under this head.

Mr. SHERMAN. The amendment I offer includes all. It includes Louisville and Cincinnati, and it also affects Chicago in the same way, because—

Mr. BLACKBURN. It does not, if the Senator will permit me.

Mr. CULLOM. How does it affect Chicago?

Mr. BLACKBURN. It does not include the Seacoast Air Line, which is asking for \$196,000 here.

Mr. SHERMAN. Here is the case: If the Senate refuses to grant this service to the Western States or the Middle States, I may say, I should feel entirely justified in voting against retaining the provision in the bill; but suppose we adopt it. I am inclined to vote for it because I am in favor of the best possible mail facilities for every part of the country. I do not like to act in the way of voting against this proposition because the Senate chooses to vote against my proposition. That is not the ground upon which I stand; but it seems to me that these propositions ought to go together and that we might take the vote without further debate. The whole subject is open.

So far as the particular amendment I submit is concerned, it has been demanded by the State of Ohio, the city of Cincinnati especially, for a long time. Now it is grouped with the Louisville connection and the connection to New Orleans, and all the States of Tennessee, Kentucky, Alabama, Mississippi, and Louisiana are interested in this proposition. They are modest about it. Although it embraces so many States and they have so large a population they ask for only \$150,000, which is less than the amount that has been granted for years on other routes. It would cover an immense extent, you may say the whole eastern Mississippi Valley, including the Ohio Valley. I think we should put on all these amendments. Suppose they do amount to \$700,000; put them on and let them go into conference and then make a fair distribution.

The VICE-PRESIDENT. The Senator's time has expired.



Mr. CULLOM. I have looked over the amendment of the Senator from Ohio, and I am not able to see that Chicago is included in it.

Mr. SHERMAN. Chicago is not stated, nor is Cleveland stated; but the mail facilities now from Cleveland, Toledo, and Chicago to the Ohio River are excellent. They can not be much better. The facilities now from Chicago to Louisville are as good as they can be. They do not want anything more within those States. It is the connection with the South where the difficulty lies and where the delay is. The people of Cincinnati are seeking to have only a freer connection with the South.

Mr. HARRIS. Will the Senator from Ohio allow me to ask him if his proposed amendment is simply to secure expedition, to expedite the mails?

Mr. SHERMAN. It is partly to expedite, and it is to increase the facilities. I should like to have the amendment read. It has been read already.

Mr. HARRIS. I do not care to have it read at this moment. Can the Senator inform me about how much expedition would be secured by this appropriation?

Mr. SHERMAN. I could not, because I have not gone into the details.

Mr. HARRIS. Can the Senator from Kentucky inform me as to how much the mail is expedited from Springfield, Mass., to New Orleans, via New York, Washington, and Atlanta, by this appropriation of \$196,000?

Mr. BLACKBURN. I can not give the exact schedules of the parallel lines, but I feel absolutely warranted in saying that it is not expedited at all.

Mr. RANSOM. I will tell the Senator from Tennessee if he will permit me.

Mr. HARRIS. I want information upon that point, because I think it material. We are paying for expedition and I want to know how much expedition we get for our money.

Mr. BLACKBURN. You are not getting any.

Mr. RANSOM. I will tell the Senator. The New York papers, the Northern mails, the Washington mails are carried to all the country South one day earlier than they would be but for this fast-mail service.

Mr. HARRIS. Does the Senator undertake to say that the mails are expedited twenty-four hours by reason of this appropriation?

Mr. RANSOM. I do not say twenty-four hours.

Mr. HARRIS. That is one day, I understand.

Mr. RANSOM. Pardon me. I mean to say, and I say distinctly, that owing to the time saved by these fast mails, all the mail from the North and from Washington City reach the South one day earlier than they would get there but for this service.

Mr. BLACKBURN. I do not understand the Senator from Tennessee to be asking about all the fast trains, but the one provided for in the bill as it came from the other House.

Mr. HARRIS. Well—

Mr. RANSOM. Now, I want to tell the Senator from Tennessee what has been the effect of the fast mail, if my friend will allow me. I can speak of it with some knowledge, for I had something to do with its first establishment here. Since it was established we have been receiving mails from New York one day in advance of their receipt before. We could not get the New York papers, say, at Weldon, N. C., before this system was adopted until the day after they were published. Now we get them there the same day. Now we get them on the South Carolina line the same day. Now we get them at Atlanta the next morning.

Mr. MITCHELL of Oregon. Does the Senator from North Carolina mean to say that by reason of this subsidy to this particular line the time has been diminished on the parallel lines?

Mr. RANSOM. I did not make that statement; but I intend to speak of that further on.

Mr. MITCHELL of Oregon. That is about the way of it, is it not?

Mr. RANSOM. That is the case, because they must all do their very best to keep up with this line; otherwise the other lines would be completely thrown out.

Mr. HARRIS. Does the Senator from North Carolina mean to say that when we have purchased expedition at the price of \$196,000 upon a single line we get the same amount of expedition upon all the other lines to which we pay nothing?

Mr. RANSOM. I mean to say exactly this: That from here down to South Carolina there are three lines, not quite parallel, as my friend from Kentucky said, but nearly parallel; and the two lines that do not receive this mail facility, as it is called, are obliged to try and keep up with the other line. All three lines put an additional train on their roads every day; the two lines try to keep up with the third. Otherwise there would be a fast line which would get all the travel. Every man acquainted with railroad business knows that to be the case.

Mr. HARRIS. I wish to ask the Senator one additional question. If by subsidizing this single line we have secured the same amount of expedition upon all competing lines, how can he recon-

cile it to the most common principle of equity and justice to waste \$196,000 upon one line and exclude the other companies that are performing similar service?

Mr. RANSOM. I will answer the Senator from Tennessee that but for that line being able to carry the mails so quickly they would all lose one day.

Mr. HARRIS. Then I propose to the Senator from North Carolina that we divide the \$196,000 between the lines.

Mr. RANSOM. I have nothing to do with that. I have nothing to do with any division here.

Mr. WOLCOTT. As I understand the situation, if you take off \$196,000 from one line the other two lines would slow up, and it is in order to keep them all three going that you have to give \$196,000 to one of the lines. If I may be permitted I should like to introduce an amendment appropriating \$150,000 for a fast mail from Chicago to Denver.

The VICE-PRESIDENT. The Chair will state to the Senator from Colorado that an additional amendment is not in order at this time. The Chair will recognize the Senator later for that purpose.

Mr. RANSOM. Let me suggest whether it is not the proper course to take the vote first upon the amendment of the committee, because unless that amendment is defeated there is no ground for any of the propositions for increased mail facilities; it will all be gone.

Mr. SHERMAN. I am afraid that the gentlemen who have secured these facilities for mail service are playing the same game that was described by my honorable friend from Tennessee; that is, they want a big subsidy for themselves and they think that will answer for all the Western country.

Mr. RANSOM. May I say to my friend from Ohio we can not do that unless the majority of the Senate approves it?

Mr. SHERMAN. I think on the whole it would be better for the Senator from North Carolina to join me in making a reasonable appropriation for fast mail service in the Mississippi Valley, and then I at least will vote for his proposition, as I have done in the past.

Mr. RANSOM. Mr. President, I can not make any bargains here. I certainly can not make any bargains here before the whole world upon this matter. The Senator from Ohio, the Senator from Tennessee, the Senator from South Carolina, and the Senator from Kentucky can engage in a division of what may be called spoils, but I must not be a party to it.

Mr. BLACKBURN. I understand the Senator from North Carolina objects to doing it here publicly. Probably he had better retire to the cloakroom. [Laughter.]

Mr. RANSOM. Oh, no, Mr. President, that—

Mr. BLACKBURN. I simply want to say if a vote is to be taken upon other amendments looking to the introduction of additional subsidies I shall vote to put every one of them in, and then I shall do my utmost to put every one of them out, including the one that is already in the bill.

Mr. RANSOM. The Senator from Kentucky is mistaken about that, Mr. President. He will never vote to put the amendment out in the world if it is once put on the bill.

Mr. BLACKBURN. The record will show in a few minutes.

Mr. BUTLER. I have favored an appropriation for fast mails to my part of the country almost ever since I have been in the Senate. I think, as has been suggested by other Senators, it has resulted in great good in respect to facilitating the mails. I do not know how true it is, but I understand that one line, which is known as the Southern Railway Company, now running from Washington via Charlottesville, Lynchburg, Danville, Greensboro, Charlotte, and to Atlanta, has been getting the appropriation of \$196,000. Within the last two years another route from Washington to Atlanta has been put in operation, to wit, the Seaboard Air Line, which runs from here via Fredericksburg, Richmond, Weldon, Raleigh, through Chester, in my State, Athens, Ga., to Atlanta, and is in one sense a parallel line with the Southern Railway. I am decidedly in favor of these lines being aided, so as to get the very best mail facilities, but I do think in common fairness that the appropriation ought to be divided certainly between two of the lines, the Southern Railway and the Seaboard Air Line.

Mr. CHANDLER. May I ask the Senator whether there is any objection on the face of the House proposition to having the Postmaster-General make that division, if he sees fit to do it?

Mr. BUTLER. Perhaps that would be the best course. But I give notice that I shall offer this amendment if the committee amendment is not sustained:

And provided further, That should the Postmaster-General expend the appropriation he shall divide the same equally between the Southern Railway Company, the Seaboard Air Line, and the Atlantic Coast Line companies.

That would seem to me to be fair. If the Postmaster-General would do that, and possibly he might, I should not have the slightest objection to it. But this is certainly giving one line an advantage over the other. I am informed by the managers of the Seaboard Air Line that if they had this amount they could make up

the fifty-eight minutes which they are behind now, as compared with the Southern Railway, from this point to Atlanta. They are fifty-eight minutes, I think, later than the Southern Railway. Therefore I give notice that at the proper time, if the pending amendment of the committee should not prevail, I shall offer that amendment.

Mr. CULLOM. I simply desire to repeat what I have already said, that I am opposed to the paragraph which is proposed to be stricken out of the bill by the Senate committee; but I want to say in addition that if it is the sense of the Senate that it shall remain in, I shall offer an amendment proposing special facilities for a line from Chicago, via St. Louis, to New Orleans, and also from Chicago to Kansas City. I shall offer those amendments at the proper time.

Mr. CHANDLER. I certainly hope that no division among Southern Senators in reference to the application of this money when Southern lines are reached will prevent the adoption by the Senate of the House provision for a fast-mail service from Springfield, Mass., to New Orleans. That line is undoubtedly something of a benefit to New England. It is a much greater benefit to the South. It is one of the greatest benefits that have been conferred upon the South by recent legislation.

The advantage of this fast-mail line the Senator from North Carolina [Mr. RANSOM] has well described. Now, we want it continued. It should be continued as a national enterprise, and it should be continued for reasons which do not apply to a line from Cincinnati or Chicago. If the House provision is retained in the bill and the Senator from Illinois and the Senator from Ohio choose to offer other amendments we will deal with them upon their merits when they are offered; but I do appeal to Senators not to vote down this line for a special reason which does not exist in the case of the line from Chicago or Cincinnati, and that is that this fast-mail line carries the foreign mail. It puts the South in direct and speedy communication with the great transatlantic steamers.

The Senator from Kentucky has spoken of the Plant Line from Tampa to Cuba. It may have been one of the objects in the original establishment of this line that those mails should be carried and that by means of the Plant Line of steamers Havana should be brought into speedy communication with Europe, but that was only an incidental result.

Mr. BLACKBURN. I will say to the Senator from New Hampshire that that was the ground upon which this appropriation was first made, fifteen years ago.

Mr. CHANDLER. Does the Senator say it was the only ground?

Mr. BLACKBURN. No; I say it was the principal ground.

Mr. RANSOM. Will the Senator from New Hampshire allow me?

Mr. CHANDLER. If it does not come out of my time.

Mr. RANSOM. Certainly not. By the Plant Line of communication the mails get sooner to Tampa than by any other route.

Mr. CHANDLER. I will say to the Senator from Kentucky, if he will do me the honor to listen to me, that it was undoubtedly one object of this line to carry rapidly the mails that came upon the ocean steamers from the Continent of Europe from Tampa to Cuba. That was undoubtedly one of the objects of the line. The main purpose of it was, in my belief, not only to carry the domestic mail from Boston and New York City throughout the South, but it was also to give rapid communication with Europe to the business men of the South; and I say that the special advantage of this line alone ought to result in its continuance. If it is necessary to have a fast mail from Chicago let us vote the money for it. If it is necessary to have a fast mail from Cincinnati let us have that. If it is any gratification to the liberal-minded and generous Senator from Colorado [Mr. WOLCOTT] to have a fast mail from Chicago to the Golden City let us have that. But, Mr. President, do not let us take away from the South, which is poor enough and suffering enough, anyway, although the daylight is beginning to shine in there industrially and politically—do not let us take away from the poor South the little advantage which this speedy communication with New York and New England and Europe gives to her.

Mr. PERKINS. I should like to ask the Senator from Kentucky if the two other railroads that parallel the subsidized line have made an application for a subsidy.

Mr. BLACKBURN. They have. The Seaboard Air Line also is here with an amendment asking for the same amount, dollar for dollar and cent for cent, that is now being paid to the Southern Railway Company.

Mr. RANSOM. That is true.

Mr. BLACKBURN. Yes, sir.

Mr. PERKINS. A year since, when this measure was under discussion, I voted for this appropriation. I have been inclined to so vote upon the amendment now before us. But after listening to the argument of my friend from North Carolina there certainly does not seem to be any necessity for this appropriation of \$196,000 as an extrasubsidy, for, by his own admission, competition, rivalry

(and that is the only thing that tells the story), has given the people increased mail service without paying an additional subsidy therefor. From what I know of transportation companies they usually do not run at a loss. The inference therefore is that they either have been pooling issues and dividing the money among the three companies or they have been operating their railroads at a profit.

I want to vote for this appropriation if I can do so consistently, if the requirements of the Southern States demand it; but there certainly has not yet been presented to us any substantial reason why we should vote for it. Already they have every mail facility. It is rivalry, the competition between the railroad companies, that gives them that mail service, and, in the language of the Senator from New Hampshire, takes the mail from across the Atlantic or from Springfield and carries it to their homes in North Carolina, or South Carolina, or Georgia. I think that our friends in Colorado and Illinois and all the West need a subsidy much more than this railroad does, because the far West is not settled up by towns every two or three or five miles, as is the case in our sister States of the South. I want to vote for this appropriation; but I do not see how I can consistently do so, based upon the argument of my friend the Senator from North Carolina, its warmest advocate.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Ohio [Mr. SHERMAN] to the amendment of the committee.

Mr. SHERMAN. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CULLOM. I should be glad to have the question stated, so that the Senate may know exactly what it is voting upon.

Mr. RANSOM. Can I have the attention of the Senator from Ohio for one second? He has offered his amendment to the committee amendment which proposes to strike out the whole of the appropriation for fast-mail facilities.

Mr. SHERMAN. I have the right always to add to a proposition before the question is taken on striking it out.

Mr. RANSOM. But the amendment of the committee strikes out the whole paragraph.

Mr. BLACKBURN. The amendment to the amendment is to perfect the text.

Mr. SHERMAN. I have a right to move to amend the amendment of the committee.

Mr. HARRIS. It is perfecting the text.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. Add after line 7, page 5:

And for necessary and special facilities on trunk lines from Louisville, Covington, and Newport, Ky., and Cincinnati, Ohio, to Chattanooga, Tenn., for Atlanta, Ga., Knoxville, Tenn., Birmingham, Ala., Meridian, Miss., New Orleans, La., and Texas points, \$150,000. *Provided, however, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interests of the postal service.*

Mr. HARRIS. I wish to ask the Senator from Ohio why he does not include Nashville after Louisville, that being the most direct route to New Orleans.

Mr. SHERMAN. I have no objection to inserting "Nashville."

Mr. HARRIS. I ask that "Nashville" be inserted.

The VICE-PRESIDENT. The amendment will be modified, without objection. The question is on agreeing to the amendment as modified proposed to the amendment of the committee. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. I should vote "nay" if he were here.

Mr. CULLOM (when his name was called). I am paired with the senior Senator from Delaware [Mr. GRAY].

Mr. SQUIRE (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. DANIEL]. I therefore withhold my vote.

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP]. Were he present I should vote "nay."

The roll call was concluded.

Mr. BATE. I am paired with the Senator from Georgia [Mr. GORDON]. If he were present I should vote "nay."

Mr. BURROWS. I am paired with the junior Senator from Maryland [Mr. GIBSON].

Mr. WHITE. I am informed that if the Senator from Idaho [Mr. SHOUP] with whom I am paired were present he would vote "nay." I therefore desire to have my vote recorded in the negative.

The result was announced—yeas 22, nays 33; as follows:

#### YEAS—22.

Aldrich,	Hansbrough,	Lindsay,	Proctor,
Blackburn,	Harris,	Lodge,	Pugh,
Butler,	Higgins,	McMillan,	Sherman,
Cameron,	Hill,	Manderson,	Wolcott,
Chandler,	Hoar,	Mantle,	
Dubois,	Jones of Ark.	Perkins,	



## NAYS—31.

Allen,	Frye,	Palmer,	Teller,
Bate,	George,	Pasco,	Turpie,
Berry,	Hawley,	Peffer,	Vest,
Call,	Hunton,	Platt,	Vilas,
Camden,	Kyle,	Pritchard,	Walsh,
Carey,	McLaurin,	Ransom,	Washburn.
Cockrell,	McPherson,	Rosch,	
Davis,	Mitchell of Oreg.	Smith,	
Faulkner,	Mitchell of Wis.	Stewart,	

## NOT VOTING—32.

Allison,	Daniel,	Hale,	Pettigrew,
Blanchard,	Dixon,	Irby,	Power,
Brice,	Dolph,	Jones of Nev.	Quay,
Burrows,	Gallinger,	Martin,	Shoup,
Caffery,	Gibson,	Mills,	Squire,
Clark,	Gordon,	Morgan,	Voorhees,
Coke,	Gorman,	Morrill,	White,
Cullom,	Gray,	Murphy,	Wilson.

So the amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on the amendment of the committee.

Mr. RANSOM. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BATE (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON] and therefore withhold my vote. If he were here he would vote "nay," and I should vote "yea."

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. If he were present, I should vote "yea."

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP].

The roll call was concluded.

Mr. HUNTON. I desire to state that if my colleague [Mr. DANIEL] were here, he would vote "nay," and I release the Senator from Washington [Mr. SQUIRE] from his pair with my colleague, so that he may vote. I believe they both think alike on this matter.

Mr. SQUIRE. Under the statement of the Senator from Virginia [Mr. HUNTON] that his colleague [Mr. DANIEL], with whom I am paired, if present, would vote "nay," I am enabled to vote, and I vote "nay."

Mr. BLACKBURN. I wish to inquire, does the Senator from Virginia say that his colleague, if present, would vote "nay" on this amendment?

Mr. HUNTON. I state very emphatically my opinion that my colleague would vote "nay" if he were here, because when we had this fight at the last session of Congress, he and I worked together upon a similar amendment, and voted together.

Mr. BLACKBURN. I do not question the Senator's right to speak for his absent colleague, but if he were here and voted "nay," it would be the first time that he ever voted for a subsidy in this body.

Mr. HUNTON and Mr. RANSOM. This is no subsidy.

Mr. HARRIS (after having voted in the affirmative). Is the Senator from Vermont [Mr. MORRILL] recorded as voting?

The VICE-PRESIDENT. The Senator from Vermont is not recorded.

Mr. HARRIS. I am paired with that Senator, but I will transfer that pair to the Senator from Indiana [Mr. VOORHEES] and let my vote stand.

The result was announced—yeas 27, nays 33; as follows:

## YEAS—27.

Allen,	Cockrell,	Lindsay,	Smith,
Berry,	Davis,	McLaurin,	Teller,
Blackburn,	George,	Peffer,	Turpie,
Butler,	Hawley,	Perkins,	Vest,
Call,	Jones of Ark.	Pettigrew,	Vilas,
Camden,	Kyle,	Rosch,	Wolcott.
Cameron,		Sherman,	

## NAYS—33.

Aldrich,	Higgins,	Mitchell of Oreg.	Pugh,
Blanchard,	Hill,	Mitchell of Wis.	Ransom,
Carey,	Hoar,	Morgan,	Squire,
Chandler,	Hunton,	Murphy,	Stewart,
Dubois,	Lodge,	Palmer,	Walsh,
Faulkner,	McMillan,	Pasco,	Washburn.
Frye,	McPherson,	Platt,	
Hale,	Manderson,	Pritchard,	
Hansbrough,	Mantle,	Proctor,	

## NOT VOTING—27.

Allison,	Cullom,	Gorman,	Power,
Bate,	Daniel,	Gray,	Quay,
Brice,	Dixon,	Irby,	Shoup,
Burrows,	Dolph,	Jones of Nev.	Voorhees,
Caffery,	Gallinger,	Martin,	White,
Clark,	Gibson,	Mills,	Wilson.
Coke,	Gordon,	Morrill,	

So the amendment was rejected.

Mr. BUTLER. In line 2, on page 5, after the words "New Orleans," I move to strike out "\$196,614.22" and insert "\$393,228.44,"

and in that connection I desire to have read a letter which I shall send to the desk.

The VICE-PRESIDENT. The Chair will state to the Senator from South Carolina that his amendment will be in order when the bill is reported to the Senate. The bill is still in Committee of the Whole, the words proposed to be stricken out by the committee having been retained.

Mr. BUTLER. Have I not the right now to move to amend the text of the bill? The amendment of the committee is not agreed to; so the text of the bill remains as it was.

Mr. CHANDLER. The unanimous-consent agreement was that all the committee amendments should be considered first, as the Senator will remember.

Mr. BUTLER. The Senator from Kentucky did not object to it.

Mr. CHANDLER. I ask if the understanding was not that all the committee amendments should be first considered?

Mr. BLACKBURN. Yes; that was the order of the Senate.

Mr. BUTLER. Then, Mr. President, I shall not offer the amendment now.

Mr. BLACKBURN. But I will say to the Senator from New Hampshire that that point was not raised when the Senator from Ohio [Mr. SHERMAN] offered an amendment to this amendment, and that is what I understand the Senator from South Carolina is now seeking to do.

Mr. CHANDLER. My point is that the committee amendment having been voted down there is no other amendment before the Senate, and no other amendment is in order until the committee amendments to the entire bill are disposed of.

Mr. BUTLER. I have just stated that I shall not offer the amendment now.

The VICE-PRESIDENT. The reading of the bill will be resumed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 5, after line 22, to strike out:

For pay of agents and assistants to distribute stamps, and expenses of agency, \$12,000.

Mr. PLATT and Mr. VILAS addressed the Chair.

Mr. PLATT. Did the Senator rise to make an inquiry about this item?

Mr. VILAS. I rose to make a statement about it and to oppose the adoption of the amendment.

Mr. PLATT. That was my purpose, and I will yield to the Senator from Wisconsin.

Mr. VILAS. I shall be very brief. I have submitted to the Committee on Appropriations since this amendment was proposed by the committee a considerable number of documents and papers on the subject, which I think have already influenced their judgment in regard to the desirability of making this amendment.

In point of fact, I may say briefly, the Postmaster-General is of the opinion that this postage-stamp agency ought not to be discontinued; that it is of substantially the same service to the Government in the correction and examination of the manufacture of the stamps that it hitherto has been; that the saving which could be made would necessarily be very little indeed; and I hope that the committee, as represented by the distinguished Senator from Kentucky, will themselves yield to the representations in that interest, and allow the language to stand as it is in the bill.

I want to add also that everything else has gone the same way, and it would be wrong to attempt to prosecute this small saving at the risk of injury.

Mr. BLACKBURN. I do not know but what there is a great deal of force in the concluding suggestion of the Senator from Wisconsin. It has been very clearly demonstrated that the Committee on Appropriations can not beat the railroad companies of the country, but I thought probably they might be able to conquer a little postage-stamp agency, which consists of one chief and seven clerks. I confess that I was rather inclined to press the fighting on this line in order to demonstrate the ability of the Committee on Appropriations to beat somebody. [Laughter.]

So far as this item is concerned, it involves an expenditure of only \$12,000. As long as the postage stamps of the Government were made by contract by the American Bank Note Company, in New York and in Hartford, Conn., and as long as it was the case that those stamps were made by private parties in different cities of the Union it was absolutely necessary to have this postage-stamp agency and they were the custodians of the stamps when made. Now, for the first time, the postage stamps are being made here in the Bureau of Engraving and Printing, and the committee was of the opinion that the necessity no longer existed for the maintenance of the postage-stamp agency.

I agree that the Senator from Wisconsin has stated the case fairly, that since this bill was reported to the Senate recommending the striking out of the provision for this agency the committee have agreed that in the legislative, executive, and judicial appropriation bill they would incorporate a provision giving the Third Assistant Postmaster-General six clerks to do this work in

his office, instead of eight who now constitute this subbureau. Since that was done and this bill has been reported the Postmaster-General has written me a lengthy letter, in which he insists that it would be safer to let this matter go over until next year, in order that we may have time, which he says we have not had as yet, to determine whether it is best to abolish this agency here in this city or not.

Mr. CULLOM. I hope we shall.

Mr. BLACKBURN. I have no feeling about the matter in any way.

Mr. CULLOM. Let it go.

Mr. DUBOIS. Mr. President, I think the Senator from Kentucky, who has charge of this bill, underestimates the ability of the Appropriations Committee. The trouble is that the Appropriations Committee have too much to do. They can not attend to all of this business properly, as has been demonstrated by their failure to carry the provisions reported by them to the pending appropriation bill. It seems to me that if the appropriation bills were scattered among the various committees of the Senate having charge of the special subjects to which they relate, and each of those committees should take charge of the proper appropriation bill, they would be reported to the Senate in such shape that they could be readily passed.

We all have the greatest confidence in the ability of the Appropriations Committee, but not in their ability to carry through the Senate whatever they may think proper to propose.

The VICE-PRESIDENT. The question is on the amendment reported by the committee.

The amendment was rejected.

The VICE-PRESIDENT. The reading of the bill will proceed.

The Secretary resumed and concluded the reading of the bill.

Mr. SHERMAN. I desire to renew in substance, though not in form, the amendment I offered awhile ago, and I hope the Senate will allow it the advantage at least of a conference upon it.

The VICE-PRESIDENT. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. It is proposed to insert, after line 7, on page 5,

the following:

And for necessary and special facilities on trunk lines from Cincinnati, Ohio, Louisville, Ky., to Nashville and Chattanooga, Tenn., Atlanta, Ga., Birmingham, Ala., Meridian, Miss., New Orleans, La., and Texas points, \$150,000: *Provided, however,* That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interests of the postal service.

Mr. GORMAN. Mr. President, I am compelled to make the point of order on the amendment that it has not been estimated for and that it is new legislation.

Mr. SHERMAN. I do not know on what rule the Senator relies. I should like to have the rule read.

The VICE-PRESIDENT. The rule referred to by the Senator from Maryland will be read.

The Secretary read as follows:

#### RULE XVI.

#### AMENDMENTS TO APPROPRIATION BILLS.

1. All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

Mr. SHERMAN. I ask the Senator from Kentucky whether there has been any estimate from the Post-Office Department in regard to this amendment?

Mr. BLACKBURN. No, sir; there never has been by any Postmaster-General.

Mr. SHERMAN. Nor for the amendment which has been adopted?

Mr. BLACKBURN. Never.

Mr. SHERMAN. Then I must say that the point of order is well taken, and that it ought to have been taken with the same force on the amendment the Senate has adopted.

Mr. BATE. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator will please state his parliamentary inquiry.

Mr. BATE. Mr. President, I present a parliamentary inquiry. As I understand, this amendment, offered again by the Senator from Ohio [Mr. SHERMAN], was not estimated for, and was never before the Appropriation Committee. It has, as an amendment, been voted down on an ye-and-nay vote in the Committee of the Whole, and is now, when again presented as an amendment, set aside on a point of order. My inquiry is, does not the fact of it having been voted on in the Committee of the Whole give it such status as will entitle it, when in the Senate, to such recognition as would override any point of order objecting to its consideration and entitle it to a vote when offered after it gets in the Senate?

In other words, Mr. President, does not the fact of its having been voted upon in the Committee of the Whole give such jurisdiction as can not be ousted by a point of order?

Mr. HARRIS. I suggest to my colleague that the amendment of the committee was to strike out a provision which appeared in the bill as it came from the House of Representatives.

The VICE-PRESIDENT. The Chair sustains the point of order made by the Senator from Maryland [Mr. GORMAN].

Mr. BATE. I understand that, but it seems to me the point is very clear. I only ask if the position of the amendment is changed at all. The very amendment presented by the Senator from Ohio has been recognized by the Senate as in Committee of the Whole and voted upon. Now, having been recognized as in Committee of the Whole has he not a right to present it again in the Senate?

Mr. BUTLER. Is the bill in the Senate?

Mr. HARRIS. It is not.

The VICE-PRESIDENT. The Chair will answer the inquiry of the Senator from Tennessee. The Senator from Maryland made a point of order against the amendment, and the point of order is sustained by the Chair.

Mr. BUTLER. The Senator from Tennessee [Mr. BATE] stated, as I understood him, that the bill is now in the Senate. I do not so understand.

The VICE-PRESIDENT. The bill is still in Committee of the Whole.

Mr. BATE. What I wish to know is, what rights the amendment offered by the Senator from Ohio will have when the bill is reported to the Senate.

The VICE-PRESIDENT. The Chair can not decide that question in advance, the bill not yet having been reported to the Senate.

Mr. VILAS. I desire to offer an amendment, which I send to the desk, and I ask a vote upon it. I shall take no time in the discussion of it except simply to say that the amendment proposes to incorporate in the bill the same classification of the railway postal clerks which has already been passed by the Senate in a bill for that purpose at this session, I believe. The bill was reported by the Senator from Michigan [Mr. McMILLAN]. This amendment was then submitted independently as an amendment to the pending appropriation bill, reported favorably by the Committee on Post-Offices and Post-Roads, and submitted to the Committee on Appropriations. I understand the Committee on Appropriations were advised that if this classification were carried into full effect it would considerably increase the expenditure for railway postal clerks, and for that reason they did not incorporate it with the bill, notwithstanding the Senate had passed the bill providing for the classification.

Mr. President, the amendment will not increase the appropriation for railway postal clerks if adopted by the Senate, as in Committee of the Whole, at this point. It simply will provide for this classification, leaving it to the Postmaster-General, so that he will be obliged to retain the expenditure for this branch of the service within the limits of the appropriation; but it will provide a just and useful arrangement of the clerks of that character in the Railway Mail Service.

I wish to add, what I think every Senator here will recognize at once without amplification, that there is no harder worked, more faithful, or more deserving class of men in any branch of the public service whatever, unless possibly in the Life-Saving Service, than the railway postal clerks of the United States.

Mr. BLACKBURN. I raise the point of order against the amendment submitted by the Senator from Wisconsin.

Mr. VILAS. May I be permitted to say, in reference to the point of order, that I believe it has always been ruled that when the Senate has converted a bill into an act, so far as this branch of the Legislature is concerned, it is then a law within the meaning of the rule, and it is not new legislation to put that upon an appropriation bill after it has been reported by a committee.

Mr. CHANDLER. Before discussing the point of order on the amendment I think it would be well for the Senate to know what the amendment is. It has not been read from the desk.

The VICE-PRESIDENT. The amendment will be read.

Mr. VILAS. I think it has been read.

Mr. ALDRICH. Not to-day.

The SECRETARY. After line 24, on page 4, insert:

That persons in the Railway Mail Service known as railway postal clerks shall, on and after the passage of this act, be divided into seven classes, whose salaries shall not exceed the following rates per annum: First class, not exceeding \$800; second class, not exceeding \$1,000; third class, not exceeding \$1,200; fourth class, not exceeding \$1,300; fifth class, not exceeding \$1,500; sixth class, not exceeding \$1,600; seventh class, not exceeding \$1,800: *Provided,* That the Postmaster-General, in fixing the salaries of clerks in the different classes, may fix the salaries of clerks of the same class according to the amount of work done, the number of hours on duty, and the responsibility incurred by each, but shall not in any case allow a higher salary to any clerk of any class than the maximum fixed by this act for the class to which such clerk belongs.

That such railway postal clerks of class 7 as shall be detailed as chief clerks of divisions and such clerks of class 6 as may be detailed chief clerks of two or more lines shall, while traveling on the business of the Department, be



paid from the appropriation for the transportation of mails on railroads their actual and necessary expenses, but not exceeding \$3 per diem.  
That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Mr. HOAR. Will the Chair be kind enough to state what is the point of order?

The VICE-PRESIDENT. The point of order was made by the Senator from Kentucky [Mr. BLACKBURN]. Will the Senator state his point of order distinctly?

Mr. BLACKBURN. The point of order is that the amendment involves an increase of appropriation which has not been estimated for by any Department or recommended by any committee, standing or select. It is clearly a change of law, and is amenable to Rule XVI.

Mr. HOAR. Does the Senator from Kentucky make the point that it is general legislation?

Mr. BLACKBURN. If I am to believe that the Senate has determined that question properly in the last four days I certainly do.

Mr. CHANDLER. I should like to ask the Senator from Wisconsin [Mr. VILAS] whether the amendment as he offers it carries an appropriation?

Mr. VILAS. None whatever, and no increase of appropriation is asked.

Mr. HOAR. The Senator from Wisconsin claims that the amendment is made in order because it is to carry out an act or resolution previously passed by the Senate. But that provision applies only to the objection that an amendment increases an appropriation or adds a new item. It does not apply to the case of general legislation. The provision about general legislation was put into the Senate rule for the express purpose of preventing one branch of Congress from exercising a coercion upon the other by making new legislation a condition of the appropriations to carry on the Government. So the answer of the Senator from Wisconsin is not a good one to that objection.

It seems to me that an amendment which carries no appropriation, but which requires the force of a certain class in the Post-Office Department to be divided into seven distinct classes, and which provides that all existing laws inconsistent with that arrangement shall be repealed, is general legislation, if anything be general legislation, without the slightest regard to the matters that have been decided by the Senate at this session.

I understand the general difference between general legislation and special legislation to be this, that general legislation is legislation for the benefit of the whole people and applicable to the whole public. Special legislation is legislation for some private interest, as for the payment of a claim. The creation of a new department of the Government, a secretary of commerce, the creation of postal clerks for the Railway Mail Service, is just as much for the general public interest as any legislation we have, and as is the establishment of a new court or the making of new laws governing the transactions of men with each other.

Mr. BLACKBURN. Would it interrupt the Senator from Massachusetts if I were to ask him a question which I think is in point? My idea, from what has occurred in the last few days, is that that is general legislation which a majority of the Senate do not want put into a bill, and nothing is general legislation which a majority do want. As I understand the definition of the Senator from Massachusetts, he says that is general legislation which is to redound to or result in the benefit or advantage of the whole people.

Mr. HOAR. Yes.

Mr. BLACKBURN. I should like to ask the Senator, in the light of the record made a few days ago, whether the Hawaiian cable appropriation was not general legislation, because it was said that it was to result in benefit to the whole people. If not, who were the special individuals favored by that appropriation?

Mr. HOAR. That is a question upon the discussion of which I am not going to enter.

Mr. BLACKBURN. The Senator from Massachusetts voted that that was not general legislation. I have become tangled on the question of special and general legislation.

Mr. HOAR. I desire to say that that is an appropriation for a public work. It stands on a broad and distinct principle, just as an appropriation to take out a rock in Boston Harbor or to clear out the Ohio River on the borders of Kentucky never has been treated as general legislation. The mere fact that the cable is an instrument of commerce for the benefit of the whole public does not make it general legislation. Let me illustrate my idea in answer to the Senator from Kentucky: An act to create a new department of Government or prescribing its duties would be general legislation, but an act to build a new post-office would not be. It is an instrument of the postal service just as the Hawaiian cable is an instrument of commerce and just as a harbor or river is an instrument or pathway of commerce out of which we clear obstructions.

I wish to express my dissent from what was said by the Senator

from Kentucky [Mr. BLACKBURN] just now, and what was said by my honorable friend from Nebraska [Mr. MANDERSON] the other day. I do not apply this observation to either of those gentlemen at all, but it has become the fashion to suppose that if there can be two motives upon which a public man or a public body acts, the bad motive is always the one to be imputed to him or it. I have been in the Senate and the House of Representatives for more than a quarter of a century, and it is very rare indeed, in my opinion, that the rulings of either House on these questions of order, although they are always assailed by the losing party with this precise suggestion, have been wrong as a matter of principle. They have stood on solid ground, and the ruling of this body the other day stands on solid ground to be defended anywhere. The rulings are not to be explained simply by the desire of individual Senators one way or the other.

Mr. MANDERSON. I desire to suggest to the Senator from Massachusetts, supplemental to his very concise and truthful statement, that while there might be reflection upon the Senate for violating any great principle of parliamentary law for the purpose of accomplishing a result, this body, which makes its own rules by a majority vote, should at any time feel that to accomplish a good result it is right to abrogate a rule by a vote of the majority.

Mr. BLACKBURN. The question has been asked of the Senator from Wisconsin as to whether the amendment increases any item of appropriation. He answered and said no appropriation is asked for by the amendment. That is true; but the amendment which the Senator from Wisconsin has submitted, and against which I have raised the point of order, is the same amendment that is alluded to in the letter from the Postmaster-General which I hold in my hands, in which the amendment, as the Senator from Wisconsin will bear me out, is spoken of as the amendment intended to be proposed by the Senator from Michigan [Mr. McMILLAN]. Under date of February 4 the Postmaster-General, on official paper, with its official heading, writes a letter addressed to me as chairman of the subcommittee on the Post-Office appropriation bill. He says:

I beg to acknowledge the receipt of your favor of the 30th ultimo requesting me—

The Postmaster-General—

to examine the inclosed amendment intended to be proposed to the bill by Mr. McMILLAN and inform the committee the additional cost should same be agreed to, and if the full number of the highest grades therein are filled.

Also out of what fund clerks, etc., granted fifteen days' leave of absence under the act of October 1, 1890, are paid.

Those are the questions I submitted to the Postmaster-General, as to what additional cost the adoption of this now pending amendment would entail upon the Department. He answers:

Replying, I would state that the additional cost of clerk hire under the circumstances mentioned in the first paragraph of your communication would be \$1,069,400 per annum.

That is the small sum carried by the pending amendment, which we are told asks for no appropriation.

In answer to the last paragraph I beg to state that clerks in the Railway Mail Service are not granted annual leaves of absence with pay.

I do not wish to discuss the amendment after the point of order shall have been ruled upon. If the amendment is not excluded I simply want this letter to be considered and the fact that the proposition entails an increase of \$1,069,400 a year.

Mr. VILAS. Let me call the attention of the Senator from Kentucky to the fact that the estimate which is given by the Postmaster-General is based upon the form of the interrogatory which the distinguished Senator from Kentucky put to him, and that was:

If the full number of the highest grades therein are filled.

Mr. BLACKBURN. Yes, sir. Does not the Senator so intend?

Mr. VILAS. I think this in respect to that question: If this classification shall be authorized the Postmaster-General may make those discriminations in the pay of the postal clerks now in the service which a just recognition of the superior merit of some and of the lesser value of others would require, and that they could all be kept and no increase of the appropriation be made above what has been made in the bill; and I do not ask it.

The VICE-PRESIDENT. The rule will be read as to the point of order.

The Secretary read the third clause of Rule XVI, as follows:

No amendment which proposes general legislation shall be received to any general appropriation bill; nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

The VICE-PRESIDENT. Under the rule just read the Chair is compelled to sustain the point of order.

Mr. DAVIS. I offer an amendment.

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. After the word "Postmaster-General," in line 24, page 4, insert the following proviso:

Provided, That all clerks hereafter appointed to the Railway Mail Service and to perform duty in railway post-offices shall reside at some point on the

route to which they are assigned; but railway mail clerks heretofore appointed and now performing such duty shall not be required to change their residence.

Mr. DAVIS. I desire to say a word in explanation of the amendment. Up to a comparatively recent date all clerks in the Railway Mail Service might or might not reside upon the line of railway on which they were employed. They could reside off it.

Recently the Post-Office Department has made an order requiring all clerks to reside upon the line of their employment, not for operation in the future, but operative upon clerks who have been in the employ of the service for many years.

The situation was this: Many clerks who reside off the line of their employment had purchased their homes. Some of them held homes for which they were in debt and were working to get out, and the recent order of the Department requires those men to change their residence to another line of road or go out of the employment.

There have been brought to my attention several cases where the operation of this rule as to those who have been employed will work distress. There is one case where a railway-mail employee has an invalid wife here in Washington, living with her parents, as their straitened circumstances require. Her husband does not work on any line of road which runs through Washington, but on one sufficiently near here to enable him to come to the city on off days. In Winona, Minn., there is an old citizen who has been in the employ of the Railway Mail Service for fifteen years, and who has his home in that city. He is employed on a road in Minnesota which does not run through the city of Winona. He is required to change his place of residence or go out of the service after many years of faithful service therein.

The amendment provides that as to all clerks hereafter employed the ruling of the Department shall be operative, but that the old clerks, employed under different circumstances, who were allowed to reside on lines upon which they were not employed, shall have the liberty to reside there as heretofore.

Mr. BLACKBURN. I have to raise the point of order against the amendment.

Mr. DAVIS. I regret that very much.

Mr. CHANDLER. Will the Senator from Kentucky allow me to say a word before he makes the point of order?

Mr. BLACKBURN. I have a seven-page typewritten letter from the Postmaster-General protesting against the amendment.

Mr. CHANDLER. I should like to say to the Senate, with the permission of the Senator from Kentucky, that although I know it requires unanimous consent to adopt the amendment I hope it will be adopted. My attention has been called, equally with the Senator from Minnesota, to several cases of hardship which will result from the enforcement of an iron rule by the Postmaster-General that all railway mail clerks shall reside on the line of road on which they are employed.

Moreover—and here is a point which I do not think has been sufficiently considered—when the Department requires a clerk to leave his home and go and reside in a particular place and make a new home at that point, there arises a moral obligation certainly to keep that clerk in the employment of the service. It localizes him, and it involves a promise to retain him so long as he is fit to do the work. It seems to me the rule ought to be corrected as proposed by the amendment of the Senator from Minnesota [Mr. DAVIS].

Mr. HOAR. I appeal to the honorable Senator from Kentucky—I sympathize with his view in general—to let the Senate consider the question and at least let it go into conference.

I wish then to call the attention of the Senate to a case I know personally. I know a wounded soldier who has been a clerk in the Railway Mail Service for a great many years. He is one of the best clerks in the service in our part of the country. He has been kept in office under all Administrations, and I have no doubt he will be kept in office under all Administrations as long as his usefulness lasts. He is a man whom the Senator from Kentucky, I am sure, would respect and make a friend of if he knew him. This gentleman nearly twenty years ago—I am not sure whether it was before or after his appointment to the Railway Mail Service, but it was a great while ago—bought a house, where he and his wife live, in a town a few miles out of Boston.

There is a railway connection between that town and Boston, so that he can get into Boston Monday morning, or whatever time he begins his work, as early as any Boston merchant gets to his countingroom. He can get in always to start with his mail train. He spends three weeks on the railway mail train and the fourth week at this town, where he has his little home. The Department will never lose an hour by the clerk living at this town.

Now, he has to sell out his home in these times, he has to move away from the town where his wife was born and where they have all their relations, acquaintances, and friendships—relations peculiarly valuable to that family because the head of the family is away from home three weeks out of four—in order to comply with the order of the Postmaster-General. It seems to me it is fair

that the Senate shall have an opportunity to deal with the question and deal with it now, and let that man save his homestead.

Mr. BLACKBURN. I accede to the request of the Senator from Massachusetts, and withdraw the point of order. But before a vote is taken it is but fair for me to let the Senate know what has been officially communicated to me.

Mr. HOAR. That is right.

Mr. BLACKBURN. I have in my hand a lengthy letter from the Postmaster-General, under date of the 4th of February. It is a lengthy letter, and I will merely call attention to its salient points. The order was issued on the 2d day of June, 1894, known as General Order 378, requiring all postal clerks to live along the line of their duty.

Set forth at length in the communication is the necessity for that order; that where an accident occurred or a train broke down it was utterly impossible, unless the clerk lived along the route on which the service was to be rendered, to send out an extra train with a corps of skilled men. The result was that this extra duty fell upon comparatively very few of the postal clerks, and could not be distributed among those who lived off the line, for the Department had not time to get the clerks there to take service with the extra train.

On the 2d day of June, 1894, when General Order 378 was issued, there were 6,298 clerks employed in the Railway Mail Service. The Postmaster-General tells me that—

At that time it was ascertained that about 5,000 of these were living upon the lines to which assigned, and of this number it was known that 3,400 had entered the service after it was placed in the classified service, and under the agreement, that if appointed, they would reside upon the line to which assigned; the remaining number, estimated at 1,294, were residing remote from the lines upon which they were performing service.

As less than 500 clerks are now living away from the lines to which they are assigned, it will be seen that 794 have changed their residence in accordance with the order since June 2, 1894, and the Department is informed that nearly all of these 500 have made or are making arrangements to move on or before May 1, 1895, the limit of the time given for that purpose in the order named. Since the order was issued—

The Postmaster-General goes on to say—

I have had occasion to review it several times, to consider and reconsider such reasons as have been presented in favor of its revocation or modification, as well as such as impelled me to direct that the order be issued; but in doing this I have become thoroughly impressed with the belief that the order mentioned is in the interest of good service and necessary to insure, so far as may lie in the power of the Department, the regular and uninterrupted transmission of the mails, without which the Department can not be regarded as performing its full duties or the people be relieved from those serious embarrassments and losses, financial and otherwise, which result from failures to receive mails when due, and I therefore respectfully state that, in my opinion, the amendment proposed should not become a law.

The Postmaster-General goes on, and the letter concludes as follows:

Moreover, the adoption of this amendment for the benefit of 500 clerks or less, who have as yet failed to comply with the order, would work out great iniquity to the 794 clerks who have made greater or less sacrifice to comply with it.

I therefore respectfully yet earnestly recommend that the amendment be not adopted.

Very respectfully,

W. S. BISSELL, Postmaster-General.

I am perfectly willing to withdraw the point of order and let the Senate pass upon the amendment submitted by the Senator from Minnesota [Mr. DAVIS].

Mr. DAVIS. It is evident from the letter of the Postmaster-General that this order was very coercive in its character and had the result, which was inevitable, that many men, at great inconvenience to themselves, with the alternative before them of either complying with it or leaving the Government service, have been compelled to change their place of residence. But there still remain 500 men, it is said, who have not complied with it, and presumably a great portion of them belong to the class of persons of whom examples were given in the cases stated by the Senator from Massachusetts [Mr. HOAR] and by myself—men who are utterly unable to change their places of residence because of the situation of their homesteads and their business relations in the localities where they live. The other system worked well enough for many years. I believe the predecessors of the present Postmaster-General had this policy under repeated consideration and rejected it.

Now, what does living along the line of railroad on which the clerk is employed mean? Take a post-office run of 150 miles, and it is very much the same thing, in a country thickly intersected with railroads, if the post-office clerk does not live at one of the terminals of the road, whether he lives at some intermediate place or at some other place 20 miles off on another line of road, which is frequently the case. There can be no possible objection to the application of this order to appointments as they may hereafter arise, but it is most cruel to apply it to a class of men who for many years have lived in places more or less distant from the line of road on which they work, but still not too distant from faithful and efficient service, who have incurred obligations, who have established homesteads, and perhaps are in debt for them, with every inducement to remain where they are.



Mr. CULLOM. I desire to read the order so that the Senate may know exactly what it is. It is as follows:

[General Order No. 378.]

POST-OFFICE DEPARTMENT,  
OFFICE OF GENERAL SUPERINTENDENT,  
RAILWAY MAIL SERVICE,  
Washington, D. C., June 2, 1895.

Ordered: That all clerks in the Railway Mail Service performing duty in railway post-offices take up their residence at some point on the route to which they are assigned, satisfactory to their division superintendent, on or before May 1, 1895.

Those who can do so, without considerable pecuniary loss, or sacrifice of home property, will be expected to comply with this order at once; the others at the earliest moment possible; none later than the date named.

By order of the Postmaster-General.

JAMES E. WHITE,  
General Superintendent.

Before I sit down I desire to say that I have in my possession a number of communications from persons who have been in the service a good many years, and who have by the hardest and closest saving secured little homes at different places in the region they have been traveling as railway mail clerks. These letters protest most earnestly that they ought not to be required to abandon their homes either by sale or rent or otherwise in order to comply with this order. I have here also a communication which I think was handed to me by a member of the other House, which sets forth somewhat the reasons why this order should not stand and in favor of the little amendment proposed by the Senator from Minnesota. I ask that it may be put in the RECORD so that it may be seen.

Looking at the amendment to the Post-Office appropriation bill proposed by Senator DAVIS from a railroad postal clerk's standpoint, there are many reasons why it should be adopted.

All clerks who have entered the service since the civil-service law was applied to the Railway Mail Service when sworn in agreed to move on to the line to which they were appointed, and if the Department had enforced their agreement the old men would not have been disturbed. Nearly all of the men appointed under the civil-service law are young and unmarried, while a large majority of the old men have by care and frugal living bought or are paying for homes. Many of them have grown old in the service, and their savings are invested in a comfortable home, which because of the existing hard times would have to be sacrificed in order to comply with this Department order.

Second. The new men agreed to move on to their lines before entering the service; the old men did not, and as a great majority of the clerks did live either at or near their terminal or on their own lines before this order was issued, and many have complied with the order by moving within the past eight months, there only remains about 500 of the old men who would be benefited by the proposed amendment, but in nearly every instance these men would be obliged to a great extent to sacrifice the savings of a lifetime, while because of the very few (500) the Department will not be benefited by enforcing the order.

Third. Many of these men live in suburbs of the large cities, and are much more available for emergency service than if they lived "on the line of their route," from 50 to 200 miles from the terminal.

Cases can be cited where clerks can go to and return to their homes on the same train carrying the car in which they work, but because their residence is beyond the terminal point of duty they will be forced to make a change.

Some clerks who are assigned to branch lines and live off the main line of the railway system, or vice versa, where the trains are always run to make connection, are now as available for emergency duty as those living along their line, but must move in accordance with this order.

A chief clerk having charge of about 100 men says in his district he never had a run go by default or with a man short because part of his men lived off the lines to which they were assigned.

These old clerks accepted their positions with the understanding that they need not change their residence.

Largely to the efforts of these same men, who have given years of the best of their lives to acquire a high degree of efficiency, we are indebted for the splendid postal service of the present time.

Mr. PLATT. Mr. President, I want to say only a word. It seems to me this is a good order for the service for the reason I shall state. A person who is appointed on a railway route has always to live on that route so long as he remains in the service. He changes his home when he is promoted. A person may be appointed on a very insignificant route and develop there the highest capacity, so that it will be for the interest of the service to transfer him to a better and more important route, and it can not be done except by compelling him to change his residence.

Mr. HOAR. I should like to say only a few words. I know the Senate is desirous of disposing of this question. The Postmaster-General has this whole matter in his power to a reasonable extent, even if we adopt the amendment. If any postal clerk does not do his duty, or lives where he can not be reached for an emergency, that will be good ground for removing him. Nobody would question that. But this goes further and says that he must live on the route. Let me put to the Senate a practical case.

Here is a man who is on a post-route leading out of Cincinnati, going South through the State of Kentucky. He lives over the river in Covington, which I suppose is half an hour's ride by ferry, perhaps twenty minutes. That is not on the route unless it goes through Covington. It is twenty minutes off the route, but he is not off the route in any practical sense of that term. Now, there is a man who belongs to a Kentucky family. He has voted there. He loves the State. All his associations and all the associations of his wife and children are there. I think if I were a Kentuckian I should value being a Kentuckian more than I should any office,

large or small, in the gift of the people. I know I value being a Massachusetts man more than I should value any office, large or small; and I suppose every other member of this body has the same feeling about his own State.

Now, is it reasonable to come down on that man when he has been in the Government service twenty years and can not get new employment in these times, when he is an admirable officer, kept in through all changes of Administration, and apply to him this iron rule: "Give up your home; give up your State; take your wife and children from the place and the neighborhood they love, and go off?" I say there is not an officer in the public service for whom I have a higher respect than I have for the Postmaster-General. There has not been an officer in the public service under any Administration who deserves higher respect than he. But he has made, or whatever subordinate he is standing by has made, a mistake in the framing of this rule, and it is a rule operating as a gross injustice to a deserving class of American citizens. Let us repeal it; and still, whenever there is a single officer in the public service so situated that he can not do his duty and be on hand for an emergency, the Postmaster-General can deal with that individual case.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

Mr. ALDRICH. I suggest an amendment on page 5, at the top of the page, the first line, which I think the committee will agree to. It is to strike out the word "Springfield" and insert "Boston."

Mr. BLACKBURN. That ought to be done as long as it stays as it is now. There is but one line leaving Springfield. My information is that there will be five from Boston.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Rhode Island [Mr. ALDRICH].

The amendment was agreed to.

Mr. MITCHELL of Oregon. I offer an amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After line 24, page 2, insert the following proviso:

*Provided, That hereafter no letter carrier, post-office clerk, or railway postal clerk shall be removed or requested to resign (except when arrested for a crime, when suspension or removal may take place at once in the discretion of the Postmaster-General) until after written charges shall have been preferred against him and after the charges shall have been examined into by the Post-Office Department, upon such reasonable notice to the person charged, and in such manner of examination as the regulations of the Post-Office Department may prescribe; but letter carriers, post-office clerks, or railway postal clerks may be suspended by the Postmaster-General pending the examination herein provided for.*

Mr. BLACKBURN. I make the point of order against the amendment, Mr. President, that it is new legislation, not recommended by any committee, and I understand it was rejected by the Committee on Post-Offices and Post-Roads.

Mr. MITCHELL of Oregon. The Senator puts it a little too strong.

Mr. BLACKBURN. Then I will state that I am informed the committee declined to recommend it.

Mr. MITCHELL of Oregon. The amendment was not reported by the Post-Office Committee, nor was it rejected.

Mr. BLACKBURN. It is new legislation.

Mr. MITCHELL of Oregon. No action was taken by the committee. I admit that the point of order is well taken, but I was in hopes that the Senator in charge of the bill would not make the point and permit a vote to be taken on it.

Mr. BLACKBURN. It seems to me the civil service has been spread broad enough by proclamation, and I do not want to legislate it any broader.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. BUTLER. Now, I move my amendment to come in at the top of page 5, in line 3.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In lines 2 and 3 on page 5 strike out the words "one hundred and ninety-six thousand six hundred and fourteen dollars and twenty-two cents" and insert in lieu thereof "three hundred and ninety-three thousand two hundred and twenty-eight dollars and forty-four cents."

Mr. BUTLER. In connection with the amendment I ask that the letter of the general manager of the Seaboard Air Line be read, which is short, and which I send to the desk.

The VICE-PRESIDENT. The Secretary will read as indicated. The Secretary read as follows:

SEABOARD AIR LINE RAILWAY COMPANY,  
OFFICE GENERAL MANAGER,  
Atlanta, Ga., January 25, 1895.

DEAR SIR: If I am correctly informed, a bill again appropriating a large mail subsidy to the Southern Railway has passed the House and is now in the hands of your committee.

It is not my purpose to say or do anything that is inimical to the interests of the Southern Railway, but, as their competitor in business, affording equal

advantages, to ask that the Government act impartially in this matter, and extend to the Seaboard Air Line such aid as it extends to its competitor, in order that we may afford like facilities and service to the territory contiguous to our line.

I trust that your committee will appreciate the injustice that will be done us should we not participate in such aid as the Government may extend to transportation companies in our territory.

Yours, truly,

JNO. H. WINDER, *General Manager.*

Hon. J. C. S. BLACKBURN,  
*Chairman Subcommittee (Post-Office Appropriation Bill).*

Mr. BUTLER. The effect of the amendment simply is to double the appropriation, so that the Seaboard Air Line, running, as the general manager says, parallel with the Southern Railway, shall get the benefit of a similar amount.

Mr. GORMAN. I am compelled to raise the point of order on the amendment that it increases the appropriation and that it is not estimated for.

Mr. BUTLER. Before the Chair decides the question of order I desire simply to say a word. I think the amendment is perhaps subject to a point of order, but if it is the whole provision of the bill is subject to a point of order. It has been stated over and over again by the Senator from Kentucky that there has been no estimate for it and no recommendation by any head of a Department or any committee of this body.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. BLACKBURN. In lines 2, 3, and 4, on page 5, I move to strike out, after the words "New Orleans," down to and including the word "cents," in line 4; that is, I move to strike out "\$198,614.23," the amount appropriated for special fast mail facilities, and to insert in lieu thereof "\$176,952.80," which is a reduction of exactly 10 per cent upon the existing rates that are being paid.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Kentucky.

Mr. MANDERSON. I demand the yeas and nays upon the amendment.

Mr. BUTLER. There is not a quorum present.

Mr. BLACKBURN. Yes, there is a quorum.

The VICE-PRESIDENT. Does the Senator from Nebraska insist on the demand?

Mr. MANDERSON. I do. I think this is a matter that practically was disposed of by a vote in Committee of the Whole in another form, and there should certainly be a pretty full attendance of the Senate when it is voted on. I suggest that there is no quorum in the Senate at present.

The VICE-PRESIDENT. The Secretary will call the roll, the question being raised that there is not a quorum present.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Dubois,	Lodge,	Pritchard,
Allen,	Faulkner,	McLaurin,	Proctor,
Berry,	George,	Manderson,	Pugh,
Blackburn,	Gorman,	Mantle,	Ransom,
Butler,	Hansbrough,	Martin,	Roach,
Camden,	Harris,	Mitchell of Oreg.	Smith,
Carey,	Hawley,	Mitchell of Wis.	Stewart,
Chandler,	Hill,	Murphy,	Teller,
Clark,	Hoar,	Pasco,	Turpie,
Cockrell,	Hunton,	Peffer,	Vest,
Coke,	Jones of Ark.	Perkins,	Vilas,
Cullom,	Kyle,	Pettigrew,	Walsh,
Davis,	Lindsay,	Platt,	White.

The VICE-PRESIDENT. Fifty-two Senators have answered to their names. A quorum is present.

Mr. RANSOM. I suggest to the Senator from Kentucky that we take a division upon the amendment and not have a call of the yeas and nays.

Mr. BLACKBURN. I am perfectly willing.

Mr. GORMAN. I wish to suggest again to the Senate that we have an agreement to take up the unobjected bills on the Calendar to-morrow at 1 o'clock and continue until 2 o'clock, and that on Saturday from 1 o'clock until 2 o'clock the unobjected bills on the Calendar may be considered.

Mr. BLACKBURN. Each Senator having a right to call up one bill.

Mr. GORMAN. Each Senator having a right under the rule to call up at least one bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maryland?

Mr. MANDERSON. I certainly will not object to the request, but it will be necessary that I shall be absent from the Senate to-morrow on a very important matter—a very unusual thing, as my colleagues will agree.

Mr. BLACKBURN. The Senator from Nebraska will have Saturday.

Mr. MANDERSON. I ask the unanimous consent of the Senate that it may now consider a House bill, a public-building bill.

Mr. BLACKBURN. I can not yield for that purpose, for I have two public-building bills on my hands.

Mr. MANDERSON. But the Senator from Kentucky will be here to-morrow.

Mr. BLACKBURN. The Senator from Nebraska will be here, I trust, day after to-morrow.

Mr. WHITE. Had we not better wait until the pending bill is disposed of?

Mr. FAULKNER. The Senator had better wait.

Mr. MANDERSON. I appeal to the Senate because I have to be absent.

Mr. STEWART. Let us first secure an understanding about the consideration of unobjected bills.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maryland?

Mr. MANDERSON. I ask the Senate to take up House bill 109. It will take but a moment.

Mr. BLACKBURN. Let us first get consent to the proposition of the Senator from Maryland.

Mr. BUTLER. I am very sorry that I shall not be able to consent to the request of the Senator from Maryland. I gave notice some days ago that I would call up the resolution I offered last week with a view of submitting some remarks on what is known as the pooling bill.

Mr. BLACKBURN. This agreement is to apply only from 1 until 2 o'clock.

Mr. BUTLER. I shall ask that permission of the Senate to-morrow. It was my purpose to take the floor this afternoon that I might proceed to-morrow.

Mr. GORMAN. Then I will change my request and ask for one hour after the Senator from South Carolina has concluded.

Several SENATORS. Oh, no.

Mr. GORMAN. Then I will ask that the agreement be made for Saturday from 1 until 2 o'clock.

Mr. HUNTON. And Monday.

Mr. ALLEN. I hope the bill that my colleague desires to have considered will be allowed to be taken up.

Mr. STEWART. I suggest that Saturday from 1 to 3, two hours, be devoted to the consideration of unobjected bills on the Calendar.

Mr. HOAR. Make it two hours on Saturday.

Mr. ALLEN. I ask the Senator to withhold his request—

Mr. GORMAN. It will not interfere in the slightest degree with the bill the Senator's colleague desires to have considered if I can get an agreement that on Saturday from 1 until 3 o'clock unobjected bills on the Calendar may be considered.

Mr. PLATT. That is right.

Mr. GORMAN. I ask that the Senate will agree to consider unobjected bills on the Calendar from 1 to 3 o'clock on Saturday, so that each Senator will have an opportunity to call up at least one bill.

Mr. BLACKBURN. Then do not limit it to one hour.

Mr. GORMAN. No; two hours on Saturday, beginning at 1 o'clock.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The request of the Senator from Maryland is that the Senate will agree to consider unobjected bills upon the Calendar on Saturday from 1 to 3 o'clock. Is there objection?

Mr. TURPIE. I object.

The PRESIDING OFFICER. The Senator from Indiana objects.

#### PUBLIC BUILDING AT SOUTH OMAHA, NEBR.

Mr. MANDERSON. I ask unanimous consent, as I must necessarily be absent to-morrow, to call up the bill (H. R. 109) to provide for the purchase of a site and the erection of a public building thereon at South Omaha, in the State of Nebraska.

Mr. BLACKBURN. I shall then have to ask unanimous consent for the consideration of a similar bill.

Mr. MANDERSON. I have no objection to that, and I do not think anyone will object.

Mr. BLACKBURN. I will not object to anything the Senator from Nebraska desires.

Mr. MANDERSON. I knew the Senator would not, in the kindness of his heart.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska for the consideration of the bill indicated by him?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT NEWPORT, KY.

Mr. LINDSAY. I ask unanimous consent to call up the bill (H. R. 2337) for the erection of a public building at Newport, Ky.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.



## PUBLIC BUILDING AT CUMBERLAND, MD.

Mr. GORMAN. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 4283) to provide for the purchase of a site and the erection of a public building thereon in the city of Cumberland, Md.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## PUBLIC BUILDING AT PARIS, KY.

Mr. BLACKBURN. I ask unanimous consent for the present consideration of Senate bill 2576, providing \$50,000 for the erection of a public building in the city of Paris, Ky., reported favorably by the Committee on Public Buildings and Grounds.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2576) for the erection of a public building at Paris, Ky.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## SALE OF PUBLIC LANDS.

Mr. BERRY. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 4952) to amend section 2455 of the Revised Statutes of the United States.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. BERRY. The bill was read yesterday evening, and I moved an amendment to strike out "two dollars and fifty cents" and insert "one dollar and twenty-five cents."

The PRESIDING OFFICER. The amendment proposed by the Senator from Arkansas will be stated.

The SECRETARY. In line 8, after the words "less than," it is proposed to strike out "two dollars and fifty" and insert "one dollar and twenty-five;" so as to read:

It shall be lawful for the Commissioner of the General Land Office to order into market and sell for not less than \$1.25 per acre any isolated or disconnected tract or parcel of the public domain less than one quarter section which in his judgment it would be proper to expose to sale after at least thirty days' notice by the land officers of the district in which such lands may be situated, etc.

Mr. CHANDLER. I should like to ask the Senator why this land will not produce the maximum sum, \$2.50 an acre? Why is it necessary to reduce it to \$1.25 an acre?

Mr. BERRY. I will state that the bill provides for a public offering of the land in the first place to the highest bidder. It then provides that the Secretary of the Interior may order to be sold at \$1.25 an acre such land as has not been purchased at the first sale. It only covers such isolated tracts as have been ordered to be sold. In some States of the Union public land will bring more than \$2.50 an acre, but there are lands which will not bring more than \$1.25. They are isolated tracts which are doing the Government no good, and they can not be sold until after they have been first offered at public sale. The matter is still left in the discretion of the Department. The bill provides that no individual shall buy more than 160 acres, and it only applies to tracts which have been subject to homestead entry for three years and have not been taken.

The bill was passed unanimously by the House of Representatives and reported unanimously by the Committee on Public Lands of this body, with authority to me to move to strike out "\$2.50 an acre" and insert "\$1.25 an acre."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Arkansas.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

## FORT M'KINNEY MILITARY RESERVATION.

Mr. CAREY. I ask unanimous consent for the present consideration of the bill (S. 2409) granting certain lands in the abandoned military reservation at Fort McKinney, Johnson County, Wyo., to the State of Wyoming for public purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HARRIS. I shall not object to this bill, but thin as the Senate is, I shall object to the next request of this character.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Public Lands with an amendment, in line 13, after the word "purposes," to insert:

*Provided*, That the entry and selection of lands under the provisions of this act shall be construed as being in part satisfaction of the grant of lands to the State of Wyoming for charitable, educational, penal, and reformatory institutions under the provisions of section 11 of the act of Congress of July 10, A. D. 1890.

Mr. COCKRELL. Why should not this be received in full satisfaction? Is there a greater amount due to the State than these 1,280 acres?

Mr. CAREY. There were 500,000 acres donated to the State of Wyoming when it was admitted into the Union. I will simply state that this military post, which has been abandoned, is 40 miles from a railroad. The buildings would be valuable if there was anybody there to purchase them, but the experience of the State has been that the Government has not received \$1,000 over and above expenses where it has sold buildings at a military post.

The Secretary of the Interior recommends the passage of the bill, and it has been unanimously reported by the Committee on Public Lands.

Mr. BATE. From what committee does the Senator say the bill comes?

Mr. BERRY. It comes from the Committee on Public Lands.

Mr. BATE. Has the bill been reported favorably?

Mr. BERRY. Yes, sir; unanimously.

Mr. BATE. Has the bill been before the Committee on Military Affairs?

Mr. COCKRELL. This is an abandoned military reservation which has been turned over to the Interior Department.

Mr. BATE. Very well.

The PRESIDING OFFICER. The question is on the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## EXECUTIVE SESSION.

Mr. HARRIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 13 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 15, 1895, at 12 o'clock m.

## NOMINATIONS.

*Executive nominations received by the Senate February 14, 1895.*

## POSTMASTERS.

Christine Carroll, to be postmaster at Stillwater, in the county of Washington and State of Minnesota, in the place of John Booren, removed.

Solomon F. Henniger, to be postmaster at Shelton, in the county of Buffalo and State of Nebraska, in the place of Jacob M. Harman, removed.

John Galligan, to be postmaster at Orange Valley, in the county of Essex and State of New Jersey, in the place of William Cumberbeach, whose commission expired January 27, 1895.

Thomas P. McAndrews, to be postmaster at White Haven, in the county of Luzerne and State of Pennsylvania, in the place of George Sackett, removed.

## PROMOTIONS IN THE ARMY.

## Artillery arm.

Lient. Col. Edmund Cooper Bainbridge, Third Artillery, to be colonel, February 12, 1895, vice Livingston, Third Artillery, retired from active service.

Maj. Edward Bancroft Williston, Third Artillery, to be lieutenant-colonel, February 12, 1895, vice Bainbridge, Third Artillery, promoted.

Capt. John Reucklin Myrick, Third Artillery, to be major, February 12, 1895, vice Williston, Third Artillery, promoted.

First Lieut. William Everett, Fourth Artillery, to be captain, February 12, 1895, vice Cushing, Fourth Artillery, retired from active service.

First Lieut. Henry Clay Danes, Third Artillery, to be captain, February 12, 1895, vice Myrick, Third Artillery, promoted.

Second Lieut. Eugene Trimble Wilson, First Artillery, to be first lieutenant, February 12, 1895, vice Danes, Third Artillery, promoted.

Second Lieut. Moses Gray Zalinski, Second Artillery, to be first lieutenant, February 12, 1895, vice Everett, Fourth Artillery, promoted.

## ASSISTANT NAVAL CONSTRUCTORS.

Washington L. Capps, a citizen of Virginia, to be an assistant naval constructor in the Navy from the 6th of June, 1888.

Lloyd Bankson, a citizen of Pennsylvania, and John G. Tawresey, a citizen of Delaware, to be assistant naval constructors in the Navy from the 1st of July, 1889.

Robert Stocker, a citizen of Minnesota; Frank W. Hibbs, a citizen of Minnesota; Elliott Snow, a citizen of Utah; Richmond P. Hobson, a citizen of Alabama, and George H. Rock, a citizen of

Michigan, to be assistant naval constructors in the Navy from the 1st of July, 1891.

Thomas F. Ruhm, a citizen of Tennessee, and Lawrence Spear, a citizen of Ohio, to be assistant naval constructors in the Navy from the 1st of July, 1892.

Frank B. Zahm, a citizen of Pennsylvania; Horatio G. Gillmor, a citizen of Wisconsin; Henry G. Smith, a citizen of Ohio, and Richard M. Watt, a citizen of Pennsylvania, to be assistant naval constructors in the Navy from the 1st of July, 1893.

John B. Bueret, a citizen of Michigan; Joseph E. McDonald, a citizen of Illinois, and Homer L. Ferguson, a citizen of North Carolina, to be assistant naval constructors in the Navy from the 1st of July, 1894.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 14, 1895.*

##### PROMOTION IN THE ARMY.

###### General officer.

Brig. Gen. Thomas Howard Ruger, to be major-general.

###### POSTMASTERS.

George W. Harmon, to be postmaster at Auburn, in the county of Nemaha and State of Nebraska.

August Kleine, to be postmaster at West Point, in the county of Cuming and State of Nebraska.

Asa F. Hollebaugh, to be postmaster at Falls City, in the county of Richardson and State of Nebraska.

Daniel E. Kean, to be postmaster at Cumberland, in the county of Allegany and State of Maryland.

Thomas Regan, to be postmaster at Crawford, in the county of Dawes and State of Nebraska.

James D. Leming, to be postmaster at Broken Bow, in the county of Custer and State of Nebraska.

John B. Sweeney, to be postmaster at Hagerstown, in the county of Washington and State of Maryland.

J. Miller Bloom, to be postmaster at Clearfield, in the county of Clearfield and State of Pennsylvania.

Abram Claude, to be postmaster at Annapolis, in the county of Anne Arundel and State of Maryland.

John W. Cox, to be postmaster at Ellis, in the county of Ellis and State of Kansas.

L. A. Saunders, to be postmaster at Mankato, in the county of Jewell and State of Kansas.

Harry Schiffer, to be postmaster at Durango, in the county of La Plata and State of Colorado.

James A. Jackson, to be postmaster at Howard, in the county of Elk and State of Kansas.

Jefferson D. Adams, to be postmaster at Rico, in the county of Dolores and State of Colorado.

John Schlyer, to be postmaster at Hays, in the county of Ellis and State of Kansas.

Frank D. Jewell, to be postmaster at Cattaraugus, in the county of Cattaraugus and State of New York.

Lemuel Mathewson, to be postmaster at Avoca, in the county of Steuben and State of New York.

Henry M. Fitzgerald, to be postmaster at Greenwich, in the county of Fairfield and State of Connecticut.

#### HOUSE OF REPRESENTATIVES.

*THURSDAY, February 14, 1895.*

The House met at 11 o'clock a. m., and was called to order by the Speaker. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of yesterday's proceedings was read and approved.

##### MAIL-CARRYING CONTRACTS.

The SPEAKER laid before the House a letter from the Postmaster-General, transmitting, pursuant to section 413 of the Revised Statutes, a statement of all contracts for carrying the mails, etc., made during the fiscal year ended June 30, 1894; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

##### EASTERN BAND OF CHEROKEE INDIANS.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation submitted by the Secretary of the Interior for incorporation in the general deficiency bill for the removal of the members of the Eastern Cherokee band who have removed to the Cherokee Nation, Indian Territory; which was referred to the Committee on Appropriations and ordered to be printed.

##### HIRAM R. RHEA.

The SPEAKER laid before the House the bill (H. R. 4658) granting a pension to Hiram R. Rhea.

The SPEAKER. This bill has been returned from the Senate with an amendment to its title.

Mr. MOSES. I ask that the amendment of the Senate be concurred in.

The amendment was read, as follows:

Add to the title the words "and repealing the act of March 3, 1871."

The amendment was concurred in.

##### CIRCUIT COURTS OF APPEALS.

The SPEAKER also laid before the House the bill (H. R. 5216) to amend the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891.

The SPEAKER. This bill has been returned from the Senate with an amendment.

Mr. DRAPER. I ask that the amendment of the Senate be concurred in.

The amendment was read, as follows:

After the word "appeal" in line 23, page 2, insert the following: "And provided further, That the court of appeals may, in its discretion, require, as a condition of the appeal, an additional injunction bond."

The amendment was concurred in.

On motion of Mr. DRAPER, a motion to reconsider the vote by which the amendment was concurred in was laid on the table.

##### SAMUEL GOLDWATER.

The SPEAKER also laid before the House the bill (S. 2371) granting a pension to Samuel Goldwater.

Mr. DE ARMOND. I ask unanimous consent for the present consideration of this bill.

The bill was read.

Mr. LIVINGSTON. Has this bill been before the Invalid Pensions Committee of the House?

Mr. DE ARMOND. It has not. I ask that the Senate report be read. It is very short.

The report was read.

Mr. DE ARMOND. I wish to say that I saw this man last fall. He is a poor old man and is almost, if not entirely, blind. The pension proposed is \$15 per month. I hope there will be no objection to the present consideration of the bill.

Mr. MOSES. I think the bill ought to go to a committee. I object to its present consideration.

The bill was referred to the Committee on Invalid Pensions.

##### MARIAN C. GURNEY.

The SPEAKER also laid before the House the bill (S. 2539) granting a pension to Marian C. Gurney.

Mr. HAINER of Nebraska. I ask unanimous consent that this bill lie temporarily on the Speaker's table.

There was no objection.

##### NANCY G. ALLABACH.

The SPEAKER also laid before the House the bill (S. 1639) granting a pension to Nancy G. Allabach.

Mr. HAYES. I ask that this bill lie on the Speaker's table for the present.

There was no objection.

##### SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles; which were respectively read twice, and referred to the Committee on Invalid Pensions:

A bill (S. 2141) granting a pension to Joseph Porter;

A bill (S. 2207) granting a pension to Robert Kiracofe;

A bill (S. 2654) granting an increase of pension to James H. Osgood;

A bill (S. 2671) granting an increase of pension to Florence W. Buskirk;

A bill (S. 1238) granting a pension to Catherine Dillon;

A bill (S. 2460) granting a pension to Catherine R. Jardine, widow of Brig. Gen. Edward Jardine;

A bill (S. 2148) granting a pension to Elizabeth A. Granger;

A bill (S. 2491) granting a pension to Mary A. Hall;

A bill (S. 2696) granting a pension to William B. Matchett; and

A bill (S. 1539) granting a pension to Josephine Foote Fairfax.

The SPEAKER also laid before the House Senate bills of the following titles; which were respectively read twice, and referred as stated:

A bill (S. 1530) for the relief of James Grace—to the Committee on Claims.

A bill (S. 2372) to authorize and direct the Secretary of War to place on file in the War Department the names of the officers and members of the Frontier Guards mustered into the volunteer military service of the United States on the 18th day of April, 1861, and issue discharges to the same—to the Committee on Military Affairs.

A bill (S. 2668) to provide for the erection of a public building in the cities of Winston-Salem, N. C.—to the Committee on Public Buildings and Grounds.



## LEAVE OF ABSENCE.

Mr. OUTHWAITE, by unanimous consent, obtained indefinite leave of absence on account of sickness.

## ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolutions and bills of the following titles; when the Speaker signed the same:

Joint resolution (S. R. 113) instructing the Secretary of War to return to the State of Michigan the flags of certain regiments of Michigan Volunteer Infantry;

A bill (S. 1667) to provide for coinage at the branch mint at Denver, Colo.;

A bill (S. 2699) for the encouragement of education in the State of Mississippi;

Joint resolution (S. R. 128) making an appropriation of \$5,000 for clearing the Potomac River of ice;

A bill (H. R. 6076) to repeal the special act granting a pension to Louisa M. Sippell;

A bill (H. R. 6974) to pension Mrs. Mary L. Clark;

A bill (H. R. 862) granting a pension to Pauline M. Pooler;

A bill (H. R. 6433) granting an increase of pension to Julia Weeks;

A bill (H. R. 6985) granting a pension to William Armstrong;

A bill (H. R. 7602) to pension Mary R. Williams;

A bill (H. R. 6131) to grant a pension to Sarah E. Roebuck;

A bill (H. R. 5377) granting a pension to Richard R. Knight;

A bill (H. R. 7359) to pension Samuel F. Tenant;

A bill (H. R. 3988) granting a pension to Marilla Parsons, of Detroit, Mich.;

A bill (H. R. 5642) granting a pension to Elizabeth Brower, a hospital nurse during the war of the rebellion;

A bill (H. R. 116) for the erection of a public building at Brockton, Mass.;

A bill (H. R. 6868) for the relief of Catharine Ott, widow of Joseph Ott;

A bill (H. R. 2051) to grant a pension to Eunice Putman;

Joint resolution (H. Res. 140) to confirm the enlargement of the Red Cliff Indian Reservation in the State of Wisconsin, made in 1863, and for the allotment of same; and

A bill (H. R. 8563) to adopt special rules for the navigation of harbors, rivers, and inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal, supplementary to the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

## MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. O. L. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and a joint resolution of the following titles:

On February 12, 1895:

An act (H. R. 8226) making appropriations for the support of the Army for the fiscal year ending June 30, 1896, and for other purposes;

An act (H. R. 6186) to pension Maria Davis;

An act (H. R. 7334) to sell certain lands in Montgomery County, Ark., to the Methodist Episcopal Church South; and

An act (H. R. 8552) to authorize the appointment of cadets to the Naval Academy.

On February 13, 1895:

An act (H. R. 397) to provide for the erection of a Government building at Chicago, Ill.; and

Joint resolution (H. Res. 269) authorizing the Secretary of War to make a survey of Kalamazoo River from Lake Michigan to Saugatuck.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments joint resolution (H. Res. 273) extending from March 1, 1895, to the 15th day of April, 1895, the time for making returns of income for the year 1894, asked a conference with the House on the bill and amendments, and had appointed Mr. VEST, Mr. WHITE, and Mr. ALLISON as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments joint resolution (H. Res. 252) relative to the British Venezuela-Guiana boundary dispute; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment the bill (H. R. 27) to increase the limit of cost for the erection of a public building at Paterson, N. J.

The message also announced that under the concurrent resolution providing for the appointment of a committee on the part of the Senate to prepare and report a plan for the participation of

Congress in the dedication of the Chickamauga and Chattanooga National Park, the Chair had appointed Senators PALMER, PASCO, MILLS, PROCTOR, SQUIRE, and PEPPER.

## THREE PER CENT GOLD BONDS.

Mr. CATCHINGS. I present a report from the Committee on Rules.

The Clerk read as follows:

*Resolved*, That immediately upon the adoption of this resolution the House shall proceed as in Committee of the Whole on the state of the Union to the consideration of House resolution No. 273. That at the hour of 5 o'clock p.m. this day the previous question shall be considered as ordered on said resolution, and then without intervening motion votes shall be taken thereon until the same shall have been fully disposed of.

Mr. CATCHINGS. On this resolution I demand the previous question.

The question was taken; and on a division (demanded by Mr. BRYAN) there were—ayes 56, noes 11.

So the previous question was ordered.

The question being taken on the adoption of the resolution, there were on a division (demanded by Mr. SIBLEY)—ayes 58, noes 17.

Mr. SIMPSON. No quorum.

Mr. BRYAN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRYAN. Was the time for debate, fifteen minutes on a side, waived in any way?

The SPEAKER. The vote is being taken on the adoption of the resolution.

Mr. BRYAN. Does not the rule require debate?

The SPEAKER. Not unless the demand is made for it.

The gentleman from Kansas makes the point that no quorum has voted, and the Chair will order tellers.

Mr. SIMPSON and Mr. CATCHINGS were appointed tellers.

The House again divided; and the tellers reported—ayes 152, noes 28.

So the resolution was adopted.

## LEAVE TO PRINT.

Mr. BRYAN. Mr. Speaker, before proceeding with the special order for to-day I ask unanimous consent that all gentlemen desiring to do so may be permitted to print remarks in the RECORD upon the pending resolution.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

## HOUR OF MEETING TO-MORROW.

Mr. TALBOTT of Maryland. Mr. Speaker, I ask unanimous consent before proceeding that when the House adjourns to-day it be to meet at 11 o'clock to-morrow, the purpose being to take up the naval appropriation bill.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection, and it was so ordered.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RAYNER indefinitely, on account of sickness.

## REPRINT OF A BILL.

Mr. McRAE. Mr. Speaker, I ask unanimous consent that the bill (H. R. 3476) to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho, with reference to which an order was made on yesterday to nonconcur in the Senate amendments and agree to the conference asked by the Senate, be printed with the Senate amendments.

The SPEAKER. In the absence of objection that order will be made.

There was no objection.

## CONTESTED-ELECTION CASE—WILLIAMS VS. SETTLE.

Mr. BROWN. Mr. Speaker, at the request of Mr. WOODARD, who is necessarily absent from the House, I desire to give notice that the contested-election case of Williams vs. Settle will be called on the 19th instant.

## PROPOSED BOND ISSUE.

The SPEAKER. The Clerk will report the special order of business for to-day.

The special order was again read.

The SPEAKER. The Clerk will now report the joint resolution.

The Clerk read as follows:

A joint resolution (H. Res. 275) authorizing the issue of \$65,116,275 of gold 3 per cent bonds.

*Resolved, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized to issue and dispose of at not less than par in gold coin, bonds of the United States, with the qualities, privileges, and exemptions of bonds issued under the act approved July 14, 1870, entitled "An act authorizing the refunding of the national debt," to an amount not exceeding \$65,116,275, bearing interest at a rate not exceeding 3 per cent per annum, principal and interest

payable in gold coin of the present standard of weight and fineness, said bonds to be made payable not more than thirty years after date: *Provided, however, That no part of the proceeds of the sale of such bonds nor of the notes redeemed with such proceeds shall be available for the payment of the current expenses of the Government.*

The SPEAKER. The Chair will announce to the House in reference to the pending measure that recognitions for the time allowed for debate will be divided as follows: The Chair will recognize two members of the House on the Committee on Ways and Means, the gentleman from West Virginia [Mr. WILSON], the gentleman from Maine [Mr. REED], in the affirmative of the proposition; and two members of the committee, the gentleman from Nebraska [Mr. BRYAN] and the gentleman from Illinois [Mr. HOKINS], in the negative, which will consume four hours of the time, and the other hour will be divided among gentlemen not on the Committee on Ways and Means.

Mr. WILSON of West Virginia. Mr. Speaker, it is important that in the beginning of this discussion the House should clearly understand the single issue presented in the resolution reported from the Committee on Ways and Means. Unless the debate can be held strictly to that issue and kept free from the larger and perplexing questions that naturally beset every financial discussion in this House, it may be impossible for the members to vote intelligently on the issue presented.

The question is simply this: An emergency has arisen which, in the opinion of the Secretary of the Treasury, has made it incumbent on him to exercise the authority conferred upon him by law to purchase gold in order to reinforce and maintain the traditional and legal gold reserve in the Treasury. He has exercised that authority through a contract made with certain responsible parties, under which he has purchased from them three and one-half million ounces of gold of standard United States coin, for which he is to issue to them 4 per cent thirty-year coin bonds of the United States at such rate as to make the premium upon the bonds about 4½ per cent, and the right is reserved in the contract that should Congress authorize him to do so he may substitute for the bonds of the contract 3 per cent bonds at par specifically payable, principal and interest, in gold. The question is will the House give him the authority to substitute such bonds for those he may issue under existing law.

Now, Mr. Speaker, it is important, perhaps, that in laying the foundation for this discussion I should call the attention of the House to the emergency in the Treasury which has compelled the Secretary to make this contract.

Anyone who examines the Treasury statement this morning will find that so far as paying public expenditures is concerned the Treasury is in a very easy condition. There is an available cash balance of over \$141,000,000, and there is in the hands of the disbursing officers, which is really in the hands of the Treasury—for the money in the hands of the disbursing officers is but the till money of the Treasury—there is in the hands of disbursing officers \$24,000,000 available for current payments. So that this morning's report shows an available cash balance of over \$165,000,000. Compare that condition with the condition of the Treasury time and again in recent years, when there was no excitement or apprehension in the public mind, and it will be found that so far as its assets are concerned it is in a very easy condition.

I have here a statement of the condition of the Treasury on the 31st day of May, 1892. I find on that day an available cash balance, including the gold reserve, of only \$126,000,000, whereas we have to-day \$141,428,000. There was then in the hands of disbursing officers only \$8,739,000, whereas we have to-day in their hands \$24,004,000, making an available cash balance in the Treasury to day of \$165,000,000 as against \$126,000,000 on the 31st day of May, 1892.

I might refer to other dates in the past few years when the Treasury was in much greater stress. This is, however, sufficient to satisfy the House, and ought to be sufficient to satisfy any man in the country, that there is no emergency, so far as the Treasury itself is concerned. But when I come to examine this morning's statement of what is called the gold reserve in the Treasury, I find it to be only \$42,217,000. The Treasury as a bank of issue is in distress: the Treasury as a bank of issue has been for a year or more in distress, and because of its distress as a bank of issue it has been compelled to do that which any other safe and sound bank would do under like circumstances—that is, go out into the market to replenish the reserve which it keeps for the purpose of redeeming its current notes.

Let me explain for a moment the history and origin of this gold reserve in the Treasury. In the law of 1875, which provided for the resumption of specie payments, the Secretary of the Treasury was directed, by the sale of bonds and by the use of the surplus revenue, to accumulate a sufficient coin reserve in the Treasury to redeem the outstanding legal-tender notes of the Government on and after the 1st day of January, 1879, and it was expressly understood at the time, both by the language of the law and by the interpretation given to it by Mr. Sherman in his reports, that this power to issue bonds or to use the surplus revenue to maintain

an adequate coin reserve was a continuing power, to be exercised whenever the reserve required its exercise on the part of the Treasury.

Secretary Sherman, from the sale of bonds, chiefly in London, and through the setting apart, from time to time, of such portions of the customs revenues, then by law payable in gold, as he could spare, accumulated what he declared to be a safe coin reserve to maintain the resumption of specie payment of the notes of the Government.

Mr. BLAND. I should like to ask the gentleman by what authority in 1879 customs dues were payable in gold?

Mr. WILSON of West Virginia. Customs dues were payable in coin. I should have said, and gold was about the only coin in the country.

Mr. BLAND. Not in 1879?

Mr. WILSON of West Virginia. By the 1st of January, 1879, there were how many thousand Bland dollars in the country? About \$20,000,000, or something like that amount.

Mr. BLAND. That was enough to pay a good many customs dues, and also bonds, when the bonds were sold by Mr. Sherman.

Mr. WILSON of West Virginia. The gentleman is correct in saying that customs dues were payable in coin, but gold being substantially the only coin in the country—for, on the 1st of January, 1879, the Bland Act had been in operation but a few months—customs duties were virtually payable in gold; and it was out of this surplus gold, together with the sale of \$90,000,000 of bonds and the Alabama award, that we accumulated the amount of gold which the Secretary thought a proper and safe reserve for the resumption of specie payments.

In successive reports he gave it as his opinion that the Treasury should always maintain at least 40 per cent in coin of its note circulation; and when the resumption of specie payment began, on the 1st day of January, 1879, there was something over \$133,000,000 of gold in the Treasury for the redemption of the \$346,000,000 greenback notes then in circulation. That was the beginning of the gold reserve. In 1882 Congress, in the national banking act, seemed to give instructions that \$100,000,000 was the proper gold reserve to be kept in the Treasury by providing that whenever the gold in the Treasury fell below \$100,000,000 the issue of gold certificates should cease.

In 1885 the Secretary of the Treasury, Mr. Manning, acting on what seemed thus to be the opinion of Congress, specifically set aside \$100,000,000 of gold as the special Treasury reserve for the redemption of the legal-tender notes of the United States. And if I mistake not the majority of the Judiciary Committee of this House in a report made during the Fifty-second Congress held that such action was obligatory.

Now, the condition of the gold reserve or the amount of that gold reserve has from time to time varied in the history of our fiscal and banking operations.

So perfect was the confidence of the country when the Treasury resumed specie payments in 1879 that between the 1st day of January, 1879, and the 1st day of November, there were presented for redemption less than \$12,000,000 of the notes of the Government; and during the entire twelve months that followed, from the 1st of November, 1879, to the 1st of November, 1880, there were presented for redemption under the resumption law but a little over \$700,000 of the notes of the United States; and during all that time, instead of gold being drawn out of the Treasury, there was a steady flow of gold into the Treasury under the inevitable operation of that law of trade that where paper is known to be as good as gold business men always insist on having the paper instead of the gold.

There have been times, as I have said, when this gold reserve ran down. A very critical time came in the panic of 1890, when according to Secretary Windom, in the speech which he made in the city of New York the night he died, there was during the previous November (November, 1890) a run on the gold reserve to the amount of \$24,000,000. I may state also that he called attention in his annual report of 1890 to the fact that during the crisis of the panic of 1890 the Treasury was virtually reduced, so far as available cash assets for the payment of its debts were concerned, to the \$54,000,000 of the banking trust fund, which, under the operation of the Sherman law of the previous July, had been passed to the cash of the Treasury.

It thus being by law, Mr. Speaker, and by the policy of the Treasury Department ever since the resumption of specie payments began, the recognized safe and sound practice to maintain in the Treasury of the United States at least \$100,000,000 of gold, or a sufficient amount of gold to maintain the redemption of the obligations of the Government that are redeemable in gold, it has three times within the last thirteen months become necessary for the Treasury of the United States to go into the market and purchase gold, as any other banker would have to do, to maintain its reserve. Twice in twelve months it has issued and sold in this country \$50,000,000 of 5 per cent coin obligations of the Government, getting into the Treasury for them something over \$117,-



000,000. But that experiment, as everyone can now see, was only a makeshift, and a very brief and futile makeshift in itself.

The gold acquired last January was taken out of the Treasury before November. The gold bought last November has been taken out of the Treasury in two months, so that anyone can see that these previous bond issues have simply resulted in exchanging our gold for our own bonds. Under these circumstances it became necessary for the Secretary of the Treasury, in order to maintain the gold reserve at the sum required by law, in order to maintain a ready and instantaneous redemption of the legal-tender note obligations of the Government, in order to carry out the pledge contained in the Sherman law and in the law that repealed the Sherman law, to maintain at a parity all the coin circulation of this country, I say it became necessary for the Secretary of the Treasury to seek some other supply of gold than that he could obtain in this country. Under these circumstances Secretary Carlisle has done just what Secretary Sherman did, time and again, when he was refunding the public debt; just what he did when he was gathering the gold to make up this reserve in the Treasury; he has sought to purchase gold from other markets than our own.

Now, Mr. Speaker, there is one point, perhaps, which I can state appropriately here, though not directly in the line of my remarks. I have said that Secretary Sherman kept a gold reserve of 40 per cent, and declared in successive reports that he believed 40 per cent was the necessary and safe reserve. When that \$100,000,000 was set apart; when the \$100,000,000, by what seemed to be the instruction of Congress in 1882 was set apart, it was a gold reserve fund for the redemption of the greenbacks outstanding, \$340,000,000, and for the support of \$200,000,000 or more of standard silver dollars then in circulation.

But to-day \$100,000,000 gold in the Treasury would be a reserve fund, first, for the redemption of \$500,000,000 of outstanding legal-tender notes of the Government; then, of \$500,000,000 outstanding overvalued silver coins, and in addition to that, under the operation of the present national banking law, of all the notes of all the national banks of the country. If 40 per cent was a proper and sufficient banking reserve in 1879 and 1880, no man can complain that, with these added charges and these additions to the redeemable notes of the Government, \$100,000,000 is now more than a very modest reserve.

Mr. DINGLEY. If the gentleman will pardon an inquiry, he has spoken of the Treasury having purchased during the past year by the issue of bonds \$117,000,000 of gold to maintain the redemption fund. I would ask him how the Treasury has obtained the money to meet the deficiency of nearly \$109,000,000 in the revenues in the last nineteen months?

Mr. WILSON of West Virginia. Still harping on my daughter! [Laughter.] Mr. Speaker, I have explained all that several times already. I have explained that under this endless-chain system—

Mr. DINGLEY. If the gentleman will pardon the interruption, it seems to me that this is an exceedingly important point in this discussion, because it is true that the Secretary of the Treasury has obtained \$117,000,000 of gold, ostensibly for the maintenance of the gold redemption fund, and yet during that same time there has been a deficiency in the revenues, up to last night, of almost \$109,000,000. Now, I ask the gentleman if the \$117,000,000 of gold, purchased ostensibly for the maintenance of the redemption fund, has not been used to the extent of nearly \$109,000,000 to meet the deficiency in the revenue?

Mr. WILSON of West Virginia. Well, Mr. Speaker, I answered that question, as I thought, in the debate on the sugar differential bill. Of course the gentleman is partly correct. The \$117,000,000 of gold bought for the purpose of maintaining the gold reserve was, under the operation of the "endless-chain system," turned into other forms of money, which immediately swelled the cash in the Treasury and were available to pay the expenses of the Government.

Mr. DINGLEY. But how could there have been an endless chain if the greenbacks that were redeemed had been held in the Treasury instead of being immediately paid out for current expenses?

Mr. WILSON of West Virginia. Does not the gentleman know that under the law of 1874 the national-bank notes can be used to drain the Treasury as effectively as greenbacks?

Mr. DINGLEY. By no means, to any such degree.

Mr. WILSON of West Virginia. Under the law of 1874 the Government has become the redeemer of the national-bank notes. The banks themselves need not redeem them, in the first place. Any man in the city of New York can go to the bank of my friend who sits before me [Mr. HENDRIX] and get a million dollars of his bank notes, take them to the Treasury, have them changed into greenbacks at one counter, and at another counter demand gold for the greenbacks.

Mr. DINGLEY. But my friend has not answered the practical question which I asked him with reference to the disposition of the \$117,000,000 of gold bought to maintain the redemption fund.

I ask him again—because it is an important matter—if it is not true that \$109,000,000 of the \$117,000,000 purchased by the sale of bonds has been used to meet the deficiency of revenue rather than to maintain the gold redemption fund in the Treasury?

Mr. WILSON of West Virginia. Undoubtedly a large part of it, or a sufficient part of it, has been used to meet the deficiency in the revenue. I have stated that in previous speeches. It has been so used, and therefore there is no call for any more money now to meet the revenue deficiency, because we have \$65,000,000 in the Treasury over and above the \$100,000,000 reserve.

Mr. DINGLEY. Has not that surplus, so called, in the Treasury been put there by the sale of bonds? If the bonds had not been sold would there have been any surplus in the Treasury? On the contrary, would there not have been a deficiency of \$61,000,000?

Mr. WILSON of West Virginia. If you are going to give this a political turn, the difference between your Treasury management and ours is that when we wanted money we went out into the market and borrowed it, and when you wanted it you appropriated a trust fund of \$54,000,000 in the Treasury. [Applause on the Democratic side.]

Mr. DINGLEY. I do not desire to bring in partisan considerations at all, but, as a matter of fact, not a dollar of the bank redemption fund was used by any Republican Administration for the current expenses of the Government; and when you speak of a Treasury balance of \$41,000,000, \$30,000,000 of that is the bank redemption fund, leaving only \$11,000,000 belonging to the Government outside of that.

Mr. WILSON of West Virginia. If the gentleman from Maine will only read the report of Secretary Windom for December, 1890, he will find the fact stated, as I have already stated it, that on the 10th day of September of that year—I read the Secretary's words—

The amount of the bank redemption fund then in the Treasury which had been transferred to the available fund by the act of July 4, 1890, was \$54,000,000, being substantially the amount of the available surplus on September 10, 1890.

Mr. DINGLEY. Is it not true that not one dollar of the bank redemption fund was used prior to March 1, 1893, for the current expenses of the Government, but was used for the purpose of reducing the interest-bearing debt?

Mr. WILSON of West Virginia. Why, it was passed to the available cash of the Government. Here is your own Secretary of the Treasury stating that on the 10th of September the bank redemption fund was about the only available cash in the Treasury.

Mr. DINGLEY. That may be; and yet to-day \$30,000,000 of the \$41,000,000 is simply the bank redemption fund; and there are only eleven millions of free money in the Treasury to-day outside of the one-hundred-million-dollar redemption fund and bank redemption fund.

Mr. WILSON of West Virginia. Mr. Speaker, I have already admitted that the flush condition of the Treasury is partly the result of the issue of bonds, that the bonds which were issued for one purpose have by operation of law become available for another. And no doubt a large part of that surplus is the result of the sale of the bonds. But my argument is that the sale of those bonds having added far more than is needed for the comfortable running of the Government, the present sale is for an entirely different purpose. The present sale is for replenishing the reserve of the Treasury as a banker, not for adding to the assets of the Treasury for meeting running expenses.

Now, I believe I was saying when interrupted that Secretary Carlisle has done under these circumstances just what other Secretaries of the Treasury have been obliged to do—what Mr. SHERMAN, particularly, was obliged to do in 1878—in order to build up a gold reserve in the Treasury. He has made a contract for the sale of enough 4 per cent thirty-year coin bonds of the Government to bring into the Treasury 3,500,000 ounces of gold of the standard weight and fineness of the United States coin of to-day. He has sold those bonds at 4 per cent premium with the right to substitute for them at par 3 per cent bonds, provided they are specifically made payable in gold as to principal and interest.

If the Government maintains its traditional policy, if the Government fulfills the pledges of the Sherman Act and of the act repealing the Sherman Act, every bond that it issues to-day payable by its terms in coin is payable in gold, because the Government has pledged itself to keep all its coin on a parity with gold. It being certain, then, that unless a radical change is made in the policy of the Government—unless there is a repeal of existing laws, these 4 per cent bonds will be paid in gold when they fall due—it seemed to the Committee on Ways and Means that there ought to be no hesitation in accepting the option of specifically naming gold in the bonds, and thus securing the better rate, which will amount to a saving of over half a million dollars in interest a year.

Mr. BRECKINRIDGE. The gentleman seems to intimate that Congress has the right to accept an alternate proposition. Is it not true that if Congress does not act, the bonds are sold at the rate of interest named in the contract; and if Congress does act,

the only effect is to make the bonds specifically payable in gold and to save \$16,000,000 in interest?

Mr. WILSON of West Virginia. That is it.

Mr. VAN VOORHIS of New York. Now, will the gentleman yield to me for a moment?

Mr. WILSON of West Virginia. I will if the gentleman will make his question short. I have but an hour, and I must save a part of my time for closing the debate.

Mr. VAN VOORHIS of New York. I will make the question very short. I understand the gentleman to say the Secretary of the Treasury has sold a certain amount of bonds and bought a certain amount of gold. Is there any contract on that subject except that which has been presented in the report of the committee?

Mr. WILSON of West Virginia. Of course not.

Mr. VAN VOORHIS of New York. Now, in what part of that contract does the gentleman find any covenant or agreement on the part of the Government to take one dollar of gold? Is the contract anything more than a simple option—an agreement on the part of the Rothschilds to furnish the gold, but no agreement on the part of this Government to take it? And is that a contract which is binding as a covenant upon the United States to buy these \$65,000,000 of gold at the rate named?

Mr. WILSON of West Virginia. Mr. Speaker, it does not seem to me that that is a question which I need delay the House upon.

The gentleman from Kentucky [Mr. BRECKINRIDGE] is right in his suggestion. There is a contract made under which gold to-day is being put into the subtreasuries, a contract under which gold is to-day being loaded on shipboard to come to this country, a contract which is complete in itself and can not be set aside, because made under ample authority of existing law. The only question is whether we shall exercise our option to substitute for a thirty-year 4 per cent coin bond a thirty-year, or less, 3 per cent gold bond. And the effect of that is simply this: That as every coin contract, made in this country since the resumption of specie payments, is in truth a gold contract, we are saving half a million dollars a year without any additional burden or liability on the Government.

Mr. Speaker, I repeat that this is simply a question of saving a half million of dollars a year in interest to the people of the United States. The gold dollar has been the standard of payment in this country by operation of law for twenty-five years. There is not a contract made by a member of Congress for the payment of money, there is not a contract in this country to-day, where the money is not actually specified, that is not a gold contract. Gold is the standard—the legal standard—by which all contracts are paid in this country, whether the payment be in gold or not, and gentlemen constantly confuse in their discussions on this floor a very important distinction between the standard of payment and the currency of payment.

Mr. HOPKINS of Illinois. Just there will the gentleman allow me?

Mr. WILSON of West Virginia. I hope the gentleman will not insist upon an interruption now. He will have his own time.

Now, there is another reason why it seems to me that there ought to be no objection to the issue of a bond by the Government of the United States to be paid in gold at its maturity. We receive gold from the purchaser of these bonds. We stipulate that we shall receive from them 3,500,000 ounces of gold in exchange for the bonds, and what objection is there in law or in equity to our agreeing to return to them 3,500,000 ounces in gold? That is the contract.

A word now as to what will doubtless be a matter of great discussion in the House. Why were the bonds sold at what seems to be a lower rate than the market rate in this country? Simply because two futile attempts had shown the Secretary that to market the bonds here would give no permanent help to the gold reserve in the Treasury, and consequently the Secretary has had to do what Secretary Sherman had to do; that is, he has had to look out for means of turning the tide of gold imports toward this country, and has had to take the rates at which the bonds could be sold, and the only rates at which they could be sold, for the purpose of turning the tide of gold imports toward this country.

Mr. McMILLIN. If it will not interrupt the gentleman from West Virginia, I would like to ask him a question.

Mr. WILSON of West Virginia. Certainly.

Mr. McMILLIN. I wish to ask whether the gentleman thinks it will not be possible, even after this act, if it should pass, to raid the gold reserve in the Treasury as originally, the only difference being that it would simply take a little more time, but puts no permanent stop to it?

Mr. WILSON of West Virginia. I will say in response to the gentleman from Tennessee, it was possible from the first day that specie payments were resumed to raid the gold reserve in the Treasury and take it all out in a week. But if we can restore confidence in this country we will put the Treasury in such credit that it will be able to exchange its notes for gold and keep up the gold reserve without trouble.

I had intended to speak on other points in connection with the matter, but am compelled to reserve the remainder of my time to close the debate. [Applause.]

The SPEAKER. The gentleman has eighteen minutes of his time remaining.

Mr. HOPKINS of Illinois. Mr. Speaker, the gentleman from West Virginia who has just addressed the House in favor of this proposition that is pending under the special rule adopted to-day devoted considerable time in justification of the Administration in issuing bonds and replenishing the Treasury thereby. I shall take no time in attempting to answer him on that proposition. That, as I understand it, is not the question presented to the House to pass upon.

We have been informed by the President of the United States, in a special message to Congress which was read here a few days ago, that a contract has been already made for the issuance of bonds; and the question submitted to us is not whether a new loan shall be negotiated and new bonds issued, but whether this Congress will authorize the President to change the policy of the Government, and issue a gold bond.

I am opposed to this resolution because I am opposed to this Government at this late day in our financial transactions changing its policy with reference to the issuance of bonds; and in view of my opposition I desire the attention of the House for a brief period only to give some of the reasons that impel me to hold that position.

During the long period the Republican party controlled this country, commencing, as it did, in the early days of secession, during all the dark and stormy period of war and up to a few years ago, it was enabled to enact laws and adopt measures to replenish the Treasury and furnish the necessary means to pay the expenses of the Government without a resort to the extraordinary methods that have been adopted by President Cleveland and his Secretary of the Treasury in the contract that is before us to-day.

For more than thirty-five years the settled policy of this Government has been to issue our Government bonds payable in coin. The bonds that have been heretofore issued are not payable in gold, or silver, or greenbacks, but are payable in coin. Now, the gentleman who has just addressed the House [Mr. WILSON of West Virginia] says that the established construction of those bonds is that "coin" means "gold," and that it is just as well to put the word "gold" in there as it is to put in the word "coin." If that be true, and President Cleveland and his Secretary of the Treasury understood that when they were negotiating this loan of \$65,000,000 with this syndicate, why did they not call the attention of the syndicate to this fact and let them understand that the Government would not deviate from its settled policy, but that the bonds would be paid in gold, as the gentleman from West Virginia [Mr. WILSON] says.

It seems to me that the time to urge this argument is not here upon the members of the House and Senate and the country, but was with these foreign capitalists when the negotiation for the bonds was pending. They should have been informed that the Government of the United States has a settled policy on this bond question, and that the people of this country have never repudiated their obligations. [Applause on the Republican side.]

I desire, Mr. Speaker, to call the attention of members of this House to the fact that the Republican party in negotiating loans reduced rates of interest year after year during the whole history of bond issues. When Judge Folger, of New York, was the Secretary of the Treasury in 1883 he extended \$300,000,000 of our obligations for 3 per cent on a coin bond at a time when the condition of our country was not as good as it is to-day, at a time when we did not have as vast industries, as great wealth as we have stored away in the vaults of private individuals and corporations and in the great banks of the country. That vast sum of \$300,000,000 was negotiated, not with a foreign syndicate, not by a private contract with the law partner of the President as legal adviser of the syndicate making the loan, but it was negotiated in the open sunlight, and with the American people, at a rate of only 3 per cent interest. [Applause on the Republican side.]

Mr. Speaker, I am opposed to this change in the condition of the bond because in my judgment it will destroy the credit of the United States. The President, in his message to Congress, has said that by adopting this resolution and approving of this gold contract more than \$16,000,000 will be saved to the Government in thirty years that the bonds are stipulated to run. I say, Mr. Speaker, in my humble judgment, instead of being a saving to the Government of the United States, that in the years to come it would cost more than \$100,000,000 to change the character of our Government obligations.

This country is in many respects like an individual engaged in business, young, energetic, and aggressive. Such a business man must be a debtor, and must have any number of creditors. If he is a good business man he issues the same kind of an obligation to all of his creditors, and simply issues an evidence of indebtedness to all the people from whom he borrows money or with whom



he deals or enters into obligations. But, sir, if this business man should happen on a fatal day to walk into a broker's shop and ask for a loan and should agree to give a mortgage upon his property as security, that moment his credit would be destroyed. No other creditor would allow him money or credit without his giving as good security as the broker exacted, and the creditors that already existed, instead of extending their obligations and giving him time, would insist upon the payment of their money, and the result would be that by the change of his policy the prosperous business man would be made a bankrupt.

Now, the same thing would occur to the Government of the United States. No new loan could be made in other than gold bonds, while the holders of the coin bonds now out would insist that their bonds must be changed to gold ones. Under the policy that we have adopted the holders of these coin bonds are directly interested in maintaining the integrity of our financial system. They know that while the coin bonds have always been paid in gold under Republican Administrations and under the present Administration, yet that there is still a strong party in this country which believes that those obligations could be paid in silver and the letter of the bonds be kept. Hence, the holders of the Government coin bonds are interested in maintaining the parity of the two metals. They are interested in seeing that the money of the Government—greenbacks, silver, and gold—shall be of like value.

But, sir, if you should adopt the recommendations of the President in this message, and give him the power of issuing a gold bond, you would destroy this principle that operates to control the bondholder to-day and you would make him a bear upon the market. The bondholder whose bond reads "payable in gold" is directly interested in driving this Government upon a silver basis.

Why do I say that? Because if he can drive gold to a premium and drive this Government upon a silver basis he enhances the value of the bond that is payable in gold. The moment that this \$62,000,000 mentioned in the President's message were issued in gold bonds you would have August Belmont & Co. and J. S. Morgan & Co. and the Rothschilds and their financial agents in London directly interested in looting the Treasury of the United States of its gold, in destroying the financial stability of our Government, and in driving us upon a silver basis, because they thereby could double the value of their bonds. [Applause on the Republican side.]

What a remarkable attitude the President and his Secretary of the Treasury are in! They are stating to the public that this loan is to replenish the Treasury so as to maintain the parity of the metals, gold and silver, and to do this are trying to induce Congress to authorize them to issue a gold bond.

It seems to me, Mr. Speaker, that these considerations are sufficient to show that the paltry sum of \$16,000,000 that has been suggested in the President's message ought not to have any weight with the members of this House in determining their vote upon this question. Certainly it ought not to have any weight with the Republican members of this House, when they know from the earliest history of the Republican party we have had but one policy upon this question, and that policy has carried this country on in a course of prosperity and financial and industrial success that has been the marvel of the world. [Applause on the Republican side.]

Now, Mr. Speaker, I have suggested these few considerations in a general way for the reason of my opposition to this measure. When we come to consider the character of the contract that has been entered into by the Secretary of the Treasury, we find reasons that are too numerous to mention why we should not give it our sanction by an affirmative vote in this House. Why, Mr. Speaker, it is one of the most remarkable contracts that was ever entered into by this Government with any private corporation, either foreign or domestic. What is it? It is a contract, in the first place, that has been made in private. Heretofore the obligations of the Government had been entered into in the open market, with the entire American public taken into the confidence of the Administration. Even the loans that have been previously made by this Administration have been of that character.

The gentleman from West Virginia [Mr. WILSON] has stated that \$117,000,000 has been placed in the Treasury of the United States by the two loans that have been made within less than a year by this Administration. Those loans were not made in secret with a foreign syndicate. They were made with the American people in the light of day, with every American citizen having the privilege of sending his bid to the Treasury of the United States and adding his sum of money to replenish the Treasury of the United States. Mr. Speaker, what has been the result of this policy? The result is that loans have been made for less than 3 per cent on ten-year bonds.

A MEMBER. Coin bonds.

Mr. HOPKINS of Illinois. For less than 3 per cent on coin ten-year bonds; and here we have a contract entered into secretly be-

tween a banking concern in New York and one in London, not for a ten-year bond, not for a fifteen-year bond, but for a thirty-year bond, and one that may, under its terms, run for a hundred years; a bond, Mr. Speaker, that requires the Government of the United States to pay 3½ per cent interest, and that interest is to be paid quarterly.

On the very day that this contract was signed, on the very day that the President of the United States sent his message to Congress, holding up this bribe of \$16,000,000 to the House and the Senate for their approval, like bonds were selling in the open market, with only twelve years to run, at 110½. This syndicate bought them at 104½, payable thirty years after their date.

Mr. Carlisle admitted, when he was before the Committee on Ways and Means, that on the same basis, with thirty years to run, the market value of these bonds at the time when he made this contract with this foreign syndicate was 119½. In other words, the President and his Secretary sold these bonds for \$9,500,000, in round numbers, less than they were selling for in the open market. Then he gave a rate of interest on the bonds higher than any civilized country in the world is paying to-day for its new obligations. Even bankrupt Egypt has negotiated her loans for less than the figures that the President and his Secretary have given to this syndicate of brokers. The richest, the grandest, and the proudest country in the world, under the rule of Democracy, has been reduced to this low estate.

They have given a higher rate of interest than little Norway, Belgium, France, or England pay on their obligations. They have given a higher rate of interest than the British provinces are compelled to pay; and yet they come in here, after having negotiated this secret loan, and ask the American Congress to confirm them in this contract with these concessions to Belmont & Co., of New York, and Rothschild & Co., of London. When President Cleveland penned that message and sent it to Congress it was not for patriotic, but political purposes.

He wanted to throw the responsibility upon Congress of approving an indefensible contract with this syndicate that was represented in the negotiations by his former law partner. [Applause.]

Mr. SIMPSON. That is business, not politics. [Laughter.]

Mr. HOPKINS of Illinois. Now, let us see what this syndicate will make by this contract, negotiated in the manner I have indicated. They make \$9,500,000, in round numbers, when the contract is signed. The President says they will make over \$16,000,000 at the expiration of the period the bonds run.

The gentleman from West Virginia, when he was addressing the House, undertook to excuse the hard terms of this contract for the Government by claiming that it was difficult to negotiate this loan. I hold, Mr. Speaker, and I believe that the majority of the American people are with me, that had the President and his Secretary of the Treasury advertised this loan, as has been done on all previous occasions, the people would have responded at once, and I have evidence here which confirms me in my view and tends to show the enormous profits that will be made by this syndicate of foreign capitalists. I find, in a financial article published in the Washington Post to-day, that Messrs. Alexander Brown & Sons, bankers of Baltimore, had agreed with Messrs. August Belmont & Co. to become members of this syndicate and to take \$1,135,000 of the bonds, but before these negotiations are fully concluded with the United States the demand in our own country for this loan is so great that Belmont & Co. have informed Alexander Brown & Sons that instead of \$1,135,000 they can have only \$100,000 of the bonds.

Mr. BOWERS of California. And that demand was in our own country?

Mr. HOPKINS of Illinois. Yes, Mr. Speaker, as the gentleman from California suggests, that demand came from our own people.

Mr. TRACEY. Where would it have been if gold had gone to a premium?

Mr. HOPKINS of Illinois. Gold would not have gone to a premium. That is impossible. That is one of the pretenses put forward by the President to coerce the members of this House and of the Senate of the United States into the adoption of this contract, which will receive the condemnation of all honest citizens in every section of our country. [Applause.]

When the President sent that message to this House and undertook to load this contract upon Congress he knew that a majority of the Senate of the United States favored free and unlimited coinage of silver. He knew that never could a gold bond bill go through that body, to say nothing of the sentiment in this House. Then why did he send that message here? He sent it for the purpose of misleading the people of this country. [Applause.]

He had made a contract, Mr. Speaker, that he knew the American public would not approve of. He had made a contract with his financial friends, giving them the enormous profits that I have indicated here, and he desired by that message to mislead the public and get the approval of Congress on the idea that \$16,000,000 of interest would be saved by giving such approval. Now, sir, I say for one—and I hope I speak for the entire Republican party

and the great mass of the Democrats, too—I say that I am not willing to become particeps criminis in any such transaction. [Applause.]

I am not willing to say by vote or voice that the President of the United States can prostitute the interests of our Government, derange our financial system, and bring disgrace upon the American nation in the interest of either these bankers in New York or the foreign syndicate represented by Rothschild and company. [Applause.]

It is time for us, Mr. Speaker, to indicate to this Administration that we can be patriotic without adopting all of the financial heresies and vagaries that the President and his Secretary of the Treasury have indulged in in this contract and in other transactions. [Applause.] I have grown tired of the statement that is made here: "If you do not support this Administration you are not patriotic."

I believe that, as a Representative of the people from the great State of Illinois, I have the same right to an independent opinion upon these questions as the President or his Secretary of the Treasury [applause], and I believe that the members of this House and of the Senate are as patriotic as he, and by not adopting his policy we are not striking a blow at this Government, either in its financial or industrial policy.

If President Cleveland and his political associates had followed the grand and patriotic course that was always pursued by the Republican party we never should have experienced any of the troubles that have beset this nation since the 4th of March, 1893. [Applause on the Republican side.] If, in the reorganization of our legislation and the substitution of new tariff laws for those that were on the statute book when the Republican party went out of power, this Administration had enabled the Government to raise its revenues to an amount equal to or exceeding its expenditures, we should never have had occasion to negotiate a loan of this character, or a loan of the character of either of those that have been negotiated by President Cleveland.

I trust the Republican members at least of this House will remember their party history, will remember its grand record on all financial matters, and will stand by that on the vote that will be taken on the pending measure. [Loud applause.]

Mr. PENCE. Before the gentleman closes I would like to ask him a question for the information of the House. In the contract as printed in the report between Mr. Carlisle on the one side and the London bankers on the other one of the witnesses is Francis L. Stetson, who, we understand, is a former partner of President Cleveland. Now, I understand the gentleman's statement awhile ago to be that these bankers were represented by Mr. Stetson. If in the investigations before the gentleman's committee there was anything throwing light upon that point, and if the gentleman will be good enough to inform the House of it, I know we should like to hear it.

Mr. HOPKINS of Illinois. My understanding is he represented the syndicate and attested the contract as such representative.

Mr. COX. I should like to call the attention of the gentleman from Illinois to one point as he is a member of the committee reporting this joint resolution. Why was the provision inserted in this contract that on any bonds which may be issued between now and the 1st of October next this syndicate shall have the option?

Mr. HOPKINS of Illinois. That is another part of the contract; and that is one of the reasons why I condemn it.

Mr. COX. I agree with the gentleman precisely. How does it happen that the United States Government gives an option upon its credit from now until October 1?

Mr. HOPKINS of Illinois. Nobody but this syndicate and the Secretary of the Treasury and the President can answer that question. [Applause on the Republican side.]

Mr. BOWERS of California. Let them answer.

Mr. HOPKINS of Illinois. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has used thirty minutes.

Mr. HOPKINS of Illinois. I desire to yield ten minutes to my colleague from Illinois [Mr. CANNON]; but before doing so I will yield one minute to the gentleman from Vermont [Mr. POWERS], who desires to offer an amendment.

Mr. POWERS. I wish to offer an amendment to the pending resolution.

The SPEAKER. General debate is proceeding. An amendment is not in order.

Mr. POWERS. Then I ask to have this proposition read at the Clerk's desk for information.

The SPEAKER. It can be read.

The Clerk read as follows:

At the end of the proviso on page 2 add:

"And provided further, That nothing herein contained shall be held or construed as changing the avowed policy of the Government to pay all its outstanding bonds in gold."

Mr. CANNON of Illinois. Mr. Speaker, in the little time allowed me I had, perhaps, best utilize a moment at the commence-

ment by stating that I believe in preserving the national faith. I believe that every obligation of this Government, under well-settled law as construed for almost two decades by all Administrations, and as it is to be enforced by virtue of an honest sentiment of an honest people, is payable, at the option of the holder, in gold or its equivalent. Coin means gold in the Government obligations, at the holder's option. The country has so understood it; and the world so understands it to-day. The country understood it when the bonds were negotiated last year on the basis of 2.9 per cent interest, these bonds to mature in a short period. The very men who made the contract with the Secretary of the Treasury on the 8th day of this month understand it; because, while they get a profit of \$10,000,000 above the market, if they had believed that these bonds were payable in silver at the ratio of 16 to 1, you could not have persuaded them to purchase. [Applause.]

Bear with me a minute while I state briefly my reasons for voting against this bill. I am not going into ancient history; let us go into modern history—last month and this month. On the 28th day of January the President sent his message to Congress that begot the so-called second Springer birth. [Laughter.] These births come pretty frequently. In that message for the first time came a suggestion—and it came from the Chief Executive—that there was doubt as to whether coin in a Government obligation meant gold. There was no doubt in New York, there was no doubt in London, there was no doubt in Paris, because at those three points the bonds of the United States maturing in 1907 were valued on the basis of 3 per cent interest and less.

The Springer bill came before the House and was voted down by a large majority. I undertake to say in the light of the surroundings that all the House knew that the President of the United States knew when he sent that message to Congress that there could be no legislation along that line. The country must understand that well. The President knew that a free coinage 16 to 1 Senate of the United States would not pass that bill or anything akin to it.

Why did he send this message casting this doubt? Proof that he knew it! Yes. The Springer bill went down on the 7th day of February. On the 8th comes this contract. The President was swift in his negotiations. He was ready to negotiate. He went right on as a practical man, knowing that there would be no legislation. Still doubt in his mind? Still doubt in anybody's mind as to whether coin meant gold in the Government obligations? The gentleman from Nebraska [Mr. BRYAN] offered his amendment to the Reed substitute, reciting the fact that the bonds would be payable in silver at the option of the Government. It went to the wall by 43 majority in a vote of about 300. Still the President seemed to be doubtful; still the syndicate seemed to be doubtful, and the contract materialized inside of twelve hours after the time the Springer bill was defeated! And all know—it is an open secret here—that the Reed substitute, the only one which had the remotest chance to pass Congress, and which would have wrought the necessary cure to the Treasury, went to its death at the command of the Secretary of the Treasury and the President, as evidenced by the vote of the "cuckoos." [Applause on the Republican side.]

Mr. Speaker, the country will understand this. What next happened? The contract materialized on the 8th day of February. That same day comes this message from the President of the United States informing us that he had placed the bonds at ten millions below the rate of the market; ten millions below the market rate in New York, Paris, and London and in all the civilized world. Why did he send the message? Did he expect to secure this legislation? Oh, no; he knew it could not pass. He knew a free-coinage Senate would not pass it, whatever the House might see proper to do.

Mr. STRAUS. May I ask the gentleman a question?

Mr. CANNON of Illinois. Yes.

Mr. STRAUS. Is it not because we have a free-coinage Senate that we are obliged to sell bonds at this rate? [Cries of "No!" "No!" on the Republican side.]

Mr. WALKER. No. We have had a free-coinage Senate for five years.

Mr. CANNON of Illinois. Now, then, Mr. Speaker, if the President in good faith put in this reserve, if in ten days gold bonds were authorized specifically by Congress—if it was done—it made them no better. Did he do it in good faith? No. Why, then, was it put in? To muddy the waters and to deceive the country, while the favored syndicate go away with the \$10,000,000 of dishonorable profit. [Applause on the Republican side.]

A MEMBER. The act of a cuttlefish.

Mr. CANNON of Illinois. The act of the cuttlefish, as the gentleman suggests, that was to hide the transaction as much as possible. And the legislation is not to be enacted.

But who gets the profits? Why, this band of favored contractors, this syndicate. Now, why? I will say to you, measuring my words—



The SPEAKER. The time yielded to the gentleman has expired.

Mr. HOPKINS of Illinois. I yield two minutes more to my colleague.

Mr. CANNON of Illinois. Well, that is a very short time, but I do not think my colleague can spare more than that.

Now, with all of these facts standing around, I say it in sorrow that I can not look with pride on the performance of the Executive of the nation. I say further that if it was a Republican Secretary of the Treasury that had made this contract, that this Democratic House, in my judgment, would have impeached him. [Prolonged applause on the Republican side.]

Mr. SNODGRASS. And ought to.

Mr. CANNON of Illinois. Yet these gentlemen say our credit is gone. Why, right here I have a telegram received this morning that the 4 per cents, due in 1907, payable in coin, command in the markets of the world a premium of 10½ to-day—now—at this moment. [Applause on the Republican side.]

Another reason why I am opposed to this bill, outside of this question of saving: Congress has its function; the executive has its function, which is to execute the law, not to make extortionate contracts—ten millions of a loss to the Treasury—and say to the people of this country, you shall lose this money unless you allow yourself to be bulldozed by the Executive! I will not submit to the purchase of legislation at such a price, at such dictation unlawfully attempted by the President. [Prolonged applause on the Republican side.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. HOPKINS of Illinois. I yield fifteen minutes to my colleague on the committee, General GROSVENOR.

Mr. GROSVENOR. Mr. Speaker, it has gone out to the people of this country that we who oppose the passage of this joint resolution are doing something or failing to do something in which and by which the honor and credit and integrity of the United States of America are involved.

In the few minutes which have been allotted to me I propose to address myself to that question. What is involved in the adoption or nonadoption of the resolution under consideration? What is imperiled here in this country? Apparently, judging from the commotion which exists in the East and in some portions of the West, and the suggestions which we hear coming from the East, and the occasional misdirected mutterings from the West, it seems to have been assumed that there is here in the air an unexecuted contract of the Government, and that our action here to-day will operate by either as a confirmation of that contract or a repudiation of that contract; and that the latter course will be an act of bad faith on the part of the Government.

Now, Mr. Speaker, there never was a greater fallacy than this. Let us see what is the status of this affair at this particular time. What is the condition independent of this outcry? What are the facts independent of the lack of knowledge so prevalent everywhere? The Government of the United States, through its Secretary of the Treasury, has made a contract with certain foreign capitalists, to wit, Rothschild & Sons and J. S. Morgan & Co., of the city of London. It is an executed contract. That is to say, there is nothing left undone in the matter of the contract. It is completed in every respect, so far as to make it a binding contract upon the parties thereto—binding upon the Rothschilds, binding upon J. S. Morgan & Co., and binding upon the Government of the United States of America, because it was made by its Secretary of the Treasury under ample power conferred by law.

The contract is in the words and figures following:

#### CONTRACT.

This agreement entered into this 8th day of February, 1895, between the Secretary of the Treasury of the United States, of the first part, and Messrs. August Belmont & Co., of New York, on behalf of Messrs. N. M. Rothschild & Sons, of London, England, and themselves, and Messrs. J. P. Morgan & Co., of New York, on behalf of Messrs. J. S. Morgan & Co., of London, and themselves, parties of the second part:

Witnesseth: Whereas it is provided by the Revised Statutes of the United States (section 3700) that the Secretary of the Treasury may purchase coin with any of the bonds or notes of the United States authorized by law, at such rates and upon such terms as he may deem most advantageous to the public interests; and the Secretary of the Treasury now deems that an emergency exists in which the public interests require that, as hereinafter provided, coin shall be purchased with the bonds of the United States, of the description hereinafter mentioned, authorized to be issued under the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, being bonds of the United States described in an act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt."

Now, therefore, the said parties of the second part hereby agree to sell and deliver to the United States 3,500,000 ounces of standard gold coin of the United States, at the rate of \$17.80441 per ounce, payable in United States 4 per cent thirty-year coupon or registered bonds, said bonds to be dated February 1, 1895, and payable at the pleasure of the United States after thirty years from date, issued under the acts of Congress of July 14, 1870, January 20, 1871, and January 14, 1875, bearing interest at the rate of 4 per cent per annum, payable quarterly.

First. Such purchase and sale of gold coin being made on the following conditions:

1. At least one-half of all coin deliverable hereunder shall be obtained in and shipped from Europe, but the shipments shall not be required to exceed

300,000 ounces per month, unless the parties of the second part shall consent thereto.

2. All deliveries shall be made at any of the subtreasuries or at any other legal depository of the United States.

3. All gold coins delivered shall be received on the basis of 25½ grains of standard gold per dollar, if within limit of tolerance.

4. Bonds delivered under this contract are to be delivered free of accrued interest, which is to be assumed and paid by the parties of the second part at the time of their delivery to them.

Second. Should the Secretary of the Treasury desire to offer or sell any bonds of the United States on or before the 1st day of October, 1895, he shall first offer the same to the parties of the second part; but thereafter he shall be free from every such obligation to the parties of the second part.

Third. The Secretary of the Treasury hereby reserves the right, within ten days from the date hereof, in case he shall receive authority from Congress therefor, to substitute any bonds of the United States, bearing 3 per cent interest, of which the principal and interest shall be specifically payable in United States gold coin of the present weight and fineness for the bonds herein alluded to; such 3 per cent bonds to be accepted by the parties of the second part at par, i. e., at \$18.60465 per ounce of standard gold.

Fourth. No bonds shall be delivered to the parties of the second part, or either of them, except in payment for coin from time to time received hereunder; whereupon the Secretary of the Treasury of the United States shall and will deliver the bonds as herein provided, at such places as shall be designated by the parties of the second part. Any expense of delivery out of the United States shall be assumed and paid by the parties of the second part.

Fifth. In consideration of the purchase of such coin, the parties of the second part, and their associates hereunder, assume and will bear all the expense and inevitable loss of bringing gold from Europe hereunder; and, as far as lies in their power, will exert all financial influence and will make all legitimate efforts to protect the Treasury of the United States against the withdrawals of gold pending the complete performance of this contract.

In witness whereof the parties hereto have hereunto set their hands in five parts this 8th day of February, 1895.

J. G. CARLISLE,

Secretary of the Treasury.

AUGUST BELMONT & CO.,

On behalf of Messrs. N. M. Rothschild & Sons, London, and themselves.

J. P. MORGAN & CO.,

On behalf of Messrs. J. S. Morgan & Co., London, and themselves.

Attest:

W. E. CURTIS,

FRANCIS LYNDE STETSON.

Here is the contract, complete, symmetrical, and not very hard to understand. The President comes to Congress with his message, and presents now, somewhat reluctantly, it appears, this written contract; and it will be seen that by that contract it is stipulated that we need not carry out the terms of that contract if we see fit to make another and different contract. A vote in the negative leaves the written contract in full force and effect. The Treasury of the United States, therefore, will be guarded and protected with the same amount of gold coin in the one case as in the other. If we decide by our vote to-day to change the terms of that contract and make another contract by which we deliver gold bonds at 3 per cent interest we get no more gold, the Treasury is no stronger, and the faith of the Government is not, therefore, affected in the smallest degree; and he who stands here crying out to-day that it is a question of upholding the honor of the Government on the one hand and a question of dishonor on the other hand is a demagogue, pure and simple, whether he knows it or not.

If you vote in the negative here to-day, and the majority is found that way, no obligation of the Government will be forfeited, and the only difference will be that in the one case the bonds of the Government under this new proposition will be put at a lower rate of interest, in consideration of which we stipulate to pay in gold coin. That is all there is of it; and there is no question of honor, there is no question of integrity, there is no question of faith involved. It is a simple question of what we prefer to do. Shall we stand by the long-established precedents of this Government, now grown hoary and time honored with age, or shall we, for a reason that does not amount to sufficient justification, change the entire policy of the Government, and in doing so reach one or two results which I shall try to point out?

No man on this floor will go farther to uphold the honor and integrity and good faith of this Government than I will. No partisan considerations shall ever induce me to vote here for party gain in that way which will result in national injury. But it is said that the credit of the Government is broken down; that we are not able to borrow money at the same price that we did recently; and it is a pertinent question to-day, who broke down our credit? How happened it and who discovered it? Who first gave notice to the people of this country that the credit of this Government was depreciated?

The last loan of a Republican Administration was made at 2½ per cent upon a "coin" bond. We never issued any other than a "coin" bond, with any considerable time to run. We did during the war issue demand notes, perhaps, payable in "gold." I do not stop to discuss the various forms of our obligations; and even this Democratic Administration only a few months ago borrowed money at 2½ per cent interest, the bonds payable in "coin." But we borrowed money under a Republican Administration at 2½ per cent interest. It may be said that that was in those halcyon days of national prosperity incident to Republican Administration; but if that be so, it is to the honor and credit of this nation that until recently it was even able to carry a Democratic Administration and float a 2½ bond at the same time.

We borrowed that money upon a time-honored bond—the bond that had had the sanction of every Secretary of the Treasury from the days of Lincoln down to this day. We borrowed that money at 2½ per cent interest. What has happened between that time and this that has forced the interest demand against this Government up to almost 1 per cent increase in rate?

Ask the honorable Secretary of the Treasury how he found out that the credit of this Government had gone down. Ask him how he found out that he could not borrow as much money as he wanted at the same old 2½ per cent interest, and he will be compelled to tell you that he did not find out that fact at all. He never made an inquiry that was a legitimate one. Is it possible that the bankers of New York, interested in a foreign loan, sharers in the enormous profits thereof, came quietly and secretly to the Administration and said, "Your credit has gone down," and that the Administration accepted that statement? Can that be true? And the Administration responds to the Rothschilds and J. S. Morgan & Co. and says, "Are you sure our credit has gone down? Are we broken up, and are we a disgraced country?" And the bankers answer, "Yes, you are." And thereupon says the Secretary of the Treasury, "What will you do to help us out?"

Then comes the startling proposition involved in this contract. "We will do one of two things; we will lend you money at 3½ per cent interest—a startling and disgraceful proposition—or if you will enter into a contract with us to sell us all the bonds that you are going to negotiate until next October we will promise that we will quit using our influence to force the exportation of gold out of this country, and we will use our 'financial influence' to keep it in this country; and we will lend you money at 3 per cent upon 'gold' bonds, principal and interest payable in 'gold'; and we bankers of Lombard street demand that the whole policy of this Government shall be revolutionized. You shall change your policy. Your policy is not right. The policy upon which this Government has run its enormous expenditures during the last thirty years is all wrong. We tell you that the interest of our money-making schemes upon the other side of the water is involved in the change of your policy, and you must change it now. Make a 'gold' bond, and we will give you the difference between 3 per cent interest and 3½ per cent interest, but we want all the bonds that you are going to sell between this and the 1st of next October." [Laughter and applause.] "In consideration of all this we will cease depleting the Treasury. We will use our 'financial influence' that the Ickelheimers and Lazard Frères, et id omne, and all those other fellows shall cease getting the gold out of the Treasury, and we will use our 'financial influence,' whatever that may be, to stop the exportation of gold. And now," say these gentlemen, "in consideration that you will repudiate your past career, that you will go back upon your entire financial record, we make you a proposition in the nature of a bonus of \$16,500,000 of difference in the rate of interest upon this issue of bonds, provided they run for the whole thirty years. That is to say, assuming that 'coin' in one instance means 'gold,' and that 'gold' in the other instance means 'gold,' the difference between these two propositions offered will be \$16,500,000 in favor of the Government in reduction of the rate of interest."

And now, says the Administration to us, "We have made an improvident contract; we have made a contract without waiting to ascertain whether we could make a better contract somewhere else. We did not ask the people of the United States to take this loan; never gave them an opportunity. We never appealed to the people of the United States as the Government of France appealed to its people in its extremity—never appealed to the patriotism of the people of this country, which had never failed us hitherto, to see whether we had it in our power to raise this money from the people—whether the people of the United States had as much patriotism as had the people of France; and therefore we come now and say to you that you can save \$16,500,000 by giving this contract to a foreign syndicate, on the terms and conditions which that syndicate demands of us."

And now it is said that here is a "saving" to the Government of sixteen and a half millions of dollars. The President comes and asks us to save him and to save the Treasury from the disgrace incident to the enormous price he has paid for money.

The patriotism, the disinterested patriotism of these bankers is well stated in an editorial article which I hold in my hand, published in this day's issue of the Philadelphia Press. It shows the character of this contract. It shows to the people of the United States how their interests are being protected by this Administration:

#### SECRETARY CARLISLE'S CONTRACT.

A single day's criticism has forced Secretary Carlisle to abandon his absurd and indefensible policy of keeping secret the financial transactions of the Government. He has published the contract he made without competition or consultation with the banking firms to whom he has given a lucrative monopoly in handling the increase of the Government debt for which the Democratic Administration is responsible.

The terms and particulars of this contract prove to be worse for the Government than was known or expected. Secretary Carlisle has capped his surrender of the credit of the Government by the surrender of all the lesser

profits of the transaction. It was known that Secretary Carlisle had sold thirty-year 4 per cent bonds at 104½ when ten-year bonds of the same rate of interest are selling at 110½. By parity of value thirty-year bonds should sell at 119½. Here is a profit in the sure appreciation of these bonds of at least \$9,200,000. The same bond, letter for letter, security for security, obligation for obligation, has been sold by a Republican Administration at 2½ per cent. By comparison with outstanding 4 per cents under the present credit of the Government, the syndicate is booked to make in marketing this issue \$9,200,000. In the increased rate of interest the Government loses in yearly interest taken directly \$18,000,000; and if the space over which the loan runs be considered, the loss is nearer \$25,000,000.

This vast profit and these enormous losses are not all. The gold is to be delivered over the next six months, not over 300,000 ounces, about \$5,000,000, to be called in any one month. This extends the transaction over the next six months. The last \$10,000,000 can, therefore, be imported in July and August, when the current of gold sets in this direction. In other words, in the face of imminent and pressing necessities, so serious that Secretary Carlisle pays disgracefully exorbitant terms to meet them, about \$2,500,000 in gold is bought in Europe and one-third of this gold is left to be brought over at the convenience of the bankers, who handle the loan in months when there is in most years a profit in importing gold. In other words, instead of getting gold on the nail by the present issue of bonds, as the Treasury has for past issues, the bankers lucky enough to secure this golden contract are given a call on the bonds and six months in which to deliver the gold at pleasure. Practically they are given the credit of the United at 4 per cent to the amount of \$65,000,000 for six months to come with which to manipulate the gold market of the world and secure for themselves all the profits of their manipulation, as the United States agrees in advance as to the price at which it will take the gold.

It has been for years notorious that one advantage in gold exports from over gold imports to this country lay in the fact that while the Federal Treasury gold consists of newly-minted eagles, little of which has been in circulation and which is above the mint "tolerance," or allowance or wear, the coin to be had abroad is older, more worn, and therefore intrinsically less valuable. "Dollars" means new coin here. "Dollars" stands for old coin abroad. By a clause in this secret contract this profit is transferred to the bankers, and the United States, instead of insisting on coin of the standard it has been paying out for export, agrees to take in this import of coin gold worn to the limit of tolerance.

Not satisfied with these successive profits, first in premium, next in interest, next in gold shipments in import months, next in the easy acceptance of "tolerance," the syndicate receives a monopoly of all issues for seven months to come. Having absorbed in a year nearly \$100,000,000 of gold, and with every probability that the proceeds of the present issue will be gone long before exchange in July and August gives the syndicate its profit on its last shipments, Secretary Carlisle binds the Government to offer its bonds to no other customers before giving the syndicate an opportunity to take them. Whatever improvement there may be in Government credit due to the existence, whether in session or not, of a Republican Congress is skillfully secured to these foreign bankers, who step between the United States and its own bankers and investors.

When Secretary Carlisle wanted to keep his contract secret everyone knew that it must be a poor one; but no one imagined it was as bad as the truth. A rate 50 per cent higher than when Government credit was guarded by Republican policy and administration. A "call" over seven months for any part of \$65,000,000 of bonds. A "put" limited to 300,000 ounces a month in return for the bonds asked for. All the advantage of "tolerance" secured to the syndicate. An option on all Government issues for seven months and a half.

And this bargain is negotiated by the financial officer of the richest country in the world, which has within a short time borrowed cheaper than Great Britain itself!

Our answer, Mr. Speaker, to all this ought to be that we will not do it. For the first time in the history of this country we are to put the word "gold" into our long-time bonds, and we do it for the purpose, with the stipulation, that there is a difference of three-fourths of 1 per cent between "gold" and "coin." That means something. This syndicate does not offer \$16,500,000 for nothing. This syndicate does not understand that one bond is as good as another. It means more than that they will make a difference of sixteen and a half millions of dollars in the cost to the Government of these two loans.

The Rothschilds, who have held empires and kingdoms and republics of the Old World by the throat, come here and say to you, "Your system is obnoxious to us, and we want a different system. We are taking great interest in you these days, you Republic of America, something rather unusual for us, but we have concluded to do it, and we want you to change your system to conform to our notions. Tear up this old pod-auger, effete way you have of doing business. Get rid of this popular idea that a nation can be run on the patriotism and integrity of its people. Abolish this whole notion of yours that bimetalism can ultimately be upheld in this country. Strike it all out; and if you will, so deeply interested are we in your future happiness and your future prosperity that we will actually give you sixteen and a half millions of dollars in payments of a little over \$500,000 a year. We will put you on our pension roll; we will pension you for thirty years at \$500,000 a year, if you will just fix the terms of your financial system to suit us. It is disinterestedness on our part, of course, and everybody understands that. We want to put down these terrible Ickelheimers. We want to get rid of the Ickelheimer business; and we will give you sixteen and a half millions of dollars to get into a position where we can use our influence to crush the Ickelheimers."

What a fraud! What a scheme! What a bait! What an outrage! Go ask the Secretary of the Treasury if, in his judgment, in the event that we ratify and confirm this gold bond transaction, there will ever be any "coin" loans by this Government in the future. [Applause and cries of "No!"] And he will tell you frankly "No." He will admit, as every man of common sense understands, it is a complete revolution, organic and complete—a complete change of our economic system. It is not worth while for any gentleman to attempt to uphold his attitude here by talk-



ing about a "single transaction." Lombard street does not pay sixteen and a half millions of dollars to boot between a transaction like this for the mere question of the money involved in the single transaction. It is a blow at our whole system. It reflects backward, and it projects forward. Do this, and tell me what is to become of the hundreds of millions of dollars of our securities now in the hands of our people, negotiated, many of them, by our Secretaries of the Treasury upon the faith of that great history of this nation that it has always paid its obligations in gold.

One of the main stipulations is that it is to be paid in "gold," because it is better than "coin." Why better than "coin?" Why is this loan in this form worth sixteen and a half millions of dollars more than in the ordinary form? What is the alternative to the "coin" security? A future loan of any kind must be made with reference to our financial history, and at once there will be a marked depreciation between the one and the other. Carry this scheme into execution, bow to these people, and give them this bond, and to-morrow I venture to say, Mr. Speaker, that the bonds now outstanding, behind which the highest faith of this Government is pledged, will be depreciated in the market in one day more than \$16,500,000. [Applause.] I venture to say that whereas on the one hand it is held out to us as a bribe to pay for our dishonorable action [loud applause] if we shall ratify this gold contract we will not have to wait for thirty years to run to make the difference of sixteen and a half millions of dollars in the value of our securities. [Loud applause.] To-morrow when Wall street opens discount would strike every obligation of the Government; and it ought to. No man can borrow money and maintain his credit giving two kinds of obligations. [Renewed applause.] No man can give security for a loan of one nature and borrow money thereon and then borrow upon a different security another sum. [Loud applause.] And when you have steered away from the landmarks of the Republican party, and the Democratic party, too, since the war, you have started in to begin the destruction of bimetalism as perfectly as if every silver dollar upon the earth were destroyed. [Loud applause.]

We stand here as Republicans, pledged in our national resolutions to maintain the parity between these two metals. [Applause.] We come here and are asked by a bribe of sixteen and a half million dollars, payable in thirty years, to make a discrimination between the "gold" bond and the "coin" bond. Fellow-Republicans, let me read to you our platforms, the declarations of our principles, upon which we have marched both to victory and defeat. In 1892 we said:

The Republican party is in favor of the use of both gold and silver as money, and condemns the policy of the Democratic Administration in its efforts to demonetize silver.

In 1892 we said:

The American people, from tradition and interest, favor bimetalism, and the Republican party demands the use of both gold and silver as standard money, with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of values of the two metals, so that the purchasing and debt-paying power of the dollar, whether of silver, gold, or paper, shall be at all times equal. \* \* \*

Those are the declarations of our party, and those are the principles of the Republicans of the United States. And, Mr. Speaker, for one, faithful to these platform declarations, I will not vote for this measure. [Loud applause.] I believe that it is fraught with dishonor and not with honor. I believe that the people of the United States, when they look beyond the mere temporary expressions of this Presidential message, will stand by the men who in this storm have stood by the people and against this combination of European financiers. They will stand by the men who have stood faithful to the principles and the landmarks of their party. [Renewed applause.] No man will stand longer or fight harder for the honor of the Government than I will; but I will not permit the prostitution of the powers of this Government to the building up of one interest in this country or in any other country to the destruction and overthrow of all the interests of the people of this country. [Loud applause on the Republican side.]

I criticize this contract in its details. What right has the Secretary of the Treasury to bind this Government to give to the moneyed men of Europe the first lien, the first option, upon all our money transactions for almost a year? It is a thing utterly unheard of—a thing unknown in our history; and I make this proposition, Mr. Speaker: If we vote down this resolution, if we refuse to permit this Government to be thus ruined, as it were, by this systematic manipulation, the holders of these bonds now issued under this contract will be put in a position unenviable in the extreme. Suppose one of these gentlemen, at the recurring of the first quarterly payment of interest, comes to the American people with a coupon and demands gold. What would be an unanswerable answer? It would be this: You presented an alternative proposition to the people of the United States. You said, "Give us a 'coin' bond and we will let you have the money at 3½ per cent. Give us a 'gold' bond and we will charge you only 3 per cent. We make a difference of sixteen and a half million dollars in a period of thirty years." Why did you do it? We say you did it because in the one case your bond would be payable in

silver, and in the other case your bond would be payable in gold, and you got sixteen and a half millions of dollars of our money for the purpose of compensating you for the difference between gold and silver. Take your silver; it is your own construction of your own contract. And for the first time, Mr. Speaker, the Government of the United States would be placed in the awkward position of paying more and higher by sixteen and a half million dollars than the construction put upon their own contract by the parties thereto.

Mr. Speaker, it was not the Republican party that proclaimed to the world the depreciation of American credit. It was the proclamation of a Democratic Administration. The credit of the Government when it was turned over to the Democrats by Mr. Harrison was higher than it had ever been before; and, Mr. Speaker, in my judgment, even with a Democratic Administration, there was no need that the credit of the Government should ever have been thus destroyed. When the election of 1894 proclaimed to the Democratic party, proclaimed to the world, proclaimed to all mankind that the sober second thought of the people of the United States had reestablished the principle in the public heart of a protective-tariff system, as against free-trade and revenue-tariff efforts, the Democratic Administration found itself driven to offer some apology or explanation to the people of the country, and in an evil hour the Administration assailed the public credit. It was Grover Cleveland who assailed the public credit by his messages. We were going along as well as could be expected with a Democratic Administration. We could borrow money at 2½ per cent. It was a wonderful, it was a glorious situation for the Democratic party to be in. Unexpectedly strong were they, so far as my judgment was concerned, when they were able to borrow money at that price, and I for one was extremely delighted. But when the Administration cried out against its own credit and proclaimed to the world that American credit was gone, and began to tinker and tamper with the finances of the country, our credit began to go down.

This Administration has done more to depreciate our credit at home and humiliate us abroad than all the other Administrations this country ever saw; and it appears to thinking and intelligent men as though it were done to create a new issue in American politics, to supplement the fatal issue that the Democratic party has hitherto made upon the subject of the tariff.

Local considerations may influence a few votes in favor of this monstrous proposition; but the great mass of the Republican party in this House and everywhere else will go steadily forward along the lines and beneath the banner which has shed luster upon that great party organization and prosperity to the people of this great country. It will stand by the pledged faith of this nation, no matter to whom pledged nor by whom pledged. It will redeem the pledges of a Republican Administration no quicker nor with any greater integrity than it will redeem the pledges of a Democratic Administration. It will protect the obligations of the Government to the soldier and to the bondholder, to the laborer and to the manufacturer. It will stand by all and singular alike. But it will not create in this country two forms of obligation and thereby create two forms of money. It will not permit that in this country the bondholder shall receive one form of money and the laborer in the coal mine, the pensioner at the counter, shall receive another form of money. This is the first overt attempt. It will be defeated. "And whoso falleth upon this rock shall be broken; but he upon whom this rock shall fall it will grind to powder."

There is a spirit of Americanism abroad in this country that will denounce this scheme. There is a spirit of pride in the institutions of this country that will resent this attempt upon the integrity and the credit of this Government. There is a spirit in this country of approbation of the great history of the Republican party that will call it back to power; and when it comes back it will come back not with any new ideas, not with any disposition to tinker and tamper with the finances, but it will come back full-panoplied with the high spirit of Republican integrity, Republican honor, Republican intelligence, Republican patriotism, and recommissioned by the people of this country, it will disregard the futile efforts to disgrace its record and go forward to renewed triumphs. [Loud applause.]

Mr. HOPKINS of Illinois. I reserve the balance of my time.

The SPEAKER. The gentleman has two minutes remaining.

Mr. HOPKINS of Illinois. I reserve the balance of my time.

The SPEAKER. The Chair will recognize the gentleman from Maine.

Mr. REED. I will occupy my time later, Mr. Speaker.

The SPEAKER. The Chair will recognize the gentleman from New York [Mr. DANIELS] for five minutes, if he is ready to proceed.

Mr. DANIELS. Mr. Speaker, in the very limited time that is at my command, I shall approach the consideration of the subject that is now before the House immediately, without devoting any attention to what has transpired in the past or to the causes which have brought these difficulties upon us. They have been so graph-

ically described by the gentleman from Illinois [Mr. HOPKINS], in whose remarks as to the misconduct and the deplorable effects of the course of this Administration I fully concur, that nothing further is required upon that subject from me.

But we are now involved in a position where we are substantially deprived of our free agency. It is simply a question of gain or loss to the country that we are now required to vote upon and to settle in the disposition which we shall make of the resolution that is pending before the House. A contract has been entered into by the Treasury Department of the United States, under the authority of the President, for a loan of this money from the persons who have signed this agreement, or their representatives, and it is now simply a question as to whether we shall charge the people with, or make them subject to, the loss of three-fourths of 1 per cent upon this loan or shall adopt the pending resolution.

We have no other alternative. The contract has been signed and it has been made under the authority of the law of 1876, by which the reserve in gold is to be maintained to the extent of \$100,000,000 for the protection and redemption of the greenback currency of the United States. The contract, therefore, has been made under the authority of law, and however we may condemn it—and I join with members of this House in condemnation of the terms embodied in this contract—we have no power at the present time to change it or to rectify it in any respect whatever. It is therefore, I repeat, simply a question with us whether we shall subject the people of the United States for a period of thirty years to the payment of three-fourths of 1 per cent, amounting to nearly half a million a year, upon this loan more than they should pay, or whether we shall adopt the resolution which is now before the House.

It has been the practice of the Government of the United States at all times to borrow money payable in gold, and inasmuch as gold is to be received upon this loan the obligation of the Government would without being expressed be acknowledged and carried out to respond to the obligation to pay it in gold. It was therefore entirely unnecessary for the Administration to stipulate for the contingent additional sum of three-fourths of 1 per cent interest upon these bonds. The money could have been obtained without the addition of that burden. But that has been done, the terms have been arranged, the obligation has been assumed to take this money from the persons who have agreed to supply it to the Treasury Department for the purpose of restoring the redemption fund to maintain the gold reserve. The Administration has blundered in the exercise of its powers under the law of 1876. But we must now support this resolution or subject the people to the payment of nearly fifteen millions of additional interest in case it is defeated. It is now a choice of alternatives. We must support the resolution or impose this loss of fifteen millions of improper interest on the country. And in this dilemma, while I unqualifiedly condemn the conduct of this Administration which has brought so many disasters on the country, I find myself obliged to vote for the resolution and protect the country from this inexcusable loss.

[Here the hammer fell.]

Mr. SICKLES. Mr. Speaker, I trust that my colleague will be given some additional time.

Mr. HOOKER of Mississippi. Mr. Speaker, I move that the time of the gentleman from New York [Mr. DANIELS] be extended for five minutes.

The SPEAKER. The Chair has promised all of the time to other gentlemen.

Mr. DANIELS. I desire only two minutes more, although, under the circumstances, I do not feel that I should ask for any extension of time.

Mr. SICKLES. I ask unanimous consent that the time of my colleague be extended for five minutes.

The SPEAKER. Of course the House can change its order. Unanimous consent is asked that the gentleman from New York [Mr. DANIELS] be allowed to continue for five minutes longer.

Mr. BOWERS of California. I shall object unless it is understood that the extension is to be taken out of the time on that side.

The SPEAKER. Objection is made, and the gentleman from New York [Mr. COOMBS] is recognized.

Mr. COOMBS. Mr. Speaker, two days ago I had an opportunity to express my views in relation to the financial conditions that confront us. It will be my effort to-day to avoid going over any of the ground that I then covered, as the few moments at my disposal will not permit it. The plain proposition before the House is that the new issue of bonds, amounting to a sum slightly in excess of \$65,000,000, shall plainly express upon their face the fact that we will pay them in gold and in that way save three-fourths of 1 per cent per annum in interest.

The gentleman from Illinois [Mr. HOPKINS], who opposes the bill, lays great stress upon the fact that in years past Republican Administrations had not been forced to make any declaration of their intention to pay our bonds in gold. He fails to take into

account the fact that the conditions surrounding this question in those times were very different from those of the present day.

During the intervening years the contest between the two metals has been growing in intensity. It is true that on account of the compromise effected by the Sherman silver-purchasing act it was stayed for a while, but it has come upon us again with a greater intensity than before. The people at home and the nations abroad are watching the battle. They have come to believe that the result is doubtful. That belief has been strengthened by the decreasing gold reserve.

They begin to doubt the ability of the Executive, with the power now placed in his hands, to perform the task intrusted to him to maintain the parity of the two metals.

They have witnessed the repeated rebuffs that he has experienced at the hands of Congress. They have found this body time and again turning a cold shoulder to his pleadings for legislative assistance. Can you wonder that under the circumstances capital has become timid and requires new guaranties or an augmented profit?

By your action you have driven the Administration from its legitimate source of help into the hands of the capitalists and forced it to accept from them such terms as he could secure. This is a humiliating position for a great nation to occupy, but you and you only are to blame for it. The President has repeatedly warned you, but you have not taken heed. He has told you that if you would authorize the sale of bonds payable in gold, and so expressed upon their face, that he could go into the markets of the world and with them secure the gold to replenish our reserve. He told you, what you already should have known from your own observation, that the two experiments made in selling bonds at home afforded no permanent relief.

I will now turn to the question of the emergency that confronted the Treasury, and in treating this point I find some assistance from my experience as a merchant. The foreign creditors of our importing merchants, not caring to take the risk of this country going to a silver basis, have been for months marking their invoices "payable in gold." My house has always pursued that course in doing business with silver countries. The importers, as the time for payment approached, fearing that gold would go to a premium, began to hoard it. This is shown by the fact that the exports of it are far short of the withdrawals from the subtreasury. The withdrawals of gold from the Treasury, as published in the daily statements issued by the Treasury Department under the head of "Redemption of notes," gives us the following startling figures:

Thursday, January 24	\$1,692,140
Friday, January 25	1,688,536
Saturday, January 26	3,272,682
Monday, January 28	7,197,021
Tuesday, January 29	843,335
Wednesday, January 30	3,607,933
Thursday, January 31	3,446,390
Friday, February 1	3,394,370
Saturday, February 2	2,309,613
Monday, February 4	1,554,625

I am informed that upon this last date it was ascertained that the amount of coined gold (free) available in the subtreasury at New York was only \$8,700,334, and that all that could be spared from all other sources would not increase that amount to more than \$20,000,000.

If the drain had been continued at the same rate Saturday ensuing would have found the Government with no gold in store to meet the demands upon it.

On that day it was announced that arrangements had been made for securing gold from abroad through the mediation of a foreign syndicate in case of failure of action by Congress, and the effect immediately showed itself in decreased withdrawals, as follows:

Tuesday, February 5	\$50,649
Wednesday, February 6	16,930
Thursday, February 7	427,221
Friday, February 8	15,300
Saturday, February 9	745,309

On this day the message of the President announced the completion of the arrangements for the loan. Since then the withdrawals have been as follows:

Monday, February 11	\$614,108
Tuesday, February 12	119,190
Wednesday, February 13	220,436

You can not fail to notice the quieting effect of the assurance given to the people by the completion of the contract. It responded as readily as the mercury in the thermometer to the variations of the temperature.

The sudden decline in the price of exchange which helped wonderfully was doubtless due to the action of the syndicate, and had an immediate effect.

The figures that I have given you are correct and can easily be verified by any of you. Will you not candidly admit that the emergency was a startling one, and that there was no opportunity for delay? That it was necessary for some one to take the responsi-



bility of prompt action? Will you not try for a moment to dismiss partisanship and do credit to the men who saved us from the effect of the blunders of Congress? Or do you prefer to continue to indulge in cheap criticism and attempts to blacken the characters of men who have saved us from financial disgrace? Any criticism that you may make will come with bad grace from you who did not heed the timely warnings that were given you. Any bargain that saved our credit was a good bargain.

I do not know the particulars of the negotiation of the loan and can not tell whether other ways out of the difficulty could have been found, but have no doubt that the Secretary secured the very best possible terms, cramped as he was into so short a time in which to secure relief. He left a way open to save a very large portion of the sum that he was obliged to sacrifice and has placed upon you the responsibility of deciding whether it shall be saved or not. If you refuse to pass this resolution and save the \$16,000,000 you will take the responsibility for that sacrifice upon yourselves and clear his skirts of it. If the emergency made it necessary for him to disregard your prejudices I am glad that he had the nerve to do it. At all events he has given the country an object lesson that it will not be slow to comprehend. The people will be able to estimate to some extent how expensive it is to send to the National Legislature theorists instead of men of good business judgment.

You say that it entails a sacrifice of rates not pleasant to contemplate. That is doubtless the case, but the loss is nothing when compared with the enormous depreciation of values that would have resulted from the failure of the Treasury to meet its obligations, or with the expense that would have been brought upon the nation in efforts to creep up again from a silver to a gold basis.

Those of us who are engaged in large mercantile operations often find it necessary in cases of emergency to act promptly and make large sacrifices in order to maintain credit or avoid larger losses. We measure one another's qualities as merchants by our ability to do these things. I want you to understand that the action of the members of this Administration in this business emergency will not only secure our confidence, but excites our admiration. We begin to feel that if it became necessary, with such men at the head of affairs we could very well get along without Congress.

The public credit will, therefore, not suffer on account of this emergency operation.

I notice that while the letter of the contract simply calls for the withdrawal of half of the amount of the gold from abroad, the other provisions make it necessary for the syndicate to really protect the gold reserve from sudden drafts.

The "option" that has been so violently attacked simply provides that the buyers shall have the first opportunity to take future offerings of bonds at the price at which the Government proposes to sell them before they are offered to others. This should not be complained of, as it is a measure of business precaution and does not bind the Government injuriously.

Gentlemen have made much of the fact that since this bargain was made our bonds have been sold in England at 114. They fail to see any connection between this rise and the arrangements at home to sustain our credit. In the same breath they claim that this action of the Administration has lowered the value of our bonds. I shall not attempt to reply to such contradictory statements.

Very extravagant estimates have been made of the amount of profit that will be realized by the purchasers. I have no doubt that as shrewd business men they have provided for a good margin of profit, but I also know that before the bonds are finally sold that profit will not be realized, and that in the meantime there are innumerable drawbacks in the way of manipulation of exchange and operations to sustain the prices of the bonds. They have to a certain extent become guarantors of the price of our bonds.

Now, while I am reconciled to all this, I must frankly say that I do not enjoy it.

I would rather that our Government, which is so rich and powerful, and which has within thirty years paid six billions of its war debt at the same time that it has paid another six billions for its running expenses, improvement of rivers and harbors, and defenses, should now, with a comparatively small indebtedness, not be put to the mortification of calling upon any individuals or association of capitalists to sustain it or even remotely to guarantee it.

As a citizen of this proud Republic I protest against the unnecessary humiliation.

Some one is to blame and we do not have to go far to find the culprit. It is not the Executive of the nation; the people will give him the credit of having done his whole duty. It is not the Secretary of the Treasury acting under his inspiration. The fingers of the nation point to the culprit, the legislative branch of the Government, and they hold it responsible. This branch of Government has virtually, for the time being, broken down. Confused in a maze of theories, it has groped, stumbled, and fallen helpless.

The executive, however, has proved itself equal to the emergency, and will, with such powers as were given it in other times, sustain the Government, whatever cost may be involved, and the people, regardless of party, will stand back of him and hold up his hands.

The SPEAKER. The gentleman's time has expired.

Mr. BRYAN. I yield fifteen minutes to my colleague on the committee, the gentleman from Tennessee [Mr. McMILLIN].

[Mr. McMILLIN withholds his remarks for revision. See Appendix.]

Mr. BRYAN. I yield two minutes to the gentleman from Georgia [Mr. LIVINGSTON].

The SPEAKER. One moment. The Chair has promised to recognize the gentleman from New York [Mr. HENDRIX] for five minutes.

Mr. HENDRIX. Mr. Speaker, if there is anything bad about the contract which the Secretary of the Treasury has made with the New York and foreign bankers, the gentlemen who oppose this bill will become responsible for it. [Derisive laughter.] If it goes into effect on the alternate proposition that the Government of the United States can get its gold at 3 per cent for thirty years, there is not a man on this floor, or anywhere in the markets of the world, who will not see that the contract is a good one.

It is necessary for you to go into the markets of the world, not to get your currency, not to get your own obligations, not to get silver; but it is necessary to go into the markets to get so many ounces of pure gold, and you must go there with an obligation which will get what you want, and not something which you do not want. You have in the Treasury plenty of your promises which you do not want and which you can not use. What you are after is simply the yellow metal itself. Now you have an opportunity of getting it on a 3 per cent basis. The world is not ready to deliver it to you upon any better basis than 3½ per cent at this time, unless you will promise to deliver it back payable specifically in the kind of metal that you get. The increased rate is the estimate of the risk which your creditors feel that they take.

Now, if this is a contract that is bad, you gentlemen who reject it make it bad for the Government. Pass this resolution, and you change it. You make a good contract out of it. You can not quarrel with a 3 per cent rate for gold. It is a low rate. Now it is open to you to make this as good a contract as any Government on the face of the earth can make. A contract such as you have it in your power now to sign, seal, and deliver, made in a country so remote from the great deposits of gold as this country is, where the coupons on the bonds are made payable at our own Treasury, where foreign holders of those bonds have to pay a commission for the collection of those coupons, is not a bad contract, and no business man can condemn it as a bad contract. Now it is with you to improve the bargain. Will you do it?

Now, you stick at the word "gold." Yet you say you expect to pay your obligations in gold. Then write it in the bond. The gentleman from Tennessee says he is going to take care of the credit of the country and will see that every obligation is paid in gold. How? Tell us how. You can not pay your obligations in gold until you have got the gold, and it is simply because you have not got the gold that you have got to go into the markets and get the gold. It is a question of dressing your goods for the market to which you expect to take them. Can you ask for gold and reserve the right to choose another metal for repayment?

The opportunity to stop all this business has been given to this House time and time again. So long as you maintain your demand obligations in the currency you must keep a reserve to redeem them or fail to keep faith.

Mr. McMILLIN. Will my friend permit me right there—

Mr. HENDRIX. I have only five minutes.

Mr. McMILLIN. I beg the gentleman's pardon.

Mr. HENDRIX. The opportunity was given in the Springer bill. You have got either to put the Government further into the banking business or you have got to take it out, as every other civilized Government on the face of the earth has been taken out, in every particular. You must make of your Treasury a full-fledged bank or shelter it behind a big bank, as the Government of Germany, the Government of Austria-Hungary, the Government of Belgium, the Government of Bulgaria, the Government of Denmark, the Government of Spain, the Government of Finland, the Government of France, the Government of Greece, the Government of Italy, of Naples, of Sicily, of Norway, of Turkey, of the Netherlands, of Roumania, of England, of Russia, of Servia, and even Sweden and the Swiss Government are sheltered to-day.

Mr. COX. Let me say to the gentleman—

Mr. HENDRIX. I have only got five minutes and must decline to be interrupted. You have got to get behind some great bank.

Mr. COX. Let me say that the Government is bigger than any bank.

Mr. HENDRIX. If the Government is going to be a banker, let

it be a fully equipped bank. If you are going to have the Secretary of the Treasury run a bank, give him the power to run a bank as he ought to do. If you are going to make him a one-legged banker, how do you expect him to do any better than he is doing? You men of the South here, why do not you come to the relief of the Secretary, from your own section of the country? Why do not you give him the power it is necessary for him to have? He stands upon the parapet trying to defend the credit of the country. He has been using the best weapons he can. He asks now for a Gatling gun, and you want to hand him a toy pistol. [Applause.]

Mr. COX. No; I would hand him a Gatling gun.

Mr. HENDRIX. If you mean that the Government is to pay these bonds in gold, why not say so?

[Here the hammer fell.]

Mr. BRYAN. I yield two minutes to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I send to the Clerk's desk certain extracts from the poems of Thomas Hood. I ask that they be read in my time. I only have two minutes of time granted me, and perhaps these extracts will better illustrate the situation than anything I might say in so short a time.

The Clerk read as follows:

That the Golden Ass, or Golden Bull,  
Was English John, with his pockets full,  
Then at war by land and water:  
While beef, and mutton, and other meat,  
Were almost as dear as money to eat,  
And Farmers reaped Golden Harvests of Wheat  
At the Lord knows what per quarter.

\* \* \* \* \*  
'Twas the Golden Leg! "she knew its gleam!"  
And up she started and tried to scream,—  
But ev'n in the moment she started—  
Down came the limb with a frightful smash,  
And, lost in the universal flash  
That her eyeballs made at so mortal a crash,  
The Spark, call'd Vital, departed!

\* \* \* \* \*  
Gold, still gold! hard, yellow, and cold,  
For gold she had lived, and she died for gold—  
By a golden weapon—not oaken;  
In the morning they found her all alone—  
Stiff, and bloody, and cold as stone—  
But her Leg, the Golden Leg, was gone,  
And the "Golden Bowl was broken!"

#### HER MORAL.

Gold! Gold! Gold! Gold!  
Bright and yellow, hard and cold,  
Molten, graven, hammer'd and roll'd;  
Heavy to get, and light to hold;  
Hoarded, barter'd, bought and sold,  
Stolen, borrowed, squander'd, doled!  
Spurn'd by the young, but hugg'd by the old  
To the very verge of the churchyard mould;  
Price of many a crime untold;  
Gold! Gold! Gold! Gold!  
Good or bad a thousand fold!

[Great laughter and applause.]

The SPEAKER. The Chair will now recognize the gentleman from Kansas for five minutes.

Mr. SIMPSON. Mr. Speaker, I want to view this measure from the standpoint of a Populist for five minutes. [Laughter.] I have listened very patiently to gentlemen on both sides of this House upon this measure. I listened a few days ago to my Republican friend from Pennsylvania [Mr. BROSIUS], and he said that he thought that Congress ought to act the part of the "Good Samaritan" toward the people. I have been looking that matter up, and I find that a certain gentleman in his journey from Jericho to Jerusalem fell among thieves; and so, I think, this nation, in its journey from Lincoln to Cleveland, has also fallen among thieves. I listened to the gentleman from Illinois [Mr. HOPKINS] to-day in his eloquent address upon this measure, and one would think that they were the friends of silver coinage in this country.

But, Mr. Speaker, we are to-day but reaping the harvest sown by our Republican friends. Many of them to-day admit that we are on a gold basis. The gentleman from Maine [Mr. REED] himself says that is the settled policy of the country. The gentleman from Illinois [Mr. CANNON] says that all our outstanding obligations are redeemable in gold. Then, if they are, why not accept the situation, and make them all payable in gold by adopting this resolution? One of the greatest evils that ever has come to this country, I think, is that which makes it possible for the Republicans to stand here to-day masquerading as the friends of the free coinage of silver, pretending that they want these obligations payable in coin, so that you can avail yourselves of silver.

They do not mean it. They do not wish that these obligations shall be redeemable in anything but gold; and one of the greatest calamities that is upon us is that it gives the Republican party a chance to return to power and continue the same policy that has brought us to the present evil. It was by the law of 1873, when you substituted a gold dollar for a silver dollar, that brought us

to this pass we are in to-day—a gold basis; and the Republicans are entirely responsible for that legislation. We are to-day, as I said before, reaping the harvest that has been sown by the Republican party. Grover Cleveland comes out for the same policy with a little more straightforwardness. He comes up with a proposition to name in the bonds that they shall be paid in gold, when the Republican party said that by interpretation they shall be paid in gold. I want both sides to be put on record as to how they stand.

Now, the Populists believe that they are redeemable in coin, and that coin means gold and silver, and that we should avail ourselves of silver to pay these obligations. How are we ever going to satisfy the insatiable maw of this clamor for gold? Step by step, by legislation, for thirty years, you have led up to the present conditions, and you find yourselves with these gold bond speculators with their hands on the throat of the people.

How are you going to remedy the evil? You are never going to remedy it until you restore silver to its proper place in the currency of the country. You are never going to restore it until your Secretary of the Treasury obeys the law and redeems the outstanding obligations in silver as well as in gold. By doing so you will establish a parity between the two metals and relieve yourself from the grasp of these shylocks that have now got the country by the throat. Will you do it? We have no hope that you will do it. Both sides are playing for position—both the Republicans and Democrats are now playing for position, each one trying to put the other in the hole, and between you you have succeeded in putting the country in the hole; and there is no hope of it ever getting out of the hole until all decent, patriotic men in this country unite themselves with a party that will stand by the people.

Disguise it however you may, the contest is between the man and the dollar, and you must range yourselves on one side or the other. Why, our forefathers marched through the snow and camped on the bloody fields of battle in this country defending us against taxes imposed by Great Britain; yet under this process of legislation, for the past thirty years, you are subjecting the country to a greater taxation to Great Britain and more effectual than though our forefathers had failed in their struggle for liberty.

And may God grant us a good Samaritan in 1896 to rescue us from the hands of the thieves.

Mr. HULICK. Mr. Speaker, I shall vote against this resolution. In the short time allotted to me I will call the attention of the House to some of the reasons expressed in the message of the President of the United States why he entered into the contract with the Rothschilds and Morgans, of London, for the sale of our bonds. And the very reasons he assigns for the transaction, in my humble judgment, are abundantly sufficient why such a contract ought not to have been made.

The arguments of gentlemen who have preceded me in this discussion, who favor the adoption of this resolution and thereby declare in favor of indorsing the action of the President and his Secretary of the Treasury, have emphasized but one argument in its favor, and that is that in issuing gold bonds the Government will save three-quarters of 1 per cent annual interest, which for thirty years will amount to over \$16,000,000.

In his message, which bears even date with the contract, the President says:

The privilege is especially reserved to the Government to substitute at par, within ten days from this date, in lieu of the 4 per cent coin bonds, other bonds in terms payable in gold and bearing only 3 per cent interest, if the issue of the same should in the meantime be authorized by the Congress.

This is the only privilege claimed for the Government under this contract. The gentleman from West Virginia [Mr. WILSON], the honored chairman of the committee, says it is only a question of gain or loss to the Government, a business question simply. I deny the proposition. It is doubtless true that the Government will be compelled to pay a half million dollars a year for thirty years by the terms of this unwise, unholy contract, which has been secured by foreign capitalists. Yet we must remember that the holders of other Government securities have vested rights that must be respected by our Government.

The last one hundred million of bonds issued by Mr. Carlisle provided for the payment of principal and interest in coin. These bonds were put upon the markets of the world openly, not secretly, as in this case, and are held by American capitalists, who have faith in the honesty and integrity of our Government and its ability to pay its "coin" bonds in gold. And yet here is a contract entered into with European capitalists on the 8th day of February last, in secret, known only to the President, his Secretary, the President's former law partner, and August Belmont & Co., who represent the Rothschilds and Morgans, of Europe, foreign capitalists, who will not trust our Government on a coin bond, unless they are paid three-fourths of 1 per cent premium as interest.

Our own American holders of coin bonds must be protected. Because the moment our Government issues gold bonds to foreign capitalists, that moment those bonds go up to a premium or the coin bonds go down with a discount. The premium of the gold



bonds would far exceed the three-fourths of 1 per cent and thereby insure to the foreign bondholders interest far in excess of the amount the Government will have to pay on the coin bond, while the holders of coin bonds will be injuriously affected many, many times more than the Government will have to lose by reason of a higher rate of interest on the coin bond.

Another reason the President assigns in favor of his contract:

At least one-half of the gold to be obtained—

He says—

will be supplied from abroad, which is a very important and favorable feature of this transaction.

Has it come to this, Mr. Speaker and gentlemen of the House, that it is a favorable consideration that the gold will be supplied from abroad to fill our depleted Treasury; that we have to borrow from foreign capitalists and pay them a higher rate of interest than we pay our own people? Why does he say this? Is it true that we have no gold in this country to supply our Treasury? Why, Mr. Speaker, we have plenty of idle capital to-day in every city of our land only waiting investments like this. Our factories closed, industries paralyzed, every business enterprise stagnant, anxiety and apprehension existing everywhere, confidence in the party in power gone, our gold lying in the vaults idle, and yet the President tells us that the "gold to be supplied from abroad is one of the favorable and important features of this transaction." May the good Lord ever deliver us from such favors. [Applause.]

The gentleman from West Virginia [Mr. WILSON] asks the question and says, "What difference will it make if we insert in these bonds the word 'gold,' principal and interest payable in gold, when our coin bonds are all paid in gold?"

Why, my dear sir, the President in his message answered your question before you asked it. Let me read what he says:

The arrangement thus completed . . . develops such a difference in the estimation of investors between bonds made payable in coin and those specifically made payable in gold in favor of the latter as is represented by three-fourths of a cent in annual interest.

In this transaction the mere inserting the word "gold" in the bond, Mr. Speaker, makes a difference in favor of the foreign bondholder of \$539,159 of annual interest, amounting in thirty years, or at the maturity of the coin bonds, to \$16,174,170. In other words, in order to borrow gold of European capitalists, who will not trust us when we say we will pay our coin bonds in gold, we must either expressly promise to pay in gold or pay them over a half million dollars in annual interest to accept a "coin bond." In this case we, for their want of faith in our coin bonds, pay them a bonus of over \$16,000,000. And now, Mr. Speaker, comes the most humiliating acknowledgment made by the President in this remarkable message. He says:

It is hardly necessary to suggest that, whatever may be our views on the subject, the sentiments or preferences of those with whom we must negotiate in disposing of our bonds in gold are not subject to our dictation.

Has it come to this, Mr. Speaker, that to pay the running expenses of our Government, to replenish the gold reserve, and to maintain the credit of our nation that we can not borrow money at home in an open market, but are compelled to negotiate our bonds in secret with foreign capitalists, who alone dictate the terms? What humiliation! What will the nations of the world think of us? Aye, what will our own people think of ourselves?

But I must hasten. Let me call the attention of the House and the country to some things quite as humiliating contained in the contract itself.

After specifying the amount of gold to be delivered to the United States Government, the time, place, and other matters pertaining thereto, it is stipulated that—

Should the Secretary of the Treasury desire to offer or sell any bonds of the United States on or before the 1st day of October, 1895, he shall first offer the same to the parties of the second part; but thereafter he shall be free from every such obligation to the parties of the second part.

Not content, Mr. Speaker, to secure the valuable benefits this transaction gives them, they bind the Secretary of the Treasury so that he can not even offer, much less sell any bonds of the United States Government, until after the 1st day of October next, nine months from the date of the contract, unless he shall "first offer the same to the parties of the second part." Look at this spectacle! Already the contract is signed, sealed, and delivered—signed by J. G. Carlisle, Secretary of the Treasury (on behalf of the United States); by August Belmont & Co., for N. M. Rothschild & Sons, London; by J. P. Morgan & Co., for J. S. Morgan & Co., of London; witnessed by Francis Lynde Stetson, a former law partner of President Cleveland, and no doubt written by him.

Look at it! Our Government "bound hand and foot," and for nine months can not offer or sell a bond without first consulting with these foreign capitalists. What think you, capitalists of this country? What think you, Representatives of a country we are proud to boast of as the best the sun shines on to-day? Are you willing by your vote to-day on this resolution directly or indirectly to approve of such an unjust, unwise, unbusinesslike, unpatriotic proposition? No; never, never! [Loud applause.]

But this is not all. While the distinguished gentleman from West Virginia [Mr. WILSON] was addressing the House a few

moments since on this resolution, the gentleman from Tennessee [Mr. McMILLIN] asked him a very pertinent question. "What assurance," said he, "have we that withdrawals of gold will not continue in the future as in the past?" The gentleman from West Virginia did not answer the question. I wish he had. This House and the country would like to have heard it. Let me read the very last clause of the contract, which shows that the Secretary of the Treasury, the President, and his law partner were not entirely neglectful of the interests of our country, for they provided against this very contingency (?) in the contract. Here it is:

Fifth. In consideration of the purchase of such coin, the parties of the second part, and their associates hereunder, assume and will bear all the expense and inevitable loss of bringing gold from Europe hereunder; and, as far as lies in their power, will exert all financial influence and will make all legitimate efforts to protect the Treasury of the United States against the withdrawals of gold pending the complete performance of this contract.

If the chairman of the Committee on Ways and Means had read this he would have answered the question of the gentleman from Tennessee without hesitation.

I am reminded of an old lady in my district whose husband died very suddenly. Her neighbors and friends gathered in to sympathize and weep with her in her great bereavement and to praise the many virtues of her husband. In the very midst of her sobs and tears she exclaimed, "Well, I have one consolation in the death of the old man—the loss is fully covered by insurance." [Laughter and applause.]

In this great financial embarrassment, in consideration of getting foreign gold to supply the Treasury, in consideration of giving them the option on all bonds to be issued by our Government for the next eight months, in consideration of the great loss sustained by our own American capitalists who are holding the "coin" bonds of the Government, in consideration of giving these parties bonds that were worth at the very moment they were delivered at least 112 and before thirty days doubtless will be worth 120 premium in the markets of the world, realizing a net profit to their purchasers of at least \$10,000,000, the people of the United States are assured that our Treasury will be protected against any further withdrawals of gold by these foreign guardians. [Applause.]

Mr. Speaker, just think of it for a moment. If the other terms of the contract to which I have called the attention of the House were humiliating, this is degrading to our people. The Government of the United States, this great nation of ours, entering into a written contract with the Rothschilds of Europe, "party of the second part, to protect the Treasury of the United States against the withdrawals of gold from our Treasury," is enough to bring the blush to the cheek of every patriotic citizen of our country, and cause him to bow his head in sorrow for the disgrace that is brought upon our nation. [Applause.]

The tariff legislation of this Congress has brought our country to this deplorable condition. In consequence of the insufficiency of the revenues to meet the expenditures, the Treasury has been drained of its available resources, and that, combined with withdrawals of gold for export, has required the Government within the last year to borrow and issue bonds to the amount of over \$165,000,000, realizing thereon, including premiums, the vast sum of \$182,496,557.74.

The Secretary of the Treasury, in answer to a resolution of the Senate on yesterday, says that "the original gold reserve, augmented by the gold proceeds of the sale of bonds, was diminished during the period of the last twenty-five months to the extent of \$172,674,315.47, of which \$105,002,143.25 was directly or indirectly devoted to current expenses of the Government." This is one of the blessings that resulted from placing the Democratic party in power (?). This is tariff reform, a step toward free trade, reducing the tariff on wool and other imports and borrowing money of foreigners to pay the running expenses of the Government. [Applause.]

But, say the advocates of this measure, "We are into it, the contract is made, and unless we authorize the issue of gold bonds we will have to pay a higher rate of interest." That may be true, but the Congress is not responsible for this. Let the responsibility rest where it belongs. The President made this contract without consulting Congress or anybody else; now let him enjoy the glory or bear the ignominy that may attach to this transaction. I will not share either with him. [Applause.]

Vote for this resolution? Never, never, never!

[Here the hammer fell.]

Mr. WHEELER of Alabama. Mr. Speaker, after careful inquiry and investigation I have been unable to learn that either England, Germany, Austria, France, Russia, or any other country has ever issued a bond stating upon its face that the interest and principal would be paid in gold coin. If this information is correct, I desire to ask if such action on the part of the greatest silver-producing country on the earth is advisable.

In the calendar year 1892 we produced 43 per cent of the silver of the world, and in 1893, notwithstanding our adverse legislation on the subject, we produced 37 per cent of the silver of the world; and the production of silver in the United States, as compared

with the gold-standard countries, shows that during the last three years our silver production has been more than double the combined production of all the gold-standard countries of the earth.

To substantiate this statement I have prepared the following table:

Table showing a comparison of the amount of silver produced in the United States, with the amount produced by the gold-standard countries of the world in 1891, 1892, and 1893.

Country.	Production of silver in 1891.	Production of silver in 1892.	Production of silver in 1893.
United States (bimetallic).....	\$75,416,500	\$82,101,000	\$77,575,700
Australasia (gold standard).....	12,829,300	17,375,700	26,507,000
Germany (gold standard).....	7,756,600	8,815,000	8,240,100
Austria-Hungary (gold standard).....	2,161,900	2,289,200	2,290,200
Sweden (gold standard).....	152,000	2,210	185,800
Norway (gold standard).....	235,400	186,800	188,800
Great Britain (gold standard).....	255,000	219,000	327,700
Canada (gold standard).....	406,200	410,700	321,400

This table shows very forcibly that the gold-standard countries of the world have very little interest in silver, and it is plainly to be seen that to demonetize silver would be of very little injury to them while it would be of very great injury to the United States.

I regret exceedingly that some gentlemen in discussing this measure have been so unjust as to impugn the judgment and even the motives of the President and the Secretary of the Treasury. No one who knows these two very eminent men can for a moment question their absolute integrity upon everything that pertains to public affairs. Because a man differs from me in a matter of judgment, it does not lessen the esteem and regard which I entertain for him. In a matter so important as the one now before us I think all will agree that we should all use our best endeavors to advocate that legislation which will most redound to the prosperity and happiness of the people and the glory of our country, each Representative keeping in view the interests of the section which he is here to represent.

I do not doubt but that the legislation proposed will be of benefit to the moneyed and creditor class of people, nearly all of whom reside in New England and the Northeast; but just in the measure that it benefits them, I fear it will become detrimental to the great producing class of people in the South, Southwest, and West.

#### A BLOW AT INTERNATIONAL BIMETALLISM.

I ask the House to carefully consider the impression this legislation will make upon the civilized world. For thirty years we have been exercising all the influence of this great Government in favor of international bimetalism; we have solicited monetary conferences with the principal nations of the earth; we have sent delegates to those conferences, every one of whom has declared that the United States is enthusiastic for and unalterably in favor of such an international agreement.

If we enact this resolution into law, will it not throw a serious obstacle in the way of accomplishing such a purpose? It seems to me that this legislation is contrary to the pledges, traditions, and declarations of our country for a third of a century. It seems to me its effect will be either to discredit and depreciate all obligations which are not payable in gold, or result in exactions from creditors that all renewals of mortgages and loans shall state upon their face that they are payable in gold.

#### OUR STOCK OF GOLD INCREASED WHEN SILVER WAS COINED.

The report of the Secretary of the Treasury dated December 2, 1878, tells us that at the close of the year 1877 the coin reserve in the Treasury in excess of coin liabilities amounted to \$63,016,050; and he also informs us that this was increased by the sale of bonds, etc., so that on the 23d of November, 1878, the amount of coin held by the Treasury in excess of coin held to pay all accrued liabilities was \$141,888,100. On February 28, 1878, Congress enacted the Bland-Allison Act, requiring the purchase of silver by the Government and its coinage to an amount of not less than 2,000,000 ounces a month into standard silver dollars. At the end of the fiscal year, June 30, 1878, the Secretary of the Treasury reported \$128,480,203 as the total gold in the Treasury, the net gold being \$103,562,523.

Under the operation of the Bland-Allison Act the gold in the Treasury had so increased that in March, 1889, when Mr. Cleveland surrendered the Government to President Harrison, the total gold in the Treasury was \$326,700,939, and the net gold was \$197,874,422, an increase of total gold in the Treasury of \$193,240,736, and an increase of the net gold in the Treasury of \$94,311,899.

#### STOCK OF GOLD DECREASED UNDER THE SHERMAN LAW.

Soon after Mr. Harrison was inaugurated the gold in the Treasury commenced to fall off, and at the end of June, 1890, the total gold amounted to \$321,612,424, and the net gold to \$190,232,405. The Sherman law was then enacted and continued in force until November 1, 1893. At that date the total gold in the Treasury had fallen to \$163,274,171 and the net gold had fallen to \$84,384,862.

These facts show that from July 1, 1878, to July 14, 1890, the Bland-Allison silver-coinage act being in force during that time,

we gained a total of gold in the Treasury of \$193,152,221, and an increase in the net gold of \$86,669,872; and we see that during the operation of the Sherman law the total loss of gold in the Treasury was \$158,338,253, and the net loss during the operation of the Sherman Act was \$105,847,543.

#### GOLD EXPORT ACCELERATED AFTER REPEAL BILL OF NOVEMBER 1, 1893.

We are told that the repeal of the purchasing clause of the Sherman Act would stop the flow of gold from the Treasury. We have seen that on November 1, 1893, when that law was enacted, the net gold in the Treasury was..... \$84,384,862.26  
Gold received by the sale of \$100,000,000 bonds about..... 117,890,288.74  
Shipment of gold from banks..... 5,829,228.04

Amount of net gold in Treasury to-day..... 207,594,374.04  
166,254,193.04

These facts show that the repeal of the Sherman Act has not stopped the flow of gold from this country to Europe, but we see that since that period we have lost \$166,254,193.04; and if we examine the following table we shall find that a few banks in Europe have, since November, 1893, gained \$214,954,651 in deposits of gold.

Table showing amount of gold in eight principal banks of Europe at the date of the repeal of the Sherman Act and the date of latest reports.

Bank.	November, 1893.	January, 1895.
Bank of England.....	\$126,416,000	\$161,067,736
Bank of France.....	330,620,200	402,706,335
Austro-Hungarian Bank.....	51,954,400	74,228,725
Imperial German Bank.....	189,238,700	249,369,193
National Bank of Belgium.....	19,918,500	26,074,707
Netherlands Bank.....	13,923,000	19,908,985
Bank of Spain.....	38,536,900	38,951,406
National Bank of Italy.....	43,232,000	* 56,433,200
	613,890,700	1,028,794,361

\* December, 1894.

#### GOLD LIABILITIES OF THE TREASURY.

The liabilities of the Treasury Department on February 1, 1895, payable in coin, were:

Treasury notes, act July 14, 1890.....	\$117,130,225
United States notes.....	250,999,343
National bank notes.....	198,964,396
	575,143,964

I have included the national-bank currency in the above because this currency can be presented at the counters of the national banks for redemption, or it can be presented in the reserve city, where the banks located out of cities keep their accounts.

These reserve banks would of necessity redeem the national-bank currency in either greenbacks or gold or standard silver dollars, but practically they would redeem them in either greenbacks or gold, because there are only \$55,873,630 standard silver dollars in circulation, and nearly all of these are in the hands of the people and not in possession of the banks.

#### THE THREE SHOCKS TO OUR FINANCIAL SYSTEM.

The first shock to our financial system was the surreptitious demonetization of silver in 1873. This obnoxious law was in part repealed by the silver-coinage act of February 28, 1878, and while that law remained upon the statute books gold flowed into the Treasury and our country was blessed with prosperity. This continued until July 14, 1890, when the Sherman law was enacted, which stopped all coinage after July 1, 1891. This caused the piling up in the Treasury of 160,000,000 ounces of unused silver, which has done more than all else combined to depreciate its value. The next blow was the act of November 1, 1893, which wiped from the statute books every line and word which provided for an increase in the money of the United States. The effect of these laws upon the gold in our country and the Treasury is shown in the brief table which I will read:

Table showing the gain of gold to the Treasury during the silver coinage period, and the loss of gold since the enactment of the law of July 14, 1890, repealing the silver-coinage law.

	Total gold.	Net gold.
Gain of gold to the Treasury from June 30, 1878, to date of coinage repeal, July 14, 1890.....	\$193,152,221	\$86,669,872
Loss of gold to the Treasury during operation of Sherman law, from July 14, 1890, to November 1, 1893.....	158,338,253	105,847,543
Loss of gold to Treasury from November 1, 1893, to February 12, 1895.....	192,410,801	166,254,193
Loss of gold to Treasury since the act of July 14, 1890, which repealed the silver-coinage law.....	350,748,144	272,101,736



Should this not admonish us that some new policy should be given at least fair consideration? We see here that the Treasury made a clear gain of \$86,609,872 net gold during the twelve years that we coined some 3,000,000 standard silver dollars every month; and we also see that we have lost \$272,101,736 net gold during the four years and a half which have elapsed since we repealed the coinage laws.

#### A FAIR REMEDY.

It seems to me that after we have replenished the gold in the Treasury, as has been done by the contract of February 8, it would be no injustice to anyone to provide that from that time the redemption of greenbacks and Treasury notes shall be in proportion to the gold and silver in the Treasury on the day such greenbacks and Treasury notes are presented for redemption. If we do not do this it is clear beyond question that the endless chain will continue to run and continue to drain our gold in the Treasury. That some such remedy as this is absolutely essential I believe no one will deny. I have therefore prepared an amendment which, it seems to me, ought to meet the approval of the conservative members of Congress. It is as follows:

#### Amendment of Mr. WHEELER of Alabama.

That after the \$65,000,000 in gold secured by this contract has been received by the Treasury the payment of all obligations which are payable in gold or silver at the discretion of the Secretary of the Treasury shall be paid partly in gold and partly in silver, in the proportion in which the two metals are held by the Treasury on the day the payments are made.

This is substantially what is done by the Bank of France and other European banks, and it has never disturbed the parity between the two metals.

#### SECRETARY CARLISLE'S OPINION.

On the 21st of January, 1895, Secretary Carlisle stated in a printed report that—

If the policy of reserving to the Government, at the beginning of the resumption, the option of redeeming in gold or silver all its paper presented, I believe it would have worked beneficially and there would have been no trouble growing out of it.

If it was right to do it then it is right to do it now, and a great Government like this ought to do what is right to all the people, whether they belong to the industrial debtor class or to the privileged creditor class. I believe that Mr. Carlisle might have added that no serious trouble could arise from such action now, and if it were done I am convinced that no trouble could come from it to be compared with the serious trouble and distress which is inevitable if the present system is continued. At least we might try an experiment. The legislation of the last thirty years has been too largely in the interest of the creditor class. Let us make at least one effort in behalf of the people.

In a speech which I had the honor to make on this floor on August 25, 1893, I read a table showing the amount of indebtedness of the people and corporations in the United States our census year, 1890. It is as follows:

Table showing some of the debts of people and corporations in the United States during the year 1890.

Railway debts of 163,420 miles of railroad as stated in Poor's Manual for 1891, Introduction, page 1:	
Funded debt.....	\$5,105,902,025
Unfunded debt.....	576,494,297
Current debt.....	271,145,250
Loans from 3,540 national banks, as shown by Statistical Abstract of the United States for 1891, page 31.....	1,986,100,000
Loans from 5,579 State, savings, stock, and private banks and trust companies, as shown by United States Statistical Abstract.....	2,201,764,282
National debt (Treasury report).....	801,860,104
State, county, municipal, and school district debts as stated by Statistical Abstract of the United States for 1891, page 9.....	1,135,351,781
Mortgages on farms and homes, not including those occupied by tenants.....	2,500,000,000
Mortgage indebtedness on real estate used in business and all other realty, not including the farm and home mortgages as stated above.....	3,500,000,000
Indebtedness of street railways, manufacturers, business enterprises, etc., as shown by the census of 1890.....	1,500,000,000
Total indebtedness.....	19,468,616,709

This does not include all the debts, but only such as I was enabled to ascertain from the Census reports and other documents issued by the Government. It is estimated that these debts have now increased to at least \$35,000,000,000.

#### LEGISLATION AGAINST THE DEBTOR CLASS ALWAYS BRINGS DISASTER.

While I think legislation should be fair to all people, yet no nation ever was prosperous and happy which enacted legislation adverse to the interests of the debtor classes.

Mr. Speaker, who are the debtor classes of the people of the United States? They are the people to whom we owe all our prosperity, all our progress, all our development, all of our growth, and everything which has made this great and glorious country the pride and admiration of the whole world. It is the debtor class who make the homes in the virgin forests, in the vast prairies and plains of the gigantic West, and with their labor plant the

seeds of civilization, and almost like magic create new and prosperous States.

It is the debtor class that organize together, build railroads, erect factories, inaugurate enterprises, and maintain schools and churches, and spread the great cause of religion and Christianity. Enact laws adverse to the debtor class and we strike a blow at progress, civilization, and Christianity.

Mr. Speaker, I insist that anything that makes it more difficult to pay the \$25,000,000,000 owed by the American people, just in that measure throws obstacles in the way of material advancement.

In considering the proposed legislation we must always keep in mind that the United States is the debtor nation of the earth, and that our debts are largely owed to people of the nations who make this gold proposition to the Secretary of the Treasury. The propositions come directly from the great Rothschilds, bankers, who would be more benefited than any other people on earth by having the gold standard fastened upon the United States; and just in the measure that it would be a benefit to them it would be a hardship and burden to their debtors of this country.

One reason why the Treasury has lost gold since we have stopped coining silver, may be that the piling up of unused silver in the Treasury, together with other legislation adverse to that metal, has widened the margin of values between gold and silver. This has caused a scramble for gold, and it seems that we have been worsted in this contest.

#### DEMONETIZATION OF SILVER DESTROYS VALUES.

In the speech to which I have referred I read the following table, which utterly refutes the assertion that silver fell in value from 1873 to 1892, as compared to the staple products of the world. On the contrary, it shows that in 1892 silver was 67 per cent of its value in 1873, while the average value of the staple productions was only about 44 per cent of their value in 1873. The table also shows that the increase in the production of silver from 1873 to 1892 was less than the increase of production of the great staples produced by the American people. This shows that gold has increased in value and that silver has not fallen in value. The table is as follows:

Table showing increase in production of silver and various other staple American products from 1873 to 1892, their value in 1873 and 1892, also their value in 1892 compared with that of 1873.

Articles.	Production in 1873.	Production in 1892.	Increase of production, 1873 to 1892.	Value in 1873.	Value in 1892.	Value in 1892 compared with 1873.
Silver.....ounces.....	27,650,000	58,000,000	2-1/2	\$1,298,908,750	\$67,500,000	67
Cotton.....bales.....	2,974,351	9,065,379	3	100.70	35.85	35
Pig iron.....tons.....	2,580,983	9,157,000	3-1/2	42.75	15.75	37
Steel rails.....do.....	115,192	1,551,844	13-1/2	120.50	30.00	25
Coal.....do.....	50,512,000	150,505,745	3	4.84	2.80	58
Wheat.....bushels.....	281,254,700	*611,780,000	2-1/2	1.12	.62	55
Corn.....do.....	982,274,000	*2,112,822,000	2-1/2	.59	.30	51
Wool.....pounds.....	794,000,000	296,000,000	2	.70	.60	86

\* 1891.

In order to refute the statement that the fall in values has been caused by excess in production, I have prepared another table showing the production of these articles in the United States, so far as I could get the data, for the years 1892, 1893, and 1894. The table also shows the value in 1892 and the value in 1894; also, the percentage of value in 1894 to what it was in 1892.

Table showing production of silver and various other staple American products in 1892, 1893, and 1894 and their values in 1892 and 1894; also their value in 1894 as compared with that of 1892.

	Production in 1892.	Production in 1893.	Production in 1894.	Value in 1892.	Value in 1894.	Value in 1894 compared with 1892.
Silver.....oz.....	58,000,000	60,000,000	45,000,661	\$67,500,000	\$0.60	89
Cotton.....bales.....	9,065,379	6,717,142	7,527,211	35.85	30.00	84
Pig iron.....tons.....	9,157,000	7,124,502	6,057,388	15.75	11.50	73
Steel rails.....do.....	1,551,844	1,136,459	1,014,094	30.00	22.00	73
Coal.....do.....	150,505,745	162,770,108	148,000,000	2.80	2.20	79
Wheat.....bush.....	*611,780,000	305,131,725	460,267,416	.62	.53	85
Corn.....do.....	*2,112,822,000	1,610,486,131	1,212,770,622	.30	.41	136
Wool.....lbs.....	296,000,000	300,000,000	298,057,384	.60	.14	48

\* 1891.

One reason why money has been hoarded and prices have declined since the repeal of the purchasing clause of the Sherman Act, may be that every step taken by this Government, which helps to fasten

upon this country the gold standard, has a tendency to reduce the amount of money of ultimate redemption, which must lower prices; and when this tendency exists, all those who have money see that its purchasing power will increase, and therefore their interest is best served by holding and hoarding, instead of investing.

There is another element in this great question which should be considered. During the last forty-five years the production of gold in the United States has very materially decreased, while the property of the United States has increased fully tenfold. To illustrate this great disparity I have prepared the following table.

Table showing gold and silver production in the United States from 1850 to 1894, and the ratio of gold production to the property of the United States, and also the ratio of combined gold and silver production to property.

Year.	Gold production.	Silver production.	Property in United States.	Ratio of gold production to property.	Ratio of combined gold and silver production to property.
1850.....	\$55,000,000	\$5,000	\$7,128,780,288	1 to 129	1 to 129
1853.....	65,000,000	50,000	7,500,000,000	1 to 115	1 to 115
1860.....	46,000,000	150,000	16,159,616,068	1 to 351	1 to 351
1870.....	50,000,000	16,000,000	30,068,518,507	1 to 601	1 to 455
1880.....	36,000,000	39,200,000	43,642,000,000	1 to 1212	1 to 607
1890.....	32,845,000	70,485,714	65,037,031,000	1 to 1980	1 to 629
1892.....	33,000,000	82,101,000	75,000,000,000	1 to 2272	1 to 652
1893.....	35,955,000	77,576,000	75,000,000,000	1 to 2085	1 to 669
1894.....	41,390,422	58,792,417	75,000,000,000	1 to 1812	1 to 757

We see by this table that since 1850 the property of the United States has increased more than five times as fast as gold and silver combined, and we see that property has increased fifteen times as fast as the production of gold. As all admit that money should bear a proper relation to the property of a country we are doubly admonished against upholding legislation which will confine the money of our country to one metal.

With all these facts before me I feel that it is my duty to the people I represent to oppose the resolution. I believe, Mr. Speaker, that the passage of this resolution would forever close the door to international bimetalism. I believe it would place us irrevocably upon the gold standard. I believe that from the moment this resolution becomes a law all obligations will be discredited unless they bear upon the face the stipulation that they are payable in gold coin.

I believe that many of the mortgages which now exist can not be paid when they fall due. I believe that when mortgages are renewed creditors will exact a stipulation that the principal and interest shall be paid in gold.

I believe that every debt now owing by the industrious people of our country will become almost twice as difficult to pay. I believe that mortgages upon farm homes will be foreclosed. And I believe that a most disastrous blow will be struck at the industrial people of our land.

Now, Mr. Speaker, I ask, has a single one of the 12,000,000 farmers of our country petitioned this body for this legislation? Has a petition come from any organization, except from banks and from chambers of commerce and boards of trade, composed almost entirely of moneyed men or people who are interested in banks or other moneyed institutions?

[Here the hammer fell.]

The SPEAKER. The gentleman from Ohio [Mr. NORTHWAY] is recognized for five minutes.

Mr. NORTHWAY. Mr. Speaker, I can not, of course, within the space of time allotted to me, discuss all the questions involved here; and I rise only for the purpose of giving one or two reasons for my opposition to this resolution. I have not taken the time of this House in discussing financial matters at all, and I shall desire no more than a short time in order to give the reasons why I shall vote against this proposition. In giving such reasons I wish it distinctly understood that I do not oppose the passage of the resolution because I favor the free coinage of silver, or because I desire that any obligation of this Government shall not be paid in the best money that the Government can command, but I oppose it because in my humble opinion it is a distinction against all past action of this Government on subjects of this kind.

And in order to show the full force of my argument it will be necessary to devote a little time to the past history both of legislation and the construction placed upon that legislation by the various Administrations during the last thirty years. Prior to 1869 we had contracted an indebtedness reaching into the billions. We had borrowed vast sums of money upon sale of our bonds, the purchasers trusting to the credit of our Government for their redemption. When those bonds could be redeemed we little knew. Yet the people of our country, as well as of other countries, felt that the faith of our Government was pledged for their redemption in the best money which we could command. Prior to 1869

a violent discussion had arisen in our midst relative to the redemption of those bonds and our other obligations. On the one hand it was contended that the Government had the right to redeem all such bonds in other paper promises, called money, and that it was the duty of the Government to so redeem them, while on the other hand it was contended that the Government had no right to redeem one promise by substituting for it another.

General Grant was elected President in November, 1868, and was inaugurated on the 4th of March, 1869, and one of the first acts passed by Congress and approved by the President was what was known as "the public-credit act," which in no unequivocal manner declared that good faith on the part of the Government demanded that all Government indebtedness, unless otherwise expressly provided for, should be redeemed in coin. There was no expression given as to what that coin should be, but thereafter all Administrations down to the present one and including the present one have interpreted said act to mean the best money that we could command, which has been found to be gold.

Since then all of our obligations have been made payable in coin. We have refunded such of our indebtedness as we could not pay, on long time and at greatly reduced rates of interest, but we have never in any of those obligations named the coin in which they would be redeemed. No person or class of persons since then until the present time ever questioned the good faith of the Government, or its intention or ability, to redeem all such promises in the best money of the world. No one before this time has ever asked that the word "gold" should be inserted in any bond. There are many hundred millions of such bonds now outstanding, providing by their very terms that they shall be redeemed in coin.

Congress has never, by act or resolution, named the kind of coin in which they should be redeemed, nor has it ever before the present time been asked to do so. Congress has ever sought to maintain, so far as it could, on an absolute equality, both in their purchasing and debt-paying power, the gold and silver coins of our country. At the extra session of Congress in 1893, when we repealed the silver-purchase clause, we enacted as a part of such repeal that the Government, by all of its power, would, so far as it was possible to do so, maintain at a parity the gold and silver in our Treasury. So two things are perfectly apparent. One is that Congress has never named any one of the various kinds of our money as being the money of ultimate redemption for our paper promises, and the other is that the various Administrations, while possessing the power to pay all such obligations in coin, have always construed that power to mean gold, because it was recognized among all civilized nations as being preferred because of its general use.

In later years in making our loans or refunding them no question has been raised by any person as to the terms of the bond. No one has ever suggested that there was the least danger in the world that such bonds would be paid in inferior money. President Cleveland has made two loans of \$50,000,000 each by disposing of bonds payable in coin, and no one has questioned what such bonds meant. His last loan, made in January past, payable in coin, was negotiated at such rates as to make the interest about 2½ per cent per annum. No one up to that time had suggested the least doubt as to how such bonds would be redeemed.

Now comes the most disgraceful episode in the financial history of our country. At a time when our people had a right to expect that our Administration would stand like a wall of adamant in defense of the nation's credit, and especially of that part which had already been refunded, President Cleveland sends his special message to Congress casting a doubt upon his ability to negotiate any further loans payable in coin and asks Congress to authorize him to negotiate a fifty-year loan for \$500,000,000, payable in gold. At this time of general business depression, when labor was unemployed, and when the millions of agriculturists of our country felt that bankruptcy was staring them in the face, comes the suggestion of the President that we must pass at once to a gold basis, and so discredit to some extent at least the money used in business, to pay labor, and to measure the price of farm products.

No wonder Congress took alarm and refused to confer upon him such power. Immediately succeeding that comes the astounding intelligence that the Administration, through a former law partner of President Cleveland, has entered into a contract with a syndicate of foreign bankers to borrow sixty-two and a half millions of money upon conditions which clearly recognize that gold is the only money which can be used in the payment of our debts, and which as clearly recognizes the fact that all other kinds of money are inferior in debt-paying power, and which also recognizes a higher rate of interest than was necessary to pay in either of our prior loans.

Look at the contract. On a long-time thirty-year bond such terms of sale are provided for as that interest is to be paid at 3 per cent if the bond and interest are payable in gold, and 3½ per cent if they are payable in coin. Such a bond is to bring \$1.04



only. Remember, this contract is made and signed, sealed and delivered before Congress is notified of it, and we have no power to undo it or repudiate it. Think of an Administration, for the first time in the history of our country, contracting with reference to the difference in the value of our various kinds of money, and providing, by contract, that one kind is much more valuable than any other kind.

Think of the stupendous blunder of negotiating such a bond at \$1.04, when an examination of the report of the sale of stocks and bonds in any of our markets would reveal the fact that Government bonds, with no more than twelve years to run and payable in coin, were selling at such a rate that if such rate should be applied to these new gold-bearing bonds they should net the Government \$1.19½. Then, with no power on the part of Congress to affect such contract in the least except to authorize the sale of a gold-bearing bond which would make the interest at 3 per cent, the President calls upon us to authorize him, in order to save a little interest, to change the whole policy of our country for the last thirty-three years, under which policy our credit has grown so strong as to place us among the first nations of the globe.

But this is not all. By the contract which has been entered into this syndicate of foreign bankers has a mortgage upon the future loans of our country up to the 1st day of October, 1895, and no loan can be negotiated by our Government during that time without offering it first to these foreign bankers. Was ever degradation more complete? Shall we supinely vote that our credit is now at a discount? How did the President know that a loan could not be negotiated payable in coin? How did he ascertain such a fact? Has he ever attempted to negotiate a loan with our own people at any rate of interest and been refused? Has he ever attempted to negotiate such a loan to be paid in coin among foreign bankers and been refused? Has he ever attempted to ask the patriotic American people to subscribe to a popular coin loan at 3 per cent interest and been refused?

How can he answer any of these questions in the affirmative? If he can not so answer them, what right has he to assume that he can negotiate no loan except one payable in gold at 3 per cent interest, or in coin at 3½ per cent? But the supporters of the Administration claim that distrust has arisen in money circles fearing that a coin bond may be paid by the Treasury in silver, and that silver is now a depreciated money. But look at the contract that has been entered into. A difference of only three-fourths of 1 per cent interest is supposed to be the entire measure of this doubt. Does anybody suppose the Rothschilds will buy a bond about which there is no doubt and charge 3 per cent interest, or if our Government prefers, take a bond about which there is a doubt and charge only 3¼ per cent interest?

Who does not see these great moneyed men are simply forcing a weak and vacillating Administration to pay them a bonus of three-fourths of 1 per cent interest for just such a bond as for thirty years has been sought after by just such millionaires as among the safest and most stable investments of the world. And the Administration, yielding to their blandishments and wickedness, involves the American people in the contract which has just been made, and then fearing the deep damnation of that people when they learn of its weakness and perfidy, seeks to throw upon Congress, as servants of that people, the burden of ratifying its wrong and weakness. And the argument to support this monstrous claim is found alone in the fact that without the advice or knowledge of Congress a conditional contract has been entered into which, if Congress confers upon the Administration such power, will save to the people three-fourths of 1 per cent interest on the loan.

To save a little money which the Administration has wickedly filched from the people, we are called upon to condone and ratify a giant wrong. It is supposed that the people are such idiots as that to save the payment of a little money in the form of interest they will demand of Congress that it shall go back upon the history, laws, and traditions of our country for thirty-three years past, and do that which for all time to come will bind us in the grasp of those who own and hoard the gold of the world. But it is said by the supporters of the Administration that this contemplated loan, and the action of Congress in ratifying it, will not be regarded as a precedent to affect any future loans or the business interests of our country.

Can they be sincere in such a claim? Does anyone believe that if this loan and contract are ratified by Congress any future loan can ever be made except by its terms it is made payable in gold? Secretary Carlisle, in his hearing before the Ways and Means Committee, frankly admitted that this loan meant a change to the gold basis, and that all future loans must, by their express terms, be made payable in gold. Does this House contemplate the stupendous nature of this change? What the Government must do individuals, municipalities, counties, and States must also do, and all loans must hereafter be made or old ones refunded into gold-paying obligations. Are we ready for such a change? How can we excuse ourselves to our constituents for weakly sur-

rendering to the dictates of foreign bankers, that they may grow rich on the hard-gotten gains of a hard-working and patriotic people? For one, I will not surrender. The friends of the Administration threaten with retirement to private life all those who refuse to support the Administration. Such retirement has no terrors for me, for I infinitely prefer it to a craven submission to foreigners who would dictate our financial policy to the ruin of our people.

But we are told that it is our duty to put aside all political differences and to support the recommendation of the President because there is a financial exigency which demands immediate action and instant relief, and I am frank to admit that this is the only argument which has the least weight with me bearing upon this important question. But it must be remembered that it will hardly be expected of an individual every time some financial strait arises in the history of the country that that individual shall lay aside all political preferences and well-established convictions of law to meet that exigency simply because it may be said that the times and occasion demand it.

Such an argument would wipe out all party lines and party principles every time the party in power shall see fit, rightfully or wrongfully, as it chooses, to force such a condition of affairs as demands immediate relief. It would hardly be expected of the Republican members of this House to vote in favor of any system for raising revenues which may be suggested by the President on the ground that we are sorely in need of revenue, for that would be to enable the Administration to force the opposite party to favor by legislative enactment any scheme which such Administration might see fit to advocate.

If a member of Congress has well-settled convictions of how an exigency has been forced upon the country, and what will relieve against that exigency, such member can hardly be consistently asked to forego his firm convictions simply because there is an exigency. In order to determine our duties at this time, we, as Republicans, must take into consideration all surrounding circumstances bearing upon the question. Two years ago this coming 4th of March a Republican Administration was superseded by the present Democratic Administration. During that Republican Administration our revenues were ample to meet all requirements made upon the Treasury.

In addition to meeting all legitimate demands made upon that Treasury, we had revenues sufficient to enable us to go into the market and buy our indebtedness not yet due, and to cancel the same to the extent of near \$300,000,000. When that Republican Administration surrendered its power, all of the laws under which that ample revenue had been provided were in full force, and were powerful enough, if left intact or not threatened by repeal, to continue to fill our Treasury with money sufficient to meet all demands upon the Government.

The Democratic Administration succeeds to power, controlling not alone the executive but also the legislative department of our Government. It assumed power accompanied by a threat, which it was fully able to execute, that it would change, modify, or repeal all of those revenue-producing laws. It entered upon its work of destruction. It modified our revenue laws to such an extent that the legitimate expenditures are daily on an average of many hundreds of thousands of dollars in excess of receipts. Through its weakness and vacillation it has now aroused the financial world as to the stability of our credit.

Our Treasury, running behind all of the time, is now open to attack on the part of those who hold Government obligations payable in coin. They present those obligations, have them redeemed in gold, the Government then treats that obligation so redeemed as being currency in the Treasury to be paid out to meet the ordinary expenditures of the Government, only to have that same obligation returned in a few days for redemption over again. The Republican party is not responsible in the least for this condition of affairs. It believes that if the Treasury was supplied with ample revenue to more than meet all demands upon that Treasury the drainage of gold would soon cease, for the world would see that we are able to pay our debts as fast as they fall due.

In view of all of these circumstances is it right to expect of us that we will now vote to reverse the traditions and history of the past third of a century, which tradition and history we were responsible for, and vote at the dictation of the despoiler of our revenues, and by so doing establish a precedent which, if adhered to, will destroy the very foundations of our party? For one, I am not so ready to vote. I stand here and affirm my willingness to aid by my vote and influence, whatever that may be, the passage of all such measures which, being consistent with our past tradition, history, and interpretation, will help to maintain the credit of our Government to stand in the very forefront of all nations' credits, so that our obligations can be redeemed in that kind of money which will most surely maintain the highest credit which it is possible for us to reach. I will go thus far, but I will not accede to the demands of the present Administration and vote for

this resolution now under consideration. I have no further criticisms to pass upon those who vote for it.

I accord to them that which I demand, the right to vote according to the highest convictions of duty, and should the House this day adopt this resolution, its action shall be beyond my criticism, but shall be left to be criticised as they see fit, in such response as they may hereafter make, by the nameless, patient, and patriotic millions of our countrymen.

[Here the hammer fell.]

Mr. BLAND. Mr. Speaker, one of the most important points connected with this matter has not been touched upon during the discussion up to this time. We are called upon as one of the great nations of the world to degrade ourselves, to humiliate our people, and yield one of the rights which we claim under our Constitution by ignoring, in the Constitution of the country, the sovereign power given under it to coin money. If all of the contracts of the Government are to be made payable in gold, and not in coin as heretofore, and that step be taken not at the pleasure of our own people, but by the coercion of foreign powers, it means that a sovereign people are to surrender their rights upon a question embodied in their Constitution to coin money and to regulate the value thereof.

We have always as a people reserved the right to pay any and all of our obligations in coin; and why? Because under the Constitution we have the sovereign right to coin money and regulate the value, whether it be gold or silver. Now, we are asked to abandon that right to coin one of the moneys of the Constitution in the interest of shylocks from foreign countries and to surrender a great constitutional principle, namely, the right to coin both metals if we see proper, because we are told that otherwise the bonds can not be negotiated.

If we are to surrender to the demands of this resolution which comes to us under the dictates of foreign bankers, it means, as a matter of course, hereafter, in harmony with the resolution offered a moment ago by the gentleman from Vermont [Mr. POWERS] as an amendment to it, that all bonds issued prior to the proposed issue of bonds covered by this resolution shall be payable in gold, and therefore all of the obligations being not coin but gold obligations, we signify our abandonment of the right of the people to coin either money, gold or silver; and I repeat, we do it at the demand of foreign people who will not furnish gold, they say, on any other condition.

Mr. Speaker, the Democratic party in a history of rule in this country of eighty years never was so cowardly as to submit the American people to the indignity of being compelled to enact legislation at the dictates of Great Britain or any other nation with reference to money matters or any other great question of government.

It is an indignity, it is an insult to our people, it is un-American, and no man who votes for it can justify the vote. He must admit that he has humiliated himself not only in the eyes of his people, but in the eyes of the world by absolutely abandoning at the behest of foreigners the sovereign right this country enjoys of coining money and regulating its value.

There never was such a proceeding in the past history of our country as is sought to be enacted here to-day. Never has there been an obligation of the Government issued at any time that was not made payable in coin, and this is the first that ever was issued, if Congress is so humiliated and so contemptibly cowardly as to pass into law this resolution—this is the first that ever was issued which was specifically declared to be payable in gold. [Applause.]

With the day that resumption of specie payments began we started on a bimetallic standard to a certain extent. It is true that silver was dropped from the coinage in 1873. But before the day of resumption we had coined some twenty-eight million silver dollars, which were equal to gold in value in the payment of all obligations; and Mr. SHERMAN himself, Secretary of the Treasury at the time of the resumption of specie payments, said that the coinage of silver made the resumption easier, as it gave him the right to redeem the legal-tender notes in gold or silver coin. If he had carried out this policy we would not now be in trouble. If it had been put in force and maintained no bond would be called for now and no new issue demanded. [Applause.]

[Here the hammer fell.]

Mr. SPRINGER. Mr. Speaker, the gentleman from Missouri [Mr. BLAND] has stated that if this bill passes the Government of the United States abandons the right to coin silver under the Constitution of the United States. How he can say that that issue is involved in the passage or the defeat of this bill is a mystery to me. Silver has been demonetized for more than twenty years, and the question of its remonetization is not involved at this time in any way, nor can it be affected one way or the other by the passage or the failure to pass this bill.

The Government of the United States has declared in several enactments that it will maintain the parity of all coins of the United States.

Mr. BLAND. Then, why do you want to issue gold bonds? Let it alone and under free coinage you will have the parity of the metals.

Mr. SPRINGER. If it maintains the parity, as the Government has pledged itself to do, then practically there is no difference in value between silver and gold, and there is no pecuniary difference to the Government in paying either metal in its transactions. If one is as good as the other, and the Government will make them so, why does the gentleman say this bill will depreciate the one metal or deprive the Government of a right to coin silver, which is inherent in the Constitution? It is simply begging the question altogether. The Government of the United States will never pay in depreciated coin or depreciated paper any of the obligations of the Government.

It has declared that it will maintain the parity of all these obligations, and if it means to keep that promise here is a good place for the Government to declare that fact to the world, so that there may be no doubt hereafter upon the subject.

The gentleman from Illinois, my colleague [Mr. HOPKINS], said that if we promised to pay these \$32,000,000 in gold it involved an obligation to pay \$100,000,000 in gold at some other time. I do not see that that question is involved here. I do not see how we can increase our obligations an iota by the passage of this bill, either as to our bonded debt or as to the individual indebtedness in this country.

If the Government of the United States intends to maintain faith with its creditors, and to pay them in coin which is equivalent to gold, worth as much as gold in the markets and in the payment of debts, as the Democratic party has pledged that it would do and as the Government has declared, there can be no pecuniary loss whatever to the Government in promising to pay these obligations in gold. The only question presented here, Mr. Speaker, is whether, upon an existing contract made in pursuance of law, and which we will carry out to the letter, we can reduce that obligation over \$500,000 a year, and in the thirty years during which these bonds run save to the Treasury of the United States over \$16,000,000; whether we shall give the Rothschilds \$16,000,000 as a bonus, or whether we should save this amount to the people of the United States.

That is the only issue involved here, and that issue must not be distorted or evaded by calling it a question of free coinage, or of the demonetization of silver, or the abandonment of the right of the Government to coin silver. That is not in issue, and it can not be pleaded here to prevent the Government from saving what it can save by changing this contract, by passing this law within the time specified in this contract. Therefore I hope this side of the House, which believes in economy in public expenditures, will pass this bill and show to our constituents and this country that we mean to save this amount of money in this transaction, and that we mean, in addition to that, that our bonds are payable in gold or in its equivalent.

That is all that is involved, and no other issues ought to be raised by the gentleman from Missouri [Mr. BLAND] or anyone else. He believes in free coinage, because he claims it will raise the value of the silver dollar to the value of the gold dollar, commercially as well as in law, and if he intends to do that, who is injured by promising to pay in gold, if the gold dollar is no better than the silver dollar in the markets and in the payment of debts? I hope gentlemen will not allow their minds to be diverted from the true inwardness of this question.

The SPEAKER. The time of the gentleman has expired.

Mr. BLAND. How are you going to bring silver to par if you are going to make everything payable in gold, and nothing payable in silver?

Mr. SPRINGER. My time has expired, and I have no time, therefore, to answer that. But the way to maintain the parity of the coins is to give our creditors the option as to which he will receive.

Mr. KEM. I send to the Clerk's desk and ask to have read a communication relating to this subject.

The Clerk read as follows:

To the members of the People's Party, greeting:

As early as 1865-66 a conspiracy was entered into between the gold gamblers of Europe and America to accomplish the following purposes: To fasten upon the people of the United States the burdens of perpetual debt; to destroy the greenbacks which had brought us safely through the perils of war; to strike down silver as a money metal; to deny to the people the use of Federal paper and silver—the two independent sources of money supply guaranteed by the Constitution; to fasten upon the country the single gold standard of Britain; and to delegate to thousands of banking corporations, organized for private gain, the sovereign control, for all time, over the issue and volume of all supplemental paper currency. Thus they doubled the demands for gold; forced upon the country an appreciating money standard, entailing an indefinite period of falling prices; robbed enterprise of its just profits, condemned labor to idleness, and confiscated the property of debtors.

For nearly thirty years these conspirators have kept the people quarreling over less important matters, while they have pursued with unrelenting zeal their one central purpose. At the present moment every device of treachery, every resource of statecraft, and every artifice known to the secret cabals of the international gold ring are being made use of to deal a final death blow to the prosperity of the people and the financial and commercial



independence of this country. They seek to accomplish their fell purposes before the blow can be averted by an awakened public through the ballot. Their plans have been long matured and their line of action is fully chosen. They address themselves to the one subject—the money question—in all of its breadth and magnitude. This brings the country face to face with a perilous issue which calls for immediate and united action on the part of the people. Every behest of patriotism requires that we shall at once meet the issue and accept the challenge so defiantly offered.

We must meet the issue as it is presented to-day. To falter now is to invite disastrous failure. We earnestly urge the Populists throughout the country to concentrate their entire force and energy upon the tremendous contention presented and thus meet the enemy upon his chosen line of battle. Invite the aid and cooperation of all persons who favor the immediate free coinage of silver at the ratio of 16 to 1, the issue of all paper money by the General Government without the intervention of banks of issue, and who are opposed to the issue of interest-bearing Government bonds in time of peace. In a word, to extend the hand of fellowship to all who agree with you upon the money question, which is certainly the mightiest and most fundamental controversy evolved during the present century.

H. E. TAUBENECK,  
Chairman National Association.  
J. H. TURNER, Secretary.  
J. B. WEAVER.  
LAFÉ PENCE.  
O. M. KEM.  
T. J. HUDSON.  
WM. BAKER.  
W. A. McKEIGHAN.  
WM. V. ALLEN.  
JOHN DAVIS.  
W. A. HARRIS.  
JERRY SIMPSON.  
JNO. C. BELL.  
JAMES H. KYLE.  
HALDOR E. BOEN.

Mr. KEM. Mr. Speaker, for thirty years both political parties of this country—when I say political parties I mean the dominant parties—have been masquerading with the financial question and deceiving the masses as to their real purpose. The few people who have been opposed to the legislation that is now proposed, and to all legislation kindred to that, have had to fight a concealed enemy all these years. But I am thankful for one thing, and that is that at last the enemy is uncovered, that the mask is thrown aside, and we are confronted with the plain proposition from the executive department of this Government of bonds payable in gold. I am heartily glad of this, for it is much easier to fight an open enemy than one in ambush, and I take it, Mr. Speaker, that from this on the fight along these lines will be easier than it has been in times past.

I heartily coincide with the severe arraignment of the Executive made by my friend from Illinois [Mr. HOPKINS], and I say that in my opinion the English language is not adequate to express the severity with which he ought to be arraigned for this bond transaction as presented to this body for ratification.

But I want to say in that connection, Mr. Speaker—and I have endeavored at all times to hold these facts before the people—that the President is not wholly and only responsible for this state of affairs, but it is because of past Republican legislation that this thing was made possible.

[Here the hammer fell.]

The SPEAKER. The Chair will ask the affirmative of the proposition to use a portion of their time. The negatives have used two hours and five minutes and the affirmatives have used one hour and seven minutes.

Mr. REED. Has the gentleman from Georgia [Mr. TURNER] spoken?

The SPEAKER. He has not.

Mr. REED. I yield fifteen minutes to the gentleman from Georgia [Mr. TURNER].

Mr. TURNER of Georgia. Mr. Speaker, I defer very much to the better judgment of my associates on this floor on all questions, and especially those involving our financial system. I have no great pride of opinion on those subjects. I do not wish to speak to-day in any oracular way, nor do I hope, sir, in the brief time allotted to me to successfully contend against the prejudices engendered by the tendencies of recent politics. I shall endeavor to-day to maintain that view to which I think all political parties will assent, and that is that the burden is on this Government to maintain the equality of all its currencies.

Such has been the traditional policy of the American people from the foundation of our institutions; and since the resumption act passed we have had to maintain a gold reserve for the redemption of our Treasury notes. No one who resists this measure has said one word against the policy of that system. It is obvious to all that we have a paper currency issued by the Government amounting in round numbers to \$500,000,000; we have as much more of silver money, in round numbers, the parity of which with gold, under existing law, is also to be maintained; and to keep this vast sum of a thousand millions on an equality with gold we have in the Treasury \$40,000,000 of gold. No candid man can dispute the necessity of increasing this gold reserve.

Our revenues are now all paid in silver and silver certificates. It follows as an inevitable conclusion that in order to reenforce the redemption fund under the law it is necessary to resort to loans, and also to stipulate that the money it receives in exchange

for its bonds shall be gold. Nobody has dared to suggest that the Treasury should go into the market and sell its bonds for silver. My friend from Illinois [Mr. CANNON] affirmed in the outset of his remarks that the word "coin" in our obligations and in our fiscal statutes means "gold."

It may be fairly assumed that it is the law and also the concurrent opinion of all parties that it is the duty of this Government to provide gold in order to redeem its notes and to maintain the parity of all its currencies.

Now, in all fairness, when our Government, in order to sustain the tottering fabric of our credit, goes into the market to procure the most precious of the metals, should it reserve the right to pay for it in any other?

If we have to borrow gold, why should we not be willing to pay gold? And as a matter of fact, when we give "coin" bonds for gold everybody knows that our creditor has a right to expect gold in return. Why, then, should we stickle for a reservation which it would disgrace us to enforce?

Those gentlemen who object to the use of the word "gold" know that the bonds which have been issued within the last few months—

Mr. TERRY. Will the gentleman permit a question just there?

Mr. TURNER of Georgia. I have but a few minutes.

Mr. TERRY. If coin means gold, why did the syndicate charge us a higher rate of interest upon a coin bond than upon a gold bond?

Mr. TURNER of Georgia. My friend, if he will reflect but a moment, will understand the nature of the storm under which the Treasury of the United States has been struggling. He can not be indifferent to the events of the day. There has existed in this country for many months past a feeling of distrust, a want of confidence, which has paralyzed all our business and almost suspended our fiscal operations. This distrust relates to the question of the ability of the Government to maintain its plighted faith. It is not so much a fear as to what our obligations may be held to mean, but it is an apprehension as to whether we can maintain our top-heavy system.

My friend from Illinois [Mr. CANNON] said the other day that they knew in New York and that they knew in London that this Government would pay all its obligations in gold. When the President of the United States in his message to this body said that some doubt or suspicion had been cast on the ability of the Government to redeem its obligations in gold, he knew that within the past few months two or three hundred millions of our paper money had been presented at the Treasury and redeemed because our own people, as well as those abroad, had begun to fear that we would not be able to redeem this currency. In case a collapse should come a bond payable specifically in gold might be more marketable.

But, sir, it makes no difference what may be our fiscal policy on this subject; it makes no difference about the requirements of the resumption act; it makes no difference how we regard the contract the Secretary of the Treasury has made. These are things that are settled and fixed. Nobody proposes to invalidate the contract which the Secretary of the Treasury has made with the gentlemen who have purchased our bonds.

The question now is whether we will stand by and see that contract go into effect, under which the Treasury will receive sixty-five millions of gold coin and pay as interest on it  $3\frac{1}{2}$  per cent per annum, or whether we will avail ourselves of the option offered to nominate "gold" in the bond and pay a rate of interest less by three-quarters of 1 per cent. By this business view of it, as to the particular transaction reported to Congress by the President, we can save to the people of these overtaxed States half a million dollars a year, about \$16,000,000 in all, if these bonds should run for the period of thirty years. [Applause.]

[Here the hammer fell.]

Mr. HATCH was recognized for five minutes.

Mr. HATCH. Mr. Speaker, in that brief time I can hardly state anything like my full reasons for appearing as a pallbearer at this financial funeral [laughter], but I want to state very briefly why I am so unalterably opposed to the passage of this resolution. If the distinguished gentleman from Georgia who has just taken his seat [Mr. TURNER] would reflect for a moment and appreciate that the resolution he is voting for to-day and supporting on this floor by his logical reasoning, from his standpoint, and his eloquent voice was setting an example and prescribing the kind of money in which every debtor in the United States—State, municipal, and personal—must pay his collective or individual bond, he would understand something of the interest the people take in this question aside from the bankers, the money lenders, and the money shavers of the United States.

This House has been flooded with petitions from national banks and boards of trade asking members to vote for this bill. As an answer to this money demand I have had placed in my hands within the last thirty minutes a personal letter written by one of the most distinguished citizens of Kentucky, an ex-governor of

that State, for years an honored member of this House, and a sound political philosopher, who is now professor of political economy in the college in which you [Mr. BRECKINRIDGE] graduated; an ex-governor of your State and to-day one of the most influential and honored citizens of Kentucky—

Mr. ELLIS of Kentucky. You refer to my friend Proctor Knott? [Applause.]

Mr. HATCH. Yes; Hon. J. Proctor Knott, of Kentucky. It is as follows:

I do not know when my Democracy has been more completely outraged than by the last insolent demand of the goldites that the Government shall issue \$500,000,000 in gold bonds and retire the Treasury-note circulation with the proceeds. They do not seem to want to leave us even a hereafter.

[Laughter.]

You know, as everybody else must who has half as much sense as a sucking guinea pig, that whenever this Government agrees to pay that amount or a tithe of it in gold, silver is doomed, so far as we are concerned, to all eternity. As old Judge Forbush said to Johnny Moore, it had "jest as well say good-bye, world, and how d'y'e, hell."

[Laughter.]

Great God! how rapidly this long-suffering people are being driven to the dreadful alternative of slavery or internecine strife, to determine whether they will tamely hold out their hands and have the shackles of a remorseless plutocracy riveted upon their wrists or fight.

Now mark what I say, if the inexorable law of cause and effect has not been expunged from the statute book of the Almighty, unless a halt is called p. d. q. you may expect to see the horrors of the French Revolution put on the American stage with all the modern improvements, and that within the next decade.

I remember I was suspected by some of my friends of political lunacy in 1890 because I predicted that in the event of Mr. Lincoln's election there would be a war between the States. They could not see why it ought to be so. Neither could I, but I knew the causes which were at work, and which would in the long run produce that result, and I regarded his election simply as the spark which would explode the mine. So, when the fiery cloud appeared in less than one short year which deluged the country in blood for nearly a lustrium some of those who had thought me a croaker, a mere dyspeptic pessimist, began to regard me as Byron did Jeffreys—as "a d—d, discerning fellow." I tell you, Senator, in all seriousness, I see far more reason to apprehend the speedy approach of a terrible revolution in this country than Lord Chesterfield saw in France when he wrote his historic prediction from Paris. Nor am I alone. That gentleman, Astor, who went to England some time ago, bought him a place on the island, and became a British subject, saw what is coming as plainly as I do, so he took time by the forelock and skipped out when there was not such a rush for staterooms as there will be after a while. He knew very well that if things should keep on as you and I have seen them for some years past, the time was not far off when there would be such a crowd of his class of people hurrying aboard every outgoing steamer he might be shoved off the stage plank.

[Laughter.]

Our good friend, Mr. SIBLEY, sent me a copy of his magnificent speech against the Carlisle abortion the other day. I was sick in bed when it came, lonesome and low-spirited, my wife in Louisville under treatment for her throat trouble, and not a God-blessed friend near me to cheer me up. I read it over, in some places two or three times, and it stirred my old blood like the call of the trumpet stirs that of the war horse, or perhaps you will understand me better when I say it acted on me like good wine—King Solomon's favorite prescription to "those that be of heavy hearts." (As the average United States Senator is not presumed to be familiar with the writings of that eminent author, see Proverbs xxxi, 6, 7.) SIBLEY and free silver forever.

[Applause.]

I will not ask to detain the House, Mr. Speaker, but will avail myself of the privilege under the rule to say a few words more in regard to the pending measure under the general leave to print.

The strongest point made in the statement of the gentleman from West Virginia [Mr. WILSON], who has presented this question to the House with his personal indorsement and approval, is embodied in the proposition that the \$500,000,000 of currency known as greenbacks, legal tenders, and Sherman notes are not only redeemable, under the interpretation of the law and the discretion of the Secretary of the Treasury, in gold, but that, under the terms of the law, when redeemed they can not be retired, but must be reissued. That is mandatory.

This provision of the law has been denominated on the floor a "revolving wheel" or an "endless chain," and these \$500,000,000 become multiplied as often as the avarice and the interest of the gold shavers and gold exporters of the country demand their redemption by the Secretary of the Treasury. It is the settled policy of this Administration, inherited from a Republican Administration and the action of a Republican Secretary of the Treasury, that these notes, one and all, must be redeemed in gold to preserve the credit of the Government and the parity of the metals.

Let me suggest to the Secretary of the Treasury how this "revolving wheel" may be destroyed and this "endless chain" may be broken in the interest of the people. Every one of these notes bears upon its face a statement of the act under which it was issued, and the notes are all lettered and numbered. Let the Secretary of the Treasury, under his interpretation of the law, redeem them in good faith, according to his discretion, in gold, but when so redeemed, and before they are reissued, let him make an exact identification by letter and number of each note so redeemed, and notify the shylocks and exporters of gold, who, under the present system, present these notes again and again in order to make a profit out of the exportation of the gold, that when these notes are presented a second time they will be redeemed in silver dollars.

This the Secretary has a right to do under the law. He can do it and preserve the integrity of the position he now occupies, and not one man out of a million in the United States or the world who believes in fair play will ever question his right or criticize his discretion in thus stopping this dishonest drain upon the Treasury which exists because of an imperfection in the law. Let him do this, and the "endless chain" will become a myth and the "revolving wheel" will be broken in the interest of honest government and of all the people of the United States. If the Secretary will do this the financial cloud now hovering over us will be dispelled, the prices of farm products will advance, prosperity will again bless the land, and a Democratic Administration will be restored to the confidence and love of a majority of the people of the United States. Amen! [Applause.]

The SPEAKER. The gentleman from Illinois [Mr. HOPKINS] has two minutes of his time remaining. [A pause.] Five minutes of the hour which the Chair has been disposing of remain for the affirmative. The Chair will recognize some gentleman who desires to speak on that side.

Mr. COOPER of Florida rose.

The SPEAKER. Does the gentleman desire to speak on the affirmative side?

Mr. COOPER of Florida. Yes, sir.

The SPEAKER. The gentleman will proceed.

Mr. COOPER of Florida. Mr. Speaker, I have sat here to-day and listened to some remarkable contributions to a discussion supposed to involve business matters and practical government. The contribution which the gentleman from Missouri [Mr. HATCH] has just inserted in the RECORD, coming from a distinguished gentleman from Kentucky and written to a Senator from that State, is one which I think the gentleman from Missouri, when he reads it in cold print, will wish for his own sake and for the sake of the man who wrote it, and for the sake of the State of Kentucky, had been kept a private document. [Applause.]

Now, what is the proposition before us to-day? It is a business proposition. We are not asked to discuss a loan; we are not asked to discuss the sale of bonds; we are asked simply to discuss and vote upon a proposition that, a loan having been already made which every one of us here knows is to be paid in gold, whether we shall simply say that we will do what we are going to do anyhow, and thereby save the American people \$16,000,000, or whether we are going to throw this money into the coffers of those who furnish this loan, or wherever else you please, for the sake of indulging our personal prejudices or pride of opinion.

Sir, I speak to the Democrats here. The most discouraging thing on this side of the House is the fact that so many men who are Democrats, and supposed to be a part of a dominant party conducting the Government, seem to have no sense or apprehension of the responsibilities and duties belonging to the conduct of responsible government. We are in charge of a great governmental machine, and our first duty is to run it. It seems to me that a great many men on this side of the House do not realize that that is any part of what they are here for. They seem to enjoy the pastime of helping to scuttle the ship that they are embarked on. I for one propose to vote in this matter just as I would in private business. The town in which I live voted a few months ago a million dollars of bonds for municipal improvements. When they went out to negotiate them they found that they could make far better terms if they stipulated payment in gold; so they redrafted their ordinance and made the bonds payable in that way. That is a precise illustration of what the Government is asked to do to-day.

I believe there is a great future for the Democratic party. Gentlemen who think this party is dead forget the past. They forget all that we have survived and overcome. I say to you that the party of Thomas Jefferson, of Andrew Jackson, of Samuel J. Tilden, and of Grover Cleveland [applause] will never die. For days gentlemen here have carped at and criticized the President. Whether he has made the best bargain or not in this matter, I do not know; but it does not lie in our mouths to utter those criticisms. We have left him to struggle with a desperate situation as best he could. We have left him to negotiate a bargain with money lenders, with inadequate means and inadequate laws. He has done the best he could.

Further than that, he stands to-day higher in the confidence and affections of the American people, and he has more following to-day in the United States than either the Democratic or the Republican party. [Applause.] The people of this country, its business men, a great majority of its population, are sustaining the President. [Applause.]

[Here the hammer fell.]

The SPEAKER. The gentleman from New York [Mr. VAN VOORHIS] has informed the Chair that the gentleman from Illinois [Mr. HOPKINS] has yielded him the two minutes of his time remaining.

Mr. VAN VOORHIS of New York. Mr. Chairman, the pending resolution changes the character of United States bonds.



Heretofore those bonds have been payable in coin. This resolution requires these bonds to be payable in gold. It is a move in the direction of sending gold to a premium. The plain inference is that gold is better than coin. And yet the chairman of the Committee on Ways and Means informs us that coin means gold. If it does, why not say coin, and have all our bonds uniform?

The effect of this proviso is to take this class of money out of circulation and put nothing in its place. If money is what the Administration wants, it can get a thousand million dollars of our own people on a simple 3 per cent bond, as proposed the other day by the gentleman from Maine. Such bonds could be sold to the people. But the banks are opposed to that. The people would take their money from the banks and lend it to the Government. Then, again, no lawyers or middlemen could get rich out of this loan.

The resolution discriminates against existing bonds. If it passes one of two things must happen, existing bonds must be paid in gold or they will be depreciated—they will without doubt be depreciated, because coin does not necessarily mean gold. It may mean silver, for coin includes both. The liability to depreciate Government bonds now outstanding is a good reason why this resolution ought not to pass.

This resolution has the effect to retire sixty-five millions of Treasury notes and greenbacks and thus contract the currency to that extent—

*Provided, however,* That no part of the proceeds of the sale of such bonds nor of the notes redeemed with such proceeds shall be available for the payment of the current expenses of the Government.

This is the language of the resolution.

The reason given for the passage of this resolution is that we have made a bad bargain, that the Secretary of the Treasury has made a contract which binds us to pay \$16,000,000 "shave" to somebody in order to borrow \$62,000,000. That in order to get rid of that contract we must pass this resolution. Now, my proposition is that he has made no such contract. He has no power to make a contract and bind the Government with covenants. He has power only to sell bonds or to buy gold. He has no power to make an executory contract. This contract is entirely executory, and therefore void. He has not in this contract even agreed to buy gold; he has not agreed to sell bonds.

We are not compelled to pass this resolution by the stress of a bad contract.

The great argument is that we can save a sixteen million shave which we are compelled to pay under that contract by passing this resolution. A careful examination of the contract shows that the Government has made no covenant whatever. It has neither agreed to sell a bond nor to take an ounce of gold. The contract itself is wholly executory. It is to be performed in the indefinite future. The Government assumes no obligation. If it accepts gold it is at a certain price—but it need not take any—that is all. The Secretary of the Treasury can not bind the Government by an executory contract. He may sell bonds and he may buy gold; that is all the authority the law gives him.

By this contract the Government does not bind itself to sell bonds or buy gold. The agreement is practically unilateral, and without doubt was intended to be so. Covenants can not be implied in such a contract.

No court would imply a promise on the part of the Government to sell sixty-five millions of bonds where no promise is expressed. No court would imply a promise on the part of the Government to take sixty-five millions of gold where no promise is expressed to take that amount or any other.

Before it can be said that this is a contract which binds the Government to sell this large amount of bonds and take this large amount of gold there must be interpolated into the contract terms which are not expressed.

The Rothschilds syndicate can only ask for a legal construction of the contract as written. If such a construction is given the Secretary of the Treasury can refuse to pay a shave of the \$16,000,000 on a loan of \$62,000,000. He can avert the great scandal by giving a legal interpretation of this contract.

The argument, therefore, based on the stress of the contract, falls to the ground.

I asked, as politely as I could, the chairman of the Committee on Ways and Means to point out in this contract any promise the Government had made to either buy these millions of gold or sell these millions of bonds. He intimated in a lordly way that it is a matter not worth considering. It was the reply of a man who could not successfully answer the question.

Mr. REED. I yield to the gentleman from New York [Mr. PAYNE] as much time as he desires.

Mr. PAYNE. Mr. Speaker, language is inadequate to express my condemnation of the folly of this contract which has been entered into on the part of the President of the United States and the Secretary of the Treasury with these bankers representing both domestic and foreign syndicates. I believe that there was no excuse for sacrificing our bonds at the rate proposed in that contract.

On the day it was done bonds of the United States, having twelve

years to run, at the same rate of interest, were selling on the market at 110½. Here are bonds, having thirty years to run, sold at 104½ to this syndicate! According to the figures of our experts, the value of the bonds and the added value arising from the length of time in which the bonds are to run, these bonds were worth that day in the open market of this country 119½. Here was a direct sacrifice of \$9,200,000 to these bankers who had their hands on the throat of the Treasury and were squeezing out the last cent from that institution and the last drop of blood from the taxpayers of this country. [Applause.]

But, Mr. Speaker, that is not all of the contract. It goes further than that. The Treasury is tied up absolutely until the 1st day of October next in any issue of bonds it may desire to make or find necessary to make in that time. It seems as though there was not anything that could be suggested to make the contract any worse for the country and for the taxpayers that was not suggested and written into the contract.

Here, then, is a body of men getting away with \$9,200,000 of the property of the taxpayers of the United States, money that must be earned by the common people of the country in the sweat of their brow and the toil of their hands; these men are getting away with it, and my friend from Illinois [Mr. HOPKINS] asks, Do you propose to make yourselves particeps criminis?

I answer no, Mr. Speaker, not if I understand myself I do not. [Applause.] I wash my hands of the entire transaction; and yet I see this condition existing: I see these men getting away with the hard-earned money of the people and making out of our taxpayers this \$9,200,000. If I ransom my goods in the hands of a thief, do I become particeps criminis? Do I consent to a contract by simply saving what I can from the avails of it, after my agent has made it doubly binding, acting within the limits of his authority?

What is the alternative? The Government has an option. It has an option by nominating in the bond the word "gold," that by that means we may save this \$9,200,000 to the common people of the country. What, then, under the circumstances, is my duty as a representative of the people?

The agents of the people, selected by the majority of the people, selected, thank God! without any help from me [laughter] and against my best endeavors to defeat, and yet the constituted authorities of the people, having the legal right to make this contract, have entered into it with foreign as well as domestic bankers composing the syndicate. We find this syndicate getting away with the money to the extent that I have stated. Their hand is already in the Treasury. This \$9,200,000 is in their clutches, so to speak. Now, do I sacrifice anything as a representative of the people by aiding, as far as I can, in rescuing that vast sum of money for the good of the taxpayers of the country?

Mr. Speaker, our bonds are already payable in gold. It has been the settled policy of this country for more than thirty years to redeem every bonded obligation, where the word "coin" is mentioned, in the best metal that any bond or the obligation of any country on the face of God's earth is redeemable in.

Mr. COOMBS. Then why not say so?

Mr. PAYNE. We simply have to put it in the bonds. "Why not say so?" my friend asks. I only say so because I want to ransom this money that these men are getting away with. It was not necessary to say it on the 28th of January, until that unfortunate message of the President came here demanding a gold bond. We had been getting money at 2½ per cent only in the markets of the world. Our credit was not injured. Our credit was good, and we could borrow all we needed on a coin bond and on the faith of the people in all parts of the world in the honesty, fair dealing, and good faith of the people of the United States. But that very message discredited our bonds here, and discredited them abroad; and yet, notwithstanding this fact, our bonds were selling in the market on the 8th day of February at a rate of interest less than 3 per cent. Then this infamous contract was made, and still they can not wreck the credit of the country, because this day in the markets of the world our bonds, with twelve years to run, are selling at a rate of 110½.

So we come back to the only question, the vital question here, shall we save this \$9,200,000 to the Treasury of the country and to the people of the country and to the taxpayers?

Mr. Speaker, for myself—others can do as their duty seems to lead them—but as for myself I can see no other way than to ransom this money from the men who are getting away with it. [Applause.]

Mr. REED. I yield five minutes to the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

Mr. WILLIAM A. STONE. Mr. Speaker, from a Republican standpoint I can see no reason why we, as Republicans, should not support this resolution. We are in an unfortunate predicament, brought about by bad management on the part of this Democratic Administration. We are in a condition where, like a person who pawns our clothes or our property, by failing to redeem the pawn, we may lose by it. We shall do nothing but spite

ourselves by the failure. This proposition will enable the Government to save at least half a million dollars a year. The President of the United States has appealed to us as Republicans, in the name of patriotism, and no one ever made that appeal to the Republican party in vain. We have stood by him on two different occasions, and in my judgment we should stand by him now, for in so doing we stand by the country.

Mr. HARTMAN. Did he make that contract in the name of patriotism?

Mr. WILLIAM A. STONE. I condemn that contract as severely as you do, but we can only undo that contract by passing this resolution, and it is because I am opposed to that contract that I shall vote for this resolution, and thereby obtain a better contract.

An issue is raised here as to whether these bonds shall be paid in gold or in coin. By refusing to pay them in gold we practically say that we did not intend to pay in gold the ones we have already issued; and I say, Mr. Speaker, that good faith toward the bonds we have already issued calls upon us to stand here and not quibble upon this issue. Let us pass this resolution, whether it becomes a law or not. Let us do our duty to the country regardless of the question from which side of the House this resolution emanates.

[Here the hammer fell.]

Mr. REED. How much time have I remaining?

The SPEAKER. The gentleman has thirty-two minutes.

Mr. REED. I yield ten minutes to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Speaker, the gentleman from New York [Mr. PAYNE], after graphically describing the situation to be that of a thief bearing away more than \$9,000,000 of the people's money, asks the question, Do we sacrifice anything in trying to rescue this ill-gotten gain? I answer him that we may; and I want to call his attention to the fact that he proposes in his rescue, or attempt at rescue, to change the whole policy of his party, to go back upon all of the declarations of his party, and to institute a new method, a new policy, and call for new following.

There has never been a day since this party of his has been in existence that it has not contended for the equal status of gold and silver in the United States. [Applause.] If there is one proposition more certainly impressed upon the minds of Republicans than another, it is that we will as a party, by all means within our power, see to it that these two metals have equal potency in this land.

Here is a new departure. I am told that the Secretary of the Treasury yesterday, in his interview with a committee of this House, admitted that if this bond was issued, if this country now started out upon the policy of gold bonds, no other kind of bonds would probably ever be known in its entire history. Are we ready for that? [Cries of "No!" "No!"]

I call attention not only to what the Republican party have said, but also to the declarations made by the party of the Speaker. We have been accustomed to fiery rhetoric in the platforms of that party. I can recall an instance where I heard the gentleman from Illinois [Mr. SPRINGER], who a few moments ago spoke in favor of this bill, quote from this platform. Ah, how resonantly the sentences rolled from his tongue. Let me call his attention to the platform that he then quoted from. I read from a Democratic platform:

One currency for the Government and the people, the laborer and the officeholder, the pensioner and the soldier, the producer and the bondholder.

[Applause.]

Ah, Mr. Speaker, I can imagine that your own heart has been warmed many times by that ringing sentence. [Laughter.]

But again, in a later day, these same gentlemen said in their national platform:

We hold to the use of both gold and silver as the standard money of the country, and to the coinage of both gold and silver without discriminating against either metal or charge for mintage; but the dollar unit of coinage of both metals must be equal in intrinsic and exchangeable value, to be adjusted through international agreement, or by such safeguards of legislation as shall insure the maintenance of the parity of the two metals and the equal power of the dollar at all times in the markets and in the payment of debts.

Now you gentlemen propose to say in this authoritative way, with the authority of a statute, that the silver to which you are pledged, the silver that you are bound as honest men to maintain, to maintain the debt-paying power of—you now say that in the markets it is not to have the same debt-paying power as your gold.

But the Republican party has been equally explicit in its utterances. It says:

The American people, from tradition and interest, favor bimetalism; and the Republican party demand the use of both gold and silver as standard money, with such restrictions and under such provisions, to be determined by legislation, as will secure the maintenance of the parity of the two metals, and the purchasing and debt-paying power of the dollar, whether silver, gold, or paper, shall at all times be equal.

Equal! And here we are called upon now to declare that this dollar of ours, this silver dollar of ours, has not the same debt-paying power that a gold dollar has. I affirm, notwithstanding

the language of the gentleman who stood a few moments ago where I stand now and said that our indebtedness was payable in gold alone—I say, not so. [Loud applause.] There is not an obligation of the United States save the gold certificate that may not honestly be paid in silver dollars [applause], and every creditor of the United States knew that fact when he permitted himself to become a creditor of the Government.

Gentlemen draw distinctions between moral and legal obligations. I say there are no such distinctions in governments—that there is no moral obligation that rests upon the Government outside the limitations of law; and he who will stop to think will agree with me. When you consider that we have human agencies in the administration of governmental affairs—the officer—who dares not go beyond the plain written authority of the law, what right has the gentleman to talk about moral obligations? A gentleman illustrated the same thought here the other day when we were discussing the moral obligations that might be involved in pleading the statute of limitations. He said, "What attorney of a corporation would refuse to plead the statute where he had the opportunity and duty called?"

All agreed with him; and we can quite well see that a failure to perform a duty of that kind would result, or might result, in his disbarment. He was bound to plead the statute; he was bound to insist upon the legal obligation. Why? Because he acts in a fiduciary relation. And so it is with an officer of the Government; and I insist that when action is thus dependent and when action is thus limited by law it is unnecessary to talk about moral obligation, even if such existed in the case, where the alternative is at all times preserved on the part of the Government to pay in coin—gold or silver. [Loud applause on the Republican side.]

Mr. REED. I reserve the remainder of my time.

The SPEAKER. The gentleman has twenty-two minutes remaining. The gentleman from Nebraska is recognized.

[Mr. BRYAN addressed the House. See Appendix.]

Mr. REED. Mr. Speaker, that doctrine of the union of the South and West has been preached before, and by prophets whose inspiration lasted longer than that of the gentleman from Nebraska [Mr. BRYAN]. [Laughter.] But it has been a failure. It always will be a failure. We of the East not only send our property West, but we send our children there, and no man who crosses from East to West can fail to be struck by the fact that there is after all a unity of sentiment between the two sections of the country that no language will ever blot out or destroy. [Applause on the Republican side.]

The Southern and Northern Democrats may not be able to live together. I am glad they are not able to live together. [Laughter.] But I say to you that the Republicans of the East and of the West, of the North and of the South, have thus far found some method of living together and they will in the future. [Applause on the Republican side.]

Now let me address myself to the comparatively small matter at hand. [Laughter.]

It very often happens in the history of this House—for I have been here a long period of time and I have seen the rise and fall of many patriots [laughter]—I have witnessed periods of great emotion and I have noticed that it very often happens in the history of this House and of this country that events often have some phases which seem to be very stirring and striking and to portend a tremendous future, but which are not thought of much a fortnight after the occurrence.

I admit, however, the importance in many ways of the resolution before us, but not of the proceedings of this House at this time. I wish the result were not a foregone conclusion. I wish that there were something more than language left to us to-day. But that being all that there really is in doubt as the matter will turn out, as gentlemen who hear me well know, it seems to me very important that whatever we say here will have a tendency to strengthen the credit of the Government.

We are not through with our difficulty. We have long months in front of us before the period of recuperation sets in. We ought not to say anything or do anything which will make that period of revival longer in coming than it ought to be. I therefore feel called upon, for my part, to reinforce the remarks so ably made by my friend, the gentleman from Illinois [Mr. CANNON], as to what the Government has done in the past with its bonds. Its bonds to-day ought to stand in the front rank of national bonds, if honesty of effort in payment of the same could count for anything in the history of this world.

Gentlemen say that we are at liberty to pay these bonds in something else besides the equivalent of gold. Whether we are or not, the fact remains that, urged on by an inexorable law, we have thus far paid in gold or its equivalent, and every man in this House believes that we shall do so in the future. [Applause.]

This does not in any way militate against anybody's belief as to bimetalism, whether international or national. For men who are in favor of the free coinage of silver are so because they believe



that free coinage of silver would bring silver to a parity with gold. Therefore all sides of this House, in parties which are recognized in the government of the country [laughter], are agreed as to the result. And it is a great pity that we should be in a condition so that anybody could make any other charge. But diseases lurk, ready to attack a system which has been weakened by other disease, or by cold or exposure. A man may have in his body the germs of consumption, and it may never strike him, because his system may never be reduced to the point where it is possible that such a thing should happen.

Now, the trouble of our situation is that our body politic, our Government, has been so reduced by two years of party rule of such a character that our expenses are not paid by our income, and that the Government of the United States is for the time being running behind.

Whatever severity of criticism is bestowed upon the present situation, a greater severity of criticism is to be bestowed upon the past, and this agreement presented here for the inspection of the House is of a piece, it seems to me, with the Government of this country for the last two years.

It may be that I judge harshly. It may be that this agreement is the result of the unfortunate condition in which the Government was found. It may be that no guilt attaches to this, except so far as it is the result of causes which never ought to have been set in motion. However that may be, that contract is not presented to us for approval or disapproval; that is a responsibility the Administration must bear. It can not thrust it on Congress. It is a contract made by the legitimate agent of the Government, as my friend from New York says. I repeat that the agent—

Mr. MEREDITH. What is the authority of this legitimate agent?

Mr. REED. That agent of the Government—

Mr. MEREDITH. What is his authority?

Mr. REED. That agent of the Government, as I was about to say when I was interrupted [laughter], has made a contract. Gentlemen who are opposed to this proposition now before the House say that he had a right to make it. I presume, therefore, that he had. He has made it, and it is not submitted to this House; but there is a proposition submitted to this House, which is that that money will be furnished to us for the lower rate of interest provided that we put the word "gold" in our bonds. Now, that word is there now by everybody's understanding on both sides of this House; and the question is, what shall we do about it? If it were the establishment of a policy, then it might be discussed from some other of the standpoints that are presented to-day. But it is not the establishment of a policy. It is the action of the House of Representatives upon a single transaction.

Gentlemen say that the result would be that the Secretary of the Treasury will try other transactions of this kind upon the House and Senate in the future. I do not believe, after the expression of the American people upon that subject, that he will do it again. I admit that it is an unpleasant argument; but I deny that it is the establishment of any principle whatever. I should say that the gentlemen who are in favor of silver or of greenbacks or of any other form of our currency would make a sounder and wiser objection if they objected to any of these bonds being sold for gold when silver was presented. But this is a peculiar kind of transaction.

In a Democratic Administration, following what has been the custom of the country for many years, ever since the resumption of specie payment, we have provided that we will furnish gold for greenbacks; and therefore we issue bonds to obtain gold. Does any man believe—is there any member of this House who would insist—that the money which was specifically demanded in gold should be refused a gold payment when the time came? Mr. Secretary Sherman announced, on such a question being raised, that these bonds, being issued for gold, for the express purpose of obtaining gold to carry out the operations of the Government, would necessarily be redeemable in gold.

Now, that is the situation. Where the blame ought to be thrown is here—that this Administration has not made the people understand from the beginning that these bonds are just what they are, just what the custom of payment on the part of the Government has made them to be. It establishes no new policy, even if these bonds were made specifically payable in gold, all of them. And I say to men who are on the other side of the question that they are not treating this matter fairly when they speak of it as determining the policy of monometallism or bimetalism. Gentlemen who are interested in national bimetalism, if their views are correct, will find that at the proper time the consensus of opinion of the world will sweep us by any little affair like this without its counting for an instant, and if they are international bimetalists everybody in the world will hold it as a triumph to secure both metals on equal terms, and then it will be of no account how bonds read.

Let me give you one example, and I trust the House may not misunderstand my motives. Let me give you just one example of

the way in which men get to be willing to pay Government bonds in the best money. You see the Government can not be sued. It can not be brought under the hands of the sheriff. A nation stands by itself and upon its honor, and it acts just as a gentleman does who stands upon his honor. He fulfills the obligation as the other man understood it, if it is a straightforward and honorable understanding; and such is the effect of being in power, that the most radical opponents of the policy of paying the best come at once to the front as the defenders of it.

Now, let me illustrate this. I can remember that the gentleman from Illinois [Mr. SPRINGER] not long ago stood up in his place and with considerable rapidity of language declared that we must have the free coinage of silver. Nothing less would do him. Perhaps it would not be improper for me to name some others; but I will just read one or two names, whose votes will be found recorded in the year 1890, on the 25th day of June, as in favor of the free coinage of silver.

Mr. WILSON, a member from West Virginia [laughter]; Mr. SPRINGER, a member from Illinois; Mr. BYNUM, a member from Indiana [laughter]; Mr. TURNER, a member from Georgia. [Laughter.]

I beg to say that I am not presenting this with any idea or desire of raising a laugh, because all of us here can be laughed at for having changed our minds. [Renewed laughter.] I am not presenting these names with any such purpose, nor for the purpose of reproaching any of these gentlemen. And the list includes Mr. MONTGOMERY of Kentucky and Mr. TARSNEY of Missouri.

I repeat, I am not using these names for any purpose of reproach. I am simply using them to show the constraining influence of being in power. [Applause.]

And, Mr. Speaker, I have no doubt that certain gentlemen who are about to retire from this House without having belonged to either party except occasionally to the Democratic party [laughter], if they should be put in power—and it is a great gratification to me to know that I can never prove what I now say [laughter]—I have no doubt that if those gentlemen should be put in power the like circumstances would constrain them in the same way. A nation's credit is its great stronghold. Disasters may happen to a nation. Democratic Administrations may occur to it. [Laughter.] Everything is possible within the range of human affairs. Under such circumstances the most precious thing in this world is a nation's credit, and it ought always to preserve it if it can.

Now, do not let our indignation about a contract which we can not interfere with, and which, perhaps, deserves all the reprobation it has received—do not let that prevent us from taking a business-like view of the present situation. Do not let us involve ourselves in "policies" and things of that sort, but let us face the situation as it stands. [Applause.]

Mr. Speaker, I yield the remainder of my time to the gentleman from West Virginia, Mr. WILSON.

Mr. WILSON of West Virginia. I yield eight minutes to the gentleman from Indiana [Mr. BYNUM].

Mr. BYNUM. Mr. Speaker, I do not know that anything I can say will throw further light on this question or give any additional information to the members of the House. To my mind this contract is a very simple one, and although it has been severely criticised by some gentlemen on both sides of the Chamber, for my own part I see nothing wrong in any of its provisions. The objection raised by the gentleman from Tennessee [Mr. McMILLIN] and the gentleman from Nebraska [Mr. BRYAN] that it will retire \$65,000,000 of greenbacks is without foundation. Under its operation not a single dollar of the greenback currency will be retired. It simply prevents the Secretary of the Treasury from paying out, upon the current expenses of the Government, the coin that may be obtained by the sale of bonds or the currency that may be redeemed with such proceeds. It does not modify or repeal the law which requires the Secretary of the Treasury to reissue the greenback currency.

That currency must still be used for the redemption of the national-bank notes, and may under certain circumstances be exchanged for gold coin, and in this manner would still be kept in circulation. There is not the least excuse for the assertion that the enactment of this resolution will result in the contraction of the currency.

Again, Mr. Speaker, the President and the Secretary have been criticised, whether from sincere motives or not I do not pretend to say, because it is alleged that the purchasers have been given an option on any future issues that may be made. The clause criticised is not an option, it is simply a requirement that if additional bonds are issued before the 1st day of October that these parties shall be given the first offer; and, in my judgment, this provision is as much a protection to the Government as to these individuals. The only reason I apprehend why the purchasers of these bonds insisted upon, or at least desired, the insertion of such a right was that they might have an opportunity to prevent the

sale of a future issue at a price lower than they had paid, thereby depreciating the value of the securities held by them.

The Government is not required to accept from these parties any offer they may make, but they are simply accorded the first right of making a bid.

It is said that the Secretary committed an error in negotiating a sale without first advertising for bids, as if it was an easy matter to secure \$65,000,000 of gold by going into the open markets. The critical condition of the Treasury was such that, in my judgment, no other course was open. To hawk about financial centers and advertise in the columns of the press the dire necessities of the Government and the intentions and plans of the Administration for restoring the revenue and maintaining the public credit would have proven disastrous and probably have defeated all negotiations. This was not a sale of bonds; it was a purchase of gold, and there was nothing left for the Secretary to do but contract with the parties able to furnish the required amount upon the best terms he could secure.

Gentlemen will know that the last issue of bonds put upon the market was almost wholly paid for with gold drawn out of the Treasury by those who desired to secure them. Had the Secretary advertised openly for bids and accepted an offer without any guaranty that the Treasury gold should not be raided, the \$41,000,000 now there would have been drawn out before the contract had been concluded. The stipulations which he secured for the defense of the Treasury are wise and wholesome. Half of the gold is to come from abroad, and the part furnished at home is to be secured without drafts upon the amount held in Treasury, and, in addition, the purchasers agree to use their influence and efforts in protecting the Treasury from future drains and the country from exportations. How they may do this is not a matter of detail or investigation, but certainly no one will gainsay that they can in times of stress render valuable aid.

Mr. Speaker, I am not surprised—I say it frankly—that Government bonds can not be sold at the price they brought a few months ago. If the present banking system of the Treasury be not reformed and the gold reserve continues to be raided in the future as it has been in the recent past, it will be difficult to negotiate future sales upon as favorable terms as have been secured in this last agreement.

Gentlemen say that the passage of this resolution authorizing the Secretary of the Treasury to sell a bond payable in gold coin will require every private contract thereafter made to be paid in the same medium. Mr. Speaker, it is for the purpose of protecting the credit of the Government, the credit of our States, the credit of our municipalities, and of individuals that I desire to see this stipulation inserted in our bonds. It is because of the fear that this Government is not going to adhere to the policy of making its payments in the best money that these stipulations are being required from domestic borrowers.

If it goes out to-morrow morning that the House of Representatives of the United States, the Representatives of the people, have declared their intention and purpose to adhere at all hazards to the policy which we have maintained ever since the close of the war there will be no desire on the part of anyone to require that all obligations shall stipulate for payments in gold coin. Creditors will say, "The policy of the Government of the United States is unalterable; and so long as the Government maintains that policy every dollar of paper and every dollar of silver will be worth as much as a gold dollar, and payments in either will be the equivalent of the other." This is why I believe this measure to be for the benefit of the people; this is why I believe it to be for the benefit of every borrower in the markets of this or foreign countries.

Mr. Speaker, if there has been any one principle cardinal with the Democratic party, it has been the maintenance of the credit of the Government and the payment of its obligations in the best character of money on the face of the earth. Why, sir, the charges, the insinuations, the denunciations that are now hurled at the President have been hurled at former Democratic Administrations for maintaining Democratic principles in the midst of adversity.

When Jackson issued the specie circular, and when his successor, Mr. Van Buren, adhered to it in spite of the numerous assaults that were made upon him by the representatives of the banks and the politicians, he stood as firm as the rock-bound coast against which the waves may dash but rebound to be broken asunder upon the ocean's bosom, and reestablished the finances of the Government upon a sound basis, and restored confidence among the people. In my judgment the present Administration will not be deterred by the brutal assaults that have been made upon its policy from adhering to this cardinal principle of the Democratic faith and preserving the credit of the nation free from suspicion. For this patriotic effort it will receive the commendation of all patriotic citizens and the support of the great body of the American people.

The SPEAKER. The gentleman from West Virginia [Mr. WILSON] now has ten minutes remaining.

Mr. WILSON of West Virginia. I am glad, Mr. Speaker, that the later discussion of this resolution has cleared the atmosphere of a great deal of fog which was thrown around it earlier in the debate, and has presented to the House the single issue which I tried to present when I opened this discussion. That issue is simply this: A contract has been made which, in the judgment of the Secretary of the Treasury, had to be made; it has been made on terms which he, on whom rested the responsibility, declares to have been the very best terms possible to secure under existing conditions. The terms are undoubtedly hard terms, but we can not dictate them.

It is within the knowledge, certainly, of every member of the Committee on Ways and Means that the Secretary of the Treasury made efforts in many directions to secure better terms before entering into the agreement. But conceding, as we all must, that a new loan in this country for the purpose of getting gold would have been futile, would have been taken up with our own gold, the only way to prevent such a thing and to keep gold in the Treasury—to prevent the continuance of the drain of gold from the Treasury and the export of gold from the country—was the step which has been taken by the Secretary, a step which he was obliged to take, just as Mr. SHERMAN was obliged to do in preparing for the resumption of specie payments prior to 1879; that is to say, he had to negotiate for gold in the countries which are now drawing gold from us by exportation.

The proposition before the House is, as the gentleman from Maine [Mr. REED] says, exactly what Secretary Sherman had confronting him. If I had time I could read the language of Secretary Sherman's report, in which he says, pending the subscriptions for the bonds, that he had officially addressed a letter to the contracting parties in which he said that as the Government exacted gold from them it was not probable that the Government, either by legislation or by administration, would ever attempt to pay them in anything else than what it got; and he said, and truly, that such an agreement was the only one consistent with the honor and integrity of the Government.

Now, we have already purchased, under a contract which is perhaps a hard contract, but the very best that could be made, in the markets where we were obliged to make it, three and one-half million ounces of gold. The contract has been signed by the Secretary. The question, then, for the House to determine is, will you give authority to the Secretary of the Treasury to exercise the option which the contract allows and bring that down to a contract which will save the taxpayers a half million of dollars a year?

How may this be done? Simply by writing into that obligation that we are going to do just what has always been done and what every man here knows we will do, and that is, pay in gold.

Now, Mr. Speaker, it is objected by some gentlemen that the proviso to the joint resolution is going to contract the currency; and members have come to me on the floor of the House and stated that they were unable to vote for the resolution because of the proviso. But what is it? Simply this, that no part of the proceeds of the sale of such bonds nor of the notes redeemed with such proceeds shall be available for the payment of the current expenses of the Government.

That is to say, that no part of the notes that are redeemed by the proceeds of these bonds shall be again used. For what? Why, for the current expenses of the Government. We want it to be distinctly understood that we are not borrowing money to run the Government; we have abundant money to run the Government. Does anybody want the gold to be taken from the Treasury for this purpose when we get it? And as the greenback goes in and takes out gold is there any contraction of the currency? Every dollar of greenbacks that goes into the Treasury takes a dollar of gold out.

Mr. BLAND. But is not the gold already out?

Mr. WILSON of West Virginia. We want to get the gold in so that it will not go out. But suppose the greenback takes the place of the gold. The only difference will be that the gold is circulating in the country, and there is not the contraction of a dollar, because, I repeat, for every dollar that goes in a dollar goes out.

But there are other purposes than running the Government for which the greenbacks could be used if exchanged for gold. They can be exchanged under the existing law for national-bank notes, and gotten into channels of circulation in that way. But if the credit of the Government is restored, as we hope it will be restored, then there is no danger of the greenbacks going into the Treasury for gold. Gold is money to be hoarded; the greenback is money to be used; and if there is a demand for currency in the country, people will take gold to the Treasury and get the workable money out with it.

Mr. BLAND. But if you redeem the national-bank notes with the greenbacks do not you retire the national-bank notes and to that extent retire from circulation or contract the circulation just that much?

Mr. WILSON of West Virginia. Not at all; because for every



dollar of national-bank notes that is redeemed or retired another dollar takes its place.

Mr. BLAND. Then you are not expanding the currency?

Mr. WILSON of West Virginia. The national-bank notes can be used for any purposes the Government chooses to use them for.

Mr. Speaker, this is a point I want to impress on members of this House, that for the greenbacks in the Treasury there will always be a demand whenever more money is needed in the country. That was the experience under the resumption law. Men brought gold to the Treasury and exchanged it for greenbacks. Men brought gold to the Treasury and exchanged it for silver certificates. Why? Because in the form of paper currency it was the more convenient circulating medium; and nobody wants much gold for circulating medium.

Establish the fact, as we hope it will be established, that the Treasury is going to be as solvent for purposes of redemption as it ever was and you will find men bringing gold voluntarily to get the better business currency in the place of it, and the greenbacks in the Treasury, if they get there, can be used for the purchase of gold.

Mr. HARRISON. As a matter of fact, will not the currency be increased to the extent of the gold brought from abroad?

Mr. WILSON of West Virginia. Certainly; and as a matter of fact, as my friend says, for every dollar of gold brought from abroad there will be an increase in the currency of the country.

Mr. ELLIS of Kentucky. Will the gentleman explain how that will be?

Mr. WILSON of West Virginia. Because it will bring gold from outside the country.

Now, Mr. Speaker, I wish to say, in conclusion, the Secretary of the Treasury needs no defense as to his integrity from any man who ever served in this House with him. However men may differ with Mr. Carlisle as a financier—and I believe he has confronted the most difficult conditions that any financier ever had to confront in his Department—no man will so degrade himself as to intimate anything derogatory to the integrity of John G. Carlisle. [Applause.]

The SPEAKER. The time of the gentleman has expired. Under the order adopted by the House, the previous question is now ordered upon the resolution to its final passage, and the question first is upon the engrossment and third reading of the joint resolution.

Mr. BLAND. Upon that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER appointed as tellers Mr. TRACEY and Mr. HARTMAN.

The SPEAKER. As many as favor the engrossment and third reading of the joint resolution will, when their names are called, say "aye," those opposed "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 120, nays 167, answered "present" 2, not voting 60; as follows:

## YEAS—120.

Adams, Pa.	Curtis, N. Y.	Kribbs,	Richards,
Aldrich,	Daniels,	Lapham,	Robinson, Pa.
Apsley,	Davoy,	Lefever,	Russell, Conn.
Babcock,	De Forest,	Lockwood,	Ryan,
Baldwin,	Dingley,	Lynch,	Schermerhorn,
Barnes,	Draper,	Martin, Ind.	Sickles,
Bartholdt,	Dunn,	Marvin, N. Y.	Sperry,
Barwig,	Durbinow,	McCreary, Ky.	Springer,
Beckner,	English, Cal.	McGann,	Stevens,
Beltzhoover,	Erdman,	McKaig,	Stone, C. W.
Berry,	Everett,	Montgomery,	Stone, W. A.
Breckinridge,	Felder,	Morse,	Stone, Ky.
Brickner,	Forman,	Mutchler,	Storer,
Brosius,	Geary,	O'Neill, Mass.	Straus,
Bynum,	Geisenhainer,	O'Neill, Mo.	Tarsney,
Cadmus,	Gillet, N. Y.	Page,	Turner, Ga.
Campbell,	Goldzier,	Paschal,	Turpin,
Caruth,	Gorman,	Payne,	Updegraff,
Catchings,	Graham,	Pearson,	Wadsworth,
Causey,	Gresham,	Pendleton, W. Va.	Wanger,
Chickering,	Griffin, Mich.	Pigott,	Warner,
Clancy,	Grout,	Powers,	Washington,
Clarke, Ala.	Haines,	Price,	Wells,
Cobb, Mo.	Hall, Minn.	Quigg,	Wilson, W. Va.
Coombs,	Hammond,	Ray,	Wise,
Cooper, Fla.	Harrison,	Reed,	Wolverton,
Cooper, Ind.	Hayes,	Reilly,	Woomer,
Cornish,	Hendrix,	Reyburn,	Wright,
Covert,	Henry,		
Crain,			

## NAYS—167.

Adams, Ky.	Blair,	Cannon, Cal.	Denson,
Aitken,	Bland,	Cannon, Ill.	Dismore,
Alderson,	Boatner,	Capehart,	Dockery,
Alexander,	Boen,	Clark, Mo.	Dolliver,
Allen,	Bowers, Cal.	Cobb, Ala.	Donovan,
Arnold,	Bretz,	Cockrell,	Doolittle,
Avery,	Broderick,	Coffeen, Wyo.	Edmonds,
Balloy,	Bromwell,	Coffin, Md.	Ellis, Ky.
Baker, Kans.	Brookshire,	Cooper, Wis.	Ellis, Oreg.
Baker, N. H.	Brown,	Cox,	Enloe,
Bankhead,	Bryan,	Crawford,	Epes,
Bell, Colo.	Bundy,	Curtis, Kans.	Fletcher,
Bell, Tex.	Bunn,	Davis,	Funk,
Black,	Caminetti,	De Armond,	Fyan,

Goodnight,	Ialar,	McNagay,	Smith,
Grady,	Johnson, N. Dak.	McRae,	Snodgrass,
Griffin, Wis.	Kem,	Meiklejohn,	Stallings,
Grosvonor,	Kiefer,	Mercer,	Stephenson,
Grow,	Kyle,	Meredith,	Stockdale,
Hager,	Lacey,	Money,	Strait,
Hainer,	Lane,	Moore,	Strong,
Hall, Mo.	Latimer,	Morgan,	Swanson,
Hare,	Lawson,	Moses,	Talbert, S. C.
Harris,	Layton,	Neill,	Tate,
Hartman,	Lester,	Northway,	Tawney,
Hatch,	Linton,	Ogden,	Taylor, Ind.
Haugen,	Little,	Pence,	Terry,
Heard,	Livingston,	Pendleton, Tex.	Thomas,
Henderson, Ill.	Loud,	Perkins,	Tyler,
Henderson, Iowa	Loudenslager,	Pickler,	Van Voorhis, N. Y.
Hepburn,	Lucas,	Randall,	Van Voorhis, Ohio
Hermann,	Maddox,	Richardson, Mich.	Walker,
Hitt,	Maguire,	Richardson, Tenn.	Wangh,
Hooker, Miss.	Mahon,	Ritchie,	Weadock,
Hopkins, Ill.	Mallory,	Robbins,	Wheeler, Ala.
Hopkins, Pa.	Marsh,	Robertson, La.	Wheeler, Ill.
Hudson,	McClary, Minn.	Russell, Ga.	Whiting,
Hulick,	McCulloch,	Sayers,	Williams, Ill.
Hull,	McDearmon,	Settle,	Williams, Miss.
Hunter,	McKeighan,	Shell,	Wilson, Ohio
Hutcheson,	McLaurin,	Sibley,	Wilson, Wash.
Kirt,	McMillin,	Simpson,	

## ANSWERED "PRESENT"—2.

Henderson, N. C. Kilgore.

## NOT VOTING—60.

Abbott,	Culberson,	Johnson, Ind.	Phillips,
Bartlett,	Dalzell,	Johnson, Ohio	Raynor,
Belden,	Dunphy,	Jones,	Rusk,
Bingham,	English, N. J.	Magner,	Scranton,
Boutelle,	Fithian,	Marshall,	Sherman,
Bowers, N. C.	Gardner,	McAleer,	Sipe,
Branch,	Gear,	McCall,	Somers,
Burnes,	Harnar,	McDannold,	Sweet,
Cabaniss,	Harter,	McDowell,	Talbot, Md.
Childs,	Heiner,	McEttrick,	Taylor, Tenn.
Cockran,	Hicks,	Milliken,	Tucker,
Cogswell,	Hines,	Moon,	Turner, Va.
Conn,	Holman,	Murray,	Wever,
Cooper, Tex.	Hooker, N. Y.	Newlands,	White,
Cousins,	Houk,	Outhwaite,	Woodard.

Mr. TAYLOR of Indiana. Mr. Speaker, I ask to have my colleague, Mr. HOLMAN, excused on account of the severe illness of a member of his family. If present he would vote "nay."

There was no objection, and it was so ordered.

Mr. TALBOTT of Maryland. Mr. Speaker, I am paired with the gentleman from North Carolina, Mr. BRANCH. If he were present he would vote "nay." I would vote "yea."

Mr. JONES. Mr. Speaker, I desire to state that I am paired with the gentleman from Massachusetts, Mr. MCCALL. If he were present I would vote "nay."

Mr. PENCE. I ask that the gentleman from Nevada [Mr. NEWLANDS] be excused on account of sickness. If present he would vote "nay."

Mr. MILLIKEN. Mr. Speaker, I desire to say that my colleague, Mr. BOUTELLE, is detained at home by sickness.

Mr. COOPER of Indiana. Mr. Speaker, I ask that my colleague, Mr. HOLMAN, be excused on account of sickness of a member of his family. If present he would vote "nay."

The SPEAKER. The gentleman has already been excused.

Mr. BAILEY. Mr. Speaker, the gentleman from New York, Mr. COCKRAN, is detained from the House by the illness of his wife, and I am paired with him. I therefore desire to withdraw my vote. I also desire to ask that my colleague, Mr. CULBERSON, be excused from attendance on the House on account of sickness of his wife.

There was no objection, and it was so ordered.

Mr. KILGORE. Mr. Speaker, I would like to know whether the gentleman from Ohio, Mr. HARTER, has answered to his name?

The SPEAKER. He has not.

Mr. KILGORE. I am paired with him.

Several MEMBERS. How would you vote?

Mr. KILGORE. I never hide my light under a blue button. [Laughter.]

Mr. STORER. Mr. Speaker, I ask that my colleague, Mr. OUTHWAITE, be excused on account of sickness.

There was no objection, and it was so ordered.

Mr. NORTHWAY. Mr. Speaker, I desire to ask that my colleague, Mr. WHITE, be excused on account of sickness. If he were present he would vote against the bill.

There was no objection, and it was so ordered.

Mr. TURNER of Georgia. Mr. Speaker, my colleague, Mr. CABANISS, is necessarily absent. He is paired with the gentleman from Michigan, Mr. MOON. He desired me to say that if he were present he would vote for this resolution; Mr. MOON would vote against it.

Mr. CRAWFORD. Mr. Speaker, I desire to state that my colleague, Mr. BOWER, is necessarily absent. If present he would vote "nay."

The following pairs were announced:

Until further notice:

Mr. ABBOTT with Mr. WEVER.

Mr. CABANISS with Mr. MOON.

Mr. WOODARD with Mr. TAYLOR of Tennessee.

Mr. COCKRAN with Mr. BAILEY, on financial matters.

For this day:

Mr. BOWER of North Carolina with Mr. WHITE.

Mr. SIPE with Mr. SHERMAN.

Mr. MAGNER with Mr. HICKS.

Mr. McDANNOLD with Mr. BOUTELLE.

Mr. McALEER with Mr. GEAR.

Mr. SOMERS with Mr. HOUK.

Mr. JONES with Mr. McCALL.

Mr. ENGLISH of New Jersey with Mr. SCRANTON.

Mr. CULBERSON with Mr. HARMER.

Mr. RUSK with Mr. COUSINS.

Mr. RAYNER with Mr. SWEET.

Mr. COOPER of Texas with Mr. DALZELL.

Mr. McETRICK with Mr. JOHNSON of Indiana.

Mr. MARSHALL with Mr. COGSWELL.

Mr. BURNS with Mr. BELDEN.

On this question:

Mr. DUNPHY with Mr. HENDERSON of North Carolina.

Mr. OUTHWAITE with Mr. NEWLANDS.

Mr. KILGORE with Mr. HARTER.

Mr. TALBOTT of Maryland with Mr. BRANCH.

Mr. TUCKER with Mr. MILLIKEN.

Mr. SIMPSON. I ask for a recapitulation of the vote.

Mr. BARTLETT. Mr. Speaker, I desire to state that my train was late. If present I should have voted "yea."

The vote was recapitulated.

Mr. CRAWFORD. Mr. Speaker, I understood that my colleague, Mr. WOODARD, was recorded as voting in the affirmative. He is absent and paired against the measure, as I understand.

The SPEAKER. He is recorded in the affirmative.

Mr. CRAWFORD. He is away and paired against the resolution, as I understand.

The SPEAKER. His name will be stricken off the list of those voting. On this question the yeas are 120, the nays 107, present and not voting 2. [Loud applause.] The nays have it, and the House refuses to order the joint resolution to a third reading. The joint resolution is lost.

Mr. WILSON of West Virginia. I move that the House adjourn.

Mr. BLAND. I move to reconsider the vote by which the House refused to order the joint resolution to a third reading; and also move that the motion to reconsider be laid on the table.

The SPEAKER. Without objection, the latter motion will be agreed to.

There was no objection, and it was so ordered.

#### LEAVE OF ABSENCE.

By unanimous consent, Mr. McLAURIN obtained leave of absence, on account of sickness in his family.

#### CHANGE OF CONFEREE.

Mr. LOUDENSLAGER was excused from further service on the conference on the bill (H. R. 6885), and Mr. TAWNEY was appointed in his stead.

The motion to adjourn was then agreed to; and accordingly (at 5 o'clock and 31 minutes p. m.) the House adjourned until tomorrow at 11 o'clock a. m.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. RYAN, from the Committee on Invalid Pensions: A bill (S. 2511) with amendments granting an increase of pension to Eugenia R. Sweeny. (Report No. 1833.)

By Mr. MARTIN of Indiana, from the same committee:

A bill (H. R. 7264) granting a pension to Michael Costello. (Report No. 1834.)

A bill (S. 2275) granting a pension to Elizabeth New, widow of Jethrow New. (Report No. 1835.)

By Mr. LACEY, from the same committee: A bill (H. R. 7430) granting an increase of pension to Gilman Williams. (Report No. 1837.)

By Mr. WARNER, from the Committee on Claims: A bill (H. R. 4339) for the relief of Emile W. Blum, late commissioner to the Barcelona Exposition. (Report No. 1838.)

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. LACEY, from the Committee on Invalid Pensions, reported adversely the bill (S. 2591) to pension Martha Allen; which, with the accompanying report (No. 1836), was ordered to be printed, and indefinitely postponed.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8861) for the relief of Dobson Johnson, of Dekalb County, Tenn., and the same was referred to the Committee on Military Affairs.

#### PUBLIC BILLS.

Under clause 3 of Rule XXII, bills of the following titles were introduced and severally referred as follows:

By Mr. McDEARMON: A bill (H. R. 8873) authorizing the Dyersburg and Mississippi River Railway and Improvement Company to bridge the Obion River in the State of Tennessee—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNPHY: A bill (H. R. 8874) to provide free alcohol for use in arts and manufactures—to the Committee on Ways and Means.

By Mr. SICKLES: A bill (H. R. 8878) for the recognition of the military service of the officers and enlisted men of certain Pennsylvania military organizations—to the Committee on Military Affairs.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. REILLY: A bill (H. R. 8875) to place the name of Mary V. Hennessy, widow of Col. John A. Hennessy, Fifty-second Pennsylvania Volunteers, on the pension roll—to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 8876) correcting the military record of Daniel Leclear—to the Committee on Military Affairs.

Also, a bill (H. R. 8877) granting a pension to Martin V. Shears—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH: Petition of Keen & De Long and 15 other printing houses of Chicago, against the printing of any except postage-stamped envelopes by the Government—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Shipmasters' Association of the Great Lakes, asking for the establishment of hydrographic offices at the principal lake ports—to the Committee on Naval Affairs.

Also, resolutions of the Shipmasters' Association of the Great Lakes, calling for certain legislation affecting masters of sailing and steam vessels upon the lakes—to the Committee on Naval Affairs.

By Mr. BELL of Colorado: Petition of citizens of Spencer, Gunnison County, Colo., protesting against any further suspension of assessment work on mining claims—to the Committee on Mines and Mining.

Also, petition signed by 50 inmates of Soldiers' Home at Monte Vista, Colo., protesting against removal of Home to St. Lyon, Colo.—to the Committee on the Public Lands.

Also, petition of 90 citizens of Colorado Springs, relative to right of franchise for aliens—to the Committee on the Judiciary.

Also, petition of citizens of Red Cliff, Eagle County, Colo., protesting against any further suspension of mining assessment work—to the Committee on Mines and Mining.

By Mr. BELTZHOVER: Resolutions of citizens of Walnut Bottom and New Cumberland, Pa., against sectarian appropriations—to the Committee on the Judiciary.

Also, resolution of citizens of Walnut Bottom, Pa., against the granting of the right of suffrage to aliens—to the Committee on the Judiciary.

By Mr. BLAIR: Petition of Samuel W. Roberts and others, praying for legislation against the Louisiana lotteries—to the Committee on the Judiciary.

By Mr. DE FOREST (by request): Petition for legislation to compensate sugar producers for loss of bounty—to the Committee on Appropriations.

By Mr. DURBOROW: Resolutions of the Chamber of Commerce of the State of New York, in favor of the bills introduced by Senators MORGAN and LODGE, now pending in the Senate—to the Committee on Foreign Affairs.

Also, circular letter of Henry H. Goodell, chairman executive committee of the Association of American Agricultural College and Experiment Stations, in favor of the publication of the records of the Columbian dairy tests—to the Committee on Agriculture.

By Mr. GROUT: Petition of the Merchants' National Bank, J. H. Baxter, president, of Rutland, Vt., in behalf of Louisiana sugar planters—to the Committee on Ways and Means.

By Mr. IKIRT: Resolution of 41 residents of St. Clair, Ohio, against giving the right of franchise to aliens—to the Committee on the Judiciary.



Also, resolution of 41 citizens of St. Clair, Ohio, against sectarian appropriations of public funds—to the Committee on the Judiciary.

By Mr. JOSEPH: Petition of miners in the Territory of New Mexico, praying Congress to exempt mining claims from the annual assessment for the year 1895—to the Committee on Mines and Mining.

By Mr. LACEY: Resolution of the Iowa State Board of Health favoring legislation to prevent the pollution of water courses—to the Committee on Interstate and Foreign Commerce.

By Mr. LOUD: Petition of members of the Grand Army of the Republic of San Francisco, favoring passage of bill placing the enlisted men of the Navy on the retired list—to the Committee on Merchant Marine and Fisheries.

By Mr. PEARSON: Resolution adopted at a meeting of 78 citizens of Martins Ferry, Ohio, in favor of maintaining civil and religious liberty by absolute separation of church and state, and in favor of an amendment to the Constitution of the United States against the use of the property or credit of the United States, or any State, or any money raised by taxation, for maintaining any institution wholly or in part under sectarian or ecclesiastical control—to the Committee on the Judiciary.

By Mr. REILLY: Resolution of 130 citizens of Schuylkill County, Pa., in favor of a constitutional amendment to be known as sixteenth amendment—to the Committee on the Judiciary.

Also, resolution of 130 citizens of Schuylkill County, Pa., in favor of a constitutional amendment restricting the right of suffrage to citizens of the United States—to the Committee on the Judiciary.

By Mr. ROBINSON of Pennsylvania: Preamble and resolutions of citizens of Chester, West Chester, Coatsville, Berwyn, Edgemont, and Thurlow, all of Pennsylvania, praying for a constitutional amendment limiting the right of franchise to citizens of the United States—to the Committee on the Judiciary.

Also, petition of Hon. Thomas V. Cooper and 12 other citizens of Media, together with sundry other citizens of Chester, Pa., praying for the passage of Senate bill 1620, for the suppression of lotteries, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Civil Service Reform Association of Philadelphia, praying for the passage of the Lodge bill, placing the consular and diplomatic service in the civil service, etc.—to the Committee on Foreign Affairs.

By Mr. WEADOCK: Petition of C. H. Weeks, T. M. Pierce, and other vessel captains, in support of a law giving masters of vessels a lien for wages—to the Committee on the Judiciary.

By Mr. WOOMEY: Resolutions adopted by a meeting of 248 citizens of Harrisburg, Pa., against appropriating public money to aid sectarian institutions—to the Committee on the Judiciary.

Also, resolutions adopted at a meeting of 248 citizens of Harrisburg, Pa., against granting the right of suffrage to persons not citizens of the United States—to the Committee on the Judiciary.

## SENATE.

FRIDAY, February 15, 1895.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

### EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 1st instant calling for information relating to the establishment and maintenance of the military post of Fort Totten, upon the Cut Head Sioux Indian Reservation, in the State of North Dakota, a letter from the Quartermaster-General of the Army, with inclosures, giving a history of the post; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, in response to a resolution of the 7th instant, calling for the report of the engineer, dated on or about February 8, 1893, in regard to the railroad bridge over the Sakonnet River, Rhode Island, and what action, if any, has been taken thereon by the Department, transmitting a letter from the Chief of Engineers, together with a report made by Capt. W. H. Bixby, Corps of Engineers, upon the subject, and also copies of other papers of various dates showing the action of the Department thereon; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Postmaster-General, transmitting, in response to a resolution of the 12th ultimo, certain information as to the number of post-offices in the State of New York; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, in response to a resolution of the 15th ultimo, calling for information as to the number of gallons of whisky,

high wines, alcohol, and proof spirits taken out of bond each day for the sixty days prior to the 28th day of August, A. D. 1894, etc., transmitting a report of the Commissioner of Internal Revenue; which, on motion of Mr. GORMAN, was, with the accompanying papers, referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting for the consideration of Congress a letter from the Treasurer of the United States recommending that in the appropriation for "Salaries, office of the Treasurer of the United States (national currency, to be reimbursed by national banks)," for the fiscal year ending June 30, 1896, there be provided, in lieu of one principal bookkeeper at \$2,500, two clerks of class one, \$2,400; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 8th instant, certain information concerning all examinations and tests that have been made within twelve months past of coals taken from any coal mines in the United States, showing the constituents of such coals, their value for steaming purposes, etc.; which, on motion of Mr. PLATT, was, with the accompanying papers, ordered to lie on the table, and be printed.

### DISTRICT OF COLUMBIA SUBURBAN RAILWAY COMPANY.

The bill (H. R. 6816) to amend the charter of the District of Columbia Suburban Railway Company was read twice by its title.

Mr. HILL. I desire the bill to lie on the table for the present. The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

Mr. HALE. What is the bill concerning which the Senator from New York made the request?

Mr. HILL. It is the bill relating to the Suburban Railway Company of this city.

Mr. HALE. The House bill?

Mr. HILL. It is the House bill.

Mr. HALE. Then, of course, it should go to the Committee on the District of Columbia. The Senator, I take it, does not intend to ask any action upon it until the Senate committee which has jurisdiction of those subjects considers the bill.

Mr. HILL. I should regret to make that promise. If the Senator will indulge me a moment I will state that a bill of precisely a similar character to the one which has passed the other House has been before the Senate District of Columbia Committee for eight months. Since December last I have been endeavoring to get a report from the committee and have been unsuccessful. The bill has been considered in committee and it is being considered there now. I am advised that this morning, in the committee, it stood 5 to 5. There is no reason why this bill, which has now passed the House of Representatives and which is precisely like the Senate bill, should go to the committee. A meeting of the committee is to be held on Monday next, I believe, when this subject will be again brought up. I can see no reason why this bill should not now remain in the possession of the Senate.

Mr. HALE. I am sorry that in any instance of the very many where the Senate is being constantly raided in the direction of the desires of street-railway corporations to get possession of the streets and avenues of the District of Columbia the Senator from New York is giving his great force and influence in aid of these projects. He has given what to me seems the best of reasons why the bill should be referred to the committee. The only reason he has given why it should not be referred is because the committee in its deliberations has found itself to be tied, the vote being equal one way and the other; in other words, that the committee declines to report the bill to the Senate. That is a very good reason why the bill should be sent to the committee for its deliberation and action; and if that committee, which is our chosen organ, does not report the bill to the Senate, then we can act as we choose after the committee has had an opportunity to deal with it.

Therefore, Mr. President, I move that the bill be referred to the Committee on the District of Columbia.

Mr. HILL. Mr. President, I regret that the Senator from Maine has seen fit to suggest any undue anxiety upon my part to obtain control of any of the streets of the District of Columbia for this or any other particular street railroad. I have been engaged, sir, in no such strife. Some friends of mine from New York having some interest in the bill suggested to me that they would like to have a report upon the bill.

Mr. HALE. How can they get a report upon it unless we send it to the committee?

Mr. HILL. In a moment. I am referring to the bill that has been before the committee for eight months, and action upon which has been promised me repeatedly since the 1st day of December last.

Mr. HALE. But if a majority of the committee is not in favor

of the bill, how does the Senator expect that he can get favorable action upon it?

Mr. HILL. I will come to that in a moment.

Mr. HALE. He is seeking to down the committee.

Mr. HILL. I am not; but this bill must be treated the same as other bills.

Mr. HALE. That is what I want to have done.

Mr. HILL. Therefore, I simply suggested that I had repeatedly urged the committee to report the bill in some way or other that it might have the consideration it deserved in the Senate, and if the Senate does not see fit to pass the bill that ends it. But I did object, and I do object now, to doing by indirection what can not be done directly; and I submit that fair treatment requires that the bill should be reported in some form to the Senate.

Now, Mr. President, a bill—

Mr. HALE. The motion is not debatable.

Mr. HILL. The motion is debatable.

Mr. HALE. Only in a very narrow line.

Mr. FAULKNER. If the Senator from Maine and the Senator from New York will permit me, I think that perhaps I can make a suggestion which will avoid all further discussion in regard to the matter at the present time. There is to be a meeting of the Committee on the District of Columbia at 2 o'clock on Monday. I would suggest, if there be no objection to the course proposed by the Senator from New York at this time, that the bill lie on the table, with the understanding that no further action be taken until after the next meeting of the committee.

Mr. HALE. I do not object to that course, provided it is understood that the bill shall not be called up until after the committee has had its meeting. I can not be here at all times, because I am engaged on other committees.

Mr. WOLCOTT. Will the Senator from Maine permit an interruption?

Mr. HALE. Certainly.

Mr. WOLCOTT. I think there should be a word said further than that which was said by the Senator from West Virginia. There has been not a reflection but a direct statement by the Senator from New York that the Committee on the District of Columbia has been derelict in its duty, and for eight months had custody of a bill and failed to act upon it. There is in the Senate, so far as I know, no such hard-worked, patient, and conscientious committee as the Committee on the District of Columbia. There is in connection with that committee a subcommittee of three having direct charge of the chartering and extensions of charters of District street-railway lines. That subcommittee brings to its work consideration and industry and care greater than that which most men exercise over their own affairs. I speak with greater freedom of it because I am not a member of the subcommittee, and in the District of Columbia Committee I am probably the least industrious of any member. I know that that committee has painstakingly and carefully and conscientiously considered every bill that came before it.

Some eight months ago or so it is true the bill to which the Senator from New York refers was sent to the committee. At that time the tariff measures were under discussion, and I am told the members of no committee could be got together to consider bills. There were 28 bills relating to street railroads pending before that subcommittee. In December, after Congress met, some members of the committee felt it desirable to go back to their own States in matters pertaining to the election of Senators. Since their return this particular bill has been taken up and considered with the utmost care. The merits of the bill, in the opinion of many people, are of but the slightest character. The reason why the bill has not been reported long ago has been largely a disinclination to offend the Senator from New York and others, because I understand the Senator from New York has had a perfectly proper but an unusual interest in the consideration of the bill, and he addressed the committee, I think, in writing on the subject.

The committee has given the bill all possible consideration. There has been a desire to deal with it with the utmost liberality of purpose. It has been considered most carefully and most intelligently. The Senator from New York will be gratified with a report upon the bill sooner or later. He says himself that a bill exactly similar is now before the Senate Committee on the District of Columbia for consideration, and he asks that a bill which has passed the other House, exactly like the one which the District Committee is now considering, shall be left upon the table to be considered by the Senate without first going to the District Committee. I can imagine no greater or more unwarranted rebuke to the Committee on the District of Columbia than would be exercised by such a vote if carried.

Mr. HALE. A great many matters are pressing in the morning and I do not wish to occupy any more time. The suggestion of the Senator from West Virginia and in addition the very pertinent remarks made by the Senator from Colorado show the situation. I am willing to consent that the bill for the present shall lie upon the table, with the understanding that it shall not be called up or

attempted to be called up until after the Committee on the District of Columbia has had the opportunity of a meeting for a report upon the bill before it. I will reserve the right, if I think it is the proper thing, to move then to refer it, but for the present I will not insist upon my motion.

Mr. WOLCOTT. I object to the request made by the Senator from West Virginia. I have no idea in the world that on Monday next the measure will be specially taken up by the committee. The time of the committee is to be devoted to another matter. I think it perfectly fair and open to say that I do not think the situation of the Senator from New York will be bettered or changed or altered in the slightest degree by the meeting of the committee which is to be held on Monday, and I shall object to any unanimous agreement which would necessarily bind the committee to some specific action on Monday next.

Mr. HILL. Mr. President—

Mr. FAULKNER. If the Senator from New York will permit me, I was perfectly justified in making the statement I did on the remark of the Senator from Vermont [Mr. PROCTOR] in the committee in reference to action next Monday and the instructions to the subcommittee under a resolution adopted by the committee this morning. It will be perfectly within the jurisdiction of the committee to consider at its meeting next Monday that or any of the bills that came over from the House.

Mr. WOLCOTT. I hope the Senator from West Virginia will understand that I did not mean it was not within the jurisdiction of the committee. I meant that as a matter of fact the bill will not be considered at that time.

Mr. FAULKNER. I ask that the request of the Senator from New York be complied with, and that the bill lie on the table until next Monday. After the next meeting the Senator from Maine can move to refer. That will allow one more meeting of the committee to act upon the measure.

Mr. HALE. Then let the bill go to the table with my motion to refer pending, with the understanding that nothing will be attempted about it until after Monday.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

#### STRIKING OF JURIES IN THE DISTRICT.

The bill (H. R. 8724) to provide for the striking of juries in the District of Columbia was read twice by its title.

Mr. HUNTON. I beg to say that there is a Senate bill on the Calendar, No. 952 in the Order of Business, in the exact words of the bill passed by the House of Representatives, and that that bill has been unanimously reported by the Judiciary Committee, through the Senator from New York [Mr. HILL]. I ask, instead of the House bill being referred to the Committee on the Judiciary, that it may be now considered, and put upon its passage.

Mr. PLATT. I think that bill ought to be passed. It is a bill which has come from the House of Representatives, and a similar bill has been very carefully considered by the Judiciary Committee of the Senate and unanimously reported. There is reason for speedy action upon it.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. GORMAN. What is the bill?

Mr. PLATT. I will state to the Senator that the bill provides for struck juries in the District of Columbia under certain circumstances.

The VICE-PRESIDENT. The bill will be read for information, subject to objection.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. ALLEN. I object to its present consideration.

The VICE-PRESIDENT. There is objection, and the bill will be placed on the Calendar.

#### SURVEYOR OF DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 444) making the surveyor of the District of Columbia a salaried officer, and to provide for more efficient service in the surveyor's office.

Mr. PROCTOR. I move that the Senate nonconcur in the amendments of the House of Representatives, and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. PROCTOR, Mr. FAULKNER, and Mr. HANSBROUGH were appointed.

#### WOMEN TRUSTEES IN DISTRICT PUBLIC SCHOOLS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1717) to authorize the appointment of women as public-school trustees in the District of Columbia.

Mr. MARTIN. I move that the Senate nonconcur in the amend-



ment of the House of Representatives, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. MARTIN, Mr. HARRIS, and Mr. HOAR were appointed.

MRS. EVALYN N. VAN VLIET.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 684) for the relief of Mrs. Evalyn N. Van Vliet; which was referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 2521) to amend the charter of the Metropolitan Railroad Company of the District of Columbia with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills:

A bill (S. 1813) providing an additional circuit judge in the ninth judicial circuit; and

A bill (S. 2595) to establish a life-saving station at or near City Point, Boston Harbor, Massachusetts.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 116) for the erection of a public building at Brockton, Mass.;

A bill (H. R. 863) granting a pension to Pauline M. Pooler;

A bill (H. R. 2051) to grant a pension to Eunice Putman;

A bill (H. R. 3988) granting a pension to Marrilla Parsons, of Detroit, Mich.;

A bill (H. R. 5377) granting a pension to Richard R. Knight;

A bill (H. R. 5642) granting a pension to Elizabeth Brower, a hospital nurse during the war of the rebellion;

A bill (H. R. 6076) to repeal the special act granting a pension to Louisa M. Sippell;

A bill (H. R. 6131) granting a pension to Sarah E. Roebuck;

A bill (H. R. 6433) granting an increase of pension to Julia Weeks;

A bill (H. R. 6868) for the relief of Catherine Ott, widow of Joseph Ott;

A bill (H. R. 6974) to pension Mrs. Mary L. Clark;

A bill (H. R. 6985) granting a pension to William Armstrong;

A bill (H. R. 7359) to pension Samuel F. Tenant; and

A bill (H. R. 7602) to pension Mary R. Williams.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a petition of S. G. Martin Lodge, No. 169, Brotherhood of Railroad Trainmen, of Newark, Ohio, praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which was ordered to lie on the table.

He also presented a petition of 45 citizens of Fremont, Ohio, and a petition of 60 citizens of Melmore, Ohio, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

He also presented a petition of 45 citizens of Fremont, Ohio, praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which was referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of Charleston Branch, No. 454, National Association of Letter Carriers of Charleston, S. C., praying for the passage of Senate bill No. 2523, guaranteeing to every letter carrier a hearing before dismissal; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of 197 citizens of Worcester, Mass., and a petition of 136 citizens of Haverhill, Mass., praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

Mr. PRITCHARD presented petitions of John R. Phillips and 70 other citizens, of W. L. Gough and 38 other citizens, of W. R. Woolf and 70 other citizens, and of J. P. Phillips and 52 other citizens, all in the State of Alabama, representing that the State of Alabama has not a republican form of government, and praying that action may be taken by Congress that will afford the citizens of that State the rights guaranteed to them by the Constitution; which were referred to the Committee on Privileges and Elections.

Mr. CAMERON presented petitions of sundry citizens of Palo Alto, of 300 citizens of the Falls of Schuylkill, of 140 citizens of Philadelphia, of 155 citizens of Pittsburg, of 185 citizens of Wilkesbarre, of 105 citizens of Johnsonburg, of 83 citizens of Pitcairn, of 45 citizens of Port Kennedy, of 79 citizens of Cowansburg, of sundry citizens of Adamsburg, of 80 citizens of Lebanon, of 75 citizens of Clarendon, of 85 citizens of Freeport, of sundry citizens of Windham, of 141 citizens of Danielsville, of 108 citizens of Manorville, of 75 citizens of Ursina, of 150 citizens of Tyrone, of 300 citizens of Coatesville, and of 173 citizens of Philadelphia, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

He also presented petitions of 130 citizens of Erie, of 393 citizens of Bridesburg, of 130 citizens of Mantonsville, of 150 citizens of South Fork, of 140 citizens of Philadelphia, of 55 citizens of Pittsburg, of 185 citizens of Wilkesbarre, of 105 citizens of Johnsonburg, of 80 citizens of Pitcairn, of 45 citizens of Port Kennedy, of 70 citizens of Steelton, of 146 citizens of Pittsburg, of 40 citizens of Creekside, of 300 citizens of Irwin, of 145 citizens of Pennsylvania, of 350 citizens of Pittsburg, of 86 citizens of Shanksville, of 140 citizens of Lebanon, of 85 citizens of Freeport, of 75 citizens of Harrisburg, of 63 citizens of Mount Joy, of 75 citizens of Ursina, of 150 citizens of Tyrone, of 170 citizens of East Prospect, of 40 citizens of Kingwood, of 300 citizens of Coatesville, of 164 citizens of Lancaster, of sundry citizens of Altoona, and of 224 citizens of Middletown, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of Tebanto Division, No. 335, Brotherhood of Locomotive Engineers, of Concord, N. H., praying for the passage of House bill No. 5603 to ameliorate the condition of American seamen; which was ordered to lie on the table.

Mr. PERKINS presented a memorial of the Builders' Exchange of Oakland, Cal., remonstrating against the passage of the railroad pooling bill; which was ordered to lie on the table.

He also presented a petition of the board of supervisors of Sonoma County, Cal., praying for the passage of the Nicaragua Canal bill; which was ordered to lie on the table.

Mr. McMILLAN presented resolutions adopted by Charleston Branch, No. 454, National Association of Letter Carriers, of Charleston, S. C., favoring the passage of Senate bill No. 2523 guaranteeing to every letter carrier a hearing before dismissal; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Central Labor Union of Grand Rapids, Mich., praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which was ordered to lie on the table.

Mr. COCKRELL presented a petition of the St. Louis Typographical Union, No. 8, of St. Louis, Mo., praying for the passage of the bill introduced by Senator KYLE for the benefit of the printers and binders at the Government Printing Office; which was referred to the Committee on Printing.

Mr. COCKRELL. I present resolutions adopted at a mass meeting of citizens of Cornelia, Mo., remonstrating against the appropriation of moneys for sectarian institutions and proposing an amendment to the Constitution of the United States, to be known as the sixteenth amendment, providing that "neither Congress nor any State shall pass any law respecting an establishment of religion or prohibiting the free exercise thereof, or use the property or credit of the United States, or of any State, or any money raised by taxation, or authorize either to be used, for the purpose of founding, maintaining, or aiding, by appropriation, payment for services, expenses, or otherwise, any church, religious denomination, or religious society, or any institution, society, or undertaking which is wholly or in part under sectarian or ecclesiastical control." I move that the resolutions be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. CULLOM presented a memorial of the Winnebago County Farmers' Institute, of Rockford, Ill., remonstrating against the passage of the railroad pooling bill now pending before the Senate; which was ordered to lie on the table.

Mr. BRICE presented sundry petitions of business firms of Cincinnati, Cleveland, Columbus, Springfield, Hamilton, Chillicothe, Youngstown, Greenfield, and West Carrollton, all in the State of Ohio, praying for the enactment of legislation granting a compensating bounty to the sugar producers of the country on the crops for the year 1894; which were referred to the Committee on Appropriations.

He also presented a petition of the St. Clair Grain and Milling Company, of Toledo, Ohio, praying for the enactment of legisla-

tion regulating the removal of letter carriers, postal clerks, etc.; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Medical Society of Allen County, Ohio, praying for the establishment of a department and secretary of public health; which was referred to the Committee on Epidemic Diseases.

He also presented petitions of Local Assembly No. 609, Knights of Labor, of Coshocton; of Iron Molders' Union No. 94, of Piqua; of Tuscarawas Division, No. 255, Brotherhood of Locomotive Engineers, of Dennison, and of Iron Molders' Union No. 183, of Dayton, all in the State of Ohio, praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which were ordered to lie on the table.

He also presented petitions of 41 citizens of St. Clair, of 60 citizens of Fitchville, of 75 citizens of Agosta, of 105 citizens of Wellsville, of 103 citizens of Coshocton, and of 350 citizens of Canton, all in the State of Ohio, praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

He also presented a petition of 14 members of the bar of the northern district of Ohio, praying for the appointment of an additional circuit judge for the sixth judicial circuit; which was referred to the Committee on the Judiciary.

He also presented a petition of the Excelsior Marine Benevolent Society, of Cleveland, Ohio, praying for the establishment of branch hydrographic offices at each of the principal lake ports; which was referred to the Committee on Commerce.

He also presented petitions of 105 citizens of Wellsville, of sundry citizens of Tupper's Plains, of 60 citizens of Syracuse, of 350 citizens of Canton, of 43 citizens of Lowellsville, and of 40 citizens of Minerva, all in the State of Ohio, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

Mr. PEPPER. I present three petitions, which are on the blanks sent out by the Dry Goods Economist, of New York City. The petitions contain the following passage:

Recent developments have strongly impressed upon us the necessity of a national bankruptcy system which shall insure a fair division of the assets of a bankrupt among his creditors and a discharge from further liabilities of all honest debtors.

There is another paragraph of a somewhat similar character. Then the petitions pray for Congressional legislation by way of the passage of the bankruptcy bill which is now pending before the Senate.

The first petition is signed by Maxwell & McClure, wholesale notion dealers of Wichita, in the State of Kansas; the second is signed by the Harris-Emery Company, of Des Moines, Iowa, and the third by Steele & Co., of Keokuk, Iowa. These are responsible firms who do a large business in the localities indicated.

I move that the petitions lie on the table, as the bill to which they refer is now pending before the Senate.

The motion was agreed to.

#### SALE OF MILK IN THE DISTRICT OF COLUMBIA.

Mr. FAULKNER. I move that the memorial from the Medical Society of the District of Columbia, with reference to the bill (H. R. 8231) to regulate the sale of milk in the District of Columbia, now on the Calendar be reprinted with the additions.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. CAREY, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 2754) to provide for the purchase of a site and the erection of a public building thereon at Oakland, in the State of California, reported it without amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Education and Labor, to whom was referred the bill (S. 2750) authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital, reported it without amendment, and submitted a report thereon.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 5711) to authorize the adoption of children in the District of Columbia, reported it without amendment.

Mr. BERRY, from the Committee on Public Lands, to whom was referred an amendment submitted by Mr. WHITE on the 11th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MANDERSON. I am directed by the Committee on Indian Affairs to report with amendments an amendment intended to be proposed by the Senator from Indiana [Mr. TURPIE] to the Indian

appropriation bill, which I ask may be printed and referred to the Committee on Appropriations. I call the attention of the Senator from Indiana particularly to it, as his amendment is materially amended by the Committee on Indian Affairs.

The VICE-PRESIDENT. The amendment will be referred to the Committee on Appropriations and be printed.

Mr. ROACH, from the Committee on Indian Affairs, to whom was referred the bill (S. 1251) to accept, ratify, and confirm certain agreements heretofore concluded with certain Indians, reported it without amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (S. 909) for the relief of Thomas Antisell, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8122) to further amend section 9 of the act for the relief of certain volunteer and regular soldiers of the late war and the war with Mexico, passed March 2, 1899, reported it without amendment, and submitted a report thereon.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (H. R. 6430) granting increase of pension to Jesse C. Pinney, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 1581) granting a pension to French W. Thornhill, reported it with an amendment, and submitted a report thereon.

Mr. PEPPER, from the Committee on Agriculture and Forestry, to whom was referred the bill (S. 2541) to provide for the sinking of artesian wells in the arid districts of South Dakota, Nebraska, and Kansas, reported it with an amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. RANSOM, from the Committee on Commerce, to whom was referred the amendment submitted by Mr. PASCO on the 12th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

#### AMENDMENT OF THE REVENUE LAW.

Mr. HARRIS. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 8310) to amend an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which took effect the 28th day of August, 1894, to report it without amendment.

Mr. ALDRICH. I desire to enter a motion to recommit with instructions the bill just reported from the Committee on Finance. I ask that the motion to recommit may go upon the Calendar with the bill, and that the motion to recommit with instructions may be read.

The VICE-PRESIDENT. The Secretary will read as requested. The Secretary read as follows:

Resolved, That the bill H. R. 8310, together with the bill H. R. 7971, now on the Senate Calendar, be recommitted to the Committee on Finance, with instructions to report back said bill H. R. 7971, being a bill "to exempt from duty sugars, molasses, etc.," to the Senate favorably with amendments, as follows:

First. To reenact the reciprocity provisions contained in the third section of the tariff act of October 3, 1890.

Second. To provide for the payment of a bounty to the domestic producers of sugar in accordance with the terms of said tariff act of October 3, 1890.

Third. To provide for any deficiencies in the revenue that may arise from the removal of all duties upon sugar or from any other cause by the imposition of a customs duty upon wool and by increasing the customs duties or the internal-revenue taxes upon articles of luxury.

Mr. MANDERSON. I should like to know whether the bill as reported by the Senator from Tennessee on behalf of the committee is reported with an amendment?

Mr. HARRIS. It is not amended. It is reported without amendment.

Mr. MANDERSON. I think the motion and instructions submitted by the Senator from Rhode Island should be printed in connection with the bill.

The VICE-PRESIDENT. The motion will be entered, and will be placed on the Calendar with the bill.

Mr. HARRIS. I ask that the instructions offered by the Senator from Rhode Island be printed in the ordinary way.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

#### COAST FISHERIES OF FLORIDA.

Mr. COKE, from the Committee on Fisheries, to whom was referred the resolution submitted by Mr. PASCO on the 13th instant, reported it without amendment; and the resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Commissioner of Fisheries is hereby directed to make inquiry in reference to the extent, methods, and present condition of the coast fisheries of Florida, more particularly the sponge and oyster fisheries, and to report as to the desirability of establishing a station for investigation, experiment, and fish culture at some suitable point on the coast.



## BILLS INTRODUCED.

Mr. GALLINGER introduced a bill (S. 2763) granting an increase of pension to Caroline B. Bradford; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FAULKNER introduced a bill (S. 2764) to amend the charter of the Mutual Fire Insurance Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

## AMENDMENTS TO APPROPRIATION BILLS.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. POWER submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Printing, and ordered to be printed.

Mr. FRYE submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

## WITHDRAWAL OF PAPERS.

On motion of Mr. PALMER, it was

*Ordered*, That petition introduced in the first session Fiftieth Congress to indemnify John George Ryan be withdrawn from the files of the Senate, no adverse report having been made thereon.

*Ordered*, That the petition introduced in the third session Fifty-third Congress to increase the salary of the fire department of the city of Washington be withdrawn from the Committee on Appropriations, no adverse report having been made thereon.

Mr. BUTLER. The Senator from Kentucky [Mr. BLACKBURN] very kindly consents that I shall proceed with my remarks now before the disposition of the Post-Office appropriation bill, and, if agreeable to the Senate, I shall be very glad to do so. I therefore call up the resolution which I offered the other day in regard to the consideration of what is known as the pooling bill.

The VICE-PRESIDENT. The Chair will state to the Senator from South Carolina that the morning business has not yet been concluded.

Mr. BUTLER. I am trying to get the resolution up, Mr. President, and then, if any Senator desires to present morning business, I shall be very glad to yield to him for that purpose. However, I shall accommodate myself to the wishes of the Senate in that respect.

## INDIAN DEPREDAATION CLAIMS.

Mr. DUBOIS. I offer a resolution, which I send to the desk. I ask for its immediate consideration.

The resolution was read, as follows:

*Resolved*, That the Attorney-General of the United States be requested to transmit to the Senate of the United States a list of all judgments which have been rendered by the Court of Claims in Indian depredation cases since the adjournment of the first session of the present Congress against which no motions for new trial have been filed or appeal taken and which have not been appropriated for.

Mr. MITCHELL of Oregon. I inquire of the Senator from Idaho whether the cases decided prior to the time fixed in this resolution have been sent in?

Mr. DUBOIS. They have been sent in. I have inquired as to that.

Mr. MITCHELL of Oregon. Very well.

The resolution was considered by unanimous consent, and agreed to.

## RAILROAD LAND GRANTS.

Mr. PETTIGREW submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Interior is requested to furnish the Senate with a statement of the number of acres of land now owned by the Union and Central Pacific railroads which are a part of the lands granted to said railroads by the United States.

Also, the number of acres of said grant not patented to said railroad companies; also, any information he may have in relation to the sale of any of the granted lands before they were patented to said companies, the date of such sale, the number of acres.

Also, the number of acres patented to said companies during the year 1894; also the number of acres embraced in any list now on file by said companies for which patents are asked.

## CONDEMNED CANNON TO GRAND ARMY POSTS.

Mr. MITCHELL of Wisconsin. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 209) authorizing the Secretary of War to deliver condemned cannon to Asher Gaylord Post, Grand Army of the Republic, of Plymouth, Pa., and to Eckley B. Cox Post, Grand Army of the Republic, of Freeland, Pa., to report it with amendments. I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. Is there objection?

Mr. BUTLER. I shall be compelled to object to that, Mr. President.

Mr. MITCHELL of Wisconsin. I will state to the Senator from

South Carolina that the consideration of the joint resolution will only take a moment.

Mr. BUTLER. On that statement I withdraw my objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The first amendment reported from the Committee on Military Affairs was, in line 7, after the words "cannon balls," to insert "to the William H. Tarbee Post, Grand Army of the Republic, of McGrawville, N. Y., four light pieces of condemned cast-iron cannon and twenty balls."

The amendment was agreed to.

The next amendment was, in line 9, after the words "cannon balls," to insert, "also to the R. Carpenter Post, Grand Army of the Republic, Chelsea, Mich., two condemned cast-iron cannon and twenty cannon balls."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

## PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the joint resolution (S. R. 128) making an appropriation of \$5,000 for clearing the Potomac River of ice.

## ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 655) to extend the jurisdiction of justices of the peace in the District of Columbia and to regulate the proceedings before them;

A bill (H. R. 27) to increase the limit of cost for the erection of a public building at Paterson, N. J.;

A bill (H. R. 155) to erect a public building at Pottsville, Pa.;

A bill (H. R. 4658) granting a pension to Hiram R. Rhea and repealing an act approved March 3, 1871;

A bill (H. R. 5216) to amend the act entitled "An act to establish circuit courts of appeal and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891;

A bill (H. R. 5740) incorporating the Society of American Florists;

A bill (H. R. 7731) for the relief of certain Winnebago Indians in Minnesota; and

A bill (H. R. 8486) to relieve Abraham D. Prince.

## DEATH OF REPRESENTATIVE M. C. LISLE.

The message also communicated to the Senate the resolutions of the House on the death of Hon. Marcus C. Lisle, late a Representative from the State of Kentucky.

Mr. BLACKBURN. Mr. President, I ask that the resolutions just received from the House of Representatives may lie on the table. I give notice that at an early day I shall call up the resolutions and ask their consideration by the Senate, that proper tribute of respect may be paid to the memory of my deceased colleague in the other House from the State of Kentucky.

The VICE-PRESIDENT. Without objection, it will be so ordered.

## OFFICERS ON RECEIVING AND TRAINING SHIPS.

Mr. CHANDLER. I offer a resolution for immediate consideration.

Mr. BUTLER. I shall have to object to it. I have yielded now a half dozen times. The Senator can offer the resolution after I have concluded my remarks. I am sorry, but I must object.

Mr. CHANDLER. Mr. President, has morning business been declared closed?

The VICE-PRESIDENT. It has not been declared closed.

Mr. CHANDLER. Then I ask to have the resolution received.

The VICE-PRESIDENT. The resolution will be read.

The resolution was read, as follows:

*Resolved*, That the Secretary of the Navy be directed to inform the Senate whether or not during the last four years officers of the Navy attached to the ships *Richmond* and *Constellation*, stationed at Newport, R. I., and drawing sea pay and commutation for rations at sea, have been furnished and assigned, and have occupied quarters for themselves or their families, or for both, on shore in public buildings or elsewhere, at the expense of the Government, and if so, to state the nature and extent to which this practice has prevailed, and whether or not it is in accordance with any authority of law.

Mr. CHANDLER. I ask for the present consideration of the resolution.

Mr. BUTLER. Let the resolution go over.

The VICE-PRESIDENT. Objection being interposed, the resolution goes over under the rule.

## AMENDMENT OF INTERSTATE-COMMERCE ACT.

Mr. BUTLER. I now call up the resolution heretofore submitted by me, and upon which I desire to address the Senate.

The VICE-PRESIDENT. The Chair lays the resolution before the Senate, and it will be read.

The Secretary read the resolution submitted by Mr. BUTLER on the 6th instant, as follows:

*Resolved*, That when the two pending appropriation bills, the diplomatic and consular and Post-Office bills, have been disposed of, the Senate will take up House bill 7273, being an act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and consider the same until disposed of.

Mr. BUTLER. Mr. President, before proceeding to explain in detail the provisions of House bill 7273 I desire to correct, if I can—

Mr. WHITE. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from California will state his parliamentary inquiry.

Mr. WHITE. Is the Senator from South Carolina in order in discussing a resolution which he has introduced and which has not yet come before the Senate? It is now 1 o'clock, and my impression is it is not in order, but that the appropriation bill which it has been announced will be considered is in order.

Mr. BUTLER. The Senator from California is laboring under a misapprehension. I have simply offered a resolution, and I now propose to speak to it. I think I am entirely in order. If I am not—

Mr. ALLEN. Will the Senator from South Carolina allow me to make an inquiry before he proceeds? There will be no attempt to obtain a vote upon the resolution to-day.

Mr. BUTLER. I am not prepared to say when the Senate will vote upon it.

Mr. ALLEN. There will be no effort on the part of the Senator to bring it before the Senate for a vote?

Mr. BUTLER. I do not know that I shall have an opportunity to ask for a vote to-day.

Mr. PLATT. The resolution offered by the Senator from South Carolina some days ago is now before the Senate.

Mr. CULLOM. It has been called up.

Mr. PLATT. It has been called up, and is now before the Senate.

Mr. BLACKBURN. I submit that the resolution offered by the Senator from South Carolina is before the Senate only by unanimous consent for the purpose of enabling the Senator from South Carolina to submit some remarks which he wants to make. That was the request made by the Senator from South Carolina.

Mr. BUTLER. That is the exact status.

Mr. PLATT. It is now before the Senate.

Mr. BLACKBURN. For that purpose only.

Mr. BUTLER. For the purpose of enabling me to address the Senate.

Mr. PLATT. That is in accordance with the custom of the Senate.

Mr. BLACKBURN. Certainly.

Mr. HARRIS. I have never known an instance where such a request was refused.

Mr. WOLCOTT. Do I understand that in addition the Senator from South Carolina, after the conclusion of his remarks, is to follow with a request for a vote upon the resolution?

Mr. BLACKBURN. On the contrary, as soon as the Senator from South Carolina shall have finished his remarks it is my purpose to move that the Senate proceed to the consideration of the Post-Office appropriation bill.

Mr. WOLCOTT. Is it the intention of the Senator from South Carolina that we shall proceed to consider the resolution after he is through?

Mr. BUTLER. Let me state to the Senator from Colorado the agreement which the Senator from Kentucky and I had. I requested him to allow the appropriation bill to be laid aside informally in order that I might call up the resolution for the purpose of submitting some remarks on the subject. That I believe has been done—

Mr. PLATT. Always.

Mr. BUTLER. From time immemorial in this body.

Mr. BLACKBURN. I have never known it to be refused.

Mr. BUTLER. Of course when I shall have concluded my remarks the Senator from Kentucky will call up the appropriation bill; and I presume the Senate will consider that bill until it is disposed of to the exclusion of all other business.

Mr. BLACKBURN. That is it.

Mr. BUTLER. Then what action the Senate may take in regard to the resolution—

Mr. CHANDLER. I desire to say that the Senator from South Carolina proposes to proceed strictly in accordance with the customs of the Senate. I will also state that if there is an attempt to pass the resolution there will be further debate upon it, so that there is no danger that the resolution will be adopted to-day.

Mr. BLACKBURN. There will be no further debate on the subject to-day.

Mr. BATE. Furthermore, I understand the bankruptcy bill is the unfinished business at 2 o'clock.

The VICE-PRESIDENT. The bankruptcy bill is the unfinished business.

Mr. BATE. The Senator from Mississippi [Mr. GEORGE], who has it in charge, is not now present.

Mr. BUTLER. The Senator from Mississippi and I had an understanding. I have not the slightest intention to displace the bankruptcy bill.

Mr. BATE. All right.

Mr. BUTLER. Mr. President, before proceeding to explain in detail the provisions of House bill 7273 I desire to correct, if I can, some misapprehensions which appear to exist as to its effect on what is known as the antipooling section of the act of 1887 (section 5). It is assumed in some quarters that the bill proposes to repeal that section, whereas it reenacts it in terms, although in a modified form, as I will show when I come to consider the bill by sections. I think there is also misconception of what pooling is. An impression prevails that when two or more railroad companies agree to pool, they embrace within the terms of that agreement the rates of freight and passenger traffic that each shall charge under the pooling contract.

A pooling contract has no reference to rates. It is simply an agreement to apportion to each party to the contract a certain percentage of tonnage, or the earnings therefrom, transported over the respective lines between given points, and in case one line exceeds its percentage, it must account in gross or net earnings, as may be agreed upon, to the other parties to the agreement.

Rates are made entirely independent of the pooling contract, and it is the duty of the Interstate Commerce Commission to see to it that they are just and reasonable. In fact, the law of the land requires that they shall be reasonable, and this was the law before the Commission came into existence.

Another very grave misconception prevails as to the effect of the bill on the transportation lines of this country that I would like to correct. This misconception finds expression in the amendment proposed by the Senator from New Hampshire [Mr. CHANDLER] and the remarks he made in support of it, and I now beg leave to call attention to that amendment. It is as follows:

Preliminary to the filing of any such contracts the parties thereto shall present to the Commission schedules of their existing rates of fares and freights upon the classes of passengers and merchandise to which the contract is applicable, and if an order of disapproval shall not be made, the Commission shall certify in writing upon the contract that the existing rates of fares and freights are, upon the facts then appearing, just and reasonable. Every such contract shall be made for a fixed period of time, not exceeding four years, and shall become void at the expiration thereof, and the rates of fares and freights existing at the time of making such contract shall not in any case be raised during its existence without the prior approval of the Commission, certified in writing and filed with the contract.

In his speech on his amendment the Senator says:

The authority given by the foregoing paragraph is stupendous. Under such authority all the railroads of the country may pool all their gross or net earnings from all sources.

Referring to the modification proposed in the pending bill to section 5 of the act of 1887:

They may virtually unite or form one company or partnership with a capitalization, if equal to that existing June 30, 1893, of \$10,506,235,419; the gross earnings of which were for the year then ending \$1,230,751,874, and the net income, after paying fixed charges, was \$111,058,034. They may agree to commit the management and disposition of this gross or net income to a managing board of ten, or seven, or three officers of the various roads. This board can be given authority and discretion to pay out for the purpose of controlling legislatures, State or national, or other public officials, or for any other purpose, such portions as they may see fit to use of the gross or net earnings of this gigantic partnership, and afterwards to divide the remainder of the net earnings among the various companies according to arbitrary fixed portions of 100 per cent of the whole.

After the partnership is formed the companies composing it may raise rates of fares and freights to any height they please, uncontrolled by national law, and may proceed to collect those rates from passengers and from shippers of freight.

Surely, the Senator has a very poor opinion of "the legislatures, National or State, or public officials," when he imputes to them such corrupt characters. How can the companies "raise the rates of fares and freight to any height they please" when the Commission under existing law can put its restraining hand upon them?

Again the Senator says:

Although the contract is to go into operation "and to become lawful and enforceable between the parties thereto" unless the Commission shall make an order of disapproval within twenty days from the filing of the contract in their office, yet here is plainly given to the country the promise that the Commission shall investigate the existing rates of fares and freights and shall find them to be reasonable. If it is not intended that the Commission shall make such investigation, then the promise is a fraud and a deception upon the people. But the Commission can not find the rates to be not unreasonable without affirmatively finding them to be reasonable. What objection, then, can there be to allowing the Commission to certify upon the contract that they are of the opinion that the rates are reasonable? No tenable objection can possibly be stated.

Moreover, if the finding of the Commission is that existing rates are not in fact unreasonable, but are indeed reasonable, why should not the public, against a general raising of rates, after the pooling contracts are made, be guarded by a provision of law that there shall be no raising of rates until the



rate sheets making such increases of rates shall be submitted to the Commission, approved by the Commission, and filed with the contract? If the public are to be protected in the first instance against unreasonable rates under the pooling contracts by the finding of the Commission before the contract goes into effect that the rates are not unreasonable, but are in fact reasonable, why then should not the public also be afterwards further protected by requiring that any raising of rates before it goes into effect shall be approved by the Commission, certifying that the increased rates are not unreasonable, but are in fact reasonable? I believe that no negative answer can be found to this question consistent with the proper protection of the just rights of the people of the United States who use the 176,461 miles of railroad in the country.

It is true that the bill under consideration provides that after the pooling contracts have gone into effect the Interstate Commerce Commission shall observe the working, operation, and effect of such contracts, and may make orders terminating such contracts; but any such order is subject to review in the courts, and the private shipper or individual traveler upon the railroad must prosecute an investigation before the Commission and a law suit in the courts in order to secure redress for a grievance which he has already suffered. One individual must fight \$11,000,000,000 of consolidated capital. To this mockery of control I do not believe the public should be forced to submit.

I make these full extracts from the Senator's remarks because they embrace about all that has been or can be said in opposition to the bill, and that I may expose the fallacies of his argument, and point out how extravagant they are and how little they comport with well-established and admitted facts. And first as to the necessity of requiring the Interstate Commerce Commission to pass upon and approve affirmatively the rates of fare and freight before sanction is given to proposed cooperative or pooling contracts. I assert with absolute confidence that it would be utterly impossible for the Commission to execute such a provision of law. But before discussing that branch of the subject let me show that the requirement is wholly unnecessary.

The Commission has the rates and fares now on file under the present law. There is no present public contention that they are unreasonable except in perhaps two or three instances now pending before the Interstate Commission.

The amendment requires the Commission to judge of pooled rates before they are complained of by the shippers. It only permits them to consider the reasonableness of nonpooled rates after they have been complained of. The larger part of the business of the country will be local and not pooled.

There will therefore be two procedures under the same law and the result will be discriminating legislation.

So much to show that the requirement is unnecessary. The Commission has under existing law ample power over the matter of rates. But admit for the sake of argument it has not, the question of the reasonableness or unreasonableness of rates is a question of fact to be determined by the courts outside of and independent of any power Congress may confer upon the Commission. This proposition is too well established to require further remark.

Now, a word to show how impossible it would be for the Commission to execute the law if the amendment should be adopted; and in passing let me remark, the Commission itself, as I am informed, does not desire to be clothed with such power, for the very obvious reason it prefers to be left free to terminate the contracts if after observing their operation they should be found prejudicial to the public interests.

In this connection I feel at liberty to read a dispatch which I received from one of the Commissioners while this matter was under consideration by the Committee on Interstate Commerce, he happening at that time to be at Milwaukee, Wis.

MILWAUKEE, WIS., January 23, 1895.

To Senate Committee Interstate Commerce:

Am strongly opposed to changes in bill amending act to regulate commerce; especially object to amendments which would make Commission a party to pooling contracts by permitting them to make conditions relating to rates and requiring them to formally approve such contracts before they take effect. Sincerely trust that this important and needful measure may not be imperiled by amendment which I deem unwise and undesirable.

MARTIN A. KNAPP.

The examination of freight rates and passenger fares to determine reasonableness is impracticable by reason of the number of such rates, and will be unintelligent and inconclusive because of lack of railway experience in the Commission. It will be impossible to determine within twenty days, considering the extent of the country. It will be impossible to determine them justly without consulting expert testimony, as would a court, and understanding the circumstances and conditions which decided them. It is impracticable because of their number. Let me reinforce this statement by a few practical illustrations which may be relied on for accuracy:

Assuming that only Chicago, Detroit, Cleveland, Toledo, Peoria, Louisville, Indianapolis, Cincinnati, Columbus, and St. Louis were pooled eastward (10 points in all), and that freight rates were given from Chicago to but 3,000 points (the actual number being greater), there would be 30,000. Assuming six classes in each tariff, 180,000 rates would be involved. Assuming that the freights passing through Chicago and each of the other points came from 2,000 places beyond them to the Pacific Coast (the number is greater), there would be 120,000 more rates, or 300,000 in all.

It will be noticed from the foregoing that, taking 10 pooling points, by way of example, the Commission would have to pass upon 300,000 rates relating to only 10 points before it could determine whether they were reasonable or unreasonable. I say, therefore, it would be an utter impossibility for the Commission to comply with the requirement of the amendment. Certainly they could not in twenty days.

I am told that the railroads have sought to adjust rates between opposing points—say Toledo to Chicago—as compared with Cincinnati to St. Louis. In such adjustments the amendment may require whole argument made before the Commission. Fifty committees of the Central Traffic Association have worked on this subject for twenty months. The amendment proposes that five shall determine this subject and all others like it all over the United States in twenty days.

I might multiply examples like these to sustain my contention; but what I have said will, I am sure, satisfy the minds of Senators that I am not mistaken.

Coming to another phase of the argument of the Senator from New Hampshire, I find his speech blazoned with these remarkable headlines:

#### RAILROAD POOLING.

AN \$11,000,000,000 RAILROAD PARTNERSHIP—ALL RAILWAY COMPETITION ABOLISHED BY ACT OF CONGRESS—RATES OF FARES AND FREIGHTS ON 176,461 MILES OF ROAD AND THE WAGES OF 873,693 WORKMEN TO BE FIXED BY THE PARTNERSHIP.

And then at the bottom of the same (front) page will be found the following:

These eight great railroads have decided that the bill shall pass the Senate exactly as it came from the House.

Now, sir, if I had found these startling announcements at the head of an article in some daily newspaper of the sensational order I should not have been surprised, but that they appear on the frontispiece of a carefully prepared speech of a Senator of the United States, and published presumably by his authority, is a little short of amazing, and reach very near to the domain of Munchausenism. Let us contrast these lurid headlines with a few simple facts.

According to Poor's Manual for 1894 there are 1,946 railway corporations in the United States.

The largest number of railway companies which pooled prior to the act of February, 1887, when they were free to do so, was as follows:

a. East of the Mississippi and south of the Ohio River .....	22
This has been reduced by consolidations to .....	19
(Six Atlantic coastwise steamship lines formerly pooled and are now free to do so.)	
b. West of the Mississippi River and south of a line from Kansas City to Denver there were no former pools of any moment. All lines of that territory which would now pool would be not more than .....	15
c. West of Chicago and St. Louis and north of a line St. Louis to Denver ..	16
d. In the territory east of Chicago and St. Louis, and north of the Ohio and Potomac rivers to the seaboard:	
East of Buffalo and Pittsburg in that area .....	13
West of Buffalo and Pittsburg in that area .....	20
Total number which would probably pool .....	89

Or 4½ per cent of the whole number. Twenty of these 89 companies have not heretofore pooled. In other words, out of 1,946 railroad corporations, but 4½ per cent of the whole number would pool, or did pool.

Mr. CHANDLER. Is the Senator from South Carolina willing to be interrupted?

Mr. BUTLER. Yes, sir; I have not the slightest objection.

Mr. CHANDLER. The Senator says these are all the railroads which will pool. The point I made in the speech which he has pleased to characterize as teeming with Munchausenism is simply that authority to pool was given to all the railroads in the country. The Senator from South Carolina answers my statement by saying it has been estimated that only so many railroads will pool. Will the Senator from South Carolina tell us what reason he has for supposing that all the roads will not pool exactly as they are authorized to do by the language of the proposed act?

Mr. BUTLER. If the Senator from New Hampshire will be patient I think I shall convince him that all the railroads can not pool, and, of course, the statement I make is based upon the experience when, prior to 1887, pooling was not illegal. That is the guide by which I am governed in making this statement.

Mr. CHANDLER. The headlines to which the Senator has been pleased to allude, and which I am glad he has incorporated in his speech because they will get a much wider circulation than they otherwise would have reached, were merely a statement of the authority given by the bill to \$11,000,000,000 of capital to consolidate in pooling contracts, if it chooses to do so. Now, the Senator says it will not do it. I want to know how he knows it will not.

Mr. BUTLER. The Senator from New Hampshire anticipates

me. If the Senator can stand the circulation of those startling—as I call them lurid—headlines I certainly can.

Mr. CHANDLER. Through the medium of the Senator's speech is the only way I can get them into South Carolina.

Mr. BUTLER. I do not think they will be very creditable to the Senator even down there, if he will pardon me for saying so.

Assume that all the 1,946 companies would pool. Each must receive a percentage which would average about one-half of 1 per cent to each company. How are the New York Central and the Carbon Creek Railroad of Wyoming to determine their relative shares, and is pooling between them even a remote possibility? The bare mention of it makes the proposal preposterous—a railroad in New York pooling with a railroad in Wyoming, or a railroad in Maine pooling with a railroad in Texas. It would seem to me, as I said, to be little less than Munchausenism. Certainly it would be preposterous to assume any such absurdity.

These facts—not fancies—ought to dispose of that "eleven-billion-dollar-pool" bugaboo which the Senator disports so confidently in flaming headlines to his speech. And also of his less conspicuous but equally extravagant assertion "that these eight great railroads have decided that the bill shall pass the Senate exactly as it came from the House," meaning, I presume, the roads running to and from the city of New York.

I want to insert here, without reading in full, a statement furnished by Mr. George R. Blanchard, chairman of the Central Traffic Association and vice-chairman of the Trunk Line Association, which two cover 67 per cent of the tonnage of this country, who, I believe, is conceded to be one of the ablest, if not the ablest, expert on such questions in this country or Europe, every word of which he is prepared to verify from the records if called upon. To my mind the facts herein stated prove beyond dispute that the statements of the Senator from New Hampshire are very wide of the mark and entitled to no credit whatever.

Mr. Blanchard, in response to an inquiry from me, gave examples showing that out of over 700,000,000 tons of freight moved in 1893 but 40,000,000 would be pooled, and I take it for granted he knows better what he is talking about than either the Senator from New Hampshire or myself.

Mr. GEORGE. Will the Senator from South Carolina allow me to ask a question?

Mr. BUTLER. Certainly.

Mr. GEORGE. It is not fair to presume that wherever there are two lines between which there is competition they will pool.

Mr. BUTLER. I will come to that question after a while. The Senator is anticipating me somewhat. I think I can convince the Senator that the competition of which he speaks will be promoted instead of injuriously interfered with. Mr. Blanchard says:

Poor's Manual for 1894 states the total tons of freight moved in 1893 on American lines was 757,464,460 tons.

Not over forty millions of this quantity would probably be pooled. For example, all the through freight of the Pennsylvania Railroad both ways does not average more than about 13 per cent of its total tonnage. This small proportion of the total which would be pooled is because although all lines from Chicago eastwardly may pool their freights from and through Chicago, they do not pool from their thousands of local stations east of Chicago which furnish by far the greater volumes of their tonnages.

It should also be borne in mind that even the largest companies only pool their traffic from the largest competing points where the great number of routes prevents such harmonious arrangements as can be secured from points at which there are only two or three competing lines.

It is the veriest assumption to say that a short local line in Maine will pool with one in California, that a line in Oregon will pool with a fruit carrier in Florida, or that a lumber route in Michigan will pool with a live stock line in Texas. There is not only no community of interests but geographical antagonisms, and they could not be induced to pool together.

It is an equal absurdity to assume that competing cities will pool: that is, that lines from Boston will pool with those from New York, that Philadelphia will pool with Norfolk, or Albany with Baltimore.

The lines from each important point may pool, but rival points having rival industries and geographical antagonisms will not pool.

Nor would the railroads from Chicago or other pooled point ever assume under any contingency to declare how much of their total pooled business should go to Baltimore as compared with New York, or Pittsburgh as compared with Buffalo, or New Haven versus Providence.

This illustration might be multiplied throughout 3,000 eastern destinations. If a pool is made from Chicago eastwardly, it will extend only to Buffalo, Toronto, Pittsburg, Wheeling, etc.

The reason for this is that certain companies west of those points have no common ownerships or interests east thereof, and vice versa.

The Lackawanna and Lehigh railway companies, for example, do not extend west of Buffalo.

The Chicago pool will nevertheless include all freights not only from Chicago City but from all points west thereof which pass through it, and also all such traffic which stop at Buffalo, etc., and that which passes through Buffalo, Pittsburg, etc.

If, therefore, a through rate is made on cotton from Dallas, Tex., to Lowell, Mass., or from Meridian, Miss., to Fall River, such tonnage would go into the pool eastwardly from Chicago.

What rate on such business shall the makers of the Chicago pool contract attach to such contract under the Chandler amendment? Will it be the through rates which they did not make or publish, or only the proportions of through rates which accrue between Chicago and Buffalo, etc.

Whose duty will it therefore be to report such through rates? Shall each company which shares such through rates report its part thereof which it may pool?

Suppose that the initial line which makes the rate is not in a pool because the business starts from its local stations. In such event who is to report the rates?

Some of the same freights may also go via routes which do not pool on any

parts of such routes. May such lines not charge higher rates, or at least be freed from the prior judgment upon the reasonableness of their rates?

Apply these illustrations also to passenger tariffs.

The mover of the amendments should show how the fare for a ticket, for example, sold from San Francisco to New Haven is to be adjudged just and reasonable.

In what pool, or how many pools, would such fare or parts of fare be reported?

Would each pool report only its part of the through fare, or would each company in a pool report the full fare?

If a proportion, the different companies charge different proportions, varying with length of route, etc., would they all be reasonable?

If the originating line at San Francisco which published the through fare was not in a pool nor the terminating line at New Haven, would only the intermediate lines be required to report, and how could they be held for the reasonableness of the through rate, especially when the author of such rate was exempt?

All these queries apply not only to the rates and fares as fixed and submitted with the contracts, but more forcibly to any possible and subsequent increase thereof when they must be argued before the Commission.

That is a very intelligent criticism of the provisions of the bill, which any Senator can inform himself about if he chooses to take the time to do so.

It seems to me, Mr. President, I have disposed of the amendment of the Senator from New Hampshire, and shown how impracticable it is, how inapplicable to the present bill, and how impossible of execution by the Commission, and shall now address myself to the provisions of the bill as it stands. I will remark in passing that this bill and the subjects relating to it have been under consideration for two years by the committee of the House. It had careful consideration and full debate in the House, and passed that body by a strong majority.

The committee of this body have given it most careful consideration, after long and patient hearings, and it came from your committee in its present form as the sense of a majority of that committee.

I may say, furthermore, it has the indorsement of a majority of the Interstate Commerce Commission, some of these gentlemen thinking, perhaps, it is not all that is to be desired, but all concurring in the opinion it is an improvement on the present law. I shall adopt the analysis of the bill made in the report of the House committee, as it is full and exhaustive and more satisfactory than any cursory explanation of mine.

The first section of the bill amends the fifth section of the act by reenacting the section substantially as it is in the act, and then providing that the inhibited contract may be made under the restrictions and limitations set out in the section. The contract must be in writing and filed with the Interstate Commerce Commission for twenty days before it can go into effect. If it is not disapproved by the Commission it goes into effect twenty days after it is filed, but it is made the duty of the Commission to disapprove it, if it shall appear, on inspection, that it will result in unreasonable rates, unjust discrimination, inferior service to the public, or otherwise contravene the provisions of the act.

Should it go into effect, then the Commission, which is clothed with plenary power to examine and to investigate the operations under the contract, may, at any time, if it should appear to result in unjust discrimination, unreasonable rates, inadequate service to the public, or otherwise contravene the act, make an order disapproving the contract, and in that event the same shall terminate at the date named in the order, not less than thirty days from its entry. Should the contract be disapproved in the first instance within twenty days, it can never go into effect, unless the circuit court, on review, shall so decide, and not then until the Supreme Court of the United States shall so decide, should an appeal, as provided, be taken by any of the parties to the contract of last resort.

From an order disapproving the contract, made after it goes into effect, the parties thereto may file a petition in the circuit court for an order or decree reviewing the same, and from the decision of the circuit court an appeal lies in favor of any of the parties to the Supreme Court of the United States.

In the meantime, the contract is illegal and unenforceable until the court of last resort, in reviewing the decree of the circuit court and the order of the Commission, shall approve the same. The practical effect is to place the contract under the exclusive control of the Commission, subject to final review by the Supreme Court of the United States; and, unless that court should reverse the action of the Commission, and approve the contract, it can not exist a day longer than the Commission determines; and, while proceedings are pending in the courts, the action of the Commission has the effect to render the contract illegal and unenforceable, and the parties to it are relegated to section 5 of the act and must observe it.

The power thus conferred on the Commission is great, and can be wielded summarily in the interest of the public. The Commission has nothing to do with the contract as between the parties to it, and has no power to impair its obligation or efficiency. It can only act on behalf of the public and interpose where it appears that the contract is detrimental to the public interest. The Commission is authorized to act on its own motion and of its own volition, and on evidence elicited in any manner it sees proper. In view of this extraordinary power, it was deemed proper to give the parties to the contract the right to apply to the circuit court to review its action, subject to an appeal to the Supreme Court of the United States, the contract to remain, in the meantime, illegal and unenforceable. Should the parties to the contract apply to the circuit court to review the action of the Commission it must be made a party defendant, and the court must speedily determine the matter as a court of equity. Either party may appeal to the Supreme Court, and that court is required to advance the cause as in cases of appeal where the United States is a party.

Should the Commission choose not to disapprove the contract, it is clothed with power to issue an order requiring the parties thereto to change, modify, or correct such rates, charges, or practices as are deemed hurtful to the public; and if the parties to the contract refuse compliance, then the Commission may apply to any circuit court, within the jurisdiction of which any of the parties has its principal office, to enforce its order. The papers, exhibits, and testimony on which the Commission acted must be filed with the petition; and should the court, on the record thus presented, be of the opinion that the order of the Commission is lawful and proper, then it is authorized to issue a preliminary injunction compelling obedience to the order of the Commission to remain in force until the decision of the court upon the hearing.

In all other respects the litigation is to be conducted as prescribed in section 16 of the act to regulate commerce.



The second section of the bill amends the sixth section of the act by adding thereto four clauses, whereby copies of all schedules and tariffs of rates, fares, and charges filed with the Commission as required by law, all contracts, agreements, or arrangements between common carriers, filed with the Commission as provided in the first section of the bill, and all statistics, tables, and figures contained in the annual reports of carriers made to the Commission as required by the provisions of the act shall be preserved as public records in the custody of the Commission, and shall be receivable in evidence as *prima facie* correct for the purpose of all investigations made by the Commission, and in all judicial proceedings.

It is then provided that certified copies, under the seal of the Commission, of such public records, or certified copies of extracts therefrom, shall also be receivable in evidence in like manner as the originals. The importance of the addition to the act of these clauses will be apparent when it is stated that heretofore all these records were not public and not receivable in evidence in any judicial proceeding. They were merely information for the Commission, and when any matter of dispute arose between the Commission and the railroads it had to be determined on evidence taken after judicial proceedings were instituted.

The third section of the bill amends the tenth section so as to read as it is set out in the bill. It is a recast of the tenth section. The penal features of the act as it now stands are exceedingly imperfect, and are practically nugatory. The corporation which is subject to the provisions of the act is not punishable, but its officers and agents are liable to indictment, and if found guilty, to severe penalties in the way of fine and imprisonment. Shippers guilty of a violation of the law are placed in the same category with the officers and agents of the corporation. To illustrate, if an officer or agent of the corporation should allow a shipper a rebate or drawback each would be equally guilty under the law. The result is that neither can be made to testify because he might give criminating evidence. Under the latest decisions of the Federal courts either could claim exemption from testifying, even though promised immunity from punishment by the Government. The result is that prosecutions have signally failed for the want of evidence. Section 10, as redrafted in section 3 of the bill, is intended to obviate this fatal defect in the law.

There are two separate and distinct offenses which the bill attempts to reach, one committed by the consignor or consignee and the other by the corporation through its officers or agents. Wherever a shipper, by means of false billing, false classification, false weighing, false report of weight, false representation of the contents of a package, or by any other misrepresentation, deceit, or device, obtains transportation at less than regular rates, he is guilty of a fraud and liable to a fine for each offense not exceeding \$5,000. It will be observed that such a fraud, while resulting in injury to the general public, is distinctively a fraud on the railroad company. The shipper is, therefore, alone made amenable, and no offense is attributed to the corporation, its officers or agents. The result is that its officers and agents are competent witnesses, and can be made to testify against the shipper. Aside from this, when competing carriers are permitted to enter into contracts for the division of their net or gross earnings, all motive to shield false shippers is removed, and the carriers will be prompted by the highest considerations of self-interest to ferret out and bring to justice such offending shippers.

The other offense consists in any device, by whatever name called, whereby a corporation subject to the provisions of the act through its officers or agents makes any unjust discrimination or otherwise in any way violates the interstate commerce law. The corporation is made liable criminally for any such acts of its officers or agents, whether authorized or not, and for each offense is subject to a fine not exceeding \$5,000. Neither the shipper nor the officers or agents of the corporation are amenable to the law for this offense. It is distinctly the offense of the corporation, and the shipper, as well as its officers and agents, will be compelled to testify against it in the courts.

As the corporation can not be reached by corporal punishment, and the necessities of the case require the exemption from punishment of its officers and agents, punishment by imprisonment has been altogether abolished. The corporation may be indicted in the judicial district in which the offense was committed, and service may be had by delivering a copy of the indictment or information to any officer or agent resident in the judicial district wherein the proceedings may be instituted or wherein such corporation has its principal office.

In addition to this, any party injured by such discrimination is secured a right of action on the case against the offending corporation.

It is confidently believed that the amendment of the tenth section of the act, as proposed in the third section of the bill, will largely contribute to the efficient administration of the law. When the grand juries can indict for each separate offense, it is evident that through their inquisitorial powers they will be enabled to protect the public in a large measure, if not altogether, from the evils of unjust discrimination and the railroads from the depredations of false and dishonest shippers.

The fourth section of the bill simply provides that oral testimony taken before the Commission, or any one or more of its members, shall be taken down by stenography or otherwise as it is given, and before the decision is rendered shall be written out and filed with the papers relating to the investigation.

The fifth section of the bill amends the sixteenth section of the act so as to read as therein set out. The sixteenth section, known as the "procedure" section, has proven defective, because proceedings in the courts to compel compliance with the orders of the Commission have been accompanied with so much delay, incident to the retaking of all evidence on which the parties relied, as well as delay in reaching the case in its regular order on the docket.

The Commission often proceeds with its investigations and makes an order on a railroad company with which it refuses to comply. Then the Commission is required to make its application to the courts to compel obedience. The cause stands on the docket as other causes until it is reached in its turn, and then all the evidence is taken *de novo*. The result is that the court passes frequently on a case materially different from the one on which the Commission acted, the railroad company frequently ignoring the Commission and offering no evidence until it appears in court, and the issue is there made up.

To obviate these defects which have resulted in interminable delay and vexation, section 16 is so amended by the bill as to give cases brought into court by the Commission priority over the other business of the court. Then all the pleadings, papers, exhibits, and testimony, or copies thereof, certified by the secretary of the Commission and adduced before the Commission in the course of its investigation, resulting in the order which it seeks to enforce, are to be filed with the court and received in evidence. The court is to hear the case on the record so made up unless it shall consider it necessary to take additional evidence. In that event the additional evidence is to be taken under the direction of the court by the Commission, and on taking such additional evidence the Commission may reconsider and modify its order.

In such case it will, when it certifies the additional evidence required by the court, also certify its supplemental order, showing wherein its order in the first instance was modified. The court is then to hear the case on the record, the additional evidence, and the supplemental order of the Commission. In this way all the labor of the Commission in the way of making investigations and taking evidence is utilized before the courts, and in every instance the court passes on the exact case which has been considered by the Commission.

Section 16 is further amended so as to limit the court in its decision to material errors prejudicial to the carrier or plainly affecting the recommendations, decision, order, or proceedings of the Commission; and, in case of an appeal to the Supreme Court of the United States by any of the parties, the case is to be advanced as other cases in which the Government is a party.

It is further provided that the Commission may, with the advice and consent of the Attorney General, employ other counsel than the district attorney in proceedings to enforce its orders.

Section 6 of the bill adds a new section, to be known as section 18a, to the interstate-commerce law. This section is intended to supply another defect. It is apparent that the Commission should not be forever precluded by any order made by it or by any court. It is constantly dealing with problems which change and shift with the exigencies of commerce. A rate reasonable under certain conditions might be unreasonable under others. This section is intended to give the Commission power to grant rehearings and make such modifications and changes of existing orders as may seem equitable and just. And after it has gone into court, and applied for and obtained a decree enforcing its order, this section provides that the Commission is not precluded by such decree, but it may on a subsequent rehearing modify and change the same to meet the equities of the case.

Section 7 of the bill amends section 20 of the act so as to authorize the Commission to require all common carriers participating in interstate commerce, and all companies owning railroads over which interstate commerce is conducted, to make annual reports, to prescribe the manner in which such reports shall be made, and give specific answers to all questions on any subject on which the Commission may need information.

Such reports are to contain all the required statistics for the period of twelve months, ending on the 30th day of June in each year, and shall be made out and filed with the Commission at its office in Washington on or before the 15th day of September following. Should default be made in filing such reports in the required time, then the company shall forfeit \$5 for each day in which it is in default, and each day it shall continue in default shall be deemed a separate offense. The district attorney of the judicial district in which such company has its principal office may on information received in the district court of such district the penalty imposed.

The eighth section provides that all cases now pending in the courts shall be heard and determined as now provided by law.

A question has been raised as to the constitutional power of Congress to pass this bill, because the Interstate Commerce Commission is an administrative or ministerial body, and that therefore Congress can not give jurisdiction to the courts on an appeal from a commission which has no judicial functions. The provisions of the bill to which criticism or objection applies are as follows:

Orders and findings of the Commission disapproving any such contract, whether made upon inspection thereof as aforesaid or in any subsequent proceeding after the same has gone into effect, shall be subject to review by any circuit court of the United States sitting in equity in a judicial district in which any party to the contract has its principal office, upon petition filed by any party to such contract stating the facts and making the Interstate Commerce Commission, under that name, a party defendant; said court shall proceed to hear and determine the matter speedily as a court of equity in the manner provided by section 16 of this act as nearly as may be, and shall make such decree or order as may be just and equitable, determining whether the contract in question shall be lawful and enforceable notwithstanding the disapproval thereof by the Commission.

The principles involved in these provisions have been passed upon and sustained by the Supreme Court of the United States.

In the case of *The Interstate Commerce Commission vs. Brimson*, 154 U. S., 447, 465-9, the Supreme Court, speaking through Mr. Justice Harlan, said:

As the Constitution extends the judicial power of the United States to all cases in law and equity arising under that instrument or under the laws of the United States, as well as to all controversies to which the United States shall be a party (art. 3, sec. —) and as the circuit courts of the United States are capable, under the statutes defining and regulating their jurisdiction, of exerting such power in cases or controversies of that character, within the limits prescribed by Congress (25 Stat., 434, c. 806), the fundamental inquiry on this appeal is whether the present proceeding is a "case" or "controversy" within the meaning of the Constitution.

The case of *Brimson* arose on a petition filed by the Interstate Commerce Commission in the circuit court, under the twelfth section of the act to regulate commerce, to obtain an order from the court to compel the attendance and testimony of *Brimson*, and the production of documents, books, and papers in an inquiry before the Commission. The Supreme Court held that the proceeding under the twelfth section did constitute a case or controversy within the judicial power of the United States.

The further point is made that because the Commission's power to disapprove is discretionary, therefore the provisions in question seek to authorize the review by a court of the exercise by an administrative, nonjudicial body of a discretionary power, which Congress can not constitutionally do.

Of course the power lodged in the Commission is an administrative power in the sense that it is not a judicial power. The judicial power of the United States is lodged, by the Constitution, in the Supreme Court of the United States and in such inferior courts as Congress may establish. The Commission is not a court; no commission established by Congress is a court; but the fact that the Commission is not a court and therefore does not exercise judicial power has no bearing whatever on the question whether the proceeding in court under discussion constitutes a case or controversy within the meaning of the Constitution.

The act of Congress of March 3, 1851 (9 Statutes at Large, 631), established a board of commissioners to settle private land claims in California. The act of Congress of August 31, 1852, provides for an appeal from this board of commissioners to the district court of the United States. The proceeding provided by the statutes came before the Supreme Court of the United States in the case of *The United States vs. Ritchie* (17 Howard, 525), and

again in the case of *Grisar vs. McDowell* (6 Wall., 368). The very objection suggested here was urged in those cases.

In the *Ritchie* case the Supreme Court said:

It is also objected that the law prescribing an appeal to the district court from the decision of the board of commissioners is unconstitutional, and this board, as organized, is not a court under a constitution and can not, therefore, be invested with any of the judicial powers conferred upon the General Government.

But the answer to the objection is that the suit in the district court is to be regarded as an original proceeding, the removal of the transcript, papers, and evidence into it from the board of commissioners being but a mode of providing for the institution of the suit in that court. The transfer, it is true, is called an appeal; we must not, however, be misled by a name, but look to the substance and intent of the proceeding. The district court is not confined to a mere reexamination of the case as heard and decided by the board of commissioners, but hears the case *de novo* upon the papers and testimony which had been used before the board, they being made evidence in the district court; and also upon such further evidence as either party may see fit to produce.

The suggestion that the power of the Commission is discretionary is answered by the proposed act itself. The very fact that the decision of the Commission is not final, but the final decision is given to the circuit court, or the Supreme Court on appeal from the circuit court, shows that the power is not discretionary in any sense. The question which is left for the decision of the Commission in the first place, and in the second place to the decision of the courts, is whether the contract for the division of traffic or earnings, either on its face or by its operation, contravenes any of the provisions of the other sections of the act to regulate commerce, either in the matter specified or otherwise.

The decision of this question involves the application of the laws of the United States regulating interstate commerce to the facts of the particular case, precisely as do all other decisions of the Commission in the discharge of their duties under the act. The questions involved are essentially judicial in their character, and the fact that they are left in the first place to the decision of the Commission does not destroy their judicial character any more than the leaving of the private land claim in California to the decision of the board of commissioners under the act of 1851 destroyed the judicial character of the questions involved in the decision of those claims.

I need not enlarge further on this point, Mr. President. The questions have been judicially determined by the courts and may therefore be treated as settled law, and that both in form and substance the proceedings authorized under this bill are constitutional and proper. I will take leave, however, to introduce one more citation from the case of *The Interstate Commerce Commissioners vs. Brimson* (154 U. S., 475) above referred to. The court said:

What is a case or controversy to which, under the Constitution, the judicial power of the United States extends? Referring to the clause of that instrument which extends the judicial power of the United States to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made or that shall be made under their authority, this court, speaking through Chief Justice Marshall, has said: "This clause enables the judicial department to receive jurisdiction to the full extent of the Constitution, laws, and treaties of the United States when any question respecting them shall assume such a form that the judicial power is capable of acting on it. That power is capable of acting only when the subject is submitted to it by a party who asserts his rights in the form prescribed by law. It then became a case, and the Constitution declares that the judicial power shall extend to all cases arising under the Constitution, laws, and treaties of the United States." *Osborn vs. Bank of the United States*, 9 Wheat., 728, 819. And in *Murray vs. Hoboken Co.*, 18 How., 272, 284, Mr. Justice Curtis, after observing that Congress can not withdraw from judicial cognizance any matter which from its nature is the subject of a suit at the common law, or in equity, or admiralty, nor, on the other hand, bring under judicial power a matter which from its nature is not a subject for judicial determination, said: "At the same time there are matters involving public rights which may be presented in such form that the judicial power is capable of acting on them, and which are susceptible of judicial determination, but which Congress may or may not bring within the cognizance of the courts of the United States, as it may deem proper." So, in *Smith vs. Adams*, 130 U. S., 173, Mr. Justice Field, speaking for the court, said that the term "cases" and "controversies" in the Constitution embraced "the claim or contentions of litigants brought before the courts for adjudication by regular proceedings established for the protection or enforcement of rights, or the prevention, redress, or punishment of wrongs."

As has already been shown, the proceeding here is one provided to enable a party to a contract to obtain a decision of the question whether that contract is prohibited by the act of Congress—a question of mixed law and fact, but involving the interpretation and application of the laws of the United States. The proceeding arises under the laws of the United States, and is brought before the court by a litigant in the ordinary form of proceeding established for the protection and enforcement of rights. It is therefore a case arising under the laws of the United States within the meaning of the Constitution.

It may not be out of place to introduce here the provisions of the act of August 31, 1852, under which the cases of the United States *vs. Ritchie* (17 How., 525) and *Grisar vs. McDowell* (6 Wall., 368) above cited were brought before the courts.

The provision of that act was as follows:

In every case in which the Board of Commissioners shall render a final decision it shall be their duty to have two certified transcripts of their proceedings and decision and of the papers and evidence on which the same are founded, made out, one of which transcripts shall be filed with the clerk of the district court and the other transmitted to the Attorney-General of the United States;

and the filing of such transcript with the clerk shall ipso facto operate as an appeal for the party against whom the decision shall be rendered; and if such decision shall be against the private claimant it shall be his duty to file a notice with the clerk of the court within six months thereafter of his intention to prosecute the appeal, and if the decision shall be against the United States it shall be the duty of the Attorney-General within six months after receiving the said transcript to cause notice to be filed with the clerk aforesaid that the appeal will be prosecuted by the United States, and on the failure of either party to file such notice with the clerk the appeal shall be regarded as dismissed.

It was with reference to this proceeding that the Supreme Court said, in the *Ritchie* case, that "the suit in the district court is to be regarded as an original proceeding, the removal of the transcript, papers, and evidence into it from the Board of Commissioners being but a mode of providing for the institution of a suit in that court. The transfer, it is true, is called an appeal; we must not, however, be misled by the name, but look to the substance and intent of the proceeding."

In many, if not all the States, the legislative branch of the government has provided by law for commissions or boards, which if not strictly on all fours with the Interstate Commerce Commission are certainly similar in character and object, whose powers are merely administrative or ministerial, and whose acts and orders and transactions are reviewable by the courts on appeal or transfer of their proceedings or by whatever name you may call it. I may mention among others boards or commissions to condemn private property for public use under the power of eminent domain in the State, commissions to open public highways and assess damages, boards of State canvassers, commissions to partition the land of an intestate estate, and others of like character.

These various bodies have no judicial functions, or many of them have not, and yet their findings and orders are appealed from to the courts under proceedings provided by law, and I do not remember a case where the power of the legislature to confer jurisdiction on the courts for such appeals has been questioned.

Having disposed of that branch of the subject, as I hope, satisfactorily and conclusively, I beg now to address myself to the policy of this proposed legislation.

The bill is indorsed by the popular branch of Congress, by a majority of the Interstate Commerce Commission—very emphatically by some of them—by every State railroad commission with perhaps one exception, by every commercial body in the United States except a very few, and by a number of shippers and business men. It is not indorsed by all the railroad companies as is erroneously supposed, but is indorsed or approved by a majority of them. The opposition to the bill comes mainly from persons and localities who have been the beneficiaries of secret arrangements and discriminations which they have enjoyed to the detriment of the general public. Outside of these, I know of no opposition to the passage of the bill.

It has been assumed by some, I must think without investigation or reflection, that the legalizing of pooling or cooperative contracts between certain railroads will result in the destruction of competition, raising of rates, etc. Just the opposite is the truth. As I have attempted to show in the early part of my remarks, pooling and rate making have nothing whatever to do with each other. The rate-making power is now under the absolute control of the Commission and the law, certainly to the extent of saying rates shall not be unreasonable but must be reasonable. So there is literally no ground for apprehension on that score.

Then the only question, as it occurs to me, is, Will the legalizing of pooling contracts and making them enforceable and binding between the parties and the public under the direction and supervision of the Interstate Commerce Commission, as is proposed in this bill, be contrary to public policy and prejudicial to the public interests? After giving to the subject the most careful thought and investigation of which I am capable—of course I speak only for myself—I answer without the least hesitation it will not.

Pooling contracts under this bill will, in my judgment, accomplish the following very beneficial and desirable results:

First, they will prevent unjust discriminations by the railroads in favor of large monopolistic shippers and against the small shippers.

Second, they will protect the weaker railroads and avoid the necessity of consolidation between railroads or prevent such consolidation.

Third, they will prevent discriminations against one locality in favor of another and against one person in favor of another.

Fourth, they will make competition fair and stable and just as against cut-throat preferences and discriminations in freight and passenger traffic, which destroy competition and unsettle business calculations, precipitate bankruptcy where it is not deserved, and offer a premium to dishonesty and unfair dealing.

Fifth, The only relation that I understand pooling contracts can have to rates is that they will make rates uniform, stable, and reasonable. Uniform and stable because the incentive to cut rates in favor of a few below the point where they will earn a fair remuneration on the capital invested will be removed, and



because all the parties to the contract will participate in a division of the traffic transported by the pooled lines at a percentage stipulated in the contract. It is not pretended that the provisions of this bill will change the relations of the Interstate Commerce Commission to the nonpooled lines, or to those operated entirely within the limits of a State, from those obtaining under existing law. According to the best information I can get 90 per cent of the rail companies of the country will belong to the nonpooling class.

It has been found in England and on the Continent of Europe, in fact wherever railroads are employed, that pooling is the best and only method for preventing unjust discriminations and the destruction of fair and honest competition. In those countries where some of the railway lines are owned by the Government and some by private individuals, the Government lines pool with private lines and thus protect the public against ruinous discriminations and unfair competition.

Such catch phrases as "competition is the life of trade" have no place in the consideration of transportation questions. There is no element of trade or speculation in transportation and none can enter it. The Interstate Commerce Commission has said in its first report "excessive and unreasonable competition is a public injury." This is nothing more than a statement of what is universally and everywhere known to be true.

With these general propositions, which I announce with great confidence in their soundness and verity, I shall leave for future discussion, if they should be controverted, the evidence and authority upon which they are formed, and direct my attention to one other suggestion touching the duration of these contracts. It has been intimated that some limitation of time ought to be put upon them in this bill. That matter was discussed in committee and there decided by a majority vote that such a provision was inexpedient and unnecessary.

These contracts are entered into by railroads in relation to the business between competitive points, and only in such cases. Each party to the contract is credited with a certain percentage of the traffic and earnings, and these percentages are determined by taking the average amount of traffic done by the respective lines for a given period in the past. The conditions of transportation and traffic are subject to constant changes which necessitates a readjustment of the percentages at comparatively short intervals. With these readjustments I can not see the public has any peculiar interest. And, therefore, the duration of contracts is not a matter of much moment.

In this connection it must not be forgotten that the Commission is charged with the duty of observing the operation of these contracts, and if it should appear they "would result in unreasonable rates, unjust discriminations, inferior service to the public, or otherwise contravene any of the provisions of the act," it is the business of the Commission to institute measures to terminate the contracts, or any of them. So that the time when the contracts shall run is under the control of the Commission by the terms of this bill.

I will not detain the Senate longer, Mr. President, in the discussion of this bill. I may say in closing, that after most careful, painstaking, patient, and thorough investigation, exhaustive discussion, and candid consultations, this bill is a compromise of conflicting opinions, as all wise measures of legislation are. It represents, not fully, perhaps, but approximately, the views of the Interstate Commerce Commission, composed as it is of gentlemen of high character, ability, and intelligence, who may be said to represent the Government and through the Government the public. It represents the expressed wisdom of the popular branch of Congress, who represent directly the people at large, and it represents the views of the railroads, through their officials, speaking for the vast, complicated, and valuable interests embraced in railway transportation.

I wish to say in this connection that I have never permitted myself to indulge in a wholesale denunciation of railroad corporations simply because they are rich and powerful. I do not think it is fair in dealing with railroad corporations that we should consider them as public enemies; and that is about the attitude in which they are placed by many people. Railroads, like other corporations and other persons, ought to be subjected to obedience to law. They have no special immunities or privileges in the eye of the law which individuals have not.

I venture the assertion, sir, that there is not a Senator on this floor who has not, at some time in his life, encouraged the creation and organization of these corporations to facilitate the development of the community in which he lives. If they are evils they are necessary evils. I would deal with them as I would deal with any other class of people in the country. Personally, I doubt if there is a man upon this floor who is under less obligations to them than I am, because it has so happened in my professional career that I was usually on the other side; but, sir, in dealing with a great public question like this I shall bring to bear upon it the best judgment that I can command, without regard to any popular clamor which may prevail for or against it.

The bill, Mr. President, now only awaits the action of the Senate, the representative of the States, and of the Chief Executive, who represents all interests. I trust it may receive the approval of both and become a law.

I have not gone as largely into the details as perhaps the occasion would justify, but in the course of the debate, if one should arise on this bill, I would be very happy to give any information that I may possess or answer any questions which Senators may choose to propound to me.

#### POST-OFFICE APPROPRIATION BILL.

Mr. BLACKBURN. I move that the Senate proceed to the consideration of the bill (H. R. 8272) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896.

The motion was agreed to; and the Senate resumed the consideration of the bill.

Mr. CHANDLER. What has become of the resolution of the Senator from South Carolina?

The PRESIDING OFFICER (Mr. LODGE in the chair). The Senator from South Carolina completed his remarks, and the Senate voted to proceed to the consideration of the bill making appropriation for the postal service for the ensuing fiscal year, on which the Senator from Kentucky [Mr. BLACKBURN] has the floor.

Mr. CHANDLER. I desire, with the permission of the Senator from Kentucky, to state that I shall ask to have the resolution taken up at some future day with a view of submitting some remarks thereon.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Kentucky [Mr. BLACKBURN], which will be read.

The SECRETARY. Strike out, in line 2, page 5, "\$196,614.22" and insert "\$176,952.80;" so as to read:

For necessary and special facilities on trunk lines from Boston, Mass., by way of New York and Washington, to Atlanta and New Orleans, \$176,952.80.

Mr. ALDRICH. There should be a full attendance of the Senate when the amendment is voted on. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Rhode Island suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Coke,	Hunton,	Perkins,
Allen,	Cullom,	Kyle,	Pritchard,
Allison,	Davis,	Lindsay,	Pugh,
Bate,	Dixon,	Lodge,	Ransom,
Berry,	Dubois,	McLaurin,	Roach,
Blackburn,	Faulkner,	McMillan,	Sherman,
Blanchard,	Frye,	McPherson,	Stewart,
Brice,	George,	Martin,	Turpie,
Butler,	Gibson,	Mills,	Walsh,
Call,	Gorman,	Mitchell of Oreg.	White,
Camden,	Hansbrough,	Mitchell of Wis.	Wolcott.
Carey,	Hawley,	Morgan,	
Chandler,	Hill,	Pasco,	
Cockrell,	Hoar,	Peffer,	

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum of the Senate is present. The question recurs on agreeing to the amendment offered by the Senator from Kentucky. The Secretary informs the Chair that the yeas and nays have been ordered on the amendment.

Mr. RANSOM. No; the yeas and nays were not ordered.

Mr. BLACKBURN. I am speaking from memory, but my recollection is that the yeas and nays were asked by the Senator from Nebraska [Mr. MANDERSON], but were not ordered.

Mr. RANSOM. They were not ordered.

Mr. ALDRICH. I suggest that the vote be taken by a division.

Mr. BLACKBURN. I am content.

The question being put, there were on a division—ayes 18, noes 16; no quorum voting.

Mr. SHERMAN. I call for the yeas and nays on the amendment. There is a quorum here.

Mr. MITCHELL of Oregon. Let the roll be called.

Mr. CHANDLER. Nothing is in order but a call of the roll to ascertain the presence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Coke,	Hoar,	Platt,
Allen,	Cullom,	Hunton,	Pritchard,
Bate,	Davis,	Kyle,	Pugh,
Berry,	Dixon,	Lindsay,	Ransom,
Blanchard,	Dubois,	Lodge,	Roach,
Brice,	Faulkner,	McLaurin,	Sherman,
Burrows,	Frye,	McMillan,	Smith,
Butler,	Gallinger,	Martin,	Stewart,
Caffery,	Gibson,	Mitchell of Oreg.	Teller,
Call,	Hansbrough,	Mitchell of Wis.	Vest,
Camden,	Harris,	Morrill,	Vilas,
Cameron,	Hawley,	Paaco,	Walsh,
Chandler,	Higgins,	Peffer,	White,
Cockrell,	Hill,	Perkins,	Wolcott.

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. A quorum is present. The question recurs on the amendment proposed by the Senator from Kentucky [Mr. BLACKBURN], on which a division has been demanded.

Mr. SHERMAN. We may as well have the yeas and nays, Mr. President. There will be no quorum otherwise.

The yeas and nays were ordered.

Mr. TELLER. I should like to have the question stated.

The PRESIDING OFFICER. The Secretary will again state the amendment.

Mr. BLACKBURN. It is a reduction of 10 per cent upon the \$196,614.22.

The SECRETARY. In line 2, page 5, after the name "New Orleans," it is proposed to strike out "\$196,614.22" and insert "\$176,952.80."

The Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the Senator from Nebraska [Mr. MANDERSON], who is necessarily temporarily absent, and therefore I withhold my vote. If he were present I should vote "yea."

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. HAWLEY (when his name was called). On this question I am paired with the Senator from Virginia [Mr. DANIEL]. If he were present, he would vote "nay" and I should vote "yea."

Mr. HUNTON (when his name was called). My colleague [Mr. DANIEL] is paired with the Senator from Connecticut [Mr. HAWLEY]. I vote "nay."

Mr. BERRY (when the name of Mr. JONES of Arkansas was called). My colleague [Mr. JONES of Arkansas] is at home sick. He is paired with the Senator from Georgia [Mr. GORDON]. If my colleague were present he would vote "yea."

Mr. McPHERSON (when his name was called). I am paired with the Senator from Delaware [Mr. HIGGINS]. If he were present I should vote "nay."

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from Wyoming [Mr. CAREY].

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP].

The roll call was concluded.

Mr. CULLOM. I have a general pair with the Senator from Delaware [Mr. GRAY]. Not being advised how he would vote on this question, I withhold my vote.

Mr. McPHERSON. I am informed that an arrangement has been made to pair the Senator from Delaware [Mr. HIGGINS] with the Senator from Kentucky [Mr. LINDSAY], and therefore I vote. I vote "nay."

Mr. LINDSAY (after having voted in the affirmative). Under that arrangement, being paired with the Senator from Delaware [Mr. HIGGINS], I withdraw my vote.

The result was announced—yeas 18, nays 31; as follows:

YEAS—18.			
Allen,	George,	Mills,	Teller,
Bate,	Harris,	Peffer,	Vest,
Berry,	Kyle,	Roach,	Wolcott.
Call,	McLaurin,	Sherman,	
Cameron,	Martin,	Smith,	
NAYS—31.			
Alldrich,	Faulkner,	McMillan,	Pritchard,
Blanchard,	Frye,	McPherson,	Proctor,
Burrows,	Gallinger,	Mitchell of Ore.	Pugh,
Butler,	Gibson,	Morrill,	Ransom,
Camden,	Hill,	Murphy,	Stewart,
Chandler,	Hoar,	Pasco,	Walsh,
Dixon,	Hunton,	Perkins,	Washburn.
Dubois,	Lodge,	Platt,	
NOT VOTING—38.			
Allison,	Davis,	Jones of Ark.	Quay,
Blackburn,	Dolph,	Jones of Nev.	Shoup,
Brice,	Gordon,	Lindsay,	Squire,
Caffery,	Gorman,	Manderson,	Turpie,
Carey,	Gray,	Mantle,	Vilas,
Clark,	Hale,	Mitchell of Wis.	Voorhees,
Cockrell,	Hansbrough,	Morgan,	White,
Coke,	Hawley,	Palmer,	Wilson.
Cullom,	Higgins,	Pettigrew,	
Daniel,	Irby,	Power,	

So the amendment was rejected.

Mr. BLACKBURN. I ask whether the Chair has laid before the Senate the unfinished business coming over from yesterday?

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (H. R. 4609) to establish a uniform system of bankruptcy.

Mr. BLACKBURN. I ask that without prejudice the unfinished business may be temporarily laid aside, and that the Senate proceed with the consideration of the Post-Office appropriation bill.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. BLACKBURN. In line 15, on page 4, I move to strike out the words "three million two hundred and five thousand dollars" and insert in lieu thereof "two million eight hundred and eighty-four thousand five hundred dollars," which is a reduction of 10 per cent upon the existing rates paid for the rental of postal cars.

Mr. MITCHELL of Oregon. Will the Senator allow me to inquire if that is the estimate of the Department?

Mr. BLACKBURN. Exactly the amount the bill now carries is the estimate of the Department, which is \$3,205,000. As the bill came to the Senate from the House it was \$3,105,000. The Committee on Appropriations reported to amend by adding \$100,000 to this item in the bill as it came from the House, which brought the amount up to exactly the estimates of the Department. The amendment I submit is a reduction of 10 per cent.

Mr. MITCHELL of Oregon. On the estimates?

Mr. BLACKBURN. Not on the House bill, but on the estimates of the Department.

Mr. MITCHELL of Oregon. If the amendment of the Senator prevails, there will be a reduction of 10 per cent from the amount estimated by the Department.

Mr. BLACKBURN. There will be a reduction in the rates of 10 per cent upon the estimates of the Department.

Mr. MITCHELL of Oregon. A reduction of the total amount appropriated?

Mr. BLACKBURN. Precisely.

The VICE-PRESIDENT. The amendment proposed by the Senator from Kentucky will be stated.

The SECRETARY. On page 4, line 15, after the word "service," it is proposed to strike out "\$3,205,000" and insert "\$2,884,500;" so as to read:

For railway post-office car service, \$2,884,500.

Mr. ALDRICH. Mr. President, in the course of the discussion upon the amendment submitted by the Senator from Kentucky a day or two ago, I asked that Senator, he being in charge of the bill, why the Committee on Appropriations had recommended an increase over the amount appropriated by the House of Representatives, and he then said it was necessary in order to extend the postal-car service. I have no doubt that the statement he then made was the correct one, and I am surprised that the Senator having the bill in charge, the Senate having voted down by a vote which I might say was almost an overwhelming one a similar amendment in Committee of the Whole, should come here now and ask to have this appropriation cut down.

Mr. BLACKBURN. The Senator from Rhode Island, as usual, Mr. President, is technically correct. I did not say that this increase was necessary. I said that the Postmaster-General said to the subcommittee that, if the existing rates were to be maintained, the service being a constantly expanding service, it would be crippled to that extent by the reduction of \$100,000 which the House of Representatives had made below the estimates.

The Senate now having refused by a rejection of the committee amendment yesterday to peremptorily order a reduction of 10 per cent, the amendment which I now submit simply proposes to make a reduction of 10 per cent on this \$3,205,000 appropriation. There is nothing involved in the pending amendment except the naked question as to whether there shall be made in the discretion of the Postmaster-General a reduction of 10 per cent upon the payments he is now making to the railroad companies.

Mr. MITCHELL of Oregon. I should like to inquire of the Senator in charge of the bill what he had before him or what the committee which he represents had before it, which would seem to justify the reduction in the interest of the public service or the interest of economy?

Mr. BLACKBURN. If necessary I will go back over the debate which has been indulged in by various Senators for the last four days. The Senator from Wisconsin [Mr. VILAS] submitted a tabulated statement as to the present cost, showing that in less than every sixteen months the Government is paying for this postal-car service a rental per annum equal to the cost of the construction, maintenance, repair, and operation of these postal cars. That being undisputed and indisputable, I thought it was fair to assume that no injustice would be done to the railroad companies if a reduction of 10 per cent be made. For that reason I have submitted this amendment; and that is the only question involved.

Mr. HUNTON. I desire to ask the Senator from Kentucky a question. I understood him to say while on the floor a moment ago that this reduction was in the discretion of the Postmaster-General.

Mr. BLACKBURN. I did not. I said the rates of pay were in his discretion.

Mr. HUNTON. But the rates of pay can not be in the discretion of the Postmaster-General if he has not the money to pay them. As I understand, if this amendment prevails, it will be an



absolute reduction below the estimate of the Postmaster-General as to the amount necessary to run the postal cars.

Mr. BLACKBURN. Below the estimate of the Postmaster-General, predicated upon the idea that the present existing rates were to be continued.

Mr. HUNTON. No, sir; it was predicated upon the idea that the Postmaster-General still had to run the postal-car service on the old plan.

Mr. BLACKBURN. I know the word of the Senator from Virginia is good, provided it is given upon any proposition that is within the realm of his personal information; but I should like him to furnish anything in the shape of substantial evidence in support of the statement he has just made.

Mr. HUNTON. I said upon the estimate of the Postmaster-General.

Mr. BLACKBURN. The Postmaster-General makes an estimate, which the House of Representatives lacks \$100,000 of giving him, predicated upon the continuance of existing rates. This amendment is predicated upon the idea of a reduction of existing rates.

Mr. MITCHELL of Oregon. I should like to ask the Senator one other question, if it does not disturb him.

Mr. BLACKBURN. Not at all.

Mr. MITCHELL of Oregon. Is the Senate to understand that this proposition is the proposition of the committee or of the Senator himself?

Mr. BLACKBURN. It is my own proposition. The committee has not authorized it, and the amendment is offered upon my own responsibility.

Mr. MITCHELL of Oregon. Then the situation is just this: A bill comes from the other House appropriating a certain amount of money for a certain public service; the Committee on Appropriations, of which the distinguished Senator from Kentucky is the able organ, propose to increase the amount \$100,000 for reasons which, it must be assumed, were entirely satisfactory to the committee. The bill comes before the Senate, and now the member of the committee in charge of the bill, without authority from the committee, proposes a reduction of 10 per cent on the estimate of the Department. I confess I get muddled over two contradictory propositions of that kind, and scarcely know what I ought to do.

Mr. BLACKBURN. I am very much obliged to the Senator for having furnished me the opportunity of showing how unfair his statement is.

Mr. MITCHELL of Oregon. I do not want to be unfair.

Mr. BLACKBURN. I know the Senator does not, and that is the reason I am glad to correct him. The House of Representatives sent this bill here for the support of the postal service for the coming fiscal year with a reduction in this item of \$100,000 below the estimates of the Department. The Committee on Appropriations of the Senate, as stated by the Senator from Oregon, increased that amount by \$100,000 of shortage and went to the estimate of the Department. So far the Senator from Oregon is correct. Now he says that the committee having done that, I, as the representative on this bill of that committee, propose to reduce the whole amount by 10 per cent. That is not fair. The Senator has told part of the truth, but he did not take the oath usually administered in courts of justice, of which he is such an ornament professionally, and he did not tell all the truth.

The Committee on Appropriations did add \$100,000, but with it coupled an amendment, which is printed and before the Senator's eyes in italics, which was yesterday stricken out by the Senate; so that I am not running counter to the action of my committee, but, on the contrary, the committee did not report an addition of \$100,000 and stop there, but it reported an addition of \$100,000 and coupled with it a condition printed here in the bill in italics, which did at least as much as this in the direction of reduction, but that proposed amendment of the committee was yesterday beaten by a vote of the Senate. So the committee does not stand before the Senate now recommending the \$100,000 increase over the bill as it came from the House. It only recommended that increase, provided the Senate agreed to that italicized amendment which the Senate has rejected, and consequently the Committee on Appropriations is not committed to the increase of \$100,000.

Mr. MITCHELL of Oregon. How does the Senator claim that that italicized amendment is a reduction? It may or it may not be.

Mr. BLACKBURN. No, sir. It says:

Said sum shall be expended under the direction and in the discretion of the Postmaster-General, and any provision of existing law in conflict herewith is hereby repealed.

And every Senator who opposed that committee amendment took the ground that it was a repeal of the sliding schedule in the act of March 3, 1873, which would result in a reduction of compensation.

Mr. MITCHELL of Oregon. But the Senator himself admits that that sliding schedule, of which he speaks, is the old act of 1873, I believe?

Mr. BLACKBURN. Yes.

Mr. MITCHELL of Oregon. That act was subsequently amended.

Mr. BLACKBURN. It never has been amended.

Mr. MITCHELL of Oregon. It simply fixes the maximum rate beyond which the Postmaster-General can not go under the law as it stood then, as it stands now, and as it will forever stand until it is amended by this or by some other proposition. There was no fixing of rates by that except to fix the maximum. The Postmaster-General had the discretion and has the discretion now under the law to reduce the amount to whatever he thinks is a proper figure in order to do justice by the public service and at the same time exercise a proper economy on the subject.

So I do not understand, Mr. President, so far as I am concerned as a member of the Senate, that the proposed amendment of the committee in italics, of which the Senator speaks, is a reduction at all. It does not have that effect. Consequently, it at least seems to me, with all due deference to the Senator in charge of the bill, that the proposition he now submits on his own motion is in direct contradiction, as I understand it, to the proposition of the committee.

Mr. BLACKBURN. None so blind, Mr. President, as those who will not see. I submit this amendment on my own responsibility.

Mr. PLATT. Mr. President, there does not seem to be any necessity for confusion with regard to this matter. The Senate yesterday, as in Committee of the Whole, voted down two propositions by decided majorities, one a proposition to put the whole matter of the expenditure of this \$3,205,000 in the hands of the Postmaster-General. That was voted down. The second proposition to reduce the present rates 10 per cent was also voted down. Now the Senator from Kentucky seeks to reach the same end proposed by his former amendment by cutting down the rates by this amendment. That is all there is about it.

Mr. FAULKNER. I should like to ask the Senator from Kentucky one question before I vote on this motion, and that is, whether the Postmaster-General to-day under the law has not the authority to reduce the cost of this transportation if in his judgment he deems it wise and in the interest of the public service so to do?

Mr. BLACKBURN. Oh, yes; and he has had that same discretionary power for twenty-two years; but no Postmaster-General has ever yet exercised it or reduced the compensation below the maximum rates allowed by law.

Mr. FAULKNER. Is it not to be assumed that the Postmaster-General, knowing better than we do about this, thinks it is not in the interest of the public service that the reduction should be made?

Mr. BLACKBURN. That is a violent assumption, and, in my judgment, an unwarranted conclusion, when the present Postmaster-General comes before the subcommittee and says the rates are too high, and my honorable friend from Wisconsin [Mr. VILAS], who was Postmaster-General for nearly four years, stood here in a very full discussion of this amendment yesterday and concurred in the opinion of the present head of that Department that the rates are too high.

Mr. MITCHELL of Oregon. I may be mistaken, but I understood the Senator from Wisconsin yesterday to say that when he was Postmaster-General he did on more than one occasion reduce the amount below the maximum.

Mr. VILAS. That was as to the weight pay, not as to this compensation.

Mr. BLACKBURN. That was only as to the mail compensation by the hundredweight.

Mr. ALDRICH. I desire to read from the RECORD a statement made by the Senator from Kentucky [Mr. BLACKBURN] in debate on February 13. In answer to a question asked by me as to why the Committee on Appropriations saw fit to increase this appropriation the Senator from Kentucky said:

Because that service is extending every day and more money will be needed every year, even though you reduce the rates.

Mr. BLACKBURN. I say so now.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Kentucky [Mr. BLACKBURN].

Mr. BRICE. Mr. President, I do not understand that this is an amendment offered by the Committee on Appropriations.

Mr. BLACKBURN. No, sir.

Mr. BRICE. But by an individual member of the Committee on Appropriations.

The VICE-PRESIDENT. That is correct.

Mr. BRICE. Mr. President, as a member of that committee I oppose the amendment for the reason given in the extract read by the Senator from Rhode Island [Mr. ALDRICH], which appears in the RECORD of the 13th instant, and for the further reason that after this amendment shall be disposed of I purpose offering an amendment to another portion of the bill dividing the appropriation made for the fast-mail service between the railroad lines running from the Northeastern portion of the country to the Southern States, and a similar line extending from the North-

western portion of the country to the Southern States. I desire the appropriation to be increased for the fast-mail service rather than diminished.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Kentucky [Mr. BLACKBURN].

Mr. BLACKBURN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I should vote "yea," but I am paired with the senior Senator from Nebraska [Mr. MANDERSON], who is necessarily absent to-day.

Mr. CULLOM (when his name was called). I have a general pair with the senior Senator from Delaware [Mr. GRAY]. Not knowing how he would vote, I withhold my vote. If I were at liberty to vote I should vote "nay."

Mr. GIBSON (when his name was called). I am paired with the junior Senator from Michigan [Mr. BURROWS], and withhold my vote.

The roll call was concluded.

Mr. BLACKBURN. I transfer my pair with the senior Senator from Nebraska [Mr. MANDERSON] to the Senator from South Carolina [Mr. IRBY] and vote "yea."

Mr. BATE. I am paired with the Senator from Georgia [Mr. GORDON]. I transfer my pair to the Senator from Arkansas [Mr. JONES] and vote "yea."

Mr. BURROWS. I am paired with the junior Senator from Maryland [Mr. GIBSON].

The result was announced—yeas 19, nays 36; as follows:

YEAS—19.			
Allen,	Cameron,	McLaurin,	Teller,
Bate,	George,	Martin,	Turpie,
Berry,	Harris,	Mills,	Vest,
Blackburn,	Kyle,	Pasco,	Vilas.
Call,	Lindsay,	Roach,	
NAYS—36.			
Aldrich,	Dubois,	McMillan,	Platt,
Blanchard,	Faulkner,	McPherson,	Power,
Brice,	Frye,	Mantle,	Pritchard,
Camden,	Gallinger,	Mitchell of Oreg.	Proctor,
Carey,	Hawley,	Mitchell of Wis.	Pugh,
Chandler,	Higgins,	Morrill,	Ransom,
Clark,	Hoar,	Murphy,	Smith,
Davis,	Hunt,	Peffer,	Stewart,
Dixon,	Lodge,	Perkins,	Washburn.
NOT VOTING—32.			
Allison,	Dolph,	Irby,	Sherman,
Burrows,	Gibson,	Jones of Ark.	Shoup,
Butler,	Gordon,	Jones of Nev.	Squire,
Caffery,	Gorman,	Manderson,	Voorhees,
Cockrell,	Gray,	Morgan,	Walsh,
Coke,	Hale,	Palmer,	White,
Cullom,	Hansbrough,	Pettigrew,	Wilson,
Daniel,	Hill,	Quay,	Wolcott.

So the amendment was rejected.

Mr. BRICE. I move to insert on page 5, line 2, after the words "New Orleans:"

And for necessary and special facilities on trunk lines from Louisville, Covington, and Newport, Ky., and Cincinnati, Ohio, to Chattanooga and Nashville, Tenn., for Atlanta, Ga., Knoxville, Tenn., Birmingham, Ala., Meridian, Miss., New Orleans, La., and Texas points.

Mr. HUNTON. I raise the point of order on the amendment.

Mr. BRICE. The effect of the amendment is not to increase the appropriation, but to divide the special appropriation which has heretofore, by the previous wording of the act, been taken away from the supervision of the Postmaster-General and expended entirely east of the Blue Ridge. It is to divide that sum between the line extending from the Northeastern States to the Southwestern States and another line extending from Chicago, Cleveland, Cincinnati, Louisville, and that region to the same destination.

Mr. LODGE. It is true the amendment does not raise or lower an appropriation, but it does alter existing law by dividing an existing fund and changing the law in regard to it. That fund is now by law used for the fast carriage of mails between certain points. It is now proposed to compel a division of an already existing fund by a fast-mail route to other points. The amendment also diverts a portion of the appropriation to a purpose for which no estimate has been submitted.

Mr. RANSOM. Not a bit.

Mr. LODGE. And it has not been considered, so far as I know, by any committee of the Senate. I think the point of order is well taken.

Mr. CALL. I have an amendment to that of the Senator from Ohio [Mr. BRICE], if he will accept it, providing for special facilities to Havana, Cuba, via Key West, Fla.

Mr. BRICE. I accept the amendment.

Mr. CALL. I will state to the Senate that this appropriation for many years was confined to the fast-mail service from Springfield, Mass., over the Coast Line, via Jacksonville, Tampa, Key West, to Havana, Cuba. It was justified by the fact that it was no expense to the Government, as the returns from the foreign

mails contributed, if not entirely, very largely to that fund. Last year the appropriation was taken away from that line and given to a route via New Orleans. I make no objection to that, although we opposed it at the time. But I ask that it shall now embrace a line through Florida.

The VICE-PRESIDENT. Does the Senator from Florida propose an amendment?

Mr. CALL. The Senator from Ohio [Mr. BRICE] has accepted the amendment which I propose to his amendment.

Mr. ALDRICH. Let the amendment to the amendment be stated.

The SECRETARY. Add to the amendment the words:

For necessary and special facilities on trunk lines via Jacksonville, Tampa, and Key West, Fla., to Havana, Cuba.

Mr. BRICE. If the Senator from Florida will strike out the last three words, "to Havana, Cuba," I will accept the amendment.

Mr. CALL. I strike out those words.

Mr. LODGE. I do not think the modification offered by the Senator from Florida makes the amendment any less obnoxious to the point of order. It seems to me it rather increases it. It would bring in still further legislation that has not been passed upon by any committee or estimated for by any Department, and introduces still more general legislation. I think the point of order lies against it the same as before.

Mr. CALL. I submit to the Senator from Massachusetts that a similar provision was in the law last year for fast-mail facilities from Springfield, Mass., via New York, Washington, Richmond, Charleston, Savannah to Jacksonville, Tampa, and so on.

It was altered in an appropriation act just as this is proposed. For many years it was the existing law, and then it was altered by a change in the appropriation contained in the last appropriation act. So there is no foundation in the precedents of the Senate for the proposition of the Senator from Massachusetts.

The VICE-PRESIDENT. The Chair overrules the point of order. The question is on agreeing to the amendment as modified.

Mr. GEORGE. I should like to have the whole amendment read, so that we will know how it stands.

The VICE-PRESIDENT. The amendment as modified will be read.

The SECRETARY. On page 5, line 2, after the words "New Orleans," insert:

And for necessary and special facilities on trunk lines from Louisville, Covington, and Newport, Ky., and Cincinnati, Ohio, to Chattanooga and Nashville, Tenn., for Atlanta, Ga., Knoxville, Tenn., Birmingham, Ala., Meridian, Miss., New Orleans, La., and Texas points, and for necessary and special facilities on trunk lines via Jacksonville to Tampa and Key West, Fla.

Mr. LODGE. I move to lay the amendment on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from Massachusetts to lay the amendment on the table.

Mr. MARTIN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I transfer my general pair with the Senator from Nebraska [Mr. MANDERSON] to the Senator from South Carolina [Mr. IRBY], and vote "nay."

Mr. BATE (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON]. I transfer that pair to the Senator from Arkansas [Mr. JONES], and vote "nay."

Mr. SQUIRE (when his name was called). I have a general pair with the Senator from Virginia [Mr. DANIEL]. On the assurance of his colleague [Mr. HUNTON] that it would be proper for me to vote on this question, I vote "nay."

The roll call was concluded.

Mr. WHITE. I am paired with the Senator from Idaho [Mr. SHOUP].

Mr. TURPIE. I inquire whether the Senator from Minnesota [Mr. DAVIS] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. TURPIE. I withhold my vote, being paired with that Senator.

Mr. COKE. I am paired with the Senator from Oregon [Mr. DOLPH].

The result was announced—yeas 33, nays 23; as follows:

YEAS—33.			
Aldrich,	Gray,	Mitchell of Oreg.	Ransom,
Blanchard,	Hansbrough,	Morrill,	Squire,
Camden,	Hawley,	Murphy,	Stewart,
Carey,	Higgins,	Palmer,	Vilas,
Chandler,	Hill,	Pasco,	Walsh,
Cullom,	Hoar,	Platt,	Washburn.
Dixon,	Hunt,	Pritchard,	
Frye,	Lodge,	Proctor,	
Gallinger,	McMillan,	Pugh,	
NAYS—23.			
Allen,	Cameron,	McLaurin,	Perkins,
Bate,	Faulkner,	McPherson,	Roach,
Berry,	George,	Martin,	Teller,
Blackburn,	Harris,	Mills,	Vest,
Brice,	Kyle,	Mitchell of Wis.	Wolcott.
Call,	Lindsay,	Peffer,	



## NOT VOTING—31.

Allison,  
Burrows,  
Butler,  
Caffery,  
Clark,  
Cockrell,  
Coke,  
Daniel,

Davis,  
Dolph,  
Dubois,  
Gibson,  
Gordon,  
Gorman,  
Hale,  
Irby,

Jones of Ark.  
Jones of Nev.  
Manderson,  
Mantle,  
Morgan,  
Pettigrew,  
Power,  
Quay,

Sherman,  
Shoup,  
Smith,  
Turple,  
Voorhees,  
White,  
Wilson.

So the amendment was laid on the table.

Mr. BLACKBURN. I ask permission to have the totals corrected so as to make them conform to the action of the Senate in amending the bill.

The VICE-PRESIDENT. Without objection it will be so ordered.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

## AGRICULTURAL APPROPRIATION BILL.

Mr. CALL. I ask unanimous consent to call up the agricultural appropriation bill, without displacing the unfinished business.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8727) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1896, which had been reported from the Committee on Appropriations with amendments.

Mr. CALL. The Senator from Mississippi [Mr. GEORGE] desires to have it distinctly stated that the agricultural appropriation bill has been taken up temporarily, without displacing the regular order, which is the bankruptcy bill.

The VICE-PRESIDENT. It is so understood. The reading of the bill will proceed.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, on page 3, line 23, before the word "hundred," to strike out "eight" and insert "six;" and on page 4, line 2, before the word "hundred," to strike out "eight" and insert "six;" so as to make the clause read:

Division of botany: One botanist and curator of the herbarium, \$2,500; one assistant botanist, \$1,600; one assistant botanist, \$1,400; one assistant curator, \$1,200; one botanical clerk, \$1,000; one botanical clerk, \$900; in all, \$8,600.

The amendment was agreed to.

The next amendment was, on page 4, line 14, before the word "hundred," to strike out "eight" and insert "six;" and in line 19, before the word "and," to strike out "ten thousand" and insert "nine thousand eight hundred;" so as to make the clause read:

Division of economic ornithology and mammalogy: One ornithologist who shall be chief of division, \$2,500; one assistant ornithologist, \$1,600; one assistant ornithologist, \$1,500; one assistant ornithologist, \$1,400; one clerk of class 1, \$1,200; one clerk, at \$1,000; one clerk, at \$900; in all, \$9,500.

The amendment was agreed to.

The next amendment was, on page 4, line 22, before the word "hundred," to strike out "eight" and insert "six;" and in line 24, before the word "hundred," to strike out "five" and insert "three;" so as to make the clause read:

Division of pomology: One pomologist, \$2,500; one assistant pomologist, \$1,600; one clerk of class 1, \$1,200; one clerk, at \$1,000; in all, \$6,300.

The amendment was agreed to.

The next amendment was, on page 5, line 8, before the word "hundred," to strike out "eight" and insert "six;" and in line 11, before the word "hundred," to strike out "five" and insert "three;" so as to make the clause read:

Division of vegetable physiology and pathology: One pathologist, \$2,500; one assistant pathologist, \$1,600; one assistant pathologist, \$1,300; one clerk, at \$1,000; in all, \$6,400.

The amendment was agreed to.

The next amendment was, on page 5, line 21, before the word "hundred," to strike out "eight" and insert "six;" and in line 25, before the word "hundred," to strike out "five" and insert "three;" so as to make the clause read:

Division of forestry: Chief of division, \$2,500; one assistant chief of division, \$1,600; one clerk, class 2, \$1,400; one clerk, class 1, \$1,300; one clerk, at \$900; one clerk, at \$720; in all, \$8,320.

The amendment was agreed to.

The next amendment was, on page 6, line 14, to increase the total appropriation for the division of seeds from \$12,120 to \$13,720; so as to make the clause read:

Division of seeds: One chief of division, \$2,000; one expert, \$1,800; two clerks of class 1, \$2,400; one skilled laborer, \$1,000; eight employees, at \$340 each, who shall in addition to other duties execute the requests of Senators, Representatives, and Delegates in Congress for the distribution of seeds among their constituents; in all, \$13,720.

The amendment was agreed to.

The next amendment was, on page 6, line 17, before the word "hundred," to strike out "eight" and insert "six;" and in line 20, before the word "and," to strike out "seven thousand" and insert "six thousand eight hundred;" so as to make the clause read:

Document and folding room: One superintendent, \$1,600; two chief folders, at \$1,000 each; one folder, at \$540; four folders, at \$600 each; in all, \$6,840.

The amendment was agreed to.

The next amendment was, on page 7, line 2, to increase the total appropriation for salaries from \$251,240 to \$251,640.

The amendment was agreed to.

The reading of the bill was continued to line 23 on page 14.

Mr. PLATT. I wish we might have some explanation of the amendment which is now reached. There is no objection to reading it. It has to be read, but I hope when it is read the Senator in charge of the bill will explain to the Senate what it means.

Mr. CHANDLER. I shall desire to ask the Senator having charge of the bill one or two questions in relation to those provisions.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 14, after line 23, insert:

Provided, That section 2 of the act entitled "An act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, and for other purposes," approved March 3, 1891, be amended to read as follows:

"SEC. 2. That the Secretary of Agriculture shall also cause to be made a careful inspection of all live cattle, the meat of which, fresh, salted, canned, corned, or packed, is intended for exportation to any foreign country, at such times and places and in such manner as he may think proper, with a view to ascertain whether said cattle are free from disease and their meat sound and wholesome, and may appoint inspectors who shall be authorized to give an official certificate clearly stating the condition in which such cattle and meat are found, and no clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef for exportation to and sale in a foreign country from any port in the United States until the owner or shipper shall obtain from an inspector appointed under the provisions of this act such certificate."

Also, that section 4 of said act be so amended as to read as follows:

"SEC. 4. That said examination shall be made in the manner provided by rules and regulations to be prescribed by the Secretary of Agriculture, and after said examination the carcasses and products of all cattle, sheep, and swine found to be free of disease and wholesome, sound, and fit for human food shall be marked, stamped, or labeled for identification as may be provided by said rules and regulations of the Secretary of Agriculture. Any person who shall forge, counterfeit, simulate, imitate, falsely represent, or use without authority, or knowingly and wrongfully alter, deface, or destroy any of the marks, stamps, or other devices provided for in the regulations of the Secretary of Agriculture, of any such carcasses or their products, or who shall forge, counterfeit, simulate, imitate, falsely represent, or use without authority, or knowingly and wrongfully alter, deface, or destroy any certificate or stamp provided in said regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$1,000, or imprisonment not exceeding one year, or by both said punishments, in the discretion of the court."

Mr. CHANDLER. As I read the new section 2, a substitute for the former act, it provides for an inspection of all live cattle, the meat of which is to be exported in any form; and it provides that no vessel shall have a clearance having on board any meat in any form without a certificate that the cattle have been examined. As I read the section there can be no export of any canned meats whatever unless a certificate is furnished that the live cattle from which the canned meats were put up were inspected before they were slaughtered.

I should like to ask whether it is the intention of the amendment not merely that live cattle shall be inspected before they are slaughtered, but that an iron rule is to be laid down by this statute so that all canned meats in the United States are to be withheld from exportation unless the owners of the canned meats are able to furnish a certificate that the live cattle from which the meats were made were inspected before they were killed. If that is the purpose of the amendment, it seems to me that it goes too far.

The Senate is laboring under the disadvantage that the committee propose upon an appropriation bill to reenact a section of a statute, which statute, of course, is not before the Senate. We may send for it, we may examine it, but we may not be able upon a cursory examination to determine what is the difference between the existing law and the law as it is proposed to be enacted by the committee. Therefore, we are in the dark upon this subject. We are asked upon an appropriation bill to go it blind upon the authority of the Committee on Appropriations, and to reenact a very important statute, a statute of great moment and possibly of great usefulness, when necessarily we are without information as to the changes which are proposed to be made in the existing law.

The Senator from Florida doubtless understands these provisions, and I trust he will, in the lucid manner which always characterizes his statements, kindly tell us what the changes between the existing law and the proposed law are. Then we may be able to satisfy our consciences and vote, without carefully studying the old law and the proposed new law.

Mr. CALL. Mr. President—

Mr. PLATT. Mr. President, before the Senator from Florida makes his explanation I desire to say that the law which it is proposed to amend is not indexed in any of our statutes; it can not be found by examining the index; but it is on pages 1089 and 1090 of volume 26 of the Statutes at Large. If Senators desire to examine it they can find it at the pages I have named.

Mr. CALL. Mr. President, the amendment is recommended by two committees of the Senate, the Committee on Agriculture and Forestry and the Committee on the Inspection of Meat Products. The original act to which this is an amendment, recommended by the Secretary of Agriculture and by two committees of the Senate, is to be found on page 1090 of the Statutes at Large, volume 26, and is as follows:

SEC. 2. That the Secretary of Agriculture shall also cause to be made a careful inspection of all live cattle the meat of which is intended for exportation to any foreign country.

The only difference is that by the amendment the meat of all animals intended for export to other countries is required to be inspected and is in detail mentioned, as canned and other meats. That is because of the correspondence which I shall send to the Secretary's desk to have read.

The amendment was introduced by the Senator from Missouri [Mr. VEST], then the chairman of the Committee on Meat Products, was submitted to the Secretary of Agriculture, and by him recommended. I shall send to the desk to be read a letter of the Attorney-General, which was brought out by the fact that it was reported to the Department of Agriculture that quite an extensive business was being carried on in the exportation of canned meats, which were labeled as having passed inspection, but which had never been submitted to inspection; and there was no penalty provided in the original law by which this fraud upon the revenue laws and the inspection laws could be punished. So the Secretary of Agriculture submitted the question of an amendment to this law, in order that an inspection might be made, so that all exporters of the products of cattle, as specified in the original act, might be punished provided there was not a compliance with the act. It was understood that our relations with foreign countries had been complicated and great injury had occurred to the large interests which were dependent upon our exportation to foreign markets, and that this evasion of the law by sending products of diseased cattle abroad in cans was inflicting a serious damage upon the exporting business of the country.

Mr. ALLEN. I should like to ask the Senator if these canned goods are sent abroad labeled as having been inspected by the authorities of the United States.

Mr. CALL. It has been so reported by the Secretary of Agriculture.

Mr. ALLEN. Has that meat been imposed upon the purchasers of foreign countries to any extent?

Mr. CALL. It has been so reported. It was the belief of the Secretary of Agriculture, from the information obtained by him, that there was danger of serious injury to the exportation of meat products because of this evasion of the law.

Mr. ALLEN. To what extent has this evasion been carried?

Mr. CALL. I can not inform the Senator; but to a very considerable extent. There was one firm which was regularly engaged in the business of exporting meats in cans which were stamped as having been inspected which had never been subjected to inspection.

Mr. ALLEN. Does the Senator from Florida say there is no statute to prevent a fraud of that kind?

Mr. CALL. The Attorney-General of the United States has replied to the Secretary of Agriculture that there is no penalty provided in the law sufficient to prevent this fraud. I will send to the desk the letter of the Attorney-General.

Mr. PLATT. What is it that the Senator asks to have read?

Mr. CALL. A letter of the Attorney-General in reply to one from the Secretary of Agriculture in reference to this subject.

Mr. PLATT. Let it be read.

The VICE-PRESIDENT. The letter will be read.

The Secretary read as follows:

DEPARTMENT OF JUSTICE,  
Washington, D. C., February 4, 1895.

SIR: I am in receipt of your favor of the 31st ultimo, calling attention to a label for canned corned beef used by Mr. William Manning Hardy, of Victor, Cal., which label contains the statement that the meat contained in the can has been inspected according to law enacted by Congress March 3, 1891, regulating inspection of meats. I understand you to say that this statement is an entire misrepresentation and to inquire whether or not it can be made the subject of a criminal prosecution.

I regret that a careful examination of the statutes of the United States fails to show that Congress has provided for the punishment of such a fraud as that committed by the false statement contained in the label above referred to.

Respectfully, yours,

RICHARD OLNEY, Attorney-General.

The honorable SECRETARY OF AGRICULTURE.

Mr. PLATT. Mr. President, this whole subject of the inspection of meats and of cattle the meat of which is intended for exportation, has been a matter which has received the most careful attention of the Senate and the committees having the subject in charge. Two or three bills have been hastily passed heretofore, and soon after their passage it was found that they were likely to work great injustice, hardship, and trouble, and they were recalled, recommitted, and amended. I speak of this for the purpose of showing how vicious and how utterly indefensible is this kind of legislation on appropriation bills, and I shall make the point of order when I have concluded that this whole legislation is out of order. That we should be called upon in a matter of this gravity and importance, without ever having known that any such legislation was to be proposed, without ever having seen the amendment, which was only printed this morning, without ever having been advised that any change was to be made in our laws relating to the inspection of our cattle or meat for foreign export, I think is utterly indefensible.

We do not many of us understand the business. I venture to say that there are not three Senators in this Chamber who have

any practical knowledge of this business. I venture to say that the Senator from Florida, who is in charge of the bill, has no practical knowledge of this business of the exportation of meat. I do not know how many members of the Appropriations Committee have any practical knowledge of that subject. I venture to say that they have not heard from the people who are engaged in the business of exporting. I know that whenever we have attempted to pass bills upon this subject in haste and without much consideration we have heard very quickly from the persons who are engaged in the business of meat exportation.

I fear very much, Mr. President, that there is trouble in this amendment. I do not know that I understand it, but I find that the old statute provided that when cattle were intended for export they should be inspected. That was by section 1. When the meat of cattle was intended for exportation the cattle should be inspected, and a certificate given, "stating the condition in which such cattle and meat are found."

This is in the old statute:

And no clearance shall be given to any vessel having on board any fresh beef for exportation to and sale in a foreign country from any port of the United States until the owner or shipper shall obtain from an inspector appointed under the provisions of this act such certificate.

That is all the statute we have on the subject now, that cattle which are to be exported shall be inspected before exportation, and cattle which are to be slaughtered for the export of their meat in a fresh condition shall also be inspected before slaughtered, and a certificate given to the vessel which takes the quarters of beef or the carcasses of mutton, the fresh meat, abroad that the cattle were free from disease when killed. Now, what does this bill propose? It proposes:

SEC. 2. That the Secretary of Agriculture shall also cause to be made a careful inspection of all live cattle—

Whether it applies to pork or not, I do not know—

the meat of which, fresh, salted, canned, corned, or packed, is intended for exportation to any foreign country, and no clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef for exportation to and sale in a foreign country from any port in the United States until the owner or shipper shall obtain from an inspector appointed under the provisions of this act such certificate.

In other words, the present law being that the meat of cattle which have been slaughtered to be exported shall be inspected, it is now proposed to provide that no corned beef, no canned beef, no packed beef shall be exported unless the person exporting the same proves that the cattle which produced that meat were inspected when alive. It may be all very well for the great beef packers who live out in Chicago to give them the entire export business in beef, but it is not so well for the rest of the country. There are a good many people in the country who would desire to engage in the exportation of canned meats and salted meats and packed beef, but they would be cut off from it entirely. No one will be able to export, if this provision should be enacted into law, except the man who slaughters the cattle. There is no provision here by which the packages can be so marked and identified that they can be exported by anyone else. I do not know but that this is all right, but I do not like to pass a law in this way.

The astonishing thing about it is that, so far as I know, there has been no suggestion of a repeal or of an amendment of the existing law at the present session of Congress. I do not know what the Secretary of Agriculture may have thought about it, but certainly the attention of no committee has been called to it. I have the honor, Mr. President—and I think I am properly grateful to the Senate for the honor conferred upon me—of being chairman of the Committee on Transportation of Meat Products, and I should have supposed possibly, if anything of this kind was intended, that such a bill might have come to my committee or have gone to the Committee on Agriculture and Forestry, or to the Committee on the Judiciary, which had charge of the bill which was originally passed and became a law.

Mr. CULLOM. Will the Senator allow me to interrupt him?

Mr. PLATT. Certainly.

Mr. CULLOM. A bill, I think exactly in the terms of the amendment proposed by the Committee on Appropriations, came from the Committee on Agriculture and Forestry, was reported, I believe, to the Senate, and referred to the Committee on Appropriations by the distinguished Senator from Kansas.

Mr. PLATT. I was not aware of the fact that it had been before any committee. Certainly it has not heretofore been brought to the attention of the Senate.

Mr. CALL. If the Senator will allow me to interrupt him, I will state that it has been before two standing committees of the Senate, and been reported by them.

Mr. PLATT. If it had been called up for action I venture to say that it would not have been supposed that it could pass the Senate in the course of ten or fifteen minutes, as it is expected to pass upon an appropriation bill.

There is only one other thing which I desire to say, and that is that in the last year or two a foreign nation has undertaken to retaliate upon the United States for some action of this Congress by



barring out our meats. For one, I do not propose to engage in the repeal of any legislation which we have heretofore passed, or in the amendment of any act now existing, at the dictation of a foreign government. If Germany wants to retaliate, it is a game at which two can play, and the best return for that proposed retaliation, as is thoroughly understood in this country, is to make use of the powers which we now have for retaliating upon Germany. I have very little respect for legislation which attempts to conciliate Germany in her treatment of our meats by making the laws of the United States satisfy Germany.

I make the point of order on the amendment, Mr. President.

Mr. CHANDLER. I hope the Senator will withdraw the point of order for two reasons. In the first place, he can renew it after the discussion is over—

Mr. PLATT. I waive the point of order for the present, and reserve the right to make it later.

Mr. CHANDLER. And again, if here is a wise and important object to be accomplished it would be well enough unanimously to accomplish that object by an amendment to this bill.

Mr. CALL. If the Senator will allow me, the understanding that we had was that, in the consideration of the pending appropriation bill, the bill should be read through and the committee amendments first acted upon. Then, after the bill had been read through, individual amendments might be offered and discussed. I have no objection to amendments being discussed, but I hope no points of order will be made on them for the present.

Mr. CHANDLER. I should like to make some suggestions about this section now.

Mr. CALL. I was speaking of the point of order.

Mr. CHANDLER. The Senator from Connecticut has withdrawn the point of order for the present.

Mr. CALL. So far as discussing the amendment is concerned, I have no objection.

Mr. CHANDLER. Mr. President, the original law, as the Senator from Connecticut has shown, was perfectly clear and distinct. It was that no fresh meat should be exported unless the live animals had been inspected and a certificate given. Now, the Committee on Appropriations propose to reenact that provision and to insert the words "fresh, salted, canned, corned, or packed," and to require the inspection of the live cattle from which that meat is salted, canned, corned, or packed to be exported, or otherwise no ship which has any meat so put up can get a clearance for a foreign port.

Mr. CALL. I wish to call the Senator's attention to the fact that he has not, I think, considered carefully the language of the original act.

Mr. CHANDLER. I have given such study to it that I know exactly what the effect of it will be. The effect of it will be simply that no single pound or barrel of fresh meat, salted meat, canned meat, corned meat, or packed meat which is in this country on the day when this act takes effect can be exported to a foreign country. I call the attention of the Senator from Illinois [Mr. CULLOM] to the fact that here is a proposed law which puts an absolute embargo against the exportation of a single pound or a single barrel of the whole quantity of salted meat, canned meat, corned meat, and packed meat now in existence within the limits of the United States. I do not believe that that was the intention of the committee; but that is the plain meaning of this proposed statute. The law was consistent as it stood, because it was easy for any person intending to export fresh meats to have the cattle inspected; but take all the present owners of all the salted meat in this country, if they want to export it, they can not export it unless they can furnish to the collector of customs a certificate that the cattle from which that meat was put up were inspected by a Government inspector under the act of 1891.

Mr. President, there is not any such salted meat in the country, there is not any such canned or corned or packed meat in the country. It has all been put up with due precautions taken by the persons who have put it up, but in no case with an inspection of the live animal from which the meat came. I suppose the Senator from Illinois is a better judge than I am on that subject; but I suppose there are to-day millions of dollars' worth of canned, salted, corned, or packed meats in this country. The Senator from Connecticut [Mr. PLATT] says, "Undoubtedly."

Now, I call his attention to the fact that not one pound or one cask or one barrel of that meat can be exported unless the owners of it can hunt up the live cattle from which it was taken, get those live cattle inspected by the inspectors, and take that certificate to the collector of customs when the meat is to be exported. I ask the Senator from Florida how, in Heaven's name, you are going to find the live cattle from which these millions of dollars' worth of meat have been prepared and get the certificate required by this proposed law, that the cattle were inspected before they were killed? This, it seems to me, is a patent absurdity.

Mr. VEST. If the Senator will permit me, that is the most extraordinary position I have ever heard in regard to the operation of a statute.

Mr. CHANDLER. The Senator has not read the extraordinary statute we are considering.

Mr. VEST. Mr. President, I drew it. [Laughter.] The idea that this statute is to exclude from exportation canned, salted, and packed meats which are now in existence is the most extraordinary legal proposition I have ever heard.

Mr. CHANDLER. There is not any doubt about it, I will say, with all respect to the Senator.

Mr. VEST. This proposed law will apply, of course, from the time it takes effect to all meat and cattle intended for exportation.

Mr. CHANDLER. It does not say so.

Mr. VEST. It says this—and no lawyer, it seems to me, would put any other construction upon it—

That the Secretary of Agriculture shall also cause to be made a careful inspection of all live cattle the meat of which, fresh, salted, canned, corned, or packed, is intended for exportation to any foreign country—

As a matter of course, in the future. It is impossible that any man could come now and say that he had put up canned meat not intended for exportation, but had changed his mind and concluded to export it, and then that this statute applied to it. It can only have operation in futuro and not an ex post facto operation. That is so clear that I hardly think it is necessary to make any argument about it.

Mr. CHANDLER. Of course the Senator from Missouri is at liberty to say that no lawyer ought to differ with him on a question of this kind, or that a person who differs with him is no lawyer; but I call the attention of the Senator to the last clause here:

And no clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef for exportation to and sale in a foreign country from any port in the United States until the owner or shipper shall obtain from an inspector appointed under the provisions of this act such certificate.

What kind of a certificate? A certificate that there has been made a careful inspection of the live cattle; and if there can be any doubt about it I wish the Senator would expound still more. We will say that in the city of New York there is a million dollars' worth of salt meat. It is taken from the warehouse containing it to the dock and put on board a ship going abroad. The ship is about to sail. A Government inspector comes to the ship and says, "Here, you have on board salt meat for exportation to and sale in a foreign country from the port of New York. Where is your certificate that the live cattle from which the meat came were inspected before the cattle were killed?" I say as a lawyer that if that certificate can not be produced the vessel can not get its clearance, and the meat must be taken off the ship. There can not be any doubt about it.

The Senator from Missouri, I think, was not so good a lawyer when he drew this provision as he was when he made the tariff bill.

If the Senator from Florida [Mr. CALL] will frankly say that there is a mistake here in the provision and that it ought to be withdrawn for repairs, that course will be entirely satisfactory. I think the committee ought to do that. I have no idea the Senator from Missouri will admit that he is mistaken about it, and yet there is the express provision of the statute that no ship having any salted, canned, corned, or packed meat on board shall get a clearance unless a certificate can be produced that the live cattle were inspected before they were slaughtered.

Mr. HARRIS. Will the Senator from New Hampshire allow me to make a suggestion? The bill is now on its first formal reading. We have reached about midway through the bill. No amendment has been acted upon as yet, and the reading of the bill has not been concluded. The amendment now under debate is not before the Senate for action at present.

Mr. CHANDLER. The Senator from Tennessee is mistaken about that.

Mr. PLATT. Oh, yes.

Mr. CULLOM. The bill is being read the first time, and the amendments of the committee are being acted upon.

Mr. CHANDLER. The amendments of the committee are now being acted upon.

Mr. HARRIS. On the contrary, I understand no amendment has been acted upon.

Mr. CHANDLER. For once in his life the Senator from Tennessee is wrong—only once.

Mr. HARRIS. If the Senator from New Hampshire is right, I grant I am wrong; but that may generally be said as to differences between the Senator from New Hampshire and myself.

Mr. CHANDLER. For once the Senator from Tennessee is wrong about the parliamentary situation of a bill.

Mr. HARRIS. Mr. President, I ask for information, for I was informed that we had not acted upon any amendments.

The VICE-PRESIDENT. The committee amendments have been acted upon as they were reached.

Mr. HARRIS. Then I was misinformed as to the matter. The Senator from New Hampshire is rarely, but now strictly, in order.

Mr. CHANDLER. I accept the Senator's gracious apology in the same spirit in which it was tendered.

I had hoped the Senator from Tennessee rose to tell us how the owners of the present stock of salted, canned, corned, and packed meat in this country who want to export their property can get it exported. I know of no way. I can not see any escape from the result, under the proposed law, that they must produce a certificate that the live cattle were inspected from which the meat came. If I am right about it, then all the owners of the present packed meats of this country are wholly cut off from their foreign market. Not a barrel, not a thousand barrels, not a can, not a hundred thousand cans of the existing stock can get to a foreign market, and the whole market for the next year or two years, while the existing stock is being consumed at home, is to be given to these great packers of meat who will have the cattle examined before they are killed, have the meat packed, and send it abroad.

I do not think the committee intended anything of the kind, but that is exactly what the committee have done. They have legislated a reduction in the values of all the existing stock of meat products of from 10 to 15 per cent; and the profits to be made by exporting meats for the next two years will be put into the pockets of the great slaughterers of meat in the cities of Chicago, St. Louis, and Kansas City. I will say to the Senator from Missouri. I do not say that when the Senator drew the provision he had any purpose of that sort. I have no idea that he did. I should not think of attributing that motive to the Senator, because I know he is unselfish, patriotic, and liberal in all his legislative acts. But here is the fact, and it shows this condition of things.

I am merely reiterating the point made so well by the Senator from Connecticut [Mr. PLATT], the point which we have had occasion to make in discussing the recent Post-Office appropriation bill, that there is the utmost danger in legislating upon appropriation bills. It is not good business and it is not good politics. The present Congress certainly ought to be allowed to expire without the passage of any important bills except the appropriation bills and such financial legislation as the able and learned and harmonious Committee on Finance may submit for the consideration of the Senate.

Mr. CULLOM. Mr. President, I do not care to take up the time of the Senate in discussing this matter at length, but the fact is that the amendment which the Appropriations Committee finally incorporated in the bill came from the Committee on Agriculture, composed of able lawyers as well as able agriculturists. As has been stated by the honorable Senator from Missouri [Mr. VEST], it was drawn by him, and I think in addition it was submitted to the Secretary of Agriculture.

Generally, I am not much in favor of enacting general legislation on appropriation bills. I have thought all the time that we undertake to do too much of that, and I think perhaps I expressed myself in that manner when this measure was under consideration in the committee. But, in the estimation of both Houses of Congress, it seems to have become to an extent a necessity in order to legislate in the interest of the people.

So far as concerns the point made by the Senator from New Hampshire [Mr. CHANDLER] that all the canned meats now on hand will be subject to the law, I think the Senator from Missouri [Mr. VEST] answered it fully and completely. The proposed law does not apply to the stock now on hand, but becomes operative as to the products canned or packed after the bill shall have become a law. Let us see what the exact situation is, so far as I can discover. The bill provides—

That the Secretary of Agriculture shall also cause to be made a careful inspection of all live cattle, the meat of which, fresh, salted, canned, corned, or packed, is intended for exportation to any foreign country.

The phraseology, "fresh, salted, canned, corned, or packed," which is inserted, I understand, is new legislation. The law as it stands upon the statute books provides for the inspection of live cattle, the meat of which is intended for exportation. I suppose the meat of the cattle can be fresh or salted, canned, corned, or packed, whichever condition it may be the desire of the men engaged in the business to convert the meat into. So the law as it stands now really seems to cover the same ground, so far as that matter is concerned, as the statute which we are attempting to enact.

But let us go a little further. The Senator from New Hampshire makes a good deal of opposition to the proposed statute because he says we can not find the cattle. Of course we can not find them after they have been slaughtered and the meat has been canned. But what does the present law provide with reference to canning?

The Secretary of Agriculture shall cause to be inspected prior to their slaughter, all cattle, sheep, and hogs which are subjects of interstate commerce and which are about to be slaughtered at slaughter-houses, canning, salting, packing, or rendering establishments in any State or Territory the carcasses or products of which are to be transported and sold for human consumption in any other State or Territory—

Under such regulations as the Secretary of Agriculture sees proper to prescribe. The present law provides for the inspection

of cattle, sheep, and hogs which are to be canned for the purpose of being shipped from one State to another or one portion of the country to another. So the only difference I see between the present statute in that in that regard is that the second section of the act does not contain the words "fresh, salted, canned, corned, or packed."

It seems to me that Senators are a little hypercritical in trying to find fault with the provision of the proposed statute. I understand the real purpose of the enactment of the law with these amendments is to provide a penalty for the violation of any provision of the statute as it stands upon the statute book to-day. As has been intimated by the Attorney-General, it has been found that no punishment can be inflicted for the violation of certain provisions of the statute, and the main purpose of the enactment of these provisions is to make them broad enough so that the violator of any provision of the present law shall be subject to penalty.

I do not care to take up the time of the Senate in discussing the amendment. If there is any little thing in it which ought to be stricken out, let us amend it. But certainly the interest of the agricultural people of this country demands that we shall put our laws in such shape as to secure an efficient inspection of our meats, so that we can get into the markets of the world with them, as well as transport them from one State to another in our own country. That is what we are trying to do, and I think the amendment fairly accomplishes that purpose.

Mr. PLATT. I wish to ask the Senator from Illinois a question. Does he understand that if we adopt the amendment there will be any provision in the law as it stands for stamping canned meats which are to be exported. I assure him that there will then be no provision in the law for the stamping of canned beef which is to be exported. That provision is only found in section 3 of the law as it now stands, which relates simply to the slaughter of cattle, sheep, and hogs which are to be the subjects of interstate commerce, transported from one state to another. There is not in the law now anything that provides for the stamping in any way of canned beef or corned beef, and there will not be after the amendment which has been proposed shall have been adopted. If that is the object which the Senator is trying to reach I assure him that the legislation proposed is inadequate for that purpose.

Mr. VEST. What does the Senator do with section 4, which provides that this meat shall be stamped?

Mr. PLATT. In the first place, there is nothing at present in section 1 or in section 2 which applies to anything except fresh meat.

Mr. VEST. But in section 4.

Mr. PLATT. Section 3 then comes in, and applies to cattle, sheep, and hogs which are to be slaughtered and their products transported from one State or Territory to another. Section 4 provides that the examination of cattle, sheep, and hogs, referring evidently to section 3, shall be made in the manner prescribed by the Secretary of Agriculture, and the carcasses found to be free of disease, etc., "shall be marked, stamped, or labeled for identification, as may be provided by said rules and regulations of the Secretary of Agriculture."

Mr. VEST. The Senator does not read it as it stands. It says "the carcasses and products of all cattle, sheep, and swine."

Mr. PLATT. But it is the cattle referred to in section 3 which are to be sent from one State or Territory to another and not to a foreign country.

Mr. VEST. That is the statute referred to in section 2. You must take the whole act together and the amendments together. But if there is any doubt about that, just put in the words "as herein provided for in section 2."

Mr. PLATT. It still remains true that sections 1 and 2 of the act as it now stands were not intended to apply to canned goods or any other products of live cattle except fresh meats.

Mr. VEST. That is just where we are amending the act.

Mr. PLATT. And the amendment to it will not give a different construction to section 4 from what it had when the original law was in existence.

Mr. VEST. I hardly think that if Senators fully understood the object of this proposed legislation they would indulge in any hypercriticism in regard to it. This is an amendment in the interest of human health and life, and it is not intended to put money into anybody's pocket.

Mr. CULLOM. And it is in the interest of trade.

Mr. VEST. I suppose Senators here know that if I were permitted to say anything personal to myself I would be acquitted of having any complicity with the packing houses in this country, and I could claim that merit, if it is a merit. I was chairman of the Select Committee on the Transportation and Sale of Meat Products, of which the Senator from Connecticut is now chairman, and I was the author of the inspection law of 1890, and partially of that of 1891. Those laws have done as much or more for the cattle interests of this country and for the exportation of swine and sheep products than any other legislation which has been enacted by the American Congress in that regard.

I wish to inform the Senator from Connecticut that a singular



thing happened in regard to these amendments. He alluded to the fact that the amendments ought to have gone to the committee of which he is chairman and of which I was formerly chairman. When I introduced these amendments I asked that they be referred to the Select Committee on Meat Products, of which the Senator is chairman, and that was the order of the Senate; but by mistake the clerks of the Senate sent the amendments to the Committee on Agriculture and Forestry and they were reported from the Committee on Agriculture and Forestry. I supposed, until I found that the Committee on Agriculture and Forestry had possession of the amendments, that the committee of which the Senator is chairman would consider and report upon them. So much for that, if Senatorial courtesy is involved, as it generally seems to be.

Mr. PLATT. Oh, I had no feeling on that subject. I was speaking rather playfully so far as the fact that the amendments were not referred to my committee is concerned.

Mr. VEST. Not only that; but I go further, and say that I looked for the Senator from Connecticut, who happened to be out of the Chamber on public business, in order to confer with him and to explain to him the necessity for this amendment to the inspection laws. I was surprised when I learned from the Senator from Mississippi [Mr. GEORGE] that the amendments had gone before his committee. As a matter of course the point of order could not be raised upon the amendments whether they come from one committee or another.

Now, in regard to the criticism of the Senator from New Hampshire [Mr. CHANDLER], I do not think as a lawyer (and I am willing to submit it to any lawyer here) that that criticism is a just one, because this law would apply to cattle slaughtered after the act takes effect. But in order to remove any difficulty in regard to that, I propose, in line 14, between the words "beef" and "for exportation," to insert the words "being the meat of cattle killed after the passage of this act." That, as a matter of course, would relieve the act from any criticism in regard to the stock on hand; but as a matter of fact (and I have given some attention to this subject), that criticism amounts to nothing, because the canned goods that are intended for export are not, on account of their nature, kept in large bulk on hand. They are shipped almost as soon as they are prepared when they go to a foreign market.

This amendment was called for by the Secretary of Agriculture. Any Senator who has paid any attention to the matter will see in the newspapers from day to day where people have died from eating poisoned canned goods. The gases that accumulate from poisoned or spoiled meat are deadly to human life.

Mr. ALLEN. I should like to ask the Senator from Missouri why the law has not been amended so as to make it broad enough to cover all meats, whether exported or whether consumed at home.

Mr. VEST. That was intended to be the law at first, but like all new statutes its operation developed the necessity for serious amendment.

Mr. ALLEN. I should like to call the Senator's attention to the language of the amendment in section 2, line 6, on page 15, where the words "fresh, salted, canned, corned, or packed" have been inserted. I ask him if he expects that to be an enlargement of the statute as it now stands?

Mr. VEST. I do.

Mr. ALLEN. Does the Senator understand that the enumeration of these specific kinds of meat is a limitation rather than an enlargement?

Mr. VEST. Not at all. I do not think it limits it, because it makes the definition more extensive than it was in the original act.

Mr. ALLEN. For instance, the amendment as it now stands would not cover smoked meats or meat that is cured in any other form than salted, canned, corned, or packed, according to the common understanding of those terms. So the words are words of limitation.

Mr. VEST. If the Senator from Nebraska will turn to the original act of which this is amendatory he will see that it does enlarge the meaning of it.

Mr. ALLEN. But what I call the Senator's attention to is that these are words of limitation rather than of enlargement of the former statute.

Mr. VEST. If the Senator will turn to the original statute he will see that it is not narrowing the meaning of the act, but it is an enlargement of it.

Mr. ALLEN. The original statute in section 2 provides—

That the Secretary of Agriculture shall also cause to be made a careful inspection of all live cattle the meat of which is intended for exportation to any foreign country at such times, etc.

The amendment proposed is to insert the words, "fresh, salted, canned, corned, or packed." Those are words of limitation, not words of enlargement. Meat covers the entire question; it is the generic word, and "salted, canned, corned, or packed" are words of limitation; and if meat can be said to exist in any other form except in these enumerated forms, then that meat is not covered by the proposed amendment.

Mr. VEST. In the original act the words used are "all live

cattle the meat of which," and that is construed by exporters and by the Department of Agriculture to be the fresh meats, the trade classification being salted meats, and of course the canned goods are composed of meat. But there is a specific meaning of the words "canned goods." It is the meat put up in cans and prepared for exportation.

Mr. ALLEN. If the Senator please, if the word "cured"—

Mr. VEST. There is no objection to putting that word in if the Senator thinks it necessary.

Mr. ALLEN. It seems to me that would probably reach the entire question.

Mr. CULLOM. There is no objection to the insertion of that word.

Mr. VEST. There is no objection to it. Let it read "cured, smoked, or otherwise prepared." I have not the slightest objection.

Mr. ALLEN. Let it read "fresh, salted, canned, corned, cured, or packed."

Mr. VEST. I have no objection to putting that in. Anyone who has paid any attention to this matter will see in the public press from week to week, if not from day to day, statements that persons have been poisoned by these canned goods. Whole families have been destroyed by using these canned goods which have not been inspected.

Mr. CULLOM. In this country, too.

Mr. VEST. In the United States.

Now, I was astonished to hear the chairman of the Committee on Meat Products talk about private citizens preparing these meats for export. There are no goods put up for export in this country by individuals who have no packing houses. They all come from the packing houses. If Senators will take the trouble to look at the testimony that was taken by the Committee on Meat Products at the time when I was chairman of it there will be found some disgusting evidence in regard to the quality of the meat which was put up in cans prior to the passage of the inspection act at the great packing houses in Chicago, some of it being so rotten that the gas caused the top of the cans to be blown off. Yet those canned meats were sent through the country and used in families and at hotels and boarding houses.

This amendment is intended to make more stringent the provisions which require that all meats canned or otherwise salted or packed shall come originally from sound meat and from animals that are not afflicted with any of the disorders and diseases that contaminate and poison their flesh. Is it possible that any Senator here upon any technicality should resist legislation like that? Is it possible that we are to be told that in order to protect a small quantity of canned goods now on hand (if that could be a legitimate construction of the law) this amendment should be defeated? The amendment was passed upon by the Secretary of Agriculture. If it can be made more stringent I hope it will be done, because the sole object is to prevent fraud and prevent the preparing either for this market or the market abroad of canned goods which are deleterious to human health and life.

Mr. ALLEN. I desire to suggest to the Senator from Missouri that so far as I am concerned I am heartily in favor of this amendment and the policy of the amendment, but I want the language sufficiently comprehensive to cover every form.

Mr. VEST. I have not the slightest objection. I thought it did cover it when it specifies fresh meats, and then "salted, canned, corned, or packed."

Mr. GEORGE. "Cured."

Mr. VEST. "Cured, smoked, or prepared in any other way."

Mr. ALLEN. Put in the word "cured."

Mr. VEST. "Cured" as a matter of course; I am entirely willing.

Mr. CULLOM. That was put in by consent a while ago.

Mr. VEST. Now, I wish to call attention to section 4, where there is an important amendment. The Secretary of Agriculture called our attention to the fact that there were persons in the country who were simulating if not counterfeiting the labels prepared by the meat division or bureau of the Agricultural Department. They never had their canned goods inspected, and yet they had these labels prepared by themselves certifying that the goods had been inspected. These simulated goods, as I may term them, were sold in this country and sent abroad. The Attorney-General states that there was no law to punish this practice, and section 4 is intended to meet that case.

Does anybody object to that? Is it possible that a man shall be protected in putting a lie upon his goods and saying that they are pure and have been inspected by the United States when they have not been? Is it possible that any man wants to be accessory to putting into the stomachs of the people of this country a fraud, a lie of that sort?

Mr. CULLOM. And poison.

Mr. VEST. Mr. President, I can not see any objection to these amendments, only they are too narrow. If Senators will, in the spirit in which they are drawn, assist us to make them more stringent and more potent they will be entitled to the gratitude of every consumer in the United States.

Mr. CULLOM. If the Senator from Missouri will allow me, I will state that the clerks have called my attention to the amendment proposed by the Senator from Nebraska [Mr. ALLEN]. They do not know where it should come in. I propose to strike out the word "or," in line 6, before "packed," and insert after the word "packed" the words "cured or otherwise prepared."

Mr. VEST. That is right. There is no objection to that.

The PRESIDING OFFICER (Mr. BUTLER). If there be no objection that amendment to the amendment will be agreed to. It is agreed to.

Mr. CALL. I will accept that amendment on behalf of the committee.

The PRESIDING OFFICER. The amendment to the amendment has been adopted. The Senator from Missouri suggests another amendment, the Chair understands.

Mr. VEST. I suggest an amendment to meet the criticism of the Senator from New Hampshire. In line 14, after the word "beef," at the end of that line, I move to insert the words "being the meat of cattle killed after the passage of this act." Then follow the words "for exportation."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. After the word "beef," in line 14, page 15, insert the words "being the meat of cattle killed after the passage of this act."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri to the amendment of the committee.

Mr. CALL. I accept that amendment, so far as I can, for the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The Chair suggests to the Senator from Missouri that the modification made in line 6 ought to be made in line 14, so as to make the section consistent.

Mr. CHANDLER. That is not necessary, because it says, in line 7, "intended for exportation." I think the amendment of the Senator from Missouri completely covers the specific objection which I made. I am very much obliged to the Senator for consenting to modify the proposition.

The PRESIDING OFFICER. The amendment to the amendment has been agreed to.

Mr. CALL. Mr. President, I do not propose to discuss this matter at length, but I wish to say in behalf of the committee that the committee thought and I think it perfectly plain that the meat of cattle intended for exportation is still within the meaning of the act the meat of cattle even if it is put in cans or salted or packed, and therefore the amendment does not make any material change in that respect.

Mr. PLATT. I desire to ask the Senator from Florida whether the Secretary of Agriculture now under the law as it stands requires canned meats to have a stamp upon them showing that the cattle from which the meat came were inspected before being slaughtered? I do not think there is anything in the law that requires it. He may do it possibly outside of the law.

Mr. VEST. That is done.

Mr. CALL. I understand that the instruction from the Secretary of Agriculture is that that shall be done, and that the canners follow that instruction, but in some cases, as reported here, evading it; and for that reason this amendment was asked, that there might be a law made plain and definite and that they might be brought within the penalty of the law.

Mr. PEPPER. Mr. President, I am a member of the Committee on Agriculture and Forestry, to whom this bill was referred for consideration, and had the honor of reporting to the Senate these amendments. The object of the amendments has been a subject of a great deal of discussion. It came about originally in this way: We discovered within the last year that there has been a good deal of difficulty experienced by our packers and the exporters of canned meats and cured meats with the laws of foreign countries. Whether the changes or the threatened changes in laws there are retaliatory in their character or what they mean we need not now discuss; but the truth is that our export trade in fresh meats and canned meats as well is somewhat jeopardized by reason of the changes in legislation or the threats of such changes abroad.

The head of the Agricultural Department, representing the agricultural interests of the country, very properly suggested such changes in the law as in his judgment would remedy this defect, so that there would be no further excuse upon the part of foreign legislators to assert that our meats were diseased, or that they were tainted in any way, or that the animals from which our meats were procured were diseased. With a view of avoiding that difficulty, and so as to make it entirely clear, officially clear, and to have this clearness properly certified, the Secretary of Agriculture called the attention of the committee to which I belong to the matter and suggested these changes.

There were a number of different amendments offered to the committee. I have one now in my possession that was presented by Hon. Mr. HAINER, a distinguished member of the House of

Representatives from the State of Nebraska. Whether he is personally interested in the packing business I can not say, but he has a large constituency interested in the cattle trade. There is a very large packing industry collected about the town of South Omaha, in Nebraska, and Mr. HAINER understands the situation there very well. In view of the facts which I have been giving to the Senate he suggested an amendment providing for the inspection of animals whose meat is intended to be used among our own people here in the way of interstate commerce, and it was intended by his amendment to supplement the ideas of the Secretary of Agriculture. With that end in view I have here an amendment which substantially incorporates the views of Mr. HAINER, and I expect to propose it, to come in at the end of line 15, on page 16, when the proper time comes.

The matter is very important, Mr. President and Senators, to the people in that part of the country which I have the honor in part to represent. The Senator from Illinois [Mr. CULLOM] who sits before me, and his venerable colleague [Mr. PALMER], whom I do not now see in the Chamber, are perhaps more interested in this great question as representative men than any other two Senators upon the floor. Our object is to secure two things: First, to provide such precautions against the slaughter of diseased animals as will make it perfectly clear that none but healthy animals have been slaughtered for meat; and in two directions, one, for exportation to foreign countries, and the other for exportation from one State to another to be used at home.

The whole field ought to be covered, and in case these amendments are not broad enough to cover the whole ground, then let us take plenty of time, and after discussion provide the necessary amendments, so that there shall be no doubt left. We do not want to give any excuse for our neighbors on the other side of the Atlantic, nor for our neighbors in other States of the Union, to suspect, even, that there is anything tainted or diseased in the meat that comes to them from the great packing establishments.

Perhaps many Senators here are not familiar with the workings of those great packing establishments. The Armour establishment in Chicago alone occupies some 45 acres of ground. They employ over 11,000 people. They have 4,000 cars in their employment. They slaughter in the neighborhood of a million head of fat cattle every year, two-thirds of a million of sheep, and nearly a million and a quarter of hogs. All of this meat, with the exception of that which is consumed in the city of Chicago, is distributed through the different parts of the United States and shipped to foreign countries. The foreign trade alone of the Armours, of Swift, and of Morris, of Chicago, amounts to a good deal over \$15,000,000. The distributive sales of the Armour establishment alone amount to over \$75,000,000 a year. It is a wonderful business.

Mr. President, you may go to Texas, you may go to California, or to almost any portion of the country and you will see the cars of Armour or of Swift or of Nelson Morris carrying fresh meat to different parts of the country. Go down here to the depot in the city of Washington almost any day and you will see upon the tracks a number of cars, whole trains of cars, with this fresh meat. If we had such a snowstorm here as we had a week or ten days ago continuing for two weeks, we should have a meat famine in the city of Washington. It is so in the city of New York, and in all the great cities of the country, except in those cities where the packing establishments are situated. Because of the great necessity constantly existing for the dissemination of this meat and the changed conditions these things are not only proper, but apparently necessary.

What we want by these amendments is to provide all the safeguards that we can throw around our cattle that are to be slaughtered for meat used among ourselves or for exportation. That is all.

I suggest, if the ready and versatile Senator from New Hampshire has not already been satisfied with the amendment proposed by the Senator from Missouri, that he himself, always ready, always willing, who always has his wits about him, in an instant of time could draft an amendment which would cover the whole difficulty in this matter.

Mr. CHANDLER. I desire to state to the Senator that that amendment is perfectly satisfactory on that point. The difficulty that I labor under is that within a fortnight from the close of the session Senators who have not the enlightenment nor the opportunities for enlightenment which the members of the Appropriations Committee have are to be called upon to ascertain the merits of general legislation of the most important character. I for one protest against it. I think it is wholly and utterly vicious upon an appropriation bill to ask Senators who desire to vote with some degree of intelligence and conscientiously upon legislation to consider amendments of this character.

Mr. PEPPER. I had supposed, Mr. President, that the only trouble in the mind of the Senator from New Hampshire was lest some exporters should get into difficulty because they were undertaking to export meat from animals that had been slaughtered before the passage of this bill.



Mr. CHANDLER. I will say to the Senator that I discovered, or thought I discovered, that this bill reduces the value of all existing prepared meats in this country. I disclaim the idea that that was intended. That trouble has been obviated, but I do not know how many more unwise things there may be in this bill.

Mr. PEPPER. If the Senator will remain with us a short time, here is the Senator from Missouri [Mr. VEST], who is an expert on this matter, the Senator from Illinois [Mr. CULLOM], and several other members of the Senate who are now present, and we will enlighten the Senator from New Hampshire.

Mr. CHANDLER. One represents Kansas City, Mo., and the other represents Chicago, Ill., and those cities are interested in this immense business of the slaughtering of cattle and the packing of meat, but I do not know that the farmers of Kansas and the farmers of the country generally, the small producers of prepared meats, want this legislation. How am I going to know when I am considering the propriety of furnishing the ordinary regular appropriations for the Department of Agriculture, whether they do or not?

Mr. PEPPER. Let me explain to the Senator why we want this provision in the bill.

The farmers of Kansas and the Northwest are fearful—and they have a good reason to be fearful—that the quantity of exportations of fresh meats and of cured meats from animals grown upon our prairies will be so greatly curtailed as to very seriously impair our profits. Now, we want to add what is necessary to be added to the existing statute, every precaution that will satisfy our customers abroad or at home that we have gone to the limit of our capacity in clearing out disease and clearing out anything that might possibly produce disease among our consumers, to give them clean fresh meat, clean salted meat, clean smoked meat, and sound meat. That is what we want to do. We simply want to improve the existing statute in order to effect that wise purpose.

I think the Senator from New Hampshire will agree with me that when we find an existing statute insufficient for carrying out any proper or necessary and wise purpose we may safely add to it from time to time, and we ought to add to it from time to time, and this is intended to amend the existing law. The Senator is lawyer enough, even if not a completed lawyer, to understand that those provisions of the law which are not in conflict with the law to be enacted will still remain.

Mr. CHANDLER. As an uncompleted lawyer, I suggest to the Senator from Kansas that he has spoken of smoked meat. There is no provision here for smoked meat.

Mr. CULLOM. Cured meat.

Mr. PEPPER. The Senator from Nebraska suggested an amendment, which was accepted, to cover that.

Mr. CHANDLER. Exactly. That illustrates what we have to do here. We have to trust to luck that, with a dozen Senators on the other side of the Chamber and a dozen Senators upon this side of the Chamber, we shall at last get all kinds of prepared meats covered by this bill. I think this is vicious legislation.

Mr. CULLOM. Does the Senator expect that any committee will be able to report a bill that every one will agree to on the first reading?

Mr. CHANDLER. The Appropriations Committee generally consider everything perfect which comes from them.

Mr. CALL. If the Senator from Kansas will allow me—I do not wish to interfere with the Senator—I should be very glad to be allowed to have a vote on the amendment to-night, at least, if there be no objection.

Mr. ALDRICH. I do not think the Senator had better ask for any agreement in regard to this bill at present.

Mr. CALL. I do not ask for any agreement. I ask for a vote.

Mr. ALDRICH. I do not know what shape this amendment may finally take, but I was about to suggest some of the defects of this legislation, as I view it, which I think, as long as the Senator has it in hand and has the assistance of the Senator from New Hampshire and other Senators, attention should be called.

Mr. CHANDLER. Does the Senator from Kansas expect this amendment to be adopted to-night?

Mr. PEPPER. I do. I am endeavoring to enlighten the Senator from New Hampshire, and I hope I shall succeed in doing that to his satisfaction. Of course I will suspend my remarks if a vote can be had.

Mr. ALDRICH. Will the Senator from Kansas allow me to make a suggestion?

Mr. PEPPER. Yes.

Mr. ALDRICH. The certificate here provided for is not connected in any way with the condition of the cattle from which the canned meat is produced. The man who ships canned beef is obliged to produce a certificate which shall state the condition in which the cattle are found, not that they are healthy and sound and fit to eat, but the condition in which the inspector finds them. There is nothing which connects that certificate with the canned meat which it is proposed to export. A man who is exporting canned beef must produce a certificate that certain cattle were

healthy, but neither the officers of the ship nor anybody else can know whether the meat or cattle referred to in that particular certificate were used in the packing of these goods for exportation. The certificate, to be of any value at all, ought to be connected with the article which it is proposed to export.

Mr. PEPPER. The Senator doubtless has read section 2 of the amendment, which provides—

That the Secretary of Agriculture shall also cause to be made a careful inspection of all live cattle the meat of which, fresh, salted, canned, corned, or packed, is intended for exportation to any foreign country, at such times and places, and in such manner as he may think proper, with a view to ascertain whether said cattle are free from disease.

Mr. ALDRICH. Certainly.

Mr. PEPPER. The object of the inspection is to see that the meat is sound and wholesome, and inspectors are to be appointed "who shall be authorized to give an official certificate clearly stating the condition in which such cattle and meat are found."

Mr. ALDRICH. What is that certificate? Not that the cattle are healthy, but in what condition they are found.

Mr. PEPPER. Then, the section proceeds—

And no clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef for exportation to and sale in a foreign country from any port in the United States until the owner or shipper shall obtain from an inspector appointed under the provisions of this act such certificate.

I see the point the Senator from Rhode Island makes, and I think it is a good one, upon my attention being called to it. I supposed that the matter had been remedied. We now see the benefit of discussion, Mr. President. [Laughter.] By a very slight amendment which can be made in line 12, which I shall suggest at the proper time if some other Senator does not do it, the difficulty which is in the Senator's mind will be obviated at once.

Mr. VEST. Do not lines 9 and 10 of section 2 show definitely what is the meaning of that? They read:

With a view to ascertain whether said cattle are free from disease and their meat sound and wholesome.

That is the object of the examination, as a matter of course, and that is the certificate.

Mr. PEPPER. That doubtless is true. I think there is a good deal of force in the suggestion the Senator from Rhode Island [Mr. ALDRICH] makes.

Mr. ALDRICH. Lines 11 and 12 say that the inspectors—shall be authorized to give an official certificate clearly stating the condition in which such cattle and meat are found.

Not that they are healthy or sound.

Mr. PEPPER. I think it would be better that the certificate should show that the cattle and the meat were sound, and not diseased.

Mr. ALDRICH. But what possible connection is there between the certificate and the canned beef, or whatever it may be, which is proposed to be exported?

Mr. PEPPER. We shall not get through with that amendment to-night, and that difficulty can be easily arranged.

Mr. President, the next section provides punishments for violations of the law. I wish to give notice to Senators that after section 2 is disposed of and the proposed amendments are adopted I shall propose the following, to come in at the end of line 15, on page 16:

The Secretary is hereby authorized to make such rules and regulations as he may decide to be necessary to prevent the transportation from one State or Territory or the District of Columbia into any other State or Territory or the District of Columbia, or to any foreign country, of the condemned carcasses or parts of carcasses of cattle, sheep, and swine, or the edible products of the same, which have been inspected in accordance with the provisions of the act. Any person, company, or corporation owning or operating any such slaughterhouse, abattoir, or meat curing, packing, or canning establishment, or any employee of the same that shall willfully violate any rule, or regulation, made pursuant to this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished for each offense by a fine not exceeding \$1,000 or imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

At the proper time I shall suggest that as an amendment.

I hope now that Senators will let the committee amendments, when they are properly modified, go through.

Mr. CALL. I hope we may have a vote on the amendment.

Mr. ALDRICH. I suggest, in view of the admitted defects in the two sections proposed by the committee, that they be sent back either to the Committee on Appropriations or to the Committee on Agriculture for amendment, and that we take a vote on those amendments at some time to-morrow morning.

Mr. CALL. I hope the Senate will not do that.

Mr. PEPPER. We can easily arrange all these little difficulties to-morrow morning.

Mr. CALL. I hope the Senator will not ask that. This amendment has been fully discussed, and there is nearly half of the bill to be gone through with yet.

Mr. ALDRICH. The amendment has been fully discussed, but no two Senators who have advocated it have agreed as to what it is, and they have all agreed that it requires further amendment. I hope the Senator from Florida does not expect us to vote on legislation of this kind, admittedly imperfect.

Mr. CALL. I trust the vote will be taken on the amendment.  
Mr. BUTLER. May I inquire of the Senator from Rhode Island whether he proposes to move to recommit the bill to the committee or not?

Mr. ALDRICH. The suggestion I made was that the two sections here be sent to the Committee on Agriculture, if that is the proper committee.

The PRESIDING OFFICER (Mr. BATE in the chair). The Chair understands that to be a suggestion, and not a motion.

Mr. ALDRICH. A suggestion; not a motion.

Mr. BUTLER. If the Senator is serious about it—which I very much doubt—I shall ask for a vote on it, and call for the yeas and nays.

The PRESIDING OFFICER. The Chair is of the opinion that it is not in order to recommit an amendment without at the same time recommitting the bill.

Mr. CULLOM. A point of order is pending, and I suggest—

Mr. ALDRICH. I have not made any motion. I have simply made a suggestion in the interest of having the amendment properly amended.

The PRESIDING OFFICER. The question is on the amendment of the committee.

Mr. CULLOM. I will suggest to the Senator from Florida, in charge of the bill, that if there is any serious purpose on the part of the Senators to contest the question further, to give them an opportunity to determine whether it is exactly right or not, instead of its being referred to a committee, we had better go on with the remainder of the bill, and let these amendments be voted on to-morrow morning.

Mr. VEST. If the Senator will permit me, as I stated before, the only object of this legislation is to make the law as full and complete as possible. In order to meet the additional criticism of the Senator from Rhode Island, I move, at the end of line 18, on page 15, of the committee's amendment, after the word "certificate," that these words be inserted:

That said cattle are healthy and their meat sound and wholesome.

Mr. CHANDLER. I am not disposed to stand in the way of these amendments, but I suggest that their final disposition go over until to-morrow, and that in the mean time we proceed with the rest of the bill.

Mr. CALL. Very well, Mr. President, we will proceed with the bill.

Mr. VEST. Is there any objection to my amendment to the amendment of the committee?

Mr. CALL. I accept that amendment for the committee.

Mr. CHANDLER. Let the amendment to the amendment be stated more clearly.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In section 2, on page 15, after the word "certificate," at the end of line 18, it is proposed to insert:

That said cattle are healthy and their meat sound and wholesome.

The PRESIDING OFFICER. The amendment to the amendment is accepted by the Senator in charge of the bill. The reading will proceed.

Mr. CHANDLER. I think the Senator should use the words which are used in the bill, so as to read, "free from disease, and their meat sound and wholesome."

Mr. VEST. Certainly. That is the object of it.

Mr. CHANDLER. The Senator will excuse me for having a disposition to be accurate in the framing of an important bill of this kind. [Laughter.]

Mr. VEST. I am not standing on words.

Mr. CHANDLER. Let that amendment be passed over.

The PRESIDING OFFICER. The reading of the bill will be resumed.

The Secretary resumed and continued the reading of the bill to the end of the following clause, beginning in line 20, on page 16, and extending to the end of line 11 on page 17:

That whenever the Secretary of Agriculture shall certify to the Secretary of the Treasury what countries or parts of countries are free from contagious or infectious diseases of domestic animals, and that neat cattle and hides can be imported from such countries without danger to the domestic animals of the United States, the Secretary of the Treasury shall suspend the prohibition of the importation of neat cattle and hides in the manner provided by law. That the President of the United States be, and he is hereby, authorized to cause correspondence and negotiation to be had, through the Department of State or otherwise, with the authorities of the Kingdom of Great Britain, for the purpose of securing the abrogation or modification of the regulations now enforced by said authorities which require cattle imported into Great Britain from the United States of America to be slaughtered at the port of entry, and prohibiting the same from being carried alive to other places in said Kingdom.

Mr. ALDRICH. Mr. President, in the course of the tariff discussion three years ago Senators upon the other side of the Chamber, when the reciprocity provisions were under consideration, found great fault with us for suggesting that the President of the United States should have a right by proclamation and upon ascertained facts to prevent the importation of certain merchandise. Here is a power proposed to be given to the Secretary of the Treasury, a subordinate of the President of the United States, upon the

certificate of the Secretary of Agriculture, another subordinate of the President of the United States, to suspend the operations of the laws of the United States in regard to the importation of cattle.

Now I should be glad to hear the Senator from Florida, who, if I mistake not, was one of the Senators who discoursed in the most luminous way about the limitations put upon the Executive authority in regard to importations, point out to us what part of the Constitution it is which allows Congress to delegate to the Secretary of the Treasury a right to suspend laws of the United States in regard to the importation of cattle or anything else. I should like also to have him state, if he can, how this changes existing law and what the object of the provision is.

Mr. CALL. Mr. President, the object of the provision is perfectly plain and does not require any explanation. It is well known that there exists great danger of contamination of the cattle of the country in the importation of disease and the exportation of disease.

As to the question of the delegation of power, we have given it in every form to the President of the United States, and why not to one of his Cabinet officers? There is no provision in the Constitution which says that any power shall be delegated to the President of the United States, but we authorize the President by proclamation to arrange our treaty regulations with other countries in pursuance of treaties passed by the Senate and provide the time when certain things shall be done. We delegate the power of Congress in various ways. We delegate it to the Interstate Commerce Commission.

The question which the Senator from Rhode Island propounds, while it might have some logical and technical foundation, has been so often settled in the history of this Government by giving to the executive department, under the direction of Congress, the power to do acts within the scope of legislative power, that it can not now be raised. How would you have it done? Here is a danger in the recess of Congress of the importation of disease which may destroy the great cattle interests. The subject has been discussed, as the Senator from Rhode Island knows, for years and years, and the great cattle interests of the United States have pressed for severe and rigid laws, so that when disease was discovered there should be a quarantine to prevent the importation of diseased animals.

How is it in regard to human life as to the importation of disease? We recognize that in all the laws upon the subject which have been passed. We authorize quarantine to be imposed, exclusion of immigration, exclusion of communication; and it is done upon the proclamation of the President of the United States. This is no more than that. If such action can be taken with regard to human life, certainly it can be taken with regard to animals. That is all there is in it, and I do not think there is any force in the criticism of the Senator from Rhode Island.

Mr. ALDRICH. The trouble with this provision, and the only criticism I see fit to make of it, after the statement made by the Senator from Florida, who in his argument has stated the exact position taken on this side of the Chamber in regard to the reciprocity provisions in the tariff bill of 1890, is that it gives to subordinate officers of the President the right to suspend or put into operation laws in regard to the importation of merchandise into the United States. I agree fully that this power must be lodged somewhere. I should like to have the Senator state just how this provision changes the present law upon that subject.

Mr. CALL. Changes in what respect?

Mr. ALDRICH. What is the law at present governing the importation of meat, cattle, and hides in this respect?

Mr. CALL. I think this provision is exactly a copy of the former appropriation act. I am not positive, but I think this act follows the language of the former act.

Mr. ALDRICH. There would certainly be no necessity for reenacting it if it followed the language of a former act. There must be some change in existing law provided for in this amendment.

Mr. CALL. It is a change in regard to existing law, because it authorizes the suspension by the President or the Secretary of Agriculture in the cases mentioned. That, I think, is not in the existing law. I will send for and procure a copy of the law, which is in the committee room.

I presume if the Senator from Rhode Island makes a particular point on it there will be no difficulty in accepting a suggestion to give this discretion to the President of the United States.

Mr. ALDRICH. It would be better to give it to the President, it seems to me, than to give it to a subordinate officer.

Mr. CALL. If the Senator from Rhode Island will move an amendment to that effect I will accept it.

Mr. ALDRICH. In line 21, on page 16, I will move to strike out the words "Secretary of the Treasury" and insert "President of the United States," and in line 25 to strike out "Secretary of the Treasury" and insert "President of the United States."

Mr. CALL. I will accept the amendment. I understand it simply transfers to the President the power of suspending the importation.



The PRESIDING OFFICER. The Chair understood that the agreement was that the committee amendments should be first acted upon.

Mr. CALL. I will accept the amendment of the Senator from Rhode Island. He does not propose to amend an amendment of the committee, but to amend the text of the bill as it came from the House of Representatives.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 16, line 21, after the words "certified to," it is proposed to strike out "Secretary of the Treasury" and insert "President of the United States;" and in line 25, before the words "shall suspend," to strike out "Secretary of the Treasury" and insert "President of the United States;" so as to read:

That whenever the Secretary of Agriculture shall certify to the President of the United States what countries or parts of countries are free from contagious or infectious diseases of domestic animals, and that neat cattle and hides can be imported from such countries without danger to the domestic animals of the United States, the President of the United States shall suspend the prohibition of the importation of neat cattle and hides in the manner provided by law.

The amendment was agreed to.

Mr. ALDRICH. I think the word "shall," in line 25, before the word "suspend," should be changed to "may," so as to leave that discretion in the hands of the President.

Mr. CALL. I accept that amendment also.

I will state that I have the original act before me now. The Secretary of Agriculture is mentioned in it, and this bill follows that act. The Secretary of Agriculture is the one to whom the authority is given.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Rhode Island.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 19, line 14, before the word "thousand," to strike out "fifty" and insert "forty;" so as to read:

And the Secretary of Agriculture may use not to exceed \$40,000 of the amount herein appropriated for the preparation, printing, and publishing of farmers' bulletins, etc.

The amendment was agreed to.

The Secretary continued the reading of the bill to the end of the proviso, beginning on page 20, line 18, authorizing the Secretary of Agriculture to conduct experiments in sugar cane and rice production on reclaimed swamp lands in some suitable place in the San Joaquin or Sacramento Valley, California.

Mr. ALDRICH. I should like to call the attention of the Senator from Delaware to the particular provision of the proposed act which is now under consideration to show to what extent this is becoming a paternal Government. We have been experimenting with sugar for some time. This proviso enlarges the experiment and takes in rice. We are to experiment upon the production of rice in various parts of the country at the public expense.

Mr. PLATT. And sugar cane.

Mr. ALDRICH. As well as sugar cane. I do not know but that it is the Senator's idea that it is the province of the National Government to go into all these matters.

Mr. GRAY. Whom is the Senator from Rhode Island addressing?

Mr. ALDRICH. The Senator from Delaware, who sits in front of me.

Mr. GRAY. I have not opened my mouth; I have not said a word about the bill.

Mr. ALDRICH. I called the Senator's attention to this provision which seems rather extraordinary; and I did not know but that the Senator might open his mouth and say whether he thought it ought to be put in a bill of this kind.

Mr. GRAY. We will first hear the Senator from Rhode Island on that proposition.

Mr. ALDRICH. I suggest it is going a long way toward making this a paternal Government when we expend public money in making experiments in the production of rice and sugar cane in various parts of the country. That has not been done as to other agricultural products, wheat and corn, or in regard to industrial enterprises of various kinds. Why should not the Government experiment as to the cheapest way of producing cotton cloth or woolen cloth, if we are going into this matter.

Mr. GRAY. If the Senator from Rhode Island will move to strike out the proviso I will discuss the matter.

Mr. ALDRICH. No; I do not propose any amendment.

Mr. CALL. I hope the Senator from Rhode Island will allow the bill to be proceeded with. This is an old provision. It has been voted for by Democrats and Republicans heretofore. There is nothing new in it, and Senators belonging to both parties have voted for it on previous occasions.

Mr. CHANDLER. Rice never was inserted before.

Mr. CALL. I think it was.

Mr. ALDRICH. I do not think so.

Mr. CHANDLER. Here, by the introduction of one word,

"rice," authority is given to divide the appropriation for experiments in sugar production and to set the Secretary of Agriculture to investigating the whole question of rice culture. If that be so, and I think this is a paternal Government to the extent that it may well make these experiments, should not the appropriation be increased? It seems to me it should be.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 22, after line 18, to strike out:

Irrigation investigations: To enable the Secretary of Agriculture to continue the collection of information as to the best modes of agriculture by irrigation, \$15,000.

Mr. PEPPER. Mr. President—

Mr. CALL. Will the Senator from Kansas allow me? I propose to pass over this amendment for the present.

Mr. CULLOM. Let us settle it right now.

Mr. PEPPER. I wish to give notice that I intend to ask the Senate to disagree to the amendment, and before coming to a vote upon the question I desire briefly to give my reasons for it. I am opposed to the amendment of the committee.

Mr. CALL. I ask the Senator from Kansas to allow us to read the bill through, and then he can make his remarks. Let us proceed with the bill and get through with the reading.

Mr. PLATT. The Senator from Florida, I understand, proposes to pass over the amendment until the reading of the bill is concluded?

Mr. CALL. Yes, sir.

The PRESIDING OFFICER. Without objection the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 23, line 17, before the word "thousand," to strike out "fifteen" and insert "ten;" so as to make the clause read:

Nutrition: To enable the Secretary of Agriculture to investigate and report upon the nutritive value of the various articles and commodities used for human food, with special suggestion of full, wholesome, and edible rations less wasteful and more economical than those in common use, \$10,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 2, to strike out:

Investigation and experiments with grasses and forage plants, division of agrostology: Field and laboratory investigations relating to the natural history, geographical distribution, and uses of the various grasses and forage plants, and their adaptability to special soils and climates; establishment and maintenance of experimental grass stations; employment of local and special agents and assistants; collection of seeds, roots, and specimens for experimental cultivation and distribution; materials, tools, apparatus, supplies, and labor required in conducting experiments; freight and express charges and traveling expenses; the preparation of drawings and illustrations for special reports, and the preparation of illustrated circulars of information, bulletins, and monographic works on the forage plants and grasses of North America, \$15,000.

Mr. CALL. Let the next amendment be stated. I wish to make a suggestion as to both amendments.

The SECRETARY. On page 23, after line 17, it is proposed to strike out:

Investigations in relation to agricultural soils, division of agricultural soils: Investigation of the relation of soils to climate and organic life; for the investigation of the texture and composition of soils, in the field and laboratory; the location of stations and the rent of a building, not to exceed \$1,000 per annum, for office and laboratory purposes; the employment of local and special agents and other labor required in conducting experiments; the preparation of drawings and illustrations; for materials, tools, instruments, apparatus, and supplies, and for traveling expenses, freight and express charges, \$15,000.

Mr. CALL. I ask the Senate to pass over these two amendments until the reading of the bill is concluded.

Mr. CULLOM. Why does the Senator from Florida desire to have all the amendments passed over?

Mr. PLATT. The Senator from Florida wishes to get through with the reading of the bill to-night.

Mr. CALL. It is now 5 o'clock, and if we proceed to debate these contested amendments we shall be delayed beyond the usual hour of adjournment.

Mr. WHITE. I desire to inquire of the Senator from Florida whether it is the intention to have a vote upon any part of the bill to-night?

Mr. CALL. It is not. It can not be done.

Mr. PLATT. I have no objection to these amendments being passed over to be considered after the reading of the bill is finished.

Mr. CALL. If there were no objection to the amendments I should not desire that they be passed over; but as there is objection, and as there is going to be discussion upon them, I think we had better finish the reading of the bill first.

Mr. PLATT. I propose to resist as vigorously as I can the amendment on page 23, contained between lines 3 and 17.

The PRESIDING OFFICER. The Senator from Florida asks that the amendment be passed over. If there be no objection it is so ordered. The reading of the bill will be proceeded with.

The reading of the bill was resumed. The next amendment of

the Committee on Appropriations was, on page 25, line 22, after the word "Provided," to strike out:

That part of section 2 of an act approved March 3, 1885, entitled "An act making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes," which recites "That no part of the money herein or hereafter appropriated for the Department of Agriculture shall be paid to any person, as additional salary or compensation, receiving at the same time other compensation as an officer or employee of the Government," be, and the same is hereby, repealed.

And insert:

That the Secretary of Agriculture is hereby authorized to pay out of this appropriation to a dispatch agent of the Department of Agriculture in the city of New York not to exceed \$400 for the fiscal year 1896, notwithstanding section 2 of an act approved March 3, 1885, entitled "An act making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes."

The amendment was agreed to.

The next amendment was, on page 30, line 21, in the clause making appropriations for miscellaneous items for the Weather Bureau, before the word "thousand," to strike out "thirty-one" and insert "fifty-six;" so as to read, "three hundred and fifty-six thousand one hundred and twenty-five dollars."

The amendment was agreed to.

The next amendment was, on page 31, line 14, to increase the total appropriation for the Weather Bureau from \$860,610 to \$885,610.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. GEORGE. I have conversed with a good many Senators here about the amendments on page 23. Everybody seems to think they ought to be disagreed to, and I shall be very glad to have those amendments disposed of now.

Mr. CALL. I ask the Senator from Mississippi to allow me to offer some amendments on the part of the committee.

Mr. PLATT. Let me say to the Senator from Mississippi that I do not desire to take up much time, but either my colleague or I would like to occupy a few minutes in showing the importance of the grass investigation.

Mr. GEORGE. I think everybody agrees with me about that.

Mr. PLATT. Nevertheless we should like to make some remarks on the subject.

Mr. CALL. There are other committee amendments to be offered.

Mr. CULLOM. Does the Senator from Mississippi [Mr. GEORGE] know which side the Senator from Connecticut [Mr. PLATT] is on?

Mr. PLATT. He does.

Mr. CALL. I desire to offer other committee amendments. On page 3, line 11, after the word "statistician," I move to insert "who shall be chief of division;" so as to read:

Division of statistics: One statistician, who shall be chief of division, \$3,000.

The amendment is asked for by the Department, and the committee agreed to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was agreed to.

Mr. CALL. On page 8, line 23, after the word "herbarium," I move to insert "who shall be chief of division;" so as to read:

Division of botany: One botanist and curator of the herbarium, who shall be chief of division, \$2,500.

That change is asked for by the Department and was agreed to by the committee.

The amendment was agreed to.

Mr. CALL. On page 4, line 3, after the word "entomologist," I move to insert "who shall be chief of division;" so as to read:

Division of entomology: One entomologist, who shall be chief of division, \$2,500.

The amendment was agreed to.

Mr. CALL. On page 4, line 20, after the word "pomologist," I move to insert "who shall be chief of division;" so as to read:

Division of pomology: One pomologist, who shall be chief of division, \$2,500.

The amendment was agreed to.

Comparative statement showing the appropriations for 1895, the estimates for 1896, the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations for 1896.

Object.	Appropriations, 1895.	Estimates, 1896.	House bill, 1896.	Senate committee, 1896.
<b>SALARIES.</b>				
Office of the Secretary	\$94,140.00	\$94,140.00	\$94,140.00	\$94,140.00
Division of Accounts and Disbursements	17,300.00	17,500.00	17,300.00	17,300.00
Division of Statistics	35,300.00	35,100.00	35,100.00	35,100.00
Division of Botany	8,600.00	8,800.00	8,800.00	8,600.00
Division of Entomology	9,500.00	9,500.00	9,500.00	9,500.00
Division of ornithology and mammalogy	9,800.00	10,000.00	10,000.00	9,800.00
Division of pomology	6,300.00	6,500.00	6,500.00	6,300.00
Division of microscopy	5,300.00	5,300.00	5,300.00	5,300.00
Division of vegetable pathology	6,100.00	6,500.00	6,500.00	6,300.00
Division of chemistry	17,100.00	17,100.00	17,100.00	17,100.00
Division of forestry	8,320.00	8,520.00	8,520.00	8,320.00
Division of records and editing	8,100.00	8,300.00	8,300.00	8,300.00
Division of seeds	13,720.00	13,720.00	13,720.00	13,720.00
Document and folding room	3,600.00	7,040.00	7,040.00	6,900.00
Experimental garden and grounds	2,500.00	2,500.00	2,500.00	2,500.00
Museum	2,400.00	2,400.00	2,400.00	2,400.00
<b>Total salaries</b>	<b>248,200.00</b>	<b>239,320.00</b>	<b>252,840.00</b>	<b>251,640.00</b>

Mr. CALL. On page 4, line 25, after the word "microscopist," I move to insert "who shall be chief of division;" so as to read:

Division of microscopy: One microscopist, who shall be chief of division, \$2,500.

The amendment was agreed to.

Mr. CALL. On page 5, line 7, after the word "pathologist," I move to insert "who shall be chief of division;" so as to read:

Division of vegetable physiology and pathology: One pathologist, who shall be chief of division, \$2,500.

The amendment was agreed to.

Mr. CALL. On page 5, line 12, after the word "chemist," I move to insert "who shall be chief of division;" so as to read:

Division of chemistry: One chemist, who shall be chief of division, \$2,500.

The amendment was agreed to.

Mr. CALL. On page 17, line 15, after the word "paragraph," I move to strike out "492 of the act of Congress approved October 1, 1890," and insert "373 of the tariff act of 1894;" so as to make the clause read:

That the Secretary of Agriculture shall determine and certify to the Secretary of the Treasury what are recognized breeds and pure-bred animals under the provisions of paragraph 373 of the tariff act of 1894.

The amendment was agreed to.

Mr. CALL. That ends the committee amendments.

Mr. CULLOM. I desire to inquire of the Senator from Florida in charge of the bill whether all of the amendments made by the committee have been disposed of except the amendment in relation to meats, the amendment as to irrigation, and the two amendments following with reference to experiments with grasses and agricultural soil?

Mr. CALL. That is the condition of the bill.

Mr. VEST. I ask the Senate to consider a short bridge bill.

Mr. PLATT. Will the Senator from Missouri allow me to make one further inquiry about the pending bill? I did not hear the Senator, when the bill was reported or when it was taken up, make any comparative statement as to the amount appropriated by the pending bill and that carried by the last appropriation act.

Mr. CALL. I have a statement of it in my hand.

Mr. PLATT. I hope the Senator will give us that information.

Mr. CALL. The report of the committee sets forth the information asked for by the Senator from Connecticut, and I submit it to be printed in the RECORD.

The report submitted by Mr. CALL from the Committee on Appropriations on the 12th instant is as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. 8727) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1896, report the same to the Senate with various amendments and a statement showing the estimates submitted by the Department of Agriculture for 1896, the amount of House bill, the amount of the bill as reported to the Senate, and the amount of the appropriations for 1895.

AGRICULTURAL DEPARTMENT, 1896.

Amount of estimates for 1896.....\$2,400,300.00

Amount of House bill.....3,278,750.00

Reduction recommended by Senate committee (net).....26,200.00

Amount as reported to Senate.....3,252,550.00

Amount of act for 1895.....3,223,623.06

The changes in amounts of House bill recommended by the committee are as follows:

**INCREASE.**  
For general expenses of the Weather Bureau.....\$25,000.00

**REDUCTION.**

For salaries of various officials.....\$1,200

For irrigation investigations.....15,000

For nutrition investigations.....5,000

For investigations and experiments with grasses and forage plants.....15,000

For investigations of agricultural soils.....15,000

**Total reduction.....51,200**

**Net reduction.....26,200**

\* No amount was estimated for 1896 for purchase and distribution of seeds or for agricultural experiment stations in the several States and Territories. The amounts appropriated for 1895 for these purposes and included in pending bill are \$850,000.



Comparative statement showing the appropriations for 1895, the estimates for 1896, the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations for 1896.—Continued.

Object.	Appropriations, 1895.	Estimates, 1896.	House bill, 1896.	Senate committee, 1896.
<b>MISCELLANEOUS.</b>				
Collecting agricultural statistics.....	100,000.00	110,000.00	110,000.00	110,000.00
Investigations as to extending foreign markets for agricultural products of the United States.....	10,000.00	10,000.00	10,000.00	10,000.00
Inquiries relating to public roads.....	20,000.00	25,000.00	25,000.00	25,000.00
Botanical investigations and experiments.....	20,300.00	20,000.00	20,000.00	20,000.00
Investigating history and habits of insects.....	17,500.00	17,500.00	17,500.00	17,500.00
Investigations in ornithology and mammalogy.....	5,000.00	6,000.00	6,000.00	6,000.00
Pomological information.....	2,000.00	2,000.00	2,000.00	2,000.00
Microscopical investigations.....	20,000.00	20,000.00	20,000.00	20,000.00
Vegetable pathological investigations.....				
Laboratory, viz:				
Chemical apparatus, rent, etc.....	6,900.00	4,900.00	4,900.00	4,900.00
Investigation of food adulterations, etc.....	5,000.00	5,000.00	5,000.00	5,000.00
Special investigations of soils.....	3,000.00	5,000.00	5,000.00	5,000.00
Forestry investigations.....	20,000.00	25,000.00	25,000.00	25,000.00
Fiber investigations.....	5,000.00		5,000.00	5,000.00
Illustrations and engravings.....	15,000.00	15,000.00	15,000.00	15,000.00
Document and folding room, materials.....	2,000.00	2,000.00	2,000.00	2,000.00
Experimental garden and grounds, expenses.....	29,500.00	26,000.00	29,500.00	29,500.00
Bureau of Animal Industry, salaries and expenses.....	800,000.00	800,000.00	800,000.00	800,000.00
Quarantine stations for neat cattle.....	12,000.00	12,000.00	12,000.00	12,000.00
Purchase and distribution of seeds.....	130,000.00		130,000.00	140,000.00
Publication of farmers' bulletins.....	30,000.00	60,000.00	60,000.00	40,000.00
Printing labels, etc., and for printing presses and repairs.....	5,400.00	6,000.00	5,400.00	5,400.00
Experiments in the manufacture of sugar.....	10,000.00	10,000.00	10,000.00	10,000.00
Office of agricultural experiment stations.....	25,000.00	30,000.00	30,000.00	30,000.00
Agricultural experiment stations in the several States and Territories.....	730,000.00		730,000.00	730,000.00
Irrigation investigations.....	6,000.00	8,000.00	15,000.00	
Nutrition investigations.....	10,000.00	15,000.00	15,000.00	10,000.00
Investigations and experiments with grasses and forage plants.....		15,000.00	15,000.00	
Investigations of agricultural soils.....		15,000.00	15,000.00	
Furniture, cases, and repairs.....	10,000.00	10,000.00	10,000.00	10,000.00
Postage.....	5,000.00	2,000.00	2,000.00	2,000.00
Museum.....	3,000.00	3,000.00	3,000.00	3,000.00
Library.....	6,000.00	6,000.00	6,000.00	6,000.00
Contingent expenses.....	25,000.00	25,000.00	25,000.00	25,000.00
Total, miscellaneous.....	2,088,600.00	1,300,400.00	2,165,300.00	2,115,300.00
<b>WEATHER BUREAU.</b>				
For salaries.....	164,290.00	164,290.00	164,290.00	164,290.00
Fuel, lights, and repairs.....	8,000.00	8,000.00	8,000.00	8,000.00
Contingent expenses.....	10,000.00	10,000.00	10,000.00	10,000.00
Salaries of inspectors, local forecast officials, observers, operators, etc., and other necessary employees outside of the city of Washington.....	347,195.00	347,195.00	347,195.00	347,195.00
All other expenses of the Weather Bureau.....	347,338.06	331,125.00	331,125.00	356,125.00
Total, Weather Bureau.....	876,823.06	860,610.00	860,610.00	885,610.00
Total, Agricultural Department.....	3,223,623.06	*2,400,330.00	3,278,750.00	2,252,500.00

\* No amount was estimated for 1896 for purchase and distribution of seeds for agricultural experiment stations in the several States and Territories, amounting in all, for 1895, to \$350,000.

Mr. CALL. I understand that several Senators desire to call up local bills, and I am willing that the appropriation bill shall go over until to-morrow morning.

Mr. GEORGE. There seems to be no objection to disagreeing to the committee amendments on page 23.

Mr. PLATT. I wish to make some remarks on that subject either now or in the morning.

The PRESIDING OFFICER (Mr. PASCO in the chair). The Senator from Connecticut wishes to be heard on that amendment.

Mr. GEORGE. Very well.

Mr. VEST. I should like to make a suggestion. Possibly it is a little selfish, but I am very anxious to call up a short bridge bill and have it passed. Will the Senator from Florida allow the appropriation bill to lie over until to-morrow morning?

Mr. CALL. I am willing to do so. There is no possibility of obtaining a vote on any contested proposition this evening.

Mr. VEST. I ask the Senate to consider a bill which is very short and which, unless passed now, will amount to nothing in the way of legislation. It is the bill (S. 2726) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894.

The PRESIDING OFFICER. The Chair understands that the Senator from Florida having the appropriation bill in charge consents that it shall be temporarily laid aside without prejudice.

Mr. CALL. I have no objection to that course.

The PRESIDING OFFICER. The request of the Senator from Missouri will be submitted to the Senate.

Mr. CHANDLER. It is understood that nothing further is to be done with the appropriation bill to-night.

Mr. CALL. The bill will lie over until to-morrow morning.

The PRESIDING OFFICER. So the Chair understands.

#### MISSOURI RIVER BRIDGE AT LEXINGTON, MO.

Mr. VEST. I ask the Senate to proceed to the consideration of the bill (S. 2726) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### NORTHROP & CHICK.

Mr. BLANCHARD. I ask the unanimous consent of the Senate for the passage of the bill (S. 2365) for the relief of Northrup & Chick.

Mr. PLATT. Let the bill be read for information.

The Secretary read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and hereby is, authorized and directed to examine and adjudicate the claim of Northrup & Chick, late licensed Indian traders with the Pottawatomie Indians in Kansas, for supplies furnished said Indians for their subsistence, and to determine the amount thereof justly due to said Northrup & Chick, and whether there is any fund belonging to said Indians which can be applied to the payment of such claim, and, if so determined, then to report and certify the amount found due to said Northrup & Chick, to be paid from the funds of said Indians, to the Secretary of the Treasury, to be so paid by him.

Mr. PLATT. The bill has been reported from some committee?

Mr. BLANCHARD. Yes, sir.

Mr. PLATT. From the Committee on Indian Affairs?

Mr. BLANCHARD. It was reported from the Indian Affairs Committee after having been first submitted to the Secretary of the Interior and the Commissioner of Indian Affairs.

The PRESIDING OFFICER. The Chair understands that there is an amendment of the committee which perhaps had better be stated.

The SECRETARY. In line 12, after the word "Chick," insert "without interest;" so as to read:

To report and certify the amount found due to said Northrup & Chick, without interest, to be paid from the funds of said Indians, to the Secretary of the Treasury, to be so paid by him.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDING OFFICER. The bill has been read at length, and the question is on agreeing to the amendment of the committee. The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## OKLAHOMA CENTRAL RAILROAD.

Mr. PETTIGREW. I ask unanimous consent for the immediate consideration of the bill (H. R. 5624) to authorize the Oklahoma Central Railroad to construct and operate a railway through the Indian and Oklahoma Territories, and for other purposes.

Mr. VEST. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri wish to speak to this matter?

Mr. VEST. I was about to make a motion for an executive session.

Mr. PETTIGREW. Let us dispose of this bill first.

Mr. VEST. Very well.

Mr. PETTIGREW. It is a House bill.

The PRESIDING OFFICER. The bill will be read for information by title.

The SECRETARY. A bill (H. R. 5624) to authorize the Oklahoma Central Railroad to construct and operate a railway through the Indian and Oklahoma Territories, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Indian Affairs with amendments, in section 1, line 8, after the word "Territory," to strike out "and through the Territory of Oklahoma;" in line 10, after the word "company," to strike out "on the east line of the Cherokee Nation" and to insert "at or near Sapulpa;" and in line 14, page 2, strike out the words "within the limit" and insert "at or near the west line;" so as to make the section read:

That the Oklahoma Central Railroad, a corporation created under and by virtue of the laws of Oklahoma Territory, be, and the same is hereby, invested and empowered with the right of locating, constructing, owning, equipping, operating, using, and maintaining a railway and telegraph and telephone line through the Indian Territory, beginning at a point to be selected by said railway company at or near Sapulpa, in the Indian Territory, and running through the said Territory and the Territory of Oklahoma by way of Chandler and Oklahoma City to a point on Red River at or near the west line of the Kiowa and Comanche Reservation, with the right to construct, use, and maintain such tracks, turn-outs, branches, sidings, and extensions as said company may deem it to their interest to construct.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. PLATT. I am not quite sure but that there ought to be another amendment made to the bill which was just passed. I move that the Senate ask for a conference with the House of Representatives on the bill and amendments, and it can be looked into in conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate.

H. F. MENOUGH.

Mr. CAREY. I ask unanimous consent for the present consideration of the bill (S. 2377) for the relief of H. F. Menough, late postmaster at Rock Springs, Wyo. It is a bill of only seven lines.

Mr. VEST. I desire an executive session. What is the bill the Senator from Wyoming desires to have considered?

Mr. CAREY. It is a bill simply to allow credit to a postmaster for a registered package lost. It is recommended by the Postmaster-General, and it involves only \$170. There are only seven lines of the bill, and it will take but two minutes to pass it.

Mr. HILL. From what committee does the bill come?

Mr. CAREY. It is reported from the Committee on Post-Offices and Post-Roads.

The PRESIDING OFFICER. The bill will be read by title.

The SECRETARY. A bill (S. 2377) for the relief of H. F. Menough, late postmaster at Rock Springs, Wyo.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Post-Offices and Post Roads with an amendment, in line 9, before the word "transmission," to strike out "after" and to insert "during;" so as to make the bill read:

*Be it enacted, etc.* That the Postmaster-General is hereby authorized to credit H. F. Menough, late postmaster at Rock Springs, Wyo., with \$171, the amount contained in a registered package placed in the mail for transmission to the Post-Office Department by the said H. F. Menough while postmaster as aforesaid, and which was lost during transmission.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## ORDER OF BUSINESS.

Mr. VEST. I move that the Senate proceed to the consideration of executive business.

Mr. ALDRICH. I ask the Senator to yield to me for a moment that I may make a parliamentary inquiry in regard to the order of business. I am not sure whether the order requested by the Senator from Maryland [Mr. GORMAN] in regard to business tomorrow from 1 to 3 was adopted or not. I should like to ask for information.

The PRESIDING OFFICER. The information of the Chair is that it was not agreed to.

Mr. ALDRICH. Then I ask unanimous consent that the time between 1 and 3 o'clock to-morrow be set apart for the consideration of unobjected cases upon the Calendar under Rule VIII.

Mr. HIGGINS. What time is proposed?

The PRESIDING OFFICER. From 1 until 3 o'clock.

Mr. CALL. The agricultural appropriation bill comes up to-morrow.

Mr. GEORGE. What is the request?

The PRESIDING OFFICER. That from 1 to 3 o'clock the Senate shall take up unobjected cases on the Calendar.

Mr. HARRIS. Under Rule VIII.

Mr. ALDRICH. Under Rule VIII.

Mr. HARRIS. Under the five-minute rule.

Mr. ALDRICH. Under the five-minute rule.

The PRESIDING OFFICER. Is there objection?

Mr. CALL. I must insist on proceeding with the agricultural appropriation bill to-morrow.

Mr. TURPIE. I object.

Mr. GEORGE. The Senator from Indiana objects.

The PRESIDING OFFICER. Objection is made.

Mr. VEST. I renew my motion.

The PRESIDING OFFICER. Before submitting the motion of the Senator from Missouri, the Chair will lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 4609) to establish a uniform system of bankruptcy.

The PRESIDING OFFICER. The Senator from Missouri [Mr. VEST] moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 16, 1895, at 12 o'clock m.

## NOMINATIONS.

*Executive nominations received by the Senate February 15, 1895.*

## UNITED STATES ATTORNEY.

Henry S. Foote, of California, to be attorney of the United States for the northern district of California, vice Charles A. Garter, whose term expired December 11, 1894.

## UNITED STATES MARSHAL.

Richard T. O'Connor, of Minnesota, to be marshal of the United States for the district of Minnesota, vice J. Adam Bede, resigned; the nomination of William C. Campbell having been rejected.

## POSTMASTERS.

James M. Elerick, to be postmaster at Keosauqua, in the county of Van Buren and State of Iowa, in the place of Washington E. Davis, removed.

Charles H. Gove, to be postmaster at Garner, in the county of Hancock and State of Iowa, in the place of Samuel Sturgeon, removed.

Robert Kennedy, to be postmaster at Pleasanton, in the county of Linn and State of Kansas, in the place of Louisa Holmes, removed.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 15, 1895.*

## COLLECTOR OF CUSTOMS.

Henry H. Babcock, of Connecticut, to be collector of customs for the district of New Haven in the State of Connecticut.

## POSTMASTERS.

John J. Thornton, to be postmaster at Saint James, in the county of Watonwan and State of Minnesota.

Christine Carroll, to be postmaster at Stillwater, in the county of Washington and State of Minnesota.

John R. Stannard, to be postmaster at Boonville, in the county of Oneida and State of New York.



## HOUSE OF REPRESENTATIVES.

FRIDAY, February 15, 1895.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read and approved.

## HOUSING OF WORKING PEOPLE.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Labor, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith the eighth special report of the Commissioner of Labor, which relates to "The housing of the working people in different countries."

GROVER CLEVELAND.

EXECUTIVE MANSION, February 14, 1895.

## PORT ORFORD, OREG.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Port Orford, Oreg.; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

## LEAVE OF ABSENCE.

Mr. HUTCHESON, by unanimous consent, obtained indefinite leave of absence, on account of sickness in his family.

## ADDITIONAL CIRCUIT JUDGE, NINTH CIRCUIT.

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 1813, providing an additional circuit judge in the ninth judicial circuit.

The bill was read, as follows:

*Be it enacted, etc.,* That there shall be in the ninth judicial circuit an additional circuit judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and have the same power and jurisdiction now prescribed by law in respect to the present circuit judges therein.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. CULBERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

## GILMAN L. JOHNSON.

Mr. CURTIS of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 840) to correct the muster of Lieut. Gilman L. Johnson. This is the bill the consideration of which was objected to the other day by the gentleman from Indiana [Mr. BYNUM], who has since withdrawn his objection.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and is hereby, authorized and directed to correct the record of Second Lieut. Gilman L. Johnson, late of the One hundred and forty-second Regiment of New York Infantry, so as to make his muster as said lieutenant date from the date of his enlistment in said regiment, and that he have all rights and emoluments due him thereby or by reason thereof.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. JONES. Mr. Speaker, I would like to hear the report in that case.

Mr. CURTIS of New York. Mr. Speaker, I can state the substance of the report (which was made by the gentleman from Iowa Mr. HULL) in a shorter time than it will take to read it. As I stated on last Friday when consent was asked for the consideration of this bill, the gentleman from Indiana [Mr. BYNUM] interposed an objection. Mr. Johnson went into the Army in my company in April, 1861, served two years, the entire term of his enlistment. When he was mustered out of the Sixteenth New York Volunteers he was commissioned a second lieutenant in the One hundred and forty-second New York Volunteers, which I then commanded. There were not, when he reported in August, enough men for him to be mustered, and at my suggestion he enlisted in that regiment as a private, was later promoted to be sergeant and sergeant-major, and performed the duties of a commissioned officer at various times. He was in command of troops on Johns Island, South Carolina, in January, 1864, and lost his right arm in an engagement there. His whole conduct and services while in the Army were of a most creditable character. As no opportunity was likely to occur for his muster under the general orders then governing musters, he was nominated for a first lieutenantcy and was so commissioned, but the commission was lost for a long time in a vessel which was sunk in Hampton Roads. Later he was mustered as a first lieutenant and performed duty until the close of the war. This bill corrects the record by giving him the muster which he ought to have had at the time he joined the regiment off Charleston, S. C.

Mr. JONES. As I understand it, the effect of this bill is to fix his rank?

Mr. CURTIS of New York. Yes, sir.

Mr. JONES. What change does it make?

Mr. CURTIS of New York. It makes the difference between the pay of a private or sergeant and a second lieutenant for the time he was borne on the company or noncommissioned-staff rolls.

Mr. JONES. What period will it cover?

Mr. CURTIS of New York. It will cover perhaps six or eight months.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CURTIS of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

## LIFE-SAVING STATION, CITY POINT, MASSACHUSETTS.

Mr. McETTRICK. Mr. Speaker, I ask unanimous consent for the consideration of Senate bill 2595 to establish a life-saving station at or near City Point, Boston Harbor, Massachusetts.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at or near City Point, Boston Harbor, Massachusetts, in such locality as the General Superintendent of the Life-Saving Service may recommend.

SEC. 2. That the character of the equipments and appliances of the station, the number of men constituting its crew, and the portion of the year during which it shall be manned shall be determined by the General Superintendent of the Life-Saving Service.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WILLIAM A. STONE. I would like to hear some explanation of it.

Mr. McETTRICK. I can explain it in a word.

The SPEAKER. Without objection, the report can be read; or if the gentleman prefers, he can make a brief explanation.

Mr. McETTRICK. Mr. Speaker, I wish to say, in shorthand, that this is a bill which proposes to establish a life-saving station at or near City Point, in Boston Harbor. All that is necessary is to authorize the Superintendent of the Life-Saving Service to establish a station at or near this point in the most available spot for this purpose, with the necessary equipments and appliances, including a boat's crew there, for such months in the year as he may deem advisable. The bill has been recommended by the Superintendent of the Life-Saving Service. It has passed the other branch of Congress unanimously. It is recommended by the Committee on Interstate and Foreign Commerce of this House. It has also been submitted to the chairman of the Committee on Appropriations for inspection. It involves the question of saving human life. There have been some forty lives lost at or near this point within the last five years. It was at this point, or near it, that five Harvard students were drowned last year. Not far from there a boat's crew containing eight boys in charge of their master met with a fatal accident. The boat was overturned, and after clinging to it for almost an hour one by one the little fellows were compelled to relinquish their hold until finally all, including the master in charge, were swallowed up by the waves. The expenditure required will not be great, and I trust there will be no objection to the passage of the bill.

Mr. MALLORY. Does this bill provide that the Superintendent of the Life-Saving Service shall fix the time of the men employed?

Mr. McETTRICK. Yes, sir.

Mr. MALLORY. That is contrary to the present law, is it not?

Mr. McETTRICK. I think not. The bill has been submitted to the Superintendent of the Life-Saving Service and is recommended by him. The bill, I repeat, provides "that the character of the equipments and appliances of the station, the number of men constituting its crew, and the portion of the year during which it shall be manned shall be determined by the General Superintendent of the Life-Saving Service."

Mr. MALLORY. The general law now fixes the portion of the year during which the men shall serve, I believe.

Mr. McETTRICK. Well, this is a special case. The accidents occurring at this point are usually to yachts and small boats.

Mr. DINGLEY. Does the bill simply authorize, or does it direct, the establishment of the station?

Mr. McETTRICK. It authorizes its establishment.

Mr. DINGLEY. That, I believe, is the usual form.

Mr. McETTRICK. So I understand.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. McETTRICK, a motion to reconsider the vote by which the bill was passed was laid on the table.

## MARTIN MULLINS.

Mr. DAVIS. I ask unanimous consent for the present consideration of the bill (H. R. 6071) for the relief of Martin Mullins.

The bill was read.

Mr. SAYERS. About what period of time does this bill cover?

Mr. DAVIS. This officer was in the service about ten years. The matter occurred before the late war. The object of the bill is to remove the bar of outlawry from this claim and refer it to the Court of Claims.

Mr. SAYERS. I must object.

## EDWARD H. MURRELL.

Mr. SWANSON. I ask unanimous consent for the consideration of the bill (S. 1881) for the relief of Edward H. Murrell.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DINGLEY. I should like to hear some explanation.

Mr. SWANSON. The bill proposes to pay Edward H. Murrell, of Lynchburg, \$1,409.34. The Committee on Claims of the Senate, as well as the corresponding committee of this House, have unanimously recommended the passage of the bill. It is for the rent of three houses in the city of New Orleans, the rent for which was collected by the Treasury agents of the United States and turned over to the Treasury.

Mr. DINGLEY. This was during the military occupation of the city?

Mr. SWANSON. Yes; during the occupation of New Orleans in the years 1863 and 1864.

Mr. DINGLEY. Was this abandoned property?

Mr. SWANSON. Abandoned property.

Mr. DINGLEY. Why was not the claim presented to the Court of Claims within the two years allowed by law?

Mr. SWANSON. Before this claim was presented the limitation allowed by law had expired; and consequently the only way now to obtain relief is by special act.

Mr. DINGLEY. Are there not a great many cases of this class? And if action for relief is to be taken ought there not to be some general legislation? It appears that this is an isolated case selected out of thousands.

Mr. SWANSON. This is the case of an old man about seventy who was once a man of wealth. If action is to be delayed until general legislation can be had he will doubtless die before getting the money to which he is entitled and which is now in the Treasury.

Mr. DINGLEY. There are thousands of other claims of this class—cotton claims and others.

Mr. SWANSON. I do not undertake to say what objection might arise in other cases which the gentleman has in his mind. I simply want to say that this is the case of an old man, once wealthy, but now penniless; and this money belonging to him is now in the Treasury of the United States. If he must wait until general legislation for the relief of all persons of this class can be adopted he will probably die without getting a cent, and his grandchildren or other heirs may get some benefit from legislation such as the gentleman suggests. I hope the gentleman will not object.

Mr. DINGLEY. If this were a simple matter of sympathy, and we could in giving this amount of money confine our action to this single proposition, the case might be different. But this is one of thousands of cases standing on the same footing, cotton cases, etc., cases of abandoned property in various cities occupied by the Federal troops; but payment in this case might set the precedent for payment in all those other cases.

Mr. SWANSON. Such other cases as the gentleman has referred to might involve the consideration of elaborate evidence. No such question can arise here. This specific money, the property of this man, was paid into the Treasury, being the proceeds of rent of property which he owned.

Mr. DINGLEY. If this claimant had been a loyal man he could have presented his case to the Court of Claims within two years after the close of the war and obtained his money. What has been the difficulty in this particular case?

Mr. SWANSON. The report states the matter fully. This man was pardoned; I do not know what particular difficulty arose in connection with the presentation of his claim. Affairs were very much unsettled during those two years.

Mr. PAYNE. Mr. Speaker, I think the Treasury will not stand any further drain this morning. I object to this bill.

## OLIVIA AND IDA WALTER.

Mr. REYBURN. I ask unanimous consent for the present consideration of the bill (S. 409) for the relief of Olivia and Ida Walter, heirs and children of Thomas U. Walter, deceased.

The bill was read.

The SPEAKER. Has this bill been reported from the House committee?

Mr. REYBURN. It has been reported from the House committee and printed.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out "twenty-five" and insert "fourteen;" so as to read: "\$14,000."

Mr. SAYERS. This bill carries a pretty large sum of money. I should like to hear some explanation of it.

Mr. REYBURN. The report of the House committee is short and will explain the merits of the bill better than I can do. I ask that the Clerk read the report.

The report (by Mr. RICHARDS) was read, as follows:

Your committee, to whom was referred House bill 1323, beg leave to report: This claim has heretofore received the favorable consideration of the committee of the Senate and passed the Senate for the sum of \$25,000. In the last Congress it passed the Senate for \$14,000. The committee of the House acted favorably on both bills of the Senate, but they were never reached on the Calendar. The facts in brief are as follows:

In the year 1850 the Government determined to build the new wings of the Capitol. At that time there was no such office as Government architect, and the Government advertised for plans and specifications for the extensions, just as an individual would. Various plans were submitted, but that of Charles U. Walter, who had spent most of his life in Europe studying his profession, was accepted. The contract as architect was awarded Mr. Walter, and he accepted, and his pay for that special work was fixed at \$4,500 per annum, as shown by the following letter of Mr. Stuart, then Secretary of the Interior:

"DEPARTMENT OF THE INTERIOR, October 9, 1851.

"SIR: I have to inform you that your salary as architect of the extension of the Capitol has been fixed by the President of the United States at \$4,500 per annum, to commence with the date of your appointment.

"I am, very dear sir, very respectfully, your obedient servant,

"ALEX. H. H. STUART, Secretary."

Subsequently, the Hon. Mr. Stuart says:

"This I feel very sure was a single and separate contract relating exclusively to the two wings of the Capitol and the corridors connecting them with the old building."

Thus it will be seen that Mr. Walter was not a Government officer, but he was employed and paid for the specific work above referred to.

Mr. Walter displayed such taste, capacity, and energy in the execution of his work, the Government assigned him to perform the following duties: To add wings to the Patent Office, which, when completed, became the great Interior Department building; the extension of the Treasury building; extension of the Post-Office building; to make the fireproof Congressional Library; to plan and personally supervise the erection of the immense Dome of the Capitol, which required his hourly presence; marine barracks in Pensacola; marine barracks at Brooklyn, N. Y., and other valuable public services.

These services ran through the period of fourteen years, from 1851 to 1865, and by the estimate of architects would amount to over \$100,000. They embraced nearly the whole of Mr. Walter's professional life, for so arduous were his services and the strain on his mind that he was subsequently incapacitated for any important work.

It appears that Mr. Walter's desire was to live on the sum paid him for the extension of the Capitol and to reserve the amount for these important extra services as his compensation and as furnishing the means to support himself and family. After he had completed all these extra works he was informed by the Treasury Department that there was no appropriation for that purpose and he must rely on Congress. Then he filed his memorial. Since then he died, leaving his will giving to his wife and daughters his interest; since, his wife has died, leaving the two daughters, who are single and without any means of support.

Your committee thinks it the merest act of justice to allow the sum of \$14,000, the sum fixed by the Senate, as it seems, at \$1,000 a year for fourteen years, for Mr. Walter's labor in all these matters. Your committee feel it due to his memory to state that no work was ever more superbly done and that his work reflects credit on this Government, for which he comparatively gave his life. Therefore, your committee report back the bill with the amendment to strike out "twenty-five" and insert "fourteen," so that it will read, "\$14,000," with a recommendation that it do pass.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania to consider this bill?

Mr. SAYERS. I object.

## MOUNT VERNON MILITARY BARRACKS, ALA.

Mr. CLARKE of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8680) granting the Mount Vernon Barracks Military Reservation to the State of Alabama for public uses.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PAYNE. Let us have some explanation of this bill.

Mr. CLARKE of Alabama. I ask for the reading of the report, which is quite brief and explains fully the nature of the bill.

The report (by Mr. GORMAN) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8680) entitled "A bill granting the Mount Vernon Barracks Military Reservation to the State of Alabama for public uses," have had the same under consideration and submit the following report:

Said military reservation is situated in the State of Alabama, near the Mobile River, about 23 miles northeast of the city of Mobile, and not near any village or town, so that its location is isolated. It was set apart in 1830 from the public lands for military purposes, and was immediately occupied as a United States arsenal. In 1873 it was transferred to the Quartermaster's Department for use as barracks for troops, and was so occupied up to November, 1894.

For several years the Apache Indian prisoners of war were confined there, but they were removed in the fall of 1894, and in November of that year the garrison was withdrawn and the post permanently abandoned.

It embraces about 1,600 acres of sterile land, which supports a sparse growth of timber, and is of very little value.

The improvements upon it are suitable for battalion barracks, and are very good of their kind, but unfit for any other than some public use, so that the land can not very well revert to the public domain for ordinary entry, nor can it be sold at more than a nominal price.

While the Government has not and probably will not have any possible use



for the property, it must if it retains it maintain a guard there and incur very considerable expense in keeping the buildings and other improvements in repair, or else they will rapidly go to decay and ruin.

The legislature of Alabama, on the 8th of December, 1894, adopted a joint resolution asking the cession of this property to the State for public uses. The bill has been submitted by the committee to the War Department, and the Secretary of War, in a written communication to the committee, states that the property is of no use to the Government and recommends the passage of the bill.

There are many precedents for such a disposition of an abandoned military reservation. Among others within late years are the grant of a part of the abandoned military reservation at Fort Smith, Ark., to the city of Fort Smith, by act of May 13, 1884; of the Baton Rouge Reservation to a religious denomination, by act of September 30, 1890; of a part of the Fort Sisseton Reservation to the State of South Dakota, by act of October 1, 1890; of a part of the Fort Randall Reservation to the State of Nebraska, by act of March 3, 1893, and of a part of the Fort Randall Reservation to the State of South Dakota, by act of March 3, 1893.

The only condition that Congress has imposed in such cases is that the State or municipality to which the donation is made shall use the same for public purposes.

The grant has been sought by the State on that express condition, and the bill so provides and guards the cession. The committee unanimously recommend the passage of the bill.

**THE SPEAKER.** Is there objection to the present consideration of the bill?

**MR. PAYNE.** I think, if the land is of so little value, it ought to be put up at auction, and it will not be a great burden to the State of Alabama to buy it in if it wants it. I object.

#### BRIDGE ACROSS THE YELLOWSTONE.

**MR. HARTMAN.** Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6750) to authorize the construction of a bridge across the Yellowstone River, in the county of Dawson, State of Montana.

The bill was read at length, and also the amendments recommended by the Committee on Interstate and Foreign Commerce.

**THE SPEAKER.** Is there objection to the present consideration of the bill?

**MR. STALLINGS.** I demand the regular order.

Subsequently, Mr. HARTMAN having stated that the objection of Mr. STALLINGS had been withdrawn, and there being no further objection, the bill was taken up, the amendments agreed to, and the bill as amended engrossed and read the third time, and passed.

On motion of Mr. HARTMAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### ORDER OF BUSINESS.

**THE SPEAKER.** The regular order is the call of committees for reports.

#### WATERWAY BETWEEN THE OCEAN AND LAKES.

**MR. WISE,** from the Committee on Interstate and Foreign Commerce, reported back the Senate joint resolution (S. R. 130) authorizing a preliminary inquiry concerning deep waterways between the ocean and the Great Lakes, and providing commissioners therefor; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### REBUILDING TERRITORIAL CAPITAL, NEW MEXICO.

**MR. JOSEPH,** from the Committee on the Territories, reported back the bill (H. R. 8839) to approve an act entitled "An act authorizing the rebuilding of the Territorial capital at Santa Fe, N. Mex., which was destroyed by fire May 12, 1892;" which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### SECTION 220, REVISED STATUTES.

**MR. DINGLEY.** Mr. Speaker, I desire to submit a privileged report from the Joint Commission to Inquire into the Laws Respecting the Executive Departments, etc., for the purpose of having it printed. The bill has already been inserted in the legislative appropriation bill, and has passed the House. I desire simply to have the report and bill printed.

**THE SPEAKER.** The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 8879) to repeal in part section 220 of the Revised Statutes of the United States, and for other purposes.

**THE SPEAKER.** This bill will be ordered to lie on the table, and, with the accompanying report, printed.

#### NAVAL APPROPRIATION BILL.

**MR. TALBOTT** of Maryland. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering general appropriation bills.

**MR. BELTZHOVER.** Mr. Speaker, I am entitled under the rules—

**THE SPEAKER.** This is not debatable.

**MR. TALBOTT** of Maryland. I do not desire to debate it.

**THE SPEAKER.** The gentleman may submit a motion if he desires.

**MR. BELTZHOVER.** I am entitled to move to proceed to the consideration of bills on the Private Calendar to-day under the rules; but I wish to ask unanimous consent—

**THE SPEAKER.** The demand for the regular order has been made, which cuts off all requests for unanimous consent.

**MR. BELTZHOVER.** I think the gentleman from Maryland will agree to this.

**MR. TALBOTT** of Maryland. I did not demand the regular order.

**THE SPEAKER.** The demand has been made by the gentleman from Alabama [Mr. STALLINGS].

**MR. BELTZHOVER.** I am entitled to move to go into Committee of the Whole on the Private Calendar to-day—

**THE SPEAKER.** The Chair will submit a motion if the gentleman desires to make one.

**MR. SAYERS.** I wish to submit a parliamentary inquiry first. In case the motion of the gentleman from Maryland should prevail I desire, if it be necessary, to reserve the point of order on the Naval appropriation bill; and I do so now.

**THE SPEAKER.** Does the gentleman from Pennsylvania [Mr. BELTZHOVER] desire to submit a motion?

**MR. BELTZHOVER.** I do; but pending that I wish to ask unanimous consent to fix this day week for the consideration of the Private Calendar. I do not wish to antagonize the Appropriations Committee—

**THE SPEAKER.** That is a day fixed under the rules for the consideration of the Private Calendar.

**MR. BELTZHOVER.** I understand that; but it is liable to be antagonized by the Committee on Appropriations, as it has been heretofore. Now, if it can be understood that that day shall be secured for the consideration of the Private Calendar, as we have but two Fridays after to-day left of the session, I shall be content if one of the three is given, without restriction, to the Committee of the Whole on the Private Calendar.

**MR. SAYERS.** Well, Mr. Speaker, with the general deficiency bill pending and conference reports which must be acted upon I can not consent to that.

**MR. TALBOTT** of Maryland. Then I move that the House resolve itself into Committee of the Whole to consider appropriation bills.

**MR. BELTZHOVER.** I will withhold my motion until next Friday, when I will insist on it.

The motion of Mr. TALBOTT of Maryland was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. O'NEIL of Massachusetts in the chair.

**THE CHAIRMAN.** The House is now in Committee of the Whole for the consideration of general appropriation bills, and the Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (H. R. 8835) making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes.

**MR. TALBOTT** of Maryland. I ask unanimous consent that the first reading of the bill be dispensed with.

**THE CHAIRMAN.** The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

**MR. TALBOTT** of Maryland. Now I ask that the report be read.

**THE CHAIRMAN.** The Clerk will read the report.

The Clerk began the reading of the report.

**MR. TALBOTT** of Maryland. I ask unanimous consent that the report be printed in the RECORD. That will save the time of reading it.

**THE CHAIRMAN.** Is there objection to the request of the gentleman from Maryland?

There was no objection.

The report is as follows:

The Committee on Naval Affairs, to whom was referred so much of the President's message as relates to the support of the naval establishment, to the estimates therefor for the fiscal year ending June 30, 1896, beg leave to report herewith a bill (H. R. 8865) entitled "A bill making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes," and ask of the House its favorable consideration.

The estimates as originally submitted called for an appropriation of \$30,952,000. The total amount carried by the bill as reported is \$31,807,023.83.

A comparative exhibit of the estimates and appropriations and amounts recommended in the bill is appended herewith.

Comparative exhibit of estimates and appropriations for the support of the naval establishment, 1895-96. (Fifty-third Congress, third session.)

Objects.	Appropriations for 1895 (act of July 25, 1894).	Estimates for 1896.	Amount in H. R. 8865 as reported to the House January 25, 1895.
<b>GENERAL ESTABLISHMENT.</b>			
Pay of the Navy .....	\$7,475,000.00	\$7,472,848.00	\$7,824,329.00
Pay, miscellaneous .....	240,000.00	240,000.00	240,000.00
Contingent, Navy .....	7,000.00	7,000.00	7,000.00
<b>Total .....</b>	<b>7,722,000.00</b>	<b>7,719,848.00</b>	<b>8,071,329.00</b>

## Comparative exhibit of estimates and appropriations, etc.—Continued.

Objects.	Appropriations for 1895 (act of July 20, 1894).	Estimates for 1895.	Amount in H. R. 8665 as reported to the House January 25, 1895.
<b>BUREAU OF NAVIGATION.</b>			
Gunnery exercises.....	\$6,000.00	\$6,000.00	\$6,000.00
Ocean and lake surveys.....	14,000.00	14,000.00	14,000.00
Outfits for naval apprentices.....	30,000.00	35,750.00	25,000.00
Recruiting, transportation, and contingent.....	45,000.00	45,000.00	45,000.00
Naval station, Newport, R. I.....	17,000.00	17,000.00	11,000.00
Naval station (for apprentices).....	50,000.00	183,500.00	50,000.00
Naval War College and Torpedo School.....	8,000.00	8,000.00	8,000.00
Ordnance & Kolb letter-engraving machine.....	20,000.00		
Total.....	153,000.00	307,250.00	150,000.00
<b>BUREAU OF ORDNANCE.</b>			
Ordnance and ordnance stores:			
For procuring and producing ordnance material, etc.....	180,000.00	180,000.00	180,000.00
Expense of target practice.....	15,000.00	15,000.00	15,000.00
Maintenance of proving ground.....	5,000.00	5,000.00	5,000.00
Modern battery for U. S. S. Hartford.....		150,000.00	150,000.00
Reserve supply of guns.....		159,558.50 <sup>†</sup>	159,558.50
Reserve supply of projectiles.....		130,000.00	130,000.00
Additional supply of torpedoes.....		242,500.00	242,500.00
Repairs, Bureau of Ordnance.....	30,000.00	30,000.00	30,000.00
Construction of buildings, Mare Island.....	17,000.00	75,000.00	75,000.00
Magazine, Crane Island.....		75,000.00	75,000.00
Torpedo station, Newport, R. I.....	60,000.00	60,000.00	60,000.00
Torpedo station, replacing gun-cotton factory.....	11,077.00		
Reserve guns for auxiliary cruisers.....		500,000.00	500,000.00
Naval militia.....	25,000.00	25,000.00	25,000.00
Gun plant, Washington Navy Yard.....	117,000.00		
Contingent.....	8,000.00	8,000.00	8,000.00
Naval proving ground.....		20,000.00	20,000.00
Civil establishment.....	20,824.00	20,824.00	20,824.00
Total.....	495,801.00	1,636,882.50	1,626,882.50
<b>BUREAU OF EQUIPMENT.</b>			
Equipment of vessels.....	1,000,000.00	1,278,000.00	1,278,000.00
Civil establishment.....	19,025.00	19,025.00	19,025.00
Contingent.....	12,000.00	12,000.00	12,000.00
Total.....	1,121,025.00	1,309,025.00	1,309,025.00
<b>BUREAU OF YARDS AND DOCKS.</b>			
Ordinary expenses:			
Maintenance of yards and docks.....	250,000.00	250,000.00	250,000.00
Contingent, yards and docks.....	15,000.00	15,000.00	15,000.00
Repairs and preservation of navy yards and stations.....			*400,000.00
Civil establishment, yards and docks.....	61,494.54	61,597.37	61,597.37
Naval Home, Philadelphia, Pa.....	80,465.00	79,315.00	79,315.00
Total.....	406,954.54	405,912.37	805,912.37
<b>PUBLIC WORKS, BUREAU YARDS AND DOCKS.</b>			
Boston Navy Yard.....	15,000.00	15,000.00	1,500.00
Brooklyn Navy Yard.....	140,635.00	261,635.00	261,635.00
League Island Navy Yard.....	81,800.00	44,500.00	74,500.00
Washington, D. C., Navy Yard.....	20,044.00	59,579.00	59,579.00
Norfolk, Va., Navy Yard.....	110,265.77	55,000.00	46,012.00
Port Royal, S. C., Navy Yard.....	36,889.42	97,915.00	97,915.00
Algiers, La., Navy Yard.....	23,025.03	50,000.00	100,000.00
Mare Island, Cal., Navy Yard.....	29,019.00		
Mare Island, construction of tug.....	50,000.00	120,874.00	150,874.00
Puget Sound, Wash., Navy Yard.....	6,079.83	250,000.00	250,000.00
Key West naval station.....	10,000.00	60,000.00	60,000.00
Repairs and preservation at navy yards.....	300,000.00	+400,000.00	(+)
Naval Academy.....	28,000.00	10,000.00	10,000.00
New Naval Observatory.....	23,956.00	62,000.00	42,000.00
Total.....	604,270.05	1,546,803.00	1,184,315.00
<b>BUREAU OF MEDICINE AND SURGERY.</b>			
Medical Department.....	60,000.00	60,000.00	60,000.00
Naval Hospital fund.....	20,000.00	20,000.00	20,000.00
Contingent.....	25,000.00	25,000.00	25,000.00

\* Transposed from Bureau Yards and Docks, "Public works."  
† Appropriation for 1896 transposed to Bureau of Yards and Docks, "ordinary expenses."

## Comparative exhibit of estimates and appropriations, etc.—Continued.

Objects.	Appropriations for 1895 (act of July 20, 1894).	Estimates for 1895.	Amount in H. R. 8665 as reported to the House January 25, 1895.
<b>BUREAU OF MEDICINE AND SURGERY—continued.</b>			
Repairs.....	\$30,000.00	\$30,000.00	\$30,000.00
Ambulances.....		1,800.00	1,800.00
Total.....	125,000.00	126,800.00	126,800.00
<b>BUREAU OF SUPPLIES AND ACCOUNTS.</b>			
Provisions, Navy.....	1,175,000.00	1,175,000.00	1,234,000.00
Contingent.....	45,000.00	45,000.00	45,000.00
Civil establishment.....	67,532.03	67,581.00	68,731.00
Total.....	1,287,532.03	1,287,581.00	1,307,731.00
<b>BUREAU OF CONSTRUCTION AND REPAIR.</b>			
Construction and repair of vessels:			
For repair of U. S. S. Constitution.....	800,000.00	1,000,000.00	1,000,000.00
For repair of hull of U. S. S. Hartford.....	8,000.00		
For repair of hull of U. S. S. Hartford.....	150,000.00		
Civil establishment.....	19,972.50	19,972.50	19,972.50
Total.....	1,077,972.50	1,019,972.50	1,019,972.50
<b>BUREAU OF STEAM ENGINEERING.</b>			
Steam machinery.....	425,000.00	425,000.00	425,000.00
Purchase and handling of material, etc.....	240,000.00	315,000.00	315,000.00
Incidental expenses.....	10,000.00	10,000.00	10,000.00
Steam machinery, special.....	230,000.00	400,000.00	400,000.00
Contingent.....	1,000.00	1,000.00	1,000.00
Civil establishment.....	11,900.00	11,900.00	11,900.00
Total.....	917,900.00	1,162,900.00	1,162,900.00
<b>NAVAL ACADEMY.</b>			
Pay of professors, etc.....	52,407.00	52,407.00	52,407.00
Special course of study.....	3,000.00	3,000.00	3,000.00
Pay of watchmen, etc.....	44,086.95	44,086.95	44,086.95
Pay of steam employees.....	7,824.50	7,824.50	7,824.50
Repairs and improvements.....	21,000.00	21,000.00	21,000.00
Heating and lighting.....	17,000.00	20,000.00	20,000.00
Contingent.....	41,800.00	41,800.00	41,300.00
Total.....	192,601.45	190,118.45	189,618.45
<b>MARINE CORPS.</b>			
Pay Department.			
Pay of officers on active list.....	179,320.00	179,320.00	179,320.00
Pay of officers on retired list.....	56,865.00	57,465.00	54,840.00
Pay of noncommissioned officers, etc.....	364,794.79	381,847.07	361,847.07
Pay of retired enlisted men.....	24,654.63	27,000.00	27,000.00
Undrawn clothing.....	24,000.00	24,000.00	23,000.00
Mileage of officers traveling under orders.....	9,000.00	9,000.00	8,000.00
Commutation of quarters.....	4,550.00	4,550.00	4,000.00
Pay of civil force.....	17,635.23	17,637.98	17,637.98
Total.....	700,820.65	700,820.65	685,645.05
Quartermaster's Department.			
Provisions.....	74,661.55	90,000.00	90,000.00
Amount required to be transferred for retired men.....	5,338.45	6,570.40	
Clothing.....	80,000.00	80,000.00	80,000.00
Fuel.....	19,500.00	19,500.00	19,500.00
Military stores.....	13,286.50	13,297.00	13,297.00
Transportation and recruiting.....	15,000.00	15,000.00	15,000.00
Repairs of barracks (general).....	10,000.00	10,000.00	10,000.00
Alteration and repairs of barracks, etc. (special).....	10,000.00	15,000.00	12,500.00
Forage.....	2,800.00	2,800.00	2,800.00
Hire of quarters.....	6,624.00	6,624.00	6,624.00
Contingent.....	30,000.00	30,000.00	30,000.00
Total.....	267,210.50	288,791.40	279,721.00
<b>INCREASE OF NAVY.</b>			
Armor and armament.....	4,000,000.00	5,237,670.00	5,287,670.00
Construction and steam machinery.....	5,955,025.00	7,879,222.00	8,342,422.00
Equipment.....		142,500.00	125,000.00
Remission of penalties U. S. S. Vesuvius.....	30,700.00		
Horsepower premium earned by contractors, machinery for U. S. S. Maine.....			22,420.30
Total.....	9,985,725.00	13,259,392.00	13,777,521.30
Grand total for the support of naval establishment.....	25,366,826.72	30,952,066.96	31,807,023.86



Comparative exhibit of estimates and appropriations by bureaus, 1893, 1894, 1895, and 1896.

Detailed objects of expenditure, and explanation.	Estimates, 1893.	Appropriations, 1893.	Estimates, 1894.	Appropriations, 1894 (act March 3, 1893).	Estimates for 1895.	Appropriations, 1895 (act July 20, 1894).	Estimates, 1896. Fifty-third Congress third session.
<b>General establishment:</b>							
Pay of the Navy	\$7,350,000.00	\$7,300,000.00	\$7,300,000.00	\$7,300,000.00	\$7,475,000.00	\$7,475,000.00	\$7,472,848.00
Pay, miscellaneous	240,000.00	240,000.00	240,000.00	240,000.00	240,000.00	240,000.00	240,000.00
Contingent, Navy	7,000.00	7,000.00	7,000.00	7,000.00	7,000.00	7,000.00	7,000.00
<b>Bureau of Navigation:</b>							
Ordinary expenses	131,750.00	116,000.00	163,750.00	147,000.00	276,750.00	153,000.00	307,250.00
Bureau of Ordnance	594,041.25	329,824.00	429,324.00	349,824.00	645,801.00	495,801.00	1,626,882.50
Bureau of Equipment	1,034,225.00	956,025.00	956,025.00	956,025.00	1,131,025.00	1,121,025.00	1,300,025.00
<b>Bureau of Yards and Docks:</b>							
Ordinary expenses	418,794.04	376,595.09	599,453.14	375,709.54	403,809.54	406,959.54	405,912.37
Public works	759,659.38	588,900.00	757,983.00	1,117,744.00	737,787.00	904,279.00	1,546,803.00
Naval Observatory	59,325.67	17,500.00	16,500.00				
Bureau of Medicine and Surgery	125,000.00	120,000.00	125,000.00	125,000.00	125,000.00	125,000.00	126,800.00
Bureau of Supplies and Accounts	1,232,692.03	1,197,532.03	1,273,892.03	1,227,532.03	1,287,532.03	1,287,532.03	1,287,581.09
Bureau of Construction	1,019,972.50	969,972.50	969,972.50	969,972.50	919,972.50	919,972.50	1,019,972.50
Bureau of Steam Engineering	763,105.00	687,900.00	739,900.00	707,900.00	1,017,900.00	917,900.00	1,162,900.00
<b>Total Navy proper, including public works</b>				13,523,707.07	14,267,577.07	14,211,469.12	16,512,974.46
<b>Naval Academy</b>	207,688.65	189,065.45	219,488.65	187,065.45	187,101.45	192,601.45	190,118.45
<b>Marine Corps:</b>							
Pay Department	696,625.00	687,540.85	713,469.63	696,478.36	702,000.00	700,820.65	700,820.65
Quartermaster's Department	363,906.25	349,411.13	286,383.26	271,810.50	264,210.50	267,210.50	268,701.40
<b>Naval review</b>		50,000.00		300,000.00			
<b>Total running expenses</b>	14,903,784.80	14,083,266.65	14,767,841.21	14,979,061.38	15,420,889.02	15,372,101.72	17,692,704.96
<b>Increase, Navy:</b>							
Bureau of Yards and Docks	110,000.00	60,000.00					
Bureau of Equipment	600,000.00	400,000.00	555,305.00	250,000.00			142,500.00
Bureau of Ordnance, armament and armor	4,186,250.00	2,000,000.00	2,000,000.00		8,500,000.00	4,000,000.00	5,237,670.00
Construction and machinery	7,384,005.00	7,000,000.00	7,184,332.00	6,875,000.00	8,055,025.00	8,055,025.00	7,879,222.00
<b>Total increase, Navy</b>	12,280,855.00	9,400,000.00	9,708,637.00	7,125,000.00	12,455,025.00	9,955,025.00	13,260,392.00
<b>Grand total</b>	27,184,639.80	23,543,266.65	24,476,478.21	22,104,061.38	27,875,914.02	24,227,126.72	30,052,006.96

\* Does not include the indefinite amount appropriated under said act for the remission of penalties on United States steamship *Vesuvius* (\$30,700), which sum, if added, increases the grand total appropriated for 1895 to \$25,366,826.72.  
 † Increased by supplemental estimates, House Ex. Docs. 54 and 99.

A general statement of the reductions made by the committee from the estimates for the fiscal year ending June 30, 1895, is as follows:

<b>BUREAU OF NAVIGATION.</b>	
Outfit for apprentices	\$8,750.00
Naval Station, Newport, R. I.	6,000.00
Naval War College and Torpedo School	133,500.00
<b>BUREAU OF YARDS AND DOCKS.</b>	
Navy-yard, Boston	13,500.00
Navy-yard, Norfolk	15,000.00
New Naval Observatory	50,000.00
<b>NAVAL ACADEMY.</b>	
Naval Academy, contingent miscellaneous expenses	500.00
<b>MARINE CORPS.</b>	
Pay of officers on the retired list	2,625.00
Undrawn clothing	1,000.00
Mileage of officers traveling under orders	1,000.00
Commutation of quarters	550.00
Amount required to be transferred for retired men	6,570.40
Alteration and repair of barracks	2,500.00
<b>INCREASE OF NAVY.</b>	
Equipment	17,500.00
The increase over the estimates as recommended by your committee are shown as follows:	
<b>GENERAL ESTABLISHMENT.</b>	
Pay of the Navy, for additional enlisted men	\$351,481.00
<b>BUREAU OF EQUIPMENT.</b>	
Civil establishment	600.00
<b>PUBLIC WORKS.</b>	
Bureau of Yards and Docks:	
Navy-yard, League Island, tug	30,000.00
Navy-yard, Norfolk, clerk labor bureau	1,200.00
Navy-yard, Algiers, La.	50,000.00
Navy-yard, Mare Island, Cal., additional dock	30,000.00
<b>BUREAU OF SUPPLIES AND ACCOUNTS.</b>	
Provisions, Navy	109,000.00

The Bureau of Navigation estimated the sum of \$125,000 for barracks for the use of the naval apprentices at Coasters Harbor Island. This item was recommended last year, but was disallowed, and also disallowed in the present bill, your committee being of the opinion that the construction of the barracks was not necessary and having grave doubts as to the policy of training naval apprentices in barracks on shore.

The estimates submitted by the Bureau of Ordnance have been increased in the sum of \$1,151,081.50 over the amount appropriated in the law for 1894-95. The principal items of increase are \$150,000 for a modern battery for the U. S. S. *Hartford*, \$150,558.50 for reserve supply of guns, \$150,000 for a reserve supply of projectiles, \$242,500 for additional supplies of torpedoes, \$75,000 for magazine at Craney Island, and \$500,000 for reserve guns for auxiliary cruisers.

In support of the appropriation for reserve guns, ammunition, and projectiles provided for in the bill, your committee desire to call attention to the following language of the Secretary of the Navy, found in his annual report, pages 16 and 17:

"The guns required for the new vessels heretofore authorized are now so nearly completed that the construction of a sufficient reserve supply should

be commenced without delay, and the Department recommends an appropriation to that end.

"The most elementary maxims warn us that if it be worth while to maintain a navy at all we must also have a reserve supply of ordnance and ordnance stores, and certainly we need not call on military science to tell us that our reserve of naval vessels is of no value without guns.

"Congress should give careful attention to the ordnance requirements of vessels that are liable to be called into service as auxiliaries in time of war, in accordance with the acts of Congress approved March 3, 1891, and May 10, 1892, providing that steamers registered under the provisions of said acts can be used by the United States as transports or cruisers. To mention no others, the *Paris* and *New York*, of the American Line, are now receiving large sums of money annually on condition that they hold themselves in readiness to serve the Government whenever demanded. When they hoisted down the English to hoist the American flag they were receiving pay from the British Government to hold themselves in readiness to serve that nation, and the English had guns and gun mounts ready to be put upon them at a moment's notice. We have now been paying subsidies to these ships for months, and have not a gun to put upon them.

"Under treaty provisions neither the United States nor the English can keep more than one small naval vessel upon our northern lakes. So far the two countries are matched. In case, however, a war should unfortunately break out between them Great Britain could promptly furnish guns and gun mounts to her merchant marine on the lakes, and though their marine is far inferior to ours in strength, the British might master those waters and do incalculable damage to our lake cities. If we had a reserve of ordnance and ordnance stores we could dominate those waters without question.

For the equipment of vessels \$188,000 was estimated and allowed in excess of the appropriation made under act of July 26, 1894, under the Bureau of Equipment. This increase is caused by the commissioning of the *Columbia*, *Minneapolis*, *Montgomery*, *Marblehead*, *Castine*, *Machias*, *Olympia*, *Cincinnati*, and *Raleigh*, some of the new vessels constructed under the various acts of Congress. The coal expenditures for these additional vessels, less the amount expended for the *Columbia*, *Marblehead*, and *Machias* for the time they were in commission during the years 1893 and 1894, amounted to \$242,000.

As a matter of convenience the committee have transposed the item of repairs and preservation at navy-yards from the estimates heretofore submitted under public works, Bureau of Yards and Docks, to the ordinary expenses under said Bureau of Yards and Docks. The appropriation, however, under said item has been increased, in accordance with the estimates submitted, in the sum of \$100,000. The Secretary of the Navy and the Chief of the Bureau of Yards and Docks inform your committee that this additional appropriation is absolutely essential in order to preserve and keep in something like fair condition the yards and docks of the United States Navy.

Omitting the appropriation above referred to for repairs and preservation, which has been transposed to Bureau of Yards and Docks, ordinary expenses, there is still an excess of \$542,523.95 estimated for the ensuing fiscal year over the amount appropriated in the law for 1894-95, \$280,000 being toward the completion of the Puget Sound (Washington) Navy-Yard, and an additional \$100,000 of expenditures estimated for the Brooklyn Navy-Yard. The Secretary of the Navy officially visited Puget Sound and inspected the grounds, and is impressed with the importance of this work, and increased the estimates of the Bureau for this work.

Your committee have still further increased these estimates by the appropriation of \$30,000 toward the construction of a tug at the League Island Navy-Yard, by an increased appropriation of \$50,000 for the navy-yard at Algiers, La., and an appropriation of \$30,000 for the completion of a tug at the Mare Island Navy-Yard.

Under the Bureau of Medicine and Surgery the estimates have been increased by \$1,300 for supplying three naval hospitals with ambulances of modern construction to replace vehicles condemned as useless.

Under the Bureau of Supplies and Accounts your committee have increased the estimate submitted by \$100,000, the sum being for provisions required for the increased number of enlisted men authorized under the provisions of this bill.

Under the Bureau of Construction and Repair your committee have appropriated the exact sum estimated for by the Bureau. The following is a table showing the cost and valuation of the naval vessels of the United States:

Cost and valuation of all vessels borne on the Navy Register.

Date.	Value.	Appropriation "construction and repair."			Percentage of value for care of.
		Fiscal year.	Amount.	Date of act.	
July 1, 1880.....	\$15,400,155.35	1880	\$850,000.00	Mar. 2, 1880	4.90+
		1880	50,000.00	Deficiency act Apr. 4, 1880.	
June 30, 1890.....	23,854,359.41	1891	1,000,000.00	June 30, 1890	4.20
June 30, 1891.....	30,986,200.16	1892	1,000,000.00	Mar. 2, 1891	3.23
				July 19, 1892	
June 30, 1892.....	41,703,706.63	1893	950,000.00	Naval Review Exp.	2.37
		1893	30,706.00	Mar. 3, 1893	
June 30, 1893.....	52,989,279.60	1894	950,000.00	Mar. 3, 1893	1.79+
June 30, 1894.....	65,386,431.25	1895	900,000.00	July 26, 1894	1.36+

Under the Bureau of Steam Engineering the estimates are \$245,000 in excess of what was appropriated under the act of July 23, 1894. This increase is caused by the increase in the number of modern ships in commission, and further by the authorization of the construction of new machinery for the U. S. S. *Chicago*, and also for the construction of new machinery and boilers for the U. S. S. *Hartford*.

The pay of officers on the retired list, under Marine Corps, has been reduced below the estimate in the sum of \$2,635 on account of a death recently occurring in said list.

The amount under pay of Marine Corps for undrawn clothing has been reduced \$1,000, the committee being satisfied that the amount appropriated will be sufficient.

The mileage for marine officers has been reduced \$1,000 and the law changed so that hereafter marine officers traveling under orders shall receive the same allowance as officers of the Navy. This will also simplify the manner of keeping these accounts in the Treasury Department.

The item for commutation of quarters, Marine Corps, has been reduced in the sum of \$550.

Under quartermaster department, Marine Corps, the amount to be transferred for retired men, heretofore appropriated, has been entirely omitted from the bill. This is a clear reduction of \$6,570.40.

Under alteration and repair of barracks, "special," the estimate has been reduced \$2,500.

This increase was asked for by the Secretary of the Navy last year, but the committee having the appropriation bill in charge did not authorize the enlistment or make the appropriation; but the time has now arrived when this authorization can no longer be delayed. The committee have therefore authorized the Secretary of the Navy to enlist as many additional seamen as in his discretion he may deem necessary, not to exceed 2,000. Inasmuch as it is not likely that the whole number authorized will be enlisted during the next fiscal year, your committee have only appropriated one-half the amount estimated. The necessity for this legislation will be found on page 27 of the report of the Secretary of the Navy.

"I again renew my recommendation of last year that the enlisted force be increased by 2,000 men. A careful study of the services of the Navy for several years past convinces me that the number of vessels which must be kept in commission and ready for service is greater than the present enlisted force allowed the Navy will suffice to man. Calculations place this increase at not less than 2,000 men, and the law to authorize such increase should be so worded as to permit the Department to enlist them whenever needed.

"An efficient and economical service can not be carried on without a fair margin between the number of men absolutely necessary to man the ships in commission and the limit as fixed by law. New ships getting ready for service and constantly recurring emergencies necessitating the dispatch of vessels to foreign waters are causing demands upon the enlisted force which the Department will very shortly be unable to meet. The expense of maintaining the additional number of men asked for will be small in comparison with the results to be obtained and the value of public property of which they become the care takers and defenders.

"Our new ships, too, will be of little value without officers and men trained in exercising them. This should not, however, be for a moment understood to mean that the vessels now building and those the Department is asking for in this report ought all of them to be kept constantly in commission. Battle ships and coast defense vessels, as well as other ships, should be kept as nearly as may be always ready for service. Armored ships, however, and some of the larger cruisers, like the *Minneapolis* and the *Columbia*, it would be desirable to keep cruising in our own waters for not less than one year out of three. When not cruising they might be laid up in fresh water under care takers who would maintain them in condition.

"Experience is demonstrating that long cruises by our largest vessels are expensive, and there is no question but that smaller vessels better subserve all the purposes of cruising in foreign waters for the protection of American interests in time of peace. Economy is not to be lost sight of by those who would befriended the Navy. Its affairs should be so administered as to entitle it to the continuing support of a people whose patriotism may always be relied upon to respond to every reasonable demand.

"If the naval policy I have here ventured to indicate and briefly outline be carried out, there will be no necessity, unless in case of war, to increase the force of enlisted men beyond that now requested for many years to come. This will make the total number of men authorized 11,000.

#### INCREASE OF NAVY.

Armor and armament.....	\$50,000.00
Construction and steam engineering.....	463,200.00
U. S. S. <i>Maine</i> .....	22,429.30

This increase is made necessary by the legislation added to the bill providing for the construction of three additional battle ships and the 12 torpedo boats recommended.

After a careful and exhaustive study of our naval needs the committee is of the unanimous opinion that the additional vessels called for in this bill should be granted. The necessities of our geographical position have been

carefully taken into consideration, and the committee has been forced to the conclusion that the continuation of the building of battle ships is of vital importance. These vessels, as represented by those heretofore provided for, are believed to be of a class equally well adapted for defensive and offensive operations, and are especially suited for the defense of our own coasts.

The question of the superlative value of the battle ship, as compared with any other type of vessel for warlike operations, has been well exemplified in the present war between China and Japan. In the battle off the Yalu River official reports received by the Navy Department and statements of officers engaged in this battle make it clearly evident that, had it not been for the two Chinese battle ships, the entire Chinese fleet would have been destroyed. In this battle the Japanese fire was, for the greater part of the time, directed mainly against the two Chinese battle ships, and is described as having been terrific, one of these two battle ships having been hit about four hundred times.

Notwithstanding this terrific fire and the great number of times that these vessels were hit, they were practically uninjured, or to so slight a degree that with an additional supply of ammunition they would have been enabled to engage in battle with practically unimpaired efficiency immediately after the fight. It is a question whether, if they had been properly manned and handled, the Japanese would have been victorious.

The committee is satisfied that all questions relating to the building of battle ships heretofore authorized have been settled in such manner that they will be, for their size, without peers in any foreign navy. In addition, an exhaustive investigation has convincingly shown that, although carrying the most powerful batteries of their class, their stability is all that could be desired. It is undoubtedly true that with enlarged experience and added facilities, we can now build battle ships more quickly and at less expense than heretofore.

In the opinion of the committee there is no necessity, at the present time, for the building of any other class of vessels than those recommended. The consensus of the best military expert opinion of the present day places the battle ship in the first line of defense against a foreign foe. Its tactical position is in the line of battle of the fleet, and it is distinctly the primary fighting element of a navy. The cruiser, of which your committee is satisfied we have a sufficient number at the present time, is tactically a scout in time of war, and in time of peace is the type of vessel ordinarily used to protect the country's interests abroad, and to perform general naval duties in foreign waters.

In addition to the cruisers in time of peace for use on distant stations and in foreign waters, especially in Asia, where their presence is needed ordinarily with but little show of force, small gun vessels are used. These cruisers and small gun vessels are necessarily required to make long passages and to remain for more or less long periods on distant stations, thus increasing the amount of fuel which they consume and adding to the repairs and precautions necessary to their proper preservation. While our Navy is small in this respect, it is not asked by your committee that any increase be made in the number of these vessels. The battle ship is entirely distinct from the cruiser—protected and unprotected. In time of war it is per se the fighting ship. With us it would be the right arm of national defense. In case of war it would have to stand in the outer line as the national shield against alien aggression.

An argument frequently used against battle ships is that their cost of maintenance is excessively great as compared with all other types of vessels; but this, your committee is satisfied, is not true. In time of peace, which will be the condition during the greater part of the life of a battle ship, it can be much more economically maintained than a cruiser of the same or even of less tonnage. During such periods it is only necessary to keep the battle ship in efficient condition for war, some with full but most with reduced crews on the home stations and in home ports. Consequently the expense for coal, wear and tear, and maintenance is naturally far less than in time of peace for the active cruisers during the same period. Generally speaking, war does not increase the cost of maintenance of the cruiser.

To sum it up, the battle ship in time of peace is not used, generally speaking, for cruising purposes; hence does not make long voyages nor remain for considerable periods in foreign waters, and can be kept during peace, if necessary, with a reduced complement, thus making its cost of maintenance necessarily very much less than that of the cruiser under the conditions above stated.

It will be instructive, in this connection, to look at the disposition of the battle ships of the principal foreign nations, which is as follows:

England, with her large navy, and possessions spread over the globe, has on home station—	
In reserve, laid up, etc.....	36
In commission, Channel squadron.....	4
In commission, Mediterranean squadron.....	10
In commission, China station.....	1

#### Total.....

51

The Mediterranean squadron is practically a home squadron, as the command of that sea is absolutely necessary to connect Gibraltar, Malta, Cyprus, Egypt, or the route to India.

France has on home station—

In reserve, laid up, etc.....	9
In commission, Northern squadron.....	1
In commission, Mediterranean squadron.....	11
In service abroad (Asiatic station).....	1

#### Total.....

22

Italy, Germany, Austria, Spain have not a single battle ship on a foreign station, and Russia only two away from her own coast, which two are on the Mediterranean.

The above tables show that practically the great powers of Europe keep their battle ships for service in home waters as a first line of defense and expend the bulk of their maintenance appropriation on the cruising vessels.

Under the circumstances herein referred to, and taking into consideration the undoubted necessity for an increase of our naval force as a preservative against war, the committee unhesitatingly advocate the laying down at once of three new battle ships. In this connection it might be well for the House to remember that the need of a Navy commensurate with our power has been advocated by some of the greatest minds this country has ever known. The following extract from a letter of John Adams, written in the year 1812, is deemed particularly opportune at the present time:

"The counsel which Themistocles gave to Athens, Pompey to Rome, Cromwell to England, De Witt to Holland, and Colbert to France, I have always given and shall continue to give to my countrymen, that as the great questions of commerce and power between nations and empires must be decided by a military marine, and war and peace are determined at sea, all reasonable encouragement should be given to the Navy. The trident of Neptune is the scepter of the world."

As to the 12 torpedo boats recommended in this bill, your committee can bring no more convincing argument to the attention of the House than the



information contained in the following table of the torpedo boats either built or building by the foreign powers:

Nation.	Number on hand.	Number authorized and building.	Remarks.
Argentina.....	22	.....	
Austria.....	64	.....	
Brazil.....	22	.....	
Chile.....	22	Some.	Number not known.
China.....	32	.....	
Denmark.....	29	.....	
England.....	175	64	
France.....	214	41	Also 3 submarine and 1 building.
Germany.....	127	.....	8 built last year; none in this year's budget.
Greece.....	51	.....	
Holland.....	39	3	
Italy.....	177	10	Also 1 submarine and 1 building.
Japan.....	26	25	
Russia.....	163	14	
Spain.....	24	34	
Turkey.....	53	3	
Sweden and Norway.....	53	.....	Sweden, 42; Norway, 11.
Total.....	1,283	182	
United States.....	8	*3	

\*Authorized; contract not yet made.

Aside from these considerations, your committee desire to particularly call attention to the following language, used by the honorable Secretary of the Navy in his annual report, urging the continuance of appropriations toward the upbuilding of our Navy:

"The estimates for this year for 'Increase Navy' will be the last of the large annual amounts required for the building up of the new Navy so far as the same has been authorized. It may, therefore, be stated that this is substantially the last payment on account of the vessels provided for by law. Unless, then, new constructions are authorized, expenditures under this head will fall with great rapidity after the next fiscal year, and thereafter entirely disappear from the annual appropriations. It is estimated that with the expenditure of not more than \$750,000 for the fiscal year ending June 30, 1897, the existing new Navy will have been entirely paid for. Thus it will be seen that the expenditures under 'Increase Navy' will decrease at one bound from the amount asked for this year, \$13,259,392, to \$750,000, as above stated. The condition of the work now in progress is such that the present estimates are for an indebtedness which will be due before the end of the next fiscal year.

"Without considering the effect of the cessation of this work on industrial conditions, and disclaiming all obligation of the Government to engage in public works for the purpose of giving employment to any class, however deserving, I respectfully urge that from the standpoint of national defense it will be unwise to stop entirely the work of naval upbuilding; that wisdom and experience demand that the present well-organized, highly trained, and exceedingly efficient body of mechanics and skilled laborers engaged in the work of naval shipbuilding shall not at least be entirely disbanded. With the stoppage of this work many large plants now at work for the Navy will

have to shut down either completely or in part, and their corps of skilled workmen employed in the various phases of naval construction and development be discharged and scattered, while the plant and machinery for the production of vessels of war must of necessity become idle and be allowed to deteriorate.

"I beg to recommend that Congress be asked to authorize the construction of three battle ships of about 10,000 tons displacement each, to cost, exclusive of armament, not exceeding \$4,000,000 each, and 12 torpedo boats of from 100 to 300 tons each, at the discretion of the Secretary of the Navy, to cost not exceeding an average of \$170,000."

In conclusion, your committee can do no more than to quote as follows from the farewell address of Andrew Jackson:

"While I am thus endeavoring to press upon your attention the principles which I deem of vital importance to the domestic concerns of the country, I ought not to pass over without notice the important considerations which should govern your policy toward foreign powers. It is unquestionably our true interest to cultivate the most friendly understanding with every nation, and to avoid, by every honorable means, the calamities of war; and we shall best attain that object by frankness and sincerity in our foreign intercourse, by the prompt and faithful execution of treaties, and by justice and impartiality in our conduct to all. But no nation, however desirous of peace, can hope to escape collisions with other powers; and the soundest dictates of policy require that we should place ourselves in a condition to assert our rights if a resort to force should ever become necessary.

"Our local situation, our long line of seacoast, indented by numerous bays, with deep rivers opening into the interior, as well as her extended and still increasing commerce, point to the Navy as our natural means of defense. It will, in the end, be found the cheapest and most effectual, and now is the time \* \* \* that we can year after year add to its strength without increasing the burdens of the people. It is your true policy. For your Navy will not only protect your rich and flourishing commerce in distant seas, but enable you to reach and annoy the enemy, and will give to defense its greatest efficiency by meeting danger at a distance from home. It is impossible by any line of fortifications to guard every point from attack against a hostile force advancing from the ocean and selecting its object. \* \* \* We shall more certainly preserve peace when it is well understood that we are prepared for war."

The estimate under increase of navy equipment has been reduced \$175,000, the sum appropriated being deemed sufficient to equip the new vessels that will be commissioned within the fiscal year.

Upon the recommendation of the Secretary of the Navy the committee have not provided for premiums for increased rates of speed or horsepower in the vessels hereafter to be constructed.

The committee have provided for the removal of the U. S. S. *Constitution* from the navy-yard at Portsmouth, N. H., to the navy-yard, Washington, D. C., and have made the sum of \$3,000, appropriated under the act of July 23, 1894, available for said purpose.

The Secretary of the Navy, in his report in support of this appropriation, makes the following statement:

"For many years past this vessel has been used as a receiving ship at the navy-yard, Portsmouth, N. H., has been housed over, and only such repairs put upon her as would render her habitable and in condition to float. Her present state is such that if this famous old ship is to be longer preserved as a memento of our glorious past a larger sum of money than that appropriated at the last session will be necessary. In view of the memories which are inseparably connected with this vessel, the Department believes that it would be wise for Congress to authorize that she be repaired and put in such condition as will enable the Department to preserve her indefinitely. Should such an act be passed the old ship might then be brought to Washington and kept at the navy-yard as an object of interest to the many thousands of patriotic Americans annually visiting the capital of the nation."

The progress thus far made in the development of our new Navy is shown in the following table:

#### FIRST-CLASS BATTLE SHIPS.

Name of vessel.	Length on load water line.	Displacement.	Battery.		Condition.
			Main.	Secondary.	
Iowa.....	Ft. Ia. 360	Tons. 11,410	Four 12" B. L. R. Eight 8" B. L. R. Six 4" R. F. G.	Twenty 6-pdr. R. F. G. Six 1-pdr. R. F. G. Four Gatlings	Building
Indiana.....	348	10,288	Four 12" B. L. R. Eight 8" B. L. R. Four 6" B. L. R.	Twenty 6-pdr. R. F. G. Six 1-pdr. R. F. G. Four Gatlings	Do.
Massachusetts.....	348	10,288	Four 12" B. L. R. Eight 8" B. L. R. Four 6" B. L. R.	Twenty 6-pdr. R. F. G. Six 1-pdr. R. F. G. Four Gatlings	Do.
Oregon.....	348	10,288	Four 12" B. L. R. Eight 8" B. L. R. Four 6" B. L. R.	Twenty 6-pdr. R. F. G. Six 1-pdr. R. F. G. Four Gatlings	Do.

#### SECOND-CLASS BATTLE SHIPS.

Maine.....	316	6,023	Four 10" B. L. R. Six 6" B. L. R.	Eight 6-pdr. R. F. G. Eight 1-pdr. R. F. G. Four Gatlings	Building.
Texas.....	301	6,315	Two 12" B. L. R. Six 6" B. L. R.	Twelve 6-pdr. R. F. G. Six 1-pdr. R. F. G. Two Gatlings Four 37-mm. H. E. C.	Do.

#### ARMORED CRUISERS.

New York.....	320 6	8,200	Six 8" B. L. R. Twelve 4" R. F. G.	Eight 6-pdr. R. F. G. Four 1-pdr. R. F. G. Four Gatlings	Flagship, North Atlantic Station.
Brooklyn.....	400 6	9,271	Eight 8" B. L. R. Twelve 5" R. F. G.	Twelve 6-pdr. R. F. G. Four 1-pdr. R. F. G. Four Gatlings	Building.

## COAST-DEFENSE VESSELS.

Name of vessel.	Length on load water line.	Displacement.	Battery.		Condition.
			Main.	Secondary.	
Puritan .....	280 6	6,000	{Four 12" B. L. R. .... {Six 4" R. F. G. ....	{Four 3-pdr. R. F. G. .... {Four 3-mm. H. R. C. .... {Four Gatlings .....	{Completing, navy-yard, New York.
Amphitrite .....	250 6	3,900	{Four 10" B. L. R. .... {Two 4" R. F. G. ....	{Two 6-pdr. R. F. G. .... {Two 3-pdr. R. F. G. .... {Two 37-mm. H. R. C. .... {Two 6-pdr. R. F. G. .... {Two 3-pdr. R. F. G. .... {Two 37-mm. H. R. C. ....	{Completing, navy-yard, Norfolk, Va.
Terror .....	250 6	3,900	Four 10" B. L. R. ....	{Two 6-pdr. R. F. G. .... {Two 3-pdr. R. F. G. .... {Two 37-mm. H. R. C. .... {Two Gatlings .....	{Completing, navy-yard, New York.
Monadnock .....	250 6	3,900	{Four 10" B. L. R. .... {Two 4" R. F. G. ....	{Two 6-pdr. R. F. G. .... {Two 3-pdr. R. F. G. .... {Two 37-mm. H. R. C. ....	{Completing, navy-yard, Mare Island, Cal.
Monterey .....	250	4,084	{Two 12" B. L. R. .... {Two 10" B. L. R. ....	{Six 6-pdr. R. F. G. .... {Four 1-pdr. R. F. G. .... {Two Gatlings .....	{Pacific Station.
Miantonomoh .....	250 6	3,900	Four 10" B. L. R. ....	{Two 6-pdr. R. F. G. .... {Two 3-pdr. R. F. G. .... {One 1-pdr. R. F. G. ....	{Under repair.

## HARBOR-DEFENSE VESSELS.

Katahdin .....	250 0	2,183	.....	Four 6-pdr. R. F. G. ....	{Completed. {Not in commission.
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## PROTECTED CRUISERS.

Minneapolis .....	412	7,375	{One 8" B. L. R. .... {Two 6" R. F. G. .... {Eight 4" R. F. G. ....	{Twelve 6-pdr. R. F. G. .... {Four 1-pdr. R. F. G. .... {Four Gatlings .....	{In commission. {Not assigned.
Columbia .....	412	7,375	{One 8" B. L. R. .... {Two 6" R. F. G. .... {Eight 4" R. F. G. ....	{Twelve 6-pdr. R. F. G. .... {Four 1-pdr. R. F. G. .... {Four Gatlings .....	{North Atlantic Station.
Olympia .....	340	5,870	{Ten 5" R. F. G. .... {Four 8" B. L. R. ....	{Fourteen 6-pdr. R. F. G. .... {Six 1-pdr. R. F. G. .... {Four Gatlings .....	{Building.
Chicago .....	325	4,500	{Four 8" B. L. R. .... {Eight 6" B. L. R. .... {Two 5" B. L. R. ....	{Ten 6-pdr. R. F. G. .... {Four 1-pdr. R. F. G. .... {Two 37-mm. H. R. C. .... {Two Gatlings .....	{Flagship, European Station.
Baltimore .....	327 6	4,413	{Four 8" B. L. R. .... {Six 6" B. L. R. ....	{Four 6-pdr. R. F. G. .... {Four 3-pdr. R. F. G. .... {Two 1-pdr. R. F. G. .... {Four 37-mm. H. R. C. .... {Two Gatlings .....	{Flagship, Asiatic Station.
Philadelphia .....	327 6	4,324	Twelve 6" B. L. R. ....	{Four 6-pdr. R. F. G. .... {Four 3-pdr. R. F. G. .... {Two 1-pdr. R. F. G. .... {Three 37-mm. H. R. C. .... {Four Gatlings .....	{Flagship, Pacific Station.
Cincinnati .....	300	3,213	{Ten 5" R. F. G. .... {One 6" R. F. G. ....	{Eight 6-pdr. R. F. G. .... {Four 1-pdr. R. F. G. .... {Two Gatlings .....	{In commission. Not assigned.
Raleigh .....	300	3,213	{Ten 5" R. F. G. .... {One 6" R. F. G. ....	{Eight 6-pdr. R. F. G. .... {Four 1-pdr. R. F. G. .... {Two Gatlings .....	{In commission. Not assigned.
Newark .....	310	4,066	Twelve 6" B. L. R. ....	{Four 6-pdr. R. F. G. .... {Four 3-pdr. R. F. G. .... {Two 1-pdr. R. F. G. .... {Three 37-mm. H. R. C. .... {Four Gatlings .....	{Flagship, South Atlantic Station.
San Francisco .....	310	4,066	Twelve 6" B. L. R. ....	{Four 6-pdr. R. F. G. .... {Four 3-pdr. R. F. G. .... {Two 1-pdr. R. F. G. .... {Three 37-mm. H. R. C. .... {Four Gatlings .....	{Ordered as flagship, European Station.
Charleston .....	312 7	3,730	{Two 8" B. L. R. .... {Six 6" B. L. R. ....	{Four 6-pdr. R. F. G. .... {Two 3-pdr. R. F. G. .... {Two 1-pdr. R. F. G. .... {Four 37-mm. H. R. C. .... {Two Gatlings .....	{Asiatic Station.
Boston .....	271 3	3,025	{Six 6" B. L. R. .... {Two 8" B. L. R. ....	{Two 6-pdr. R. F. G. .... {Two 3-pdr. R. F. G. .... {Two 1-pdr. R. F. G. .... {Two 47-mm. H. R. C. .... {Two 37-mm. H. R. C. .... {Two Gatlings .....	{Under repair.
Atlanta .....	171 3	3,025	{Six 6" B. L. R. .... {Two 38" B. L. R. ....	{Two 6-pdr. R. F. G. .... {Two 3-pdr. R. F. G. .... {Two 1-pdr. R. F. G. .... {Two 47-mm. H. R. C. .... {Two 37-mm. H. R. C. .... {Two Gatlings .....	{North Atlantic Station.

## CRUISERS.

Detroit .....	257	2,074	Nine 5" R. F. G. ....	{Six 6-pdr. R. F. G. .... {Two 1-pdr. R. F. G. .... {Two Gatlings .....	{Asiatic Station.
Marblehead .....	257	2,074	Nine 5" R. F. G. ....	{Six 6-pdr. R. F. G. .... {Two 1-pdr. R. F. G. .... {Two Gatlings .....	{North Atlantic Station.
Montgomery .....	257	2,074	Nine 5" R. F. G. ....	{Six 6-pdr. R. F. G. .... {Two 1-pdr. R. F. G. .... {Two Gatlings .....	{North Atlantic Station.



## GUNBOATS.

Name of vessel.	Length on load water line.	Displacement.	Battery.		Condition.
			Main.	Secondary.	
Bennington.....	230	1,710	Six 6" B. L. R.....	Two 6-pdr. R. F. G..... Two 3-pdr. R. F. G..... One 1-pdr. R. F. G..... Two 37-mm. H. R. C..... Two Gatlings.....	Pacific Station.
Concord.....	230	1,710	Six 6" B. L. R.....	Two 6-pdr. R. F. G..... Two 3-pdr. R. F. G..... One 1-pdr. R. F. G..... Two 37-mm. H. R. C..... Two Gatlings.....	Asiatic Station.
Yorktown.....	230	1,710	Six 6" B. L. R.....	Two 6-pdr. R. F. G..... Two 3-pdr. R. F. G..... One 1-pdr. R. F. G..... Two 37-mm. H. R. C..... Two Gatlings.....	Asiatic Station.
Castine.....	204	1,177	Eight 4" R. F. G.....	Four 6-pdr. R. F. G..... Two 1-pdr. R. F. G..... Two Gatlings.....	Fitting out for South Atlantic Station.
Machias.....	204	1,177	Eight 4" R. F. G.....	Four 6-pdr. R. F. G..... Two 1-pdr. R. F. G..... Two Gatlings.....	Fitting out for Asiatic Station.
Petrel.....	176	892	Four 6" B. L. R.....	One 6-pdr. R. F. G..... Two 37-mm. H. R. C..... Two Gatlings.....	Asiatic Station.
Gunboat No. 7.....	230	1,371	Eight 4" R. F. G..... (One torpedo tube)	Two 6-pdr. R. F. G..... Two 1-pdr. R. F. G..... Two Gatlings.....	Building at Newport News, Va.
Gunboat No. 8.....	250 9	1,392	Eight 4" R. F. G.....	Two 6-pdr. R. F. G..... Four 1-pdr. R. F. G..... Two Gatlings.....	Building at Newport News, Va.
Gunboat No. 9.....	250 9	1,392	Eight 4" R. F. G.....	Two 6-pdr. R. F. G..... Four 1-pdr. R. F. G..... Two Gatlings.....	Building at Newport News, Va.

## DYNAMITE GUN VESSEL.

Vesuvius.....	252 4	929	Three dynamite 15' guns.	Three 3-pdr. R. F. G.....	North Atlantic Station.
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## DISPATCH BOAT.

Dolphin.....	240	1,485	Two 4" R. F. G.....	Two 6-pdr. R. F. G..... Two 47-mm. H. R. C..... Two Gatlings.....	At Washington. Special service.
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## CADETS' PRACTICE CRUISER.

Bancroft.....	187 6	832	Four 4" R. F. G.....	Two 6-pdr. R. F. G..... Two 3-pdr. R. F. G..... One 1-pdr. R. F. G..... One 37-mm. H. R. C..... Two Gatlings.....	
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## TORPEDO BOATS.

Cushing.....	139 9	105.3	None.....	Three 1-pdr. R. F. G.....	Special service.
Stiletto.....	88 6	31	None.....	None.....	Special service, Newport.
Ericsson.....	140 7	120	None.....	Three 1-pdr. R. F. G.....	Trial pending.
Torpedo boat No. 3.....	160	142.38		Three 1-pdr. R. F. G.....	Plans being prepared.
Torpedo boat No. 4.....	160	142.38		Three 1-pdr. R. F. G.....	Do.
Torpedo boat No. 5.....	160	142.38		Three 1-pdr. R. F. G.....	Do.

In order to give a clear idea of the condition of the navies of foreign powers at the present time, with reference to effective war vessels only, your committee desire to call attention to the following extract from the report of the Secretary of the Navy:

## GENERAL CONDITION OF FOREIGN NAVIES.

## Armored.

Nations.	Battle ships.		Coast-defense vessels.		Cruisers.		Total armored.	
	In service.	Authorized and building.	In service.	Authorized and building.	In service.	Authorized and building.	In service.	Authorized and building.
Argentina.....	1		4				5	
Austria.....	6			3	4		10	3
Brazil.....	2		2	2			4	2
Chile.....	1		1		1		2	
China.....	2		3				5	
Denmark.....	1		6	1	1		8	1
England.....	43	10	12		18		73	10
France.....	18	12	21	1	4	7	43	20
Germany.....	13	1	17	2	2		32	3
Greece.....	3				2		5	
Holland.....			25	3			28	3
Italy.....	9	9	5		4	1	18	10
Japan.....		2	3		2		5	2
Portugal.....			1			4	1	4
Russia.....	8	9	23	3	9	2	40	14
Spain.....	1		5		2	6	8	6
Sweden and Norway.....			20	1			20	1
Turkey.....	7		4		7	2	18	2
Total.....	115	43	152	16	56	22	323	81

## GENERAL CONDITION OF FOREIGN NAVIES—Continued.

## Unarmored.

Nations.	Cruisers protected.		Cruisers.		Gun vessels.		Torpedo vessels.		Total unarmored.		Summary.		Torpedo boats.	
	In service.	Authorized and building.	In service.	Authorized and building.	In service.	Authorized and building.	In service.	Authorized and building.	In service.	Authorized and building.	In service.	Authorized and building.	In service.	Authorized and building.
Argentina	3		3		13		2		21		26		22	
Austria	6		12		10		7		35		45	3	64	
Brazil	3		7		1		1		12		16	2	22	
Chile	4		3				2		9		12		22	Some.
China	5	3	13	2	41		1		60	5	65	5	83	5
Denmark	5	1	1		11		2		19	1	27	2	29	
England	59	23	65	15	60		34		238	48	311	58	175	64
France	16	14	35	1	80	5	16	4	147	24	190	44	217	42
Germany	4		13	1	4		18		39	1	71	4	119	8
Greece		2	2	2	12		1		15	4	20	4	51	
Holland	1		15		55	1	1		70	1	95	4	99	3
Italy	12	5	16	1	30		14	4	72	10	80	20	178	11
Japan	7	1	19		5	1	1		23	2	28	4	28	23
Portugal			1		40				46	3	47	7	10	
Russia	1		25		13		13	2	52	2	92	16	163	14
Spain	4	2	15		63	23	8	3	90	28	98	34	25	25
Sweden and Norway	1		7		43		3		54		74	1	53	
Turkey		2	8		9			3	17	18	35	20	23	9
Total	131	63	274	27	490	41	124	16	1,019	147	1,342	228	1,321	196

Mr. TALBOTT of Maryland. If the committee will indulge me for a brief time I will explain the provisions of this bill.

Mr. SAYERS. Would it not be better to try to arrange about time for the general debate?

Mr. TALBOTT of Maryland. I should like to arrange to limit the debate.

Mr. SAYERS. I suggest to the gentleman that he allow those who are opposed to the bill two hours, and he can take two hours if he desires.

Mr. TALBOTT of Maryland. We may want more than two hours.

Mr. SAYERS. Put it at five hours; two hours and a half to be allotted to those in favor of the bill and two and a half to those who are opposed.

Mr. MONEY. I do not suppose those who are opposed will want more than an hour.

Mr. PICKLER. Let the debate run a while.

Mr. TALBOTT of Maryland. I will consent that the general debate close to-morrow at 2 o'clock.

Mr. DINGLEY. If the gentleman from Maryland will give his attention I will say that some of the minority members of the committee have overlooked the fact that the House met earlier than 12 o'clock to-day, and we should not fix the limit of debate until they come in.

Mr. TALBOTT of Maryland. That is very proper, and I think I will act on that suggestion. When the minority members of the committee come in I will try to arrange with the gentleman from Texas to limit the debate.

The first item in this bill is the pay of the Navy. The last appropriation bill appropriated \$7,772,000. There is an increase of \$349,329. The reason for that increase is that we have provided in this bill for the enlistment of 2,000 additional seamen, in the discretion of the Secretary of the Navy. We have only appropriated for one-half that number, however, because we do not think that he will enlist that many men before the end of the fiscal year 1895-96. We have appropriated \$349,329 in this bill, which increases the general establishment and pay of the Navy by that amount. The Secretary of the Navy recommended just double the amount, but we cut it down one-half. With that exception there is no increase under the general establishment and pay of the Navy.

Mr. SAYERS. Do you not propose to increase the personnel of the Navy by 2,000 men?

Mr. TALBOTT of Maryland. We provide in this bill for the additional enlistment of 2,000 seamen, in the discretion of the Secretary of the Navy, but we only appropriate for one-half of them, and the Secretary himself agrees that that is sufficient.

Mr. SAYERS. You provide for increasing the enlistment by 2,000 men, when the Secretary of the Navy tells you that 1,000 will be sufficient?

Mr. TALBOTT of Maryland. No, sir; he does not say anything of the kind. The Secretary of the Navy asked of this Congress and the two previous Congresses—

Mr. SAYERS. If 2,000 men are absolutely necessary, why did you not appropriate for 2,000?

Mr. TALBOTT of Maryland. We did not appropriate for that number because the Secretary will not get them all into the Navy by the end of the fiscal year 1895-96. Therefore the whole appropriation will not be necessary. In the next naval appropriation bill it will be necessary to appropriate the entire amount.

Mr. LOUD. Is the gentleman from Texas dissatisfied with the smallness of the appropriation?

Mr. SAYERS. If you want to know my opinion, I think the bill is about \$10,000,000 too heavy.

Mr. TALBOTT of Maryland. The gentleman very well understands why this bill is as large as it is, I think; at any rate to the extent of \$2,500,000. I will come to that later on.

The next item is the Bureau of Navigation. The appropriation for gunnery exercise is the same as has been carried in previous bills. For ocean and lake surveys the amount is the same. In the outfit for naval apprentices there is a reduction in this bill of \$25,000, because there is an unexpended balance under that head still at the disposal of the Secretary of the Navy. Recruiting, transportation, and contingent, \$45,000. That is the usual appropriation. For the naval station for apprentices we appropriate \$50,000. In the last appropriation bill we appropriated \$30,000. The reason for this increase is that that is now a flag station, and the Secretary estimated for quarters for the commandant of the station. The estimate for the quarters was \$17,000 I think. The committee reduced it to \$11,000. For naval station for apprentices, in addition to the amount appropriated, the Secretary estimated for \$125,000 for quarters for the naval apprentices, which was not allowed by the committee. The committee did allow the estimate of \$20,000 for the naval hospital.

For the naval war college and torpedo school the appropriation is the usual one.

For procuring and producing ordnance materials we have appropriated \$180,000, which is the usual appropriation, and the estimate as furnished by the Secretary.

For expenses of target practice we have appropriated \$15,000, the usual appropriation.

For maintenance of proving ground, \$5,000, which is the usual appropriation.

The first increase is for the battery for the United States steamship *Hartford*. We appropriated last year \$150,000 for the hull of the *Hartford*, and now we are appropriating for the guns. It is the estimate recommended by the Department.

The appropriation for reserve supply of guns is new legislation to the amount of \$159,558.50. Under the acts of Congress of 1890, 1891, and 1892 provision was made for subsidizing first, second, third, and fourth class vessels to carry the mails, with the proviso in the act of Congress that those vessels were at the disposal of the United States Government for war purposes as auxiliary cruisers.

Now, that is the law. The Government is now paying a subsidy at the rate of \$2 per mile for mail facilities—for carrying the mail. While we have these vessels, and they are at our command, the Department says if the necessity required it and the Government chose to avail itself of the law there is not a single gun at the disposal of the Secretary of the Navy to place upon either of these auxiliary vessels.

Mr. SAYERS. Will the gentleman allow me to ask him a question?

Mr. TALBOTT of Maryland. Yes, sir.

Mr. SAYERS. I desire to know from the gentleman whether or not the Postmaster-General has not been canceling these mail contracts which have been entered into, and whether or not the gentleman knows the intention of the Postmaster-General regarding those contracts which have not been canceled?

Mr. TALBOTT of Maryland. We have, Mr. Chairman, the recommendation of the Secretary of the Navy that this appropriation should be made. The ninth section of the act of 1890 and 1891, after providing the rate of compensation for carrying the mails, provides that such steamers may be taken and used by the



United States as transports or cruisers, and then provides how the vessels shall be paid for.

Mr. SAYERS. Upon what page is that appropriation to be found.

Mr. TALBOTT of Maryland. On page 6.

Now, Mr. Chairman, in addition to the fact that we have not a single gun to be placed on these subsidized vessels, which are termed auxiliary cruisers, we have not, in addition, a single reserve gun for the Navy; not one. If we were to engage in war and our guns should be disabled—explode or an accident happen—we have not to-day, and never have appropriated for, a single reserve gun to take the place of a disabled gun or a gun that was destroyed. I think this is as wise legislation as this committee can well be engaged in. The same argument applies to the next item, to preserve the supply of projectiles and an additional supply of torpedoes.

Mr. SAYERS. Is that for the same purpose?

Mr. TALBOTT of Maryland. It is for the same purpose—for a reserve supply of guns and projectiles and torpedoes. We only have, and have only maintained, the necessary amount of these supplies for peace purposes and for the common uses for which they are to-day kept.

Now, the item for an additional supply of projectiles is \$159,558.50; for additional supply of torpedoes, \$130,000. They are the amounts recommended by the Secretary of the Navy, and they are the amounts carried in the bill. The next item is for repairs of the Bureau of Ordnance, \$30,000, which is not an increase. The next item is for the purchase of magazines to take the place of Craney Island, \$75,000; and that is recommended by the Secretary of the Navy, and also recommended by the Board of Ordnance in a letter of Commodore Sampson.

After an investigation we concluded to allow that \$75,000; which is an increase in that Bureau. For the torpedo station at Newport, R. I., \$60,000 is appropriated. The item for reserve guns for auxiliary steamers is \$500,000. The appropriation made for the naval militia is \$25,000. The contingent fund for the gun plant at the Washington Navy-Yard is \$8,000. The appropriation for the naval proving ground is \$20,000, and for the civil establishment the usual appropriation is provided. For the Bureau of Construction and Repair we have increased the appropriation from \$900,000 last year to \$1,000,000, which is an increase of \$100,000. In the Bureau of Steam Engineering we appropriate for steam machinery \$425,000; which is the usual appropriation. For the purchase and handling of material an appropriation of \$240,000 was made last year; the amount appropriated is \$315,000; which is the amount estimated by the Secretary of the Navy.

The incidental expenses for that Bureau are the same as last year. For steam machinery special we appropriated \$230,000 last year and appropriate \$400,000 this year, because of the increased number of vessels now being constructed. One thousand dollars is appropriated for contingent expenses, which is the usual appropriation; and for the civil establishment the usual appropriation is made.

For the Naval Academy the appropriations are reduced about \$500; otherwise the appropriations are the same as last year.

For the Marine Corps the appropriations are reduced \$5,175, without going into details. The pay of officers on the retired list is reduced about \$2,025. In the pay of noncommissioned officers the reduction is \$2,947. In the pay of retired and enlisted men there is an increase of \$2,345. On undrawn clothing there is a reduction of \$1,000.

In mileage of officers traveling under orders there is a reduction of \$1,000. The law was that they should receive 4 cents a mile and traveling expenses; but that made it extremely difficult to keep the accounts in the Treasury Department, and was a hardship upon the officers. Upon the recommendation of the Department, we have changed that law so as to give them 8 cents a mile, which is the same as is allowed line officers traveling under orders, and the same as is allowed, I think, in the Army; but I will not be certain about that.

Mr. SIMPSON. Does that cover all the traveling expenses?

Mr. TALBOTT of Maryland. Yes, sir. I will explain that to the gentleman. The officers said that the Treasury Department always insisted on vouchers. An officer goes to the railroad station and buys a ticket; he can not get a voucher for it, and when he goes to the Department he has trouble in getting his accounts settled on that account. This 8 cents a mile will not cover expenses, but they would rather have it than have the trouble with the Treasury officials.

For commutation of quarters there is a reduction of \$550. In pay of the civil force the usual appropriation is made.

The next is the Quartermaster's Department, and there is an increase there of \$12,510. It is caused by the additional enlistments of seamen. Clothing, \$80,000, the usual appropriation. Fuel, the usual appropriation. Military stores, the usual appropriation. Transportation and recruiting, the usual appropriation. Repairs of barracks, etc., a reduction of \$2,500. Hire of quarters, the usual appropriation. Contingent expenses, the usual appropri-

ation. I come now to armor and armament under the increase of the Navy. Last year we appropriated for this purpose \$4,000,000.

When the appropriation bill of 1894-95 was prepared by the subcommittee and reported to the full committee, it contained an appropriation of \$6,500,000 under the head of "Armor and armament," but that was afterwards reduced by the committee to \$4,000,000. My judgment is that the reduction ought not to have been made, because that amount of money was due to the contractors. The material had already been furnished and the money was due, and the result of that reduction is that we are obliged in this bill to make immediately available \$2,000,000 under the head of "Armor and armament," so that the Secretary of the Navy can make his payments between now and the 1st day of July next, the beginning of the fiscal year.

Under "Construction and machinery" in the last bill we appropriated \$5,955,025, and in this bill we recommend \$8,342,422. That is an increase of \$2,387,397.

This bill also carries the sum estimated by the Secretary of the Navy for the new vessels provided for in the bill. I desire to state to the committee that these two items complete the payment of all contracts for the construction of armor and armament for every vessel authorized to be constructed under existing law.

Mr. TALBERT of South Carolina. What particular item does the gentleman say necessitates an increase of nearly \$3,000,000?

Mr. TALBOTT of Maryland. It is under the head of construction and machinery. All the vessels authorized to be constructed under existing law, with the exception of the *Iowa*, will have been completed by the 1st day of December, 1896.

Mr. TALBERT of South Carolina. And you say that the contracts have already been entered into which require this increased appropriation?

Mr. TALBOTT of Maryland. Yes, sir; this bill ought really to be \$2,500,000 less than it is, and the bill of last year ought to have been \$2,500,000 more than it was.

Mr. TALBERT of South Carolina. So that this extra amount really is not a regular appropriation belonging to this session of Congress?

Mr. TALBOTT of Maryland. No. It is an appropriation of money required to carry out existing contracts. Under the head of equipment there is a reduction of \$17,500.

We have also made an appropriation in this bill to pay the earned premiums for the United States steamship *Maine*, amounting to \$22,439.30. This is recommended by the Secretary of the Navy in a letter, in which he states—

Mr. SAYERS. Can the gentleman inform the House why those earned premiums were not paid at the time?

Mr. TALBOTT of Maryland. I have not received that information specifically.

Mr. SAYERS. Another question: Would not those earned premiums be payable out of the appropriation for the increase of the Navy? I desire to notify the gentleman that I intend to raise a point of order upon that item when we reach it in the bill.

Mr. TALBOTT of Maryland. Mr. Chairman, in answer to the gentleman's question I will read a communication from the Secretary of the Navy:

NAVY DEPARTMENT, Washington, December 24, 1894.

SIR: I have the honor to acknowledge the receipt of the letter to you of the 19th instant of Hon. T. J. Campbell relative to the payment to the contractors of the premium on the machinery of the United States armored cruiser *Maine*, referred to this Department by your instructions on the 20th instant, with a request for information as to the facts in the case and for such recommendation in the premises as the Department may deem proper to make.

In reply I have to state that the *Maine* was constructed in accordance with the authority granted in the act entitled "An act to increase the naval establishment," approved August 3, 1886, and in the contract dated April 3, 1889, with Messrs. N. F. Palmer, Jr., & Co., for her machinery provision was made for the payment of a premium for horse power developed and maintained by the machinery on trial in excess of 9,000 at \$100 per indicated horse power and for the deduction of a penalty at the same rate per indicated horse power for failure to develop the 9,000 horse power required, the payment of the premium being subject to the express condition that if the aggregate amount expended in the construction of the vessel and her equipment and machinery, excluding armament, should reach the limit of cost (\$2,500,000) fixed by said act, the claim of the contractors must first be approved by Congress.

The contract trial of the *Maine's* machinery was completed October 17, 1894, and the horse power developed on such trial exceeded the contract requirement of 9,000 by 224,230, by reason of which the contractors earned under the terms of the contract a premium of \$22,439.30.

The machinery of the *Maine* was preliminarily accepted October 31, 1894, but the premium earned as above stated was not paid to the contractors for the reason, as they were informed on the 19th ultimo, that the appropriation for that purpose had been exhausted. Inasmuch as the premiums earned on the *Bancroft*, the *Machias*, and the *Castine*, and not paid by the Department for the same reasons that the premium on the *Maine's* machinery has not been paid, were authorized by Congress, it would seem to be not improper or unreasonable that payment of the premium in this case should also be authorized.

The Department has abandoned the policy of offering premiums for increased speed or horsepower developed by naval vessels on trial, and no stipulation therefor will be made in contracts hereafter unless specially directed by Congress; but the premium provision in the contract for the machinery of the *Maine* was inserted therein and accepted by both parties in good faith, and fair dealing on the part of the Government would seem to require the payment of the premium earned by the contractors.

Very respectfully,

H. A. HERBERT, Secretary.

HON. J. A. GEISSENHAINER,  
Chairman Committee on Naval Affairs, House of Representatives.

Therefore the answer to the question of the gentleman from Texas is that the money available for this purpose has been exhausted.

There are two other items in this bill that I have not yet mentioned. One is for a tugboat at Mare Island Navy-Yard, Cal. This tugboat was authorized by Congress last year. When the last naval appropriation bill was up for consideration the gentleman from California [Mr. ENGLISH] offered an amendment, which was adopted, providing for this tugboat and appropriating \$50,000, but when they came to make plans for the construction of the boat it was found that one which would answer the purpose of that yard could not be built for \$50,000. This fact was brought to the attention of the committee, and, Congress having ascertained the necessity for such a vessel at that point and authorized its construction, the committee took it upon itself to recommend an adequate appropriation for that purpose.

We also recommend an appropriation for the construction of a tugboat for the League Island yard, Philadelphia. We make this recommendation upon information which leads us to believe that it is advisable to construct such a boat for use there.

With this brief statement of the provisions of the bill and the necessity for the increases which it contains I will yield the floor, reserving the balance of my time.

Mr. SIMPSON. Mr. Chairman, I wish to occupy the attention of the committee for a short time in relation to this bill. I shall direct my remarks more particularly to the provision making appropriation for the "Increase of the Navy."

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract three seagoing coast-line battle ships designed to carry the heaviest armor and most powerful ordnance upon a displacement of about 10,000 tons to have the highest practicable speed for vessels of their class, and to cost, exclusive of armament, not exceeding \$4,000,000 each; and nine torpedo boats of from 100 to 300 tons each, at the discretion of the Secretary of the Navy, at a cost not to exceed an average of \$170,000.

Now, I wish to direct the attention of the committee to the increased cost that this bill necessarily involves. These three battle ships will cost the country when completed, with their armor, \$31,126,000.

Mr. TALBERT of South Carolina. Is this an entirely new contract disconnected with any other contract?

Mr. SIMPSON. Yes; it is a provision for the construction of three new battleships.

Mr. LOUD. I should like to know the basis of the gentleman's estimates of \$7,000,000 and more for each of these war vessels.

Mr. SIMPSON. I will come to that later.

The nine torpedo boats will cost \$1,530,000, and the three additional torpedo boats mentioned further on in this same paragraph will cost \$510,000. So that we have carried in this bill a total increased expenditure, in addition to the regular appropriation bill, of \$23,126,000.

Mr. TALBOTT of Maryland. Will the gentleman let us have the items of that computation if he can.

Mr. SIMPSON. The items are, first the three battle ships, costing four millions apiece—

Mr. LOUD. Not exceeding \$4,000,000.

Mr. SIMPSON. Well, the expenditures on matters of this kind always run up to the limit.

Mr. LOUD. The gentleman, if he knows anything about the Navy, knows that none of these vessels have cost over \$3,000,000.

Mr. SIMPSON. I say that these three war vessels, including the armor, will involve an increased expenditure of more than \$21,000,000.

Mr. TALBOTT of Maryland. The armor is included in the cost of construction.

Mr. SIMPSON. No; it is not.

Mr. SAYERS. If the gentleman from Kansas will yield a moment I will have read at the desk a letter of the Secretary of the Navy, which I think sustains the statement the gentleman has just made.

Mr. SIMPSON. I gladly yield for that purpose.

The Clerk read as follows:

NAVY DEPARTMENT, Washington, February 8, 1895.

SIR: In reply to your telephone messages of January 29 and 30, requesting information in regard to the appropriation "Increase of the Navy," I have the honor to reply as follows:

1. Estimated cost of the armament of the three new battle ships referred to in the naval appropriation bill now pending in the House of Representatives is \$7,215,000.

2. Of the \$5,287,670 appropriated under the head of "Armor and armament" in said bill there will be used upon the new vessels authorized in said bill the sum of \$20,000.

3. The amount of the appropriation "Increase of the Navy, armor and armament," that will be absolutely necessary to meet the expenditures which will be incurred up to July 1, 1896, upon vessels already authorized is \$5,237,670.

4. Of the \$8,342,422 appropriated in the naval appropriation bill now pending in the House of Representatives under the head of "Construction and machinery," the sum of \$463,200 will be used for the new vessels authorized in said bill; also, that the sum of \$7,879,222 is the estimated amount that will be necessary to meet expenditures that will be incurred under the head of "Increase of the Navy" to July 1, 1896, for construction and machinery upon vessels already authorized.

5. On February 2, 1895, the records show 8890 enlisted men in the Navy. Men are being enlisted each day; more than the 110 short of the quota are needed to supply a full crew to the *Olympia*, commissioned on the 5th instant.

In your message you only ask for the estimated cost of the armament of the three new battle ships, and in consequence I have not included in the above estimate anything for the hull armor of the vessels in question. The estimate for armament (\$7,215,000) does include, however, the sum of \$3,015,000 for armor known as "gun protection," which, according to a decision of the Attorney-General, comes under the term "armament," and as the estimate for the hull armor for the three battle ships is \$1,911,000, the total estimated cost for armor and armament for the three vessels is \$9,126,000.

Very respectfully,

HILARY A. HERBERT, Secretary.

HON. JOSEPH D. SAYERS,  
Chairman Committee on Appropriations,  
House of Representatives.

Mr. SIMPSON. Now, Mr. Chairman, this bill provides that these battle ships shall not cost, "exclusive of armament," more than \$4,000,000 each. The letter just read discloses the fact that the cost of the armor will be \$9,000,000 and more, making, as I have stated, an increased cost eventually for the construction of these ships and the torpedo boats of more than \$23,000,000.

Now, Mr. Chairman, it is worth while, perhaps, to consider whether it is absolutely necessary to have these battle ships constructed. Does the defense of the country require this large outlay? Does the history of naval warfare warrant us in going on constructing these enormous ironclad battle ships? It is a very grave question among those who are best informed on naval affairs whether the battle ships have come up to the expectations of the people as a means of defense.

The history of recent years, and particularly the last year, has developed the fact that they have not proved equal to the fast cruisers. In the late contest between China and Japan the fact has been developed at the battle of Yalu River that the unarmored cruiser of Japan was more than equal to the two great battle ships that China had in line during that contest. The vessels of China had the superior armament both in regard to the thickness of armor plate and weight of artillery, yet the swift unarmored cruiser of Japan, with rapid-firing guns, proved to be more than a match for the great battle ships. Mr. Herbert, the honorable Secretary of the Navy, in an article in the North American Review of last November, says:

Judging from what we see in the newspapers, the fight off the Yalu River seems to have created a somewhat widespread impression that they are, and that the naval battles of the future are to be won by swift, unarmored cruisers, armed with powerful guns and fighting at long range.

Recent events have developed the fact that this was a correct prophecy. I quote from the Scientific American of this morning an account of the sinking of those two remaining battle ships belonging to China by torpedo boats, proving that such war vessels are not a match either for the cruisers or for the torpedo boats.

It reads as follows:

The major part of the Chinese navy, including the two principal ironclads, the *Ting-Yuen* and *Chen-Yuen*, has also been destroyed. They were both engaged in the great battle at the mouth of the Yalu River, from which they escaped only to be sunk at Wei-Hai-Wei, after about ten days' almost continuous fighting, by the torpedoes sent against them by the Japanese. They were sister ships, and the most powerful vessels in either the Japanese or Chinese service, each having a displacement of over 7,000 tons and belted 14-inch steel compound armor. It is reported that the Chinese torpedo fleet subsequently attempted to escape from the harbor on February 7, but that they were pursued by a flying squadron of Japanese vessels and twelve of them either sunk or driven ashore.

That, Mr. Chairman, proves beyond dispute, I think, that they have not come up to the expectations which were indulged in as a means of defense. The little torpedo boats and swift armored cruisers are more than a match for these enormous battle ships, with their unwieldy bulk and enormous draft.

Mr. CANNON of Illinois. If the gentleman will permit me, does he consider the instance given there as a fair test, when he recalls at the same time the extent of the Chinese Empire and the great population they have as compared with little Japan? Is there not something in the human animal after all in the Japanese army, and something in the same animal as displayed in the Chinese army, that perhaps has much more to do with victory or defeat than the torpedo boat or the armored battle ship?

Mr. SIMPSON. I think perhaps the gentleman is right; and it shows the superiority and the wisdom of the Japanese in selecting the swift armored cruisers and torpedo boats instead of spending enormous sums of money in the construction of unwieldy battle ships. Japan has no battle ships with armor to exceed 9 inches. That we would call a light-armored vessel. But you propose here in this bill to construct big line-of-battle ships with these enormously thick steel armor plates.

Besides that, Mr. Chairman, such vessels are not seagoing vessels. They are not intended for such purposes, and are fit only for coast defense. Few nations avail themselves of the battle ships to send to foreign ports. Great Britain is the only exception of any of the maritime nations that sends any number of her 51 heavy battle ships to foreign ports. They are used mainly for coast defense.

Mr. MONEY. If the gentleman will pardon an interruption, I did not catch his statement accurately. Did I understand the gentleman to say that the armored battle ships were not seagoing vessels?

Mr. SIMPSON. Not considered as such—

Mr. MONEY. Not considered by whom?

Mr. SIMPSON. Because the heavy armor plates make them



top-heavy, in addition to the immense armament they carry; and what I have just stated with reference to the use of these battle ships is true of every nation except Great Britain, who sends a few of them to foreign ports.

Mr. SAYERS. The gentleman is speaking now of the heaviest class of battle ships?

Mr. SIMPSON. Yes, sir; the heaviest armored ships?

Now, the only reason why we want these ships is to be enabled to use them for coast defense. Let us see how practical that is. This class of ships, of the displacement mentioned in the bill, is in the neighborhood of 10,000 tons; and they will draw probably not less than 26 feet. How many ports in the United States can vessels enter with such a heavy draft and be utilized as a means of coast defense? I venture to say that there is not a half dozen ports in the United States in which they can safely enter; and so, as a means of coast defense, they will be useless. For the protection of our long line of coast and the numerous small bays and harbors that indent it we want light-draft vessels, quick, active, speedy, and which can defend the coast by being able to enter the smaller ports, or those having less depth of water, with facility. So, I repeat, as a means of coast defense vessels of this class, light-draft vessels and swift cruisers, are invaluable.

But, sir, there is another phase of this question to be considered; that is, whether the battle ship when built will not be useless on account of the rapid development and discovery in the shape of inventions increasing the already powerful ordnance we have in this country. We go to work now and construct a battle ship at an immense cost, sheathe it with enormous steel plates, and then at once produce a gun that will shoot a ball right through her. We have to-day ordnance that will shoot through the most powerful ironclad that has been built.

I cut from the daily press the other day a paragraph which throws light on this subject. It says:

The Golden Gate is to be protected by three of the biggest guns in use in the United States. They will be pointed seaward from vantage positions on either side of the gate, and they are calculated to furnish a complete defense against any craft that might escape the shells which the new mortar batteries will send out to sea for the distance of 6 miles. These guns are as long as seven average-sized guns, and two men might easily crawl into the bore of one of the wonders.

Mr. LOUD. When is that to be?

Mr. SIMPSON. Right away.

Mr. LOUD. Well, we have heard the same thing for many years, and it has not come yet.

Mr. SIMPSON. Every man who has witnessed the tests of ordnance at the Indian Head proving grounds within the last year realizes the utter helplessness that these ironclads would exhibit against the modern guns now being produced at our gun factories. You have seen there a 10-inch gun knock into splinters the strongest and heaviest plate that is at present produced.

All of the recent naval engagements prove that the very best armor and the heaviest armor upon the battle ships of this day can not resist the tremendous power of the guns we now have in our possession.

So after this very large expenditure we shall probably find, with the inventions in regard to dynamite and torpedoes and different explosives, that the Government will have expended a large amount of money for a useless pile of iron and steel that will not meet modern requirements. I think it is a very dangerous course to pursue, in the light of what is transpiring, to tax the people of the United States for what I consider so very large and useless an expenditure of the public funds.

Mr. RAY. If the gentleman will permit me, following the line of his argument, it would be just as well not to have any ironclads at all, would it not, according to the gentleman's view?

Mr. SIMPSON. I said that in the beginning. Recent events have developed the fact that the light-armored cruiser has proved more than a match for the battle ship, and that under our peculiar conditions, with such a long coast line to defend, I think if we need anything at all we need more of the light, swift cruisers that can enter ports where ships of light draft can obtain entrance.

Mr. RAY. Following out your argument that you make, what is the use of any armor at all?

Mr. SIMPSON. I do not see that there is very much use in it.

Mr. RAY. The way that it struck me was that your argument tended to show that armor of any kind on these vessels was useless.

Mr. SIMPSON. I read an account of the battle between the Chinese and Japanese at the Yalu River, and there was one Japanese gunboat which was unarmored which stayed in the fight throughout. There were more than forty holes shot clear through her, and yet she remained in action. The men on board plugged up the holes as fast as they were shot through her, and she continued in action all through the fight.

Mr. TALBOTT of Maryland. Does the gentleman know that one of the Chinese battle ships received over four hundred shots, and none penetrated?

Mr. SIMPSON. Yes; and a torpedo boat came along and struck

and sunk her, and the account said that she turned over and went down with her propeller wheel sticking up in the air. And that is about all they are good for.

Mr. RAY. As the penetrating power of our guns is increased, should we not also proportionately, as far as we can, increase the power of resistance from the ships themselves?

Mr. SIMPSON. There seems to be no limit to the increase in the force of propelling projectiles from rifled cannon. We have gone on increasing the thickness of armor, until to-day it seems that we have about reached the limit. There is a limit to the carrying capacity of ships. All this armor is placed above the water line, or very nearly so. It projects but very little below the water line, and therefore the enormous weight must necessarily rest upon the top of the ship. Any man who is familiar with vessels and the things pertaining thereto knows that a ship must have a part of the weight she carries down below the water line. Anything else makes her top-heavy and unseaworthy.

We have, as I say, apparently reached the limit. We have gone on increasing the thickness of this armor so that it makes such an enormous weight that these ships seem to be now unable to bear it. The history of the sinking of the British ship of war *Victoria* shows that she was top-heavy, and when a hole was cut in her and some water got in which ran over to one side it gave her a list which capized her.

Mr. GEISSENHAINER. How much water?

Mr. SIMPSON. It did not take much to tip her over, on account of the enormous weight on the top of the ship. Even though the bulkheads were closed, the water coming in at one side gave her a list which threw the additional weight on that side, and she tipped over very quickly. It proves that we have apparently reached the limit of the capacity of the ship to carry any thicker armor plate, while we are going on increasing the piercing capacity of our ordnance. Therefore I think, as I said before, that, in view of these facts, it is extraordinary that we at this day should go on appropriating or pass a bill that will eventually necessitate an appropriation to complete these ships of more than \$23,000,000.

Mr. LOUD. You approve of torpedo boats, do you not?

Mr. SIMPSON. If they are necessary.

Mr. LOUD. Then you do not know whether they are necessary or not?

Mr. SIMPSON. I do not know. I will direct my attention now to these battle ships.

Mr. LOUD. Now, I would like to ask the gentleman one question, and have a fair answer. I would like to ask the gentleman if his objection is not to the amount of the appropriation, rather than an objection to the construction of a navy, or rather than to the class of vessels carried in this bill?

Mr. SIMPSON. Mr. Chairman, I will give the gentleman a fair answer, as he wants a fair answer. I always try to give a fair and honest answer to any question that is asked me, as I see it. I am opposed both to the appropriation and to the ships, because, of course, the ships carry the appropriation.

Mr. LOUD. Which do you oppose the strongest?

Mr. SIMPSON. I oppose them both equally, because I do not see how any sensible man can separate the two; and I do not see any necessity for an increase of the Navy.

Mr. LOUD. That is a fair answer.

Mr. SIMPSON. I think we have a sufficient Navy to protect our interests both at home and abroad. Now, what do we want an increased Navy for? Do you apprehend a foreign war; and, if so, who with? There is no nation on all the face of the globe that would have any pretext or could have any interest in attacking the greatest nation in the world, and if we deal fairly with other nations we need not fear any war. There is but one country with whom a war might be had, and that is Great Britain, which is the greatest naval power on the earth. Her naval power exceeds that of any navy ever built. She must necessarily have a navy, because her commerce goes to every port in the world. She, by the system of trade she has adopted, has intercourse with all the world, and so her ships enter into every port. Therefore she has been compelled by circumstances to build up a very large navy to protect her great ocean carrying trade. We are in different circumstances. We have no ocean marine worth speaking of. Why, the gentleman from Iowa [Mr. HEPBURN] the other day, in a speech here, showed beyond question that we have to pay many hundreds of millions every year to foreign ships; and I think he made the statement that we paid the Germans also an enormous sum, and that it was a rare thing to see the American flag in any foreign port. Then why do you need an increase of the Navy?

Mr. LOUD. When your party comes into power, in 1896, when you will have this free trade which you have been speaking of, will it not be well to anticipate it, as it will take longer to build ships than to pass your free-trade bill?

Mr. SIMPSON. Mr. Chairman, we are discussing an appropriation bill which carries an increase of expenditures of \$23,000,-

000, and does the gentleman want to divert the discussion from that to party politics?

Mr. LOUD. You were referring to England and her free trade.

Mr. SIMPSON. It is so, because of the different conditions of that country from those of this country, which I think is a perfectly legitimate argument in this question. England is confined to a small territory. Her people have been compelled to take to the ocean and to trade with all the nations of the earth; and therefore she, of course, has built up a large navy to protect her commerce from the navies of the other nations of the world who are engaged in the same kind of trade. England is also engaged in a system of gobbling up territory in foreign countries, and therefore she has been compelled, to protect her interests, to build this enormous navy.

I have been drawing a comparison between nations that are entirely differently situated. We have a large territory here, many thousands of miles in extent, over which a vast population can spread and find ample employment without taking to the sea. That may become necessary in the future, when the territory of this country becomes more densely settled.

Mr. HALL of Missouri. Does not the gentleman know that the shipments abroad amount to \$900,000,000 a year?

Mr. SIMPSON. I am aware of that; and also aware of the fact that it is not carried in American vessels.

Mr. HALL of Missouri. I understand that; but that is our commerce with foreign nations.

Mr. PENDLETON of West Virginia. But what would be the effect on the West if that were interrupted?

Mr. SIMPSON. There is no possibility of an interruption of that foreign trade, because the nation that attempted to blockade our ports would starve her own citizens.

Mr. MONEY. Mr. Chairman, I want order in the committee. This is a very important question, and the gentleman is debating it with ability. I want to hear him.

The CHAIRMAN. The committee will be in order.

Mr. SIMPSON. As I was saying, the condition of certain different nations is such as to compel them to adopt different modes of occupation. I have called attention to the fact that Great Britain, confined to a small territory, had been compelled to take to the sea; and that is the condition largely of Germany, of Italy, and other crowded countries. They must resort to some means of livelihood for so large a population, and so commerce on the ocean has grown up under those circumstances and they have built up this enormous number of ocean marine.

They are prepared, ready and willing, to do the carrying trade of the world at a cheaper rate, it appears, than we can do it ourselves; and so, instead of building up our ocean marine under the present conditions, we have been compelled to employ others; and why have we done that? Because it is more profitable. When it ceases to be less profitable than building our own ships, then we will have an ocean marine, and then, under the better conditions that will exist, the necessity even of having a navy will pass away. I hope by that time that men will have learned the great lesson, of which this country has set the example, that the way to settle all international disputes is by arbitration, and peaceably, and not by cutting each other's throat with a navy or other means.

Now, if I thought this was necessary; if I believed that, for the protection of this country, the preservation of the property, and the defense of the citizens of this great Republic, this appropriation was necessary, I would not oppose it. But, as I said before, in the first place, recent events have proved beyond a doubt that the battle ship does not answer the purposes for which it was intended, as a means of defense in warfare, and, in the next place, the battle ship is not an available craft for coast defense, particularly in this country, because many of our harbors are so shallow that she can not enter them.

Again, the rapid development along the line of explosives will, in my opinion, in a very few years make her a useless machine for defense. I believe that if it is necessary to increase our naval force at all, which I deny, we could expend the money very much more profitably in the construction of cruisers and torpedo boats, and for harbor defenses in the shape of improved ordnance. I am aware that there is always a large pecuniary interest behind these appropriations. There are many firms that are always anxious to get these contracts which involve such enormous expenditures of money, because whenever a firm or a man gets a fat contract from the Government there is ample opportunity to make a lot of money out of it; but we are here as Representatives of the people, and it is our duty to see that their money is wisely expended if it is expended at all; and, in view of the present condition of the people, I think this is an unwarranted expenditure. The cry is coming up from all over the country that there are many hundreds of thousands of our people idle and many of them on the verge of starvation. Even in this capital of the nation we are appropriating money to keep poor people from starving—

Mr. MONEY. The gentleman has just made a remark which

is capable of misconstruction. I do not presume that he means to impute to the Navy Department any such motive as a desire to supply contractors with fat jobs?

Mr. SIMPSON. Not at all. I believe the Navy Department is entirely honest.

Mr. MONEY. Then I understand that the imputation simply rests upon the members of Congress who favor these appropriations.

Mr. SIMPSON. The gentleman will remember—it must be fresh in his memory—that a short time ago, under a contract with Mr. Carnegie for armor plates for these battle ships, it was found that many of the plates furnished were defective, and that apparently a conspiracy had been entered into between Mr. Carnegie and some of his employees to put off upon the Government plates that were full of blowholes and other defects, and we all know that Mr. Carnegie compromised with the present Administration by paying back to the people some hundreds of thousands of dollars. Does the gentleman remember that?

Mr. MONEY. Certainly.

Mr. SIMPSON. Well, that is what led me to make the remark to which the gentleman has called attention; for it seems impossible, where these large appropriations for the construction of war ships are concerned, involving great quantities and a great variety of materials—it seems impossible for the Government in such cases to protect itself against fraud. That is one element that I take into consideration in voting on these appropriations; and it is our duty to take that into consideration, because these constructions involve an enormous expenditure, which ought to be saved to the people if possible.

Mr. MALLORY. Will the gentleman permit another question?

Mr. SIMPSON. Certainly.

Mr. MALLORY. I would like to inquire if the gentleman thinks a Navy is necessary at all to this country?

Mr. SIMPSON. I suppose it is, under present conditions.

Mr. MALLORY. Another question. Has the gentleman any idea of the number of vessels that would be required for a Navy for this country?

Mr. SIMPSON. I have not informed myself sufficiently in connection with the matter to answer that question. But the thing I am satisfied about—because I have taken some pains to inform myself upon it—is that we have reached the limit of building battle ships, and that to go any further in that direction is unnecessary and unwise. I am satisfied that we ought not at this time to build any more of these expensive and unwieldy vessels.

Mr. TALBOTT of Maryland. Do you think the English Government is well "up" as to the class of naval vessels that ought to be constructed?

Mr. SIMPSON. I do not know what the English Government is well up to.

Mr. TALBOTT of Maryland. Do you know that that Government not long ago launched one vessel of nearly 15,000 tons displacement, and a day or two ago another one of the same tonnage—the *Majestic* and the *Magnificent*?

Mr. SIMPSON. I know that the English Government is like other governments; it does the best it can. The English Government has never yet had any practical test of the value of these battle ships as a means of defense. As a matter of fact, she has copied after us. The battle between the *Monitor* and the *Merrimac* set the fashion of building armor-plated vessels, and since that time, with very few exceptions, there has been no practical tests of the value of battle ships as a means of naval defense. The only exception I remember is in the war between the Chinese and the Japanese.

Great Britain goes on and appropriates enormous sums of money to build such naval vessels as other nations build, in order to compete with them. England always aims to keep ahead, so when any other nation builds a big battle ship she builds two. She feels bound to follow other nations in building ironclad ships so long as it is the accepted policy to build such ships. But why should this great Republic, occupying the position it does, isolated from all foreign powers, beyond the danger of any foreign invasion—why should this Republic imitate Great Britain or any other country in this respect? Great Britain dare not attack us. She is under bonds to keep the peace with us.

Every interest of Great Britain puts her under bonds to keep the peace with us. Why, sir, if Great Britain should throw her shells into any of our great cities—Boston, New York, or Philadelphia—she would in all human probability destroy more property belonging to British subjects than to American subjects. [Laughter and cries of "Oh, no!"] Mr. Chairman, if we can go on in the line we are now following it will be only a little while till Great Britain will own all the property here.

Why, sir, the Rothschilds, whose home is in Great Britain and who are represented by Belmont & Co., have now an option on the Treasury of the United States until the 1st of October, if we were informed correctly yesterday.



Now, who do you expect is going to attack us? What nation will have any incentive to do so? Why, sir, we feed the nations of the world. The minute any foreign nation attacks this country she cuts off her means of supply and support. Foreign nations would simply starve themselves to death if they should blockade our ports.

There is another view of this question. A great Republic like this, established by people who have held in abhorrence the ideas of extravagant armies and navies, should not ape the policy of the monarchical governments of Europe. Let me read something which will explain what this line of policy is bringing European nations to. Those nations have gone on increasing their armies and their navies until they are breaking the people down with excessive expenditures.

A cable dispatch which declares that Germany and Italy are considering a modification of the Triple Alliance is not surprising. The Italian monarchy is staggering under the burden of supporting an army and navy far in excess of the ability of the nation. The struggle to keep up appearances as a first-class military and naval power has produced general discontent, and in some instances driven peasantry and populace to insurrection. Italy has before her, therefore, a choice between bankruptcy and rebellion on the one hand and a reduction of her enormous armament on the other. If the Kaiser and King Humbert are to meet, as reported, to discuss the Triple Alliance, one subject of their discussion will doubtless be how to extend some relief to Italy without weakening the strength of the compact which binds together the powers of central Europe.

Now, what do gentlemen propose to do in this bill? They propose to go on in this same line of action, appropriating hundreds of millions of dollars for the purpose of building up a navy, so as to be on an equality with those European nations; yet if the dispatch which I have just read is correct one of those nations has already shown unmistakable signs of breaking down under such a policy.

In the light of past history and of recent events shall a great Republic like this, isolated from foreign nations, removed from the danger of foreign conquest or anything of that sort, go on and tax its citizens by these enormous expenditures for building battle ships which, as I think I have proved, will be useless in the hour of need? That is a question for Representatives here to consider. As I was about to say when interrupted, our people are not in the best of circumstances. In every city there are thousand and thousands of idle men. Poverty and starvation seem to be the cry all over the country. The great agricultural interests, on whose shoulders this enormous tax must largely fall, are selling their products below the cost of production. Yet in a time of profound peace, with no probability of our being invaded by any foreign nation, you propose in this bill to increase our appropriation for naval expenses by more than \$23,000,000.

Mr. MILLIKEN. Does not the gentleman think it would be a good thing to give these idle men of whom he speaks something to do in building these new ships?

Mr. SIMPSON. That is the old, old process of taxing the people to make them rich. My sympathies go out toward the men who pay the taxes, the men who walk down through the corn rows on the hot summer's day, the men who work in the cotton fields, the men who toil all day long in the factories "where the wheels go round" till the heads of the workmen almost turn like the wheels they watch, the men who work down in the coal mines, all the laborers who produce the wealth which at last must be utilized to pay the taxes of the country. Those are the men toward whom my sympathies go out.

Mr. Chairman, I do not know that I care to say much more on this subject. There is one other phase of this question, however, which was brought to my mind by a question asked a while ago. What should we do if we should adopt the system of free trade and have a commerce, as the gentleman from California suggested? Sir, there was a time in the history of this country when American ships whitened every sea. They were the fastest and best ships afloat; they had the best sailors that ever manned a ship.

During the war period a system of high protective tariff was adopted; and this system, acting in conjunction with the raids of the *Alabama* and other Confederate cruisers, drove our merchant marine from the ocean. Since that time under the system which has been pursued we have not been able to recover our lost ground. It is my opinion that, if we should adopt the policy by means of which Great Britain to-day controls the great ocean-going trade of the world, we may, under the direction of statesmen wise enough to adopt such a policy in regard to our foreign trade, regain our lost ground. If such conditions should arise there may be some excuse for an increase in our Navy. But at present we have ample force to protect our scanty commerce in every land and to protect our citizens wherever they may be.

And, Mr. Chairman, I think at this time, in view of the condition of our people, in view of the poverty of the nation and the condition of the Treasury, remembering the fact that we are borrowing money at excessive rates of interest, it is a very unwise thing for us to do to pass the bill now before us, carrying, as it does, this enormous appropriation to build three useless battle

ships and this number of torpedo boats, involving an outlay of some \$23,000,000. I think it would be unwise, and that you who do it will be repudiated by the people at the next election.

Mr. DINGLEY. If the gentleman will permit me a moment, he has just made an assertion to which I would like to call attention.

Mr. SIMPSON. Certainly.

Mr. DINGLEY. The gentleman remarked that one of the causes that had driven our shipping from the ocean was what he calls the high protective system. Does the gentleman assert that on the basis of any facts that he can present to the House?

Mr. SIMPSON. I think the protective tariff had the effect, as I have stated, of driving our ocean marine from the high seas.

Mr. DINGLEY. Then how did it happen that from 1835 to 1860, when we had the tariff that pleases the gentleman from Kansas, our merchant marine in the foreign trade declined more rapidly than at any time since the close of the war of the rebellion under our protective tariffs?

Mr. SIMPSON. I am not informed as to whether that is a fact or not.

Mr. DINGLEY. It is a fact, I can inform the gentleman. I ask him how he explains that condition in view of the assertion he has just made?

Mr. MILLIKEN. The gentleman is not using facts in his argument now.

Mr. SIMPSON. I will state that for eighty years in the history of this Government we have had a constantly increasing tariff, sometimes going up and sometimes reducing a little; but the tendency has been gradually but constantly upward—

Mr. DINGLEY. It was not so between 1835 and 1861.

Mr. SIMPSON. If the gentleman will just let me proceed now. I say that the system of tariff had been gradually increasing until it culminated in the McKinley bill, which was the highest we ever had. Now, it is an undeniable fact that whenever we increase the tariff on the materials that enter into shipbuilding we necessarily stop shipbuilding. Why? Because the tariff was levied on every article that went into the construction of the ship from the keel to the truck at the top of the mast.

Now, not alone was the material that went into the construction of the ship increased, but all the machinery that was necessarily used in shipbuilding was increased in cost because of the protective tariff, and under any logical process of reasoning it must follow from these facts that the building of ships in this country would necessarily decline when the cost of every article that enters into the ship is increased and you must come in competition with the ships built by other nations where no such conditions apply.

England repealed her navigation laws and put all the materials that went into the construction of ships on the free list. The result was that she was enabled to build up her ocean marine and do the carrying trade of the world at such rates that it practically drove us from the high seas.

Mr. DINGLEY. But the gentleman will pardon me—

Mr. SIMPSON. Certainly.

Mr. DINGLEY. I understand the gentleman to assert that the increase of duties on imports, which he calls the increase of protection, drove our merchant marine from the ocean. Now, how did it happen that from 1835 to 1860, during which time our duties on imports were reduced by the tariff of 1857, our merchant marine in the foreign carrying trade—while the coastwise trade increased—declined more rapidly than at any other period in the last thirty-five years?

Mr. SIMPSON. That is a very easy question to answer. I wish the gentleman would ask me something hard. [Laughter.]

Mr. DINGLEY. Very well, I will be glad to have the answer to this easy question first.

Mr. SIMPSON. Because Great Britain in 1846 adopted a free-trade policy. In 1856 she repealed all her navigation laws, and took the duties off everything that went into the construction of ships; and she was enabled, and did, as a matter of fact, build ships so much cheaper than we did or could do that she could afford to carry cheaper than we could, and drove us from the ocean. We did not have free trade here at that time or anything approaching to it in comparison to the absolute free trade of Great Britain. It is true that we had a little lower tariff than the tariff immediately preceding it; but still it was a burden which was levied upon shipbuilding. And it was not alone a high tariff on the timber that went into the construction of the ship, or the iron that goes into the shipbuilding, but on everything that went into the construction, material and wages. There was an increase of wages, increase of rent, increased cost of clothing, increased cost of everything that the tariff increased, and forced our shipbuilding to the wall by increasing the cost of the ship. In addition—

Mr. DINGLEY. But will the gentleman pardon me—

Mr. SIMPSON. Well, when I get ready I will. [Laughter.]

Mr. DINGLEY. Well, I do not blame the gentleman for keeping right on.

Mr. SIMPSON. I hope the gentleman will wait until I get through with a sentence. I notice that the gentleman from Maine is the last one on the floor who is ever willing to yield for a question. I have attempted many times to ask questions when he was discussing or debating important measures before the House; and I do not know any gentleman who is better informed than he is or better qualified to give information—but I could never get any from him. He always passed me by or waved me aside like a school teacher, and he will pardon me now if I give him some of his own medicine.

Mr. MILLIKEN. Does the gentleman from Kansas think the gentleman from Maine is responsible for the ignorance he is displaying now?

Mr. SIMPSON. I think I will answer the gentleman before I get through. I was attempting to show the gentleman from Maine why American commerce disappeared from the ocean. It was owing to the fact that we had adopted a policy that compelled our people to build ships at a disadvantage, and made our ships cost us more than those of other nations; and whenever those conditions come about in a competitive market, like the carrying trade of the great ocean, when we have to compete with nations that build ships more cheaply than we do, the man who ships his products abroad will avail himself of the shipmaster who will carry his goods the cheapest. Now, I have shown, and it is of record in history, that we have been building ships at a disadvantage because of our protective tariff, a disadvantage in comparison with the people of Great Britain, who build ships under better and more favorable conditions.

Mr. DINGLEY. One important fact the gentleman has evidently overlooked in this matter. Is not the gentleman aware that by the act of 1873 nearly all of the materials that entered into the construction of vessels were put on the free list, and in 1890 the whole range was covered, so since that time this question of duty upon materials entering into vessels for the foreign trade has not been a factor in the question at all?

Mr. SIMPSON. Now the gentleman quibbles. There is no question but what he is quibbling on the question.

Mr. GROUT. Does not the gentleman from Maine state a fact?

Mr. DINGLEY. Is not that the fact?

Mr. SIMPSON. No, it is not the fact, and I will tell you why. Because you misapprehend what it takes to build a vessel.

Mr. DINGLEY. Oh, you mean to say that labor costs more here than it does abroad?

Mr. SIMPSON. You can not tell what I mean to say in advance of what I do say. [Laughter.] You may be very smart and wise, but I do not think it is possible for you tell what I am going to say now.

Mr. GROUT. Will the gentleman state what material entering into the construction of a vessel has not been duty free since 1890?

Mr. SIMPSON. I want to say that during that period shipbuilding changed all over the world. We were going through the transition state from wooden ships to iron ships.

Mr. DINGLEY. We went through that before the war.

Mr. SIMPSON. We commenced to go through it about that time. We began to feel the effects of that transition. Now, the materials out of which ships are constructed are iron and steel. Does the gentleman mean to say that the construction of ships in this country has been cheapened by the taking off the duties on iron and steel? Does not the gentleman know that duties are levied on iron and steel in this country—a very high protective tariff—which enhances not alone the machinery which makes the iron and steel, but the iron and steel itself? And if you plant yourself upon the proposition that materials from abroad were put on the free list, you still have to pay the freight and the cost of transportation for 8,000 miles.

Mr. GROUT. That is what England has to pay.

Mr. SIMPSON. Another thing. Your protective-tariff system has increased the cost of living to every laboring man in this country, and increased the cost of labor necessarily, and therefore put your shipbuilder at another disadvantage.

Mr. MILLIKEN. You believe in cheap labor, do you?

Mr. SIMPSON. Of course the gentleman wants to make political capital to bolster up a barbarous system of protective tariff, and he is trying to take this opportunity of doing it. But in view of the fact that Great Britain, under a different policy of absolute free trade in regard to shipbuilding and navigation laws, has been able to wrest from us the ocean carrying trade, that fact ought to be sufficient to every intelligent man—ought to be sufficient proof to enable him to come to a wise conclusion as to the cause of it.

Now, Mr. Chairman, in conclusion let me say again that I entered upon this discussion for the purpose of opposing the construction of these battle ships. I think that the committee and the members of the House ought to investigate this subject thor-

oughly before they vote this very large appropriation to place this extra charge upon a people already overburdened with taxation.

Let us go slowly. Let us wait a while, until science and discovery have proved beyond dispute whether those ships are really what they are claimed to be as a means of defense. There will be time enough in the future to build these ships if it is proved that they are superior to all other means of naval defense. Let us wait until the inventive genius of this country has determined whether we are not on the eve of inventing explosives that will make these battle ships useless. I think we ought to hesitate long before we adopt this policy of trying to build up a great naval power in this country.

If I understand the genius of this Government it was to establish upon earth and among men a free government ruled by the people, by law and by order, not by force, which a great army and navy means—a government by force.

We must set a better example to European nations; we must set the example of a peaceful solution of the differences between peoples, and thereby carry out the mission of the people who founded this Government. [Applause.]

Mr. PENDLETON of West Virginia was recognized.

Mr. DOLLIVER. Before my friend from West Virginia proceeds I would like the attention of the Chairman of the committee for a moment, with a view to agreeing upon a limit of time for the general debate.

Mr. TALBOTT of Maryland. To-morrow at 2 o'clock there is a special order for eulogies on the late Senator Vance. I think it would not be at all out of place to let general debate run until to-morrow at 2 o'clock.

Mr. DOLLIVER. That would be entirely satisfactory to me.

The CHAIRMAN. Does the gentleman from Maryland ask that general debate close to-morrow at 2 o'clock?

Mr. TALBOTT of Maryland. There is a special order for 2 o'clock to-morrow, and so far as we are concerned we have no objection to general debate continuing until that time. I do not want to close general debate without it is agreeable, but I will agree to that.

The CHAIRMAN. The gentleman from Maryland in charge of this bill asks unanimous consent that general debate close to-morrow at 2 o'clock. Is there objection? [After a pause.] The Chair hears none.

Mr. DOLLIVER addressed the Chair.

The CHAIRMAN. The gentleman from West Virginia will have to give way, as the gentleman from Iowa wishes to be recognized, and being a member of the committee, he has preference.

Mr. DOLLIVER. Mr. Chairman, I will yield to the gentleman from West Virginia [Mr. PENDLETON], but not in my time.

The CHAIRMAN. The gentleman from West Virginia, then, is recognized.

Mr. PENDLETON, of West Virginia. Mr. Chairman, with the greater portion of the latter half of the argument of the gentleman from Kansas [Mr. SIMPSON] with reference to his dispute with my friend ex-Governor DINGLEY, I am happy to say I agree; but I do not agree with his concluding proposition, that we should wait until somebody else has had an opportunity through the medium of war to test the question as to whether or not modern battle ships are likely to be of use. I have ever been a believer in the theory that the best way to preserve peace is to be prepared to maintain it, if you have to fight for it. If we permit ourselves to remain in a state which shows that we are not ready to contend with nations that are prepared to attack us, it is an invitation on our part for an attack from some one; but when it is known that we are fully prepared to resent insult, from whatever quarter it may come, when it is known that the United States is fully armed and equipped for every event that may come up, then the nations of the world will hesitate long before they will begin to insult this country or to threaten us with assaults of any kind or character.

I believe it is our duty to so prepare ourselves for attack that we shall not be compelled to await the result of wars between foreign countries. I have never believed in a strong army. I do not believe that, situated as this country is, there is any necessity upon our part to maintain a great Regular Army on an equality with those maintained by the great nations of Europe. We are thousands of miles separated from them by the waters of the Atlantic upon the one side and thousands of miles from the Asiatic powers by the waters of the Pacific on the other side. To the north of us is a small country, inhabited by a brave and civilized people, but so few in numbers that of their own volition they would never feel called upon to carry any dispute with us to the arbitrament of arms unless driven by the last necessity. South of us lies Mexico, as well as Central America and the States of South America.

Those States will never feel disposed to enter into a conflict with the United States upon land, because they know—and I say it in no boastful spirit—that in a conflict of that character with any



nation on the continent of America this country would be absolutely irresistible. We could raise armies as Pompey claimed to be able to raise them in the time of the Roman Republic. By the stamp of the President's foot an army could be raised sufficient in numbers to repel any attacks that might be made by any of the powers native to this continent. We do not need any great army to repel an attack from Europe. The distances are too vast, the difficulties of transportation are too great, and the sources of supply too difficult and too uncertain for the maintenance of a successful land war with us by any of the European powers, and it is not probable that any of them will in the near future attempt to wage an offensive war of that character with us.

A small, well-equipped, and disciplined Army has in the past served all our purposes for defense, and it is not likely that we shall ever endeavor to carry on a land war anywhere on the Continent of Europe. This Army, with our numerous militia as a nucleus around which to assemble our volunteers, will answer every need for our defense.

We are under no necessity to allow ourselves to be led into any competition with the warlike powers of Europe as to the size of our Army, and no one would venture to propose such a competition. I venture to say that if it was necessary we could surpass any nation in the world in the resources needful for the support of a great army. My friend from Kansas has not made a fair comparison when he compares this Republic with Italy in the ability to support military expenditure. He tells us that Italy is bankrupt because she maintains a great regular army and a powerful navy. It is true. Italy is to-day, according to newspaper accounts, on the verge of bankruptcy. But what is Italy compared with the United States? Italy maintains near 300,000 regular soldiers, and sinks under the burden. We maintain near 30,000, and hardly feel the weight.

Italy maintains a great and powerful navy far beyond her wealth, far beyond her resources. Her navy is greater than any possible demand upon it. While she has a population of 29,000,000 we have a population of 65,000,000. While all the real estate and all the personal property of Italy when put together might probably amount to the pitiful sum of \$3,000,000,000 or \$4,000,000,000, when this country counts her wealth and sums up her property we reach the gigantic total of nearly \$70,000,000,000, making our people the richest nation of which history tells. There is no comparison to be made between the two countries; America rich beyond the dreams of avarice, and Italy poor to the verge of poverty.

Now, my friend says that we are unable to and can not afford this expenditure at the present. I see no reason why the country can not afford the expenditure. I see nothing in this that will indicate any increase in the permanent taxation of the American people. If I am not mistaken in my judgment with reference to the new tariff bill, I believe that bill is not only going to raise a far greater amount of revenue than now comes into the Treasury, but I believe that it will ultimately, within the next year or two, be so productive that the revenues under that tariff bill, and without any increase in the present rate of taxation, will far exceed any demand that may be made upon our Treasury by the building of these new ships, and will yield to the Treasury a very handsome surplus. There is to-day no real great strain upon our revenues. We are at peace with the world. If we ever intend to become a great naval power, now is our time. We have the time, the money, and every opportunity in our favor.

I am in favor of an increase of the Navy for many reasons. I believe it is necessary that the Navy should be increased. We have something to protect. We have more to defend upon the seas than many countries. If we had nothing to protect, then there would be no necessity for a navy. We have more to protect upon our coasts than any nation. My friend from Kansas argues that we do not need to create a navy for another reason apart from the expense. He says that we are not liable to find ourselves embarking in a foreign war. Now, I am no prophet and no son of a prophet, but I defy anyone to show any good reason upon which such a prophecy can be based, if we are to judge the future by the history of the past.

It is true that after the wars of the French Revolution had terminated in 1815, and the world for thirty years had failed to witness a great European war, many prophets as to the world's future, many people who hoped to see peace prevail all over the universe, began to predict that war would never come again, and that the nations might do away with cannon, with ships of war, with forts, and fortifications. But, Mr. Chairman, the people who made those predictions were people of the same character as my friend from Kansas. They were visionaries, doctrinaires, and idealists. They forgot human nature. They thought man was as he ought to be, not as he is.

They forgot that as long as the opportunity is given to man to quarrel man will quarrel; that as long as temptation to plunder is before him, and as long as his nature remains unchanged, so long man will plunder and fight. What has happened since 1848? The student of history will tell you that in the last forty-five

years, with all our civilization, with all our enlightenment, with all the progress that we have made in the direction of the gospel of peace and humanity, there has been more of war in that period than the world has ever beheld before in the same length of time, more destruction of human life and human property than has been witnessed in any like period in the more than five thousand years of human existence.

Take our own country. In 1860 no one believed that we were on the verge of the greatest civil war that the world had ever seen; and a prophet like my friend from Kansas, occupying at that time a seat in the House of Representatives, would have made the same prediction that he has made here to-day as to what was to occur in the way of fighting within the next two or three years. We all know the sad mistakes made by the prophets of those days, and we still suffer for our belief in their ability to predict.

In 1867, when our civil war had ended, when half a million of lives had been lost and more than five thousand millions of property had disappeared through the ravages of war never to return again to the possession of our people, when it might have been supposed that we had had enough of war to do us for many centuries, we were ready to again plunge into strife if France and her soldiers had not gathered up their bag and baggage and cleared out of Mexico.

Our Government, in pursuance of its historic policy, was then prepared with the almost universal assent of our people to send a great army to Mexico to aid the Mexicans to drive the foreigners from their soil. Thus at the risk of war with one of the most powerful of nations, we were ready to maintain the inviolability of the "Monroe doctrine." My friend tells us that we are in no danger of war. In 1875, when the crew of the *Virginius* was captured in Cuba, and when those men were taken by the Spanish soldiers and shot down without trial or hearing, a wave of indignation rolled over this country North, South, East, and West that, before its power was realized, or its meaning understood, had almost plunged us into a war with Spain.

A few years later, in the city of New Orleans, when the people had been outraged by the machinations of a secret society, when American citizens had been assassinated and shot down in the streets by members of that infamous society known as the Mafia, and the citizens of New Orleans had taken the law into their own hands and were inflicting a merited punishment upon assassins, we came near finding ourselves at war with Italy; and we all know that it was but a very few years ago, during the Administration of President Harrison, when the Government of Chile refused for a time to make reparation for the outrages committed upon American citizens in the city of Valparaiso, that it was only when President Harrison sent a message to the House of Representatives practically threatening war and showing the Chilean Government that we intended to assert our rights that we succeeded in obtaining the reparation that was due to our citizens, due to our nationality, due to our honor as a nation in the eyes of the world. And yet my friend tells us that we are never again to have war with a foreign power, and therefore we need not prepare for it! The gentleman's vision is a beautiful one. I would welcome its realization as much as he would; but I say that the old doctrine is true to-day as it has been true for more than five thousand years, "In time of peace prepare for war." Man is still a fighting animal, and for many centuries will continue to be.

In 1875, had we gone to war over the *Virginius* affair with Spain, our nation, which calls itself the proudest in the universe, which boasts to-day that to be a citizen under its flag is greater than to have been a Roman citizen in that elder day when to be a Roman was recognized as greater than to be a king—had we gone to war with Spain at that time it was feared and predicted that the proud flag of our country would have been humiliated upon the high seas before a third or fourth class power. Had we gone to war with Italy about the Mafia affair it was recognized by many naval experts, both at home and abroad, that we could not have faced her successfully upon the ocean, and I, for one, Mr. Chairman, am tired of this penny-wise and pound-foolish policy which leaves the greatest, the most populous civilized nation, save Russia, on the face of the earth, the wealthiest, the freest, and the nation which I believe to be the most powerful in the world, bereft of its arms when the occasion arises for the assertion of its rights.

The policy that leaves us in this condition is a humiliating and a shameful one. It is a disgrace to us and most shameful to our national pride, and to the patriotic spirit of our people. It makes all civilization believe that, to save a few dollars in taxes, we are willing to eat all the "leeks" that may be offered us and to accept humble pie from every counter. We must assert ourselves and hold our heads erect.

I think our Republican friends have a proper appreciation of the situation; and though they spent fifteen or twenty years in trying to give us a good Navy and only gave us a bad one, still I think they are honest and patriotic in their desire to do what should be done for the country in this respect. I say to the Democracy, not

only to the Democracy of the North but particularly to the Democracy of the South, that it has been the historic policy of the Democratic party to maintain the Navy.

We have under Democratic Administration made it our boast that the Navy was efficient, and that under such Administration, with the hearty concurrence and applause of the whole party, our Navy has been able to compel respect for our flag and to uphold our rights throughout the world. And now, when our party is again in power and when we—especially the men of the South—are called upon to show our patriotism, our devotion to the General Government in which we are participating, it is, above and beyond all, our duty to convince our Northern Democratic brethren and our Northern Republican brethren that so far as they go in patriotism, so far as they move onward in the desire to maintain the honor of the flag, they shall find the men of the South marching side by side with them and doing their full and entire duty to the common country that belongs to us all.

Mr. KILGORE. How large an appropriation will you vote to convince them?

Mr. PENDLETON of West Virginia. I will vote every dollar that is necessary for the proper defense of our country, if it takes the last cent out of Colonel KILGORE's pocket. [Laughter.]

The South is here, my friends, and, in the language of the late Senator Hill of Georgia, I thank God that she is here to remain—as much a part and parcel of this country as any other part of it. And she has just as much to defend as any other section. Shall she be found wanting in her duty? I do not believe it. She will do as much as any section of the country to defend the nation. She has the same interests, the same feelings, and the same inspirations in the perpetuation and preservation of national honor, credit, and fame.

My friend from the West [Mr. SIMPSON] speaks as if it were a matter of no interest to him if our coasts should be blockaded and our commerce upon the high seas interrupted. Let him stop for a moment to consider the inevitable disaster and woe that would come upon the great West if our harbors at New York, or New Orleans, or Charleston, or Galveston, or Boston, or Baltimore were closed by the hostile demonstrations of foreign ships. What would be the effect upon the exportation of the products of the American farmer from the West and the South?

Mr. SIMPSON. I do not want to be put in a bad light—

Mr. PENDLETON of West Virginia. Of course I would not put the gentleman in a bad light.

Mr. SIMPSON. Therefore I wish to state that I did not say what the gentleman has attributed to me. I did not say it was of no interest to me if any of our great ports on the Atlantic seacoast should be blockaded. I said that England and other foreign countries are under bonds to keep the peace with us, because if they should undertake to destroy the property in any of these great cities they would destroy more of their own property than of ours.

Mr. PENDLETON of West Virginia. What I have indicated has been the line of argument pursued here—that citizens of the South and the West have no interest in this question, and my friend made one line of his argument from this standpoint—that America owns no ships; that we have no carrying trade ourselves. It is true that we own comparatively few ships; it is true, also, that the great bulk of American commerce with foreign nations is carried on in foreign ships. But none the less does it devolve upon us to protect that commerce, although it happens to be carried in foreign ships. Nine hundred million dollars' worth of American products went across the broad Atlantic to the nations of Europe last year. Whence did those products come? Where were they raised and who would be the sufferers if that commerce were for a month or a year interrupted? Who sell that surplus to the civilized world? The farmers of Kansas (from which State my friend hails) as much as the people from any other section.

Mr. DAVIS. Will the gentleman permit a question?

Mr. PENDLETON of West Virginia. Oh, yes.

Mr. DAVIS. Does the gentleman think we should build vessels to protect property under the British flag?

Mr. PENDLETON of West Virginia. If it be American property, and if failing to build vessels keeps American property from going abroad of course we should protect that property. I do not care under what flag it sails, it should be protected. My friend would stand in a very poor position before the farmers of Kansas when he goes home if they should find that 500,000 or 5,000,000 bushels of Kansas corn, placed on a British ship to be shipped to Great Britain, could not get out of the port of New York because he had voted for a poor navy insufficient to protect that harbor and drive away the foreign ships that might be preventing that Kansas corn from going out.

Mr. DAVIS. Because we did not build ships to protect the British flag?

Mr. PENDLETON of West Virginia. I do not care what flag it might be. I want to keep the American ports open; I want to allow you men from the West to send your corn, your wheat, and

whatever else you may raise to whatever market you may desire to send it to be sold.

Mr. LIVINGSTON. Then the gentleman is in favor of free ships?

Mr. PENDLETON of West Virginia. I have always been in favor of most things being free.

Mr. Chairman, gentlemen from the South and West, from whom it is supposed some opposition to this bill may come, are more interested in this matter of strengthening the American Navy than any other class of our population. Almost the entire cotton crop of the South is sold to European nations. The great surplus of the products of the West—their corn, their wheat, their pork, their general agricultural surplus—finds a market in Europe. And it is the duty of the American Congress, if we desire to look after the general welfare, to adopt such a policy, not only that a small nation, not only that a feeble naval power shall not be able to interrupt our commerce, but that we shall be able to maintain a navy strong enough to keep open every American port so that we can seek the markets of the world without vexation, without hindrance, and without interruption from any quarter whatever.

There is woe and misery in Kansas to-day, and the cry of the people has long made itself heard. How much greater would they be, how much more widespread, if in the event of a foreign war the farmers of that State and of the West should find the Atlantic and Pacific ports closed by the superior fleets of the nation with which we were at war, and find the surplus agriculture whose sale in Europe keeps them from the almshouse wasting and decaying in their fields for want of a market because their representatives were too penurious to vote the money necessary to keep the seas clear for the successful shipment of their produce to the place of marketing and sale.

Mr. SIMPSON. Does the gentleman think a battle ship of 10,000 tons displacement is a good ship to protect American commerce on the high seas, or is she not better adapted to coast defense?

Mr. PENDLETON of West Virginia. She is good for both purposes. She is a first-class ship to keep your ports open and prevent the blockade of our large cities—

Mr. SIMPSON. Do you not think that the armored cruiser is a more valuable boat as a protection to our commerce?

Mr. PENDLETON of West Virginia. No, I do not. I think the heavy battle ship is best for all purposes.

Mr. SIMPSON. You want a swift-moving ship—

Mr. PENDLETON of West Virginia. And I call your attention to another thing. The gentleman from Kansas, in his remarks a few moments ago with reference to the recent naval battles between China and Japan, made some comments which I do not think are warranted by the facts. He stated that the great battle ships have not proved themselves to be effective as against the light-armored, swift cruisers; but, as a matter of fact, the reports show that these Chinese battle ships endured, with but little injury, all of the shot and shell to which they had been subjected from the fire of the Japanese guns and endured with safety every attack on them. They were not injured or destroyed in that way. The naval experts say that if the Chinese ships had been properly handled or handled with the same skill as the Japanese ships in these battles there would have been a very different result. At any rate they withstood every attack made on them.

Mr. LOUD. And is it not also a fact that these ships were built in the seventies?

Mr. PENDLETON of West Virginia. And, as my friend from California suggests, they were old ships, built some eighteen or twenty years ago, and even then were not considered to be the best ships of their class.

Mr. DAVIS. Is it not a fact that most of our ships are obsolete or out of date from the time that they are finished?

Mr. PENDLETON of West Virginia. I will come to that presently.

But further, the two great battle ships of the Chinese destroyed by the Japanese were blown up by torpedoes. Well, the torpedoes would have blown up any other kind of vessels if they came in contact with them.

Mr. TALBERT of South Carolina. They would have blown up "Old Nick," would they not?

Mr. PENDLETON of West Virginia. And my friend from South Carolina suggests that they would probably have made short work of "Old Nick" if he had come in contact with them. But my friend from Kansas seems to think that is a reason why we should not build ships of that class, because they are liable to be blown up by torpedoes. And the other gentleman from Kansas [Mr. DAVIS] suggests now that the new ships soon become obsolete or out of date, and that we should not build ships because many of them that we have built have gone out of date. He alleges that as a fatal difficulty in such construction. But, Mr. Chairman, it is an argument that refutes itself. If there are to be changes in the fashions my friend may as well say we should not wear clothes because those we buy to-day may be old-fashioned



next year. So long as we build ships equal to the most formidable and the best class built by our rivals we shall do all that is needful for our protection.

Mr. DAVIS. But the gentleman made the point himself that these Chinese ships were old or worn-out ships.

Mr. PENDLETON of West Virginia. Yes; but I made it from an entirely different standpoint. The gentleman argues against the construction of ships on that ground. I say that these ships were not as good ships as some of more modern build. Shipbuilding has improved somewhat in ten or twenty years. But the world may have in the next ten or twenty years stronger ships, more powerful for battle and grander for defense than any we have to-day. In fact, all things may improve in shipbuilding. This is certainly no argument why we should allow ourselves to be absolutely defenseless in the meantime should such things happen in the distant future. I say it is our duty to be prepared at all times for any emergencies which may arise; and we will certainly be false in our duty to the American people if we leave them defenseless.

Mr. TALBERT of South Carolina. Can the Treasury stand the drain right now, though?

Mr. PENDLETON of West Virginia. I have not any doubt in the world that it can.

What have we to defend? Not only the Western and Southern agricultural products on the seas; we have not only the commerce upon the high seas to protect under the American flag, but the Navy has other duties besides. Here is, for instance, the great city of New York with nearly five thousand millions of property on the seacoast exposed to attack; here is the great city of Boston with another thousand millions of property exposed to attack; here are the cities of Philadelphia, Baltimore, Norfolk, Richmond, Charleston, Savannah, Mobile, New Orleans, Galveston, as well as all of the cities on the Pacific coast, depending for their protection upon the American Navy; and in our present condition if we were to be involved in a foreign war with any of the second-class nations of the world, much less with any of the first-class, we are helpless; we have no Navy to-day that could defend these harbors and ports and prevent these great cities being held up for ransom or plundered by any power which chooses to take advantage of the opportunity.

Mr. SAYERS. In this connection, can anyone tell the number of vessels in the Navy now?

Mr. PENDLETON of West Virginia. Some five or six battle ships, and a few others.

Mr. SIMPSON. There are four battle ships in all completed, and some not yet completed.

Mr. DAVIS. And they will be out of date before they are done.

Mr. SAYERS. What is the total number?

Mr. PENDLETON of West Virginia. Forty-nine ships in all.

Mr. SAYERS. Do you not think that with forty-nine ships we could be able to protect ourselves pretty well if these ships were scattered along the coast from New York to Galveston?

Mr. PENDLETON of West Virginia. No; I do not. Forty-nine vessels scattered along the American coast between New York and Galveston, as suggested by my friend, reminds me of General Lee's line before Petersburg during the last year of the war, when forty miles of front were defended by 40,000 men, and when General Lee gave that opinion to Mr. Davis and said that in a few days somebody would break through somewhere. That is the present condition of the country with reference to its naval defenses. The line is too long and the fleet would be too much scattered. Breaking through would be a holiday excursion for a hostile fleet.

Mr. SAYERS. What becomes of our fortifications?

Mr. PENDLETON of West Virginia. Well, they will, to a certain extent, enable us to make some defense. But they are not sufficient. Things have changed and methods also. In old times a wealthy nation could build a great navy in a few months. But this can not be done to-day. New methods of constructions and recent inventions have made the building of a navy the labor of years. We can not now wait until we are attacked and then in a few weeks or months be ready for whatever may happen. All nations are building and equipping their navies long years in advance in the hope that when the crisis shall come they shall not be found wanting or taken unawares. We behold the result of preparation in the war now going on between China and Japan. Japan in peace has prepared for war. She is armed at all points. She has availed herself of the resources of civilization. She wins at all points and we find the weaker power everywhere triumphant. China, with her vast population, her incalculable resources, has made no preparation, and finds herself with her hands tied, her navy driven from the seas, and her whole vast bulk exposed and bleeding at every pore. Shall we, relying upon our native strength and our vast undeveloped capacities, adopt a Chinese policy? Never.

It is historically true that sea power gives empire and victory, and it is also true that every nation that has gone into war with the

preponderance of naval power on its side has won every great conflict in the past. If the United States had had no Navy in 1861, and the Confederacy had been equipped with a navy equal to what the United States had, the Lord only knows whether this people would have been fighting yet or not.

History will bear me out in the statement that the nation that controls the sea is the nation that wins every conflict. You can go back two thousand years or more and you will find that Greece fought her great battle for independence and for her own liberty upon the sea, and that if the Greeks had not been superior on the sea at the battle of Salamis European civilization might have been superseded by that of Persia and of Asia. Sparta was only able to win the supremacy of Greece from Athens when she had created a navy able to contend with and overthrow the former prestige of her brilliant rival upon the seas. Holland won the war of eighty years, together with her liberty, because her power upon the ocean became so great that no Spanish fleet could meet her. Great Britain, that small island in the ocean, with a few millions of people, through her dominance as a sea power, through her great navy, is enabled to maintain far beyond her natural strength an exalted position in the face of the entire world. So it has been through all history.

Mr. DAVIS. What about the American Revolution?

Mr. PENDLETON of West Virginia. Yes; what about the American Revolution! What do you desire to know about that?

Mr. DAVIS. Did not we come out ahead without a navy?

Mr. PENDLETON of West Virginia. We had the navy of Holland, which was then almost equal to the navy of Great Britain, to help us. We had the navy of France, the second great naval power of the world, to help us. We had the navy of Spain to help us; and it was only when with the help of those three great navies that for the time the allied powers became the mistress of the sea, and the combined French and Spanish fleets swept the channel that we first had hope of final victory. When the soldiers of Washington and Rochambeau marched to Yorktown to meet Cornwallis, the mighty French fleet of De Grasse was there to blockade the river to prevent escape or succor by water and to aid in compelling the surrender of the haughty British lord and his 7,000 soldiers. Truly, it can be said that the preponderance obtained by our allies on the sea did much to win for us that independence which has enabled us to take such high rank among the world's great powers.

In 1812 what did we find to be our condition? We went to war with Great Britain then, and Great Britain had on her hands not only the Republic of the United States, but she was also engaged in that long and deadly combat with France, under the guidance of the military skill and genius of Napoleon the Great. Then our small Navy, here and there, was enabled to occasionally win a battle. When, with equal numbers, we met the British on the sea they were often forced to give way and haul down their flag before American skill, American capacity to command, and American bravery upon the high seas.

But nevertheless, what was the condition of our country before that war had ended? Great Britain blockaded every port we had; her fleet came here and her soldiers burned the American Capitol under our eyes; she drove our commerce from the sea; while the distress, misery, and ruin resulting from the blockade and the interruption of commerce were so great in New England that before that struggle ended New England for the first time in her history became unpatriotic and threatened to precede the Southern States in secession by a period of forty-five years. That was the condition to which we were reduced the last time we were forced into war with a great naval power that had command of the sea. I hope never to behold such a condition in my time. We have it in our power to prevent a renewal of such scenes. I believe we intend to do our part.

Again, I say that it is a scandal, a shame, and an indignity in the face of civilization that the richest nation of all the nations, the most populous collection of civilized people that has ever been seen under one flag, that a country more exposed to plunder and spoliation than any other in the world, a nation that has a great name and a great history behind her, one that proclaims that it is led and guided by one of the most advanced and enlightened of the human races, should permit it to be said at any time or under any circumstances that her forts, her harbors, and her flag can be insulted for want of sufficient patriotism among her citizens to vote the few paltry thousands of dollars necessary to give her a Navy that would defend her in time of need, and make her equal to any and all upon all the waters of the earth where her flag has to be seen. [Applause.]

Now, one word more and then I shall be through. I believe that we are going to vote this appropriation. We are going to vote it because it is necessary. We are going to vote it because the Administration and the Secretary of the Navy recommend it and say that it is necessary. We are going to vote it because we do not desire to see our commerce unprotected. We are going to vote it because in time of peace we should prepare for war. We are going to

vote it because we have ceased to be demagogues and intend as far as we can to be far-seeing statesmen. We are going to vote it because we do not desire that in any future time of stress or difficulty we shall be compelled to reproach ourselves that when we had the opportunity we failed to prepare, instead of waiting until the war had come upon us, as other nations have sometimes done in the past.

The Navy is popular. The American people love it, and they will not count as wasted the money that Congress may expend to improve it, to maintain and increase it. Its achievements are the proudest in our history and are treasured in every heart that beats with national pride and swells with the recollection of the deeds of a not soon to be forgotten past. In our school days we read of Decatur, of Lawrence, of Hull, of Paul Jones, and of Perry, and while their memory lasts we shall be true to its lessons and true in devotion to the flag, as they were in other days.

We are going to have these three great battle ships because we need them, because we can have them, and because money is not so dear to us as national prestige. England is now spending one hundred millions to renew her fleets. She knows her interests and her patriots are awake. Shall we fear to risk fifteen or twenty millions for ourselves? Every American will say no.

We are going to have them because we are proud of our name, because we are proud of our race, and intend that while America is free, while she is great and powerful, the flag that has come down to us from our fathers shall remain unspotted and be kept high up so long as it is in our care and keeping, and because we have determined to at all times and under all circumstances keep and fully maintain our country where she ought to be, among the greatest, the most powerful, and the most respected nations in the world. [Loud applause.]

Mr. DOLLIVER. Mr. Chairman, the present naval appropriation bill carries \$6,000,000 in excess of last year. I am not disposed to refer to what might on the surface appear to be a failure on the part of the committee to respond to the evident situation of the Treasury. On the other hand, I am disposed to think that every dollar authorized by the committee ought to be appropriated; and I have already had enough experience in dealing with public opinion on questions of appropriations to know that no partisan advantage arises from the parade of statistics of our appropriations if the public be satisfied that the money is wisely appropriated and honestly expended.

There are possibly only two items in dispute in the bill which the committee has reported—the increase recommended by the Department for the enlisted force of the Navy and an appropriation to begin the construction of certain battle ships and torpedo vessels. Though I do not live upon the seaboard, I have always since I have been a member of this House thought it wise to encourage the building of the new American Navy. I believe that the people of the Mississippi Valley are interested both from sentimental and practical considerations in the construction of such a fleet as will enable the United States at all times to maintain the safety and dignity of the country.

I do not know that anything ought to be said by way of criticism of the fact that the present management of the Committee on Naval Affairs seems to be able to anticipate the construction of a magnificent fleet without the expense of a very bewildering sum of money. I am almost led to emphasize the skill with which my colleagues on the Committee on Naval Affairs have managed to provide for torpedo vessels, for cruisers, and for battle ships of the largest type upon an aggregate cash appropriation of, I believe, less than \$500,000. [Laughter.] The enterprise is magnificent, but not less magnificent than the enterprise of the committee in loading the expense on the next and succeeding Congresses. [Renewed laughter.] I do not, however, wonder at that, for, as the gentleman from West Virginia [Mr. PENDLETON] so curiously admitted a moment ago—

Mr. TALBOTT of Maryland. Will my colleague allow me an interruption?

Mr. DOLLIVER. Certainly.

Mr. TALBOTT of Maryland. Is not turn about fair play?

Mr. DOLLIVER. I do not think the Republican management of the Naval Committee was ever able to accomplish so splendid a feat of financiering as my friend from Maryland has accomplished in this bill.

Mr. SAYERS. Did not the Fifty-first Congress load us down pretty heavily?

Mr. DOLLIVER. Oh, no.

Mr. BOUTELLE. We loaded ourselves down after we had been defeated at the polls.

Mr. DOLLIVER. The Fifty-first Congress made a substantial appropriation to carry on the construction of the ships that were authorized, and I do not think that can be said of the appropriations made in this bill. But I do not intend to insist upon criticism of this character, because the Democratic party has always enjoyed throughout the United States a first-class reputation for friendship to the American Navy on about as small a contribution

of funds to its upbuilding as can easily be imagined. [Laughter.] The Republican party has had great difficulty in extorting even from the friends of the cause a recognition of its service and friendly activity in its behalf.

The people most interested in the construction of ships seem to regard the indifference, even the hostility, of the Democratic party as of more importance to them than the cooperation and aid of the Republican voters of the United States and their Representatives in this House. In six years the Democratic party has contributed, according to our records, only an insignificant fraction of their votes to any proposition looking toward the restoration of the American fleet; and to-day throughout the country nearly everybody that I have met believes that Secretary Whitney, in the first Administration of Mr. Cleveland, was the author and practically the finisher of the naval projects of the Government. Yet the record and history of the case show that the full plan of the new American Navy antedates the Administration of Mr. Whitney, and that it has been carried forward in this House and in the Executive Departments by the aid, counsel, and support of the Republican party.

The Democratic party, even when in charge of the Government, has not effectively advised any progress in the construction of the new ships. At the beginning of the Fifty-third Congress the Secretary of the Navy, then fresh from the chairmanship of the Committee on Naval Affairs of this House, made bold, contrary to his whole record while a member of this House, to recommend an enlarged appropriation for additions to the fleet. That recommendation was supervised by the Chief Magistrate and it was practically annulled, so far as its influence on this House was concerned, by that portion of the message of President Cleveland in which he suggested that the depleted condition of our Treasury ought to impress Congress with the idea that there was not much propriety in further appropriations for new work in the construction of naval vessels.

I am glad to observe that in the course of two years the Secretary of the Navy has been able to convert the Chief Magistrate to a more liberal naval policy, for I find in his message sent to Congress in the present session that the President seems to have somewhat broadened his views as to our naval policy. He suggests the construction of battle ships and cruisers and torpedo boats, saying that if we are to have a navy for warlike operations, offensive and defensive, we certainly ought to increase the number both of the battle ships and of the torpedo boats.

He goes further, and shows symptoms of returning reason in the field of practical affairs by some observations which, while they are true, must sound strange, if not unreasonable, to the great mass of his followers in this House. He says that the manufacture of armor plates requires an extensive plant and the aggregation of many skilled workmen.

All the armor necessary to complete the vessels now building will be delivered before the 1st of June next. If no new contracts are given out, the contractors must disband their workmen and their plants must lie idle. Battle ships authorized at this time would not be well under way until late in the coming fiscal year. At least three years and a half from the time of the contract would be required for their completion. The Secretary states that not more than 15 per cent of the cost of such ships would need to be included in the appropriations for the coming year.

We have here the President of the United States solemnly urging upon a Democratic Congress, which in one way or another has managed to cripple nearly all the great industrial plants of the country, to stand by the upbuilding of the American Navy in order that the iron and steel manufacturers of the United States may have employment for their workmen and occupation for their great establishments.

Mr. HENDERSON of Iowa. That will beat the bill, will it not?

Mr. DOLLIVER. I am afraid that will beat the bill, because, so far as my observation extends, I have never yet met a thoroughly organized free-trade Democrat or Populist, like my friend from Kansas, who seemed to have the slightest notion that it makes any difference what becomes of the industrial plants of the United States so that we secure our fair share of the markets of the world.

Now, I agree perfectly with the President that not only the safety and dignity of the country require the continued progress of our fleet, but that in these times of poverty, idleness, and misfortune it is well for the country to continue, so far as its patronage will contribute to that result, the operation and the activity of the great machine shops that have been called into existence by the policy of the Government in respect to the Navy of the United States.

There was a time, as I have often heard my friend from Maine [Mr. BOUTELLE] say, when few people in the United States believed that the industrial skill of our own country would ever be able to supply either the armor or the guns needed for the American Navy. I believe that in its history no more practical service will be found than that service rendered not only to the Navy, but to the industries of the nation by my friend from Maine, when, as a member of the Committee on Naval Affairs, he insisted



in this House that it was better for us to go without the ships until we had developed, by the genius and industry of our own people, the ability to make the materials entering into their construction. [Applause.] To-day nothing that is required in the construction or the equipment of a ship need be bought anywhere outside of our own country, and Mr. Cleveland is right in holding that in times like these the occupation of these great centers of industry is a worthy and fit motive to influence Congress in the pursuit of its national policy.

I do not believe in the suggestion of my friend from Kansas [Mr. SIMPSON] that we ought not to do anything further in this direction until we see whether the battle ships and the other modern war vessels are to be the final and permanent type of naval architecture. There might have been some force in such a suggestion at the beginning. The transition from sailing vessels and ships of wood to the iron and steel ships of to-day was a transition so great that a nation might well and safely have waited for the success of experiments in that direction before making the change, and I believe there was a real wisdom in the fact that we did not begin the construction of the steel fleet of the United States until the experiments of other nations had warranted us in the conclusion that a final and permanent type of naval architecture had been reached.

It can not be possible that the inventive genius of man will ever render these specimens of naval architecture which the nations of the world are now building obsolete or ineffective. We have had, of course, in this country no little trouble in the production of armor plate, and last summer it fell to my lot, as a member of the Naval Committee of this House, to enter with some minuteness into the examination of charges of fraud preferred in some quarters against a great steel firm engaged in the production of armor plate for the war ships of the United States.

It is not out of place for me to say here, notwithstanding the report of the Naval Committee in the last session, that I do not credit the exaggerated statement sent abroad involving that company in a cheap attempt to defraud the United States and endanger the safety of our armored vessels. It is to my mind hardly credible that an investment of millions employed in a gigantic business, of which the production of armor plate was only an insignificant fraction, was turned into a poor and awkward conspiracy against its customers.

Sickness and the pressure of affairs in the closing hours of the last Congress left me unable to give the attention which I would have given to the report of that committee but for my absence from the Capitol. The report charged fraud and conspiracy upon the steel company at Pittsburg which had for many years been engaged in furnishing armor plate for the ships of the United States. In a general way the evidence taken before that committee warranted severe criticism against the company, yet I for one then agreed and now agree with the Chief of the Ordnance Bureau of the Navy and with the Secretary, that whatever irregularities occurred at Pittsburg, whatever deceit may have been contrived by the workmen engaged in the construction of these steel plates at the Carnegie Steel Works, no man ought to say that the armor furnished for the new ships of the United States is wanting in strength or efficiency for the service for which they were intended.

I believe that the Secretary of the Navy is right when he says that not one plate has been accepted by the Government which is not above the minimum limit required by the contract. So that whatever irregularities occurred at Pittsburg—and there were many—although, as I have indicated, it was not my fortune to see the report made by the Committee on Naval Affairs before it was submitted to this House in the last session of Congress—whatever irregularities occurred there, the members of this House and the people of the United States may rely with absolute confidence upon the fact that the armor plate furnished is above the minimum limit required by a just construction of the contract with the Carnegie Steel Company.

Whatever weight and force the criticisms of my friend from Kansas may be entitled to, they ought not, in my judgment, to be an influential argument against the further construction of ships by the United States or against the further reliance of Congress upon the steel-producing plants of our own country in furnishing the material for the ships and for the armor of ships.

I wish to say another word. I was interested in what my friend from Kansas had to say about the merchant marine of the United States. My study of the question of reviving the merchant marine of the United States convinces me that it is not only a question of commerce, but a military question; and if I had the guidance of the naval policy of the United States I would put the Navy and the mercantile marine in strict partnership and build both of them at the same time.

I was struck in reading the newspapers the other day by the fact that the splendid officer who conducted the French line steamer *La Gascogne* to the port of New York was a lieutenant in the French navy, detailed by his Government for the command

of that merchant and passenger, ship which, under contract with the French Government, is at any time available for all the purposes of war or peace.

I had the pleasure not long ago of reading a book which has occasioned, perhaps, the most friendly criticism of our Navy in every capital of the world—the work of Captain Mahan on *The Influence of Sea Power in History*. One thing which that great student and writer lays down seems to me to be absolutely true—that the basis of a successful navy is a merchant fleet, which in time of peace is a training school of seamanship and in time of war may be converted to all naval purposes.

Mr. SIMPSON. Does the gentleman think that these battle ships loaded down with armor plate would be available for the merchant marine?

Mr. DOLLIVER. Now, I do not intend to debate with “the sage of Medicine Lodge” about the utility of war ships in the fleet of the United States or of any nation in the world. I am not a practical seaman, but I know—

Mr. SIMPSON. It seems that your logic, like the steel plates furnished by Mr. Carnegie, is full of flaws.

Mr. DOLLIVER. My idea is that the gentleman's knowledge of logic and his knowledge of ships of war are about on a parity. [Laughter.]

Mr. SIMPSON. I am in favor of “maintaining the parity.”

Mr. BOUTELLE (to Mr. SIMPSON). You must have made a terrible hole in your “reserve.” [Laughter.]

Mr. DOLLIVER. There is not a nation in the world that has not studied the question of battle ships—not one; and I put their science and their knowledge against the enthusiasm of my friend from Kansas. [Laughter.] He says that the ships of Japan sunk the ships of China. That is true. I do not suppose that the genius of man or the wisdom of God could make a ship and man it with Chinese sailors which could not be sunk by the military genius of the rising Empire of Japan. [Applause.] Put American seamen on the Chinese torpedo boats and they would have sunk the ships of Japan. Put Chinese sailors on the battle ships of the United States and the torpedo boats of any country in the world would probably sink them.

So that my friend is entirely wrong and I think unwise in undertaking to draw at short range any lesson for us from the experience of Japan, although he has as an example the Secretary of the Navy himself, who in a recent review has undertaken to throw the light of Chinese experience upon the naval policy of the United States. [Laughter and applause.]

I am in favor of torpedo boats; and I intend to introduce an amendment to this bill when we come to consider it by paragraphs, requiring two such boats to be built on the Father of Waters, in the valley of the Mississippi. [Applause.] I am in favor of gunboats; and I believe our naval policy will one day do the dispatch business of the Navy not by costly ships, but by gunboats and light-draft vessels. I am in favor of cruisers—swift, well armed, well equipped—for all emergencies of war and of peace. But above all, I am in favor of the battle ship, equipped by the best artillery produced by the science of the world and ready everywhere to defend against all comers the safety and the dignity of the great Republic. [Applause.]

Of course these great enterprises involve large expenditures and can not be conducted without money or price. But, Mr. Chairman, there is one thing about the expenditure in this connection that I rather like, and that is that every dollar expended goes to our own people, to our own capital, to our own labor, to our own industrial system, and we lose nothing as a nation by thus giving patronage and support to the activities of the American people. [Applause.]

But I started out to say a few moments ago that behind the Navy lies the merchant fleet of this country. We have had before us already and passed a bill, whose wisdom I do not question, that put under the American flag two great ships, the *Paris* and *New York*, requiring their owners to duplicate them at some American shipyard, which they are about to do or are now doing. In fact one of the two has been recently launched in Philadelphia.

I want to live long enough to see our American shipyards made active as they have never been heretofore in all of our history by the construction of an American merchant fleet. [Applause.] The Chief Magistrate of the United States, with a purpose which I am not entirely able to fathom, seems to appreciate the importance of keeping busy the great steel-producing plants now established in this country, and yet before he finishes his message to Congress he recommends that we abandon the struggling shipyards of our own countrymen, and whenever we want to purchase a ship go abroad, buy a ship there ready made, and put it on the high seas under the American flag!

The wisdom, I repeat, of that suggestion I can not quite fathom. I will say to the gentleman from Kansas, who has echoed on this floor that suggestion of the President of the United States, that if we have got to sacrifice the business of building ships in order to acquire the business of sailing them, I for one would not be

willing to make this sacrifice under any conditions or circumstances. [Applause.] It is needless for my friend from Kansas to say that the high protective tariff has driven the American merchant marine from the sea because it has prevented the building of American ships. It is needless for him to say that the cost of the material entering into the construction of a ship by reason of the tariff has made it impossible for the shipyards of America to produce ships for our own commerce.

That statement is not borne out by facts. The gentleman from Maine, Governor DINGLEY, justly and promptly suggested to my friend from Kansas that for a quarter of a century and more the materials that enter into the construction of ships for the foreign trade of this country have been free by our laws, and if my friend from Kansas, who for four beautiful years past has been doing the spectacular act before his countrymen as the friend and spokesman of labor on this floor, will take time to investigate the matter for himself he will find that the only way for us to build ships in competition with the Clyde is to sacrifice the level of American life and the wages of American labor. [Applause.] For my part, Mr. Speaker, I refuse to do either, whether on the advice of the gentleman from Kansas or of the President of the United States. [Renewed applause.]

On the contrary, to come to a practical view of the matter, I have made up my mind that the only way the American people will ever regain their ascendancy upon the high seas is by pursuing rigidly the policy which has enabled their competitors to monopolize the carrying trade of the world, and that is out of the general resources of the country to subsidize—and I do not hesitate to use the word which has beaten every bill for the upbuilding of the merchant marine that has been introduced here within my recollection—to subsidize the carrying trade as France has done, as Germany has done, as Great Britain has done, and thus put our seamen and ship owners on an equal footing with the rest of the world and enable them to enter into a competition which shall in time enable us to regain the honored position on the high seas which we once held in the commerce of the world. [Applause.]

I do not know whether it will be done or not, but I intend to stand here advocating that policy toward the merchant marine of the United States whether it be adopted or not. If compelled to choose between closing out the shipbuilding industry of the United States, a thing that would not only destroy the merchant marine, but also our national independence, if accomplished, and temporarily losing the carrying trade of the seas, I shall stand by the home shipyards and let foreign commerce take care of itself. [Applause.]

I yield the remainder of my time to the gentleman from Maine [Mr. DINGLEY]. How much time have I remaining?

The CHAIRMAN. The gentleman has twenty-eight minutes. Mr. DINGLEY. I will reserve the time which has been yielded to me by the gentleman from Iowa.

Mr. HALL of Missouri. Mr. Chairman—

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. TALBOTT of Maryland. I will ask the gentleman from Texas if he wishes to occupy any time now.

The CHAIRMAN. The Chair recognized the gentleman from Missouri [Mr. HALL].

Mr. TALBOTT of Maryland. I only wanted to ask the gentleman from Texas [Mr. SAYERS], who appears to control the opposition to this bill, how much time he desires to use at this point? We have occupied about an hour.

The CHAIRMAN. The Chair will state that he did not know there had been any arrangement made.

Mr. TALBOTT of Maryland. There has not been any such definite arrangement, but I thought it was due to the gentleman from Texas [Mr. SAYERS] to inquire of him if there was any gentleman in opposition to the bill to whom he wished to yield.

Mr. SAYERS. The gentleman from Missouri [Mr. HALL] wishes to be heard.

The CHAIRMAN. The gentleman from Missouri is entitled to the floor.

Mr. HALL of Missouri. Mr. Chairman, I want to give notice that when we reach line 15, on page 2 of this bill, under the five-minute rule, I shall offer the following amendment to it:

*Provided further, That hereafter only one-half of the vacancies in the grades of captain and commander in the line of the Navy shall be filled by promotion until such grades shall be reduced to the following numbers, namely: Captains, 40; commanders, 40.*

Now, my reason for that is this, and I want to ask the members of the Naval Committee if I misstate any facts with regard to this matter that they will correct me.

I hold in my hand the Naval Register for January 1, 1895. In that Naval Register I find 45 captains. Of that number of captains I find that 13 are at sea.

Mr. TALBOTT of Maryland. By promotion in your amendment do you mean promotion from the grade of captain?

Mr. HALL of Missouri. No, I do not. Now, by the Naval Register for the date I mention I find that out of 45 captains there are 13 at sea and 32 on shore. Out of the 85 commanders there are 14 at sea and 71 on shore. Then, putting them together, of the 130 commanding officers we find 37 of them at sea and 107 on shore, or, in other words, four-fifths of the commanding officers of the Navy are not performing sea service.

Taking the most extreme cases, of captains having the greatest sea service under present commission, the greatest length of sea service is three years in a period of ten years and three months.

Now, how can we increase the efficiency of a Navy of 130 commanding officers, including commanders and captains, when out of these 130 men only 27 are on sea duty? In other words, such a policy as that does not increase the efficiency of that class of people.

I would say, in the place of 130 commanding officers I would have 80. This would still give them a little less than one-half of their time at sea and would increase the efficiency of the service by skilling these officers in sea duties. Now, the commanding officer having greatest sea service under the present commission has four years and eleven months of sea service out of a total of twelve years and eight months. Eighteen of the 45 captains have had less than one year's service, and eight of them have had none at all.

I think when we are appropriating money for the naval service we ought to consider whether we are increasing the efficiency of the Navy when we have 130 commanding officers, and out of that number only 37 of them are at sea.

But we find that out of the 718 line officers in the United States Navy 294 are at sea and more than one-seventh, or 105, are in Washington city to-day. Now, there is a reason for that. I dare make this statement, that there are more line officers of the Navy to-day in the city of Washington now than there have been in a period of fifteen years.

Mr. BLACK. What are they doing here?

Mr. WISE. Reorganization!

Mr. HALL of Missouri. The question of reorganization of the personnel of the Navy is up; and they are here, as I understand, and am credibly informed, working in that line. I say, give these men something to do by sending them to sea.

Mr. MONEY. Will the gentleman allow me to ask him a question?

Mr. HALL of Missouri. Yes.

Mr. MONEY. Does the gentleman say that any naval officer is here, except upon a detail of some sort?

Mr. HALL of Missouri. Oh, I suppose not.

Mr. TALBOTT of Maryland. Or on leave?

Mr. HALL of Missouri. I suppose not.

Mr. MONEY. Do you mean to say that they were detailed here for the purpose of working on this bill?

Mr. HALL of Missouri. No one can have the information to assert that positively.

Mr. MONEY. Then you do not mean anything?

Mr. HALL of Missouri. I say it so happens accidentally, if you wish to put it in that way, but it seems to me very passing strange.

Mr. MONEY. Put it in your own language. I only want to know what you mean.

Mr. HALL of Missouri. It appears that there happen to be, then, we will say accidentally, perhaps, more line officers in the city of Washington at the time this bill for the reorganization of the personnel of the Navy is pending, than have been known to be here at one time in the history of the Navy, for many years.

Mr. MONEY. That is just a change in the phraseology of the sentence.

Mr. HALL of Missouri. I say let these men go to sea. I wish to know if any member of the Naval Committee denies any statement contained in the Naval Register? The Naval Register shows the fact which I have stated, and I propose, when we come to line 15, page 2 of the bill, to move to decrease the number of these line officers, to the end that we may have them at least one-third of their time engaged in sea service, which will make them more efficient in the performance of their duty.

Mr. MEYER. Does not the Naval Register state the kind of duty in which every officer is employed?

Mr. HALL of Missouri. Why, certainly; and I will say that I do not believe it is necessary that men having the experience needed in commanding officers, either as captains or commanders of the line, should be here in Washington performing clerical duties. They are as follows:

#### REAR-ADMIRALS.

2 at sea.

3 have had no sea service as admiral. (The greatest amount of sea service that any one of them has had as an admiral is four months.)

1 of them has had no sea service, either as a commodore or a rear-admiral.



## COMMODORES.

- 2 actually at sea.
- 1 trying to get there (ordered to South Atlantic).
- 2 commanding navy-yards.
- 1 commanding Newport Station, formerly a captain's command.
- 4 on other shore duty.

## CAPTAINS.

- 13 at sea in command of ships.
- 4 commandants of navy-yards.
- 5 captains of navy-yards.
- 6 commanding receiving ships.
- 2 on light-house duty.
- 2 on examining boards.
- 1 chief of bureau.
- 1 member of board of inspection.
- 1 superintendent of Naval Academy.
- 1 president of War College.
- 1 equipment officer at a navy-yard.
- 1 under instruction at Washington Navy-Yard.
- 7 doing nothing.

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## COMMANDERS.

- 12 at sea in command of naval vessels.
- 6 commanding training ships and monitors.
- 14 light-house duty.
- 2 Naval Academy.
- 12 Navy Department and navy-yard.
- 1 Fish Commission.
- 12 navy-yards other than Washington.
- 7 naval stations.
- 2 steel inspection.
- 1 ship inspection.
- 1 Atlanta Exposition.
- 1 Naval Home.
- 1 returning to United States.
- 12 doing nothing.

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## NEWPORT COMMAND.

- 1 commodore, commanding naval station, Newport.
- 1 captain, president of War College.
- 1 commander, commanding training ship and station.
- 1 commander, in charge of torpedo station.

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## LIEUTENANT-COMMANDERS.

- 23 at sea in naval vessels.
- 6 in training ships, and *Michigan*, and Coast Survey.
- 14 Navy Department, navy-yard, etc. (2 in library).
- 6 Naval Academy.
- 4 light-house duty.
- 7 navy-yards other than Washington.
- 3 receiving ships.
- 2 naval attaches.
- 6 other shore duty (1 steel inspector).
- 2 doing nothing.

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## LIEUTENANTS.

- 105 at sea in naval vessels.
- 22 in training ships, Coast Survey, etc.
- 37 Navy Department, navy-yard, etc. (Washington).
- 22 Naval Academy.
- 17 navy-yards and stations other than Washington.
- 13 receiving ships.
- 13 other shore duty.
- 21 doing nothing.

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## LIEUTENANTS, JUNIOR GRADE.

- 30 at sea.
- 17 training ships, etc.
- 11 Washington.
- 3 Naval Academy.
- 3 navy-yards.
- 1 receiving ship.
- 9 other shore duty.
- 1 doing nothing.

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## ENSIGNS.

- 90 at sea
- 19 training ships, etc.
- 23 Washington.
- 11 Naval Academy.
- 4 navy-yards.
- 2 receiving ships.
- 14 other shore duty.
- 10 doing nothing.

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Mr. MEYER. Is the gentleman prepared to state that the duties to which these officers are assigned are not required, and that they are here merely in a formal way; that the duties assigned are not essential to the needs of the service?

Mr. HALL of Missouri. Oh, I suppose they are doing some duty, some of them. A great many of them are on leave. But why are you defending a system under which, out of 130 commanding officers, men whose duty and experience fit them for the command of vessels, only 27 are at sea and 103 are on shore? Is our Navy at sea, or is it on shore?

Mr. MEYER. Is the gentleman prepared to state, from a view of the Naval Register, that any of those captains to whom he has referred are not employed on duty that is required, and that is important and essential to the proper conduct of the Navy?

Mr. HALL of Missouri. I have not gone through it item by item or name by name to see what positions these men are filling. But I do believe that a great many of them are here nominally on duty, but actually are performing none except working for some bill in which the are interested.

Mr. MEYER. That is merely belief.

Mr. HALL of Missouri. Their place is at sea, and we should cut down their numbers so as to keep them at sea.

Mr. MONEY. Mr. Chairman, it is very much to be regretted by me, and perhaps by the House, that the duty of defending the new construction of the American Navy should have devolved upon me instead of upon some member of that committee who from longer service is more familiar with the subject-matter under discussion and the necessities of the Navy. But, Mr. Chairman, I would not presume to ask the attention of this House if I could not derive from a study of this question abundant reason why this appropriation should be adopted.

I will not undertake to say that these gentlemen who oppose this feature of the bill, gentlemen who have been distinguished for their wisdom and their experience in legislative matters, gentlemen who have constituted themselves, and honorably so, the "watch-dogs of the Treasury," men who have guarded carefully and jealously the public Treasury and the public interests, are not actuated by motives strictly as honest as my own. But, Mr. Chairman, a great deal is to be attributed to point of view and the amount of study; and while I recognize the ability and patriotism of those gentlemen I believe that their position on this subject springs from a shallow knowledge of the subject.

Now, the question is whether or not we shall have a navy commensurate with the necessities of a great nation like the United States of America. I will also say of those gentlemen who have arrayed themselves in opposition to this measure, that if this flag should be insulted, if a speck of war were to be seen in the now unclouded sky, and if the storm should burst in fury upon our coasts, those who deal with the Navy in so niggardly a manner would be quite as prompt, quite as generous and patriotic as I or any other man in voting the amount necessary for defending the honor of the flag and protecting the interests of this great nation.

Believing that to be true, yet I conceive that these gentlemen have assumed the position they have because they do not know what the necessities of this country are in that respect. It is not because they have not the intelligence to grapple with this subject, but because other special duties have been particularly devolved upon them which have absorbed their attention and energy.

Mr. Chairman, I would ask what is the necessity for an American Navy? It is true, as I will concede to these gentlemen, that we are enjoying the most friendly relations with other nations of the earth. There is no man who will say, from present indications, that there is a probability that those peaceful relations will soon or ever be disturbed. While we are at peace with all other nations, no one knows how soon we may become involved in a foreign war.

I am a peaceful man, and yet I have had personal difficulties in which I did not think I was at fault. The nations may be peaceful and just, and yet aggrieved. And so we may be called upon to defend the flag, to protect the persons and the property of citizens of the United States. It is true that we have exemptions from the chances of war that are enjoyed by few, or probably none, of the great nations of the world. The physical fact of our isolation gives us in a great measure that exemption. We have no foreign dependencies, no extended colonies to defend. We have no widespread commerce that would call upon us for the main-

tenance of a large navy or that would involve us in a war with a foreign country.

Mr. SICKLES. But we will have the commerce.

Mr. MONEY. I hope the prediction of my gallant friend will soon be verified. I hope the time is not far distant when not the white sail, but the black smoke that belches from an American merchant marine shall blot the blue skies of other countries, when the keels of our vessels shall vex the still waters of the harbors of all nations while we carry the product of American industry and energy to the remotest marts of commerce. Then it may be that contact and attrition may involve us in a war for which we stand confessedly unprepared.

But, Mr. Chairman, although there is no apparent necessity for a large or powerful Navy to-day, as the white wings of peace spread over our country, yet there are here 70,000,000 of aggressive people of the ardent, conquering Anglo-Saxon stock, with their aggressive blood coursing through their veins. They are not willing to brook insult or tolerate wrong, and they will not be content with a peace, enforced by an ineffective Navy, but they demand a Navy that will command the peace.

No nation can so readily secure peace as by being prepared for war.

Mr. SICKLES. When we can whip them they do not want to fight us.

Mr. MONEY. Well, I reckon we shall always be able to whip them some way or other. In saying that I count upon the reserved energy and the inherent traits of the American character. But the time for improvising a navy has passed away. All this talk about destroying the commerce of an enemy by a few fleet cruisers has become nonsense since steam has supplanted sails. A cruiser must keep the ocean. She must zigzag over the face of the globe, and she must be within reach of port; she must have a base of supplies or she ceases to work; and where have we, outside of our own borders, a base of supplies, a naval station? Gentlemen who talk about privateers as a means of destroying the commerce of a hostile nation are simply talking of the history of the past. It is true that in the old sailing days, even when the great overpowering navy of England dominated the ocean, the French privateers in one year destroyed over 400 English vessels; but those French privateers had their bases of operation and supplies at Guadeloupe and Martinique, and when the English captured those two islands they broke up completely the wholesystem of French privateering.

But, Mr. Chairman, the necessity for a navy is to be considered not only with reference to the chances of war but also in relation to the magnitude of the interests of this country that are to be protected. It may be, and I hope it will be, that we shall enjoy a long season of peace, with its fruitful gains; but the immense interests that are involved furnish ample reasons for the upbuilding of a navy for their protection. My distinguished friend from Kansas [Mr. SIMPSON] says that he sympathizes with the men who work in the cotton field, in the wheat field, and in the manufacturing, but does he not know that on the first outbreak of war between this country and any of the five great nations of Europe, or even some second-class European power, our ports could be hermetically sealed, and the men who labor in the cotton fields and the wheat fields and the factories would find that our exports and their employment would cease?

We have to-day a commerce amounting annually to nearly one and a half billions of dollars. That commerce goes somewhere, and in the event of a war, without a fleet ready and able to protect our harbors, our ports, and our commerce, we would be as the Confederacy was, with a blockade not only on paper but effective, and then the constriction caused by a cordon of ships around the American coast would mean the stagnation and decay of American industries.

But objection seems to be made especially to battle ships. The gentleman from Kansas [Mr. SIMPSON] and some other gentlemen have referred to the Yalu fight. That fight was worth hundreds of millions of dollars to every maritime nation in the world. The gentleman from Kansas seems to believe that it established the fact that armored cruisers can fight battle ships. That is the lesson he draws from that fight. The gentleman was never so entirely wrong in his life. He reads the lesson of that fight as the Chinese and Japanese read their books, backwards, from right to left, and from the end of the book to the beginning.

The lesson of the Yalu fight, if it taught anything, was that armored cruisers can not fight successfully against battle ships. That fight taught them that the rapid-fire guns made the superstructure of the armored cruisers useless. It taught the fact that new signal methods are necessary, because the halyards were shot away from the Chinese flagship in fifteen minutes, and there was not a single maneuver performed by the Chinese during that five hours' fight. The Japanese, on the contrary, well disciplined and well trained, signaled continually and maneuvered promptly and correctly, and the result was that those men, trained and brave, with an insufficient fleet, armor, and armament, almost destroyed the whole of the great Chinese fleet because they had not only

the advantage of training, but they also knew the incapacity of their adversaries.

If it had not been for two Chinese battle ships, armed and armored according to modern science, the whole Chinese fleet would have gone to the bottom, and if it had not been for several American and European officers on board those Chinese battle ships, they too would probably have been destroyed. Mr. Chairman, the battle ship will be hereafter, as it is to-day, the great reliance in naval warfare. It will be to the naval combat what the infantry is to the army. The cruiser may be a scout; she may maintain the dignity of the country by exhibiting the majesty and power of the American people as symbolized abroad by her flag, but in the naval battles of the future the battle ship and the torpedo boat are the vessels that will give effective results.

My friend from Kansas says that the torpedo boats can sink in a few minutes one of these great battle ships that cost so many millions of dollars. Now, as a matter of fact, in a great sea fight, especially with sea way, the torpedo boat is useless. When the torpedo boats sunk the Chinese battle ships those ships were at anchor in a small harbor, so that it was almost like target practice. When the *Aquidaban* was sunk she was at anchor, and when the *Esmeralda* was sunk in the harbor of Valparaiso she was at anchor. But in the Yalu fight not one of the torpedo boats was effectively used. On the contrary the torpedoes were thrown overboard because of the fear of their being exploded by the rapid-fire guns of the adversary.

Now, Mr. Chairman, it may be, perhaps, that this House will listen to such landlubbers and fresh-water sailors as the gentleman from Kansas in opposition to the old salts of the Naval Committee [laughter]; but I want to say that those gentlemen whose business it has been to inquire into these matters are, I believe, unanimously of the opinion that it is necessary for the building up of our Navy that we should have these battle ships. Let us suppose, Mr. Chairman, that some affair like that of the *Virginian* should happen to-morrow, or something like the Martin Kostza affair, and we should assert ourselves, what preparation have we made to receive the onset of our enemies? I want to show gentlemen a strategic map of the United States, so as to give them an object lesson.

We may take it for granted that Great Britain is the power with which we should be most likely to have to contend, because the two nations have a coterminous frontier of over 3,000 miles; because she has all along our eastern front and far beyond our border in the north, and far below us on the south, a cordon of naval stations, dockyards and shipyards designed to hold in check the progress of this giant republic. I want to show gentlemen of the House by this map that in the event of a war with Great Britain there is not a single obstacle to prevent tribute being levied upon every city on our coast from Portland, Me., to Galveston, Tex. Our whole squadron combined could not stop for five minutes the progress of a squadron of British battle ships and armed cruisers. I ask the attention of gentlemen to this map. Those red circles which are marked upon it are British dockyards and naval stations upon their own territory. In addition to that, Great Britain has 70 or 80 coaling stations where her ships can go at once to renew their supplies of coal. I have a list of those stations here.

I will not stop to read it now, but with the permission of the House I will insert it in an appendix to this speech. Now, what have we to resist the onslaughts of a nation like Great Britain, with a fleet of 251 fighting vessels, with bases of supplies for munitions of war and provisions all along our coast and reaching away down into the Caribbean Sea and off the coast of South America? If any other nation should attack us, being across the Atlantic so far from its base of supplies, it could bring to the attack only its vessels of great coal endurance, vessels whose radius of action must be many thousand miles. The radius of action of a war ship is the distance that it can travel with a full supply of coal moderately used, but the effective radius is only one-third of that distance, because one-third of the coal will be required to take the vessel to the point of action; one-third will be used in effective operations, and the remaining third to return the vessel to its base of supply.

But out of the 251 ships that compose the fighting navy of Great Britain to-day, we must assume that a great many would be left for the defense of her shores. We must not suppose that she would strip the Channel and the Mediterranean and all her great provinces and independencies of their defense, leaving her commerce unprotected, at the mercy of cruisers. Yet out of that fleet of 251 vessels she could bring not only those of great coal endurance, but those of limited coal endurance to attack us. She could rely upon these bases of supplies. She could blow out of the water and destroy any fleet that the American nation could bring against her, and could establish herself on our main land at any place convenient to her.

This a picture of what might occur. It is not improbable; it certainly is not impossible. It devolves upon us then to say



whether we shall live confessedly unprepared for war. If we should follow the course which would commend itself to a man of military ability, when Great Britain attacks us we should first upon a declaration of war hurl our forces upon those bases of supplies and capture her stations and dockyards. Have we the force to do that? Can we defend even the harbor of New York? Our monitors are suited only to still waters. They could not fire a gun while in seaway.

I say that in the event of war we have not the power to make the first attack even upon Great Britain's naval stations and bases of supplies. We should lie absolutely at her mercy. Does it become the honor of a great nation to be subject to the clemency or forbearance of any other nation on the face of the earth? We should, as Andrew Jackson said, prepare for war in time of peace as the best preservative of peace. When that great Hollander, De Witt, bewailed bitterly the parsimony of the Dutchmen he said: "In times of peace, even though there be fear of rupture, their parsimony will not allow them to make sacrifices of money in order that they may defend themselves beforehand."

We stand here then with the greatest security that any people can have in a ready navy. It is not necessary for us to compete with the great nations of the earth in the size of our Navy. We want only self-defense. I do not suppose we are about to launch out in a new policy of aggression. Yet, gentlemen of this House, you who to-day are voting for the Nicaragua Canal, you who insist upon the annexation of Hawaii, I ask you what would be the necessity of a navy if those two feats of national statesmanship should be accomplished? You will then have need for a navy that will not be a mere defense of our coast.

Here is a nation spreading from ocean to ocean, with over 13,000 miles of seacoast absolutely undefended. What are fortifications against battle ships? We know that in recent years a single iron-clad battle ship for six months dominated the whole Republic of Brazil. She fought all the forts in the harbor of Rio Janeiro. She fought the Government, and fought it successfully, until her supplies were exhausted. And to-day half a dozen battle ships of the first class can drive before them anything in the American navy to reach the harbor of New York. There is at that point an aggregation of over three millions, perhaps, of our people. Their commerce would be destroyed; their railroad communications with the balance of the country cut off. They would be left to starve, but for the magnanimity of the conqueror. Yet we here, upon the consideration of a few million dollars, are hesitating whether we shall put ourselves in an attitude of successful resistance to the attack of this or any other nation of the world.

Mr. Chairman, in this discussion I want to state the position of my opponents just as fairly as they could state it themselves. This is no occasion for party politics; this is no occasion for dissimulation. Let us deal fairly with each other and with the country. There is a great demand to-day, I believe, among the American people for a navy adequate to protect the honor and the commerce of this great country. Let us respond to that demand as statesmen and patriots, and see that the Republic shall suffer no detriment.

If, in the course of my remarks, any gentleman should doubt the correctness of any statement I may make, or if he desires to question me upon any point, I will yield with the greatest pleasure; for I am here to-day without any special interest in the Navy. I represent an agricultural and inland district; but my heart throbs responsive to the patriotic demands of this Republic. I, for one, desire to protect her honor and her interest.

A great deal has been said to-day about the inutility of the battle ship; and I regret to say that my distinguished friend from Iowa, a member of the committee, allowed himself to join the company of those gentlemen who congratulate themselves that we have done nothing in the last fifteen or twenty years toward building up our Navy. I do not propose to join that company, who, it seems to me, stand in the position of a business man who would congratulate himself that for ten, twelve, or fifteen years he had not been insured and meanwhile his house had not caught fire. The gentlemen here to-day who refuse this further appropriation to build a navy are in the position of the business man who can not believe it necessary to insure his edifice until it is on fire.

I also regret that my friend from Iowa took occasion to say of our distinguished Secretary of the Navy that he has attempted to shed a Chinese light upon the result of the Yalu fight, thereby virtually admitting the charge made by the gentleman from Kansas that armed cruisers had successfully resisted battle ships.

My friend from Iowa either has not read the article alluded to, or he has forgotten it, for in that very article the distinguished Secretary of the Navy took special occasion to say that the armored cruisers could not fight the battle ships, and said it over and over again as plainly as a man could say anything, and I think that verdict is supported by the best naval talent the world over, wherever this question has been considered.

I have had the pleasure of reading some of the English papers upon the subject, the *Globe*, the *Pall Mall Gazette*, and others, and these papers embody the reports of foreign officers in reference to this battle, and the unanimous opinion expressed in each of them, with one single exception, is that the battle ship can destroy the armored cruiser anywhere, and that at last the only safety in a great naval combat is the battle ship of the line.

My friend from Kansas [Mr. SIMPSON] doubts the stability of these battle ships. Why, Mr. Chairman, it is not a matter of opinion; it is a matter of practical demonstration. We know their stability, and it has been tested. Why, Great Britain has just launched two of the most magnificent battle ships afloat, of 15,000 tons displacement, that cost nearly \$8,000,000. She has 43 great battle ships, besides 10 in process of construction, and do you believe that that great nation, with all of her vast expenditures and experience in the construction and maintenance of her navy, would continue to expend millions in such faulty constructions, and build battle ships that would not be the best vessels afloat for the purposes intended?

As a matter of fact, the great battle ship is the most stable gun platform that ever floated on the bosom of the ocean. It is the only ship that is entirely seaworthy and at the same time capable of war offensive and defensive. And my friend also suggested that a little Japanese gunboat of some insignificant size went through that *mélée*, not a naval combat, with the Chinese and came out in safety, although pierced with 40 shells, surviving the fight even in this condition.

As a matter of fact, if the gentleman had examined into the matter a little further, he would have ascertained that the Chinese were unprovided with the ammunition necessary and not prepared for a naval combat of this character. They had the very finest of armor-piercing shells that could be bought in Europe or America; but they did not need armor-piercing shells to fight an unarmored ship. These armor-piercing shells cut right through an unarmored vessel, making a smooth, round hole, easily stopped up. But if a half dozen cast-iron shells had been fired into this Japanese unarmored ship, and exploded in the ship, she would have been sunk at once.

The armor-piercing shells simply go through and leave a clean-cut hole, but the cast-iron shell, in its explosion, tears great holes in the ship, disabling and sinking her. But, in connection with that same combat, the Chinese war ship received the impact of 240 immense projectiles fired from 12-inch guns, and another ship of the same fleet received 182 shots, and yet not a single vital part of the ship was affected, although the superstructure crumbled away like cheese before the attack of mice. In addition to that, it is in evidence that the seven American or European officers in command on the ships had to go below and, with pistols and swords, drive to the deck not only the seamen of the Chinese Navy, but the officers themselves as well.

The Japanese seemed to understand the incapacity of their adversaries, and made themselves a tactical blunder that an American or a European officer would have been quick to take advantage of. The squadron in the van of the Japanese fleet was separated more than 4 miles from the body of the fleet. An American or European commanding the Chinese squadron would have turned upon one or the other of the Japanese squadrons and demolished it.

But, Mr. Chairman, we are also told that we do not need battle ships, but that we want vessels for coast defense. What is the best coast defense? There is harbor defense and coast defense. Harbor defenses are made up of forts on the headlands, partly military and partly naval, with a few monitors, floating batteries, torpedoes, and mines in the harbor. But the coast defense is a ship that can take to the sea; not a still-water vessel, but a ship that can ride the waves and stand the storm. And the best defense that can be offered for the commerce of the United States is a battle ship that can cross the Atlantic at any season of the year and fight in a gale if necessary.

Another thing, to protect the commerce of the United States—the best position is not directly on the coast, but is 100, 200, or 500 miles out at sea. Not a ship rocking idly in the harbor, but one that can take the sea and maintain her position in all stress of weather and against all comers.

Allusion has been made to the fact that the *Victoria*, a great ironclad vessel of the British Navy, was run down and sunk by one of the same fleet, the *Camperdown*, in a series of tactical evolutions in the Mediterranean. As a matter of fact, reports show that the bulkheads of the *Victoria* were not closed. This great iron partition, running the entire length of the vessel, with transverse walls running from side to side of the ship, had all of the doors open, and when one side was rammed by the companion ship the water rushed in, the ship listed over to one side, and soon sunk. But that was not the fault of the principle involved in the construction; the fault lay somewhere else. No vessel on earth could stand a shock like that unless provided with water-tight compartments, which are kept closed. We had an illustration of

it a few days ago in the loss of the steamer *Elbe*, sunk by a collision in the darkness of the night by a steamer on the North Sea.

It matters not, Mr. Chairman, what might have been the cause of the decay of American shipping. As a matter of fact we have to-day an immense coastwise commerce. To say nothing of the ships that cross the broad ocean, we have upon our own shores, engaged in coastwise commerce, one of the most vast and magnificent fleets to be found upon the bosom of the deep anywhere. That, too, is at the mercy of a hostile maritime expedition destined for our shores. That, too, is to be taken into account when the necessity for a great American navy is to be considered.

Are we to have this communication along our seaboard interrupted, a communication upon which depend the business interests of so many millions of our American people? Are we to have a line of constriction drawn about us, our communication cut off, our seaports closed, our exports kept upon our own shores, to bring stagnation to industry and despair to industrial workers?

We can only avoid this by having a fleet that can contend with other fleets and insure the safety of our merchant fleets. It is useless now to multiply the number of cruisers. The Army and the Navy are alike in this particular, that you must have all arms of the service, and we are to-day supplied, I think, sufficiently with cruisers. We do not need them except upon occasion, as I mentioned awhile ago.

But gentlemen tell us that these immense battle ships are to be so costly in their maintenance. Upon that point these gentlemen are again mistaken. It does not cost a third as much to maintain a battle ship as it does to maintain a great cruiser, or commerce destroyer, as it is called. The reason for this is that the battle ship is not intended to cruise, and therefore she keeps at home in time of peace. She is laid up for two-thirds of the year, and the only expense then is her care, and she is only maneuvered sufficiently to keep her machinery in efficient working order and to train her crew. But a cruiser must be always afloat. Why, I had a gentleman ask me the other day if it would not cost \$1,000,000 a year to keep one of these battle ships in the service.

As a matter of fact we have never had one of these great battle ships to maintain. But the expense of a great battle ship in the English navy, over 10,000 tons, is \$226,000 a year in active service. Put her out of active service for two-thirds of the time, as we would do, and then we will have an expense of something under \$100,000 a year. I could give you the figures which it cost to maintain one of our cruisers, amounting to over \$225,000, and as high as \$300,000 a year.

But that is not an expense incident solely to a modern war ship. The old *Lancaster*, an old wooden ship, when she was in the service, cost at the rate of \$230,000 to \$240,000 a year. There is nothing in the adaptability of the battle ship to the purposes of warfare, nothing in her construction, nothing in her armament, nothing in her personnel which should make the expense greater than that of the obsolete fleet of the American Navy. But I had it said to me the other day: "Why, it is a good thing that we did not go into this enterprise before, because if we had built an American Navy ten years ago it would now be obsolete, and would have to be sold for old junk."

Some gentlemen do not seem to understand that the great battle ships which saved the Chinese fleet from destruction at the battle of the Yalu River were both of them over 10 years old. Yet they seemed to be efficient for the purpose for which they were designed.

We have saved our money, but we have no fleet; we have economized, and we are defenseless. Other nations have experimented. They have built war ships and have improved on them; built more, and improved on them; they have spent their money freely but wisely, and the result is that they all have the great fighting navies which we lack.

Gentlemen seem to think that this appropriation is excessive. As a matter of fact the appropriation for this next fiscal year, beginning July next, will not amount to more than \$500,000, and for this calendar year it will not be a cent. At the end of three or four years, when the construction is completed, it will have amounted to \$5,000,000 or \$5,500,000 annually; that is, if we stop at this. But I do not believe that the American people are willing that the American Navy should be arrested in its development. It is imperative upon us that we should proceed systematically in building up the Navy, until we have a navy not so very inadequate to the needs of the American Republic as we have to-day.

Now, the British pursue a very different course. They appropriate a lump sum for five years, and the admiralty is made responsible for the condition of the navy, and is required to carry out the plans for the most scientific enlargement of their fleet. In the five years of the Hamilton programme Great Britain built 70 ships. Seventy ships of war, of which 20 were battle ships of the first class. Immediately upon that five years expiring began the Spencer programme, for another five years, contemplating an addition of 55 more great ships to a navy already the greatest on the face of the globe.

Of course we do not expect to emulate Great Britain. That little island has forty-five colonies, besides any number of dependencies. She has her flag floating over every rock and island of the sea. She has nine great responsible governments under her imperial care. She has her fortifications at Gibraltar, at Malta, at Cyprus, the command of the Isthmus of Suez, the Rock of Aden at the mouth of the Red Sea, all along the coast of India, Australia, the Fiji Islands, along the American coast from Canada to the Caribbean Sea, Esquimaux on the Pacific, and many other places. She has to protect a commerce that approximates \$3,000,000,000 a year, and it is necessary for her to have this naval force.

This bill only carries 3 per cent of the annual appropriations for the fiscal year. Only 3 per cent of the vast sums of money expended by the American people in the administration of our public affairs to be devoted to the first arm of the national defense; and yet gentlemen tell us it is extravagant! They tell us it is a burden upon the people under the present circumstances; that times are hard, and the people demand that we should not expend the pitiful sum of 3 per cent of all our annual appropriations for the upbuilding of the Navy!

Great Britain pays out for construction in proportion to amount expended for the navy 29 per cent; France, 27 per cent; Italy, 25 per cent at this time; but Germany, Spain, and a number of the second-class powers are to-day expending three, four, or five times as much as we are upon navies that already greatly preponderate the Navy of the United States. Yet we, the proudest people of the world, the most energetic and the richest people, with the greatest amount of property to be protected, are higgling over the niggardly sum of 3 per cent of our annual appropriations for battle ships!

My friend from Missouri [Mr. HALL] has criticised the distribution and the assignment to duty of the officers of the Navy, and made, as I consider, a reflection upon them unworthy of him and undeserved by them. Those gentlemen of our Navy are not on shore duty without reason. Where are the ships that those gentlemen ought to command? He says he would have them afloat. Afloat on what? We have few ships, comparatively. We have not a single battle ship; two are about finished, and four are building. Where are these gentlemen to go? Are we to disband this magnificent personnel of the Navy because we have been slow and derelict in our duty in giving them ships to command?

We must have well-trained men. Admiral Monk, the great commander of the seventeenth century, knew that the courage, the discipline, drill, and professional pride of his men was more than sufficient for the self-sacrificing heroism of the untrained Dutchmen; and so it will always be. We must have trained men who know their business; men who are willing to go down with the ship if necessary. We want to maintain the esprit de corps of the Navy; and I say to-day that officers of our Navy compare favorably with those of any other navy in the world. The are gentlemen proud of their profession; they have prepared themselves for opportunities; they will prove equal to every demand upon them; and I want to say that I am not afraid to trust the battle ships or the cruisers or anything else to defend the honor of this nation to the hands of such men.

Mr. HALL of Missouri. Will the gentleman yield to me for a question?

Mr. MONEY. Certainly.

Mr. HALL of Missouri. I did not intend in my remarks to speak in regard to the importance of the increase of the battle ships. The present chairman of your committee reported a bill in the Fifty-second Congress for the purpose of putting the Revenue-Cutter Service under the control of the Navy. In that report, made to the Fifty-second Congress, the gentleman from New Jersey [Mr. GRISSENHAIN], your present chairman, stated and quoted from the report of Secretary Tracey that the United States had now enough officers to man the entire Revenue-Cutter Service without any increase in the number of officers. Now, then, the Revenue-Cutter Service was not put under the control of the Navy. That bill was defeated; and now the question that arises is this: As you have no battle ships, why will you have out of 130 men 103 on land and the other 27 on the sea?

Mr. MONEY. There are not more than 27 commands at sea. That is a sufficient answer to your question, unless the gentleman wants to disband the Navy.

Mr. HALL of Missouri. I do not want to disband the Navy.

Mr. MONEY. You want to disband a part of it. I say we have not to-day a personnel sufficient in number. In professional skill it ranks high, but in numbers not enough for the Navy that we ought to have. We have naval stations and dockyards and all sorts of duties to which these gentlemen are assigned.

Mr. HALL of Missouri. How many vessels do you propose to build or commence building under this bill?

Mr. MONEY. The bill provides for three battle ships and twelve torpedo boats.

Mr. HALL of Missouri. How many officers will it take to command those?



Mr. MONEY. I can not say.

Mr. HALL of Missouri. There would not be more than three commanding officers for each, I presume?

Mr. SICKLES. The gentleman should remember that we must educate our officers before we send them afloat.

Mr. HALL of Missouri. I will not interrupt the gentleman further.

Mr. MONEY. I want to say in reply to my distinguished friend from Missouri that the time has never been when you could improvise the personnel of a navy. The time has been when you could improvise the material of a navy; but you can not do it now. During the late civil war the United States built gunboats in ninety days; and they penetrated like shuttlecocks through the web and woof of our Southern country. They destroyed our communications and our supplies and captured our cities. The United States also built an immense navy—in number at least—along the seaboard, and put those vessels afloat, keeping up an effectual blockade upon the Confederacy, with the effect of destroying it, because, as I believe, it was that blockade which brought about a conclusion of the war honorable and successful to the Federal armies. But, Mr. Chairman, you can not do the like to-day. It takes now two or three years to complete a ship of war and fit her for service.

Upon what small matters like this appropriation may depend the very life of the great American nation, may depend the safety of our commerce, the property of our people, the lives of our citizens, the honor of our flag, and the integrity of our territory. In the second Punic war, when Carthage and Sicily and Macedonia had made an alliance offensive and defensive against the Roman power, when Hasdrubal was victorious in Spain, and Hannibal had run over Italy from the top to the heel of the boot, and Philip was ready with his Macedonian phalanxes to land upon the Italian coast, one single little fact alone prevented him; that was, he did not have a sea power to meet the Roman fleet that patrolled the Adriatic. What was the result? Hasdrubal at the battle of Metaurus was defeated by Claudius Nero. Hannibal in turn was driven back. Sicily was subdued. Philip never landed a single soldier upon the Italian coast nor engaged in a single action against the armies of Rome.

Suppose that, in lieu of unpreparedness for naval warfare, Philip of Macedon had had a fleet—not equal to the Roman fleet which was then patrolling the whole coast of Africa and the coast of Spain and what is now the coast of France down to Naples—suppose he had had a fleet able to compete even with that small squadron which was all there was on the Adriatic Sea, and that he could have landed his troops on any point along the island of Sicily or upon the Italian coast. What might the result have been? Looking at it now in the light of all these centuries it is highly probable that the Roman Republic would have been overthrown, and Carthage would have been the great dominating empire of the world. And then how many other sequences would have flowed from that changed condition of affairs. Palestine would still have remained an isolated Jewish community. The Christian religion would probably not have prevailed over the world to-day; because it was only the universality of the Roman Empire that made Christianity as we know it possible. But for that great fact it would perhaps have been a tribal religion.

In almost every instance in history it has been found that the chief protection and defense of a nation has been its sea power. And in the light of these historical events, in the light of the teachings of more than two thousand years, we sit supinely here and allow this great arm of national defense to perish beneath our neglect. There have been no great changes of strategy. The lines of battle drawn up by Themistocles four hundred and fifty years before the Christian era at Salamis are still good. Tactics change only as weapons change and as ships change. We are to-day under exactly the same influences, subject to the same vicissitudes, and it behooves us to profit by these lessons of history. We shall be derelict to our constituents, derelict to our great country, recreant to the trust that it has confided in us, if we fail to make this pitiful appropriation for so great a purpose.

Now, I made mention awhile ago of the progress Great Britain was making in the construction of her great fleet; that five years ago under the system then in operation they were building 70 ships. Of this number 10 were great battle ships, 42 were cruisers, and 14 torpedo boats. Since then, under the Spencer programme, 10 more battle ships are being constructed, and 6 first-class protected cruisers, 13 second-class protected cruisers, 2 third-class cruisers, 20 torpedo vessels, and 73 torpedo boats. In France they have 9 battle ships, 23 cruisers, and 3 torpedo boats in process of construction. Germany has building 5 battle ships, 7 cruisers, 7 coast-defense vessels, and 4 torpedo boats. Russia has building 9 battle ships and 16 other war ships. Italy is building 9 battle ships and several cruisers.

Does it seem, Mr. Chairman, possible to you that if these battle ships were the worthless machines that they have been depicted by the gentleman from Kansas these enlightened nations, with all of their experience in shipbuilding, would embark millions and hundreds of millions of money to go through the mere farce of

building ships which would be worthless in action and of no value to the country which they are intended to defend?

It is true, however, that in battle everything, after all, depends on the fighting man. I care not how perfect the engine of war may be; I care not how swift the ship, how powerful the guns, how perfect her armament, how heavy her armor, how impenetrable her walls, you must have men to man them, and you must have a man who is capable of commanding to control the whole. You must have a man of courage, a man of ability, a man swift to take advantage of opportunity, a man ready to take the responsibility, a man eager to strike when the occasion arises, like Lord Nelson when he went into action at the head of his fleet at Trafalgar and at the Battle of the Nile.

It depends on the man, and to get the fighting man, to get the man who is capable of commanding men, the man who has the tactical experience and the technical knowledge every representative district in the United States is visited and you take the cream of our youth, generally on competitive examinations, and put them into our Naval Academy and drill and teach them. We fire their hearts by emulation and by the study of the history of our own nation and the history of other nations, instilling into them the heroic principle that it is sweet and glorious to die for one's country, and that to perish at the post of honor is to win immortality.

But what is the naval officer doing now? He stands waiting without a sea duty to perform. He is compelled to shore duty. Why? Is it by choice? Not at all. But they stand impatiently waiting for some action that will give them the employment for which the Government has fitted them. They can not go to sea because we have no ships on which to send them. They are compelled, therefore, to do a distasteful duty, which they would willingly forego for the proud pleasure of commanding some great ship upon the high seas. These gallant fellows would gladly welcome some means which would place them in position to look forward to and win promotion.

Are we to let them remain idly on shore, or are we to encourage this patriotism, this energy, and this enterprise on their part? We do not want war; we want peace. But we want, in order to insure peace, to be ready for war. In doing this we follow the advice of Andrew Jackson, the advice of John Adams, and of every other man who has been signalized in the illustrious history of our country as a great statesman. Not one of those who occupied a great part in the formation of American history but has given this advice to our countrymen; and, Mr. Chairman, I should be sorry in this late day, in this the close of the nineteenth century, with the inspiring traditions of the past, with the hope of a glorious future before us, with ample material for military enterprises at our command, that we should be compelled to live under the stinging reproach which De Witt applied to the Dutch, that we were too stingy in time of peace to prepare for war!

We are charged with the duty of using every effort to perpetuate the Republic. We are responsible not only to those who send us here but to those who will come after us, to unborn generations, that we should at all times be prepared to meet any assault that may be made upon us from any country on the face of the earth.

I will admit that for a long time I was myself under the impression that this was an inopportune expenditure, and I say this now because I thoroughly sympathize with gentlemen who are interposing objections to this proposition. I am not criticising or finding fault in any way with them. I occupied the same position myself here at one time when the subject was first presented, and interposed objections to what I regarded as an expenditure that could be postponed. I saw that our ships were floating peacefully on the high seas; that our relations were amicable with all other nations; that there was no need for a navy to protect our commerce, and I saw no prospect for war.

But there is nothing so likely to happen in the history of a nation as war. It is the inevitable thing. Sooner or later it must come. There are no great nations of Quakers. The time has not come of which Tennyson sings—

The parliament of man, the confederation of the world.

We are not submitting our differences to the arbitration of peaceful commissions, and I hope we have not reached that depth of national degeneracy which would make our feeble Navy, in case of difficulties with other people, engage in what the French, during a disgraceful period of their naval history, called "engagements of circumspection."

We do not want a navy to go into battle with the commanding officer instructed to take care of the ships, not to get the paint knocked off, not to spend his ammunition, and to come out of the conflict with whole bones. We send a man in to sink and destroy the enemy, as Cushing took his life in his hand and went after the *Albatross*, as the gallant Japs went into Wei Hai Wei Harbor the other night and sunk the Chinese battle ships.

Speaking of torpedo boats, which my friend from Kansas [Mr. SIMPSON] thought to be the effective arm of warfare on the sea, every success of the torpedo boat has been in still water or in a harbor. At Wei Hai Wei, in the darkness of midnight, with the

Chinese ships at anchor, with the water as smooth as a mirror, the Japanese torpedo boats came in silently along the shore, cutting every single line that led to torpedoes laid in the channels. Time and again they went, until all the lines leading to the sunken mines and torpedoes had been cut, and then they came to the attack and destroyed the fleet at anchor, which had been relying upon the defenses that had been taken away from them.

So in every other case where the torpedo has been effective the circumstances have been similar. In the Yalu River fight it cut no figure at all in the result. There was not a single torpedo that took effect.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GEISSENHAINER. I ask unanimous consent that the gentleman be permitted to conclude his remarks.

Mr. TALBOTT of Maryland. I will yield to the gentleman fifteen minutes.

Mr. MONEY. I have no desire to occupy further time. I have talked for an hour, simply because I felt exceedingly interested in this subject; and if there is any objection to my going on I do not desire to. I ask leave that certain papers which I have here may be printed in the RECORD.

The CHAIRMAN. If there be no objection that leave will be granted.

There was no objection.

APPENDIX A.  
Effective force of the following countries:

Type.	Great Britain.	France.	Germany.	Italy.	Spain.
<i>Armored.</i>					
Battle ships.....	43	18	13	9	1
Coast-defense vessels.....	12	21	17	5	5
Cruisers.....	18	4	2	4	2
Total armored.....	73	43	32	18	8
<i>Unarmored.</i>					
Cruisers, protected.....	59	16	4	12	4
Cruisers.....	85	36	13	16	15
Torpedo vessels.....	34	16	18	14	8
Total unarmored.....	178	67	35	42	27
Total armored and unarmored.....	251	110	67	60	35

This table does not include transports, gun vessels, and boats, other small craft, nor torpedo boats.

APPENDIX B.  
List (beginning at the extreme north) of points making effective English bases for maritime warfare on our coast.

	Distance from—		
	New York.	Washington.	Nearest port in United States.
<i>Atlantic coast:</i>			
St. John's, Newfoundland.....	1,000	1,400	Belfast, Me., 750 miles.
Quebec.....	1,404	1,739	Oswego, N. Y., 300 miles.
Charlottetown, Prince Edward Island.....	825	1,157	Belfast, Me., 700 miles.
St. John's, New Brunswick.....	550	860	Belfast, Me., 150 miles.
Halifax.....	531	836	Bangor, Me., 300 miles.
St. George, Bermuda.....	900	770	Norfolk, Va., 670 miles.
Nassau.....	960	880	Key West, 300 miles.
Kingston, Jamaica.....	1,473	1,415	Key West, 550 miles.
St. Lucia.....	1,746	1,743	Key West, 1,400 miles.
Bridgetown, Barbadoes.....	1,839	1,700	Key West, 1,430 miles.
<i>Pacific coast:</i>			
Esquimalt*.....			Port Angeles, 19 miles.

\* From San Francisco, 770 miles.

APPENDIX C.  
List of points making effective Spanish bases for maritime warfare on our coast.

	Distance from—		
	New York.	Washington.	Nearest port in United States.
<i>Island of Cuba:</i>			
Havana.....	1,227	1,093	Key West, 90 miles.
Santiago de Cuba.....	1,373	1,238	Key West, 600 miles.

APPENDIX D.

1. List (beginning at extreme north) of British naval stations near the coast of the United States: Halifax, Nova Scotia; St. George, Bermuda; Kingston, Jamaica; Esquimalt, British Columbia.

2. Spanish naval stations near the coast of the United States: Havana, Cuba.

APPENDIX E.

List (beginning at extreme north) of English coaling stations on the coast of British North America and in the West Indies.

ATLANTIC COAST.

Name of port.	Amount of coal in tons and kind.	Remarks.
Newcastle, New Brunswick.....	1,000 bituminous.....	
Summerside, Prince Edward Island.....	2,000 Pictou; 500 Sydney.	Harbor frozen in winter.
Tidnish, Nova Scotia.....	Ample, bituminous (by rail).	
Pictou, Nova Scotia.....	Large supply Pictou..	Yearly output 500,000 to 750,000 tons.
Tilt Cove, Newfoundland.....	200 Welsh.....	
St. John's, Newfoundland.....	9,000 Nova Scotia; 2,000 Cardiff; 500 anthracite.	Usually frozen up in winter.
Sydney, Cape Breton, Nova Scotia.....	Large supply (bituminous).	Yearly output, 250,000 tons.
Louisburg, Cape Breton; Nova Scotia.....	Large supply (bituminous).	
Halifax, Nova Scotia.....	Nova Scotia, 10,000; anthracite, 15,000.	5,000 tons Government, Nova Scotia, and Welsh.
Lunenburg, Nova Scotia.....	Ample supply (bituminous), by rail.	
Windsor, Nova Scotia.....	200 anthracite; 300 bituminous.	
Parrsborough, Nova Scotia.....	Large supply (bituminous), by rail.	Production, Cumberland County, 1890, 490,000 tons.
Port Joggins, Nova Scotia.....	2,800 bituminous.....	
Amherst, Nova Scotia.....	Large supply (bituminous), by rail.	
St. John, New Brunswick.....	2,300 anthracite; 5,000 bituminous.	
St. Stephen, New Brunswick.....	600 anthracite.....	
Belize, Honduras.....	Small supply (Welsh).	Not to be depended on.
Bermuda, St. George.....	150 anthracite; 600 Cardiff.	Government supply also.
Hamilton.....	3,300 Cardiff.....	Government 2,000 to 6,000 tons.
Jamaica, Port Antonio.....	1,000 Cumberland.....	
Port Morant.....	1,000 Cumberland.....	
Port Royal.....	4,000 Cardiff and patent fuel.	Belongs to Government.
Kingston.....	10,000 Cardiff.....	
St. John's, Antigua.....	1,000 bituminous.....	
Port Castries, St. Lucia.....	10,000 Cardiff; 4,900 bituminous.	Government supply, 4,000 to 5,000 tons.
Bridgetown, Barbadoes.....	2,000 to 3,000 Cardiff..	Government supply large.
Port of Spain, Trinidad.....	Large supply, Cardiff and bituminous.	Government supply about 400 tons.
Georgetown, Demerara, British Guiana.....	6,000 Cardiff; 8,000 patent fuel.	

PACIFIC COAST.

Vancouver, Comox.....	Large supply, bituminous.	Output June, 1890, 4,500 tons.
Nanaimo.....	Large supply.....	Near mines.
Victoria.....	2,000 nanaimo.....	Extra coal uncertain.
Esquimalt.....	2,000 nanaimo (about)..	Government supply, Cardiff.

APPENDIX F.

Spanish coaling stations near the United States, Atlantic side.

Name of port.	Amount of coal in tons and kind.	Remarks.
<i>Cuba:</i>		
Sagua la Grande.....	10,000.....	Vessels not exceeding 16 feet draft.
Cardenas.....	1,500 to 4,000.....	Imported from the United States and Great Britain.
<i>Matanzas:</i>		
Havana.....	Moderate supply.....	
Cienfuegos.....	80,000.....	
Trinidad.....	5,000 to 10,000.....	
Santiago.....	500.....	
Puerto Rico:		
San Juan.....	12,400.....	Government (Casilda). Imported from the United States and Great Britain.
	2,800.....	Mostly bituminous.

Mr. EVERETT. Mr. Chairman, I feel, after the eloquent and thoughtful speech that we have just listened to from my friend from the Committee on Naval Affairs [Mr. MONEY], my honored associate in the Committee on Foreign Affairs that it is no easy task to reply to him or to anyone taking his side of this question.

I have never conquered the trepidation with which I arose the first time I addressed this House, and when I am to espouse a cause which is in many respects unpopular, which in many respects does not meet an echo in the hearts of my countrymen of any section, when I am to reply to such an admirable exposition of the cause of the increase of the Navy, I feel more than ordinarily doubtful of doing justice to myself or of impressing upon this House the views I would seek to.

I know how taking, how inspiring, how thrilling is the story of naval victories. I know how easy it is to make the cheeks glow



and the eyes sparkle and the whole frame tingle by the story of naval prowess, from the time of Salamis to this very current year. I have done something in the way of reading and telling of those exploits to those who, I thought, would be excited over them. And if any of the gentlemen who favor the increase of the Navy would pay me enough for delivering a popular lecture on that subject, I think I could tell the story of naval prowess in ancient and in modern times, in foreign seas and in our own, in such a way that every boy in the United States would apply for a cadetship at Annapolis, if he had not applied for one already. [Laughter.]

But, sir, it is not the thrilling, it is not the inspiring, it is not the popular themes that it chiefly behoves a speaker here to address himself to. There is no difficulty in carrying away the American people by lofty sentiments. Sometimes we have to consider if there is not something else besides historic renown and what are considered lofty and elevating emotions.

I desire to ask the attention of the committee for a short time while I present what appear to me the objections to proposed increase of the battle ships of the American Navy, to some considerations founded on what may be deemed sordid and inferior grounds, and some considerations based, if I do not greatly mistake, on sentiments that are elevated even beyond martial renown, and have a power, if a man rightly receives them, to control him with a deeper emotion than even that of fighting for the honor of his country, elevated as that appears.

In the first place, sir, I wish the committee to consider this. The question is not whether we shall have a Navy, not whether we shall do something to arm ourselves for defence. It is whether this specific increase of three battle ships of the first class shall be provided for at the present time. It is whether, in addition to the four first-class battle ships now in process of construction, we shall go on and provide for a still greater increase. I am not aware that anybody has proposed to destroy the Navy of the United States. I think in a Democratic House, if one wanted to take that ground, it might be well to remind some gentlemen that Mr. Jefferson cut down the little old Navy which had been constructed by John Adams. But I am not aware that anybody proposes that.

The question is, if we shall go ahead. The question is, if we shall begin to put our Navy in competition with the navies of the greater powers of the world. If I understood my friend from Mississippi [Mr. MONEY] aright, that is the question before us. Now, sir, it will not be denied that it is a very expensive proposition. The gentleman from Iowa [Mr. DOLLIVER] put it very well. The present Committee on Naval Affairs has very adroitly arranged this proposition so as to make it appear that the immediate expenditure is not to be serious. But we are going to lay the keel, if I may speak appropriately, for a considerable expenditure. We are going to discount the supposed surplus in the interest of an increasing Navy.

Now, sir, I am very willing to take the word, if you please, of the present Secretary of the Treasury that we are to have a surplus. I am willing and eager to believe that he tells the exact truth when he says that at the end of a specific time—at the end of this calendar year—he expects to see the revenue \$21,000,000 ahead of the expenditures. I am willing to suppose he has underrated it. I am willing to suppose that it will be \$25,000,000; but I would ask the gentleman, I would ask any member or members of the Committee on Appropriations, supposing we have that surplus, are there not drafts which are going to be made upon it to a degree that render indulgence in expensive luxuries a very serious and doubtful matter?

In the first place, I want to see our honest debts paid. I do not want to have claimants remain unpaid who have just claims on the Treasury of the United States, and whose claims have been allowed by the tribunal to which we refer those claims. I do not want successful pleaders before the Court of Claims to come in here year after year and session after session knocking at our doors and be told by the Committee on Appropriations that there is no money to pay claims that have in many instances been due for years, some for generations, and some for a century; that we are taking the money to build up a navy to protect our commerce and can not pay them for our commerce that was destroyed between 1798 and 1800 by the cruisers of the French Revolutionary navy, while the great-grandchildren of the men who lost those ships are here waiting for justice from the American Congress, and their claims are to be postponed until we have built some more ships with a possibility of having to protect our commerce in the future.

Then, sir, when we have paid all our just claims, when every claim that has been reported from the Court of Claims and from the Committee on Claims—and the chairman is before me—and from the Committee on War Claims (and of course they never report any but perfectly just claims which ought to be paid immediately), when all these debts have been paid, to come to the expenditures of home, to the expenditures that our citizens need to have made to keep them in peace and prosperity—I think, sir, for instance, the first thing that comes into my mind is the grossly inadequate salaries

that are paid the higher officials. The gentleman from Mississippi wants us to compete with foreign nations. He wants us to expend money on our Navy and our national defense on a scale worthy of the greatest and richest nation on the earth and something like what is expended by Great Britain, by France, by the German Empire, and by Austria-Hungary.

Does he think of what an unworthy spectacle our foreign ministers present when they go to reside in those countries? Does he consider what grossly inadequate salaries are received by our public men, by our Cabinet officers, by our judges, so that you can hardly get a first-rate lawyer to take a judicial place on account of the miserable pittance that our judges receive? I think of our post-office, I think of how the Government of Great Britain carries his letters and his parcels to every man's door, and I think how far behind we are in that respect with all our boasted progress.

Mr. DINGLEY. Do I understand the gentleman to say that we are unable to get first-rate lawyers to take judicial positions?

Mr. EVERETT. That is my idea.

Mr. DINGLEY. So far as I have heard in this House and elsewhere, there has been no difficulty in getting first-rate lawyers to accept judicial positions when tendered to them. [Laughter.]

Mr. EVERETT. Well, I would say to the gentleman from Maine that I constantly hear the exact opposite from members of the bar.

Mr. DINGLEY. That must be a mistake, judging from what I have seen and heard here.

Mr. EVERETT. Well, I hear one way and the gentleman from Maine hears another way.

Mr. VAN VOORHIS. The gentleman is not responsible for what he hears.

Mr. EVERETT. Neither am I.

Mr. HULICK. I suggest to the gentleman from Massachusetts that after the 4th of March there will be many good lawyers out of business. [Laughter.]

Mr. EVERETT. Does the gentleman from Ohio think that our judicial salaries are adequate? Mr. Chairman, I think of the things I have mentioned, and further, I would raise the question which is familiar to all gentlemen here, of the state of our public buildings throughout the country. I would raise the question which constantly comes up before the Committee on Public Buildings and Grounds, the question of the need, the absolute need, of what some people absurdly speak of as "steals," the absolute need of erecting at proper points all over the country public buildings suited to the requirements of a people like ours.

Why, sir, I took pleasure the other day in voting for a new post-office at Chicago. I voted for a building there that was estimated to cost \$4,000,000. I was ready to speak for that bill, but Chicago never needs anyone to speak for her or in praise of her; she is always able to blow her own trumpet just as loud as there is need of at any given time. [Laughter.] But, Mr. Chairman, I felt that that was a great public necessity. I feel now that if we are to have a surplus that is the kind of object that our money should be spent for. Do you tell me that that building was for the city of Chicago alone? Not a bit of it!

Every city in the country, every village in the country, from Houlton down to Galveston and off to Tacoma in the West, is interested in having the letters go through the Chicago post-office safely and speedily. Chicago is one of the great central organs of the entire country. I do not know that I can call it the heart or the head or the stomach of the country; but I may be entitled to call Chicago the liver of the country, through which there passes a great circulation which converts all the things we swallow into sugar for the benefit of the body politic. [Laughter.]

Now, sir, I say that for all these needs and for other needs the surplus, if there is one, would be discounted over and over again. Think of the Indians. Think of what they call for. The starving Navajoes called for \$25,000 the other day and there was a doubt as to whether it should be given to them; and yet we have money to build war ships! Think of the District of Columbia, with its overcrowded schoolhouses, the children absolutely deprived of school facilities by reason of our close economy. I think this naval appropriation bill proposes to make appropriations above the estimates, while, if I am not mistaken, every other appropriation bill, except the agricultural bill, goes under the estimates. When you have raised those other bills to the level of the estimates of the Cabinet officers and Departments, then we can see about discounting the surplus on any one bill and going beyond or above the estimates.

Now, sir, if we mean anything by economy this is the place to practise it; and let me say just here that I give my Republican friends as much credit for wishing real economy as I do my Democratic friends. I do not believe there is any man here who will vote for an expenditure that he has not some good reason for voting for, and I believe that generous and liberal expenditure as well as economy is a right principle upon which the representatives of a great nation ought to act. [Applause.] But why do I name these

appropriations and these claims as being more deserving than that of the battle ships? Why do I think that the full recommendations of the Secretary of the Treasury and the Secretary of State and the Secretary of the Interior should be carried out in the appropriation bills rather than those of the Secretary of the Navy?

I will try to say, Mr. Chairman, and herein I know that I am going to trench upon somewhat delicate ground; I know that in what I am about to say now I take some risk of touching the feeling of some of my friends on both sides of the House, and I entreat every gentleman who hears me, I entreat all those who love their country, to believe that in what I am going to say I am actuated by as keen patriotism and as high appreciation of personal distinction as any gentleman that sits before me here.

There is nothing, Mr. Chairman, by which you can arouse men to excitement more easily than by words of "military glory" and "fighting for the renown of the flag." I see on each side of me men of whose personal acquaintance I am proud, whom I feel honored by knowing, men who have distinguished themselves in war on land and sea. I see men before me and around me who have proved in the strongest way in which men can prove it that they are afraid of no exposure, of no danger, of no suffering—who, if God so willed, would have met death itself for the honor, as they believed, of their country, and the flag, and the truth.

I know that in every generation of the world there have been brave men who have been ready to fight and suffer and die for their country. And I know how that thought makes men excited and emulous so that they believe there is nothing greater in the world than a war in behalf of what is esteemed a just cause. That has been the way in times past; it is to a great extent the way in the present. But here I stand to say, if I am the only man on the floor to say it—here I say, if I knew it would make me distrusted and laughed at in the House; here I say, if I knew that every man, woman, and child in my own old State, the State of naval glory, would be against me—there is something greater than renown in war; there is something better than dying for your country, and that is living for it. [Applause.]

It belongs to the past, it belongs to barbarous ages, it belongs to a bygone and effete civilization, it belongs to the system of Europe, it does not belong to us to look forward and contemplate and reason and count the chances of war. We hear those terrible words—"in case of war"—"in the event of war." The report of the gallant Secretary of the Navy, the report of my gallant friends, both the majority and the minority of the Naval Committee—their reports and recommendations ring with such words. It is that old war fever. It is allowing one's self to contemplate the possibility, the danger, and the horror of having to fight for your country. O, yes, we can fight for it—no men better in the world. I know it. We have proved it; and we need not prove it again. But we have a better destiny before us.

Allow the European nations to make their great war preparations. Allow Italy to plunge herself into bankruptcy with her Triple Alliance. Allow Russia to raise loan after loan from an impoverished people. Allow the spirit of Bismarck and Von Moltke still to dominate in Prussia. Allow England to pile up her forty-three war ships. Allow France to nourish the temper of Boulanger in her bosom. But not for the United States are such things. O, no! We can settle our differences otherwise. We can withhold all unjust claims. We can put ourselves in such a position with other nations that we need not increase our Navy.

We have a Navy. I do not seek to destroy it. Keep it and man it. Possibly in times when we have a surplus—an undoubted surplus, a big surplus [laughter]—possibly at a time when we need not be raising gold loans at 4 per cent or even at 3½ per cent—possibly at a time when all is peaceful and easy in our cities, we may then amuse ourselves with building more battle ships as pretty but expensive toys. But when we are taken out of the war system of European nations; when we have entered upon the new and glorious destiny of the future; when we have put behind us all this ancient history; when the course of our peaceful empire is taking its way westward, do not let us turn our eyes backward; do not let us be conjuring up old needless fears.

I see before me, as I say, men who have fought bravely and have learned each other's prowess. I would appeal to the old soldiers here, if there is any greater horror than war; if there is anything that kills off what a nation would sooner keep and save, is it not war?

O, Mr. Chairman, I know how I shall be answered. I can tell almost in advance the number of eloquent men, the number of witty men, the number of popular men here who can rise, if they will, when I get through, and can pour upon me, if they choose, charges of not maintaining the honor of "the old flag." "The old flag" will maintain its own honor. "The old flag" never can be disgraced and never can be humiliated. The nations of the world are not in danger of insulting it simply because we have declined to put three new battle ships on our list of the Navy.

Yes, there is a foreign enemy. There is an enemy lying in wait for us that is not American. But that enemy is not in Great Britain or France; it is not in Austria or Chili. That enemy, that

foreign enemy, that un-American enemy is in our great cities. The foreign enemy that we have to dread is planted in the streets of our great cities—your city and mine. There it is festering; there it is seething; there it is threatening destruction to American institutions far greater and more speedy than any thunders that the *Majestic* could hurl against us when she shall make her trial trip next August. There is the problem for us. There is what demands the expenditure of our surplus. There is where we have to work in order to bring about prosperity in our country. We have got to train, to educate, to guard, to raise, to assimilate that population in our great cities, and it is from them and not from the enemy outside of our borders that we have anything to fear.

When I was a boy, Mr. Chairman, I was eager as any boy could be to read of wars and of military glory. There was no boy in the schools of Cambridge or Boston that could be stirred to excitement sooner than I by reading the history of some mighty victory from Marathon to Waterloo. At that time, when but ten years old, and with a mind stored more than most of boys of that age, as I read those exciting and inspiring stories I read also the lines written by one of our own poets, which I thought then were false; lines that, as boys will do, feeling as I did towards them, I marked with pencil in my Reader as worthy of reprobation and condemnation, for I thought them silly; but I know now they are true. I know now that those words of the poet Longfellow, describing the arsenal at Springfield—calling on every nation to stop in its career of piling up armaments, to stop its miserable game of "Beggars my Neighbor" to see which nation should frighten the other the most—I know that those words are true.

Were half the power that fills the world with terror,  
Were half the wealth bestowed on camps and courts  
Given to redeem the human mind from error,  
There were no need of arsenals nor forts.

The warrior's name would be a name abhorred,  
And every nation that should lift again  
Its hand against a brother, on its forehead  
Would wear for evermore the curse of Cain.

You say let them begin first. You say we can not disarm until they do. I say yes! We can. I say it is with us to lead the van. It is with us to begin; it is with us to announce to the nations of the world, that are still quivering under the reign of the effete notions of antiquity, "here we stand in our ancient renown, that needs no vindication; in our justice, in our moderation, prepared to submit to peaceable arbitration every question between ourselves and our brethren, and you may go on in your game of war—you may go on and construct your ironclads, increase your artillery and infantry and musketry—the United States is too great, too noble, too modern to sink herself to the level of the military nations of the ancient world." [Prolonged applause.]

Mr. WEADOCK. Mr. Chairman, if the gentleman who has just addressed the House [Dr. EVERETT] rises with great trepidation to speak on this question, anyone who follows him, and especially who follows him on the opposite side of the question he advocates, may certainly rise with no small degree of trepidation as well. For, being no orator, nor the son of any distinguished orator (and the gentleman from Massachusetts is both), I esteem it a great privilege to say something here to-day in support of the bill which the Naval Committee of this House has brought before us, and especially with reference to that portion of it which provides for the construction of three additional battle ships.

Mr. Chairman, I will go as far as any man on this floor in favor of peace. I have as earnest a desire as any man that peace should continue to dwell with the people of the United States. But the history of all the world, both ancient and modern, shows us that we can not always count on peace, and that the attitude and conduct of affairs of one nation always have more or less effect upon the attitude and conduct of others.

I will go as far as the gentleman from Massachusetts in favor of the discharge on the part of this nation of every one of its obligations, and especially those the gentleman himself so eloquently advocated, the payment of which have been adjudicated in the courts and whose history is well known to the country. I mean, of course, the French spoliation claims, which France paid to our Government nearly a century ago, when we purchased Louisiana. But the history of this House shows that the men who are loudest in their arguments in favor of economy, who are the strongest opponents of any measure having a tendency toward building up the Navy, improving rivers and harbors, or expenditures in any other direction, are the men who are invariably found voting against the payment of these claims to which the gentleman so eloquently refers, even when they have merged in judgments in favor of the claimants. And from this list I desire to except my honorable friend from Massachusetts [Mr. EVERETT], whose voice has always been raised, whose vote has always been given, in maintenance of the honor of the country and in favor of discharging the obligations which should be paid.

I want to say to my friends upon this side of the House that I think we have dwelt too much upon what are called ideas of economy. I believe in the nation paying all its debts, in meeting all its obligations, in making provisions in time of peace for a war



that may occur, and I beg of you to remember the great history of the Democracy in this country, the great areas of territory that were acquired under Democratic administrations, and that in fact nearly all of our territorial extensions have been so acquired.

There is no interest to-day which should more seriously engage the attention of the American people than the maintenance and the upbuilding of an American navy.

Our future growth lies in the success of our commerce, and no great commerce has ever been built up without the assistance of a navy to protect the merchant marine and enforce the rights of merchants and traders. I want to see such a condition of affairs, such a number of vessels constructed, that wherever the American citizen or the American merchant may go on the face of the earth, either in savage or civilized lands, there will be felt the power of the United States, with the ability to maintain the rights of its citizens, and the interests of its commerce, wherever they may be in danger.

All history shows that the one goes with the other. In every nation in Europe—and we may for many years to come get many lessons in experience from that part of the world—when that great war-genius of the nineteenth century, Napoleon, had changed the map of Europe to his liking, when it seemed as though every nation was his vassal, the one power that stood out against him, the one power about which coalesced the great allies that in the end secured his downfall, was England the great naval power of the world. His defeat began at the battle of Trafalgar. Powerful as he was on the land he was never as powerful upon the sea, and the element of permanent supremacy in commerce went then and will go in the future to the country which maintains its supremacy on the sea.

Gentlemen have talked about the decay of American shipping. It is not necessarily the result of the reasons they give. In the era of wooden vessels American wooden vessels carried the commerce of this nation, and were the most successful in the world. When the era of iron vessels came American shipping declined, and has declined from that day to this, and until we can build ships as cheaply as our neighbors can they necessarily will be the builders and sellers of ships in the markets of the world.

Let me refer here for a moment to what was urged by the gentleman from Kansas [Mr. SIMPSON] this morning in reference to the article in the North American Review for November, 1894, written by the Secretary of the Navy. If gentlemen will read the article they will find that the portion which he read was simply a statement of the impression to be derived from the accounts in the newspapers as to the result of the battle in the Yalu River, and not what were the actual facts or the Secretary's opinion thereon, and that article is in direct line with the recommendations of the Secretary of the Navy in his annual report and in the committee's report in support of this bill, and the argument of the article is that we ought to construct these battle ships.

The Secretary says (page 515, volume 159, North American Review):

The only purpose of this paper is to contend that what seems to be a largely prevailing present impression is not justified by any information now at hand. \* \* \* for it is believed to be in the highest degree improbable that anything ever can be learned from Yalu that will put an end to the building of heavily armored vessels.

There was no first battle ship there [at Yalu]. If there was not, as will hereafter be shown, it is not easy to see how anything can possibly come out of that fight to distort the general conclusions embodied in such a vessel by the common consent of naval experts after so much and such prolonged study and experiment.

But they tell us, too, that these battle ships can not enter the harbors of our country. It is not so necessary that they should enter particular harbors along the great line of the seacoast of this country as it is that they should be so constructed and managed that they would prevent a foreign enemy from entering those harbors, and that the cities of Portland, Portsmouth, Boston, Newport, Norfolk, Charleston, Savannah, New York, Philadelphia, New Orleans, San Francisco, Galveston, and all the other important cities upon the great line of coast shall in any emergency and under all circumstances have a reasonable guaranty that they will be free from either contribution, attack, or destruction at the hands of a foreign enemy.

And not only are these particular cities interested in the maintenance of the American Navy, but every interior town or city, or the land remote from the coast, is interested just as well, for you can not strike down or paralyze the seaports of a state or of a country without paralyzing directly to the same extent the business of the country of which that city is the metropolis.

However desirable it may be to indulge in dreams of the universal reign of peace and of what men ought to be, legislators must deal with them and with nations as they actually are. They must deal with events as they are expected to happen in the ordinary course of human affairs.

I do not share in any of the distrust that we are not able now, or shall not be able in the future, financially or otherwise, to meet every obligation which shall come upon us. But these obligations must be discharged one with another. And while I am

willing that we should pay all the legitimate and proper expenses of the Government, I am also willing, and I think it is our duty, to provide, as the committee have done in this bill, for the commencement of these three additional battle ships, which, with the four already under construction—the *Iowa*, *Indiana*, *Oregon*, and *Massachusetts*—will be something like what this great nation should have as a proper naval armament.

It is not intended, nor, I take it, contemplated, that these battle ships should make long voyages. While they should be thoroughly seagoing, they are intended and should be intended for the coast defense of the country. They might defend Baltimore to-day, and Washington or Portland or some other place to-morrow, and we shall have all the advantages of that coast defense which Samuel J. Tilden so strenuously advocated prompt and liberal appropriations for and at the same time have the advantage of having them from time to time at that place where they are most needed. No one will contend that the cruisers of the United States are in excess of the actual requirements of this country to-day.

By the construction of these battle ships, which should be maintained nearer home, we shall have more of these cruisers available for the purpose of sending them to different portions of the world where they may be needed; for it is not reasonable to contemplate that in case the cruisers should be needed at any place that we should be compelled to wait until they could be sent from this country, even in the rapid manner in which ships are moved from one place to another now.

Gentlemen speak of the long distance of Europe and of Asia from this country. They should remember that the distance formerly measured by months is now measured by weeks and days, and what was measured by weeks or days is now measured by hours; and that by aid of the telegraph commands are flashed from one continent to another around the world. They should remember that the method of meeting and dealing with great questions that may arise, and do arise, has been very much changed in the way of transacting the business of the country. They tell us that the battle ship you build to-day may not be fit for use in a year.

They tell us that the improvements in ordnance have more than kept in advance of the improvements in the construction of battle ships. That may be true; and yet it is true of everything that is done in mechanics to-day; for that which seems to be the most useful and perfect invention to-day by some superior invention may become comparatively useless to-morrow. But we can not cease to make use of these conveniences. That is one of the reasons we must necessarily build battle ships. They tell us that it takes about four years to construct a battle ship, and we shall have all the benefits from time to time of any changes that may be advisable or necessary, of any changes that may be made, and of any advance that may be made in the construction of these vessels; and therefore we need not necessarily be alarmed about the matter.

This is a question more important than a few million dollars. It is more important than a question of mere economy. It is above and beyond all that. It should be the duty, and I think it is the pride and wish of every citizen of this country who loves his country and wishes to maintain its integrity and prosperity to pay whatever taxes are necessary in order to maintain the American Navy in that condition which the best interests of this country demand.

I am glad to say that during my term of service in this House my vote has always been given for the advancement and improvement of that arm of the service. I have not always had as many with me upon my side of the House as I could wish upon this question; but here is something that we can all unite upon. It is not a question that concerns one side more than the other, but we meet on the broad plane of American citizenship and should join hands in favor of that policy which will best upbuild this country. I do not think it is a bad thing in the human heart to emulate virtue and heroism, whether displayed on the deck of a ship or the field of battle, on the land or the sea, at the engine's throttle, in the rescuing lifeboat, or wherever the ability and the heroism of man may be exercised for humanity and the best interests of his country.

The people whom I represent live remote from the ocean borders of this country, in the region of the Great Lakes, comparatively inaccessible to foreign fleets, but I would like to see stationed at the mouth of the St. Lawrence River a battle ship which would tend to maintain the security of those people from any aggressions from that direction, and I would like to see a ship canal in our own territory from the Lakes to the sea so ably advocated long ago by that distinguished Democrat, Albert Gallatin. I would be glad to see exactly similar protection around the coast of the United States from Portland, Me., to Alaska. I would like to see every citizen of the American Republic at all times willing to stand by that policy which was calculated for the best interests of all the American people. Nothing can be done to one portion of this country to its injury without injuring to some extent all of this country. We stand or fall together.

This is not a question of localities. It is not a question of personal or local advantage for this or for that person or place; and while it is not, perhaps, one of the highest arguments advanced for the construction of these battle ships that the work would afford employment to a large number of men and to a large established industry at the same time, that is no reason, to my mind, why I should not vote for the recommendations of this committee. With these ideas, so imperfectly expressed, in my limited time, in favor of taking that action which shall best advance the interests of my country, in pursuance of my idea that it is the duty of every good citizen to stand by and support that policy which shall uphold the honor and dignity of the United States, and in discharge of my duty as a Representative here, representing people who are willing and desirous to maintain a Navy suitable to the needs of this great country, and thereby to advance the commerce and all the best interests of the whole country, I shall vote for this bill, and I heartily hope that every member of the House will do the same. [Loud applause.]

Mr. MEYER. Mr. Chairman, I shall ask the indulgence of the Committee of the House while I speak to the question of the growth and increase of the American Navy. The question is one of the highest importance. It addresses itself to us not as partisans but as patriots. In any well-considered step to carry out this policy of the maintenance and increase of our sea power and of provision for permanent and efficient navy-yards adapted to create ordnance and ships, the encouragement of plants and establishments capable of the speedy production of armor and all that goes to create or repair a vessel of war, or to put on the best possible footing the personnel of the Navy, both officers and men, we will only respond to the ardent aspirations of the American people.

They are wise enough to see their interest in this business. They are thoroughly in accord with the general policy of Secretary Tracy and Secretary Herbert, who have so strongly and ably urged and pushed forward the improvement and development of the Navy. No question can be suggested on which the American people are more united and emphatic than this. The time has gone by when the voice of factions or party spirit could venture to cavil at a liberal policy of encouragement to this arm of our national defense.

It is not a question between those who reside in the interior or on the exposed seaboard; for all alike recognize the necessity of an effective navy, and the people of the interior are as proud and sensitive on questions of national honor and defense as those of the Eastern or the Pacific Coast. Even those who earnestly desire a policy of peace can not be blind enough to imagine that an inefficient navy is anything else than an invitation to aggression, or to doubt, on the other hand, that an adequate preparation to defend our rights is the surest method to prevent those infringements upon them which would necessitate war, with all its cost of suffering and expense.

#### AMERICAN NAVAL HISTORY.

A taste for maritime adventure and a capacity for naval operations have characterized American character and illustrated almost every epoch of our history, beginning even in the earliest colonial period. It mattered not that a virgin continent, with its latent wealth, lay before them to be subdued; that herein was presented an ample field for all the energies of an active and heroic race, or that the mother country, with abundant capital and equal maritime instincts of adventure, stood ready to supply this theater of man's effort; still there was something in the long line of our seacoast and bays and streams and in the surroundings of its settlement, and in inherited traditions and instincts, that made Americans in the very earliest period ready and eager for maritime adventure. This appeared early in the seventeenth century. The American whale fishery and other commerce involving risk and heroism began at a very early period. In 1707, 1709, and 1710 we find no less than three naval expeditions against Port Royal, in Acadia, organized by the colonists, the last of which was successful. In the French war of 1744 we find a large land and naval force set on foot by the eastern colonies to act in conjunction with the British fleet against Louisburg. The spirit of naval daring existed from the outset.

Coming down to the period of the Revolutionary war, we are amazed at the energy and audacity of the Colonies in continuous maritime warfare against their enemies. They had a population of less than three millions, scanty pecuniary resources, no allies at the outset of the struggle, and no dockyards or facilities for building large vessels of war, and they had to confront the greatest maritime nation in the world, whose fleets darkened our shores; but the spirit of the people rose to the occasion. Numerous vessels of war were bought, or built, or captured, and under commissions, sometimes from Congress and very often as privateers, went boldly forth to battle. Even the coast and waters of Great Britain were not safe from their incursions. An American ship commanded by Paul Jones captured a British frigate in British waters after a fight of three hours and a half. This was only one of many

incidents of valor, enterprise, and endurance by our naval heroes against extraordinary odds in that war.

The exhaustion of a seven years' struggle and the lack of a national government delayed for years the formation of a permanent navy, but this great work was begun during the Administration of President Washington. In his annual message of December 7, 1796, he earnestly impressed this subject upon the attention of Congress. He said:

To an active external commerce the protection of a naval force is indispensable. But, besides this, it is our own experience that the most sincere neutrality is not a sufficient guard against the depredations of nations at war. To secure respect to a neutral flag requires a naval force, organized and ready to vindicate it from insult or aggression. This may even prevent the necessity of going to war, by discouraging belligerent powers from committing such violations of the rights of the neutral party as may, first or last, leave no other option.

And again:

Will it not, then, be advisable to begin without delay to provide and lay up the materials for the building and equipping of ships of war, and to proceed in the work by degrees, in proportion as our resources shall render it practicable without inconvenience, so that a future war of Europe may not find our commerce in the same unprotected state in which it was found by the present.

Such was the wise advice of Washington. It was not long before it was followed by the building of a navy which was developed from year to year. The regrettable difficulties in 1798 with France, our old and honored ally, to whom we owe so much, soon showed the necessity of this wise precaution. With the very first year of this century it became necessary to send a large portion of our infant Navy to the Mediterranean Sea in order to chastise the Barbary powers for their piratical assaults upon American commerce. These operations were serious and hazardous, but they were successful, and served to illustrate and develop the courage and skill of our officers and seamen. The value of this schooling was felt when the arrogance and injustice of Great Britain forced us into the war of 1812. The naval performances of that period were so brilliant, effective, and important that they are now known of all men. The names of Hull, Stewart, Bainbridge, Lawrence, Rogers, and Porter are familiar to every schoolboy in the land. From that day the position of the United States Navy became fixed in American policy and in the hearts of the people.

The Navy became a matter of pride to us all, and though it was not our fortune for long years to be involved in a war with a great naval power, and though our general policy was one of peace, yet it was deemed a wise policy to maintain our naval establishment. Up to the time of the civil war the ships and personnel of the American Navy could well be compared with those of other nations. There was an era of comparative peace, but the Japan expedition opened up that interesting country to commerce, civilization, and a wonderful progress; another expedition under Wilkes explored the South Seas, the deep-sea sounding of Brooke paved the way to the Atlantic cable, and the genius of Matthew Maury studied and mapped the winds and currents of the ocean so that its great pathways might be traversed by mariners with precision and certainty.

As one of those who participated in the great struggle between the States I can bear witness to the skill and courage of officers and seamen of the United States and to the achievements which demonstrated their ability to encounter a great naval power. No such foe then confronted them on the sea; for the Confederacy had no fleets and only a few cruisers, but there was much important work to be performed by a navy. The maintenance of a systematic blockade of the Southern coast contributed more than any one cause to the final success of the Union arms. On the other hand, the Americans composing the small Confederate navy, though lacking shipyards and naval resources, and embarrassed by the deficiencies in the arts and appliances of naval construction, displayed the highest courage and aptitude for this service. A most striking illustration of this capacity and resource may be found in the construction, by Captain Brooke, of Virginia, amid every difficulty and impediment from scanty means and material, of an ironclad vessel of war in the early part of the year 1862—the famous *Merrimac*—which by its success against the *Congress* and the *Cumberland* may be said to have revolutionized the naval shipbuilding of the world.

It is true that the idea of an ironclad vessel for harbor defense had been suggested by Stevens, an American citizen, long before, in 1842, and that some ironclads had been built by France and England prior to the civil war of 1861, but the first practical demonstration of the immense superiority of the ironclad to the wooden frigate or war vessel was in the naval combat of 1862 at Hampton Roads. From that hour the nations of Europe began as rapidly as possible to substitute the iron or armor-clad war vessel propelled by steam for the old wooden battle ship. Nations even of the second or third rank in power quickly followed this example, but it was long years before the United States fairly accepted and acted upon the lesson first impressively taught by Americans in American waters. Other nations had left us far



behind while we were still repairing and reconstructing our old wooden fleet. But the hour of awakening came at last when the country, with almost one voice, demanded the reconstruction of the American Navy upon the lines of modern science and development, aided by the lights of modern warfare and by the skill of our best educated thought. The people demanded a new Navy, and Congress responded to the demand with appropriations which at first small and tentative, soon became liberal, and in some degree worthy of a great power.

In 1876 the highest official authority in the service stated that "there was no navy in the world that was not in advance of us with regard to ships and guns;" and in his annual report of November 30, 1885, Secretary Whitney stated to the President that "it was questionable whether the country had a single naval vessel finished and afloat at the present time (1885) that could be trusted to encounter the ships of any important power."

#### RECONSTRUCTION OF THE NAVY.

This great work, however, was begun by Congress during the administration of Secretary Chandler. From 1881 to 1885 5 cruisers and 3 gunboats, with a total tonnage of 23,076, were authorized, and work begun on new vessels amounting to 12,363 tons. Still greater progress was made from 1885 to 1889, under the administration of Secretary Whitney. There were authorized 2 battle ships of the second class, 1 armored cruiser, 1 armored harbor-defense ship, 9 cruisers, 4 gunboats, 1 practice vessel, 1 ram, 1 dynamite-gun vessel, 1 torpedo boat, and 3 tugs, the whole aggregating 67,183 tons. From 1889 to 1893, under Secretary Tracy, there were authorized 4 first-class battle ships, 1 armored cruiser, 2 protected cruisers of extreme speed, 1 torpedo cruiser, and 1 torpedo boat, with a total tonnage of 66,616. Such is the satisfactory showing, as respects authorizations of ships, contained in the last report of Secretary Tracy. The same report exhibits the most important results in the developments of armor, torpedoes, heavy rapid-fire guns, armor-piercing shells, smokeless powder, high explosives—for all of which it is essential that we should depend on ourselves and not a foreign nation. [Applause.]

The progress made in the character of our ships built or in process of construction and in ordnance has brought us abreast in these respects with the nations which have so long led the van in these modern improvements. But, sir, there is a great difference between the authorization and commencement of a new and untried work, involving the highest science and mechanical skill, and actually accomplished results. The able report of the present Secretary, made November, 1893, informs us of the delays and the causes of delay in our naval construction, and while he says that "We find much to be proud of in the knowledge that we can now furnish the material for and build ships of war as quickly and without any doubt as well as any country in the world," there is in the same report affable showing that twelve of the most valuable ships then authorized were still in process of construction, including the heavy line-of-battle ships, and that some of these vessels would not be completed before 1895 and 1896. A comparison of our Navy with those of other nations showed that the United States ranked only seventh as a naval power. We have more cause to be gratified at what we know we can do than by what is actually accomplished by us in respect to naval armament.

#### SEA-POWER ESSENTIAL TO NATIONAL GREATNESS.

Sir, I trust it is needless for me to enlarge upon the value and importance of sea power. No nation can be great or complete without it. It was sea power that gave preeminence to Athens, Carthage, and Rome in ancient days. The lack of it, as compared with England, enfeebled and limited the energies of France in her long struggle with Great Britain from 1793 to 1814, and not even the genius of Napoleon was able to surmount the difficulties growing out of the immense superiority of England on the sea. The victory of Trafalgar over the fleets of France and Spain fully balanced that of Austerlitz and left England free to exert her arms, money, and vast resources with the certainty that her own soil and industries would be absolutely secure against interruption or devastation. Our success over Mexico from 1846 to 1848 was mainly dependent upon our command of the sea to transport armies and their supplies. Even in this hour of peace we find a continual demand for the services of our small Navy.

In the report alluded to Secretary Herbert rightly advises us that revolutionary troubles have imperiled American commerce in Peru, Nicaragua on its east and west coasts, Honduras, Guatemala, Costa Rica, Argentina, and Brazil. We need a number of vessels to patrol the Bering Sea. We need a home squadron on both the Atlantic and the Pacific oceans. It is only a few months since it became necessary to bring vessels around Cape Horn from the Pacific to protect our commerce in the waters of Brazil, and but a few months earlier than this, during Mr. Harrison's Administration, we were on the verge of a war with Chile, a country possessing some 18 war vessels and 21 torpedo boats, a force which, considering her limited population and wealth, teaches us an impressive and much-needed lesson. Then, sir, we

have an existing war—sprung upon the civilized world with no formal declaration of hostilities and hardly a note of warning—between China and Japan—a war liable at any moment to put in jeopardy the property and the lives of our citizens and the large commerce we have with both these nations.

To concentrate promptly an adequate force in these Asiatic waters, without stripping other important points of duty and activity, might well task the energies of the Executive. Vessels of war have been sent there which will doubtless be used as efficiently as possible; but that there are enough of them adapted to all the emergencies that may be required is a very serious question indeed.

But I pass from the governments of South America and the Asiatic populations, whose tumultuous passions and excitability during a war of invasion are far more to be dreaded than the good faith of their rulers.

We are at peace now with the European powers and we desire to remain so. It is not so very long since we had a serious issue with Spain, and there is yet another Government, a great naval power, with which we have had already two long and severe wars, and many dangerous international questions involving our rights and honor, and whose recognition of our just rights as a nation will be in exact proportion to our disposition and ability to defend these rights both by sea and by land. If we are to rely on England's magnanimity alone in our differences with her, we shall lean on a broken reed. The true line of policy for us to adopt is that embodied in the well-considered utterances of the present head of the Navy Department. In a former report he says:

It seems certain, therefore, that the future is to bring with it an increase of international questions, to a settlement of which in a manner which will be at once peaceful and honorable naval strength will be absolutely essential. We must make and keep our Navy in such a condition of efficiency as to give weight and power to whatever policy it may be thought wise on the part of our Government to assume. The Navy is to maintain an honorable peace, begotten by an assured strength to protect rights, enforce just claims, beget security against foreign aggression, and compel respect for any policy of our people which may affect foreign nations.

Sir, this country is able to create and maintain a navy. It is second to no country in the world in wealth; it is equaled only by Russia of the civilized nations in population, and its resources and capacity to be a leading naval power are much superior to those of any country in the world. If we prefer to occupy a subordinate and a helpless position as the seventh naval power in the world it is our own choice and our own folly and shame. To be among the very first is our natural position, and we ought to occupy it. [Applause.]

Holding these opinions, as I have done consistently for a long time, I am deeply gratified to find that the Secretary of the Navy has recommended to us to authorize the construction of 3 battle ships of about 10,000 tons displacement each, to cost, exclusive of armament, not exceeding \$4,000,000 each, and 12 torpedo boats of from 100 to 300 tons each, at the discretion of the Secretary of the Navy, to cost not exceeding an average of \$170,000.

#### AMERICAN AND FOREIGN NAVIES COMPARED.

Sir, there is a good deal of misapprehension in respect to our existing naval strength. In popular estimation it is most grossly exaggerated. It is a fleet that could easily have destroyed all the ships that fought at Trafalgar or the Nile, but how would it compare in strength with even a section of the present navies of England, France, Germany, or Russia?

We have four fine battle ships now building, and to be completed in a few months more. England has already 43 battle ships, France 18, Germany 13, Italy 9, and Russia 8. In process of construction England has 10, France 12, Italy 9, and Russia 9.

We have two battle ships of the second class in process of construction.

Let us look at the additions England and France are making to their armament. England has about completed some 70 war ships that were authorized five years ago. Does she stop there? Not at all. She has just authorized a new programme of construction of 100 vessels, including 10 first-class battle ships, 6 battle ships of the second class, 33 cruisers, some smaller vessels, and a large number of torpedo boats.

Some three years ago France adopted a programme which called for a total of 81 vessels, of which 10 were to be armored, 50 to be cruisers, and 21 to be torpedo vessels, and smaller vessels.

With such activity as this we do not propose to compete, but in comparison with this exhibition of force and energy by these four nations, England, France, Germany, and Italy, how small and reasonable appears the recommendation of our Secretary, which, if adopted, would only add three battle ships to the four we have now in process of construction.

Take again the torpedo boats. We have provided for three or four in all up to this time. England has 175; France, 217; Germany, 119; Italy, 178; Russia, 163; Argentina, 22; Chile, 22; Japan, 26; Austria, 64, and Brazil, 22.

England is building 64, France 42, Spain 25, and Japan 23 torpedo boats.

The Secretary has asked us for authority to build twelve torpedo boats at a cost of about \$2,000,000 for the whole. This would give us sixteen torpedo boats in all—a small force indeed, considering the extent of our coast, the demands of our commerce, and the amount of this force possessed not only by first-class powers but by nations usually considered weak and feeble powers, like Turkey, Argentina, Chile, and Brazil. If our battle-ships are not able to meet those of a strong naval power we ought at least to be able to defend our ports from attack. The head of the Navy Department tells us that—

For the defense of ports torpedo boats are more effective according to cost than any other class of vessels. The knowledge of their existence alone will make an enemy chary about approaching within bombarding distance.

#### A FOOL'S PARADISE.

There is a policy cherished by some persons which I can only denominate as "living in a fool's paradise." It assumes that all will go well. The world is great and all we have to do is to get in our shell—nobody will then trouble us. We may have a vast empire, a great population, a great destiny, manifold interests, but we are to depend on the forbearance of all the powers, big and little, on the face of the globe. Ships cost money, and money must not be spent save for something that will bring votes. If it will do that we need not stop at twenty, fifty, or a hundred million dollars.

Concede, if you please, that war may come and that for lack of preparation we may be disgracefully thrashed. That is nothing. We can go to work and build ships in numbers and have our revenge. It will take a very short time to do all this and our enemies will meantime allow us to build our warships without let or hindrance. We must not have an efficient Navy. If we build one our naval officers will be spoiling for a fight and want to annex some outlying islands or provinces.

Such is the idea and the talk of some who are hardly ready to avow it publicly. I wish gentlemen to take heed to it that the American people are not willing to exist with all their rights and dignity as a nation upon the mere sufferance of foreign powers. Let them remember how different our position is from that of the European nations. In a naval war England may probably count on the alliance of Germany and Italy to supplement and reinforce her own fleets. France may rely on Russia, and Russia in turn on France. Hardly one of these European Governments is outside of an alliance in case of war, but if we have conflict we have no bond that assures us of an ally to help us out. Indeed, if we were to propose such an alliance to any power we might be exposed to the humiliating question, "What can you do to help us in return for what we do for you?"

But there is another most important consideration which is pointed out to us in the report of the Secretary. We are about reaching a point when if we stop constructing ships the extensive plants and workshops for armor, war ships, and the like will be abandoned and go to waste, and the present well-organized and skilled body of mechanics and laborers will be dispersed, many of them perhaps going to foreign countries for their employment at the hands of Governments more sagacious than ours in providing for the maintenance of national rights and honor. If this be done, and the time shall come when an indignant public sentiment shall force additions to the Navy, we shall have to wait years before we can reinstate ourselves where we stand to-day. Our present standpoint is one of great advantage for naval construction, the result of long and patient effort, study, and skill. A battle ship or an armored cruiser is not built in a day any more than Rome was built in a day.

Sir, it would be the height of folly to throw away our present power and capacities for building and equipping vessels of war. It is our duty to give the additions the Department asks us to give, and to add also the 2,088 men essential to man the vessels already built. I admit the present deficiencies of the revenue, but these will be supplied, and as the appropriation for the increase contemplated will be carried through a series of years, the amount to be paid in the next year will not be large enough to create any trouble in raising the money needed. If we do this we will have done a good work and the people will applaud our action. [Loud applause.]

Mr. TALBOTT of Maryland. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. O'NEIL of Massachusetts, from the Committee of the Whole, reported that they had had under consideration the naval appropriation bill and had come to no resolution thereon.

#### JAMES JONES.

Mr. DOCKERY. Mr. Speaker, I ask unanimous consent for the present consideration of House bill No. 8811, which I send to the desk.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby,

authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Jones, a soldier of the war of 1836, and pay him a pension at the rate of \$12 per month from and after the passage of this act.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. DOCKERY, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### HOUSE OF MEETING TO-MORROW.

Mr. TALBOTT of Maryland. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

There was no objection, and it was so ordered.

#### EXTENSION OF TIME FOR INCOME-TAX RETURNS.

The SPEAKER laid before the House a joint resolution (H. Res. 273) extending from March 1, 1895, to the 15th day of April, 1895, the time for making returns of income for the year 1894, with amendments of the Senate thereto, on which a conference was requested.

Mr. WILSON of West Virginia. Mr. Speaker, I move that the House disagree to the amendments of the Senate and agree to the conference asked for on the disagreeing votes of the two houses.

There was no objection, and it was so ordered.

The SPEAKER appointed as conferees on the part of the House Mr. McMILLIN, Mr. MONTGOMERY, and Mr. HOPKINS of Illinois.

#### PUBLIC SCHOOLS, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate of deficiency in the appropriation for public schools, District of Columbia, submitted by the Commissioners of the District; which was referred to the Committee on Appropriations, and ordered to be printed.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendments bills of the following titles:

A bill (H. R. 109) to provide for the purchase of a site and the erection of a public building thereon at South Omaha, in the State of Nebraska;

A bill (H. R. 4283) to provide for the purchase of a site and the erection of a public building thereon in the city of Cumberland, Md.; and

A bill (H. R. 2337) for the erection of a public building at Newport, Ky.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2576) for the erection of a public building at Paris, Ky.; and

A bill (S. 2409) granting certain lands in the abandoned military reservation at Fort McKinney, Johnson County, Wyo., to the State of Wyoming for public purposes.

The message also announced that the Senate had passed with an amendment the bill (H. R. 4952) to amend section 2455 of the Revised Statutes of the United States; in which the concurrence of the House was requested.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 444) making the surveyor of the District of Columbia a salaried officer, and to provide for more efficient service in the surveyor's office, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PROCTOR, Mr. FAULKNER, and Mr. HANSBROUGH as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1717) to authorize the appointment of women as public-school trustees in the District of Columbia, asked a conference with the House on the bill and amendment, and had appointed Mr. MARTIN, Mr. HARRIS, and Mr. HOAR as the conferees on the part of the Senate.

#### ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 655) to extend the jurisdiction of justices of the peace in the District of Columbia and to regulate the proceeding before them;

A bill (H. R. 27) to increase the limit of cost for the erection of a public building at Paterson, N. J.

A bill (H. R. 4658) granting a pension to Hiram R. Rhea, and repealing an act approved March 3, 1871.

A bill (H. R. 5216) to amend the act entitled "An act to estab-



lish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891;

A bill (H. R. 5740) incorporating the Society of American Florists;

A bill (H. R. 7731) for the relief of certain Winnebago Indians in Minnesota, and

A bill (H. R. 8486) to relieve Abraham D. Prince.

#### PENSIONS.

Mr. STRONG, by unanimous consent, reported from the Committee on Invalid Pensions an act (S. 1876) to provide for the payment of accrued pensions in certain cases; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

#### RECESS.

Mr. MARTIN of Indiana. Mr. Speaker, I ask unanimous consent that the recess be taken now.

The SPEAKER. It lacks only a minute and a half of the regular time, and if there be no objection the Chair will now declare the House in recess until 8 o'clock p. m. under the rule. The gentleman from Missouri, Mr. DOCKERY, will perform the duties of the Chair at the evening session.

#### EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Mr. DOCKERY as Speaker pro tempore.

#### ORDER OF BUSINESS.

Mr. MARTIN of Indiana. I move that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar under the rule applicable to Friday night sessions.

The question being taken, the motion was agreed to, there being on a division (called for by Mr. TALBERT of South Carolina)—ayes 25, noes 0.

The House accordingly resolved itself into Committee of the Whole (Mr. BRETZ in the chair).

Mr. MARTIN of Indiana. Mr. Chairman, before asking unanimous consent, as I shall do in a moment or two, for a special order of proceeding this evening, I wish to make a short statement. We can have at most but two more Friday evening sessions.

A MEMBER. Only one more.

Mr. MARTIN of Indiana. Not a large number of Senate bills have been passed at these evening sessions. While I do not desire to refer to what takes place at the other end of the Capitol, yet there is some dissatisfaction on the ground that we have not disposed of very many Senate bills. I think that there are upon the Calendar altogether some forty bills coming from the Committee on Invalid Pensions. I can not tell how many there are coming from the Committee on Pensions, of which the gentleman from Georgia [Mr. MOSES] is chairman, probably thirty.

I do not know how many there are from the Committee on Military Affairs; and I believe there are none that we have a right to consider at a Friday night session coming from the Committee on the Judiciary. But this evening and next Friday evening will practically settle all that we can do upon this class of business during this Congress.

Whether the fact be to our credit or discredit, the work of this Congress in the passage of private pension bills has been smaller than that of any preceding Congress within my present recollection. This work has not been accomplished without a great deal of labor. We have had a great many Friday night sessions. And now that these sessions are coming to a close, and since the committees have given the work they have to these bills, reported them, and placed them on the Calendar, I suggest to every member here, not by way of lecture at all (for I am not given to lecturing), but in the interest of public business and in consideration of the rights of these people whose bills have been thus far reported—I suggest that we give special attention to business this evening.

Now, let me call attention to one thing. We have a Clerk who can make himself distinctly heard—a good reader—but what is the use of our Clerk reading a report while members all around are engaged in something else, paying no attention to the reading? And then the moment the reading is concluded and the question is put by the Chair, "Shall the bill be laid aside with a favorable report," some member who has not been paying attention rises and says "I would like to know something about this bill," when in point of fact almost everything that he could desire to know might have been learned from the report if he had listened to the reading. We could proceed much more speedily without being rash or reckless at all.

I beg pardon of the Committee of the Whole for having said this much; but I wished to call attention to the shortness of the time remaining, the great amount of work that is still on our Calendar,

the small number of bills that have been passed, and what we might yet accomplish if we will properly economize our time.

Now, Mr. Chairman, I wish to make a proposition for unanimous consent; and it is this: That the roll be called and that each member present when his name is reached may call up a bill introduced by himself or a Senate bill coming from the State in which he resides and a bill in which he is interested.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent—

Mr. JONES. One question before that request is put. I wish to inquire whether this order of proceeding, if adopted, is expected to obtain next Friday night. If we should not complete the roll to-night, will the call be resumed next Friday evening where it stops to-night? I have no objection to the request of the gentleman if it is limited to to-night.

Mr. MARTIN of Indiana. That is a question for the Chair to determine, as to the effect of the order.

Mr. JONES. The Chair has held that under such an order as this we are obliged to continue the roll call at the next evening session if it be not completed on the evening when it is begun. It has also been urged on this floor that it was wrong for any member to object to the continuance of the roll call on a subsequent evening—that such an objection was not fair or honest. If this request be limited to to-night, I have no objection.

Mr. MARTIN of Indiana. Before we settle the question, let me put this proposition: Suppose the roll should be called to-night halfway down, so that half the gentlemen present here are not reached. Would it be any more than fair that when we come together next Friday night the roll call should proceed from the point where it had stopped?

Mr. JONES. Let us determine that next Friday night when we assemble; let us not undertake to-night to fix an order for next Friday night.

Mr. MARTIN of Indiana. I hope the gentleman will not object to agreeing here and now that the order shall continue.

Mr. JONES. I wish to give notice that next Friday night I shall object to the continuance of this same order of business; but I will not object to the order if it be limited to to-night. I give this notice now, so that if I should object next Friday night gentlemen may not say that I sat here and consented to this order being made with the understanding that it should continue next Friday night.

Mr. MARTIN of Indiana. Then I modify my request and ask unanimous consent, for the purpose I have expressed, for this evening only.

Mr. PICKLER. Will the gentleman state his request again?

Mr. MARTIN of Indiana. That the roll be called and each member present, as his name is reached, be allowed to call up one bill introduced by himself, or a bill introduced by a Senator from the State he represents on this floor. I do not want to neglect the Senate bills and we ought not to do so. The order to be applicable to this evening only.

Mr. RYAN. I understand that if the roll call be not completed to-night, and we desire to continue it to its completion on next Friday night, the gentleman from Virginia indicates that he will object.

Mr. JONES. I did not mean to make that statement, but meant that if the effort was to fix the order to-night for next Friday, I would reserve my right to object at that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana, the order to apply only to this evening?

There was no objection, and it was so ordered.

#### HARRISON C. HOBART.

Mr. BALDWIN. I call up Senate bill 1969, granting a pension to Harrison C. Hobart.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension rolls the name of Harrison C. Hobart, late brevet brigadier-general of volunteers, and pay him a pension at the rate of \$50 per month.

Mr. JONES. Let us have the report.

The report (by Mr. BALDWIN) was read, as follows:

The Committee on Invalid Pensions have considered the bill (S. 1969) granting a pension to Harrison C. Hobart, which passed the Senate August 5, 1894, and submit the following report:

The bill proposes to pension at \$50 per month this soldier, whose service was as follows: Captain Company K, Fourth Wisconsin Infantry, from July 2, 1861; lieutenant-colonel Twenty-first Wisconsin Infantry from September 15, 1862; colonel of same regiment from November 1, 1864; commissioned brigadier-general by brevet to date January 12, 1865, and honorably discharged June 16, 1865.

It appears that this soldier has never applied for pension under the general laws, and nothing is shown in the Senate report as to his present physical or financial condition; but several witnesses testified before the committee from personal knowledge that he is very aged, utterly disabled, and absolutely without means.

If this man were pensioned under the general law for disability incurred in service, at the "total" rate for his rank, he would receive but \$30 per month, and no reason appears why he should be given the exceptional rate of \$50.

Your committee therefore recommend that the bill be amended by striking

out the word "fifty" in line 6, and insert in lieu thereof the word "thirty;" and that as so amended the bill do pass.

For further statement of facts bearing on the case attention is invited to Senate report 649.

The CHAIRMAN. The question is on the amendment recommended by the Committee on Invalid Pensions.

Mr. LYNCH. Mr. Chairman, I hope this amendment will not prevail. I have known General Hobart for the last thirty years well and intimately, as a neighbor, as a friend, and as a public man in our State. General Hobart was one of the most honored citizens of Wisconsin long before the war broke out, and was one of the leading citizens in the State at the time. He was twice the candidate of his party for Congress in that State, and once a candidate for governor before the war, and once a candidate for governor since the war. He was among the foremost men and leading citizens of Wisconsin at that time. He was one of the first prominent, leading men in the State who raised a company and enlisted himself as a private. He was promptly elected captain of it. He had his company ready long before he could have it assigned to any regiment for service.

He went into the Army as captain of Company K, Fourth Wisconsin Infantry, which was changed afterwards to a cavalry command, and served there as captain for about a year and a half. He was then promoted and made lieutenant-colonel of the Twenty-first Wisconsin. After General Sweet, the colonel of the regiment, was wounded, General Hobart had command of the regiment, and was afterwards taken prisoner and served for eight or nine months in Libby Prison. He was one of the two or three prisoners who devised the plan for getting out of the prison. He and Colonel Wells were, in fact, the promoters of the scheme to burrow out.

Mr. MARTIN of Indiana. I beg the gentleman's pardon for interrupting him, but I trust he will not insist on his opposition to the amendment. The committee after due consideration reduced the amount in the Senate bill from \$50 to \$30. No application was made at the office, as the gentleman knows, for pension.

Mr. LYNCH. None. After his escape from Libby Prison he returned to his command, where he was promoted to a brigadier-general, and commanded a brigade to the close of the war.

Mr. MARTIN of Indiana. And I beg the gentleman will not insist on even prolonging his remarks.

Mr. LYNCH. But this is an exceptionally meritorious case. I know him well, and this committee can afford to understand the case; but I have no disposition to take any unnecessary time.

Mr. TALBERT of South Carolina. What would he get if he were allowed a pension under the general law?

Mr. MARTIN of Indiana. Thirty dollars a month.

Mr. CAMPBELL. But he is to be commended for not having gone to the Pension Office and made his application sooner.

Mr. LYNCH. And the fact that he has not been drawing a pension all these years is strong ground for granting him a pension now slightly in excess of what the law prescribes.

Mr. TALBERT of South Carolina. Has he not an invalid wife living?

Mr. LYNCH. She has been paralyzed and bedridden for twelve years to my personal knowledge.

General Hobart met with financial reverses and misfortunes and has been reduced almost to poverty. I know that he has no income or visible means to help him in his old age. He is 80 years of age, and can draw this pension but a few years at the best. The fact that he was not an applicant for a pension heretofore, when entitled to it, ought to be to his advantage on this occasion and increase the amount of pension to him in his old age.

No more deserving man lives in the State; no braver man ever left the State and served in the Army of the Union, nor does a more gallant and faithful soldier live to-day in Wisconsin or elsewhere. He was too proud, patriotic, and honorable to ask for a pension, nor would his friends now, except from a sense of justice to him. He does not ask for it now. I do not know that this effort to get him a pension is with his knowledge at all. That is the style of man he is; and I think that such a man as that ought to receive a more kindly consideration. A man that has performed the service for the country that he did is certainly entitled to a little more than a strict technical construction of the rules of law that would restrict him to a smaller sum than justice entitles him to. I hope the amendment will not prevail; and that the Senate bill, which gives \$50 a month, will remain as it is and will be agreed to by the committee.

The CHAIRMAN. The question is on agreeing to the amendment recommended by the Committee on Invalid Pensions.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

Mr. BANKHEAD (when his name was called). Mr. Chairman, I desire to ask to reinstate a bill that went off the Calendar some time during my absence. I want to say, Mr. Chairman, that this

bill is the only one of its kind that I have asked any committee of Congress to consider during my term in Congress of eight years.

Mr. HAYES. Why did it go off the Calendar?

Mr. BANKHEAD. It went off the Calendar, as I understand, on the motion of the gentleman from Texas [Mr. KILGORE]. The bill was reached in its regular order and was being considered. My colleague [Mr. STALLINGS], who is a member of the committee which considered the bill, had filed a minority report against the recommendations of the majority of the committee. There being no one here to represent the claimant when the bill was reached, the gentleman from Texas [Mr. KILGORE] moved that the bill be laid upon the table.

Now, Mr. Chairman, I will say that I hardly expect to have this bill considered during this session of Congress, but I feel a peculiar interest in having it reinstated and placed upon the Calendar, in order that if an opportunity should come I may submit some remarks touching this case and this claimant in reply to the criticisms of the gentleman from Virginia [Mr. JONES] that were passed upon it a few nights ago. Now I ask unanimous consent that the bill be reinstated.

Mr. JONES. Mr. Chairman, I make the point of order that we have adopted a rule of procedure for this evening and that this motion can not be entertained.

The CHAIRMAN. The Chair desires to state to the gentleman from Alabama that the committee can not reinstate a bill which is not on the Calendar. It would have to be done in the House.

Mr. BANKHEAD. The committee directed it to go off the Calendar, and I think by unanimous consent of the committee it could be reinstated.

The CHAIRMAN. The Chair is of the opinion that it could not.

Mr. BANKHEAD. I beg leave to suggest to the Chair that when I asked unanimous consent a few nights ago to have this bill reinstated the present occupant of the chair then occupied the chair and held that the motion was in order. Of course, though, I submit to the ruling of the Chair.

The CHAIRMAN. The Chair desires to state to the gentleman from Alabama that the point did not occur to the Chair at that time that the bill had been ordered to be laid on the table by a former committee, and that the committee had no right to so reinstate it, as he holds now.

Mr. MOSES. Regular order.

The CHAIRMAN. The Chair desires to state further that the committee only recommended that the bill lie upon the table, and the House confirmed that action, and the committee can not reverse that action of the House.

Mr. BANKHEAD. I have no other bill on the Calendar. It seems that I have not this one on the Calendar either. [Laughter.]

WEIR CRAWFORD.

Mr. BRETZ. Mr. Chairman, two weeks ago a bill was passed over with the right that I might call it up at this Friday night session. The bill (H. R. 6928) is a bill to remove the charge of desertion from the military record of Weir Crawford.

Mr. Chairman, this bill was fully considered by the committee on last Friday night two weeks ago, and was passed over because a question was raised by the gentleman from Virginia [Mr. JONES] upon a section of the statute which was supposed to apply to cases of this kind. It was laid aside without prejudice upon my request, that I might get the opinion of Colonel Ainsworth upon the section of the statute referred to, which was claimed by the gentleman from Virginia to apply to this case. Mr. Chairman, I ask the Clerk to report the bill.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Weir Crawford, late of Company G, Fifty-second Regiment of Indiana Infantry Veteran Volunteers, and to issue said Crawford an honorable discharge from said service.

The Committee on Military Affairs recommended the adoption of the following amendment:

In line 5 strike out the word "Weir" and insert in lieu thereof the word "Weir," and after the word "service," in line 8, insert the words "Provided, That no pay or allowance shall become due or payable by reason of this act."

Mr. BRETZ. I now send to the Clerk's desk a letter from Colonel Ainsworth touching this section of the statute to which the gentleman from Virginia referred.

The Clerk read as follows:

RECORD AND PENSION OFFICE, WAR DEPARTMENT,  
Washington City, February 5, 1895.

SIR: In compliance with your personal request of yesterday for a statement of the ground upon which this Department has declined to remove the charge of desertion standing against Weir Crawford as a private of Company G, Fifty-second Indiana Volunteers, and in reply to your inquiry as to the bearing which section 4749 of the Revised Statutes has upon this and similar cases, I have the honor to advise you as follows:

The War Department is precluded from removing the charge of desertion and issuing an honorable discharge in this case by section 7 of the act ap-



proved March 2, 1889, the only law now in force governing the subject of removal of charges of desertion. This section provides that any soldier who left his command while "in arrest or under charges for breach of military duty" shall not be entitled to relief under the act; and it appears from the official records, as well as from the sworn statements made by the applicant himself in this case, that Crawford left his command while in arrest for a breach of military duty.

Section 4749, Revised Statutes, does not authorize the War Department to take any action in this case, or that of any other deserter from either the Regular or the Volunteer Army. As a matter of fact, it does not apply to either regulars or volunteers except in a very limited way, as will be shown by a glance at its concluding paragraph, which provides that "this section shall be construed solely as a removal of any disability such soldier or sailor may have incurred by the loss of his citizenship in consequence of his desertion." It will be readily seen, therefore, that this section does not authorize the removal of the charge of desertion, or the issue of an honorable discharge, or any correction or alteration whatever of a soldier's record.

It does not put a man whose final record is that of a deserter in the status of honor held by an honorably discharged soldier, nor does it relieve a deserter from any of the pains and penalties incurred by desertion except as to his citizenship and right to hold any office of trust or profit under the United States, which were forfeited by section 1900, Revised Statutes. But it has been held, and is now well settled, that this forfeiture can not be applied to a person until he has been tried by court-martial and found guilty of desertion. (See *Kurtz vs. Moffit*, 115 U. S., 501, and cases there cited.)

So that after all section 4749 applies only to the very inconsiderable number of persons who deserted after April 19, 1865, and who were also tried by court-martial and found guilty of desertion; and for them it does nothing at all but restore their citizenship and right to hold office. It is of no benefit whatever to the large class of men who deserted after April 19, 1865, but were not tried by court-martial and convicted of desertion. Nor is it of any benefit to a class which comprises by far the greatest number of deserters, viz, those who abandoned the service prior to April 19, 1865.

Very respectfully,

P. C. AINSWORTH.

Colonel, United States Army, Chief Record and Pension Office.

Hon. JOHN L. BRETZ,  
House of Representatives.

Mr. BRETZ. Now, Mr. Chairman, if no one desires any further information, I ask that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. JONES. Mr. Chairman, I should like to have the report read.

The report (by Mr. BRETZ) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6923) to remove the charge of desertion from the military record of Wear Crawford, have considered the same and report as follows:

Wear Crawford was enrolled and mustered into the service as a private in Company G, Fifty-second Indiana Volunteers, January 14, 1863, to serve three years. He appears to have served faithfully to June 28, 1865, having reenlisted as a veteran volunteer February 27, 1864. The company morning report for June 28, 1865, shows him "absent in confinement," and for June 29, 1865, shows him "from confinement to absent without leave." The company muster roll, dated June 30, 1865, reports him "absent without leave since June 28, 1865," and that dated August 31, 1865, reports him "deserted August 11, 1865." The company muster-out roll, dated September 10, 1865, reports him "deserted at Montgomery, Ala., August 11, 1865."

With a view to correcting his said military record the said Wear Crawford, on July 19, 1886, filed with the proper authorities of the War Department an application for removal of the charge of desertion against him, and subsequently, on October 25, 1889, filed an affidavit, in which he states that at Montgomery, Ala., while he was on post, he halted an officer who was drunk and had no pass; that the officer shot at him three times, when he ran at the officer with his bayonet, whereupon he was arrested and put in the guardhouse, when he got frightened and left, and went to Mississippi.

Subsequently, on November 30, 1889, February 20, 1890, May 6, 1890, the said Wear Crawford filed with the War Department similar affidavits to the one of July 19, 1886, and in the latter affidavit calls attention to his long and faithful services, and says that at the time he had the altercation mentioned he did not know that his assailant was an officer; that he did not belong to his command, and he was only afterwards learned that he was an officer and was a captain in an Illinois regiment; that in his encounter with said assailant he was in strict line of duty, and acted in obedience with orders and faithful duty as a soldier.

On the evidence submitted the War Department denied him the relief sought, on the ground that "the admitted fact that he (the soldier) deserted while under arrest instead of remaining and meeting the charges against him, as he should have done, precludes favorable action under the law, and the application must therefore be again denied."

The following additional evidence was before the committee:

Of date December 16, 1891, the said Wear Crawford makes affidavit that he is the identical Wear Crawford who enlisted in Company F, First Regiment Ohio Infantry Volunteers, for a period of three months, and was honorably discharged at Columbus, Ohio, by reason of expiration of term. That he again enlisted in the service of the United States as a private, Company G, Fifty-second Regiment Indiana Infantry Volunteers, for a term of three years, on the 14th day of January, 1863, and was honorably discharged from said service on the 20th day of February, 1864, by reason of reenlistment as a veteran in same company and regiment.

That under his reenlistment as a veteran he served faithfully in Company G, Fifty-second Regiment Indiana Infantry Volunteers, until the 11th day of August, 1865, when, without fault upon his part, he became involved in a difficulty with an officer of another organization, and under advice of comrades and friends he left the service while under arrest. That he subsequently enlisted in the service of the United States as a private in Company D, Fifth Regiment United States Cavalry Volunteers, for a term of five years from the 12th day of January, 1867, and was honorably discharged at Fort D. A. Russell, Wyo., on the 12th day of January, 1872.

That his record as a soldier during all of said services is unassailable with the single incident above referred to, wherefore he asks the Congress of the United States to authorize and direct the Secretary of War to amend his military record by removing the charge of desertion from Company G, Fifty-second Regiment Indiana Veteran Volunteers, and directed to grant an honorable discharge from said service.

Subsequently, of date January 9, 1892, the said Wear Crawford, in an affidavit of that date, says: That while in said service he was on duty at an outpost and had orders to allow no one to pass the lines either way who did not show a pass from the proper officer. While in the performance of his duty as a sentinel an officer attempted to cross his post into town and, after being challenged, refused to show a pass. Claimant attempted to stop him. He refused to acknowledge that the claimant had any right to either detain

or molest him. In the quarrel which followed the officer attempted to shoot the claimant with a pistol. Claimant also snapped his gun, but did not fire.

Claimant pursued the officer with his bayonet for some distance. The officer had claimant arrested and he was put in the guardhouse, where he remained for several days, when he was persuaded by his comrades to leave (after they had furnished him with money) by telling him that the officer no doubt would have him severely punished, and that the war was then over, etc. He allowed them to persuade him, and he left the service on August 11, 1865.

Of date August 31, 1891, Alfred C. Pearsey makes oath as follows:

"I was a member of Company G, Fifty-second Indiana Volunteer Infantry, and well knew Wear Crawford, of said company, who was a good and faithful soldier, never flinching from duty in battle or at any other time, and who is charged with desertion, which does him great injustice. He was persuaded by his comrades against his own inclinations to leave for fear of a more severe punishment on account of a personal difficulty with an officer who exceeded his duty as such, thus bringing on the difficulty, as I was informed at the time by a comrade who was then present, but now dead.

"The sympathy of our comrades who knew the circumstances was all with Private Crawford, and joined in persuading him to leave, fearing and believing that he would be unmercifully punished for his trouble with an officer. The war was over, and no further need of our services seemed necessary, and I loaned him money to go away with, believing I was doing a just and meritorious service in saving a good soldier from rigorous punishment by a tyrannical officer from another command. I know to a certainty that he had no desire to desert the Army, and he would not have done so had he not been overpersuaded by his comrades, who thought it the best thing for him to do."

His colonel, captain, and lieutenant, all testify to Crawford's long and faithful service, and obedience to orders, etc.

In view of the long and faithful service of this soldier, and in view of the fact that he did not leave his command with the intention of deserting, but merely to avoid the possible severe punishment he might receive for a supposed breach of military duty, the committee report the bill back to the House with the following amendment, and recommend that the bill do pass:

Provided, That no pay or allowance shall become due or payable by reason of the passage of this act.

The amendment recommended by the committee was agreed to.

The CHAIRMAN (Mr. MCKAIG). The question is on laying the bill aside with a favorable recommendation.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. TALBERT of South Carolina. Division, Mr. Chairman.

The committee divided; and there were—ayes 32, noes 1.

So the bill was ordered to be laid aside with a favorable recommendation.

MAJ. GEN. JULIUS H. STAHEL.

Mr. CAMPBELL (when his name was called). Mr. Chairman, I call up the bill (H. R. 6901) to increase the pension of Maj. Gen. Julius H. Stahel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Julius H. Stahel, late major-general of volunteers in the Union Army, and pay same at the rate of \$100 per month, in lieu of what he now receives, from and after the passage of this act.

Mr. JONES. Mr. Chairman, I would like to have the report read.

Mr. CURTIS of New York. Mr. Chairman, would it not be acceptable for the gentleman introducing this bill to state the substance of it without reading these long and tedious reports? Many of these reports are long, very much longer than they need to be to express the facts; and if the member states what they are it enables the committee to form an opinion upon the merits, and then we can vote and get through with many more bills.

Mr. JONES. Mr. Chairman, I can not consent to that, nor can I agree with my friend from New York that these reports are longer than they should be. I have discovered in my experience that many of them are too short; that they leave out a great many matters of importance that bear upon the case. I think that with reference to a bill that involves a pension of \$100 the report should be read.

Mr. CURTIS of New York. I withdraw my request if it tends to excite discussion.

Mr. CAMPBELL. I ask that the report be read.

Mr. HICKS. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN (Mr. BRETZ). The gentleman will state it.

Mr. HICKS. I was not here when the House opened this evening, and therefore I inquire why the gentleman from New York [Mr. CAMPBELL] is permitted to call up a bill.

The CHAIRMAN. Unanimous consent was obtained to call the roll, beginning at the head, and each member when his name is called is to have the privilege of calling up a bill that he introduced himself or a Senate bill in which he was interested.

Mr. HICKS. Unfortunately my name is about the middle of the roll—

Mr. CURTIS of New York. Your turn will come soon.

Mr. HICKS. Just when my turn is reached on the call of the roll they will return to the consideration of bills in their order on the Calendar.

Mr. CAMPBELL. If this were not a case of charity I would give the gentleman my turn.

Mr. JONES. Mr. Chairman, I would like, before the report is read, to make an inquiry. The Chair has stated what the rule was, and that rule was that a gentleman could call up a bill introduced by himself, or a Senate bill in which he was interested. I would like to ask by whom this bill was introduced.

**Mr. CAMPBELL.** This bill was introduced by myself, at the request of a large number of gentlemen in this country.

The report (by Mr. RYAN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6801) to increase to \$100 per month the pension of Maj. Gen. Julius H. Stahel, respectfully report:

Julius H. Stahel was a Hungarian nobleman, who enlisted under Kossuth and fought with him in the patriot uprising against the Austrians in 1849. On the suppression of that movement he was obliged to flee from his native land, and in 1854 came to the United States, where he was engaged in the publication of a newspaper at the breaking out of the war of the rebellion.

Under the call of President Lincoln he enlisted as a private, April 23, 1861, and continued in active service in the field, being promoted meanwhile, for meritorious conduct, through the various grades of rank to that of major-general, until after the battle of Piedmont, June 5, 1864, when, in consequence of a wound received in that battle, he was ordered to Harpers Ferry for the purpose of collecting and organizing troops.

He was subsequently ordered to Baltimore on court-martial duty, and continued on such until February 8, 1865, when, failing to recover his health, he resigned.

The Official Records of the Rebellion, a few extracts from which are hereto appended, bear ample testimony to the valuable services rendered to the Union cause by General Stahel, as the Congressional medal which was awarded him for distinguished gallantry at the battle of Piedmont is a merited and grateful tribute to his personal bravery.

After the close of the war he was appointed to a position in the consular service and remained in such service about thirteen years, when, in consequence of ill health, engendered, it is said, by disease contracted in the Army, he was obliged to resign.

How his services as consular agent were appreciated is shown by the following letter from Secretary Bayard:

DEPARTMENT OF STATE, Washington, October 24, 1885.

MY DEAR SIR: I have this moment received your letter of this date, resigning the position of consul-general at Shanghai, and make unfeigned expression of my sincere regret that the Government is to lose the services of so efficient and faithful an officer. And permit me to say how much my regret is increased by the cause of your resignation.

The record of your public service is unimpeachable, and I sincerely trust that in your new pursuit you may fully recover the health you have lost, and with it enjoy an ample and prolonged prosperity.

Very respectfully, your obedient servant,

T. F. BAYARD.

Gen. JULIUS STAHEL.

After partially recovering his health he secured a business position in the city of New York, in which he continued until recurring disease, infirmities, and the burdens of old age compelled his final retirement from active life.

Although entitled to a pension since his resignation, in 1865, he did not apply until 1893. Since February, 1893, he has been in receipt of \$30 per month, the amount he would have been allowed had he made application during the previous twenty-eight years.

He is now in his sixty-ninth year, and in needy circumstances.

Your committee think he is fairly entitled to the pension applied for, and therefore recommend the passage of the bill.

#### APPENDIX.

[Private.]

HEADQUARTERS ARMY OF POTOMAC,  
Steamer Commodore, April 2, 1862.

MY DEAR STAHEL: I can not express to you the regret I feel on parting from you both personally and officially. I had hoped to have you with me. The order ordering the division army from the Army of the Potomac was given without my knowledge.

I do not know that I can arrange it, but would like to know whether it would be agreeable to you personally, under all the circumstances, to join me again if it is possible to effect it.

Please let me hear from you about it. Whatever the result may be and wherever you may go you will ever have my warm regard.

Trusting that we shall meet again, I am, your sincere friend,

GEO. B. McCLELLAN.

Maj. Gen. JULIUS STAHEL.

HEADQUARTERS ELEVENTH CORPS,  
Fairfax C. H., August 30, 1862. (1.10 o'clock p. m.)

GENERAL: The following dispatch is just received from General Burnside:

"General SIGEL:

"Your dispatches of 8 p. m. and 7.30 p. m. received. The commanding general desires me to tender his thanks to Brigadier General Stahel and the officers and men of his command for the brilliant success they have achieved."

JNO. G. PARKE, Chief of Staff.

Official:

T. A. MEYSENBURG,  
Assistant Adjutant-General.

Brigadier-General STAHEL,  
Commanding Division.

[From General Schenck, by Colonel Chaseborough, from the Rebellion Record, Series I, Volume XII, Part II, page 253, relative to second battle of Bull Run.]

Upon mentioning to General Schenck the fact that I have been requested to make a report of Saturday's proceedings, and while unable in his present condition even to revise what I have written, he yet desires me to say that he wishes to express his approbation of the coolness and bravery displayed by General Stahel, etc.

HEADQUARTERS DEPARTMENT OF WASHINGTON,  
Washington, March 13, 1863.

GENERAL: In reply to the conversation we have had this morning, I am happy to say that nothing would afford me more pleasure than to have you assigned to my command.

The cavalry service is now suffering greatly from the want of an officer of your rank, experience, and well-known soldierly qualities to take command of the cavalry in this department.

I am, General, very respectfully, your obedient servant.

S. P. HEINTZELMAN,  
Major-General.

A true copy:

Brig. Gen. JULIUS STAHEL,  
United States Volunteers.

DRAKE DE KAY, A. D. C.

HEADQUARTERS DEPARTMENT OF WASHINGTON,  
Washington, July 11, 1863.

GENERAL: I regret that when you left my command I did not know what disposition would be made of the cavalry. I have seen General Hooker and many of the officers of his command, and they have expressed themselves in the most unqualified praise of the splendid condition of your cavalry. They declared it the best they had ever seen.

Their good condition and efficiency are owing to the able manner in which you have commanded them.

I can assure you that I parted with you and them with many regrets.

I am, General, very respectfully, your obedient servant.

S. P. HEINTZELMAN,  
Major-General.

Maj. Gen. J. STAHEL, Commanding Cavalry,  
Department of the Susquehanna, Harrisburg.

HEADQUARTERS DEPARTMENT OF THE SUSQUEHANNA,  
Chambersburg, Pa., March 21, 1863.

MY DEAR GENERAL: The order for your transfer to General Sigel's department has arrived this evening, and having myself to leave in the morning I may not have the pleasure of congratulating you upon the honor conferred upon you.

During an intimate association for the past nine months you were ever ready to second my wishes in the performance of duty, and I am glad to express to you my thanks for your assistance cheerfully given under every and all circumstances.

I shall follow your further career with great interest, and permit me to wish you every success for the future.

I am, sir, very respectfully,

D. N. COUCH, Major-General.

Maj. Gen. JULIUS STAHEL,  
Camp Instructions, etc.

HEADQUARTERS DEPARTMENT OF WEST VIRGINIA,  
Staunton, Va., June 9, 1864.

GENERAL: I have the honor to inform you that in consequence of a wound received while gallantly leading his division in the recent battle of the 5th instant, at Piedmont, I have relieved Maj. Gen. Julius Stahel from service with the forces in the field, and have ordered him to Martinsburg and Harpers Ferry for the purpose of collecting and organizing all troops that can be spared from the defense of the Baltimore and Ohio Railroad and returning to this army in charge of the important train about which I have had the honor to telegraph to you in cipher. I beg that if you can aid General Stahel to collect the detachments belonging to this command from the dismantled camp in Pleasant Valley, Md., you will do so, and that you will be kind enough to forward his views under the instructions he has received.

It is but justice to Major-General Stahel to state that in the recent engagement he displayed excellent qualities of coolness and gallantry, and that for the final happy result the country is much indebted to his services.

I part with General Stahel with regret, and trust, most respectfully, that there will be no delay in forwarding the train with which—and the troops collected at Martinsburg, Harpers Ferry, from the Kanawha, and Pleasant Valley, if possible—he is to return.

I have the honor to be, General,

Very respectfully, your most obedient servant.

D. HUNTER, Major-General.

Official:

CHAS. S. HALPINE,  
Assistant Adjutant-General.

Maj. Gen. H. W. HALLECK,  
Chief of Staff, United States Army, Washington, D. C.

BALTIMORE, MD., February 10, 1865.

DEAR GENERAL: I learn with sincere regret that you have resigned your commission and are about to retire into private life. At this occasion, so unexpected to myself, as it must be to everyone who justly values your services of four years' duration, I feel it my duty to thank you for the faithful and excellent assistance you have given to me, when serving with me as a brigade and division commander, and as commander of the Eleventh Corps, Army of the Potomac, when it formed part of the Fourth Grand Division commanded by me. I also will never forget the valuable services rendered by you as chief and commander of the cavalry of the army of West Virginia when I held command of that army and department. You know very well that I would not show you my confidence better than by intrusting you with the command of the troops which formed the army of the Shenandoah in the spring of 1864.

In many engagements, especially those on the Rappahannock and at the battle of Groveton and Bull Run in 1862, before Washington in 1863, and at New Market in 1864, I had good opportunity to become aware of your excellent qualities as a commander, whilst your incessant labors on long and fatiguing marches, your success in organizing, drilling, and disciplining troops, as well as your bravery in battle, will be and are duly acknowledged by the many thousands who have been under your command.

To have done your duty as a citizen of this Republic in the hour of danger and under so many adversities, fatigues, and even misfortunes, to be respected by your comrades in arms as a perfect gentleman, as a soldier and commander, must be your best reward at this moment, when by extraordinary proceedings and by a just regard for your honor you have found it necessary to quit the service.

My best and sincerest wishes for your success and welfare will accompany you in your future career.

Very truly and respectfully, your friend,

F. SIGEL, Major-General.

Maj. Gen. JULIUS STAHEL.

Mr. JONES. Mr. Chairman, I move to strike out the words "one hundred" and insert in lieu thereof "fifty."

Mr. CAMPBELL. Mr. Chairman, I was about to say a few words in regard to the distinguished gentleman whose case is now under consideration, but I think the report speaks for itself; and if the gentleman from Virginia will cheerfully support the measure I accept his proposition, because I know if there ever was a genuine, patriotic, and charitable measure this is one.

Mr. JONES. Mr. Chairman, I can not agree with the gentleman's proposition to cheerfully support this measure, because I think that \$50 is enough. I shall certainly vote for my amendment reducing the amount from \$100 to \$50.

Mr. STRONG. Mr. Chairman, I desire to ask the gentleman



from New York how much pension is being paid to this gentleman at the present time?

Mr. CAMPBELL. Thirty dollars a month. If he had applied for a pension in 1865 or 1868 he would have then been entitled to that much pension; but he refused to take a cent from the Government until old age incapacitated him from performing any labor or service.

Mr. STRONG. Mr. Chairman, we are proceeding here from day to day and night to night passing pension bills, and doing it in the name of the ex-soldiers of the Union Army. We have now reached a condition of things when applicants for pensions, instead of presenting their claims to the Pension Bureau, a Bureau prepared for that purpose, a Bureau that is amply competent to pass upon that class of claims, applicants go by the Bureau and come to Congress. Why? Because if they go to the Pension Bureau they are not able to receive the amount of pension that they think they are individually entitled to.

Recently it has occurred that the Committee on Invalid Pensions is crowded at every session, not for the purpose of passing pension bills for the benefit of all the soldiers who served in the Union Army, but for the purpose of crowding through the committee and through Congress bills to increase the pensions of officers or to increase the pensions of widows of officers from \$30 to \$100 per month. The pension rolls to-day are being loaded down with exorbitant pensions, not to private soldiers, not to officers of moderate rank, but with pensions to the widows of officers who were fortunate enough to have received their education at the hands of the Government of the United States, or who have gone into the service as brigadiers-general, never enduring the hardships that private soldiers were compelled to endure.

Mr. CAMPBELL. If the gentleman will allow me, I will state in this case Major-General Stahel entered the Army as a private soldier and worked his way up to the position of major-general.

Mr. STRONG. Mr. Chairman, I am protesting against the principle that is being enacted here into law day after day. I have stood here and seen this Congress repeatedly increase the pension of the widows of officers. I have seen this Congress give to a woman who had married the soldier, I am told, sixteen years after the war, a pension of \$100 a month. At the same time I know that the men who fought side by side with that officer were as gallant as he and performed their duty as well as he performed his, and those men when they joined the Army, many of them, left wives behind them who remained at home and cared for the soldiers' children and did as much as the wife of a brigadier-general or a major-general, while neither they nor their husbands had the strong incentives that the officers and their wives had.

I protest in the name of the widows of private soldiers, thousands and thousands of them, who are just as worthy as the widows of the officers—I protest in the name of the private soldiers themselves who are unable to receive any pension against this policy of granting high pensions to officers and their widows, to the prejudice of the men who really fought the battles and saved the Union. I care not what others may say about it; I speak for myself, and I think I know that I speak for a great majority of the men who fought on the side of the Union, when I say that the idea of singling out a few favorites, singling out those who are now receiving \$30 a month and increasing their pensions to \$50 or \$100 a month, is an insult to the brave men who really fought the battles of the Republic.

Who is it that is entitled to the credit of saving the Union? Is it the men who commanded brigades or the men who commanded a division, or is it the men who took their muskets in their hands and went forth into the midst of the battle? I have not occupied much of the time of this committee. This is the first occasion on which I have occupied as much as five minutes, and I do not propose that gentlemen shall stop my mouth by sitting here and saying that they are anxious to get their bills through.

If you will take up such bills, gentlemen, as ought to go through, I will be with you. If you will undertake to pass such bills as ought to be passed, I will be with you. I look forward to the time when full and ample justice shall be done to the men—and there are some 400,000 of them, I think—who are not on the pension rolls at all, and are receiving no pensions. I look forward to the time when justice shall be done to all those men, but I know that it can not be done if we are going to load up the pension roll with pensions of \$100 a month to officers and their widows, until it becomes so weighted down that the people will say to us, "You can not afford to make appropriations to increase the pensions to private soldiers."

The man in whose behalf this bill is presented is now receiving as much pension as the general law allows to anybody in his class.

Mr. TALBERT of South Carolina. Move to amend the amendment so as to make the amount \$30 a month instead of \$50.

Mr. STRONG. No, sir; it does not require any amendment. He is now receiving the greatest pension that is allowed to anybody in his class under the general law, and therefore I hope this bill to increase his pension will be laid on the table.

Mr. RYAN. Mr. Chairman, like my colleague on the committee [Mr. STRONG] I have been in constant attendance at these Friday night sessions during this Congress, and, as the RECORD will show, I have not occupied even so much time as five minutes in addressing the committee, and I do not intend to break that somewhat desirable record on the present occasion for longer than a couple of minutes. There is, in my judgment, one feature of this case that has perhaps not been clearly brought out, but which makes it especially meritorious.

That point is, that for twenty-eight years after the close of the war the beneficiary under this bill never asked a pension from the Government, although he could have received it for the asking. He felt that he could earn his own living, and, while he was able to do that, he was too proud to ask the Government to pension him for doing what he was glad to have been able to do, to serve to the best of his ability the Government of his adopted country, under whose flag he and his compatriots had found a home and a refuge. He enlisted as a private soldier within one week after President Lincoln issued his first call for volunteers, on the 23d of April, 1861.

He fought until February 8, 1865, when in consequence of disease contracted in the service, and of a wound received in the battle of Piedmont, and for specially gallant services in which he has received a Congressional medal, he was obliged to resign his commission as major-general. He supported himself for twenty-eight years and laid by as he thought a sufficient sum to support him in old age. The institution in which he had deposited his savings failed, and the only shield which he had provided against poverty in his declining years was swept away. He is now, I believe, in his seventy-first year. He comes to Congress and asks that he be given a small portion of that money which he could have drawn and which in justice and equity belongs to him as much as though he had had it in the savings bank during the last twenty-eight years. I hope no objection will be made to the bill, especially since at the suggestion of the gentleman from Virginia [Mr. JONES] the allowance has been reduced to one-half that recommended by the committee.

Mr. JONES. Has he anybody dependent on him?

Mr. RYAN. He has not.

Mr. MEREDITH. Mr. Chairman, it may seem strange that a Representative from my section of the country should stand here and advocate the pensioning of a Federal officer. But this gentleman of whom we have heard during this discussion served in my section of Virginia as a commanding officer; and he treated the people of that section so kindly that for days past Confederate soldiers and Confederate officers have been writing here to their friends in this House asking that this pension may be increased.

He treated with respect the wives and families of those people who were opposing him, and thereby he won the admiration of Confederate soldiers, who, as I have said, are asking by letters that now in his declining years his pension be increased. He was a worthy officer; he served his Government with credit and distinction both at home and abroad. For twenty-eight years, as has been stated by my friend who has just taken his seat [Mr. RYAN], he never made any demand upon the Government for one cent of pension money. And now, when he has arrived at the age of 71, when his fortune has been swept from him and he is practically without the means of support, it would be niggardly on the part of this Government to refuse to pass this bill, especially after it has been amended so as to make the amount of the pension only \$50 a month. I shall support the bill with pleasure. [Applause.]

Mr. STRONG. When was this pension of \$30 a month granted?

Mr. MARTIN of Indiana. In 1893.

Mr. LYNCH. I wish to ask the chairman of the Committee on Invalid Pension wherein lies the distinction between this case and that of General Hobart, which has just been passed upon, unless it be that General Hobart was a native American and this man a foreign nobleman? General Hobart's claim is reported at \$30 a month; this man's at \$100. I should like the gentleman from Indiana to explain why the committee thus discriminates.

Mr. MARTIN of Indiana. Mr. Chairman, I do not care to take up the time of the committee; but I will say very frankly that in the Committee on Invalid Pensions I voted against the allowance of any amount in this case beyond \$30. So far as I am personally concerned, I have treated General Hobart's case and this case on exactly the same terms. I do not think, however, it is necessary for me to take up time. The facts are all plainly before the committee. I think we should now vote.

The question being taken on the amendment striking out "\$100" and inserting "\$50," it was agreed to.

The question being taken on laying aside the bill as amended to be reported favorably to the House, it was agreed to; there being on a division (called for by Mr. JONES)—ayes 41, noes 3.

#### ORDER OF BUSINESS.

The Clerk was proceeding to call the roll, when—

Mr. BRECKINRIDGE said: Mr. Chairman, I was unavoidably

detained to-night, and therefore was absent when my name was called. I should like to have unanimous consent to call up a bill.

Mr. HICKS. Regular order.

The CHAIRMAN. The demand for the regular order is equivalent to an objection.

Mr. BRECKINRIDGE. This is no personal favor that I am asking for myself. I simply desire to oblige a soldier.

The CHAIRMAN. Does the gentleman from Pennsylvania insist on his objection?

Mr. HICKS. I withdraw the call for the regular order.

Mr. BRECKINRIDGE. I am very much obliged to the gentleman.

Mr. BAKER of New Hampshire. I object.

CHARITY ANN SMITH.

Mr. CAPEHART (when his name was called). I call up the bill (H. R. 575) granting a pension to Charity Ann Smith.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charity Ann Smith, mother of R. Monroe Wiley, late a private in Company G, Thirtieth Regiment West Virginia Volunteer Infantry, and to pay her a pension at the rate of \$12 per month from the approval of this act.

The report (by Mr. HARE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 575) granting a pension to Charity Ann Smith, have considered the same and now submit the following report:

The claimant is the mother of R. Monroe Wiley, late a member of Company G, Thirtieth Regiment West Virginia Volunteers. He enlisted February 18, 1865, and was discharged May 22, 1865, having served in all ninety-three days. The soldier died, the date not stated.

He left a widow, who died October 3, 1874, and two children, both of whom are also dead. The children were pensioned until they arrived at the age of 16 years, because of soldier's death from disabilities, the result of his service. The claimant testifies that she was dependent upon her son, the soldier, for support, but had to look after the care and maintenance of the surviving children after the soldier's death; that she is now old and feeble and unable to earn a living, and that there is no one legally bound for her support. A number of witnesses, neighbors and acquaintances, testify to her present destitute condition and her inability to earn a living by manual labor.

Oscar N. Greer and William Chapman, of Ambrosia, W. Va., testify that the soldier was the petitioner's only son and contributed to her support by money both before and after his enlistment, and that she was dependent upon him to a great degree.

Your committee therefore recommend that the bill do pass.

Mr. JONES. Mr. Chairman, this bill proposes to make a special exception in favor of the mother of this soldier. It appears from the report that the soldier's service was limited to ninety-three days—a very short term of service, indeed. I should like to have some statement from the gentleman in charge of the bill showing the special merit of this case, because if we are going to pension the mothers of soldiers I think such cases ought to have exceptional merit.

Mr. CAPEHART. Mr. Chairman, this soldier, it is true, enlisted late in the war; but he served till the war closed, as long as there was any necessity for his service. He received an honorable discharge from the service, and was the only support of his mother. Living witnesses testify that he contributed to her support. He left two children who drew a pension until they became 16 years of age, when the pension ceased. They are now dead, as well as his wife; and the old lady, his mother, is left without any support in the world. She is now, I suppose, between seventy and eighty years of age.

Mr. JONES. How does she live now?

Mr. CAPEHART. Well, by her own exertions. She has no property of any description and is entirely destitute.

Mr. JONES. You say her age is what?

Mr. CAPEHART. Over 70.

Mr. MARTIN of Indiana. Mr. Chairman, I desire simply, in addition to what the gentleman from West Virginia has said, to state that there are precedents, not very numerous it is true, for this class of cases, but still there are precedents.

While it is true that the soldier did not serve very long, yet, as the report of the committee shows, he contracted the disability from which he died, and for which his minor children were pensioned, in the service. His widow and children are all dead. His mother was in a large measure dependent upon him, and the question arises whether it is not a simple act of justice for Congress, in the exercise of its power and following the precedents justifying it, to allow the old mother to have a pension during the remaining few days that she can possibly remain on earth. She is quite aged.

Now, had this soldier died, as he did, as the result of his service, without leaving any children, the mother would have been entitled under the general law to a pension. But having left a widow and children, and they having died, the only way that she can receive aid at the hands of the Government is by a special bill, for the reason that this pension can not be granted under the general law by the office.

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

The motion was agreed to.

BARZILLA C. HUDSON.

Mr. COOPER of Indiana. Mr. Chairman, I call up for present consideration the bill (H. R. 7177) for the relief of Barzilla C. Hudson.

The bill is as follows:

*Be it enacted, etc.,* That the Secretary of War be, and is hereby, authorized to remove the charge of desertion from the military record of Barzilla C. Hudson, late of Battery D, Fourth United States Artillery, and grant him an honorable discharge.

The report (by Mr. PENDLETON of West Virginia) was read, as follows:

Your committee, to whom was referred House bill 1310, for the relief of John H. Willis, having had the same under consideration, report as follows: John H. Willis enlisted in Company E, Thirtieth Indiana Volunteer Infantry, on the 25th day of April, 1861, to serve three years. It appears from the records of the War Department that he served faithfully with his command from said date until October 20, 1862, when he was discharged from said service by reason of his transfer to the Regular Army, and the records of said Department show that on the 21st day of October, 1862, he enlisted in Battery B, Fourth United States Artillery, at Suffolk, Va.; that he was discharged January 31, 1864, at Portsmouth, Va., by reason of reenlistment; that he reenlisted in the same battery February 1, 1864, and served with said company until May 26, 1865, when he deserted at Camp Lincoln, Virginia.

The chief of the Record and Pension Office further reports:

"No information with regard to this soldier has been found upon the hospital records from 1861 to 1865, inclusive."

Said John H. Willis, as appears from the records of the War Department, served faithfully from April 25, 1861, until May 26, 1865, at which time, he says, he received information to the effect that his wife was seriously ill. He attempted to obtain a furlough, but was told by his captain that he could not get a furlough, and the war being over, he went home without leave; that his said wife remained quite sick for a considerable time, and that he, after being at home some weeks, was taken sick, and remained quite sick and unable to return to his command, and that when he did recover, the war being over, he did not return.

The fact of the serious illness of wife of said John H. Willis at said time is shown by testimony of two of his neighbors, as is also the illness of himself. In view of the facts in this case and the long and faithful service of said John H. Willis, your committee recommend that the bill do pass.

The CHAIRMAN. The question is on laying the bill aside.

Mr. JONES. Mr. Chairman, I am not opposed to the correction of the military record of soldiers where it can be shown that the charge of desertion improperly rests against them. I have already taken occasion to say more than once on the floor of the House that I do not know of a class of cases which appeals to Congress more strongly than this class. The charge of desertion improperly and unjustly resting against a soldier should be removed. I know that there are cases where it has been shown that prejudice on the part of an officer against a soldier caused that soldier to be unjustly branded with the charge of desertion.

But, Mr. Chairman, I do not think that a soldier's record ought to be corrected for the purpose of allowing such soldier to obtain a pension when there is no excuse given whatever for the desertion. I understand that there were 200,000 deserters from the Federal Army during the war; and I do not suppose, from the reading of this report, that there is a single one of the whole 200,000 who can not give as good an excuse for his desertion as is given in the case of this man.

I admit that his service in the Army was longer and more meritorious, as set forth in the report, than the service of a good many other deserters. But I do not think that ought to be taken into consideration as an excuse for this bill when it is clearly and fairly established that the man deserted without any good reason being even offered, and it is not pretended that there was any good reason existing.

In a great many cases which come before the House the only testimony that we have to rely upon is that of the deserter himself, who undertakes to assign reasons for his desertion. There was a case before the committee this evening of somewhat that character, where the testimony was chiefly that of the deserter himself. It is true that in that case one of the comrades of the man testified as to the cause of desertion, and that he had loaned him money with which to return home, as he was under arrest improperly, in his belief, for assaulting a man that he did not know at the time was an officer. There was some excuse offered in that case and some testimony other than that of the deserter.

But here is a case where the man does not offer the slightest excuse for his conduct. He simply says that he was a good soldier; that he went through a great part of the war, and that it was nearly over at the time he deserted; that he had served faithfully, and that there was practically no more fighting to be done, and therefore he returned home, and that he afterwards resided there quietly. Now, there is no provocation alleged in this case for the desertion. The deserter does not claim that he was a boy of tender years, and that he did not understand the regulations of the Army. That is frequently the excuse offered. It appears that he had enlisted and reenlisted more than once, and how many times he received bounty for reenlistment the report does not disclose; but at all events he had reenlisted and knew the Army regulations. He was not a youth but a full-grown man, and does not plead ignorance as to the Army Regulations.

Mr. Chairman, it does not seem to me that that presents a case sufficiently meritorious to influence this committee to remove the



charge of desertion against a man and place him on the pension rolls to receive the same consideration from the Government which it now gives to the men who served faithfully and honestly and who were honorably discharged at the close of the war. I submit that it is not a case that should appeal to this House; and if we are to remove the charge of desertion in this case and allow a pension we had as well pass a general law correcting the military record of every single deserter who served faithfully for any period, no matter how short, and who had no excuse for deserting the Army and the cause it was his duty to serve, and the country which had a right to demand his services.

I submit that this is a case where we ought to draw the line, and I hope the gentleman presenting this bill will withdraw it, and not block the progress of other measures with a bill which possesses as little merit as this.

Mr. COOPER of Indiana. Mr. Chairman, I wish to say to the gentleman from Virginia [Mr. JONES] that there is a precedent for the passage of this bill, and not more than three Friday evenings ago we passed one precisely like it. I do not remember the name of the applicant now; but I wish, however, to satisfy the gentleman on one or two points mentioned by him which seem to have some influence, in his judgment, in the matter.

This soldier enlisted in April, 1861, in the volunteer service for a period of three years. The point to which I wish to invite the gentleman's attention is this: It occurs to the gentleman from Virginia that possibly this soldier might have obtained one or more bounties. On the contrary, he enlisted in the volunteer service in April, 1861, for a period of three years. He never reenlisted in the volunteer service at any time. During the term of the three years they found it necessary to recruit some battery, I think, in West Virginia.

The battery service was extra hazardous. He was a large, strong man, and he is an ignorant man. I know him well. He tells me in his plain way that they needed him at the guns, and they asked him if he would work there, and he said he was willing to work wherever they needed him, and he took his place in the Fourth Artillery Battery. Now, as a matter of bookkeeping and record, he was enlisted in the Regular Army, but he did not know it. He tells me that he did not know it. He was, however, at that time transferred to the Regular Army. Now, he served for the balance of his three years as a member of this battery.

The war was not then over. He had enlisted, as he understood it, for that war, and at the end of his three years, the war not being over, he reenlisted in the Regular Army in this same battery. There was no bounty given for that service. There was no advantage accruing to him by it. He gained nothing whatever, but made the sacrifice of assuming an extra hazardous position in the service at the request of those who had charge of his division. Now, he served from that time on in this battery until the close of the war.

He served in all four years and one month. During that time he never went home. I have examined his military record, and I find that he was reported sick once, but with his command. He was not a hospital soldier. He fought from the beginning of the war until the 26th day of May, 1865, in a place which any soldier who knows anything about the service will say was extra hazardous.

There is not anything about the case to indicate that the man had profited by it in any way whatever. I say to the gentleman from Virginia that I know this man. He is an honest old man. He returned to his home after the war. As he said, all the rest of the boys went home and he went along, and he did not know that he was a deserter until about a year or so ago.

The circumstance came up in this wise: He was granted a pension under the administration of General Black for disabilities incurred in the service. Under some new ruling or change of ruling in the Department this charge of desertion was discovered, and his pension was cut off. He did not know until he was notified by the Department that he had ever had the charge recorded against him of having been a deserter, because he knew that he had done his duty, that he had served throughout the entire war in a place that was most hazardous, and where he had been assigned to duty.

I believe he tells the truth when he says that he never even knew that he was in the Regular Army. I think the gentleman from Virginia [Mr. JONES] surely will not raise an objection to this bill, full of merit as it is, and I appeal to him that he will not raise any objection to it on account of any possible feeling that may exist against the gentleman who proposed the bill. I appeal only for the soldier, for what seems to be right.

Mr. JONES. Mr. Chairman, I certainly shall not raise any objection to this bill, and have not raised any objection to it, on account of any relations that may exist between the gentleman from Indiana and myself.

Mr. COOPER of Indiana. If the gentleman will allow me, I say that only because I remember distinctly that on a previous occasion a bill just like this was passed through the House.

Mr. JONES. I think the gentleman is mistaken in saying that a bill just like this was ever passed since I have had the honor of being a member of Congress. I am not informed as to the character of the bills that passed before I became a member of Congress. I know that many hundreds of bills—or at least I am told that many hundreds of bills—passed in the Fifty-first Congress, and the gentleman from Indiana may remember a case similar to this passed by that Congress.

Mr. COOPER of Indiana. I speak of a case which passed a few nights ago.

Mr. JONES. I know that there are precedents for this character of legislation, but I think none can be cited for a case like the one now under consideration. That many bills have been passed removing the charge of desertion all will admit.

I know full well that it has been the habit of this Congress and of previous Congresses to remove the charge of desertion where Congress has been convinced that there was an injustice in the charge and that it rested improperly against the applicant. I stated in the beginning that I knew of no more meritorious cases than those; but I have always taken the ground that the charge of desertion should never be removed from any deserter upon the testimony of the deserter alone and that after the expiration of thirty years. I have never yet known a case in this Congress where the testimony was that alone of the deserter where the charge was removed.

I submit that the gentleman can not produce a precedent of this sort; and even if he could, I appeal to the sense of right and justice of this House against the passage of such a measure. I have listened carefully to what the gentleman has said. I do not doubt the meritorious character of the service of this man, but I do question the propriety of Congress removing the charge of desertion when that charge is to be removed upon the testimony of the deserter himself.

Mr. COOPER of Indiana. Will the gentleman allow me to ask him a question?

Mr. JONES. I will; certainly.

Mr. COOPER of Indiana. Have you observed the fact that this soldier served until the 26th day of May, 1865, and that by the general law, if he had been in the volunteer service instead of in the Regular Army, he would have been entitled to a discharge under the general law? Now, is it not raising a technical objection, because he was really a volunteer soldier, who never was in the Regular Army in a regular way, but was technically in the Regular Army? If treated as a volunteer soldier, as we think he ought to have been, he would have been entitled to his discharge; but the language of that general law was not sufficient to cover his case, because he was technically in the Regular Army, and it is only because of that technicality that we are obliged to come here.

Mr. JONES. The gentleman is doubtless more familiar with the general law than I am. I understand there is a general law that all soldiers who served until the 10th of April, 1865, and who deserted after that period shall have the charge of desertion against them removed. If that is the law to which the gentleman refers, and I suppose it is, a construction of that law has been read from the Clerk's desk this evening. I understand now, from the construction placed upon that law by the War Department, that it does not apply unless the soldier was court-martialed. That is the construction I understand the Department has placed upon that law. I took the same view that the gentleman did until to-night. But I am now informed that a different construction has been placed upon that law. But, however that may be, the cases that have received the favorable consideration of this committee have been cases where we have been appealed to on account of the youth of the persons charged with desertion, and generally there has been other testimony to support the statement made by the deserter.

Now, I assert that there has never been a case, and none can be cited, where this Congress or the Fifty-second Congress has removed the charge of desertion on the testimony alone of the deserter. I submit that it is wrong to pass bills upon such unsupported testimony. I submit that if it be right to do it upon the testimony of this man, you ought to remove the charge against all the 200,000 men who deserted from the Army during the war; because I do not doubt that there never was a man who deserted who would not offer some excuse to have this charge against him removed.

Mr. MOSES. I hope the gentleman will remember that in this case the evidence is that this soldier fought for four years without going home. In other words, he stayed with the Army when there was fighting to be done, and only went home when hostilities had ceased. Now, do you think such a brave man as that would lie?

Mr. JONES. Yes, sir; I have known and the gentleman has known such men. I am not charging this man with lying. But I have known and the gentleman has known brave men who would be guilty of that offense.

Mr. CURTIS of New York. The whole Roman army, it is known, would lie, and yet they were good fighters.

Mr. JONES. That is a good reply to the gentleman's statement. But I do submit that it is not right, it is not just to the Union soldiers who fought during the war, who were honorably discharged and are on the pension roll, that we should, on the unsupported testimony of the deserter himself, remove the charge of desertion and put him on that roll with honorable soldiers. If there was any testimony in this record to support this man's statement or did he offer an excuse for his conduct his case might be different, but he does not offer an excuse. The only thing he says is that he served faithfully for four years, and I do not think that is a sufficient atonement for his offense. At least I do not think he should now be pensioned and rewarded for his desertion.

Mr. CURTIS of New York. I do not want to interfere with the general discussion of pensioning deserters, which the gentleman has discussed, and shall not do so.

Mr. Chairman, the Thirteenth Indiana was at one time under my own command, and as a member of the committee reporting this bill I have carefully examined the facts. In 1862 there was a request made from the War Department for volunteers who were willing to serve for the remainder of their term in volunteer batteries. At that time I was commanding a company, and men went from my own company. At the end of the service of the regiment the men that had not reenlisted went home. Some of them belonged to regiments that veteranized, as it was termed. The Thirteenth Indiana was one of that kind. This man was absent from his regiment on a detail, by his own consent, and instead of veteranizing he enlisted in the Regular Army. He did not know the difference.

I want to say to my friend from Virginia that I have personally examined this case and understand it. I have never during either of my terms in Congress or before I came here asked for the restoration of a man who was really a deserter, and I do not expect ever to ask for it, but this is not a genuine case of desertion. This man was serving in a battery. He enlisted there, not understanding the difference. When his regiment went home he wanted to go home, and there was no objection to his going except that he was reported absent without leave, and—

Mr. JONES. I want to ask the gentleman from New York a question. Suppose this man had not been transferred to that artillery service, but had (to use the gentleman's own term) veteranized, would he, under the operation of the general law, have had this charge of desertion against him removed?

Mr. CURTIS of New York. Yes, sir; and he would have gone home at the time his regiment went. There were cases where men enlisted as this man did in the Regular Army, being ignorant of the difference, and the officers, understanding it, looked after the discharge of those men, and they were discharged on application. Had the officers of the regiment remembered this man and applied for his discharge he would have been discharged and would have gone home with his regiment. These are facts of which I have personal knowledge, and I think the gentleman from Virginia will be satisfied that this was not a case of genuine desertion.

Mr. JONES. I will say just a word in conclusion, Mr. Chairman. I appeal to the House not to remove this charge against this man. I do so because I do not think such a charge ought to be removed merely upon the man's own statement. If we pass this bill it will be used as a precedent hereafter which will come home to plague us. I do not know but some gentleman who has a similar bill pending, a bill perhaps without the slightest merit, may get up and ask to have it considered simply because this one has been passed.

The gentleman who calls up this bill has said that there are precedents. I do not think there are precedents for just this kind of a case; but if we pass this bill to-night we will set a precedent that will give us trouble in the future, and I appeal to the House upon the vote which we are about to take to refuse to grant the relief which this deserter asks for upon his own unsupported testimony. I do not question for a moment what has been stated by the patron of the bill, but he frankly tells us that he gets his information from the deserter, so that the alleged facts come from the deserter himself after all.

Mr. CURTIS of New York. I have given the gentleman more information than is furnished by the beneficiary.

Mr. JONES. I admit that there is some force in what the gentleman from New York has said about this man's transfer and about what would have been the result if he had not been transferred, but I hardly think it would be sufficient to justify the action proposed in this bill.

The question being taken, the Chairman declared that the ayes seemed to have it.

Mr. JONES. I ask for a division.

The committee divided; and there were—ayes 27, noes 4; so the bill was laid aside to be reported to the House with the recommendation that it do pass.

SALOMA MANGOLD.

Mr. CURTIS of Kansas (when his name was called). Mr.

Chairman, I call up the bill (H. R. 8264) granting a pension to Saloma Mangold, of Carbondale, State of Kansas.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension rolls, subject to the provisions and limitations of the act approved June 27, 1890, the name of Saloma Mangold, of Carbondale, State of Kansas, widow of Philip Mangold, deceased, late of Company F, Eighty-second Illinois.

The report (by Mr. LACEY) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 8264) to pension Saloma Mangold, and submit the following report:

The petitioner asks for pension as the widow of Philip Mangold, who served in Company F, Eighty-second Illinois Infantry, from July 1, 1862, until December 30, 1862. He applied for pension January 7, 1883, but failed to prosecute the claim. He disappeared from his home about June, 1894, and has never been seen or heard from by his friends since that time. If living he must now be 80 years of age.

The widow's claim under the act of June 27, 1890, was rejected by the Pension Bureau for the reason that the death of the soldier can not be definitely proven. The claim was investigated by Special Examiner T. F. Dennis, whose report in 1893 shows that the claimant is of good reputation, about 76 years of age, and dependent on others for subsistence. It appears that the soldier was dissipated and of nomadic habits, and that in 1866 he went to St. Joseph, Mo., and wrote home that he was sick, and that a neighbor, Mr. Mize, reported that Mr. Mangold had died in St. Joseph, and that he had seen him buried. This Mr. Mize is long since deceased.

The most thorough inquiry by seven special examiners developed nothing to rebut the presumption that the soldier is dead, and this inquiry equally failed to show positively the fact of his death. Twenty-nine years' unexplained absence, together with the fact that the soldier's own application has been utterly abandoned since it was filed, leaves no reasonable conclusion but that the soldier is long since dead.

Your committee therefore recommend that the bill do pass without amendment except that the name "Saloma," in the title and in line 7, should read "Saloma."

Amend title to read, "A bill granting a pension to Saloma Mangold."

Mr. JONES. Mr. Chairman, I did not hear distinctly the whole of that bill when read, because I was interrupted during the reading; but I think that bills of that character have usually been amended by the committee reporting them by inserting a proviso that in the event of the soldier himself applying for a pension the pension hereby granted shall cease.

The CHAIRMAN. The Chair would suggest the propriety of first disposing of the amendment recommended by the committee correcting the error in the title.

The amendment recommended in the last paragraph of the report was agreed to.

Mr. JONES. I move to amend the bill by adding a proviso, as follows:

*Provided*, That in the event the soldier should hereafter apply for or be granted a pension this pension shall cease.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH R. BROOKS.

Mr. CURTIS of New York (when his name was called). I call up the bill (H. R. 5565) granting a pension to Joseph R. Brooks, father, by adoption, of Henry M. Brooks.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph R. Brooks, father, by adoption, of Henry M. Brooks, late of Company C, One hundred and sixth Regiment New York Volunteers, to date from the approval of this act.

The amendment reported by the committee was read, as follows: Add to the bill the words "at the rate of \$12 per month."

Mr. CURTIS of New York. If the committee will allow me—

Mr. JONES. I hope the gentleman, before proceeding with his remarks, will allow the report to be read.

Mr. CURTIS of New York. I think my friend from Virginia will be amply satisfied with the statement I shall make. I furnished to the committee the material on which this report is based, and I think I can state the facts more briefly than the committee have done.

Mr. JONES. The gentleman is not under oath now. [Laughter.]

Mr. CURTIS of New York. I am acting under my oath of office. When I stand on the floor of this House asking for any legislation I am acting under the official oath which I took when I entered upon my service in this House.

Joseph R. Brooks, about fifty years ago, adopted a child 16 months old. He was without children of his own. His wife, then his companion, died about six years ago. He has since remarried. He is now, or was when this bill was introduced a year or more ago, 75 years of age and destitute. This child, whom he educated and who was his sole dependence, went into the Army in August, 1862, and died from typhoid fever in the spring of 1863, I believe. It is in accord with the custom of this House in meritorious cases of this kind, where a child has been adopted in infancy, to grant a pension to the foster parent. I think the case needs no further explanation; but I shall be glad to answer any question which may be necessary to inform members thoroughly of the reasons why the bill should pass.



Mr. JONES. As I understand, this is an application to pension a man on account of the service of a child that he adopted.

Mr. CURTIS of New York. A child that this man adopted at the age of 16 months.

Mr. JONES. And the gentleman thinks that this foster father should be pensioned on account of the services of this child?

Mr. CURTIS of New York. Yes, sir; it has been done in many cases in each Congress of which I have been a member, and in many cases previously.

The question being taken, the amendment was agreed to.

The bill as amended was then laid aside to be reported to the House with a favorable recommendation; there being on a division (called for by Mr. JONES)—ayes 36, noes 1.

CAROLINE E. WESSELS.

Mr. DE FORREST (when his name was called). I call up the bill (S. 2599) granting a pension to Caroline E. Wessels.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Caroline E. Wessels, widow of Bvt. Brig. Gen. Henry W. Wessels, late of Connecticut, and to pay her a pension at the rate of \$50 a month.

The amendments reported by the committee were read, as follows:

Strike out the word "fifty," in line 7, and substitute therefor the word "thirty," so as to fix the rate of pension at \$30 per month; also amend by spelling the claimant's surname "Wessels."

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 2599) granting pension to Caroline E. Wessels, have considered the same and respectfully report as follows:

Inquiry at the Pension Bureau elicits the information that Mrs. Wessels filed a claim under the general laws, but the same was rejected on the ground of her inability to supply the evidence necessary to show that the cause of her husband's death originated in the service in the line of duty.

For the further facts in the case reference is made to Senate Report No. 816, present session, which your committee take the liberty to adopt and make a part of their report, except so much thereof as recommends a rating of \$50 per month.

Your committee recommend that the bill do pass with the following amendments:

Strike out the word "fifty," in line 7, and substitute therefor the word "thirty," so as to fix the rate of pension at \$30 per month; also amend by spelling the claimant's surname "Wessels."

Mr. JONES. Mr. Chairman, the report in this case is so brief and meager that I do not believe anybody in this House understands from it anything about this case, unless it be the gentleman who reported the bill and the gentleman who has called it up. I do not know that I ever heard a briefer report upon a bill involving so large an amount of pension as this does. It seems to me this is a case which ought to be fully explained to the House before it is acted on.

The CHAIRMAN. The Clerk states to the Chair that the Senate report which is appended to that of the House committee was not read.

Mr. JONES. I hope that will be read, as the House report does not give such information as we ought to have.

The Clerk read as follows:

[Senate Report No. 816, Fifty-third Congress, third session.]

The Committee on Pensions, to whom was referred the bill (S. 2599) granting a pension to Caroline E. Wessels, have examined the same and report:

The claimant under this bill is the widow of Bvt. Brig. Gen. Henry W. Wessels. She is about fifty-eight years of age, in very infirm health, and without any means of support.

General Wessels graduated at West Point in 1833, and from that time until he was retired at his own request, in January, 1871, was in constant and important military service. He served in the Seminole war in Florida, in the Mexican war, on the frontier in the war with the Indians, and during the war of the rebellion. He was promoted for gallant and meritorious conduct at the battle of Cherubusco, for gallant and meritorious services at the battle of Fair Oaks, Va., for gallant and meritorious services during the rebel attack on Plymouth, N. C., and for gallant and meritorious services during the war, at which time he was brevetted brigadier-general. General Wessels died at Dover, Del., in January, 1889.

General Wessels's valuable services in the Mexican war were recognized by the State of Connecticut in 1849 in voting him a magnificent sword. During the latter years of his life he was a severe and continued sufferer from diseases incurred in the service, and was unable to perform any labor or to earn anything in any capacity.

The following letter from Hon. O. H. PLATT is important as bearing on the physical and financial condition of the claimant:

UNITED STATES SENATE CHAMBER,  
Washington, D. C., January 19, 1895.

GENTLEMEN: I have introduced a bill giving a pension to Mrs. Caroline E. Wessels, widow of Lieut. Col. and Bvt. Gen. H. W. Wessels. In it I mention \$100 a month, but I suppose \$50 is all that can be claimed. The papers introduced with the bill are the same which were filed in 1891, and they correctly state the circumstances under which a pension is asked, with this exception: The widow then stated that she had an income of \$800 a year from property her husband had left her. Since then, however, the investments have become valueless, and she is now entirely without income. She is sick, probably fatally so; at any rate the condition of her health is such that there is no prospect of life being protracted to any great length.

I think, in view of the pensions which have been granted, and the somewhat remarkable length of service of General Wessels, that she is entitled to a pension of this amount. I could procure affidavits as to her present condition, but I think you will take my word for it. I believe I am accurately informed.

Yours, truly,

O. H. PLATT.

The COMMITTEE ON PENSIONS, United States Senate.

Your committee, recognising the exceedingly valuable services of General Wessels, covering a period of thirty-eight years, and in view of the sickness and destitution of the widow, recommend the passage of the bill, after being amended by striking out the words "one hundred," in line 7, and substituting the word "fifty."

The amendments reported by the committee were agreed to.

The question being taken on laying aside the bill as amended to be reported favorably to the House, there were—ayes 27, noes 3.

Mr. JONES. No quorum.

Tellers were ordered; and Mr. JONES and Mr. DE FOREST were appointed.

Mr. DE FOREST (after a pause). I understand the gentleman from Virginia [Mr. JONES] does not insist on his point.

Mr. JONES. In view of an understanding which I have with the gentleman, I withdraw the point.

So the bill as amended was laid aside to be reported favorably to the House.

ALBERT MUNSON.

Mr. DOLLIVER (when his name was called). I call up the bill (H. R. 6646) for the relief of Albert Munson.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension roll the name of Albert Munson, imbecile son of Jacob H. Munson, late a member of Company I, First Regiment Iowa Cavalry.

The amendment of the committee was read, as follows:

At the end of the bill add the words, "subject to the provisions and limitations of the act of June 27, 1890."

The report (by Mr. LACY) was read, as follows:

Jacob H. Munson was a private in Company I, First Iowa Cavalry, and was pensioned under general laws and afterwards under act of 1890.

Albert H. Munson is an imbecile and helpless son, now about 33 years of age. As he was over sixteen years of age at the time of the passage of the act of 1890, and as his father died after the passage of that act, the said son does not become entitled to the benefits of the act, under the construction of the law as laid down by the Pension Bureau. A subsequent ruling of the Secretary of the Interior includes many of these cases of imbecile children, but not cases like the present.

The spirit of the law was intended to give relief to imbecile children of soldiers of the late war, and in this case we think that the claimant should receive the benefit of the pension by a special act.

Evidence of Emma Dixon and Harry Laub shows that said Albert became an imbecile at the age of 2½ years, and that he is now helpless and dependent and was supported by his father up to the time of his father's death.

His father served from December 23, 1863, to February 15, 1866, and his pension was increased to \$12 under the act of June 27, 1890, at time of his death. His certificate was numbered 295382.

Representative J. F. DOLLIVER certifies to the death of the soldier and also to the death of the soldier's wife, mother of said Albert Munson.

Your committee recommend that the bill do pass, after being amended by adding the words "subject to the provisions and limitations of the pension laws," at the close of the bill.

Also, amend the title to read: "A bill to pension Albert Munson."

Mr. JONES. Mr. Speaker, I think there ought to be some statement from the gentleman in charge of this bill as to the extent of the imbecility of this claimant. "Imbecility" is a pretty general term; it covers a good many people. [Laughter.] I frequently see it stated in the public press that a good many of us are classed as imbeciles. I do not think, however, that we ought to be put on the pension rolls on that account, though probably the charge is not without foundation in fact.

I hope the gentleman will state to what extent this imbecility goes, for I know a good many people, in all seriousness, classed as imbeciles who are able to earn their own livelihood, and are capable of exerting sufficient intelligence to get along fairly well in the world.

Mr. DOLLIVER. This is an authentic case. The claimant is in the asylum provided for imbecile children in Iowa, and supported by his sister, who lives in Denison.

Mr. JONES. I understand the gentleman to say that the beneficiary of this bill is in some asylum?

Mr. DOLLIVER. Yes; for feeble-minded children.

Mr. JONES. And supported by his sister?

Mr. DOLLIVER. Yes, sir.

Mr. JONES. Then I understand that he is not a charge on the State, but is sustained by his family?

Mr. DOLLIVER. His sister is entirely unable to contribute to his support, but has done it from the circumstances of the case.

Mr. JONES. Does the gentleman know that his sister is not in a condition to furnish this support?

Mr. DOLLIVER. I do. I know the family quite well.

The CHAIRMAN. The question is on agreeing to the amendment recommended by the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ALEXANDER WILLIAMSON.

Mr. DURBOROW. Mr. Chairman, I call up for present consideration the bill (H. R. 8099) to increase the pension of Alexander Williamson.

The bill was read, as follows:

*Be it enacted, etc.*, That the present pension paid to Alexander Williamson, a private in Company H, Second Regiment Kentucky Infantry, during the

war with Mexico, be, and is hereby, increased to \$50 per month, and the Commissioner of Pensions be, and he is hereby, directed to have his name placed on the pension roll at such increased pension.

Mr. DURBOROW. I ask for the reading of the report.

The report (by Mr. BAKER of Kansas) was read, as follows:

The Committee on Pensions, to whom was referred House bill 8099, have considered the same and respectfully report as follows:

Alexander Williamson was a soldier of Company H, Second Kentucky Volunteers, and served from May 22, 1846, to June 10, 1847, in the war with Mexico. He was pensioned on account of the above service at \$8 per month under the act of January 29, 1887, and this was subsequently increased to \$12 per month under the act of January 5, 1893, upon his proving destitution and inability to earn his support by manual labor.

Mr. Williamson is 70 years old, and besides being badly broken down by age and the ailments incident thereto, has recently been stricken with severe blindness, so much so that he has to be led about. The facts are shown by the papers at the Pension Bureau and by the statement of distinguished citizens, including physicians, in the city of Lexington, Ky., where the claimant resides.

The facts presented above present an exceptional case, sufficient, in the judgment of your committee, to warrant Congress in granting a measure of relief. The bill is therefore returned with a favorable recommendation; amended, however, by striking out the word "fifty," in line 6, and inserting in lieu thereof the word "twenty-five," so as to fix the rate of pension at \$25 per month. Also amended by striking out "Commissioner of Pensions," in line 6, and substituting therefor "Secretary of the Interior."

The CHAIRMAN. The question is on the amendments recommended by the committee.

Mr. JONES. Mr. Chairman, I gather from the reading of the report that this applicant resides in Kentucky. I wish to ask the gentleman from Illinois whether he introduced the bill himself?

Mr. DURBOROW. Is that necessary? [Laughter.] I think it is a very meritorious case, if that is what the gentleman wants to know.

Mr. JONES. It may be a very meritorious case, but we are proceeding under an order which we can not avoid. I certainly hope that the gentleman will not be permitted—

Mr. MOSES. Let me state to the gentleman from Virginia that the introducer of this bill came up here to-night, but did not reach the Hall until just after his name had been called.

Mr. DURBOROW. If the gentleman from Georgia will pardon me, I was going to submit to the gentleman from Virginia that I came here to-night expecting to call up a bill of my own, the bill (H. R. 6771) to remove the charge of desertion against the name of James E. Cotter, but found that the bill had not been reported from the committee, as I expected it would be, and was not proper to be called up.

The CHAIRMAN. The Chair is inclined to hold that the objection comes too late. [Laughter.]

Mr. JONES. Then, Mr. Chairman, I would like to say a word about the bill.

I hope the gentleman from Illinois will withdraw it. My attention was directed to the fact that the gentleman might not have introduced this bill, not only because the proposed beneficiary resides in Kentucky, but also from the fact that the bill only asked for a rating of \$50 a month. I felt sure that a gentleman representing the great city of Chicago would never be able to obtain his own consent to ask for such a small sum as \$50 per month. I was persuaded that no citizen of Chicago would consent to receive such a pittance as that.

Now, the report states that this Mexican soldier is in absolutely destitute circumstances and unable to earn a livelihood.

Mr. DURBOROW. He is blind.

Mr. JONES. I do not know nor do I care whether that total inability to earn a livelihood comes from blindness or any other cause. The general law in force before the passage of the act of 1893 provided that the Mexican soldiers should have a pension of \$8 a month. Then it was asserted in Congress that there were many of these soldiers who were very old and were in absolutely destitute circumstances and totally unable to earn a livelihood. In deference to that state of facts a law was passed providing that all those Mexican soldiers who came within that category—and this man comes within it—should have \$12 a month given to them if they could establish their claim.

Now, it seems to me that when this has been adopted as a general policy, that this soldier should not have more than the \$12 a month allowed others who are just as needy and just as destitute as himself. The law was broadened and extended for the purpose of taking in a person of just this sort; and now the law having been passed as late as 1893, and this man having applied under the law and had his pension increased to \$12 a month, he should not be permitted to have that pension doubled.

Why, if he has the increase every other Mexican soldier who stands in the same position, and is absolutely in destitute circumstances and unable to earn a livelihood, should be given this same increase of \$25 a month. Congress did not propose to be that generous. In all these cases, as gentlemen must recognize, these old Mexican soldiers can not possibly live on \$12 a month, and I admit that this man probably can not live on \$12 a month; but why give him \$25 a month, when all others who are in precisely the same circumstances have only \$12 a month?

Mr. DOKERY. I want to call the attention of the gentle-

man from Virginia to the fact that under the general law applicable to soldiers of the late war a blind soldier would be entitled to \$72 a month.

Mr. JONES. But this is a soldier of the Mexican war.

Mr. MOSES. Are you not willing to give a soldier of the Mexican war who is blind the same amount as would be received by a soldier of the late war? The reason he can not get \$72 a month is simply because he did not serve in the war of the rebellion.

Mr. JONES. I will say in answer to the gentleman that if it was presented to me as an original and general proposition I would be willing to put soldiers of the Mexican war upon the same footing as the soldiers of the late war; but Congress has decided by general legislation that they should not be put upon that footing. Besides, this soldier, if in the late war, could not receive \$72 per month unless his blindness was the result of his services.

Mr. MOSES. If we are to have only general legislation, what is the use of these Friday night sessions?

Mr. JONES. All should stand upon the same footing who belong to the same class.

Mr. MOSES. What is the use of passing any special bills if you are going to insist upon a general law?

Mr. BRECKINRIDGE. I had not intended to speak this evening, and I only wish to say a few words. I want first to thank my friend from Chicago [Mr. DURBOROW] for giving this poor soldier a chance to have his case considered. Second, I want to make this explanation: The difference between this Mexican soldier and other soldiers of the Mexican war is simply the difference between total blindness and that general inability to make a livelihood that comes from old age and ordinary disabilities.

This is a rather remarkable case. This man was unable to make a living and did obtain his \$12 a month under the law of 1893. Subsequently he was struck with total blindness. It is proved in the record and it is one of the most remarkable cases that I know of. His ill health was largely the result of exposure during the Mexican war, but he attempted in his old age to continue to make a living by writing. He was a subeditor of a paper in my district, not in my town, and contrived to make something toward a living by his pen. The doctors think that by overworking his eyes, in his already enfeebled condition as the result of his exposure during the Mexican war, in that effort he became suddenly blind. If he had been a soldier in the late war he would have been entitled to \$72 a month. This is simply an exceptional case.

Mr. JONES. I would ask the gentleman if he could receive \$72 a month unless it was shown that his blindness resulted from his service in the army? The gentleman does not claim that this man's blindness resulted from his service in the Mexican war, I presume?

Mr. BRECKINRIDGE. On the contrary, the judgment of those who know him is that it was that very thing. He has been suffering from diseased eyes since he came back from Mexico. He has been a constant sufferer from weak eyes since the Mexican exposure. He was then a young man, in the prime of life, and he came back with impaired vision. He is now about seventy years old, and he has been making a serious struggle all his life to get a living by his pen. His impaired eyesight has gradually grown worse and worse, until at one stroke he was made blind, and he now has to be led around the streets.

The CHAIRMAN. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN B. LEACH.

Mr. EVERETT (when his name was called). Mr. Chairman, I call up the bill (H. R. 2118) for the relief of John B. Leach.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension rolls the name of John B. Leach, father of John R. Leach, who was formerly a member of Company A, Fifty-ninth New York Infantry, and to pay him the pension of a dependent father from the passage of this act.

Mr. EVERETT. I should like to have the report read, Mr. Chairman.

The report (by Mr. McETRICK) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 2118) granting a pension to John B. Leach, and submit the following report:

The petitioner is the father of John B. Leach, who served in Company A, Fifty-ninth New York Infantry, from December 31, 1861, until killed in battle at Antietam, September 17, 1862. This soldier left a widow, who was pensioned until November 13, 1867, when she married one Thomas Brown, and her pension then ceased by operation of law. The father's claim is rejected by the Pension Bureau on the ground that the soldier left a widow, and in such case neither mother nor father has any title under the general laws. Letters and copies of letters on file state that the father is a worthy citizen, with no source of income, aged and feeble, being 78 years of age; that he fell and broke his hip in December last, and is dependent on charity for his care in a hospital.



A letter on file from Hon. WILLIAM EVERETT states that he is informed that the mother of the soldier is deceased.  
Your committee recommend that the bill do pass, and that the title be amended to read: "A bill to pension John B. Leach."

Mr. EVERETT. Mr. Chairman, I wish to say a very few words in explanation of this case. That it is outside of the law is admitted; so that if the committee grant the pension it can only be an exception. The soldier was killed in the battle of Antietam. His widow received a widow's pension, and then by remarriage she lost that pension. The mother of the soldier is dead. I have with me a certified copy of the record of her death. His father is now a man of 76 years of age, I think, very infirm, and dependent upon charity. Lately he has had a serious accident, for which he has received charitable treatment in hospital.

The petition is that the widow's pension having been forfeited, and the mother being dead, the father shall now receive a pension as dependent father from the passage of this act. There is no pretense that it comes under any law. It is a peculiar case of itself, and I have no wish to detain the committee at any length in pressing it in any exceptional way, but hope it will be judged on its merits.

Mr. JONES. Mr. Chairman, as the gentleman from Massachusetts has stated, this is certainly a peculiar case. I do not think there can be a precedent shown for a case of exactly this kind.

Mr. MARTIN of Indiana. Mr. Chairman—

Mr. JONES. I know what the gentleman from Indiana intends to say. We have given pensions to mothers and probably to fathers and sometimes to the invalid children of soldiers whose widows have remarried. This is an exceptional case in that this man is simply an old man, some 76 years of age.

Mr. MARTIN of Indiana. Seventy-eight.

Mr. JONES. I understood the gentleman to say about 76 years of age. Now, it seems to me, Mr. Chairman, that if we are going to pension the fathers and the mothers of soldiers whose widows have remarried and thereby lost their pensions, unless it is a case of absolute destitution, unless it is a case that appeals to this House much stronger than this one does, we might as well repension all those widows who are applying here to have their pensions restored.

Mr. EVERETT. This is the father of the soldier. The widow has remarried and she is outside.

Mr. JONES. I understand perfectly, Mr. Chairman, that this is the father of the soldier; but the father of a soldier can not obtain a pension so long as the woman who was the wife of the soldier is living. She had a pension herself.

Mr. MARTIN of Indiana. Only after her death.

Mr. JONES. And, as the chairman of the committee suggests to me, only after her death.

Mr. EVERETT. That is admitted.

Mr. JONES. Now, Mr. Chairman, that being true, I would like to know what there is in this case that makes it stronger than thousands of cases that might be brought here. It simply happens that this man has a friend in the eloquent and distinguished gentleman who represents the State of Massachusetts in part upon this floor, and he is enabled to get his case before Congress when hundreds and thousands of other people who stand in exactly the same position as he does can not get a hearing here, or do not get a hearing here, and are not given the same consideration that this man is asked to be given. It has not been the policy of this Government by general law to pension men who stand in his position; and it seems to me it is wrong, simply because this man is 76 years of age, to pass a special act to give him a pension when there is no reason why he should obtain it, and he can not obtain it under any general law.

The law gave a pension to the widow of the dead soldier, but she has relinquished it by remarrying. She has lost it. Now, here is an effort to take this pension which this woman has relinquished and lost and bestow it upon the father of the soldier. I submit that if this is done in this case that it merely amounts to a nullification of the law which deprives remarried widows of their pensions.

I do not think that this Congress, by these special acts, ought to attempt to avoid that general law in this way; and I hope that Congress will not establish this bad precedent. I know that this single case will not greatly swell the enormous pension roll that we have, but it will be establishing a bad precedent, and one that will be referred to here one week from to-day in an effort to secure a pension for some other soldier's father. If not in a week from to-day, there will be hundreds of bills introduced hereafter for the same purpose, on the ground that Congress has seen fit to grant a pension in this particular case. It just opens the door to putting a large number of these people upon the pension roll. If it is done after proper consideration, and it is determined to be the policy of Congress to do this, I do not see how we can refuse to do the same thing with other people who come here pressing cases of the same sort; and therefore I hope this bill will be defeated.

The question was taken on laying the bill aside with a favorable recommendation; and the Chairman announced that the ayes seemed to have it.

Mr. JONES. Division.

The committee divided; and there were—ayes 15, noes 6.

So the bill was laid aside with a favorable recommendation.

Mr. MARTIN of Indiana. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having resumed the chair as Speaker pro tempore, Mr. BRETZ, Chairman of the Committee of the Whole, reported that that committee had had under consideration sundry bills on the Private Calendar and had directed him to report the same to the House with various recommendations.

Mr. MARTIN of Indiana. Mr. Speaker, I ask unanimous consent that the previous question be considered as ordered on the bills reported this evening from the Committee of the Whole to the House, with the right of debate for fifteen minutes on each side, and with the right of way reserved to appropriation and revenue bills.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chairs hears none.

Mr. MARTIN of Indiana. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 25 minutes p. m.) the House adjourned until 11 o'clock a. m. to-morrow.

#### PUBLIC BILLS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, and severally referred as follows:

By Mr. DALZELL: A bill (H. R. 8880) to authorize the Monongahela and Western Railroad Company to construct a bridge over the Monongahela River—to the Committee on Interstate and Foreign Commerce.

By Mr. McETRICK: A bill (H. R. 8881) relating to the liability of employers engaged in interstate and foreign commerce for injuries to their employees—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON of Illinois: A bill (H. R. 8882) to authorize the construction of a bridge across the Illinois River at or near the town of Hennepin—to the Committee on Interstate and Foreign Commerce.

By Mr. BABCOCK: A bill (H. R. 8883) repealing chapter 203 of the acts of the Fifty-second Congress, approved March 3, 1893, entitled "An act to ratify and confirm an agreement with the Kickapoo Indians, in Oklahoma Territory," and to make appropriations for carrying the same into effect—to the Committee on Indian Affairs.

By Mr. CHARLES W. STONE: A joint resolution (H. Res. 276) providing for the reprinting of volumes 16 and 17 of the United States Statutes at Large—to the Committee on Printing.

By Mr. ELLIS of Oregon: A joint memorial from the legislature of Oregon, asking for an appropriation to improve the Umpqua River, in Oregon—to the Committee on Rivers and Harbors.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. FUNK: A bill (H. R. 8884) granting a pension to Alexander M. Laughlin—to the Committee on Pensions.

Also, a bill (H. R. 8885) granting a pension to James G. Laughlin—to the Committee on Pensions.

Also, a bill (H. R. 8886) granting a pension to Charles Leeper—to the Committee on Pensions.

By Mr. GILLET of Massachusetts: A bill (H. R. 8887) authorizing the payment of the amount due Stella J. Coolbroth—to the Committee on Private Land Claims.

By Mr. HENDERSON of Illinois: A bill (H. R. 8888) granting a pension to Williamson Durley—to the Committee on Pensions.

By Mr. LACEY: A bill (H. R. 8889) increasing the pension of Robert A. McKee—to the Committee on Invalid Pensions.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 8890) for the relief of the estate of Samuel N. White, deceased, late of West Feliciana Parish, La.—to the Committee on War Claims.

By Mr. WILLIAMS of Mississippi: A bill (H. R. 8891) for the relief of Theodore L. Alexander, of Jasper County, Miss.—to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTHOLDT: Petitions of St. Louis local union No. 699

of the Brotherhood of Carpenters and Joiners of America; the Journeymen Bakers and Confectioners' International Union, No. 15, of St. Louis; Iron Mountain Lodge, No. 390, of St. Louis, and the Brotherhood of Locomotive Firemen, in favor of the so-called Maguire bills for the relief of American seamen—to the Committee on Merchant Marine and Fisheries.

By Mr. CARUTH: Action of iron molders' union No. 16 favoring House bill 5603—to the Committee on Merchant Marine and Fisheries.

Also, action of Monon Division, No. 89, of Louisville, Ky., in behalf of legislation favoring arbitration in railroad troubles—to the Committee on Labor.

By Mr. DALZELL: Resolutions of 1,416 citizens of Pittsburg, 350 of Homestead, 115 of Penn, 249 of Verona, and 83 of Pitcairn, all of Pennsylvania, in favor of an amendment to the Constitution providing that neither Congress nor any State shall pass a law respecting an establishment of religion, etc.—to the Committee on the Judiciary.

Also, resolutions of 894 citizens of Pittsburg, 240 of South Pittsburg, 249 of Verona, and 83 of Pitcairn, all of Pennsylvania, in favor of an amendment to the Constitution providing that no State shall grant the right of franchise to any person who is not a citizen of the United States—to the Committee on the Judiciary.

Also, resolution of Pittsburg Coal Exchange, approving plans of Monongahela and Western Railroad Company for a bridge over the Monongahela River—to the Committee on Interstate and Foreign Commerce.

By Mr. DOOLITTLE: Petition of 55 members of the Army and Navy Union, stationed at Fort Canby, Wash., to retire enlisted men of the United States Navy after thirty years of honorable service—to the Committee on Military Affairs.

Also, memorial of members of the bar of Takima County, Wash., asking the establishment of a district and circuit court term to embrace the counties of Takima, Kittitas, and Klickitat, Wash.—to the Committee on the Judiciary.

By Mr. DURBOROW: Petition for the passage of House resolution of January 19, 1895, for the ratification of a permanent treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. HOPKINS of Pennsylvania: Petition of 40 citizens of Renovo, Clinton County, Pa., praying for an amendment to the Constitution prohibiting the granting of the elective franchise to those who are not citizens of the United States—to the Committee on the Judiciary.

Also, petition of 40 citizens of Renovo, Pa., asking for a constitutional amendment to prohibit the appropriation of money for sectarian purposes—to the Committee on the Judiciary.

By Mr. HUDSON: Petition of the World's Woman's Christian Temperance Union, asking Congress to withdraw legal sanction of the opium trade and alcohol and drink traffic—to the Committee on Alcoholic Liquor Traffic.

By Mr. IKIRT: Resolution of 105 citizens of Wellowville, Ohio, against granting suffrage to aliens—to the Committee on the Judiciary.

Also, resolution of 105 citizens of Wellowville, Ohio, against sectarian appropriations of public money—to the Committee on the Judiciary.

By Mr. KIEFER: Resolution by the Board of Trade of the city of Mankato, Minn., favoring the issue of bonds now to be made—to the Committee on Ways and Means.

By Mr. LACEY: Memorial for an increase of pension for Robert A. McKee, captain Fifth Iowa Cavalry—to the Committee on Invalid Pensions.

By Mr. McCLEARY of Minnesota: Resolution of the Mankato (Minn.) Board of Trade, favoring the issuing of bonds of the United States payable in gold—to the Committee on Ways and Means.

By Mr. McNAGNY: Petition of Central Harbor Union, of Indianapolis, praying for the passage of House bill 7756—to the Committee on Labor.

Also, memorial of Martin Detzer and 23 others, druggists, of Fort Wayne, Ind., relating to the tax on alcohol—to the Committee on Ways and Means.

Also, papers to accompany House bill 8345, for the relief of Joseph Welder—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 8347, for the relief of W. F. Bryson—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 5647, for the relief of Jefferson Dickerson—to the Committee on War Claims.

By Mr. McRAE: Papers to accompany House bill 8869, for the relief of John McDermott, of Arkansas—to the Committee on War Claims.

By Mr. O'NEILL of Missouri: Papers with bill to remove the charge of desertion against Denis Byrnes—to the Committee on Military Affairs.

By Mr. RICHARDSON of Michigan: Petition of the Dry Goods Economist and the Houseman & Jones Clothing Company, of Grand

Rapids, Mich., praying for the passage of the national bankruptcy bill—to the Committee on the Judiciary.

By Mr. RUSSELL of Connecticut: Petition from citizens of Norwich, Conn., in favor of House bill 56, readjusting the salaries of postal clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. RYAN: Resolution of the New York Chamber of Commerce in favor of the passage of the Senate bills reorganizing the consular and diplomatic service—to the Committee on Foreign Affairs.

By Mr. CHARLES W. STONE: Resolutions of a meeting of 75 citizens of North Clarendon, Warren County, Pa., in favor of an amendment to the Constitution prohibiting the use of public funds or credit for sectarian institutions—to the Committee on the Judiciary.

By Mr. WILLIAMS of Illinois: Papers to accompany bill to pension Stephen Williams, private Company E, Fourteenth Regiment Illinois Cavalry Volunteers—to the Committee on Military Affairs.

## SENATE.

SATURDAY, February 16, 1895.

Prayer by the Rev. H. S. LUNN, D. D., of London, England.

The Journal of yesterday's proceedings was read and approved.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bill and joint resolution:

A bill (H. R. 4952) to amend section 2455 of the Revised Statutes of the United States; and

A joint resolution (H. Res. 252) relative to the British Venezuela-Guiana boundary dispute.

The message also announced that the House insisted upon its amendments to the bill (S. 444) making the surveyor of the District of Columbia a salaried officer, and to provide for more efficient service in the surveyor's office, disagreed to by the Senate, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. COBB of Alabama, Mr. COOPER of Indiana, and Mr. HULL managers at the conference on the part of the House.

The message further announced that the House insisted upon its amendment to the bill (S. 1717) to authorize the appointment of women as public school trustees in the District of Columbia, disagreed to by the Senate, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CADMUS, Mr. HEARD, and Mr. ALDRICH managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the joint resolution (H. Res. 273) extending from March 1, 1895, to April 15, 1895, the time for making returns of income for the year 1894, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. McMILLIN, Mr. MONTGOMERY, and Mr. HOPKINS of Illinois managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 840) to correct the muster of Lieut. Gilman L. Johnson;

A bill (H. R. 6750) to authorize the construction of a bridge across the Yellowstone River, in the county of Dawson, State of Montana; and

A bill (H. R. 8811) granting a pension to James Jones.

### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1813) providing an additional circuit judge in the ninth judicial circuit;

A bill (S. 2595) to establish a life-saving station at or near City Point, Boston Harbor, Massachusetts;

A bill (H. R. 109) to provide for the purchase of a site and the erection of a public building thereon at South Omaha, in the State of Nebraska;

A bill (H. R. 2337) for the erection of a public building at Newport, Ky.; and

A bill (H. R. 4233) to provide for the purchase of a site and the erection of a public building thereon in the city of Cumberland, Md.

### EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 6th instant, certain information as to what kinds



of money or currency and what amount of each kind have been received in exchange for the United States bonds issued and sold under the provisions of the refunding act of 1870; which, on motion of Mr. PLATT, was ordered to lie on the table and be printed.

#### OKLAHOMA CENTRAL RAILROAD.

The VICE-PRESIDENT appointed Mr. JONES of Arkansas, Mr. PLATT, and Mr. BLANCHARD as the conferees on the part of the Senate upon the bill (H. R. 5624) to authorize the Oklahoma Central Railroad to construct and operate a railway through the Indian and Oklahoma Territories, and for other purposes, and the amendments of the Senate thereto.

#### ORDER OF BUSINESS.

Mr. HUNTON. Mr. President, there is upon your table a House bill, the bill (H. R. 8724) to provide for the striking of juries in the District of Columbia. I ask the Chair to lay that bill before the Senate that I may request the Senate to put it upon its passage, as the Committee on the District of Columbia has reported, and there is now on the Calendar, a bill exactly similar to the one passed by the other House.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Virginia?

Mr. HALE. Upon what order of business are we proceeding?

The VICE-PRESIDENT. Petitions and memorials are in order.

Mr. HALE. The rule is very plain that in the call of routine business certain things shall be done in order. The first is the presentation and reception of petitions and memorials. The next is reports of committees. The next is the introduction of bills and joint resolutions; and after that Senate resolutions. That is what is called the routine morning business. I insist here and now, and whenever I am here I shall insist, that the routine business be proceeded with, and that nothing else shall be attended to until that is through. I think I may venture to suggest that if the Chair will enforce that order and state that the time for making requests for the consideration of measures on the Calendar has not been reached, but that the routine business comes first, much confusion will be avoided. I object to the consideration of the bill at this time, and ask for the regular order.

The VICE-PRESIDENT. The Chair follows the precedents. Where a request is made by a Senator for unanimous consent the Chair submits the request to the Senate. Objection is interposed to the request of the Senator from Virginia. Petitions and memorials are in order.

#### PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of the New York Chamber of Commerce and a petition of the New York Board of Trade and Transportation, praying for the reorganization of the consular and diplomatic service; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Merchants' Association of Boston, Mass., praying for the passage of the so-called Patterson railroad pooling bill; which was ordered to lie on the table.

Mr. DUBOIS. I present a petition in the nature of a telegram, and ask that it be read:

The petition was read, and ordered to lie on the table, as follows:

Senator F. T. DUBOIS,  
Washington, D. C.:

At a meeting of Republicans from the different sections of Arizona, held this day at Phoenix, the capital of the Territory, to consider the propriety of urging upon the United States Senate the passage of the pending bill for the admission of Arizona as a State of the American Union, it was unanimously resolved that the Committee on Territories of the United States Senate and the Republican Senators be forthwith advised that the Republicans of Arizona are unequivocally in favor of the immediate admission of Arizona as a State, and we urge the passage of the pending bill for admission at this session of Congress.

Resolved, That the above proceedings, signed by the Republicans present at said meeting, be telegraphed to Hon. CHARLES J. FAULKNER, chairman of the Committee on Territories, and to Hon. F. T. DUBOIS, of the United States Senate.

Joseph H. Kibbey, chairman; Perry Wildman, secretary; Charles B. Drake, central committee Pima County; M. J. Egan, central committee Graham County; N. H. Carpenter, speaker of eighteenth assembly; J. Doran, president Council G; H. L. Smith, board of supervisors Graham County; John S. Jains, councilman, Yavapai County; A. J. Sampson, Lewis Waldfy, and following members eighteenth legislature; Austin C. Wright, C. L. Cummings, G. Joseph Fish, H. E. Hinton, George H. Crosby, Will C. Barnes, O. W. D. Gaddis, M. R. Moore, H. K. Chenoweth, H. C. Herrick, F. T. Aspinwall; Charles D. Reppy, chief clerk house; C. W. French, committeeman Pinal County; James D. Marchon, mayor Phoenix; L. H. Goodrich, central committee Maricopa County; William Christy, president Valley Bank; William Herring, Tombstone; Walter Bennett, Phoenix, Ariz.; Jerry Melloy, district attorney, Maricopa, Ariz.; N. O. Murphy.

Mr. FRYE presented a petition of the city council of Portland, Me., praying for the passage of Senate bill No. 2523, to regulate the mode of removal of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CHANDLER. I present the petition of W. H. Taylor and 70 other citizens of Choctaw County, Ala., representing that the State of Alabama has not a republican form of government, and praying that action may be taken that will afford the citizens of that State the rights guaranteed to them by the Constitution.

I also present the petition of Jack Monning and 33 other citizens of Choctaw County, and the petition of S. A. Wright and 71 other citizens of Choctaw County, making the same representations and stating the same prayer. I move that the petitions be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. CLARK. I present a joint resolution of the legislature of the State of Wyoming, relative to the issuance of gold and other bonds, which I ask may be read and referred to the Committee on Finance.

The memorial was read, and referred to the Committee on Finance, as follows:

#### House joint resolution No. 7.

Be it resolved by the house of representatives (the senate concurring therein), That, believing that the proposed additional issue of bonds on the part of the National Government is a movement in the East on the part of New York bankers to force the country to a gold basis, beyond the possibility of a change, and to drive the National Government from its constitutional supervision of the currency of the country, and believing that this would entail untold misery on the common people of the land, we most respectfully ask that the representatives in the National Congress from the State of Wyoming protest against the issuance of gold bonds or any bonds which would fasten a debt upon the people for generations to come.

We further ask that the representatives of this State use all honorable means to prevent legislation as proposed by the President's message sent to Congress on Monday, January 21, 1895, and to defeat the Administration bill now before the Banking and Currency Committee of the House of Representatives in Washington.

Be it further resolved, That a copy of these resolutions, suitably indorsed and engrossed, be sent to Hon. J. M. CAREY and Hon. C. D. CLARK, in the Senate of the United States, and Hon. H. A. COFFEY, in the House of Representatives.

GEO. W. HOYT,  
President of the Senate.  
JAY L. TORREY,  
Speaker of the House.

Approved February 11, A. D. 1895.

WM. A. RICHARDS, Governor.

#### STATE OF WYOMING, Office of the Secretary of State.

UNITED STATES OF AMERICA, State of Wyoming, ss:

I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed copy of house joint resolution No. 7 is a true and correct copy of the original, which was duly passed by the third legislature of the State of Wyoming, signed by the governor, and is now on file in the office of the secretary of state.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 12th day of February, A. D. 1895.

[SEAL.] CHARLES W. BURDICK,  
Secretary of State.

Mr. QUAY presented petitions of 431 citizens of Allentown, of 45 citizens of Nicolay, of 178 citizens of Morrellville, of 75 citizens of Rochester Mills, of 224 citizens of Middletown, of 65 citizens of Lambertsville, of 60 citizens of Monaca, of 93 citizens of Frackville, of 200 citizens of Greencastle, of 53 citizens of Springdale, of 46 citizens of Strongstown, of 140 citizens of Allegheny, of 75 citizens of West Lebanon, of 50 citizens of Jamestown, of 90 citizens of Pittsburg, of 75 citizens of Carbondale, of 110 citizens of New Cumberland, of 407 citizens of Philadelphia, of 500 citizens of Carnegie, and of 100 citizens of Chatham, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

He also presented petitions of 107 citizens of Philadelphia, of 75 citizens of Rochester Mills, of 93 citizens of Frackville, of 100 citizens of Vanderbilt, of 163 citizens of East Deer Township, of 46 citizens of Strongstown, of 140 citizens of Allegheny, of 75 citizens of North Clarendon, of 52 citizens of Springdale, of 50 citizens of Jamestown, of 165 citizens of Philadelphia, of 116 citizens of Pittsburg, of 400 citizens of Pittsburg, of 45 citizens of Nicolay, of 407 citizens of Philadelphia, of 110 citizens of New Cumberland, of 65 citizens of Ogontz, of 60 citizens of Monaca, of 500 citizens of Carnegie, of 173 citizens of Philadelphia, and of 100 citizens of Chatham, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

Mr. TURPIE presented a petition of Local Union, No. 62, Cigar Makers' International Union, of Richmond, Ind., praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which was ordered to lie on the table.

He also presented a petition of 75 citizens of Albany, Ind., praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which was referred to the Committee on the Judiciary.

He also presented a petition of 75 citizens of Albany, Ind., pray-

ing for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which was referred to the Committee on the Judiciary.

Mr. DAVIS presented a memorial of sundry wholesale merchants and manufacturers of St. Paul, Minn., remonstrating against the passage of the bankruptcy bill; which was ordered to lie on the table.

He also presented a petition of the Board of Trade, of Mankato, Minn., praying for the enactment of legislation to provide for the issuance of long-time gold bonds, drawing not more than 8 per cent; which was referred to the Committee on Finance.

Mr. MANDERSON presented a petition of Cigar Makers' Local Union, No. 83, of Omaha, Nebr., praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which was ordered to lie on the table.

Mr. CAMERON presented petitions of 89 citizens of Slippery Rock, of 400 citizens of Pittsburg, of 116 citizens of Pittsburg, of 40 citizens of Flatwoods, of sundry citizens of Sharpsburg, of 118 citizens of Walnut Bottom, of 75 citizens of Harrowgate, of sundry citizens of Ogontz, of 165 citizens of East Deer Township, of 47 citizens of Virgo, of 100 citizens of Vanderbilt, of 248 citizens of Harrisburg, of 140 citizens of Greenville, of 63 citizens of Doylestown, of 107 citizens of Philadelphia, and of 40 citizens of Renovo, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

He also presented petitions of 171 citizens of Royersford, of sundry citizens of Howardboro, of 89 citizens of Slippery Rock, of 40 citizens of Flatwoods, of sundry citizens of Sharpsburg, of 118 citizens of Walnut Bottom, of 75 citizens of Harrowgate, of 75 citizens of West Lebanon, of 47 citizens of Virgo, of 65 citizens of Lambertsburg, of sundry citizens of Greencastle, of 248 citizens of Harrisburg, of 63 citizens of Doylestown, of 431 citizens of Allentown, of sundry citizens of New Cumberland, of 40 citizens of Renovo, and of 178 citizens of Morrellville, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of the franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

The VICE-PRESIDENT presented a memorial of the legislative assembly of Arizona; which was read, and ordered to lie on the table, as follows:

#### House memorial No. 4.

To the Senate and House of Representatives  
of the United States of America in Congress assembled:

We, your memorialists, the eighteenth legislative assembly of Arizona, beg leave to represent to your honorable bodies:

First. That there is in the northern part of this Territory, lying within the borders of Apache County, near the town of Holbrook, a wonderful deposit of petrified wood, commonly called the "Petrified Forest" or "Chalcedony Park."

This deposit or forest is unequalled for its extent, the size of the trees, and the beauty and great variety of coloring found in the logs.

A country 10 miles square is covered by the trunks of trees, some of which measure over 200 feet in length and from 7 to 10 feet in diameter.

Ruthless curiosity seekers are destroying these huge trees and logs by blasting them in pieces in search of crystals, which are found in the center of many of them, while car loads of the limbs and smaller pieces are being shipped away to be ground up for various purposes.

Second. Believing that this wonderful deposit should be kept inviolate that future generations may enjoy its beauties and study one of the most curious and interesting effects of nature's forces:

We, your memorialists, most respectfully request that the Commissioner of the General Land Office be directed to withdraw from entry all public lands covered by this forest until a commission or officer appointed by your honorable bodies may investigate and report to you upon the advisability of taking this forest under the charge of the General Government and making a national park or reservation of it.

It is annually visited now by hundreds of scientific men and travelers from every State and country, and some such action by your bodies would preserve it from the vandalism it is now subjected to.

We would further state that at present there is no person living within the limits of the proposed park, so that no settlers will be disturbed by any such action on your part.

And be it resolved by the legislative assembly of the Territory of Arizona, That our Delegate in Congress be, and is hereby, instructed to use all honorable means to have some action taken by Congress to have this Chalcedony Park set aside and formed into a national park under the care and charge of the General Government.

Also that the secretary of the Territory be, and is hereby, requested to transmit a copy of this memorial to each House of Congress, our Delegate to Congress, and the United States Land Commissioner.

A. J. DORAN, President.  
J. H. CARPENTER, Speaker.

[Indorsed.]

I hereby certify that the within memorial originated in the house, and is known as house memorial No. 4.

CHAS. D. REPPY, Chief Clerk.

Filed in the office of the secretary of the Territory of Arizona this 11th day of February, A. D. 1895, at 11 a. m.

CHAS. M. BRUCE,  
Secretary of Arizona,  
By F. B. DEVEREUX, Assistant.

#### TERRITORY OF ARIZONA, Office of the Secretary.

UNITED STATES OF AMERICA, Territory of Arizona, ss:

I, Charles M. Bruce, secretary of the Territory of Arizona, do hereby certify that the within copy is a true and complete transcript of the house memorial No. 4 of the eighteenth legislative assembly of Arizona, filed in this office the 11th day of February, A. D. 1895, at 11 o'clock a. m., as provided by law.

In testimony whereof I have hereunto set my hand and affixed my official seal. Done at the city of Phoenix this 11th day of February, 1895.

[SEAL.]

CHARLES M. BRUCE,  
Secretary of the Territory.

#### REPORTS OF COMMITTEES.

Mr. PASCO, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6923) for the relief of Matthew T. Lewis, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (H. R. 4507) for the relief of Witherby & Gaffney, reported it with amendments, and submitted a report thereon.

Mr. PASCO. I am directed by the Committee on Claims, to whom was referred an amendment intended to be proposed to the sundry civil appropriation bill by the Senator from Tennessee [Mr. HARRIS], to report it back adversely, with a written report thereon, which I ask may be printed. I ask that the amendment may be allowed to lie on the table.

The report was ordered to be printed, and the amendment to lie on the table.

Mr. VEST, from the Committee on Public Buildings and Grounds, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### BILLS INTRODUCED.

Mr. VOORHEES introduced a bill (S. 2765) granting an increase of pension to Merrick Z. Buck; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 2766) granting an increase of pension to John Campbell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL of Wisconsin introduced a bill (S. 2767) to quiet title to certain lands in persons who purchased the same in good faith, without notice, and for a valuable consideration, and to enable the Government to issue patents on such lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MANDERSON introduced a bill (S. 2768) to remove the charge of desertion from the military record of William McCormick; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. STEWART introduced a bill (S. 2769) to restore bimetalism; which was read the first time by its title.

Mr. STEWART. I ask that the bill be read the second time at length. It is a short bill. I desire to have it lie on the table after it is read the second time.

Mr. HOAR. The rule requires that no bill shall have two readings on the same day unless by unanimous consent.

The VICE-PRESIDENT. Is there objection to the second reading of the bill?

Mr. HOAR. I object to two readings on this day.

The VICE-PRESIDENT. Objection is made, and the bill will take the usual course of a bill on its second reading.

Mr. HARRIS (by request of the Commissioners of the District of Columbia) introduced a bill (S. 2770) to amend an act entitled "An act to provide for the opening of alleys in the District of Columbia," approved July 22, 1892; which was read twice by its title, and, with the accompanying letter from the Commissioners of the District of Columbia, referred to the Committee on the District of Columbia.

He also (by request) introduced a bill (S. 2771) to authorize the extension of the Columbia Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MITCHELL of Oregon introduced a bill (S. 2772) for the relief of Orville T. Porter, late United States marshal for the district of Alaska; which was read twice by its title, and referred to the Committee on Claims.

Mr. CALL (by request) introduced a bill (S. 2773) to provide for the coinage of gold and silver bullion in the mints of the United States, and for the exchange thereof of legal-tender United States Treasury notes; which was read twice by its title, and referred to the Committee on Finance.

Mr. VILAS introduced a bill (S. 2774) to withdraw from the Supreme Court jurisdiction of criminal cases not capital and confer the same on the circuit courts of appeals; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. ALLEN introduced a joint resolution (S. R. 135) to provide for the immediate printing of that portion of the annual report of the Director of the Geological Survey containing the mineral re-



sources of the United States; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Printing.

Mr. BURROWS introduced a joint resolution (S. R. 106) authorizing the Secretary of War to deliver condemned cannon to the Soldiers' Home at Grand Rapids, Mich.; which was read twice by its title, and referred to the Committee on Military Affairs.

#### AMENDMENTS TO BILLS.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. ALLEN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Select Committee on Forest Reservations.

Mr. HOAR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SQUIRE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PEPPER submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BATE submitted an amendment intended to be proposed by him to the bill (S. 2297) to provide for the restatement, readjustment, settlement, and payment of dues to army officers in certain cases; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. PROCTOR submitted an amendment intended to be proposed by him to the bill (S. 2297) to provide for the restatement, readjustment, settlement, and payment of dues to army officers in certain cases; which was ordered to lie on the table, and be printed.

#### NATIONAL BANKS AS DEPOSITORIES OF PUBLIC MONEYS.

Mr. ALLEN submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Treasury be, and is hereby, directed to inform the Senate of the names and locations of the national banks that are and have been for the past ten years acting as depositories of public moneys; the names of the officers of such banks, and whether such deposits are and have been special or general; the average amount of deposits thus made by the Government, and whether interest is and has been paid by the banks on such deposits, and the terms and conditions of the contract or contracts under which such deposits are or have been made.

#### NEW HAVEN (CONN.) HARBOR OF REFUGE AND BREAKWATER.

Mr. PLATT submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of War is hereby directed to cause to be made an examination and survey of the harbor of refuge and breakwater now in construction at the port of New Haven, Conn., with reference to an extension of the work, and report what further improvements are needed for the completion of the said harbor of refuge for the benefit and accommodation of warships, and of foreign and domestic vessels navigating Long Island Sound, together with the probable expense thereof; and also to cause an examination and survey of the harbor of New Haven, Conn., to be made with reference to further necessary improvements thereof, and report thereon.

#### RAILROAD LANDS IN CALIFORNIA.

Mr. WHITE submitted the following concurrent resolution; which was referred to the Committee on Public Lands:

*Resolved by the Senate (the House of Representatives concurring)*, That the Secretary of the Interior be requested to suspend action on all selections filed by land-grant railroad companies for lands situated in the State of California until the 1st day of January, 1896, unless legislation providing for the examination and classification of mineral lands within the limits of such selections shall be enacted previous to said date.

#### HOUSE BILLS REFERRED.

The bill (H. R. 840) to correct the muster of Lieut. Gilman L. Johnson was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 6750) to authorize the construction of a bridge across the Yellowstone River, in the county of Dawson, State of Montana, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 8811) granting a pension to James Jones was read twice by its title, and referred to the Committee on Pensions.

#### ORDER OF BUSINESS.

Mr. HOAR. Will the Chair be kind enough to state for the information of the Senate what was the agreement as to the order of business for to-day? Was there a unanimous-consent agreement to proceed with the Calendar at a certain hour?

The VICE-PRESIDENT. There was objection interposed to the request, the Chair will state.

Mr. HOAR. So there is no order on that subject?

The VICE-PRESIDENT. There is none.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8272) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HENDERSON of North Carolina, Mr. DUNPHY, and Mr. LOUD managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 2589) granting cannon to the historical museum, Des Moines, Iowa.

#### PROPOSED ISSUE OF BONDS.

Mr. VILAS. Mr. President, I desire to give notice that on Monday next I shall ask the courtesy of the Senate to take up informally the bill I introduced the other day, being the bill (S. 2479) to save the people of the United States \$16,170,770, for the purpose of submitting some remarks upon it at the conclusion of the routine morning business.

#### POST-OFFICE APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8272) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BLACKBURN. I move that the Senate insist on its amendments disagreed to by the House of Representatives, and accede to the request for a conference by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. BLACKBURN, Mr. GORMAN, and Mr. CULLOM were appointed.

#### BIMETALLISM AND GOLD BONDS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from New York [Mr. HILL], coming over from a previous day, which will be read.

The resolution submitted by Mr. HILL on the 11th instant was read, as follows:

*Resolved (if the House of Representatives concurs)*, That it is the sense of Congress that the true policy of the Government requires that its efforts should be steadily directed to the establishment of a safe system of bimetalism, wherein gold and silver may be maintained at a parity, and every dollar coined may be the equal in value and power of every other dollar coined or issued by the United States; but if our efforts to establish or maintain such bimetalism shall not be wholly successful, and if for any reason our silver coin shall not hereafter be at parity with gold coin and the equal thereof in value and power in the market and in the payment of debts; then it is hereby declared that the bonds of the United States now or hereafter issued which by their terms are payable in coin, shall nevertheless be paid in standard gold dollars, it being the policy of the United States that its creditors shall at all times be paid in the best money in use.

The VICE-PRESIDENT. The question is on agreeing to the resolution of the Senator from New York.

Mr. HILL. On that I ask for the yeas and nays.

Mr. WOLCOTT. Let the resolution be read.

Mr. HALE. Let us have it again read.

Mr. MILLS. Let it be read.

The Secretary again read the resolution.

Mr. MITCHELL of Oregon. I ask if the resolution is not susceptible of a division?

Mr. HILL. I think so. The Senator from Ohio [Mr. SHERMAN] wishes to offer a substitute, after which I desire to say something.

Mr. SHERMAN. If the Senator will allow me, I will offer as a substitute what I send to the desk. It does not, I believe, depart essentially in principle from the resolution just read, but it is much shorter and much clearer, I think.

The VICE-PRESIDENT. The proposed substitute will be read.

The Secretary read as follows:

*Resolved (the House of Representatives concurring)*, That it is the established policy of the United States to maintain gold and silver coins at a parity according to their coinage ratio, so that every dollar coined may be the equal in value of every other dollar coined or issued by the United States; but if at any time our silver coin shall not be at a parity with gold coin according to their coinage ratio, then the bonds of the United States now or hereafter issued which by their terms are payable in coin shall be paid in standard gold coin.

Mr. WOLCOTT. I move the reference of both the resolution and the substitute to the Committee on Finance.

Mr. MITCHELL of Oregon. I second the motion.

Mr. HILL. Mr. President, I desire to say only a few words in support of this resolution. From its very nature it strikes me that it ought to be approved by every member of this body. I do not regard that it enunciates any particular new principle. I say it ought to be approved by every Senator here unless there sits around this circle a gold monometallist or a silver monometallist. I have very few words to address to those gentlemen, but as-

suming that nearly every Senator here is a bimetalist in the proper sense of the term, I think this resolution embodies his ideas.

It is a safe, a conservative, and an appropriate resolution at this time. In the first place, conceding its divisibility, as suggested by the Senator from Oregon [Mr. MITCHELL], it announces the true policy of the Government, which is, in a word, that our efforts should be steadily directed toward the establishment of the policy of bimetalism.

Mr. President, I need not remind both political parties here that that is what they profess; I am not here to suggest that the two principal political parties of the country are not honest in those statements contained in their platforms in favor of bimetalism. In addition to that fact, the policy of bimetalism, not in favor of gold alone, not in favor simply of silver alone, but in favor of both metals, has been solemnly declared by both political parties.

I recall to the attention of the Senate and the country the bill which passed this Congress on the 1st of November, 1893, a bill to stop the purchase of silver bullion, which bill repealed made silver merely a commodity and declared, in the very terms of the repeal, that it was the duty of this Government to steadily pursue steps toward the maintenance of bimetalism. That bill received the approval of the House of Representatives; it received the approval of the Senate. Senators and Representatives voted for it who were advocates of the free coinage of silver, because that repeal itself was believed to be one of the true steps toward the maintenance or the establishment of a system of bimetalism. I recollect distinctly that in the few remarks which I had the honor of submitting in favor of the passage of that measure I called attention to the importance of that declaration. It is true it stopped the limited, restricted, and the illogical coinage of silver; but I called the attention of the Senate and the country to the fact that there was contained in it a most solemn pledge of vast importance to the financial interests of the country. I need not read it. It forms a part of the statutes of the country. It declares the policy of the Government to be that of the pursuit of steady steps toward the maintenance or the establishment of the policy of bimetalism.

Mr. President, that portion of this resolution ought to receive the votes of every Senator for the reasons which I have urged. I make no appeal to Senators who believe in the single standard of gold or the single standard of silver. They are committed to their ways, and they should vote against the first part of this resolution. But I do make an appeal to the true friends of both silver and gold, the men who desire the double standard. To those who contend that it is impossible to maintain such double standard in this country I have nothing to say. I believe it is possible to maintain it. It perhaps can not be maintained at all times or at all hours with exact precision. It will take preparation, it will require revised laws, it will require a friendly Administration. It must be administered in its true spirit and carried out in its true purpose.

Mr. President, the Senator from Ohio [Mr. SHERMAN] has introduced a substitute, which is a slight modification, as I understand it from a hasty reading of it, which differs from my resolution in a few words. My resolution declares—

That it is the sense of Congress that the true policy of the Government requires that its efforts should be steadily directed to the establishment of a safe system of bimetalism.

I think that language is preferable to the language of the Senator from Ohio. The Senator from Ohio declares in his resolution that it is the established policy of the Government, as though there was no question that it was an already established policy. That leads to differences of opinion.

I am inclined to think that some steps are necessary; I am inclined to think that the propositions which have been made lately, which it is not necessary now to refer to at length, are rather in the opposite direction. When you make discrimination between your coin, then I fear that you are taking a step in the wrong direction; and therefore I think it is wiser that we adhere to the terms of my resolution, which avoids any question as to the propriety of what is now being proposed, but simply directs our eyes to the future as to what we ought to do.

Mr. STEWART. Will the Senator allow me to ask him a question?

Mr. HILL. I do not wish to be interrupted now.

Mr. STEWART. I should like simply to ask the Senator a question.

Mr. HILL. At the close of my remarks there will be time to debate the resolution.

Mr. President, I prefer to avoid all details of policy at this time. I think it is wiser to simply declare at this particular time, in this financial crisis, what the true policy of the Government should be. This resolution does not express an opinion upon the question of the propriety of issuing gold bonds, or upon the question of the propriety of issuing coin bonds; it does not express an opinion that we must, in order to maintain bimetalism, open our mints immediately, without preparation and without other changes, to the free coinage of silver. It carefully avoids those questions.

In the first place, I think it of the most supreme importance at this hour that we should inform the country and inform the world as well that our policy is not to maintain the single standard of gold nor the single standard of silver, but that, in view of what is being suggested, in view of what is being pressed, it is wise for us to make this emphatic, brief, and appropriate declaration.

Mr. MITCHELL of Oregon. Will the Senator allow me?

Mr. HILL. I should prefer the Senator would wait until I get through.

Mr. President, I have said all I care to say now upon the first branch of the resolution. If I should speak for hours, in my judgment I could not make it more plain than I have.

I now come to the second part of the resolution. Having said that our true policy is bimetalism, which means that silver and gold shall be maintained at a parity, which means that this Government reserves the absolute, legal, technical right to pay its debts in the authorized coin of the country—that is true bimetalism, the maintenance of the gold standard and the maintenance of the silver standard; in other words, the maintenance of the double standard—if it should turn out that by reason of financial conditions, if it should turn out that by reason of disputes between the two Houses of Congress, if it should turn out by reason of differences of opinion as to policy between the President and Congress we may not be able to fully establish or at least to fully maintain this policy, what then suggests itself?

How shall we pay our bonded debts or our other debts? I think that at this hour this is an important declaration to make, that we believe in the double standard, that we believe in the use of both gold and silver alike. We reserve the absolute right to pay our bonded and other debts in either coin, but if it shall occur that there is any difference between the two, then we announce not by statute, but we pledge the faith of the Government, as a matter of policy, that we will pay in the best coin in use.

Mr. President, I listened with great interest the other day to the remarks of the Senator from Colorado [Mr. TELLER]. He substantially committed himself to this theory. He advocated more than that, it is true; he advocated other and different things about which I do not propose to speak, but he substantially committed himself to the principle that he did not want to pay the bonds of this country in depreciated silver; he did not want to degrade the currency of the country; he wanted both gold and silver, and he wanted to maintain them both if we could; but he also said at the same time that the Government should pay always in the best money in use. That is all I ask in this resolution that we shall pay.

I hope, sir, that there will never occur a time when it will be necessary for us to pause and consider the question whether we shall pay silver or gold; I trust we can maintain this policy of bimetalism, so that creditors will be substantially indifferent as to which shall be offered to them. I believe that it is a wise policy to retain within the power of the Government the right to pay in both metals, the technical, the strict, the legal right; but if for any reason it should be impossible in any emergency to do that, impossible to maintain absolute parity, if by reason of raids upon the Treasury, if by reason of combinations of capital at home or abroad, if by reason of any great commercial crisis that may come, there should be a well-recognized discrimination between the value of those two coins, then I say that the good faith of this Government is pledged not by statute, but by resolution that we shall pay in the best coin in use. That, in brief, is just what this resolution declares that we should do.

Mr. ALLEN. Will the Senator allow me to ask him a question?

Mr. HILL. I hope the Senator will wait until I get through.

The VICE-PRESIDENT. The Senator from New York declines to be interrupted.

Mr. HILL. I can see no answer to this. So far as I am concerned, it seems to me it ought to receive the approval of the friends of gold, of the friends of silver, and that it ought certainly to receive the approval of the friends of bimetalism.

What is the contrary of the proposition? Is it proposed to pay in a depreciated currency? Do you propose to foist depreciated silver coin upon the creditors of your country if there should be a recognized difference between the two metals?

Mr. President, it may be said that it is unwise to recognize the possibility of failure to maintain bimetalism. That is one criticism, it is true. It may be said we ought not to assume the possibility of an inability to maintain the two coins at a parity in this country of ours. Then, I submit, no harm is done. We can not, however, be blind to the signs of the times. If the Government shall imitate the example which is now being set by private parties, loaning money and making a discrimination in the coin in which debts shall be paid, it is likely and possible that in a very short time gold may be at a premium by reason of causes not now necessary to be discussed. If that be so, where is the Senator who insists upon it that we should not pay in the best money that there is in use? We should not confine ourselves technically and strictly to the precise language of the act itself, but we should maintain



the credit and the honor of this Government, and, in the language of the Senator from Colorado, pay in the best money in use. All sides can agree to this. It does not involve any question as to whether the bonds shall be payable in gold or silver; it does not involve any question of the opening of your mints to the free and unlimited coinage of silver. It avoids those questions. It is a safe and conservative and pertinent resolution at this particular time when we are drifting apart.

Mr. President, we are further apart, I fear, than we were six weeks or two months ago. The suggestion of a gold bond upon one side is answered by the free coinage of silver on the other. The proposition to retire the greenbacks is lost sight of. The real point involved, as I think, the duty which confronts us, is the retirement of the greenbacks. There is the danger, there is the drain upon the gold of our country; but that, it seems, it is impossible to do. We can at least take this step: we can at least assure the people of this country and we can assure those from whom we are borrowing money in other countries that, although we are so tied up by disagreements that we can not pass the bills which are introduced, we can at least say to them, "Take our coin bonds, and we will pay them in the best currency in the world, if there is any difference between currencies."

Need we be blind to the fact that in a few short months more bonds of some kind or character must be issued? Let us keep down the interest on those bonds. This resolution will help to do it. We gain nothing by trying to wreck the Government. Neither political party accomplishes anything by bringing on a financial panic in the summer months and compelling us again to come here to resume the consideration of this question.

Mr. HOAR crossed the aisle and made a suggestion to Mr. HILL. Mr. WOLCOTT. I hope we may be permitted to hear the colloquy between the Senator from Massachusetts [Mr. HOAR] and the Senator from New York [Mr. HILL].

Mr. HILL. What is the suggestion of the Senator?

Mr. WOLCOTT. I ask if we can hear the colloquy between the Senator from Massachusetts and the Senator from New York.

Mr. HILL. There is nothing to be concealed about it. The Senator from Massachusetts suggests that in 1869 the question as to how the bonds of the country should be paid was determined by a joint resolution of Congress; and it is a very pertinent suggestion.

Mr. HOAR. Will the Senator from New York yield to me a moment.

Mr. HILL. Yes, sir.

Mr. HOAR. I thought instead of publicly interrupting the Senator from New York it would be better for me to make this suggestion to him as I did, that the same policy which is proposed now is the policy which solved the question of the payment of the debt and hired money in 1869 simply by a joint resolution of both Houses of Congress. A rather angry reply to my honorable friend from Colorado rose to my lips on hearing the suggestion made by him, but I am so sure of the good feeling and generally courteous nature of that Senator, that I will take it for granted that he would not desire to say anything offensive to me.

Mr. WOLCOTT. I assure the Senator from Massachusetts that it was only in the best of good feeling and good faith that I asked that we should be permitted to hear the colloquy, because I did not suppose it was private. I supposed it had to do with something in the remarks of the Senator from New York, to which I felt I might be called upon to make some reply, however inefficient and feeble, and I made the request in order that we might have the benefit of the suggestion of the Senator from Massachusetts, which I knew would be good as compared with the remarks of the Senator from New York, which I hope will be good. [Laughter.]

Mr. HILL. I hope, Mr. President, that my suggestions will be at least as good as some of the currency that is advocated by some members of the Senate. [Laughter.]

I had hoped that this Congress might do more than this. I had hoped that we might by common consent enter upon a discussion of this financial question and proceed to relieve the country.

I repeat here what I said a few moments ago, that I think it is the imperative duty of Congress to proceed to take steps to retire the greenback currency. Need I argue before this Senate that the existence of such greenbacks is one of the principal difficulties which now confronts us? Need I remind you that it is because of the existence of this greenback currency that the gold is taken out of the Treasury?

I quote what the Senator from Colorado [Mr. TELLER] said:

Mr. President, that the greenback is an active agency to take gold out of the Treasury, I do not deny. I do not deny that if you should retire the greenbacks, if you should take them to the furnace and burn them, and should follow that by the destruction of \$150,000,000 in round numbers of Treasury notes issued under the act of 1890, the exporter would find no way of getting gold out of the Treasury.

That is the step we ought to take, that is the step that I regret to say it seems impossible to take by reason of differences here, differences in the other House, and possibly differences in both

Houses with the President. But if that can not be done I had hoped that our friends, the true bimetalists, sometimes called the silver Senators, would see that the elimination of the greenback currency was a step in their interests; that they would see that in the place of the greenbacks and the contraction thereby occasioned, there would necessarily be a public demand for other currency.

I think Senators stand in their own light when they refuse legislation destroying and eliminating greenbacks and taking them out of our currency. But that seems to be the course to be pursued. No legislation, it is said, can reasonably be expected upon that line. Then, Mr. President, awaiting, as we are, a communication from the Secretary of the Treasury as to whether any immediate relief to supply existing deficiencies is needed or not—of course we shall not legislate upon that question until we hear from the Secretary of the Treasury—if we can not pass upon that question we can at least do these two things, declare that this Congress is not committed to gold, declare that this Congress is not committed to silver alone, but declare by an emphatic vote that we stand where we stood when we repealed the purchasing clause of the Sherman silver law in 1893; that we stand here for bimetalism, ready to redeem the pledges which we gave in that session, and that we shall take any step necessary toward the maintenance of this principle. We further declare if our efforts shall fail, if by reason of any of these conditions there does arise a difference between the value of our gold and silver, as patriotic men, responsible for the conduct of this Government, we declare to the country and to the world that we will pay in the best money in use.

Mr. WOLCOTT. Mr. President, I am somewhat surprised at the remarks of the Senator from New York in view of his insistence during the last few weeks that our time should be spent in pertinent discussion, in the discussion of measures which had some chance of being deliberated and voted upon. No Senator is more aware than is the Senator from New York that he is thrashing old straw.

The House of Representatives on yesterday forever disposed, so far as this session is concerned, of the subject of the indorsement of gold bonds. Notwithstanding the frantic efforts of an Administration with all its power and its patronage, notwithstanding the efforts of the leaders of both political parties, the House of Representatives by a decisive vote refused to sanction the policy outlined and approved by the proposed resolution of the Senator from New York.

The Senator is equally out of date, Mr. President, in his reference to the legislation of the special session which dealt with the repeal of the purchasing clause of the Sherman Act. He speaks of the bimetalists who voted for repeal as if he would class himself as one.

Mr. President, there was no genuine bimetalist who voted for repeal, unless it be two or three Senators who voted in the belief and in the shadowy hope that the promises which the Administration gave would be carried out, and who sincerely trusted in the declaration of the Secretary of the Treasury that the repeal of the purchasing clause of the Sherman Act would be followed with some fuller measure for the recognition of silver, but the Senator from New York was not one of them. There were some Senators who voted for repeal upon that declared assurance; and I think I violate no confidence when I state that no one of those Senators, in view of the disastrous occurrences of the last year and a half, if it were to be done again, would ever vote for the repeal of the purchasing clause of the Sherman Act, bad as that act was in principle and in practice.

But, Mr. President, the class of bimetalists to which the Senator from New York belongs is the bimetalist upon a gold basis. He wants the use of the two metals, and he wants them measured by the value of gold. He does not want them measured with the double standard or with the equal representation at the ratio declared by law. He is a bimetalist, because he is a gold monometallist, and, measured by gold, he is willing that silver shall be used to a limited extent instead of paper.

Mr. President, it is a poor time to introduce a resolution calling upon this country to indorse a gold bond. The President's wanton attack upon the credit of the United States has been the most disastrous occurrence of this generation, the most significantly wanton and cruel and deliberate attack upon the credit of our country that could be inflicted upon it.

But a few weeks before, when \$50,000,000 of bonds were offered at 3 per cent, \$185,000,000 in the United States alone was subscribed for them on that basis. Following that fact, with the knowledge that there were \$135,000,000 waiting here to invest in our bonds, payable in lawful money at 3 per cent, the President of the United States entered into a secret negotiation with the Rothschilds of Europe, whereby he proposed to give them a long bond at an excessive rate, so that he could make an apparent showing to the discredit of our country and its finances. But before the bonds are even issued the reaction has come. The subscribers

to that syndicate are called upon to pay only 10 per cent of their subscriptions, and the balance they will never be called upon to pay. The syndicate are already offered for the bonds 112½. There have been, and I have eminent authority for the statement, in the city of New York alone more than \$130,000,000 tendered to the syndicate for the bonds at 112½. I have the authority of the president of one of the leading banks of New York that within the next sixty days the price of those bonds will rise to 120.

Mr. President, if there ever were bonds which ought to be paid in silver or depreciated money, if it could be found, it is this issue of bonds which the syndicate has purchased notoriously at less than their worth and included in their contract a statement of their estimate of the difference in value between gold and "lawful money." When they look the American people in the face and say to them, "If you will pay your bonds in gold we will take them at 3 per cent; if you will pay them in the worst you have we will pay you 104.49 for your bonds that shall net us 84 per cent," I say if there ever were a people who are not entitled to consideration it is the Rothschilds of Europe and the President of the United States, who has sought to blacken our credit.

Mr. President, the resolution is not divisible. It is the same preface that came in the proclamation which called us together in special session. It is the same preface which called our attention at the opening of this session to the necessity of legislation. It is the universal preface of the man who is seeking to discredit silver by prefixing the statement that we ought to maintain the coins at a parity and follows it by an endeavor to induce us to legislate one out of existence and to put the other at a premium.

The people who stand for the coinage of silver do not stand for it because they are unpatriotic. They do not stand for it because they come from the section where silver is produced. They stand for it because they believe the suffering and the poverty which are now going on the whole world over must continue until the world sees that until silver as well as gold is restored as a standard of value there can be no prosperity. You will have no prosperous railroads with wheat at 50 cents. You will have wheat at 50 cents or less as long as you have India to compete with. You will have no prosperity in this country while you have gold as its standard and an insufficient supply of it. You will have prosperity only when throughout the world there is a recognition that silver is a metal as sacred as is gold. The world is moving. Today's paper contains a significant discussion in the Reichstag, in Berlin, wherein Count Bismarck declared that the policy of the German Government should be for the bimetalism of silver, and referred significantly to the fact that the leader of the Conservatives in the House of Commons is likewise a bimetalist. We are marching toward it, but if any act on earth could destroy the possibility of international bimetalism it has been the conduct of the President of the United States in his foreign dicker and trade with the house of Rothschild. But it brings its recompense, for if there is anything that will arouse the American people to the belief that we alone can undertake the management of our finances without the help of foreign bankers it will be that same disgraceful and dishonorable contract, the terms of which are degrading to American manhood.

Mr. LODGE. Mr. President, the substantive part of this resolution is contained in the last clause, which I understand to be a declaration on the part of the Senate, in which the concurrence of the House of Representatives is invited, that our existing bonds and all bonds are payable in the best money that may be demanded by the holder. I do not desire to enter into the mooted question of who is a bimetalist or who is not a bimetalist. I myself believe in bimetalism, international bimetalism, which I know the friends of silver are disposed to laugh down.

But that is not the point. Neither is the point of the resolution the question of maintaining the parity between the dollars. That is already embodied in the law of the United States. The point of the resolution is that every obligation of the United States, where coin is nominated in the bond, is payable in the best money, yes, in gold, if the holder so demands. That is the position which has always been held by the party to which I belong. We have always held that "coin" meant gold, and declined to recognize any distinction. It has been the express declaration of the Congress of the United States.

The Senator from Colorado [Mr. WOLCOTT] says our credit has been assailed by the President of the United States. It has never been more grievously assailed than by his attacks on the character of our coin bonds. It is for that reason above all others that I wish to see Congress say to the world that the obligations of the United States are payable in the best money, no matter what that money may be, payable in whatever its creditors may demand. I know that the contract to which the Senator from Colorado refers has done more injury than can be estimated to what I believe to be the cause of sound finance. It is on its face the blackest public contract ever made by the Government of the United States. But those very facts, that our credit has been assailed by the President, that such a contract has been made with a syndicate of bankers,

giving them an undue and gigantic profit, seem to me only to make it more imperative that the Congress of the United States should say, in language which can not be misunderstood, that every one of its coin obligations, whether bonds or demand notes, is payable as they were understood to be issued, in gold or silver at the option of the holder; that is, in the best money, in gold, if it should be demanded. That, sir, is simple honesty.

It is not a question here of one or another system of currency, of bimetalism or monometallism. It is a question of the credit and good name of the United States. That credit has been attacked, that credit has been impaired by the very men who should have guarded it most sacredly. Imputations have been thrown upon our coin bonds and our demand notes, and I say if there ever was a time when we should follow the example of the act of 1889 we should do it now, and state to all the world that the United States stands prepared to pay every coin obligation in the best money, in gold, in whatever the creditor of the United States may demand.

I hope we may have a vote in the Senate on this question. It involves the credit of the country. I should be glad to see a vote on the financial measures also. I should like to see the Senate, with or without debate, vote its opinion as to what our currency policy shall be. If there is a free-silver majority in the Senate the country has a right to know it. If there is a majority here against free silver the country has a right to know it. I think the expression of the opinion of the Senate of the United States on those questions is desirable, but the first thing above and beyond all others, it seems to me, is to say in the strongest terms that no matter what contracts the President may make, no matter what aspersions he may throw upon our coin obligations, the United States stands prepared to pay gold on every obligation that it has out, whether the demand be a note in the form of a greenback or a time bond. This is a question above party and above politics. It is a question of defending and maintaining the high credit of the country.

Mr. STEWART. Mr. President, at the proper time I shall offer a substitute for the resolution declaring that gold and silver bullion brought to the mint for coinage ought to be coined by the proper officers for the benefit of the depositor without discrimination against either metal, and that it is the duty of the United States to pay the public debt according to the contract. I will send the substitute to the desk and ask to have it printed.

Mr. GRAY. Let it be read from the desk.

The VICE-PRESIDENT. The proposed substitute will be read. The Secretary read as follows:

*Resolved*, That gold and silver bullion brought to the mint for coinage ought to be coined by the proper officers for the benefit of the depositor without discrimination against either metal, and that it is the duty of the United States to pay the public debt according to the contract.

Mr. STEWART. Mr. President, the pending resolution is nothing more or less than a proposition to change all the contracts of the Government of the United States which are printed on every bond. Everybody knows what they are. We have changed this contract for bondholders once before. In 1869, a joint resolution was passed declaring that the obligations of the United States were payable in coin. That was done because the Secretary of the Treasury had declared that they would ultimately be paid in coin, and it was urged that good faith required that we should carry out these unauthorized verbal declarations of the Secretary of the Treasury. We did that and doubled the debt of the United States. Now, it is proposed to change the contract again. Under what circumstances? Under promises? No. Congress did not leave it to the Secretary to make promises, but put it in the law, printed it on the bonds, that they should be payable in coin of the then standard value, to wit, on the 14th of July, 1870. It was printed so plain that a wayfaring man or a fool need not err. It is on every bond to-day. The contract on every bond is plain on its face—on the bonds, on the greenbacks, and on the Treasury notes; and the Treasury notes are expressly payable in either gold or silver coin, at the option of the Secretary of the Treasury.

This is a proposition to change contracts. There is nothing more flagrant in the history of the Government than the conduct of the Treasury Department in refusing to exercise the option reserved in the law to pay in either gold or silver coin. It has brought all the trouble upon the country. It is a breach of trust for an agent having a beneficial option to his principal to give that option to the other side. By means of this construction of the law our Treasury has been denuded of gold, a raid has been made upon it, the credit of the Government of the United States has been impaired, until the President of the United States makes a private contract for the sale of \$62,000,000 of 4 per cent bonds the very day when the same character of bonds were selling at a rate which would make them worth in the market over 19 per cent premium. This was done without giving the people of the United States an opportunity to bid, when it was notorious that bids were offered a few weeks previous for nearly four times the amount of \$50,000,000 of bonds which were then open to subscription; and the offer was made at a rate which would make these bonds sell at more than 19 per cent premium. Ten million dollars on the



face of the transaction were given to this syndicate, and after that has been done we are called upon to indorse it by passing a resolution, although we can not legislate, saying we will advise the Treasury Department to go on violating the law.

Somebody ought to appear for the people. All that the people are bound to do is to pay according to contract. The bondholders can take care of themselves. The obligation of the Government to the people is to pay according to contract and not to change the contract. Never was there a grosser proposition to change the contract of the United States and double the obligation of the people. It is proposed now by a resolution, when we can not pass a law, to advise the Treasury Department to violate existing laws and rob the whole people. Let it come. I should like to know whether there is a majority in the Senate willing to place itself in a position of violating a plain law to rob the people for the benefit of the bondholders. The proposition is nothing less than that.

There is no excuse for the present proposition. The excuse of 1869 does not exist now. There are no promises out now which were not made in the face of the express law passed to define the duties of the Administration and to determine the rights of bondholders. It is plain on its face. Because coin bonds have been sold for less than their market value, in order to make it appear that our credit will be destroyed unless we yield to the demands of avarice to the full limit, is no reason why we should be a party to that or any other transaction which robs the people of their legal rights. Here day after day we are refusing to pay honest debts because we have not the money. We are robbing honest people daily on that plea and no other. Unobjected bills to pay honest debts can not be considered here because the Treasury is in such condition that it can not endure it.

When that is the case we are called upon to again double the obligations of the Government, which we did once, because it was then supposed that there was a moral obligation. Here, where there is no moral or legal obligation, on the contrary where there is a duty to protect the people, it is proposed to pass a solemn resolution that we will give it all to the bondholders and let the people suffer. This is no time for such legislation. This is no time to add to the gains of the bondholders illegally and improperly when the country is suffering for bread, when millions are out of employment, when distress is universal in the land. If the pending resolution were passed it would be an excuse for robbing the Government through all ages. It would then be said that the faith of the Government was pledged never to rehabilitate silver, that all our obligations are payable in gold, and to look at bimetalism would be treason to the credit of the Government.

The Senator from New York [Mr. HILL] knows very well that when he secures the adoption of a resolution of Congress declaring that all our obligations shall be payable in gold we must have gold at all hazards. He knows very well that there is no way to get gold except to borrow it; that our indebtedness and our fixed obligations to foreign countries can not be paid with the products of the country, and that we must borrow gold. He knows very well that by passing this resolution he cuts off all possibility of the people of the United States discharging their obligations according to contract, without abject slavery. He knows very well, or he ought to know if he has studied the question, that the burden which such a resolution would impose upon the people would reduce them to slavery or bankruptcy; certainly slavery in the first instance, then perhaps anarchy, despotism, slavery.

It is impossible to pay our debts in gold. It is impossible to get gold for circulation, and everybody who has examined the question knows that that is true. Gold on the Continent is beyond our reach. The gold which Great Britain has she guards, and she has \$10,000,000,000, on which she draws interest from us and other countries, principally from us. We know very well that our products will not buy back the gold; that the only way to get it is to borrow it; and if we make such contracts as the Executive has recently made our borrowing days will soon be over. That contract, with all its incidents, may, after all, prove a benefit. It may prove a blessing in disguise. It will disclose the methods of the gold ring. It will disclose how unconscientious they are. It will disclose how they are willing to rob the Government. But, notwithstanding that, if Congress will indorse the action of the Administration the people will be in despair.

Let the resolution pass, and it will bring sorrow to every wealth producer in the land. Everybody knows that. It will make their condition more helpless; double our obligations to the bondholders, and destroy the ability of the people to pay. Never was there a more reprehensible proposition brought into the halls of Congress. It is an attempt to do by a concurrent resolution what we can not do by law; it is an attempt by resolution to repeal the legislation of the last twenty years; it is an attempt to indorse the conduct of an Administration which has repudiated the law and allowed speculators to rob the Treasury, when no other civilized government on earth would do the like; when all honest governments would refuse. We profess to be civilized, but we do not follow the example of civilized nations on the money question. All other

civilized countries guard the gold with their laws. The contest for gold has become extremely sharp.

Now it is proposed to pass a concurrent resolution which will utterly destroy the credit of the Government, because if we can not use silver we can not pay our debts. We can not get the gold in Europe. The conditions upon which we get the gold are so grievous that it means the annihilation of every industry to declare that we are bound to do what it is impossible for us to do without ruin to our credit, without ruin to our people. To change a contract, to place us in that relation, I say is the worst proposition ever brought before the Senate for discussion.

Mr. HILL. Mr. President, if this discussion has had no other value it has cleared the atmosphere. It has brought to the attention of the country the desire, if not openly expressed yet illy concealed, of Senators to pay the debts of the Government in silver coin, no matter how degraded, no matter how depreciated it may have become. That is the avowed policy; and it was to ascertain whether that was the true policy proposed, and if possible to present to the country a different policy, that I introduced this resolution.

Mr. President, I have heard no answer to the arguments presented in favor of the adoption of the resolution. The junior Senator from Colorado [Mr. WOLCOTT] has seen fit to indulge in flings that I am a bimetalist upon a gold basis. I might retort in kind and say he is a bimetalist upon a silver basis. That does not prove anything; it is a mere play upon words. This debate has demonstrated that he is no bimetalist at all, but is a silver monometallist. He says—not because it is the interest of his people, not because it is the metal of his part of the country, but he is for silver upon high and patriotic grounds. If he had not reiterated it we would not have suspected it. It is not necessary that I should repeat what I had the honor to say in the first remarks that I submitted here. If the Senator from Colorado is a bimetalist it can do no harm to sustain the principle in this resolution by his vote. If that is the policy of this Government, as we have repeatedly declared, this is not the time to refuse to reiterate it. It strikes me that this, above all other times, is the favorable opportunity to declare it to the world.

Mr. President, I am not here to bandy words about individual records. In answer to the statement of the Senator from Colorado that no true bimetalist except the two or three who were misled, or hoodwinked, or fooled, voted for the repeal of the Sherman silver law, I might retort that no true friend of silver opposed the repeal of that law. I might suggest that that law was the enemy of silver. I might suggest, what I think I proved in that debate, that it was for the true interests of silver that that obnoxious statute should be wiped off the statute book. Was it defended? Scarcely; and yet for three or four months the alleged friends of silver in this Chamber stood here in solid phalanx resisting its repeal.

It was said upon the side of those who favored repeal that the Sherman law was the worst stab at silver ever perpetrated. It was true that it made silver not a money metal, but reduced it to the level of a commodity. It was shown that it was increasing the public debt of this country by the creation of one hundred and fifty-odd million of Treasury notes. Still the process went on, and to-day the existence of those Treasury notes constitutes one of the perils to the Treasury of the United States. And yet it was proposed to continue that policy. I, sir, as a bimetalist, as one who has always believed in the policy and one who declines to accept the doctrines of these professed friends of silver, say that it was one of the best steps for the maintenance of bimetalism to secure the repeal of that law. So much for that.

The Senator from Colorado has not addressed himself to the pending resolution. He proceeds into an elaborate attack upon the President of the United States and the officers of his Cabinet because of the recent contract made with certain parties in New York representing foreign money lenders. I had not said one word in defense of the contract. I had endeavored to avoid any discussion of that subject, because I did not regard the subject as pertaining to the real point involved in the resolution. But I am not called upon to say at this time whether that contract in all respects meets my approval. I know it has been flippantly said here and elsewhere that the President of the United States should have done this and he should have done that, and it has been asked, why did he not issue bonds for a less term of years; why did he not secure a less rate of interest? Senators forget and the public forget that the President of the United States was hampered by an old statute that absolutely dictated to him substantially the terms under which he could issue bonds. If he has been driven into a corner, if he has been compelled to make a harsh bargain in behalf of this country, it is because of the nonaction of this Congress, supposed to be controlled by the Democratic party; and we have the spectacle here of a Democratic Congress, or it was so until a few days ago, as we supposed, refusing—

Mr. GRAY. The Senator does not mean to say that the Democrats have a majority in this body?

Mr. HILL. We have not now.

Mr. GRAY. That time has passed away.

Mr. HILL. That is true; the Senator is right. I am speaking of a few days since. We deliberately waited and refused and put off the discussion of this question until we found ourselves in a minority in this body.

Mr. President, there have been various efforts made to bring this question to an issue. It has been suggested that the old act of 1875 should be amended so that the President might have been able to get better terms. Congress has refused to amend that law. Congress has kept the President bound by this old statute, and if he has made a harsh bargain it is perhaps because the situation has compelled him to do it. At least this much is proper to be said in defense of the President's action.

But, Mr. President, what do we hear? We hear the Senator from Colorado denouncing the President in unmeasured terms as having made an attack upon the credit of this country, and in the next breath he tells us that in a very short time after this alleged secret contract has been made the credit of the country, instead of being impaired, has been increased, and the bonds, he tells us, are about to be sold in the market for from 115 to 120. And this is the attack that has been made by the President of the United States upon the credit of the country! The credit of the country has immediately advanced, and its bonds are selling at a higher rate than they have been in many long years. Sir, men may be blind to the signs of the times if they have a mind to. Men can shut their eyes. Without at this time approving (because it is not necessary for me to express an opinion upon that point) the details of this contract, without approving some of the suggestions made in the message of the President, I am here to say that the President has undoubtedly endeavored to do his duty as he understood it. I am here to say that the statement is unwarranted, unjustified, that the President has desired or endeavored to give to the syndicate a higher rate of interest than he felt obliged to do.

Mr. President, it is unworthy of Senators upon this floor to make such an attack. It is not necessary that I should reply to it. Mr. Cleveland has his faults; but, sir, no Senator has a right to say that he has deliberately gone to work and given a higher rate of interest for the bonds than he was compelled or felt constrained to do. It ought not to have been said. What do we know of the efforts that have been made, except as we may glean them from some statements in the public press, which may or may not be entirely reliable? I pass over such charges as substantially unworthy of notice. It is sufficient for me that the President and the Secretary of the Treasury tell us that they obtained the best terms possible under all the circumstances of the case, and I am disposed to accept that statement in good faith.

Mr. President, no prejudice can be stirred up, and the Senator who thinks that he can stir up prejudice against this Administration simply because a contract has been made with the Rothschilds is mistaken. I am no defender of the Rothschilds, but I say the attitude of Congress has compelled the financial officer of this Government to make a contract with whoever has the money. Should he have gone out and made an appeal to the miners of Colorado? Would they have furnished this money at any rate of interest? No.

Mr. WOLCOTT. I desire to say to the Senator—

Mr. HILL. Wait until I am through.

Mr. WOLCOTT. He has asked me a question about the miners of Colorado. They have been so impoverished by the legislation advocated by the Senator from New York, who has claimed to be a bimetalist, that they can not subscribe on any terms. But there are plenty of Americans who would have subscribed on a 3 per cent basis if there had been a public application for bids.

Mr. HILL. Mr. President, there are a large number of men who always say "I told you so." There are a large number of men who say they would have come forward and would have taken these bonds, and yet when the President was negotiating you never heard of them.

Mr. President, a loan like \$62,000,000 in gold must sometimes be made from the money kings of the world. You can not sometimes well go elsewhere. It was what this Administration felt obliged to do. It was what a Republican Administration would probably have been obliged to do. Is this the first time in the history of this Government that we have borrowed money from the Rothschilds? No; the records of this Government show that repeatedly, over and over again, Republican Administrations borrowed money from Rothschild and from other money lenders of Europe. The attempt to stir up some prejudice among the people because the Administration borrowed this money in London I say is uncalled for and unwarranted.

The Senator from Colorado says that he is a true bimetalist. I remind him that it is very easy to be a bimetalist based upon silver in Colorado. It is the sentiment of his people. I avowed my belief in the principle of bimetalism years ago. I live in a community where many of its business men, I regret to say, are

not bimetalists. I regret to say that many of them, especially in the great city of New York, believe in the gold standard. I have shown by my votes in this Chamber that I do not wholly agree with them. I have on two or three occasions taken my political life in my hands in voting in favor of bimetalism in this Chamber, and it ill becomes the Senator from Colorado to taunt me with not being a true bimetalist. When it goes with the wishes of his people it is easy enough. It is not so easy when a man has somewhat of a public tide to contend against.

Mr. President, the question of the issue of these bonds, the circumstances or the manner of their issuing, have really nothing to do with this question. Concede all that is said, concede every allegation made, which I do not, but simply for the purposes of the argument, after all the question comes back whether it is not wise for this Congress at this time to express its opinion on the subject of bimetalism.

The Senator suggests that the resolution can not be divided. Evidently he does not want it divided. What a spectacle would be furnished here by Senators who profess to be the friends of silver voting against a resolution to declare the policy of the Government to be in favor of bimetalism. This is the hour for such a declaration above all others, when our credit is being attacked, when it is being said in Europe that we intend to go to a silver basis, when there is a difference in interest between our gold bonds, if such can be issued, and our coin bonds. It is opportune that we should declare in this resolution that we are in favor of bimetalism.

Mr. President, I agree with all the Senator says, with all that he professes to hope for in the final success of bimetalism in this country. Although I in part represent a constituency many of whom prefer gold to silver—interests in New York (I mean certain business interests that profess confidence in the gold standard)—I want bimetalism to succeed. I am in favor of any policy that will bring that result about. I hail therefore with joy the Associated Press dispatch which has just been handed me a few moments ago, and which I will read:

[Associated Press.]

BERLIN, February 16.

The Reichstag to-day adopted the resolution submitted yesterday by Count Von Mirbach, instructing the federal Government to issue invitations for an international monetary conference to take action for the rehabilitation of silver as a circulating medium.

I rejoice in that just as much as the Senator from Colorado; in fact, I think a little more so, because if we are in favor of bimetalism it follows that we are in favor of international bimetalism. I believe it to be the first policy of this Government to establish international bimetalism if it is possible, and that the last resort should be simply bimetalism alone.

Mr. President, we must keep our eyes steady to the front in these times. The advocates of silver I think are giving the country and the world a wrong impression of what the American Government proposes to do. We propose to pay in either coin. That is the contract. I have not personally suggested any different contract. I have simply said we reserve the right to pay in either, but if we fail, if there does arise a discrepancy and a discrimination, then we shall pay in the highest money of the world.

Mr. President, can there be any objection to that? I submit not. I say to the Senators upon the other side of this question who differ with me in regard to this resolution that a resolution to-day passed through both Houses of Congress just exactly like this will reassure the friends of bimetalism in Germany. Have they not declared in favor of bimetalism? Why not answer them in a dispatch saying the American Congress to-day has passed a resolution for bimetalism? And we also go further. We do not intend to cheat the creditors of this Government. If we can not pay in silver that is equal to gold we will pay in gold. That is all our resolution declares.

Mr. MITCHELL of Oregon. Will the Senator from New York allow me?

Mr. HILL. Certainly.

Mr. MITCHELL of Oregon. I ask the Senator from New York if it would not be much more effective and much more to the point if we would adopt the proposed legislation that is on the table, or which can be placed there in three minutes, establishing real bimetalism in this country, rather than to adopt a mere vapory resolution?

Mr. HILL. Mr. President, I have repeatedly said—

Mr. GRAY. It would postpone it.

Mr. HILL. Absolutely, as the Senator from Delaware says, such legislation as that sprung upon the country at this hour would postpone for many long years to come the very goal that you are trying to reach.

Mr. MITCHELL of Oregon. That is the same thing that has been said here for a number of years.

Mr. HILL. It is just as true now as then and has been true all the time; and it is utter folly to think that this Government can make a success of the free coinage of silver immediately, with its



vast amount of paper money afloat, with \$500,000,000 of paper money afloat, which you are obliged to redeem every hour that it is presented, with the present condition of the finances in the country, with the condition of your industries as they are to-day, with an Administration somewhat hostile possibly to the policy here suggested. It would be suicide, it would be lunacy, to attempt any such thing under existing conditions.

Mr. President, this is a business question. It must be determined according to business principles. You can not jump from the present situation over into the free coinage of silver in an instant. There must be ample preparation; there must be revised laws; there must be proper steps taken toward it. I reiterate what I said before, that one of the first steps toward this result should be the elimination of your paper fiat currency. That is the first step. Then you pave the way for other legislation.

Mr. President, I said, and I do not care to reiterate it, that I thought that was the thing to do; but it seems we can not do it. It seems that the friends of silver, or some of them, stand here protecting the greenbacks. They do not want them retired. They resist all legislation of this character. When you ask if we retire the greenbacks what is to be restored in its place, it can be easily answered. There are those who say that silver should eventually take its place. It can be done far better when greenbacks are removed than it can be done now. It can not be safely done at this moment. That is my answer to the suggestion.

Mr. President, this resolution has been carefully drawn. I had intended, as I said, to avoid any of the things about which we might reasonably differ. I have not approved in specific terms the action of the President in making this contract. That has nothing to do with this question. I have not sought to approve or disapprove the question of the issuing of gold bonds alone. That does not concern this question. It is not necessary to enter upon a discussion of that question. It is not necessary to determine what further legislation is necessary in the near future to bring about bimetalism. I simply think it opportune, I think it wise. I think so as a true friend of bimetalism, whether my friends on the other side wish to accept me as their ally or not.

The Senator from Nevada [Mr. STEWART] shakes his head. He says he does not want me as an ally. I am pretty certain, then, that I shall be in good company on the other side. I am content to stand here as I stood in 1893 when I advocated the repeal of the Sherman silver law, and I advocated it in the interests of bimetalism. The Senator from Colorado says that it has not brought the prosperity to the country that it ought to have done. I have already read an extract from the speech of the senior Senator from Colorado [Mr. TELLER] in which he substantially said that one of the causes of the depletion of the gold was the existence of these greenbacks, and yet it was proposed by silver men, as I said, to continue the policy of issuing the Treasury notes ad libitum.

Mr. President, that repeal question has passed away. I did not suppose there was a single Senator around this circle who regrets that vote. The junior Senator from Colorado suggested that there were some who regretted it. I do not know of anyone. I think that the declaration contained in that act, put in there by the distinguished chairman of the Finance Committee of the Senate, was a most important one. He had been a lifelong friend of bimetalism; he had been a friend of silver. It was no desertion of his cause when he stood up here and advocated the repeal of that law. I know somewhat of the efforts that were made to induce him to take out that important declaration from that bill, and that he steadily refused to do so, and insisted upon its maintenance.

It may be said that that is sufficient. It may be said, as was intimated by the Senator from Massachusetts, that this perhaps is an unnecessary declaration. Mr. President, I do not think so. I think it is wise, and I think the best service which can be rendered to silver to-day is for every friend of silver to vote for this resolution committing the country first to bimetalism. It does not commit anybody to the payment of these bonds in gold unless there is a difference between gold and silver. I regret to hear any Senator around this circle assert that if in the future history of this country one portion of our currency shall become deteriorated they will refuse to pay it in the highest and the best currency.

Mr. President, the resolution is here. I have discharged my duty, as I understand it, by the presentation of the resolution. The Senate can do with it as it chooses. I think it is appropriate and pertinent at this time. Our friends need not be alarmed about it. It will help the cause of bimetalism. It will not help the cause of monometallism, either of gold or silver. It will help the double standard; it will help the friends of bimetalism, Balfour and others, in England; it will help the friends of bimetalism who hear this resolution in Berlin to-day. In my judgment the highest duties of patriotism require that we should adopt it.

Mr. President, it is safe because it only says not that we shall issue gold bonds, but simply that we shall maintain at a parity every dollar of the Government of the United States. Every Senator

can afford to stand upon that ground. What is the other position? What is the alternative and the opposite of this proposition? You will talk in favor of a double standard, but when it comes to the question of the payment of our bonds you say we are going to pay them in a depreciated currency, if we have got it.

Mr. President, we can not stand upon any such position. Patriotism forbids it. The best interests of the country forbid it. In my judgment, neither the Democratic party nor the Republican party nor any other party can afford to antagonize the resolution.

#### MINERAL LANDS IN MONTANA AND IDAHO.

Mr. BERRY submitted the following report; which was read:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3476) to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with the following amendments:

In line 8 of section 2, after the word "and," strike out the words "two of whom at least residents" and insert in lieu thereof the words "a resident;" and the Senate agree to the same.

In lines 15, 16, 17, 18, and 19 of section 3, after the word "determine," strike out the words "and to enable the Northern Pacific Railroad Company to select the indemnity for mineral lands, as provided in its charter, the surveyor-general for said State or States shall compute the area of said unsurveyed tract or tracts so classified as mineral;" and the Senate agree to the same.

In line 23 of section 5, after the word "published," strike out the words "in the capital cities of Montana and Idaho" and insert in lieu thereof the words "at the capital city of the State in which the lands may be situated;" and the Senate agree to the same.

In lines 43, 44, and 45 of section 5, strike out the words "or by some proper officer of the Interior Department, detailed by the Secretary of the Interior for that purpose, who shall receive a compensation not exceeding," and insert in lieu thereof the words "unless the Secretary of the Interior shall detail some proper officer of the Department of the Interior for that purpose. The compensation for such service shall not exceed;" and the Senate agree to the same.

JAMES H. BERRY,

T. C. POWER,

FRED. T. DUBOIS,

Conferees on the part of the Senate.

THOMAS C. McRAE,

W. R. ELLIS,

Conferees on the part of the House.

The PRESIDING OFFICER (Mr. VILAS in the chair). The question is on concurring in the report of the committee of conference.

Mr. PLATT. I should like a brief explanation of the second amendment, where some words are stricken out with reference to the selection of indemnity lands for the Northern Pacific Railroad Company.

Mr. BERRY. I will state to the Senator from Connecticut that in the Senate there was an amendment inserted in these words:

And to enable the Northern Pacific Railroad Company to select the indemnity for mineral lands as provided in its charter, the surveyor-general for said State or States shall compute the area of said unsurveyed tract or tracts so classified as mineral.

Those words were stricken out of the bill because they had no proper place in it, and because there were certain members of the committee who were opposed to interfering in any way, either to ratify or to reject the original grant. They simply wanted it to stand on its merits unaffected by this bill.

Mr. PLATT. Let me ask the Senator another question, which will perhaps get at the matter which I have in mind.

Mr. BERRY. Very well.

Mr. PLATT. If this bill passes, the Northern Pacific Railroad Company is liable to lose some of the lands which it now claims under its grant. Is there any provision in this bill, or in any other bill, whereby they will be entitled to indemnity lands for those lost?

Mr. BERRY. I will state to the Senator from Connecticut that the original grant to the Northern Pacific Railroad Company provided that if they failed to get the lands in the original grant they should be entitled to certain indemnity lands. This bill does not in any way interfere with that right. If they have that right now, they will still have it without regard to this bill.

Mr. PLATT. All right.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

#### AGRICULTURAL APPROPRIATION BILL.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (H. R. 4600) to establish a uniform system of bankruptcy.

Mr. CALL. I ask unanimous consent that the unfinished business may be informally laid aside, and that the Senate resume the consideration of the agricultural appropriation bill.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent that the unfinished business may be informally laid aside, and that the Senate proceed to the consideration of the bill named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8737) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1896.

Mr. CALL. I ask that the amendment which was reserved for consideration this morning, on page 23, beginning in line 9, be read. The Senator from Kansas [Mr. PEPPER] desired to be heard on that amendment.

Mr. TELLER. I shall avail myself of the liberal rules of the Senate to say a few words about a subject not directly connected with the bill before the Senate, inasmuch as the Senator from New York [Mr. HILL] occupied the morning hour, and there was then no opportunity to reply to some suggestions he made.

Mr. CALL. If the Senator from Colorado will allow me, I suggest to him that I think we can finish this bill in a very short time, and then he will have an opportunity to speak.

Mr. TELLER. I prefer to go on now, if the Senator please.

The PRESIDING OFFICER. The Senator from Colorado is entitled to the floor.

Mr. TELLER. Mr. President, I do not care to go into any discussion of the character of the bimetallism of the Senator from New York [Mr. HILL]. He may be an ardent and devoted friend of true bimetallism. We have his statement that he is. I must say, however, that it seems to me he pursues a very curious method of arriving at bimetallism when he proposes to provide by a concurrent resolution that all the obligations of the Government which are payable in coin shall be payable in gold. If that is the method by which he proposes to reach bimetallism, I must say for myself that I do not belong to that class of bimetallists, and I shall decline to follow him in that direction.

We heard the Senator in 1893, when he posed here in the Senate as the special champion of the white metal and declared that he was a better silver man than anybody representing the silver-producing States, that he was a better silver man than anybody who had been advocating the cause of silver in this Senate for many years, and that he had then discovered a new way to arrive at bimetallism by a short and speedy method, which was the repeal of the purchasing clause of the Sherman Act. Mr. President, that was to put silver up; that was to put everything else up in this country; that was to restore confidence; that was the panacea for the evils we were then suffering from, which, I am sorry to say, we are still suffering from, notwithstanding the prophecies of the Senator and his great efforts to secure that repeal. I admit that the Senator was a potent factor in securing that repeal.

That is the only effort I know of that the Senator has ever made for silver when there was anything practical to come out of his action. He has talked about silver here and elsewhere, and he may have given on one or two occasions, when there was no prospect of the enactment of the measure, a vote in that direction. I will not say he has not; but if the Senator from New York has ever given a vote in this body which would indicate any great desire on his part to arrive at a true bimetallic standard I do not now recall it. If he has, it would be in order for the Senator from New York to call my attention to it.

Mr. President, the resolution the Senator from New York has offered is the most remarkable resolution which has been before the Senate for many a day. I shall endeavor not to be offensive in characterizing it; I shall endeavor to keep within the rules of the Senate. It will be a little difficult for me to do that, but I recognize the obligation to do so upon my part as a member of this body. So I shall try to speak of the resolution in parliamentary terms, if I can.

What does the resolution contain? It is a concurrent resolution; it is a resolution which, if it shall pass both bodies, will have the force and effect of law. Its effect will be to make every obligation of the Government now payable in coin payable in gold. That is what the Senator intends; that is the purpose of the resolution.

I want to say to the Senator that nobody who has given any attention to the silver question will be fooled into the belief that this will accomplish anything in the interest of bimetallism, or that the Senator hopes or expects that it will. I trust that is not unparliamentary, Mr. President.

The declaration of this resolution, as to what is the policy of the Government, accompanied by a declaration that is to be crystallized into law, that every obligation of the Government shall be paid in gold, makes it too plain to admit of controversy what the purpose and object of the Senator was in its introduction. Every man must be supposed to mean the logical and proper consequences of his act. The Senator can not pretend that he does not know that that will do what this Congress has refused to do by inaction in this body and by positive declaration twice in the other body. He knows very well that it would do what the United States and what everybody else here knows the American people do not intend shall be done.

Mr. President, in 1869 we declared, in what is called the public-credit act by some, by a resolution, a principle which has caused

more scandal than any public transaction of which I know, except the one which has occurred within the last few days.

This resolution, I repeat, is intended to do by indirection, and yet directly, but in a less direct method than by an act of Congress, not only what the House of Representatives has declared it would not do, but to do very much more; because no proposition has been submitted either to this body or to the other that I know of during this session which has looked to the making of all the obligations of the United States which are payable in coin payable in gold. The only suggestion which has come from the executive department of the Government is that the new bonds now to be issued shall be payable in gold. Of course, those of us who have been familiar with the condition of the country for the last twenty years realize that that was but the first step toward demanding that all coin obligations should ultimately be made payable in gold coin; but the Executive had not quite the courage to ask that; there has been no demand for it anywhere. But the Senator from New York comes in as the champion of the public credit, and at the same time as the champion and friend of silver in the United States, and proposes to put us upon a gold standard, with every obligation payable in gold, and thus raising an embarrassing question, if we should attempt to adopt bimetallism either by international agreement or by our own act, that we had a large amount of indebtedness payable by law in gold which we could not change without violating the principles of honesty and justice which we are bound to respect in our treatment of our creditors.

The Senator says that this is the policy of the Government. It never has been the policy of this Government by law to pay in gold. We have declared in this body and in the other by overwhelming majorities that every bond which the Government issued under the act of 1870 was payable in silver or gold at the option of the Government, and that it was not a violation of the public faith of the Government to pay in silver. It may have been the policy of the Administration, but it has not been the policy of that branch of the Government which fixes the policy of the American people by law. I know that Administrations have said repeatedly that we would pay in gold. I have not myself doubted that we would pay in the metal that was recognized as necessary in making payment in order to carry out the spirit of our contract. As I said the other day, in my judgment we would pay in good money when we paid these debts. I said we would pay in gold or we would pay in silver, but in either case it would be good money. We would make silver equal to gold if we used silver.

We have never contended for the payment of the national debt in depreciated money, and there has been no demand from the people of the United States, either in the silver-producing States or elsewhere, that the Government of the United States should ever violate its plighted faith. When we have demanded that we should have the right to pay in silver it was to enable us to maintain the parity between gold and silver. We have six hundred and odd million dollars of bonds which are now payable in coin as a pledge and a support to the maintenance of the parity of the coin in this country, silver and gold. We have besides \$500,000,000 of Treasury notes, a total of \$1,100,000,000 of money, or money's worth, in this country, as to all of which we are, and especially the owners and holders thereof, interested in maintaining the parity between silver and gold as money.

The Senator from New York seeks to make it the intent of the people holding our bonds and paper money to demand that there shall be a divergence between silver and gold, where gold shall be more valuable, because it is mentioned in the bond. It is a great temptation he proposes to put before them to come to Congress and seek to procure legislation to depreciate the silver money of the country and to enhance the value of gold when they have their payments in gold. They will not do it now. If they come here and suggest anything which will depreciate the silver dollar, they know that the option is left with the Government to pay them with that depreciated dollar if it chooses, and that is what helps to maintain the parity between the two metals; that is a most potent factor in the maintenance of it, and the Senator knows that, or he knows nothing of finance, and I would not charge him with not knowing so much as that.

I know, Mr. President, that in the last ninety days there has been a decided effort made to irrevocably put this country on a basis which will forever compel it to remain where it is now with its low prices, on a gold basis, so that the honest sentiment which prevails with the American people can be appealed to: "You have your contract payable in gold, and you can not have any other law than a gold law." The American people are a law-abiding and a debt-paying people; they do not want to pay their debts in cheap money, but they do not want to give to the holders of money in this country the right to appreciate the dollar and depreciate everything else in this country; and it seems to me this morning as if the distinguished Senator from New York had joined in that effort of appreciation of money and depreciation of commodities.

Mr. WALSH. Will the Senator allow me?

Mr. HILL. May I ask the Senator a question?



Mr. TELLER. I will first yield to the Senator from Georgia and afterwards to the Senator from New York.

Mr. WALSH. I will ask the Senator from Colorado if he does not think that the effect of the resolution of the Senator from New York, if passed by Congress, would be to place this country exclusively and solely upon a gold basis?

Mr. TELLER. Beyond question. That is the purpose of it.

Mr. HILL. Will the Senator explain how it could place us on a gold basis when the resolution declares on its face that the policy of the Government shall be bimetallism? The Senator's statement is a contradiction in terms, it seems to me.

Mr. TELLER. I have heard Senators on this floor declare they were bimetallists who had never given a vote in the interest of bimetallism and who had never lost an opportunity to give every vote they cast against bimetallism. That did not make them bimetallists.

The Senator's declaration is as to a policy. That declaration is mere words, and the law is with the gold people. As I said while the Senator was out of the Chamber, it seemed to me that it was not unfair to charge that the Senator intended just what must be the result of his resolution, to put the country on a gold basis, or in a position where it could not escape from it.

Mr. HILL. I should like to ask the Senator how that can be. Does the resolution say much more than the Senator has said, that he intended to pay in the best money?

Mr. TELLER. The Senator, in my absence from the Chamber, read a quotation from a speech I made the other day, which I do not take back. I have never said that the Government of the United States would pay under all circumstances in gold coin. I said the Government of the United States would pay in the best money; that it would make silver, if it paid in silver, as good as gold, which it can do when it opens its mints to silver as it opens its mints to gold. But if the holders of securities and the great financial trusts of this country shall succeed, as the Senator from New York thinks they may and as the President thinks they have, in creating a premium on gold, I want to say to the Senator from New York that when that has been done the American people will not justify their Government in paying to the holders of its bonds the highest, the appreciated, and the exaggerated money so far as its purchasing power is concerned.

Mr. HILL. If I understand the Senator he does not propose to pay the money that is highest and best unless it happens to be silver.

Mr. STEWART. Unless we have a contract to so pay.

Mr. TELLER. If we have agreed to pay in gold we will pay in gold, and if our creditors prefer gold we will pay in gold, unless it is at a sacrifice, which no decent Government ever ought to indulge in.

The effort now being made is to put gold to a premium. There has been—I will not say a conspiracy—but there has been an effort to do that for many months. Everywhere you have heard in financial circles that gold was going to a premium, and then when it goes to a premium to demand that the obligations of the Government shall be paid in that money. I hear a Senator say gold is at a premium. It is at a premium over everything else in this country. It has increased in its purchasing power from 30 to 40 per cent above what it was a few years ago. Everything else has gone down and gold has gone up. We have maintained our silver on an equality with gold simply because we allow it to perform the same functions in this country that gold performs, because we have the right at all times to use it for any purpose for which we can use gold, even to buying our bonds with it and redeeming our greenbacks and Treasury notes with it.

The Senator from New York seems to be anxious that we shall be put in a position where we can no longer do that, when we must pay in gold. All the advocates of gold bonds are in favor of putting the Government in a position where it can not use its silver and its gold with equal money functions and equal money power.

Mr. HILL. Does the Senator from Colorado understand me to say that I am specially advocating that?

Mr. TELLER. I did not hear all that the Senator from New York said. I was engaged in a conference committee and did not get into the Chamber until the Senator was through with his first remarks. But how a Senator who is in favor of the pending resolution can vote against saying that every bond hereafter issued shall be payable in gold I can not imagine.

Mr. CHANDLER. Will the Senator from Colorado allow me a moment?

Mr. TELLER. Certainly.

Mr. CHANDLER. I should like to have the Senator speak upon this point: Suppose we issued bonds payable in coin at a time when we coined both gold and silver and subsequently the United States demonetized silver, would the Senator then contend that we should undertake to pay those bonds in silver after we ourselves had demonetized silver?

Mr. TELLER. We use the phrase "demonetized silver," but we never did demonetize silver in the United States to that extent.

Mr. CHANDLER. Is it not the contention as to the act of 1873 that it demonetized silver?

Mr. TELLER. The act of 1873 simply denied the holder of silver access to the mint. It did not take away the money function of the silver dollars in circulation.

Mr. CHANDLER. Did it not depreciate silver coin?

Mr. TELLER. Not a bit of it. Not a silver dollar in the United States has fallen a cent or a mill below its par value up to this hour.

Mr. CHANDLER. Then, if the Senator from Colorado claims that we have a right to pay our existing debt in silver coin, does he hold that we are under obligation immediately thereafter to redeem the silver coin in gold coin?

Mr. TELLER. There is not a nation on the face of the green earth that redeems its silver in gold or its gold in silver. It is a most monstrous money proposition that primary money is to be redeemed. It is only representative money that is exchanged for primary money. We do not do it here. You can not go to the Treasury with a silver dollar or a silver certificate and get a gold dollar to save your life. There never has been an hour when you could do that.

What I contend for is that the Government of the United States has the option to pay in silver, which is of great value to us in maintaining the parity of gold and silver coins. That is one of the functions of money, to pay bonds.

We have \$600,000,000 of them out, and the Lord only knows how many more are to come out. The silver dollar will pay taxes. If you take away its tax-paying power and its bond-paying power it will depreciate in an hour. It is duty paying. Shut your custom-houses against the silver dollar, shut your Treasury against the silver dollar, and the silver dollar will fall, of course.

Mr. CHANDLER. Now, let me ask the Senator whether, if the United States had done that by any policy which it had pursued, it does not remain its duty to pay its bonds in gold nevertheless?

Mr. TELLER. The Government of the United States has no obligation upon it to pay its bonds in gold any more than in silver. The silver dollar to-day is as good for the owner of a gold bond, and will buy as much and pay as much. In fact, in practice he does get silver very frequently. He is demanding now that we shall keep the country upon a gold basis so that he may get the money that will buy the most of the world's products. That is what the Senator from New York means when he says the best dollar.

That is what the cant that is so prevalent in this Chamber means. When people talk about our being entitled to the best dollar, they mean the dollar that will buy the most sweat and toil; the dollar that will buy the largest quantity of farm products; the dollar that will take the most blood. That is what they mean. What we call the honest dollar is the dollar of the contract, what we agreed to pay and at the time we agreed to pay it.

I do not intend at this time to go at length into this question. I did not intend, however, that the Senator from New York should parade himself before the country as the champion of silver. We shall welcome him to our ranks whenever he comes honestly with views that will help us. We do not recognize him if his resolution contains his sentiments. He will be of no assistance to us and no assistance to the world. [Laughter.]

Mr. President, I can not sit down after the remarks of the Senator from New York about the recent contract made by the Government of the United States with this foreign banking syndicate without some comment on it. The Senator says he is not the defender of the President of the United States. He is the only man yet who has risen in this Chamber to defend that transaction. Other Senators may rise in time, but up to this hour the Senator from New York is the only man who has had the courage to stand before the American people and tell them it is an honest transaction and that the President did the best he could. It takes a degree of courage that very few men have, in view of the fact that the public understand the matter, to tell them that \$62,000,000 of the securities of the best Government in the world were sold at 4 per cent below the securities of Egypt. The Senator from New York has been noted for his bravery and his courage. He has outdone himself, however, when he can stand here and tell us that the American people will approve of this act and that it is indecent for an American Senator on this floor to criticize that transaction. Mr. President, his ideas of the duty of an American Senator are not mine.

Mr. HILL. Will the Senator from Colorado allow me a moment? I said that any deliberate statement that the President of the United States had agreed to pay a larger rate of interest than he believed he was obliged to pay was unworthy of a Senator of the United States; and I reiterate it.

Mr. TELLER. The Senator from New York has a right to make any statement he sees fit.

Mr. HILL. The Senator ought not to put words in my mouth which I did not utter.

Mr. TELLER. I will not. But I am going to debate this question for a few minutes, and I shall criticize this transaction exactly as I should criticize it if the President of the United States were a Republican and not a Democrat. As an American Senator I am here to protect the credit and the reputation and the property of the United States. I am not to be frightened by the suggestion that it is unworthy of me to put this matter squarely before the people of the United States as the most scandalous transaction in public affairs that has occurred since my entrance into public life, or since I have had any acquaintance with public affairs, and that is nigh on to fifty years. I have been a student of the conduct of my Government for nearly fifty years, and I say here now that it is the first time in the history of this country that the people have a right to charge absolutely a lack of honesty on the part of an Administration in dealing with its financial affairs.

Mr. President, we are told, and it is desired that the American people shall understand, that a thirty-year 4 per cent bond, which was sold for 4.49 was a proper sale and the best that could be done when a twelve-year 4 per cent bond on the market was selling for \$1.10 $\frac{1}{4}$ . You can not escape this transaction by saying the Secretary of the Treasury or anybody else is unlearned in finance or unacquainted with public business. There is the published record of the country that bonds less valuable than these by 9 cents on a hundred were selling for \$1.10 $\frac{1}{4}$ . A few weeks ago we put on the market \$50,000,000 of bonds and sold them at a rate which will bring less than 3 per cent interest. The day this contract was made those bonds were selling in the markets of this country for more than 16 $\frac{1}{2}$  per cent and they had only ten years to run, and the American people bid for those bonds 117 and for many more than those sold.

We had here the other day from the Senator from Wisconsin [Mr. VILAS] a stump speech in a bill which he entitled "A bill to save to the people of the United States \$16,170,770." That is the nearest anybody on this floor has heretofore come to defending this transaction. Thirty million dollars of this money is said to come from abroad. My colleague [Mr. WOLCOTT] this morning stated what I believe to be the fact, and what I believe a number of Senators on this floor can verify and sustain, that the syndicate which bought the bonds of the United States—

Mr. STEWART. And has a contract to buy more.

Mr. TELLER. And which has a contract to buy at this figure all that we may be compelled to issue to the 1st of October next, now has offers for \$135,000,000 of these bonds at a rate that gives the syndicate a profit of 8 cents on the dollar; and that, too, before it puts up its money; that, too, before it gets its bonds. Yet the Senator from New York, the newborn champion of the Administration and the President, gets up here and says, "The President has done the best he could. Oh, you hampered him in your misconduct here." We have had on the statute books for many years a law which requires all bonds issued by this Government to be payable in coin. We have maintained in every market of the world a higher grade for those securities than that of any other nation on the face of the earth, Great Britain not excepted; and there is no depreciation of those bonds to this hour. Notwithstanding the attack which the Administration has made upon the Government's credit, it has not been able to depreciate those bonds, and the bonds which it declared it could not sell above \$1.0449 the holders refused \$1.13 $\frac{1}{4}$  for three days ago in the city of New York.

Mr. President, every bond of the \$62,000,000 could have been sold in this country on the basis of \$1.19 $\frac{1}{4}$ . The Secretary of the Treasury less than two months ago, before the House committee, declared that to be the value of a 4 per cent thirty-year bond; and if he had not so declared, any person familiar with money transactions knows that when the 4 per cent twelve-years were selling, as they were, at a premium of 10 $\frac{1}{4}$ , these ought by all rules of investment to have brought 19 $\frac{1}{4}$ .

I am in favor of the free coinage of silver. The people whom I represent are in favor of it. But, Mr. President, this contract has but little to do with that question. That is a question that is not directly connected with silver, as the Senator from New York said. But the Senator saw fit to discuss it. The people whom I represent believe that it is the duty of the Government of the United States to maintain its credit. They believe, further, that when the Government of the United States puts its bonds upon the market it is bound by all rules of honesty and decency to get the highest market price therefor.

Mr. HILL. Will the Senator from Colorado permit me?

Mr. TELLER. Certainly.

Mr. HILL. In the first remarks I had the honor of making in favor of the resolution I distinctly stated that I did not intend to discuss any question arising out of the issue of those bonds. On the contrary, the Senator's colleague [Mr. WOLCOTT] then proceeded to discuss that question, and I replied to him.

Mr. TELLER. The Senator, at all events, thought he was bound to defend the contract.

Mr. HILL. The Senator from New York has stated what he

did say; but the Senator from Colorado can, of course, construe it as he pleases.

Mr. TELLER. The statement that the President had done the best he could is a defense of that contract. If I believed that the President of the United States and the Secretary of the Treasury had done the best they could I would palsy my arm before I would stand here and denounce them. He may have done the best he could with those men; but there were 70,000,000 Americans who had a right to bid for those bonds. They were denied that opportunity, and why were they denied that opportunity?

The Senator from New York asks, with a sneer, what will the miners of Colorado do about taking them? Mr. President, the miners of Colorado, as my colleague has said, have not been well treated by the Government, and they have been in poverty and distress by reason of the vicious legislation of Congress. But I will guarantee that west of the Alleghany Mountains there can be a million dollars of these bonds sold at \$1.19 $\frac{1}{4}$ . More than that, I will guarantee that one-tenth of these bonds can be promptly sold in the extreme Northwest. The banks of Denver, Omaha, Sioux City, and Kansas City and other cities of that region would be delighted to take these thirty-year bonds at \$1.19 $\frac{1}{4}$ .

I have in my pocket a letter from one of the most distinguished bankers of the great city of New York, who presides over a great and successful bank, who predicts to me that in ninety days these bonds will bring \$1.20 in every market in the world; and he assures me that the men who had subscribed a million and a quarter of dollars find when the allotment comes that they are only entitled to one-twelfth of that amount.

Oh, Mr. President, it will not do for the Senator from New York to insist that the President of the United States and the Secretary of the Treasury have done the best they could. I do not mean now to have anybody understand that I am charging that the President of the United States has financially profited by this transaction or that his Secretary of the Treasury has done so. I can not conceive what influence should have induced such a contract, except that I must attribute it to the anxiety on the part of the Administration to compel the issue of gold bonds. It is possible that the President of the United States believed that if he came here with a proposition saying that he had made a loan for \$62,000,000 at 3 $\frac{1}{2}$  per cent, payable in gold, by his declaration, according to the policy of the Government, and accompanied it with a declaration that if they were specifically payable by law in gold he might make the contract for 3 per cent, we would authorize the issue of such bonds.

The President of the United States may have thought that the American Senate and the American House would not stand before the American people and say, "We prefer to pay in thirty years \$16,000,000 rather than to put the Government of the United States in the position of being compelled upon all its obligations to pay gold, whether it has it or not, rather than put the great moneyed powers of the country in control of the financial affairs of the country to the extent that they could by law demand gold of the Government on all its obligations." Perhaps he thought he could frighten us into action.

Mr. President, if that is the excuse it is not very much better, in my judgment, than is the other horn of the dilemma. When the executive department of the Government shall attempt to coerce the legislative and representative part of the nation by making it necessary for them to act or allow a large loss to the people, that is not in accordance with my notions of the obligation that one branch of the Government owes to the other.

Mr. President, we are powerless. It may be said that it is not worth while to discuss this question. The contract has been made. We do not know yet with whom. We have got some of the terms, but I believe nobody is yet able to name who are the contractors. I believe somebody has stated who the witness to the contract is. I believe it is a gentleman who is well known in public life, although not in public office. But nobody has yet ventured to say to us who were the contracting parties on the part of the syndicate. I suppose in due time we shall learn, when the money shall be paid into the Treasury and when it shall go out again, and when a new issue of bonds shall be called for, as it will be. It is barely possible we may hear then who are the contracting parties. It does not make very much difference who are the contracting parties. The question is, has the Government of the United States put its bonds upon the market at a rate very much below their value? That is the question the Administration must answer. That is the question on which the American people demand an answer from the Administration.

My colleague said that there had been a base attack by the Administration upon the credit of the Government. I want to say that during the last fifteen years the only attacks that have ever been made upon the credit of the United States have come from the Treasury Department. I have never heard anywhere of an attack upon the credit of the United States that did not come from the Treasury Department. Different Secretaries of the Treasury have been telling the people for years that there was



danger of great discredit attaching to the Government of the United States because of its monetary system, because it might pay its debts in silver. That has been intensified by the present Administration. The President, in the message he sent to us in December, spoke of the condition we were in as being one of great and imminent danger, as if the credit of the United States was like the credit of some great banking house trembling all the time and ready to be destroyed.

On the 28th of January he sent us another message, which I shall not stop to read, in which he reiterated the same idea that the credit of the United States was in great danger, and on the 8th of February he sent us another. Mr. President, if the credit of the United States is in danger at all it has been in danger because of the lack of business tact and business sense that has characterized the administration of the finances of this country for the last few months. The President of the United States tells us that the great trouble and suffering the Government has is owing to a loss of gold; and then he presents a system of finance to us that no sensible financier can for a moment assert would have saved the Government from its gold obligations as they now exist, if they exist at all. It was, as I said on a former occasion, a proposition to encourage a paper-money system the like of which has never been seen, to increase the paper money of this country to an alarming degree, and to retire the money that has been recognized to be as good as gold ever since 1879, when we resumed specie payment.

Later than the 8th of February we had another proposition, a proposition that in my judgment violates every fundamental principle of a monetary science. I only need to refer to the fact that with a nation struggling as we have been honestly struggling to keep \$400,000,000 of silver money that we have in the country at par with gold, the proposition is deliberately made that by law we shall declare that there is a distinction between the two coins. Nothing could have been more shortsighted. Nothing that could have been done could have more certainly created a divergence between gold and silver and put gold at a premium than that suggestion of the President of the United States that we demand gold for import dues.

Then later on he comes to us with his astounding proposition that in the midst of an abundance of money in this country, congealed at the great money centers without an opportunity to loan it for more than 1½ to 3 per cent at the utmost, he had been compelled to sell \$63,000,000 of our bonds at 3½ per cent, which nets us 104.48, when, as I said before, the Egyptian securities are selling for 4 per cent above that—securities that are collected by the whip and spur, if I may use the term, of the British Government, securities that every man knows are not worth their face whenever Great Britain shall retire from the control of Egypt.

Mr. President, there is not a principality, however small, that I know anything about on the face of this green earth that is paying 3½ per cent interest on its loans. I refer to modern loans. New Zealand, Ceylon, and the islands of the sea are making loans at better rates than we, the richest and greatest people in the world. The Senator from New York says that we are compelled to do this because we would not authorize a gold bond, and yet he tells us that it is the policy of the Government to pay in gold, and the President says these bonds must be paid in gold.

Mr. President, that has been the policy of every Administration when this syndicate of bankers headed, as we understand, by Mr. Morgan, of New York, and Mr. Belmont, representing the foreign bankers, came here and told the President of the United States that they wanted a gold bond. As that was the policy, why did not the President say it has been the policy of the Government of the United States to pay in gold. We shall continue to pay in gold, but we are not going to change our policy, nor to declare by law that it is necessary there should be a statute to require that they should be paid in gold. Why did he not say to them, "You know that the fours now on the market are payable in coin? They are worth \$1.10½?" Why did he not say, "The 5 per cents are worth \$1.16½, and if you deal with us you deal upon the proposition that the bonds are payable in gold?" He tells us that they are payable in gold; that there must be no doubt but that they will be paid in gold. Did he tell them that they were payable in gold? I have no doubt but he did. But he deals, he says, upon a silver basis. He says, "They take these bonds upon the idea that they may be paid in silver."

Mr. President, there never was a greater mistake than that. Not a single one of those bonds was taken upon the theory that it would be paid in silver. If those men understood that they were to be paid in silver at the world's estimation of silver bullion to-day they would have brought 60 cents instead of \$1.04. It is apparent on the face of the transaction that they expected these bonds to be paid in gold, or, if in silver, as good as gold. They have got the pledge of the Administration that they shall be paid in gold; and yet we are given a bounty of nearly 1 per cent on this transaction, a thing we never did before, and we have never named gold in our bonds.

Mr. President, this transaction is a part and parcel of the great effort that has been made and is being made to put this country upon a gold basis and keep it there. The appeal is made to us from the banking agencies and the money centers, "Relieve the market from this depression; do something." They say if we agree that these obligations of the Government are to be paid in gold times will change. Who has asserted that they will not be paid in gold?

The bankers and brokers told us in 1893 that the repeal of the Sherman Act would bring good times. Now they say, "Issue gold bonds, increase your national debt, destroy the greenback and Treasury notes, and the good times promised in 1893 will come."

Mr. President, the times will be better only when this Government gets on a bimetallic basis and when the world gets on the bimetallic basis. I do not think that German bimetalists would be encouraged if the intelligence should flash across the ocean that we had declared that all our obligations should hereafter be paid in gold. It may strike the Senator from New York that it would be encouraging to Balfour, Goschen, Gibbs, and others in England to have us go to a gold basis so strong and sure that we never could get away from it; but I do not believe it.

Mr. HILL. The Senator from Colorado of course does not wish to misstate what I said. I said, coupled with the other portions of the resolution.

Mr. TELLER. I am speaking about the other portions. The mere brutum fulmen, the mere idle declaration of a desire for bimetalism coupled with the declaration by law that we do not desire it and will not have it, goes for nothing. I repeat what I said when the Senator was out, that I am justified in saying it was not intended to go for anything. It is an effort to satisfy somebody who does not believe that this country should be put upon a gold basis. It is an effort to satisfy the people that making our payments by law payable in gold is in the interest of silver, but it will deceive no one.

Mr. President, I will not go over the condition of this country. Its financial condition is worse to-day than it has ever been in our history. Since 1893, when the Senator from New York was fighting for silver, as he tells us, and fighting for prosperity by way of the repeal of the Sherman Act, there has been a steady decline of all the products of human labor, and labor itself has on an average in this country fallen 23 per cent during the two years. Silver has fallen with everything else. Instead of going up, as the Senator declared it would, it has steadily gone down, and with it has gone down every product of the country, every result of labor, and the wages of labor.

The New York Tribune the other day in an article upon the condition of the country declared that the bonded securities of the railroads in this country had shrunk in two years more than a thousand million dollars. Five thousand million dollars on the face are worth a thousand million dollars less than when the Senator by his herculean efforts secured the repeal of the purchasing clause in the Sherman Act. The products of the factories and mills of the East are worth less to-day than they were then. Cotton is worth at least 2 cents a pound less than it was worth then. Wheat is worth 15 cents a bushel less than it was worth then.

Mr. President, when will this depreciation stop? The savings banks in this country hold \$1,700,000,000 belonging to the laborers of this country, money that they have been accumulating, some of them for thirty and forty years. The savings of these people are now held by the banks largely in the securities that are depreciating. A recent statement of the savings banks of the country shows that they hold in their coffers only 8 per cent of their liabilities. The balance is invested in all sorts of securities, very largely in railroad bonds. In the judgment of men who are familiar with this subject, if the savings banks to-day should be called upon to liquidate they could not pay 50 cents on a dollar. Many securities that they took at nearly or quite at par have fallen one-half, and some even more than that.

And yet there is no effort being made by this Administration to bring the country back to the prosperity that will appreciate those securities, that will make it possible for these great corporations to liquidate their debts and pay them in full, if the holders require it, unless the increase of the public debt be considered an effort in that direction. I do not consider it such. There will be an end of this some day. There will be a breakdown and a breaking up, and when that comes, in my judgment, silver will get its inning, and the men who have stood here and elsewhere and advocated a system the logical and inevitable result of which was to bring about the conditions I have described will find themselves face to face with an enraged and outraged American public.

Mr. President, no man can claim that he was in ignorance of what would be the result of our legislation. Many men on the floor of the Senate declared that the repeal of the Sherman Act would lower prices and produce less opportunities for labor, less production, and less consumption. The advocates of repeal denied it. The men who have insisted upon the return to the bimetallic system for the last fifteen years in this Chamber have predicted that just what the condition now is would come upon

us. The commission appointed in 1876, headed by Mr. JONES of Nevada, predicted with the tongue of a prophet just exactly what a continuation of the financial system of the country then in vogue would bring this country to as to prices, and particularly did he point out what would be the result of the railroad investments in the United States.

A night or two ago I took up a statement of all the great railroads in the United States that had heretofore been considered gilt-edged securities, securities in which the widow put her money, securities in which the trustee put his ward's funds by order of court and by the approval of everybody. Mr. President, you can take the whole line, including those that have remained above par, and the depreciation is more than the New York Tribune gives it, 18 per cent. Some of them that were gilt-edged have gone into the hands of receivers. The Norfolk and Western, a few days ago regarded as a valuable investment, is in the hands of a receiver and practically bankrupt. Thirty per cent of all your railroads in the country are in the hands of receivers and are practically bankrupt, and many more on the verge of bankruptcy.

Mr. HILL. Will the Senator from Colorado state to the Senate how many of those went into the hands of a receiver after 1890 and before 1893?

Mr. TELLER. A good many of them did, but the great majority of them after March, 1893. I do not say it was because we have a Democratic Administration. I am not making that point. I am making the point that the financial condition of this country that has been coming on us gradually year by year for the last eighteen years has brought us to this deplorable condition. I will admit that it was intensified and aggravated by the conduct of the Administration touching the tariff and touching finances generally, but it would have come under any Administration, the wisest that could have been possible, if they continued in the same financial rut that their predecessors had been in.

Mr. President, if the Senator from New York is correct, and the President made the best loan possible, you have not only destroyed the credit of railroads, but you have destroyed the credit of the United States. As I said before, you put the United States below Egypt, below Ceylon, below Fiji, and below Jamaica, for the Jamaica 3 per cent bonds are worth \$1.11.

Oh, Mr. President, the credit of the United States is not impaired or destroyed. The people of the world know that we are able to pay our debts; and they know more than that, that we intend to pay them. They know we are in a fight on this financial question, but that, whether a man is a silver man or a gold man, we are all striving to maintain the parity of silver and gold, and that bimetalism simply means a parity to be established by law between gold and silver. Open your mints to coinage and you will hear hear no more about maintaining the parity. The very fact that you open your mints will maintain the parity. That is the world's experience. If the world shall come to that, as it may, then we will, of course, come to it, but if it does not, we ought to come to it without waiting for any other government or people.

Mr. President, I shall not further detain the Senate from the consideration of the bill which is properly before it, but may return to this subject at another time.

The PRESIDING OFFICER (Mr. KYLE in the chair). The Secretary will state the pending amendment.

The SECRETARY. On page 22, it is proposed to strike out from line 9 to line 12, inclusive, as follows:

Irrigation investigations: To enable the Secretary of Agriculture to continue the collection of information as to the best modes of agriculture by irrigation, \$15,000.

The PRESIDING OFFICER. If there be no objection, the amendment will be regarded as agreed to.

Mr. PLATT. What is that amendment? What has become of the prior amendment on page 15?

The PRESIDING OFFICER. The Chair will state that that amendment was passed over for the time being.

Mr. PLATT. All of these amendments were passed over for the time being. When we go back, why not take them up in order?

Mr. CALL. To what amendment does the Senator from Connecticut refer?

Mr. PLATT. To the one on pages 14 and 15.

Mr. CALL. I have no objection to the suggestion of the Senator from Connecticut as to the order in which the amendments shall be considered.

Mr. STEWART. I inquire what was done with the amendment which was last read.

The PRESIDING OFFICER. The Chair will state that the amendment on page 22 was the one then under consideration.

Mr. STEWART. Has that been stricken out?

The PRESIDING OFFICER. The amendment to strike that out has been agreed to.

Mr. PLATT. No, sir; I did not suppose it was stricken out. The Senate did not understand what was done with it.

Mr. STEWART. I do not know what was done with it.

Mr. CALL. If the Senator will allow me, I will explain to him.

Mr. STEWART. I am in favor of striking it out.

Mr. CALL. All the committee amendments were agreed to except those that were reserved, the first of which is the amendment in respect to irrigation. The Senator from Connecticut [Mr. PLATT] asked to return to the amendment of the Appropriations Committee on pages 14 and 15, in respect to the Bureau of Animal Industry and the appropriation therefor. It is an amendment recommended by the Secretary of Agriculture.

Mr. STEWART. Before the amendment in regard to irrigation passes out of consideration I wish to know what had been done with it. I am in favor of striking it out.

The PRESIDING OFFICER. The Chair will state for the benefit of the Senator from Nevada that the committee amendment is to strike out the appropriation for that purpose.

Mr. STEWART. Has that amendment been agreed to?

Mr. CALL. That amendment was not agreed to.

Mr. BATE. I will state that on yesterday evening I happen to know (having been in the chair at the time when the particular amendment was reached on page 22) that it was the consent of the Senate that it should be passed over, and at the request of the Senator from Florida [Mr. CALL], who had the bill in charge, it was so passed over. There was no action whatever taken upon it.

Mr. CALL. That is correct.

Mr. STEWART. Is it before the Senate now?

Mr. CALL. It is not.

Mr. STEWART. It will be called up afterwards, I suppose?

Mr. CALL. Certainly.

Mr. VEST. Do I understand that we are now considering the amendment on pages 14 and 15?

Mr. CALL. The Senator from Connecticut asked the Senate to proceed to the consideration of the amendment on pages 14 and 15. The committee amendments, as I understood, were agreed to.

Mr. PLATT. Oh, no; they were passed over until to-day.

Mr. CALL. Very well.

Mr. VEST. I want to offer an amendment if we take up the amendment on page 15.

Mr. CULLOM. I suggest that we begin with the first amendment which we reach which was not disposed of in the reading of the bill, so that we may take them up in their order.

The PRESIDING OFFICER. To what amendment does the Senator refer?

Mr. VEST. The one on pages 14 and 15.

Mr. CULLOM. The first amendment not disposed of yesterday was the one in relation to meats, and the next will be as to irrigation; then will come the amendment in relation to soils and grasses.

The PRESIDING OFFICER. The amendment referred to will be stated.

The SECRETARY. The committee amendment as modified is, on page 14, after line 22, to insert the following:

Provided, That section 2 of the act entitled "An act to provide for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate commerce, and for other purposes," approved March 3, 1891, be amended to read as follows:

"SEC. 2. That the Secretary of Agriculture shall also cause to be made a careful inspection of all live cattle the meat of which, fresh, salted, canned, corned, or packed, is intended for exportation to any foreign country, at such times and places, and in such manner as he may think proper, with a view to ascertain whether said cattle are free from disease, and their meat sound and wholesome, and may appoint inspectors who shall be authorized to give an official certificate clearly stating the condition in which such cattle and meat are found, and no clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef, being the meat of cattle killed after the passage of this act, for exportation to and sale in a foreign country from any port in the United States until the owner or shipper shall obtain from an inspector appointed under the provisions of this act such certificate that said cattle are healthy and their meat sound and wholesome.

Mr. VEST. Mr. President—

Mr. PEPPER. I beg pardon of the Senator from Missouri, but I should like to know where that amendment comes in.

Mr. VEST. At the end of line 18, on page 15; but I propose to modify the amendment. I move to strike out the word "such," at the end of line 17, and insert "a," and then I move to strike out the words which were inserted following the word "certificate," in line 18, and to insert what I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In line 17, page 15, of the committee's amendment, before the word "certificate," it is proposed to strike out "such" and insert "a;" and after the word "certificate" it is proposed to strike out "that said cattle are healthy and their meat sound and wholesome," and insert "that said cattle were free from disease and that their meat is sound and wholesome."

Mr. VEST. That follows the language in the preceding statute, and makes the meaning clearer.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment as amended.

Mr. PLATT. Mr. President, I said yesterday that I should make the point of order on this amendment. I think this morning that



I ought to do it, but since the matter has been so much discussed in the Senate, which discussion, perhaps, was out of order when a point of order was pending, and as the amendment has been further amended, I shall not insist on my point of order, but let the matter come directly to a vote in the Senate as to whether the amendment shall be adopted. Before that is done, however, I wish to say a single word about it.

I think this amendment will work great trouble if adopted. I think there are two classes of people in this country who will be clamoring at our doors for the repeal of this amendment if it shall be adopted: First, the small packers of meats, salted, dried, or canned for exportation. The second section refers, I think, only to beef. There are a great many persons who are now salting some portion of the meat which they do not sell in their home market, who dispose of it in foreign countries. This legislation will prevent that because those persons buy their beef, and certain portions of it they salt. It will be impossible for them to furnish a certificate that the animal from which the beef came which they have salted was inspected before slaughter as intended for exportation. I know of several such establishments in my own State. This legislation will cut them off entirely from their export business, not very large to be sure in comparison with the great meat exporters, but still an honest business, and one which is important to them.

But, second, the great firms engaged in the business of slaughtering beef will find that this amendment will come home to plague them. It will result in having every animal inspected before slaughter or in a destruction of their business of exportation of salted, dried, and canned beef.

Mr. President, when the prior law was passed, in 1891, salted, canned, corned, and packed beef were left out of the law purposely because it was understood then to be entirely impracticable to put them in. It is just as impracticable to-day. No person engaged in the killing of beef cattle kills a single animal for the export of all the meat which the animal furnishes in a salted, canned, corned, or packed condition. When cattle are slaughtered for export they are slaughtered for the fresh meat, the quarters to be exported, and it was with a view to that that sections first and second of this act were adopted in 1891; but when it comes to salting, canning, corning, and packing the meat, the whole animal is not disposed of in that way.

The canned meat, the corned meat, the salted meat, and the packed meat are portions of the animal which are not otherwise disposed of. I believe that to be true in the great canning establishments as well as in the smaller canning, salting, and packing establishments. So this legislation being adopted, hereafter it will be impracticable to send any salted, canned, corned, or packed beef abroad, unless the whole animal is used for that purpose. It is impossible with these great slaughtering establishments, where they slaughter 10,000 head a day, to have every one of them inspected before slaughter, or, if such an inspection takes place, it will not be of the slightest value; it will be a mere farce. But every one of those animals which are thus slaughtered may have some portion of them salted, corned, canned, dried, or otherwise packed. So the person who engages in the business of canning, salting, corning, and packing beef anywhere in the country will be obliged, in order that it may be exported, to trace every piece of meat which he puts into the salt, every pound of meat which he puts into the can, to an animal which was inspected previous to being killed, upon the statement that its meat was to be exported.

Mr. President, if the agriculturists of the West and the meat packers of Chicago, Kansas City, and elsewhere wish to do it, I imagine the smaller men who are engaged in this business up in my section of the country can stand it as well as they, but it is utterly impracticable; it can not be done, and it never will be done, unless the law is so enforced as to practically cut off the business entirely.

Having said that much about it, I do not propose to say anything more in relation to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

Mr. PEPPER. I should like to inquire of the Senator from Connecticut whether the same objection which he urges against the pending amendment is not equally applicable to the law as it now stands? For example, in section 2 of the act approved March 3, 1891, we have this language:

SEC. 2. That the Secretary of Agriculture shall also cause to be made a careful inspection of all live cattle the meat of which is intended for exportation to any foreign country, at such times and places and in such manner as he may think proper, with a view to ascertain whether said cattle are free from disease and their meat sound and wholesome, and may appoint inspectors, who shall be authorized to give an official certificate clearly stating the condition in which such cattle and meat are found, and no clearance shall be given to any vessel having on board any fresh beef for exportation to and sale in a foreign country from any port of the United States until the owner or shipper shall obtain from an inspector appointed under the provisions of this act such certificate.

This applies to fresh beef.

Mr. PLATT. Exactly.

Mr. PEPPER. In what respect will the suggestions of the Senator apply to the pending amendment if they do not apply to the existing law?

Mr. PLATT. I must have failed to make myself understood. I said when we passed that law we did provide that cattle which were intended for exportation should be inspected, that when cattle were to be slaughtered and their meat exported in a fresh condition, quarters of beef, we did provide that the cattle under those circumstances should be inspected. We did not put in canned, corned, and salted beef, when killed, because we found it to be utterly impracticable.

Mr. PEPPER. I concede that there is some difficulty in the way of the smaller packers, the individual packers who are doing work upon a small scale, so small indeed as that the business will not justify the employment of inspectors; but most of the meat which is exported, the great body of it, perhaps as much as 95 per cent of it, and I do not know but more, comes from these great packing, slaughtering, and canning establishments, where they have inspectors regularly employed and under certificate.

Mr. PLATT. Is there any canning establishment where the animal is killed and all of the meat put into cans or all of it salted?

Mr. PEPPER. No.

Mr. PLATT. Then it is only a portion of each animal which is to be canned or salted; and therefore it will be necessary to inspect every animal that is killed.

Mr. VEST. I think if the Senator from Connecticut had given any attention to this matter practically, he would not insist upon that position. The meat of certain animals in the great packing houses at Chicago is used exclusively for canning.

Mr. PLATT. All of the meat?

Mr. VEST. All of it. For instance, the cattle that come from Texas, "the Long Horns," as they are termed on the market, always sell at the lowest price; they are lean cattle, have very little fat, and are used exclusively for canning. The distillery-fed cattle and the cattle that are fed upon corn by large farmers in Iowa, Missouri, Nebraska, and the other Northwestern States are used almost entirely in the domestic market in the United States, or are shipped to England, that country being almost exclusively our market abroad for the better class of corn-fed and distillery-fed cattle.

But if you go into the packing houses at Chicago you will find the canning establishments separate and distinct from the rest of the concern. You will find the canning business carried on in Mr. Armour's great establishment, but it is just as separate and distinct practically as to its operations as if it belonged to another party and was in a different place.

Another remark of the Senator from Connecticut strikes me with amazement. He says that when the original law was passed, which I believe I had myself the honor of writing in 1891, we left out salted, canned, and cured meat deliberately and for a purpose. On the contrary, it was my impression, and I so stated to the Secretary of Agriculture, Mr. Colman, who then occupied that position, that I believed the second section of that act covered all cured and canned meats, because it said—

That the Secretary of Agriculture shall also cause to be made a careful inspection of all live cattle the meat of which is intended for exportation to any foreign country.

As a lawyer I believed then, and believe now, that a fair construction would include all of that meat in any form whatever, but the courts in some parts of the country disagreed with me, and the Secretary of Agriculture the other day called our attention to the fact that under the legal construction put on this act by some of the judges it did not include canned, cured, and smoked meats; that, under the nomenclature of the trade, they were classified differently from the fresh meat, and that when you spoke about cattle and their meat, it was only construed by traders and exporters to apply to fresh meat.

Mr. PLATT. And because the words "fresh beef" are used later in the act.

Mr. VEST. But I refer now to the section in relation to "all cattle, the meat of which is intended for exportation."

Mr. PLATT. Where the act speaks of their going on a vessel, it says "fresh beef."

Mr. VEST. It is true the act did use the words "fresh beef." In the third section we intended to provide for the meat that was used in the United States and exported from one State or Territory to another, and that was to be examined; not only the live cattle that were exported from one State or Territory to another, but the products of those cattle. The question has been raised whether that language would not apply to canned meat.

The Senator from Connecticut was kind enough to tell us that we are injuring our trade and our producers in the West. Mr. President, we will take the chances on that. I want to say to that Senator very emphatically and distinctly that I think I know what the cattle raisers of the West want. I have not consulted the canners, the proprietors of those great establishments in Kansas

City, Omaha, and Chicago, but I know that the cattle raisers of Missouri, above all things, want every suspicion removed in regard to the wholesomeness and soundness of their meat.

Mr. STEWART. Because they want a market.

Mr. VEST. Because they want a market and want a higher price. If we can export our cattle without a suspicion as to the wholesomeness and soundness, either as to the fresh meat or the canned goods, we increase the price abroad and in the United States.

Mr. PLATT. But I understand that the fine cattle of Missouri are not used for canning purposes. It is only the inferior cattle of Texas which are used for canning purposes. So it does not seem to me that the agriculturists of Missouri can be much interested.

Mr. MANDERSON. If I may be allowed to correct the statement of the Senator from Connecticut, Texas beeves are not now brought to the Omaha packing houses at all.

Mr. PLATT. The statement was made by the Senator from Missouri, and the Senator from Nebraska should correct him.

Mr. MANDERSON. Then I beg to correct the Senator from Missouri. It has been a long time since Texas cattle have been brought to the packing houses at South Omaha for packing purposes.

Mr. VEST. I do not speak of Omaha. I speak of Chicago. Texas cattle come to Chicago, and are used there almost exclusively for canning purposes.

I wish to say, in reply to the last observation of the Senator from Connecticut, that we bring a large quantity of Texas cattle into Missouri, feed them during one summer, and then carry them to the Chicago market. All the cattle we raise are not corn fed and not of the first quality, by any means. Some of the counties in my State produce the very finest cattle; others do not; but the people bring in the Texas cattle—the Long Horns—and feed them one summer or one winter, as the case may be, the statute of our State prohibiting their importation except during certain months, and they are sold—not what you might call fat cattle or distillery and corn fed cattle, but they still are in very good order, considering their breed.

We are interested in this matter because the market is affected by the prices of all grades of cattle. When the price of beef goes up, it goes up almost altogether without distinction as to its classification, and when it goes down it is the same way.

I want to say emphatically that what we desire in the West is to remove any suspicion as to the soundness of the cattle or meats we have for sale.

Something was said here yesterday about Germany's demands. I never heard of any demand from Germany, and never heard any intimation from Germany in regard to any such legislation as this. This legislation is instigated by the demand of the cattle growers of the West, and the Secretary of Agriculture suggested these amendments, and they were submitted to him before they were brought to the Senate. I think I am authorized to speak for the cattle raisers of Missouri, if not of the entire West, in regard to this question.

Mr. CHANDLER. Mr. President, after the Senator from Missouri [Mr. VEST] had secured the amendment of this proposition so as not to put any restrictions or limitations with respect to exportation upon the existing stock of prepared meats in this country, I was inclined to withdraw all opposition to this measure, because I conceived that it was undoubtedly desired in the interest of healthy meat for exportation principally, and I could not see that any harm would be done with reference to meat designed for home consumption; but, thinking upon the subject overnight, I am not inclined to favor the amendment. I think the Senator from Connecticut [Mr. PLATT] does wisely in withdrawing the point of order and allowing the Senate to decide the question upon its merits.

I am not so far convinced of the wisdom of the amendment as to be willing to vote for it. I shall vote against it, unless something that may be hereafter said in the argument shall convince me that I ought to change my mind.

The original act of March 3, 1891, was drawn evidently with a great deal of care. It is an act the purpose of which is plain and praiseworthy, and the intention seems to be admirably carried out in the act itself. There is no difficulty about it. It provides that live cattle the fresh meat from which is intended for exportation shall be inspected; that is, live animals and the carcasses of those animals, including sheep and hogs intended for interstate transportation, shall be inspected before they are killed, and where the Secretary of Agriculture may deem it necessary after they are killed. These provisions are all plain, straightforward, and intelligible, and the act, I have no doubt, has proved to be capable of easy enforcement.

But now there is a proposition that the same requirements shall be adopted as to salted meat and canned and cured meat that the existing law provides as to carcasses of live animals intended for transportation abroad, or for transportation from one State to another. I do not believe such a law can be satisfactorily put in

operation. I believe the law ought to be allowed to stand just as it is; that a statute ought to be brought forward and discussed and tried as a separate measure, and that the present scheme of the Senator from Missouri ought not to be adopted, which proposes in the reenactment of a section intended for fresh meats alone to now include all these prepared meats.

The practical difficulty which I see will exist is the one that has already been stated by the Senator from Connecticut [Mr. PLATT]. I can not state it any more clearly than he has done. The dealers in meat in the large market houses of the country will be unable to salt meat so that it can be exported. The dealers in meat products in a great market house, who do not kill their own animals but who purchase their meat, use it for different purposes. They sell it at retail. Wholesale dealers cut the meat up and sell it, and every day in every market house in the country a very considerable amount of fresh meat not sold is salted down. I have no doubt the products of salted meat prepared in this way and under these circumstances is very large, not large as compared with the whole meat product of the country handled by the great slaughterers in the principal places of the country, but large enough to be entitled to protection against the discrimination which will be made under the operations of the bill—the discrimination that meat so salted shall not be exported, and shall be deprived of the export market. That will inevitably be the result. Where a dealer in meat in a market house salts down 1 barrel, 2 barrels, 3 barrels, 5 barrels, or 10 barrels of meat a week and holds that salted meat until an opportunity is afforded for him to sell it, he is going to have meat which can not be sold for export.

There will be upon the markets of this country two kinds of salted meat. There will be the salted meat of the great packing houses, which will have the certificates required by law and which can be consumed at home or be exported, and there will be another kind of salted meat which will have been salted in the way I have described, by the middlemen or by the small dealers, which can not be exported, which will have upon it the stigma that it can not be exported, and as to which the producers of that meat can not produce the certificates required by the proposed statute. I am sure that will be the result. To what extent the same remarks will apply to meats canned in small establishments I do not know, because it is possible that no meats are canned except in large establishments where the certificates can be obtained by the canners.

Mr. PLATT. May I interrupt the Senator from New Hampshire?

Mr. CHANDLER. Certainly.

Mr. PLATT. I wish to state to the Senator from New Hampshire that an entirely different system of inspection has been prepared for pork and bacon intended for export than is now proposed here for canned beef, corned beef, etc., intended to be exported. In the case of pork and bacon inspection is made at the place of packing. The inspection is not made of the animals before they are killed, but of the pork and bacon at the place of packing. That was included in the law because all the small packers throughout the country came and said that unless it was done their business would be ruined or destroyed. I do not see, if we must have an inspection of salted beef and corned beef and canned beef, why it can not be made at the packing house rather than where the animals are slaughtered.

Mr. CHANDLER. I suppose the statement of the Senator from Connecticut now confirms the view he expressed, that the act of 1891 was limited in its operation because it was deemed impracticable to include canned goods within the purview of the act. The Senator from Missouri [Mr. VEST] disclaims that reason because he said he drew the act himself and knows that no such purpose entered into the minds of the framers. It is the act which I have praised as being drawn with care, and yet there has been found a court in the country which has differed with the Senator from Missouri in his construction of the act. I suppose the Senator has yielded to the decision of the court in that respect.

The act ought not, in my judgment, to be extended upon an appropriation bill in the way it is proposed to extend it. My instincts tell me that there will be trouble in its operation; that you can not take up a statute from which all these prepared meats, salted, canned, corned, or packed—and there is now to be added cured meats—were carefully excluded as the preparation of ham and bacon was carefully excluded, and include all these prepared meats by simply writing their names in the body of the original statute. It will be found impracticable in operation, or else it will be found to be oppressive in operation, in my judgment.

Mr. McPHERSON. Will the Senator from New Hampshire allow me?

Mr. HOAR. Mr. President—

Mr. CHANDLER. Two Senators appeal to me. I yield to the Senator from New Jersey first.

Mr. McPHERSON. I wish to ask the Senator how, unless inspection is made, we are going to have it understood on the other side of the water where our meat products go that we are shipping for-



sign countries pure, healthy, wholesome meats? If you intend to eliminate from the inspection a portion of the products, how can we introduce our meats with a certainty that we are not sending them diseased meats?

Mr. CHANDLER. I will answer the Senator by asking whether he proposes to inspect any more carefully or by any better system meat for the Germans to eat than meat for our own citizens to eat.

Mr. McPHERSON. Not at all. If the Senator will turn to section 3 of the act he will find there that an inspection is required of all cattle and all animals intended for interstate commerce and for consumption within any State or Territory or the District of Columbia. If the Senator from New Hampshire will yield to me just a moment—I do not wish to take up much of his time—I will state that 90 per cent of all the animals slaughtered even in New Hampshire or Connecticut come from the extreme West. If the slaughterer wants his cattle inspected for export they may be inspected in Chicago or Buffalo or Boston. If he wants them inspected for interstate commerce they may be inspected at any of those places, and if inspected for home consumption it answers every requirement of the inspection for foreign trade. It is an inspection, and he has the certificate of the inspector that the cattle are healthy. As to hogs and other animals, as a matter of course there has to be a microscopic examination after the animals are killed.

I see no reason why a slaughterer of cattle in the State of Connecticut should not have an inspector, if he wants one, to make a second inspection of the animals, or to inspect animals which have come in from the immediate surrounding country and have not been anywhere within the reach or the purview of an inspector appointed by the Government at the large inspection places. I see no reason why that slaughterer should not have an inspector, appointed by the Government, if you please, if he is willing to pay for it and it is of sufficient advantage to him.

Mr. PLATT. I agree that I am not familiar with all the details of slaughtering cattle, but are all the cattle slaughtered in Chicago inspected?

Mr. McPHERSON. Necessarily they must be inspected if intended for export or for interstate commerce.

Mr. PLATT. That I know, but are all the cattle inspected there?

Mr. McPHERSON. Yes.

Mr. VEST. Yes; all the cattle.

Mr. PLATT. Ten thousand head a day?

Mr. McPHERSON. I do not know whether the cattle which are killed for the Chicago market are inspected. That is a matter which would come under State inspection laws. They may be inspected by State inspectors. I do not suppose the Government of the United States pays an inspector to inspect the condition of cattle which may be slaughtered in the city of Chicago for the use of the people of Chicago. But if the cattle come East to Connecticut they are inspected, and more than 90 per cent of the entire product consumed by the Senator's people in their establishments in New England are inspected at some one of these inspection points and carry with them a certificate. They are tagged, as the saying is. That is the process by which they are known. All that it is necessary to do is for the owner of the cattle to make affidavit to the fact that the cattle were inspected in Chicago, that they are the identical animals, and I do not suppose a clearance would be refused in such a case. If, however, it were done, if a clearance were not granted, a large establishment in the Senator's State, and certainly you can not expect to provide facilities and inspectors for each one of the small ones, could easily at their own expense have an inspector appointed by the Government to inspect the animals.

The Government can not be expected to have an inspector located at each one of the slaughtering establishments, hundreds of them being in a single State. The attempt on the part of the Government of course has been to send each animal across the ocean with a certificate that the animal came from the districts of the country where there were no infectious diseases, and also that there was no disease among the animals, in order to quiet apprehension upon the other side of the water as to the condition of the meat.

Mr. PLATT. The Senator from New Jersey is well informed on these subjects. I wish he would state whether there has been any rejection of our canned meats abroad by reason of the fact that it had no certification.

Mr. McPHERSON. Yes; I think there has been rejection of our canned meats.

Mr. PLATT. I had not heard of it.

Mr. McPHERSON. There has been, I think, quite recently. At all events, there has been an inspection of our canned meats in which it was said to have been discovered that there was trichina in the hog; but whether that is a truthful report I do not know.

Mr. PLATT. I do not speak of that instance.

Mr. McPHERSON. But one thing I understand it has done, I will say to the Senator; it has tended very materially to interfere

with the trade of some of the large operators who have been supplying the French and German market with canned meats for army and navy purposes. I think, however, that the inspection is being very perfectly made, and of course all kinds of excuses are given. If a single animal was found to be diseased in any way it would be sufficient cause perhaps for rejecting a great many others. I think the present Secretary of Agriculture is giving the matter personal attention, and is trying in every way possible to convince the people upon the other side that our meats that go there are wholesome and healthy. Certainly if you would permit a portion of the animal to go without a certificate you are injuring the general business very materially.

Mr. CHANDLER. Mr. President—

Mr. CALL. I hope we shall be allowed to have a vote on this question.

Mr. CHANDLER. It is a very important question. If the Senator from Florida will withdraw this general legislation on an appropriation bill of course I will waive any remarks on the subject.

Mr. CALL. If the Senator from New Hampshire does not intend to allow the bill to pass I do not know what we shall do in the matter. This amendment is evidently one that is going to be insisted upon. It is not in my power to withdraw it if I desired to do so. I hope the Senator will allow the amendment to be acted upon one way or the other.

Mr. CHANDLER. No point of order is made on the amendment. The amendment is being fairly discussed. I did not understand the remark of the Senator about my allowing the bill to pass. Will he repeat it?

Mr. CALL. I mean this evening. It is very obvious that if we continue the discussion very long we shall not get through with the bill this evening.

Mr. PLATT. Oh, we shall.

Mr. CHANDLER. I do not know how that may be; but if the Appropriations Committee insist upon legislating on an appropriation bill and the provisions are to be voted upon by a yeas-and-nays vote of the Senate, they ought to be fairly discussed. I think if the bill passes as it has been framed either by the Senator from Missouri or the Appropriations Committee there is going to be trouble and complaint, and I intend for one to stand clear of the complaint. The shoulders of the Senator from Missouri may be broad enough to carry all those complaints; mine are not.

One thing is certain, Mr. President. The curers of pork and bacon, the men engaged in salting pork and bacon, refused to submit to the act of 1890. They refused to submit to a system by which they would be compelled to have their animals inspected while alive, and also obliged to submit to a post-mortem examination of the animals before they could proceed with their business of curing the pork and bacon.

Mr. PLATT. That is, the earliest act.

Mr. HARRIS. Will the Senator from New Hampshire allow me to ask him if he does not think that every Senator on this floor is prepared to vote on the amendment now, and to remind him of what he knows quite as well as I do, that two weeks from next Monday the Fifty-third Congress expires, and of the additional fact that a majority of the great appropriation bills have not yet been considered by this body?

Mr. CHANDLER. I think the country is anxiously waiting for this Congress to expire two weeks from now.

Mr. HARRIS. And I am anxiously waiting to see the public business progress and be disposed of.

Mr. CHANDLER. And the country will have quite as much relief when the Congress does expire as it had when the tariff bill which the Senator from Tennessee conducted to a successful passage last summer became a law.

Mr. PLATT. If the Senator from New Hampshire will permit me, I wish, not in an offensive way, to resent any suggestion that there should not be proper and full discussion upon important subjects of legislation, which, to use the language of the chairman of the Committee on Appropriations, are dumped on appropriation bills. The idea seems to be that we are to go all through a Congress and not bring forward bills for legislation, and then at the last moment, when the appropriation bills are under consideration, bring all the business of the session and put it or attempt to put it on appropriation bills. We have a sundry civil appropriation bill coming up here within a few days, and I venture to say that there are 200 amendments, most of which are matters of legislation which ought to have been passed in separate bills, proposed to that sundry civil appropriation bill.

When that is the practice of Congress, what are we expected to do? Are we expected to sit still and let all such matters of legislation pass in that way in five minutes or without any discussion or examination at all? It seems to me that this practice had better be stopped, even if we do take the time to discuss properly the measures which are proposed on appropriation bills. There has not been a quarter of the discussion on this proposed legislation that there would have been if the bill had been presented in the Sen-

ate, as it ought to have been presented, as an independent matter of legislation. Whether we get through the appropriation bills at this Congress or whether we do not get through with them, I think when measures of this sort are put without notice on appropriation bills we must not be expected to let them pass without fair examination and discussion; and no suggestion that the appropriation bills must go through ought to be listened to for the purpose of allowing such measures as this to pass without proper examination.

Mr. HARRIS. If the Senator from Connecticut feels ready to carry his resentment to the point of debating each and every appropriation bill and each and every item of it to the extent of defeating half of them, as a Senator representing a sovereign State he has the right to do it. He will do it upon his own responsibility.

Mr. PLATT. I do not propose to carry any resentment into the discussion of any of these provisions, but I wish to say now that when matters of important legislation are put upon appropriation bills which I think ought not to pass without discussion, which are brought into the Senate in this way, the first notice that they are to be taken up being the printing of the appropriation bills, reported only a day prior to the time when they come before the Senate, it would be a failure of duty to let them pass simply because they are upon appropriation bills.

Mr. BATE. Mr. President, I quite agree with the suggestions of the Senator from Connecticut [Mr. PLATT] that it was wrong to have this legislation upon these appropriation bills; but then since it is here we have to deal with it. It has come from the committee in the shape in which we find it. Yesterday evening this particular subject was up, and after being discussed perhaps as long as half an hour or an hour it was resumed again this morning. Certainly ample time has been had.

Mr. CALL. More than an hour.

Mr. BATE. For more than an hour, I am informed, it was discussed; perhaps two hours; I can not tell how long. This morning we have had it under debate now for some two hours, I believe. It is a little singular that we have had such a sudden transition in discussion on this very point in this appropriation bill from gold and gold bonds to canned beef. It has been a wide range and sudden jump. The object, however, of this discussion is to get at what is right. I have not interposed any objection to it, but there has been a very liberal line of discussion indulged in on both sides of the Chamber touching the question. Having discussed it fully, why can we not get a vote on the immediate question? After having listened to much talk on the subject I can hardly see where the difference is between those who have been indulging in the discussion. We all agree upon the fact that we ought to so legislate as to put a guard around the shipment of all meats that are for foreign consumption. Here at home in the States our police regulations can govern it except as to that which comes directly under interstate traffic.

Now, that has been provided for in this very section, and also the shipment of meats for foreign consumption has been provided for here. It is high morals for us to do this, and to say that healthful food shall be sent abroad for our German cousins who trust us upon a question of good faith. If we must have the cans stamped, every single provision is made here in this section, it seems to me, to put proper guards around it, so that there can be no mistake after it gets to Germany, England, or elsewhere that it has undergone the proper inspection here before being exported. I am informed that the Secretary of Agriculture has used the very greatest vigilance in so doing, and if occasionally something of the kind has occurred in which they found objectionable meat in a foreign country, it is very rarely, and a great deal too much has been made out of it. But I believe the object of every Senator who has been discussing this question is simply to throw those guards around it. I insist that the section does throw those guards around it. Now, Mr. President, no point of order has been made in regard to its being general legislation, and it is before us without such objection. Then it should be in the best possible form and I think that it is. I will read one part of the section:

SEC. 2. That the Secretary of Agriculture shall also cause to be made a careful inspection of all live cattle the meat of which, fresh, salted, canned, corned, or packed, is intended for exportation to any foreign country.

This shows that it is guarded by this section and that there will be no danger under its operation of trouble or even suspicion in a foreign market. It is good policy as well as good morals and good legislation for us to have enacted into a law something of this kind. I might disagree, perhaps, in regard to the propriety of this legislation under certain circumstances, on the constitutional question as to where and when jurisdiction, as between the States and General Government, attaches; but it is here, and we must deal with it.

No objection has been made to it, no point of order having been made against it, therefore we ought to deal with it frankly and fairly, and throw every possible guard around it in order to give

credit to our meat product when it goes abroad. It is good morals, as I said, and it is good finances for us to do that thing.

I can not understand the exact point made either by the Senator from Connecticut or the Senator from New Hampshire in regard to this particular amended section. They have offered no amendment to it. They have not proposed to strike out or to insert; indeed they have presented no amendment whatever. Now, what the objection to it is I can not see. If their object is to protect the meat that we ship abroad, and let it go there in a wholesome and healthful condition, they have it in this very section here, and as that is our general object I think we ought to allow it to pass.

Some criticism is made upon it, I believe, by those two Senators because perhaps there are some small places where inspection can not be had and small amounts—such dealers would hardly ship abroad—and if they did so desire that is a matter of detail altogether. The carrying out of these details will be left entirely to the Secretary of Agriculture, and if his agents fall short of doing their duty make it known to him, and I give a guaranty that he will, with his usual vigilance, have it attended to properly. So there can be no sound objection to it on that ground, and I hope there will be no further trouble about it and that the section as amended will pass.

Mr. CHANDLER. Mr. President, I trust the Senator from Florida [Mr. CALL] and the Senator from Tennessee [Mr. HARRIS], who, I see, has gone out of the Chamber, for the time neglecting the public business, approve of the remarks of the junior Senator from Tennessee [Mr. BATE], who has taken occasion to debate the bill at sufficient length to suit himself. It is not everyone who has the quickness and the fluency of the Senator from Tennessee, and he is able, therefore, to conceive and to express his ideas with the rapidity with which the Senator has spoken in the middle of my speech. I was endeavoring to say that I think there is danger in this proposed law. I had almost finished.

Mr. BATE. I must ask pardon. I did not understand that the Senator from New Hampshire had the floor.

Mr. CHANDLER. I know the Senator did not.

Mr. BATE. I did not, or I should not have interjected a speech in the midst of his.

Mr. CHANDLER. I should have yielded to the Senator from Tennessee if he had requested it.

Mr. BATE. I am much obliged to the Senator.

Mr. CHANDLER. I know the Senator is a model of courtesy, and did not intend to interrupt me; and on the whole I think my speech is the better for having had his interjected into it.

I said, Mr. President, that this is a dangerous bill. The Senator from Tennessee asks why not move to amend it? There is no need of moving to amend it. The Senator has himself perfected it. It is a simple question whether we can apply the same rules of inspection to salted, canned, and cured meats which we can apply to the inspection of live animals whose carcasses are to be transported abroad or to be sold at home. I say it can not be done without driving the business of salting, curing, and canning meats into the hands of the great establishments of the country.

Mr. CALL. Will the Senator allow me to ask him a question?

Mr. CHANDLER. If the Senator will be brief; because we want to get on with this bill, and to get through with it to-night, if we possibly can.

Mr. CALL. I wish to ask the Senator if he desires that the carcasses of animals which are slaughtered in this country and packed on farms or elsewhere than in the great packing establishments shall be allowed to be shipped to foreign countries without inspection? Is that the Senator's object?

Mr. CHANDLER. My object is not to provide that meats put up upon the farms shall be exported without being subjected to the provisions of this proposed act, because the act itself has a provision in it that it shall not apply to the products of the farm. I am for protecting the middleman, the small dealer in meats, who may salt down his meat, or possibly a person who cans or otherwise cures meat which he wants to put upon the market, and as to which he may desire the same privilege of exportation that belongs to the meats which are thus prepared by the great packing houses of the country.

Mr. CALL. Then, if the Senator will allow me, I submit to him that that object is already provided for in the act as it stands without the amendment. All sorts of meat, canned, smoked, salted, dried, or otherwise, that are to be exported to any foreign country are in the act, without the amendment, required to be subject to that inspection. I think if the Senator will carefully read the act without the amendment he will find that to be the case.

Mr. CHANDLER. What section does the Senator read from?

Mr. CALL. I have the whole act in my hand. The first section—

Mr. CHANDLER. The Senator is quoting some section to me.

Mr. CALL. The first section provides, as the Senator has already said, for live meat, for cattle exported on the hoof. The



second section provides for "live cattle the meat of which is intended for exportation." That has already been explained.

Mr. CHANDLER. That applies to fresh meat.

Mr. CALL. That has already been explained; and it has been decided in one or two places to apply to fresh meat. The only other meat besides fresh meat is canned, salted, dried, or smoked meat; and I asked the Senator the question if he desired any canned, salted, or smoked meat of any kind to be exported to foreign countries without inspection.

Mr. CHANDLER. Most certainly not.

Mr. CALL. The Senator says he does not. Very well. Then this amendment simply provides that which the Senator desires, that all salted, canned, dried, smoked, or any other kind of meat to be exported to foreign countries shall be inspected.

Mr. CHANDLER. While it is on foot; while it is alive; and that is what I object to.

Mr. CALL. Oh, no; the second section provides also—

Mr. CHANDLER. I think it is going to be very difficult, I assure the Senator, to inspect a can of meat while it is on the hoof, so to speak.

Mr. CALL. Now, I want to show the Senator that he is mistaken about that. If he will allow me, I want to convince him that all he desires is already provided for in the act and in the amendment. The second section provides for "live cattle the meat of which is intended for exportation." The Senator says that is only fresh meat, meat that has just been killed. The amendment provides for that difficulty. It says it shall not apply alone to meat that is fresh killed, but also to canned meat and the product of meat that is killed. The Senator says he desires that to be inspected. Very well, the amendment provides for that.

The third section provides that the "cattle, sheep, and hogs which are subjects of interstate commerce and which are about to be slaughtered" and their carcasses shall be inspected, and whenever necessary a post-mortem inspection made. That is for interstate commerce, for our own people.

The fourth section provides that the Secretary of Agriculture shall make the rules and regulations for the "examination of the carcasses and products of all cattle, sheep, and swine found to be free of disease and wholesome, sound, and fit for human food," and that they "shall be marked, stamped," etc., after such inspection. That includes all dried, canned, fresh, salted, or other meat which is to be used for our own people in the interstate commerce of the country.

The fifth section makes it "unlawful for any person to transport from one State or Territory" to another "the carcasses of any cattle, sheep, or swine," etc.; and the sixth section provides for "official certificates of the sound and wholesome condition of the cattle, sheep, and swine," etc., showing that all these several classes of meat are intended to be provided for in the existing act, both the cattle on the hoof and the cattle just killed, the meat of which is intended for exportation or for interstate commerce.

I submit to the Senator that when you come to the meat to be consumed in the States it provides that the act shall not apply to any cattle killed, or meat canned, dried, smoked, or salted that is prepared by any farmer for use in the State. So that all the Senator desires is accomplished in the act and the amendment.

Mr. ALLEN. Will the Senator from New Hampshire permit me? I desire to move that the Senate do now adjourn.

Mr. PLATT. Oh, no.

Mr. ALLEN. I make that motion.

The PRESIDING OFFICER. It is moved by the Senator from Nebraska—

Mr. HARRIS. Does the Senator from New Hampshire yield for that purpose?

Mr. CHANDLER. For what purpose?

Mr. HARRIS. For the purpose of an adjournment.

Mr. CHANDLER. If the Senator had asked me a little more mildly I should have said I did not know the purpose for which the Senator from Nebraska asked me to yield.

Mr. HARRIS. The Senator from Nebraska stated his purpose in his request.

Mr. CHANDLER. I had the misfortune not to hear him.

Mr. CALL. I hope the Senator from Nebraska will withdraw the motion.

Mr. CHANDLER. Did the Senator from Nebraska state his object?

Mr. HARRIS. The Senator from Nebraska stated his object in his request, and I ask the Senator from New Hampshire if he yields for that purpose?

Mr. CHANDLER. I should like to hear first from the Senator from Nebraska. Did the Senator ask me first to yield in order that he might make a motion to adjourn?

Mr. ALLEN. Yes, sir.

Mr. CHANDLER. I should not have yielded if I had heard the Senator make that remark.

Mr. HARRIS. Then the Senator from New Hampshire does not yield for that purpose, I take it.

Mr. CHANDLER. That is a parliamentary situation I leave the Chair to deal with.

Mr. ALLEN. Will the Senator from New Hampshire yield to me for a motion to adjourn?

Mr. CHANDLER. I prefer not. I think the debate on this bill should go on and the bill be disposed of to-night.

Mr. ALLEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. WHITE. Mr. President—

Mr. HARRIS. Upon the suggestion of the want of a quorum the roll must be called.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Cullom,	Lindsay,	Pugh,
Allison,	Davis,	Lodge,	Quay,
Bate,	Dubois,	Manderson,	Ransom,
Berry,	Frye,	Mantle,	Roach,
Blackburn,	Gallinger,	Mitchell of Oreg.	Squires,
Blanchard,	Gibson,	Mitchell of Wis.	Stewart,
Caffery,	Hale,	Morgan,	Turpie,
Call,	Harris,	Pasco,	Vest,
Camden,	Hawley,	Peffer,	Vilas,
Chandler,	Hill,	Perkins,	Walsh,
Cockrell,	Hear,	Platt,	White.
Coke,	Kyle,	Power,	

Mr. COKE. I desire to state that the Senator from Mississippi [Mr. GEORGE] is detained at home by illness.

Mr. McLAURIN subsequently said: I wish to state that at the time of the call of the Senate a few minutes ago I was temporarily absent from the Chamber. I desired at that time, had I been present, to state that my colleague [Mr. GEORGE], who was not in his place, is confined to his room by sickness. He being the chairman of the Committee on Agriculture, I wish this statement to go on record.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is present.

Mr. CHANDLER. Mr. President, I am sincerely desirous of finishing this appropriation bill to-night, and if Senators will not interrupt me I shall state in a word my objection to the bill as it now stands.

The existing statute provides for the inspection of live cattle the fresh meat from which is to be exported, as a condition of exportation. That is intelligible, that is sensible, that is a law which it is easy to carry into execution. The proposition now is, that no salted beef, that no cured beef, that no canned beef shall be exported unless the live animal from which that meat comes has been inspected while it is alive and a certificate of that inspection is furnished as a condition of exportation. I say that while it is easy in practice to trace the carcass of fresh meat which is to be exported back to the live animal under this system, it will be found to be utterly impossible to trace the meat which is canned and is salted back to the live animal from which it came, and the law will be found either impossible of execution or it will be found oppressive, and will put the whole business of salting, curing, and canning meats into the hands of a few large packing houses in this country.

Mr. President, the persons engaged in this country in the business of salting pork and bacon have resisted the imposition upon them of this original law, and have secured in the existing statute of August 13, 1890, a provision that the inspection of salted bacon and pork intended for exportation shall be made by the Secretary of Agriculture at the place where such meats are packed or bought, and that the inspection of such meats shall also be made at the place of exportation, if an inspection has not been made at the place of packing.

What we ought to have is precisely the same privilege for salted beef and canned beef which the law now gives to salted pork and bacon. There ought to be an inspection of it at the place of packing; there ought to be an inspection of it at the place of exportation; and it should not be required that as to these classes of cured and preserved meats, in order to allow them to be exported to a foreign country, there should be a certificate that the live cattle from which the meat came were inspected under the law before they were killed.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The next amendment of the Committee on Appropriations will be stated.

The SECRETARY. On page 15, after line 18, the Committee on Appropriations propose to insert:

Also, that section 4 of said act be so amended as to read as follows: "SEC. 4. That said examination shall be made in the manner provided by rules and regulations to be prescribed by the Secretary of Agriculture, and after said examination the carcasses and products of all cattle, sheep, and swine found to be free of disease and wholesome, sound, and fit for human food shall be marked, stamped, or labeled for identification as may be provided by said

rules and regulations of the Secretary of Agriculture. Any person who shall forge, counterfeit, simulate, imitate, falsely represent, or use without authority, or knowingly and wrongfully alter, deface, or destroy any of the marks, stamps, or other devices provided for in the regulations of the Secretary of Agriculture, of any such carcasses or their products, or who shall forge, counterfeit, simulate, imitate, falsely represent, or use without authority, or knowingly and wrongfully alter, deface, or destroy any certificate or stamp provided in said regulations, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$1,000, or imprisonment not exceeding one year, or by both said punishments, in the discretion of the court."

The amendment was agreed to.

Mr. PEPPER. I move to insert at the end of the section just adopted what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add to the amendment just adopted the following:

The Secretary is hereby authorized to make such rules and regulations as he may decide to be necessary to prevent the transportation from one State or Territory or the District of Columbia into any other State or Territory or the District of Columbia, or to any foreign country, of the condemned carcasses or parts of carcasses of cattle, sheep, and swine, or the edible products of the same, which have been inspected in accordance with the provisions of this act. Any person, company, or corporation owning or operating any such slaughterhouse, abattoir, or meat curing, packing, or canning establishment, or any employee of the same, that shall willfully violate any rule or regulation made pursuant to this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished for each offense by a fine not exceeding \$1,000 or imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Mr. PEPPER. I will say to the Senator from Florida who is in charge of the bill that the provision which I have sent to the desk has the approval—not only the sanction, but the approval—of the Secretary of Agriculture. The matter was given to me in the form in which I present it to the Senate by a gentleman connected with the Department of Agriculture, who came officially for that purpose.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas.

Mr. PLATT. I am somewhat embarrassed by the suggestion which was thrown out by the Senator from Tennessee [Mr. HARRIS] a little while ago, that we were discussing this bill too long, and therefore I will simply say to the committee which will have this matter in conference that I hope they will not permit anything to become a law which makes it a crime, punishable by imprisonment, to violate a regulation which the Secretary of Agriculture chooses to make.

Mr. CALL. I suggest to the Senator from Kansas that he strike out that portion of his amendment.

Mr. PEPPER. That may be done.

Mr. VEST. It seems to me that section 5 of the act of 1891 covers this case.

Mr. PEPPER. Does the Senator think it covers it clearly and fully?

Mr. VEST. I think so. I would, however, suggest to the Senator that he ought to put into his amendment, instead of the words "parts of carcasses," or after those words, the words "or products thereof."

Mr. SQUIRE. Products therefrom.

Mr. VEST. "Or products therefrom"—either.

Mr. PEPPER. I suggest to the Senator from Missouri this modification.

Any person, company, or corporation owning or operating any such slaughterhouse, abattoir, or meat curing, packing, or canning establishment or any employee of the same that shall willfully violate any of the provisions of this act.

Instead of "rule or regulation of the Department." Would that be satisfactory to the Senator from Missouri?

Mr. VEST. I have no objection to that.

Mr. PEPPER. I modify the amendment in that way, Mr. President.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas as modified.

The amendment as modified was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The SECRETARY. The next amendment of the Committee on Appropriations is, on page 22, after line 8, to strike out all down to and including line 12, as follows:

Irrigation investigations: To enable the Secretary of Agriculture to continue the collection of information as to the best modes of agriculture by irrigation, \$15,000.

Mr. WHITE. I move to amend the text proposed to be stricken out by striking out "fifteen" and inserting "eight," so that the appropriation will be "\$8,000" instead of "\$15,000."

Mr. ALLEN. I suggest that the Senator from California withdraw his amendment, because this appropriation is proposed to be made in another bill, placing the subject under the direction of the Director of the Geological Survey.

Mr. WHITE. The Senator is mistaken about that.

Mr. ALLEN. An amendment has been offered to increase the appropriation for irrigation surveys to the amount of \$25,000.

Mr. WHITE. I do not care to withdraw the amendment, because I think we had better take what we can get on this bill.

Mr. STEWART. I think that the entire provision had better be stricken out. Such appropriations have hitherto failed of their purpose. It amounts to very little now, and I think it had better be left out.

The PRESIDING OFFICER. The Chair will state that the question is on the adoption of the amendment offered by the Senator from California [Mr. WHITE] to amend the text of the bill proposed to be stricken out by the committee.

Mr. PEPPER. What is the amendment of the Senator from California?

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 11, on page 22, before the word "thousand," it is proposed to strike out "fifteen" and insert "eight," so as to read:

Irrigation investigations: To enable the Secretary of Agriculture to continue the collection of information as to the best modes of agriculture by irrigation, \$8,000.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Committee on Appropriations to strike out the clause.

Mr. STEWART. I hope that appropriation will be stricken out, and the amendment of the committee agreed to.

Mr. PEPPER. Mr. President, I have information indirectly that some provision is likely to be made in some other appropriation bill for irrigation purposes. While that may be true—and I have no doubt it is true—I do not wish to be placed in the position of consenting to any proposition which will strike from either existing or proposed legislation any future benefit to the irrigation interests of the Western people. In our own State our people have recently organized themselves into irrigation associations. There are county societies, and then there is the State society, and only yesterday I received a communication from the president of the State irrigation society. It has the sanction and the support in one way or another of the entire legislative and executive influences of the State. Furthermore, all through the semi-arid region of the Western country associations are being formed for the purpose of advancing the interests of agriculture by irrigation.

In our own State we have a large body of land which is fruitful in all the productive features of the best soil in the world. In 1891 we had the largest crop of wheat which has ever been produced by any single State of the Union, and, with a single exception, more wheat, perhaps, than was produced that year or any other year by any single nation under the sun.

In 1892, in passing over that splendid agricultural region, I saw scattered all about over the landscape stacks of wheat beyond number. I now recall an instance where there were 28 wheat stacks on one farm, and that, too, in the semi-arid region, showing what can be done there when we have water when we need it.

In the eastern part of the State, as our record in the State University shows, the annual rainfall is about 36 inches, or an average of 3 inches to the month, one-third of which is amply sufficient for the production of any of our cereal crops, provided, only, we could get it just when we needed it. That is the great difficulty in the western part of our State and the same character of country extending on to the mountains and to the north and the south of us. What we are trying to do is to secure some artificial means by which we can gather and retain the moisture which falls and, if we can, supplement that from some natural sources from above or below the surface.

Last year, when we were discussing the tariff question, when I asked that a part of the duty might be retained on salt for the benefit of the men engaged in the manufacture of salt in my State, that was denied me; when I asked that a small portion of the duty on wool might be retained as some benefit and protection to the woolgrowers of my State, that was denied me; and when I asked to have the bounty which was provided by the law of 1890 for the benefit of our sorghum-cane growers, I was denied that.

I can see but one outlet for our farmers now, Mr. President, with all these advantages taken away from us, and that is in this field of irrigation. So I do not want to be placed in the position of retiring from any proposition which looks like favoring us in that direction. Hence, while it may be true that there is some provision to be made in another appropriation bill for the purposes of irrigation, I am opposed to striking out this provision.

Mr. SQUIRE. Mr. President, I do not wish to take up the time of the Senate at this hour in any lengthy discussion of this question, but I am very much in sympathy with the sentiments uttered by the Senator who has just taken his seat.

The State I have the honor in part to represent is very much interested in the development of certain counties which are com-



prised in the arid district. There are experimental operations going on and there are already large developments in the line of irrigation, particularly in the great valley of the Yakima River, and our people desire information, and desire to acquire that information from the best sources as to the modes of agriculture by irrigation. I believe that in speaking for the people of my State in this respect I am also representing the wishes of the people of many other States of the Union.

As to whether this provision or a provision of the same purport is to be incorporated in any other bill, I am not fully informed. If that be true, I would not insist upon the retention of the paragraph here; but I feel that the development of agriculture by means of irrigation is a very important matter, and that we ought to give it full and careful attention. Even if some representatives of the Agricultural Department, as has been stated, have been inefficient, we still ought to provide the money and put efficient men in charge of the work. I do not know that it is true that they are inefficient, but it has been suggested that nothing much has been done in regard to the proper development of information on this subject.

Mr. WHITE. A great deal has been done.

Mr. SQUIRE. There is a great deal to be learned in regard to the sources of the water supply and the proper methods of utilizing the supplies of water for irrigation purposes, the proper methods of conducting the water, and proper methods of ascertaining as to whether it is practicable and feasible to proceed with the irrigation system in developing a country agriculturally, and, as I stated before, I do not feel willing to let this appropriation be omitted if it is not contemplated that the same subject shall be fully covered in some other bill.

Mr. ALLEN. Will the Senator permit me a moment?

Mr. SQUIRE. Certainly.

Mr. ALLEN. I am heartily in favor of a liberal appropriation for the purpose of an irrigation survey of all the arid lands of the country. The people whom I represent in part in this Chamber believe in that, and I am willing to do anything that is in my power to procure a sufficient appropriation to make a survey, and then supplement that at the proper time with the development of irrigation in the arid regions; but it is altogether unwise, in my judgment, to separate these appropriations and to place a portion of the work under the Agricultural Department, to be conducted by a distinct bureau, and another portion under the charge of the Director of the Geological Survey.

The Director of the Geological Survey has a corps of competent men, skilled and scientific, to attend to this business, who have made researches and surveys and gauged waters of the country. An appropriation was made last year of \$12,500 for that purpose. There is an intention, if possible, to increase it to \$25,000 this year, and I think without any doubt we can increase it. I submit to the Senator from Washington if it would not be wise to put this entire appropriation under the direction or at the disposal of one man.

Mr. SQUIRE. I agree to that. But there are Senators on this floor who are very much opposed to the Geological Survey. I recollect very well one Senator who sits near me, who, in his argument before the Senate, was disposed to overthrow the entire Bureau having charge of the Geological Survey. If he sees fit to fight the proposition we may not get the appropriation in that bill. What I desire to insist upon is to have the appropriation in some act of this Congress so as to provide for a proper study of the subject. I believe it to be wise to have it in connection with the Department of Agriculture, because the gentlemen connected with the Geological Survey are not supposed to be familiar with many of the elements of the subject as to what soils might be the best to be benefited by irrigation and what are the distinctive qualities of the soils; but the Agricultural Department is furnished with a corps of able men, chemists, and others, to determine as to the value of the soils and what kind of soil should be improved.

It seems to me that the proper Department to govern the investigation is the Department of Agriculture, rather than to have it placed under the Geological Bureau. Still, I would rather have it under the Geological Bureau than not have it at all. There are some reasons, perhaps, why the Geological Bureau could best deal with it. So far as relates to geological formations, there ought to be cooperation between the Agricultural Department and the Geological Bureau. I do not suppose the scientists of the Agricultural Department devote themselves to questions of geological formations, as to what the underlying strata may be, the different kinds of rock or clay for the retention of water in basins, so as to permit water to rise when artesian wells are sunk to this height or to that or the other. That can best be determined by the Geological Bureau. But when it comes to the application of water to soil, then I judge that the Agricultural Department is best fitted to pursue that class of investigations.

It seems to me that in order to give the full usefulness to the

Agricultural Department which it deserves and which the people of the United States have the right to expect from it, we should arm it in every direction, to a reasonable extent, with men and money to carry on its investigations fully and properly for that purpose. I believe the people of the country should be enabled to learn what soils are best adapted for certain purposes. Take sugar. We know, and experiments made at the agricultural college in the State of Washington have shown, that we can raise beets for the production of sugar as profitably and as favorably in the State of Washington as can be done in any other part of the Union or in any other part of the world. We show the highest percentage of saccharine matter in our sugar beets. I believe there should be some provision made for investigations of this most important subject under the supervision of the Agricultural Department of the United States for the benefit of all the people. The people of the United States should produce their own sugar. No better place exists, in my judgment, for the raising of sugar beets than exists in the valley of the Yakima and the great valley of the Columbia, in the State of Washington; and I should like to see experiments made with reference to determining such questions. Therefore, unless we have some assurance that we are going to get a full and adequate appropriation in some other bill, I desire to appeal to the Senate to retain this provision. And I shall be equally desirous of a suitable appropriation for the promotion of researches by the Geological Bureau with a view to the ascertaining of the sources and amounts of supplies of water for irrigation purposes; of the best modes of preservation and use of those supplies for such purposes; of the proper places for the borings for artesian water, and all similar information which may be useful on such lands as I have described in the great basin of the Columbia, which possesses a rich and deep volcanic soil ready to respond with bounteous crops whenever the supplies of water already existing in that region can be properly managed and utilized.

Mr. President, we ought to appropriate the full amount of \$15,000 in this bill as it came from the House, and then appropriate the \$25,000, or whatever the sum may be, for the geological surveys in its place in the other bill referred to.

Mr. CALL. Let me suggest to the Senator that the pending bill will be in conference, and if this provision should be put in some other bill it can be adjusted there.

Mr. GALLINGER. I wish to say a single word before a vote is taken on the amendment. I am impressed with the idea, representing a State not very largely interested in agriculture, that the amendment ought not to be adopted.

Mr. CALL. I suggest to the Senator from New Hampshire that I will allow the original text to stand if he will not make a speech.

Mr. HARRIS. I am not quite satisfied with the suggestion of the Senator from Florida. I desire to have a vote on the amendment.

Mr. STEWART. So do I.

Mr. HOAR. I hope the Senator from Tennessee will not delay the Senate.

Mr. HARRIS. The Senator from Tennessee never delays the Senate one-tenth part as much as the Senator from Massachusetts.

Mr. CALL. It is proper for me to say that the amendment reported by the committee would test the question when the bill goes into conference. If the clause was stricken out it would still be subject to restoration.

Mr. HARRIS. According to the statement now made by the Senator from Florida I am quite in agreement with him. I desire that the amendment of the committee shall be agreed to, and then it does put the whole subject in conference. But if the Senator from Florida retires from the amendment of the committee there will be nothing for the conference committee to confer about.

Mr. GALLINGER. I do not know precisely the attitude which the Senator in charge of the bill occupies at the present time upon this question.

Mr. CALL. If the Senator from New Hampshire will allow me, I will state that the Senator from Tennessee is mistaken in one respect. The amendment was modified on the motion of the Senator from California [Mr. WHITE] by inserting \$8,000 instead of \$15,000.

Mr. HARRIS. That is right; but still, if that amendment to the text of the bill has been agreed to, and the committee amendment shall be disagreed to, the only question that can go to the conference committee will be whether it shall be an appropriation of \$8,000 or \$15,000.

Mr. CALL. That is all the Senator from Tennessee desires?

Mr. HARRIS. It is not quite all I desire, because I am opposed to the whole appropriation.

Mr. STEWART. So am I.

Mr. HARRIS. Therefore I want to test the question and at

least record my vote. Though it may be a single vote in the Senate, I wish to record it against the whole appropriation.

Mr. GALLINGER. Mr. President, beyond a question the parliamentary argument of the Senator from Tennessee is sound. That is precisely the attitude in which I should like to have this matter. As I was about to say when interrupted by the Senator from Florida, I am opposed to striking this clause from the bill. The investigations under the appropriations made heretofore and that are proposed to be made this year in matters of irrigation, are in the hands of a very cultivated and capable gentleman who has given much time to the investigations, and who, in my opinion, has done a great deal for agriculture in this country. He has not confined his operations to the great West, but has done something for New Hampshire as well in instructing our people to irrigate their lands, so that we with our sterile and rocky soil in New England may be able to raise a larger amount of agricultural products per acre than we have been doing in the past.

The appropriation is not large. It is in the hands of the Agricultural Department, where I believe it ought to be, and the suggestion that we should take a work of this kind from the Agricultural Department and put it into the hands of the Geological Survey seems to me preposterous, to say the least. The gentleman now having charge of the matter has sent out 280 plans during the last fifteen months to farmers in all parts of the country, instructing them how to lay down irrigating plants so as to make their land more valuable. Thousands of letters have been sent out, most of them to the West, it is true, to Kansas, Nebraska, and other Western States, not many to Nevada, some to New Hampshire, and some to the South. It seems to me it would be a wrong policy to be inaugurated now to take this appropriation out of the hands of the Agricultural Department and put it, even if it is proposed to be put, as I have no knowledge it is, into the hands of the Geological Survey.

I hope we will stand by the bill in this particular as it came from the House of Representatives. I do not know that we need the appropriation of \$15,000 which the other House voted. I am quite willing to stand by the lesser amount which has just been adopted upon the motion of the Senator from California [Mr. WHITE]. But let us at least stand by the text of the clause as it came to us in the bill from the House of Representatives and enable these important and valuable investigations to be continued, to the end that agriculture, not alone in the great States of Washington, Kansas, and Nebraska shall be advanced, but that the farmers of New England as well shall have some bureau of the Government to which they can go and get information to enable them to cultivate their lands to better advantage than in the past.

I hope the amendment as proposed by the committee, if it is put to a vote, will be rejected, and that we will stand by the appropriation of at least \$8,000 for this very desirable purpose.

Mr. WHITE. I suggested \$8,000 and made a motion to amend the bill to that extent and to that effect because upon investigation I found that \$8,000 was the amount which was represented in the report of the officer in charge as being necessary for this particular part of the Bureau, and I considered it adequate to cover the subject. I am unwilling to consent to its being stricken out. I dissent in toto from the statement of the Senator from Nevada [Mr. STEWART] that it is entirely useless. I do not so consider it. I have taken pains to look the matter up, and I will state in a moment the result of the inquiries I have made.

But so far as the Geological Survey is concerned, there seems to be an attempt, or there is some evidence that there will be an attempt, to extend its jurisdiction to a great many quarters to which it should not be extended. There has been a little intimation that it is proposed to abolish the offices of register and receiver and have a geological professor there. A geological professor is also to dictate the duties of the surveyors-general, and now we are told that it is necessary to have a geologist in order to know just how to irrigate land in order to raise beets. Possibly it will be a subject for geological attainment to find out precisely whether a certain quality of sugar beet is useful for that purpose.

It seems to me that so far as the practical operations of irrigation are concerned, or the carrying on of a bureau designed to procure information for the advancement of irrigation, it should be under the control of the Agricultural Department. The very profession of a geologist indicates entire unfamiliarity with anything so modern as the sugar beet. I can not understand why gentlemen who should be deeply versed in the lore of ages long gone and who should be competent to read from various rocks the story of their creation and their antiquity, should be able to come down to modern days and give us information upon subjects of agriculture. True, a geologist may do that as a relief from the cares and vicissitudes attendant upon his professional life, but certainly he does not make a business of anything so modern as that which grows nowadays.

The amendment has reference to the support of a board of irri-

gation inquiry. Hearing nothing as to what had been done in this direction, I have ventured to look over the matter and called for a statement of what had been done. The Senate will understand that this is an office called the "Office of Irrigation Inquiry," connected with the Agricultural Department. During the last fifteen months there were 1,327 descriptive letters written from the Department, each containing instructions or plans, or both, for the improvement of land by irrigation methods. Then, to accompany those letters there were 280 plans forwarded. The letters and plans were distributed as follows: Texas, 100; Kansas, 472; Nebraska, 531; the two Dakotas, 36; Ohio, Michigan, Indiana, Illinois, Virginia, Florida, New Jersey, New York, New Hampshire, 34; New Mexico, Arizona, California, Oregon, Nevada, and Utah, 145. The instructions contained in those letters covered the whole range of irrigation farming, and so on.

Besides that the office sent out through the arid regions of the West 4,000 letters to as many persons asking information regarding irrigation farming, and to a majority of the letters answers were received, giving information valuable upon the subject.

Then, as stated by the Senator from New Hampshire [Mr. GALLINGER], the office has not confined its operation merely to irrigation in the West, where it has heretofore been deemed to be solely applicable, but has sought to ascertain, and I think with good results, whether even in regions such as were described by the Senator from New Hampshire it is not possible to apply such methods. I am informed that the result of those inquiries is such as to lead the office as well as parties who are well informed and personally interested to believe that great good will come from it.

I have myself some familiarity with the subject. I live in a part of the United States where irrigation has been carried on to a greater extent and with greater success than anywhere else, and perhaps from personal observation I know more about it than anyone else in this Chamber. I am unwilling to consent to the elimination of the reduced appropriation of \$8,000. I think it is little enough. I believe that to strike it from the body of the bill at this time would be unwise, and I am unwilling to wait and find out whether in the course of our geographical progress we may not conclude to make an appropriation for the purpose.

Mr. SQUIRE. May I ask the Senator from California one question in order to elucidate the point he has made?

Mr. WHITE. Certainly.

Mr. SQUIRE. Is it not true that it may be advisable that an appropriation shall be made for an investigation through the Geological Survey to determine the best methods of preserving the water supply and as to the various basins, the rock formation, and questions with reference to the water supply? That is a class of inquiries altogether foreign to the inquiry to be made under the direction of the Secretary of Agriculture.

Mr. WHITE. There is no doubt about that.

Mr. SQUIRE. That seems to be very proper.

Mr. WHITE. Yes, sir.

Mr. SQUIRE. Even if we are successful to-day in retaining this paragraph, with its appropriation, we ought not thereby to be precluded from an effort to obtain an appropriation for the support of the investigations through the Geological Bureau. I do not want to be estopped from an effort in that direction. I wish this explanation to be clear now, that each of the two bureaus is essential, one to determine the sources of the supply of water and the methods of supporting that supply, and the other to determine the character of the soil to be benefited, and whether it is advantageous that there should be processes of irrigation undertaken in connection with a particular locality.

It seems to me, if I understand the Senator from California correctly, that he is in favor of the latter, but not in favor of it to the exclusion of the former. If I am correct I should like to have him assure me so.

Mr. WHITE. I thoroughly agree with the Senator from Washington. Of course there is a branch of the subject to which the attention of the Geological Bureau might well be directed, in the matter of ascertaining whether it is advisable to sink wells in certain regions, and so on. I might mention a thousand instances where the learning and ability of gentlemen versed in the subjects referred to by the Senator from Washington would be desirable. I am not, I trust, understood as doing anything here, either by my record or conduct, that will operate as an estoppel of any character upon me regarding an appropriation under the Geological Survey or included within the appropriation for that Bureau. On the contrary, when that matter comes before us I shall be in favor of such an appropriation. But I am referring now to this particular item, which relates solely to agriculture. It is a small item, and perhaps we have already talked about it to such an extent that, computing our time and the expense to which the Government is put by reason of the discussion, we have expended more than the item amounts to. We have already voted to insert \$8,000, and I trust the Senate will not recede from the position taken a few minutes ago.



Mr. SQUIRE. Mr. President, what is the exact question now before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee to strike out the clause as amended.

Mr. ALLEN. I suggest to the Senator from Florida who has the bill in charge that we now adjourn. We have worked all the week, and it is now after 5 o'clock Saturday evening. I do not think anything is to be gained by continuing in session to-night. I move that the Senate adjourn.

Mr. CALL. I ask the Senator from Nebraska to withdraw the motion to adjourn for a few moments.

Mr. ALLEN. Very well; I withdraw the motion for the present.

Mr. CALL. I ask unanimous consent that we shall agree to vote on the pending amendment at the conclusion of the routine morning business on Monday.

The PRESIDING OFFICER. Is there objection?

Mr. HAWLEY. I wish to address the Senate for five minutes on one of the proposed amendments. I do not intend to waste time.

Mr. CALL. Then I ask unanimous consent that we shall commence to vote on the amendments at that time, limiting the debate to five minutes. There are only two or three other amendments.

Mr. HAWLEY. That is satisfactory. I want only five minutes.

The PRESIDING OFFICER. That will be agreed to, if there be no objection.

Mr. LODGE. I have no desire to object to that arrangement, if it is understood that I shall have the right to offer an amendment after the committee amendments are disposed of.

Mr. CALL. Certainly, with five minutes' debate.

Mr. LODGE. That is all I want.

Mr. HARRIS. I think the whole Senate can agree to the five-minute rule, but I should not be willing to agree to vote absolutely without debate.

Mr. ALLEN. At the suggestion of the Senator from Kentucky I withdraw the motion to adjourn and will move—

Mr. CALL. The agreement is understood as unanimously agreed to?

The PRESIDING OFFICER. It is agreed to.

#### EXECUTIVE SESSION.

Mr. ALLEN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, February 18, 1895, at 12 o'clock m.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 16, 1895.*

##### SURVEYOR OF CUSTOMS.

Bartholomew Kennedy, of Iowa, to be surveyor of customs for the port of Des Moines, in the State of Iowa.

##### POSTMASTERS.

Timothy J. Williams, to be postmaster at Richwood, in the county of Union and State of Ohio.

Lee C. Atwood, to be postmaster at Conneaut, in the county of Ashtabula and State of Ohio.

John Galligan, to be postmaster at Orange Valley, in the county of Essex and State of New Jersey.

Solomon F. Henniger, to be postmaster at Shelton, in the county of Buffalo and State of Nebraska.

Frederick A. Peck, to be postmaster at Humboldt, in the county of Humboldt and State of Iowa.

Rockwell B. Mitchell, to be postmaster at Bridgeport, in the county of Belmont and State of Ohio.

M. H. Alderson, to be postmaster at Wilson, in the county of Ellsworth and State of Kansas.

John C. Curtin, to be postmaster at Helena, in the county of Lewis and Clarke and State of Montana.

Charles W. Parrott, to be postmaster at St. Charles, in the county of Winona and State of Minnesota.

David R. Post, to be postmaster at Deep River, in the county of Middlesex and State of Connecticut.

John T. Reynolds, to be postmaster at Greenville, in the county of Muhlenberg and State of Kentucky.

Louis S. Smith, to be postmaster at Medina, in the county of Medina and State of Ohio.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, February 16, 1895.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read and approved.

##### LAND GRANTS TO RAILROADS.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting, pursuant to a House resolution dated January 5, 1895, information as to the amount of lands patented to the land-grant railroad companies since May 26, 1894; which was referred to the Committee on the Public Lands.

##### BRITISH-VENEZUELA BOUNDARY DISPUTE.

The SPEAKER also laid before the House the joint resolution (H. Res. 252) relative to the British-Venezuela boundary dispute, with amendments of the Senate thereto.

Mr. LIVINGSTON. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. SAYERS. I would like to know what there is in this.

The SPEAKER. The Clerk will report the Senate amendments. The Clerk read as follows:

Page 2, line 5, strike out the words "boundary limits in Guiana" and insert the word "boundary."

Page 2, line 6, strike out the word "most" before "earnestly."

Strike out all of the preamble.

Mr. REED. What have we to do with this?

Mr. LIVINGSTON. This resolution passed the House and went to the Senate. It simply expresses the sense of the Congress of the United States that this boundary dispute, which has been in existence since 1827, and is affecting the commerce of this country and which involves a palpable violation of the Monroe doctrine, ought to be settled by arbitration. That is all there is in the resolution. The Senate struck out what they considered some superfluous words and the preamble, and I move that the House concur in the Senate amendments.

The motion was agreed to.

##### ISOLATED TRACTS OF PUBLIC LAND.

The SPEAKER laid before the House a bill (H. R. 4052) to amend section 2455 of the Revised Statutes of the United States in relation to the sale of isolated tracts of public land, with an amendment of the Senate thereto.

The Senate amendment was read, as follows:

Page 1, line 2, strike out "\$2.50" and insert "\$1.25," so as to make the clause read, "not less than \$1.25 per acre."

Mr. NEILL. Mr. Speaker, I move that the House concur in the Senate amendment.

Mr. DOCKERY. I should like to hear some explanation of this bill.

The SPEAKER. The Clerk will report the bill. The Senate amendment explains itself. It simply reduces the price of these lands from \$2.50 to \$1.25 per acre.

The bill was read, as follows:

*Be it enacted, etc., That section 2455 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:*

"Sec. 2455. It shall be lawful for the Commissioner of the General Land Office to order into market and sell for not less than \$2.50 per acre any isolated or disconnected tract or parcel of the public domain less than one quarter section which in his judgment it would be proper to expose to sale after at least thirty days' notice by the land officers of the district in which such land may be situated: *Provided*, That lands shall not become so isolated or disconnected until the same have been subject to homestead entry for a period of three years after the surrounding land has been entered, filed upon, or sold by the Government: *Provided*, That not more than 100 acres shall be sold to any one person."

Mr. COOMBS. Mr. Speaker, I should like to hear some further explanation of this. It looks to me as though some people had gone upon certain unappropriated public lands and were trying to get title to them under this bill.

Mr. NEILL. There is nothing of that kind in it.

Mr. TAWNEY. The public domain of the United States has not depreciated in value to the extent indicated by the Senate amendment, has it?

Mr. NEILL. No, sir; but there are a few isolated tracts of land that can be sold under this bill. They are not subject to sale under the existing law. They are subject to homestead entry, but people will not occupy them under the homestead law. There are a good many such tracts in my own State. On the other hand, there are men who would buy 40, 80, or 100 acres of these lands for use in connection with adjoining farms. This bill as it passed the House fixed the minimum rate at \$2.50 per acre.

A MEMBER. That is what it ought to be.

Mr. NEILL. No; because there are some of these lands that are not worth that; but this bill provides that they shall be offered

at public sale, and if anybody will give \$2.50 or \$10 the Government will get that price. The Senate amendment merely fixes the minimum price at a dollar and a quarter an acre.

Mr. PICKLER. Perhaps the gentleman had better explain to the House why people do not take these lands as homesteads.

Mr. NEILL. Because the lands are not worth it.

Mr. PICKLER. Is it not because the tracts are not large enough?

Mr. NEILL. No, sir. It is because the land is so poor that people will not make homes upon it; they could not make a living on it.

Mr. PICKLER. But this will apply to a great many tracts where there are less than 160 acres.

Mr. NEILL. Yes.

Mr. TAWNEY. And where the land is valuable, too.

Mr. REED. Why did the House make the price \$2.50 an acre? If the Senate is right in reducing it to \$1.25 an acre, how did the House come to make the mistake of putting it at \$2.50 an acre?

Mr. McRAE. Mr. Speaker, I think I can answer the question of the gentleman from Maine. I introduced this bill fixing the minimum price of these lands at \$2.50 an acre instead of \$1.25, as heretofore. About the same time I introduced another bill to increase the single minimum price of all public lands to \$2.50 per acre. That proposition has not met the approval of the House Committee on Public Lands. The minimum price now for all the public lands, including those involved in this bill, is \$1.25 an acre, and now, since my general proposition has not been approved by the House, and since the Senate has amended this bill so as to put these isolated tracts of land upon the same basis as to the minimum price as the other public lands of the United States, I will not oppose it.

Mr. REED. But why did the gentleman from Arkansas in his bill fix the price of these lands at \$2.50?

Mr. McRAE. I did that because I thought the price ought to be \$2.50 for all of our lands.

Mr. REED. Then why do not you stand by it?

Mr. McRAE. I have stood by it as far as I could without endangering the defeat of this bill. The other general bill has not been even favorably reported by the Committee on Public Lands, and if it is not passed it would of course be unjust to put these the most worthless of our lands at \$2.50 and let the other more valuable public lands be rated at \$1.25 per acre.

Mr. COOMBS. Does it necessarily follow that these are worthless lands?

Mr. PICKLER. No. Some of these lands are good lands.

Mr. McRAE. Under this bill these isolated tracts of our lands can not be disposed of unless the area of the tract is less than a homestead is entitled to under the law, and the lands before being sold must have been subject to homestead entry for at least three years.

Mr. PICKLER. This bill, as I understand, allows the sale of tracts of less than 160 acres—tracts, for instance, of 120 or 100 acres. It very often happens that there are fractional tracts which, although the land is just as good as any other, are not taken up as homesteads because the quantity is less than 160 acres. It seems to me that we ought not to sell in this way tracts of more than 80 acres, because tracts exceeding that area might be taken by some homesteader.

Mr. McRAE. That is not probable, and besides no such change can be made in the bill now.

Mr. PICKLER. I believe this is a good bill. These fractional tracts are scattered here and there; and nobody takes them as homesteads, so that they are not doing anyone any good. But I should not like to see any great quantity of these lands sold at the price named.

Mr. McRAE. No land can be treated under this bill as isolated or disconnected until it has been subject to homestead entry for three years. I assume that after all the lands adjoining have been disposed of and settlers refuse to enter for three years that the lands can not be of much value.

Mr. PICKLER. And any tract to be sold must be less than 160 acres.

Mr. McRAE. It must be less than one quarter section, and a full quarter is 160 acres.

Mr. KIEFER. Does the bill specify the number of acres?

Mr. McRAE. It must be less than a quarter section. If there is as much as a quarter section, either full or fractional, the land can not be treated under the bill as isolated or disconnected; and even if the quantity is less than that the land must have been subject to homestead entry for three years. Besides, the lands will be offered at public sale, with a guaranty of the minimum price and fees.

Mr. COOMBS. I call the attention of the gentleman to the fact that the provisions of this bill are not limited to fractional sections in detached positions, but apply to all detached lands.

Mr. McRAE. Less than a quarter section.

Mr. COOMBS. May there not be some valuable timber lands which somebody is trying to get hold of by means of this bill?

Mr. McRAE. If the gentleman had had any experience with timber lands he would know that no person would be satisfied with any tract of 120 acres for timber purposes, and to protect against any abuse in that direction the bill provides that not exceeding 160 acres shall be sold to any one person.

Mr. PICKLER. As I understand, none of these lands are to be sold until homesteaders have had three years to take them if they want to do so.

Mr. McRAE. That is true, and it is an additional restriction over the old law. So far as concerns the proposed price of \$2.50 an acre, I am responsible for that, and still believe it best if it could be made general. But as I have failed in that effort, for the time at least, I will not oppose this. As the Committee on Public Lands has disagreed with me, and the Senate in amending the bill has signified its opposition, I see no chance at this late day of increasing the single minimum price of all lands to \$2.50. I admit that it would be wrong to put this class of lands at double the price of all other public lands. If my general proposition should ever prevail these isolated tracts would be covered by it.

The SPEAKER. The question is on concurring in the amendment of the Senate.

The amendment was concurred in.

On motion of Mr. NEILL, a motion to reconsider the vote by which the amendment was concurred in was laid on the table.

#### WOMEN AS SCHOOL TRUSTEES.

The SPEAKER also laid before the House the bill (S. 1717) to authorize the appointment of women as public school trustees in the District of Columbia.

The SPEAKER. This bill was amended by the House; the Senate has disagreed to the amendment of the House, and asks a conference. The amendment will be read.

The Clerk read as follows:

At the end of line 6 add the following:

"And for this purpose the number of trustees of said board shall be increased from 9 to 11, not more than two of whom shall be women."

Mr. HEARD. I move that the House insist on its amendment, and agree to the conference asked by the Senate.

Mr. PICKLER. What change has been made by the Senate to this bill?

The SPEAKER. The Senate has disagreed to an amendment of the House and asked a conference.

Mr. MEREDITH. I should like to know the effect of the action taken by the Senate. Does it provide that women shall be left off this board?

Mr. HEARD. The bill, as passed by the Senate, authorized the appointment of women as school trustees, but put no limitation upon the number.

Mr. MEREDITH. They ought not to be trustees at all.

Mr. HEARD. The amendment of the House, upon which I have moved to insist, limits the number of female members of the board to two.

The motion of Mr. HEARD was agreed to.

The SPEAKER announced the appointment of Mr. CADMUS, Mr. HEARD, and Mr. ALDRICH as conferees on the part of the House.

#### SURVEYOR'S OFFICE, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (S. 444) making the surveyor of the District of Columbia a salaried officer, and to provide for more efficient service in the surveyor's office, with House amendments disagreed to by the Senate and a request for a conference on the part of the Senate on the disagreeing votes of the two Houses thereon.

Mr. HEARD. Mr. Speaker, I move that the House insist on its amendments and agree to the conference asked by the Senate.

Mr. DINGLEY. I hope the gentleman from Missouri will understand in conference that this is not merely a formal disagreement.

Mr. HEARD. Mr. Speaker, I think I need not say to the gentleman from Maine that whenever I have had anything to do with a conference on the part of the House I have always sought, as I will hereafter, to try to make it express the exact will of the House. I feel assured that the conference committee will be cognizant of its duty to the House and will not fail to observe the action taken by the House with reference to this or any other matter committed to it.

The motion of Mr. HEARD was agreed to.

The SPEAKER announced the appointment of Mr. COBB of Alabama, Mr. HULL, and Mr. COOPER of Indiana as conferees on the part of the House.

#### REFERENCE OF SENATE BILLS.

The SPEAKER also laid before the House bills of the Senate of the following titles; which were referred as indicated, namely:



A bill (S. 2409) granting certain lands in the abandoned military reservation at Fort McKinney, Johnson County, Wyo., to the State of Wyoming for public purposes—to the Committee on the Public Lands.

A bill (S. 2576) for the erection of a public building at Paris, Ky.—to the Committee on Public Buildings and Grounds.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. TURNER of Virginia, for this day, on account of sickness.

#### DEFICIENCY APPROPRIATION BILL.

Mr. BRECKINRIDGE, from the Committee on Appropriations, reported a bill (H. R. 8892) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1895, for prior years, and for other purposes; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. BRECKINRIDGE. I desire to give notice, Mr. Speaker, that I shall ask the House to consider this bill immediately after the naval appropriation bill has been disposed of.

#### PRESBYTERIAN CHURCH, DARDANELLE, ARK.

Mr. TERRY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8709) for the relief of the trustees of the Presbyterian Church of Dardanelle, Yell County, Ark.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read at length.

Mr. TERRY. I will state in connection with this matter—

Mr. DINGLEY. I reserve the right of objection until we can hear an explanation of this matter or have the report read.

Mr. TERRY. I wish to state, with the consent of the House, one fact before the report is read.

When this bill was called up for unanimous consent some time ago, objection was made to it by the gentleman from New York [Mr. RAY]. After a consultation with him, we agreed upon an amendment which he considered satisfactory and withdrew his objection. When I called it up again objection was then made to it by the chairman of the Committee on Appropriations, but we got together and finally prepared an amendment to obviate his objection, and the bill when so amended will read as follows:

A bill (H. R. 8709) for the relief of the trustees of the Presbyterian Church of Dardanelle, Yell County, Ark.

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the circumstances, character, and extent of the damages by United States troops during the late war of the church building and grounds of the Presbyterian Church of Dardanelle, Yell County, Ark., and the actual value of the building and material taken, and report to Congress the result of such investigation.

That is all there is of it. It simply provides for an investigation and report to Congress of the result of such investigation.

Mr. REED. Is the gentleman prepared to make an investigation by the Quartermaster's Department of all cases of that sort which arose in the South during the war? If it is not his purpose to do so, it would seem better that we should not begin.

Mr. TERRY. If the gentleman from Maine will permit me—by order of the Commanding General of the Armies of the United States, approved by President Lincoln himself, in 1863 it was expressly directed that no interference on the part of the military forces should be had with churches or schools—

Mr. REED. That is right.

Mr. TERRY. But in this case they did tear down the buildings and used them for barracks, as I understand—

Mr. COOMBS. Does not that bring it under the general law?

Mr. TERRY. Well, it has been under such "general" law for all of these years that we have never been able to get anything on account of the damage done. The claim was filed in 1870, as I understand, and I suppose is now in the War Department; and there is no reason on earth why the Department should not make an investigation and ascertain the facts in connection with the matter. They are not asked to make an appropriation, but simply to report their findings.

Mr. REED. That is to say, all you want to do now is to get the camel's nose into the tent?

Mr. TERRY. Well, if the gander has a right to get in I do not see why we should keep it out. [Laughter.]

Mr. REED. My reference to natural history was to the camel, not the "gander." [Laughter.]

Mr. TERRY. Well, I understood you to say you "gander."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. CANNON of Illinois. I want to make just this suggestion to the gentleman, that the Second Deputy Comptroller is very handy now in auditing accounts presented of this character where

property has been used for the erection of barracks, quarters, etc., which goes to the occupation of churches, schoolhouses, and matters of that kind. The matter has been undergoing an investigation before the committee over which the gentleman from Texas [Mr. SAYERS] presides, in connection with the deficiency bill, and the knife has been used quite freely so far as that class of cases is concerned, with the approval of the gentleman from Texas, and used to cut out all of that class of claims. It seems to me that matter had better be fought out before we, by resolution of Congress or otherwise, journey any further along this line.

Mr. TERRY. I hope the gentleman will withhold his objection until I have finished my statement.

Mr. CANNON of Illinois. If the gentleman wants to establish the principle there is no case where he can better do it than on these claims that come with the blessing of an audit by the accounting officers of the Treasury, and in view of the fact that it will enable us to establish the principle, and in view of the fact that until it is established it seems to me it is an unnecessary and improper expense, and that we should not go further along this line, therefore, while I rarely object to anything in the House, yet for the reasons indicated I feel constrained to object to this.

The SPEAKER. Objection is made.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments a bill and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 8272) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896; and

Joint resolution (H. Res. 209) authorizing the Secretary of War to deliver condemned cannon to Asher Gaylord Post, Grand Army of the Republic, of Plymouth, Pa., and to Eckley B. Coxie Post, Grand Army of the Republic, of Freeland, Pa.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2726) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894;

A bill (S. 2365) for the relief of Northup & Chick; and

A bill (S. 2377) for the relief of H. F. Menough, late postmaster at Rock Springs, Wyo.

#### ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2595) to establish a life-saving station at or near City Point, Boston Harbor, Massachusetts;

A bill (S. 1813) providing an additional circuit judge in the ninth judicial circuit;

A bill (H. R. 4283) to provide for the purchase of a site and the erection of a public building thereon in the city of Cumberland, Md.;

A bill (H. R. 109) to provide for the purchase of a site and the erection of a public building thereon at South Omaha, in the State of Nebraska;

A bill (H. R. 2337) for the erection of a public building at Newport, Ky.

#### REPORTS OF COMMITTEE.

The following reports of committee were handed in at the Clerk's desk, referred to their appropriate Calendar, and otherwise disposed of as indicated below:

#### PUBLIC BUILDING, NEWPORT NEWS, VA.

Mr. MCKAIG, from the Committee on Public Buildings and Grounds, reported back favorably the bill (S. 915) for the erection of a public building for the use of the custom-house and post-office at Newport News, in the district of Newport News, Va.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### PUBLIC BUILDING IN THE CITIES OF WINSTON-SALEM, N. C.

Mr. MCKAIG, also from the Committee on Public Buildings and Grounds, reported back the bill (S. 2663) to provide for the erection of a public building in the cities of Winston-Salem, N. C.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### WARREN C. BEACH.

Mr. CURTIS of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8715) to place Warren C. Beach on the retired list of the Army.

The bill was read, as follows:

*Be it enacted, etc.,* That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to place on the retired list of the Army, with the rank of captain, Warren C. Beach: *Provided,* That the said Warren C. Beach shall not, by virtue of such restoration to the Army, be entitled to back, present, or future pay or allowances of any kind whatsoever.

The SPEAKER. The gentleman from New York asks unanimous consent to consider this bill. Is there objection?

Mr. SAYERS. Let us have an explanation of it.

The SPEAKER. Without objection, the gentleman from New York can make a short explanation.

Mr. CURTIS of New York. Captain Beach graduated from West Point and served twenty-one years in the Army. Then, being in failing health, and having some business to attend to in another part of the country, being out on the plains, he asked to be retired or to have leave of absence. He did not get an order for either. He resigned, expecting, however, that after he got to Washington and attended to his business he could be ordered before a retiring board. That failed. He is now willing to take retirement, without having any pay for the past or future, but simply placing him on the army list as an officer. There is precedent for that.

Mr. SAYERS. Mr. Speaker, I object to that bill.

Subsequently Mr. SAYERS withdrew his objection.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. CURTIS of New York, a motion to reconsider the last vote was laid on the table.

#### PENSION BILLS PASSED.

Mr. MARTIN of Indiana. Mr. Speaker, I ask that the bills reported from the Committee of the Whole last night be taken up and considered.

Mr. TALBOTT of Maryland. I want to know about how long the gentleman thinks that will take?

Mr. MARTIN of Indiana. It will not take over thirty minutes.

Mr. TALBOTT of Maryland. If the gentleman thinks he can get through by 12 o'clock, I shall not object.

The SPEAKER. The gentleman from Indiana [Mr. MARTIN] calls up certain bills, which, under the rule, have the right to be considered. The previous question was ordered last night on those bills, which would bring them up immediately after the reading of the Journal, subject in this case, by special order, to appropriation and revenue bills; but appropriation bills do not antagonize them, and therefore the House will proceed to consider these bills.

The following bills, reported from the Committee of the Whole on the Private Calendar, were severally considered, the amendments recommended by the committee agreed to, the Senate bills ordered to a third reading, read a third time, and passed, and the House bills ordered to be engrossed and read a third time, and being engrossed, read a third time, and passed:

A bill (S. 1969) granting a pension to Harrison C. Hobart.

A bill (H. R. 6928) to remove the charge of desertion from the military record of Wear Crawford. (Title amended in accordance with the recommendation of the committee.)

A bill (H. R. 6901) to increase the pension of Maj. Gen. Julius H. Stahl.

A bill (H. R. 575) granting a pension to Charity Ann Smith.

A bill (H. R. 7177) for the relief of Barzilla C. Hudson.

A bill (H. R. 8264) granting a pension to Saloma Mangold.

A bill (H. R. 5565) granting a pension to Joseph R. Brooks.

A bill (S. 2599) granting a pension to Caroline E. Wessels.

A bill (H. R. 6646) for the relief of Albert Munson. (Title amended in accordance with the recommendation of the committee.)

A bill (H. R. 2218) for the relief of John B. Leach. (Title amended in accordance with the recommendation of the committee.)

The SPEAKER. Without objection, a motion to reconsider the vote by which each of these bills passed, and to lay on the table the motion to reconsider, will be considered as made, and the motion to lay on the table will be considered as agreed to in each case.

There was no objection.

#### ALEXANDER WILLIAMSON.

The SPEAKER laid before the House the following bill, reported to the House by the Committee of the Whole House on the Private Calendar with the recommendation that as amended it do pass:

A bill (H. R. 8099) to increase the pension of Alexander Williamson.

The bill was read, as follows:

*Be it enacted, etc.,* That the present pension paid to Alexander Williamson, a private in Company H, Second Regiment Kentucky Infantry, during the war with Mexico, be, and is hereby, increased to \$50 per month, and the Commissioner of Pensions be, and he is hereby, directed to have his name placed on the pension roll at such increased pension.

The committee recommended the following amendments:

Amend by striking out the word "fifty" in line 6, and inserting in lieu thereof the word "twenty-five," so as to fix the rate of pension at \$25 per month. Also amend by striking out "Commissioner of Pensions," in line 6, and substituting therefor "Secretary of the Interior."

Mr. LOUD. I desire to make a short statement in connection with this bill. It proposes to grant an extraordinary pension to a soldier of the Mexican war, on account of blindness developed forty years after said war. While I do not desire to be specially technical, or to throw myself in the way of the passage of pension bills in this House, I desire to state in justice to myself that I presented to the Fifty-second Congress, and again to the Fifty-third Congress, two bills proposing to pension soldiers of the late war who had served three years, the ground of the application being in each case the blindness of the applicant. I was informed by the committee that it was contrary to the policy of the Pension Office to report bills granting extraordinary pensions in cases of this character.

I am inclined to think that the judgment of the Pensions Committee was absolutely just and proper, because all these cases have been presented to the Pension Office. They have presented all evidence that was possible to connect their blindness with their service in the Army. Now, then, if it is impossible to connect blindness twenty years after the late war with the service, it seems to me that it is much harder to connect blindness occurring forty years after the Mexican war. The only object I have in making this statement to the House is to show that once in a while, if a member has special friendly connection, or is a member of the Committee on Pensions, he can secure a favorable recommendation from that committee and bring his claim before this House.

These matters should be acted on in justice and equity to all. They should be covered by general law or at least there should be no exception made in any case. I will say again, Mr. Speaker, that I believe the position taken by the committee in the two cases that I introduced here and had referred to them was perfectly just, correct, and proper, and that very course, in my opinion, should have been followed in this case. I shall not raise any technical objection to the case, however, but make this statement in justice to, and the cases introduced by, myself.

The amendment recommended by the Committee of the Whole was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BRECKINRIDGE, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### JOHN J. SHIPMAN.

Mr. MEREDITH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 7076) to execute the findings of the Court of Claims in the matter of the claim of John J. Shipman.

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John J. Shipman, out of any money in the Treasury not otherwise appropriated, the sum of \$17,811.96, the same being the amount found by the Court of Claims to be due to the said John J. Shipman from the United States for stone furnished and delivered by the said Shipman to the United States and used by it in the construction of a lock on the Big Sandy River near Louisa, Ky., the said findings of the Court of Claims having been made in a proceeding and trial in said court authorized by resolution of the Senate of the 16th day of January, A. D. 1889, transmitting said claim to the Court of Claims under the provisions of an act approved the 3d day of March, A. D. 1883 (twenty-second volume United States Statutes, 485) and an act approved the 3d day of March, A. D. 1887 (twenty-fourth volume United States Statutes, 506), to be instituted in said court against the United States.

Mr. SAYERS. Let us have an explanation of this bill.

Mr. MEREDITH. I will ask for the reading of the report, or I will make a statement.

The SPEAKER. The report is three pages long. Without objection, the gentleman may make a brief statement.

Mr. MEREDITH. This is simply a bill to carry out the findings of the Court of Claims and to pay a gentleman by the name of Shipman for stone furnished to the United States Government under a contract which has been recognized, the facts all found by the Court of Claims and a certain amount ascertained to be due. This is simply asking the Government to carry out its contract.

Mr. SAYERS. How much does it involve?

Mr. MEREDITH. Seventeen thousand dollars.



Mr. SAYERS. Then I want to look into it before I give consent to its consideration.

Mr. MEREDITH. The question is whether it is a just and proper claim.

The SPEAKER. The gentleman from Texas objects.

Mr. MEREDITH. Is it not too late to object after unanimous consent has been given?

The SPEAKER. Unanimous consent was not given.

Mr. MEREDITH. I thought it was.

MARTHA CUSTIS CARTER.

Mr. RANDALL. I ask unanimous consent for the present consideration of the bill (H. R. 4756) to grant a pension to Martha Custis Carter.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Martha Custis Carter, widow of Samuel P. Carter, late rear-admiral of the United States Navy and major-general of the United States Volunteers, on the pension roll, subject to the provisions and limitations of the pension laws, and pay her a pension at the rate of \$100 per month from and after the passage of this act.

Mr. TALBERT of South Carolina. Has that bill been considered in Committee of the Whole?

Mr. RANDALL. It has been amended in the committee.

Mr. TALBERT of South Carolina. Has it been considered in Committee of the Whole at a Friday night session?

Mr. RANDALL. No; it has not.

Mr. TALBERT of South Carolina. Then I object, Mr. Speaker.

Mr. SAYERS. I call for the regular order.

The SPEAKER. The regular order is demanded. The regular order is the call of committees for reports.

#### ORDER OF BUSINESS.

Mr. TALBOTT of Maryland. Mr. Speaker, I ask unanimous consent to dispense with the call of committees for reports, and that gentlemen having reports to file may be permitted to hand them to the Clerk.

There was no objection, and it was so ordered.

Mr. TALBOTT of Maryland. I will yield to the gentleman from Illinois to ask unanimous consent for the consideration of a measure.

Mr. DURBOROW. I ask consideration for a measure that has been reported by the Committee on Naval Affairs.

The SPEAKER. The gentleman from Texas demands the regular order, which cuts off requests for unanimous consent.

Mr. SAYERS. I demand the regular order, Mr. Speaker.

Mr. TALBOTT of Maryland. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. DURBOROW. Pending that motion, I ask unanimous consent for the consideration of the bill which I have in my hand. It is a bill reported from the Committee on Naval Affairs.

The SPEAKER. The regular order cuts off everything.

Mr. SAYERS. I will withdraw the demand for the regular order, so as to allow the gentleman an opportunity of having his bill considered.

Mr. TALBOTT of Maryland. Then I withdraw the motion to go into Committee of the Whole for the present, to let the gentleman have an opportunity to go into Committee of the Whole, which is for the purpose of disposing of the caravels.

#### TRANSFER OF REPRODUCTION OF CARAVELS OF COLUMBUS TO COLUMBIAN MUSEUM, CHICAGO.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of a bill which the Clerk will report.

The Clerk read as follows:

A bill (S. 1454) authorizing the Secretary of the Navy to transfer the reproductions of the caravels of Columbus to the Columbian Museum of Chicago.  
*Be it enacted, etc.,* That the Secretary of the Navy be, and he hereby is, authorized to transfer to the trustees of the Columbian Museum of Chicago the reproductions of the caravels of Columbus, the *Santa Maria*, *Nina*, and *Pinta*, which were exhibited at the World's Columbian Exposition.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STORER. I object.

The SPEAKER. The gentleman from Ohio objects.

#### NAVAL APPROPRIATION BILL.

The SPEAKER. The gentleman from Maryland moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. O'NEIL of Massachusetts in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8665) making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes.

Mr. GEISSENHAINER. Mr. Chairman, inasmuch as the leading features of the bill under discussion have been fully and very eloquently debated, and inasmuch as the Committee on Naval Affairs has determined that, as far as possible, every member of the House shall have an opportunity of expressing his views on this subject, I will confine myself to a very few brief remarks, in which I shall attempt to touch upon certain points that have not hitherto been alluded to.

I desire first, sir, to call the attention of the House to the vast extent of sea mileage under the jurisdiction of this Government. On the Atlantic we have a coast line of 2,732 miles, and a coast line of bays, rivers, etc., to the head of ship navigation of 33,778 miles; making a total of 36,510 miles. On the Gulf coast we have a total mileage of 19,143 miles. On the Pacific coast we have a total mileage of 8,900 miles, and on the Alaska coast 26,376. This makes the total of our outer coast 10,376 miles; bays, rivers, etc., 80,553 miles; making a grand total of 90,929 miles. The population along the coast in the seaboard and lake towns amounts to a grand total of over 16,000,000 people. Along this coast are seven or eight cities aggregating a wealth of between three and four billion dollars. This wealth, sir, is to be protected by war vessels. In the late civil war the number of vessels obliged to be employed was 697, as follows:

Ironclad steamers, coast service.....	46
Ironclad steamers, inland service.....	29
Side-wheel steamers.....	203
Screw steamers.....	198
Sailing vessels.....	112
	588

In 1864, 109 vessels were added, and the Navy consisted of 697 vessels of a tonnage of 510,396, carrying 4,610 guns.

The growth was not confined to vessels. From 7,600 men in service at the beginning in 1861, the number was increased to 51,500.

The aggregate of laborers and artisans employed in the navy-yards was 16,880, an increase from 3,844 previously in the pay of the Government. About the same number was employed in private yards and establishments.

Now, sir, we who are liable—thank God not to a condition of the same kind again, but to foreign attack—have not one single battleship. We have some under preparation and building, but not one ready to defend our coast.

Mr. Chairman, John Adams, contemporaneous with Thomas Jefferson in almost every particular, even to the date of his death, because they died on the same 4th of July at nearly the same hour, said in a letter written to Thomas Truxton in 1802:

"The counsel which Themistocles gave to Athens, Pompey to Rome, Cromwell to England, De Witt to Holland, Colbert to France, I have always given and shall continue to give to my fellow-countrymen, that, as the great questions of commerce and power between nations and empires must be decided by a military marine, and war and peace are determined at sea, all necessary encouragement should be given to the Navy. The trident of Neptune is the scepter of the world.

This advice, given by that great man at that early date, has held good ever since. It is democratic. It is Jeffersonian. Thomas Jefferson and John Adams were contemporaries, and although there may have been a difficulty between them for some years, death came to them at almost the same hour, and we are told that the last words on the lips of Adams were "Jefferson still survives."

Now, Mr. Chairman, having alluded to that affecting historical incident, I want now to allude to another. There is an item in this bill for the repair of that gallant old ship, the *Constitution*, sometimes known by the name of "Old Ironsides."

The Secretary of the Navy, in his report in support of this appropriation, makes the following statement:

"For many years past this vessel has been used as a receiving ship at the navy-yard, Portsmouth, N. H., has been housed over, and only such repairs put upon her as would render her habitable and in condition to float. Her present state is such that if this famous old ship is to be longer preserved as a memento of our glorious past a larger sum of money than that appropriated at the last session will be necessary. In view of the memories which are inseparably connected with this vessel, the Department believes that it would be wise for Congress to authorize that she be repaired and put in such condition as will enable the Department to preserve her indefinitely. Should such an act be passed the old ship might then be brought to Washington and kept at the navy-yard as an object of interest to the many thousands of patriotic Americans annually visiting the capital of the nation."

She was built in September, 1797, and in the early years of the century, when war was imminent between France and the United States, she played her part in defending our commerce. Again,

under Captain Hull, she gained a most signal victory over the *Guerriere*. Later on, under Captain Bainbridge, she achieved a victory over the frigate *Java*, and afterwards, in the Bay of Biscay, under Captain Stewart, over the two British frigates, the *Cyane* and the *Levant*. Her reputation is national. One of her commanders that I have named came from New England. Two of them came, respectively, from Pennsylvania and New Jersey. In 1829, when she was very much dilapidated, according to the reports, Secretary Branch ordered her to be pulled to pieces, but public sentiment ran so high and the people were so much opposed to the destruction of the old ship that popular meetings were held throughout the country and the Secretary was denounced and was obliged to rescind his order and to direct that she should be repaired and put into commission. The poet of Massachusetts, Oliver Wendell Holmes, as you will remember, composed a poem of three stanzas on that occasion which has lived undimmed from that day to this:

Ay, tear her tattered ensign down!  
 Long has it waved on high,  
 And many an eye has danced to see  
 That banner in the sky.  
 Beneath it rung the battle-shout  
 And burst the cannon's roar—  
 The meteor of the ocean air  
 Shall sweep the clouds no more!  
  
 Her deck, once red with heroes' blood,  
 Where knelt the vanquished foe,  
 When winds were hurrying o'er the flood  
 And waves were white below,  
 No more shall feel the victor's tread,  
 Or know the conquered knee;  
 The harpies of the shore shall pluck  
 The eagle of the sea!  
  
 Oh! better that her shattered hulk  
 Should sink beneath the wave;  
 Her thunders shook the mighty deep,  
 And there should be her grave!  
 Nail to the mast her holy flag,  
 Set every threadbare sail,  
 And give her to the god of storms,  
 The lightning and the gale!

The gentleman from Massachusetts [Mr. EVERETT] must surely have forgotten this incident when he made his speech yesterday. That expression of popular sentiment comes from the land of his birth. That poem appealed to the popular American heart and I dare say that every schoolboy has it in his repertoire.

But, sir, the *Constitution* is not dead. Jefferson did not order the sale of the *Constitution*. She is still ours, and this bill proposes to expend a small sum of money upon her repair and transportation to the navy-yard in this city, that she may, at the capital of the nation, be looked upon by the nation as one of the great pioneers of our Navy. [Applause.]

Mr. Chairman, it has been suggested by some gentlemen that instead of the Navy being augmented the gospel of peace should be promulgated. Sir, I for one would gladly hail that state of things. I should be glad to see the sword forever sheathed. I should be glad to see the guns forever dismounted.

But, sir, such things have not been—not since the incipency of Christianity. No, not since the world began. The great Master himself has said, "When ye hear of wars and rumors of wars, be not troubled, for such things must needs be."

Sir, when that day arrives, when the millennium shall be at hand, then will it be a proper time to discontinue our defenses, then shall the lion and the lamb lie down together and all the world be at peace. But, sir, until that time does come this country must maintain her honor and her dignity, and protect the life, liberty, and property of her people. Beneath her flag her people seek to live a peaceful life of freedom, and no freedom can be obtained unless they are in a position to secure and uphold it. [Applause.]

A table giving the miles of coast line which should be protected is appended.

	Statute miles.
Length of Atlantic coast line.....	2,732
Length of coast line of bays, rivers, etc., to head of ship navigation....	33,778
Total.....	36,510
Length of Gulf coast.....	1,163
Length of Gulf coast bays, rivers, etc.....	17,960
Total.....	19,123
Length of Pacific coast.....	1,623
Length of Pacific coast bays, rivers, etc.....	7,237
Total.....	8,860
Length of Alaska coast.....	4,818
Length of Alaska coast bays, rivers, etc.....	21,598
Total.....	26,416
Total outer coast.....	10,376
Total bays, rivers, etc.....	80,553
Making in all, grand total.....	90,929

I also subjoin an extract from the report submitted to the House by Mr. Herbert on the "Increase of the Navy," March 10, 1886, which was at that time prepared by Lieutenant Griffin, of the Navy, showing the value of destructible property subject to the fire of an enemy's guns in the cities named:

Portland, Me.....	\$33,000,000
Boston, Mass.....	471,000,000
New York.....	1,855,000,000
Jersey City.....	113,000,000
Philadelphia.....	789,000,000
Baltimore.....	219,000,000
New Orleans.....	176,000,000
San Francisco.....	180,000,000
Total.....	3,836,000,000

I also append the seaport and lake population of the cities of the United States liable to be attacked by an enemy:

LAKE TOWNS.		SEAPORT TOWNS—continued.	
	Population.		Population.
Oswego, N. Y.....	21,842	Newport, R. I.....	19,457
Rochester, N. Y.....	133,896	New London, Conn.....	13,757
Sandusky, Ohio.....	18,471	Brooklyn, N. Y.....	806,343
Buffalo, N. Y.....	255,000	New York City.....	1,515,301
Lockport, N. Y.....	16,038	Dover, Del.....	3,061
Toledo, Ohio.....	82,000	Baltimore, Md.....	434,039
Clinton, Ohio.....	5,000	Richmond, Va.....	81,388
Detroit, Mich.....	205,000	Petersburg, Va.....	22,681
Erie, Pa.....	41,000	Norfolk, Va.....	31,871
Bay City, Mich.....	27,839	Portsmouth, Va.....	18,238
Cleveland, Ohio.....	265,000	Newport News, Va.....	4,449
Port Huron, Mich.....	13,543	Wilmington, Del.....	61,431
Grand Haven, Mich.....	5,000	Philadelphia, Pa.....	1,433,914
Bellaire, Mich.....	2,000	Wilmington, N. C.....	20,036
Manistee, Mich.....	12,512	Charleston, S. C.....	64,855
Mount Clemens, Mich.....	5,000	Brunswick, Ga.....	8,430
Chicago, Ill.....	1,069,850	Savannah, Ga.....	40,000
Cheboygan, Mich.....	6,000	Port Royal, S. C.....	2,000
Sheboygan, Wis.....	20,000	Jacksonville, Fla.....	3,000
Milwaukee, Wis.....	210,000	Apalachicola, Fla.....	2,500
Kenosha, Wis.....	6,000	Tallahassee, Fla.....	2,000
Marquette, Wis.....	10,000	Rockland, Me.....	8,500
Green Bay, Wis.....	9,000	Bridgeport, Conn.....	49,000
Duluth, Minn.....	33,115	Providence, R. I.....	135,000
Ashland, Wis.....	10,000	Jersey City, N. J.....	165,000
Superior, Wis.....	12,000	Menasha, Wis.....	4,900
West Bay City, Mich.....	12,981	Palatka, Fla.....	3,000
Michigan City, Ind.....	10,776	Pawtucket, R. I.....	28,000
Sault de Ste. Marie, Mich.....	5,700	Perth Amboy, N. J.....	9,512
Ogdensburg, N. Y.....	11,682	Port Townsend, Wash.....	4,558
Painesville, Ohio.....	5,000	Salem, Mass.....	30,801
Racine, Wis.....	21,014	Tacoma, Wash.....	36,000
Ludington, Mich.....	7,517	Troy, N. Y.....	61,000
Additional lake towns.....	78,030	Utica, N. Y.....	44,007
Total.....	2,400,687	Watertown, N. Y.....	15,000
		New Bedford, Conn.....	40,733
		Seattle, Wash.....	42,837
		Norwich, Conn.....	16,058
		Stonington, Conn.....	7,154
		Santa Barbara, Cal.....	5,500
		San Diego, Cal.....	16,150
		Vallejo, Cal.....	6,343
		Warwick, R. I.....	17,761
		Plymouth, Mass.....	7,134
		Norwalk, Conn.....	18,000
		Hoboken, N. J.....	43,648
		Chester, Pa.....	20,223
		Camden, N. J.....	58,313
		Brownsville, Tex.....	6,134
		Marblehead, Mass.....	8,232
		Bangor, Me.....	19,103
		Long Island City, N. Y.....	30,536
		Lynn, Mass.....	55,727
		Belfast, Me.....	5,294
		Key West, Fla.....	18,080
		Quincy, Mass.....	16,723
		Haverhill, Mass.....	27,412
		Westerly, R. I.....	6,813
		Malden, Mass.....	22,031
		Total.....	7,047,526

ESTIMATED POPULATION OF SEAPORT TOWNS UNDER 5,000.	
	Population.
400 towns of 4,000.....	1,600,000
800 towns of 2,000.....	1,600,000
1,600 towns of 1,000.....	1,600,000
Total.....	4,800,000

ESTIMATED POPULATION OF LAKE TOWNS UNDER 5,000.	
	Population.
100 towns of 4,000.....	400,000
200 towns of 2,000.....	400,000
400 towns of 1,000.....	400,000
Total.....	1,200,000

RECAPITULATION.	
Population of seaport towns over 5,000.....	7,047,526
Estimated population of smaller seaport towns.....	4,800,000
Total.....	11,847,526
Population of lake towns over 5,000.....	2,600,687
Estimated population of smaller lake towns.....	1,200,000
Total.....	15,738,213



Mr. WASHINGTON. Mr. Speaker, I wish to call attention briefly to some of the items in this bill so as to give the House an opportunity to consider seriously whether we are ready at this day, in a time of profound peace, to enter upon the construction of battle ships and the extension of the Navy in such a way as to lead eventually to an expenditure of perhaps \$350,000,000 in the construction of new ships, and whether we shall then be ready to vote annually the enormous sum of money which will be necessary to keep those vessels properly armed, properly manned, and properly equipped. A brief glance through this bill will give us some idea of what must be the expenditure to keep up the Navy as it now exists and to provide for the increased expenditure which will necessarily follow the completion of the vessels already contracted for and now in course of construction.

This is one of the only appropriation bills which in all my experience in this House has come from the committee in such a shape as actually to increase the estimates of the Department. We all know that there is scarcely a Department of this Government that does not make its estimates with a liberal allowance, providing for all sorts of deductions by the committee which is to consider its bills. The Navy Department estimated what would be necessary to meet all its regular and current expenditures for the ensuing year, and yet the Committee on Naval Affairs has brought in a bill which increases the estimates of the Secretary to the extent of \$844,927. It has been said that much of this increase beyond the estimates is due to the fact that they propose to build three battle ships and twelve torpedo boats.

An investigation of the bill and report shows that the amount actually appropriated because of this proposed increase in the number of vessels is only \$535,629, leaving \$309,298 of the increase unaccounted for, except on the general principle of extravagance.

Mr. TALBOTT of Maryland. Will the gentleman pardon me a moment?

Mr. WASHINGTON. I must beg the gentleman not to interrupt me. My time is limited to thirty minutes, and the gentlemen favoring the bill control nearly all the time which has been allotted to general debate. I am constrained, therefore, to ask that I be not interrupted.

Mr. TALBOTT of Maryland. All right.

Mr. WASHINGTON. Now, Mr. Chairman, as I was about to say, this bill increases the appropriation of last year \$5,444,197.14. The naval bill of 1894 as it became a law appropriated \$25,366,829.72. This bill asks for \$31,807,521.30. Comment seems unnecessary. Can the country, can the Treasury stand an annual increase of five and a half million dollars in the cost of our Navy?

Every new ship finished and put into commission entails a heavy additional expense each year. The Naval Committee, for instance, has increased the appropriation for the equipment of vessels \$188,000 because of four or five new ships going into commission during the past year. We are nowhere given a detailed statement of the cost per day or per annum of maintaining one of these great floating palaces; but the cost is enormous.

The committee tell us briefly in the report that the estimates submitted by the Bureau of Ordnance have been increased in the sum of \$1,181,081.50 over the existing law. They say that of this sum \$150,000 is for a modern battery for the *Hartford*, \$159,558.50 is for a reserve supply of guns, \$130,000 for a reserve supply of projectiles, \$242,500 for additional torpedoes, and \$75,000 for a magazine at Craney Island. I should think the purchase of so many projectiles and additional torpedoes would require additional magazine space. I have heard no reason whatever given for all this additional war material. I also find an item of \$500,000 for reserve guns for auxiliary cruisers.

Why, sir, we have no auxiliary cruisers that I know of except the *Paris* and the *New York*. It seems to me it would be ample time to enter upon the purchase and manufacture of guns for auxiliary cruisers after we shall have found vessels of that class flying the American flag which we would have the right to take and to use in case the emergency should arise. Until there has been such modification of our shipping laws that American-owned vessels can sail under the American flag, no matter where the vessel may have been constructed, it is not probable that we will have many auxiliary cruisers.

But to return to the increase of the Navy. It is recommended that 2,000 additional men be enlisted in the Navy. This increase is said to be necessary in order to put the new ships already finished in commission. The bill carries an increase of \$480,481 to provide for these new men if enlisted. The report states that there will be required on account of ships finished last year the following additional sums: For Bureau of Equipment, \$188,000; for Bureau Steam Engineering, \$245,000; a total of \$433,000, which, added to what it is said will be needed for the 2,000 additional men, will make an annual increase of \$893,481, from which, if once authorized, I fear we can never escape.

In these matters we can never go backward. We must continue to advance. I can see no necessity, therefore, for entering upon a reckless expenditure of public money at a time when the receipts

of the Treasury are barely adequate to meet our current and necessary obligations.

In speaking of this proposed increase of the Navy, I want to invite the attention of the House to a report which was made by what was known as the naval-policy board, which was appointed, if I remember correctly, in 1883 or 1883, and which reported a general plan for the increase of the Navy. The policy board recommended the building of a total number of 237 vessels—10 first-class battle ships, to cost \$58,000,000; 8 first-class battle ships of great endurance, to cost \$11,000,000, and so on—the report giving each class and kind of vessel, which I will not consume time in enumerating. The total, as I have said, was 237 vessels, which were to cost a gross sum of \$349,515,000. In carrying out in a general way the recommendations of this policy board we have already built and equipped vessels sufficient to maintain all the naval power that we shall need on the high seas for the next quarter of a century.

I do not share the apprehension of those gentlemen who think it essential that in order to preserve the integrity of the Republic and to keep peace within and without our borders we must possess a naval establishment equal to that of the great powers of the earth, either singly or combined. We should reflect what it would cost to indulge in such a luxury. I find from the best information at command that Great Britain to-day has a navy embracing about 275 vessels of all kinds, most of which are constantly in commission. Her annual expenditure for the maintenance of that number of vessels and their proper equipment amounts to \$87,000,000. France has 187 vessels, and her annual expenditure upon her navy is about \$52,000,000. Germany has 75 vessels, with an annual expenditure upon her navy of \$23,000,000. Russia, with 120 vessels, many of them small wooden vessels, spends \$30,000,000 per annum upon her navy. Italy has about 91 vessels in her navy, and the annual expense for its maintenance is over \$20,000,000. The United States, from the best information I can get, has about 47 vessels, many of which are frequently out of commission, and we spent last year something over \$25,000,000 in their maintenance. It is proposed in the pending bill to spend more than \$31,000,000 this year in maintaining these vessels and laying the keels of a few others which it is proposed to construct.

Now, Mr. Chairman, if we are to undertake to emulate the example of European nations who are always ready to fly at each other's throats, in their armaments, and who are maintaining them at the expense of their tax-ridden people, we must expect an expenditure which in the near future, if we follow the ratio in this bill, will soon reach fifty to sixty millions annually. That would be an outrageous and an unnecessary burden upon the people of this country. I find that the English navy costs \$1,021 per man; our Navy costs \$1,500 per man, nearly one-third more. If therefore it costs England eighty-seven millions per annum to maintain her present navy, it would cost the United States three times that sum, or two hundred and sixty-one millions per annum, to maintain a navy as large as that of England to-day. Are we prepared to put this awful burden on our people? If so, for what object? Is any nation threatening to invade our shores? Does our foreign commerce need any such protection? Is it barely possible that this great anxiety for a large new navy may have some connection with the desire for territorial acquisition, so evident in some quarters? Possibly there is some connection between a great navy and the annexation of the Sandwich Islands. Perhaps some ambitious statesmen are dreaming of taking Cuba under our protection. If we are to engage in a war of conquest, we certainly shall need a navy, and the sooner we build our ships the better.

Mr. DOCKERY. If the gentleman will permit me, in addition to the vessels that have been already constructed how many others are there in process of construction?

Mr. TALBOTT of Maryland. The gentleman from Missouri asks a question, and I will answer it with the consent of the gentleman from Tennessee. This bill provides for the completion of every vessel that is now authorized by law. Provision is made in the bill for each one of them in detail.

Mr. WASHINGTON. But that is not the whole of the expense by any means. The gentleman must remember that if it takes \$31,000,000 to provide for the vessels already completed and to keep them in commission, it would require a vastly greater sum if the 15 vessels named in this bill be constructed. It will take forty or forty-five millions next year, and will continue to increase. As I said, when once started you can not escape from it.

Our Navy is already amply able to maintain the dignity of the United States, and to protect the rights of our citizens on all the seas. I do not think any further increase necessary at this time. It is a waste of time for gentlemen to figure up the thousands of miles of seacoast line on the Atlantic, the Pacific, the Gulf, and the Great Lakes of the North and then undertake to show how inadequate the Navy is in comparison to that of Great Britain. There is no parallel between the situation of the United States and of Great Britain, and there is no reason for making the comparison.

Why, if we would undertake to place at the mouth of every har-

bor, inlet, and bay on the coast a great armored vessel, and keep stationed there a fast cruiser, the burden of taxation would be so great upon the people of this country that in ten years we would have a revolution that would sweep any party who favored such a scheme out of existence forever.

I will ask the indulgence of the committee while I go through this bill somewhat in detail and show a few of the enormous sums it is proposed to expend on navy-yards and docks, and matters other than ships.

I find by an investigation of the bill on page 13, under the head of repairs and preservation of navy-yards, a proposed increase of \$100,000, and yet while it would seem that that would cover the expenditures in that line, all through the bill, at every navy-yard, an examination will show that there are additional increases proposed, the whole of which swell the appropriation for this purpose up into the millions. That is only a general appropriation on page 13 under that head, but if we go forward and take up each of the yards in detail we will see that there is an enormous expenditure for alterations, enlargements, and additions to these yards.

At the Brooklyn Navy-Yard, for instance, there is an item to which I wish to call the especial attention of the committee for a moment, and that is to construct or authorize the repair of the workshop near the timber dock—\$85,000. Now, Mr. Chairman, I was in the Brooklyn yard myself not very long ago, and on a cursory investigation it seemed to me thoroughly enough equipped to transact all of the business of the United States Navy; and yet this bill proposes to expend the modest sum of \$85,000 for one new shop!

It is easy to imagine that before the end of the year they will come back with an estimate of \$50,000 or \$60,000 to put machinery in that new shop. And I do not select Brooklyn to make an invidious distinction. It was simply for reference. Follow all of these other provisions in the bill relating to yards, and you will find much the same thing. Coming down to the Washington Navy-Yard, we find an appropriation for the extension of the electric-light plant of \$5,000. If I am correctly informed, there was an expenditure on this same electric-light plant last year of \$15,000. Now, in the name of high heaven, how much of the people's money is it going to take to put proper electric lights in the quarters of the officers, in the barracks and shops and store-rooms at this Washington Navy-Yard?

Again, it is proposed to convert the museum building No. 6 into officers' quarters at an expense of \$8,000. Anyone casually investigating the condition of the yard would suppose that there were quarters enough there now to take care of all of the officers who are assigned to duty here; but we must have another large building converted into residences, at an expense of \$8,000. It seems to me to be an entirely unnecessary expenditure, or if it is not, the committee reporting this bill should have brought before the House and the Committee of the Whole some specifications showing the absolute need of this great expenditure of public money at such a time as this.

I find again at the naval station at Port Royal, S. C., leaving out other large appropriations for that yard, an item for the construction of a repair shop of \$80,000. Now, in the name of Heaven, how many repair shops do we need along the Atlantic and Gulf coasts? Here is a provision also for a dry dock at Algiers, La., at the mouth of the Mississippi River, embodying a total expenditure of \$1,250,000. To be sure, this bill only appropriates \$100,000 for this dry dock; but that is only "the starter." More will be called for next year.

I stated that this bill was prolific of appropriations for the future and a glance along its pages and its lines will convince any fair-minded man of the truth of this statement.

I find again, for dry dock and naval station on Puget Sound, page 21 of the bill, an appropriation of \$280,000. The committee does not tell us what is to be the total cost of this naval station, and all of the other appurtenances thereto belonging, which will be asked of the House in the future. Perhaps a million and a half or two millions of dollars will have to be expended at this point which I understand is within 80 miles of the British line, where a British land force can march in one day and besiege, perhaps seize and destroy, this costly plant.

Sir, it strikes me that if we need a naval station or navy-yard on the Pacific Coast, it should be at Mare Island and not on Puget Sound. There is no necessity that I can discover for any more than one yard, and that should be large enough and sufficiently equipped to care for all our vessels that need repairs in the waters of the Pacific.

I find again, for the naval station at Key West, Fla., there is appropriated in this bill the insignificant sum of \$20,000 to buy a lot for a coal shed. Why, Mr. Chairman, I should think that \$20,000 would buy several acres of ground in and around the little point of Key West, on the southern end of the Florida coast. But \$20,000 is recklessly appropriated, under present conditions, to buy a lot on which to place a coal shed.

Then, when we come down to the bottom of page 21, under the head of the new Naval Observatory, we find that there is asked for quarters for observers out at the observatory, four buildings, which ought to be called residences, to cost \$7,500 each, a total of \$30,000. Now, Mr. Chairman, I should like to have the committee explain why it is necessary for quarters to be constructed for observers and officers stationed at the Naval Observatory, which will cost the enormous sum of \$7,500 each.

Mr. DOCKERY. Do I understand the gentleman to say that this bill carries an appropriation for four residences at the new Naval Observatory?

Mr. WASHINGTON. If my colleague will read the bill, on page 21, at line 25, at the bottom of the page, he will see the following:

New buildings: For quarters for observers, four buildings, at \$7,500 each, \$30,000.

Now, Mr. Chairman, I had occasion in the warm months of last year to take a walk out to the Naval Observatory, and after my eyes had been delighted by the magnificent proportions of the beautiful new observatory, which is a structure worthy of this great country, they rested next upon a palatial residence finished in the highest style of modern architectural art. This building I learned had been constructed at the expense of the taxpayers, completed and furnished no doubt at the expense of the taxpayers, as a residence for the chief observer or superintendent of the Observatory. Heaven knows what it cost; but there are few houses in the city of Washington grander in proportion or more beautiful in exterior, and I do not think that in a Republic, under an economical Government, such as ours should be, we ought to erect palatial quarters for army or navy officers who are assigned to the soft snaps called shore duty. I do not object to reasonable residences, to comfortable quarters, but it strikes me that these appropriations go beyond the bounds of reason.

I hear my friend on the committee [Mr. TALBOTT of Maryland] whisper to one of his associates that he cut down the Naval Observatory estimate \$50,000. Mr. Chairman, I thank him for that little suggestion, though it was not intended for me.

Mr. TALBOTT of Maryland. Oh, yes, it was.

Mr. WASHINGTON. His remark is proof of the statement I made in the beginning that there is hardly a Department or bureau of this Government that does not estimate for from 50 to 100 per cent more than they know they are going to get, and then if they get 50 per cent of their estimate, they get in many cases more than they have an actual need for if proper economy is practiced. Yet, instead of cutting down the whole estimate of the Navy Department, the Naval Committee has increased it, as I said, about \$5,000,000. Of course they must have necessarily cut down an estimate here and there. It would hardly be possible for them to have done otherwise.

Mr. REYBURN. You are opposed to the whole Navy, are you not?

Mr. WASHINGTON. No, sir; I am not. Now, Mr. Chairman, reverting again to the subject of battle ships, I want to reiterate and reinforce what has been said heretofore, that the construction of these large battle ships requires a great deal of time; and naval architecture and the manufacture of guns, both for naval and land use, are so rapidly developing that, in the majority of cases, if we were to lay the hull of a battle ship to-day, before it could be completed it would be changed and modified so that the man who drew the original plan would not recognize the ship of his own designing.

Such is the history of our Navy in every particular. I hold in my hand a report which was made a few years ago by a gentleman now a member of the Senate, who was once Secretary of the Navy, and an active and efficient man in that capacity, the Hon. WILLIAM E. CHANDLER, of the State of New Hampshire, and this document will bear perusal of everyone interested in this subject. He states in regard to a few of our naval vessels, heavy armored vessels, a few facts that ought to be brought to the attention of every member of this House. Mr. CHANDLER says:

It is the experience of foreign navies, up to the present time, that any type of ironclad vessels introduced becomes so inferior as to be almost obsolete for general purposes in a period of about ten years.

Mr. TALBOTT of Maryland. Did he give the difference between the ironclad and the battle ships?

Mr. WASHINGTON. Yes.

This proposition is as true now as it was eight years ago. It is doubtful whether any naval power has a broadside armored vessel even five years old such as it would build to-day when constructing more ironclads.

Our own limited experience is the same. Congress, by the act of August 5, 1882, directed the Naval Advisory Board to report in detail concerning the double-turreted monitors *Puritan*, *Amphitrite*, *Terror*, and *Monadnock*, "whether any changes in the original plan or plans should be made."

The Board made reports, dated December 15, 1882, January 11, 1883, April 5, 1883, May 31, 1883, and October 25, 1883 (Navy Department Report, 1883, pages 74-84), substituting roller-base turrets for the original style of monitor turrets, and settling the final plans for the completion of the vessels. The Board also says:

"It is easily possible to complete the vessels by taking advantage of the recent developments in armor, guns, and machinery, without making any radi-



cal changes in the designs, so that their speed, endurance, battery power, protection, and seagoing qualities shall be fully equal to those of any foreign ironclad of similar dimensions designed previous to 1879."

Congress favorably regarded the reports and plans of the Naval Advisory Board, and March 3, 1883, appropriated "for the engines and machinery for the double-turreted ironclads, in accordance with the recommendations of the Naval Advisory Board, \$1,000,000."

Yet such has been the assumed progress of invention and improvement in ironclads that instead of these ships being brought to completion in accordance with the recommendations of the Advisory Board, radical changes are being made, completely depriving them of their special character as low-free-board, revolving-turret ships. The turrets have been taken off the *Puritan*, so that she may come up higher out of the water, and stationary barbette protection for the guns has been adopted, and they are to be fired from above the rampart and covered only by a steel umbrella, which will be blown away by any heavy projectile and the guns disabled.

Moreover, running between the barbette towers a commodious superstructure has been built on the deck, in order that the officers may not be obliged to endure the discomforts of living below deck, where the crew must live. Whatever may be the real value as a war ship of the once more reconstructed *Puritan*, she is no longer a low-free-board, double-turreted monitor; and it is clear, if what has been done has been done wisely, that an ironclad carefully designed in 1883 became obsolete before 1889.

And I think, if I am not mistaken, neither one of these vessels is to-day completed. Is that a fact?

Mr. TALBOTT of Maryland. They will all be completed by January, 1896.

Mr. WASHINGTON. None of them is completed.

Mr. TALBOTT of Maryland. Oh, yes.

Mr. WASHINGTON. They are to be completed in January in another year. A further perusal shows how materially the plans have been altered from time to time and large appropriations made in consequence of these changes. A plan is adopted, much money is spent, and then the plans have to be all changed and another appropriation asked for.

Mr. SAYERS. Let me remind the gentleman that only in the last session of Congress we had to make a large appropriation to cut two of these vessels in two and make them longer, so as to keep them from turning over.

Mr. WASHINGTON. That is true.

Mr. TALBOTT of Maryland. Let me state to the gentleman from Texas that the last appropriation bill carried just what this does, and the gentleman approved of that bill.

Mr. WASHINGTON. I object to all of this coming out of my time.

Mr. TALBOTT of Maryland. I want to say to the gentleman from Tennessee that the *Monadnock* was in the naval review two years ago.

Mr. WASHINGTON. That may be. The *Puritan* I saw myself, not long ago, lying at the Brooklyn Navy-Yard as empty as an old washtub, and just about as helpless.

Then we undertook the construction of the *Maine* and the *Texas*; and I think they have been completed and put in commission. They are not what they would have been if we had waited a little while longer. Yet, Mr. Whitney advertised in the press, and gave a chance to all the naval architects of the world to compete in furnishing plans for these ships. He did not confine himself to the naval architects of the United States.

Therefore, Mr. Chairman, we ought to go very slowly indeed in a proposition to construct these enormous engines of war, which, when completed, will either lie useless in some navy-yard, to be eaten up by rust, or the plans on which they are to be constructed will have to be changed from time to time during that construction, so that instead of costing \$4,000,000 each they will cost \$8,000,000 or \$7,000,000, and be worthless when completed. I hope that the House is not ready to enter upon the construction of costly ships like these at this time.

No doubt more vessels are wanted by those who take a great interest in the Navy and who have personal reasons for wishing to have a great Navy. I do not propose to question the motives of any member, but gentlemen all know that each year there is a large class of cadets turned out at Annapolis prepared at the expense of the Government for naval life. These young men naturally desire to reach a command in some vessel and an opportunity of obtaining rank and distinction at the expense of the country. If I had it in my power I would so change the law that only a limited number of the cadets would be admitted to the Navy each year. The others, after receiving a thorough training which would fit them for command should the country ever require their services, should be sent back to civil life, where they could join the great army of producers and become useful citizens.

We have already, as a part of the new Navy, a great reorganization scheme pending before the House and on the Calendar—a plan by which it is proposed to put upon the retired list practically the great bulk of the men in the Navy to-day who are of mature age, so as to give the younglings and striplings a chance to force themselves to the quarter-deck. If that bill is carried through and these new ships are built, in every Congress there will be a demand for larger and larger appropriations in order that our young and worthily ambitious officers may sail the seas and parade the greatness of our Navy before an admiring world.

At the outbreak of the greatest war that history has ever re-

corded the United States had no such Navy as she has to-day, and yet the genius and talent of the American inventor was such that, in a brief space of time, with a comparatively small expenditure of money, the United States got together a Navy which was superior to that of any power on the earth, a fact which the people in the section whence I come learned to their sorrow. It came out of that struggle triumphantly; and if we should become involved in war with a foreign country, we can trust to American talent, to American ingenuity, and American genius to furnish the vessels, the arms, as well as the brave hearts and commanding genius to meet the emergency of that hour. I insist that when this bill comes up for action under the five-minute rule for amendment in the Committee of the Whole these expenditures should be closely supervised and largely reduced. [Loud applause.]

Mr. Chairman, I desire to print some further extracts from Senate Report No. 174, Fifty-first Congress, first session. I am convinced that they are worth reading, and they bear directly on the subject of battle ships.

#### I.—THE UNITED STATES OUGHT NOT TO BUILD ARMORED BROADSIDE BATTLE SHIPS.

The time has not yet arrived, if, indeed, it will ever come, for the construction by the United States of the ponderous, unwieldy, and costly broadside armored vessels with which European nations are making experiments of at least doubtful value.

Whether the majority of the committee approve the whole programme of the policy board, involving the construction of an American Navy, to cost not less than \$349,000,000, or whether they dissent from some of its features, does not appear. One point, however, the advocates of this comprehensive plan must frankly admit, that if this nation is to build and maintain the battle ships which it includes, the rest of the plan must be substantially adopted in order to make the fleet contain all the classes of ships necessary for a vast and well-proportioned navy.

Secondly, it seems equally clear to the undersigned that if the whole plan is to be adopted, and yet construction is to proceed by degrees and not by at once authorizing the whole expenditure, then the very last ships to be built should be heavy, armored line-of-battle ships, costing \$5,640,000 each; whereas the majority of the committee propose to build these first, and to appropriate comparatively little money for the construction of the harbor-defense monitors, rams, cruisers, gunboats, and torpedo boats recommended by the policy board as a necessary part of their scheme for a complete and adequate navy.

It is the opinion of the undersigned that in the progress of the reconstruction of the American Navy by suitable steps and reasonable and moderate appropriations, which has been auspiciously and successfully begun, the new constructions next to be authorized should be a certain number of proper harbor or coast defense vessels and a considerable number of moderate-sized cruisers and gunboats, varying from vessels of 1,500 and 1,700 tons, like the *Dolphin* and *Yorktown*, up to ships like the *Boston* and *Atlanta*, of 3,000 tons.

Our unprotected harbors will thus be made partially secure, our naval officers will be able to spend more of their time upon the water instead of being housed on shore duty; they will become familiarized with our own coast, and will perhaps become sufficiently proficient in practical seamanship to be able, whenever the time comes, if the future brings such a period, to take charge of large armored battle ships and go out upon the ocean to meet and destroy, if they can, the fleets of European powers.

But to assume that we have now reached a point when we should substantially discontinue other naval constructions and begin the work of building 38 armored battle ships to cost \$177,490,000, or even that we should build forthwith eight of such ships, to cost \$45,120,000, is a grave mistake, which, if persisted in, may become a fatal barrier to real, wise, and judicious progress in the rehabilitation of the Navy. We do not now need heavily armored broadside battle ships. We probably never shall need them.

#### IV.—\$46,000,000 NOW FOR BATTLE SHIPS WILL TAKE MONEY AWAY FROM FORTIFICATIONS AND HARBOR DEFENSE.

The expenditure, under the head of the Increase of the Navy, of \$46,000,000 for eight armored battle ships, to be authorized by the present Congress, is out of proportion to any sum likely to be authorized for certain kindred objects which should be considered in connection with the naval appropriations. If the line-of-battle ships will be in no proper sense coast-defense vessels, how much is to be appropriated for such defense vessels, and how much for fortifications and guns for the same? These are the first and most vital questions.

Simultaneously with the preparations made in pursuance of the act of August 5, 1882, for the reconstruction of the Navy, the subject of coast and harbor defense was seriously considered, and later, in accordance with the act of Congress of March 3, 1885, the Fortifications Board was appointed, consisting of the Secretary of War (Mr. Endicott), four army officers, two naval officers, and two civilians.

The elaborate report of this Board is dated January 16, 1886 (House Executive Document No. 40, Forty-ninth Congress, first session), and it recommends as a comprehensive plan for defending our entire seacoast and lake frontier: For land defenses for 27 ports, for masonry and earthworks, \$31,863,000; for armor for land batteries, \$20,300,000; for structural metal, \$3,320,000; for guns and mortars, \$28,554,000; for carriages, \$9,411,800; for floating batteries and their armament: For San Francisco, \$10,725,000; for New Orleans, \$8,150,000; for submarine mines and their adjuncts, \$4,394,000; and for torpedo boats, \$9,720,000; or \$126,377,800 in all; and the Board recommends appropriations for the first year of \$21,000,000, and \$9,000,000 annually thereafter, until at the end of fourteen years the scheme would be completed.

This report was submitted to Congress January 23, 1886. Four years have passed, and of the appropriations asked for not more than \$5,000,000 have been made; and of the \$10,725,000 for the harbor of San Francisco and the \$8,150,000 for New Orleans, with which to construct floating batteries, nothing has been given by Congress. The omission has not happened by reason of any lack of confidence in the eminent and able members of the Fortifications Board, or in the soundness of their recommendations; but because Congress has not considered the country as in a condition of emergency requiring undue haste, but has believed that by moderate and reasonable appropriations the work of establishing a suitable coast and harbor defense by fortifications and floating batteries, and of rehabilitating the Navy, could be carried forward without extravagance or waste.

The question now raised is whether a present direction to spend \$46,000,000 for eight naval battle ships is contrary to or in accordance with the general policy of Congress concerning fortifications, coast defenses, and naval constructions.

If the national interests require us to contemplate and to at once enter upon the expenditure of \$300,000,000 under the War Department for fortifications

and coast defenses, in pursuance and in enlargement of the plans of the Fortifications Board, and under the Navy Department of \$281,550,000 for naval vessels, as recommended by the policy board, supplemented by at least \$50,000,000 for the rehabilitation of the League Island and other navy yards, then we may possibly justify continuing naval construction by building eight large armored line-of-battle ships, costing \$46,000,000, that can not go in or out of our shallow harbors.

Such a navy as seems to be thus contemplated by the majority of the committee would make the United States the equal or the superior of any of the European naval powers. It would require the enlargement of our force of seamen from 7,500 to 25,000 or 30,000, and annual expenditures for new constructions, for repairs of the fleet, and for the maintenance of the Navy far beyond any sums hitherto advocated. Are we prepared to thus place and maintain our naval force upon such a footing that we may at any moment be ready to engage on our coast and out upon the open ocean and in European waters with the most formidable naval powers of the Eastern Hemisphere? If we are, here is indeed a new departure, and one that should be entered upon deliberately and with our eyes open to all the present and future burdens which it will entail.

The undersigned is not in favor of such a naval policy. Coast defense should be first amply provided for. All the arts of naval warfare should be kept alive among our people. Industries necessary to the construction of any kind of war vessels or guns should be domesticated. We should restore the flag of our merchant ships and revive the carrying trade in American vessels in all the waters and in all the commercial ports of the globe, and protect our mercantile marine when thus reestablished. We should construct and maintain a navy superior to that of any nation of the Western Hemisphere and to that of the nation owning the Island of Cuba; and there we can stop, it is to be hoped, for many years.

But to build a navy embracing as its principal feature the enormous armored battle ships of European countries, and to make ready to fight at any moment naval engagements on the high seas with those powers, has not hitherto been considered the true American policy. To maintain such a navy, and also a system of fortifications and coast defense, with a land army commensurate with such a naval force, would go far toward bringing the United States into the lamentable condition of the nations of central Europe. They are burdened with great navies and enormous standing armies which are draining the lifeblood of the people and imposing burdens of debt and taxation so grievous that before many years relief from them, if not afforded in any other way, will be accomplished by revolutions.

It may be gratifying to our national pride to talk of building a fleet of enormous armored battle ships with which, disdaining fortifications and coast defense, we may in case of war go out to seek and destroy our enemies upon the ocean, or to carry the war into their country. But when the proposition takes the concrete form of an authorization at this time of eight such ships, to cost \$5,640,000 each, or \$45,120,000 for the eight, as the inception of a scheme to build 38 line-of-battle ships, to cost \$177,400,000, as a part of a navy to cost \$249,515,000, it would seem to be wise for Congress at once to consider with great seriousness what shall be the definite national policy concerning the Navy and fortifications and coast defense, and to settle that policy upon a more reasonable and conservative basis.

Mr. ADAMS of Pennsylvania. Mr. Chairman, as I listened to the remarks of the gentleman from Tennessee [Mr. WASHINGTON] who has just taken his seat, it struck me as an anomaly and a thing hard to realize that one bearing the historic name of Washington should utter such sentiments on the floor of this House, when in the final address of the Father of his Country he laid it down as the best advice he could give to those who were to follow him in guiding the destinies of this Republic of ours that "in time of peace we should prepare for war." [Applause.]

The gentleman in his peroration said that when the necessity arose the ships would be ready, and that brave sailors to man them and strong intellects to command them would appear for the emergency; but he omitted to remember that earlier in his remarks he had told us that it takes two years and a half to construct a battle ship. [Laughter.] It is that fact, sir, which makes it necessary for us to commence the construction of these ships in time. For two years no appropriation has been made in this regard for the Navy Department, and therein lies the necessity why the construction of these ships should be provided for without further delay.

But, Mr. Chairman, I wish more particularly to direct my remarks in answer to the gentleman from Kansas [Mr. SIMPSON], who, representing one of the political parties in this country—all that is left of it—stated on this floor the other day that there was no necessity for the United States to have a navy at all. That gentleman took exception once when I made the remark that he and his party represented only a certain class of people in this country. I would like to call his attention now to the fact that, to the full extent, he does not in his remarks on this subject even represent that class. When he ships his grain from Kansas he does not know where it is going, where it will find a market, or where it will be finally landed; and I call his attention to the fact that for weeks two American vessels lay in the harbor of Rio de Janeiro unable to discharge their cargoes of flour or to free themselves from the unlawful force that was deterring them from the pursuit of their business until that gallant sailor, Admiral Benham, with the same Navy which the gentleman says is useless and ought not to exist, came into the harbor of Rio de Janeiro and escorted these two Baltimore clippers up to the dock and protected them in the discharge of their cargoes.

Therefore, sir, I claim that even from the gentleman's own point of view, even from the standpoint of those who live in the interior and who tell us that there is no need for a navy or for protection on the sea, it is obvious that the Navy, even in time of peace, can be most useful to our commerce in enabling our citizens to pursue their lawful business in foreign countries. The gentleman told us that England needed a navy because she had a commerce. I want to reply to the gentleman that therein lies an error on his

part. The two things necessary, primarily, to building up foreign commerce are, first, an efficient consular service, and, second, a navy sufficiently powerful to support and protect our enterprising citizens who go into foreign lands to carry on trade. England's commerce followed her navy; it did not precede it; and if we want to build up the commerce of our country we must first have a navy sufficiently strong to protect enterprising Americans who engage in business abroad, and, as England does, to let every citizen know that the arm of his country will reach out to protect his person and his property wherever they may be. [Applause.]

The gentleman also said that even if we must have a navy he objected to the class of ships known as battle ships. He went on to describe them, and he said that they were top-heavy, that we had reached a point beyond which we could not go in constructing armored cruisers, that these battle ships could not enter the harbors where they would be required to go, and that they were useless as a means of defense. He went further and cited the recent naval encounters in the Yalu River and at Wei Hai Wei as illustrations of the uselessness of such ships. I do not know where the gentleman got his information, but I wish to tell him that the battle ships in the Yalu conflict came out, so far as their hulls were concerned, their floating capacity, comparatively unscathed. The light guns of the cruisers made no impression upon them except upon their decks; and I have it from the most reliable authorities in our own Navy that, with a sufficient supply of ammunition and competent sailors and officers, those ships would have been ready for a second engagement inside of forty-eight hours.

The gentleman also said that our country was not able to make armor plate to put upon these ships, and he referred to certain recent scandals that permeated this country in regard to the manufacture of such armor. I again reply to the gentleman that by direction of this House that matter was investigated, and the committee advised the Department to go on with the same contracts, thereby showing that those scandalous rumors were unfounded, and that the firm engaged in furnishing the armor had done it to the best of their ability and up to the requirements of the contracts.

Furthermore, Mr. Chairman, I wish to state that the battle ships now under construction are nearing completion, and while I would not advocate that the Government of the United States should be called upon to furnish work for our skilled workmen or our shipyards, I do state as a sound economic doctrine that if those shipyards are allowed to fall into disuse, and if those skilled workmen are allowed to scatter so as not to be within reach when they are needed, not only shall we not be able to construct battle ships in an hour or a day, as suggested by the gentleman from Tennessee, but we shall not be able to construct them at all.

Do you wish to drive our country back to the position of the South American Republics, who buy their ships from England, France, or other foreign countries, and then when the time of danger comes and those ships are injured, as we have seen was the case in Brazil and Chile in our recent experience, they can not even repair them in their own harbors to fit them to go again into active service?

Mr. Chairman, the gentleman from Kansas further says that these enormous ships would not be able to enter most of the harbors on the Atlantic coast. In reply to that I say it is not intended that these battle ships should enter such harbors. The harbors where they are constructed, the harbors where navy yards exist to repair them, are sufficiently deep for them to enter. The position of a battle ship during times of peace is to be laid up, not to be in service, because of the heavy expense. The position of the battle ship in time of war is where it can conduct what in naval circles is known as offensive-defensive protection. Its position is along our coast, where it may be able to repel any attack which may be made upon us by foreign navies. Just as the cruisers go to far distant ports, and just as the monitors and turrets and other harbor-defense ships are kept within the harbors, the position of the battle ship is a certain distance at sea, to repel invasions, to protect our ports, and prevent any foreign fleet from approaching within such a distance as to be able to do us damage. Therefore the gentleman's objection is not sound.

Mr. Chairman, I had the honor to represent my country in Brazil during the recent revolution. No one could tell what might happen within forty-eight hours. American citizens there appealed for protection to their Government. And to the shame of our country be it said, that although there were American citizens residing there who did not know at what minute their property or lives might be imperiled, there was nothing then in South American waters to be sent to their protection but the *Tallapoosa*, which lay in the River Plate—an old side-wheel steamer which had been condemned to such an extent that she was not allowed to go to sea—and that gallant ship to which historic associations attach, the *Richmond*. But when the *Richmond* entered the harbor of Rio she was like the ideas of the gentleman from Kansas—she was out of date; she was antiquated; she belonged to a



past period. One broadside from the *Tiradentes* or the *Richeval*, of the Brazilian navy, would have sent that gallant old ship to the bottom, not because of lack of courage on the part of her crew, but because of the inefficiency of the vessel. People appealed to us in South America, asking, "Why is it that we never see the American flag enter the harbor here, notwithstanding the proclaimed sympathy of the United States with the South American Republics and their professed readiness to lend a helping hand to those Governments?"

There is another reason why our country should have an adequate navy. One of our great Democratic statesmen laid down the doctrine which has ever since borne his name—the Monroe doctrine. It has now become not merely a political principle, but a cardinal doctrine of the American people that we will brook no foreign interference either in the political affairs or the commercial relations of this hemisphere. Those who have not followed the course of public events know little what the shot from the gallant *Newark* across the bow of the *Tiradentes* meant. I will tell you. It enunciated that the rebellion which was being fostered for the sole purpose of restoring the monarchy in Brazil must come to an end. It was a notice from the United States that we would have no more foreign interference in the political affairs of this continent. When that shot was fired it was understood that the United States stood ready to maintain that doctrine; and thereupon the rebellion collapsed, the new Republic of Brazil was maintained, and the honor of the United States on this continent upheld.

Sir, if we wish to maintain our position among the navies of the world, if we wish our country to occupy a place among the first-class powers, we must be ready to enforce our great national doctrines and to protect our citizens wherever they may wander.

My free-trade friends claim that the success of their doctrines will extend our commerce into other countries. I claim that in such an event there would be so much the more reason why our people should be properly protected by an adequate naval force. If we are going to enter into the great subjects which are coming up before this Congress, if we wish to protect our interests in the Mosquito country, if we wish to protect our interests in Honolulu, if we wish our citizens to be protected in China during the disturbances there, we must increase the size of our Navy.

[Here the hammer fell.]

The CHAIRMAN. The gentleman from New York [Mr. BARTLETT] is recognized for ten minutes.

Mr. BARTLETT. Mr. Chairman and gentlemen of the committee, it is perhaps proper that the great commercial metropolis of this country should be heard from on this great question of the maintenance of our Navy. I shall endeavor in the few moments allotted to me to state a few reasons why I think this appropriation should receive at least every Democratic vote in this House.

In the first place, let me indicate that the vital question which arises to-day is whether the Democratic party is to abandon the principle which was first enunciated and advocated by William C. Whitney in 1885 and followed by him in his report of December 1, 1886. Bear in mind in what condition he found our Navy—utterly disorganized, with old wooden vessels, with no factories of armor in this country, and no establishment where high-power guns could be constructed. The first thing to which Mr. Whitney addressed himself was the reorganization of the whole Navy—first, the reorganization of the personnel or military branch; second, the question of supplies; third, the construction of a new Navy. His advice has been followed by our party ever since and was also followed by the able Secretary of the Navy under the Republican Administration, Benjamin F. Tracy. But I regret to say that in the last three or four years we have made inadequate appropriations for the continuance of that policy so ably advocated by Secretary Whitney.

Mr. Chairman, what is the condition of our Navy to-day? We have four great battle ships in process of construction, the *Indiana*, the *Massachusetts*, and the *Oregon*, all of them of 10,238 tons displacement, and one larger vessel, the *Iowa*, incorrectly termed by some an armored cruiser, but in reality a battle ship of about 1,000 tons greater displacement. These vessels have been in process of construction for three or four years past, and it is essential that they shall be completed as soon as possible. But we must not rest there. We must make provision, as contemplated in this bill, for the continuance of the work and the construction of at least three new battle ships larger than those now in process of construction.

In naval matters it is an axiom that there is no such thing as standing still. We must either progress or retrograde. And unless we vote the appropriation contemplated here we shall find ourselves sinking as a naval power to the seventh or eighth grade.

I advance the postulate that so far as the command of the sea is concerned, and so far as naval warfare in the future is concerned, success or control on the sea depends not on the torpedo nor the ram, but on the battle ship. And I find that all of the greatest naval authorities bear me out in the view that the tor-

pedo is secondary in importance to the battle ship. We can provide for the destruction of the torpedoes by what is known as the torpedo destroyer. But all the nations of Europe, Asia, and the whole world must depend either for supremacy at sea or for the protection of their harbors and their commerce on the battle ship. So I submit that it will not answer to provide an appropriation for torpedo boats; it will not answer to provide an appropriation for cruisers, either armored or unarmored, but we must provide the means for the construction of three great battle ships.

See what England has done and is doing; and we can not rival her or approach her in the celerity of construction of war ships. You must bear in mind that the vessel just launched by the British admiralty was finished in five days less than one year; that is to say, that that period of time elapsed between the laying of the keel and the launching of the vessel, and the vessel herself will be finished and ready for sea in August next to make her speed or steam trial.

So England needs but eighteen months for the completion of one of these immense battle ships of 14,900 tons displacement, and the *Magnificent* and the *Majestic* form but the first two of a class of nine vessels of this displacement in process of construction; and this class of vessels with a speed, at forced draft, of 17½ knots, and a natural or not forced draft of 16 knots, only follows a series of eight magnificent battle ships recently completed of only 730 tons less displacement. So we have England and all the countries of Europe, and China and Japan, Chile and Brazil building battle ships all the time, and it is essential for our protection and the maintenance of our position among the nations of the world that we should continue to do so.

Now, bear in mind what Secretary Whitney said in 1886, that distinguished Secretary of the Navy, worthy to receive any office, in my opinion, that is within the gift of the American people, that great Secretary of the Navy said that whatever our commercial policy might be we certainly, irrespective of party, should agree in the view that we should be enabled to manufacture all of the implements of war within our own borders. We have now built up since the inauguration of that policy in 1886 great industrial establishments and are prepared to manufacture our own armor, armor plate, and harveyized plates and gun forgings for the heaviest caliber guns ourselves, without appealing to any foreign country for aid. Unless this appropriation be made, all of these industries will fall fallow, and at least 100,000 employees will be affected, and perhaps go entirely out of employment. So, I submit that it is important we should make this appropriation. We should make it not only for the protection of our coast or seaboard, but for the purpose of preserving a great national industry and preventing the 100,000 workmen from being thrown out of employment.

A word or two about the question of the defense of our seacoast or seaboard. We must not depend upon the torpedo boats along our shores for that purpose; we must not depend upon torpedo boats within the harbors; but the best system of protective defense is that of offensive defense. We must have ten or twelve great battle ships on the Atlantic, at least two on the Pacific, and we must have a fleet of eight or ten battle ships ready to sweep down on the enemy when his fleet comes to seal up the harbor of New York at Sandy Hook or any other of our seaboard cities. The authorities bear me out in the proposition that in order to protect our seaboard properly and adequately we must have a large fleet of battle ships.

I believe in an American policy for Americans, and I believe not only in the construction of the Nicaragua Canal and its defense against foreign control, according to the platform of my party, but I believe, also, in the wisdom of a great repairing and coaling station in the Sandwich Islands, and the establishment of a dry dock there.

Now, if we want to enforce adequately our great American doctrine, the Monroe doctrine, if we want a vigorous foreign policy, it is essential that we should have a large and sufficient number of battle ships, and that we should always have one or two of those battle ships in process of construction.

In conclusion, gentlemen of the committee—for it is impossible within a time so limited for me to adduce all the arguments in favor of this appropriation—I say to you, gentlemen of the Democratic party, whatever our differences may have been about other questions, you should at least stand by your party in the maintenance of a proper navy. Do not abandon that part of our platform which states that we favor the maintenance of a navy strong enough for all purposes of national defense.

I listened with a great deal of interest yesterday to the eloquent and impassioned argument made by the gentleman from Massachusetts [Mr. EVERETT], an argument in favor of an impossible millennium, in favor of a general era of peace, and in the course of that argument my attention was called to that beautiful poem of Longfellow's, which was quoted by the gentleman from Massachusetts, and which was inspired during the bridal tour of Mr. Longfellow, when he visited the arsenal at Springfield, and when

naturally his every thought turned to joy and peace. But the gentleman from Massachusetts failed to quote one of the stanzas following. He quoted the beautiful stanza:

Were half the power that fills the world with terror,  
Were half the wealth bestow'd on camps and courts  
Given to redeem the human mind from error,  
There were no need of arsenals nor forts.

But he failed to quote a subsequent stanza, in which the poet says:

Down the dark future, through long generations,  
The echoing sounds grow fainter and then cease;  
And like a bell, with solemn, sweet vibrations,  
I hear once more the voice of Christ say "peace."

You will observe that the poet holds out no such view as that of the gentleman from Massachusetts that the millennium will have come in the year 1895.

He says:

Down the dark future, through long generations,  
The echoing sounds grow fainter and then cease.

Gentlemen, nineteen hundred years have passed since the advent of the Man of Nazareth, and instead of growing nearer and more near to a universal era of peace, all the energies, all the inventive talent, all the genius of the human mind are now devoted to the manufacture and construction and suggestion of implements of war more horrible, more fatal in the power of execution than any which the world has heretofore seen. So I submit that, laudable as these views of the learned gentleman from Massachusetts may be, appealing as they must appeal to us as men of human sympathies, they are impracticable, they are beyond the pale of thought except as a philosophical view. And it is only our duty in the way of self-preservation to take care of our own. You know what peaceful arbitration amounts to. You have seen that in the result of the Bering Sea arbitration, and I submit that this country should be powerful enough to have the latent force of arms, and a strong armament, so that it can enforce its demands whenever we find that peaceful arbitration is out of the question.

And I say to you, gentlemen, in conclusion, that I hope you, one and all, Democrats and Republicans alike, will vote without a moment's hesitation in favor of this appropriation. Vote for it because it involves a question of the honor and dignity of this country as a nation. Vote for it because it involves the continuance and prosperity of certain great American industries which have been believed in and advocated by the leaders of both the Democratic and Republican parties.

[Here the hammer fell.]

Mr. MILLIKEN. Mr. Chairman, I do not purpose to discuss at length the merits of this question. I wish to say a word, however, in favor of the battle ships. We are weak only upon the ocean. No nation upon the globe would think of attacking us on the land, or if they should do so, the result would be such as to discover to them that they had made a serious mistake.

I was interested yesterday while listening to the gentleman from Kansas [Mr. SIMPSON]—and I have listened to the same kind of arguments from others—urging that we are so great, so strong, and so imposing that no one would dare attack us upon the ocean even though we had no navy at all.

This is a foolish assumption, unwarranted by all that may be learned from the lessons taught in the history of nations and the character of mankind.

Why, Mr. Chairman, when the lion's claws are clipped and his teeth are drawn the fox may dare attack him. However great, strong, and imposing we may be, we could not risk an issue even with Japan if she have a navy and we have none; our great strength would be useless without the means to make it available. By failing to provide ourselves with such ships of war as our country, with its immense and diversified interests demands, we invite attacks that would never be made were we prepared to meet them.

Strong in our geographical position, in the energy and bravery of our people, it is hardly less than a disgrace that we should be nearly defenseless upon the sea. Why, England will build this year more tonnage of armored ships, carrying more and larger guns, than all we have in our Navy, and this, too, with our extended coast line upon two oceans, which is now almost entirely unprotected against attack.

An efficient Navy is necessary to our independence and respectable standing among the nations of the earth. It has been so always, and there is nothing more gallant in the history of nations than the part which the American Navy has acted in the past. No American heart inspired by patriotic feeling can fail to swell with pride while recounting the exploits of our countrymen upon the ocean in the wars of the Revolution and of 1812.

We were the first to meet and vanquish Englishmen upon the sea. Inferior as were our vessels in numbers and size, our countrymen made a record so honorable in its character and so conclusive of the superiority of our sailors in skill and gallantry, that it is to-day a source of patriotic inspiration to every true American soul. [Applause on the Republican side.]

Give us an adequate Navy and if occasion shall require it the

illustrious deeds of our countrymen upon the sea will be repeated. Our sailors are the best on the globe, our gunners can not be excelled. No people ever have produced, and I believe no people ever can produce, officers who can handle ships in action with the skill of Americans.

Let the battle ships be built. I would not have such an enormous navy as England has. We do not need it. We have not patches of territory all around the globe to defend as she has. But our own protection, our honor, and our dignity demand that we should have a Navy sufficient to defend our coast and guard our interests wherever they may be menaced. [Applause.]

But the gentleman from Kansas [Mr. SIMPSON] has run this debate into an argument for free ships. Possibly he was anticipating the consideration of the free-ship bill of the gentleman from Illinois [Mr. FITZGERALD].

This would seem to settle the question which has hitherto existed in our minds, whether there is any industry of our people which the Bourbon leaders of the Democratic party have not determined to destroy. Having already blasted our land with its legislation in favor of foreign nations it now seeks to go down to the shores of the sea and make havoc and desolation there.

The Scriptures say there are three things which are insatiable, the sea, the grave, and a barren woman. Had the Bible remained to be written in these times the inspired writer would have added a fourth, more insatiable than all the others, the destructive mania of modern Democracy, when it rests its eyes upon any profitable avocation of our countrymen in which they may achieve for themselves the comforts of life, contribute to the general welfare, and advance the dignity, the honor, and the greatness of their country. [Applause on the Republican side.]

Whatever is calculated to develop the rich resources of our land, employ and justly remunerate its labor, add to our common store of wealth, hasten our progress in all that is most desirable to a brave, energetic, aspiring people, and respond to the national yearning for a higher plane of living and a strong, independent position among the nations of the earth, appears to be regarded by the majority party in this Congress as a red rag is looked upon by a mad bull, and no less likely to receive a furious attack from it.

It is not enough, as it seems, gentlemen, to satisfy your greed for destruction that you have crippled or destroyed every industry of our people which you could reach through your miserable tariff bill, but you now propose to swoop down like vultures upon our shipyards and say to our shipwrights that they must construct no more American ships unless they do it at the rate of wages which is paid upon the Clyde.

You do more than this. You determine to introduce the foreigner to participate and eventually monopolize our extensive and profitable coastwise carrying trade.

Almost at the beginning of our Government the statesmen of that period foresaw the great value and advantage to our country of protecting this trade. They proceeded to do it. It has been one of the most important factors in the promotion of our prosperity and power.

To-day we have the finest line of coasting vessels afloat, unsurpassed in their sailing qualities, unequaled in their beauty of construction, manned by crews as hardy and brave as sail the seas, furnishing whenever necessary a nursery for our Navy, an arm of strength as well as a source of wealth to our country.

Should the gentleman's free-ship project be enacted into law it will be but the first step toward breaking down the barriers of protection erected by our forefathers to this pursuit so valuable to our people and giving it to foreigners, who will monopolize it, because they will follow it with cheaper vessels than our own, manned by sailors more poorly paid and fed and with much fewer comforts of living.

But all this is in line with Democratic policy. It is modern Democratic statesmanship. It is destructive of whatever it touches in our own land or that belongs to our own people anywhere. The same policy of stupidity or infidelity to American interests which is sending 45,000,000 of American sheep to the shambles in the interest of foreign woolgrowers, crippling our lumber and salt industries, closing our mines and embarrassing our manufactures, impoverishing our merchants and farmers, and sentencing our workmen to idleness and poverty would decree an abandonment of our shipyards for the benefit of British builders and a surrender of our splendid and profitable coastwise carrying trade to Canadian and English coasters. The gentleman's free-ship policy would accomplish this.

The American shipbuilder, who is constructing the finest vessels, whether of iron or wood, that sail the ocean, and who sends the evidences of American skill and enterprise to every quarter of the globe where the seas and rivers exist, and the American coaster seem to be about the only men in our country whom your destructive tariff law could not reach, and now you would place your paralyzing hand on them.

If you shall succeed in effecting your purpose then you can cel-



celebrate your victory upon the ruins of a grander prosperity, built up by your countrymen during many years of protection, than has ever brought comfort to the hearts and homes of any other people known in the history of the human race, and when the people get at you again they will smite you with a more terrific thunderbolt than crushed you on the 6th of last November.

But the Bourbon element of the Democracy, which controls now, as it always has the Democratic party, is nothing if not destructive. Condemned to thirty-two years retirement from national control for its attempt to dissolve the Union, it now returns to power to compass so far as it can the ruin of a most marvelous prosperity which grew up during the generation of its impotency for serious harm.

It constructs nothing. Its unsuccessful attempt to reestablish a corrupt and semisavage monarchy in Hawaii is the only monument of its endeavor to build up anything that has occurred within the memory of men now living. Its mission seems to be to tear down what patriotic hands have erected. An invading enemy could be hardly more determined in its efforts to annihilate all the sources of our thrift and greatness as a nation than the Democratic party seems to be in all it has done and proposes to do.

This attack upon our shipyards is made upon an industry which was guarded and cherished with particular solicitude by our forefathers, which has been the pride of our people, and is peculiarly national in character and far-reaching benefits. Perhaps no more correct reason can be given why it is offensive to modern Bourbon Democracy and is now the object of its assault than the fact that it is associated with the most inspiring achievements which illustrate the pages of American history.

In shipbuilding as well as in the character of our intrepid sailors we have led the world. No finer specimens of the shipwright's art ever traversed the ocean than have been modeled and built in American shipyards.

We built the *Great Republic* and many others of her class, whose sailing qualities were unrivaled in their time, and whose symmetry and beauty of model were the admiration of all who loved to look upon splendid specimens of naval construction. They furnished the models for the great iron steamers which now cross the ocean with such remarkable speed as to make Europe our near neighbor.

The gentleman's policy would do nothing less than to destroy the shipyards of America, where these grand results have been achieved, and where to-day the finest ships in the world are being constructed, disperse our shipwrights, deprive our country and the world of the fruits of American genius in this grand pursuit, and make American shipbuilding a thing of the past.

The great iron shipyards of the Cramps, from which has recently been launched the magnificent steamer *St. Louis*, unsurpassed if not unequalled by any ship of the kind on the globe, the splendidly equipped establishments at Newport News, Chester, Bath, and San Francisco which have produced so many steel vessels that have carried to the four corners of the globe proofs of the constructive genius and power of our people, are all doomed to abandonment and destruction by such a law as the gentleman would enact. This means the discharging from employment of more than 20,000 workmen and the deprivation and distress of 100,000 people.

There are no sturdier, steadier, sober, and more intelligent workmen in our country than our shipwrights; none who contribute more to the wealth and greatness of the American nation, and at the same time give it as little trouble.

Where will they go? What will they do when you have driven them from their present avocation? Your policy of ruin has closed every other avenue of industry to them. There is not an honorable pursuit in the land that does not find labor begging at its doors for employment.

Had you destroyed this great industry two years ago, when the country was safely under the protective policy of the Republican party, when the factories were all running, the furnaces blazing, the mines open and worked, the farmers finding good markets, and labor everywhere in demand, it would have been nothing less than a great national crime, but now it will be both a crime and a cruelty.

I am not sorry that the gentleman went to the length which he did and developed the animus of that side of the House upon this subject. We know now who is the friend and who the enemy of American shipbuilding; who would have us employ the skill and genius of our own people to construct a Navy and merchant marine, and who would give this industry to the foreigner; who has a pride in the splendid results of American genius, and whose admiration is all reserved for those who live beyond the ocean and carry another flag than our own.

But I said that the vocation of shipbuilding was of national importance. Every vocation of our people is indirectly of national importance, since no part of our people can prosper or suffer without affecting for weal or woe every other part of them.

But shipbuilding is of national importance directly and in the

largest sense, and for this reason our forefathers made special laws for its protection.

They enacted that no vessel should be entitled to an American register and carry the American flag except it should be built within the jurisdiction of our Government.

They also made laws protecting our coasting trade. What was the purpose of these laws, which are almost as old as the Government? The motive of our ancestors is plain. They, in their wisdom, foresaw the great advantage to our people of constructing our own ships and controlling our own domestic commerce.

They knew and regarded the fact that no nation from the palmy days of Athens's commerce to their times had ever possessed and retained a great commercial marine except it built its own ships. They knew the value of our shipyards to our people as a source of employment. They felt the necessity of developing the skill of our people in constructing ships as the foundation of a navy and to make us independent of the world in this calling.

But the gentleman from Kansas and most of the party on his side of the House do not seem to feel it. He says we can not build ships because we pay our shipwrights high wages. But we can and we do it, and we intend, if possible, not to reduce the rate of wages. The gentleman has talked a good deal about the wrongs of the workman. But now he proposes to reduce the wages of the men who work in our shipyards to the low wages paid on the Clyde, or transfer their avocation to foreign countries.

But, Mr. Chairman, there is another consideration in connection with this debate which seems to me to be the most serious of all.

The opposition which we find here to building these battle ships and providing something like adequate protection for our nation's interests, betrays a lack of patriotic spirit on the part of a certain class of men in this House and in the country which is to be deplored. That unpatriotic spirit seems to be popular just now.

Why, we found it in the case of Hawaii, when a President of the United States had signed a treaty and sent it to the Senate, a treaty that would have annexed these beautiful Islands to this country and given us a position that commands the Pacific coast, a position, too, that could be made as impregnable as Gibraltar, and it was rejected, and every effort made to turn back the tide of civilization and restore a rotten monarchy. It was opposed in every way, and with a bitterness that can hardly be accounted for. Oh, I would rather have the future reputation of honest, intelligent, patriotic John L. Stevens, saying in his dying moments, "Stevens pulled up the flag and he never pulled it down," than all that will remain of Presidents and Congresses that struggled to detach Hawaii from our influence and interests, and return it to a government of barbarism. [Great applause on the Republican side.]

In Samoa, too, somebody wanted to give away all that we had there. In Japan, also, this Government, through certain gentlemen, wanted to interfere against the Mikado and in favor of China, which meant to favor the British interests there. And when, Mr. Chairman, we came to make a tariff, there was a certain class in this House and in the country that desired to give away everything we had; to give away American interests to whomsoever would take them. I say that is the saddest and most serious part of the case; and part of the Democratic party, at least, with the Administration, has done a harm that I fear may seriously trouble us in the future in endeavoring, perhaps unconsciously, to blunt the patriotic spirit of the people of this country. He who does that does us the greatest possible harm, for in the patriotic hearts of the people rests our security. Without them our institutions can not exist. When Demosthenes was eloquently urging the people of Athens to struggle against Philip for the protection of Greece, Eschines was leading his party against his own country, not in battle but in the councils of the nation.

When Hannibal was fighting Rome, with his matchless genius endeavoring to crush the great enemy of Carthage, there was a copper-head party at home, led by Hanno, that finally defeated his purpose and brought Carthage to ruin. Oh, let it not come to pass here that gentlemen shall take a position that shall finally build up a party in this country that shall be a party of unpatriotism, a party that shall oppose everything which the interests of the people demand, and which shall endeavor to put a check on the power, the grandeur, and the glory of this great nation.

Battle ships! Why, as I have said, England this year will build more battle ships of larger tonnage, carrying more weight of metal, than the entire battle ships of our Navy. She will this year increase her ships beyond the number and strength of all we have, and we talk about this little niggardly appropriation for a few battle ships which we need to enable us even to do the police duty of the United States upon the ocean. [Applause on the Republican side.]

Have gentlemen no pride in their country? Do they wish to see it shorn of power to defend its interests and its honor? Would they have its ports the prey of every second or third class nation

on the globe? Would they see it so defenseless that it must quail at every threat of other nations, and feel its incompetency to guard its dignity and maintain its rights? [Applause.]

If they do the people do not, and as much as gentlemen have done to blunt in the hearts of the men and women of our land their earnest love of country, they will find when the trial day shall come that they have undertaken a task that can not be accomplished. Let us have the battle ships. The patriotism and wisdom of the nation demand it, and we shall not be held guiltless by those whom we represent if we shall not respond, by our votes, to that demand. The people are proud of their country, proud of its grand history, proud of its progress and its prowess, proud of its institutions and their beneficent influence upon mankind, abroad as well as at home, and they will not see its arm of power paralyzed by those who are monarchists at heart, though they present an American surface to the world. [Great applause.]

[Mr. COOMBS addressed the committee. See Appendix.]

Mr. TALBOTT of Maryland. Mr. Chairman, before beginning my remarks, I desire to state to the committee that the gentleman from Maine, Mr. BOUTELLE, who is a member of the minority of the Committee on Naval Affairs, was to have spoken to-day, but he is not here and his time has been occupied by other gentlemen. I have received a message from him stating that he is not well and unable to be in the House at this time, but that he is in favor of the bill as reported from the committee, and that if he were here would take part in the debate and advocate its passage.

Some time ago there was a question even in my mind as to the propriety of the provisions embraced in this bill for new battle ships, but the Secretary of the Treasury has removed from my mind all doubt as to the propriety of making these appropriations. In a communication to the Senate on the 2d day of this month the Secretary estimated that for this calendar year—and I wish the House distinctly to understand the time that the estimate covers—that for this calendar year, under the existing tariff laws, there will be a surplus over and above all public expenditures of more than \$23,000,000. That being the case, the objection based upon the supposed inability of the Government to undertake the construction of these battle ships is removed. Other gentlemen may discredit the estimate of the Secretary of the Treasury, but I am not prepared to do that. I for one am not willing to discredit the authorized head of the Treasury Department in this statement.

I am sure no other gentleman will do so. It being, then, apparent that we shall have at our disposal funds sufficient to build a navy, I propose first to discuss the question whether or not it is good policy. I can not go into detail and answer the various statements of all the gentlemen who have addressed this committee. The last gentleman who spoke in opposition to this bill, the gentleman from Tennessee [Mr. WASHINGTON], had the temerity to state to this House that the construction of these vessels—I suppose he meant the maintenance of these and all other vessels—was going to entail upon this country the extraordinary cost of between \$250,000,000 and \$300,000,000. Why, Mr. Speaker, this appropriation, all told, carries a little more than \$31,000,000.

This appropriation embraces in its features enough money to finish every vessel authorized by existing law, and at the end of the fiscal year 1896, with the appropriation carried in this bill, every vessel authorized by law will have been completed except the battle ship *Iowa*. And under the most adverse circumstances, when the gentlemen on the other side take control of the House and the Senate they can carry on the appropriations contemplated in the construction of these battle ships, they can appropriate every dollar for the construction as it progresses, and the next naval appropriation bill will not exceed, under any circumstances, in my judgment, over \$20,000,000 for the support of the Navy.

I stated yesterday, Mr. Chairman, that for the current expenses of the Navy Department we had not departed substantially from the features of the bills for 1894 and 1895. Yet, to my surprise, the gentleman from Tennessee states to this House that we have exceeded the estimates of the Department by over \$300,000. That is true. We have appropriated in this bill \$844,937 more than the estimates. But we do this because we provide in this bill for carrying out the recommendations of the Department. We do it because the Department recommended that we should add to our naval force at least 2,000 enlisted men.

We have authorized the enlistment of those 2,000 men, but we appropriate only for 1,000, taking it for granted that perhaps during the next fiscal year the Secretary of the Navy can only enlist possibly 1,000, or probably may not have use for the whole number, though it is well that he should have the authority to enlist them. The pay of these 1,000 additional enlisted men will be \$349,000 and the cost for their maintenance \$109,000. In addition to that we have added to this bill the sum necessary for the first year toward planning the construction and beginning these new vessels which are authorized.

The gentleman from Kansas [Mr. SIMPSON], who has addressed

the committee, has had the boldness to state that these vessels were eventually to cost \$23,000,000. I should like to know what authority he has for making any such statement. Vessel after vessel has been authorized by law; yet in no instance, so far as I know, has the cost for the construction of any vessel gone beyond the amount authorized by law; and in more cases than one the vessel was constructed, completed, and armed for less money than the law authorized. Therefore I can not see why the gentleman should state in good faith, when we appropriate not exceeding \$12,000,000, that the expense is going to be \$23,000,000. There is no reason in law and none in precedent for such a statement.

The gentleman from Kansas also stated to the House that there are only five or six ports in the United States which these first-class battle ships can enter. If he knows no more about the Navy generally than he knows about this particular subject, his statements are not entitled to consideration at the hands of this House. I read from an article called "The ships of the new Navy:"

Battle ships will draw more water undoubtedly, but they certainly will not exceed 25 feet.

It is a common mistake to suppose that we have no harbors which vessels drawing 30 feet can enter. We have 38 ports which vessels drawing 30 feet can enter at half tide, including Eastport, Rockland, and Portland, Me.; Portsmouth, N. H.; Marblehead and New Bedford, Mass.; Newport, R. I.; New London, Conn.; Gardiners Bay and several other points on Long Island; New York; Hampton Roads, Va.; Key West, Fla.; Santa Barbara, Monterey, San Francisco, and Mendocino City, Cal.; Olympia, Port Townsend, Tacoma, and Seattle, Wash. The ports of Boston, Mass., Lewes, Del., and New Orleans, La., can be entered by vessels drawing 25 feet. The port of New York has a depth of 30 feet of water throughout the whole channel at mean low water, so that a ship drawing 30 feet may enter at any stage of the tide.

It thus appears that there are 38 ports of our country which a vessel drawing 30 feet of water can enter.

Mr. LOUD. The gentleman will allow me to suggest that the gentleman from Kansas is a fresh-water sailor.

Mr. TALBOTT of Maryland. Yes, sir; quite "fresh."

Now, we are told that there is no necessity for a navy; that all the vessels which have been constructed under authority of law are useless and worthless. Sir, there never was a more barefaced proposition made in the halls of Congress. I assert that every vessel authorized and constructed by authority of Congress answers the purpose for which it was built. If we have been building unarmored and armored cruisers which are worthless, why is it that the other nations of the earth have not found it out and discarded them?

Why is it that every unarmored cruiser and every armored cruiser owned by France, by England, by Germany, and by all the first-class powers of the earth is carried on the register of the respective nations to-day—officered, manned, provisioned, and supplied with sufficient ammunition to engage in battle?

Mr. Chairman, an officer in command of an unarmored cruiser would be exceedingly foolish, and would be court-martialed, if he should engage a battle ship at odds when he could get away and save his vessel. But what was the policy of the commanders of English and American vessels as far back as the war of 1812? They sought each other out. A vessel of 20 guns in the English navy would seek out one of 20 guns in the American Navy; a challenge would pass, and they would engage in conflict. So it would be now in case of a war. The unarmored cruiser would search out the unarmored cruiser of the enemy; the protected cruiser would search out the protected cruiser, and when the fight by fleet of ships was on the battle ships, provided for under this law, would take their places in the line of battle, and the protected and unprotected cruisers would take their proper places in the line. Each would do its part, and the sum total would be the science and the bravery of either side, and perhaps the preponderance of guns would weigh the most in the battle.

But we are told that we do not need any navy at all, and that Great Britain is willing to arbitrate. Great Britain never arbitrates with anybody except one who is ready to fight her. Great Britain used the American colonies, before the American Revolution, to wrest from France her French provinces, and what return did we get for it? When we came to seek our independence, forgetting that we had given up all of this valuable territory, she invited the savages to aid in preventing the achievement of the independence for which our fathers fought; and after we had achieved independence she, by act after act, by impressing our seamen, and by other aggressive acts, compelled us, the infant Republic of the world, as we were at that time, to declare war against the greatest power of Europe. We declared war and we fought it, and we licked her from Champlain to New Orleans. [Applause.] Arbitrate with us! If we had not these battle ships and cruisers of ours, and if it was not understood to be the policy of the United States Government that we would go on building up this Navy, she would never request arbitration with us. Her dealings would be very different.

Mr. VAN VOORHIS of New York. That is correct.

Mr. TALBOTT of Maryland. We would never hear of arbitration then.

Why, sir, the gentleman from Massachusetts [Mr. EVERETT] said that there was an era now on earth of "peace and good will"



amongst all men. If England wants to arbitrate let her disband her naval forces. If she wants to arbitrate that is the first step. If England is to disarm her naval force and rely upon arbitration in the future, let her discard it. But she is not going to do it. And if we made the demand she would say, of course, "The complications in Europe are such that they will not permit us to do that;" but when a complication arose here, she would find it very easy to spare a few of her battle ships to send across and give us considerable trouble.

Why, my own State was invaded by the British soldiers in 1812, and the United States Government has paid more to our citizens for losses sustained by that invasion, more money, than it would have cost to have maintained a large fleet in Chesapeake Bay.

Without the aid of the British fleet they never could have landed their forces on our shores. Without the aid of the British fleet they could never have landed at New Orleans. I have no faith in the protestations of the English Government. I have never known them to let go a single inch of territory on which they had their clutches. History does not record any such transaction as that where England has got her hands on any part of the world.

A MEMBER. Not even Ireland.

Mr. TALBOTT of Maryland. Not even Ireland, or Scotland, or Wales, or India, or any of the islands in the sea.

I want to say this in this connection: When the British army invaded New Orleans they invaded it because the transaction which secured to us the transfer of that vast Louisiana territory from the French Government was so recent that they thought if they could only defeat an American army at New Orleans, at the mouth of the Mississippi River, they could own all the territory covered by the cession of Louisiana by France.

Mr. ROBINSON of Pennsylvania. It was because of the defeat of the French fleet by the British at Trafalgar that that cession was made.

Mr. TALBOTT of Maryland. My attention is called to the fact that it was the defeat of the French and Spanish navy at Trafalgar that induced Napoleon to part with that valuable possession, and transfer it to us. I might go into that question more at length, Mr. Chairman, and discuss the effect of the battle of the Nile, and the battle of Trafalgar, and the battles of Lake Erie and Lake Champlain, but they have been all gone into by other gentlemen who have discussed this question.

Now, I am obliged to the State of Massachusetts for one thing, and that is, to say that there is more than one statesman who has hailed from that great State as a member of the Everett family. A gentleman by the name of Edward Everett, who occupied quite a prominent place in the history of the United States, and whose memory is revered and respected by all of the people of this land, a man of the largest culture, has made some remarks on a kindred question, to which I will refer you. I can not read all of his speech, but it was delivered in 1864. He was the chairman presiding at a complimentary dinner given to the Committee on Naval Affairs of the House of Representatives, at the Revere House in Boston, on the 12th day of March, 1864. At that time he used this language:

But, gentlemen, it is not exclusively nor mainly these commercial associations which have led our people to cherish a navy. They have felt that those great natural powers, the world-surrounding ocean, its shores and its depths, its harbors and its boundless pathways, the winds that sweep its surface, the currents which obey their impulse, the living tribes which swarm upon its shoals or wallow in its abysses, were intended by a gracious Providence to rank high among the materials of that greatest creation of the wisdom of man, a civilized commonwealth. They have deduced from all history, ancient and modern, they have inherited with the primal traditions of the mother country, the vital truth, that for territory situated on the seaboard, naval skill and strength are the indispensable condition of national independence, safety, and power; a truth, by the way, enough of itself to show the madness of the South in attempting to sever her connection with a great naval power, with the inevitable effect, if she could succeed in the suicidal attempt, of placing her own coasts, harbors, and the mouths of her rivers at the mercy of every foreign power able to keep a few war steamers at sea.

The patriots of the Revolution, South as well as North, saw this. Mr. Edward Rutledge told his fellow-citizens of South Carolina that "they had no other resource, in time of danger, than the naval force of our Northern friends." It has been so from the dawn of history. It was a navy which enabled a little city of Greece to beat back the barbarous hordes of the East. It was a navy which enabled Carthage so long to dispute the progress of the Romans to universal dominion. It was a navy—nay, it was one naval battle—which gave Augustus the Empire of the world; a navy which carried the Northmen from the polar circle to the coasts of France, to Sicily, and Constantinople; and which made Venice and Genoa, alternately, the mistresses of the Mediterranean and the Levant, and, through them, of the commerce of the East. It was their navies which, in the dawn of the modern political system of Europe, put it in the power of Spain and little Portugal to divide between them, like the two halves of an orange, no small part of the newly discovered world. It was her naval strength which prevented England from being crushed in the Titanic struggle with Spain in the sixteenth century; by which, in the seventeenth and eighteenth centuries, she laid the foundation of her vast colonial empire on this continent, in India, and Australia; and by which, even now, she belts the globe with the sovereign girdle of her dependencies.

That, Mr. Chairman, was the language of a very distinguished gentleman in Massachusetts, the late Edward Everett, father of the gentleman who addressed the House yesterday.

Now, Mr. Chairman, as far as I am concerned, I am partial in this business. I have always been for a navy, and always will be for a great navy.

The gentleman says, "Peace!" Yes, nobody desires peace more than I do. Nobody desires that this country shall remain at peace more than I do. But I go further than that. I go away beyond the desire to have peace. I go to the extent that this country of ours shall put itself in a condition to command peace. [Applause.]

There is but one way to do that, and that is to build your Navy. That is the one popular branch of the military arm of the Government. It is the one branch of the military arm of the Government that is popular in every part of the country. Why, sir, the gentleman from New Jersey [Mr. GEISSENHAINER], the chairman of the Committee on Naval Affairs, has stated to the House the number of miles comprising our coast. This coast, counting in the Lake States, embraces over 16,000 miles. Why, the gentleman from Tennessee [Mr. WASHINGTON] said it is impossible to place a battle ship at every port. Did anybody ever say it was necessary to do it? Certainly not. What I say is this, that we want for our coast defense on the Pacific, the Atlantic, and the Gulf of Mexico sufficient battle ships to meet the enemy at any given point, because, with the facility with which information is now conveyed, it is not a very difficult matter to collect a fleet in from three to six days upon any part of our coast. That is all that is intended.

I desire to say this to the gentleman, that it is much more economical to build your battle ships and have them at your command, so that you can order them up and down the coast, at immensely less cost than you can build forts and put guns in them at every single point which can be attacked on our seacoast. Sir William Pitt had but one motto, Mr. Chairman, so far as statesmanship was concerned, for the English Government. It was a catching phrase. The one word was "Security!" Security for the English people, security for the merchantmen of the English nation, security for its inhabitants at home and abroad; and that covers the case. So far as we are concerned we go beyond that; I go beyond that. I not only desire security, Mr. Chairman, for American citizens at home and abroad; I insist that when a merchantman of Baltimore sends his cargo to Rio that it shall be landed. Our nation did it when we had the best fleet that ever assembled for many a day in the waters of Rio, and the merchant ships of my own town unloaded their cargoes when the Englishmen and Frenchmen did not. But I go beyond that; away beyond that. I claim that it is the province of good American citizenship and statesmanship that the American fleet shall dominate, that the American people shall control the western waters of the Atlantic Ocean and the eastern waters of the Pacific, and any man who is willing to surrender for his country either of these propositions is not worthy to represent his people in this Congress.

My Democratic friends, we are told by gentlemen on the other side, over and over and over again, that the Navy has been built, but never yet has it been built by a majority of this side of the House voting for it; and I am ashamed to say that that charge is almost true. And yet, my associates on this side of the House, you have never gone into a Presidential campaign that you did not tell the people what the Democratic party did for the Navy before the war. You never had a convention that you did not pledge the people that you were going to build this important branch of the military service of the country. I will not take time to read it; but in 1888 you took special pains to tell the country that you approved the administration by Secretary Whitney of the Navy Department, and gave him great credit for building your war vessels. In 1893, in the convention at Chicago, presided over by my friend in front of me [Mr. WILSON of West Virginia], you adopted another resolution, saying to the country that you were in favor of building and maintaining the Navy commensurate with the population, wealth, and dignity of the country.

Mr. LIVINGSTON. Is not that about the only plank of the Democratic platform in Chicago that we have not gone back on?

Mr. TALBOTT of Maryland. We have not gone back on that. Sometimes people do not know what they put in platforms.

Mr. SIMPSON. Do you know of any promise made in the platform adopted by the Chicago convention that has been fulfilled?

Mr. TALBOTT of Maryland. So far as I am concerned, we will carry out this one.

Mr. LIVINGSTON. I would like to see them carry out one thing?

Mr. TALBOTT of Maryland. I desire, Mr. Chairman, just to call attention to something said by the Secretary of the Navy himself some years ago.

The report which was brought into the House on March 10, 1886, by Mr. Herbert, then chairman of the Committee on Naval Affairs, said:

The geographical situation of the United States and the relations we bear to other nations are peculiar. We have no rival on the western continent, and we justly feel secure against any attack an enemy might make upon us by land. But we are without adequate means of defending our foreign or our coastwise commerce, and the cities scattered along our long line of seacoast are absolutely at the mercy of any second-rate naval power of the world.

Your committee have not thought it profitable to inquire into the causes

which have resulted in placing the United States in this anomalous position among the nations of the earth. But a brief retrospect may be useful in enabling us to decide what should be our policy for the future.

Prior to the war of 1812 there were some serious differences of opinion among our statesmen as to whether the United States ought to attempt to become an important naval power, but from the moment when the news came of the brilliant victories of Hull and Lawrence at sea and Perry and McDonough on the lakes, the question was decided.

From that day the American Navy was an object of more or less pride and affection under every Administration. We built the best ships afloat and armed them with guns which were at least equal to any in the world. We did not aspire to be, because it was not necessary, but we demonstrated our capacity to become the equal if not the superior of any naval power in the world. This was believed by the statesmen of that era to be the attitude the United States should assume before the world.

Your committee see no reason why we should entirely depart from that policy now. We believe this Government should at least create a navy which will be respectable in size, and that we should demonstrate our capacity to increase it rapidly to any required extent.

In 1846, in pursuit of the policy then agreed on by all, the United States founded the present Naval Academy. This institution is said to have owed its existence primarily to that eminent citizen, who now lives to witness the fruits of his wisdom, the Hon. George Bancroft.

The Naval Academy keeps abreast with the foremost in this era of development, and it has furnished us with a personnel for our Navy unequalled in training and culture by that of any other nation. The officers thus trained are drawn from all portions of the country, so that the Navy, in so far as officers are concerned, is a representative body.

But these officers would be practically useless in case of war now with any first or second rate naval power, because our ships now in commission are of an obsolete type, and they are armed with guns which are practically useless against the armored vessels of to-day.

In 1860 the era of wooden ships and stone forts was drawing to a close. Some efforts had been made in the direction of armored ships by several nations. A number of armored batteries had been designed, and Napoleon III, in 1858, had protected one of his vessels with about 3 inches of iron. But these were all untried.

The great battle between the *Merrimac* and the *Monitor* showed the power and value of iron armor for the protection of battle ships, and the system of warfare at sea was revolutionized. The United States showed wonderful enterprise and ingenuity in building ironclad vessels during the four years of our civil strife; but since that war ceased, now twenty-one years ago, we have made no advance.

Our Navy now is not equal to what it was in 1860. But all other maritime nations, profiting by the lessons taught during our civil war, have vied with each other in improving their navies. Iron took the place of wood for vessels, and steel has now taken the place of iron for both vessels and guns. Ships of war have grown larger and heavier, guns have grown larger and heavier, and for twenty years the contest has gone on between the power of armor to resist and the power of guns to pierce. It now seems to be almost definitely settled that a modern projectile, thrown from the heaviest and best gun, will pierce at point-blank range the heaviest armor a seagoing vessel can carry. Yet, though this is generally conceded, the guns which possess this power are so heavy, so expensive, and necessarily so few upon a vessel, and the conditions of a combat at sea are so different from target practice, that the great naval powers of the world are continuing, and probably will continue, to build armor-clad vessels. Lieutenant Jaques, one of the most accomplished officers of the United States Navy, in a pamphlet on this subject, published during the present year, says:

"To those who consider armor useless because the penetrating power of modern artillery is superior to the resistance of modern plates I would call attention to the fact that circumstances attending target practice on the proving grounds—the fire normal, guns on fixed platform, and the range only a few hundred feet—are very different from those in battle, where the range is great, the armor fitted to the fort or ship is constructed to present the least amount of normal surface, and the attacking gun and moving ship are ever changing their positions. According to Noble, one of the ablest English artilleryists, a thickness of armor equal to one-half the diameter of the projectile will insure almost certain impenetrability in the ever-varying conditions of a battle at sea."

But as at present circumstances it is of small moment to the United States whether the modern gun or modern armor is superior. We have neither the one nor the other—the gun mounted that can pierce an enemy's armor, no armor on a completed vessel or on a fort that can resist an enemy's guns.

Our heaviest granite wall is only 8 feet thick, while an 80-ton English gun has thrown a projectile through 25 feet of granite and cement. "No masonry can withstand such a fire. Even 75 feet of earth would probably not resist it, and if it would troops could not, without other protection, work the cannon under the galling fire of modern machine guns."

Then, after carefully comparing our Navy at that time with our Navy of 1860, and also with the principal navies of the world, the report proceeds:

If we study carefully the characteristics of the navies summarized in this appendix, we find that we are not only at the mercy of European nations, but that our neighbor, Brazil, might exact tribute of any city along our Gulf or Atlantic coast, while Chile could enforce similar demands on the shores of the Pacific.

The *Riachuelo* and *Aquidaban*, those formidable Brazilian armored cruisers, could steam, at 13 to 14 knots an hour, from Brazil to New York in ten days. These vessels could with impunity pass our forts and anchor in New York Harbor, but without doing this, their guns could easily throw shells into New York City from off Coney Island beach. The Chilean vessel *Esmeralda* carries coal enough to enable her to steam at 8 knots an hour from Chile to San Francisco without exhausting half her coal supply. With her high-power guns she could lie outside the Golden Gate and lay the city of San Francisco under contribution without going within the reach of its guns. The *Cochrane* and *Blanco Encalada*, other Chilean ships, are protected by 9 inches of iron armor, and carry batteries of six 8-inch breechloading rifles.

It is the unanimous opinion of your committee that the Government of the United States ought not longer to permit the lives and property of American citizens to be thus manifestly held at the mercy of so many foreign nations. We have therefore earnestly inquired what steps ought to be taken to increase our means of defense. In the present condition of maritime warfare, considering all proposed means of attack and defense, it is a grave question to decide in what proportions between the erection of fortifications and additions to our naval establishment expenditures should be divided. It is not our province to discuss that question. We suppose all will admit the value of forts and guns ashore. The nations of the Old World have expended vast sums in the erection of iron and steel clad forts, and they are continuing the work. Even for the uses of the Navy there must be harbors of refuge and safe anchorage must be provided where not only naval vessels, but those of the commercial marine may find shelter in time of war.

Mr. LIVINGSTON. I think that we had better carry out this promise, as it is the only one left in the platform that has not been violated.

Mr. TALBOTT of Maryland. During the century of our national existence that will close on the 4th of March, our Navy has been engaged in war with France two years, with Tripoli four years, with Great Britain three years, with the Barbary powers seven years, with Mexico two years, and in the civil war four years.

In other words, gentlemen, while you say there is no danger of war, war is declared in these days by telegraph, by cable. You can not tell how soon we may have war. It is a fact that the English Government, following its usual practice, is to-day trying to establish a boundary in Alaska that would take from us the most valuable part of that recently acquired Territory. We can not tell when war may come upon us, and the only thing for the American people to do now and always is to keep up with the times. [Applause.] I do not claim that we ought to have a navy as large as the British navy. I do not claim that we ought to have a navy as large as the French navy. What I do say is that we ought to have a navy that, using the language of Admiral Walker, "would be able to meet any detachment of the English navy or the French navy or of any foreign navy that could be sent to our shores."

Gentlemen may think I am talking idly, but the English people are not idle. They are building forts all around us; they are establishing coaling stations all around us. The English Government is making more progress toward establishing substantial forts and reliable coaling stations on this continent than she is on the other.

Mr. MONEY. And more than we are doing on this continent.

Mr. TALBOTT of Maryland. Yes, sir; more than we are doing on this continent, as a matter of course, because of the mistaken policy we have been pursuing.

Now, Mr. Chairman, I will ask leave to extend my remarks in the RECORD, because as the eulogies on the late Senator Colquitt are to begin at 2 p. m., I think it proper to move that the committee do now rise in order that the House may have a few minutes for the transaction of routine business between now and that hour. I thank the members of the committee for their kind attention, and I move that the committee do now rise. [Loud applause.]

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. O'NEIL of Massachusetts, from the Committee of the Whole, reported that they had had under consideration the naval appropriation bill and had come to no resolution thereon.

#### DONATION OF CONDEMNED CANNON.

Mr. HULL. Mr. Speaker, a day or two ago there was submitted to the House by the Speaker a Senate act donating some condemned cannon from the navy-yard at Portsmouth, N. H., to the Iowa State Museum, at Des Moines, and it was referred by mistake to the Committee on Military Affairs. In reporting the bill back from that committee, I ask unanimous consent that it be now put upon its passage, as I think it can be disposed of in two or three minutes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and is hereby, authorized and directed to supply the Iowa Historical Museum, Des Moines, Iowa, on the request of the governor, with two condemned cannon and one condemned seacoast mortar from the Portsmouth Navy-Yard, N. H., the State of Iowa to pay all the expenses of transportation, etc.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### BILOXI AND BACK BAY BRIDGE.

Mr. STOCKDALE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8459) to amend an act entitled "An act to authorize the Biloxi and Back Bay Bridge Company to construct a bridge over that portion of the Bay of Biloxi, in the State of Mississippi, known as Back Bay."

The bill was read, as follows:

Be it enacted, etc., That the act entitled "An act to authorize the Biloxi and Back Bay Bridge Company to construct and maintain a bridge over that portion of the Bay of Biloxi, in the State of Mississippi, known as Back Bay," approved August 27, 1894, be, and the same is hereby, amended as follows: In section 6, line 2, strike out "one year" and insert instead thereof the words "two years."

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. STOCKDALE, a motion to reconsider the vote by which the bill was passed was laid on the table.



REAR-ADMIRAL J. H. RUSSELL.

Mr. ROBINSON of Pennsylvania. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 864, to authorize the payment to Rear-Admiral John H. Russell, of the United States Navy, of the highest pay of his grade.

The bill was read, as follows:

*Be it enacted, etc.,* That in consideration of the eminent and conspicuous services rendered by Rear-Admiral John H. Russell, of the United States Navy, retired, particularly in that on the night of September 13, 1861, while holding the rank of lieutenant, he voluntarily commanded an expedition of about 100 officers and men which destroyed the Confederate war vessel *Judah*, which was fully armed, manned, and equipped, and moored at the Pensacola Navy-Yard, in the presence of over 1,000 soldiers who were stationed at the yard, and in the face of numerous batteries, one-fifth of his command being either killed or wounded, he being among the latter, and in that he served faithfully and commendably during the subsequent years of the war of the rebellion in important commands and has never received any special promotion or advancement in numbers, said Rear-Admiral John H. Russell shall receive the highest pay of his grade.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. SAYERS. Let us have some explanation of the bill. Let the report be read.

The SPEAKER. The report is quite long. Is there objection to the present consideration of this bill?

Mr. TALBERT of South Carolina. I object.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER laid before the House a bill (H. R. 8273) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896, and for other purposes, with amendments of the Senate thereto.

Mr. HENDERSON of North Carolina. Mr. Speaker, I move that the House nonconcur in the Senate amendments and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to, and the Speaker appointed as conferees on the part of the House Mr. HENDERSON of North Carolina, Mr. DUNPHY, and Mr. LOUD.

ASSISTANT ENGINEER, ETC., HOUSE OF REPRESENTATIVES.

Mr. SHELL. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk. The resolution was read, as follows:

*Resolved*, That in addition to the sum of \$300 to be paid out of the contingent fund of the House of Representatives for an assistant engineer and three additional laborers, under resolution of January 24, 1896, the Clerk of the House is hereby authorized and directed to pay from the contingent fund of the House, for the same purposes and at the same rates of pay, the further sum of \$90.23.

Mr. SAYERS. Mr. Speaker, I should like to know why this is presented.

Mr. SHELL. It is simply because of a mistake in the original resolution. We asked for the full amount, but the House passed the resolution for \$300.

Mr. SAYERS. And with the expenditure of this sum the services of this man are concluded and paid for, I understand?

Mr. SHELL. Yes, sir.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. ROBINSON of Pennsylvania. I object.

THE LATE SENATOR COLQUITT.

The SPEAKER (at 2 o'clock p. m.). The Clerk will report the special order.

The Clerk read as follows:

*Resolved*, That the third Saturday in February next, beginning at 2 o'clock p. m., be set apart for eulogies on the life of the Hon. Alfred H. Colquitt, late a Senator from the State of Georgia.

Mr. TURNER of Georgia. I offer the resolutions which I send to the desk.

The Clerk read as follows:

*Resolved*, That the business of the House be now suspended that opportunity may be given for tribute to the memory of Alfred H. Colquitt, late a Senator from the State of Georgia.

*Resolved*, That as a particular mark of respect to the memory of the deceased and in recognition of his eminent abilities as a public servant, the House of Representatives, at the conclusion of these memorial services, adjourn.

*Resolved*, That the Clerk communicate these resolutions to the Senate.

*Resolved*, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.

The question being taken, the resolutions were unanimously adopted.

Mr. TURNER of Georgia. Mr. Speaker, Alfred Holt Colquitt was born in Walton County, Ga., April 20, 1824; graduated at Princeton College in the class of 1844; studied law and was admitted to the bar in 1845; served as a staff officer with the rank of major during the war with Mexico; was elected and served as a member of the Thirty-third Congress; was a member of the Georgia legislature in 1859; was a Presidential elector for the State at large on the Breckinridge ticket in 1860; was a member of the secession convention of the State of Georgia; entered the Confederate army as captain; was subsequently chosen colonel of

the Sixth Georgia Infantry; served as brigadier-general and was commissioned as a major-general; was elected governor of the State in 1876 and reelected to that office; at the expiration of his term as governor he was elected to the Senate of the United States for the term commencing March 4, 1883, and was reelected in 1888.

Such was his own account of his life. Though modest, it outlines a career of great distinction, beginning early and terminating only at his death. It omits any mention of his successes at college, his deeds of gallantry in two wars, and his great triumphs in his political campaigns, though sometimes hotly contested. Nor does this sketch contain even an allusion to his ministries in the pulpit and all the enterprises of the Methodist Church, though these pious offices were performed while he was governor and Senator. In one of his last speeches in the Senate he closed with the exclamation:

Righteousness exalteth a nation!

It is interesting to note how closely he followed the footsteps of his distinguished father, Walter T. Colquitt. The latter was also educated at Princeton College, was a lawyer of great reputation, was a judge of the superior court, a general of militia, a member of the general assembly of the State, a Representative in Congress, a member of the Senate of the United States, and a minister of the Methodist Church. The careers of the father and son are so nearly identical that they form chapters in the same story. The line of the one's life seems to have been a prolongation of that of the other. Let us hope that the son of Alfred H. Colquitt may be worthy of his lineage and that an honorable name may become a part of the inheritance in this family.

I leave to others more intimately acquainted with Senator Colquitt the highest office of a friend, an affectionate tribute to his private traits and virtues and a minute detail of the elements of his character and conduct. His manhood began in affluence; he died poor. He had no extravagant habits, and in a money-loving age he was content with a moderate living, and never repined over the great losses entailed by an unsuccessful war. The pathetic devotion of his family during his long affliction was the fittest reward for his own generous solicitude as husband and father. He lived in a historic era, and in all its mighty movements he occupied leading positions. And amid them all, with their great anxieties and temptations, he seems to have professed that highest ideal of life which covets public confidence for the opportunities it affords for usefulness, and yet reverently worships God! We call our departed friend to witness that such a scheme of life is consistent with the loftiest courage in the hour of battle, the most enduring public favor, and the serene fortitude of a Christian in the article of death!

Mr. BLAIR. Mr. Speaker, it was my good fortune to be associated with Senator Colquitt for about eight years in the other House of Congress, and although not intimately acquainted in a general sense, yet there was a consanguinity of views between us upon certain great lines of thought and action which gave me a feeling of nearness and almost of kinship, which did not require frequent expression in order that both might understand its existence. I therefore drop my sprig of evergreen upon his grave to-day with the feeling that I, too, have lost a brother.

Others more familiar with the details of his record have already explained them and in both of these great halls of legislation have pronounced in fitting terms that eulogy which belongs to those whose illustrious lives deserve immortality among their fellow-men. My tribute may well be brief and such as one gives spontaneously and aside as he moves silently in the procession to the tomb of the beloved.

Senator Colquitt was a distinctively elevating force in the Senate and throughout the country. Modest and unpretending to the last degree, yet firm and full of assertion when important principles were involved, he was felt even though unheard, and when occasion imperatively demanded his voice would fill the Chamber like the tones of Paul at Mars' Hill.

He seldom spoke at his best except upon some theme which aroused the moral and religious side of his nature, and then it was that his wonderful organization revealed the full power of the physical, intellectual, and moral elements of human nature in combined and harmonious action. At such times he was eloquent in the highest sense, and his power over the Senate and over popular audiences was very great.

The inspiration of the occasion would overcome all reserve, and the great cause would seem to transform him into a superior being. While in the Senate he spoke repeatedly and with great power upon the evils of intemperance and in support of Sabbath observance, as well as upon education and kindred subjects, and I think it will be admitted that the influence he exerted in favor of these fundamental and everlasting human interests will constitute his chief, as they certainly will his undeniable, claim to the gratitude of posterity.

I well remember the unfailing support which the Senators from Georgia, the empire State of the South, always gave to the educa-

tion bill, and that Mr. Colquitt was very anxious for its success. Few men more than he comprehended the calamity involved in its failure. Senator Brown also, one of the great statesmen of our generation, has placed on record speeches and sentiments upon the same vast theme which in coming time, when the events of our day can be faithfully written and their relative importance seen in just perspective, will embalm his memory in the gratitude of the ages.

Senator Brown was the great plebeian whose native force carried him to the summit of attainment and power among his fellow-men in the hard attrition and competition of free institutions.

Senator Colquitt was the son of wealth and social position, the representative of that great patrician element which constituted the most remarkable aristocracy of history.

These men were the most perfectly connected and yet contrasted illustration that I have known in their harmonious and full-orbed action as Senators of their State of the extraordinary manner in which our system of theoretically free Government blends the activities and interests of every grade and class of men into one grand unity of action, of progress, and of elevation to all.

This power of reconciling the warring classes and conditions of men was the one thing lacking in the institutions of Greece and Rome, and those republics fell.

But who shall pretend to say whether Franklin, the plebeian, or Jefferson, the patrician, contributed the most to the foundation of American liberty? And it is because the principles which they promulgated and the institutions which embodied their teachings possess this power of drawing all men unto themselves that our Republic shall be everlasting.

I can never forget the last time I saw Senator Colquitt. It was not long before his death. Stricken and disabled, he was making his way on the little vehicle which was used to enable him to move about in the open air and between his residence and the Senate. He was then on his way to the scene of duty. We had not met for a considerable time, and then both were in full health and strength. But little was said, and the interview was not in words.

I encouraged him with all the hopeful suggestions that I could think of, and he smiled and talked bravely of the restoration to come. But neither deceived the other, and those great eyes blazing with a fixed and far-off penetration showed clearly that the light of another world was painting its realities upon his sensitive spirit. We knew that we had thought some thoughts and attempted some deeds together, and that an immortal sympathy was born of our association. But for this world we then knew that it was all over. He is the better off. Rest to his ashes! Everlasting bliss to his soul! Let us take up our burden and move on.

Mr. LAWSON. Mr. Speaker, I hope that some one more competent than myself to speak of the life and character of Senator Colquitt will seize this opportunity to do so. I never had the good fortune to enjoy an intimate and confidential acquaintanceship with him; we lived far apart, and our different lines of employment seldom brought us together. I was more intimately associated with him and had better opportunities to acquaint myself with his personal characteristics during the last months of his life than ever before. During those few months I daily met with him and his amiable and excellent family, who had come here to minister to the infirmities of his latter days.

But I, like every Georgian, could not fail to know of his public career as a soldier and statesman, and as a trusted and honored governor and Senator, strongly intrenched in the love and confidence of the people of Georgia, his native State.

Senator Colquitt was ushered into life upon an elevated plane. Few have been so fortunate in their birth as he. His father was a man of great distinction as an orator, lawyer, Senator of the United States, and last, but not least, as a minister of the gospel. In the traditions cherished by the old men of Georgia the fame of his father as a successful criminal lawyer and as a political debater on the hustings is not exceeded by that of any one of the great men who were his contemporaries. He is thought by many to have been the equal in many respects of Toombs, Stephens, Johnson, and Cobb, who subsequently attained to the zenith of their fame.

Senator Colquitt descended from such a father, and inheriting many of his personal traits, it is said, was also the recipient of a liberal education, having graduated from Princeton, N. J., a college which at that period stood in the front ranks of the institutions of learning and which yet preserves a high reputation. After his graduation he espoused the profession of law, and no one probably ever had spread out before him a future more fruitful of splendid achievements and honorable successes.

Judging from his industry, singleness of purpose, and consecration to duty, as manifested in his subsequent career, we may assume that he would have become an ornament to his profession had he submitted to its severe exactions and worshiped at the shrine of Justice instead of Mars. But the literature of Coke and Blackstone and the search for dull and musty precedents could

not enchain his ardent temperament and martial spirit when the music of drum and life summoned patriots to arms.

Laying aside his law books and foregoing the laurels to be won before courts and juries, he hurried to Mexico, where the honor of his country and the chivalry of its soldiery were to be sustained and illustrated on the field of battle. Bravely and gallantly performing his part on this arena and flushed with the victories that everywhere crowned the American arms, at the close of the war he returned to his native State, and instead of resuming his chosen profession preferred rather the peaceful though no less dignified occupation of a farmer.

Nothing recorded in ancient or modern history is comparable to the ease and luxury enjoyed by a Southern planter at that period. His happy condition elicited the envy of the world, an envy which many mistook for philanthropy. To be the proprietor of broad and fertile acres, cultivated by African slaves who never felt the severities of cold, hunger, and nakedness, as do many of the suffering poor of the present day, who gave themselves to the pleasures of to-day without bestowing a thought on the needs of to-morrow, who never suffered the lack of any substantial good, whose happiness and contentment were only surpassed by the bounteous hospitality that nourished them, and whose love and devotion to the master were only equaled by that of his children, was indeed a princely heritage.

Such was the happy fortune of Senator Colquitt in his early manhood and until the suffrages of a free and confiding constituency called him while yet a young man to represent them in the House of Representatives of the United States. And having honorably discharged the duties required in that station he, unlike the ambitious statesmen of the present day, declined to serve them longer, preferring the "quiet shades of a private life." Here in pastoral simplicity and in the felicity of domestic and social virtues he spent the passing years until a strenuous call to a higher duty bade him renounce the pleasures of home and fireside to enter upon an arena of more arduous effort.

When he, in common with all Georgians, became convinced that the Government of our fathers was about to be overthrown and the principles of liberty engulfed in the mad tide of fanaticism then raging, and unhappily not entirely yet subsided, he yielded to the manly instincts of his nature and urged upon his countrymen the propriety of a peaceable secession from those with whom they could not live in honorable equality and amity. The wisdom and rectitude of his conduct in this matter is left without further remark to the judgment of future generations and impartial history. His countrymen with one accord followed his advice, and when it was perceived that the great questions then at issue must be submitted to the arbitrament of arms he was among the first to enlist in a cause then supposed to be not only just, but in accord with every principle of liberty and of a righteous self-defense.

Entering the Confederate army as a captain he passed through all gradations successively until he reached the rank of a major-general, and in all gradations and at all times scrupulously performed all the duties of a soldier and a patriot. Of his military record it is unnecessary to speak more. Suffice it that he never shrank from the hardships of the camp nor shunned danger in the field, and that his skill in "plucking victory from defeat" was so conspicuously displayed on one occasion as to win for him the title of the "Hero of Olustee." His devotion never wavered until the Confederacy ceased to be numbered among the nations of the earth; its prodigies of achievement availed not its triumph, but won for it an epitaph of lofty sentiment.

No nation e'er rose so white and fair,  
Nor fell so pure of crime.

Returning after defeat, he resumed his occupation of farming. But its former pleasures and happiness had vanished. The prosperity that rested on the blossoming fields and plenteous harvests of the South had departed. The silent specters of ruin and desolation mocked the eye on every hand. Yet Senator Colquitt, with the same heroism that marked his military career, set about the rehabilitation of his desolated country. His countrymen recognizing his zeal in the promotion of agriculture and confiding in his wisdom and fidelity, called him to the presidency of their State Agricultural Society. His field of usefulness was thus widened; his wise counsels, deriving authority and dignity from his official position, were more potent, whereby a braver and more intelligent spirit was infused into the community of planters. New life and hope sprang up, and under the auspices of that society the agriculture of Georgia has been advanced until it will compare favorably with any State in the Union.

From the head of that society Senator Colquitt was elected to the chief magistracy of the State for two successive terms—the first term without opposition. In that great office, as everywhere, he held the confidence of the people. They believed him honest, they knew him loyal, and hence they trusted him. He did not disappoint them. Their interests were secure in his keeping. His administration of that great office was untarnished, and if he com-



mitted mistakes they were of the head and not of the heart. His purpose was always to do right.

At the close of his second term as governor he was elected to the Senate of the United States, and reelected at the expiration of his term. The people demanded his continual advancement in office, but no elevation of station ever raised him so high that he forgot them. It was in their service and during a session of the Congress that he suffered a stroke of paralysis that eventually removed him from the stage of action. But notwithstanding his disability and though suffering intensely physically, he stood at the post of duty with unwavering fealty until death carried him hence. He died with his armor on, and truly it may be said of him, as of the heavenly orbs—

The stars go down  
To rise on some fairer shore,  
And bright in heaven's jeweled crown  
They shine forevermore.

Mr. Speaker, the life of such a man is a benediction to mankind. Reared in affluence, occupying by inheritance the highest social position, and through a long life the favored child of fortune, yet he was simple and unaffected in his habits, courtly and gracious in his manners, stainless in private life, robust in manly virtues, adorned with the Christian graces, lofty in his aspirations, and responsive to every duty. These accomplishments constituted the ideal man.

It is true that he was a politician. He had a profound knowledge of the people and their modes of thought, the subtle motives that influence them and the agencies by which they are controlled. He saw from afar the coming changes in political sentiment and action and thus was enabled to guide where he could not control the political activities of the people. He felt a deep and earnest sympathy with the people and sincerely desired to promote every agency that would conduce to their advantage and improvement. In this he was perhaps as disinterested as the frailty of our nature will permit us to be.

He was also a partisan—a true and loyal Democrat. He had a supreme conviction in the rectitude of its principles and in the adaptation of those principles to every political exigency. He could not be neutral, nor was it possible to persuade him that any tenet in opposition to Democratic principles could be sound. He might tolerate, but could not sanction any principle of the opposition. For these reasons his party confided in and loved and honored him. No man could supplant him in their affections. To the last hour of his life they were as loyal to him as he was to them. The calamity that befell him overwhelmed them with grief, and for months prior to his demise they joyfully welcomed every rumor indicating the probable restoration of his health.

Senator Colquitt espoused and daily exemplified the sublime doctrines of the Christian religion. They were an anchor to his faith, both sure and steadfast. His profession was not put on for display; it was not a garment to be worn and laid aside at pleasure; it was the symbol of a deep and earnest conviction that had become ingrained and integrated with his character. He inculcated these doctrines from the rostrum and the pulpit, and illustrated them in his arduous efforts in aid and encouragement of every religious and educational movement.

In office Senator Colquitt "pursued the noiseless tenor of his way." He did not court notoriety nor shun responsibility, but was equal to the discharge of every duty. He may not have been the intellectual equal of some of his contemporaries, yet in sublime loyalty to duty, in undaunted moral and physical courage, and in full consecration to the interests of his people and country he had no superiors.

The memory of his beneficent deeds and noble achievements will be fondly cherished by the citizens of his native State, while his lofty character and enduring fame remain the heritage of mankind.

Mr. WHEELER of Alabama. Mr. Speaker, to enter into the special details of the life and services of the eminent Senator whose memory we are here to-day to commemorate should be left to those of his State who have had the honor and privilege of a lifelong association, and I shall only speak of him as he was known to the people of his neighboring States.

The distinguished Senator from Georgia, Alfred Holt Colquitt, was a great and a good man. In all the exigencies of life he adorned and graced every position he was called upon to occupy. He was eminently one of those men who did his full duty in every activity in which it pleased God to place him.

When the shadow of death passed over his form there ended a blameless career, a life consecrated to the cause of Christianity, to the good of the people of his State, and to the entire country. Whether bravely leading his soldiers to victory on the plains of Mexico or engaging in almost continuous battle as a major-general in the late war, he conducted himself with the most admirable and untiring fortitude. As governor of the State he loved so well, or representing his people in this Hall of Congress or in the

Senate Chamber of the United States, he was always the same, conscientious and devoted in the discharge of his every duty, and both by teaching and by example doing all in his power to fill the fullest measure of his calling.

As a general he successfully sought to inspire the brave men he led to the exercise of the highest type of courage, as a statesman he used the strongest efforts to add to the happiness and prosperity of his fellow-beings, and as a citizen he exerted the great influence he possessed to create a religious and moral sentiment among those who had the good fortune to enjoy his association.

General Colquitt possessed an abiding and unquestioning faith in the immortality of the soul taught by the Christian religion, and believed that a life spent in elevating the moral character and promoting the happiness and welfare of his fellow-beings would, in the world to come, realize the promises to the good and faithful servants of our Lord. To a man like this death could have no terrors, but would come as the beginning of eternal happiness. The grave could have no sting, but be the open door to a better, a perfect, and everlasting life.

His death is an irreparable loss to his devoted family, to his State, which loved and honored him, and to his entire country, which so sorely needs the services of such men as Alfred Holt Colquitt.

[Mr. TATE addressed the House. See Appendix.]

Mr. GROSVENOR. Mr. Speaker, it is a matter which has caused a great deal of comment in the North that the people of the South should have so persistently put forward for political preferment the men who fought against the Union in the great war of the rebellion. Common gratitude and common comradeship for the men who stood together in a great contest like that scarcely explains the steady persistence with which the people of the South have heaped honors almost exclusively upon the men of the South who fought in that great war on their side. Because, notwithstanding the general principles of comradeship to which I have referred, there intervenes always the ambition of men to hold high office and to occupy the positions of leadership, which overcomes the sentiment of gratitude, and leads to division, at least, of the honors and emoluments of public favor.

And yet, during all these years, now a period of a full average generation of men, we find the people of the South have made a record of unflinching loyalty to the men who fought for their cause, and have selected them for leadership in peace and to receive the honors of civil life.

But when you come to make something more than a cursory and imperfect examination of the record it transpires that there have been later events and more recent conditions which are more satisfactory in explaining the circumstances to which I have referred.

The men who in 1865, returning from the fruitless effort for Southern independence, laid hold upon the shattered fragments of material things in the South, and led in the first demonstrations of effort to retrieve the unfortunate past, are the men, after all, to whom the loyalty and love of the people of the South have been manifested. It is a fact that the men who gathered together these broken fragments and pushed forward on the line of rehabilitation were in large part the men who fought for the overthrow of the Union and the establishment of the Confederacy, for it is true and has been over and over again admitted, and never successfully denied, that in the great cotton States of the South there was but a vestige of loyalty to the Union when war was actually precipitated, and there was a great percentage of the men of that section who went with all the force of their abilities into the war of the rebellion. It was a popular demonstration. It may not have been the result of calm and deliberate judgment. It certainly was the outbreak of a fury of error. We have ceased to call the great rebellion a crime because it is not wise to promote and perpetuate sectional strife, and we join heartily, we of the North, in declaring that no more shall—

The war clouds sever;  
Nor the winding river be red,

and that we will from henceforth and forever, proud of our own loyalty to the Government, mindful of the men who stood on our side of the battle, yet waive all crimination and recrimination, and work together for the obliteration of the wounds of the past. Waiving nothing of our love for loyalty, yielding nothing of our denunciation for disloyalty in the abstract, we will nevertheless do what we can to obliterate all, excepting the lessons of the past. Those we must cherish.

But what a task lay before the people of the South! The men of the North returned to their homes amid the acclamations of millions who joined to do them honor for having stood by the Union; and the shouts of triumph, the cheers for victory, were the sweetest notes of their reception. And they found no desolation of homes. There were hearts broken; there were dismembered families and ruined firesides, the homes of parents and children, wives, mothers, and sweethearts; but there was a restored country and the triumph of loyalty, and the prosperity of material things.

How was it with the men of the South, conquered in battle? I can not discuss the why or the wherefore. I will not admit the

Southern claim that it was because of numbers, nor will I taunt the Southern man with the claim so often put up that it was our superior fighting qualities; nor will I yet in this presence and in this connection proclaim that it was solely and alone the judgment and wisdom of Almighty God arrayed on our side. I will not waive the honors due to my comrades for having earned the magnificent victory by ascribing it to the inevitable and overshadowing power of the Almighty. Driven to an expression upon that question I would insist that the valor of my countrymen, the integrity of my comrades, had something to do with the victory, however much Divine Providence may have willed our success. The great work was not alone due to either influence.

But the returning Union man found his roof-tree still over his head. He found the material prosperity of his section practically unimpaired, and in many instances enormously enhanced. He found the machinery of Government in full operation, and no uncertainty as to the future status of the citizen.

How was it with the Southern men? Thousands found their homesteads gone. Tens of thousands found themselves bankrupt and practically ruined. They found anarchy instead of government. They found desolation instead of prosperity. They found the civil government destroyed. They found uncertainty everywhere. A few of their leaders ran—fled from the country. They found a condition, to summarize, without further detail, such as was sufficient to overwhelm with despair the stoutest-hearted men. The men who had with unparalleled chivalry followed the leadership of others into the rebellion, stood demanding that the leaders who had precipitated the rebellion should devise some means of extrication from the conditions that surrounded them. Those of us who were in the South when the war had ended will join in saying that the wisest statesman, the most courageous citizen, would have been helpless to have attempted to devise a scheme of extrication that would have merited and received the approbation of any considerable number of the people. A proud-spirited people had first to make its suggestion in the light of its material overthrow upon the battlefield; and then it had to hear from the victorious other side as to what would be acceptable as terms of peace.

It may be said that the condition of war was one of awful responsibility and awful perplexity; but I say that the period of reconstruction was a period of greater perplexity and greater uncertainty to the honest men of both sides than was the condition of war. In war time we knew what we were to do. We were to march, and bivouac, and fight. In reconstruction times the wisest did not know what to do. No rule of law hitherto decided applied to the questions of that hour or had wise application to the conditions surrounding us.

Had we been dealing with our enemies there would have been no trouble. The laws of war fixed the conditions. The conditions should be the will of the victor—the vanquished not to be consulted. But they were not our enemies; they were our brethren. Our future was bound up in their future. If we were to prosper in the future they must prosper in the future; if they were to be crushed in the future we were to suffer for that. I maintain that the great wisdom shown by the dominant party in this country in the treatment of these great questions is to-day, looking back on it in the light of all its imperfections, yet an exhibition of profound statesmanship.

But what of the men of the South? They were driven to rebuild their destroyed homes, and to them was assigned the task of reconstructing State governments. Theirs to bring back into the symmetry of governmental organization the fragments that they found around them. The leaders were to inspire hope, confidence, and patriotism in the minds of the overthrown. They were to teach the men who returned from the battlefields that despair was not the attitude commensurate with American character. They were to rally the great body of the people of the South to bring forth out of the ashes around them, phoenix-like, if possible, a new South and a new American form of government. How well they have done this, time will tell.

There is one thing that they have done that we know now: they have organized the Southern section of the United States to be loyal and true to the American flag—loyal and faithful to the Constitution of the Union. Ready and willing, now and always, to protect and defend and vindicate the American flag. That they have accomplished this with the surrounding conditions is a testimonial to the character of the men who did it that my words can not improve upon.

Little wonder, then, it is, that the people of the South idolize, not alone nor especially the men who led them in battle, but they idolize and worship the men who, out of the fire of battle, out of the smoke and carnage of war, came forth to gather up and lead the people of the South along the pathway they have traveled; and looking about them now upon the peaceful homes of the South, the exaltation of law and order and good government, the obliteration of that blighting curse of slavery, the restitution of the law of the land, the erection of splendid educational institutions, the building up of industries, the growth of national pride and national loyalty, is it any wonder that the men of the South turn to the men who led them through this Red Sea of trouble out into the Promised Land of happiness and prosperity?

Alfred Holt Colquitt was one of these leaders. He had taken an active and brilliant share in the war for the overthrow of the Union. Misled as he was, his conduct upon the field of battle, in common with the brave men of his section, will ever be a monument to the success of the armies of the people of the North. When we applaud our own courage, our own chivalry, our own success, in the light of Gettysburg, and Chickamauga, and Vicksburg, and Shiloh, and Peach Tree Creek, and Fort Fisher, we eulogize the courage, the chivalry, and the devotion of our enemies.

Colquitt was a citizen soldier, but he believed in war as an arbitrator. He fought in the Mexican war, and shed luster upon the escutcheon of his native State. He fought in the war of the rebellion, and sacrificed wealth, ease, and everything upon the altar of a mistaken loyalty to the South. He was one of the first to recognize surrounding conditions; and however heroic he may have been at Olustee, however gallant upon the battlefields of Mexico, his gallantry in those actions counts for little to me as compared with the heroic efforts he made to restore good government to his State after the war. He was one of the gallant leaders of that return to good sense, good government, and prosperity. He was one of the men who took hold of the burning brands and extinguished the flames. He was one of the men who rallied the insurgents from lethargy, from despair, from vindictiveness, and gathered them into organized bands of citizens returning to loyalty; doing the work of loyalists; laying their hands upon the structure they had sought to tear down to build it up; bringing the stones they had taken out of the temple, and replacing them therein; coming back with the flag they had sought to dishonor—bringing it back as the flag of their country. I accord to the dead Senator my meed of praise, and I wonder not that in the politics of his own great Empire State of the South he was more invincible than the greatest leader of the rebellion was invincible on the battlefield.

Men of the United States—my countrymen—over the bier of this dead statesman, this heroic insurgent in the hour of rebellion, I stand to accord to his memory a word, a tribute of honest congratulation. In the South his memory will be ever endeared by all the phases of his life and all the epochs of his career; and in the North, drawing the veil of oblivion upon the one epoch, his fame as an American citizen will be ever cherished as a part of the history of the American people.

Mr. Speaker, I join with the gallant sons of Georgia in dropping a tear of love and affection upon the new-made grave of Alfred Holt Colquitt.

[Mr. MADDOX addressed the House. See Appendix.]

Mr. LESTER. Mr. Speaker, we come at this hour to speak a word for our dead. No praise or censure can affect him in memory of whom we lift our voices to-day. The lesson of his life, like the lesson of the lives of all men, is for the living. Merely to have lived and to have died, to have moved through the short span of life, teaches nothing except that fact imprinted on the face of nature to be seen of all men that there is a life and a death. But good deeds and a life that exemplifies the virtuous qualities implanted by the Author of all good in the human mind make that valuable tribute to humanity that gives a life its value to the world, and gives good title to fame and immortality to which men aspire.

Born in the State of Georgia on the 20th of April, 1844, Alfred H. Colquitt, after a lifetime spent upon her soil and in her service, died and was buried among his own people in April, 1894.

The environments of his birth and the circumstances of his childhood were such that he could and did imbibe those social and humanitarian qualities which adorn the neighbor and good citizen and contribute as well to the formation of personal and independent manhood. This character was his by inheritance and education.

In early manhood we find him where his country called him, a soldier fighting with patriotic fervor on the plains of Mexico, and while still young serving his State and country in the Halls of Congress.

With his State and his people in soul and sentiment in the great struggle in the war of secession, with much to lose and nothing to gain save to serve the right as he saw it, he met the issue with fortitude and courage, regarding wealth and life only proper sacrifices to his cause. First in the conflict and the last to leave it, as a soldier and as commander of soldiers his record was brilliant and without a blemish. The hard-fought fields of Virginia and the historic battle of Olustee are monuments of his well-earned fame.

Laying aside the implements of war, with nothing saved but honor, the citizen soldier resumes his civic duties with a perfect adjustment to the conditions.

His people called him to their service, and as chief magistrate of his State he served his State for a number of years, and was then delegated a Senator of the United States, where he ended his earthly career on the 6th of April, 1894.

He served his people. They honored him living and mourn him dead. In the pantheon devoted to illustrious memories we place his name.



Mr. HARRISON. Mr. Speaker, while my physical condition seems to forbid that I should to-day undertake to make any remarks on any subject, such was my admiration for the great Senator from Georgia that I feel impelled to say at least a few words of one who lived so well and died so nobly.

Born and raised in Georgia, I learned in my boyhood days to honor the name of Colquitt. The name of Walter T. Colquitt I remember as a "household word." But Alfred H. Colquitt it was my privilege to know well. I knew him best as a soldier. During the siege at Charleston, S. C., I was temporarily under his command. On James Island and at Battery Wagner I have seen him when over 800 of the heaviest guns known to the United States Army and Navy were scattering their deadly missiles over the heads of the Confederate forces. Often have I seen his person covered by the smoke and dust of exploding shells; and always when the sea breezes would drive the smoke away, Gen. Alfred H. Colquitt could be seen at his post of duty where the firing was heaviest, exhibiting to his devoted soldiers the fact that he asked of them the performance of no duty in which he himself did not personally and conspicuously engage. At the battle of Olustee, in Florida, which the distinguished Senator from Connecticut, General HAWLEY, says, in his speech in the Senate on the 8th of January last, "was the bloodiest battle in which he participated during the war," it was my privilege to command a brigade of Georgians, which, together with Colquitt's brigade and a few detached regiments and batteries, constituted the Confederate forces engaged in that battle. It was in February, 1864, in the open pine woods of Florida that I saw General Colquitt form his brigade and at its head move into action; and for six long hours, seated upon his "old gray," did he, with face to the foe, command and direct the movements which resulted in a glorious victory to the Confederate arms.

During those "times which tried men's souls" I was much with General Colquitt, in camp as well as on the field. I then and there learned not only to admire and honor his gallantry as a soldier, but to love and esteem his beautiful Christian character and his devoted and lofty patriotism. A man of strong convictions, he had the courage to carry them into execution. A constant follower of his great Redeemer, he so interwove the beautiful Christian graces into his character as to render gentle the heart of a soldier and to keep the statesman always a suppliant for Divine guidance and assistance.

Truly a great man has fallen; and Alabama, Georgia's eldest daughter, joins her mother in placing a sprig of acacia on his grave, and would urge the young men of our country to emulate his noble example.

Mr. LIVINGSTON. Mr. Speaker, it is to me a pleasing duty to join with my colleagues on this floor in paying this last tribute to Senator Alfred H. Colquitt, a noble man, with a noble ancestry. I became intimately acquainted with Senator Colquitt soon after the close of the late war between the States, when Georgia was devastated, when poverty and disorder ruled throughout our section of the country. It was then I began to admire him and love him. He was a Georgian in every sense of the word; yet his heart was warm enough and his mind broad enough to take in all classes and all sections of this great country.

He was born, Mr. Speaker, in the county adjoining that in which I was born. He lived the greater part of his official life in the Congressional district that I have the honor to represent. I was with him in every political campaign in which he was ever interested after the war. I was with him and for him in each and every one. I knew him, Mr. Speaker, in his private life—at his home, with his family, and with his friends. I knew him in the political caucus. I knew him on the hustings before the people. I knew him in his official life as governor of the State. I knew him before he was governor of Georgia when he undertook to gather together and lift up, with the help of others, the remnants that were left in that downtrodden section of the country—the South, especially his own State, and undertook after the issues of the war were past to revive and restore the prosperity and happiness of that people.

Senator Colquitt, as has been well said, was one of the most remarkable politicians that this country ever produced—astute, far-seeing, and far-reaching in his comprehension of political events and their relation to the people and their effect upon the public. Never, perhaps, in his life was he defeated on a political issue when he was directly interested or when he directly controlled it. He was a partisan, as his father as well as his grandfather was before him—strictly a partisan; yet one thing could be said of him in his political relation with parties, that to perhaps the fullest possible extent he was pure in his politics. He was fair and considerate, honorable and just in his political measures and affiliations.

Mr. Speaker, he was very much endeared to the masses of the people of Georgia. No man has lived or died in that State who

was nearer to the great heart of the people of that Commonwealth than Alfred H. Colquitt. He was kind, he was liberal, he was sympathetic, he was obliging. His very nature warmed up to the demands of the common people. Every sympathy of his heart went out to the suffering, the poor, and the struggling masses of his State. While he was president of the State Agricultural Society I was intimately associated with him, being an officer under him. And it was remarkable, Mr. Speaker, to see the interest he took in the development of the great agricultural interest of the South. It is remarkable how he could comprehend the details that entered into the reviving of that interest in Georgia. It was remarkable to see the personal sacrifices that he made in endeavoring to build up that section and put it once more upon a plane of prosperity and advancement.

As a citizen, Mr. Speaker, everybody respected him; and none but those who were jealous of his power and his greatness dared to criticize him.

His official life has been referred to by some of my colleagues. Everybody in Georgia and everybody in the broad Union, after he became a United States Senator, knew where to find Alfred H. Colquitt on any question that presented itself to his mind for a conclusion. And never once—I am proud to say it—either in State action or in his action at the other end of this Capitol did he desert what he believed to be the true interests of the masses of this country. He was with the people and against the classes. He was for the people first, last, and all the time.

As a Christian gentleman he exercised a wonderful influence in my State and, indeed, in this entire country—indeed, sir, his name in that relation extended all over this world of ours. He is known to-day in China and Japan; he is revered and respected in England and Germany and France for the interest that he took in moral and religious reformations and enterprises. He was a man, Mr. Speaker, whom to know was to love. In his most intimate and private relations—and that is where we can best judge of the true man—he was always ready to do the right thing and to battle against what he believed to be wrong.

He lived for those that loved him,  
For those that knew him true,  
For heaven bright above him,  
And for the good he could do.

For the cause that needed assistance,  
For the wrongs that lacked resistance,  
For the future in the distance,  
And for the good he could do.

Mr. TURNER of Georgia. I desire to ask, Mr. Speaker, that all gentlemen who have not spoken and who may desire to submit remarks upon the life and character of Senator Colquitt may be permitted to print such remarks in the RECORD.

There was no objection.

The SPEAKER (at 3 o'clock and 10 minutes p. m.). In accordance with the terms of the resolutions heretofore adopted, and as a further mark of respect to the memory of the deceased, the Chair now declares the House adjourned until Monday next at 12 o'clock.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the following bills, and the same were referred to the Committee on Pensions, to wit:

A bill (H. R. 8819) granting an increase of pension to Caroline B. Bradford;

A bill (S. 1725) for the relief of Phebe Norwood; and

A bill (S. 2148) granting a pension to Elizabeth A. Granger.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. MOSES, from the Committee on Pensions, reported the bill (H. R. 8825) to pension Mrs. Sarah M. Brady; which, with the accompanying report (No. 1845), was ordered to be printed, and referred to the Committee of the Whole House.

#### PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HEARD: A bill (H. R. 8893) to amend an act entitled "An act to provide for the opening of alleys in the District of Columbia," approved July 23, 1892—to the Committee on the District of Columbia.

By Mr. JOSEPH: A bill (H. R. 8899) approving an act entitled "An act to provide an addition to the insane asylum of New Mexico, and for other purposes"—to the Committee on the Territories.

By Mr. TARSNEY: A bill (H. R. 8900) to amend section 9 of an act entitled "An act to authorize the Kansas City, Pittsburg and Gulf Railroad Company to construct and operate a railroad, telegraph, and telephone line through the Indian Territory, and for other purposes"—to the Committee on Indian Affairs.

By Mr. CAMINETTI: A resolution calling upon the Secretary of the Treasury, the Attorney-General, and the Commissioner of Railroads for certain information concerning the bond-aided railroads—to the Committee on the Pacific Railroads.

Also, a concurrent resolution requesting the Secretary of the Interior to suspend action on all selections filed by land-grant railroad companies for land situated in the State of California—to the Committee on the Public Lands.

By Mr. CURTIS of Kansas: A concurrent resolution of the Kansas legislature, asking that the pension laws be extended to the members of the Eighteenth and Nineteenth Kansas Volunteer Cavalry, and to their widows and orphans—to the Committee on Invalid Pensions.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BROOKSHIRE: A bill (H. R. 8894) to correct the military record of John W. Canary—to the Committee on Military Affairs.

By Mr. BYNUM: A bill (H. R. 8895) appropriating \$3,792.23 in payment of the claim of A. Brewer, of Indianapolis, for constructing sewer adjacent to the lands of the United States in city of Indianapolis, Ind.—to the Committee on Claims.

Also, a bill (H. R. 8896) appropriating money for the payment of the claim of the Western Paving and Supply Company for paving with asphalt streets adjacent to United States court-house and post-office building in the city of Indianapolis, Ind.—to the Committee on Claims.

By Mr. LOUDENSLAGER: A bill (H. R. 8897) granting a pension to Nancy G. Allabach—to the Committee on Invalid Pensions.

By Mr. PAGE: A bill (H. R. 8898) granting a pension to Ellen Dowdell, of Warren, R. I.—to the Committee on Invalid Pensions.

By Mr. BLACK (by request): A bill (H. R. 8901) for the relief of Maj. John G. Butler—to the Committee on Claims.

By Mr. STRAIT: A bill (H. R. 8902) for the relief of James G. Love, of Union County, S. C.—to the Committee on War Claims.

By Mr. WOLVERTON: A bill (H. R. 8903) to increase the pension of Clara L. Nichols, widow of Bvt. Maj. Gen. W. A. Nichols, of the United States Army, from \$30 per month to \$50 per month—to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS of Pennsylvania: Petition for the passage of House resolution of January 19, 1895 (Mr. COOMBS'S), for the ratification of a permanent treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. DALZELL: Petition of 106 citizens of the Sixth ward, Pittsburg, Pa., in favor of a constitutional amendment to the effect that "no State shall grant the right of franchise to any person not a citizen of the United States"—to the Committee on the Judiciary.

By Mr. HALL of Minnesota: Resolution by the Board of Trade of the city of Mankato, Minn., favoring the issue of bonds now to be made—to the Committee on Ways and Means.

By Mr. HITT: Resolutions adopted by the Winnebago County Farmers' Institute at the annual meeting, February 1, 1895, at Rockford, Ill., against the pooling bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LACEY: Petition of many citizens of Ottumwa, Iowa, in favor of House bill granting an increase of pension to Gilman Williams—to the Committee on Invalid Pensions.

By Mr. MARION: Petition of Felix Pfäum and other citizens of Port Jervis, N. Y., to prohibit by constitutional enactment aid to sectarian organizations—to the Committee on the Judiciary.

Also, petition of Felix Pfäum and other citizens of Port Jervis, N. Y., to prohibit any State granting the elective franchise to any person other than a citizen of the United States—to the Committee on the Judiciary.

By Mr. OUTHWAITE: Petition praying for time for consideration of House bill 56—to the Committee on Rules.

By Mr. WASHINGTON: Papers to accompany the claim of James J. Wylie, of Humphreys County, Tenn.—to the Committee on War Claims.

By Mr. WOLVERTON: Petition of 85 citizens of Shamokin, Pa., in favor of the sixteenth and seventeenth amendments to the Constitution of the United States—to the Committee on the Judiciary.

#### SENATE.

MONDAY, February 18, 1895.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. BERRY, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with.

#### EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting for the favorable consideration of Congress a request of the chief of division of mail and files, United States Treasury, that additional appropriations be made for the clerical force of that division; which, on motion of Mr. GORMAN, was, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 15th instant, a list of all judgments which have been rendered against the United States by the Court of Claims in Indian depredation cases since the adjournment of the first session of the present Congress against which no motions for new trial have been filed or appeals taken; which, with the accompanying papers, was referred to the Committee on Indian Depredations, and ordered to be printed.

#### HOUSE BILLS REFERRED.

The bill (H. R. 840) to correct the muster of Lieut. Gilman L. Johnson was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 8811) granting a pension to James Jones was read twice by its title, and referred to the Committee on Pensions.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. JAMES KERR, its Clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. Res. 200) authorizing the Secretary of War to deliver condemned cannon to Asher Gaylord Post, Grand Army of the Republic, of Plymouth, Pa., and to Eckley B. Coxe Post, Grand Army of the Republic, of Freeland, Pa.

The message also announced that the House had passed the following bills with amendments; in which it requested the concurrence of the Senate:

A bill (S. 1969) granting a pension to Harrison C. Hobart, brevet brigadier-general of volunteers; and

A bill (S. 2599) granting a pension to Caroline E. Wessels.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 575) granting a pension to Charity Ann Smith;

A bill (H. R. 2118) to pension John B. Leach;

A bill (H. R. 5565) granting a pension to Joseph R. Brooks, father by adoption of Henry M. Brooks;

A bill (H. R. 6646) to pension Albert Munson;

A bill (H. R. 6901) to increase the pension of Maj. Gen. Julius H. Stahl;

A bill (H. R. 6928) to remove the charge of desertion from the military record of Wear Crawford;

A bill (H. R. 7177) for the relief of Brayilla C. Hudson;

A bill (H. R. 8099) to increase the pension of Alexander Williamson;

A bill (H. R. 8459) to amend an act entitled "An act to authorize the Biloxi and Back Bay Bridge Company to construct and maintain a bridge over that portion of the Bay of Biloxi in the State of Mississippi, known as Back Bay; and

A bill (H. R. 8715) to place Warren C. Beach on the retired list of the Army.

The message also communicated to the Senate the resolutions of the House of Representatives commemorative of the life and services of the Hon. Alfred H. Colquitt, late a Senator from the State of Georgia.

#### PETITIONS AND MEMORIALS.

Mr. WHITE. Mr. President, I present, with a word of explanation, a memorial signed by 20,000 residents and taxpayers of southern California, nearly all of whom reside in Los Angeles County, requesting early and favorable action with reference to the construction of a breakwater at San Pedro, Cal., and the establishment of a deep-water harbor at that point.

Owing to commercial demands not only of a local, but likewise of a national character, the officers of this Government having such matters specially in charge, as well as both Houses of Congress, authorized an examination under the provisions of the river and harbor act of September 19, 1890, of the Pacific coast between Points Duma and Capistrano. The result of such examination is contained in House Executive Document No. 39, Fifty-second Congress, first session, the same being a report made by Colonel Mendell, Colonel Gillespie, and Colonel Benyard, of the Corps



of Engineers. These gentlemen reported in favor of the construction of a harbor at San Pedro. Afterwards parties interested in the Santa Monica and other locations, being dissatisfied with the Mendell report, procured the insertion in the river and harbor bill approved July 13, 1892, of a provision directing the Secretary of War to appoint a suitable board of engineers to make a careful and critical examination for a proposed deep-water harbor at San Pedro or Santa Monica bays, and to report as to which is the more eligible location for such harbor, etc.

The board appointed pursuant to this statute consisted of Colonels Craighill, Robert, and Haines and Majors Raymond and Handbury, all of the Corps of Engineers, United States Army. These gentlemen, concurring with the previous board, unanimously selected San Pedro as the proper point for the proposed expenditure. (See House Executive Document No. 41, Fifty-second Congress, second session.)

Nevertheless it has been found impossible to reach a conclusion as to the location either in the Rivers and Harbors Committee of the House or the Commerce Committee of the Senate. We authorized the Commerce Committee at the last session to visit the points involved and inspect the same, but circumstances prevented the trip. There has been no doubt from any source as to the desirability and necessity of this harbor construction, the sole question being as to the location. My colleague agrees with me that the harbor should be located at San Pedro. The member of Congress now representing that district [Mr. CANNON of California] is of the same opinion, and such also is the expressed view of the member-elect, Mr. McLachlan. The Chamber of Commerce of Los Angeles, a large and representative body, has reached the same conclusion. Much feeling has been developed in California because of the failure of Congress to act upon this subject, and this memorial is offered for the purpose of demonstrating that those who live in the immediate neighborhood and are cognizant of all surrounding details concur with the unvarying judgment of the army engineers. Local sentiment is overwhelming in this direction.

I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. ALLEN presented a petition of sundry citizens of Covington County, Ala., praying for the appointment of a committee to investigate the alleged frauds said to have been perpetrated in the election in that State August 6, 1894; which was referred to the Committee on Privileges and Elections.

Mr. PASCO presented a petition of the Board of Trade of Jacksonville, Fla., praying for the enactment of legislation providing for the reorganization of the diplomatic and consular service; which was referred to the Committee on Foreign Relations.

Mr. QUAY presented petitions of 46 citizens of Pittsburg, of 140 citizens of Tacony, of 50 citizens of New Wilmington, of 75 citizens of Bellwood, of 60 citizens of Scranton, of 66 citizens of West Hanover, of 175 citizens of West Philadelphia, of 200 citizens of Philadelphia, of 75 citizens of Warminster, of 51 citizens of Duncannon, and of 41 citizens of Murrysville, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

He also presented petitions of 50 citizens of Mount Jackson, of 50 citizens of New Wilmington, of 140 citizens of Tacony, of 46 citizens of Pittsburg, of 66 citizens of West Hanover, of 175 citizens of West Philadelphia, of 75 citizens of Warminster, of 241 citizens of Myerstown, of 41 citizens of Murrysville, of 51 citizens of Duncannon, of 650 citizens of Pittsburg, and of 150 citizens of Altoona, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of money for sectarian institutions; which were referred to the Committee on the Judiciary.

Mr. VEST presented the petition of Le Grand Byington, of Iowa City, Iowa, praying for a retrenchment in public expenditures, for a repeal of the national banking act, and for a prohibition of interest-bond issues by the Treasury Department; which was referred to the Committee on Finance.

He also presented resolutions of the house of representatives of the thirty-eighth general assembly of the State of Missouri, favoring the enactment of legislation to foreclose the Government's mortgage on the Union Pacific Railroad; which were referred to the Committee on Pacific Railroads.

He also presented petitions of sundry citizens of St. Louis, Kansas City, and Cornelia, all in the State of Missouri, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

He also presented a memorial of Good Citizenship Union, of Osceola, Mo., remonstrating against the issuance of gold bonds, and praying for the continuation of the national banks as banks of circulation; which was referred to the Committee on Finance.

He also presented a petition of 78 citizens of Kansas City, Mo., praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented concurrent resolutions of the legislature of the State of New Hampshire; which were read, and referred to the Committee on Foreign Relations, as follows:

STATE OF NEW HAMPSHIRE, HOUSE OF REPRESENTATIVES,  
Concord, N. H., February 6, 1895.

DEAR SIR: The New Hampshire senate and house of representatives have passed the following concurrent resolutions, which I have the honor to transmit herewith:

"Whereas in view of existing facts in the recent history and present condition of the Government of the Hawaiian Islands; in view of the large number of residents thereof of American birth or descent, and the intimate and long-standing commercial relations existing between the two countries; in view of the desire of the Hawaiian people themselves for the protection of and union with the American Republic; and especially in view of the universal sympathy of the American people with every movement in the direction of self-government: Therefore,

"Resolved by the house of representatives (the senate concurring). That the people of New Hampshire, in common with all American citizens of every political faith, are unalterably opposed to the encroachments of any other Government in Hawaii, or the supremacy of any foreign power therein; and we favor the enlargement of our national domain by the acquisition of those islands.

"Also resolved, That the representatives of New Hampshire in the National Congress be, and they are hereby, requested to favor the annexation of the Hawaiian Islands whenever it appears that it can be prudently accomplished, with due regard to the laws of the nations and the rights and welfare of both peoples."

Very respectfully,

WILLIAM TUTHERLY,  
Clerk of the House.

Hon. JACOB H. GALLINGER,  
Washington, D. C.

Mr. MITCHELL of Oregon. I present a memorial of the legislature of the State of Oregon, which has been wired me, and which I ask may be read. It is very brief.

The memorial was read, as follows:

SALEM, Ore.

JOHN H. MITCHELL,  
United States Senate, Washington, D. C.:

For the Oregon delegation in Congress: House joint memorial No. 9.  
To the honorable Senate and House of Representatives

of the United States of America in Congress assembled:

We, your memorialists, ask that the annual labor required on mining claims be suspended for this year and that mineral lands within railroad grants in Oregon be preserved for the public, and hope that immediate legislation will be had to these ends.

Adopted by the house February 16, 1895.

Adopted by the senate February 16, 1895.

H. B. KINCAID, Secretary of State.

Mr. MITCHELL of Oregon. I move that the memorial be printed as a document, and referred to the Committee on Public Lands.

The motion was agreed to.

Mr. GEORGE presented the petition of Mrs. Julia A. Nutt, widow and executrix of Haller Nutt, deceased, late of Natchez, Miss., praying for the reference of her claim to the Court of Claims under the Bowman Act; which was referred to the Committee on Claims.

#### REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (S. 2509) to extend the time within which suits by the United States to vacate and annul patents erroneously issued for public lands of the United States under grants by Congress to aid in certain works of public improvement may be brought, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2388) for the relief of Fred Kormann, reported it without amendment.

He also, from the same committee, to whom was referred the amendment submitted by Mr. McMILLAN on the 13th instant, intended to be proposed to the sundry civil appropriation bill, reported it with an amendment and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. PASCO, from the Committee on Public Lands, to whom was referred the bill (S. 2728) to provide for the sale of lands of the United States chiefly valuable for building stone, limestone, marble, slate, and lands containing gypsum, mica, asphaltum, borax, fire clay, kaolin, petroleum, salt, chalk, and other like mineral substances, reported it with amendments.

Mr. MARTIN, from the Committee on Public Lands, to whom was referred the bill (H. R. 4244) to confirm cash entries of offered lands, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred an amendment submitted by himself on the 1st instant, intended to be proposed to the sundry civil appropriation bill, reported it with amendments, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. CAFFERY, from the Committee on Claims, to whom was referred the bill (S. 876) for the relief of A. M. Shannon & Co., submitted an adverse report thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 5063) to grant the Gainesville, McAlester and St. Louis Railway Company the right to build two branch lines, and to grant the right of way therefor through the Indian Territory, and for other purposes, reported it with amendments.

Mr. COCKRELL, from the Committee on Appropriations, to whom was referred the bill (H. R. 8518) making appropriations for the sundry civil expenses of the Government for the year ending June 30, 1896, and for other purposes, reported it with amendments, and submitted a report thereon.

#### REPORT ON BUSINESS IN EXECUTIVE DEPARTMENTS.

Mr. COCKRELL, from the Joint Commission of Congress to Inquire into the Status of Laws Organizing the Executive Departments, to whom the subject was referred, submitted a report on the condition of business in the Departments of the Government at Washington, D. C.; which was ordered to be printed.

#### RAILROAD LANDS IN CALIFORNIA.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the following concurrent resolution, submitted by Mr. WHITE on the 16th instant, reported it without amendment:

*Resolved by the Senate (the House of Representatives concurring). That the Secretary of the Interior be requested to suspend action on all selections filed by land-grant railroad companies for lands situated in the State of California until the 1st day of January, 1896, unless legislation providing for the examination and classification of mineral lands within the limits of such selections shall be enacted previous to said date.*

The VICE-PRESIDENT. The concurrent resolution will be placed on the Calendar.

#### BILLS INTRODUCED.

Mr. PERKINS introduced a bill (S. 2775) to incorporate the International Pacific Cable Company; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. FRYE introduced a bill (S. 2776) for the erection of a public building at Biddeford, Me.; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. BUTLER (by request) introduced a bill (S. 2777) to provide for licensing employees on certain railways within the United States; which was read twice by its title, and referred to the Committee on Railroads.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. KYLE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. KYLE, subsequently, from the Committee on Irrigation and Reclamation of Arid Lands, to whom was referred the above amendment, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. QUAY submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BUTLER submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### HARRISON C. HOBART.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1969) granting a pension to Harrison C. Hobart, brevet brigadier-general of volunteers; which was, in line 6, before the word "dollars," to strike out "fifty" and insert "thirty."

Mr. MITCHELL of Wisconsin. I move that the Senate non-concur in the amendment of the House of Representatives, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. VILAS, Mr. PALMER, and Mr. GALLINGER were appointed.

#### CAROLINE E. WESSELLS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2599) granting a pension to Caroline E. Wessells, which were, on page 1, line 7, before the word "dollars," to strike out "fifty" and insert "thirty;" and to amend the title by striking out the name "Wessells" and inserting "Wessells."

Mr. GALLINGER. I move that the Senate concur in the

amendments made by the House of Representatives.

The motion was agreed to.

#### HOUSE BILLS REFERRED.

The bill (H. R. 8459) to amend an act entitled "An act to authorize the Biloxi and Back Bay Bridge Company to construct and maintain a bridge over that portion of the Bay of Biloxi, in the State of Mississippi, known as Back Bay, was read twice by its title, and referred to the Committee on Commerce.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 6928) to remove the charge of desertion from the military record of Wear Crawford;

A bill (H. R. 7177) for the relief of Brayilla C. Hudson; and

A bill (H. R. 8715) to place Warren C. Beach on the retired list of the Army.

The following bills were severally read twice by their titles; and referred to the Committee on Pensions:

A bill (H. R. 575) granting a pension to Charity Ann Smith;

A bill (H. R. 2118) to pension John B. Leach;

A bill (H. R. 5565) granting a pension to Joseph R. Brooks, father by adoption of Henry M. Brooks;

A bill (H. R. 6646) to pension Albert Munson;

A bill (H. R. 6901) to increase the pension of Maj. Gen. Julius H. Stahel; and

A bill (H. R. 8099) to increase the pension of Alexander Williamson.

Mr. HARRIS. I ask that the bill (H. R. 6816) to amend the charter of the District of Columbia Suburban Railway Company be taken from the table and referred to the Committee on the District of Columbia.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 15th instant approved and signed the following act and joint resolution:

An act (S. 2433) to amend and extend the provisions of an act entitled "An act to provide for the opening of certain abandoned military reservations, and for other purposes," approved August 23, 1894; and

A joint resolution (S. R. 125) to restore the status of the Missouri militia who served during the late war.

The message also announced that the President of the United States had on this day approved and signed the act (S. 2697) granting to the Gila Valley, Globe and Northern Railway Company a right of way through the San Carlos Indian Reservation in the Territory of Arizona.

#### BILL BECOME A LAW.

The message further announced that the bill (S. 1229) to correct the military record of George Whittaker, late a private of Company C, Twelfth New Jersey Volunteers, having been presented to the President on the 5th of February, 1895, and not having been returned by him to the House of Congress in which it originated within the ten days prescribed by the Constitution, it has become a law without his approval.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. JAMES KERR, its Clerk, announced that the House had passed a bill (H. R. 8264) granting a pension to Saloma Mangold; in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 2589) granting cannon to the Historical Museum at Des Moines, Iowa;

A bill (H. R. 4952) to amend section 2455 of the Revised Statutes of the United States; and

A joint resolution (H. Res. 252) relative to the British Guiana-Venezuela boundary dispute.

#### BIMETALLISM AND GOLD BONDS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Nevada [Mr. STEWART], coming over from a previous day.

The resolution submitted by Mr. STEWART on the 16th instant was read, as follows:

*Resolved*, That gold and silver bullion brought to the mint for coinage ought to be coined by the proper officers for the benefit of the depositor without discrimination against either metal, and that it is the duty of the United States to pay the public debt according to the contract.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. STEWART. I should like to make a single suggestion about the resolution. As I have stated often here, the gold of the world is pooled.



Mr. ALLEN. Will the Senator from Nevada yield to me a moment?

Mr. STEWART. No; I wish to make merely a suggestion. I will get through in a moment.

Mr. ALLEN. If the Senator please, there is some important business pending that I think ought to be transacted this morning.

Mr. STEWART. I do not propose to occupy time. If the Senator had not interrupted me I would possibly have been through.

Mr. ALLEN. I hope the Senator will let the resolution pass over without losing its place.

Mr. STEWART. No; I wish to make a single remark. I say we have charged repeatedly that the gold of the world is pooled. In reading over the contract recently made by the Secretary of the Treasury with the syndicate of foreign bankers I find that a part of the consideration is that they will not use their power to coerce or squeeze the Government until next October if they can have the advantages of the contract; and this is the consideration for the large bonus they have secured in the contract. This is the consideration for obtaining bonds for a premium of four and a fraction, when under the market price on the day the contract was made that class of bonds would be worth nineteen and a little over at the same rate of interest. This is paying a premium of 15 per cent for gold. This is the way the President maintains the parity of the two metals.

It seems to me that it ought now to be apparent to everybody that the gold is pooled. If they have the power to prevent the export of gold, to control the gold for nine months and not make another squeeze during that time, it shows that we are entirely in their power, and it puts the United States in the most humiliating position of acknowledging that a gold combination have it by the throat, and that it must comply with their demands, however disastrous. The United States secures only a temporary peace until next October by paying the vast bonus. This demand comes in the language of the highwayman. What do the gold kings demand next October?

If they have that power over the country, the country ought to know it.

In view of that fact it shows how absurd it is for the people of the United States to depend upon this syndicate, this combination, for their circulating medium. If we continue to acknowledge that power as superior to the Government, as this contract does, it shows that this is a Government of a gold oligarchy and not a Government of the people. The idea that this great Government should be bound to pay millions to buy its peace for nine months, to make a humiliating contract, to submit to conditions that are perfectly ruinous!

I hope Senators will read the contract and see at what sacrifice the Government is made to buy its peace from its rulers, the gold kings, until next October. I hope the resolution will be read again at length.

Mr. GRAY. Let the resolution be read.

The Secretary again read the resolution.

Mr. STEWART. As a Senator has suggested, a part of the contract is to protect the United States. To protect the United States! What a humiliating position that we need the protection of a gold ring! Seventy million people in this great country have got to buy the protection of a gold ring!

Mr. GRAY. Mr. President, the resolution offered on Saturday by the Senator from Nevada opens up a very wide range of discussion on which I do not propose to embark in the morning hour. But I do propose to say a word or two in regard to the topics that were discussed at some length in the morning hour on Saturday. I do not take it that anything in the matter then before the Senate or in any topic suggested by the resolution of the Senator from Nevada to-day involves the question that has been debated so long and so earnestly on both sides, especially upon one side, as to whether silver shall be admitted to free coinage in the mints of the United States.

I do not believe that the question whether we should declare a policy that is consistent, as we believe, with honesty and absolutely necessary to the credit of our Government has anything to do with the vital question that separates those who believe in free-silver coinage by the United States alone and those who believe that it is not practicable to have free-silver coinage and maintain bimetalism unless in cooperation with the civilized powers of the world.

So I discard that topic and wish to say a word or two suggested by the remarks of the junior Senator from Colorado [Mr. WORCOTT] and the junior Senator from Massachusetts [Mr. LODGE] on Saturday. I do not know why a proposition such as that offered by the Senator from New York [Mr. HILL] should have been the occasion for such a violent assault upon the Administration as was made by the Senator from Massachusetts. After the very able and lucid explanation of the situation given by the Senator from New York and the argument he made, which was a persuasive one, in favor of the adoption of his resolution, I do not believe that there was anything to provoke the attack, which, to use

the expression that was used quite frequently on Saturday, seemed to me a "wanton" one on the Administration and on the President of the United States for negotiating a purchase of gold by the issue of the bonds of the United States, as it has been explained to us by his recent message.

It is impossible to do justice to that transaction, to do that ordinary and common justice which as Senators of the United States and as patriotic citizens we are bound to do the humblest public servitor who is discharging a public duty, unless we understand something of the situation that was presented to the President of the United States when that negotiation was consummated, the details of which he has sent promptly to the Senate, and which we have now before us.

The President had devolved upon him by an expression of the legislative will more than once repeated that it was the policy of the United States Government in all its branches, executive as well as legislative, to preserve the parity between the two monetary metals of gold and silver. That duty was instant, it was constant; the President could not avoid it or evade it without a dereliction on his part that would have subjected him to the criticism and the animadversion, if not something worse, of the Congress of the United States and of the people of this country. There was no other mode, and I think it will be admitted on all sides that there is no other mode at the present time—whatever theory Senators may have in regard to the relation of gold and silver and the capacity of a readmission of silver to free coinage alone, to bring it up to a parity with gold—I say, it must be admitted that in the situation that then confronted the Administration, in order to perform that duty charged upon it by the Congress of the United States, the only thing it could do was to be ready at all times in the Treasury to maintain the absolute exchangeability of silver for gold, and to see to it that no demand should be made for either metal that was not instantly responded to by the fiscal agent of this great Government. If there is any other mode by which that parity could be preserved I have not heard it suggested.

The President has not sought to take this enormous and onerous responsibility on his own shoulders without the cooperation of the legislative branch of the Government. When we assembled here in December his message brought this matter to the attention of both Houses, and we were called upon to come to the assistance of the Secretary of the Treasury in performing this grave duty and assisting to restore the disordered finances not only of the Government, but also of the country at large.

A bill was outlined in his message which was promptly brought before the House of Representatives, discussed, debated, and rejected. Again the President of the United States, in the stress that was brought upon him, appealed to Congress in the message, which we all recollect, of January 28, calling our attention, as he was in duty bound to call our attention, to the condition of disorder in the finances and business relations of this great country. He said, among other things:

It is hardly disputed that this predicament confronts us to-day.

That is where, with natural resources unlimited, our progress was checked by false financial policy and the heedless disregard of sound monetary laws.

Therefore, no one in any degree responsible for the making and execution of our laws should fail to see a patriotic duty in honestly and sincerely attempting to relieve the situation.

I do not think that the junior Senator from Massachusetts will find it in his heart to criticize that appeal as otherwise than a patriotic one.

Manifestly this effort will not succeed unless it is made untrammelled by the prejudice of partisanship and with a steadfast determination to resist the temptation to accomplish party advantage.

What view the Senator from Massachusetts to whom I have alluded takes of that expression I do not know, except so far as I am at liberty to infer from the tenor and tone of his remarks on Saturday. Whether he resisted that temptation the country will judge.

The real trouble which confronts us consists in a lack of confidence, widespread and constantly increasing, in the continuing ability or disposition of the Government to pay its obligations in gold. This lack of confidence grows to some extent out of the palpable and apparent embarrassment attending the efforts of the Government under existing laws to procure gold, and to a greater extent out of the impossibility of either keeping it in the Treasury or canceling obligations by its expenditure after it is obtained.

Mr. President, did he not there touch the very point of this difficulty? Did he not there allude to the very situation which we have made it his solemn duty to meet, to consider, and to redress?

Mr. STEWART. Will the Senator from Delaware allow me a question?

Mr. GRAY. Certainly.

Mr. STEWART. Does the Senator think that confidence in the ability of the United States to maintain financial independence will be augmented by hiring the protection of a foreign syndicate for a limited term at an enormous sacrifice?

Mr. GRAY. I am coming to that in a moment if the Senator will just wait. I heard the Senator say that on Saturday.

Mr. STEWART. It is going to be said again several times. It can not be said too often.

Mr. GRAY. The situation the President was called upon to deal with was just what he has stated, and I do not think any Senator will take issue with him as to the matter of fact, that—

This lack of confidence grows to some extent out of the palpable and apparent embarrassment attending the efforts of the Government under existing laws to procure gold, and to a greater extent out of the impossibility of either keeping it in the Treasury or canceling obligations by its expenditure after it is obtained.

The only way left open to the Government for procuring gold is by the issue and sale of its bonds.

I think we will agree there.

The only bonds that can be so issued were authorized nearly twenty-five years ago, and are not well calculated to meet our present needs.

The President called upon us by that statement to come to his aid and relieve him from just the situation in which he found himself on the 13th day of this month—that there was no legal authorization for the issue of bonds for the purchase of gold except an act passed twenty-five years ago, and not well calculated to meet our present needs.

Among other disadvantages, they are made payable in coin, instead of specifically in gold, which, in existing conditions, detracts largely and in an increasing ratio from their desirability as investments.

I did not hear the junior Senator from Massachusetts criticize the message when that message came in for stating the very fact which, when consummated in the negotiation of the 13th of this month, called for such scathing animadversion on his part. The President told us on the 13th of February that the difficulty with the law under which he was obliged to act was that it did not provide for a bond payable specifically in gold. What he was called to do was not to issue bonds to pay current expenses of the Government; it was not to borrow money to pay debts of the United States; it was to purchase gold coin in order that he might be able to perform the duty imposed upon him by the Congress of the United States, to wit, to preserve the parity between the two metals of gold and silver.

This is not an ordinary situation in which the Government resorts to the money market in order to anticipate revenues in order to meet failing revenues, but it was to meet a situation; it was a scheme, an arrangement, by which the deportation of gold might be stopped and the temptation taken away from the people of the United States to withdraw from the vaults of the Treasury, for the purposes of hoarding, the gold coin which had heretofore been kept in that place.

Mr. President, that I am right in this description of the situation, so far as I have gone, I think can be asserted without fear of successful contradiction. Having thus appealed to the Congress of the United States, having laid before this Senate and the other branch of Congress the situation, with a fullness of detail that left nothing to be desired, and with an earnestness, almost pathetic, which I have rarely seen in an executive communication, the President was left alone to struggle with the situation and the environment in which he found himself; he was left alone to maintain, in the only mode open to him, the parity between the two metals, and to meet the obligation that he owes to the country at large, that there should not be two standards of ultimate payment, one at a premium over the other, that gold coin should not disappear, and that we should not be put upon the basis of silver alone.

Mr. VEST. Will the Senator from Delaware permit me to ask him a question for information?

Mr. GRAY. I will.

Mr. VEST. I should like to ask the Senator what, in his judgment, is the premium to obtain gold which the President pays to this syndicate under the contract which has been published?

Mr. GRAY. The Senator will pardon me for not going into that now, as it is not pertinent to my line of remark.

Mr. VEST. I beg the Senator's pardon. He was asserting repeatedly that all of this had been done to maintain the parity.

Mr. GRAY. I did assert it, and if the Senator will pardon me, no premium has been paid to obtain gold; just the contrary.

Mr. VEST. I wanted to know whether it was consistent with maintaining the parity to make a contract which implied necessarily a premium on gold?

Mr. GRAY. Mr. President, just at this stage of the remarks I am making I will simply say that it did not imply, in my opinion, any premium on gold. But what was it, I ask, that the President of the United States was required to do by the duty which pressed upon him with an insistence and with an imminence that he could not disregard? He wanted, as I have said before, to maintain the parity between these two metals. How under heaven could that parity be maintained except by holding himself ready in the Treasury of the United States to make payments in either gold or silver as the demandant might require? Does anyone pretend to say that that parity could be maintained when the Senator from Colorado presented to the Treasury his demand notes and asked for a thou-

sand dollars in gold, if they told him they would pay him a thousand dollars in silver?

Mr. PEPPER. Why could he not do that?

Mr. GRAY. Does the Senator believe the parity could be maintained by hoarding the gold and keeping it as if it were a metal that was at a premium and upon which the Government of the United States itself set a premium by withholding it from those who demanded it for the other forms of currency which might be offered in exchange for it?

Mr. STEWART. I will suggest to the Senator that that is the way that France and Germany have maintained the parity for years.

Mr. GRAY. I am talking about the condition in this country, the condition which the President of the United States placed before us in his message. That condition was one, to those who believe that it is absolutely necessary for the soundness of our currency and our financial condition that this parity should be maintained, full of alarm. Gold was being withdrawn from the Treasury at the rate of millions each day, until finally, just before this contract was bruited about in the newspapers, it had risen to a figure as high as seven millions, I think, and over in one day. From December 1 up to the date this contract was made there were about \$80,000,000 of gold withdrawn from the Treasury, and of that less than one-half was exported, showing that more than one-half of this gold was withdrawn for the purpose of hoarding by the people of the United States, not by bankers, for the banks showed that they had less gold on the date of this contract than they had at the date I mentioned, the 1st of December, 1894.

Mr. WOLCOTT. Will the Senator allow me to ask him a question, not for the purpose of interrupting him at all?

Mr. GRAY. Certainly.

Mr. WOLCOTT. Does the Senator lose sight of the fact that the report of the Secretary of the Treasury the other day showed that out of the \$165,000,000 of gold for which the bonds had been sold \$105,000,000 had gone to pay current expenses?

Mr. GRAY. I have not lost sight of that fact, but I find the figures as follows: That between December 1, 1894—and I call the attention of the Senator from Colorado [Mr. WOLCOTT] to the statement—and February 13, 1895, the date of this gold contract, the total amount of the withdrawal of gold was \$30,785,000. This is taken from the official figures of the Treasury Department. The export of gold during the same period amounted to only \$36,852,389, showing that a good deal more than one-half of the gold withdrawn from the Treasury was withdrawn not for the purposes of export, but was withdrawn by the people of the country, in sums large or small, for the purpose of hoarding, for that gold did not make its appearance in the gold reserves of the banks, the banks showing less gold at the period mentioned than on the 1st day of December, 1894.

Mr. PEPPER. Mr. President, at this particular point I wish to ask the Senator whether there is anything in the law to prohibit the Secretary of the Treasury from paying the demand notes in silver?

Mr. GRAY. No; I do not know of anything of that kind in the law. I have said so. If I have not said so, I will say so now.

Mr. PEPPER. Then ought not the Secretary of the Treasury to do so, and would not that prevent the exportation of gold?

Mr. GRAY. There is another law, which will perhaps qualify my answer, which obliges the Secretary of the Treasury to preserve the parity between the two metals.

Mr. PEPPER. Does not the Senator believe the Secretary of the Treasury could do so?

Mr. GRAY. I have tried to explain, but perhaps I have not made myself clear to the Senator. To do that it is absolutely necessary that the Secretary of the Treasury shall maintain at all times at the Treasury of the United States the absolute exchangeability of silver for gold. If there is any other way of preserving that parity I have not heard it suggested.

Mr. PEPPER. Then, I will suggest it now.

Mr. STEWART. How can you maintain parity by putting a premium on gold?

Mr. GRAY. The Senator is "still harping on my daughter." I will come to her directly.

Mr. PEPPER. The demand notes are payable in coin, and they were made payable in silver as well as in gold by the act of 1869. If the Treasury should pay every demand note that is presented in silver, would not that have the effect instantly to restore the parity between gold and silver?

Mr. GRAY. I think not; but I do not want to go into that now, for that brings up a very much larger question upon which the Senator and I radically differ. If the Secretary were to do what the Senator suggests and refuse gold the exchangeability of the two metals would be destroyed and gold would be at a premium.

Mr. HILL. Will the Senator from Delaware allow me to interrupt him a moment?

Mr. GRAY. Certainly.



Mr. HILL. I desire simply to say that I do not think the statement of the Senator from Colorado [Mr. WOLCOTT] should go unanswered. I do not understand that the report of the Secretary of the Treasury shows that \$105,000,000 of the proceeds of the bonds have gone to the payment of the current expenses of the Government or that any other sum of the proceeds of the bonds has so gone.

Mr. TELLER. Will the Senator from Delaware allow me to state what the Secretary of the Treasury does say on that subject? That will settle, I think, that proposition.

Mr. GRAY. I have no objection, but I have read from the figures which came from the Treasury Department as to the withdrawal of gold and as to the gold export, and have drawn the, I think, not unreasonable deduction that the difference between the amount of gold withdrawn and the gold export would indicate the amount withdrawn for hoarding, which did not appear in the accounts of the banks.

Mr. TELLER. That is not the question.

Mr. GRAY. That is the question to which I was addressing myself.

Mr. TELLER. Very well, then, I will leave the matter.

Mr. GRAY. Mr. President, that was the situation. We found for days—five, six, or eight days—before this contract was made the withdrawals of gold had continued each day in an increasing amount until the subtreasurer in New York felt bound to say that he could not hold out more than a day or two longer against the demands that were coming in in increasing amounts at the counter of the subtreasury. So the question was presented to the President of the United States and the Secretary of the Treasury whether they should allow this country between sundown and sunup to relapse to a silver basis, with all the attendant suffering which would come from the readjustment of the business affairs of this country which would be consequent upon such a change, or whether he should exert the power the law gave him to maintain the policy which the law enjoins, and procure the gold which was necessary to maintain the parity between the two metals all over the United States, and maintain the absolute exchangeability of silver and gold and every other form of United States currency. What would you have said of him, sir, if he had been derelict to that high duty? Then perhaps we should have heard from the same sources the animadversions which were flung at his head on Saturday last for rescuing his country and the Government in his charge from a situation such as I have described.

I said this was not an ordinary situation. The Government was not borrowing money to pay debts. It was buying gold on the best terms it could obtain it. It is idle to say that when the question was a question of twenty-four hours, perhaps, the Secretary of the Treasury could advertise for bids throughout the country, as he did on the two former occasions, and precipitate the absolute denudation of the Treasury of gold by that very act, for at once everyone who wanted to buy those bonds would have gone to the Treasury and got what remaining gold was there in order to purchase them; and that foolish operation would have been repeated. So he had to appeal for a large amount of gold at once and in lump; and where could he go except to the bankers of the world, those who had the gold or who could furnish it; and, more than that, endeavor to consummate an arrangement, a plan, by which the exportation of gold and the withdrawal of it from the Treasury might be stopped?

That was done and it could only be done in the way adopted by the Secretary of the Treasury and the President of the United States for that purpose. To dribble out bonds for gold in thousand-dollar, ten-thousand-dollar, or one-hundred-thousand-dollar lots would not have met the situation. It was necessary for the Secretary of the Treasury to have the gold on the counter of the subtreasury to meet the demands of the next morning. He was in the situation of a cashier of a bank with ample resources and assets which were not available. What he wanted was quick assets, assets to meet the demands that would come with the rising of the morning sun. That he did; and this gold was purchased.

It was stipulated that at least one-half of the gold was to come from across the water, that it was to come from the country and from the places to which we had been exporting our gold, thus establishing a gold credit on the other side of the Atlantic against which exchange might be drawn and stopping the profit on the exportation of gold. That has been a fruitful source, as I understand it, of the withdrawal of gold, there being something like \$1,800 profit on every \$1,000,000 of gold exported at the then rate of exchange, and the money brokers availed themselves of that very readily, and acted upon it in order to realize that, or even a smaller profit.

Doing that, arranging for a gold credit on the other side of the Atlantic, which had been hitherto the source of trouble in the withdrawal of the gold, arranging that as many of the influential and financially powerful bankers of the country and of the world as possible should be interested in maintaining the situation, the President

sends this contract to Congress, and lays before them, as I believe he was in duty bound to lay before them, the fact that if Congress would even at this late day authorize him, as he had asked to be authorized on two different occasions, to issue bonds specifically payable in gold he could save to the people of this country \$16,000,000 in the interest that would accrue and be paid during the time these bonds had to run. If it was not his duty to do that thing, I should like to know upon what grounds it is denied that it was his duty.

Mr. PEPPER. Will the Senator allow me another question?

Mr. GRAY. Yes, sir.

Mr. PEPPER. I am exceedingly interested in the line of argument of the Senator, and very much admire his frankness. I wish to ask him this question: Whether or not it is his opinion and that of the Administration that the Treasury of the United States at the time to which the Senator is referring was at the mercy of the gold speculators or the bankers or whatever term the Senator may think proper to use?

Mr. GRAY. I will tell the Senator how I would answer that question. I would not say the Treasury of the United States was at the mercy of the speculators and the bankers—that much belabored and despised class of people—but it was at the mercy of the people of the United States, who, obeying that instinct of ordinary human nature, as soon as the danger signal was observed commenced to withdraw gold in small amounts; and I should like to know whether here in this community, whether, perhaps, perfectly properly, on the floor of this Senate and in the other House there were not patriotic men, as patriotic as any, who, seeing that danger ahead of them, did not seek to put their balances in gold as they could; and not only here, but all over the country and in the State of the Senator himself, good and patriotic people, who, recognizing the situation, sought to do for themselves and those dependent upon them the best they knew how. The Treasury is at the mercy of that class as well as at the mercy of the gold speculators and of the bankers.

Mr. PEPPER. Mr. President, 95 per cent of the people of the United States are opposed to this proceeding, I will say to the Senator; and I will say to him that 95 per cent of the people of Kansas have no gold; they have no disposition to hoard gold; they have no paper for which to demand gold; and, further than that, 95 per cent of the people I have the honor to represent are opposed to this whole proceeding.

Mr. GRAY. Mr. President, I do not wish to dwell upon that point, but people as good and as patriotic as the Senator, or as I claim to be, all over this country, not capitalists, but men who have been thrifty, men who have had a little ahead for a rainy day—that very class were commencing to take fright and turn their small balances into gold, and as an evidence that that was being done I have in part brought before the Senate figures showing the difference between the total amount of gold withdrawals and the total amount of gold exports for the period I have named and the amount of gold in the banks.

Mr. WOLCOTT. I will ask the Senator if he knows of any individual among the people of the United States who has attempted to hoard gold, except Russell Sage, who, I have heard, has attempted it.

Mr. GRAY. I do, of my own knowledge.

Mr. WOLCOTT. Then they must have come from Delaware. They do not come from my section of the country.

Mr. GRAY. I have known of my own knowledge of persons who turned their small balances into gold in the last two or three weeks. I have not the acquaintance of Mr. Russell Sage or his kind, and it would not be any pleasure to me if I had.

Mr. PEPPER. If the Senator will allow me—I shall not interrupt him again—I saw a statement made in yesterday morning's paper, I think, which illustrates this point very nicely. A farmer from the State of New York went into the city, called at the subtreasury, and passed in two five-dollar bills, United States greenbacks, and asked to have gold for them. He was answered that he must present his bills in amounts equal to \$50, or multiples of \$50, for that was the law, before he could have any redemption. That illustrates the futility of the argument that the common people of the country are rushing in to have their greenbacks redeemed in gold. They prefer greenbacks to gold.

Mr. GRAY. It had not gone far enough to reach all of the people of the United States; it had not gone far enough to reach perhaps the Senator from Kansas and myself, but when we come to a condition of that kind financial creeds will vanish into air, and every man will try to do the best he can for himself. We know that it was to avoid that condition of things, that unpatriotic and wretched spectacle, that the President of the United States did what he did.

Mr. SQUIRE. I do not wish to intrude, but, with the permission of the Senator from Delaware, I should like to state my impression about the matter of the withdrawal of gold and the demand for gold. I do not think it has reached the common people at all. I think that the banks in the country have been calling

upon the bankers in New York City for gold. I know the president of a bank in New York City told me a few days ago that on that day his bank had received fifty calls for gold, varying from five hundred to fifty thousand dollars. I speak of that as a matter of fact.

Mr. GRAY. The reports from the banks do show that. That is all I can say about it. I know nothing about it personally.

That being the situation, the President tells us that after the failure of his appeal to Congress he did the very best thing he could in order to relieve the situation and save the credit of the country and the solvency of the Treasury so far as maintaining the parity between the two metals, gold and silver, was concerned. We have to take him at what he said, or we have to convict him of needlessly and of wantonly, as the Senator from Massachusetts [Mr. LODGE] said, deceiving the country in this crisis of our financial history, going into a dishonorable dicker, whether for his own profit or not the Senator did not say, but at least with indifference and carelessness to the wants of the Treasury and the people of this country. I do not believe that there is a Senator within the sound of my voice who believes it. There is no evidence from which such an inference can be drawn.

Some Senator referred to the market price of bonds upon the day that this "discreditable dicker," as one Senator found it in his heart to call it, was consummated, that United States 4 per cent bonds were selling at 114, I think he said.

Mr. STEWART. At 110½, running for twelve years.

Mr. GRAY. I was going to correct him at the time by saying 110½, but another Senator said 114.

Mr. STEWART. On the same basis they would be worth 110.

Mr. GRAY. I understand that perfectly.

I wish to say, what I think must be patent to everyone, that in the stress in which the Administration found itself it was impossible to go upon the market—I think I have already shown that—with a popular loan, so called, and it had to deal with bankers who understood current values and market values, some of whom, I suppose, had been concerned in the previous purchase of bonds for gold, and they had an experience that the bonds in former issues which were sold, for which they had paid 117, went up in a few days to 119, and then immediately dropped to 113 or 114, a fluctuation of more than 5 per cent, a greater difference than existed between the price which they paid for these last bonds and the market price which they were selling for upon that day. But, with the caution of capital, and seeing this enormous fluctuation, I suppose—and I do not know but it is natural to suppose—they endeavored to protect themselves against it by a sufficient margin, in their opinion, to cover the fluctuation which had actually taken place.

Mr. President, in the New York Tribune of yesterday there is an article which I shall ask the Secretary to read, if there be no objection, which I suppose the Senator from Massachusetts, who spoke on Saturday last, will consider at least without bias in favor of the President in its comments upon this transaction. I find the article republished in the Washington Post of this morning.

The VICE-PRESIDENT. The Secretary will read as requested. The Secretary read as follows:

FOREIGN EXCHANGE MARKET—HOW THE SYNDICATE EXPECTS TO KEEP RATES BELOW THE GOLD-EXPORTING POINT.

[From the New York Tribune.]

The work that the Belmont-Morgan syndicate will have to accomplish in order to control the foreign exchange market so that rates will be kept below the gold-exporting point is explained in the following paragraphs, which were obtained from a member of the syndicate and circulated by a financial news agency:

In London no bonds will be given to the syndicate, but scrip will be issued there for the bonds to the extent of \$30,000,000. The gold fund for these \$30,000,000 is already available, and can be drawn upon for any part of the total sum at pleasure. The syndicate is not compelled to ship to this side more than \$5,000,000 per month in gold; consequently, until finally shipped, the proceeds of bonds will be held in London, available to be drawn against should it prove necessary.

This is the lever which is expected to operate upon the exchange market and keep it down to a point which will prevent gold from being shipped from here. This part of the operation is likely to involve a loss of no small proportions to the syndicate, but it evidently will protect the Government. The demand for exchange by the public will be lessened because the buying in advance of requirements for fear the gold reserve will be exhausted will be no longer a factor in the market. Another point to be borne in mind in connection with the exchange market is that the syndicate can, if it so determine, allot more than \$30,000,000 of the bonds abroad, and any supply so allotted can be drawn for by bills of exchange.

The profits on the transaction will not be exorbitant. It has been charged in the United States Senate that these bonds were 112 in London. That would mean only about 108 here. Exchange on these bonds is figured at the current rate of 48½. Bringing over the gold makes the rate 483, a loss of ½ cents per pound sterling, or ¼ per cent at the start. What the ultimate profit or loss will be can be nothing more than a matter of conjecture, as in addition to the loss on the importation of gold it is entirely dependent on the working of the international exchange markets. These markets, as already explained, must be controlled so as to prevent a renewal of gold shipments.

No plan that did not provide for getting gold from Europe and that did not also provide means to check shipments of gold to Europe could give the Treasury one dollar of permanent relief. This undertaking to change the whole course of exchange must necessarily be expensive, but the syndicate can do it and the Treasury is accordingly benefited.

Mr. GRAY. Mr. President—

Mr. CALL. Will the Senator from Delaware allow me? It was unanimously agreed that at the conclusion of the routine morning business this morning we should proceed with the consideration of the bill making appropriations for the support of the Agricultural Department. I do not wish to be discourteous to the Senator from Delaware—

Mr. GRAY. If the Senator from Florida will allow me ten minutes I will conclude. I do not wish to interfere with any order of the Senate.

Mr. CALL. I give way for that space of time.

Mr. GRAY. Mr. President, I do not propose to dwell further upon the details of this transaction. The Senator from Massachusetts [Mr. LODGE] has said to the country, as what he says is always listened to by the country, that the President of the United States has made a wanton attack upon the credit of this Government. I did not understand him to say that he disapproved of the purchase of gold in the financial stress in which the President found the Government, but the complaint is because the President consulted the Congress of the United States and laid before them the facts which came to his knowledge, that if, at this late day even, authority should be given him he could negotiate those bonds, specifically payable in gold, at an annual interest of 3 per cent and save to the Government of the United States in the time the bonds had to run the enormous amount of \$16,000,000.

That seems to be the gravamen of the Senator's attack upon the President of the United States, that the credit of the Government was attacked and disparaged in suggesting that gold bonds were more valuable than coin bonds. Is there anyone so fond and foolish as to believe that the President of the United States is the one who suggested that there was that difference in the markets of the world, and that gold was still the desired thing, whether rightly or wrongly, by all who had anything to give for it, whether of service or labor or commodity or credit? He was dealing with a world-wide fact. He did not create it, and because he suggested that our coin bonds were less valuable than our gold bonds, and told the Congress of the United States that armed with this power he could make that saving to the Government, it is called a wanton attack upon the credit of the Government.

The junior Senator from Massachusetts says he will vote for the resolution of the Senator from New York [Mr. HILL], but does he not know that the coin bonds of the United States may be paid either in silver or gold, and that there is nothing—I will not say nothing because it is a great deal—that there is only the good faith of the Administration for the time being to protect the holder of such a bond when it matures, if there should happen to be a difference between gold and silver, one or the other being at a premium, in order that the obligee shall get the most valuable metal?

If it shall happen, as I have no doubt the Senator from Nevada [Mr. STEWART] thinks it quite possible it may happen, that in the period of time which the bonds have to run silver becomes the more valuable metal—I think it is possible—would it be consonant with the faith of the Government to deny to the holder of a coin bond the silver payment and put him off with depreciated gold payment? Not at all. I do not suppose there is a Senator within the sound of my voice who would vote for a resolution declaring that our bonds ought to be paid in the less valuable of the two metals in which they are payable. Then why object, and why is it an attack upon the credit of the Government to say that they ought to be paid in the more valuable?

Mr. STEWART. Does the Senator from Delaware think it would be bad faith to pay the creditors of the Government according to contract? I think it is bad faith not to do it.

Mr. GRAY. The Senator from Nevada has put that question a great many times, and he seems to think it is his prize conundrum.

Mr. STEWART. It has not been answered yet.

Mr. GRAY. Perhaps I will answer it like a Yankee by asking another question, which is, whether the Senator from Nevada believes it is good faith to make a coin bond with a reservation that you are going to pay your creditor in the less valuable of the two coins? I want to know if that is the purpose of the Government of the United States. I should like to know if that is the policy which the Senator from Nevada would fix upon the Government of the United States.

Mr. STEWART. Let me answer.

Mr. GRAY. And say to the world that when we make coin bonds we declare not that we will pay them in either coin at the option of the creditor, which, I believe, is the true meaning of the bond contract; but we will pay them at all events in the less valuable of these two coins. There is no alternative. If you do not believe it is the duty of the Government to pay in the more valuable coin, say so and say what you believe, if you believe that the Government should pay them in the less valuable.

Mr. STEWART. Why did the Government make the bonds payable in coin—



Mr. GRAY. Now answer my question.

Mr. STEWART. Hold on; I will answer it. Why did the Government make the bonds payable in coin if it has not the right to pay in either coin? I do believe it is not only morally and legally right, but that it is the duty of the Secretary of the Treasury to discharge the contracts of the Government in that way which shall be most advantageous to the Government; and so every other civilized country does. France and Germany do it.

Mr. GRAY. I decline to be interrupted further, because I have only a minute. Then, all I have to say is, that if we write the construction of the Senator from Nevada into our coin bonds we write this, that those bonds are payable in silver, provided silver is at a discount as compared with gold when they mature, and that is all there is in it. If that commends itself to the honesty of the Senator from Nevada, which, as I know, is a dominant quality in him, then I shall be mistaken in the Senator.

Mr. HOAR. Will the Senator from Delaware allow me to put him a very brief question?

Mr. GRAY. Certainly.

Mr. HOAR. If, as the Senator now says, the faith of the Government is pledged to pay all coin bonds in the best coin, does he think it decent to put into a contract such a provision as this: I will pay you so much if I keep my faith; I will pay you so much more if I break it?

Mr. GRAY. It is as decent as is the question of the Senator from Massachusetts; it is as decent as is the attack made upon the President of the United States for that very statement by the President of the United States. I have contended—

Mr. HOAR. The Senator from Delaware does not answer my question.

Mr. GRAY. I have contended that the President is bound by his duty to lay before Congress the situation, and to tell them, as he has told them, that he has the opportunity and it is within the competence of the Government to negotiate those bonds at 3 per cent if they are made specifically payable in gold. I do not think the attacks upon the credit of the United States come from the President, but I think they come more from those Senators who from their high places here are proclaiming to the world that there is this difference in the Congress of the United States as to what the good faith of the Government requires.

Mr. HOAR. My honorable friend does not answer my question, if he will permit me. My question is not whether he thinks some attack on the President, which I have made, though I do not recollect any on this subject, be decent or not.

Mr. GRAY. I used the Senator's own word.

Mr. HOAR. I understand. I ask the Senator's attention to the point of the question. If he does not like the word "decent" I will use the word "becoming" or "proper" or "wise." Is it, in his judgment, a proper thing for a representative of the United States, when, as the Senator says, as the Administration believes, the faith of this Government is pledged to pay in the best coin, to contract that "I will pay you so much money if I keep my faith, and so much more if I break it?" That is the question.

Mr. GRAY. I will answer the question of the Senator from Massachusetts. The Senator has a very adroit way of putting a question and answering it to suit his own purpose.

Mr. HOAR. A personal attack on the one who puts the question is not a good way to answer it.

Mr. GRAY. The President of the United States, as I have said more than once, was recognizing the situation. He did not create it. I have said what I believed, in which I think the Senator from Massachusetts agrees with me, that the proper interpretation of the coin bonds is that at the option of the holder they shall be paid in one coin or the other. But can we shut our eyes to the fact that the financial world, that those who have money to invest, whether they belong technically to the financial world or not, are uncertain as to what that contract means, for here is the equally distinguished Senator from Nevada [Mr. STEWART] who rises in his place and says a coin bond means that it is the privilege of the Treasury of the United States to pay in silver or gold as it pleases.

Mr. STEWART. I say that now.

Mr. GRAY. Is that to have no effect upon those who have money to invest? Is that belief, shared in by many in this very Chamber, shared in, if we may so believe, by a large number of the House of Representatives, to have no effect upon the minds of the people of the world who are seeking to invest in these bonds? Though they may trust the credit of the Government will be maintained by the Administration, and believe that that is the proper and the honest interpretation of the contract contained in the bonds, yet they will feel that if, as the Senator from Nevada says, it is the law of the contract itself, gold bonds are at least 1 per cent more secure.

The President of the United States puts that situation before us and asks us to vote upon the subject, and we refuse. Neither the junior Senator from Massachusetts [Mr. LODGE], the Senator from Nevada [Mr. STEWART], the Senator from Colorado [Mr. WOLCOTT], nor any other Senator in this body has, so far as I know,

come to the relief of the President of the United States. We have sat here dumb and unresponsive to his appeals. We threw him upon his own resources and left him alone to fight this battle for the credit and honor of his country as he saw that credit and honor involved; and the people of the United States will not forget that he fought the battle alone and that the Congress of the United States deserted him in his hour of trial.

Mr. President, I am sorry that my time has expired.

Mr. SHERMAN. Mr. President—

Mr. GRAY. One moment. I ask permission to have printed in the RECORD, without reading, an article or a part of an article in the Chronicle, a financial paper which has no politics, I believe, but is merely—

Mr. STEWART. A gold paper.

Mr. GRAY. But is merely a record of the transactions of the money center of New York.

Mr. HOAR. What is the article?

Mr. STEWART. A gold article.

Mr. GRAY. It is an article headed "The financial situation."

Mr. HOAR. If the Senator wishes to put in the RECORD some statistical tables which he has examined, and for which he is responsible, I make no objection; but I certainly can not consent that newspaper articles—

Mr. GRAY. I ask unanimous consent to have the article read.

Mr. HOAR. Very well.

Mr. CALL. Mr. President—

The VICE-PRESIDENT. The Senator from Ohio [Mr. SHERMAN] is entitled to the floor.

Mr. VEST. I rise to morning business.

Mr. GRAY. I resumed the floor and asked to have the article read.

The VICE-PRESIDENT. The Secretary will read as indicated.

Mr. VEST. I rise to morning business.

The VICE-PRESIDENT. This is under the head of morning business.

Mr. VEST. Are these speeches now being delivered in the order of business as to petitions, resolutions, etc.?

The VICE-PRESIDENT. The Chair laid before the Senate a resolution coming over from a previous day, which is being discussed.

Mr. SHERMAN. We went through the morning business regularly while the Senator was absent.

Mr. BUTLER. Will the Senator from Ohio permit me to offer an amendment?

Mr. SHERMAN. I suggest that morning business without debate should be transacted.

Mr. BUTLER. I ask the Senator to yield to me to present an amendment.

Mr. SHERMAN. I yield with pleasure.

[Routine morning business was presented by Mr. BUTLER and others, which appears under its appropriate head.]

Mr. GRAY. I ask unanimous consent to have printed in the RECORD, without reading, a part of the article to which I refer, found in the financial paper called the Chronicle.

The VICE-PRESIDENT. Is there objection?

Mr. HOAR. I am very sorry indeed to object to any request which the honorable Senator from Delaware makes, but I made up my mind long ago, this not being a new proposition, that I should not give consent to have printed as a part of the proceedings of the Senate newspaper articles in the way of discussion or argument on public questions. We have several times since I have been in the Senate found that such articles contained personal attacks upon Senators and matters which were out of order. I do not suppose of course that that is the case under the care of my honorable friend from Delaware, but I think it is a pernicious practice—

Mr. GRAY. The article is not a very long one.

Mr. HOAR. And I propose to stop it.

Mr. HAWLEY. I should like to make a suggestion.

Mr. CALL. I rise to a point of order.

Mr. HAWLEY. I have the article in my hand.

The VICE-PRESIDENT. The Senator from Connecticut will suspend. The Senator from Florida rises to a point of order. The Senator from Florida will state his point of order.

Mr. CALL. The point of order is that it was unanimously agreed that at the conclusion of the routine morning business this morning the bill making appropriations for the Agricultural Department should be taken up and proceeded with. While I have no desire to be discourteous to any Senator, I wish to know whether the Senator from Ohio [Mr. SHERMAN] will occupy any considerable time?

Mr. SHERMAN. I hope not. I hope I shall be allowed to proceed, now that we have given way to all morning business.

The VICE-PRESIDENT. The Chair will state to the Senator from Florida that this is a part of the morning business.

Mr. CALL. A part of the routine morning business?

The VICE-PRESIDENT. A part of the routine morning business.

Mr. GRAY. The article could have been read long ago if the reading had been proceeded with. I ask that it be read now as a part of my remarks.

The VICE-PRESIDENT. The Secretary will read as indicated. The Secretary proceeded to read the article.

Mr. TELLER. I wish to ask the Senator from Delaware whether he proposes to have the entire article read?

Mr. GRAY. No, sir.

Mr. TELLER. Will he indicate what he wishes to have read?

Mr. GRAY. I have marked it with a pencil.

The Secretary resumed and concluded the reading of the article, as follows:

#### THE FINANCIAL SITUATION.

[The Commercial and Financial Chronicle, New York, February 10, 1866.]

Judging from the listless and in some cases flippant way in which Congress and Senators speak and act with reference to the President's purchase of gold and his requests for aid in facilitating the arrangement he has made, we must conclude that they have very little appreciation of the fact that he has saved the country from a great disaster. As yet even the public has not fully realized that business affairs have, as it were, been lifted out of what was seen to be a most precarious situation, and set within surroundings not only hopeful, but full of promise. The complete change which has occurred in the financial outlook is truly marvelous.

Two weeks ago last Thursday was indeed a black day; the more timid, which is always a large class, had become thoroughly alarmed. In conservative circles, too, it was felt that our currency and all values were in great peril. The rapidity with which the gold proceeds from one fifty-million-dollar bond sale had gone into and out of the Treasury was of itself bewildering and disturbing, for it seemed to indicate that another bond sale to our banks, if it could be carried through, which was doubtful, would be of no service. In this plight the week ending with February 2 opened; the withdrawals of gold for the four days ending with Thursday for export and on private account surpassed any previous experience. Had not a powerful influence been secured in the financial world just at that time capable of arresting this movement abruptly, it is questionable whether the Treasury could have sustained itself another week. We doubt, too, whether any other combination of capital within reach than that which was made and used could have done the work.

As it happened, financial movements Friday afternoon, from an excited, feverish, and highly strained condition, assumed at once a calm, healthful, and normal character. How was that reversal of feeling brought about? There were three conditions which had given rise to the existing nervousness and fear: (1) The state of the foreign exchange market; (2) the withdrawals of gold from the Treasury, and (3) the obvious need for a supply of gold outside of the home visible stock. The reversal in sentiment was consequently produced by a concurrent and complete change in each of these conditions. First came the semi-official announcements of the contract between the Government and the New York and London banking houses for a supply of gold, then followed the drop in foreign exchange and also immediately the cancelling of about all the engagements for export, with a return to the subtreasury of \$1,800,000 of the gold just withdrawn. What was left to support a fear or for it to feed upon? Absolutely nothing.

Mr. SHERMAN. Mr. President, the real question before us is whether it is the public policy of the United States to pay its maturing bonds in gold coin rather than in some other kind of coin which may be a legal tender between individuals. I doubt very much whether it is expedient for us at this time to discuss the question. The time will come when it must be discussed and debated at length, but on a collateral proposition, a resolution offered by a Senator without consultation with any one else, to raise this question now in the closing period of the session seems to be injudicious, to say the least. I think we had better confine ourselves to that business which is urgent and must be disposed of during the present session.

But since the question is up, I wish to show to Senators who are here before me that the United States Government in every loan which it has made, in every bond which it has sold since the act to strengthen the public credit was passed in 1869 has demanded gold coin for bonds sold. The question is whether, in order to make a possible saving on the difference between gold and silver, because there can be only two kinds of coin, we will refuse to pay to the bondholder at the maturity of his bond that kind of money which we demanded of him when the bonds were sold.

Now, when the question is presented in that light it seems to me to be so plain that every honest man must feel that we would not dare in the face of public opinion to undertake to pay bonds which we demanded should be paid for in gold in anything less valuable than the coin which we demanded when we issued our bonds.

That is the simple proposition as it occurs to me. Now, to show Senators that what I say is true I will read the laws under which all the bonds of the United States now outstanding have been sold. I have before me the loan laws since 1869 and all the contracts that have been made between the United States and syndicates abroad and syndicates at home and the terms on which we sold bonds to our own people. You will find in all these propositions to issue our bonds after 1869 the stipulation that they shall be paid for in gold coin. Prior to that time all our bonds were sold for paper money, greenbacks or any other form of money that was a legal tender for the payment of debts; but the act to strengthen the public credit, passed March 18, 1869, changed all that. The words of that act are important to be understood. After that time the Government in all its branches, executive, legislative, and judicial, demanded that the bonds of the United States should be paid for in gold coin

by the syndicates abroad and by our people at home, and that has been the custom and the rule and the contract under which these bonds are sold.

The act to strengthen the public credit it is scarcely necessary for me to read, because it has become so familiar in our debates; but I will read it in order to present it with the other laws that I intend to read:

It is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States.

We promised to pay in coin. What coin was existing in 1869?

Mr. PEPPER. Will the Senator continue the reading? Will he read a little further?

Mr. SHERMAN. I will read what I want at present. I desire here to simply request Senators to allow me to finish my remarks without interruption. I have read the enacting part of the law of 1869. Under the face of that law we are to pay these bonds in coin. What kind of coin? The coin that was in the mind of the lawmakers at that time, in 1869. What was the coin then authorized by law? None but the gold coin of the United States. Silver coin might have been issued, but silver coin was worth more than the gold coin. It has depreciated for reasons that have been given over and over again, and I need not go into that argument. The only coin in the contemplation of any man who voted for that law was the gold coin of the United States.

Now, let us look further at a little later law. Here is the law for the refunding of the public debt, a law which excited no animosity or political division. Under date of July 12, 1870, it provided—

That the Secretary of the Treasury is hereby authorized to issue, in a sum or sums not exceeding in the aggregate \$200,000,000, coupon or registered bonds of the United States, in such form as he may prescribe, and of denominations of \$50, or some multiple of that sum, redeemable in coin of the present standard value, at the pleasure of the United States, after ten years from the date of their issue, and bearing interest, payable semiannually in such coin, at the rate of 5 per cent per annum; also a sum or sums not exceeding in the aggregate \$300,000,000 of like bonds, the same in all respects, but payable at the pleasure of the United States, after fifteen years from the date of their issue, and bearing interest at the rate of 4 per cent per annum; also a sum or sums not exceeding in the aggregate one thousand million dollars of like bonds, the same in all respects, but payable at the pleasure of the United States, after thirty years from the date of their issue, and bearing interest at the rate of 4 per cent per annum.

The coin then in circulation, and the only coin in circulation here, was the gold coin of the United States, and not the silver coin. It is true that silver was a standard, but it was worth more than gold. Silver dollars were not coined, but subsidiary silver coins, reduced in value under the act of 1853, were a legal tender for only \$5.

Those are the two acts by which the faith of the public credit is pledged. Now, let us see how it has been carried out by Congress and also by the executive authority. I have here the first contract made by Mr. Lot M. Morrill when he was Secretary of the Treasury in a volume which contains full information as to the contracts and conditions upon which all these bonds were issued and sold. What are the stipulations here? Mr. Morrill undertook to sell the 4 per cent bonds in order to pay the bonds that were then maturing.

Mr. BUTLER. What is the date of that contract, may I inquire?

Mr. SHERMAN. It was August 24, 1876. It was the last year of Grant's Administration. Here is the contract set out in full with Rothschild, Belmont, and others, the same parties who entered into the recent contract. Here it is:

The parties of the second part agree to pay for said 4 per cent bonds par and interest accrued to the date of application for delivery of said bonds in gold coin, matured United States gold-coin coupons, or any of the 6 per cent 5-20 bonds called for redemption, or in United States gold certificates of deposit issued under the act of March 3, 1863.

Therefore we demanded when we sold those bonds gold coin, not coin. That was stated there and published to the world. All the purchasers of such of the three classes of bonds paid for them in gold coin or its equivalent. The bonds on their face were to be payable in coin, principal and interest, and no other coin was contemplated unless it could be supposed that by some hook or crook, by some construction or device or evasion, the bonds might be construed to be payable in something else than the money which we demanded when we issued the bonds. These were the terms of sale for all these bonds amounting in the aggregate to fifteen hundred million of dollars.

A few months after that I was called to the office of the Secretary of the Treasury and undertook then to sell the 4 per cent bonds, believing the time had arrived when the credit of the United States would enable it to sell 4 per cent bonds. We entered into a contract for that purpose, and here is the contract similar in general terms to the one made by Mr. Morrill. Here is the contract signed by a great number of persons, Drexel, Morgan & Co., Seligman & Co., August Belmont & Co., the same parties with whom the contract was entered into by Mr. Morrill. Here is the stipulation:



The parties of the second part agree to pay for said 4 per cent bonds par and interest accrued to the date of application for delivery of said bonds in gold coin, matured United States gold coin coupons, or any of the 4 per cent 5-20 bonds called for redemption, or in United States gold certificates of deposit issued under the act of March 3, 1893, with the understanding that payment to the extent of the amount of any call shall be made within the time during which such call shall mature.

This contract covered hundreds of millions of dollars of 4 per cent bonds. The contract made by Mr. Morrill of 4½ per cent bonds covered \$200,000,000 of bonds, which have all been redeemed. This contract that I have read last covers the very bonds that are now outstanding, because they extend to a longer period, maturing as late as 1907, and they are the last to be redeemed. In the sale of the very bonds we are now purchasing and paying off we demanded of every person who purchased our bonds to pay for them in gold coin at a time when specie payments were suspended, at a time when we did not pay our members of Congress or for the ordinary debts of the Government any money but United States notes, and when these notes were at a discount of 10 per cent in gold. Yet when the people came to buy these bonds bearing at the then low rate of 4 per cent interest, less than bonds had ever been sold before in our country, we demanded gold coin and received it. We refused to take United States notes in payment of our own bonds. To say that those bonds are now payable in some other coin than gold, because a coin of another metal is now cheaper, or the bullion of that metal is of less value than its old ratio with gold, or because prior to the issue of bonds it was rightfully or wrongfully demonetized by the act of 1873, or because of its increased production, it seems to me is not honest or proper.

Therefore I state as my deliberate judgment that the Senate of the United States and the Congress of the United States, and the people of the United States will never demand that these bonds will ever be paid in money less valuable than that which was paid for them, principal and interest. From the day they were issued to this hour we have paid gold on the interest of those bonds. We received gold in masses for them. We will pay for them in gold; and when the time comes for their payment there is not a Senator in the sound of my voice but who would feel that we must pay them in as good money at least as we demanded for them at the time of the sale.

I was pleased with an observation made by the honorable Senator from Colorado [Mr. TELLER]. He and I differ widely upon many questions, but upon that I agree with him that it is not at all probable that when these bonds become due but what they will be paid in the usual way, by exchange of other bonds, by gold coin, or by other money then a legal tender and equal in purchasing power to gold. The equity of these bondholders to demand the same kind of money of equal purchasing power with that they paid is as clear and as plain as the light of day; and when that question is presented in the proper form to the people of the United States you will find that they will resent any dishonor that may be brought upon the national credit by the refusal to pay bonds purchased in gold with money less valuable than the gold coin by which the bond was purchased.

I believe in and hope that we may be able to maintain silver coin at parity with gold, as we have done thus far with the silver dollar; but even if this parity should be maintained silver will be far too bulky to meet such transactions as the payment of the public debt. Its very weight will prevent its use in such transactions. I have a telegram from the Director of the Mint, as follows:

TREASURY DEPARTMENT, February 19, 1895.

Hon. JOHN SHERMAN:

Avordupois weight of 1,000 coined silver dollars, fifty-eight and nine twenty-nine thousandths pounds. Avordupois weight of \$1,000 worth of silver bullion standard at present price (99 cents fine ounce), one hundred twenty-six and nine eighty-four thousandths pounds.

R. E. PRESTON,  
Director of the Mint.

Now, Mr. President, there are some other things about this matter. While the refunding of the public debt was going on we came to the resumption of specie payment. Then all money was at par. Then it was the policy of the Government in carrying out the laws for the redemption of the balance of these bonds to sell bonds without the aid of a syndicate, without any assistance whatever from bankers or brokers. While our notes were less valuable than coin it was difficult for us to sell bonds in the market except by the aid of bankers and banking associations; but after we had resumed specie payment then the Treasury Department withdrew all their contracts with bankers and offered the bonds, what were left of them, at par or at a premium in the open market in order to pay bonds as they matured bearing a higher rate of interest. They were sold directly to the people of this country as a popular loan. We sold them to the people directly. When all our notes were at par with gold then it was that we provided that the bonds might be paid for not in gold coin only, but in coin and in any other kind of legal-tender money, all at par with gold coin. But that only applied to the bonds sold after resumption to pay the 5-20 issues of the war of the rebellion. Then, and only then, we used the word "coin" in inviting the purchase of our bonds.

It is true in all our laws running through all our history we usually spoke of coin, not of gold coin or of silver coin, because until 1878 there was practically no silver coin in existence in our country which was a legal tender for debts. In 1878 we had practically reached the specie standard. Then the silver dollars were provided for and they were issued; and they have been maintained at par with gold, and I trust in God ever will be. I would be the last man to ever degrade a dollar that has been coined by the Government of the United States and bears its stamp upon it; and I will hold and maintain the silver to be equal to the gold.

But I would not pay in silver the men who have paid gold. No silver was coined until 1878, when the last contract was made. None had entered into circulation. The Bland-Allison Act had not yet passed into a law. I would not undertake to pay either the people who bought our bonds or the bankers at home or the great capitalists abroad in any money less valuable than that which they paid for the bonds. That is the rule and practice of equity and public faith, which lies at the foundation of this whole argument, and Senators can not avoid it or evade it.

Mr. President, I have said all I care to say about the various loans. I wish here to comment upon the remark made by the Senator from Delaware [Mr. GRAY]. He is defending the President of the United States. Mr. President, it is not the President of the United States who is armed with the money power of this Government. The Senator is not ignorant that the President of the United States has no power whatever over these financial questions. He has no business with them. They are not intrusted to his keeping. The Secretary of the Treasury is the only law officer who is authorized to issue bonds or to exercise the discretionary powers requisite. He is the only one who is authorized to conduct these negotiations. Mr. President, the President has no more right to do it than he has to sit in your seat in the Senate Chamber. It is true—

Mr. GRAY. When I spoke of the President I spoke of the Administration and of the Secretary of the Treasury, whom the President appointed. I was aware that the law referred to the Secretary of the Treasury.

Mr. SHERMAN. The Senator spoke of the President, not of the Secretary of the Treasury.

Mr. GRAY. The Secretary of the Treasury is the appointee of the President and represents the policy of the President.

Mr. SHERMAN. The Senator may have meant to include the Secretary of the Treasury among all the rest of the people around the White House.

Mr. GRAY. Then, of course, the Senator from Ohio will understand that the attack on the President of the United States was very much out of place. It was barking up the wrong tree, so to speak.

Mr. ALDRICH. The President notified us of the contract.

Mr. SHERMAN. I wish here to emphasize it, that the President of the United States from the beginning of the Government almost to this time has never been confided with the duty of the care of the Treasury. Alexander Hamilton is the only man ever spoken of in connection with our early loan law. Even the great name of Washington, which sounds aloud in all parts of the world as the greatest man perhaps of any time, although he was President of the United States, was never connected with the financial controversies between Jefferson and Hamilton. The law that I have here read to you, to strengthen the public credit, or to provide for refunding the public debt, provides that the Secretary of the Treasury shall have power to do so and so. Therefore the President can in no sense be held responsible for this contract. It is the signature of the Secretary of the Treasury that gives it effect.

I must speak in all candor. I do not care to say it, because I have the highest respect for these two officers. I do not think that they were animated by any but the noblest and best motives in doing what they did. I would not say one word that would impeach their integrity or cast a single cloud upon them. I believe them both to be honorable men in every sense of the word; but I must confess that in my view of the matter they made a very faulty contract for the United States. I see by the quotations made on Saturday last that our 4 per cent bonds, still running for ten years, are worth in the market 111. I find that the 5 per cent bonds, which were sold recently at 117, are still worth a fraction over 115. Now the 4 per cent thirty-year bonds, measured by these two standards, ought not to be less in the market than about 120. Why? The thirty years' duration for a loan is an enormous benefit. It has enormous advantages. Between this and the expiration of the thirty years the time will come when we can, as we have in the past, redeem the bonds at probably one-half the rate that is now paid.

Therefore, to give these bonds to anybody, foreigners or natives, at 104½ it seems to me is an improvident act. I can not understand precisely the logic of my friend from Delaware when he says that the President was under some pressure, under some controlling idea that he must get the gold. He could get the gold at

par from London, from Berlin, from France, from any country in the world. The par or value of the franc and the sovereign and all the various gold coins of the world is measured by the number of grains in the coins; not by the stamp that is put upon them, but by the value of the grains of gold.

Mr. GRAY. The Senator has had great experience in such matters, and the explanation would be very useful to us. Will the Senator explain how the Treasury of the United States was to get gold except by buying it with the bonds of the United States?

Mr. SHERMAN. But you buy it at its market value, by its weight and fineness, whether in the form of a pound sterling, worth, say, \$4.85, according to the rate of exchange. All other gold coin or bullion is measured in the same way.

Mr. GRAY. Will the Senator state what he is to buy it with except the bonds of the United States?

Mr. SHERMAN. I know; but that ten-year bond of the United States is worth 111 in gold to-day in the market in this country and in England and the commercial world.

Mr. GRAY. The Senator is using as a platform for an attack upon the action of the Secretary of the Treasury the financial platform that has been erected by the Treasury Department itself. The action of the President or of the Secretary of the Treasury in the consummation of this deal for gold would create the conditions of credit that support the bonds, and from that platform so created the Senator seems to be making an attack upon his conduct.

Mr. SHERMAN. The Senator from Delaware knows very well that there was no complaint whatever made about the first contract by the President and Secretary of the Treasury in the sale of 5 per cent bonds. He followed the rule and got a full measure of value of the bonds. But when you talk about a thirty-year 4 per cent bond then you are dealing with an article that is valuable in every market in the world. That bond running for thirty years at 4 per cent will be sold in England, I will venture to say, within sixty days of this time—

Mr. GRAY. Yet, as I said when I was on my feet a while ago, there has been shown by the market reports a fluctuation of 5 per cent in the bonds that were issued last November.

Mr. SHERMAN. But here is a fluctuation of 15 per cent, between 104½ and 120. Mr. President, they may have been urged by what they regarded as a necessity, but there is no difficulty in moving the gold of the world here, or enough of it, for a bond bearing 3 per cent and a fraction. A difference in exchange of one-quarter of 1 per cent or one-half of 1 per cent will bring it.

Mr. GRAY. What does the Senator mean by speaking of the difference between 104 and 120? Which bond does he refer to?

Mr. SHERMAN. The bonds running for thirty years, according to the statement made, were sold at 104½.

Mr. GRAY. Well?

Mr. SHERMAN. They are worth in the market, tested by any other security on the price list, 120.

Mr. GRAY. The Senator a moment ago said they were quoted at 111.

Mr. SHERMAN. No; that is a different bond. The 4 per cent bonds running only ten years are quoted at 111. The 4 per cent bonds running thirty years are worth twice the premium given for the ten-year bonds.

Mr. GRAY. That is the Senator's opinion. Has he any market quotations for those bonds at 120?

Mr. SHERMAN. No; there are none in existence.

Mr. GRAY. That is the Senator's speculation, then?

Mr. SHERMAN. I think my honorable friend is too great a man to try, I would say, to dodge the question. Does he not know that a bond running for thirty years bearing 4 per cent is worth greatly more than a bond running ten years bearing the same rate per cent?

Mr. GRAY. I know nothing about such things, and I take the market report; and I asked the Senator if he had a market report to bear out the assertion he made. There is no authority for quoting these bonds at 120.

Mr. SHERMAN. No; because there are no such bonds in existence. These are the first to be issued.

Mr. GRAY. Then the Senator can not tell about it.

Mr. SHERMAN. I say in issuing this new class and description of bonds the Secretary of the Treasury ought to have measured them by similar stocks in the market, and there is no use to get around this conclusion. I regret to say that I think it is an improvident transaction. It is not going to break up the United States. It is not going to impair our credit or affect seriously our liabilities. I believe it was a sharp bargain pressed by men whose services were not necessary in the negotiation of our loans. My own experience, to which my honorable friend refers, convinces me that no loan ought to be placed in the market of the bonds of the United States except after the option is given to the people of the United States. They will find a mode to get gold here. If, therefore, a reasonable proposition had been made, if either of the three classes of bonds set out in the refunding act and at a certain

price had been put upon the market and the people of the United States had been required to pay for them in gold, they would have found the gold easily enough.

We have as smart men in the city of New York as there are in all the world besides. We have still shrewder men in Boston; and your good, pious Quaker men in Philadelphia know how to turn the tables. [Laughter.] Give them a chance by a popular loan. The people would contribute the money in greenbacks, in Treasury notes, or silver certificates; and the men who manage affairs in the great cities (I rely on Chicago to speculate a little on them) could convert the various forms of money into gold. That is my judgment. I may be mistaken. Yet I again say that I have not one word of unkindness to say of either the President or the Secretary of the Treasury. I have no desire to excite suspicion, because there could be none excited; but I do think it was a faulty bargain from which we can not recede, which we have to comply with, because undoubtedly the Secretary of the Treasury had the legal right to make this bargain, and if he made a bad bargain we must do as other people do when they themselves or somebody for them has made a bad bargain; we must submit to it and bear it as well as we can.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 4609) to establish a uniform system of bankruptcy.

Mr. CALL. I ask unanimous consent that the regular order be laid aside informally, without losing its place, and that the Agricultural appropriation bill be proceeded with.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

#### YELLOWSTONE RIVER BRIDGE.

Mr. POWER. I ask that a House bill lying on the table be laid before the Senate.

The bill (H. R. 6750) to authorize the construction of a bridge across the Yellowstone River, in the county of Dawson, State of Montana, was read twice by its title.

Mr. POWER. I ask unanimous consent for the present consideration of that bill.

Mr. CALL. I can not yield for that purpose.

Mr. POWER. It will take only a moment. I wish to substitute the House bill for the Senate bill already reported.

The VICE-PRESIDENT. Is there objection?

Mr. GORMAN. Yes, Mr. President, I must object. We must proceed with the consideration of the Agricultural appropriation bill.

The VICE-PRESIDENT. There is objection.

#### AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8727) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1896.

The VICE-PRESIDENT. The question is on the adoption of the amendment of the Committee on Appropriations as amended, which will be stated.

The SECRETARY. The amendment of the committee is to strike out the following clause as amended, beginning with line 9, on page 22:

Irrigation investigations: To enable the Secretary of Agriculture to continue the collection of information as to the best modes of agriculture by irrigation, \$3,000.

Mr. SQUIRE. Mr. President, I think that the sum of \$15,000 as it stood in the original text ought to be retained. I ask the Senator who has the bill in charge if he is not willing to allow the full sum of \$15,000 to be retained? It seems to me that the appropriation of \$15,000 as made in the other branch of Congress is the proper one. I think the sum is not too great after the statements made here on Saturday in regard to the importance of the appropriation. The sum of \$3,000 is too small for the accomplishment of anything materially advantageous to the people of the United States in this direction. I think the sum of \$15,000 is required to enable the Secretary of Agriculture to continue the collection of necessary information as to the best modes of agriculture by irrigation, and I trust the amendment will not be adopted.

Mr. KYLE. I wish to state that the Secretary of Agriculture is not particularly interested in this fifteen-thousand-dollar appropriation. There is a sum for the purposes of irrigation under the provisions of the sundry civil bill, and perhaps other bills, to be expended under the direction of the Geological Bureau, and the Secretary of Agriculture prefers that the whole amount shall go to the Geological Survey, if possible, and that it all be expended under one direction. I will say to the Senator from Washington that in case this provision is stricken out we shall get a similar amount on the sundry civil appropriation bill, and have exactly the same experiments along the line of irrigation.

Mr. SQUIRE. I think the point was sufficiently elucidated here on Saturday by the Senator from California [Mr. WHITE]



and others who took part in the discussion that the work of the Bureau of the Geological Survey is not the kind of work which is required in connection with the chemical analysis and examination of soils with reference to the value of irrigation.

Mr. WHITE. And irrigation methods.

Mr. SQUIRE. And irrigation methods. As I am told, and as the Senator from California fully developed on Saturday last, there has been a very large amount of excellent work done already by the Agricultural Department in connection with this matter; that something like 280 plans have been sent out, that 4,000 letters have been written, and that a great deal of good has already been done. It seems too bad to stifle this work just in its inception. Let us also have the appropriation for the Geological Bureau. I am not in favor of reducing that; I am in favor of increasing it; but I think it affords no reason why we should not pass this appropriation because we intend in the civil sundry bill to provide an appropriation for the Geological Bureau. Therefore I ask—

Mr. CALL. Will the Senator allow me to interrupt him?

Mr. SQUIRE. With pleasure.

Mr. CALL. I call the attention of the Senate to the agreement that we should proceed under the five-minute rule.

Mr. SQUIRE. I had not intended to speak three minutes.

Mr. CALL. I desire to say to the Senator that this clause was amended on Saturday, on the motion of the Senator from California (Mr. WHITE), to insert "eight thousand" instead of "fifteen thousand dollars;" and the vote now comes upon striking out "eight thousand," or retaining it in the bill.

Mr. SQUIRE. That was with the consent of the Senator in charge of the bill to make the amount \$3,000. Rather than not get anything, I would accept that, although I think the full amount of \$15,000 should be appropriated.

Mr. CALL. That was the vote of the Senate. The question now is on retaining the "\$3,000" or striking it out.

Mr. KYLE. Mr. President, I believe that I am as much interested in the question of irrigation as any Senator on this floor. In fact I have been looking for the past four years in this body for some recognition of the Western States along this line, and in almost every Congress we have been defeated. We have had enough of theory in the past. I believe in a little bit of actual practice with reference to irrigation.

Senators will remember the fact that about four or five years ago a committee was sent all through the Western country to ascertain whether we had a body of artesian water underneath the soil of the Missouri Valley and the different States adjoining. We knew there was water there before the commission approached our State. The whole amount of money was expended, and not a bit of good was accomplished by it. We want to-day some experiments along the line of irrigation, and if the money is divided and part of it put here and part of it there on the various appropriation bills, nothing will be accomplished.

I have learned from the Secretary of Agriculture that his Department does not care particularly to make any experiments or to make any particular investigation in this direction, and that he would prefer that the money should go to the Geological Bureau, where the same kind of information can be collated and given out to the people.

I am in favor, if possible, of putting the appropriations for this purpose in a lump into the hands of some particular official of the Geological Bureau, who will disseminate the information throughout the various Western States, determine upon a plan of action, and, in addition to that, conduct an experimental farm for the benefit of the people who are residing in that region. If that can be done there will be something in the direction of practical value.

Mr. WHITE. I wish to suggest to my friend, the Senator from South Dakota, who has just taken his seat, that the particular matter to which this appropriation is proposed to be devoted is the carrying out of the objects of that particular bureau which attends to the matter of irrigation inquiry. I stated on Saturday in detail the large amount of valuable information that had been disseminated upon this subject, how various plans for the irrigation of farms all over the country, and in large numbers—information which can be found in the RECORD without repeating the remarks I then made—had been absolutely sent out, received, and operated upon. The Senator from New Hampshire [Mr. GALINGER] stated a fact which, no doubt, was news to many here, that the State of New Hampshire, by means of the operation of this bureau of irrigation, was absolutely getting a foothold, or perhaps, I might say a water hold, in New England.

I know that the Geological Survey people can render valuable service in their particular line; but, as I stated before, I can not understand that there is necessarily or probably any qualification in that Bureau such as would enable it to send out proper information about the actual carrying on of irrigation. That is essentially a matter pertinent to and connected with the Agricultural Department. You might perhaps expect a member of the Geological Survey to tell you whether the mastodon had pastured

upon the petrified forests of Arizona before they had been reduced to that state, but you can not possibly expect such an official to tell how to conduct modern irrigation, cultivate the soil, and produce the manifold and varied crops which that section of country under the influence of irrigation does bring forth.

Hence, I say that so far as that matter is concerned it pertains to the Agricultural Department, and I advise the Senator, who is interested in irrigation matters, as I am interested, not to concur in the elimination of the item, which I think to be essential in this direction, but let us take what we can get as we go along.

Mr. KYLE. I will say that I have no objection whatever to this amount of money being appropriated for the Agricultural Department. I presume that it can be utilized there and used for the purpose intended; but I hope the Senator will give me his support when we come to the other bill in the direction of the practical work of irrigation.

Mr. WHITE. If the Senator will permit me, he knows I have always given him my support in that direction.

Mr. SQUIRE. I assure the Senator that I shall be very heartily in favor of the appropriation for the Geological Bureau, but I do not think this appropriation ought to be cut out of the pending bill. I think the farmers of the country ought to get what benefits they can out of the bill.

Mr. KYLE. I will agree to the provision under those circumstances.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question recurs on the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The PRESIDING OFFICER. The Chair will inform the Senate that the vote just taken strikes out the entire paragraph as amended, the amendment of the committee being to strike out the clause.

Mr. SQUIRE. Mr. President, I voted on the supposition that I was voting for the amendment substituting "\$3,000" for "\$15,000."

Mr. WHITE. I rise to a parliamentary inquiry. As I understand the matter, the amendment which I suggested appropriating "\$3,000" instead of "\$15,000" for this purpose has been adopted; and therefore the amendment of the committee has been changed to that purport. The vote, as I understood the Chair to put the question, was as to whether the clause as amended should be agreed to. Under the circumstances it is important, at least, to know precisely what we are voting upon. The form of the matter is quite immaterial to me.

The PRESIDING OFFICER. The amendment of the committee was to strike out three lines in the bill referring to irrigation investigations. Before the vote was taken on that question an amendment was adopted reducing the amount from "\$15,000" to "\$3,000." The Chair will again put the question on striking out the clause with the appropriation reduced from "\$15,000" to "\$3,000."

Mr. GORMAN. I only desire to say a word in regard to this provision. A provision similar to this for a small appropriation to be expended under the direction of the Secretary of Agriculture for this purpose got into an appropriation bill three years ago in direct opposition to the system which was being carried on through the Geological Survey. It was understood, and it was agreed, by the Agricultural Department that as there was a gentleman in that Department of great skill who desired to make some investigations for a short time only, an appropriation should be made for one year, and on that condition, and that alone, it was granted.

Then, as a matter of course, the two or three very eminent gentlemen who had been drawing nearly the whole amount for salaries came back and wanted another year to conclude their work, and now the question comes up again. It simply amounts to a proposition to keep these few gentlemen in employment, when they are practically duplicating the work being done by the Geological Survey. The Committee on Appropriations therefore, with these facts within their knowledge and with these statements made over and over again, reported to strike out the entire provision. That is all there is of it.

There is not sufficient money appropriated by the clause to accomplish anything for the benefit of the people of the West. There is no special necessity for it, for the work is going on under the charge of the Geological Survey. Therefore I submit that when the proposition is now made to keep in this bill an appropriation of \$3,000 it is simply for the purpose of keeping two or three gentlemen in that Department at work.

Mr. PETTIGREW. Mr. President, I very much hope that the Senate will not strike out this provision, and not only that, but I hope the amount will not be reduced to \$3,000. Fifteen thousand dollars is little enough for this purpose, and the bureau connected with the Agricultural Department is doing great and practical work, work which is of value and service to the people of the Western country. If this work is to be turned over to the Geological Survey, my experience teaches me that their efforts will be worthless. They have spent thousands and thousands of dol-

lars in connection with the Geological Survey for topographic work which is absolutely worthless in connection with irrigation.

They have gone over the level prairies of the West, in my own State, for instance, making topographic maps which are of no use under heaven except as an exhibition of their skill in map making. Their lines are so far apart that they are utterly worthless in connection with irrigation, and the money they have expended for topography ought to be diverted for the purposes of irrigation and for practical experiments under the Department of Agriculture. That Department is now teaching our people how to run ditch levels without the aid of an engineer, whilst if they should undertake to follow the lines marked out by the Geological Survey they would find water running uphill. The work of the Geological Survey is absolutely impracticable and absolutely worthless in every respect.

I protest against turning this practical work, work in no way connected with geology, over to the Geological Survey, which was created for another purpose. Let the Geological Survey study geology, if they can accomplish any good in that direction; let them pursue it; but do not turn over the irrigation interests of the West to the impracticable men who manage the Geological Survey.

Mr. GORMAN. I am amazed at the remarks of the distinguished Senator from South Dakota [Mr. PETTIGREW]. He has been one of the most active members of the Senate in aiding in the solution of this question.

Congress, at the suggestion of gentlemen representing the semiarid region, at the last session devoted a million acres of land and turned this whole subject over to the States. The Senator knows very well that we are trying to eliminate this expenditure from these appropriation bills, and when the Senators from those States made the request we gave the land so that the States might utilize it. The Senator knows as well as I do—for he has been an active agent as a Senator in securing, in a bill which is to follow this, an appropriation on the line necessary for the reservoir sites to be given to those States—that we have appropriated at his request, and at the request of other Senators in that section of our country, a very large amount of money for the Geological Survey to aid the States—for that is what it means—in developing the proper lines. The Senator knows, or he ought to know, that the irrigation and ditch companies, which are formed as private corporations, have been given public lands for reservoir sites without charge by the Government. All that can be done toward solving this question and to enable the people in that section of the country to manage this matter has been done and is being done by the Government, and I have favored it.

I have been as active as any Senator from the semiarid region in endeavoring to give to the people there all the necessary facilities for irrigation, but here is a proposition which, I repeat, found its way into an appropriation bill because there happened to be one scientific gentleman connected with the Agricultural Department who wanted his compensation and who wanted to continue the corps engaged with him in the work. The appropriation was to be for only one year, but it has been made for two years, and it is now proposed to extend it for three years in the face of all we have done, and done after careful consideration on the request of Senators from the semiarid region.

I say, Mr. President, it is wrong. If we want to enter upon the proper system, it is right to give the land and give the surveys, but it is wrong to force upon us here officers who are useless.

Mr. KYLE. Will the Senator state the character of work which has been done by the Agricultural Department?

Mr. GORMAN. I understand it amounts to absolutely nothing. One or two or a half dozen gentlemen have gone out, looked over the country, and made a report as to the necessity of irrigation. Nothing has been done, so far as I know, of any substantial importance to the people of the semiarid section of country in the development of that region. The work is absolutely useless. As we have given to the States in that region the land, and as we have made the surveys by the Geological Survey, this is all that Congress can do at present, and certainly this expenditure for officers in Washington is useless.

Mr. ALLEN. If the Senator will allow me, I entirely agree with him that this appropriation ought to be given to the Geological Survey, and not put on this bill; but I want to remind the Senator from Maryland of one or two things in this connection. The gift of lands to the States in the semiarid region counts practically for nothing at this time.

Why is it that millions of dollars are annually paid for the improvement of estuaries and rivers and harbors and creeks and mud ponds in the East and in the South, and that great country, which is as fertile as the valley of the Nile, can not get practically a dollar to develop its resources?

Mr. GORMAN. Mr. President, I can not answer the Senator from Nebraska in the question he has just propounded. Irrigation is a very great question to the West. It is one which affects the States in that section of our common country, where they have but little, if any, rainfall, and which has been adopted after

careful deliberation. I served on a committee with my distinguished friend from Nevada [Mr. STEWART], who has had great experience in this matter, and with other Senators from the Western States, where the effort has been made to develop this system, and it was after the most careful consideration by those Senators and on suggestions made by the former Superintendent of the Geological Survey and by the Interior Department, that it was determined there was no way by which the great work could be prosecuted except by turning it over to the States, after having made these examinations and surveys, and giving it to them to develop. Under that system, as I understand, private and public companies have been formed. The time will unquestionably come when Congress will have to enter upon the question of aiding in that work. It is not for Nebraska or Nevada or Colorado alone, but it means the development of the Union, and then the question that the Senator asks me will properly come up.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEWART. Mr. President, I am as thoroughly in favor of irrigation as anyone, and of aid being given by the General Government, and it is proper that the General Government should aid in this work. I originally offered the amendment whereby a small appropriation was secured for the purpose of collecting and publishing information in regard to methods of irrigation.

It has not been so successful as I hoped it would be. It was not intended at the time, as I informed the committee, to be a permanent appropriation. It was to go on a year or two until there could be such collections and publications of what is known in regard to irrigation as could be acquired here by a small appropriation of money. The report of the Secretary of Agriculture shows that they have bulletins which contain information as to the experiments made in this country, but largely composed of publications in regard to irrigation in foreign countries. There are many works on the subject. These publications may have accomplished some good, but the Secretary speaks of another subject for which there is an appropriation in another bill, and which I regard as more important. That is not proposed to be done by this appropriation. The Secretary says:

There is much need of an enlargement of the operations of the Weather Bureau so as to include a careful and systematic measurement of the water contained in the snow fall and of the rains upon the summits of the various mountain ranges within the arid regions.

It is from this source that the great bulk of water comes which is used in irrigation in the regions under consideration. At present we know little or nothing upon this important physical question within the arid regions, for the reason that about all the observing stations of the weather service are located in the valleys or else low down on the mountain sides much below the snow fields of their summits.

Mr. PEPPER. From what does the Senator from Nevada read?

Mr. STEWART. I read from the report of the Secretary of Agriculture. Under the head of irrigation he appears to lay special stress upon those measurements and estimates as to the sources of the water supply. There is an appropriation for that purpose in another bill. The Committee on Irrigation, which has been alluded to, published a very large amount of information on the subject as well as a good deal derived from foreign sources. I hardly think it is necessary to keep up these publications or compilations, but if it is necessary and proper it is much more important that the matter provided for in the other bill shall be carried out.

Besides, I should like to see the experiments suggested by the Senator from South Dakota tried. If any money is to be expended, the expenditure of fifteen or twenty thousand dollars in a single well in South Dakota might develop and bring into the market a large tract of country as to which private individuals are unwilling to experiment. The Government owns the land, and I think that a very worthy object. There may be other instances of that kind. I hardly think, although I am entirely indifferent about it, that it is necessary to pursue this kind of investigation further.

Mr. SQUIRE. I should like to ask the Senator from Nevada a question, not to protract the debate, but for the sake of actual information.

Mr. STEWART. Certainly.

Mr. SQUIRE. Does the Senator think the Geological Bureau in its work will cover all the ground that ought to be covered and as to which this paragraph relates? The provision in the pending bill reads:

To enable the Secretary of Agriculture to continue the collection of information as to the best modes of agriculture by irrigation.

The Geological Survey is not expected to do that which relates to agriculture.

Mr. STEWART. I think the publications upon the subject are about enough. We printed a very large amount of matter, foreign correspondence, etc. It will simply be restating substantially what has already been printed. I only say that the money could be more economically used, although I am entirely indifferent about it. If the Senate desire this work to go on I have no objection, although I do not think it is the best way to spend money now.

Mr. PEPPER. Mr. President, I desire to say a word in addi-



tion to what I said Saturday. If this is to be a question of jurisdiction between two bureaus of the Government or between two Departments, I am for the Agricultural Department every time. One point that has not been alluded to by any Senator thus far in the discussion, which in my judgment is very important, is that the farmers of the country for whose benefit, and for whose benefit exclusively, in the first instance, irrigation is desired, look to the head of their Department. We have now a Department of Agriculture, and to that Department the farmers are in the habit of looking. I can remember very well that when Frederick Watts, of Pennsylvania, was chosen as Commissioner of Agriculture (I think he was the first gentleman who occupied that office) the farmers in different parts of the country felt as though they had a friend at headquarters with whom they could correspond upon terms of equality. Now, we have gone so far that we have a Department, the head of which is a Cabinet officer. Agriculture has been raised to that standard. Our farmers now feel at liberty at any time and under all circumstances to correspond freely with the Department of Agriculture.

The matter of irrigation is of special interest to our farmers. The farmers of the West have now begun to correspond with the Department, as to the magnitude of which the Senator from California [Mr. WHITE] gave us a statement on Saturday. Since that time I have received some additional information, although I do not happen to have the figures at hand, showing the large volume of correspondence upon this particular subject and the rapidity of its accumulation. Let the Geological Bureau go along with its work, but let the Department of Agriculture be gradually strengthened in this great movement until finally it shall have charge of the practical operations of agriculture by irrigation. The Geological Bureau can go along with their scientific explorations and can be of great assistance, immeasurable assistance, to the Department of Agriculture, but I look for a time when the Department of Agriculture will have developed a wonderfully vast system, and when, through the efforts of the Department in that direction, all that part of the great West known as the semiarid region will be densely populated, and farmers there will be prosperous upon little farms of 10, 15, 20, and 35 acres of land.

Enough has already been shown to demonstrate that a 10-acre tract of that fertile soil when properly irrigated is worth more than a whole quarter section of land on the outside.

I know one case that now comes to my mind where a little farm of 10 acres produced for its owner last year over a thousand dollars clean cash, independently of keeping his family. At the time I saw him he told me that the proceeds of his crop then disposed of amounted to over \$900, and that he had from \$150 to \$300 worth yet to dispose of. It is a great question, and I hope we will not strip the Department of Agriculture of a single dollar that can possibly be used in that direction.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KYLE. I wish to ask the Senator from Kansas a question before he takes his seat.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PEPPER. I can answer it in another five minutes.

Mr. KYLE. I ask unanimous consent to put a question to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent to ask a question. Is there objection? The Chair hears none.

Mr. KYLE. I understand the Secretary of Agriculture says he has practically completed the work he has been doing, and that he prefers that it shall be turned over to the Geological Department. Is that true?

Mr. PEPPER. If I may speak without asking unanimous consent, I will say that I do not know whether it is true or not. I think if it were true the Secretary would have told us.

Mr. KYLE. I should like to ask in this connection what is the character of the work being performed under the former appropriation similar to the one now proposed to be made?

Mr. PEPPER. I am not able to give all of it. The Senator from California [Mr. WHITE] Saturday gave us some very important information on that line. My information amounts to about this, that under the operation of the appropriation about which the Senator from Maryland spoke the Department has started a system of inquiry in probably one-half of the States of the Union. With so small an appropriation to apply to the entire United States the work must be spread very thinly, and there can be but small parts done here and there. Now, my idea is that, beginning with what we have done, if the Department understands that we want the work continued, it will broaden out naturally and logically, and that as the farmers become better acquainted with it after a while, we will give the Department of Agriculture a great deal more work to do than it is now doing along this line.

Mr. DUBOIS. Mr. President, unfortunately several years ago an amendment was slipped into a bill in conference which put the disposition of the public lands in the West in charge of Major Powell, the Director of the Geological Survey. None of the Sena-

tors from that region knew of it until the Commissioner of the General Land Office sent out circular instructions that no lands could be entered until they were released on the order of the President of the United States. That incensed the Western Senators against Major Powell and the Geological Survey. Their anger has continued until this time. They have forgotten, apparently, that the Geological Survey and Major Powell were not one and the same. So far as my own State is concerned, the Geological Survey has done most excellent work. Men build ditches under the surveys made by that Bureau. The Survey has an establishment there; it has a force in the field all the time, and there is not a man in Idaho who would not wish to see the appropriation for the Geological Survey increased.

As to the amendment under consideration, I do not think it amounts to anything. The true method of irrigation is first to ascertain the amount of water in the Western country, and what it will do. The present Committee on Appropriations of the Senate has put into a bill an item proposing to appropriate \$25,000 to gauge the amount of water in the different States. That, it seems to me, is the true method. We must first ascertain how much water we have, how it can be utilized, and how much land it will irrigate. The amendment in the sundry civil bill is, therefore, a step in the right direction. I am heartily in favor of it, the committee understand it, and I think the Western people generally believe it is the true method. While I have no particular objection to the pending proposition to appropriate \$8,000, I should much prefer the appropriation of \$25,000 contained in the sundry civil bill, which will establish a precedent on the lines along which we must work in order to develop that part of the country.

Mr. ALLEN. Mr. President, I am decidedly in favor of the appropriation of all the money that may be necessary to make a thorough irrigation survey of all the arid lands of the country. I think, however, that it is advisable to put this work under the charge of one man. I doubt very much whether it is advisable to make an appropriation for an investigation by the Agricultural Department and then another appropriation for a survey or gauging of waters by the Director of the Geological Bureau. I think the work can be done more efficiently by putting the entire matter under the charge of one man, letting him understand that the responsibility rests with him alone.

I wish to make another observation in reply to the senior Senator from Maryland [Mr. GORMAN]. This country in the last twenty-five years has dumped millions of dollars in the harbors, rivers, lakes, and ponds of this country. Every little obscure creek (in one or two instances I believe where they were not able to find it upon the map of any State) has received a liberal appropriation for the purposes of improvement. Over 750,000,000 acres of the most productive land in this country is prevented from being developed to its fullest extent in consequence of the failure of sufficient rainfall.

The Senator from Maryland says that Congress has dealt very liberally indeed with the semiarid regions. He says, "We have given you millions of acres of this land, and turned it over absolutely to the States." What cheerful news, Mr. President [Mr. FRYE in the chair], would it be to you to be informed that the rivers and harbors of the State of Maine, for instance, had been turned over to the State of Maine and you were at liberty to improve them as you saw fit! What cheerful news it would be to this Eastern country and to the Southern States to say, "Why, gentlemen, Congress has turned the rivers and harbors and ports over to your States and you can improve them to your hearts' content!"

Mr. HAWLEY. I never heard of the proposition, but it might not be a very bad one for us at all if we were at liberty to take the rivers and harbors and sell wharfage and privileges of navigation. The land was given to you to sell.

Mr. ALLEN. I have no doubt the Senator would take them and sell them to good advantage. I am not speaking, however, in a complaining sense of making contributions for the development of rivers and harbors. I believe in that policy. But every time we have asked for a dollar to develop the great Mississippi country we are met with the parsimonious answer that that country has been turned over to us and that we may develop it ourselves.

I was opposed to the passage of what was known as the Carey bill, which passed the Senate but a few months ago, because I believed it was an attempt on the part of the General Government to shirk responsibility and to give it the opportunity to say, "We have turned that country over to you and you are at liberty to develop it." If it is a part of the duty of this country to contribute money for the development of rivers and harbors, it is as much its duty to contribute money to provide for an irrigation of the arid lands of this country. What difference is there between developing the Mississippi River or the Missouri River or any of our other rivers and the appropriation of money for the development of the semiarid regions of this country?

The PRESIDING OFFICER. The Senator's time has expired. Mr. ALLEN. I move to strike out the word "dollars," in line 12 of the bill.

I think what I have stated is in substance all I desire to say on this matter. I hope the subject will be placed under the charge of either the Secretary of Agriculture or the Director of the Geological Survey.

Mr. CALL. I hope we shall now have a vote without any further debate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SQUIRE. Will the Chair please state what the amendment is?

The PRESIDING OFFICER. The amendment is the committee's amendment to strike out the clause as amended making an appropriation for irrigation purposes.

The amendment was rejected.

The PRESIDING OFFICER. The next amendment passed over is the amendment beginning, on page 23, line 3, "Investigation and experiments with grasses," etc.

Mr. HAWLEY. Let the amendment be read.

The PRESIDING OFFICER. The paragraph proposed to be stricken out by the Committee on Appropriations will be read.

The SECRETARY. After line 2, page 23, strike out:

Investigation and experiments with grasses and forage plants, division of agrostology; field and laboratory investigations relating to the natural history, geographical distribution, and uses of the various grasses and forage plants, and their adaptability to special soils and climates; establishment and maintenance of experimental grass stations; employment of local and special agents and assistants; collection of seeds, roots, and specimens for experimental cultivation and distribution; materials, tools, apparatus, supplies, and labor required in conducting experiments; freight and express charges and traveling expenses; the preparation of drawings and illustrations for special reports, and the preparation of illustrated circulars of information, bulletins, and monographic works on the forage plants and grasses of North America, \$15,000.

Mr. HAWLEY. Mr. President, I hope the amendment will fail. I think there are few paragraphs in the bill, certainly none that I know, opening new lines that are so useful as this may become. We have spent a great deal of money in scientific pursuits and investigations, especially in connection with the Agricultural Department. I think there is no other Government in the world that has so honorably distinguished itself in scientific research for the benefit of the people in general and especially in the agricultural line. But here is a neglected field, one upon which there has been very little energetic, persistent, scientific research or experiment.

You will find in the catalogues of our Government publications some exceedingly interesting literature concerning birds in their relation to agriculture. You will find the whole field of insects, insects useful as well as mischievous, very well covered by very valuable scientific investigations. So with regard to all varieties of fruits. There are illustrated volumes showing careful research and investigation in connection with the very enterprising work of a great many private citizens. So in the matter of flowers. So as to shrubs and trees, in connection with hedges, etc.; and to go into the animal field, a great deal of learning and investigation in the matter of horses and bovine cattle, of the different breeds of sheep, the grasses which furnish them the best of food, the quantity of wool they will bear, etc. Then to pass over into one of the fields of grasses, as they are called, Indian corn, wheat, and oats, which are called grain-bearing grasses, our investigation has traced the grain feature of the product, and that has been very well done indeed. Then, besides, take the field of vegetables—turnips, cabbages, potatoes, and all that great class. To all of that we have given much investigation and experiment which have been of great service to the country.

But, Mr. President, the hay crop of last year, according to the Agricultural Department, was worth \$468,000,000. If the cotton crop was 9,000,000 bales—I do not remember how much—at an average, we will say, of 7½ cents a pound, it makes only about \$270,000,000. The hay crop was \$200,000,000 more than the crop of cotton at 9,000,000 bales for the latter. There has been a great deal of investigation, a great deal of study, a great deal of importing and transplanting of seeds, etc., in connection with the cotton crop. I spoke of \$468,000,000 as the value of the hay crop. That makes no estimate whatever of the pasturage consumed by 14,000,000 cattle. There is no country that has the resources we have. The extraordinary sweep and variety of climates and soil are obvious to anyone upon reflection. Any man can see upon reflection that the probabilities are there are various grasses to be found in other countries as well as our own that by improvement in cultivation can be as well brought up as the crab apple was brought up to the splendid eating fruit of nowadays. There are, the botanists tell us, more than 3,500 different kinds of grasses, of which over 700 grow within our territory. That makes no mention of useful forage plants, the clovers and alfalfas, which belong to another family. A note laid before me says:

It will be the function of the new division to instruct and familiarize the people with the habits and uses of these plants, to conduct investigations

relative to their natural history and adaptability to different soils and climates, to introduce promising native and foreign kinds into cultivation, etc.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KYLE rose.

Mr. HAWLEY. May I have a minute more?

The PRESIDING OFFICER. The Senator from Connecticut asks unanimous consent that he may be allowed to proceed. Is there objection?

Mr. HAWLEY. I am nearly through. I wanted to give the reasons for my special interest in this subject.

The PRESIDING OFFICER. The Chair hears no objection. The Senator from Connecticut will proceed.

Mr. HAWLEY. It is a fascinating question. I was led into listening to it and studying it by the experiments of a citizen of Connecticut who belongs to the honorable class of cranks, who is a crank upon the subject of grasses. He has traveled the United States, he has traveled Europe, he has imported from abroad blocks of turf, not the seed bought at seed stores, but the actual turf itself. He cut blocks of turf of special grasses from the finest lawns in England and elsewhere. He cut them into small pieces and stood them in the ground, 5 or 6 inches apart, in large squares; and the little blocks united their roots and tops and became one fine bed or mat. Now he has a large tract of land devoted to that purpose. His neighbors have helped him, but he himself has become possessed of the idea that this is the greatest field of investigation and improvement in the United States; and he has impressed me with that belief.

I have no doubt the Secretary of Agriculture will take great pleasure in administering and expending this appropriation of \$15,000 to best advantage.

Mr. KYLE. Mr. President, I was disposed, on looking over the bill in the first place, to favor this provision for agrostology, but on looking further I am disposed to oppose it. We have already provided in the bill, on page 3, for a division of botany, as follows:

Division of botany: One botanist and curator of the herbarium, \$2,500; one assistant botanist, \$1,000; one assistant botanist, \$1,400; one assistant curator, \$1,200; one botanical clerk, \$1,000; one botanical clerk, \$900; in all, \$8,600.

The division of agrostology is a branch of botany. It has heretofore been conducted under the botanical division of the Agricultural Department. I can see no reason whatever for now separating these two very important branches of investigation. If we have special clerks who are doing work along this line why establish a second division and pay additional clerks unless it be for the purpose of providing certain persons with positions in the Agricultural Department?

I understand that they are paying a man for agrostological investigation a salary of \$2,500 a year, to do the work which is being done at the present time in the botanical division of the Agricultural Department upon a salary of \$1,200. I understand that all the work done by this experimenter in agrostology is to collect the various grasses from different points on the globe and catalogue them scientifically with botanical names and make pictures of them and print them in a book. That is all that is done, I understand. Now, I submit that is nothing more than a botanical analysis of the plants and placing them before us in the form of a herbarium. As I said, that work is being done already by the botanical division of the Agricultural Department. I submit that those clerks, who are already paid liberal salaries, are amply able to make the collections of grasses in any portion of the known globe and ascertain all there is about them, whether they are suited to wet regions or dry regions, whether they are suitable for forage purposes or for medicinal purposes, or what not.

In addition to that we have here on page 8 of the bill an appropriation of \$25,000 for "botanical investigations and experiments, division of botany, \* \* \* \$25,000," that the same botanical division may investigate plants that are useful in the science of medicine. We have here separate provision made for the investigation of plants useful for the science of medicine and those useful for farmers as forage, called agrostology—the grasses—and then, again, we have a general division of botany which covers the whole field. I do not see any reason for separating these various appropriations. Let us have it all in one division called the botanical division of the Department of Agriculture, and pay no persons exorbitant salaries for collecting that which can be just as well collected and which is at the present time collected by the clerks in the botanical division of that Department.

Mr. HARRIS. Mr. President, I have not myself had time and opportunity to investigate the question involved in the pending provision, but a gentleman of very high character, a scientist who has given much thought and much investigation to this matter, has furnished me the following memorandum, which I ask to put on record as the view I take, and trust—

Mr. GEORGE. Let it be read.

Mr. HARRIS. That is what I ask be read now, that it may become a part of the record of this transaction.

The PRESIDING OFFICER. The Secretary will read the communication presented by the Senator from Tennessee.



The Secretary read as follows:

(Memorandum with regard to the proposed new division of grasses and forage plants in the Department of Agriculture.)

The Department of Agriculture has always recognized the importance of the investigation of our forage resources. The annual hay crop of the country has an estimated value of \$300,000,000, and more than 14,000,000 head of cattle are supported upon our grazing lands. There is no country in the world possessing forage resources of such vast extent, and none where the plants which compose that forage are more various. The maintenance and continued improvement of these resources is of importance to every citizen of the United States, and of direct and most vital importance to every American farmer.

In a vast country like ours much exploratory work yet remains to be done in connection with our native grasses, and by continued investigations it can not be doubted that useful species new to agriculture will from time to time be discovered. They are awaiting our attention, and the intelligent introduction of many of them offers a means of improving our agriculture. In the sandy and arid regions of the West and Southwest are nutritious grasses and other native forage plants whose introduction into culture, if seriously undertaken, could not fail in vastly benefiting those sections. The importation of improved and useful forage plants of other countries, and the testing of their adaptability to our climate and conditions have resulted in much benefit to our agriculture.

The study of grasses for special purposes, as, for example, the binding of drifting sands along our ocean and lake shores, the holding of embankments liable to wash by swift currents or overflows, and the making of fine lawns, materially broadens the interest in grasses, without even considering the more important grain-bearing grasses, like corn, wheat, oats, and rye, or those yielding special products, as sorghum and sugar cane, or the wonderfully useful bamboos of the tropical regions.

The recommendation for the establishment of a division of agrostology for carrying on investigations of grasses and forage plants does not introduce new lines of work into the Department, but is made to effect a better organization of this work and to give to it that recognition which its great importance unquestionably deserves. The establishment of such a division will demonstrate to the citizens of this and other countries that our Government fully recognizes the primary importance of the grasses in the rural economy of the nation. The immense value which this work has for the farmers of the United States and the varied and special lines of inquiry which the work necessitates, as well as its broad application to every part of our country, is the justification for this recommendation.

There are over 3,500 different kinds of grasses, of which over 700 grow within our territory. There are, besides, many useful plants—not grasses—such as the clovers and alfalfa. It will be the function of the new division to instruct and familiarize the people with the habits and uses of these plants, to conduct investigations relative to their natural history and adaptability to different soils and climates, to introduce promising native and foreign kinds into cultivation, to identify all grasses and forage plants sent in for identification, and reply to all correspondence relative to these plants. During the past season more than 1,000 specimens, coming from all parts of the country, have been identified, and a great number of inquiries of a practical sort have been answered.

Mr. PLATT. Mr. President, I hope that the amendment of the committee will not prevail. I think that this paragraph, the appropriation for this division, is the most important item in the bill. I know of nothing in the bill that I should not prefer to have stricken out rather than it. The investigation of grasses with reference to the capability of their improvement and their economic value is a matter to which attention has been only recently turned. One needs only to state that the grass crop of the country is the foundation of the life of all the animals of the country to show how important it is. What farmers have been doing in past years is simply to run out the grasses which they have; no attention has been paid to the development and cultivation of grasses; and I am glad to see that the Agricultural Department is turning its attention to this subject, the most important subject within its purview. I hope the clause will not be stricken out.

Mr. VILAS. Mr. President, I entertain the same view of this question which the Senator from Connecticut and several other Senators have taken. I wish to add in reference to it only one suggestion, not so much with reference to the value of the subject of the investigation in regard to grasses to the agricultural interests of the country as that it seems to be to my mind a fair and just consideration of the head of that Department to permit him to arrange his divisions and conduct his work as seems best to him for the management of that work and the accomplishment of the ends prescribed to him. It is the ordinary usage in respect to the different Departments of the Government that the divisions and sections are arranged by the head of the Department. While it is true that they sometimes take a certain form of law in the appropriation, and in a very few instances it is true that there are specific laws for the establishment of divisions, generally it is a matter subject to the government of the head of the Department; and that ought to be the case.

In the particular matter under consideration the Secretary of Agriculture very much desires that this mode of conducting the investigation already entered upon and much pursued shall be permitted. The other House has agreed to it. There is no other provision in the bill for this investigation if this clause be stricken out.

Mr. KYLE. There is the botanical division.

Mr. VILAS. The botanical division appropriation does not contain any special provision for investigation in regard to grasses and plants of that description. It is only a general appropriation for the maintenance of the botanical division.

Mr. PLATT. And that is limited to investigations relating to medicinal and other economic plants.

Mr. VILAS. Precisely. Here is but a very moderate appro-

priation asked for these two special divisions, which, as the Senator from Connecticut well said, are of more importance to the interests of husbandry in this country than almost any other feature in the bill. Seventy million tons of hay are produced in this country, the report of the Secretary of Agriculture states; 50,000,000 acres of land are devoted to it, and that but a small portion of what could be profitably employed; while there are known in the world as many as 3,000 different kinds of grasses of which we use but half a dozen. It is a subject of the very greatest consequence to the agricultural interests, as I conceive.

Let me add, Mr. President, that I supposed there was to be no occasion for debate on this subject; that the sentiment which has been so generally expressed by different Senators had been recognized by the committee and that we might expect the committee to yield to it.

Mr. KYLE. If the Senator from Wisconsin will allow me before he sits down—

Mr. CALL. In view of the expression of Senators on this subject I feel justified on the part of the committee in receding from its amendment.

Mr. SQUIRE. I am very glad to hear that.

Mr. PLATT. Then let us vote.

Mr. SQUIRE. Then let us vote. I am very much in favor of the retention of this paragraph in the bill.

Mr. KYLE. My objection was that we spend now in the neighborhood of eight or nine thousand dollars a year—

The PRESIDING OFFICER (Mr. BLANCHARD in the chair). Does the Chair understand the Senator from Florida in charge of the bill to recede from the committee amendment?

Mr. CALL. I suppose it would be better to allow a vote to be taken on the amendment.

Mr. PLATT. I understand the Senator in charge is willing that the amendment of the committee shall be disagreed to.

Mr. CALL. I am.

Mr. BUTLER. Then we will vote.

Mr. SQUIRE. Then we will vote "no."

The PRESIDING OFFICER. The Chair will put the question.

Mr. PETTIGREW. Mr. President, I wish to make one further suggestion in connection with this paragraph before it is disposed of and in favor of it, even though the Senator in charge of the bill does consent that the amendment shall be stricken out. I wish to call the attention of the Department of Agriculture to the fact that over a vast region of this country east of the Rocky Mountains, where there is a soil as fertile as there is in the world, the rainfall averages only 15 inches per year, and in that part of the country vegetation grows rank and plentiful, but that which grows is worthless, such as sagebrush and Russian thistle.

I hope this investigation will result in the discovery of some plant that will take the place of this useless vegetation and that will be of use and profit to man. It seems to me that in the line of this investigation, no matter how much it costs, even an appropriation of fifty times the amount carried by the bill could be profitably expended if one grass can be obtained of utility to man that will flourish as those worthless plants flourish in that dry, arid region.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The PRESIDING OFFICER. The next amendment of the committee which was passed over will be stated.

The SECRETARY. Strike out from line 18, on page 23, to line 4, on page 24, inclusive, in the following words:

Investigations in relation to agricultural soils, division of agricultural soils; investigation of the relation of soils to climate and organic life; for the investigation of the texture and composition of soils, in the field and laboratory; the location of stations, and the rent of a building, not to exceed \$1,000 per annum, for office and laboratory purposes; the employment of local and special agents and other labor required in conducting experiments; the preparation of drawings and illustrations; for materials, tools, instruments, apparatus, and supplies, and for traveling expenses, freight and express charges, \$15,000.

Mr. SQUIRE. Mr. President, I have a few brief words to say on this amendment of the committee.

Mr. CALL. I desire to say that on the part of the committee—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Florida?

Mr. SQUIRE. I do.

Mr. CALL. I beg to make a statement in regard to this amendment. In view of the very general expression of opinion on the part of the Senate I will not insist upon the amendment of the committee, but will allow it to be submitted to a vote.

Mr. SQUIRE. Mr. President, I simply wish to say in regard to this paragraph, as I would have said in regard to the one preceding it, that I am in favor of extending the power of the Agricultural Department; I am in favor of magnifying that great office, and giving to it every added facility and all the money needful to assist the farmers of this country. I believe, with the Senator from Nebraska, that there has been too little done in the

way of expenditure in behalf of the great farming interests of the United States as compared with other great interests.

I would not underrate the value of the improvements for rivers and harbors. I believe they are for the benefit of all the people, and not for the benefit of the particular localities where they happen to be established by nature, assisted by art and science through human agencies; but I believe that there has relatively more money been expended in connection with the subject of transportation than there has with reference to the development of our soil. Therefore, as I said before, I am in favor of every one of these appropriations. I do not see one in the bill which has been adopted by the House of Representatives that we should omit, and I am very glad that the Senator from Florida, in charge of the bill, has agreed to permit this amendment to be voted down, so as to retain the paragraph as it is in the bill.

Mr. President, I believe that is the only thing we shall have any contention about, and we can get through with this bill immediately. I ask the Senate to vote the whole amount without any reduction as to the appropriation as embraced in the paragraph.

Mr. ALLEN. I have here a paper, which has been very carefully prepared by the Agricultural Department, which I ask to have read in this connection.

The PRESIDING OFFICER. The paper will be read in the time of the Senator from Nebraska.

The Secretary read as follows:

#### DIVISION OF AGRICULTURAL SOILS.

The division of agricultural soils is to be established to study the conditions which give each of the principal soil formations of the United States their peculiar agricultural value, adapting some to grasses, others to wheat, truck, tobacco, and fruit. It has been shown that the peculiar adaptation of these soils is not due so much to their chemical composition as it is to the texture of the soils and their conditions of moisture and temperature. Soils adapted to early truck and small fruits, for example, are sandy, open, and warm, allowing the rain to pass through them very readily and maintaining only a small amount of moisture. This dry condition gives them their peculiar value for forcing vegetables to an early maturity.

The tobacco soils of Pennsylvania owe their peculiar value to their close texture and to the fact that they maintain generally an abundance of moisture for the crop. This produces a large, heavy type of wrapper which competes with the Cuban tobacco. The tobacco of the Connecticut Valley, on the other hand, is grown on a very light textured sandy loam, and the soil being much drier the crop is much lighter in color and finer in texture. It competes with the Sumatra wrappers.

The work of the division is to be confined principally to the study of the texture of the soils adapted to these different interests. The methods for the study of the physical conditions of the soil are not very well known, and the agricultural colleges and experiment stations are not equipped for this work, nor do they understand the methods. It would be one of the purposes of the division to work out these methods and encourage an extensive study of the soils of the country by the experiment stations and colleges.

These problems, however, could never be successfully and thoroughly worked out by local institutions, for it must be based, in the first place, not upon State boundaries, but upon geological formations which may cover a number of States and may be found in widely separated parts of the country. Samples from the same formation and same class of agricultural soils must be collected from all over the country where they occur, and carefully examined and compared. For example, to study tobacco soils of Pennsylvania we must study the texture of the tobacco soils of the Connecticut Valley, which produces a different type of tobacco, the bright tobacco soils of Virginia and North Carolina, as well as the conditions in the dark shipping tobacco region of Kentucky and Tennessee, and of the barley district in Ohio. It is only by this extensive study of different soils which are known to give different products that we may hope to understand the conditions in any one soil and how these conditions should be changed to improve the quality or increase the yield of the crop. No State experiment station or agricultural college could attempt investigations on such an extensive scale as is necessary to work out the fundamental principles of crop production. The Department of Agriculture can send to Cuba or Sumatra for samples of their soils to compare with the soils of Pennsylvania and the Connecticut Valley.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Committee on Appropriations.  
✓ The amendment was rejected.

The PRESIDING OFFICER. This ends the committee amendments.

Mr. ALDRICH. I should like to ask the Senator in charge of the bill, who owns the swamp lands which are named on the twentieth page, in lines 21 and 23, in the San Joaquin and Sacramento valleys, in California, on which the Government proposes to expend \$10,000, or a portion of it? This is a new departure, so far as I know, on the part of the Government of the United States to expend money in improving the private lands of individuals, and I think it might be a curious fact to find out where the ownership of those lands resides.

Mr. CALL. I will answer the question of the Senator. The committee made no inquiry as to the ownership of these lands, nor did they conceive it was at all important to do so any more than to inquire who owns the sugar cane lands or the sugar maple tree lands. They regarded the development of this soil into the production of sugar cane and rice as a national measure, and as that was insisted upon by the Senators from California and was in the bill as it came from the other House it has been retained by the Senate committee. That is the whole explanation.

It is understood that there is a large and valuable section of country in California which may by a little experiment be found to be adapted to the growth of sugar cane. This very small appropriation was made in conformity with others, and is of exactly

the same character as other appropriations in the bill for the purpose of developing the productions of different parts of the country.

Mr. ALDRICH. There are millions of acres of land in the United States which are now useless for any purpose of cultivation, swamp and other lands, belonging to private individuals, which I have no doubt they would be very glad to have the Government spend money in improving. The Senator from Florida says the Committee on Appropriations have made no inquiry into this matter, and do not know to whom the lands belong. A proposition to expend Government money upon a Government reservation or upon Government lands might perhaps be tolerable, but for the Government of the United States to enter upon the work of improving the private lands of individuals in any part of the country is a very questionable one, according to my notion. As the Senator in charge of the bill seems to have no knowledge of the subject, except a very glimmering idea that the Senators from California desire to have the item retained in the bill, I move to strike out the proviso.

The PRESIDING OFFICER. The amendment proposed by the Senator from Rhode Island will be stated.

The SECRETARY. On page 20, line 18, after the word "necessary," it is proposed to strike out:

*Provided, That so much thereof as may be necessary may, in the discretion of the Secretary of Agriculture, be expended in experiments in sugar-cane and rice production on reclaimed swamp lands in some suitable place in the San Joaquin or Sacramento Valley, California, to be used by the Department free of charge.*

Mr. CALL. That is a provision which came from the House of Representatives and which was insisted upon at least by one of the Senators from California. I do not know about the other.

With reference to the proposition of the Senator from Rhode Island, all the property in the United States is owned by its citizens, the people of the United States. There is nothing in his argument. He is getting to be more of a State rights man than is to be found anywhere when he is not in favor of expending money for any purpose except the improvement of the Government property. The Government is only the people. There are no distinctions in that respect. I do not see that it is at all necessary to know who owns the land. We are not improving the land. That would be a mere incident if it should occur. We are endeavoring to introduce and bring into use a great production, precisely as we are doing in the tariff, to introduce an industry in manufacture in the State of Rhode Island, and the Senator can not distinguish by the one-thousandth part of a hair's breadth a difference in principle between this appropriation for the development of a great agricultural industry in California and a manufacturing industry in Rhode Island.

Mr. ALDRICH. Will the Senator allow me a moment?

Mr. CALL. I will.

Mr. ALDRICH. I understand the Senator from Florida agrees with his party generally that it is not constitutional to impose duties upon articles of importation on the ground that it may prove a benefit to some private individual.

Mr. CALL. I do not.

Mr. ALDRICH. Here is a proposition to expend the public funds upon the lands of a private individual, to improve those lands, and possibly to improve other lands around the same property.

Mr. CALL. I never heard such a proposition as that stated by the Senator from Rhode Island from any political party. If there be such ideas entertained I do not entertain them.

Mr. ALDRICH. I have thought the Senator from Florida was a little uncertain in his Democracy at times, but I did not expect from him so open a repudiation of the Chicago platform as he is now expounding for the benefit of the Senate.

Mr. CALL. I do not think I am as unsettled in my Democracy as the Senator from Rhode Island is unsettled in his Republicanism.

Mr. CHANDLER. If the Senator from Florida will allow me a word, I wish to entreat the Senator from Florida not to delay the passage of this appropriation bill by entering into a discussion either of the tariff or of State rights.

Mr. CALL. I have not done so.

Mr. CHANDLER. Mr. President, it seems to me, while these two subjects may have some possible relation to this clause, yet we have not the time, if we are to get this bill through to-day, to go into them. I am a faithful coadjutor at this time of the Senator from Florida in his efforts to get this bill through, as I have been on other occasions, and shall continue to be in the future, so long as the Senator occupies a seat on this floor.

The pending question is a simpler matter than that of State rights, and I think the question which the Senator from Rhode Island has put ought to be answered either by the Senator from California [Mr. PERKINS] or by his colleague [Mr. WHITE]; that is the question whether we are to try sugar culture and rice culture upon reclaimed swamp lands belonging to private individuals in the State of California. It may be that we ought to do it. I



do not want to get in the way of any experimentation which the Department of Agriculture may desire to carry forward, but I should like to know first whether the Secretary of Agriculture wants to make these experiments.

I do wish to know what he has said about it; and then I should like to know whose lands are to be improved by these experiments. If either of the Senators from California can explain what is intended, or if the Senator from South Carolina [Mr. BUTLER], who I see has succeeded in getting the little word "rice" inserted in the body of this amendment, can satisfy me that this money ought to be expended in this manner, and upon these reclaimed swamp lands belonging to somebody in California, I shall make no opposition to the amendment, and I presume the Senator from Rhode Island will not; but we are entitled to some explanation of an important item of this kind, and certainly we ought to have it without having inflicted upon us a discussion of either State rights or the tariff question upon an agricultural appropriation bill.

Mr. BUTLER obtained the floor.

Mr. PERKINS. Mr. President—

Mr. BUTLER. The Senator from New Hampshire [Mr. CHANDLER] has appealed to me, Mr. President, but I yield the floor to the Senator from California [Mr. PERKINS].

Mr. PERKINS. Mr. President, I fully sympathize with the zeal of my friend from New Hampshire and my friend from Rhode Island in desiring to urge the passage of this bill, and I have voted with them generally, at least on all propositions which tended to expedite its passage.

My friend from Rhode Island seems to have discovered in the bill a provision which he believes is calculated to improve the private land of some large landowner in the State of California. I desire to state for his information that a year ago, under the recommendation of the Secretary of Agriculture, there was placed in the agricultural appropriation bill \$10,000 for experimental stations. Rhode Island would probably have had a part of that appropriation if the Senator had been as zealous in looking after that State's interests as Senators from other States have been in looking to the interests of their people, who do not, however, get more than their quota of the appropriation; but be that as it may, California made application to the Secretary of Agriculture, and represented to him that there were in our State many thousand square miles of land known as swamp and overflowed lands, and the alluvial lands of the valleys, which were peculiarly adapted for the culture and raising of rice and sugar cane.

We have not, however, understood the cultivation of the sugar cane sufficiently to experiment with it or demonstrate to the farmer that it could be successfully cultivated. But representations were made to the Secretary of Agriculture, and he appointed the assistant secretary of agriculture of our State University to select lands in a proper locality where experimental stations might be established, and that money has been expended in experimenting in the cultivation of sugar cane and the raising of rice. The State secretary of agriculture entered upon his mission and many propositions were made to him throughout the great San Joaquin Valley, the Sacramento Valley, the Santa Clara Valley, the Napa Valley, and other great valleys of our State. After thoroughly reconnoitering the State and examining the various propositions he selected a place on the San Joaquin River, where 40 acres of land were tendered to the Government free of charge. A station was there established and the planting of sugar cane and rice commenced. Ten acres, I am informed, were placed under cultivation. The experiment has been most successful. The cost to the Government has been a mere nominal sum. This land is at the disposition of the Secretary of Agriculture for as long a time as he desires it without cost.

This provision is not for the purpose of improving the land of any owner, but it is to demonstrate to the people of California that we have a large area of land, more than 3,000,000 acres, which is suitable for the cultivation of sugar cane and the raising of rice. Therefore I can not see any objection whatever to this provision. I trust the Senator from Rhode Island will withdraw his amendment, or, at least, if he does not, that it will be voted down.

Mr. ALDRICH. Mr. President, I have finally succeeded in getting an explanation from the Senator from California in regard to this provision. It seems that the owners of certain lands in California, through their representatives, have succeeded in inducing the Government to expend some money already upon those private lands. As I understand the Senator from California, there are in California millions of acres of swamp lands, which are now useless for any purpose, that certain of the owners of those lands have transferred to the Government, very liberally, the right to expend a large sum of money upon them to improve them, and they have consented also, very liberally, not to charge the Government anything for the right to expend this money in improving those lands, they being valueless otherwise. If that plan is to be adopted in regard to the constituents of the Senator from California, I hope he will not consider me selfish if I should try to have

the same rule applied to people who own land in other parts of the United States.

In the State of Louisiana there are millions of acres of swamp land; in the State of Florida there are thousands upon thousands of square miles of swamp lands upon which the Government might experiment for the benefit of their owners. If a man in my State desires to have useless land which he owns improved or experimented upon to find out whether it has value for certain purposes, I am sure he would never think of coming to the Government of the United States and seriously asking it to make an appropriation for that purpose.

I am a great believer in the national authority of the United States and in its power to do almost anything which a great nation might do, but it does seem to me we are going altogether too far in legislation of this kind in providing that the Government shall expend its money in improving the lands of private individuals, whether they are citizens of the State of California or of any other State in the Union.

I hope that my amendment will be adopted.

Mr. BLANCHARD. Mr. President, it occurs to me that the amendment offered by the Senator from Rhode Island to strike out the proviso on page 20 is eminently a proper one. There is but \$10,000, all told, proposed to be appropriated in the item under discussion for the purposes of experiment in the manufacture of sugar. This proviso, which appears to have been put on an appropriation bill in the House of Representatives for the first time a year ago, would authorize every dollar of the \$10,000 to be expended upon one particular 40 acres of ground in the San Joaquin and Sacramento valleys, in the State of California.

I am informed by the Secretary of Agriculture that hardly anything, perhaps not exceeding \$100, has been expended in doing any work or acquiring any property for the purpose of experimenting in the cultivation of sugar and rice in the San Joaquin Valley.

I am further informed by the Secretary of Agriculture that most of the appropriation which was made in the last Agricultural appropriation act was not used by him at all for any experimental purpose in the production of sugar and rice, but that nearly all of it was covered back into the Treasury of the United States.

If it would be a proper thing to appropriate \$10,000 for the purpose of experimenting in sugar and rice, why should not the place at which those experiments are to be made be left to the discretion of the Secretary of Agriculture? There should not be anything invidious placed in the law itself, as it is sought to be placed here now, which would confine him in his operations to one particular 10 or 40 acre tract of ground in the San Joaquin Valley.

I doubt very much whether this appropriation will subserve any good purpose in any event; but, if it does, it should be general in its nature, at least to the extent of permitting the Secretary of Agriculture to select the particular spot where these experiments shall be made.

I think the amendment of the Senator from Rhode Island ought to prevail.

Mr. GORMAN. I suggest to the Senator from Rhode Island to modify his amendment by striking out the words, in lines 21, 22, and 23, "some suitable place in the San Joaquin or Sacramento Valley, California, to be used by the Department free of charge."

That is an extraordinary provision in a law fixing the very point at which experiments shall be made, and the bill ought to be corrected to that extent at all events. Afterwards the question of whether we shall appropriate \$10,000 for experiments will come up.

Mr. ALDRICH. I should be very glad to have the language so modified as to read "at some place in the United States."

Mr. GORMAN. I believe it will be first in order to strike out the words after the word "lands," in line 21, down to and including the word "charge," in line 23.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to amend the text proposed to be stricken out by striking out after the word "lands," in line 21, on page 20, the following:

In some suitable place in the San Joaquin or Sacramento Valley, California, to be used by the Department free of charge.

Mr. GORMAN. The fact is, as stated by the Senator from California [Mr. PERKINS], that the lands have been selected; but as I propose to amend the clause, the appropriation of \$10,000 for these experiments will be expended by the Secretary of Agriculture wherever he thinks proper. That is the usual way of making appropriations.

Mr. CHANDLER. At some suitable place in the United States?

Mr. GORMAN. Yes, sir.

Mr. CALL. Mr. President, this discussion is entirely without any foundation either in the history of appropriation bills, as stated by the Senator from Maryland [Mr. GORMAN], or in the reason and propriety of the case; and there is no foundation for it in the appropriations which have been made for the geological surveys. We do declare, and we have for years declared, that certain portions of these appropriations shall be expended beyond the

Mississippi River and in particular sections. What objection can anyone have to saying that Congress shall leave to the Secretary of Agriculture the discretion that certain portions of this money shall be expended in this or that or the other section of the country so that it may be equally, fairly, and impartially done?

The Senator from Maryland undertakes to say here—and that is the only logical proposition he makes—that the discretion of the Secretary is greater than the discretion of Congress. That is no foundation for a motion on this subject. I am indifferent about the words of the bill, but why should not California have, by direction of Congress, an equal advantage in this appropriation with any other State? Will the Senator from Maryland and the Senator from Rhode Island tell me that? Why is it any different from an appropriation in the river and harbor bill that, for instance, the harbor of Baltimore shall be improved? If so, what is the difference?

Mr. GORMAN. The Senator asks me a question. I think he misapprehends my motive in this matter. I want to put all the States on an equality, and give to the Secretary of Agriculture \$10,000 to make these experiments, without locating the place where it shall be expended.

Mr. CALL. The Senator from Maryland now says that he wants to leave to the discretion of the Secretary of War whether he will improve Baltimore Harbor or not, and he will not have Congress say that the Secretary shall apply the money there. That is the Senator's proposition now. There is no foundation for it.

The Senator from Rhode Island [Mr. ALDRICH] undertakes to ask about who owns this land. It is not material who owns it. This provision says the land shall be used by the Government free of charge, no matter who owns it. What more do you want?

Mr. PERKINS. Mr. President, I appreciate the kind words said by my friend from Florida in favor of this appropriation, and yet I am disposed to accept the amendment proposed by the Senator from Maryland and leave it to the discretion of the Secretary of Agriculture. The only reason why I hesitate to do so is because of the amendment proposed by the Senator from Louisiana. He is the only one who made such a—

Mr. BLANCHARD. I beg the Senator's pardon. The Senator from Louisiana offered no amendment.

Mr. PERKINS. Then, I will refer to the speech of the Senator from Louisiana, made in favor of striking out the provision. This Government, if my memory serves me correctly, has appropriated more than a half million dollars for experiments in raising sugar in Louisiana. If I had had a vote at that time I should have voted for it, but the moment I brought forth incidentally the inference that California would be a rival of Louisiana in raising cane sugar, as she is to-day in beet sugar, he could see no merit in the proposition to appropriate a few thousand dollars for experiments in the great valleys of the State of California. Yet, he forgets how much this Government has done, and wisely done in my opinion, in making experiments in Louisiana.

I have confidence, however, in the discretion of the Secretary of Agriculture, and I am willing, in the absence of my colleague [Mr. WHITE], to take the responsibility of accepting the amendment proposed by the Senator from Maryland to strike out of the clause that part relating specifically to experiments in San Joaquin or Sacramento Valley. That will satisfy my friend from Rhode Island [Mr. ALDRICH], and my friend from New Hampshire [Mr. CHANDLER], being of an amiable disposition, always acquiesces when we appeal to him as I now do. Therefore I hope it will be made unanimous, that the appropriation will stand, and I will take the chances of the Golden State getting her pro rata of the appropriation.

Mr. BLANCHARD. I rise for the purpose of asking the Senator from California when and where the Government has expended \$500,000 in Louisiana for experiments in the manufacture of sugar under the item now under discussion?

Mr. PERKINS. Perhaps that was a lapsus linguae. I meant the whole country; but Louisiana means the whole country practically as to sugar raising, and now she wants a bounty from all of us.

Mr. BLANCHARD. I do not know of any money that has been expended in Louisiana—

Mr. PERKINS. If the Senator will read the report he will find it.

Mr. BLANCHARD. One moment. I do not know of any money which has been expended in Louisiana in the manufacture of sugar under the particular item of appropriation in the bill that is under discussion. If the Senator will turn to the next page, under the head of "Agricultural experiment stations," which is an entirely different matter, where experimental stations are established by the Government in the line of the act of Congress approved March 2, 1887, to establish agricultural experiment stations in connection with the colleges established in the several States, then I will say that in the agricultural experiment stations provided for by that clause money has been expended in Louisiana

as it has been expended in the State of California. But I know of not a single dollar that has been expended in Louisiana for experiments in the manufacture of sugar under the particular item of appropriation in the bill that is now under discussion.

Mr. ALDRICH. I do not know that I correctly understood the Senator from Florida in the statement he has just made. I understood him to say that I had no right to offer the amendment; that it was not in order, and that I had no right to discuss it.

Mr. CALL. I never said anything about order.

Mr. ALDRICH. I so understood the Senator from Florida.

Mr. CALL. That is the province of the Senator from Rhode Island.

Mr. ALDRICH. I do not know upon what ground the Senator based his suggestion.

Mr. CALL. I should not invade the province of the Senator from Rhode Island.

Mr. ALDRICH. I certainly understood the Senator in that way. I shall be glad if the Senator from Florida will agree to the suggestion of the Senator from Maryland, and also to the suggestion to amend the proposition in line 20, by striking out the word "and," and after the word "rice" inserting "or other agricultural products," so that the Secretary of Agriculture shall have a right to expend any portion of the money in experiments in the production of sugar cane, rice, or other agricultural products produced on reclaimed swamp land. That will enlarge the field of the inquiry. I do not know any reason why it should be confined to sugar cane and rice. If we are going into the business of experimenting on swamp lands why not see what other agricultural products can be produced on those lands?

Mr. CALL. I have no objection to extending it if the Senator has a particular objection to rice.

Mr. ALDRICH. I have no objection to rice. I think we had better enlarge the provision and take in all such products.

Mr. CALL. I have not the slightest objection. I will merely say in explanation that these experiments have been conducted for three years. The late Senator from Kansas, Mr. Plumb, was a great advocate of this experimentation not only as to sugar cane and the extraction of the juice by cheaper processes, but in respect to sorghum and beet sugar. It was chiefly through his efforts that for many years an appropriation for this purpose has been made in the agricultural appropriation acts. A large sum of money, as stated by the Senator from California [Mr. PERKINS], has been expended in these experiments not only as to sugar cane, but also as to beets, and the endeavor has been to distribute equally its benefits upon the different sections of the country. I have no objection to accepting the suggestion of the Senator from Rhode Island.

Mr. ALDRICH. I suggest to insert, in line 20, before the words "sugar cane," the words "the production of."

The VICE-PRESIDENT. The Chair will state that the question is on the amendment proposed by the Senator from Maryland [Mr. GORMAN].

Mr. ALDRICH. I understood that amendment had been agreed to.

Mr. CALL. I accepted it. The Senator from California [Mr. PERKINS], I understand, is willing that the words as to the San Joaquin and Sacramento valleys shall be stricken out.

Mr. PERKINS. I am willing to accept the amendment proposed by the Senator from Maryland.

Mr. CALL. I accept it.

The VICE-PRESIDENT. Without objection, the amendment will be considered as agreed to.

Mr. ALDRICH. I move to amend the proviso so as to read:

*Provided, That so much thereof as may be necessary may, in the discretion of the Secretary of Agriculture, be expended in experiments in the production of sugar cane, rice, or other agricultural products on reclaimed swamp lands.*

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Rhode Island.

Mr. CHANDLER. I am opposed to the amendment. The Senator from Rhode Island is too diffusive in his motions. The Senator started out to oppose the expenditure of money for sugar cane and rice experimentation upon private lands. He seems now to have abandoned his objection to expending money on private lands, and seek to have experimentation in regard to sugar culture and rice culture and the culture of all other agricultural products anywhere in the United States where the Secretary of Agriculture chooses to go.

Mr. ALDRICH. I beg the Senator from New Hampshire not to misunderstand my position. I have not abandoned the motion to strike out the proviso. I have submitted an amendment merely to perfect the text preparatory to striking it all out.

Mr. CHANDLER. I still say the Senator covers too much ground. I am opposed to diverting this small sum of money from experimentation in the culture of sugar cane to making it embrace other agricultural products.

I think it was a mistake for the rice producers to procure the



insertion of the one word "rice." The Secretary of Agriculture with this limited appropriation for all the purposes specified in the first portion of the paragraph can not do much. He certainly can not occupy any considerable number of acres with the cultivation of swamp land in California, and if he is to be commanded by Congress to experiment upon swamp lands anywhere or everywhere in the United States where he may find them, for the purpose of determining what agricultural products those lands are fitted to produce, the experiment will be so broad that a very much larger sum of money ought to be given to it. I think the experimentation in sugar culture, which has been going on for many years, and for which in the pending bill a very moderate amount of money is proposed to be appropriated, ought to be allowed to go on, and that the experimentation ought not to be made as extensive as it is now proposed. Therefore I hope the amendment will be voted down.

If after that it is satisfactory to the Senator from California not to require the Secretary of Agriculture to expend the money upon swamp lands in the San Joaquin or Sacramento Valley, then I trust an amendment to that effect may be made. The amount of money to be expended is, after all, small, and the number of acres that are to be improved by the expenditure of Government money is not large, and I certainly have no sympathy whatever with the objection made to this appropriation by the Senator from Louisiana [Mr. BLANCHARD]. When Louisiana has had so many millions of dollars of Government money expended in developing the production of sugar cane in that State it is, I think, ungenerous in the Senator from Louisiana to oppose the expenditure of this small sum of money in the State of California.

The VICE-PRESIDENT. Is there objection to the amendment proposed by the Senator from Rhode Island [Mr. ALDRICH]? The Chair hears none, and the amendment will be considered as agreed to. The question is on the motion to strike out the proviso as amended.

Mr. McPHERSON. The amendment of the Senator from Rhode Island, if I understand it aright, will enable the Secretary of Agriculture to make these experiments upon a scale as large as he pleases.

Mr. ALDRICH. Subject to the limitation of \$10,000.

The VICE-PRESIDENT. The question is on agreeing to the motion to strike out the proviso as amended.

The amendment was agreed to.

Mr. LODGE. If the committee amendments have been disposed of, I desire to offer an amendment to the bill.

Mr. PERKINS. I desire to make an inquiry for information. I understand the amendment offered by the Senator from Maryland [Mr. GORMAN] was agreed to, striking out in line 21, page 20, after the word "place" the words "in the San Joaquin or Sacramento Valley, California, to be used by the Department."

Mr. GORMAN. I understand that my amendment was adopted.

Mr. ALDRICH. The amendment of the Senator from Maryland was adopted; and then the amendment was agreed to, which was to strike out the whole proviso.

The VICE-PRESIDENT. That is correct.

Mr. LODGE. Does this come out of my time?

The VICE-PRESIDENT. The Chair will see that the rights of the Senator from Massachusetts are protected. The Senator from Massachusetts submits an amendment, which will be stated.

The SECRETARY. Insert after line 10, page 9:

For the extermination of the gypsy moth, to be expended under the direction of the Secretary of Agriculture, \$50,000.

Mr. LODGE. Mr. President, I offer that amendment in the hope of getting aid from the United States in the extermination of one of the worst pests that has ever been imported into this country. The first specimens were brought from Europe about twenty-five years ago by an entomologist. They were, unfortunately, allowed to escape, and in the course of ten or fifteen years in the neighborhood of Boston, particularly in the neighboring town of Medford, they assumed great proportions. Their ravages became so extensive that it was necessary for the State to take action, and during the last five years the State of Massachusetts has spent nearly \$400,000 for the extermination of this moth. It comes, as I said, from Europe. It is extremely prolific. I think the female lays something like thirteen or fourteen hundred eggs, and even after exposure to a New England winter 70 per cent of the eggs will survive. In warm climates, such as those of our Southern States, they would produce two broods. They destroy practically every growing thing, particularly trees. They destroy all the products of the truck farm. They destroy corn. They will destroy grass if there is nothing better for them to take.

By the expenditure of the large sum of money which I have mentioned by the State of Massachusetts the area of the ravages of this moth have been checked; that is, it has not been allowed to spread beyond the original area, and it is undoubtedly much reduced. They are easily carried. They are, as I have said, ex-

tremely prolific, and in a warm climate would be particularly so. The extent of the damage which this insect does can only be judged by those who have seen it. They are more destructive, I think, than almost any known insect. They are known in Europe. They have been there for many years, especially in the Mediterranean states, and large sums of money have been expended there by the Government in restricting the area and endeavoring to exterminate the moth.

The State of Massachusetts has spent the amount I have stated, and will spend a great deal more in this work, but the State feels that it is entitled to some assistance from the National Government, because it is doing what is really a national work, as the extension of the moth to the other States would be of great damage. It is for this reason that I have offered the amendment. I feel about it as I felt about the Russian thistle, that it is something to spread from one State to another, inflicting the greatest possible damage, and that it is therefore something for the extermination of which the assistance of the United States should be given.

Mr. GORMAN. I move to lay the amendment on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maryland to lay the pending amendment on the table.

Mr. LODGE. Let us have the yeas and nays.

Mr. CALL. I hope the Senator from Massachusetts will not call for the yeas and nays.

Mr. CHANDLER. I was under a misapprehension—

Mr. CALL. If I may be allowed to say a word, I shall be very willing to vote any reasonable sum for the purpose the Senator mentions, but I do not think there has been any estimate or recommendation on the subject.

Mr. HOAR. I should like to ask the Senator from Maryland, if I may have the assent of the Senate, although his motion to lay on the table is of course not debatable—

Mr. GORMAN. I will withdraw the motion.

Mr. HOAR. I ask the Senator from Maryland whether he will not consent as a representative of the committee to have this appropriation or some portion of it at least put at the discretion of the Secretary of Agriculture. Our people without any exception (I do not think they are apt to be panic-stricken) regard this as a great menace to the agriculture of this country. As my colleague has stated, our Commonwealth alone has spent \$400,000 to stop this pest. I do not think there is another State in the Union that would come to the Senate with that statement made by its Senators without receiving aid. If the State of Florida were to come here and say that thing, or the State of Colorado or any of the new States of the West would come and say they had expended \$400,000 to check a pest which was menacing the whole country and should ask moderate aid from the National Government, it would be given. I suppose my colleague would accept as an amendment the addition of the words "to be expended if in the discretion of the Secretary of Agriculture it shall seem desirable," or some phrase of that sort.

Mr. LODGE. Certainly.

Mr. HOAR. I appeal to the Senator from Maryland to let it go.

Mr. CALL. Will the Senator allow me to ask him a question? I ask the two Senators from Massachusetts if they are satisfied that the amount named is not unnecessarily large for the work?

Mr. HALE. Make it \$45,000.

Mr. HOAR. Make it a smaller sum, say \$40,000.

Mr. CALL. I will submit the question to the Senate. As far as I am concerned, I attach great importance to the statement of the Senators from Massachusetts.

Mr. HOAR. I am willing it shall have the responsibility behind it of the Secretary of Agriculture, who comes from a distant part of the Union, as to the propriety of the expenditure, not making it imperative. With that modification I hope my friend from Maryland will see his way clear to waive all objection to the amendment.

Mr. GORMAN. It is difficult to refuse any request the Senator from Massachusetts makes about a business matter of this sort; but the Senator is perfectly well aware that the present very distinguished Secretary of Agriculture and his corps of officials have been exceedingly active in looking up every subject, it seems to me, on the face of the earth that troubles the soil, or the air, or individuals, or cattle. The Secretary has recommended appropriations, and the appropriations are found all through the bill, always to be disbursed, however, with a liberal appropriation for officers. In this case it seems the Secretary has not made an estimate. I do not know whether the matter was brought to his attention, whether it is widespread or troublesome, and he overlooked it, or whether it is only beginning. The point I make is that it is the beginning of a system of making appropriations for stamping out a pest, and it ought to be done only on the recommendation of that Department, and the reasons given by him for it.

Mr. LODGE. Will the Senator from Maryland allow me to interrupt him?

Mr. GORMAN. With pleasure.

Mr. LODGE. The State of Massachusetts undertook alone to deal with this pest and has spent \$375,000 and will probably spend this year twice as much as is asked for here. The matter was not presented officially to the attention of the Secretary of Agriculture. The entomologist of the Department was brought up there to examine the work being done and testified before the Committee on Agriculture in regard to it. The State has no desire to ask for money if it is not thought on due investigation by the Secretary of Agriculture that we are engaged in what amounts to a national work, of which we are willing to do and glad to do the larger part. But if we are engaged in a national work in preventing the spread of a pest which will be of the utmost damage to all the States and particularly to the South, where the climate is milder, we feel that it is not unfair that we should have in that work some national assistance.

I am perfectly willing to modify the amendment as suggested by my colleague and make the sum smaller, and leave it to the discretion of the Secretary of Agriculture to make any expenditure at all; but I should like to have the amendment in that form go in the bill, so that the matter may come before the Secretary of Agriculture, and if he is not convinced that the work which is being done there is a national work of interest to all the States, we will not ask him to spend a dollar of the appropriation. It is only on that ground that I desire to put it.

Mr. CHANDLER. I attended last summer a meeting of the American Forestry Association, where there was a full exhibition made of the ravages of this gypsy moth in the State of Massachusetts. It would have been better perhaps for Massachusetts to have let the moths get out into warmer regions. Perhaps it would have been better to have allowed them to go down South where there is a milder climate, and where they would grow, leaving the bleak hills of New England for the sunny South. Massachusetts did not do that. She spent this money lavishly, as she always expends money lavishly for any good work of this kind, and she has limited the area of this terrible destroyer.

I do not believe the Senator from Maryland wants to see those moths in Maryland. I do not believe any Senator upon the other side of the Chamber wants to see a devastating swarm of gypsy moths take possession of the foliage of the magnificent forests of the South. When this amount of money has been expended as it has been by Massachusetts, and she wants some recognition of what she has done by the National Government, I think that Senators ought to be willing to allow the amendment to be adopted.

If the Secretary of Agriculture, who is giving close attention to his business, finds, after the amendment has gone with the bill into conference, that he does not want it, that it is not necessary, that it is not useful, that it is not wise, that it is not within the scope of other similar work of the Department, then there will be no objection to having the amendment stricken out in conference. But I do ask Senators, particularly those from other States and other sections, to let us have, amidst the lavish appropriations of this bill in behalf of other sections of the country, this little recognition and a little help for the work that Massachusetts is doing to suppress a pest that will devastate the forests of the whole country if it is not checked.

Mr. GORMAN. After the statement of the Senators from Massachusetts, as I see they have modified the amendment so as to provide that the money shall be expended in the discretion of the Secretary of Agriculture, I shall not press the motion to lay the amendment on the table.

Mr. LODGE. I ask that the amendment may be read as modified.

Mr. BATE. I should like to say that the pending amendment has been before the Agricultural Committee. I believe it was stated that it had not been before any committee. I am a member of the Committee on Agriculture. There was no final action, however, taken upon it, but there was decided opposition shown in the committee to it. It was referred to a subcommittee, from which, I think, there was no report. I understand it has not been recommended by the Secretary of Agriculture; that no estimate was made for it; and no committee has recommended it. It comes in here de novo. I think it ought not to be adopted.

The VICE-PRESIDENT. The amendment of the Senator from Massachusetts will be stated as modified.

The SECRETARY. At the end of line 10, page 9, insert:

For the extermination of the gypsy moth, to be expended under the direction of the Secretary of Agriculture, if in his judgment it may be necessary and expedient, \$40,000.

Mr. CALL. I desire to say that, so far as I am concerned, not as being in charge of this bill, but as a member of the committee, I think a statement of fact such as has been made by the two Senators from Massachusetts gives them a right to recognition upon

the bill. Therefore I make no objection to the amendment as a member of the Committee on Appropriations.

Mr. BATE. Let us have the yeas and nays on agreeing to it.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. I do not see him in his seat, and I withhold my vote.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. BLACKBURN (when Mr. LINDSAY's name was called). My colleague [Mr. LINDSAY] has been necessarily called from the Chamber. I do not know whether he has a pair; but he asked me to announce that his absence from the Chamber was owing to unavoidable conditions which he could not control. He left just now.

Mr. McLAURIN (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. DIXON]. I transfer that pair to the junior Senator from South Carolina [Mr. INBY] and vote "nay."

Mr. McMILLAN (when his name was called). I inquire if the Senator from Louisiana [Mr. BLANCHARD] has voted.

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. McMILLAN. I am paired with that Senator.

Mr. PASCO (when his name was called). I am paired with the Senator from North Carolina [Mr. FRITCHARD]. I transfer that pair to the junior Senator from Kentucky [Mr. LINDSAY] and vote "nay."

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL], who is absent on official business. I do not know how he would vote.

Mr. PETTIGREW (when Mr. WASHBURN's name was called). I was requested by the Senator from Minnesota [Mr. WASHBURN] to state that he is paired with the Senator from Missouri [Mr. VEST]. If the Senator from Minnesota were present he would vote "yea."

The roll call was concluded.

Mr. GALLINGER. I am paired with the junior Senator from Texas [Mr. MILLS]. I will transfer my pair to the Senator from Vermont [Mr. MORRILL] and vote "yea."

The result was announced—yeas 34, nays 23; as follows:

#### YEAS—34.

Aldrich,	Dubois,	Lodge,	Power,
Allen,	Frye,	McPherson,	Proctor,
Burrows,	Gallinger,	Manderson,	Quay,
Call,	Gibson,	Mantle,	Ransom,
Cameron,	Hale,	Morgan,	Squire,
Carey,	Hansbrough,	Peffer,	Stewart,
Chandler,	Hawley,	Perkins,	Teller,
Clark,	Hear,	Pettigrew,	
Davis,	Kyle,	Platt,	

#### NAYS—23.

Bate,	Cockrell,	Huntton,	Pasco,
Berry,	Faulkner,	Jones of Ark.	Fugh,
Blackburn,	George,	McLaurin,	Bosch,
Brice,	Gorman,	Martin,	Turpie,
Caffery,	Harris,	Mitchell of Wis.	Walsh,
Camden,	Hill,	Palmer,	

#### NOT VOTING—30.

Allison,	Gordon,	Mitchell of Oreg.	Vilas,
Blanchard,	Gray,	Morrill,	Voorhees,
Butler,	Higgins,	Murphy,	Washburn,
Coke,	Irby,	Fritchard,	White,
Cullom,	Jones of Nev.	Sherman,	Wilson,
Daniel,	Lindsay,	Shoup,	Wolcott,
Dixon,	McMillan,	Smith,	
Dolph,	Mills,	Vest,	

So the amendment as modified was agreed to.

Mr. ALLEN. I offer an amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Insert after line 15, page 6:

For the purpose of purchasing and distributing seeds and seed grains among the drought-stricken inhabitants of the United States by the Secretary of Agriculture, under such rules as he may prescribe, the sum of \$300,000, or so much thereof as may be necessary; the same to be immediately available.

Mr. ALLEN. Mr. President, I desire to state briefly that there is very great necessity for the adoption of this amendment. It is not proper for me to stand here and describe as fully as I could the distress that prevails in this country in consequence of the recent drought. It is sufficient to say that the drought extended over a portion of my own State, a portion of the Dakotas, Kansas, and Colorado. It was not a single drought; it was a drought that occurred two different years; so that a great many thousands of people will be unable to plant their farms to raise crops of any consequence unless some aid is extended to them. I do not propose at this time to go into the ramifications of this distress. It is sufficient to state that the distress is greater than the press has at any time given the world to understand.



Since I introduced this amendment I have been in daily receipt of letters from all sections of the drought-stricken country, not from the State of Nebraska alone, but from Kansas, from a portion of Colorado, and a portion of South Dakota. It is something exceptional in the history of our State that we should have two complete failures of crops, one succeeding the other. The rule has been in the State of Nebraska, and especially in the eastern portion of the State, that we have had crops and good crops. In fact the rule has been in the western portion of the State that we have had good crops. But it must be remembered by Senators that the sections of country to which I refer as having suffered most in consequence of the droughts are sections of the country where the people are living upon homesteads and where they are undergoing all of the privations and hardships incident to pioneer life. If some measures are not adopted to relieve them the coming summer, in the nature of furnishing them seed to some extent, there will be a great many hundreds of thousands of acres of land that can not be planted, and a great many thousands of people will be out of employment.

This is a delicate matter for me to talk about. Upon one hand, are real estate men who are claiming that the credit of the transmississippi is affected by talking about these matters, which I do not believe. Upon the other hand, is the cry of distress of thousands and tens of thousands of people; and when I am put to the test of choosing between following the wishes of a few real estate men and answering the cries of distress and hunger of my fellow-citizens I prefer to take the latter course.

There are precedents for this, and I shall detain the Senate but a moment. April 11, 1892, Congress appropriated money for a similar purpose in an act which will be found in chapter 77 of the Statutes at Large, volume 23, as follows:

That the sum of \$20,000 be, and the same is hereby, appropriated for the purchase and distribution of seeds, under the direction of the Commissioner of Agriculture, to the people in localities overflowed, who are made destitute by the present overflow of the Mississippi River and its tributaries.

There are other precedents which I have examined, but the reference to which I have mislaid. Congress and the Government have on more than one occasion made contributions to people of different sections of the country who have been overtaken with some great misfortune. It has been a common thing to contribute support to fever-stricken districts, to districts which have been overflowed. Where some great misfortune has befallen the people of any particular section of the country, which becomes a national calamity, it has been the custom of the Government to extend relief to them.

I do not ask that this relief be given absolutely to these people. I ask that the sum be placed at the disposal of the Secretary of Agriculture, so that in his wisdom he may, if he sees fit, invest this sum of money in seed and seed grains for the purpose of relieving these people to some extent.

Mr. PEPPER. Mr. President, I wish the Senator from Nebraska would localize the effect of his proposed amendment, if he can do so, for this reason: While we have not been so fortunate in our whole State of Kansas as they have been in some other parts of the country, yet our difficulties lie chiefly in the western portion of the State. The legislature has already taken action looking toward the supply of those people with seeds of all varieties. A hundred thousand dollars has been appropriated. I think the act took effect two weeks ago, perhaps a little longer, and the machinery of purchase and distribution is now all in effective working order. The people who need supplies of this kind are being furnished right along from day to day, the seeds being distributed through the commissioners of the various counties.

As to the smaller seeds, the garden seeds, flower seeds, and things of that kind such as are usually distributed by the National Department of Agriculture, I have borrowed and begged—I shall not say “stolen,” for I have not had an opportunity to do that [laughter]—but I have borrowed and in other ways have received from fellow-Senators, whose more fortunate neighbors do not need them so much as ours, a large amount of seed, and up to this time I have kept pace with the demand for that class of seed.

At any rate, whether or not the Senator from Nebraska sees proper to limit the area of his amendment, I wish him and the Senate to understand that, so far as Kansas is concerned, our people have taken care of themselves.

Mr. ALLEN. I do not know what the Senator from Kansas means by limiting the area of my amendment. I do know, and I am not going to cavil with him, that there is distress in Kansas. I have no sympathy with this false sentiment which witnesses distress in this country and yet is afraid to speak of it for fear somebody may be offended. There is distress in western Kansas, and there is widespread distress.

Mr. PEPPER. I know it, but we are taking care of it. That is all I wish to say.

Mr. ALLEN. There is distress in western Nebraska, and it is widespread; there is distress in eastern Colorado, and that is wide-

spread, and there is considerable distress in North Dakota, all occasioned by drought.

It is true, Mr. President, in my State the legislature has enacted a law authorizing counties to bond themselves to provide aid in the line of furnishing seed to those who have suffered in consequence of the drought and who are unable to procure seed for themselves; but I want to say that that is inadequate to the demand. I have sent into my State not only my own quota of seed allowed by the Department of Agriculture, but I procured seed so far as I have been able from others; but it is a mere bagatelle. I say that in the State of Kansas, in the State of Nebraska, and in the State of Colorado there will be thousands of acres of land unplanted this year unless some measure of relief be brought to the people of those sections of the Union. I do not say that it is absolutely necessary for Congress to do it, but it must be done by somebody and in some manner. We voted into this bill twenty minutes ago \$40,000 to extinguish the gypsy moth, which I suppose some one brought into this country to experiment with, and it got loose from him and is now afflicting the State of Massachusetts. Here are thousands and tens of thousands of people who are at the mercy of their fellow citizens in some form; they must have relief at the hands of the people of this country, through Congress or otherwise, or many of them will be deprived of planting their lands.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska.

Mr. GORMAN. I ask the Senator from Nebraska to modify his amendment by inserting the words “in the discretion of the Secretary of Agriculture.”

Mr. ALLEN. I accede to that suggestion.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. As modified the amendment will read as follows:

For the purpose of purchasing and distributing seeds and seed grains among the drought-stricken inhabitants of the United States by the Secretary of Agriculture, and in his discretion and under such rules as he may prescribe, the sum of \$200,000, or so much thereof as may be necessary, the same to be made immediately available.

Mr. SQUIRE. I wish to make an inquiry there as to whether the terms used would be such as to include those portions of the United States which have been fire swept? The forest fires have destroyed many thousand acres.

Mr. ALLEN. No; it does not cover that case, but I am perfectly willing that those words should come in, so that the amendment will read “drought-stricken or fire-stricken.”

Mr. SQUIRE. Yes; let it read that way.

The VICE-PRESIDENT. The amendment will be so modified.

Mr. PASCO. How has the amendment been modified?

The VICE-PRESIDENT. The amendment as modified will be stated.

The Secretary read as follows:

For the purpose of purchasing and distributing seeds and seed grains among the drought or fire-stricken inhabitants of the United States by the Secretary of Agriculture, etc.

Mr. PASCO. Mr. President, if we are going to enter upon this line of expenditure, it seems to me that we ought also to include the frost-stricken inhabitants of the extreme South. The people of my State have been deprived of the means of planting their ground. Their truck patches have been ruined by the phenomenal cold of the past season, and if we are going to enter upon this line of expenditure, I suggest that the amendment be further modified by including those sufferers also.

The VICE-PRESIDENT. Is that the motion of the Senator from Florida?

Mr. PASCO. I make that motion.

Mr. ALLEN. What is the motion?

Mr. PASCO. That the frost-stricken inhabitants of the extreme South be included.

Mr. ALLEN. I hope the Senator will not insist upon that amendment.

Mr. CALL. I ask the Senator from Nebraska why not?

Mr. ALLEN. Simply for this reason: No distress has been brought to the people of Florida or any other section in consequence of frost. There is no loss of crops.

Mr. PASCO. I will say that there was a total loss of the crop in my State on account of the extremely cold weather we have had there during the last few weeks.

Mr. CHANDLER. May I ask the Senator whether there is any loss of crop which would require seed such as are described in this appropriation bill?

Mr. PASCO. Exactly.

Mr. CHANDLER. Will the Senator explain how that is? I understood it was the orange trees which were destroyed.

Mr. PASCO. The entire crop there has been destroyed during the severe weather of the past few weeks, which very largely increases the demand for the classes of seed which are being distributed by the Agricultural Department, and it is difficult to fill the

applications made from the regular supply on account of this very fact.

I had not expected to ask for this assistance, but if those who have suffered from too much fire and too much dry weather in other parts of the country are to be supplied there is no reason why the people of Florida should not also be included.

Mr. ALLEN. Mr. President, I hope the Senator from Florida will not insist upon his motion. I can not believe that it is sincere upon his part. It seems to me the only purpose is to load this amendment down and destroy it.

There has been no loss of crop in the State of Florida so far as past years are concerned. The crop there was perfect last year, and it was perfect the year before. There is every reasonable probability that it will not be this year; but I want to say to the Senator from Florida that if he knew the absolute squalor and want and suffering there is in the section of country of which I am speaking he would not treat this subject with levity.

Mr. President, there is no section of this Union to-day where an honest, hard-working, Christian people are suffering to the extent the people of the Western country are suffering in consequence of the successive loss of their crops. I speak of this with diffidence; I do not want to talk about it; it is a thing which ought not to be talked about any more than is absolutely necessary; and it is a question which ought not to be treated with levity. I state to you that these people are appealing to me and they are appealing to other Senators from certain sections of that country for relief, and they appeal in a manner which leaves no mistake of the fact that they are suffering.

I do hope the Senator from Florida will withhold his spirit of levity and not undertake to load this measure with an amendment which he must know is designed for the destruction of the measure in so far as it makes this appropriation.

Mr. BUTLER. Are we proceeding under the five-minute rule, Mr. President?

The VICE-PRESIDENT. The Chair so understands.

Mr. BUTLER. I shall have to insist hereafter that that rule be observed. Several Senators have spoken twice.

Mr. CALL. I think I ought to say a word about this amendment, as it applies to the State of Florida. I do not see the ground of the opposition of the Senator from Nebraska to this amendment. I am willing to vote whatever sum of money may be reasonably ascertained to be necessary for the relief of the people of Nebraska or of any other State, and to supply them with seeds where they can not otherwise obtain them.

In reference to Florida there is no question that there has been there a vast destruction of the property of these people, and there are large numbers of them who will be so impoverished that they will not be able to purchase the necessary seeds to grow the products necessary to support their families. There is a great vegetable section of country there, and now that their oranges are nearly all ruined the people will be compelled to plant largely of the ordinary crops of vegetables of the country, simply to sustain life. It is necessary that there should be an appropriation to furnish these people with seeds, as the destruction there has been great, from all the information which I can get, and a large part of their crop of the present year, upon which they were dependent for the purchase of supplies, has been absolutely destroyed.

Mr. KYLE. Mr. President, I should like to say to the Senator from Florida that the cases are not parallel in any degree. They have, to be sure, lost their crop in Florida this present season, or a portion of it; but only a portion of it, I believe. During past years in South Dakota and in Nebraska we have lost both our wheat crop and our corn crop, and during those years we never thought of coming to Congress for help; but now for a period of four or five years we have had successive crop failures, until now the people have mortgaged about all they are able to mortgage in order to get the grain this year, and it is impossible for them to obtain credit in any way.

I have had letters which are heartrending from the people of my own State, as well as from those of other States in that drought-stricken region, appealing to the Secretary of Agriculture through me to obtain even a small pittance of garden seed, saying they have not even 10 cents with which to purchase garden seed this spring. It is something which ought not to be talked about in this Chamber, as the Senator from Nebraska [Mr. ALLEN] has said.

I do not think there is a parallel between this case and the case suggested by the Senator from Washington [Mr. SQUIRE] of those who have been burned out by the forest fires. That is a thing which occurs only once perhaps in a lifetime. The drought in the Missouri Valley region has continued now, as I said, for a period of five years. In one place in South Dakota I know it has continued for seven years, and in no year during that time have they had to exceed a half crop, and for the past two years the crop has been an absolute failure, the people having been able to raise only two or three bushels of wheat to the acre, and get for it perhaps

35 or 40 cents a bushel. So they are out really as regards money when the crop is harvested and gets to market.

I hope the amendment will not be modified in the manner suggested.

Mr. SQUIRE. I wish to say a word. I have no wish to prolong this discussion nor to protract the time to be consumed by this bill; I wanted it disposed of on Saturday last; but we are now on an important matter, which ought to be attended to promptly, and then we should finish the bill.

I am not in favor of discriminating against any part of the United States with reference to the appropriations for the relief of the people who have had their garden seed and their field seed destroyed by fire. I believe it is right to assist the people of Nebraska and Kansas and all those Western States, but I also believe it is proper and right to assist the people of the State of Washington who have had their field seed destroyed by fire. I am also in favor of assisting the people of Florida, if they need it.

I believe in being generous and just at the same time. If we have the right, as the stewards of the people, to assist the poor and afflicted in any section with reference to the future prosperity of our country and the maintenance of life, we ought to be fair to all portions, and I am willing to vote relief, if it is needed, in behalf of the people of Florida, just as readily as I am willing to vote it for the people of Nebraska or the people of the State of Washington. I think we ought to be prompt about it, and if the amount is not sufficient let it be increased. But let us be fair toward all parts of the Union.

Mr. ALLEN. I am assured by the Senator from Florida [Mr. PASCO] that he is sincere in his motion, and that there is really suffering in the State of Florida which deserves the notice of Congress. I am, therefore, perfectly willing that the amendment offered by that Senator shall be adopted.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Florida to the amendment, which will be stated.

The SECRETARY. After the word "fire" in the amendment, it is proposed to insert the word "frost;" so as to read:

Among the drought, fire, or frost stricken inhabitants of the United States.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question recurs upon the amendment as amended.

Mr. VILAS. I inquire if the amendment was moved by the direction of any special or standing committee of the Senate?

Mr. ALLEN. I wish to say that the amendment was introduced and sent to the Committee on Agriculture, and it was brought back here a day or two days ago reported adversely. That was precisely the condition of the gypsy moth amendment, which was placed upon the bill a few minutes ago.

Mr. VILAS. Neither amendment was in order under the rules of the Senate.

Mr. ALLEN. Very well. I hope the Senator from Wisconsin will not make the point of order on this amendment, but let it go through.

Mr. VILAS. Mr. President, I was simply going to add that a few years ago when a similar bill was sent to the President of the United States it was vetoed on the ground that it was beyond the rightful power of Congress to so use the public money of the United States. I do not think any appropriation bill ought to be sent to him carrying an appropriation which he holds to be contrary to the Constitution of the United States. If it were to be sent to him it should be sent in a special bill by itself, and I feel that it is my duty to call attention to the fact that under the rules this amendment is not in order.

Mr. KYLE. Will the Senator allow me a question there?

Mr. VILAS. Certainly.

Mr. KYLE. We have had during past years hundreds and hundreds of such amendments placed upon appropriation bills, and they have become part of the statutes of the United States. We have in the sundry civil bill, which will be reported to the Senate inside of another day, about two hundred such amendments, probably affecting the statutes of the United States, which might be considered general legislation. Why, then, raise the point of order upon this amendment as being in violation of the rules of the Senate? They are all in violation of the rules of the Senate, and we know it.

Mr. CHANDLER. I hope the point of order will not be made against the amendment. Of course it is true that the President vetoed a similar bill, but Presidents change their minds sometimes as time progresses, and the President may change his mind upon this subject. Moreover, if the President has objections to a bill of this nature he may not care to veto it.

Mr. BUTLER. I rise to a parliamentary inquiry.



Mr. CHANDLER. I hope the Senator will allow me to finish my sentence.

The VICE-PRESIDENT. The Chair will hear the point of order of the Senator from South Carolina.

Mr. BUTLER. I inquire if the point of order is debatable? A point of order has been made against the amendment, I understand.

Mr. CHANDLER. I was appealing to the Senator from Wisconsin to withdraw the point of order.

Mr. BUTLER. That does not answer my question. I simply rose to inquire whether debate was in order.

The VICE-PRESIDENT. The Chair will listen to the suggestion of the Senator on that subject.

Mr. BUTLER. I merely desire to inquire whether the point of order is debatable? If not, I object to debate.

The VICE-PRESIDENT. This point of order seems to be debatable. [Laughter.] It appears to be debated.

Mr. BUTLER. It is evidently being debated, Mr. President.

Mr. CHANDLER. I only wish to say that I was far from intending to wound the sensibilities of the Senator—

Mr. TELLER. I rise to a point of order.

The VICE-PRESIDENT. The Senator from Colorado will state his point of order.

Mr. TELLER. Mr. President, I do not understand that it is in order for any Senator to recite the fact that the President of the United States has vetoed a bill of a similar character, and suggest that a bill may be vetoed. I understand that it is entirely out of order to make any reference to what the Executive may do with a bill of this kind or any other.

The VICE-PRESIDENT. That is not a matter for the determination of the Chair.

Mr. CHANDLER. Mr. President—

Mr. VILAS. I trust the Senator from New Hampshire will give me leave to say that in what I said there is no intimation whatever of what the President would do in regard to this or any other bill. I simply recited a fact as the reason why I felt bound to raise the point of order.

Mr. TELLER. Nevertheless the Senator from Wisconsin is out of order. By the well-established rules which govern this body no such references are in order, and by the rules which govern the Parliament of Great Britain no member of that Parliament would think of rising and suggesting either that the Executive of that country was friendly or hostile to a bill. It is a thing that is never heard of, and it is entirely out of order to make even a suggestion of the kind made by the Senator from Wisconsin or the Senator from New Hampshire. I do not care about it in this instance, but it certainly is a very bad practice into which the Senate is falling. I have heard a similar statement on a number of occasions lately. There should be no allusion here as to what the President may or may not do as to any bill.

Mr. CHANDLER. If the Senator from Colorado insists upon his point of order, I agree to it. I think myself that it either is or it should be out of order to suggest the possibility of a Presidential veto of any measure of legislation that is before Congress. I will not proceed to reply to the suggestions of the Senator from Wisconsin if it is understood that his suggestion was out of order.

Mr. BUTLER. Let us have a vote, Mr. President.

The VICE-PRESIDENT. The Senator from Wisconsin [Mr. VILAS] makes the point of order against the amendment as amended. The Chair submits the question to the Senate for its determination.

Mr. CAREY. Mr. President, I think this proposed legislation is very bad. The legislature of the State of Nebraska is now in session. That State is without indebtedness, or at least with a very small indebtedness.

Mr. ALLEN. I submit, Mr. President, that the question is not debatable.

Mr. MANDERSON. Oh, yes; when the question of order is submitted to the Senate it is debatable.

Mr. GORMAN. The question has been submitted to the Senate, which makes it debatable.

Mr. CAREY. I have no doubt that the people of Nebraska will take care of the sufferers in that State.

Mr. ALLEN. Will the Senator permit me to state that I am not talking about the people of Nebraska particularly, and I have not talked about them. I am talking about a section of country which embraces a large portion of four or five different States.

Mr. CAREY. Will the Senator answer a question, if he can?

Mr. ALLEN. I will answer all the questions the Senator may choose to put to me.

Mr. CAREY. Has any State, South, West, or East, memorialized Congress to make an appropriation for this purpose?

Mr. ALLEN. No, sir; nor has the State of Nebraska; but I have been the recipient of hundreds of letters not only from the western part of my own State, but from other States, and a portion of the Senator's State included, upon this very subject.

Mr. CAREY. I will state to the Senator that I have not received

an intimation from any source, beyond the usual requests for seeds, and I wish to state to him further that the largest crops were produced in the Rocky Mountain region last year that were ever known in the history of that country.

Mr. ALLEN. I do not doubt that at all, but there are various portions of the Senator's State where they did not have crops.

Mr. CAREY. In the shape in which the amendment stands at present if it passes and becomes a part of the laws of the United States it will establish a precedent, and every time there is a severe frost or a drought or a fire or a flood in any section of the country the people will come to Congress and appeal for a special appropriation. I believe appropriations of this kind do great injury to the West. I do not believe they do any possible good. I believe the Dakota legislature and the legislature of Nebraska will take care of the people of those States so far as seed is concerned, if they actually need it.

It has been stated by one of the Senators from the State of Kansas that Kansas has already made provision to furnish her people with seeds. They had great crops in the State of California, the State of Oregon, and the State of Washington, but just as soon as an amendment of this kind is introduced you can see how anxious Senators from other States are to get in on the amendment. I have no doubt the Senators from Florida would like the United States to go down into Florida and replant the orange trees and the banana trees which have been destroyed. I do not believe there is any necessity for the proposed legislation. I believe it does great damage to the West.

Nebraska is one of the wealthiest as well as one of the greatest States in the American Union. It happened to have a drought, it is true. I do not suppose the farmers of Nebraska raised on an average over 25 per cent of the crop they should have raised. But suppose there is a drought in some other State next year, will it be right for that State to come here and ask Congress to dispense charity? I do not understand there is any rule against talking about what has been done heretofore by Congress. The President of the United States sent a message to Congress in 1887, which I hold in my hand, vetoing a measure appropriating \$10,000 for the State of Texas. I believe the principles enunciated in that veto message are right. Congress did not see fit to overrule the President. They undoubtedly took the same view of the subject that he did, because they upheld him in the veto.

Mr. ALLEN. Will the Senator from Wyoming permit me a moment? I wish to call his attention to a law which was not vetoed. On page 44 of the Statutes at Large, volume 22, there will be found the act of April 11, 1882, which reads as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of \$20,000 be, and the same is hereby, appropriated for the purchase and distribution of seeds, under the direction of the Commissioner of Agriculture, to the people in localities overflooded, who are made destitute by the present overflow of the Mississippi River and its tributaries.

There is an act that met the express approval of the Executive.

Mr. CAREY. There was another Executive in 1882. Mr. Arthur was President. I do not wish to take up the time of the Senate, but I should like to have an extract from the veto message of President Cleveland read at the desk.

The VICE-PRESIDENT. The Secretary will read as indicated. The Secretary read as follows:

The friendliness and charity of our countrymen can always be relied upon to relieve their fellow-citizens in misfortune. This has been repeatedly and quite lately demonstrated. Federal aid in such cases encourages the expectation of paternal care on the part of the Government and weakens the sturdiness of our national character, while it prevents the indulgence among our people of that kindly sentiment and conduct which strengthens the bonds of a common brotherhood.

It is within my personal knowledge that individual aid has to some extent already been extended to the sufferers mentioned in this bill. The failure of the proposed appropriation of \$10,000 additional to meet their remaining wants will not necessarily result in continued distress if the emergency is fully made known to the people of the country.

It is here suggested that the Commissioner of Agriculture is annually directed to expend a large sum of money for the purchase, propagation, and distribution of seeds and other things of this description, two-thirds of which are, upon the request of Senators, Representatives, and Delegates in Congress, supplied to them for distribution among their constituents.

Mr. BATE. Mr. President, I believe the question is debatable, although I do not care to discuss the point of order as it is left to the Senate. As to the statement which has been made here that the Agricultural Committee, of which I am a member, reported the amendment adversely, I wish to say it is true, as I understand; but I desire to state in justification of the committee that while they did so it was not for want of sympathy. We discussed the matter, and there was a generous warmth of feeling on behalf of the drought-stricken people. At the same time the committee did not think the General Government ought to interfere in fire or flood or drought stricken districts or in the case of any of those misfortunes that come upon our citizens, believing that the States in which they were and the neighborhoods where they were would, when they were able, take care of the afflicted people and furnish seeds if it were necessary. The committee believed that it was not the province of the General Government to do that. That is

what actuated the committee, of which I am a member, in making an adverse report.

Mr. ALLEN. I wish to say a word in reply to the Senator from Tennessee [Mr. BATE] and the Senator from Wyoming [Mr. CAREY]. The Senator from Wyoming sends up and has read a veto message from President Cleveland, promulgated several years ago, when he was discharging the duties of his first term of office. That, so far as I have been able to ascertain, is the only instance in the history of the Government where there has been a veto message of that kind. By the act of April 11, 1882, \$20,000 was appropriated upon the same principle that we ask this appropriation. The principle is equal in both instances, although the amount is different.

The condition of a portion of the country of which I have spoken is such as to demand at the hands of Congress some recognition. I am not acting unadvisedly. I have been in communication not only with the great portion of the people who were afflicted, but I have been in communication with the representative men of those people and the representative journals which are published in that section of the country. I know there is great distress in the transmissouri country. There is no use of disguising the fact. There is distress there. It is not confined to the State of Nebraska, either. It goes into the State of Dakota, the State of Kansas, the State of Colorado, and it goes into the State of Wyoming to some extent, or the people in portions of that State have misinformed me.

We but a few moments ago agreed to an appropriation of \$40,000 to recapture some gypsy moths. They were brought into this country by a crank for the purpose of experimenting with them. They got away from him and are now afflicting the people of the State of Massachusetts. I voted for the appropriation because I believed it to be proper.

Is there anything wrong in giving some assistance to these people who are thus reduced? The Senator from Tennessee says it was not through want of sympathy that the Committee on Agriculture did not report the amendment favorably. I suppose not; but sympathy does not count in a case of this kind. I suppose it was on account of the Constitution coming in the road. The Constitution is made to do duty here on almost every occasion. Whenever the representatives of a certain locality think it ought to have assistance or aid the Constitution is not infringed upon; but the moment some other section of the country desires assistance then immediately the Constitution comes into view and immediately there is trouble.

I recall well when the Government brought relief to the fever-stricken people of Memphis, in the State of Tennessee, when medicine and medical attendance, tents, and supplies of all kinds were furnished them; and I think the good people all over this country fully approved of it. I recall the time, also, when there was a proposition to establish a fever boat for the purpose of experimenting with the treatment or extinction of yellow fever down in that section of the country. I recall numerous instances where Congress has extended assistance to people afflicted in this way.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. PETTIGREW. Mr. President, it seems to me the Senate can afford to make the appropriation proposed in the amendment. In many of the States east of the Rocky Mountains and west of the Missouri River great losses have been suffered, and in thousands of instances those people are without seed grain to sow on their farms next year.

The Senator from Wyoming [Mr. CAREY] says the States can take care of themselves. I represent in part upon this floor a State which unfortunately has reached the limit of indebtedness under its constitution, although that limit is but \$1,000,000; and we are also unfortunate in the fact that the treasurer of our State, as is well known to everyone in this country, disappeared, carrying away all the funds which were in the treasury. The people of the State are therefore left in a condition where it is impossible for them to assist the drought-stricken people and to secure seed grain for those who have lost their crops. I know it is unpleasant to recite these facts before the American public, but the newspapers have already advertised them. While it is unpleasant, I feel it a duty to urge this appropriation to relieve the people who are struggling with the wilderness and striving to build up their States on those broad plains.

Mr. MANDERSON. Mr. President, I wish to say a few words only in reference to this matter. Differing as I do from my colleague, I find myself a little embarrassed at the fact. I do not think I would have presented the amendment, representing as I do here in part the State of Nebraska, one of the States that has suffered because of the great drought of last year, and from the partial droughts of years preceding. The State of Nebraska is not only one that is exceptionally fertile, but it is well if not thickly populated, and its citizenship is made up of a people as generous as those who exist anywhere in this country.

Last fall I traveled over many miles of that State and found

desolation. I saw hundreds of miles of territory that I have seen heretofore producing good crops of small grain and corn now producing little or nothing, but at the same time there were the abundant evidences from those people of a determination to stand by their agricultural guns and hoping for the better times and better things sure to come to them. I saw in those parts of the State where there had not been a total loss a determination to help their brethren of the drought-stricken portion, and this they have done generously, abundantly, perhaps in some instances far more abundantly than their share of the world's goods would justify.

I have also seen as the result of appeals by letter, and to some extent in the public press, an outpouring from the abundance of different parts of our generous country. The South, with fraternal feeling and in recognition of a suffering it could assuage, has, from many portions of its territory, poured into Nebraska car loads of food, and from the East has come money, food, and clothing. While I was much grieved and distressed at the accounts that came to me by letter and otherwise in the early part of the fall and winter, I am glad to say that by this outpouring from their plenty by the generous people of the eastern part of our own State, and from the country at large the distress is rapidly disappearing.

I do not like the idea that the State which I in part represent here should come in forma pauperis to the United States and ask alms from the Government. I do not think the State of Nebraska needs assistance of that sort from the United States. At the same time I recognize the deplorable condition of other States described by their Senators as poorer than we are, which seem to demand aid, and if relief is needed, as is suggested by the Senators from South Dakota and the Senators from Kansas, if their need is so so much greater than ours—

Mr. PEPPER. The senior Senator from Nebraska could not have been in the Chamber when I addressed the Senate. I stated that the State of Kansas has already appropriated \$100,000 to take care of our own people, and that the machinery of distribution has been in operation for several weeks.

Mr. MANDERSON. I am glad, then, to exempt the sister State of Kansas from the category in which I just placed it, and I am pleased to find myself in accord with the Senator from Kansas in stating that neither the Commonwealth of Kansas nor the great State of Nebraska desire to present themselves in the form of paupers or beggars to the United States Government. We will both take care of the matter at home, and I regret that my colleague has seen fit to put us in the attitude of this amendment before the American people.

Mr. President, if the need mentioned by my colleague were so great it seems to me the pending bill would not have come here from the House of Representatives without some suggestion being made by those who are the more direct representatives of the people. The pending appropriation bill comes to us without any provision of this character. Notwithstanding the fact that those States have their numerous Representatives in the House there is not only nothing of this character in the bill, but I hazard the assertion that there was no effort to obtain it by them. We are in straits to some extent, we are in distress, but as one citizen of the State of Nebraska I say we can take care of ourselves; and if the amendment shall pass I do not believe the Secretary of Agriculture will have a great many demands from the State that I in part have the honor to represent.

But if the condition is so bad as described in other States I shall be very glad to lend my vote to the amendment, for no constitutional question troubles me when it comes to relieving those who are really in distress or greatly need national aid. So far as that is concerned, I might quote from that Hibernian who a short time ago represented a great district in the other House, who suggested when he wanted a bill passed and a member of this body said to him he thought it was unconstitutional, "Why," said he, with his delightful accent, "what is the Constitution among friends?" [Laughter.] I might be willing even to question whether we should not somewhat strain constitutional provisions for the purpose of doing a great good.

But, Mr. President, I simply desire to say that so far as the State of Nebraska is concerned, I do not think it needs this alms at the hands of Congress. The legislature of that State is in session, and I think it has already taken steps toward the relief of some of those who are in distress, and I am proud of that self-helpfulness.

Mr. BATE. I merely wish to state that I think the Senator from Nebraska [Mr. ALLEN] will find himself mistaken, when he looks upon the statute book, in his statement that a statute was passed appropriating money for fever sufferers in Tennessee. I think that that is an error. The most that was done, as I recollect, was that army tents were loaned to the vast congregation of people who came to the valley at the time of the flood, and perhaps an amount of rations was given to them.

The State of Tennessee appropriated her money by State and counties when the yellow fever was there, and her active agents



were at work to take care of her people. I think that was all that was necessary and it was successful; and the General Government never appropriated a dollar, so far as I know, for any such purpose.

Mr. ALLEN. I regret very much that my colleague [Mr. MANDERSON] should disagree with me in reference to this matter. I am very sorry indeed he did not come to me some weeks ago, when I introduced the amendment, if he thought it was improper, and make a friendly suggestion that he thought it was improper to ask Congress for any assistance for the drought-stricken portion of this country. I was very much in hope that the time which I am to serve with my colleague in this Chamber should pass without any interruption of our most friendly relations and of our determination to work in harmony for the benefit of our State.

I have not placed—and I wish to call my colleague's attention to that fact, so that I may not be misrepresented—the State of Nebraska here as a supplicant or as suing in forma pauperis. The statement is altogether gratuitous. I have said, and I repeat what is the truth, capable of demonstration, that there are thousands and tens of thousands of persons residing in the drought-stricken belt of this country, and that includes more than the western half of Nebraska, who must have some help outside of that which the States can afford them or they will not be able to plant their crops and sustain themselves. It is no part of charity and no part of modesty and no part of wisdom, in my judgment, for anyone to undertake to secrete the facts which are so well known to the world.

I have in my possession communications from the editors of the great journals of my State saying this measure is perfectly proper and is needed. I was in hope that the matter could pass through here without representation upon the one hand that the needs of a section of the State were so and so and a contradiction upon the other. I was in hope my colleague would join with me in giving to the people of the drought-stricken portion of this country some measure of relief, a measure of relief which they so sadly stand in need of. I am not mistaken when I say there is distress in the drought-stricken portion of the country; and I am sorry my feeble efforts here in behalf of those people are to be negated by the action of my colleague.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. PASCO. Mr. President, I wish to say one word before the question is put to the Senate. I listened with a great deal of pleasure to what the senior Senator from Nebraska [Mr. MANDERSON] said. I wish to say now that if Nebraska will take care of the sufferers from drought, if Massachusetts will take care of the gypsy moth, and if Washington will take care of the sufferers from fire, Florida will endeavor to take care of those who have suffered from frost. At the time when I made the motion to amend, one of these measures had gone through by a majority of the Senate and the other appeared likely to go through without a division even, and I thought it was time that attention should be called to appropriations of this class. This is all I wish to say.

Mr. CALL. My colleague and I differ as do the Senators from Nebraska. I desire that every suffering man in the State of Florida, who has no means to provide himself with seed for the coming year, shall be furnished with it from the Agricultural Department of the country. I can see no difference between authorizing the distribution of seed from the Agricultural Department of those who are not destitute and giving it to those who can not obtain it without the action of Congress. There is no legislature sitting in Florida, and there will be none until it is long past the time when the people whose entire possessions have been destroyed will have the opportunity to plant in order to produce that which is necessary for their actual subsistence. The people of Florida are as patriotic and generous as any in the world, but they have none of that false sense of pride which will not accept that which is their due from the General Government in time of distress.

The VICE-PRESIDENT. The Chair submits to the Senate the question, Is the proposed amendment in order?

Mr. ALLEN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. GORDON (when his name was called). I am paired with the Senator from Iowa [Mr. WILSON].

Mr. HILL (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE].

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Delaware [Mr. HIGGINS].

Mr. PASCO (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD]. I transfer my pair to the Senator from Kentucky [Mr. LINDSAY], and vote "nay."

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. VILAS (when his name was called). I have a general pair with the Senator from Oregon [Mr. MITCHELL], and will withhold my vote unless there is a necessity for it in order to make a quorum.

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP]. Were he present I should vote "yea."

The roll call was concluded.

Mr. GALLINGER. I announce my pair with the junior Senator from Texas [Mr. MILLS].

The result was announced—yeas 21, nays 28; as follows:

#### YEAS—21.

Allen,  
Allison,  
Blanchard,  
Call,  
Cameron,  
Chandler,

Clark,  
Dubois,  
Hansbrough,  
Hoar,  
Jones of Nev.,  
Kyle,

McMillan,  
Manderson,  
Mantle,  
Peffer,  
Perkins,  
Pettigrew,

Squire,  
Stewart,  
Teller.

#### NAYS—28.

Bate,  
Berry,  
Blackburn,  
Brice,  
Butler,  
Camden,  
Carey,

Cockrell,  
Daniel,  
Dixon,  
Faulkner,  
Frye,  
George,  
Gibson,

Gorman,  
Gray,  
Hale,  
Huntton,  
Jones of Ark.,  
McLaurin,  
Martin,

Mitchell of Wis.,  
Palmer,  
Pasco,  
Platt,  
Fugh,  
Sherman,  
Walsh.

#### NOT VOTING—33.

Aldrich,  
Burrows,  
Caffery,  
Coke,  
Cullom,  
Davis,  
Dolph,  
Gallinger,  
Gordon,  
Harris,

Hawley,  
Higgins,  
Hill,  
Irby,  
Lindsay,  
Lodge,  
McPherson,  
Mills,  
Mitchell of Oreg.,  
Morgan,

Morrill,  
Murphy,  
Power,  
Pritchard,  
Proctor,  
Quay,  
Ransom,  
Roach,  
Shoup,  
Smith,

Turpie,  
Vest,  
Vilas,  
Voorhees,  
Washburn,  
White,  
Wilson,  
Wolcott.

The VICE-PRESIDENT. The Senate decides that the amendment is not in order.

Mr. PEPPER. Saturday, in the hurry of preparation, an amendment was adopted on my suggestion on page 16, coming in after line 15. Upon looking it over I find that there are a few words that ought not to have been incorporated. The words are, "or the edible products of the same." In order that I may make it clear to the Senate I want to have those words stricken out. I will read the paragraph.

Mr. CALL. What is the page?

Mr. PEPPER. On page 16. It was the amendment adopted on my suggestion concerning meat products. I will read the amendment as it was adopted, and then call the attention of Senators to the particular words:

The Secretary is hereby authorized to make such rules and regulations as he may decide to be necessary to prevent the transportation from one State or Territory or the District of Columbia into any other State or Territory or the District of Columbia, or to any foreign country, of the condemned carcasses or parts of carcasses of cattle, sheep, and swine.

Now, I want the next words that I now read, "or the edible products of the same," to be stricken out. Of course if the carcasses have been condemned there would not be any edible portion of them.

Mr. CALL and Mr. GORMAN. That is accepted.

The VICE-PRESIDENT. Without objection, the amendment will be modified as suggested by the Senator from Kansas.

Mr. GORMAN. On page 23 of the bill, at the end of line 17, I move to insert the following proviso:

Provided, That not more than \$1,200 of said amount shall be expended for compensation and traveling expenses of local or special agents.

Mr. CALL. I do not see any propriety in that amendment. The matter is left to the Secretary of Agriculture.

Mr. GORMAN. That is precisely what I want to guard against. The provision as it here stands is the appropriation of a lump sum of \$15,000 for examinations. In every bill we fix the amount that ought to be allowed for the compensation of special agents, so as to have the money used for what it is intended and not disposed of in the employment of people.

Mr. CALL. We have no information here that \$1,200 will be sufficient compensation for the number of agents who are to go over this country, and it may entirely paralyze the appropriation.

Mr. GORMAN. Question.

Mr. KYLE. I submit that at the bottom of page 3 the salary of each one of these persons is fixed in the bill. It is done everywhere. These persons are to travel over the country and collect grasses. They are practically inspectors, so to speak, and \$1,200 and expenses is sufficient.

Mr. CALL. Let us have a vote.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maryland [Mr. GORMAN].

The amendment was agreed to.

Mr. GORMAN. On page 24, at the end of line 4, I move to insert the following proviso, which is the same exactly as the one just offered:

*Provided, That not more than \$1,200 of said amount shall be expended for compensation of local and special agents.*

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. PASCO. I ask that there be a separate vote taken upon the gypsy-moth amendment, the amendment offered by the junior Senator from Massachusetts [Mr. LODGE].

The VICE-PRESIDENT. The amendment indicated will be reserved for a separate vote. The question is on concurring in the other amendments made as in Committee of the Whole.

The amendments were concurred in.

The VICE-PRESIDENT. The question is on concurring in the reserved amendment adopted on motion of the Senator from Massachusetts [Mr. LODGE].

Mr. CALL. The Senator from Massachusetts does not appear to be here.

Mr. CHANDLER and Mr. PETTIGREW. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. McPHERSON (when his name was called). I am paired with the Senator from Delaware [Mr. HIGGINS].

Mr. VILAS (when his name was called). I am paired with the Senator from Oregon [Mr. MITCHELL], but I suggest to the Senator from Minnesota [Mr. DAVIS] that we exchange our pairs and vote.

Mr. DAVIS. Very well.

Mr. VILAS. I vote "nay."

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP].

The roll call was concluded.

Mr. DAVIS. I vote "yea."

Mr. GALLINGER. I have a general pair with the junior Senator from Texas [Mr. MILLS].

Mr. HALE (after having voted in the affirmative). I am paired with the Senator from North Carolina [Mr. RANSOM] and withdraw my vote.

Mr. CAFFERY (after having voted in the negative). I have a general pair with the Senator from Montana [Mr. POWER]. I voted, but I do not see the Senator from Montana in the Chamber, and I withdraw my vote.

Mr. HARRIS. I ask if the Senator from Vermont [Mr. MORRILL] is recorded as voting?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. HARRIS. I am paired with that Senator, but I will transfer my pair to the Senator from Indiana [Mr. VOORHEES], who is absent, and let my vote stand.

The result was announced—yeas 29, nays 21; as follows:

#### YEAS—29.

Allen,	Dixon,	McMillan,	Proctor,
Allison,	Dubois,	Manderson,	Quay,
Call,	Frye,	Mantie,	Squire,
Cameron,	Gibson,	Morgan,	Stewart,
Carey,	Hansbrough,	Peffer,	Teller.
Chandler,	Hoar,	Perkins,	
Clark,	Jones of Nev.	Pettigrew,	
Davis,	Kyle,	Platt,	

#### NAYS—21.

Bate,	Cockrell,	Hunton,	Pugh,
Berry,	Daniel,	Jones of Ark.	Vilas,
Blackburn,	Faulkner,	McLaurin,	Walsh.
Brice,	George,	Mitchell of Wis.	
Butler,	Gorman,	Palmer,	
Camden,	Harris,	Pasco,	

#### NOT VOTING—37.

Aldrich,	Hale,	Mitchell of Oreg.	Turpie,
Blanchard,	Hawley,	Morrill,	Vest,
Burrows,	Higgins,	Murphy,	Voorhees,
Caffery,	Hill,	Power,	Washburn,
Coke,	Irby,	Pritchard,	White,
Cullom,	Lindsay,	Ransom,	Wilson,
Dolph,	Lodge,	Roach,	Wolcott.
Gallinger,	McPherson,	Sherman,	
Gordon,	Martin,	Shoup,	
Gray,	Mills,	Smith,	

So the amendment was concurred in.

Mr. ALLEN. I now renew the amendment I offered as in Committee of the Whole.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. Insert after line 15 on page 9:

For the purpose of purchasing and distributing seeds and seed grains among the drought, frost, or fire stricken inhabitants of the United States by the Secretary of Agriculture, and in his discretion, under such rules as he may prescribe, the sum of \$300,000, or so much thereof as may be necessary; the same to be made immediately available.

The VICE-PRESIDENT. The Chair will state to the Senator from Nebraska that the Senate has passed upon the amendment and determined that it is not in order.

Mr. ALLEN. I supposed it would be held to be not in order. I desire to call attention to the distinction made between the moth amendment and the seed amendment.

The VICE-PRESIDENT. The Chair has stated the action of the Senate in regard to it.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### COINAGE OF SILVER.

Mr. JONES of Arkansas. I move that the Senate proceed to the consideration of Senate bill 2642, Order of Business 958.

Mr. HALE (at 5 o'clock and 50 minutes p. m.). Pending that motion, I move that the Senate do now adjourn.

Mr. BUTLER. Let us have the yeas and nays on the motion to adjourn.

Mr. HOAR. The first motion has not yet been stated from the Chair. The title of the bill moved by the Senator from Arkansas should be stated.

The VICE-PRESIDENT. The Chair will state the pending question. The Senator from Arkansas moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. HOAR. What is that bill?

The VICE-PRESIDENT. For information the title of the bill will be read.

The SECRETARY. A bill (S. 2642) providing for the issue of bonds, the coinage of silver, and for other purposes.

Mr. HALE. That would displace the regular order of business.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine that the Senate do now adjourn.

Mr. BUTLER. On that I call for the yeas and nays.

Mr. CALL. I ask the Senator to withdraw the motion that I may move to take up the Indian appropriation bill.

Mr. JONES of Arkansas. There is a motion pending.

The VICE-PRESIDENT. The Chair can not entertain that motion at this time. The motion of the Senator from Maine is the pending question.

Mr. BUTLER. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH], but I will transfer that pair to my colleague [Mr. SHOUP] so as to enable the Senator from California [Mr. WHITE] and myself to vote. I vote "nay."

Mr. GALLINGER (when his name was called). I will again announce my pair with the junior Senator from Texas [Mr. MILLS].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], but I transfer that pair to the Senator from Indiana [Mr. VOORHEES]. I vote "nay."

Mr. HILL (when his name was called). I am paired ordinarily with the junior Senator from Massachusetts [Mr. LODGE], but I am assured by his colleague that he would vote "yea" if present, and I will therefore vote. I vote "yea."

Mr. McMILLAN (when his name was called). I should like to inquire if the Senator from Louisiana [Mr. BLANCHARD] has voted.

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. McMILLAN. I vote "yea," transferring my pair with the Senator from Louisiana [Mr. BLANCHARD] to my colleague [Mr. BURROWS].

Mr. PASCO (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD].

Mr. VILAS (when his name was called). I will transfer my pair with the Senator from Oregon [Mr. MITCHELL] to the junior Senator from Massachusetts [Mr. LODGE] and vote. I vote "yea."

Mr. BERRY. The Senator from Massachusetts [Mr. LODGE] is paired, by an arrangement with his colleague, with the Senator from Kansas [Mr. MARTIN].

Mr. VILAS. This pair was announced with the Senator from New York [Mr. HILL], and the Senator from New York voted because the Senator from Massachusetts agreed with him.

Mr. BERRY. An arrangement was made by which the junior



Senator from Massachusetts and the junior Senator from Kansas stand paired.

Mr. HOAR. The arrangement to pair my colleague was just made, twenty seconds ago.

Mr. VILAS. Oh.

Mr. HARRIS. I suggested that the Senator from Massachusetts be paired with the Senator from Kansas.

Mr. VILAS. At the suggestion of his colleague [Mr. DIXON] I will transfer my pair with the Senator from Oregon [Mr. MITCHELL] to the Senator from Rhode Island [Mr. ALDRICH] and vote "yea."

Mr. HOAR. I understand that my colleague [Mr. LODGE] stands paired with the Senator from Kansas [Mr. MARTIN].

The roll call was concluded.

Mr. BRICE (after having voted in the affirmative). I voted when my name was called, but I am paired with the junior Senator from Colorado [Mr. WOLCOTT]. Unless a transfer of pairs can be arranged I withdraw my vote.

Mr. HARRIS (after having voted in the negative). The Senator from Indiana [Mr. VOORHEES] has come into the Chamber and voted. I withdraw my vote.

Mr. PERKINS (after having voted in the negative). I am paired with the Senator from North Dakota [Mr. ROACH], but I understand if he were present he would vote "nay."

Mr. TELLER. He would vote "nay" if present.

Mr. PERKINS. I will permit my vote to stand unless his colleague advises me that I ought to withdraw it.

The result was announced—yeas 17, nays 36; as follows:

#### YEAS—17.

Allison,	Frye,	McPherson,	Quay,
Carey,	Hawley,	Manderson,	Vilas.
Chandler,	Hill,	Mitchell of Wis.	
Davis,	Hoar,	Platt,	
Dixon,	McMillan,	Proctor,	

#### NAYS—36.

Allen,	Daniel,	Jones of Nev.	Pugh,
Bate,	Dubois,	Kyle,	Ransom,
Berry,	Faulkner,	McLaurin,	Squire,
Blackburn,	George,	Mantle,	Stewart,
Butler,	Gibson,	Morgan,	Teller,
Call,	Gorman,	Palmer,	Turpie,
Camden,	Hansbrough,	Peffer,	Voorhees,
Cameron,	Huntton,	Perkins,	Walsh,
Clark,	Jones of Ark.	Pettigrew,	White.

#### NOT VOTING—4.

Aldrich,	Gallinger,	Martin,	Sherman,
Blanchard,	Gordon,	Mills,	Shoup,
Brice,	Gray,	Mitchell of Oreg.	Smith,
Burrows,	Hale,	Morrill,	Vest,
Caffery,	Harris,	Murphy,	Washburn,
Cockrell,	Higgins,	Pasco,	Wilson,
Coke,	Irbv,	Power,	Wolcott.
Callom,	Lindsay,	Pritchard,	
Dolph,	Lodge,	Roach,	

So the Senate refused to adjourn.

Mr. JONES of Arkansas. I now ask for a vote on my motion.

Mr. HALE. Let us have the yeas and nays on that.

Mr. BUTLER. I object to taking up the bill moved by the Senator from Arkansas.

Mr. JONES of Arkansas. Let us have the yeas and nays.

Mr. GORMAN. I rise to a question of privilege. The Senator from Arkansas has moved to proceed to the consideration of the bill designated by him. The Senator from Florida [Mr. CALL] moved to proceed to the consideration of the Indian appropriation bill.

Mr. JONES of Arkansas. I suggest that the Senator from Florida has made no such motion. He has not had the floor. I had the floor and made the motion, and I am entitled to a vote on the motion I have made.

Mr. GORMAN. That is the very point I raise.

The VICE-PRESIDENT. The Chair will hear the point of order.

Mr. GORMAN. I understood the Chair to decide that the motion of the Senator from Florida was out of order. Am I correct?

Mr. JONES of Arkansas. There was no motion made by the Senator from Florida.

Mr. GORMAN. I submit it to the Chair.

The VICE-PRESIDENT. The Chair will ask for information, what was the motion of the Senator from Florida?

Mr. CALL. After the Senator from Arkansas had made his motion to proceed to the consideration of the silver bill, I moved to take up the Indian appropriation bill, and the Chair replied that he could not entertain the motion. That is the statement of fact.

Mr. GORMAN. I submit that under Rule IX the motion to proceed to the consideration of an appropriation bill takes precedence of the motion of the Senator from Arkansas. I will read from the rule as follows:

The following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

Second. A motion to proceed to the consideration of any other bill on the Calendar, which motion shall not be open to amendment.

Mr. BUTLER. Let me make an inquiry. The rule which the Senator from Maryland has just read states that a motion to proceed to the consideration of an appropriation bill or a revenue bill takes precedence of any other. Now, the point I wish to make is this: The motion to take up an appropriation bill having come in after a motion made by the Senator from Arkansas, does that rule apply?

Mr. HALE. Undoubtedly.

Mr. BUTLER. That motion of the Senator from Arkansas was pending at the time the Senator from Florida made his motion.

Mr. GORMAN. If the Senator will permit me, I will read the last clause of the rule, which answers the Senator's question:

Each of the foregoing motions—

A motion to take up an appropriation bill being first—

shall be decided without debate, and shall have precedence in the order above named, and may be submitted as in the nature and with all the rights of questions of order.

Mr. BUTLER. Does that rule mean that that motion shall come while another motion is pending and the Senator is on the floor?

Mr. GORMAN. It means that a motion to proceed to the consideration of an appropriation bill or a revenue bill is in order, and takes precedence of any other motion in this body, and it must be decided in that way.

Mr. HALE. And is almost always made pending some other motion.

Mr. GORMAN. Yes, always. It is just like a motion to adjourn.

Mr. BUTLER. I did not understand the Senator from Maine.

Mr. HALE. Following the same line of thought as the Senator from Maryland [Mr. GORMAN], I said that the motion to proceed to the consideration of an appropriation bill or a revenue bill is almost always made, because it is privileged by the rules, pending some other motion when the Senate has another bill under consideration or when a motion is made to take up another bill. I think there can be no doubt about it.

Mr. HILL. The rule says that such a motion shall have precedence.

Mr. CHANDLER. I desire to call the attention of the Chair to the language of Rule XXII, under which a motion to adjourn has precedence, and where various motions are recited.

Mr. HOAR. And it is in order pending other motions.

Mr. CHANDLER. Yes, pending other motions. After reciting motions in their order the rule says:

Which several motions shall have precedence as they stand arranged.

The rule from which the Senator from Maryland has read uses these words:

And shall have precedence in the order above named.

And the idea that this precedence is blotted out if a subsidiary or inferior motion is first made, which seems to be the suggestion of the Senator from South Carolina [Mr. BUTLER], is not tenable.

Mr. JONES of Arkansas. I presume the Chair would hold if the motion of the Senator from Florida to proceed to the consideration of the Indian appropriation bill should be voted down by the Senate, that then the Senate can proceed to the consideration of the Senate bill 2642 on my motion, if a majority of the Senate should favor that action?

Mr. HALE and others. Undoubtedly.

The VICE-PRESIDENT. Under the rule to which the attention of the Chair has been called by the Senator from Maryland [Mr. GORMAN] and other Senators, the Chair is compelled to hold that the motion of the Senator from Florida is a privileged motion, which takes precedence under Rule IX of any other motion except a motion to adjourn. That is so clear that there can be no controversy about it, and the Chair, therefore, entertains the motion of the Senator from Florida.

Mr. BUTLER. Then, Mr. President, upon that motion of the Senator from Florida I call for the yeas and nays.

Mr. VOORHEES. Would that motion made by the Senator from Florida be good as against the motion of the Senator from Arkansas if the Senator from Arkansas was on the floor? The Senator from Florida did not have the floor to make any motion.

Mr. BUTLER. That is the inquiry I made.

Mr. VOORHEES. That is a question of fact. I understand the fact to be that the Senator from Arkansas had the floor, and that the Senator from Florida does not contend that he had the floor over the Senator from Arkansas to make any motion.

Mr. HILL. He can now make it.

Mr. HOAR. The Senator from Arkansas had exhausted his privilege when he made his motion.

Mr. VOORHEES. These are questions of fact. I have heard the statements of both Senators, and I state the facts correctly.

Mr. JONES of Arkansas. I rise to a question of order.

The VICE-PRESIDENT. The Senator will state his point of order.

Mr. JONES of Arkansas. In case the majority of the Senate should vote down the motion of the Senator from Florida, then the motion which I have presented, I presume, will be before the Senate for its action.

The VICE-PRESIDENT. The Chair has no doubt that is correct. The Chair desires to say in response to the parliamentary inquiry of the Senator from Indiana [Mr. VOORHEES] that the Chair was addressed by two Senators, and perhaps more than two, at the same time. The Senator from Arkansas [Mr. JONES] was recognized and made his motion. The Senator from Florida [Mr. CALL] then stated the motion, which was afterwards stated by the Senator from Maryland [Mr. GORMAN]. The Chair was compelled to recognize the motion to which the rule gives precedence, and submits that to the Senate itself for the determination of the Senate as to whether it will entertain the motion of the Senator from Florida or that of the Senator from Arkansas.

Mr. BUTLER. I do not think there is any question about it. I think it is generally conceded that a motion to proceed to the consideration of an appropriation bill takes precedence, and if that be the view of the Senate, upon the motion of the Senator from Florida I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BATE. As to the status of the particular point involved I wish to say that I was close to the Senator from Arkansas and the Senator from Florida. I was struggling to get the attention of the President of the Senate to introduce a bill. The Senator from Arkansas had the floor, having been recognized by the Chair, and I failed to secure recognition to get my bill introduced because of the fact that that Senator had the floor. Meanwhile the Senator from Florida rose and made his motion to take up the Indian appropriation bill, but the Chair had already recognized the Senator from Arkansas, who still remained standing.

The VICE-PRESIDENT. The Chair has stated the rule as he understands it. It is for the Senate to decide. On the motion of the Senator from Florida the Secretary will call the roll.

Mr. BUTLER. Mr. President—

Mr. FRYE and others. Regular order.

Mr. BUTLER. Before the vote is taken I desire to announce the fact that if the motion of the Senator from Florida shall be voted down I shall move the consideration of House bill 7373, to amend the interstate-commerce law.

Mr. HALE. The Senator has not the floor to do that. The Senator from Arkansas has the floor.

Mr. BUTLER. I understand the Senator from Arkansas has the floor, but I think perhaps I may be able to get it before this time to-morrow.

Mr. FRYE and others. Regular order.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. GEORGE. Mr. President—

The Secretary called the name of Mr. ALDRICH.

Mr. GEORGE. I addressed the Chair before any response was made to the roll call.

Mr. FRYE and others. Too late.

The VICE-PRESIDENT. The Chair will recognize the Senator from Mississippi.

Mr. GEORGE. I rise to make a parliamentary inquiry.

The VICE-PRESIDENT. The Chair will hear the Senator's inquiry.

Mr. GEORGE. I inquire, first, what is the pending business on the Calendar, the unfinished business; is it not the bankruptcy bill?

The VICE-PRESIDENT. That bill is the unfinished business. Mr. GEORGE. I desire to make a further inquiry: If the pending motion prevails, will not that displace the bankruptcy bill from being the unfinished business?

Several SENATORS. Certainly.

Mr. GEORGE. If that be so, I desire the Senate to understand what they are doing.

Mr. HALE. It would be equally true that the bankruptcy bill would be displaced if the motion of the Senator from Arkansas should prevail.

Mr. GEORGE. I understand that.

Mr. HALE. That will displace the bankruptcy bill just the same.

Mr. FRYE. Regular order.

Mr. CALL. I wish to say a single word.

Mr. STEWART. I object to debate. Debate is out of order.

Mr. CALL. I do not want to debate. I rise to a question of personal parliamentary privilege.

Mr. STEWART. Objection is made.

Mr. CALL. I ask unanimous consent to make a personal statement.

The VICE-PRESIDENT. The Chair will hear the Senator, if there be no objection.

Mr. CALL. I was charged by the Committee on Appropriations with the duty of making the motion I have made, and to press the appropriation bills until they are completed. I should not have any objection to the consideration of the bill which the Senator from Arkansas has moved to take up but for the instructions of the committee.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. DUBOIS (when his name was called). I transfer my pair with the Senator from New Jersey [Mr. SMITH] to my colleague [Mr. SHOUP] and vote "nay."

Mr. FAULKNER (when his name was called). I am paired with the Senator from Delaware [Mr. HIGGINS].

Mr. GALLINGER (when his name was called). I will announce my pair with the junior Senator from Texas [Mr. MILLS].

Mr. HARRIS (when his name was called). I have a general pair with the Senator from Vermont [Mr. MORRILL], but I transfer that pair to the junior Senator from South Carolina [Mr. IRBY] and I vote "nay."

Mr. HOAR (when Mr. LODGE's name was called). My colleague [Mr. LODGE], who is absent from the Chamber, is paired with the Senator from Kansas [Mr. MARTIN]. If my colleague were here he would vote "yea."

Mr. McMILLAN (when his name was called). I transfer my pair with the Senator from Louisiana [Mr. BLANCHARD] to my colleague [Mr. BURROWS] and I vote "yea."

Mr. PASCO (when his name was called). I transfer my pair with the Senator from North Carolina [Mr. PRITCHARD] to the Senator from Kentucky [Mr. LINDSAY] and vote "yea."

Mr. PERKINS (when his name was called). I am paired with the Senator from North Dakota [Mr. ROACH], but I am informed that he would vote "nay" on this question if present, and I vote "nay."

Mr. VILAS (when his name was called). I transfer my pair with the Senator from Oregon [Mr. MITCHELL] to the Senator from Rhode Island [Mr. ALDRICH] and vote "yea."

The roll call was concluded.

Mr. BRICE (after having voted in the affirmative). I voted inadvertently. I have a general pair with the junior Senator from Colorado [Mr. WOLCOTT], who I observe is not present, and therefore I withdraw my vote.

Mr. PETTIGREW. I have been requested by the Senator from Minnesota [Mr. WASHBURN] to announce that he is paired with the Senator from Missouri [Mr. VEST].

Mr. GALLINGER. I will transfer my pair with the Senator from Texas [Mr. MILLS] to the Senator from Ohio [Mr. SHERMAN] and vote. I vote "yea."

The result was announced—yeas 26, nays 30; as follows:

#### YEAS—26.

Allison,	Frye,	Hoar,	Platt,
Blackburn,	Gallinger,	McMillan,	Proctor,
Call,	Gibson,	McPherson,	Quay,
Carey,	Gorman,	Manderson,	Ransom,
Chandler,	Hale,	Mitchell of Wis.	Vilas.
Davis,	Hawley,	Palmer,	
Dixon,	Hill,	Pasco,	

#### NAYS—30.

Allen,	Dubois,	McLaurin,	Stewart,
Bate,	George,	Mantle,	Teller,
Berry,	Hansbrough,	Morgan,	Turpie,
Butler,	Harris,	Peffer,	Voorhees,
Cameron,	Hunton,	Perkins,	Walsh,
Cameron,	Jones of Ark.	Pettigrew,	White.
Clark,	Jones of Nev.	Pugh,	
Daniel,	Kyle,	Squire,	

#### NOT VOTING—31.

Aldrich,	Dolph,	Martin,	Sherman,
Blanchard,	Faulkner,	Mills,	Shoup,
Brice,	Gordon,	Mitchell of Oreg.	Smith,
Burrows,	Gray,	Morrill,	Vest,
Caffery,	Higgins,	Murphy,	Washburn,
Cockrell,	Irby,	Power,	Wilson,
Coke,	Lindsay,	Pritchard,	Wolcott.
Cullom,	Lodge,	Roach,	

So the motion was not agreed to.

Mr. JONES of Arkansas. Now I ask for a vote on my motion that the Senate proceed to the consideration of the bill (S. 2642) providing for the issue of bonds, the coinage of silver, and for other purposes.

Mr. HALE. Let us have the yeas and nays on that motion.

The yeas and nays were ordered.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. HALE. I rise to a parliamentary question.

Mr. GEORGE. I rise to a parliamentary question.

The VICE-PRESIDENT. The Chair will entertain one at a time. The Senator from Maine is first recognized.



Mr. HALE. The pending business, the unfinished business before the Senate, is the bankruptcy bill, so known. I ask the Chair, if the motion of the Senator from Arkansas shall prevail, whether the bill he has in charge, and which he has moved to take up, will not take the place of the bankruptcy bill and become the unfinished business?

Mr. BLACKBURN and Mr. PUGH. We understand that.

The VICE-PRESIDENT. The Chair thinks there is no doubt the statement of the Senator from Maine is correct.

Mr. HALE. The Senate ought to understand it.

Mr. BLACKBURN. We do fully.

Mr. HALE. Then the bill for the coinage of silver will be the unfinished business?

Mr. PUGH. That is just what we are voting for.

Mr. GEORGE. I was about to make the same parliamentary inquiry which has been made by the Senator from Maine.

I wish to be indulged to say that, while I am in favor of the silver bill, I am also in favor of the bankruptcy bill and shall vote "nay" on the pending motion.

Mr. VOORHEES. I am in favor of the bankruptcy bill as it came here from the House of Representatives for the first time in my life, but the vote which takes up the bill referred to by the Senator from Arkansas and passes it can restore the bankruptcy bill to its place as the regular order.

Mr. PUGH. Yes.

Mr. HALE. At some time.

Mr. BUTLER. I am in favor of the bankruptcy bill and I am also in favor of the bill of the Senator from Arkansas; but I desire to give notice that if the motion of the Senator from Arkansas shall prevail I shall ask that that measure be temporarily laid aside with a view of taking up House bill 7273 to amend an act to regulate commerce, and upon that I shall ask for the yeas and nays.

Mr. JONES of Arkansas. That is not in order.

Mr. BLACKBURN. I make the point of order that debate is not in order.

The VICE-PRESIDENT. The Secretary will call the roll on the motion of the Senator from Arkansas to proceed to the consideration of the bill named by him.

The Secretary proceeded to call the roll.

Mr. BRICE (when his name was called). I transfer my pair with the Senator from Colorado [Mr. WOLCOTT] to the junior Senator from New York [Mr. MURPHY] and vote "nay."

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. DUBOIS (when his name was called). I transfer my pair with the junior Senator from New Jersey [Mr. SMITH] to my colleague [Mr. SHOUP] and vote. I vote "yea." If my colleague were present he would vote "yea."

Mr. FAULKNER (when his name was called). I am paired on this question with the Senator from Delaware [Mr. HIGGINS].

Mr. GALLINGER (when his name was called). I am paired with the junior Senator from Texas [Mr. MILLS].

Mr. GORMAN (when his name was called). On this vote I am paired with the Senator from North Dakota [Mr. ROACH].

Mr. HARRIS (when his name was called). I transfer my pair with the Senator from Vermont [Mr. MORRILL] to the junior Senator from South Carolina [Mr. IRBY] and vote "yea."

Mr. McMILLAN (when his name was called). Under the transfer of pairs I have heretofore announced I am at liberty to vote. I vote "nay."

Mr. PASCO (when his name was called). I again announce the transfer of my pair with the Senator from North Carolina [Mr. PRITCHARD] to the Senator from Kentucky [Mr. LINDSAY] and vote "nay."

Mr. PERKINS (when his name was called). I am paired with the Senator from North Dakota [Mr. ROACH]. I am informed that if that Senator were present he would vote in the affirmative. I therefore vote. I vote "yea."

Mr. VILAS (when his name was called). On this vote I transfer the pair I had with the Senator from Oregon [Mr. MITCHELL] to the Senator from Rhode Island [Mr. ALDRICH] and vote "nay."

The roll call was concluded.

Mr. GALLINGER. I will transfer my pair with the junior Senator from Texas [Mr. MILLS] to the Senator from Ohio [Mr. SHERMAN] and vote "nay."

Mr. DIXON. My colleague [Mr. ALDRICH], who is absent, is paired on this vote with the Senator from Oregon [Mr. MITCHELL]. If present my colleague would vote "nay."

Mr. ALLISON (after voting in the negative). I am paired with the senior Senator from Missouri [Mr. COCKRELL] and voted under a misapprehension; but I will allow my vote to stand and transfer my pair to the Senator from Illinois [Mr. CULLOM] if he is not paired.

Mr. FRYE. I wish to announce that the Senator from Missouri [Mr. VEST] has been paired on all these votes for the last two hours with the Senator from Minnesota [Mr. WASHBURN].

Mr. CAFFERY. I have a general pair with the Senator from Montana [Mr. POWER], and in his absence I withhold my vote. The result was announced—yeas 30, nays 27; as follows:

## YEAS—30.

Allen,  
Bate,  
Berry,  
Blackburn,  
Butler,  
Call,  
Cameron,  
Clark,

Daniel,  
Dubois,  
Hansbrough,  
Harris,  
Hunton,  
Jones of Ark.  
Jones of Nev.  
Kyle,

McLaurin,  
Mantle,  
Morgan,  
Peffer,  
Perkins,  
Pettigrew,  
Pugh,  
Squire,

Stewart,  
Teller,  
Turpie,  
Voorhees,  
Walsh,  
White.

## NAYS—27.

Allison,  
Brice,  
Camden,  
Carey,  
Chandler,  
Davis,  
Dixon,

Frye,  
Gallinger,  
George,  
Gibson,  
Gray,  
Hale,  
Hawley,

Hill,  
Hoar,  
McMillan,  
McPherson,  
Manderson,  
Mitchell of Wis.  
Palmer,

Pasco,  
Platt,  
Proctor,  
Quay,  
Ransom,  
Vilas.

## NOT VOTING—30.

Aldrich,  
Blanchard,  
Burrows,  
Caffery,  
Cockrell,  
Coke,  
Cullom,  
Dolph,

Faulkner,  
Gordon,  
Gorman,  
Higgins,  
Irby,  
Lindsay,  
Lodge,  
Martin,

Mills,  
Mitchell of Ore.  
Morrill,  
Murphy,  
Power,  
Pritchard,  
Roach,  
Sherman,

Shoup,  
Smith,  
Vest,  
Washburn,  
Wilson,  
Wolcott.

So the motion was agreed to.

Mr. JONES of Arkansas, Mr. PALMER, and others addressed the Chair.

The VICE-PRESIDENT. The Senator from Arkansas is recognized. The bill which the Senate has just voted to take up will be stated by title.

The SECRETARY. A bill (S. 2642) providing for the issue of bonds, the coinage of silver, and for other purposes.

Mr. JONES of Arkansas. In view of the lateness of the session and the necessity for economizing time as much as possible, and in view of the fact that every member of the Senate has his mind made up whether he will or will not vote for this bill, I ask unanimous consent that some hour may be fixed on to-morrow at which a vote may be taken.

Several SENATORS. Now! Now!

Mr. HALE. There are too many absentees to vote now.

Mr. BUTLER. Oh, no.

Mr. JONES of Arkansas. I should be glad to have a vote now, as there is a quorum present.

Mr. DANIEL. Every Senator is paired who is not here.

Mr. JONES of Arkansas. I should be glad to have the vote taken now.

Mr. HALE and Mr. FRYE. Say 1 o'clock to-morrow.

Mr. JONES of Arkansas. I am willing to have it fixed for to-morrow at 1 o'clock.

Mr. HOAR. I think the Senator had better ask that consent to-morrow.

Mr. JONES of Arkansas. I ask unanimous consent that at 2 o'clock to-morrow the vote be taken on this bill and the amendments to it without further debate.

The VICE-PRESIDENT. Is there objection?

Mr. PLATT. Yes.

Mr. VILAS. I object.

The VICE-PRESIDENT. There is objection.

Mr. BUTLER. Then let us have a vote this evening, Mr. President.

Mr. GEORGE. Let us vote before adjourning.

Mr. HALE. The Senator sees that of course it will be impossible to get a vote to-night, beginning the consideration of the bill at this hour.

Mr. JONES of Arkansas. I recognize that fact and I was just going to say that I shall move that the Senate adjourn, and that to-morrow I shall ask the Senate to remain in session until there is a vote on this bill.

Mr. GORMAN, Mr. PLATT, and others. That is right.

Mr. HALE. You can not get a vote to-night.

Mr. JONES of Arkansas. I move that the Senate adjourn.

Mr. BUTLER. Will the Senator withdraw that motion one moment?

Mr. JONES of Arkansas. For what purpose?

Mr. HALE. Regular order.

Mr. BUTLER. I ask the Senator from Arkansas to withdraw his motion for one moment.

Mr. JONES of Arkansas. I think that the Senate ought to adjourn. I move that the Senate adjourn.

The VICE-PRESIDENT. The question is on the motion of the Senator from Arkansas.

The motion was agreed to; and (at 6 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 19, 1895, at 12 o'clock m.

## HOUSE OF REPRESENTATIVES.

MONDAY, February 18, 1895.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of Saturday was read and approved.

## REPRESSION OF THE AFRICAN SLAVE TRADE.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriations submitted by the Secretary of State to meet the share of the United States in the repression of the African slave trade; which was referred to the Committee on Appropriations, and ordered to be printed.

## TERRITORIAL COURTS, UTAH.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting estimate of deficiency in appropriations for expenses of the Territorial courts of Utah; which was referred to the Committee on Appropriations, and ordered to be printed.

## WOODS HOLL, MASS.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting estimate of appropriations for repairing the harbor of refuge at Woods Holl, Mass., submitted by the Fish Commission; which was referred to the Committee on Appropriations, and ordered to be printed.

## PRELIMINARY SURVEY, RIVER AND HARBOR IMPROVEMENTS.

The SPEAKER also laid before the House communications from the Secretary of War, transmitting reports of preliminary examination by the Chief of Engineers of the following river and harbor improvements; which were referred severally to the Committee on Rivers and Harbors:

Cape Lookout Harbor, North Carolina; North East River, North Carolina; Nanticoke River, Delaware; Canaveral Harbor, Florida, and mouth of Cranes Creek, Florida.

## DONATION OF CONDEMNED CANNON.

The SPEAKER also laid before the House the amendments of the Senate to the joint resolution (H. Res. 209) authorizing the Secretary of War to deliver condemned cannon to Asher Gaylord Post, Grand Army of the Republic, of Plymouth, Pa., and to Eckley B. Coxie Post, Grand Army of the Republic, of Free-land, Pa.

The SPEAKER. The amendments of the Senate will be read. The amendments were read at length.

Mr. OUTHWAITE. I move to concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. OUTHWAITE, a motion to reconsider the last vote was laid on the table.

## REFERENCE OF SENATE BILLS.

The SPEAKER laid before the House bills of the Senate of the following titles; which were severally referred as indicated, namely:

A bill (S. 2726) to amend an act entitled "An act to authorize the construction of a bridge over the Missouri River at or near the city of Lexington, Mo.," approved July 26, 1894—to the Committee on Commerce.

A bill (S. 2365) for the relief of Northup & Chick—to the Committee on Claims.

A bill (S. 2377) for the relief of H. F. Menough, late postmaster at Rock Springs, Wyo.—to the Committee on Claims.

## THOMAS CORRIGAN.

The SPEAKER. The Chair will also lay before the House at this time the action of the Senate on a House resolution recalling a bill.

The Clerk read as follows:

Resolved, That the Secretary of the Senate be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 5260) granting an increase of pension to Thomas Corrigan.

Mr. HULL. Mr. Speaker, I have just been talking with the chairman of the Committee on Invalid Pensions with reference to this bill, and I ask that it be withheld for a few minutes.

The SPEAKER. The bill will be withheld temporarily on the table.

## MOUNT VERNON MILITARY BARRACKS, ALA.

Mr. CLARKE of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8680) granting the Mount Vernon Barracks Military Reservation to the State of Alabama for public uses.

The SPEAKER. This bill was read on Saturday, but objection was made to its consideration at that time by the gentleman from New York [Mr. PAYNE]. The Chair is informed that the objection is now withdrawn. The Clerk will report the bill.

The bill was again read.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. CLARKE of Alabama, a motion to reconsider the last vote was laid on the table.

## EUNICE TAYLOR.

Mr. VAN VOORHIS of New York. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4792) granting a pension to Eunice Taylor, reported by the Committee on Pensions.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JONES. I object.

Mr. VAN VOORHIS of New York. I ask the gentleman to withhold his objection, at least for the present, to permit me to make a brief statement.

Mr. JONES. I have no objection to that.

The SPEAKER. Without objection, the gentleman from New York will be permitted to make a brief statement.

Mr. VAN VOORHIS of New York. Mr. Speaker, Eunice Taylor, the beneficiary, served as a hospital nurse in the Army for over twelve months, seven months in the brigade hospital at Union Mills and Centerville in the latter part of 1862 and for part of 1863, and also five months and eighteen days at Fairfax Seminary Hospital, ending in June, 1875. A law was passed in 1892 giving to nurses who served six months a pension. It was found, by reference to the War Department, that she had served in Fairfax Seminary Hospital for five months and eighteen days, and she proved, by evidence beyond question, that she served in the Union Mills and Centerville brigade hospital for seven months. This seven months' service did not appear in the War Department records, and was not counted by the Commissioner of Pensions, and as her services in the other hospital lacked twelve days of six months her pension was refused. This brings the case squarely within the rules which govern Congress in passing pension bills.

Now, some member of the minority of the committee thought she might have served as a cook. There is no such evidence. I have a letter from Dr. Charles S. Hoyt, who is now the secretary of the Board of Charities of New York, one of the best known and most reputable men in the United States, who was an assistant surgeon at the Union Mills and Centerville hospital and knew this lady, stating that he often saw her in the wards of the hospital ministering to the sick and wounded, and that it was necessary for her or any nurse to go to the kitchen occasionally to prepare diet for the sick people. He says Dr. Hammond, who had charge of the hospital, often spoke of the valuable services of this nurse, and he often heard the wounded and sick soldiers commend her very highly for her services as a nurse. This old lady is now sick and paralyzed, and completely helpless and destitute.

Now, Mr. Speaker, there ought not to be any objection to the consideration of this bill. I believe that every member in this House indorses the sentiment of John Tobin, that—

The man that lays his hand upon a woman,  
Save in the way of kindness, is a wretch  
Whom 'twere gross flattery to name a coward.

If there is such a man here, let him object to this bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JONES. I object.

The SPEAKER. The gentleman from Virginia objects.

Mr. VAN VOORHIS of New York. Shade of Martha Washington; the man hails from Virginia.

## LIEUT. ROBERT B. TUBBS.

Mr. WEADOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5206) for the relief of Robert B. Tubbs.

The bill was read, as follows:

Whereas on or about the 23d day of August, A. D. 1863, Robert B. Tubbs, as Lieutenant of Company I of the Eighth Regiment of Michigan Cavalry, was dishonorably dismissed from the service of the United States by General Field Order No. 7 of the Army of Ohio, with a forfeiture of all pay and allowances then due; and

Whereas said order was based on the finding of a court of inquiry at which no opportunity was allowed said Tubbs to either disprove the charges alleged against him or to produce any witnesses in his defense; Therefore,

Be it enacted, etc., That said Robert B. Tubbs is hereby relieved from such dishonorable dismissal from the service of the United States, and such dismissal and the finding of judgment of said court-martial and the said General Order No. 7 is hereby declared void so far as it affects the said Robert B. Tubbs; and said Robert B. Tubbs shall be entitled to receive the pay and allowances of his rank due to him at the date of his dismissal, with pay and allowances of his rank for three months after the date of such dismissal from such service. And the Treasurer of the United States is hereby authorized to pay the said Robert B. Tubbs the amount that shall be found due him from any moneys in the Treasury of the United States not otherwise appropriated.



The SPEAKER. Is there objection to the present consideration of this bill?

Mr. SAYERS. Let us have an explanation of that bill.

Mr. WEADOCK. Mr. Speaker, I desire to say in explanation of this bill that Lieutenant Tubbs recruited a number of men for the Eighth Michigan Cavalry and earned thereby a lieutenant's commission. Serving in that regiment and engaged in pursuing the Southern commander, John Morgan, he became disabled by varicose veins and other diseases. After that raid he was sent home on a furlough by reason of the sickness incurred in that pursuit. While he was at home on a furlough his leave was extended a further time, and while he was thus at home and on leave, and so suffering, some complaint was made against him and the captain of his company, with some other officers of his regiment, on the charge of having made or assisted to make false musters.

A board of inquiry was convened, composed of three officers of his regiment, the Eighth Michigan Cavalry. This board of inquiry, composed of Lieutenants Wells, Baird, and Boynton, took the testimony of one man, and he testified that Lieutenant Tubbs had offered him a dollar to muster. Upon that testimony, forwarded to headquarters, without any hearing of Lieutenant Tubbs, either at that time or at any other time, and while he was at home sick and within his leave, he was dismissed from the service. In 1864 he made an application to have a hearing to be reinstated, denying under oath that he had made, assisted, or counseled false musters, and that application was denied, so that at no time did he have a hearing. There is on file with the committee the affidavit of every member of the board of inquiry that they subsequently learned that the man who testified against him was unworthy of belief, and they all say that this relief should be granted.

The bill is unanimously reported from the Committee on Military Affairs, and the reason that the application was not made sooner was because Lieutenant Tubbs did not know until a few years ago that Congress had the power, or that there was any power, to correct the injustice which had been done him. If any further explanation is desired I shall be glad to give it.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. STONE of Kentucky. I object.

#### REVENUE-CUTTER SERVICE.

Mr. MALLORY. Mr. Speaker, I am directed by the Committee on Interstate and Foreign Commerce to move to suspend the rules and pass the bill (H. R. 6723) to promote the efficiency of the Revenue-Cutter Service.

The SPEAKER. The gentleman from Florida [Mr. MALLORY], by direction of the Committee on Interstate and Foreign Commerce, moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read as follows:

*Be it enacted, etc.,* That the President of the United States is hereby authorized to convene from time to time, as he may deem proper, a board, to be composed of three surgeons of the Marine-Hospital Service, of which the Surgeon-General thereof shall be chairman, to examine and report upon all officers of the Revenue-Cutter Service who have become or may hereafter become incapacitated by reason of the infirmities of age or physical or mental disability not brought on by vicious habits of their own to efficiently perform the duties of their respective offices. And such officers as, under the terms of this act, may be reported by said board to be permanently incapacitated shall be placed on waiting orders out of the line of promotion, and the vacancies thereby created in the active list of officers shall be filled by promotion in the order of seniority, as now provided by law: *Provided, however,* That no such promotion shall be made until the professional qualifications of the candidate shall have been determined by written examinations before a board of officers of the Revenue-Cutter Service convened by the Secretary of the Treasury for that purpose: *Provided further,* That the number of officers upon the active list now authorized by law shall not be increased by this act.

SEC. 2. That the Secretary of the Treasury is hereby authorized to make all necessary regulations, not inconsistent with law, to properly and impartially carry into effect the provisions of this act and for the general government of the Revenue-Cutter Service.

SEC. 3. That all acts or parts of acts conflicting with the foregoing are hereby repealed.

Mr. MALLORY. I ask that a second be considered as ordered.

Mr. BRETZ. I object and demand a second.

The SPEAKER appointed as tellers Mr. BRETZ and Mr. MALLORY.

Pending the division,

Mr. BRETZ said: Mr. Speaker, with the understanding that fifteen minutes' debate shall be allowed on each side, I withdraw the demand.

The SPEAKER. The gentleman withdraws his objection. A second will be considered as ordered, and the gentleman from Florida [Mr. MALLORY] will be recognized to control fifteen minutes in favor of the bill and the gentleman from Indiana [Mr. BRETZ] fifteen minutes in opposition to the measure.

Mr. MALLORY. I yield ten minutes of my time to the gentleman from California [Mr. BOWERS].

Mr. BOWERS of California. Mr. Speaker, preliminary to what I have to say on this bill, I will read from the report of the pres-

ent honorable Secretary of the Treasury, who concurs with all the Secretaries who preceded him during the twenty years past. He says:

The necessities of this service are constantly increasing, while its effective force is constantly decreasing, and unless some remedy is provided by Congress the time can not be very far distant when the Secretary of the Treasury will be compelled to seriously consider the propriety of discharging a number of superannuated and infirm officers in order to fill their places with others who are competent to discharge the duties of the positions which they now hold. Two of the officers now on the "waiting orders" list have been connected with the service more than sixty years, and several of them have served more than thirty years. They were appointed for life, and it would be a great hardship to drop them out of the service after they have become old and infirm without making some provision for them. They are now receiving the same pay from the Government that they would receive if the proposed bill should become a law, and we have in fact, therefore, a retired list, or "waiting orders" list, but without authority of law to fill the places of the officers who compose it.

Mr. Speaker, this bill is in the line of sound public policy. No one disputes the propriety, the justice, or the good results of the retired lists of the Army and Navy of the United States. Those who have given the better part of their lives to the service of the Government, and by reason of such service have become incapacitated to labor or earn a living for themselves or family, ought not to be turned off in their old age, like worn-out and crippled horses, to starve and die. If this great country permitted this it would indeed prove the saying true that "republics are ungrateful." Every reason that exists for the creation and continuance of the retired list for the Army and Navy exists in as great a measure for the legislation called for by this bill.

I have been astonished at some of the assertions made by the opponents of this bill and at the objections made, not to speak of the ignorance displayed concerning this service, comparing it with the ordinary civil-service clerks in Departments, that work—or "attend," perhaps, is the better word—for seven hours a day for six days in the week, that is forty-two hours in attendance in each week and one hundred and twenty-six hours leave of absence each week, absolutely off duty. The revenue officer is practically on duty for one hundred and sixty-eight hours each week, the same as an officer in the Regular Navy when on shipboard.

The Revenue-Cutter Service is in every respect of the same character as service in the Navy; far more arduous and continuous, particularly during the time of peace, without the opportunity of promotion and distinction that is attached to the Navy. The service is substantially and practically a part of the naval force of the United States. It does not require any special training for a clerkship in the Departments, but it does to navigate and care for one of the revenue vessels in the most dangerous service in which any of the United States vessels are engaged.

Was the cutter *Rush* engaged in protecting the revenue when she was carrying the President's envoy extraordinary to Hawaii, by the President's orders, to pull down the American flag that some unauthorized persons had hoisted upon that island? Did he call on any of the employees under the civil-service rules or the merchant marine or a naval vessel? Not a bit of it. He ordered a revenue cutter to perform the duty.

Mr. Speaker, for twenty-five years I have resided at one of the Pacific seaports near the Mexican frontier. For eight years I was United States collector of customs for a district which included over 400 miles of the Pacific coast of California and 200 miles of the boundary line between the United States and Mexico; and during this time I made the acquaintance of many army officers, many naval officers, and a number of revenue-marine officers. I saw and was on board many naval vessels at different times and a number of cutters. Of course I do not mention these facts as an evidence that I know as much about the Revenue-Cutter Service as the man who never saw salt water and would not know a revenue cutter from a stone boat if he saw them both together, but only as a sort of excuse for my remarks at this time.

Nearly twenty years ago I became acquainted with Captain Healy, now in command of the revenue cutter *Bear*, and last Saturday, after I had heard members talking against extending the retirement privilege to the Revenue-Cutter Service, I thought I would go up to the Department and take a look at his record. I found that he was commissioned March 7, 1865. He has, therefore, been in continuous service for twenty-nine years, for over twenty years in command of a United States vessel. During that time he has, at various times, had leaves of absence aggregating seven months, and has been on waiting orders two months and seven days, a total of nine months and seven days off duty in twenty-nine years, an average of about nine days per year. For nearly twenty years he has been on duty on the Pacific coast, going each summer to the coast of Alaska on the most dangerous service. His vessel has saved the lives of many seamen during that time. For nearly as many years I have known Captain Hooper, now in command of the cutter *Rush*, and his record is almost the same as Captain Healy's.

Compare the service of an officer of the Navy for the last twenty-nine years with that of one of these revenue officers. The custom which has come to have the force of law gives a naval officer, after

having been three years' on duty at sea, three years shore duty. That is practically three years at home with his family, when he can set up housekeeping with the almost certainty of not being called to duty within that time; and so he alternates in periods of sea duty and three years at home until he is placed on the retired list by operation of law. The same is true of the army officer. Three years on duty on the frontier and then three years at some city post or at the capital; and how does the duty compare, even when the army officer is on the frontier? He has comfortable, roomy quarters, and if in command of the post he goes to sleep at night with the comfortable consciousness that his post is safely anchored and will not run on any rock and be wrecked while he sleeps, while the cutter officer must exercise almost constant vigilance to keep his vessel from being wrecked by icebergs or upon a rocky shore. There is no comparison between the services. The Revenue-Cutter Service is much more exacting and arduous, and requires much more care and responsibility.

The highest grade in the cutter service is captain. The pay is \$3,500 a year while on duty; eighteen hundred on waiting orders. This rank is equivalent to that of lieutenant-commander in the Navy, which officer receives the first four years \$2,800 per year, and after that three thousand, and goes on the retired list at 62 years of age by operation of law, a forced retirement.

A major in the Army is equivalent in rank to a captain in the cutter service. His pay is \$2,500 for the first five years and 10 per cent added for each five years' service for twenty years, making his pay, after twenty years' service, \$3,500, and he goes on the retired list at 64, although he may be in the very prime and vigor of his usefulness. I find by hasty perusal of the Army Register that there are 476 officers of the Army on the retired list, not including 17 chaplains who are on the retired list, all of the latter class except three having been appointed since the war, and each drawing from \$123 to \$147 per month. It does seem to me that a revenue-cutter officer who has served for from twenty-five to sixty years is better entitled to go on a retired list with three-quarters pay than a chaplain who served nine years at some comfortable post and goes on the retired list at almost full pay at his own request.

The following is a list of the chaplains on the retired list of the Army:

Number.	Appointed.	Retired.	Service.
One	1867	1879	12
Two	1870	1879	9
Two	1866	1882	16
One	1876	1885	9
One	1864	1885	21
One	1879	1886	7
One	1876	1886	10
One	1877	1888	11
One	1859	1888	29
One	1879	1889	10
One	1879	1890	11
One	1880	1890	10
One	1864	1890	26
One	1880	1891	11
One	1882	1892	10

I find also on the retired list: 7 medical inspectors, 4 pay inspectors, 7 paymasters, 3 assistant paymasters, 6 naval constructors, 14 carpenters, 4 professors of mathematics, 1 civil engineer, 13 sailmakers. And yet, in view of this list, members are holding up their hands in holy horror at the idea of putting on the retired list a few old officers who have served for from twenty to fifty years in command of United States vessels and are now incapacitated.

There are 37 vessels in the Revenue-Cutter Service, of which number 6 are on the Pacific coast, namely, the *Bear*, *Corwin*, *Rush*, *Grant*, *Hartly*, and *Walcott*. The latter vessel has recently been stationed at San Diego; is a small vessel and unfitted for the rough northern waters. The *Hartly* is used as a boarding vessel at San Francisco, is in constant use from one year's end to the other. The other four are in almost constant and arduous service in the open sea on the North Pacific coast. I am not qualified to speak of the vessels in this service on the Atlantic and Gulf coasts, but I apprehend that the service on the New England coast is often as hazardous and attended with as great hardships as service on the North Pacific; but when I hear one talking about these vessels on the Pacific coast lying in port most of the time, and the officers dancing attendance on society, and spending their time drinking wine, etc., I know he is talking through his hat. There are 37 of these vessels in commission, but 211 officers of all grades, including the superannuated and disabled, who are on waiting orders. Only 8, or less than 4 per cent, are on special duty. Nine are in charge of life-saving stations, the most dangerous service of all. There are but 160 of all grades on vessels. Thirty-two are incapacitated for duty by reason of age or disabili-

ties incurred in the service; and yet we have the assurance of the Secretary of the Treasury, indeed of several Secretaries, that these revenue vessels have sailed more miles in the open sea than the whole Navy of the United States manned by 1,674 officers. But perhaps the Secretary of the Treasury is not as well posted on this service as some of the honorable members from the interior.

Mr. Speaker, if it were desirable and for the efficiency of the Army and Navy that officers be retired when they become old, disabled, or have reached a certain age, that younger, more vigorous men might take their places, is it not equally desirable that this same rule be applied to the Revenue-Marine Service? Shall we apply common sense to one service and not to another? A man disabled in the line of duty in the Army or Navy is placed upon the retired list. Here we have a chaplain who has performed the arduous duty of that position for seven years placed on the retired list, because, forsooth, he had reached a certain age. But the captain who has been in the revenue service for sixty-three years, and is now 64 years of age, having been in active service over forty years, can not be put upon that list, but must be kept on waiting orders while some lieutenant is performing a captain's duty. The officer that has been utterly disabled in this service for life can not be retired. What shall we do with such officers? Discharge them? Turn them off in their old age and helplessness? Common humanity forbids that. Why not apply sound common-sense rules to this service as we do to the Army and Navy? If the retired list is necessary and proper for one to secure efficiency, the same necessity exists for extending it to the Revenue-Marine Service.

Mr. MALLORY. Mr. Speaker, I reserve the balance of my five minutes.

Mr. BRETZ. I yield ten minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, I want to say a few words to the Democratic side of this House. I am neither the spiritual nor legal adviser of my Republican friends. They can do as they please. I am in no way responsible for their acts; but I have a right to appeal to Democrats. I will not be particeps to such reckless extravagance, I care not who recommends it or from what source it emanates. It is wrong in principle and ruinous in its consequences.

It has been so long since this bill has been discussed here that members are liable to forget what it is. If any Democrat on this floor votes for this bill, I intend that he shall distinctly understand that he is taking the initial step in laying the foundations for a pension roll from the civil list of this country, the ultimate expenditure for which no man can measure. The people of the United States are not ready for that step, wrong in theory and burdensome in practice. The generosity of this Government toward its soldiers and its sailors has been unexampled in the history of nations. We have a law that retires officers of the United States Army at the age of 64; we have another law that retires officers of the Navy at the age of 62. Whatever gratitude the people of the United States may feel toward the Army and Navy has certainly made itself abundantly manifest in those two laws. Now, here comes this bill and proposes to vest in the Secretary of the Treasury the power to call a board and retire a man of this Revenue-Marine Service and put him on three-fourths pay at any age, provided the Secretary of the Treasury happens to think it advisable.

My friend from California [Mr. BOWERS] says that this bill will not cost over \$40,000 a year. That is only a starter. It will grow as the years go by. I appeal to the experience of the older members on this floor to testify that this is the same tale which has been told about every bill introduced in this House to begin a new raid upon the Treasury of the United States. The first demand always appears moderate. Give them an inch and they will take an ell. Now is the time to kill it. These men are simply in the civil service. They may be very estimable gentlemen; I do not dispute that; but they do not deserve any more consideration at the hands of the American people than a man who drives a mule team upon the highway, than a man who runs a reaper in his meadow, than a man who delves in the mines of the earth, than a man who runs an engine upon a railroad track. So far as I have been able to ascertain by inquiry and by listening, these gentlemen have a decidedly "soft snap" in this life. My friend from California says that one of them is 94 years old. Mr. Speaker, it appears that some of these men in those soft berths will live so long that they will have to be taken out on the day of judgment and shot to get rid of them. [Laughter and applause.]

Mr. BOWERS of California. Does the gentleman begrudge such men their length of life?

Mr. CLARK of Missouri. I say this in answer to that question: When a man gets too old to labor on a farm he quits; he does not ask for a pension. When he gets too old to serve as a clerk in a store he quits, and does not ask for a pension.

Mr. BOWERS of California. This bill does not add a cent of pay to the income of any one of these men.

Mr. CLARK of Missouri. But it adds from \$40,000 to \$100,000



a year to the amount of money the taxpayers of this country will have to pay. And that is only the entering wedge.

Mr. BOWERS of California. What is that when we are issuing fifty millions of bonds every three months?

Mr. CLARK of Missouri. And I am opposed to "issuing fifty millions of bonds every three months," or any other sum. [Applause.] I will never vote to issue a bond in a time of profound peace, never. [Applause.]

Mr. BOWERS of California. I would not talk about a little thing like that. [Laughter.]

Mr. CLARK of Missouri. I suppose you would not. If I were on that side I would not talk about it, either.

As I was saying, when a man gets too old to teach school he quits; he does not ask for a pension. When he gets too old to practice law he quits; he does not ask for a pension. When he gets too old to practice medicine he quits; he does not ask for a pension. Nobody on earth seems to have any need for a pension except the men who have been billeted on the United States Treasury. These men run no risks; they take no extra hazards; they are well paid; and when they become too old for service, as honest men they ought to resign.

Mr. BOWERS of California. No one of these men has been asking for the passage of this bill.

Mr. CLARK of Missouri. Who has been asking for it?

Mr. BOWERS of California. It is for the benefit of the service; it has been recommended by the Secretary of the Treasury.

Mr. BOEN. Is it not a fact that the chief engineer of the Revenue-Marine Service has been here for months lobbying in favor of this bill? I refer to Mr. Collins.

Mr. BOWERS of California. I will answer that question, if you will give me time.

Mr. CLARK of Missouri. Yes, it is recommended by the Secretary of the Treasury. But he has recommended several things which have not passed here. Consistency is a rare jewel. I wish to remind my Democratic friends that on every stump in the United States for thirty years we have talked about the extravagance of the Republican party. We have made the welkin ring with that cry. We have smitten them hip and thigh. We were elected on pledges of economy. Yet day after day and week after week some of the Democrats on this floor have stood here, or sat here, and voted for measures of extravagance which ought to make the hardest cheek on the Republican side of that aisle blush for shame. [Applause.]

Be ye not deceived. You can not delude the American people. Just as sure as you live, if you pass this bill it is but the setting in motion of a force that you can never resist, to place the clerks in the Departments on the pension roll when they get so old that they can not do anything; to place on the pension roll every man that is in Government employ—letter carriers, mail carriers, postal clerks, messengers—every class of officers. And in the days to come, when the Democratic party shall return to power in this House, and some man bobs up here with a bill to pension these departmental clerks and railway clerks and all the rest of such employees, and the Democrat who has voted for this bill gets up to oppose that measure he will be hooted down, as he will deserve to be. There is no trouble to stop a stream when it is only a small rivulet in the mountains, but when it has become a mighty torrent you can not dam it up or arrest its resistless flow. The place to stop this pension system, this civil-pension list, is at the very beginning, before it becomes a power in the land; in its very inception, before the first step is taken.

Mr. BOWERS of California. There is no question of pensions in this bill. It pensions no one, nor leads to any pensions.

Mr. CLARK of Missouri. I do not object to the Republicans voting for it. They have a right to do as they choose, and they have championed many bad bills before, but they never passed any bill as bad, as extravagant, as uncalled for, as far-reaching in its evil consequences as this.

Mr. HOLMAN. And this legislation, let me say, was before the House in a Republican Congress, but never was enacted into law.

Mr. CLARK of Missouri. While this Congress has rendered some important services to the country, it may as well recognize the fact now that the dominant party here in control of this House, if it enacts such an infamous piece of legislation as this, will have to answer at the bar of public opinion in the years to come for this outrage committed upon the rights of the people. [Applause.] [Here the hammer fell.]

Mr. BRETZ. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. DOCKERY].

Mr. DOCKERY. I yield three minutes of my time to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON of Illinois. Mr. Speaker, in the three minutes accorded to me I want to say that I understand this bill, if it be enacted into law, will place 80 men now in the Revenue-Marine Service on waiting orders and at full pay.

Mr. BOWERS of California. No, not at full pay.

Mr. CANNON of Illinois. I have but a moment or two, and I can not yield to the gentleman for an interruption.

I understand it will beget promotions to fill their places all along the line, getting increased rank and increased salary. I understand, further, that it will make 30 vacancies for new officers in the Revenue-Marine Service.

Now, I doubt very much the propriety of enacting any such legislation as this. We have the Army and we have the Navy representing the armed forces of the Government. While it is true, no doubt, that this is an exceedingly meritorious service, yet it is after all a civil service, and under the control of the Treasury Department. It may be that we are approaching the time when we must come to the English system. If that be true, let us have the English system at a decreased expense.

Let us commence it at the lower salaries and quit at the lower salaries, and then retire the officials on half pay. But there is no more reason, in my judgment, that a provision of this kind should be made with reference to the Revenue-Marine Service than in regard to the postal service. Besides that, the railway postal employees are not nearly so well paid. It is also a more dangerous service; it is a service that requires more industry and necessitates as much discipline with equal ability on the part of the men to make it a success. I think, therefore, that we had better halt and consider a little while before taking this step. But if we do take a new departure and go to the English system, let us have the virtues as well as the evils of the system at the same time.

For these reasons, and for others which might be urged if the time allowed, I shall vote against this bill.

Mr. DOCKERY. Mr. Speaker, some reference has been made to the position of the Republican party in respect to certain public questions. I want to say this in answer to the suggestion, that so far as I can recall the legislation of this country that great party has never enacted any measure looking to the establishment of a civil pension list.

In the few moments remaining I do not desire to make any partisan appeal to the House on this question. My appeal is rather to the conscience and good judgment of members on both sides of this Chamber. I ask them to vote against this measure, which is but the initial step beckoning us to the establishment of a civil pension list not only in the Revenue-Marine Service, but if this bill becomes a law it will be followed by others in the same line in behalf of the Railway Mail Service, as well as other branches of the civil service. I submit, sir, that the present is not an opportune time to inaugurate a policy that will establish an enormous civil pension list.

Mr. MALLORY. Mr. Speaker, I yield the remainder of the time to which I am entitled to the gentleman from New York [Mr. COVERT].

The SPEAKER. The gentleman has five minutes of his time remaining.

Mr. COVERT. Mr. Speaker, it seems an exceedingly easy matter for gentlemen from their places on this floor to indulge in impassioned appeals to their political associates for party action upon a measure like this, a measure absolutely devoid of even the slightest partisan feature.

It is matter of infinite surprise that gentlemen who are ordinarily just in their treatment of public matters and conservative in their utterances concerning them should take occasion, as they have just done, to denounce in the strongest terms this measure designed to promote the efficiency of the Revenue-Marine Service.

The gentleman from Missouri [Mr. CLARK] has made his appeal to the Democratic side of this Chamber. My appeal shall not be to party associates alone, but to fair-minded members on both sides of the House, whose only desire is to determine this measure simply and solely upon its absolute merits.

Nor shall this appeal be mine alone. A distinguished Democratic statesman, who, from his official position and his close knowledge of the subject, speaks with authority, asks this House to-day to adopt this measure as a matter of simple justice to the Revenue-Cutter Service. Secretary Carlisle sends to us over his own signature a statement to the effect that the necessities of the service are constantly increasing, while its effective force is constantly decreasing. He tells us in no uncertain terms that unless affirmative action is taken by Congress he will be compelled to turn away in their old age a number of superannuated and infirm officers and to fill their places with others more competent to discharge the duties of the positions they now hold.

There is, I submit, something of pathos in Mr. Carlisle's statement. These worn-out veterans were appointed for life. They have served their country faithfully and well. The Secretary tells us in substance—and I affirm the justness of the statement—that it would be a grievous wrong to drop these gallant men out of the service now in their season of old age and physical infirmity without making some provision for them.

But, Mr. Speaker, this is not by any means a matter of sentiment alone. This feature is only secondary. The interests of the Government are involved here, and the title of this measure, "A bill to promote the efficiency of the Revenue-Marine Service," is not a misnomer. Let us impartially consider the conditions as they present themselves to us. Some thirty of the officers of this service have become too old or infirm for active duty. They are borne on the rolls of the Government and receive full pay.

The Government is not receiving the full benefit of their services, and younger and more active men, able and properly ambitious to take their places, are kept in the background. The proposition is to place these superannuated officers on waiting orders out of the line of promotion, with the pay which would accrue to them under these conditions. The promotion of younger officers in the order of seniority, as now provided by law, would follow and would naturally make this important service much stronger and much more efficient. But all this will cost the Government something, say our friends on the other side.

Why, of course it will. Nothing good or beneficial comes either to governments or individuals without something in the way of cost. There is no concealment about the figures here. It will entail a charge for the first year of the operation of this measure, if enacted into law, of \$45,000.

Each year thereafter the expense will decrease in the natural order of things, until in a very few years the annual cost will not exceed one-half the sum named.

Mr. Speaker, always in the past, Federal legislation has discriminated against this branch of the sea service. Solely by reason of the fact that it is under the direction of the Treasury Department, it is not accorded many of the benefits accruing to the Army and Navy. And yet the service is essentially a naval service, as I shall hope to demonstrate to the gentlemen from Missouri [Mr. CLARK and Mr. DOCKERY] and the gentleman from Illinois [Mr. CANNON], who have so vigorously opposed this measure.

This service has no retired list such as the Army and Navy have. It has no longevity pay. No vacations or furloughs with full pay are granted to its officers such as are accorded to the officers of the Army and Navy. If an officer of the Revenue-Marine Service falls ill and is thus prevented from the performance of his work, his pay is doctored until his return to duty. In the matter of compensation for services faithfully performed his pay is less for his grade than that granted to an officer of similar rank in the Navy. Buffeted by winds and waves and exposed to all the dangers of the ocean in times of peace, and suffering all the hardships of the naval officer in time of war, the very highest rank a revenue-marine officer can obtain after years of conscientious duty is that of captain.

While the upbuilding of the American Navy has been a labor of love with many patriotic lawmakers, next to nothing has been done during the last quarter of a century to strengthen the Revenue-Cutter Service. Why this undue partiality has been exhibited, why this unjust discrimination has prevailed, can only be accounted for upon the theory that potential social forces have been behind the Navy and that these aids have been wanting in the case of the service now under discussion. I maintain, Mr. Speaker, that this unfair distinction has been continued long enough. The claims of a most gallant and meritorious class of officers should receive at the hands of Congress the measure of simple justice which their deserving demands.

Do gentlemen who are hostile to this measure realize what this service really is? The assertion has been broadly made to-day that it is but a part of the civil branch of the Government. I challenge the correctness of this statement. The very reverse of it is true. No one not fully qualified as a sailor can hold a commission in this service. No officer is permitted to enter it, and none can receive promotion in it until he has passed a most rigid professional examination.

Officers of the Army and Navy are commissioned for life, and so, too, are the officers of the revenue marine. Just as officers enter the Army or the Navy, so entrance is gained in this service. Political influence has absolutely nothing to do with it, and merit alone governs promotion from the lowest to the highest grades. The officers and men thus enlisted, even in times of peace, are called upon to peril their lives in the performance of their duties. The customary cruising grounds of the cutters are along the coast lines—admittedly the most dangerous to navigators. Much of the work of the service is done in the most inclement seasons, when the duty of rendering aid to crews and vessels in distress is enjoined upon this service by the statute law of the land.

All this, Mr. Speaker, would not, perhaps, relieve the men of the cutter service from the charge of being a part of the civil force of the Government. But there are other features which clearly mark the service as part and parcel of the military establishment. From the very earliest years of our national existence, antedating, in fact, the formation of our Navy, the vessels of the revenue marine have been, as they are to-day, armed cruisers. They have always been, as they are to-day, manned by regularly enlisted and

uniformed men, commanded by officers who are commissioned under official titles by the President of the United States, by and with the advice and consent of the Senate.

A discipline as strict as that prevailing on board a man-of-war is observed on the deck of every revenue cutter. Proficiency in naval drills and the knowledge of the use of arms are required on the part of every one of these enlisted men. What are the ordinary duties of this service, which gentlemen have persisted in saying is a part of the civil establishment? The law of the land enjoins upon it the work of enforcing the quarantine laws, the suppression of mutinies, the enforcement of the neutrality laws, the suppression of piracy, and the use of its armed force in the protection of the revenue. By a simple order, issued at any time, either during a period of peace or in a season of warfare, the President of the United States may order this service to act in conjunction with the Navy in offensive or defensive operations upon the coast lines or upon the high seas. This authority conferred by law upon the Chief Executive has been repeatedly exercised.

The pen of the historian has again and again told the story of gallant deeds performed by the officers and men of this service in many a scene of danger and destruction. From the very inception of our Government, in every warfare on the ocean in which this country has been engaged, the crews of the fleet revenue cutters have joined with the men on board our battle ships in loyal service for the supremacy of the flag under which they sailed. [Loud applause.]

Do you deny it, you gentlemen from Missouri, who have claimed that this service is but a part of the civil establishment? Do you deny it, my friend from Illinois [Mr. CANNON], who has expressed the fear that this measure is but the initiation here of the English method of retirement?

In the face of the facts here presented, can you see nothing about this service which entitles it to the relief now sought to be extended?

"The initiation of a general system of retirement," say some of the gentlemen who have opposed this measure. "The eventual pensioning of the men of the Railway Mail Service and of all other civil employees of the Government," says the gentleman from Missouri [Mr. DOCKERY]. Why, Mr. Speaker, what man in the civil service is compelled to work more than a fixed number of hours each day? The law and departmental regulations provide for this. In fact, the law prohibits the labor of many civil employees beyond a fixed limit of time each day.

What man in the civil service can, solely by reason of his public employment, be compelled by a simple order of the President to summarily leave home and family and bear arms upon the high seas in defense of his country? Not one. And yet the officers and men of the Revenue-Cutter Service are very often by the exigencies of the occasion compelled to the severest labor continuously, by night as by day, amid storm and danger, without rest, and at the risk of their lives, and all this during seasons of profound peace.

And if war should come again they would undoubtedly be called, as they have been repeatedly called in the past, to the same heroic endeavor that has brought to them abundant honor and glory, but no substantial benefit or advancement.

Can any further evidence be demanded, Mr. Speaker, to establish conclusively the military character of the Revenue-Marine Service? If such evidence were needed, it is, I submit, found in the fact that among the superannuated officers sought to be placed on waiting orders by the terms of this bill are some who are to-day suffering from wounds received in the discharge of duty and in the service of their country.

No plea goes up from any source that this House shall be unduly generous in this regard, but I beg that it may at least be just in the action it shall take to-day.

The adoption of this provision is demanded alike in the best interests of the public service and as a measure of simple justice to a body of most faithful and deserving men.

The SPEAKER. The question is on the motion of the gentleman from Florida, to suspend the rules and pass this bill.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. DOCKERY. Division.

The House divided; and there were—ayes 85, noes 86.

So the motion to suspend the rules and pass the bill was lost.

SURVIVORS OF MEXICAN AND INDIAN WARS AND THEIR WIDOWS.

The SPEAKER. The gentleman from Georgia [Mr. MOSES], from the Committee on Pensions, is recognized, at the instance of that committee, to move to suspend the rules and pass a bill which the Clerk will read.

The Clerk read as follows:

A bill (H. R. 7414) granting increase of pension to survivors of the Mexican and Indian wars and to their widows.

Be it enacted, etc., That from and after the passage of this act all pensions which have been, or which may hereafter be, allowed to Mexican and Indian war survivors and their widows, under the provisions and conditions con-



tained in the act granting pensions to soldiers and sailors of the Mexican war, and for other purposes, approved January 29, 1837, the act granting pensions to Powell's Battalion, Missouri Mounted Volunteers, approved March 3, 1861, and the act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, approved July 27, 1862, shall be rated and paid at \$12 per month.

Mr. MOSES. Mr. Speaker, I move to suspend the rules and pass that bill.

The SPEAKER. The gentleman from Georgia asks that a second be considered as ordered.

Mr. SAYERS. Mr. Speaker, let us have a second.

The SPEAKER. A second is demanded. The Chair will appoint the gentleman from Texas, Mr. SAYERS, and the gentleman from Georgia, Mr. MOSES, to act as tellers.

The tellers proceeded with the count.

Pending the count,

Mr. SAYERS. I withdraw the demand for a second.

The SPEAKER. The question is upon the motion to suspend the rules and pass this bill.

Mr. SAYERS. Let us have an explanation of the effect of this bill.

[Mr. MOSES withholds his remarks for revision. See Appendix.]

The SPEAKER. The question is on the motion of the gentleman from Georgia [Mr. MOSES] to suspend the rules and pass the bill.

The question was taken; and two-thirds voting in favor thereof, the rules were suspended, and the bill was passed.

#### INSPECTORS OF STEAM VESSELS.

Mr. WISE. By direction of the Committee on Interstate and Foreign Commerce, I move to suspend the rules and pass the bill (H. R. 2377) to amend "An act to amend section 4400 of Title LII of the Revised Statutes of the United States concerning the regulation of steam vessels," approved August 7, 1882; and also to amend section 4414, Title LII of the Revised Statutes, "Regulation of steam vessels."

The SPEAKER. The gentleman from Virginia [Mr. WISE], by direction of the Committee on Interstate and Foreign Commerce, moves to suspend the rules and pass the bill which the Clerk will report.

The bill was read, as follows:

*Be it enacted, etc.*, That the "Act to amend section 4400 of Title LII of the Revised Statutes of the United States," approved August 7, 1882, be, and the same is hereby, amended by striking out from the first section thereof all after the word "aforesaid," in the fourteenth line of said section, also section 2 to 6, inclusive, of said act.

SEC. 2. That section 4414 of the Revised Statutes be amended to read as follows:

"SEC. 4414. There shall be, in each of the following collection districts, one inspector of hulls and one inspector of boilers, namely: The districts of New York, N. Y.; Boston, Mass.; Philadelphia, Pa.; San Francisco, Cal.; Albany, N. Y.; New London, Conn.; Baltimore, Md.; Buffalo, N. Y.; Cleveland, Ohio; New Orleans, La.; Norfolk, Va.; St. Louis, Mo.; Dubuque, Iowa; Detroit, Mich.; Chicago, Ill.; Michigan, Mich.; Milwaukee, Wis.; Port Huron, Mich.; Willamette, Oreg.; Portland, Me.; Puget Sound, Washington; Savannah, Ga.; Pittsburg, Pa.; Oswego, N. Y.; Charleston, S. C.; Duluth, Minn.; Louisville, Ky.; Evansville, Ind.; Memphis, Tenn.; Nashville, Tenn.; Cincinnati, Ohio; Gallipolis, Ohio; Wheeling, W. Va.; Superior, Mich.; Burlington, Vt.; Apalachicola, Fla.; Galveston, Tex.; Mobile, Ala.; and Providence, R. I.

"The inspector of hulls and the inspector of boilers in the districts enumerated in the preceding paragraph shall be entitled to the following salaries, to be paid under the direction of the Secretary of the Treasury, namely:

"In districts inspecting less than 150 steamers, to a salary of \$1,500 per year each.

"In districts inspecting 150 and less than 200 steamers, to a salary of \$1,800 per year each.

"In districts inspecting 200 and less than 300 steamers, to a salary of \$2,000 per year each.

"In districts inspecting 300 and less than 500 steamers, to a salary of \$2,250 per year each.

"In districts inspecting 500 steamers and upward, to a salary of \$2,500 per year each.

"The Supervising Inspector-General shall report to the Secretary of the Treasury, at the end of each fiscal year, the number of steamers inspected in each local district in that year, which number shall be the basis upon which shall be determined the salaries to be paid to local inspectors for the following fiscal year, in the ratio described in the preceding paragraphs of this section. And, in addition, the Secretary of the Treasury may appoint upon the nomination of the supervising inspector of the district, in collection districts where there are 255 steamers and upward to be inspected annually, assistant inspectors, at a salary, for the district of New York, of \$2,000 a year each; for the district of New Orleans, La., of \$1,800 a year each; for the district of Boston, Mass., and San Francisco, Cal., at \$1,500 per year each; and for all other districts at a salary not exceeding \$1,000 a year each; and he may appoint a clerk to any such board at a compensation not exceeding \$1,200 a year to each person so appointed. Every inspector provided for in this or the preceding sections of this title shall be paid for his actual and reasonable traveling expenses at the rate of 8 cents per mile, incurred in the performance of his duty, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of the Treasury."

Mr. WISE. I ask that a second be considered as ordered.

Mr. CARUTH. I demand a second.

The SPEAKER appointed Mr. WISE and Mr. CARUTH as tellers.

Pending the division,

Mr. WISE said: Mr. Speaker, the gentleman from Kentucky [Mr. CARUTH] agrees that a second may be considered as ordered.

The SPEAKER. The Chair will then recognize the gentleman from Virginia [Mr. WISE] to control the time in favor of the proposition, and the gentleman from Kentucky [Mr. CARUTH] against it.

Mr. WISE. Mr. Speaker, I will make a statement which I think will convince every member of this House on both sides that this bill ought to be passed, and I will say here that it is opposed by the gentleman from Kentucky [Mr. CARUTH] only because a citizen in his district will not get under this bill quite as much salary as he is now drawing. I think I will convince every gentleman who will give me his attention that the constituent of my friend ought not to receive as much salary as he has been drawing—

Mr. GROUT. If the gentleman will allow me—

Mr. WISE. One minute. Let me explain this bill.

The purpose of this bill is to equalize the salaries of inspectors of boilers and hulls in the various districts of the United States. They were fixed in 1871, more than twenty years ago, and then they were fixed equitably, upon the basis of inspections then made in the various districts. But great changes have taken place since then, and I will illustrate so that the members of this House will see the attitude of my friend from Kentucky. The inspector at Louisville, Ky., is receiving a salary of \$2,000 per annum. He inspects 57 vessels and that is all. The inspector at Cleveland, Ohio, inspects 308 vessels, doing almost six times as much work, and he only receives \$1,500.

The inspector at Louisville—I want the members of this House to keep in mind that officer, so that they can understand the argument of the gentleman from Kentucky when he rises—the inspector at Louisville, who only inspects 57 vessels, gets \$2,000 a year, and the inspector at Oswego, N. Y., inspects 129 vessels, or more than twice as many, and he only gets \$800 salary. These inequalities are so glaring, they are so unjust, that the Supervising Inspector-General of Steam Vessels has for years called upon Congress to equalize these salaries. The purpose of this bill is to do that, and to keep them in a state of equalization. If you pass this bill the injustice of which I have spoken will be done away with, and it can never again exist.

Mr. GROUT. Mr. Speaker—

Mr. WISE. One moment, if the gentleman will allow me. We abolish the office of inspector of foreign vessels, because it is a sinecure, and if any duties of that kind are to be performed we impose them upon the local boards. Now, one word for the ears of my friend, the gentleman from Texas [Mr. SAYERS], the gentleman from Missouri [Mr. DOCKERY], the gentleman from Indiana [Mr. HOLMAN], and all the watch dogs of the Treasury. [Laughter.] And I want my honorable friend from Missouri [Mr. CLARK] to hear this statement, too, because I want him to have an opportunity to go to his home and tell his people that one Democrat from Virginia did introduce a bill which would reduce expenses. This bill not only does justice, but it saves to the Government about \$18,000 per annum.

Mr. GROUT. That is what I wanted to know.

Mr. WISE. I thought if you would let me make my statement I would get to that. I say it saves \$18,000 per annum. Now, gentlemen, I have explained this bill. It has passed the Senate in four or five Congresses, and has failed to pass the House because you would not give me an opportunity to present it.

You will hear from two gentlemen from Kentucky in opposition to this bill, because both of them have constituents who will have to stand a reduction because they do not do the necessary amount of work. I beg you, in the name of justice and in the name of economy, all of you, to rally to my support this time and give me a two-thirds vote. [Applause.]

I reserve the balance of my time.

Mr. CARUTH. I now yield five minutes to my colleague [Mr. BERRY].

Mr. WISE. One moment before the gentleman from Kentucky proceeds. I wish to say to the gentleman from Vermont [Mr. GROUT] that I always desire to treat him with perfect respect, and I intended before taking my seat to offer him the opportunity for the question which he intimated he wished to ask. What is the gentleman's question?

Mr. GROUT. Some of us would like to know what the effect of this bill will be upon the inspector in the district of the gentleman from Virginia [Mr. WISE].

Mr. WISE. We have none there. But, sir, it does not make any difference what the district may be. The salary is graduated every year by the number of inspections the officer makes.

Mr. GROUT. That is right.

Mr. TRACEY. Are we to understand that the Department has recommended the passage of this bill?

Mr. WISE. Oh, yes, sir.

Mr. CARUTH. I would like to ask the gentleman whether the minimum salary under this bill is to be \$1,200 or \$1,500?

Mr. WISE. One thousand five hundred dollars is an amendment of the committee.

Mr. CARUTH. I do not understand this is the bill as it comes from the Committee on Interstate and Foreign Commerce.

Mr. MALLORY. The committee has recommended an amendment fixing the minimum salary as \$1,500.

Mr. WISE. The gentleman from Kentucky [Mr. CARUTH] ought not to mistake the action of the committee. The amendment recommended will be found in the report. The gentleman from Kentucky is so anxious about his constituents that he has not examined the bill.

Mr. McCREARY of Kentucky. Then I understand the committee has offered an amendment fixing the salary at \$1,500?

Mr. WISE. Making that the minimum.

The SPEAKER. The gentleman from Kentucky [Mr. BERRY] is recognized for five minutes.

Mr. BERRY. Mr. Speaker, it is very true that the distinguished gentleman from Virginia, in a spirit of liberality, has offered to amend this bill so as to increase the salaries of the inspectors at Louisville and Cincinnati from \$1,200 to \$1,500. But that is not the increase that we want in order to enable us to support this bill. We want the salaries of our inspectors of boilers and hulls to remain at \$2,000 a year, because a less salary than that will not secure the experience and the ability necessary for the perfect inspection of vessels. If there be any purpose at all in the institution of the inspection service as now existing under the laws of the United States, it is to secure from danger the property and the persons passing over the rivers of this country as well as the high seas.

It takes as much ability to determine whether one steamer is in condition to ply upon the waters of the country as it does to inspect a hundred steamers; and whether the officer inspects fifty or one hundred vessels or any other number, he must always be there ready to perform duty. The amount of time taken in actual inspection of vessels is not the controlling consideration. I have for years been the owner of steamers on the Ohio River; and I understand the methods of inspection. Notification is sent to the inspector that he is needed upon a particular steamer, the inspection of which is due; it must occur once a year. The boat is prepared for the inspection. Her boilers are cleaned out and filled with cold water. Another steamer comes alongside and attaches her pumps. The inspector puts his gauge upon the end of the boiler, and as the steam is applied from the other vessel he watches to see the effect upon that boiler, its valves, etc.

When it reaches, we will say, 175° the inspector directs the engineer to stop the machinery at that point; and he examines how much pressure the boiler of that steamer can stand. This is the work of only two or three minutes. An engineer appointed to inspect boilers can inspect one hundred in a day if they are ready for the inspection. But he must be able to determine whether the boilers are in good condition. He must empty the boilers of water; and then he must pass a light around to see that the iron is not blistered in any way, so as to determine whether the boiler is safe. In addition to that the man who inspects the hulls has unlimited power to go upon any vessel on the Ohio or the Mississippi rivers, costing, we will suppose, \$100,000, and taking his chisel he may go through the woodwork and determine whether the gallow's frame or the water beam or any other piece of the boat's hull should be taken out; and if he says so the boat is required to go to the ways that the proper repairs may be made. Thus the power of an officer of this kind is almost arbitrary. He ought, therefore, to be a man of fine judgment.

If the gentleman wants to increase the salary of this official at Norfolk in which he is interested—because every Virginian is interested in anything pertaining to that city—let him bring in a bill to increase the compensation at Norfolk from \$1,200 to \$2,000—

Mr. WISE. I am not proposing to increase anything.

Mr. BERRY. I will aid the gentleman in his endeavors to secure a compensation for this official at Norfolk which will be adequate if the present salary is not enough. But do not come into Kentucky, where we have the very best inspection service that the country can produce anywhere, and interfere with the officials at Louisville and Cincinnati and cut their salaries down as this bill proposes. Why, at Cincinnati alone, and between there and the pleasure grounds near the city, 100,000 people are transported every summer on these river steamers, and we need an adequate inspection of the vessels to insure their safety. Do not come, therefore, and cut down our salary. We are perfectly willing to help you with your Norfolk increase. I would agree to vote either the steamboat inspector or the inspector of hulls and boilers at that place a salary of \$2,000 if he is a competent man.

Mr. NORTHWAY. Does not the gentleman think that the inspectors at Cleveland and Buffalo and Detroit ought to have their salaries increased, too?

Mr. BERRY. Well, increase them all if you think it necessary. I think, if they are competent men, they ought to have good salaries. None of these men who are able to do the work receive more than they ought to. Why, this inspector at Cincinnati was subjected to some sort of a civil-service examination before some commission. I do not know whether it was sent out by the Civil

Service Commission or not, but he was compelled to answer very difficult questions, and had to be able to extract cube root, the square root, and other roots of numbers, and the Secretary of the Treasury himself could not have answered the questions propounded to that man; and yet he made a satisfactory showing and passed the examination. Several were rejected who could not pass at all. It is an office requiring a great deal of judgment and skill. I am ready now, I repeat, to help the gentleman from Virginia to increase the salary of the Norfolk official, in whom he takes a special interest, and am willing to vote \$800 more for the Norfolk man if he will not interfere with our service.

For twenty years at Cincinnati we have had the very best steamboat-inspection service that the country could afford.

[Here the hammer fell.]

Mr. CARUTH. Mr. Speaker, my friend from Virginia, chairman of the Committee on Interstate and Foreign Commerce, in his very calm and quiet manner [laughter] has addressed the House upon this subject and has taken occasion to refer to me personally. He says that my opposition to this bill simply arises from the fact that one of my constituents would be cut down in his salary \$500 a year.

I will see his one and go him one better. Two of my constituents would be cut down \$500 each, and I think that would be a sufficient reason for me, as the local representative of that district, to oppose this bill. But that is not the main objection I have to the passage of the measure. I may turn with as much truth upon him; I may say with as much earnestness as the gentleman from Virginia, though I could not possibly use such earnestness as he does—no man can—but I might turn to the gentleman from Virginia and say that his enthusiasm in the cause of the inspection of steam boilers and the hulls of steam vessels is not from any patriotic desire to serve the gentleman from Texas [Mr. SAYERS], who owns all the money in the Treasury of the United States [laughter].

Mr. BOATNER. Do not forget the gentleman from Missouri.

Mr. CARUTH. Or the gentleman from Missouri [Mr. DOCKERY], his able lieutenant on the floor, but it comes from a patriotic desire to increase the pay of the inspector of steam boilers at Norfolk from \$1,200 to \$2,000 a year. In other words, the gentleman from Virginia is anxious to take off of Kentucky and put on to Virginia, and I am opposed to that.

Now, the people of Kentucky have done more for the people of Virginia than any people on the face of the earth. The first families of Virginia have all migrated to Kentucky. [Laughter.] And I want to tell you, and I want the chairman of the Committee on Interstate Commerce to hear me—I insist on your hearing this—[laughter]—that the people of Kentucky have been very kind to the people of Virginia. No sooner had the war ended than every able-bodied man who could get out of Virginia started over into Kentucky, and as soon as his foot touched the other side of the Alleghenies each one immediately announced himself as a candidate for some lucrative office, and by the eternal he got it. [Laughter and applause.]

Mr. WISE. Will you permit me just there?

Mr. CARUTH. Certainly.

Mr. WISE. They went to Kentucky to have a good time, and they all returned home drunk in the morning. [Laughter.]

Mr. CARUTH. Well, that shows the truth of the statement that Hon. James A. McKinzie made on the floor of the Chicago convention, that the liquor of Kentucky is so good that intemperance is a virtue. [Laughter.]

But this is not a fight between the State of Virginia and the State of Kentucky, as the gentleman from Virginia would try to make us believe; this is a fight against a system that has existed in this country for twenty years and more. The inspectors of steam vessels, boilers, and hulls at the ports of Louisville, Ky., and Cincinnati, Ohio, ever since the inauguration of this system, have been paid \$2,000 a year for their services, and they have earned it.

The reason why that salary was put at \$2,000 a year was because of the important service rendered by these officials, and it was because of the efficiency and the zeal of these men in the discharge of their duty. It was because the craft that ply the Ohio River and the Mississippi River were greater than the small craft that sail around and about Norfolk, Va. It was in order that the lives, and the limbs, and the property of the citizens traveling by vessels upon the Ohio and Mississippi rivers might be preserved, that it was deemed necessary that they have an efficient inspection of the steam vessels. Why was the distinction made if that is not the reason? The statute of the United States fixed the compensation many years ago.

Gentlemen will find it in the Revised Statutes, and if the price was fixed more at Louisville and more at Cincinnati in proportion to the number of vessels inspected it was because the vessels there inspected were more important than the small vessels that ply the waters referred to. The vessels inspected at Louisville and Cincinnati are large water craft, large freight carriers, and large passenger boats that go down the Ohio and out to and down the



Mississippi River to the city of New Orleans. The work the inspectors of these vessels are called upon to perform is important work, and \$2,000 a year is little enough to pay for their services. If the gentleman is not satisfied with the compensation paid for the inspection of steam boilers at Norfolk, and can show that the Norfolk men should receive more money, I will unite with him to raise the price, but I am not willing that what is taken off of Kentucky shall go to the State of Virginia. We have been good enough to the Old Dominion, I believe; and when we come to take a vote upon this bill I do not think it ought to pass.

I reserve the balance of my time.

The SPEAKER. The gentleman from Virginia has four minutes and the gentleman from Kentucky has two minutes.

Mr. WISE. I yield three minutes to the gentleman from Florida.

Mr. MALLORY. Mr. Speaker, this is simply a bill for the equalization of the pay of inspectors of boilers and hulls, and at the same time it reduces the expenses of the United States Government. As it is now, as referred to by the gentleman from Virginia, the inequalities of the pay of these inspectors at a number of points is so great that it is necessary that something be done to equalize them. Take, for instance, Seattle, in Washington. The inspectors at Seattle, Wash., inspect 206 vessels per annum, and they receive for that service only \$800 a year; whereas the inspectors at Cincinnati inspect 93 vessels and receive \$2,000 a year. The inspectors at Nashville inspect 77 vessels and receive \$1,200. At Louisville, as has been said, they inspect 57 vessels and receive \$2,000.

Now, the argument of the gentleman from Kentucky [Mr. BERRY] is undoubtedly a very strong one so far as it goes. It is necessary that these inspections should be done by competent men. They should be qualified in all particulars for the duty, and they should give thorough and careful inspection. But while no one will dispute, the probability is, that the inspectors at Louisville in inspecting the 57 vessels that they do inspect give good service, and that they are careful, painstaking, and very observant. It must also be admitted that the inspection of these 206 vessels that are inspected at Seattle, where the compensation is \$800, or the 485 vessels that are inspected at Boston, where the inspector receives \$2,000 salary, is of exactly the same careful character.

Mr. BERRY. Will the gentleman allow me to call his attention to the fact that there are vessels plying between Cincinnati and the city of Louisville, and from Madison to Cincinnati, and Cincinnati, Louisville, and Madison, that carry probably every day 1,500 passengers; and they, of course, require very careful and repeated inspections.

Mr. MALLORY. I have but two or three minutes, and I hope the gentleman will not interrupt me. That may be. But there will also be found large vessels at many of these ports, even larger than those inspected at Louisville. Now, there certainly can be no question as to the advisability of the passage of this bill. It equalizes but does not reduce the pay beyond a legitimate and proper compensation. It seeks to procure competent men; and the bill provides, in the amendment inserted, that the minimum for any of the inspectors shall be \$1,500, instead of \$800 as now.

Mr. SIMPSON. Will the gentleman allow me to ask a question for information? What means is taken for the selection of these men, and who are they selected by?

Mr. MALLORY. They undergo an examination.

The SPEAKER. The time of the gentleman has expired. The gentleman from Kentucky has two minutes.

Mr. CARUTH. Mr. Speaker, in response to the statement of the gentleman from Florida, that the inspector at Louisville was confined to 57 vessels, I desire to call the gentleman's attention to the fact that it is not the number of vessels that are inspected, but it is the number of inspections made. Now, in the city of Louisville we have a large boat-building establishment that builds steamers for use on the Ohio and Mississippi rivers; and while the number of these vessels inspected may be 57, that does not mean the number of inspections, because some of these vessels may require an inspection several times each season. A good many of these vessels are employed in the pleasure trade, carrying people on excursions, and very frequently these vessels have to be inspected every day or every week or so.

So the number of vessels inspected is not a fair criterion. They ought to give the number of inspections made, in order that we might know whether this work at Louisville is in proportion to the work at other places.

Mr. HENDERSON of Iowa. Is one inspection a year a safe test?

Mr. CARUTH. No, sir; once a year is not a safe test, and I will say to the gentleman from Iowa that it is made more frequently than that. There is no day in the week that some inspection of vessels is not made in the city of Louisville. I state that from my personal knowledge.

Mr. STEPHENSON. The law only requires one inspection a year.

Mr. WISE. Mr. Speaker, I believe I have one minute remaining.

The SPEAKER. The gentleman has one minute remaining.

Mr. WISE. In that one minute I want to say that this bill treats the inspector at Louisville, Ky., exactly as the inspectors everywhere else are treated. We give him a salary for the work he performs and we give every other inspector a salary for the work he performs. This bill makes equal the salaries of these inspectors, which have been unequal for a period of twenty years.

Mr. SIMPSON. This bill pays them in proportion to the work they do.

Mr. WISE. It pays them in proportion to the work done, and the Government will save \$18,000 per annum.

Mr. BERRY. Would it not be just as well to equalize up as to equalize down?

Mr. WISE. We want to equalize the thing squarely.

The SPEAKER. The question is on the motion of the gentleman from Virginia [Mr. WISE] to suspend the rules and pass the bill.

The question being taken, the Speaker announced that the yeas appeared to have it.

Mr. CARUTH demanded a division.

The House divided; and there were—yeas 118, noes 12.

Mr. BERRY, Mr. WILLIAM A. STONE, and others made the point of no quorum.

Mr. WISE. Let us have the yeas and nays.

Mr. BERRY. I withdraw the point.

The SPEAKER. The gentleman from Kentucky [Mr. BERRY] withdraws the point of no quorum. Two-thirds having voted in the affirmative, the rules are suspended and the bill is passed.

Mr. LYNCH. Mr. Speaker, I am directed by the Committee on Indian Affairs—

Mr. WILLIAM A. STONE. Mr. Speaker, at the time the gentleman from Kentucky rose to make the point of no quorum I also rose and made the point of no quorum, and I have not withdrawn the point.

Mr. HENDERSON of Iowa. Two or three gentleman made the point.

The SPEAKER. The Chair did not understand the gentleman to make the point.

Mr. WILLIAM A. STONE. I was one of those who made the point.

The SPEAKER. The Chair will, of course, recognize the statement of the gentleman.

Mr. WILLIAM A. STONE. I desire to insist upon the point of no quorum.

The SPEAKER. The point of no quorum being made, the Chair will appoint as tellers the gentleman from Virginia, Mr. WISE, and the gentleman from Pennsylvania, Mr. WILLIAM A. STONE.

The House divided; and the tellers reported—yeas 167, noes 13. Accordingly, two-thirds voting in favor thereof, the rules were suspended, and the bill was passed.

#### ALTAMONTE WATER COMPANY.

Mr. LYNCH. Mr. Speaker, by direction of the Committee on Indian Affairs, I move to suspend the rules and pass the bill which I send to the Clerk's desk.

The SPEAKER. The gentleman from Wisconsin, by direction of the Committee on Indian Affairs, moves to suspend the rules and pass a bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7956) to authorize the Altamonte Water Company to flood certain lands on the Fond du Lac Indian Reservation, in the State of Minnesota, pursuant to authority granted by the Secretary of War to erect a dam across the St. Louis River, in said State, upon payment of the value of same, to be fixed by the Secretary of the Interior, the money to be paid into the Treasury of the United States for the use and benefit of the Fond du Lac tribe of Indians.

Whereas the Altamonte Water Company, a corporation organized under the laws of the State of Minnesota, proposes to erect certain dams across the St. Louis and Cloquet rivers in said State, for the purpose of creating a reservoir to furnish water and power for the city of Duluth and other places, and to increase the navigability of said streams, and said company has obtained the permission of the Secretary of War of the United States, pursuant to the statutes in such cases made and provided, to erect said dams; and

Whereas the construction of one of said dams across the St. Louis River, as proposed, will flood certain lands of the Fond du Lac Indian Reservation, and will necessitate the removal of the tracks of the Duluth and Winnipeg Railway Company for a long distance along the said river, and the consent of the Indians thereto has been duly obtained in open council: Therefore,

Be it enacted, etc., That said Altamonte Water Company, pursuant to authority granted by the Secretary of War to erect a dam across the St. Louis River above the town of Cloquet, Minn., is hereby authorized to take and use for the purpose aforesaid, and for no other purpose, such lands of the Fond du Lac Indian Reservation in said State of Minnesota adjacent to said St. Louis River as shall be overflowed and which shall be necessary in the construction and maintenance of said dam, according to the permission granted by said Secretary of War. And in lieu of the lands now occupied and belonging to the said Duluth and Winnipeg Railway Company in said reservation which will be overflowed by reason of the construction of said dam, said railway company is hereby authorized to take other lands in said reservation which shall be necessary for a new right of way and connection with the Duluth, Missabe and Northern Railroad and depot grounds; said right of way to be 100 feet in width and not to exceed in amount 200 feet in width and 8,000 feet in length for each station, to the extent of two stations within the limits of said reservation: *Provided*, That the remains of those buried in the Indian burying ground above the town of Cloquet, near the St. Louis River, shall be

disinterred and reburied in a new burying ground to be selected by the Fond du Lac Indians, and inclosed by a good and substantial fence, at the expense of said water company and in accordance with the wishes and under the supervision of a committee of two Indians to be appointed in open council: *And provided further*, That said water company shall permit the Indians to cut and remove, free of charge, whatever timber they like from the lands purchased from them under the provisions of this act.

SEC. 2. That nothing herein shall be construed to give said Altamonte Water Company any right to take the property of said tribe of Indians, or of any individual member thereof, or of said railway company, without first making just and full compensation therefor, and said Altamonte Water Company shall pay the Secretary of the Interior, for the use and benefit of the Chippewa Indians of Minnesota and of the Fond du Lac band thereof, and of the individual members of said band, just and full compensation for all lands taken and for all damages sustained by reason of the location and construction of a new line of road through the reservation.

SEC. 3. That before said dam shall be constructed, or any work done thereon, said Altamonte Water Company shall file with the Secretary of the Interior an accurate sectional map, on a scale not less than 2 inches to the mile, under the corporate seal of the company and duly sworn to by the chief engineer respecting the accuracy, and certified to by the Secretary, showing the sections and parts of sections of land that will be overflowed on said reservation by reason of the construction of said dam as permitted by the Secretary of War, said line of overflow to be accurately traced by a line on said map; and the settlement of damages as herein provided for overflowed land shall be based upon said map, after its approval by the Secretary of the Interior: *Provided*, That nothing herein shall be construed to prevent the assessment and collection of damages for other lands that may actually be overflowed which are not represented on said map as overflowed lands. For all of which land the Secretary of the Interior shall, upon payment, issue to said Altamonte Water Company and to said Duluth and Winnipeg Railroad Company letters patent.

SEC. 4. That the amount of damages resulting to the Chippewa Indians of Minnesota and to the Fond du Lac tribe of Indians, in their tribal capacity, and to the individual members of said tribe by reason of the construction of said dam and of the location and construction of said new line of railway through the reservation and through the allotments of the individual Indians, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and shall be subject to his final approval; but no right of any kind shall vest in said Altamonte Water Company in or to any part of the lands mentioned herein until said map showing the lands that will be overflowed shall be filed with and approved by the Secretary of the Interior, and until all the damages resulting from the construction of said dam and the location and construction of said new line of railroad through the reservation shall have been ascertained and paid; and no right of any kind shall vest in said railway company in or to any part of the new right of way herein provided for until plans thereof, made upon actual survey, for the definite location of such new line of road, including the grounds for station purposes, shall have been filed with and approved by the Secretary of the Interior. Said railroad to be located, constructed, and operated with due regard to the rights of the Indians and under such rules and regulations as the Secretary of the Interior shall prescribe. Said water company is hereby authorized to enter upon said reservation for the purpose of surveying and locating said line marking the overflowed land immediately after the passage of this act; and said railway company is hereby authorized to enter upon said reservation for the purpose of surveying and locating its new line of road immediately after the approval of the map required to be filed by said water company.

SEC. 5. That the rights herein granted said water company shall be forfeited unless said dam shall be constructed within three years after the passage of this act; and the rights herein granted said railway company shall be forfeited unless the road through the reservation shall be constructed within the same time: *Provided*, That the time, if any, lost by unavoidable delays occasioned by strikes, injunction suits, or the act of God, shall be excluded from the operation of this section.

Mr. TAWNEY. I demand a second on the motion to suspend the rules.

The SPEAKER appointed as tellers Mr. TAWNEY and Mr. LYNCH.

The question being taken, there were—ayes 165, noes 15.

So the motion to suspend the rules was seconded.

The SPEAKER. The Chair recognizes the gentleman from Wisconsin [Mr. LYNCH] to control the fifteen minutes in favor of the proposition, and the gentleman from Minnesota [Mr. TAWNEY] to control the fifteen minutes in opposition.

Mr. LYNCH. Mr. Speaker, about a year ago the Secretary of War granted permission to the Altamonte Water Company to build a dam across the St. Louis River west of Duluth for the purpose of carrying the water through a canal from that point to the city of Duluth and West Superior. So that this company has the authority now to build the dam. In order to make a reservoir large enough to carry on the project as they intended to do, the company will be obliged to flood a part of the Fond du Lac Indian Reservation adjacent to the dam. About 5,000 acres of that reservation will have to be flooded. The purpose of this bill, and its sole purpose, all reports to the contrary notwithstanding, is to enable the Secretary of the Interior to sell to this company so much of the Indian reservation as may be flooded by that reservoir.

The bill provides that the Secretary of the Interior shall fix a price upon the Indian lands so flooded and that this company shall pay for the lands whatever price may be so fixed, and the money must be paid before the work can proceed. The Indians are to have permission, in the first place, to take all the timber there is on the land that will be flooded and to sell it. After that this company must pay the price fixed for the land by the Secretary of the Interior before they can go any further. This bill proposes to grant authority to the Secretary of War to do just that thing and nothing more.

Mr. STEPHENSON. Who pays the people below the dam?

Mr. LYNCH. They do not come in question here at all. The giving of authority to sell the flooded part of the Indian reservation is all that we have to do with this matter. This is all bottom

land along the river, probably of little or no value. The Indians have already given their consent. The Commissioner of Indian Affairs has approved the bill, and in fact he drew it. The Committee on Indian Affairs heard this matter discussed for six or seven days.

Mr. BAILEY. Will the gentleman allow me for a moment?

Mr. LYNCH. I will yield for a short question.

Mr. BAILEY. I wish to ask the gentleman from Wisconsin whether there is any provision in this bill to protect the rights of the people who reside just below where this dam is to be constructed.

Mr. LYNCH. I will say to the gentleman that the specifications for the dam have been drawn up by the War Department with all the precautions which the Department has deemed necessary, and the dam will be built under the direction of one of the engineers of that Department. I assume that the Department will not allow any dam to be built in such a way as to endanger the lives or property of residents below the dam.

Mr. BAILEY. My information is that if this dam should give way the homes of the large number of people residing below it would be destroyed and their lives endangered. This danger would very materially affect the value of all property situated just below the dam, and I think they ought to be entitled to recover damages.

Mr. LYNCH. I assume that that matter would be governed entirely by the laws of Minnesota.

Mr. BAILEY. But this company would plead the act of Congress.

Mr. LYNCH. We are not giving them any authority of Congress for the construction of this dam. They have that authority now under the action of the Secretary of War.

Mr. BAILEY. Then this company has, in the first place, special authority for the construction of this dam, and now an act of Congress proposes to authorize the company to obtain these lands. In other words, the Secretary of War gives the power and Congress sanctions it.

Mr. LYNCH. We do not sanction it; this bill does not sanction it.

Mr. HAUGEN. My colleague [Mr. LYNCH] will allow me to say that all questions of damages which might arise would be relegated for settlement to the State courts acting under the laws of Minnesota.

Mr. BAILEY. I am not sure but that this company could plead the authority of the United States for what they had done. I think the bill ought to provide, as many of the State constitutions provide in similar cases, that whatever damages may result to adjacent owners shall be compensated by the company which constructs the dam.

Mr. HUNTER. That would be done at any rate.

Mr. LYNCH. I reserve the residue of my time.

Mr. TAWNEY. Mr. Speaker, the gentleman from Wisconsin [Mr. LYNCH] has stated to the House that the private corporation interested in the passage of this bill comes here with the authority of the State of Minnesota to construct the proposed dam. I desire to say that I have here copies of all the papers which were submitted to the Secretary of War on which the permit to build these dams was granted, and they show that this company has not applied to the legislature of the State of Minnesota to obtain the right to dam the St. Louis and Cloquet rivers, and there is no general law of the State giving them that right. These rivers are wholly within the State of Minnesota, with the exception of about 20 miles from Fond du Lac down to the mouth of the St. Louis River, and for that distance the St. Louis River forms the boundary line between Minnesota and Wisconsin. This company is a private corporation created under the general law of our State for a private purpose. Its incorporators are just five persons, four of whom reside in Chicago and one in Minnesota.

I wish to call attention to one section of the law of that State under which this company is incorporated to show to the members of this House how careful the legislature of Minnesota has been to prevent the obstruction of these rivers and to preserve them in their natural condition for the benefit of the commerce which, in the form of loose logs, is floated down those rivers every year.

Section 2633 of Kelley's Statutes of Minnesota provides:

Any corporation formed under this title—

And I want to say that this is a provision of the law under which this company is incorporated, and is cited in these papers submitted to the Secretary of War as its authority for the building of these dams and on which they based their application for the Federal permit to build the same—

Any corporation formed under this title in whole or in part for the improvement of any stream and driving logs therein, or for holding or handling logs therein which shall have taken prior possession of such stream, or any considerable portion thereof, upon which portion no other person or corporation has erected any dams or other improvements and which may have need of improvement for that purpose, shall have power to improve such



stream and its tributaries by clearing and straightening the channels thereof, closing sloughs, erecting sluiceways, booms of all kinds, side-rolling sluicing and flooding dams, or otherwise if necessary—

But not to build a dam a hundred feet high—

but shall in no case, in any manner, materially obstruct or impede navigation upon such stream, or erect any dam or other obstruction below the head of steamboat navigation.

To this act there is the following proviso:

*Provided, That all dams and other works erected under the authority given by this act shall be so constructed, used, and operated, as to facilitate and expedite the driving and handling of logs and lumber upon the stream upon which the same may be erected, and the corporation making such improvement hereunder shall have no right to stop logs destined for points below its works on said stream except where dams have been constructed to accumulate water for sluicing logs and flushing the river below the same, and in such case shall not detain logs in any part of the river so as to form a jam, or prevent the prompt delivery of logs destined for points below the works constructed under authority of this act.*

That is in the act under which this company is incorporated, and how they can hope to construct a dam 100 feet high,  $1\frac{1}{2}$  miles long, holding 80 feet of water which will extend back from the dam a distance of 60 miles, and comply with the provisions of the law under which the company is incorporated is something that no man can possibly explain. I say, therefore, that they have no authority from the State of Minnesota for the construction of the dams proposed in this bill.

I notice from the papers here that they do not propose to have a sluiceway in this dam through which the millions of feet of lumber and logs on these streams could pass without delay. But they propose to build a by-pass a half mile up from the dam through which they hope to be able to transport these logs to the mills or to market. Any man acquainted at all with the logging and lumbering business knows that this is wholly impracticable; that this could not be done without maintaining a boom, and that in a body of water 80 feet deep and two or three miles wide a boom could not be constructed nor maintained. The proposed dam will therefore entirely destroy the lumbering business on these rivers.

But the gentleman who has just addressed the House says that the sole and only object of the bill is to give to the Altamonte Water Company the power and right, in the construction of this dam, to overflow certain lands in the Fond du Lac Indian Reservation. If gentlemen will take the time to read the bill carefully they will see that the statement is entirely erroneous. The title of the bill itself is, "To authorize the construction of certain dams across the St. Louis and Cloquet rivers, in the State of Montana, and for other purposes," and in the body of the bill it is expressly provided that—

Said Altamonte Water Company, pursuant to authority granted by the Secretary of War to erect a dam across the St. Louis River above the town of Cloquet, Minn., is hereby authorized, etc.

This expressly recognizes and confirms the act of the Secretary of War and could be pleaded in any court as an authority granted by Congress for the building of these dams. Then, again, you will see, in speaking of these lands, that it refers to—

Such lands as shall be overflowed and which shall be necessary in the construction and maintenance of said dam, according to the permission granted by the Secretary of War.

Why the mere right to overflow these lands would by implication allow the erection of a dam for that purpose. The primary object of the bill is to ratify and confirm the unauthorized interference by the Secretary of War with the rights of the State of Minnesota to govern, control, and regulate these two rivers, which lie almost wholly within our State, and which are not navigable waters, as that term is used in the Constitution of the United States, but which are, under the laws of Minnesota, public highways of that State. The Secretary of War very wisely, in the second permit granted, took occasion to say:

That it is understood that the United States shall not be liable for damages by overflow or otherwise, and makes no guarantee whatever as to the stability of the dam.

That is a wise precaution and one that was not taken in the first permit, which was obtained in February, 1894.

Permit me to say in passing that this permit was granted since this bill was reported to the House. The permit allows this company to erect a dam anywhere within certain limits, while the former permits specified the exact place for the building of these dams. Under the last permit granted by the War Department it is proposed to confer upon this private corporation not only right to obstruct these rivers, but to obstruct them at any point it may select within certain specified limits.

In regard to the authority of the Secretary of War to authorize the building of these dams I want to call attention to a letter written by Brig. Gen. Thomas Lincoln Casey, Chief of the Engineer Department:

In my opinion there is no objection, so far as the interests of navigation are concerned—

He might well have said that, because there is no navigation on either of those rivers, except the floating of loose logs—

to the construction of the dams on the conditions named by Major Sears, but I know of no law empowering the Secretary of War to authorize the

building and maintenance of dams across navigable rivers. If this application is made under section 3 of the act of Congress of July 13, 1892, it should be noted that the St. Louis River is a navigable water not wholly within the limits of a single State, and consequently does not come within the purview of that section. A franchise for the purpose in question should be obtained from Congress.

Under the cover of claiming to simply ask for the right to overflow the land in that Indian reservation they come in here and seek to ratify and confirm by Congressional enactment the authority of the Secretary of War for the building of these three dams in that State.

I want to call attention to just one further fact, Mr. Speaker. Immediately below this dam, in the town of Cloquet, reside 5,000 people. Their only means of support, and the principal business of the place, is that of lumbering. There are five sawmills and three planing mills, which maintain that town. Think, Mr. Speaker, of the constant menace to the lives and the property of those people, living right there under the breast of that dam, holding a body of water 80 feet deep and 60 miles long, in a climate the most severe, I might say, of any in the United States. That of itself ought to cause the members of this House to hesitate before voting in favor of a proposition of this kind, and to look for some other means of utilizing this magnificent water power, one that will not put in jeopardy the lives and property of 5,000 people who happen to live immediately below this proposed dam, and 20,000 people who live along the banks of that river, between there and the cities of Duluth and Superior. I think that of itself ought to have great weight with the members of this House, and I trust, Mr. Speaker, that no man will vote in favor of putting those people in a position where he would not voluntarily place himself, nor permit any others to place him, or the members of his family.

I reserve the remainder of my time.

The SPEAKER. The gentleman has four minutes.

Mr. LYNCH. I yield five minutes to the gentleman from Wisconsin [Mr. HAUGEN].

Mr. HAUGEN. Mr. Speaker, this bill has been pretty thoroughly discussed before the Committee on Indian Affairs, and it has also been discussed before the Committee on Rules of the House. Besides that, there has been a strong lobby here, both for and against it, for some time, so that nearly every member of this House has, I believe, received some information from some source or another in regard to this bill. I can say for myself that I reserved an opinion on this subject until I had investigated it thoroughly; and I believe now that it possesses substantial merits and that the bill ought to pass.

Besides its inherent merits, such investigation as I have been able to make convinces me that only a very small fraction of the people at the head of Lake Superior—the people directly interested—is opposed to it. The Altamonte Water Company is a corporation organized under the laws of Minnesota, and is liable under those laws for any damage it may inflict on other corporations or on individuals. It comes here for one purpose only, to secure the right to flood certain lands of the Fond du Lac Indian Reservation.

As far as the direct influence of our action to-day is concerned, it does not reach beyond the district of the gentleman from Minnesota [Mr. BALDWIN] and the district which I have the honor to represent; and the people in those two districts, in the communities directly affected by this vast enterprise, if it is carried out, are almost to a man in favor of this bill. Now, where does the opposition come from?

Mr. KEM. Are there any residents of the town of Cloquet who are in favor of the passage of this bill?

Mr. HAUGEN. I was going to speak of the town of Cloquet. The town of Cloquet is the town which the gentleman from Minnesota [Mr. TAWNEY] told us is located below the proposed dam and the inhabitants of which are almost exclusively engaged in lumbering. It exists almost entirely because of certain large lumbering institutions which are carrying on their business at that point. But this dam, if built, will not destroy the town of Cloquet. If built it will be built under the supervision of the Secretary of War, and I take it for granted that no dam will be permitted to be built at this place that will not be absolutely safe.

Gentlemen are reminded in the pamphlets which have been sent to them of the disaster at Johnstown. People living in the narrow valleys of Pennsylvania might suffer from such a disaster as that, but it is absolutely impossible that that disaster can be repeated at this place.

At Johnstown the dam was washed away by the water flowing over the top of it.

If this structure is built according to the plans submitted no such accident can occur to the people of Cloquet. There was no supervision on the part of the public in the construction of the Johnstown dam, while here no step can be taken without the sanction and approval of an engineer of the War Department, who will see that all the conditions are complied with.

The dam as proposed to be constructed will be 700 feet wide at the bottom, coming up by a gradual slope to the top; and the dam

will have a superstructure 25 feet high above the level of the water. Before the water can rise 10 feet in the dam it will overflow the divide and run into the waters of the Mississippi, giving absolute security against any such disaster as that of the Johnstown flood. It can not get within 10 feet of the top of the dam.

Where does this opposition come from? It comes from people living outside of the district represented by the gentleman from Minnesota [Mr. BALDWIN] or the district which I represent. It comes largely from the lumbermen at Cloquet and others owning pine on the St. Louis and Cloquet rivers. If they suffer from the overflow caused by this dam they have their remedy in the courts of Minnesota. This bill does not interfere with their rights. It proposes to do only one thing, as stated by my colleague.

Mr. TAWNEY. Have not I a right as a Representative to protest against the Federal Government interfering in a matter of this kind without first having the action of the legislature of my State?

Mr. HAUGEN. I do not dispute your right to criticize the bill or oppose it, but I have a right to make my statement. I say that these lumber companies, if their lands are overflowed to their injury, can recover damages under the laws of Minnesota. The law the gentleman quoted seemed to relate to booming of logs rather than to the subject of overflowing lands by dams. If any lands of private individuals or corporations are overflowed by reason of this dam there is nothing in this bill to interfere with the rights of the parties to recover in the State courts, and this company is incorporated under the laws of the State of Minnesota. All it asks of us is the right to flood this Indian reservation. All other controversies must be settled in the State courts.

Mr. CURTIS of Kansas. Is not the liability for damages limited to \$50,000?

Mr. HAUGEN. I understand the capital stock is \$50,000. The parties who are forwarding this enterprise must, to start with, pay \$50,000 or \$100,000 or whatever damages may be found to the Secretary of the Interior for the benefit of the Indians owning the reservation. Those damages must be settled first, before the work can proceed, and such an investment as that will be a better guaranty of good faith than any sum named as capital stock in the articles of incorporation.

Mr. TAWNEY. Who is to pay the damages that will be done to the property at the town of Cloquet?

Mr. HAUGEN. They will not suffer any damage. The logging interests will be taken care of by ample chutes, and the Secretary of War will see that the dam is so constructed that the residents below will be in no jeopardy. There is property that will be injuriously affected, I dare say, by the construction of this dam, and the parties representing it are here protesting. But no great enterprise like this is undertaken anywhere without some opposition of that character, and that argument would prevent the building of any dam anywhere. It is proposed by this bill to bring the waters of the St. Louis River from the town of Cloquet to the brow of the hill at Duluth, and at an elevation of over 600 feet above the level of Lake Superior, and thus create 600,000 horsepower, and give facilities at the head of Lake Superior for the greatest manufacturing establishments in the Northwest.

The SPEAKER. The time of the gentleman has expired.

Mr. HALL of Missouri. I would like to ask the gentleman one question.

Mr. HAUGEN. I would like to have time to answer the gentleman. I will ask my colleague to give me a little more time.

Mr. LYNCH. I yield further to my colleague to answer the question.

Mr. HALL of Missouri. I do not know whether I understood the gentleman correctly or not. Did I understand the gentleman to say that the only two districts in which the people would be directly interested were the people of his district and the people of the district represented by the gentleman from Minnesota [Mr. BALDWIN]?

Mr. HAUGEN. I did say that.

Mr. HALL of Missouri. And that the people of those two districts are overwhelmingly for this proposition?

Mr. HAUGEN. They are overwhelmingly for it. I would like to make one other statement. The Jay Cooke interests, so called, are the owners of property lying along that part of the St. Louis River known as the "Dells." They have not improved it. Their property has gone up in value through the general development and growth of the communities at the head of the lake, not by reason of anything that the Jay Cooke Company has done, but through the expenditure of money and efforts of others. Much of this opposition comes, I believe, from that source, but that ought not to block the way of men who propose to do something at once for the benefit of the community. The Jay Cooke interests have waited too long for others to give value to their property in order that they may reap the fruits of the toil of others and enjoy the "unearned increment."

The SPEAKER. The gentleman from Minnesota has four minutes remaining.

Mr. TAWNEY. I yield two minutes to my colleague [Mr. KIEFER].

Mr. KIEFER. Mr. Speaker, I have in my hand a petition signed by the people who are directly interested in this matter before this House. Here is a petition signed by the citizens and residents of the village of Cloquet, a place of 4,000 people in the county of Carlton and State of Minnesota, petitioning and remonstrating against the passage of this bill.

Here is also a petition, a protest, from a number of the citizens of the same neighborhood. I have also letters from gentlemen who are thoroughly posted on the whole matter which I will print as part of my remarks.

CLOQUET MINN., January 4, 1896.

To the Members of the House of Representatives,  
United States of America:

We, the undersigned citizens and residents of the village of Cloquet (of 4,000 people), in the county of Carlton and State of Minnesota, do most earnestly petition and remonstrate against the passage of H. R. 7956, known as the Altamonte Dam bill.

The passage of this bill would be very prejudicial to and possibly destructive of our interests here. It would also, under certain contingencies, result in destruction of the lives of a large number of people.

The bill referred to, although it purports only to allow the Altamonte Water Company to purchase certain lands from the Fond du Lac Indian Reservation, is in reality an attempt to obtain the monopoly of the waters of the St. Louis River. A careful examination of the bill will show that it would operate as a Congressional adoption and recognition of a so-called scheme of improvement contemplated by the Altamonte Water Company, and by the permit of the Secretary of War, and would result in encumbering the stream in such manner as might be highly prejudicial and perhaps fatal to any other improvement enterprise.

In May, 1894, the Chamber of Commerce of the city of Duluth, having this bill under consideration, adopted a report condemning the scheme on the grounds above mentioned and upon other grounds detailed at length in said report. The people of Cloquet, in addition to the objections urged by the Duluth Chamber of Commerce, have more pressing reasons for earnestly opposing the so-called Altamonte scheme, in the fact that the village of Cloquet, with nearly 4,000 inhabitants, is located less than a mile below the proposed dam of the Altamonte Water Company. This dam, which is to be 80 feet high, holding back in an artificial lake a body of water 60 miles in length and from 1 to 3 miles wide, would be a frightful menace to our lives and property. This fact is aggravated by the additional fact that so far as developed the Altamonte Water Company has no financial backing or standing and we have no assurance that even the material damage which we would suffer would be reimbursed.

We further wish to call the attention of the members of the House of Representatives to the fact that the permit of the Secretary of War was granted without our having any knowledge of such an action being contemplated. We are satisfied that we could have shown to the Secretary of War if we had had the opportunity that the statement of conditions upon which the permit was granted was erroneous and false, and that the St. Louis and Cloquet rivers, at the points covered by the permit, are in no sense navigable waters of the United States, and that even if they were the so-called improvements of the Altamonte Water Company would be obstructive to navigation, instead of helpful.

And your petitioners will ever pray, etc.

#### PROTEST.

We, the undersigned citizens of Cloquet, Minn., hereby protest against the passage of House bill No. 7956 granting to the Altamonte Water Company the right to dam the St. Louis and Cloquet rivers. We deem the scheme proposed by that company detrimental to commerce and destructive to other more important interests, and to be in itself impracticable and dangerous.

OFFICE OF DULUTH AND WINNIPEG RAILROAD COMPANY,  
Marquette, Mich., December 1, 1896.

MY DEAR SIR: Your letter of November 30 in relation to Altamonte Water Power Company received. This whole scheme has looked to me from the start as one of the most absurd that I ever knew of.

I went to Cloquet with Mr. Jannison, Lieutenant Mercer, Indian agent, and our chief engineer last winter and looked the ground over. I had a talk with Mr. Jannison on the subject and asked him if he was a lawyer and if he understood that he could carry on this scheme without the consent of the Duluth and Winnipeg Railway Company. He replied, "Oh, no; that of course we must get first." It was not my business to tell him that he could never get that, but if he had asked me I would have told him that we would never consent to the changing of our line from where it is now to the top of the hill. We have a low-grade road from Cloquet west, and no amount of money that any water company could give us would pay us to lose and take a high-grade road. Aside from that, we think our line along the line of the St. Louis River is more valuable, and will be in the future, than it could possibly be back from the river.

In short, I can only repeat that we will never consent; money is no object. We have not paid much attention to it, because we did not think it worth while, knowing that they could not do this without first getting our consent.

Yours, truly,

WM. FITCH, Receiver.

Mr. C. N. NELSON,  
President Nelson Lumber Company, Cloquet, Minn.

MINNEAPOLIS, MINN., December 10, 1896.

DEAR SIR: In reply to your inquiry as to my views of the Altamonte Canal Company's scheme for developing a water power at Duluth, I would say that I have made some investigation into their plan, and do not arrive at the same conclusion as the Altamonte Company regarding its feasibility. In at least four material points I am obliged to dissent from the estimated figures of the company. It was claimed by Col. E. C. Gridley, in his remarks before the Minneapolis Commercial Club:

1. That 500,000 horsepower can be developed at Duluth under a head of 625 feet, and that, too, after receiving twice the average minimum amount of water in the river.



2. That the reservoir produced by a 30-foot dam at Cloquet will back the water to a point only 4½ miles distant from the Mississippi River, and will thus constitute a continuous waterway from the top of the hill at Duluth to a point so near the Mississippi.

3. That, allowing two and a half million dollars for the cost of improvements, including the dam, canal, land, damages to riparian rights, and power plant, the power could and would be sold at a yearly rental of \$10 per horsepower.

Regarding these estimates and claims, my opinion, based on the facts and authorities which are mentioned to support them, is as follows:

1. The total amount of power that can be developed at Duluth under a 600-foot head (which is all that can be possibly obtained), using all the water in the river at ordinary low state, is 96,377 horsepower. Of this, at an efficiency of 75 per cent, there would be an available power of 72,282 horsepower. In computing this I take the area of watershed at 3,500 square miles, the rainfall at 30 inches annually, the minimum volume of water in the river at about 20 per cent of the rainfall of four-tenths of a cubic foot for each square mile of watershed.

Bearing on this very point, I find the estimate of James L. Greenleaf in the seventeenth volume of the Tenth Census of the United States. He gives the average rainfall on the St. Louis River basin as 30 inches, the average flow per square mile of drainage area in ordinary low water as four-tenths of a cubic foot, and makes the following succinct statement:

"The drainage area tributary to the river above Knife Fall is 2,326 square miles; the estimated ordinary low-water flow, 1,170 cubic feet per second, and the resulting theoretical power, under 10 feet head, 1,323 horsepower. This would make the total power with the 154 feet head (from Cloquet to Thomson) 20,451 horsepower. Under 600 feet head this would amount to 79,680 theoretical horsepower, and with an efficiency of 75 per cent would leave 69,760 horsepower available."

In order to be on the safe side I have figured the watershed at 3,500 square miles, instead of 2,926 as given by Greenleaf. This accounts for the difference in our estimates.

2. If twice the minimum flow is allowed to pass through the regular channel from Cloquet to Lake Superior the power that can be developed theoretically at Duluth with the water that is left over will not exceed 30,000 horsepower, or 22,500 horsepower at an efficiency of 75 per cent. This statement is based on an average low-water flow of 1,400 cubic feet per second (Greenleaf puts it at 1,170), and an average flow the year round of 3,200 cubic feet per second. It does not take into account the loss of water by leakage, by greater evaporation from the reservoir, nor by locking vessels through at each end at Cloquet, as proposed.

3. The gap between the proposed reservoir and the Mississippi River will be several times greater than 4½ miles. It is only at the highest state of water in the reservoir that the water is supposed to back up so near the Mississippi. As the water in the reservoir is lowered by using in time of low water the distance between its outer margin and the Mississippi will rapidly increase, that being the shallowest of the reservoir. Consequently a canal connecting the Altamonte reservoir and the Mississippi River will not be appreciably shortened by the construction of a dam at Cloquet from which the water is to be used in the summer season.

4. It is unreasonable to expect to find a market within the next decade; and simply preposterous to talk about selling 100,000 horsepower there. According to the Tenth Census report and other authorities, the power, both steam and water power, used in the United States amounts to 1 horsepower for about every 12 of our inhabitants, and in cities may run as high as 1 horsepower to every six or eight of the population. If there are 150,000 people in Duluth and vicinity there may be used at present 20,000 or 25,000 horsepower. It would be impossible to supplant all this power by electric power or by water power, no matter how cheaply it is offered. But even this estimate is probably too high for the power used in the neighborhood of Duluth, for according to the Census report, the entire State of Minnesota only used 53,580 horsepower of all kinds in 1880, which was an increase of 167 per cent over that used in 1870. A proportionate increase since the Tenth Census would give 131,868 horsepower as the amount of steam power and water power used in Minnesota in 1894. Of this Duluth, with 2½ per cent of the population of the State, can hardly use more than 5 per cent of the power of 6,550 horsepower. Allowing the same liberal amount for West Superior and adjacent towns, and we have 13,000 horsepower used at the head of Lake Superior. And, as before stated, only a portion of this power could be diverted into the new scheme to make use of its power.

5. With only 22,500 horsepower available at Duluth, and, as admitted by their own representatives, an initial cost of construction of \$2,500,000, it is self-evident that the power can not be sold for \$10 per horsepower per annum. That would not pay the requisite interest on the investment, to say nothing of depreciation, repairs, or cost of operation.

Other statements made by agents or representatives of the Altamonte Canal Company do not bear investigation any better than the foregoing. But I have probably said enough to convince you that their scheme is visionary and even chimerical, and can not be carried to any kind of successful termination.

Yours very truly,

Mr. C. N. NELSON, Cloquet, Minn.

HORACE V. WINCHELL.

During the reading of the above petition the time of Mr. KIEFER expired, and, by unanimous consent, leave was granted to extend his remarks in the RECORD.

Mr. BAILEY. I merely wish to emphasize the question which I propounded a few moments ago to the gentleman from Wisconsin [Mr. LYNCH]. My objection to this bill is that it sanctions the construction of a dam immediately above a town containing something like four or five thousand people; and it makes no provision for compensating those people for whatever damage their property may suffer in consequence of the construction of this dam. If they should institute a suit against the company constructing the dam in the courts of Minnesota the company would file in the Federal court a petition for the removal of the cause, alleging that they had a defense arising under the Constitution and laws of the United States. They would thus carry their case into the Federal courts, and there they would plead that if those people below the dam had suffered any injury to their property it was an injury for which they could not obtain compensation, because under the Federal Constitution persons can not recover for damages to their property; they can only recover the value of property which is actually taken.

Mr. Speaker, I should like to see this bill safeguarded in this respect. Most of the States which have in late years adopted con-

stitutions have acted upon the theory that it is as indefensible to damage a citizen's property without compensation as it is to take it, and they have enlarged the prohibition so that where the Federal Constitution and all of the early State constitutions only prohibited the taking, it is now provided that private property shall not be "taken, damaged, or destroyed without just compensation." I simply ask that the present bill shall conform to this requirement.

[Here the hammer fell.]

The SPEAKER. The gentleman from Wisconsin [Mr. LYNCH] has three minutes remaining.

Mr. LYNCH. I yield the residue of my time to the gentleman from Minnesota [Mr. BALDWIN].

Mr. BALDWIN. Mr. Speaker, the principal objection to this measure comes from the lumber ring of Minnesota and Wisconsin. They claim that this dam is a menace to their property at Cloquet and to the lives of individuals living in the village. That is a mere pretext. This lumber company owns and controls a boom monopoly granted it by the legislature of Minnesota some twenty years ago—a monopoly of that river for booming and logging purposes. That is where the opposition comes from. For twenty years we of Duluth and that section of country have been trying in the legislature to break or modify that monopoly. But so powerful has been that interest in money and legislative influence that we have not succeeded. If this project is carried out we deprive that monopoly of none of its privileges with respect to running logs on that stream, but we permit every other lumberman to run logs there.

As to the legal points which have been raised by gentlemen in opposition to this measure, if they are sound, then the courts will sustain them, and the Altamonte Company can never lay a stick of lumber or put down a stone in the construction of that dam.

The opposition to this bill from all quarters originates with monopolies and is vicious. The Jay Cooke monopoly, which controls the dalles of the St. Louis below the site of this proposed dam, has held that property for twenty years—acting the part of the dog in the manger, refusing to develop it themselves and preventing anybody else from doing so—putting a fictitious value of a million dollars upon their franchise.

Now, the people of Duluth and Superior, aggregating a population of 100,000, are unanimous in favor of this legislation. It means more to them than all the other factors combined in the development and upbuilding of those two great cities. I held this measure here in committee for three months until I could satisfy myself regarding the Altamonte Company and its financial ability, and also with regard to the wishes of my constituency. When satisfied beyond any doubt that the measure had their unanimous approval I gave it my support. I appeal to members of this House to vote for as just and as righteous a measure as ever was presented to this Congress.

[Here the hammer fell.]

The SPEAKER. The question is now on the motion of the gentleman from Wisconsin [Mr. LYNCH] to suspend the rules and pass the bill.

The question being taken, there were—ayes 90, noes 68.

The SPEAKER. Two-thirds have not voted in favor of the motion.

Mr. BALDWIN and others. Yeas and nays.

The yeas and nays were ordered.

Mr. LYNCH and Mr. TAWNEY were appointed tellers.

The question was taken; and there were—yeas 123, nays 90, answered "present" 2, not voting 125; as follows:

#### YEAS—123.

Aldrich,	Cooper, Wis.	Ekirt,	Rusk,
Allen,	Covert,	Johnson, N. Dak.	Russell, Ga.
Arnold,	Crain,	Jones,	Ryan,
Baldwin,	Dalzell,	Kilgore,	Schermerhorn,
Bankhead,	De Forest,	Lawson,	Settle,
Barnes,	Dismore,	Little,	Shell,
Bartlett,	Dockery,	Loud,	Sorg,
Beckner,	Durbinow,	Lynch,	Sperry,
Bell, Tex.	Edmonds,	Maddox,	Springer,
Beltzhoover,	Ellis, Ky.	Mallory,	Stallings,
Berry,	English, Cal.	Marshall,	Stone, Ky.
Black,	Epes,	Martin, Ind.	Storer,
Blair,	Everett,	McCreary, Ky.	Swanson,
Boatner,	Forman,	McCulloch,	Talbot, Md.
Breckinridge,	Geissenbainer,	McDearmon,	Tate,
Brets,	Goldzier,	McEtrick,	Terry,
Brookshire,	Gorman,	McKag,	Tracey,
Brown,	Grady,	Meredith,	Tucker,
Bynum,	Graham,	Meyer,	Turner, Ga.
Cabanes,	Gresham,	Money,	Tyler,
Campbell,	Griffin, Mich.	Moore,	Warner,
Caruth,	Hager,	Moses,	Washington,
Catchings,	Hall, Minn.	Neill,	Weadock,
Causey,	Hall, Mo.	Northway,	Wever,
Clancy,	Hammond,	Ogden,	Wheeler, Ala.
Clark, Mo.	Hare,	O'Neill, Mo.	Williams, Ill.
Clarke, Ala.	Harrison,	Page,	Williams, Miss.
Cobb, Mo.	Haugen,	Pendleton, Tex.	Wilson, W. Va.
Cockrell,	Henderson, N. C.	Reed,	Wise,
Cooper, Tex.	Hitt,	Richardson, Tenn.	Woodard,
	Hunter,	Robbins,	

## NAYS—99.

Alexander,	Draper,	Latimer,	Richards,
Apsley,	Ellis, Oreg.	Lefever,	Robinson, Pa.
Avery,	Fletcher,	Lester,	Russell, Conn.
Babcock,	Funk,	Livingston,	Sayers,
Bailey,	Fyan,	Lucas,	Simpson,
Baker, Kans.	Gillet, N. Y.	Marsh,	Snodgrass,
Baker, N. H.	Gillett, Mass.	Marvin, N. Y.	Stephenson,
Bartholdt,	Griffin, Wis.	McAleer,	Stevens,
Barwig,	Grout,	McCall,	Stone, C. W.
Bell, Colo.	Hainer,	McCleary, Minn.	Strait,
Boen,	Hartman,	McDowell,	Strong,
Brickner,	Hayes,	McKeighan,	Talbot, S. C.
Broderick,	Henderson, Iowa	Meiklejohn,	Tawney,
Bromwell,	Hepburn,	Mercor,	Thomas,
Brosius,	Hicks,	Morse,	Tarpin,
Bundy,	Hooker, Miss.	Murray,	Updegraff,
Cannon, Cal.	Hopkins, Pa.	Mutchler,	Van Voorhis, N. Y.
Chickering,	Hudson,	Pearson,	Van Voorhis, Ohio
Cobb, Ala.	Izlar,	Pendleton, W. Va.	Walker,
Cousins,	Kem,	Perkins,	Wanger,
Curtis, Kans.	Kiefer,	Phillips,	Waugh,
Daniels,	Kribbs,	Powers,	Wheeler, Ill.
Davis,	Kyle,	Randall,	Wilson, Ohio
De Armond,	Lacey,	Ray,	Wright.
Dolliver,	Lane,	Reyburn,	

ANSWERED "PRESENT"—2.  
Crawford, Pickler.

## NOT VOTING—125.

Abbott,	Denson,	Houk,	Price,
Adams, Ky.	Dingley,	Hulick,	Quigg,
Adams, Pa.	Donovan,	Hull,	Rayner,
Aitken,	Doolittle,	Hutcheson,	Reilly,
Alderson,	Dunn,	Johnson, Ind.	Richardson, Mich.
Belden,	Dunphy,	Johnson, Ohio	Ritchie,
Bingham,	English, N. J.	Lapham,	Robertson, La.
Bland,	Enloe,	Layton,	Scranton,
Boutelle,	Erdman,	Linton,	Sherman,
Bower, N. C.	Fielder,	Lockwood,	Sibley,
Bowers, Cal.	Fithian,	Loudenslager,	Sickles,
Branch,	Gardner,	Magner,	Sipe,
Bunn,	Gear,	Maguire,	Smith,
Burnes,	Geary,	Mahon,	Somers,
Cadmus,	Goodnight,	McDannold,	Stockdale,
Caminetti,	Grosvenor,	McGann,	Stone, W. A.
Cannon, Ill.	Grow,	McLaurin,	Straus,
Caphart,	Haines,	McMillin,	Sweet,
Childs,	Harmer,	McNaguy,	Tarsney,
Cockran,	Harris,	McRae,	Taylor, Ind.
Coffeen, Wyo.	Harter,	Milliken,	Taylor, Tenn.
Coffin, Md.	Hatch,	Montgomery,	Turner, Va.
Cogswell,	Heard,	Morgan,	Wadsworth,
Conn,	Heitner,	Newlands,	Wells,
Coombs,	Henderson, Ill.	O'Neill, Mass.	White,
Cooper, Fla.	Hendrix,	Outhwaite,	Whiting,
Cooper, Ind.	Henry,	Paschal,	Wilson, Wash.
Cornish,	Hermann,	Patterson,	Wolverton,
Cox,	Hines,	Payne,	Woomer.
Culberson,	Holman,	Pence,	
Curtis, N. Y.	Hooker, N. Y.	Pigott,	
Davey,	Hopkins, Ill.		

So (two-thirds not having voted in the affirmative) the motion to suspend the rules and pass the bill was rejected.

The following pairs were announced:

Until further notice:

Mr. ABBOTT with Mr. PAYNE.

Mr. HUTCHESON with Mr. DRAPER.

Mr. O'NEIL of Massachusetts with Mr. COGSWELL.

Mr. WOODARD with Mr. TAYLOR of Tennessee.

For this day:

Mr. SOMERS with Mr. HOUK.

Mr. MCLAURIN with Mr. QUIGG.

Mr. HATCH with Mr. HARMER.

Mr. RAYNER with Mr. SWEET.

Mr. HARTER with Mr. HENDERSON of Illinois.

Mr. SICKLES with Mr. GROSVENOR.

Mr. TURNER with Mr. JOHNSON of Indiana.

Mr. CADMUS with Mr. HEINER of Pennsylvania.

Mr. McMILLIN with Mr. MOON.

Mr. STOCKDALE with Mr. GEAR.

Mr. McDANNOLD with Mr. BELDEN.

Mr. ENGLISH of New Jersey with Mr. SHERMAN.

Mr. ALDERSON with Mr. WILLIAM A. STONE.

Mr. SIPE with Mr. HULL.

Mr. McRAE with Mr. SCRANTON.

Mr. TARSNEY with Mr. LOCKWOOD.

Mr. OUTHWAITE with Mr. CRAWFORD.

Mr. CULBERSON with Mr. MILLIKEN.

Mr. ROBERTSON of Louisiana with Mr. HULICK.

Mr. MONTGOMERY with Mr. HOPKINS of Illinois.

On this vote:

Mr. HERMANN with Mr. CURTIS of New York.

Mr. BURNES with Mr. CANNON of Illinois.

Mr. HATCH. Mr. Speaker, I voted to insure a quorum, but as I am paired with the gentleman from Pennsylvania [Mr. HARMER] I withdraw my vote.

The result of the vote was then announced as above recorded.

## RESIGNATION OF A MEMBER.

The SPEAKER laid before the House the following communication; which was read, and ordered to lie on the table.

HOUSE OF REPRESENTATIVES, February 18, 1895.

DEAR SIR: I have the honor to inform you that I have forwarded to the governor of the State of Washington my resignation as a member of the House of Representatives from that State at large, to take effect to-day.

Very respectfully,

JOHN L. WILSON.

HON. CHARLES F. CRISP,  
Speaker House of Representatives.

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:  
To Mr. STOCKDALE, indefinitely, on account of sickness.

To Mr. TURNER of Virginia, for three days, on account of sickness.

To Mr. HOLMAN, for this day, on account of sickness in his family.

## COMMITTEE ON INVALID PENSIONS.

By unanimous consent, on motion of Mr. MARTIN of Indiana, the Committee on Invalid Pensions was granted leave to sit continuously during the session of the House to-morrow.

## CONDITION OF BUSINESS, GOVERNMENT DEPARTMENTS.

Mr. DOCKERY, from the Joint Commission of Congress on the Status of the Executive Departments, etc., submitted a report on the condition of business in the Departments of the Government in Washington; which was ordered to be printed.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 5624) to authorize the Oklahoma Central Railroad to construct and operate a railway through the Indian and Oklahoma Territories, and for other purposes, asked a conference with the House of Representatives on the bill and amendments, and had appointed Mr. JONES of Arkansas, Mr. PLATT, and Mr. BLANCHARD as the committee on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3476) to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 8272) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BLACKBURN, Mr. GORMAN, and Mr. CULLOM as the conferees on the part of the Senate.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1969) granting a pension to Harrison C. Hobart, brevet brigadier-general of volunteers, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. VILAS, Mr. PALMER, and Mr. GALLINGER as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2599) granting a pension to Caroline E. Wessels.

## ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution and bills of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 252) relative to the British Guiana-Venezuela boundary dispute;

A bill (H. R. 4953) to amend section 2455 of the Revised Statutes of the United States; and

A bill (S. 2589) granting cannon to the Historical Museum, Des Moines, Iowa.

## REPORT OF COMMITTEE.

The following report of committee was handed in at the Clerk's desk, referred to its appropriate calendar, and otherwise disposed of as indicated below.

## PUBLIC BUILDING, PARIS, KY.

Mr. BERRY (on the 16th of February), from the Committee on Public Buildings and Grounds, reported the bill (S. 2576) for the erection of a public building at Paris, Ky.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.



## ADDITIONAL MESSENGERS, CLERK'S OFFICE.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I ask consideration of a resolution which I send to the desk in connection with the business of the House.

The Clerk read as follows:

*Resolved, by the House of Representatives, That the Clerk of the House be authorized and empowered to employ for the remainder of the session two bicycle messengers for day and night service between the enrolling room of the Clerk's office and the Government Printing Office, to be paid each out of the contingent fund of the House of Representatives, at \$5 per day.*

Mr. REED. What is the object of this resolution?

Mr. RICHARDSON of Tennessee. The Clerk of the House needs a couple of messengers between the enrolling room and the Government Printing Office during the last few days of the session in order to expedite the engrossing and enrollment of bills.

Mr. REED. This is only for a few days.

Mr. RICHARDSON of Tennessee. Only for the remainder of the session.

Mr. HITT. Has the price of labor gone up so that these messengers must receive \$5 a day each?

Mr. RICHARDSON of Tennessee. That also includes the bicycle.

Mr. HITT. That means a rental of \$3 or \$4 a day for the bicycle. Men are begging for work now at \$1 per day.

Mr. RICHARDSON of Tennessee. The service is needed, and I ask a vote upon the resolution.

The resolution was agreed to.

## MEXICAN FREE ZONE.

Mr. BYNUM. Mr. Speaker, I ask unanimous consent to make a report from the Committee on Ways and Means, a bill of a local character.

I am directed by the committee to report a joint resolution (H. Res. 277) in reference to the free zone along the northern frontier of Mexico and adjacent to the United States.

The SPEAKER. This joint resolution will be printed and referred to the Committee of the Whole House on the state of the Union.

## FUR-BEARING ANIMALS, ALASKA.

Mr. WILSON of West Virginia, from the Committee on Ways and Means, by unanimous consent, reported in lieu of the bill H. R. 8683 a bill (H. R. 8909) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska, and for other purposes," which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

## NAVAL APPROPRIATION BILL.

Mr. TALBOTT of Maryland. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. O'NEIL of Massachusetts in the chair.

The CHAIRMAN. By unanimous consent all general debate on the bill is closed, and the Clerk will now report the bill by paragraphs for debate and amendment under the five-minute rule.

The Clerk, proceeding with the reading of the bill, read as follows:

## PAY OF THE NAVY.

For the pay of officers on sea duty; officers on shore and other duty; officers on waiting orders; officers on the retired list; clerks to commandants of yards and stations; clerks to paymasters at yards and stations; general storekeepers; receiving ships and other vessels; extra pay to men reenlisting under honorable discharge; interest on deposits by men; pay of petty officers, seamen, landsmen, and boys, including men in the engineer's force and for the Coast Survey Service and Fish Commission, 8,250 men and 750 boys, at the pay prescribed by law; and the Secretary of the Navy is hereby authorized to enlist as many additional seamen as in his discretion he may deem necessary, not to exceed 2,000; in all, \$7,824,329: *Provided*, That hereafter no officer of the Navy shall be deprived of sea-duty pay while attached to a vessel in commission by reason of assignment to duty as a member of a naval court-martial, court of inquiry or board, or to other temporary duty, or by reason of being sent to a naval hospital for temporary treatment.

Mr. SAYERS. I desire to raise a point of order upon all after the word "law," in line 6, down to and including the word "thousand," in line 8, on page 2.

I have another point of order, but will reserve it.

The CHAIRMAN. The Chair will suggest to the gentleman from Texas that if any debate should take place on the balance of the paragraph, it would be too late for him to make the point of order on that paragraph.

Mr. SAYERS. Then, Mr. Chairman, in addition, I will also reserve a point of order upon the words "eight thousand two hundred and fifty men, and seven hundred and fifty boys," in lines 4 and 5 of the same page; and also, commencing with the word "provided," in line 10, down to and including line 15 of said page.

The points of order are that the language named is new legislation, and that it does not decrease, but it does increase expenditures.

Mr. SPRINGER. How many men are now authorized?

Mr. SAYERS. Nine thousand only.

Mr. HALL of Missouri. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HALL of Missouri. For the purpose of offering an amendment.

Mr. TALBOTT of Maryland. I think the point of order should be settled now.

Mr. HALL of Missouri. I understood the point of order was reserved. Of course my amendment is not in order until the point of order is disposed of.

Mr. SAYERS. Mr. Chairman, referring to the point of order which covers parts of lines 4 and 5 of page 2 of the bill, I desire to call the attention of the Chair to the existing law. The naval appropriation act approved March 3, 1893, reads as follows:

And the number of persons who may at one time be enlisted in the Navy of the United States, including seamen, ordinary seamen, landsmen, mechanics, firemen, and coal heavers, and including 1,500 apprentices and boys, hereby authorized to be enlisted annually, shall not exceed 9,000.

Now, the paragraph to which I except, instead of reciting the pay of 7,500 men and 1,500 boys, provides for 8,250 men and 750 boys.

This is all I have to say in reference to the particular portion of the clause.

Mr. TALBOTT of Maryland. Mr. Chairman—

The CHAIRMAN. Before the gentleman from Maryland begins the Chair would like to call the attention of the gentleman from Texas to the fact that it has been repeatedly held in this House by Speaker Carlisle; by Mr. MCCREARY of Kentucky, as Chairman of the Committee of the Whole; by Mr. RICHARDSON of Tennessee, as Chairman of the Committee of the Whole, that it would be competent for the Committee of the Whole to accept an amendment authorizing the construction of new ships; that the provision of the rule that refers to works and objects already in progress would amply cover that.

Mr. SAYERS. Mr. Chairman, one moment. There is no statute which limits the number of vessels in the Navy, but there is a statute, however, which limits the number of men and boys in the Navy—that is, to 9,000.

The CHAIRMAN. The Chair would call the attention of the gentleman from Texas to the fact that the law authorizing the construction of certain vessels is as much a limitation on the number of vessels as if they were specified by number.

Mr. SAYERS. Mr. Chairman, the point that I wish to make is that in the case suggested by the Chair there was no limit fixed by law; but in the matter of seamen and boys a limit is fixed by law. The law especially says that the number of men and the number of boys shall be 9,000, and no more. The Committee on Naval Affairs violate the law in this bill and also change the number of men and the number of boys.

Mr. DOLLIVER. Is not the law my friend refers to the current appropriation bill, from year to year?

Mr. SAYERS. No; it is not simply current law.

Mr. TALBOTT of Maryland. Whether it is or not, under authority of Congress we have in course of construction the *Iowa*, *Indiana*, *Massachusetts*, *Oregon*, *Maine*, *Texas*, *Brooklyn*, *Puritan*, *Amphitrite*, *Terror*, *Monadnock*, the *Olympia* just finished, and the *Marblehead*, and three gunboats.

Now, under the ruling, first, of Mr. Wellborn, of Texas, in the Forty-eighth Congress, the ruling of the gentleman from Kentucky [Mr. MCCREARY] in the Forty-ninth Congress, and other similar rulings, it has been held that this is nothing in the world but a continuation of public work.

Mr. SAYERS. This is not a continuation of public work.

Mr. TALBOTT of Maryland. If it is not, I should like to know what constitutes a continuation of public work.

The CHAIRMAN. Will the gentleman from Texas inform the Chair how it would be possible to continue these vessels unless you have men to man them?

Mr. SAYERS. It is for Congress to say whether the vessels shall be put in commission or not. Now, I would ask the Chair, unless the mind of the Chair is fully settled upon the proposition, to withhold his ruling upon these points until to-morrow.

The CHAIRMAN. The Chair would be glad to do that if there be no objection.

Mr. SAYERS. I will call the attention of the Chair to lines 6, 7, and 8:

And the Secretary of the Navy is hereby authorized to enlist as many additional seamen as in his discretion he may deem necessary, not to exceed 2,000.

The naval appropriation bill approved March 3, 1893, provides that the number of persons who may at any one time be enlisted in the naval force of the United States, including seamen, ordinary seamen, landsmen, mechanics, firemen, coal heavers, and 1,500 ap-

prentices, shall not exceed 2,000. This number is fixed by law. The proposition is to increase that number by 2,000.

This is the existing law. It defines the number of men and boys of all kinds of which the Navy shall consist. The statute is mandatory in requiring that it shall not exceed 9,000. There can be no misunderstanding upon this point. The decisions to which the Chair has referred have reference only to the building of ships; and, if I mistake not, the ground upon which these decisions rested was that it was but a continuation of public works in progress. I would like the Chair to examine the debates carefully upon those points of order. It will be going very far indeed to say that the enlistment of men and boys is for the purpose of carrying on public works in course of construction. This is the first attempt that has been made to increase the personal strength of the Navy by a clause upon an appropriation bill. If the Chair will refer to the proceedings of the House he will find for the last two Congresses, probably three Congresses, the effort to increase the personal strength of the Navy has been undertaken on separate bills.

Mr. TALBOTT of Maryland. Mr. Chairman, I hope that this point of order will be determined.

The CHAIRMAN. The Chair would prefer that the matter should go over.

Mr. TALBOTT of Maryland. Of course I do not want to force the Chair to make his decision, but I do want the Chair to follow out this ruling made by previous Chairmen, and made by the gentleman from Tennessee [Mr. RICHARDSON] last year with reference to "continuation of appropriations for such public works and objects as are already in progress." I simply desire to ask the gentleman from Texas, what in the world is the use of the Committee on Naval Affairs appropriating money to construct ships if we are not to provide additional seamen? That is a continuation of a public work and object. We have just as much right to report, and we could have reported from time to time, in every single bill that provided for the construction of these vessels the money to man them when completed. That could have been carried on the bill at the same time, and I dare the gentleman to find a precedent that says we can not.

Mr. SAYERS. The gentleman can not show a precedent of the kind.

Mr. TALBOTT of Maryland. One minute, sir. And if we could do it then, we can do it now.

Mr. SAYERS. Now, Mr. Chairman, I will answer the gentleman. It is not for me to find precedents. It is for the gentleman to do so in order to sustain his position.

The CHAIRMAN. The Chair thinks it is important that the gentleman from Texas should find the precedent on his point of order.

Mr. WASHINGTON. A point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WASHINGTON. We can not hear anything the gentleman is saying.

Mr. MONEY. Is there any limit to debate upon this point of order?

The CHAIRMAN. No, sir. It is in the discretion of the Chair.

Mr. SPRINGER. Do I understand the Chair reserves his point of order until to-morrow?

The CHAIRMAN. The Chair intends to withhold the decision until to-morrow on the request of the gentleman from Texas.

Mr. MONEY. Mr. Chairman, I want to ask how many times a gentleman can speak on a point of order. Is there any limit?

The CHAIRMAN. There is no limit except the judgment of the Chair. The discussion on the point of order is for the information of the Chair.

Mr. SAYERS. I have not occupied this floor very much in talking. I have talked less than the gentleman from Mississippi—a great deal less. I will call the attention of the Chair to a proposition that is analogous. The Government of the United States is engaged in building fortifications and in the construction of military posts at various places in the country. Now, will it be contended that in order to man the fortifications and to occupy the military posts the Committee on Military Affairs would have the right in the army appropriation bill to increase the number of officers and enlisted men? It is one thing to build ships and another thing to use them. It is one thing to construct fortifications and military posts, but it is another and quite different thing to enlist men in order to man them. And so with court-houses and with post-office buildings. To sum it up, Mr. Chairman, the law is silent as to the number of ships that may be built, but it distinctly provides that the number of seamen, enlisted men, and boys shall not exceed 9,000.

Mr. BARTLETT. I should like to be heard for one or two minutes on the point of order. The question is whether this provision which has reference to manning the Navy—the personnel of the Navy—is radically different from the question of the construction of these new ships. The gentleman from Texas says that the question of arsenals and forts is entirely distinct. He is

right in that proposition. But this question of the personnel of the Navy, or the manning of the Navy, is part of one grand scheme. It is a part of the same scheme of which the construction of new vessels is a part; and that is a question of the reorganization of the Navy. You can not have the construction of vessels without the necessary men, the necessary personnel, to man them.

I submit to the Chair the highest Democratic authority for this proposition, the report of Hon. William C. Whitney, when Secretary of the Navy, on the 1st of December, 1886, in which, after alluding to the then decadence of the Navy, he indicates the necessary steps for its reorganization. He takes up the question of the manning or personnel of the Navy and then goes on to consider the further question of the construction of new vessels. So I submit that these two questions form parts of one great subject, and that the point of order raised is not well taken.

Mr. CANNON of Illinois. I should like to ask the gentleman from New York a question. If you may, in accordance with our rules, increase upon a general appropriation bill the number of seamen and the number of apprentices, may you not also increase the number of lieutenant-commanders, commodores, or admirals?

Mr. BARTLETT. No.

Mr. CANNON of Illinois. Why not? The law prescribes the number of the staff and the line, as well as the number of seamen and apprentices. It seems to me as a matter of principle and law the two cases are on "all fours."

Mr. BARTLETT. Does the gentleman from Illinois want these vessels to lie idle?

Mr. CANNON of Illinois. I am not speaking about what I want. I am speaking about the point of order. I am trying to find out what can be done under our rules if this provision is not subject to a point of order.

I will go a step farther. If you can increase the number of seamen and the number of apprentices, the law already providing what the number shall be, I ask again can you not increase the number of the staff and the line; and if you can do that, then, as the greater includes the less, can you not put your navy personnel measure on this appropriation bill and still be in order?

Mr. TALBOTT of Maryland. The answer to the gentleman is this: Anything that furthers the object of the reconstruction of the Navy, which is authorized by existing law, is in order on this appropriation bill. It is a matter for the House to determine whether it will make the proposed appropriation or enact the proposed legislation.

Mr. BOUTELLE. Mr. Chairman, I hope this point of order will be disposed of now. There is no propriety or expediency in postponing it or evading it. No dust can be thrown in the eyes of this House or the people by any technical discussion on this point which will for a moment prevent everybody from seeing that the success of this point of order means simply to deprive the Navy of the men who are absolutely essential to enable it to be effective.

Nothing is better known than the fact that we need more men in the Navy. Either we must have them or the ships which are already being built and put in commission must be put out of commission and tied up at the wharves, without sufficient force even to keep them in order. We have to-day vessels in commission with but half a complement of men. We have been in emergencies transferring portions of the crews from some of our ships to others, leaving some vessels with but half or third of a complement, in order that we might dispatch others upon the public business.

None of these gentlemen who raise this point of order will get up here and argue against increasing the force of the Navy. The chairman of the Committee on Appropriations will make no such argument as that. My friend from Illinois will not stand up here and say that he does not think we ought to have men to man these ships. No man will argue for a moment that we ought to go on completing the vessels we now have on the stocks, putting them in commission, making them available for the uses for which the people intended them and for which Congress provided them, and still have no men to man them. But we have this habitual, this everlasting appearance of the Appropriations Committee, in the person either of its chairman or some of the other mandarins of that institution, making points of order to prevent some other committee from accomplishing something in the way of public business.

Now, it has been held in this House over and over again, that no rule, no clause of a rule, no technical provision of any rule, not even rules that were made with such specific care by the gentleman from Indiana [Mr. HOLMAN], who certainly has never had any superior in framing provisions to keep legislation out of appropriation bills—it has been held over and over again that none of these provisions are sufficient to exclude from the naval appropriation bill appropriations for the building of ships. The addition of new vessels has been ruled in order time and again, as being clearly a part of the purpose of appropriating for the naval establishment.



I would like to have some one tell me, if he can, what an appropriation bill, which, by its specific terms as well as by the rules of the House, is declared to be a bill appropriating the annual funds necessary to carry on the naval establishment, is intended for if it is not intended to provide for the navy-yards and to provide for manning and equipping the vessels of the Navy? If, in a bill appropriating for the naval establishment of the Government for the next fiscal year, a bill covering every legitimate expenditure attaching to the Navy Department for the twelve months of the next fiscal year, we can provide in that bill for every detail of the naval establishment for the construction of ships and for the completion of ships partly built, and if we can provide for launching ships and putting in commission ships already built and launched, it seems to me a most remarkable thing that we are there to stop absolutely and make no use whatever of the expenditure by being prevented from providing the men who are absolutely essential to utilize them.

Why, Mr. Chairman, it is just as much a part of the naval establishment to have men to sail the ships as it is to have the ships to sail. We have made great progress of late years, it is true, but ships are not as yet entirely automatic; we have to put men on them to manage them, and with a situation as flagrant as it is now, as notorious as it is now, as exigent as it is to-day in regard to the lack of men, it seems to me that in the closing hours of this session for this House to be stampeded or obstructed or turned aside from a manifest duty by a mere technical quibble that this is legislation upon an appropriation bill, a principle which has been recognized as legitimate and proper in dealing with all of these subjects in the past, strikes me as being an exceedingly small business.

I undertake to say that the rulings are ample and convincing on this point that this is as much a legitimate part of the business of providing for the naval establishment as any other item carried by the bill; and there is not an item in it, from the beginning to the end, that is more important. Indeed, I doubt if there is one of so much importance as this provision making appropriation for the additional number of men that we know we must have, or else there has been a waste of the public money and we have a number of new ships which we can not utilize and which are an unnecessary burden to the public service.

Mr. CANNON of Illinois. I wish to say a word, Mr. Chairman, touching the point of order, and in that if I say a word as to the merits of the proposition I will base my excuse for so doing upon the remarks of the gentleman from Maine [Mr. BOUTELLE].

I do not stand here to deny for a moment but what more seamen and more apprentices are necessary in the Navy. I stop there, though. I have more respect for my honorable friend's judgment in a matter that he is charged with than he seems to have for mine—

Mr. BOUTELLE. That you are not charged with.

Mr. CANNON of Illinois. Touching the public business of this House concerning the Navy.

But the gentleman from Maine should remember that after all I have the honor to be a member of the House. I helped to adopt its rules, and when a question of procedure comes up it is quite proper that I should have an opinion, and proclaim it if I do have it.

Now, what is the proposition presented here? The proposition is to increase the personnel of the Navy upon the general appropriation bill; that is all.

Mr. BOUTELLE. I hope my friend from Illinois will permit me to suggest that in making use of that word "personnel," which is now becoming somewhat chronic in this House, he will not allow any member to be confused with the idea that we are endeavoring to inject into this bill an additional official corps for the Navy.

Mr. CANNON of Illinois. Oh, Mr. Chairman, it may be the official corps of the Navy ought to be changed, perhaps increased. I am not saying that it ought not to be. But I do say that the general law, wholly independent of appropriation bills, the statutory provision, the fixed law, says how many there shall be of the staff and how many of the line in the Navy.

Mr. BOUTELLE. Will the gentleman permit a question?

Mr. CANNON of Illinois. Oh, yes.

Mr. BOUTELLE. The gentleman says the statutory law provides it. Does the gentleman not know that that was fixed in just such a clause of an appropriation bill as this?

Mr. CANNON of Illinois. If the gentleman from Maine was a lawyer—

Mr. BOUTELLE. Ah!

Mr. CANNON of Illinois. I would say he was pettifogging.

Mr. BOUTELLE. Well, you ought to know.

Mr. CANNON of Illinois. General legislation has been in years past enacted on appropriation bills, so far as that is concerned.

Mr. TALBOTT of Maryland. Now, will the gentleman—

Mr. CANNON of Illinois. Now, Mr. Chairman, I must decline to yield. I would be very glad to be able to conclude at least one sentence. [Laughter.] If these bees of the Naval Committee can

cease depositing their honey until I can complete a sentence I shall be very glad. [Laughter.]

The Navy exists by positive provision of law—the staff, the line, the seamen, and the apprentices. The whole establishment exists, as the gentleman from Maine must know, entirely independent of any appropriation bill.

Now, I think quite likely it ought to be changed, and ought to be increased. I am not here to antagonize that; but I do say when Rule XXI declares that no appropriation shall be in order which changes existing law that that means something.

Mr. TALBOTT of Maryland. I am willing to follow the ruling of the Chair.

Mr. CANNON of Illinois. The gentleman still can not hold his peace until I state the proposition. I do say that when the rule provides a method of procedure that the Committee of the Whole House is bound by it.

Mr. DOLLIVER. Will my friend permit me?

Mr. CANNON of Illinois. Just in one minute. Let me state the proposition. Now, what is the proposition? Upon a general appropriation bill it is proposed to change existing law.

Mr. OUTHWAITE. Will the gentleman yield for a moment to allow me to ask him to point out what law it is that limits the number of enlisted men in the Navy? There is a law that limits the number of men in the Army, and I should like to know if there is any law that limits the number of men in the Navy?

Mr. SAYERS. I will read the law. The act of March 3, 1893, reads as follows:

And the number of persons who may at one time be enlisted into the Navy of the United States, including seamen, ordinary seamen, landsmen, mechanics, firemen, and coal heavers, and including 1,500 apprentices and boys, hereby authorized to be enlisted annually, shall not exceed 9,000.

Mr. CANNON of Illinois. The gentleman from Texas produces the law. He might read further and produce the law that fixes the number of officials.

Now, the Naval Committee proposes to change existing law upon this bill. I will vote for a resolution suspending the rules and making it in order for them to report the proposed legislation. I suppose it is necessary to have it, and that it ought to be had; but nevertheless the rules, standing as they are, and the point of order being invoked by the gentleman from Texas, I insist that this provision is subject to the point of order.

Why, where will this take us to if this provision is not subject to the point of order? It would be in order for any member of this Committee of the Whole House to rise and move to double the number and salaries of the officials of the Navy. It would no more change existing law than does this provision. It would be in order to move the Navy personnel bill. It may be that is a desirable thing to do. I am not combating it. I am not opposing it, and it is with poor grace, in my judgment—and I speak respectfully—that the gentleman comes in, and when a member of this House sees proper, in the exercise of his right, to invoke the rule of the House in favor of orderly proceedings touching appropriations, to make an attack either upon that member or upon other committees.

If I was inclined to reply, I would say that it would have been far better for the Committee on Naval Affairs to mature a bill containing this proposed legislation that would stand by itself, upon its own merits, and let us consider it in the ordinary way, instead of seeking to attach it to a great money bill for the support of the Navy, under the law, and thereby to buy its way through the House, because the money bill must pass. That is all I have to say.

Mr. LACEY. I should like to ask the gentleman a question, and that is, when Congress changed the law in relation to the number of ships, whether they did not change existing law independently of the appropriations, and the appropriations to build those ships simply followed as a matter of course?

Mr. DOCKERY. Mr. Chairman—

Mr. TALBOTT of Maryland. Mr. Speaker, in discussing this point of order I think gentlemen should be recognized alternately.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri [Mr. DOCKERY].

Mr. BOUTELLE. We ought not to have the whole of this discussion conducted by the Appropriations Committee.

Mr. DOCKERY. I am entirely willing to yield to allow the gentleman from Maine to speak.

Mr. TALBOTT of Maryland. I want to submit a question before the gentleman commences the discussion.

The CHAIRMAN. The Chair now recognizes the gentleman from Maine.

Mr. TALBOTT of Maryland. I want to submit a question before the gentleman begins. Under clause 3 of Rule XXI—

The CHAIRMAN. The gentleman from Missouri [Mr. DOCKERY] has waived his right and the Chair has recognized the gentleman from Maine [Mr. BOUTELLE], who has the floor.

Mr. BOUTELLE. Mr. Chairman, the gentleman from Illinois [Mr. CANNON], my distinguished and esteemed friend, seems to be laboring under one mistake. He has assumed that I and my

colleagues on the committee have been advocating some infraction of the rules. On the contrary, I have been endeavoring in my usual feeble way to convey to the House the impression that I believe that we are acting exactly in accordance with the rules.

I can understand how natural it is for my friend to take the view that he does, when he thinks differently from what I do, but I understand that the naval appropriation bill, in making this provision, is proceeding entirely in accordance not only with the rules, but with the custom of this House, absolutely. I believe there would be just as much propriety and just as much force in the action of any gentleman on this floor who should get up here and make a point of order upon any clause in this bill providing for an additional 50 shells, or for half a dozen more percussion primers, or for any other little technical detail that is not exactly like what was in the former appropriation bill, and claim that it changed existing law. Of course it does, in that technical sense.

Mr. DOCKERY. Will the gentleman allow me—

Mr. BOUTELLE. There is a broader sense of the rule than mere technicality. I want to say to my distinguished friend that there are other methods of invoking the law than the methods of pettifoggery, even though he suspects me of doing so. I can understand that a broad view of the law may be taken, that the general trend and purpose of the law, the general object and the underlying principle of the rule may have something to do with its operation and be quite as useful in the body as the mere microscopical and technical use of the rules as obstructive to public business instead of facilitating public business.

I belong to a political organization that has made a point before the country for several years in upholding the principle that the rules of a parliamentary body should be construed for the purpose of accomplishing things instead of being construed for the purpose of preventing things. Now, this rule in its inception was made for the purpose of preventing things; and my friend knows it. This rule was born of that spirit which dominated the Democratic party for many years, of being absolutely distrustful not only of the people, but of Congress itself. It was born for the purpose of preventing legislation. I believe the rules ought to be construed to facilitate legislation; and if I ever had any doubt on a technical point in regard to the rule I could have no doubt in this case. I have heard, as you have, such an absolute admission on the part of my distinguished friend that the underlying purpose of the American people, the fundamental object of this bill, the desirable thing to do, the thing that we want to accomplish, and a thing which he says he will help us to accomplish, and as you know we will accomplish if he does not invoke and persist in interposing this technical point of order.

Now, it is a very simple thing. The Chair may go on trying and persuading this country that he is administering the rules of the House in the interest of public business instead of recognizing and allowing an opportunity for the presentation of every obstructive point of order that may be offered on every opportunity that arises here, or he may find that there is some slight technical differences or provisions along other minor lines; but I opine from his experience and knowledge of the precedents that the Chair will take a different view of his duty and the interest of the public business. My judgment is that any man presiding in this House, having a great appropriation bill pending, as this one is, will look at the fundamental proposition involved in it; and that he will recognize the fact that under this bill providing for the naval establishment it has been ruled time and again that not only can we provide for additional buildings at navy-yards, but also for new dry docks and may order the building of new vessels.

When we are providing for the naval establishment we can go on and do any of these proper and legitimate things which are not only essential, but necessary and desirable to promote the efficiency of that establishment. They can be provided in this bill, and that is a proper method of legislation. This measure is presented here by a committee having this particular matter in charge. It is here with the recommendation of the President of the United States and the heads of the bureaus, and it has received the indorsement and careful consideration of the Committee on Naval Affairs. I hope, Mr. Chairman, the point of order will be overruled.

Mr. DOCKERY. Mr. Chairman, I desire to be heard but a moment. I have no purpose to discuss the merits of the proposition under consideration. It is hardly necessary for me to say that the few remarks I shall make upon the point of order are predicated upon the absolute confidence I have in the ability and fairness of the present occupant of the chair. We have a system of rules, whether wise or unwise, that have been adopted by the House and each member owes it to himself and the Chair owes it to the high position he holds to maintain the integrity of those rules.

Now, then, the gentleman from Texas [Mr. SAYERS] raises the question of order that under clause 3 of Rule XXI this provision

under consideration changes existing law and increases expenditures. Clause 3 of Rule XXI authorizes a change of existing law—

Provided that such change is germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

In other words, the point of order is this: That the provision changes existing law and increases expenditures. The existing law is found in the naval appropriation act of March 3, 1893, which has been read by the chairman of the Committee on Appropriations, and I will not repeat it. That law specifically limits the number of seamen that can be enlisted in the Navy of the United States.

The CHAIRMAN. The Chair wishes to call the attention of the gentleman from Missouri to the fact that that was contained in the naval appropriation bill.

Mr. DOCKERY. Certainly; and would have been subject to the point of order if the point of order had been made against it.

Mr. BOUTELLE. Nobody made such a point of order.

Mr. DOCKERY. The legislative appropriation bill which has just been passed by the House bristled with administrative legislative paragraphs, but the "technical point of order" referred to by the gentleman from Maine was either not invoked or else the House anticipated that the legislation would be obnoxious to points of order and directed the legislation to be incorporated in the legislative appropriation bill.

Now, the gentleman from Maine talks about "a technical point of order." I submit in all candor, Mr. Chairman, that we can not characterize any point of order other than as a "technical point of order." All points of order are technical. This point raised by the gentleman from Texas is technical; that is to say, he alleges that the provision of the bill changes existing law and increases expenditures.

Mr. TALBOTT of Maryland. But there are exceptions to the rule, and this is one of them.

Mr. BOUTELLE. I want to see whether this House can not rise above the level of the lawyer to that of the statesman—whether it can not override the technicality in order to reach the substance.

Mr. DOCKERY. Mr. Chairman, no member of this House can afford to "rise" above the law; and the rules of this House are the law until repealed or modified. When the rules of the House are invoked—when a "technical point of order" is made—the Chair must maintain the integrity of the rules independently of his views as to the propriety or impropriety of the proposed legislation.

Mr. LACEY. At the time of the passage of the naval appropriation bill which has been referred to, the number of vessels had previously been provided for by separate acts. Since that time the number has been increased. Now, has not "the existing law" been already changed, and does not this provision simply carry out existing law by providing for the manning of vessels already provided for?

Mr. DOCKERY. That is in pursuance of another clause of the rule which speaks of "public objects." I think a very broad construction of the rule was adopted by the gentleman from Kentucky [Mr. McCREARY] when he admitted as in order a proposition for the construction of new ships. Still, that ruling has been made and the construction of new ships allowed. But when that ruling was made the Chair was not confronted with an express provision of the statute limiting the vessels of the Navy to a certain number. Again, Mr. Chairman, the gentleman from Maine has just stated that a point of order might be made on a provision for 50 percussion primers.

Mr. BOUTELLE. If there is such a thing in the bill.

Mr. DOCKERY. No doubt such a point of order could be made on a provision of that kind if carried in the bill, provided the statute limited the appropriation to a certain number, and the bill exceeded the number authorized. But there was no such statutory provision as to ships, and therefore the appropriation was in pursuance of a public object authorized by law.

Mr. BOUTELLE. Does the gentleman hold for one moment that because the naval appropriation bill of one year has provided for buying 500 barrels of pork as provisions for the Navy, it would therefore be out of order to provide in the next appropriation bill for the purchase of 550 barrels?

Mr. DOCKERY. Certainly not.

Mr. BOUTELLE. Why not?

Mr. DOCKERY. If there was a statute limiting the appropriation to 500 barrels of pork, then you could not provide for 550 if a question of order was raised.

Mr. BOUTELLE. But the gentleman must bear in mind that the "statute" he talks so much about has no more force to-day than any other provision of an appropriation bill. It was a provision of a naval appropriation bill for the time being.

Mr. DOCKERY. The provision to which I refer is permanent law.



Mr. BOUTELLE. No more permanent than this will be when it becomes law.

Mr. DOCKERY. Here is a provision that the number of seamen shall be limited to 9,000.

Mr. BOUTELLE. And this bill does the same thing.

Mr. DOCKERY. No; this bill authorizes the employment of additional seamen in the discretion of the Secretary of the Navy.

Mr. BOUTELLE. Just as the bill modifies many other provisions of previous naval appropriation bills.

Mr. DOCKERY. Now, I want to address myself more especially to the Chair. I wish to call attention to a statute in respect to the police force of the District of Columbia. The Chair is familiar with that statute. He will recall the fact that when the District of Columbia appropriation bill is reported to the House each year we report in that bill provisions for the exact number of officers and privates fixed by law, because under the statute fixing their number we are not authorized to exceed that limit. But the Senate, not being hedged about by just such rules as we have here, increases the number to whatever may seem to be necessary for the interests of the public service.

Mr. BOUTELLE rose.

Mr. TALBOTT of Maryland. I submit to the Chair that this discussion has gone far enough. The Chair ought to be able to decide the point. It is too plain for discussion.

Mr. BOUTELLE. I want to make merely one further suggestion. The gentleman from Missouri stated very explicitly that many of the other appropriation bills have carried provisions which he thinks would have been obnoxious to the point of order if such a point had been made. But no point was made; and undoubtedly my vigilant friend refrained from making it because he believed the public interests would be subserved by refraining. Now, he can serve the public interest in the same way, if he wants to satisfy his own mind and the mind of everybody else who is in trouble. Here is a provision that all want. Let him then withdraw his point of order and let us go on with the bill.

Mr. DOCKERY. I did not raise the question of order.

Mr. CHALLIVER. Mr. Chairman, it seems to me that this whole matter was settled in the decision of Governor McCREARY when Chairman of the committee in 1887. The exception provided in clause 2 of Rule XXI takes out from under the operation of the rule appropriations—

For such public works and objects as are already in progress.

Governor McCREARY, applying that rule to the construction of new ships, has declared—

That the public object involved in the building of a new ship is the maintenance of the Navy.

Now, it seems to me nobody can deny the fact that the manning of the ship is as distinctly the maintenance of the Navy as any other public function connected with it, even the construction of the ship.

The CHAIRMAN. In accordance with the suggestion of the chairman of the Committee on Naval Affairs, as well as of the gentleman from Texas who makes the point of order, the Chair will be pleased to have this go over until to-morrow and let the point of order be pending.

Mr. TALBOTT of Maryland. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. O'NEIL of Massachusetts reported that the Committee of the Whole House on the state of the Union, having had under consideration the naval appropriation bill, had come to no resolution thereon.

#### WITHDRAWAL OF PAPERS.

On motion of Mr. WASHINGTON, by unanimous consent, leave was granted to withdraw from the files of the House, without leaving copies, papers in the case of Henry D. Plummer, there being no adverse report.

#### ORDER OF BUSINESS.

Mr. TALBOTT of Maryland. Mr. Speaker, I move that when the House adjourns to-day it be to meet to-morrow at 11 o'clock.

Mr. SAYERS. I trust the gentleman from Maryland will not do that. Twelve o'clock is early enough, in view of the fact that members have committee matters and other things to attend to.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. SAYERS. I object.

Mr. TALBOTT of Maryland. I make that motion, Mr. Speaker. The question was taken; and on a division there were—ayes 50,

noes 47.

Mr. TRACEY and others. No quorum.

Mr. TALBOTT of Maryland. I do not want to keep the members here at this late hour, and I withdraw the motion.

Mr. REED. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned until 12 o'clock to-morrow.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, Mr. HUTCHESON, from the Committee on Claims, reported the bill (H. R. 7000) for the relief of Robert Brigham, late postmaster at Franklin, Pa.; which, with the accompanying report (No. 1847), was ordered to be printed, and referred to the Committee of the Whole House.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 7444) to increase the pension of Mary A. Wilkins; and the same was referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. REED: A bill (H. R. 8904) for the erection of a public building at Biddeford, Me.—to the Committee on Public Buildings and Grounds.

By Mr. CRAIN: A bill (H. R. 8905) to change the day for the first annual meeting of Congress from the first Monday in December to the first Tuesday after the 4th day of March, and to provide for a meeting of Congress to count the electoral vote for President and Vice-President and to transact no other business, and for other purposes—to the Committee on Election of President and Vice-President and Representatives in Congress.

By Mr. HICKS (by request): A bill (H. R. 8906) for the relief of persons who served ninety days or more in the various construction corps attached to the United States Army on railroads operated by the military authorities of the United States from April, 1861, to June, 1865—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8907) authorizing the Secretary of War to procure medals for those who responded to and enlisted under the first call of President Lincoln for 75,000 troops to aid in the preservation of the Union—to the Committee on Military Affairs.

By Mr. HERMANN: A bill (H. R. 8908) to amend section 2324 of the Revised Statutes of the United States relating to mining claims as amended by act of Congress approved July 18, 1894—to the Committee on Mines and Mining.

By Mr. RUSK: A resolution to print digest of contested-election cases and to pay Alfred J. Stofer for the compilation of said digest—to the Committee on Accounts.

By Mr. DOCKERY: A resolution of the legislature of Missouri, requesting the Missouri members of Congress to vote to foreclose mortgage on Union Pacific Railroad—to the Committee on the Pacific Railroads.

By Mr. CRISP (by request): A memorial from the legislature of Kansas, relating to the Eighteenth and Nineteenth Kansas Volunteer Cavalry—to the Committee on Military Affairs.

Also (by request), a memorial from the legislature of Arizona, requesting the withdrawal from public entry the lands within the "Petrified Forest"—to the Committee on the Public Lands.

By Mr. GRAHAM: A memorial of the joint assembly of the State of New York, favoring the passage of the bill (H. R. 56) classifying clerks in postal service, and bill (H. R. 6685) fixing the salaries of letter carriers—to the Committee on the Post-Office and Post-Roads.

#### PRIVATE BILLS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. ADAMS of Pennsylvania: A bill (H. R. 8910) for the relief of Nicholas Marshall—to the Committee on Claims.

Also, a bill (H. R. 8911) to enable Nicholas Marshall to bring suit against the United States—to the Committee on the Judiciary.

By Mr. ELLIS of Oregon: A bill (H. R. 8912) for the relief of Margaret C. McKay, widow of the late William C. McKay, of Oregon—to the Committee on Pensions.

By Mr. PASCHAL: A bill (H. R. 8913) for the relief of the heirs of O. B. Brackett, of Texas, for Indian depredations—to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CURTIS of Kansas: Resolution adopted by Division No. 161, Order of Railway Conductors, of Parsons, Kans., favorable to the Wright labor arbitration bill—to the Committee on Labor.

By Mr. DURBOROW: Petition for the passage of House resolution of January 19, 1895, for the ratification of a permanent treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of F. M. Keller, president, and H. M. Senior, secretary, and 46 citizens of Brooklyn, favoring an amendment to the Constitution of the United States, to be known as the seventeenth amendment, that "no State shall grant the right of franchise to any person who is not a citizen of the United States"—to the Committee on the Judiciary.

By Mr. GROUT: Memorial of Frederick K. Dutcher Drug Company, in behalf of sugar bounty—to the Committee on Ways and Means.

By Mr. HOPKINS of Illinois: Petition of Philip Treiler, president, and Louis J. Althen, secretary, Liquor Dealers' Association of Elgin, Ill., against the proposed tax on beer or malt liquors—to the Committee on Ways and Means.

By Mr. HITT: Petition of Charles Mayer and 52 others, dealers in malt liquors, dated Rockford, Ill., January 16, 1895, against the proposed increase of the tax on beer or malt liquors—to the Committee on Ways and Means.

By Mr. HICKS: Petitions of 75 citizens of Ursina, 65 of Lambertville, 47 of Vinco, 150 of South Fork, 40 of Kingwood, 45 of Nicolay, 178 of Morrellville, 86 of Shanksville, and 150 of Tyrone, all of Pennsylvania, for a constitutional amendment prohibiting the granting of the right of franchise to persons not citizens of the United States—to the Committee on the Judiciary.

Also, petitions of 150 citizens of Tyrone, 47 of Vinco, 150 of South Fork, 65 of Lambertville, 45 of Nicolay, 178 of Morrellville, 86 of Shanksville, and 75 of Ursina, all of Pennsylvania, for a constitutional amendment respecting the establishment of religion and prohibiting the use of public money for sectarian purposes—to the Committee on the Judiciary.

By Mr. IKIRT: Resolution from 53 citizens of Beach City, protesting against the appropriation of public funds for sectarian purposes—to the Committee on the Judiciary.

By Mr. LAYTON: Petition of Buckeye Stove Company, of Leipsic, Ohio, asking Congress to pay sugar bounty to sugar growers for year 1894—to the Committee on Ways and Means.

By Mr. MCGANN: Petition of Shipmasters' Association of the Great Lakes, urging extension of hydrographic offices on the Great Lakes—to the Committee on Naval Affairs.

Also, petition of Chicago Lumber Vessel Unloaders' Union, International Association of Machinists, B. of P. and D. of A. L. U., No. 184, Chicago; United Type Founders, Carriage and Wagon Workers' Union, Cigar Makers' Union No. 15, and the Women's Federal Labor Union, all of Chicago, urging the passage of House bills 5601, 5602, 5603, 5604, 5605, and 5606—to the Committee on Merchant Marine and Fisheries.

By Mr. PERKINS: Petition of citizens of Peterson, Iowa, urging the passage of Senate bill 1620 for suppression of the lottery traffic—to the Committee on the Judiciary.

By Mr. PIGOTT: Petition of Timothy Dwight, president of Yale University, and others, for the passage of Senate bill 1620 to suppress lotteries through national, interstate, and postal laws—to the Committee on Interstate and Foreign Commerce.

By Mr. REED: Petition of Jeremiah G. Shaw, postmaster of Biddeford, Me., and others for a public building in Biddeford, Me.—to the Committee on Public Buildings and Grounds.

By Mr. REYBURN: Resolution adopted at a meeting of West Philadelphia citizens against granting the right of franchise to aliens—to the Committee on the Judiciary.

Also, resolution adopted at a meeting of West Philadelphia citizens against appropriating public money to sectarian institutions—to the Committee on the Judiciary.

By Mr. RUSK: Petition of Maryland State Temperance Alliance, protesting against passage of House bill 8465 repealing prohibitory law of Alaska; indorsed by Religious Society of Friends, Woman's Christian Temperance Union of Maryland, and Presbyterian Ministers' Association of Baltimore, Md.—to the Committee on the Territories.

By Mr. UPDEGRAFF: Petition of the State board of health of the State of Iowa, for legislation on the pollution of water in the interstate waterways—to the Committee on Interstate and Foreign Commerce.

By Mr. WALKER: Resolutions adopted at a meeting of 197 citizens of Worcester, Mass., protesting against granting the right of franchise to any person not a citizen of the United States—to the Committee on the Judiciary.

Also, resolution adopted at a meeting of 197 citizens of Worcester, Mass., against appropriating public money, and in favor of a law prohibiting an establishment of religion—to the Committee on the Judiciary.

By Mr. WARNER: Petition of Elizabeth Hilz, that bounty be paid Louis Hilz, or Helt, who served throughout the war of the rebellion in the Regular Army of the United States—to the Committee on Invalid Pensions.

## SENATE.

TUESDAY, February 19, 1895.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on motion of Mr. MARTIN, and by unanimous consent, the further reading was dispensed with.

SENATOR FROM WASHINGTON.

Mr. VOORHEES. Mr. President, I take great pleasure in presenting the credentials of Hon. John L. Wilson, a Senator-elect from the State of Washington for the term commencing March 4, 1893. I send the credentials to the Chair and ask that they be read.

The Secretary read the credentials of John L. Wilson, chosen by the legislature of the State of Washington a Senator from that State for the term commencing March 4, 1893.

The VICE-PRESIDENT. The credentials will be placed on file. The Senator-elect will please come forward and receive the oath of office.

Mr. Wilson advanced to the Vice-President's desk, escorted by Mr. VOORHEES, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

## CONDITION OF THE TREASURY.

The VICE-PRESIDENT laid before the Senate the following communication from the Secretary of the Treasury; which was read, and, with the accompanying papers, referred to the Committee on Finance, and ordered to be printed:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., February 18, 1895.

SIR: The following Senate resolution has been received:

"Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate whether it is necessary or desirable that legislation should be had authorizing the issuing of bonds, Treasury notes, or other securities to realize moneys for the purpose of paying current deficiencies in the revenue; and, if so, the nature and substantial details of such legislation."

In response to the inquiries contained in the resolution, I have the honor to say that the available cash balance in the Treasury at the close of business this day, exclusive of \$55,101,704.63 gold reserve, is \$39,573,261.32, as shown by the inclosed statement.

It is my opinion that the Secretary of the Treasury ought to be permanently invested with authority to issue and sell short-time bonds, or other obligations of the Government, for the purpose of raising money to meet such deficiencies in the ordinary revenues as may occur from time to time; but I do not think that there is any necessity at the present time for the exercise of such authority if it existed.

It is not probable that such deficiencies will occur during the remainder of the current fiscal year as will exceed the available balance now on hand, and it is estimated that during the next fiscal year the receipts will exceed the expenditures.

I have the honor to be, very respectfully, yours,

J. G. CARLISLE, Secretary.

The PRESIDENT OF THE SENATE.

## HOUSE BILL REFERRED.

The bill (H. R. 8264) granting a pension to Saloma Mangold was read twice by its title, and referred to the Committee on Pensions.

## METROPOLITAN STREET RAILROAD COMPANY.

Mr. FAULKNER. I ask the Chair to lay before the Senate the amendment of the House of Representatives to Senate bill 252.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 252) to amend the charter of the Metropolitan Railroad Company of the District of Columbia; which was to add to the bill the following additional section:

SEC. 5. That the Brightwood Railway Company, the Rock Creek Railway Company, and the Georgetown and Tennytown Railroad Company be, and they are hereby, respectively authorized and required to sell four coupon tickets for 25 cents, good for one continuous ride in the District of Columbia over the lines of said companies respectively and the lines of the Metropolitan Railroad Company, and the said suburban roads shall redeem the tickets collected by the Metropolitan Railroad Company at the rate of 2½ cents for each coupon ticket presented by the said Metropolitan Railroad Company. Any of the aforesaid railroad companies which shall refuse to make sale of tickets or to accept tickets so sold as herein provided for shall be liable to a fine of \$50 for each such violation, to be recovered in the police court of the District of Columbia as other fines are recovered: Provided, That the proceeding for the collection of such penalty shall be commenced within thirty days from the date of the alleged refusal. The supreme court of the District of Columbia shall have, and it is hereby given, authority and jurisdiction to enforce the requirements and provisions of this section in respect of the sale of tickets on the petition of either of the aforesaid railroad companies or any citizen of the District of Columbia. And power is hereby given to the Metropolitan Railroad Company and the Rock Creek Railway Company to contract with each other for the purchase, sale, lease, or joint operation of the line of said Rock Creek Railway Company on Florida avenue and U street, or any part thereof.

SEC. 6. That this act shall take effect in thirty days after its passage.

Mr. FAULKNER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. JAMES KERR, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5624) to authorize the Oklahoma Central Railroad to construct and operate a railway



through the Indian and Oklahoma Territories, and for other purposes.

The message also announced that the House had passed the bill (S. 1489) to correct the military record of Elisha B. Bassett.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8727) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1896, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HATCH, Mr. FORMAN, and Mr. WAUGH managers at the conference on the part of the House.

The message also announced that the House insisted upon its amendment to the bill (S. 1969) granting a pension to Harrison C. Hobart, brevet brigadier-general of volunteers, disagreed to by the Senate, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN, Mr. BALDWIN, and Mr. PICKLER managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2377) to amend "An act to amend section 4400 of Title LII of the Revised Statutes of the United States concerning the regulations of steam vessels," approved August 7, 1882; and also to amend section 4414, Title LII, of the Revised Statutes, "Regulations of steam vessels;" and

A bill (H. R. 9680) granting the Mount Vernon Barracks Military Reservation to the State of Alabama for public uses.

#### PETITIONS AND MEMORIALS.

Mr. QUAY presented petitions of 50 citizens of Roaring Branch, of 43 citizens of Watsonville, of 374 citizens of Philadelphia, and of 112 citizens of Mount Morris, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

He also presented petitions of 374 citizens of Philadelphia, of 43 citizens of Watsonville, of 100 citizens of Normalville, of 227 citizens of Philadelphia, of 112 citizens of Mount Morris, of 106 citizens of Pittsburgh, and of 50 citizens of Roaring Branch, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

He also presented a petition of the Dairymen's Association of the State of Pennsylvania, praying for the publication and distribution of the World's Fair dairy tests; which was referred to the Committee on Printing.

Mr. McMILLAN presented a petition of Branch No. 7, Shipmasters' Association of Detroit, Mich., praying for the establishment of branch hydrographic offices at each of the principal lake ports; which was referred to the Committee on Commerce.

Mr. WILSON of Iowa presented a petition of 127 citizens of Council Bluffs, Iowa, praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which was referred to the Committee on the Judiciary.

Mr. PEPPER. I have two communications from the legislature of Kansas. To one of them I wish to call attention particularly. It is a resolution asking legislation prohibiting the Commissioner of Internal Revenue from issuing receipts for liquor taxes to persons who are not authorized to sell liquors in the State of Kansas. Two years ago or more (it was, I think, in the first session of the Fifty-second Congress) I introduced a bill on this general subject, and it was referred to the Committee on Finance. The high-license States are just as much interested in this matter as the prohibition States.

While I do not expect any legislation on this subject this year, I hope the Committee on Finance next year, when the subject will be presented to them, will give us some favorable action upon it.

The VICE-PRESIDENT. The Secretary will read the memorial.

Mr. HARRIS. What is the paper proposed to be read?

Mr. PEPPER. A resolution of the State legislature of Kansas.

Mr. HARRIS. Then of course it is right to have it read.

The memorial was read, and referred to the Committee on Finance, as follows:

#### House concurrent resolution No. 8.

*Resolved by the house of representatives (the senate concurring therein)* That the Senators in Congress from this State be instructed, and the Representatives be requested, to secure such legislation as will require the collector of internal revenue for this State to refuse to issue receipts for special tax to retail dealers in intoxicating liquors to any person or persons except such as hold proper permits to sell intoxicating liquors under the laws of this State.

I hereby certify that the foregoing house concurrent resolution passed the house of representatives of the State of Kansas on the 6th day of February, 1895, and the senate of the State of Kansas on the 6th day of February, 1895.

FRANK L. BROWN,  
Chief Clerk House of Representatives.

Mr. PEPPER presented a concurrent resolution of the legislature of the State of Kansas; which was read, and referred to the Committee on Military Affairs, as follows:

#### Concurrent resolution No. 17 (by Mr. Street).

Whereas the State of Kansas furnished troops for the protection of the frontiers against the frequent raids of Indians and for the subjection of the same; these troops were known as the Eighteenth and Nineteenth Kansas Volunteer Cavalry.

Whereas these regiments of troops did noble service for the protection of the settlers on the frontiers of Kansas, Colorado, Nebraska, and Texas.

Whereas the Nineteenth Kansas suffered great privations of cold and hunger, whereby many members of said regiment were severely frozen during the winter campaign of 1868 and 1869, and the health of many were permanently ruined by want of sufficient rations, especially those at camp known as Camp Starvation, on the Cimarron River, where the frozen and disabled were compelled to subsist upon hackberry seeds for a period of many days, to the great injury of many; and

Whereas, during a campaign of nearly thirty days on the Staked Plains (the Llano Estacado) of Texas, great suffering was again encountered for want of rations, and by reason of the failure of transportation all the property of the men and all stores were abandoned and burned; and

Whereas no adequate provisions have ever been made for pensioning these troops and no provisions have ever been made for the care of any of these soldiers at the homes provided for Union soldiers: Therefore

*Be it resolved by the house of representatives of Kansas (the senate concurring therein),* That our Senators be instructed, and our Representatives in Congress be requested, to secure the passage of such legislation as will pension the members of these organizations of Kansas volunteers, and that the same provisions may apply to their admission to soldiers' home, and that the same provisions now applying to admission of Union soldiers to the home at Dodge City, Kans., be made to apply to the soldiers of these regiments; and that the State be allowed \$100 commutation for each of these under the same conditions that apply to the soldiers of the Union Army.

*Resolved,* That the secretary of state is hereby instructed to forward a copy of these resolutions to each of our Senators and Members of Congress, and to the Secretary of the Senate and Clerk of the House of Representatives at Washington, D. C.

I hereby certify that house concurrent resolution No. 17 passed the house January 31, 1895, and passed the senate February 5, 1895.

FRANK L. BROWN, Chief Clerk.

#### STATE OF KANSAS, OFFICE OF THE SECRETARY OF STATE.

I, W. E. EDWARDS, secretary of state of the State of Kansas, do hereby certify that the following and annexed is a true and correct copy of the original instrument of writing filed in my office February 6, 1895.

In testimony whereof, I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kans., this 6th day of February, 1895.

W. E. EDWARDS, Secretary of State.

Mr. MITCHELL of Oregon. I present a memorial of the legislature of the State of Oregon, which I ask to have read.

The Secretary proceeded to read the memorial.

Mr. SHERMAN. I ask what document is being read?

The VICE-PRESIDENT. It is a memorial of the State legislature of Oregon.

Mr. SHERMAN. It is rather unusual to have so long a document read.

Mr. MITCHELL of Oregon. It is usual to have memorials of State legislatures read.

Mr. HARRIS. If it is agreeable to the Senator from Oregon, I suggest that the memorial be printed in the RECORD instead of proceeding with the reading.

Mr. MITCHELL of Oregon. I have no objection to that course, if it is printed in the RECORD in full.

The memorial was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

#### House joint memorial No. 6.

To the Congress of the United States:

*By the house of representatives of the legislative assembly of Oregon (the senate concurring):*

We, your memorialists, respectfully represent that during the years 1855 and 1856 war was made upon the white settlers of the Territories of Oregon and Washington, which, though known locally as the Yakima and Rogue River wars respectively, was in fact a collusive effort on the part of the native race to exterminate the American settlers of the north Pacific Coast, during which volunteers were called out to assist the regular soldiers of the United States, and men and property were furnished by the settlers of Oregon and Washington (as found by a commission appointed by act of Thirty-fourth Congress, chapter 129, section 11) to the aggregate amount of \$6,011,459.96.

That this sum found due by the commission, consisting of Gen. Rufus Ingalls, United States Army, Capt. A. J. Smith, United States Army, and L. F. Grover, since governor of Oregon and United States Senator, was scaled down arbitrarily and unjustly by the Third Auditor of the United States Treasury the full difference between the prices of labor and property on the Pacific and Atlantic sides of the continent at that time to the scales of the latter, thus withholding the sum of \$3,296,643.81 lawfully and justly due the people of Oregon and Washington for the services rendered and property furnished.

The following is section 4 of an act passed by the Oregon Territorial legislature at its session of 1855-56, fixing the rate of pay for the volunteers called for, showing the local valuation of the service and property:

"SEC. 4. Whenever such volunteers are called and received into the service of the Territory by virtue of this act, each noncommissioned officer and private shall be entitled to receive \$2 per day and rations, and \$2 per day for the use and risk of his horse and equipments, except for horses actually killed in action, unavoidably lost, or reported unfit for service and turned over to the quartermaster, in which case the owner shall receive the appraised value thereof. And all commissioned officers shall receive the same pay as officers of the same rank in the Army of the United States: *Provided,* That commissioned officers shall receive the same pay for use and risk of horses as noncommissioned officers."

The act of which the above is an extract contained an emergency clause, and the men who responded to the call were mainly of the patriotic frontier class, to whom the wealth winners of the nation are much indebted. They are now nearing the end of life, and only ask at your hands what was found to be justly due and arbitrarily and unjustly withheld.

The men thus served are many of them old and needy, and can therefore add necessity to their plea for justice. Moreover, they do not understand

why as soldiers they are not as well entitled to pensions and land warrants for services rendered and risks incurred as any other soldiers of the Republic.

We would also submit that the soldiers who served in the Cayuse war of 1847 and 1848 under the provisional government of Oregon should receive pension on the same basis as the soldiers of the Mexican war.

In the preparation of a bill in accordance with the prayer of this memorial our delegation in Congress is respectfully requested to make provision for the payment of any sum of money that may be awarded by this act direct to each individual for whom it is intended by the issuance in each case of a Treasury warrant payable to the order of each person above named or their assigns, said warrants to be forwarded to the treasurer of the State of Oregon, to be handed to such persons upon satisfactory proof that he or she is the person for whom the said warrant is intended.

Whereas the subjects of the foregoing claim are preferred by men widely scattered and are therefore unable to present their claims as individuals in the Court of Claims: Therefore,

Resolved, That our Representatives in Congress be forwarded each a copy of this memorial and ask their earnest service in securing the justice herein prayed for.

Adopted by the house January 30, 1895.

Concurred in by the senate January 31, 1895.

CHAS. B. MOORES,  
*Speaker of the House.*

JOSEPH SIMON,  
*President of the Senate.*

UNITED STATES OF AMERICA, STATE OF OREGON,  
OFFICE OF THE SECRETARY OF STATE,  
Salem, Oreg., February 11, 1895.

I, H. R. Kincaid, do hereby certify that I am the secretary of state of the State of Oregon and custodian of the seal of said State; that the foregoing transcript of house joint memorial No. 6, as unanimously adopted by the senate and house of representatives of the eighteenth biennial legislative assembly of the State of Oregon, has been by me compared with the original copy of the said house joint memorial No. 6 now on file in this office, and that it is a true and correct transcript thereof and the whole of said original house joint memorial No. 6.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol, at Salem, Oreg., this 11th day of February, A. D. 1895.  
[SEAL] H. R. KINCAID,  
*Secretary of State.*

Mr. MITCHELL of Oregon presented a petition of the Chamber of Commerce of Portland, Oreg., praying for the passage of the bill introduced by Senator LODGE providing for the reorganization of the consular and diplomatic service of the Government; which was referred to the Committee on Foreign Relations.

He also presented a petition of 45 citizens of Woodlawn, Oreg., praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which was referred to the Committee on the Judiciary.

Mr. SHERMAN presented a petition of 40 citizens of Solon, Ohio, and a petition of 53 citizens of Beach City, Ohio, praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

He also presented a petition of 40 citizens of Solon, Ohio, and a petition of 50 citizens of Holmesville, Ohio, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

He also presented a petition of John C. Frémont Post, No. 729, Department of Ohio, Grand Army of the Republic, of Alliance, Ohio, praying for the passage of Senate bill No. 2633, restoring to their positions in the Government Printing Office certain persons dismissed from said positions in violation of law, and for other purposes; which was referred to the Committee on Printing.

Mr. CAMERON presented petitions of Thomas J. Trice Division, No. 310, Brotherhood of Locomotive Firemen, of Derry Station; of West Branch Lodge, No. 338, Brotherhood of Locomotive Firemen, of Renova; of Lodge No. 210, International Association of Machinists, of Wilkesbarre, and of Lackawanna Lodge, No. 95, Brotherhood of Railroad Trainmen, of Scranton, all in the State of Pennsylvania, praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which were ordered to lie on the table.

He also presented a petition of Hazel Glen Council, No. 208, Junior Order of United American Mechanics, of Pittsburg, Pa., praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

He also presented petitions of 54 citizens of Troy Township, of 75 citizens of Bellwood, and of 42 citizens of Edenville, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of public moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

He also presented petitions of 50 citizens of Mount Jackson, of 54 citizens of Troy, of sundry citizens of Carbondale, of 106 citizens of Pittsburg; of 241 citizens of Myerstown, of 100 citizens of Normalville, of 277 citizens of Germantown, and of 42 citizens of Edenville, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any

person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

Mr. VEST presented resolutions adopted by the Commercial Club, of Kansas City, Mo., favoring the ratification of pending treaties with the Wichita, Comanche, Kiowa, and Apache Indians, and praying that Oklahoma Territory be admitted into the Union as a State; which were referred to the Committee on Territories.

Mr. HIGGINS presented a petition of sundry citizens of Delmar, Del., praying for the passage of the so-called Stone immigration bill; which was referred to the Committee on Immigration.

He also presented a petition of Cigar Makers' Union No. 296, of Wilmington, Del., praying for the passage of House bill No. 5603, to ameliorate the condition of American seamen; which was ordered to lie on the table.

Mr. CALL. Mr. President, I present a petition to the Senate and House of Representatives of the United States of the World's Arbitration League, incorporated by an act of Congress, comprising citizens of the United States, and with honorary membership in foreign lands, which respectfully prays for action by Congress in accord with the annexed memorandum, signed by honorary members of the league in foreign countries, and offered as a petition of the World's Arbitration League in pursuance of a resolution adopted by the league on the 15th of February, 1895, at Washington, D. C., signed "John P. Newman, per William Wheeler Hubbett, vice-president, president pro tempore."

I ask that the petition may be printed in the RECORD, as it contains the names and the request of 354 members of the British Parliament, in response to a resolution of Congress asking for action upon the subject of international arbitration.

By unanimous consent, the petition was referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

#### PETITION.

To the Senate and House of Representatives of the United States in Congress assembled—

Petition of the World's Arbitration League, incorporated by act of Congress, comprising citizens of the United States, and with honorary membership in foreign lands, respectfully represents and prays for action by Congress in accord with the annexed memorandum, signed by honorary members of this league in foreign lands, and offered as the petition of the aforesaid World's Arbitration League, in pursuance of a resolution adopted by the league February 13, 1895, at Washington, D. C., a copy of which resolution is hereto annexed.

JOHN P. NEWMAN, President,  
Per WM. WHEELER HUBBETT,  
Vice-President, President pro tempore.

WORLD'S ARBITRATION LEAGUE,  
Washington, D. C., February 13, 1895.

Resolved by the board of managers, That the signers of the petition for arbitration from Great Britain, now on file, laid over in the Senate under the rules, be, and are hereby, elected honorary members of the World's Arbitration League, incorporated by act of Congress, and that their names be transcribed on the records of the league;

And that this league join in the presentation of their petition as a corporation of citizens of the United States, with honorary membership in foreign lands.

WM. W. HUBBETT,  
S. M. BALDWIN,  
LEE CRANDALL,  
Corporate Board.

WM. W. HUBBETT,  
President pro tempore.

[From W. Randal Cremer, M. P.]

ST. PAUL'S CHAMBER, 23 BEDFORD STREET, STRAND,  
London, W. C., January 1, 1895.

DEAR SIR: I have the honor to forward you a copy of a memorial signed by 354 members of the British House of Commons.

As the object of the memorial is of the highest importance, and the signatures represent all shades of political opinion in the British Parliament, I venture to ask for the prayer of the memorialists your earnest consideration.

Respectfully, yours,

W. RANDAL CREMER.

Hon. WILKINSON CALL, Senator.

To the President and Congress of the United States of America:

In response to the resolution adopted by Congress on April 4, 1890, the British House of Commons, supported in its decision by Mr. Gladstone, on June 16, 1893, unanimously affirmed its willingness to cooperate with the Government of the United States in settling disputes between the two countries by means of arbitration. The undersigned members of the British Parliament, while cordially thanking Congress for having, by its resolution, given such an impetus to the movement and called forth such a response from our Government, earnestly hope that Congress will follow up its resolution, and crown its desire by inviting our Government to join in framing a treaty which shall bind the two nations to refer to arbitration disputes which diplomacy fails to adjust. Should such a proposal be made, our heartiest efforts would be used in its support, and we shall rejoice that the United States of America and the United Kingdom of Great Britain and Ireland have resolved to set such a splendid example to the other nations of the world.

#### REPORTS OF COMMITTEES.

Mr. PEPPER, from the Committee on Pensions, to whom was referred the bill (H. R. 2118) to pension John B. Leach, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4935) granting a pension to Louisa C. Conwell, reported it without amendment, and submitted a report thereon.



Mr. McMILLAN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 3724) for the relief of Dennis McIntyre, reported it without amendment.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 8401) for the relief of Elizabeth J. Cook, of Arkadelphia, Clark County, Ark., widow of Robert T. Cook, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 575) granting a pension to Charity Ann Smith, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2731) for the relief of H. K. Palmer, reported it with amendments, and submitted a report thereon.

Mr. HAWLEY, from the Committee on Pensions, to whom was referred the bill (H. R. 8099) to increase the pension of Alexander Williamson, reported it without amendment, and submitted a report thereon.

Mr. VOORHEES, from the Committee on Finance, to whom was referred the bill (H. R. 8572) for the relief of Glenmore Distilling Company, of Daviess County, Ky., reported it without amendment.

Mr. CAFFERY, from the Committee on Claims, to whom was referred the bill (S. 584) for the relief of Goff A. Hall, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MARTIN, from the Committee on Pensions, to whom was referred the bill (H. R. 5565) granting a pension to Joseph R. Brooks, father by adoption of Henry M. Brooks, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 8459) to amend an act entitled "An act to authorize the Biloxi and Back Bay Bridge Company to construct and maintain a bridge over that portion of the bay of Biloxi, in the State of Mississippi, known as Back Bay," reported it without amendment.

Mr. FAULKNER, from the Committee on Territories, to whom was referred the bill (S. 692) for the relief of James C. McCartney, of Gardiner, Mont., reported it without amendment.

Mr. PALMER, from the Committee on Pensions, to whom was referred the bill (H. R. 6659) to increase the pension of Capt. Isaac D. Toll, reported it with an amendment.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6646) to pension Albert Munson;  
A bill (H. R. 6901) to increase the pension of Maj. Gen. Julius H. Stahel;

A bill (H. R. 1716) granting a pension to Ellen Carney; and  
A bill (H. R. 8811) granting a pension to James Jones.

#### REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. HAWLEY. I was requested by the president of the National Academy of Sciences to present the report, which the academy makes in accordance with statute, upon the standards for electrical measure. The existing statute provides for the printing of the report, so that no action is necessary.

#### MRS. EVALYN N. VAN VLIET.

Mr. GALLINGER. The bill (S. 684) for the relief of Mrs. Evalyn N. Van Vliet, which passed the Senate, was amended by the House of Representatives and the amendments referred to the Committee on Pensions. I report back the bill, and move that the Senate nonconcur in the amendments of the House of Representatives, and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. PALMER, Mr. GALLINGER, and Mr. HAWLEY were appointed.

#### PREVENTION OF DESECRATION OF GRAVES.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 4693) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia, to report it favorably without amendment. Inasmuch as a bill in its express terms has passed the Senate, but the other House passed a bill of their own, and as it is a matter of importance to the medical profession of the District, I ask for the immediate consideration of this bill.

Mr. BATE. Are we through with the morning business?

The VICE-PRESIDENT. The morning business is not concluded.

Mr. BATE. I must object.

Mr. GALLINGER. I suggest to the Senator from Tennessee that this is a measure which passed the Senate. The other House in place of passing the Senate bill passed a House bill in the same terms. It is a matter that the medical fraternity of the District

are greatly interested in, and it will only take a moment to pass the bill. The Senator does not object, I understand.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VOLLEY P. HART.

Mr. WOLCOTT. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2745) to authorize the Postmaster-General to refund to Volley P. Hart, postmaster at Sedalia, Mo., moneys sent him by the Post-Office Department for disbursement and lost by the failure of the First National Bank of Sedalia, to report it favorably, without amendment. I ask unanimous consent that the bill be put upon its passage, as its passage will involve some further action, which it is necessary, if done at all, should be done at this time. I call the attention of the Senator from Missouri to the report.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill reported by the Senator from Colorado?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Postmaster-General to refund to Volley P. Hart, postmaster at Sedalia, Mo., the balance of the \$9,000 received by him on the 13th of April, 1894, from the Post-Office Department to pay postal clerks and office force for the months of April, May, and June, 1894, and deposited by him in the First National Bank of Sedalia, which remained in the bank at the date of its failure, on May 4, 1894, not to exceed \$8,000; but before the balance shall be so refunded Volley P. Hart shall assign and transfer to the Postmaster-General his claim against the First National Bank of Sedalia for the balance of \$9,000 and all dividends thereon.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

C. F. LYNCH.

Mr. CAMDEN. On the 2d of January there was referred to the Committee on Appropriations a resolution submitted by me, the consideration of which that committee desire to be relieved from, and that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

By unanimous consent, the Committee on Appropriations was discharged from the further consideration of the resolution, and it was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

*Resolved*, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay C. F. Lynch the difference between the amount of compensation received by him as an employee of the Government on the riding page roll of the Senate and the salary of messenger, which duty he has performed from the 16th day of December, 1893, to the present time, and as long as he continues to perform the duties of messenger, to be paid out of the appropriation for salaries of officers, clerks, messengers, and others, Senate, for the fiscal year ending June 30, 1896.

JOSEPH W. ADY.

Mr. CAMDEN. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Delaware [Mr. GRAY] on the 12th instant, to report it favorably, without amendment. I ask for its present consideration.

The VICE-PRESIDENT. The resolution will be read, subject to objection.

The Secretary read as follows:

*Resolved*, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the contingent fund of the Senate, to Joseph W. Ady, the contestant of the seat of JOHN MARTIN, a Senator from Kansas, the sum of \$2,000, in full of expenses incurred by the said Joseph W. Ady in his said contest.

Mr. CAMDEN. I will state that the resolution was approved by the Committee on Privileges and Elections and referred to the Committee on Contingent Expenses. I ask for its immediate consideration.

The VICE-PRESIDENT. Is there objection?

Mr. KYLE. I object.

The VICE-PRESIDENT. Objection is made, and the resolution will go to the Calendar.

JOSEPH M'GUCKIAN.

Mr. CAMDEN. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Delaware [Mr. GRAY] on the 13th instant, to report it favorably, without amendment.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

*Resolved*, That Joseph McGuckian be placed on the messenger roll of the Senate at a salary of \$600 per annum, to be paid monthly out of the contingent fund of the Senate, and that he be assigned to one of the committees of the Senate now without a messenger.

Mr. CAMDEN. I ask for the present consideration of the resolution. I will state that it has been reported favorably on the recommendation of a large majority of Senators in this Chamber. The man to whom the resolution refers has been in the employ of the Government about thirty years, and is now old; he has been thrown out of employment, and it has been recommended that he be placed on the roll of the Senate at \$600 per annum.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. PLATT. I do not wish to object, but I want to make an inquiry. When we authorize an individual by name to be put on the Senate roll, does that put him out of the power of the Sergeant-at-Arms? Can the Sergeant-at-Arms remove him if he thinks it necessary, or appoint some one else in his place?

Mr. CAMDEN. I think not.

Mr. PLATT. I think we ought to go very carefully about such business.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. McLAURIN. I object.

The VICE-PRESIDENT. There is objection, and the resolution will go to the Calendar.

#### ADVANCES BY CERTAIN STATES FOR WAR OF 1812.

Mr. GORMAN, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That 500 copies of Senate Executive Document No. 17, Fifty-first Congress, second session, "Letter from the Secretary of the Treasury, transmitting, in answer to Senate resolutions of July 16, 1890, and December 13, 1890, reports of the Third Auditor and Register of the Treasury in regard to certain advances and expenditures made in the war of 1812 by the States of New York, Pennsylvania, Delaware, Virginia, and South Carolina, and the city of Baltimore," be printed for the use of the Senate.

#### BILLS INTRODUCED.

Mr. BATE introduced a bill (S. 2778) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1896, and making an appropriation therefor; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. BERRY introduced a bill (S. 2779) granting a pension to Joseph S. Bunker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GORMAN introduced a bill (S. 2780) to authorize the Court of Claims to hear and adjust the claims of Francis O. Medley, of Charles County, State of Maryland, for damages done and supplies taken during the war of the rebellion; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. POWER introduced a bill (S. 2781) to amend section 34 of an act entitled "An act making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1892, and for other purposes," approved March 3, 1891; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MANDERSON introduced a bill (S. 2782) to refer certain claims for excessive postage paid to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. WOLCOTT submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs.

Mr. PEPPER submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs.

Mr. PROCTOR submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BLANCHARD submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GRAY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McPHERSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. PEPPER. I submit an amendment, which I heretofore presented, intended to be proposed to the Indian appropriation bill, but which was printed and referred to the Committee on Appropriations instead of being referred to the Committee on Indian Affairs. I now offer the same amendment, and ask that it be referred to the Committee on Indian Affairs without further printing.

The VICE-PRESIDENT. That order will be made, in the absence of objection.

Mr. KYLE submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MANDERSON submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Finance, and ordered to be printed.

#### AGRICULTURAL APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8727) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1896, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GORMAN. I move that the Senate insist upon its amendments and agree to the request of the House of Representatives for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. CALL, Mr. BRICE, and Mr. CULLOM were appointed.

#### HOUSE BILLS REFERRED.

The bill (H. R. 2377) to amend "An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulations of steam vessels," approved August 7, 1882; and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels," was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 8680) granting the Mount Vernon Barracks Military Reservation to the State of Alabama for public uses was read twice by its title, and referred to the Committee on Military Affairs.

#### PROPOSED EVENING SESSIONS.

Mr. CALL submitted the following resolution; which was read:

*Resolved*, That the Senate meet at the hour of 11 in the morning and remain in session until 5 p. m., then take a recess until the hour of 8 p. m.

Mr. CALL. I ask that the resolution lie over and be printed.

The VICE-PRESIDENT. It will be so ordered.

#### INDEX TO COTTON REPORT.

Mr. GEORGE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Committee on Agriculture and Forestry be authorized to employ a competent person to make an index to volumes 1 and 2 of the report of said committee on cotton, and the expense thereof be paid out of the contingent fund of the Senate.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 18th instant approved and signed the following acts and joint resolution:

An act (S. 814) for the relief of the representatives of Daniel C. Rodman, deceased, and others;

An act (S. 1813) providing an additional circuit judge in the ninth judicial circuit; and

A joint resolution (S. R. 113) instructing the Secretary of War to return to the State of Michigan the flags of certain regiments of Michigan Volunteer Infantry.

The message also announced that the President of the United States had on this day approved and signed the act (S. 655) to extend the jurisdiction of justices of the peace in the District of Columbia, and to regulate the proceedings before them.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. BLACKBURN submitted the following report;

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8294) making appropriations for the diplomatic and consular service for the fiscal year, ending June 30, 1896, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 15.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, and 14, and agree to the same.

On amendment numbered 5 the committee of conference have been unable to agree.

JO. C. S. BLACKBURN,  
CALVIN S. BRICE,  
EUGENE HALE.

Managers on the part of the Senate.

JAMES B. McCREARY,  
CHAS. E. HOOKER,  
ROBERT H. HITT.

Managers on the part of the House.



Mr. BLACKBURN. I will simply say that the conference committee has agreed upon every matter in dispute, except Senate amendment numbered 5, which is the appropriation of \$500,000 to begin the building of the Hawaiian cable. Upon that the conferees were unable to agree.

Mr. HAWLEY. I ask the Senator what amendment No. 15 is. Mr. BLACKBURN. That is an amendment offered by the Senator from Mississippi [Mr. GEORGE], providing for the payment of small sums to a half dozen or more consuls, amounting in the aggregate to five or six hundred dollars.

Mr. HAWLEY. The Senate recedes from that amendment?

Mr. BLACKBURN. The Senate recedes from that amendment, with the understanding that it is properly a deficiency; that it should be in the deficiency bill, and is out of place in this bill.

Mr. FRYE. I wish to ask the Senator what was done with the Senate amendment making appropriations for Samoa.

Mr. BLACKBURN. That amendment was agreed to by the House of Representatives.

I ask for the adoption of the report, Mr. President.

The VICE-PRESIDENT. The question is on concurring in the report of the committee of conference.

The report was concurred in.

Mr. BLACKBURN. I now move that the Senate insist upon its amendment disagreed to by the House of Representatives, and ask for a further conference upon the item left open to dispute between the two Houses.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. BLACKBURN, Mr. BRICE, and Mr. HALE were appointed.

FRED KORMANN.

Mr. WASHBURN. I ask unanimous consent for the present consideration of the bill (S. 2388) for the relief of Fred Kormann.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to confirm the cash entry numbered 8309, of lot 4 in section 23, lot 3 in section 24, lot 1 in section 25, and lot 5 in section 26, in township 110 north of range 29 west, in the district of lands subject to entry at the United States local land office at Marshall, Minn., made by one Fred Kormann on the 6th of March, 1891, and directs the Commissioner of the General Land Office to issue a patent therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### MONUMENT TO MARYLAND REVOLUTIONARY SOLDIERS.

Mr. HILL. I ask unanimous consent for the present consideration of the bill (S. 1795) to aid in the erection of a monument to the Maryland heroes of the Revolutionary war. I am advised that the Senator from Maryland [Mr. GIBSON] would like to make a few remarks upon the bill, and as he does not often ask the indulgence of the Senate I trust he may be allowed to proceed at this time.

The VICE-PRESIDENT. Is there objection to the Senator from Maryland proceeding at this time? The Chair hears none.

Mr. GIBSON. Mr. President, I desire to return my acknowledgments to the Senator from New York for his valuable offices in my behalf in this connection.

Before proceeding with the remarks I desire to submit, I ask that the bill may be read at length.

The VICE-PRESIDENT. The bill will be read.

The Secretary read as follows:

Whereas the Maryland Society of the Sons of the American Revolution, a corporation duly incorporated under the laws of the State of Maryland, is engaged in the praiseworthy effort to erect in the State of Maryland a monument to all patriots of said State who aided during the Revolutionary war to establish the independence of Maryland and of the United States; and

Whereas the services and sacrifices of the patriots of Maryland in said war are eminently worthy of commemoration: Therefore,

Be it enacted, etc., That the sum of \$40,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the said Maryland Society of the Sons of the American Revolution to aid in erecting in the city of Baltimore, Md., a suitable monument to the memory of the patriots of Maryland who aided in establishing the independence of the United States, the money to be paid to the society aforesaid under the order of the Secretary of War: Provided, That the design for the said monument shall be approved by the Secretary of War; and the sum hereby appropriated shall not be available until a contract shall have been made for the completion of the work.

Mr. GIBSON. Mr. President, the Maryland society of the "Sons of the American Revolution" is engaged in the praiseworthy effort to erect in the city of Baltimore, in the State of Maryland, a monument to commemorate the services of General Smallwood and the officers and men of the "Old Maryland Line" of the Continental Army in the Revolutionary war. It is for this purpose this appropriation is asked.

The national congress of the Sons of the American Revolution, composed of delegates from 30 States of the Union, have petitioned the Congress of the United States for the passage of this bill.

On the 19th of April, 1775, the first blood shed in the Revolutionary war was poured out at Lexington.

North and south went the news, upon the wings of the wind!

"The voice of Patrick Henry from the mountains answered that of James Otis by the sea."

"Paul Revere's lantern shone through the valley of the Hudson and flashed along the cliffs of the Blue Ridge."

Although the despot's heel was not upon the shores of the Province of Maryland, his touch not at her temple doors, and no enemy's sword unsheathed within her borders, yet the tocsin of war found a prompt response in the hearts of her sons!

Then it was that the "Old Maryland Line" sprung into existence.

One battalion of 1,444 men was at once formed; they were of the best and the flower of the young men of the Province. Colonel Smallwood commanded them.

This Old or First Line was recruited from time to time until the Colony of Maryland had furnished to the Continental Army more than 20,000 of the best of her sons. The Old Line of Maryland was no ordinary body of men. In the very beginning of the war they distinguished themselves in a manner that elicited the highest praise and approval of General Washington, and ever after secured to themselves his absolute confidence in their valor.

No troops in the Continental Army rendered better service, endured more fatigue, or won greater glory than the "Maryland Line."

In July, 1776, General Howe conceived the design of seizing New York and annihilating the main body of the American Army, and thus cut off all communication between the Northern and the Southern Colonies. The success of this endeavor would settle the fortunes of the Colonies in their struggle for independence.

The struggle was at hand.

On the 25th of August, 1776, the British landed on Long Island a force of 20,000 men and 40 cannon. It was, says Bancroft, the most perfect army of that day in the world for experience, discipline, equipment, and artillery, and was supported by more than 400 ships and transports in the bay, by 10 ships of the line, 20 frigates, and many small vessels.

Against this vast armament the Americans on the island were no more than 8,000 men, most of whom were volunteers or militia, and they had not the aid of a single platoon of cavalry nor one ship of war.

Washington's address to the Army before the battle proclaimed only too fully his deep solicitude as to the result,

The time is now at hand—

He said—

which must determine whether Americans are to be freemen or slaves.

The fate of unborn millions will now depend, under God, on the courage and conduct of this army.

Our cruel and unrelenting enemy leaves us only the choice of a brave resistance or the most abject submission.

We have, therefore, to conquer or to die. Our own—our country's honor—calls upon us for a vigorous and manly exertion.

The eyes of all our countrymen are now on us, and we shall have their blessings and praises if happily we are the instruments of saving them from the tyranny meditated against them.

Life, liberty, property, and honor are all at stake; upon your courage and conduct rest the hopes of our bleeding and insulted country.

It was in this dark hour that the Maryland Line was destined to enter the field and bear its first shock of battle.

Cornwallis had taken possession of the Cortelyou house, in the rear of Stirling, and the latter saw that if he could not drive him back, or at least hold him where he was, his whole command would suffer death or capture. He resolved upon a costly sacrifice to save his retreating columns, which were now toiling through the salt marshes and across the deep tide-water creek in their rear. Changing his front and taking with him less than 400 of the Maryland regiment, under Major Gist, Stirling ordered the rest of his force to retreat across the Gowanus marsh and creek, which the rising tide was making every moment less and less passable.

Smallwood's regiment, composed in a large part of the sons of the best families of Maryland, nicknamed the "Macaroni" by the Tories of New York, due to perfect equipment, and proud of being distinguished as the best drilled and disciplined of the American forces, were now to have their courage, their self-devotion, and their discipline proved amidst slaughter and murder.

General Lord Stirling placed himself at the head of these sons of Maryland, and "the little band," now hardly numbering 400 men, prepared for an assault upon five times their number of the troops of the invading army, who were inflated with all the arrogance of successful combat.

Forming hurriedly on ground in the vicinity of Fifth avenue and Tenth street, the light column advanced along the Gowanus road into the jaws of battle with unwavering front. Artillery plowed their fast-thinning ranks with the awful bolts of war, infantry poured its volley of musket balls in almost solid sheets of lead upon them, and from the adjacent hills the deadly Hessian Jagers sent swift messengers of death into many a manly form. Still, above the roar of cannon, musketry, and rifles, was heard the shout of their brave leaders, "Close up!" "Close up!" And again the staggering, yet unflinching, files, grown fearfully thin, drew together and turned their stern young faces to their country's foe.

At the head of this devoted band marched their general, to whom even victory had now become less important than an honorable death, which might purchase the safe retreat of his army. Amid all the terrible carnage of the hour there was no hurry, no confusion, only a grim despair, which their courage and self-devotion dignified into martyrdom. The advance bodies of the enemy were driven back upon the Cortelyou house, now become a formidable redoubt, from the windows of which the leaden hail thinned the patriot ranks as they approached. Lord Cornwallis hurriedly brought two guns into position near one corner of the house, and added their canister and grape to the tempest of death.

At last the little column halted, powerless to advance in the face of this murderous fire, yet disdaining to retreat with the disgrace of a flight. Again and

again these self-devoted heroes closed their ranks over the bodies of their dead comrades, and still turned their faces to the foe. But the limit of human endurance had for the time been reached, and the shattered column was driven back. Their task was not, however, yet fully performed.

As Stirling looked across the salt meadows, away to the scene of the late struggle at Buckle's Barracks, and saw the confused masses of his countrymen crowding the narrow causeway over Freck's mill pond, or struggling through the muddy tide, he felt how precious to their country's liberty were the lives of his retreating soldiers, and he again nerved himself for a combat which he knew could only prove a sacrifice. Once more he called upon the survivors of the previous dreadful assault, and again the noble young men gathered around their general. How sadly he must have looked upon them—scarcely more than boys—so young, so brave, and to meet again the pitiless iron hail!

The impetus and spirit of this charge carried the battalion over every obstacle quite to the house. The gunners were driven from their battery, and Cornwallis seemed about to abandon the position; but the galling fire from the interior of the house and from the adjacent high ground, with the overwhelming numbers of the enemy who were now approaching, again compelled a retreat.

Three times more the survivors rallied, flinging themselves upon the constantly reinforced ranks of the enemy; but the combat, so long and so unequally sustained, was now hastening to its close. A few minutes more of this destroying fire and 256 of the noble youth of Maryland were either prisoners in the hands of the enemy or lay side by side in that awful mass of dead and dying. The sacrifice had been accomplished, and the flying army had been saved from complete destruction. Amid the carnage Stirling was left almost alone, and scorning to yield himself to a British subject, he sought the Hessian General De Heister, and only to him would he surrender his sword.

On the conical hill, within the American lines, stood the Commander in Chief, General Washington, and, as he witnessed the assault, the repulse, and the massacre, he exclaimed, in agony of heart, "Great God, what must my brave boys suffer to-day!" From the eminence on which he stood the termination of the last struggle of the brave Marylanders was plainly and painfully visible to him.

A part of three of the companies broke the enemy's lines and fought their way through the woods, where they were either killed or captured. Only Major Gist and 13 of his men made their escape across the creek to the American lines. The rest, when the long muster roll next was called, were answered for, as was De la Tour d'Auvergne, "dead upon the field of battle!"

Mr. Field, the historian of that day, says:

The sacrifice of their lives, so freely made by the generous and noble sons of Maryland, had not been made in vain. An hour, more precious to American liberty than any other in its history, had been gained.

The "hour" thus gained, through this fearful sacrifice of Maryland's sons, saved the fortunes of the day to the Continental Army of the American Colonies.

The "hour" thus gained, with the aid of Providence in the shape of a fog which had swept in from the sea, enabled Washington, barely under cover of that fog, to make the most memorable retreat in history. The retreat of Xenophon with his 10,000 Greeks was a signal military achievement of its day. It more than found its parallel in Washington's retreat from Long Island.

"As Washington landed in New York the cheers of his thousands of redeemed soldiers greeted him as the deliverer of the patriot army and the savior of his country."

The hour thus gained made possible the surrender of Burgoyne at Saratoga and insured that of Cornwallis to Washington at Yorktown.

"During more than twenty centuries of war and bloodshed scarce a score of battles have been decisive of lasting results!" The battle of Long Island is one of these. From Marathon to the field of Waterloo, from Thermopylae to Balaklava there was no martial event which had a greater influence than that which took place on the plains of Long Island.

To this day the people of Long Island point out to strangers where half of the Maryland battalion stemmed the advance "of the whole left wing of the British army, when no other troops were left upon the field, and where the best blood of the State was poured out like water."

Afterwards at Harlem Heights and at White Plains the Maryland troops displayed their valor; they fought five battles in three months, and were the first of the Revolutionary troops to use the bayonet against British regulars with success, and again and again won imperishable renown.

In the many battles which followed the Maryland line maintained the high reputation they had won in these I have mentioned. The evidence which has come down to us from contemporaneous and competent authority proves this fact.

The account of different battles in which they took part, written at the time or shortly afterwards by men like Lee, Marshall, and Washington, can not be questioned. These accounts may be found in the collected writings of these and other eminent men, or most ably summarized in the histories from which I have quoted of the Maryland Old Line, by McSherry and Scharf. They unmistakably show that this portion of the Continental Army was specially relied upon by Washington, and was repeatedly called upon by him when more than ordinary effort was required.

At Monmouth they were sent to "restore the fortunes of the day," and did it! At Germantown their conduct won the highest encomium of General Sullivan.

Their stubborn defense of Fort Mifflin received the praises of the Continental Congress. It must not be imagined that I mean, in thus speaking of the "Old Line," to detract even by implica-

tion from the merits of the other forces in the Continental Army. Far from it. "Fortes fuerunt praeter Agamemnona."

When I speak of these I speak as only of a part of the great, the noble army which fought for and secured our liberties. I feel and acknowledge the debt, due to all alike, whether they came from the granite hills of the North or from the level rice fields of the South. I stand ready now and at all times to join in doing honor to them, each and every one, and what faint praise my lips can utter shall always be given to express the great love I bear them all.

Most of the Maryland Line were infantry; there were some artillery, and a few dragoons. The last were sent to the Carolinas and incorporated in the cavalry of Col. William Washington. They were with him when he beat Tarleton and carved with his sword a perpetual reminder of America on that ruffian's hand.

The last encounter of the Old Line with the British in the North was at Stony Point, where Maj. John Stewart and 100 men greatly distinguished themselves. Major Stewart was for this voted a sword by Congress.

Shortly after the Old Line was reorganized and ordered to join the Southern army. Colonel Smallwood was promoted to be general and made second in command of the Southern forces. At the battles of Cowpens and Camden the brunt of the fighting fell to the share of the Maryland Line, and their conduct added fresh brightness to their fame. Col. John Eager Howard at Cowpens, by an opportune and daring charge, revived the failing hopes of the Americans, and converted an impending disaster into a glorious victory.

The superiority of the British forces in the Carolinas forced General Greene, the American commander, to retreat toward Virginia. During the whole of this movement, which was marked by great skill and ability, the larger part of the responsibility fell upon Col. Otho H. Williams, of the Maryland forces, and the final success of this movement was held to be particularly due to his fine soldierly qualities and to the bravery and steadiness of the men he commanded.

At Guilford Court-House, under Gunby, at "Augusta" and Ninety-Six under Duval, the Old Line added another ray to the halo of glory about it.

At Eutaw the Old Line once for all settled the question as to the ability of any troops in the wide world to stand against the British infantry charging home with the bayonet. On the British side was the regiment of the Buffs, one of the most splendid in the British army; it had won renown on all the fields of Europe. It was fresh from home. Its muster rolls were full. It was abundantly supplied with all the munitions that experience could suggest and wealth provide. Its men were mostly Irish—the best fighting men of Europe—and both officers and men full of confidence in themselves and in each other. The British army was well represented by it.

On the other side what a contrast! Save in the quality of the men and officers, how inferior to the first! Badly armed, badly equipped, poorly fed, the Continental troops on one side of the open battlefield made a poor show compared with the brilliant "Buffs" on the other.

The battle began and was fought with varying success, until Rawdon, the British commander, ordered a charge along the whole line to sweep the field. On the British troops came, with leveled bayonets—steady, swift, and apparently irresistible!

General Greene met the charge with two brigades of Maryland and Virginia troops. Immediately in front of Howard's regiment were the "Buffs." Howard sprang forward to meet them, bayonet crossed bayonet, and for a few seconds the strife was terrible. It could not last. One or the other must give way. The "Buffs" broke. The Marylanders pressed forward. The battle was won. Before the "Old Line" Tyranny fled abashed; behind it Freedom marched serene.

With this fight it may be said the work of the Old Line ended. It went to Virginia and was present at Yorktown.

"The drama of the Revolution opened in New England, culminated in New York, and closed in Virginia."

The Old Line fought in seven different States, from Massachusetts to Georgia, in eight campaigns, and in twenty-four battles.

In their own State no clash of resounding arms was heard. Long Island, Brooklyn Heights, Harlem, Fort Washington, Frogs Neck, Trenton, Princeton, Camden, Germantown, Cowpens, Guilford, Augusta, Ninety-six, Eutaw Springs, Yorktown!

What American's heart does not burn within him as he calls the glorious battle roll of the Revolution?

Monuments, Mr. President, make the civilization and mark the gratitude of a people.

It is not necessary to argue the propriety of the erection of memorials of great deeds and great men by the nation.

The best memorial is the grateful recollection of succeeding generations.

If mankind were as they should be, none other perhaps would be required. But common opinion approves, and a universal feel-



ing demands, that enduring monuments should be erected as visible evidence of our gratitude.

Such structures keep fresh in men's minds names that should not be forgotten, and make continual public proclamation of splendid and noble actions.

They teach in the most impressive manner lessons fit for the highest and lowest alike. They incite to great achievement, inculcate the highest virtues, and stimulate patriotism.

The pillar at Thermopylae! What Greek ever read its brief inscription unmoved?

What dweller amid the crags and peaks of Switzerland but thrills when he stands before the statue of Tell?

What is the message to a Frenchman from the column in the "Place Vendôme?"

What Englishman can view Nelson's Column without recalling the glory and the triumph of Trafalgar?

What one of us can stand within the shadow of the shaft at Bunker Hill without feeling his bosom swell with patriotic emotion and grateful remembrance of the deeds of the brave men in whose memory it was erected?

We can not, Mr. President, have too many reminders in these loose days of the simple faith, the incorruptible integrity, the jealous honor, and the indomitable courage of our ancestors.

Contemplate this country, the birthplace of government by the people, the home of the free, the refuge of the oppressed!

With what wisdom were its foundations laid and the laws of its development devised. At once the youngest nation became the foremost, and its institutions the model by which the oldest and the proudest reformed their own.

Macaulay truly said that "they who do not value the deeds of their ancestors will do nothing to give pride to their descendants."

Let us be careful to preserve their names and the record of their deeds from oblivion.

Let us be careful to write them up in proper manner, so that not merely the student of history may be familiar with them, but that the crowds in the streets, our own people, and the stranger in the land may know them well.

This bill, Mr. President, proposes to aid in erecting a monument to General Smallwood and the soldiers of the "Maryland Line" in the war for independence, who, together with other equally brave men, maintained in the field the patriotic resolutions of their brothers in council.

What the ones devised the others made possible, "useless each without the other." It is time such action be taken.

Already the names and deeds of these men are dim in the recollection of the people, and are familiar only to those who search the dusty records of the past.

As to most of them no memorial now exists; as to some, only a moss-covered tombstone in an out-of-the-way locality.

Smallwood's grave is on the north bank of the Potomac, almost within sight of the tomb of his great leader at Mount Vernon; but how few could find it; how fewer still have seen it!

Mr. President, these men were from the State which I share the honor of representing in this body; and for that reason it has been thought proper that I should advocate the passage of this bill.

I am proud of them, Mr. President, as fellow-citizens.

I am glad to know that the men of my State rendered such distinguished services to our common country.

But it is not because they were Marylanders that this monument is to be erected.

Maryland remembers and takes care to demonstrate that she is grateful to her loving and devoted sons. Through the neighboring city you can not pass without visible evidence of that honorable fact.

This memorial is specially to the "Continental soldiers"—the "Old Line"—for services not to Maryland alone but to the whole country.

It is to be a symbol of the Revolution, of a common cause, a common strife, a common triumph; of the cause, not of a class, but of human nature; of the triumph, not of a colony, but of United America!

All who have benefited by the exertions of Continental soldiers, all for whom they fought and bled and died, to whom their memory is precious, should be proud to take part in the erection of this monument.

The services of these men were to the whole country, to all the Colonies, and for the common benefit of mankind.

It was that the right of men to live freely under laws of their own making might be maintained.

And it is because this right has been maintained and is now unquestioned in all parts of the civilized world, save one, and because we now enjoy all the blessings of civil liberty, won by their courage, their devotion, their suffering, and their blood, that the passage of this bill is asked.

The appropriation asked for, Mr. President, in this bill will not merely minister to local pride, it will not foster sectional preju-

dice; every citizen of this fair land of ours, not of Maryland alone, nor yet of the 13 original States, but every citizen of every State in the Union will feel, as he looks upon the monument which the sum asked for will contribute so much to erect, that he has a right to stand upon the ground where it stands.

It will speak to him not alone of the valor of Smallwood and the Old Maryland Line, but it will speak to him as well of the common sacrifices and the trials of the fathers of the Republic.

Mr. President, I now ask unanimous consent for the present consideration of the bill.

The VICE-PRESIDENT. Is there objection?

Mr. McLaurin. I am not quite ready to vote for the passage of the bill, and I object.

The VICE-PRESIDENT. There is objection.

Mr. McPherson. I wish to ask the Senate to take up a bill. Has the bill in charge of the Senator from Maryland been acted upon?

The VICE-PRESIDENT. The bill has gone over under objection.

Mr. McLaurin. I withdraw the objection I made just a moment ago.

The VICE-PRESIDENT. Objection is withdrawn.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on the Library with an amendment, in line 5, before the word "Maryland," to strike out "said," and in line 8, after the words "memory of," to strike out "the patriots of Maryland who aided in establishing the independence of the United States," and insert "Gen. William Smallwood and the soldiers of the Maryland Line in the war for American independence;" so as to make the bill read:

*Be it enacted, etc.,* That the sum of \$40,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be expended by the Maryland Society of the Sons of the American Revolution to aid in erecting in the city of Baltimore, Md., a suitable monument to the memory of Gen. William Smallwood and the soldiers of the Maryland Line in the war for American independence, the money to be paid to the society aforesaid under the order of the Secretary of War: *Provided,* That the design for the said monument shall be approved by the Secretary of War; and the sum hereby appropriated shall not be available until a contract shall have been made for the completion of the work.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. The committee report to strike out the preamble. The preamble will be stricken out if there be no objection.

The title was amended so as to read: "A bill to aid in the erection of a monument to the memory of Gen. William Smallwood and the soldiers of the Maryland Line in the war for American independence."

JAMES CURRAN.

Mr. McPherson. I ask unanimous consent for the present consideration of the bill (S. 2503) for the relief of James Curran.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Postmaster-General to give credit to James Curran, postmaster at Hoboken, N. J., in the sum of \$6,566 for postage stamps stolen from that office December 3, 1894, through no fault of James Curran.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SALE OF BONDS.

Mr. JONES of Arkansas. I ask the Senate to proceed to the consideration of the regular order, being Senate bill 2642.

Mr. HILL. What is the bill?

Mr. JONES of Arkansas. It is the regular order. I ask unanimous consent that the Senate now proceed to its consideration.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Arkansas?

Mr. HILL. There are some bills on the Calendar which should be taken up. I trust the Senator from Arkansas will defer his request.

The VICE-PRESIDENT. The Chair will state the morning business has not closed. The resolution of the Senator from Rhode Island [Mr. ALDRICH], coming over from a previous day, is laid before the Senate.

Mr. JONES of Arkansas. It is in order at 1 o'clock, I understand, to move the consideration of any bill on the Calendar.

The VICE-PRESIDENT. The Chair did not understand the Senator from Arkansas to make such a motion.

Mr. JONES of Arkansas. I asked unanimous consent to avoid making a motion, but if there is objection I will move that the Senate proceed to the consideration of the bill.

Mr. ALDRICH. I hope the Senator from Arkansas will allow morning business to be disposed of first.

Mr. HOAR. I understand the order of proceeding is that the Chair first lays the regular business before the Senate as a matter of course, so that we may know what we are displacing.

The VICE-PRESIDENT. The Chair has laid the order before the Senate.

Mr. HOAR. Let it be read.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from Rhode Island [Mr. ALDRICH] coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. ALDRICH on the 13th instant, as follows:

*Resolved*, That the President of the United States be requested, if not incompatible with the public interests, to send to the Senate a copy of the contract recently entered into between the Treasury Department and the representatives of certain banking houses for the sale of United States bonds.

Mr. JONES of Arkansas. If the resolution will not provoke debate I have no objection to its consideration, but if there is to be debate I will move that the Senate proceed to the consideration of the silver bill.

Mr. ALDRICH. I see no good reason why the resolution should be passed now. The contract has been made public and is a matter of notoriety.

Mr. HOAR. The contract should be printed as a document.

Mr. GRAY. It has been printed as a document.

Mr. MANDERSON. As a House document.

The VICE-PRESIDENT. What does the Senator from Rhode Island suggest?

Mr. ALDRICH. I withdraw the resolution, with the consent of the Senate.

The VICE-PRESIDENT. Without objection, the resolution is withdrawn.

#### HOOR OF MEETING.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution of the Senator from Maryland [Mr. GORMAN], coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. GORMAN on the 13th instant, as follows:

*Resolved*, That on and after Friday, the 15th day of February, 1895, and until otherwise ordered, the daily sessions of the Senate shall begin at 11 o'clock a. m., and the morning hour shall terminate at the expiration of one hour thereafter.

Mr. GORMAN. I will modify the resolution so as to read "Wednesday, the 20th day of February."

The VICE-PRESIDENT. The resolution as modified will be stated.

The Secretary read as follows:

*Resolved*, That on and after Wednesday, the 20th day of February, 1895, and until otherwise ordered, the daily sessions of the Senate shall begin at 11 o'clock a. m., and the morning hour shall terminate at the expiration of one hour thereafter.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

#### OFFICERS ON RECEIVING AND TRAINING SHIPS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from New Hampshire [Mr. CHANDLER], coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. CHANDLER on the 15th instant, as follows:

*Resolved*, That the Secretary of the Navy be directed to inform the Senate whether or not during the last four years officers of the Navy attached to the ships *Richmond* and *Constitution*, stationed at Newport, R. I., and drawing sea pay and commutation for rations at sea, have been furnished and assigned and have occupied quarters for themselves, or their families, or for both, on shore in public buildings or elsewhere, at the expense of the Government, and if so, to state the nature and extent to which this practice has prevailed, and whether or not it is in accordance with any authority of law.

Mr. CHANDLER. I ask for the adoption of the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. JAMES KERR, its Clerk, announced that the House had passed a bill (H. R. 7414) granting increase of pension to survivors of the Mexican and Indian wars and to their widows; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 273) extending from March 1, 1895, to April 15, 1895, the time for making returns of income for the year 1894.

#### ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 2599) granting a pension to Caroline E. Wessells; and it was thereupon signed by the Vice-President.

#### HOUSE BILL REFERRED.

The bill (H. R. 7414) granting increase of pension to survivors of the Mexican and Indian wars and to their widows was read twice by its title, and referred to the Committee on Pensions.

#### COINAGE OF SILVER.

The VICE-PRESIDENT. Morning business has closed.

Mr. JONES of Arkansas. I move that the Senate proceed to the consideration of the bill (S. 2642) providing for the issue of bonds, the coinage of silver, and for other purposes.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Arkansas.

Mr. LODGE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. If he were here I should vote "yea."

Mr. COKE (when the name of Mr. MILLS was called). My colleague [Mr. MILLS] is detained at home by sickness.

Mr. DUBOIS (when Mr. SHOUP's name was called). I announce the pair of my colleague [Mr. SHOUP] with the junior Senator from New Jersey [Mr. SMITH]. If my colleague were present he would vote "yea."

The roll call was concluded.

Mr. WILSON of Iowa. I inquire whether the Senator from Georgia [Mr. GORDON] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. WILSON of Iowa. I am paired with the Senator from Georgia [Mr. GORDON], who is absent, and therefore withhold my vote.

Mr. GALLINGER. I am paired with the junior Senator from Texas [Mr. MILLS]. Not knowing how he would vote on this question I withhold my vote. I should vote "nay" if I were at liberty to vote.

Mr. WOLCOTT (after having voted in the affirmative). I rise to inquire if the junior Senator from Ohio [Mr. BRICE] has voted.

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. WOLCOTT. I withdraw my vote, as I am paired with the Senator from Ohio [Mr. BRICE].

Mr. BATE. I desire to announce that the Senator from Ohio [Mr. SHERMAN] is paired with the Senator from Virginia [Mr. DANIEL], both of whom are necessarily absent at this time.

Mr. HILL. I desire to state that my colleague [Mr. MURPHY] is paired with the Senator from South Carolina [Mr. IRBY].

Mr. PASCO. I am paired with the Senator from North Carolina [Mr. PRITCHARD]. I transfer my pair to the Senator from Illinois [Mr. CULLOM] and vote "yea."

Mr. WOLCOTT. I ask if the Senator from Nevada [Mr. JONES] has voted, or if a pair with him has been announced?

The VICE-PRESIDENT. The Chair is advised that he has not voted.

Mr. WOLCOTT. Has a pair with him been announced?

The VICE-PRESIDENT. No pair has been announced.

Mr. WOLCOTT. Then, if I may, I transfer my pair with the Senator from Ohio [Mr. BRICE] to the Senator from Nevada [Mr. JONES] and vote. I vote "yea."

The result was announced—yeas 36, nays 27; as follows:

#### YEAS—36.

Allen,	Dubois,	Martin,	Roach,
Bate,	Faulkner,	Mitchell of Oreg.	Stewart,
Berry,	George,	Morgan,	Teller,
Blackburn,	Hansbrough,	Pasco,	Vest,
Blanchard,	Harris,	Pfeffer,	Voorhees,
Butler,	Huntton,	Perkins,	Walsh,
Call,	Jones of Ark.	Pettigrew,	White,
Cameron,	Kyle,	Power,	Wilson of Wash.
Clark,	McLaurin,	Pugh,	Wolcott.

#### NAYS—27.

Aldrich,	Frye,	Lindsay,	Palmer,
Burrows,	Gray,	Lodge,	Platt,
Caffery,	Hale,	McMillan,	Proctor,
Camden,	Hawley,	McPherson,	Ransom,
Carey,	Higgins,	Manderson,	Vilas,
Chandler,	Hill,	Mitchell of Wis.	Washburn.
Dixon,	Hoar,	Morrill,	

#### NOT VOTING—23.

Allison,	Dolph,	Mantle,	Smith,
Brice,	Gallinger,	Mills,	Squire,
Cockrell,	Gibson,	Murphy,	Turpie,
Coke,	Gordon,	Pritchard,	Wilson of Iowa.
Cullom,	Gorman,	Quay,	
Daniel,	Irby,	Sherman,	
Davis,	Jones of Nev.	Shoup,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2642) providing for the issue of bonds, the coinage of silver, and for other purposes, which had been reported from the Committee on Finance with amendments.



Mr. JONES of Arkansas. Let the bill be read at length.  
The VICE-PRESIDENT. The bill will be read.

The SECRETARY. The Committee on Finance report to strike out all after the enacting clause of the bill down to and including the words "Sec. 9," on page 5, in the following words:

That authority is hereby given to the Secretary of the Treasury to issue bonds of the United States to the amount of \$500,000,000, coupon or registered, at the option of the buyer, payable, principal and interest, in coin of the present standard value, and bearing interest at the rate of 3 per cent per annum, payable quarterly, and not to be sold at less than par, the bonds to mature thirty years from date, and be redeemable at the option of the Government after twenty years; and that the Secretary of the Treasury be, and he is hereby, authorized to use the proceeds of the sale of said bonds to defray current expenses of the Government, and for the redemption of United States legal-tender notes and of Treasury notes issued under the act of July 14, 1890, as hereinafter provided. That said bonds shall be of the denominations of \$30 and \$50, and multiples of said sums, respectively, at the option of the purchasers thereof, and shall be in such form as may be prescribed by the Secretary of the Treasury; and said bonds and the interest thereon shall be exempt from the payment of all taxes and duties to the United States, and from all taxation by or under State, municipal, or other local authority, and said bonds and coupons shall be made payable at the Treasury of the United States. Whenever the Secretary of the Treasury shall offer any of the bonds herein authorized for sale, he shall advertise the same and authorize subscriptions therefor to be made at the Treasury Department, and at any subtreasury, and any bank in which United States funds are deposited, it being the intention of this act to give full and free opportunity for general subscription, and payment therefor may be made in gold coin, but the Secretary of the Treasury may, in his discretion, accept in payment therefor United States legal-tender notes and Treasury notes issued under the act of July 14, 1890.

SEC. 2. That national banking associations are hereby authorized and permitted to issue circulating notes to the par value of United States bonds deposited with the Secretary of the Treasury, and the tax on such circulation is hereby reduced to one-fourth of 1 per cent per annum, payable semi-annually on the 1st days of January and July of each year.

SEC. 3. That section 9 of the act approved July 12, 1882, entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," be, and the same is hereby, repealed, and hereafter no national banking association continuing to transact business as such shall retire the whole or any part of its circulation without written authority therefor from the Secretary of the Treasury; and so much of section 12 of the said act as authorizes and directs the Secretary of the Treasury to receive deposits of gold coin with the Treasurer or Assistant Treasurers of the United States and to issue certificates therefor be, and the same is hereby, repealed; but this repeal shall not in any manner affect the validity or use of such certificates heretofore issued.

SEC. 4. That hereafter national banking associations desiring to retire the whole or any part of their circulating notes shall, if so required by the Secretary of the Treasury, deposit with the Treasurer of the United States gold coin equal to the amount of notes to be retired, and each of said banking associations shall at all times keep on deposit with the Treasurer of the United States, in gold coin, a sum equal to 5 per cent of its outstanding circulating notes, and the same shall be held and used for the redemption of such notes, and for no other purposes.

SEC. 5. That not exceeding one-half of the lawful reserves on account of deposits now required by law to be kept by national banking associations may consist of bonds of the United States issued under this act, the same to be estimated at their par value.

SEC. 6. That no national-bank note shall be hereafter issued of a denomination less than \$10, and all notes of such banks now outstanding of denominations less than that sum shall be, as rapidly as practicable, taken up, redeemed, and canceled, and notes of \$10 and larger denominations shall be issued in their stead under the direction of the Comptroller of the Currency.

SEC. 7. That the Secretary of the Treasury is hereby authorized and directed, out of the proceeds of the sale of bonds as hereinbefore provided, to cancel and destroy all United States legal-tender notes and Treasury notes issued under the act of July 14, 1890, of denominations less than \$10, and to issue a like amount of silver certificates in denominations of \$1, \$2, and \$5, which said certificates shall be payable to bearer in silver, it being the intention of this act that neither the Treasury Department nor national banks shall issue or keep in circulation any notes, other than silver certificates, of a less denomination than \$10; and the Secretary of the Treasury is authorized, at the request of any holder, to receive Treasury notes and United States legal-tender notes, and to issue in lieu thereof silver certificates in denominations less than \$10, and he shall cancel and retire the legal-tender notes and Treasury notes so received.

SEC. 8. That the Secretary of the Treasury is hereby authorized and directed, out of the proceeds arising from the sale of the bonds hereinbefore authorized, and from any surplus revenues, to redeem and cancel, and not reissue, said United States legal-tender notes and Treasury notes whenever and as fast as the aggregate circulation of United States legal-tender notes, Treasury notes, silver certificates, and national-bank notes shall be in excess of the aggregate amount of United States notes, Treasury notes, national-bank notes, and silver certificates in circulation at the date of the passage of this act.

SEC. 9.

The committee also report, on page 6, line 8, before the word "price," to insert the word "market;" in line 9, after the word "in," to strike out "London" and insert "New York;" and in line 16, before the word "may," to strike out "in denominations of less than \$10;" so as to read:

That from and after the passage of this act the Secretary of the Treasury is hereby authorized and directed to receive at any United States mint, from any citizen of the United States, silver bullion of standard fineness, and coin the same into silver dollars of 412½ grains each. The seigniorage on the said bullion shall belong to the United States, and shall be the difference between the coinage value thereof and the market price of the bullion in New York on the day the deposit is made, and all expenditures for coinage done under the provisions of this act shall be paid out of said seigniorage; and the Secretary of the Treasury shall deliver to the depositors of such bullion standard silver dollars equal in amount to the price thereof as aforesaid; and whenever the said coins herein provided for shall be received into the Treasury, certificates may be issued thereon, in the manner now provided by law.

The committee also report to strike out the remainder of the bill, in the following words:

SEC. 10. That the Secretary of the Treasury shall make such rules and regulations, and employ such clerical and other force as may be necessary to carry this act into effect, and a sum sufficient for that purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. BUTLER. Will the Senator from Arkansas yield to me a moment?

Mr. JONES of Arkansas. Certainly.

Mr. BUTLER. I wish to give notice that after the disposition of the present bill I shall ask the Senate to proceed to the consideration of the bill (H. R. 7273) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

Mr. HIGGINS. We could not hear the Senator from South Carolina on this side.

Mr. BUTLER. I simply gave notice that when the pending bill is disposed of I shall ask the Senate to proceed to the consideration of House bill 7273, with which the Senator is familiar.

Mr. HALE. The Senator from South Carolina will not undertake to interfere with appropriation bills.

Mr. BUTLER. I will not commit myself to any agreement on that subject.

Mr. HALE. Then the Senate will have to settle it.

Mr. BUTLER. Then the Senate will have to settle it.

Mr. JONES of Arkansas. In view of the lateness of the session and the fact that doubtless every member of the Senate has his mind made up as to the bill which has just been taken up, and in view of the further fact that the friends of the bill do not propose to occupy the time of the Senate by discussion, I ask unanimous consent that we fix an hour to-day at which we may have a vote on the bill. I will suggest 4 o'clock.

The VICE-PRESIDENT. Is there objection?

Mr. ALDRICH. After conference with many Senators upon this side of the Chamber I am satisfied that it will be impossible to get an agreement to vote upon the bill to-day. There is a very strong and a very natural feeling that in the present condition of the country a bill of such importance ought not to be passed or voted upon except after the fullest discussion. I therefore object to the proposed agreement.

The VICE-PRESIDENT. There is objection to the request of the Senator from Arkansas.

Mr. JONES of Arkansas. I regret very much that some time can not be fixed upon for a vote in the Senate. The friends of the measure are perfectly willing to submit the matter to a test at any hour. I regret that the minority of the Senate should think it necessary to resort to dilatory tactics to avoid a vote on this question. Of course, owing to the shortness of time, it will be impossible to press a vote for a very great length of time, but I will ask the Senate to remain in session to-day until we reach a vote on the bill, if it is possible to get it.

Mr. HALE. In view of the fact that only eight or nine days remain for the consideration of the business that must be done by the Senate, let me ask the Senator whether he thinks it is now good policy to bring up this bill, which will give rise to long and perhaps heated discussion and engross the time of the Senate, and thereby endanger the passage of the appropriation bills, which surely would result in an extra session of Congress. I know in asking this question that the Senator is a calm-minded man and contemplates things that will come up in the future, and I should be glad to have him give us some indication as to whether it is his intention to hold the bill here day and night, to the exclusion of appropriation bills.

Mr. JONES of Arkansas. I should be glad to avoid exactly the contingency that has been suggested by the Senator from Maine, and for that reason I suggested that an hour should be fixed for a vote in the Senate. There is not a man in this body who does not know how every other man in the body will vote on this question. A discussion of an hour, a day, or a week will change nobody's conviction. It is a matter that has been fully and fairly discussed and understood. It has been weighed and considered by every member of the body. Every man has his mind already made up. I am willing and the friends of the measure are willing to put the matter to a test now without a word of debate.

If the opponents of the bill, for the purpose of avoiding a vote, see fit to resort to a discussion or debate which will look to us as having for its prime purpose to avoid a vote at all, of course we can not help it; but we must make an earnest effort to reach a vote on the bill.

I do not propose to jeopardize the passage of an appropriation bill. There will be plenty of time, in my judgment, to pass the appropriation bills if there is no time wasted. The friends of the measure do not propose to run the risk of an extra session by prolonging its consideration if the minority, as I believe, in the Senate manifest a disposition to prevent the passage of the bill. Of course we can not help it if they choose to do it.

Mr. HALE. Now, if the Senator will allow me, he is shifting the burden. It is not dilatory tactics for the minority, or for any portion of the Senate, to insist that the bills which must be passed to complete the business of this Congress shall be considered. The Senator himself and those who have joined with him in bringing this matter before the Senate have created this situation. It is they who have obtruded this bill here, I do not say it in an offensive sense, because the majority has the right to take

up any bill; but it is they who have made the situation and have made the danger.

It seems to me that it is going a little too far when a disposition is manifested, as is always manifested when this subject is up for a fair debate, for the Senator to intimate that it is dilatory in its purpose and nature, and is meant for delay. The Senator knows that in all forms when this great question has come up heretofore there has been plenty of debate. Senators have expressed themselves freely upon both sides of the question. There can not be a resolution offered in the morning hour on the subject that does not go over and give rise day after day to debate much of the day. The Senator will not himself intimate, because he is a fair-minded man, that reasonable debate upon this question is dilatory in its nature.

Mr. HARRIS. Will the Senator from Maine allow me to ask him if he can name any number of hours that the opponents of the bill will require for debate? I do not think there is a single friend of the bill who is disposed to consume a minute's time in debating it.

Mr. HALE. I have heard the Senator ask that question a great many times in reference to another bill that we had up in the last session of Congress. I heard that question asked when the majority was attempting to repeal the purchasing clause of the Sherman Act. But, if I may say so, it is not a real, pertinent, square question. I can not tell you. It may be that I shall not want to debate the bill one moment.

Mr. HARRIS. Will the Senator suggest to me how I can square it better than it is squared?

Mr. HALE. The truth is that whenever Senators want to get a measure through that suits them they turn around and accuse the other side of dilatory tactics. Now, that is not so. Only a fair measure of debate is all that anybody wants. I know that the Senator from Arkansas in managing this bill will manage the bill carefully and will handle the Senate carefully. I am willing to trust to his management.

Mr. JONES of Arkansas. I should like to ask the Senator a question in this connection. Does he believe any amount of debate would change any vote from the present intention of the Senate if we were to vote right now, even if the discussion of the bill should continue for a month?

Mr. HALE. I suppose that may be true about almost all measures we debate and discuss here.

Mr. JONES of Arkansas. Then I do not see any good reason why we may not vote now, except that the minority fear they will be beaten on the vote; that is all.

Mr. HALE. If the Senator were in the minority and objecting to this bill, he would want the privilege of debate. He knows he would.

Mr. JONES of Arkansas. Certainly; and we do not propose to deny that privilege.

Mr. HALE. I hope the Senator will go on with the bill, and that it will not be intimated there are any dilatory tactics here. There is no disposition to resort to dilatory tactics.

Mr. JONES of Arkansas. I do not think it will require an intimation for everybody to understand the purpose of a protracted debate on the bill.

Mr. ALDRICH. Mr. President, there are some facts in connection with this bill that I think ought to be stated. Of course they are apparent to everyone, but it would do no harm to state them.

There is no member of the Senate and no person in the United States who expects that the bill will become a law if it passes the Senate, and any time spent here in pressing it for consideration will certainly, so far as any practical results are concerned, be entirely wasted. But when the Senate of the United States is called upon to express its opinion upon a question of such importance, it is not right that the Senator from Arkansas or any other Senator should suggest that it be passed upon without discussion. An innumerable number of amendments will be offered to the bill. That can not be helped. You can not expect Senators to vote upon a single proposition involving the whole financial question without amendment and without debate.

If there was any real benefit to come to the country or any result to be reached by pressing the bill for consideration that would be one thing; but the Senator from Arkansas, if he is frank to the Senate and the country, must admit that he does not expect the bill to pass the coordinate branch of Congress and receive the Executive approval. Therefore I think it comes with ill grace from that Senator to suggest that a bill of such importance should be hurried through the Senate without discussion at this hour of the session.

Mr. GRAY. Mr. President, I entirely agree with the Senator from Arkansas that in all human probability debate will not change a vote in this body, but perhaps there is another function of debate which has not been alluded to by him or by any other Senator which is as important as the supposed capacity of debate to

influence votes. The country expect, and I think will demand, that a measure so important and far-reaching as this should not be passed (if it is true, as the Senator from Arkansas thinks, that it will be passed) without an exposition of the objections to the measure by those who differ from him, and who represent a very large constituency in the country.

It will be necessary, I think, before the bill passes to inquire why it is that after having spent the long weary weeks of the summer of 1893 in the attempt that was finally successful to repeal the purchasing clause of the Sherman Act the same Senate or the same Congress is asked to restore that purchasing clause in an intensified form; that is, intensified as it seems to many who are opposed to the bill brought forward by the Senator from Arkansas. Therefore I do not think it is unreasonable to say that before the bill passes it should receive such debate and discussion, if not by its friends by those who oppose it, as will give to the country a thorough understanding of what objection there may be to the measure.

Mr. JONES of Arkansas. Mr. President, of course I have no objection to debate. In reply to the suggestion made by the Senator from Rhode Island [Mr. ALDRICH] a moment ago, I have to say that we are in no sense the guardians of those who constitute another body here. We are not responsible for the action of the Executive. Our business is to discharge our duty as we see it. The majority of the Senate are ready and willing to act on this question. We would be glad to do it. We have no power to cut off debate and no wish to cut off debate. Our only request is that the debate shall proceed as rapidly as possible, and that we may have a vote at the earliest possible hour. I shall ask the Senate to remain in session until we reach a vote, if it can be accomplished.

Mr. VILAS. Mr. President, the recent transaction between the Treasury and certain contractors for the purchase of gold on the part of the Government has been the subject of considerable discussion on this floor and elsewhere, and it is as pertinent as probably anything that could be offered in the discussion of this bill, to consider somewhat the circumstances under which the Treasury was placed and which led to and demanded the making of that contract.

I do not enter into an explanation of the transaction with any expectation that the opinions of those who from political partisanship or difference upon the silver question have chosen to take ground against the contract will be affected by it. It is not to be expected that anything will alter in this Congress the probability or possibility of result. A sufficient number to prevent any such action as the President suggested to be desirable for the benefit of the country has already disclosed itself, and I presume I shall violate no rule of propriety if I recur to a fact stated the other day by the Senator from Colorado [Mr. WOLCOTT], that we know the House of Representatives has refused even the least relief.

I am entitled to read, I believe, from a document which I find printed, in which are set forth the views of the minority of a certain committee in respect to a proposal to meet the opportunity which was reserved as a privilege to the United States in the contract to which I have alluded. It presents at once in a summary fashion the ground upon which, in great part, the successful opposition has stood. It is there written:

Believing that the Secretary of the Treasury has now by law the right to redeem legal-tender notes by the payment of either gold or silver coin, which ever is most convenient for the Government, and believing that the exercise of this discretion by the Secretary of the Treasury is absolutely necessary to protect the Government from organized and unorganized raids upon the coin reserve, we are not willing to indorse, directly or by implication, the administrative policy which has precipitated the present financial conditions. Neither are we willing, by authorizing bonds for the purchase of gold, to pledge the Government to a policy which discriminates against silver as a standard money and recognizes gold as the only money of ultimate redemption. So long as the note holder is allowed to choose the coin in which he is to be paid, so long will it be futile to attempt to maintain a gold reserve.

That quotation speaks of an administrative policy. It is the policy which was adopted by the Secretary of the Treasury perhaps fifteen years ago, or more, and which has been continuously maintained by every Secretary of the Treasury since; which received in 1890 the explicit sanction of Congress by its declaration in an act that it is the established policy of the Government—the policy pursued by the Treasury to maintain the parity between the two metals. This quotation declares the readiness of those who oppose acceptance of the advantage secured to the United States by the contract mentioned, to see the Secretary of the Treasury proceed to pay out in redemption of the notes of the United States silver, as now coined, worth but one-half the gold coin, which is the standard of value.

Mr. STEWART. Will the Senator allow me to interrupt him—  
Mr. VILAS. I hope the Senator will not insist upon interrupting me.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Wisconsin declines to yield.

Mr. VILAS. I desire to lay before the Senate some facts, and I



wish not to have the discussion turned into the customary colloquy. I am sure the Senator from Nevada will recognize that I have always been in the habit of allowing interruptions, and if I were not justified by good reasons in what is before me I should not now depart from my custom.

Mr. President, I wish to call attention to the remarkable statement which follows in that same document this declaration of readiness to compel the Secretary of the Treasury to proceed to a silver redemption of the public debt of the United States. Says this document:

It is urged that a change of policy at this time will cause embarrassment.

Does the document dispute it? No; but it adds:

If that be true, the blame must be borne by those who first inaugurated the policy and by those who have adhered to it in spite of the clear intent and letter of the law.

Thus it is declared by those who subscribe that document that they are willing that the United States and the people of this country shall proceed to encounter the evils and perils which would follow such a step, which they are pleased to speak of as likely to cause "embarrassment." Mr. President, there is a large body of people in the United States who believe that the "embarrassment" which would follow would be simply the suspension of specie payments, because to suspend gold payments and in place of the gold coins of the United States to tender silver coins, worth but half as much, would be equivalent to specie suspension, for it would be no less than the complete departure from the standard of money by which the Government has measured the value of all its obligations in the past.

We might as well tender any other promise of the United States to pay as to tender a silver dollar in payment of a dollar of present Government indebtedness. The silver dollar of the present time derives all its power to discharge a debt of a hundred cents by reason of the fact that our policy is declared and hitherto has been maintained to hold up that dollar to the equal of a gold dollar. It is as if a promise were written upon it to pay upon the return of that piece of metal a hundred cents of money of the standard which measures contracts at the present time.

Mr. President, there are those who believe that such an act would be followed immediately by a premium upon gold, an increasing premium, until at length, unless some power interposed to resist and check the fall, we should reach the single standard of silver monometallism; to the destruction of one-half of the credits of the Government, and of all credits which have depended upon the good faith and stability of the laws of the United States for the maintenance of the values which rest upon them. There are those who will recall, as the prototype of the conditions to ensue, the events that followed the decline of our money during the war, and will remember how amidst falling houses and commercial ruin, in general financial devastation, this country bore evils which the people ought never to be called upon to sustain, except to meet such a necessity as was then imposed to save their country.

Without enlarging at this time upon the particular results which would follow, I desire to address my observations to that class of men who believe that the standard of values in our country ought not to be so destroyed. They happen to be, I am well assured, a very large part of the people of the United States. They are represented in all the great financial institutions of the United States, in the trust companies, the banks, the insurance companies, the great mercantile houses, and boards of trade in the cities; especially by those to whom, by common consent, the citizens of this country commit in business the guidance of their financial affairs, whose voice we have everywhere heard protesting against this evil.

We have seen already in 1893 what may be expected from the mere approach to such a contingency. We saw this country quivering in the shudder of panic, fear fall upon the land, hundreds, yea, thousands of millions in values blotted out, merely because we were driven to the brink of the abyss, and the eye of the country but looked beyond the precipice over which it seemed we might be about to fall. I do not care to spend time in discussion of the causes or effects of that panic. Its general consequence we all know, a diminution in great part of importations, with the consequent loss of revenue. We know that from one end of the country to the other the cry was for the repeal of the purchasing clause of the Sherman law. But that repeal merely checked the further inflow of the poison which was destroying our financial system and the strength of our currency.

It did not remove the evil which had already been introduced into the system. There, still contending for place, according to the operation of that inevitable and irresistible law of finance, which long ago Sir Thomas Gresham pointed out to the British Government, have been hundreds of millions of silver exerting their force to expel gold. We did not withdraw that influence by the repeal of that law, but have felt ever since its steady pressure.

A year ago the Secretary of the Treasury borrowed \$58,000,000 for bonds at 5 per cent, of which the principal sum was \$50,000,000.

He replenished the stock of gold in the Treasury by that transaction. Later in the same year it became necessary to repeat it, and substantially the same transaction took place again. It failed to meet the evil which confronted us.

Then the President, in his message at the opening of this session, called in most earnest words the attention of the Congress and the people to the trouble which was upon us, and the consequences which appeared sure to follow. And he said plainly and unequivocally, after a full discussion of the circumstances:

It is perfectly and palpably plain that the only way under present conditions by which this reserve when dangerously depleted can be replenished is through the issue and sale of the bonds of the Government for gold; and yet Congress has not only thus far declined to authorize the issue of bonds best suited to such a purpose, but there seems a disposition in some quarters to deny both the necessity and power for the issue of bonds at all.

I can not for a moment believe that any of our citizens are deliberately willing that their Government should default in its pecuniary obligations or that its financial operations should be reduced to a silver basis. At any rate I should not feel that my duty was done if I omitted any effort I could make to avert such a calamity. As long, therefore, as no provision is made for the final redemption or the putting aside of the currency obligation now used to repeatedly and constantly draw from the Government its gold, and as long as no better authority for bond issues is allowed than at present exists, such authority will be utilized whenever and as often as it becomes necessary to maintain a sufficient gold reserve, and in abundant time to save the credit of our country and make good the financial declarations of our Government.

Mr. President, there was not only this declaration by the Executive as to the course he should pursue, but there was equally the submission of the Executive to Congress, in the invitation to Congress to exercise the functions which the Constitution devolve upon it, and provide against the peril to the national Treasury and the happiness of our people. But what followed? Nothing, nothing but the fruitless distraction of faction and factional cries. We have had in result only manifestation of the impotence of Congress to meet the condition of peril in which the nation was placed.

But again, after full waiting, when in less than two months from the last purchase of gold it became apparent that but a short time would suffice to remove from the Treasury its entire stock of gold for redemption, the President, not yet resorting further to the power lying in the old statutes of the United States, appealed anew to Congress, and on the 28th of January, with words of solemnity, yes, as was said by the Senator from Delaware [Mr. GRAY] yesterday, with an appeal almost pathetic, he solicited afresh the legislation which might preserve the country against the peril before it, from the patriotism and high sense of duty of men charged with legislative responsibility. He pointed out that in the year preceding his message \$172,000,000 of gold had been drawn from the Treasury, of which over \$69,000,000 had been taken within two months, and he freely proffered again, with all the experience he had had, his own candid opinions of the course which ought to be taken, and again he submitted the subject to Congress and again invoked its counsel, its governing direction. And he added:

In conclusion, I desire to frankly confess my reluctance to issuing more bonds in present circumstances and with no better results than have lately followed that course. I can not, however, refrain from adding to an assurance of my anxiety to cooperate with the present Congress in any reasonable measure of relief, an expression of my determination to leave nothing undone which furnishes a hope for improving the situation or checking a suspicion of our disinclination or disability to meet with the strictest honor every national obligation.

Mr. President, I invoke the candid judgment of all upright men that the President of the United States in these communications not only delivered to the legislative body a complete understanding of the circumstances in which the Treasury and the national honor were placed, not only freely tendered his own advice and opinions—as freely as if he was dealing with a Congress of the safe friendship which its party denomination ought to have assured him he might expect—not only proffered his willingness to cooperate in any reasonable measure, but he plainly, openly, honestly, manfully advised this Congress and the people of the United States that he should execute all the power that was given him by law to carry forward the historic honor of the country and preserve the Treasury from reproach, by maintaining the redemption of the bonds and the notes of the United States, as they should be claimed for payment, according to the good faith of the laws under which they were issued.

Mr. President, we all know the result. The measure which was proposed for the relief of the Treasury in the House of Representatives failed to receive sanction; and although there was a strong majority against it, nothing was substituted by that majority in its stead; nothing was brought forward to meet the invitation of the President to provide some reasonable measure of relief. The hopes of the country were crushed to earth; and there remained for the Executive, in order to avert the impending calamity of gold suspension, nothing but to exert the authority given by the statutes, and accompanied by obligation to use it in necessity.

But, sir, few even among those who agree with the President in the general policy which he has pursued, have perhaps realized how greatly he felt the reluctance expressed in that message to

the issuance of bonds; how long, how anxiously, he hoped that a patriotic sense of duty would propose to him from the Legislature some reasonable measure of relief. Few have known the imminence of disaster to which the Treasury came to be exposed before—length the action was taken which has at last saved the national credit.

I ask attention to some of the figures which the Treasury Department furnishes, that I think will be interesting to the country and to those who desire to maintain the good faith we have always hitherto supported. I shall present, and ask to print in connection with my remarks, a table which sets forth, first, the withdrawals of gold from and including January 17, 1895, up to the 13th of February, the latest figures obtainable when this statement was furnished.

*Withdrawals of gold from January 17, 1895, by days.*

Date.	United States notes.	Treasury notes.	Total.
January 17.....	\$1,535,813	\$78,530	\$1,614,343
January 18.....	3,500,565	31,850	3,532,415
January 19.....	162,095	30,380	192,475
January 21.....	523,599	14,050	537,649
January 22.....	1,665,800	14,900	1,680,700
January 23.....	1,675,535	37,040	1,712,575
January 24.....	3,273,507	30,045	3,303,552
January 25.....	6,899,081	256,385	7,155,466
January 26.....	681,575	165,560	847,135
January 28.....	3,811,732	304,285	4,116,017
January 29.....	3,130,695	96,370	3,227,065
January 30.....	3,823,015	166,560	3,989,575
January 31.....	2,236,063	33,845	2,270,908
February 1.....	1,385,595	79,270	1,464,865
February 2.....	42,109	25,290	67,399
February 4.....	38,914	24,460	63,374
February 5.....	338,207	22,005	360,212
February 6.....	711,459	18,020	729,479
February 7.....	331,057	26,680	357,737
February 8.....	227,006	45,405	272,411
February 9.....	103,940	128,300	232,240
February 11.....	101,875	17,455	119,330
February 12.....	21,713	5,295	27,008
February 13.....		36,540	36,540
Total.....	36,572,200	1,000,340	37,572,540

\* President's first message. † First publication of negotiations. ‡ "Hitch" reported. § Second message and contract signed.

OFFICE OF THE TREASURER UNITED STATES,

February 14, 1895.

It begins with the 17th of January, because on that day it was first made perfectly apparent to the Treasury that what is known in bank parlance as "a run" had begun upon it. Large amounts had been withdrawn, as I shall later show, before that time; but much had been withdrawn for exportation, much drawn, in reality, to pay for the bonds which had been purchased from the United States in November, and it was only on the 17th day of January that it became obvious to the Treasury Department that a run was in progress to drain it of its gold.

On that day were taken \$1,614,000—I shall not read the exact figures, but give only millions and hundreds of thousands—on the 18th, \$3,600,000; smaller sums on the 19th and 21st, less than \$1,000,000; on the 22d it reached nearly \$1,700,000; on the 23d, over \$1,700,000; on the 24th, \$3,300,000; on the 25th, \$7,150,000; and there was comparative cessation the next day, the demand being but about a million; but on the following day, the 28th, the very date when the President's message was sent to Congress, four million one hundred thousand and upward were withdrawn, followed the next day by over \$3,200,000, by nearly \$4,000,000 the succeeding day, and \$2,300,000 on the 31st day of January.

So, sir, on the last four days of January there were drawn from the Treasury in gold, under stress of the run upon it, \$13,685,635. That last day some check was felt. It was occasioned by a fact

to which I shall advert more at length a little later, the announcement that the Government had entered into negotiations with great banking houses of Europe to bring gold to this country. And on the 1st day of February the demand was so much reduced that but \$1,400,000 were taken. That day the announcement had supplemental assurance of its probable final execution and confidence resumed its sway, so that only \$47,000 were withdrawn the Saturday succeeding. Monday, still less; but on the 5th there was resumed demand, and the fact was reported in the newspapers of some interruption of the negotiations. At once the run seemed to start again, over \$700,000 being withdrawn; but the fact was explained away, and diminishing withdrawals of gold continued until the 8th of February, when the message of the President announced to Congress the completed execution of the contract. Withdrawals continued to diminish, so that on the 12th of February but \$27,000 were withdrawn, on the 13th \$36,000, sums little above those ordinarily drawn in the course of business.

Let me now call attention to the condition of the Treasury on the 2d day of February, following the announcement of the execution or probable execution of the contract for the importation of gold from Europe. I wish to have these facts set before the people of the country, who are willing to think fairly upon this subject, that there can be no misunderstanding of the imminence of the peril before which we stood. I present a table, which I shall ask to have printed with my remarks, showing the amount of gold in the Treasury, the various subtreasuries, mints, and assay offices of the United States on the 2d day of February, counting in New York and the other subtreasuries as present all the gold which had been ordered shipped to those places and was then in transit, soon to arrive. For, let me say, the condition of the Treasury with respect to gold coin was such that for some time previously the Secretary of the Treasury had been gathering there all the gold coin he prudently could to meet the great demand in New York.

On that day the total amount of the net gold coin and bullion held by the United States in its Treasury, its nine subtreasuries, its five mints and five assay offices, was but \$79,509,381.20, against which there were outstanding of demand gold certificates \$36,896,949, leaving in the Treasury of net gold but \$42,612,432.20. Attention is first called to the fact that more than all of the net gold that belonged to the United States was in the form of bullion, nearly \$44,000,000, while the United States owned but \$42,600,000 over and above the aggregate coin certificate of deposit.

When I speak of this let me note for a moment that the utmost capacity to which for some months past it has been possible to crowd the mints of the United States in the manufacture of available coin for redemption is about \$5,000,000 per month, making the largest pieces, \$20 gold pieces. In Philadelphia, the largest mint, less than \$1,700,000 were coined in the first thirteen days of this month, \$742,000 in the mint at San Francisco, only \$37,000 at New Orleans; none at the other mints, which are not especially adapted to the coinage of gold. So to reduce the gold bullion to a form available for the redemption of notes in gold coin would have taken about eight months. It was available, of course, in one form. Whoever would accept the gold bars from the United States might be tendered them, but at a loss. As much as possible that has been done whenever the loss could be avoided.

But, sir, the interesting part of this table to the point I am discussing is how the free gold coin in New York had become reduced. The table sets forth the amount of gold coin in each of the places where it was held, as well as the amount of bullion. It sets forth, also, the gold certificates of the particular holding of which the Treasury had been notified, so that at any moment the Treasury might be called upon to turn over the gold, and gold had to be regarded as set apart specifically for those certificates, held to order. That left in the New York subtreasury but \$9,700,334.50 of gold coin.

*Statement showing the amount of gold in Treasury offices and demands against same on February 2, 1895.*

Date.	Office.	Gold bullion.	Gold coin.	Gold certificates to order outstanding.	Net coin.	Net coin and bullion.
1895.						
Feb. 2	Washington.....		\$2,788,862.54	\$300,000.00	\$2,188,862.54	
Feb. 2	Baltimore.....		1,011,506.00	300,000.00	621,506.00	
Feb. 2	New York.....		20,465,334.50	10,765,000.00	9,700,334.50	
Feb. 2	Philadelphia.....		1,283,700.00	145,000.00	1,138,700.00	
Feb. 2	Boston.....		2,500,930.50		2,500,930.50	
Feb. 2	Cincinnati.....		1,306,735.00		1,306,735.00	
Feb. 2	Chicago.....		5,139,175.00	2,475,000.00	2,664,175.00	
Feb. 2	St. Louis.....		1,576,475.00		1,576,475.00	
Feb. 2	New Orleans.....		1,004,372.50		1,004,372.50	
Feb. 2	San Francisco.....		10,323,623.50	1,375,000.00	8,948,623.50	
Feb. 2	Mint United States, Philadelphia.....	\$23,446,828.92	418,010.50		418,010.50	
Feb. 2	Mint United States, Carson City.....	717,584.54	657.00		657.00	
Jan. 31	Mint United States, Denver.....	146,230.61	5.00		5.00	
Feb. 2	Mint United States, New Orleans.....	652,539.23	812,055.00		812,055.00	



Statement showing the amount of gold in Treasury offices and demands against same on February 2, 1895—Continued.

Date.	Office.	Gold bullion.	Gold coin.	Gold certificates to order outstanding.	Net coin.	Net coin and bullion.
1895.						
Feb. 2	Mint United States, San Francisco.....	\$1,607,404.26	\$2,577,000.00		\$2,577,000.00	
Feb. 2	United States assay office, New York.....	18,301,470.08	12,080.00		12,080.00	
Jan. 31	United States assay office, Boise City.....	13,977.81	45.00		45.00	
						\$35,570,516.04
Jan. 31	United States assay office, Charlotte.....	15,796.37				
Jan. 26	United States assay office, Helena.....	25,570.52				
Jan. 31	United States assay office, St. Louis.....	11,402.53				
		43,905,905.16	51,320,516.04	\$15,750,000.00		43,938,905.16
	Demand gold certificates.....				37,000,000.00	70,500,351.20
	Less amount on hand.....				172,920.00	36,800,949.00
	Net gold in Treasury.....					42,612,432.20

OFFICE OF TREASURER OF THE UNITED STATES, February 16, 1895.

Let me advert for a moment to what that means in respect to the run for gold. I have in my hand a table not perfectly accurate, but which sets forth with the best approximate accuracy possible at this time the amount of gold redemption at the New York subtreasury, at Boston, Baltimore, Philadelphia, Chicago, and the other subtreasuries. Between the 14th of January and the 1st of February, inclusive, there were paid out by the subtreasury at New York \$36,561,905 of gold; at Boston only \$994,000; at Baltimore, \$22,000; at Philadelphia, \$248,000; at Chicago, \$101,000; at New Orleans, \$5,000; St. Louis, \$2,000; San Francisco, less than \$1,000, and Washington, \$5,540. I give round numbers and not the exact figures.

Mr. PEPPER. Has the Senator from Wisconsin the totals for the cities outside of New York?

Mr. VILAS. I was just reading the figures.

Mr. PEPPER. But the Senator was giving them separately. I mean the totals.

Mr. VILAS. I will give them to the Senator. Thus during those seventeen days there was drawn from the subtreasury in New York \$36,561,905, and from all the other subtreasuries but \$1,380,235.

Mr. President, that shows that after hurrying such gold as they thought prudent to remove from other subtreasuries to New York, there was left there on the 2d of February but about one-quarter as much as had been drawn from that subtreasury in the previous seventeen days.

Could anything show more perfectly and satisfactorily the imminence of the disaster which impended over the nation? If that drain had not been checked, as it was checked by the announcement of the negotiation of that contract and its probable completion, during the days that the President was waiting after his message of the 28th for action in Congress, we should have been flung to the silver basis or to the suspension of gold, or specie, payments, for the suspension of gold payments is practically the same, as I have said.

On the 30th of January, not yet reinforced to the full extent to which he subsequently was by removals from other subtreasuries, the assistant treasurer at New York gave notice to his official superior in these words, that "he doubted whether he could hold on until Saturday, and the very next day might decide," as it would have decided, if that day had been followed by such a demand as a single day had once already thrown upon the subtreasury, for on the 25th of January there lacked less than \$100,000 of \$7,000,000 of gold coin paid out by the subtreasury in New York.

I said that few were aware of the imminence of the peril. There were men in the world aware of it, or who shrewdly guessed it; and I shall now present a telegram addressed to the Secretary of State by the American minister to the Argentine Republic, which will show that the great houses of Europe knew how very near to the edge of the gulf the American nation had come. That telegram is as follows:

Buenos Ayres, February 4, 1895.

GRESHAM, Washington:

London and River Bank, the largest in South America, under orders from London to-day refuses all classes of United States exchange. Have you had information of this from London?

BUCHANAN.

Mr. President, it shows the measurement by the great financial establishments of London of the number of days they could trust us. They could no longer wait until bills of exchange negotiated in Buenos Ayres could be shipped to the United States for payment. The time had come when the prudent financiers of the world were driven to the necessity of discrediting all classes of United States exchange. We should have heard of it in but a few days more from London, from Paris, from Berlin, from Vienna, and from every place in the world where commercial honor is valued, as it came to the Secretary of State on the 4th of Febru-

ary from that Republic of South America which has hitherto made it a boast that she imitates and patterns after the institutions of the United States.

Now, Mr. President, I think no man who loves his country, no man who would not be willing to see its financial honor defamed, will fail to recognize that here was a situation which demanded of the American Executive instant action, action adequate to the danger which confronted the country. The President and Secretary of the Treasury took it! And how was this calamity averted? As I have already shown, at first by the announcement of the entrance upon a negotiation, with the probability of its success, whereby gold was to be transported immediately from Europe to meet our condition, and, secondly, by the completion of the contract.

I shall after a little advert in more detail to the terms of the contract and the effect which it necessarily caused, but a mere reference to that table, which I have already asked leave to print, will show how quickly public confidence responded to the conditions established. I called attention to the fact that in the last four days of January over thirteen and one-half million dollars were withdrawn. On that last day the announcement was made. It was followed by confirmatory information the next day, and on the 2d day of February, the time when I have exhibited the condition of the Treasury in detail, there were but \$67,000 withdrawn from the subtreasuries of the United States and the Treasury as well. Afterwards, when it was said that a hitch, as it was called in the newspapers, I believe, had occurred in the negotiation, the run began again moderately to reappear, but on the completion of the arrangement it dropped, the nominal amount of \$27,000 only being taken on the 12th, and \$36,000 on the 13th. It was a sympathetic response of public trust, a measure of honor to the Executive in itself.

Mr. President, having shown the conditions by which this contract was demanded, the intense urgency of that demand, let us see what was the remedy which was available to the President. The first and most important question to be inquired into is from what source he should seek the gold.

I said "to the President." I am aware that it is the Secretary of the Treasury who by law is enjoined to administer the public finances, and that it is the Secretary of the Treasury who signed, as the law requires and authorizes him to do, the contract which was ultimately made, as was suggested by the distinguished Senator from Ohio [Mr. SHERMAN] on yesterday. But to affirm that the President of the United States is to escape a particle of responsibility because his Cabinet officer, a member of his official family, did the act, as if to exonerate him, would be something that he would never tolerate in his defense, I am well aware. Nor could he, for the Constitution enjoins upon him to see that the laws are faithfully executed. He is head and chief of the executive administration of the Government. He it is who communicates with Congress in his messages upon the state of the public finances, and is bound to do it, and take every care of the public interest.

Mr. GRAY. May I call the Senator's attention to the language used by the distinguished Senator from Ohio yesterday? He said in one sentence that—

the President can in no sense be held responsible for this contract.

And almost in the next he said:

I believe them both to be honorable men in every sense of the word; but I must confess that in my view of the matter they made a very faulty contract for the United States.

Mr. VILAS. To the criticisms upon that contract I am about to draw attention. I make allowance, as every Senator will, for inaccuracy of speech not written. Perhaps the idea or intimation there conveyed might not have been fully intended by the Senator from Ohio.

I wish now to inquire particularly from what source ought the

President and the Secretary of the Treasury to obtain the gold that was necessary to meet the impending disaster and avert it? Sir, we have heard it stated upon this floor and elsewhere, iterated and reiterated as an accusation, that it ought to have been by a popular loan. I should give greater heed to that criticism if it had not come from the very interest that stood across the path of a popular loan. In the last session of the Fifty-second Congress it was proposed to authorize the Treasury to make a popular loan. It would not be permitted. All through this Fifty-third Congress we have had the legislation necessary for a popular loan presented and urged, but always it has been met in such a way that only the impotence of Congress was demonstrated, not its patriotism.

The criticism that this gold should have been obtained by a popular loan comes, it seems to me, with ill grace from those who have steadily opposed popular loans when they were needed and available for the uses of the Treasury.

But, sir, let us think a moment about a popular loan in reference to its availability for this particular condition. The Secretary was bound to issue bonds under the act of 1870. He could not issue a bond bearing a less rate of interest than 4 per cent. Such a bond could not be sold so as to realize a rate of interest less than that borne upon its face unless a high premium were paid for it. Now, when we talk of popular loans it will be recognized at once, I think, by all men that the people who have small savings and wish to invest them know but little about premiums and the rates of interest fixed by premiums.

If they invest they wish to invest dollar for dollar. It was a wise provision that was proposed by the Senator from Ohio, if I remember rightly, toward the end of the Fifty-second Congress, that small certificates issued at not more than 3 per cent interest payable in no long time should be offered to the people. They would have been readily taken, no doubt, in that way, a safe investment and a convenient one. They who invest in Government bonds by paying high rates of premium make a computation running through a long series of years upon a rule that but a few of us perhaps could readily apply. At least they are men who have considerable means and make large investments, not the ordinary plain people whose money is commonly stored in savings banks for security.

But there is another thing to be said in respect to a popular loan. Where is the gold to come from? Have the people hoarded away gold in the stocking, and are we to withdraw it by a popular loan? Impossible. Very little gold is to be found among the people. The gold is in the institutions which have such facilities for collecting it and opportunities for keeping it in safety. Not much gold is to be found in the ordinary movement of trade and commerce even in the larger cities.

But, sir, let me show another fact, which I will summarize in this way: To have invited a popular loan under the circumstances in which we were placed would have precipitated the evil which it sought to avert. Before the number of days would pass when the bonds could be issued the Treasury would have suspended payment. I am going to try to make that plain by figures.

I ask attention, first, to the issue of bonds proposed in January, 1894. It was the first of the two preceding loans which the Secretary of the Treasury made to sustain the public credit. That loan was invited on the 17th of January. The bids were to be and were opened at 12 o'clock noon of the 1st of February, and the award of the bonds was made on the 3d of February. The final payment, when they were to be delivered, was after ten days, I believe—ten days on the average, though in fact final payments were not received until the 5th of last March.

Now, let me offer this table to be printed with my remarks. It is a table showing the daily withdrawals of gold for United States notes and Treasury notes between the date of the announcement and final payment for the first issue of bonds in 1894. On the 18th of January there was very little withdrawn, \$21,000. It ran along until the 23d, when there was a withdrawal of \$105,000. Then followed the usual business of the office in small sums until the 3d of February, when award was made of the bonds, pursuant to the invitation and the bids. On that Saturday was suddenly drawn, as against \$3,800 the third day before, \$5,000 the second day before, \$21,000 the day preceding, the large sum of \$2,256,380. On Monday, the 5th, \$5,980,000; on the 6th, \$5,076,000; on the 7th, \$1,002,000; on the 8th, \$1,152,000; on the 9th, \$1,108,000.

Daily withdrawals of gold for United States notes and Treasury notes between the date of the announcement and final payment for the first issue of bonds in 1894.

Date.	United States notes.	Treasury notes.	Total.
January 18	\$2,770	\$18,500	\$21,270
January 19	2,438	7,700	10,138
January 20	5,064	7,500	12,564
January 21	17,917	5,100	23,017
January 22	255	105,380	105,635
January 23	5,868	15,200	21,068
January 24	2,809	6,600	9,409

Daily withdrawals of gold for United States notes, etc.—Continued.

Date.	United States notes.	Treasury notes.	Total.
January 26	\$11,680	\$200	\$11,880
January 27	3,390	5,100	8,490
January 28	410	15	425
January 29	1,007	7,000	8,007
January 30	985	3,160	3,845
January 31	109	5,000	5,109
February 1	8,911	12,665	21,576
February 2	151,900	2,104,480	2,256,380
February 3	3,800,137	2,119,940	5,920,077
February 4	2,635,598	2,440,870	5,076,468
February 5	777,650	224,375	1,002,025
February 6	811,356	341,180	1,152,536
February 7	890,584	247,965	1,138,549
February 8	535,678	146,400	682,078
February 9	333,185	41,800	374,985
February 10	208,654	35,010	243,664
February 11	235,295	211,680	446,975
February 12	9,543	5,745	15,288
February 13	241,075	68,130	309,205
February 14	2,061	6,800	8,861
February 15	23,636	47,995	71,631
February 16	27,565	41,650	69,215
February 17	9,420	28,050	37,470
February 18	140,238	20,235	160,503
February 19	5,582	2,240	7,822
February 20	5,222	12,000	17,222
February 21	27,822	19,300	47,122
February 22	11,363	27,205	38,568
February 23	82,117	119,000	201,117
February 24	366,749	51,150	417,899
February 25	548	18,010	18,558
February 26	182,291	12,735	145,036
Total	11,619,222	8,592,505	20,211,727

\* Awarded.

First money deposited February 1; final payment, March 5.

OFFICE OF TREASURER UNITED STATES,  
February 4, 1895.

So that in six days, beginning with the day of the award of the bonds, and before the time when payment was to be made for them, there was drawn out from the Treasury \$16,576,015. What would have been the condition of the subtreasury with its \$9,700,000 only of available gold coin on the 2d day of February if, instead of making a contract with Europe, the Secretary had invited a popular loan, to effect which every dollar of gold would have gone before he would have had returns? The popular loan would in all probability have precipitated calamity.

Mr. SHERMAN. Will the Senator allow me to make a suggestion there, if I do not interrupt him? I do not wish to do so.

Mr. VILAS. Certainly I will.

Mr. SHERMAN. In all the propositions I have made for a popular loan I have connected with it also a loan to be made for gold coin in aid of resumption. At every session for the last four or five sessions I have endeavored to have that proposition carried into law, so that the Department would have not only the three classes of bonds provided by the refunding act but would have a gold bond payable at 3 per cent interest upon which the Secretary of the Treasury could have readily negotiated at any time during his term and he could have connected with it a popular loan, intended to supply a deficiency in the revenue and not in aid of the resumption fund. I will add that it is the fault of both parties that this authority has not been granted, but it is chiefly the fault of the Democratic party.

Two-thirds of the members on this side have been at all times ready to vote for such a bill, which would have provided ample means for the supply of gold for resumption and for the deficiencies of the Government. I was not present awhile ago, but I understood the Senator referred to me in regard to this matter. I wish it to be distinctly understood that the burden, the onus, I may say, of this condition of affairs rests with the majority on the other side of the Chamber and not on this side.

Mr. VILAS. Mr. President, it is one of the pitiful things about all our discussions in respect to the finances that we can not talk for a moment about conditions but what somebody says from one side or the other, "It is your fault and not ours." Whose fault it was I do not care to discuss, but I think, if we should enter into that discussion, the whole consequences the nation has endured can be charged directly to the vicious legislation of the Republican party with which we have had to struggle in the last two or three years. I do not care to discuss that question. I do not care to enter into this line of controversy. I was alluding to the facts. I had drawn no question between parties at that time, but I called attention to events then imminently pressing upon the President and the Secretary of the Treasury.

Mr. President, I have already stated, perhaps during the absence of the distinguished Senator from Ohio, that he had offered measures of relief which I heartily wish had been adopted. I believe if the Secretary of the Treasury had been equipped with the authority mentioned by the Senator from Ohio at an earlier date, in ample time, as he ought to have been, he might have made popular



loans sufficient to meet the contingency long in advance. I have shown already that such is not at all the condition now. I have carefully shown how, while Congress was in session and the President was appealing in successive messages for a suitable measure to enable such action without the thought of a foreign loan, resistance to every suggestion, the impossibility of any legislative aid, had finally driven us to the condition when the subtreasury in New York did not contain gold enough to last for the first three days under the demand precipitated upon the Treasury by the loan beginning in January, or notified first in January, 1894.

Mr. ALDRICH. Will the Senator from Wisconsin allow me to ask him a question?

Mr. VILAS. Yes, sir; although I hope not to be too much interrupted, because I want to present what I have to say with the least interference.

Mr. ALDRICH. I think the question will be along in the line of the Senator's argument. Does he believe that at the time this loan was negotiated a popular loan of a 4 per cent bond upon a 3 per cent basis would have been a successful one?

Mr. VILAS. I have already been arguing upon that point, perhaps during the Senator's absence; I have been arguing that in their nature bonds which could only be sold at a high premium in order to adjust a certain rate of interest can not be available for a popular loan. The people do not want such bonds, nor will usually accept that kind of security. It is men of large means, accustomed to considerable investments, who make such loans.

Mr. ALDRICH. If the Senator will permit me another remark, when he considers the fact that in November people were ready to take \$154,000,000 of bonds on a 2½ basis or a 2¼ basis, does he not believe that they would have been willing to have taken \$60,000,000 of bonds, at least, upon a 3 per cent basis, two months later?

Mr. VILAS. No, sir.

Mr. ALDRICH. A better bond and a much more desirable bond for investment?

Mr. VILAS. No, sir; to have called for a popular loan on that basis at the time when this loan was made would have brought about specie suspension in three days.

Mr. ALDRICH. How?

Mr. VILAS. By the demands upon the Treasury to get the gold to pay for it.

The trouble is that the Senator from Rhode Island was not present, and I do not wish to repeat my argument, but I have already shown that there was available less than \$10,000,000 in coin money, and even that was all subject to demand upon certificates of deposit, and that during the first three days after award of the bonds under the loan of last year, when there was no such condition of alarm or excitement as there is this year, more by \$3,000,000 than that amount of money was withdrawn from the Treasury.

Mr. ALDRICH. I want to call the attention of the Senator to the fact that he leaves out of his calculation two very important elements in the consideration of this question. In the first place, he excludes the gold bullion, which the Treasury Department naturally and properly considers more valuable than gold coin, from the fact that that Department has been perfectly willing to allow gold coin to go out of the Treasury and has been holding on to that bullion to the extent that it was possible to do so.

Mr. VILAS. I am not willing to be called upon again to repeat argument. I have already set forth the entire particulars in respect to the gold bullion in a table which has been presented that gives every item.

Mr. ALDRICH. But the Senator is willing to admit, I suppose, that for the purposes of redemption of United States notes gold bullion was equally valuable with gold coin.

Mr. VILAS. Equally valuable, but not equally available.

Mr. ALDRICH. Equally available.

Mr. VILAS. No.

Mr. ALDRICH. It could be exchanged in twelve hours in New York City for coin at any of the banking institutions in that metropolis. The Senator knows that, I suppose, as well as anyone else.

Mr. VILAS. The Senator from Rhode Island knows that it could be done only by a loss to the Government.

Mr. ALDRICH. Certainly there is no loss to the Government.

Mr. VILAS. Certainly there has been in some cases.

Mr. ALDRICH. There is not a banking institution in the United States which holds gold coin which would not be glad to exchange it for gold bullion and prefer to do it.

Mr. VILAS. That fact shows that the bars are worth more than the coin.

Mr. ALDRICH. They are worth more than coin.

Mr. VILAS. To redeem with them would therefore impose a loss. Besides, gold bars are not available to the use of the people if appealed to for what is called a popular loan.

Mr. ALDRICH. Mr. President—

Mr. VILAS. I decline to be interrupted further. I must proceed with the discussion.

Mr. ALDRICH. Will the Senator allow me to have a dispatch read which has just been received?

Mr. VILAS. I do not wish to be interrupted in my argument and turn it into a colloquy upon something I am not discussing, and to be called upon to repeat what took place while the Senator from Rhode Island was not in the Chamber.

Mr. ALDRICH. It is a dispatch in regard to the present price of these bonds in London.

Mr. VILAS. I am coming to that subject by and by, and shall be very glad to have the Senator's statement then. I will presently reach that.

Mr. President, I proceed on the line in which the Senator from Rhode Island interrupted me. Let me further press the fact that a loan in this country would have been of no avail to assist the Treasury in its difficulties. It is to be noted by the table I present of the withdrawals in February, 1894, that between the 3d day of February and the 5th day of March, inclusive, when final payments were made, the Treasury had to give up \$20,211,000 of the very money which was borrowed, more than one-third of the \$58,000,000; so that in reality less than two-thirds of the amount agreed was actually realized for the loan made. Worse still was the result of the next loan, the loan of November, 1894. On the 18th the Secretary of the Treasury invited bids to be received until the 24th of November. On that day bids were opened and the loan awarded. It was awarded in one sum; but, as everybody knows, the bidder was a syndicate of bankers, who were representatives of investors, combined merely for convenience.

Between the 14th of November and the 4th of December—that was the date on which payment was to be made for the bonds—there were drawn out almost \$10,000,000. It would have been much more but for the reason that it was understood and agreed with the Secretary of the Treasury when that loan was made that there should be no such resort to the Treasury as had been experienced during the previous loan. That was an understanding, of course, difficult for the syndicate to carry out, difficult for them to enforce upon all who were beneficiaries of their combination.

The Secretary himself put a check on withdrawals for the time being by giving out his purpose to advertise the names of those who should withdraw gold in large amounts pending the transaction. I am uncertain as to the date. Intimation of his purpose to advertise to the public the names of those financial institutions which thus made a run, as it were, upon the Treasury produced some temporary effect. Ten millions only were withdrawn during the currency of the arrangement. That sum would have exhausted the coin in New York on the 2d of February.

But, after all, what good did it really do?

I offer a table which completes the one I first introduced, showing the entire withdrawals of gold from the 1st day of December to the 16th day of January, inclusive:

United States notes and Treasury notes redeemed in gold from December 1, 1894, to January 16, 1895.

Date.	United States notes.	Treasury notes.	Total.
1894.			
December 1	\$317,656	\$12,056	\$329,712
December 3	808,608	33,283	841,891
December 4	1,623,673	57,100	1,680,773
December 5	1,144,622	40,535	1,185,157
December 6	1,200,671	15,160	1,215,831
December 7	1,784,017	20,870	1,804,887
December 8	828,547	3,425	831,972
December 10	1,356,879	17,175	1,374,054
December 11	816,348	150,300	966,648
December 12	2,177,709	14,175	2,191,884
December 13	1,486,770	23,273	1,510,043
December 14	4,569,998	378,250	4,948,248
December 15	273,229	10,870	284,099
December 17	3,411,504	24,995	3,436,499
1894.			
December 18	1,863,311	26,770	1,890,081
December 19	818,675	31,063	849,738
December 20	581,127	21,050	602,177
December 21	1,443,390	29,370	1,472,760
December 22	29,267	3,450	32,717
December 24	47,200	9,933	57,133
December 26	585,257	64,710	649,967
December 27	320,160	5,305	325,465
December 28	1,455,690	32,080	1,487,770
December 29	503,595	45,000	548,595
December 31	811,660	17,350	829,010
1895.			
January 2	1,728,028	22,295	1,750,323
January 3	407,546	18,185	425,731
January 4	2,319,560	41,900	2,361,460
January 5	1,350	30,700	32,110
January 7	23,708	15,545	39,253
January 8	94,140	16,235	110,375
January 9	16,802	52,600	69,402
January 10	1,215,503	44,550	1,260,053
January 11	2,455,690	122,285	2,577,975
January 12	5,851	21,406	27,256
January 14	70,815	25,005	101,820
January 15	1,200,853	10,200	1,211,053
January 16	530,642	50,100	580,742
Total	40,995,180	1,528,562	42,523,742

OFFICE OF THE TREASURER OF THE UNITED STATES,  
February 16, 1895.

<i>Total withdrawals of gold from December 1, 1894, to February 13, 1895.</i>	
United States notes.....	\$77,567,380
Treasury notes.....	3,218,922
Total.....	80,786,302
<i>Exports of gold during same period.</i>	
1894, December.....	9,802,389
1895, January (about).....	26,000,000
February (about).....	1,050,000
Total.....	36,852,389

OFFICE OF THE TREASURER OF THE UNITED STATES,  
February 16, 1895.

From this it appears that, although purchasers of bonds mainly withheld their withdrawals until after the bonds were issued, procuring gold elsewhere for payment for the bonds on the 3d and 4th of December, yet during the month of December about \$32,000,000 were taken from the Treasury while the amount exported was less than \$10,000,000. The total amount taken from the Treasury between the 1st day of December and the 13th day of February was \$80,786,000, as stated yesterday by the Senator from Delaware [Mr. GRAY], although I then answered him by mistake—thinking he inquired only up to the time of the President's message—sixty-nine or seventy million dollars. The amount of exports during that period of time was but \$36,852,000.

Before the Treasury was aware of anything like a run being made upon it over \$42,000,000 of gold had been withdrawn. For what? Not for hoarding. It was not in the banks. On the 1st of December the banks held gold to the amount altogether of \$96,000,000, and on the 1st of February they held only \$83,000,000—\$13,000,000 less. This money was withdrawn by those who had invested in the bonds, who had furnished gold for the time being to the syndicate, borrowing it somewhere, and proceeded to the Treasury to take it back again to return to the temporary lenders.

Thus in two months more gold was withdrawn from the Treasury than had been loaned to it in November by \$22,000,000, yet but \$36,000,000 were withdrawn for export. More than \$43,000,000 were withdrawn in that period either to replace the gold which had been borrowed in order to take the bonds issued in November or for the purpose of hoarding when the run began. It is perfectly clear that of the \$58,000,000 nominally borrowed upon the bonds issued, the Treasury did not get actually one-half in genuine addition to its stock of gold.

Mr. President, is it not entirely obvious that here was an impossible mode of relief to the Treasury for its real necessity? This has been matter of continual assertion by the very gentlemen who now criticize. The distinguished Senator from Colorado [Mr. TELLER], whom I see in his seat, I remember well, criticised the first issue of bonds, because it would amount to only taking gold out with one hand and putting it in with the other, an endless chain of operation. So it has been; simply taking out gold and then putting it back, but with a new issue of bonds required for each revolution of the chain.

Mr. TELLER. That is the case now.

Mr. VILAS. Mr. President, whatever may be the future, that was assuredly the result of the two loans which were made, and there is but one way in which a popular loan could have averted the impending calamity. If we could have issued perhaps two hundred and fifty or three hundred million dollars, and had that amount of money poured into the Treasury, although in the form of greenbacks, the greenbacks could have been held there, and the amount would have probably been sufficient, with what banks held in reserve, to stop the means of drawing the gold. It would have been, in other words, the forced retirement of the greenbacks to a practically sufficient amount by the Executive. In that manner perhaps a popular loan might have resulted in checking the drain of gold, though at the cost of great and sudden contraction of the currency. But for the purpose in view a popular loan would have been as futile as it is to argue with anybody whose mind is fixed on this subject of silver.

What was the trouble, or the main trouble, of the Treasury? It is forced by our laws to stand as the great supplier of gold for export. We have so devalued our currency that everybody who wants gold proceeds at once to strip it from the Treasury of the United States. We oblige the Government to furnish gold for export whenever the rate of exchange makes it profitable for bankers to export gold. There are men who are ready to take advantage of every turn in the rate of exchange; their business is to make \$1,800, as the Senator from Delaware said yesterday, when they can make it by exporting a million dollars of gold.

What do they care that the Treasury of the United States loses \$20,000,000 of money if they can make \$36,000? That is not their care. Their business is to deal in the exchanges of the world, and it is the duty of those who regulate banking institutions, like the Treasury of the United States, to guard against it. We have no right to complain of it. It is not their fault; it is our fault that when the conditions make it favorable to export gold they can take it from the Treasury to export. So the very first element for a successful contest which should countervail the afflictive condi-

tions presented to the Treasury was that the rate of exchange should be set the other way. It required the Secretary to establish a Government credit in Europe; that was as necessary to effective relief as it was necessary to do anything at all. There was no relief open to him otherwise. It must be done by withstanding the tide of exportation.

Mr. President, was not that the common speech of intelligent financiers whose attention was attracted to our condition during the month of January? Was not everybody who was capable of thinking upon the subject ready to say at once, "There is but one remedy for the United States; this endless chain will move every dollar of its gold unless a credit is established on the other side of the water, whether the exportation goes?"

Sir, there was another reason why a popular loan would have had considerable difficulty in this country. I do not look upon it as a reason so important as the last which I mentioned and discussed, but one of much weight. Both the preceding loans had inflicted substantial losses upon the men who furnished money to the Government. The first loan, in February, 1894, was made at the rate of \$117.223 for every \$100 bond.

Mr. McPHERSON. What was the interest?

Mr. VILAS. The interest being 5 per cent on \$100, but in reality producing to the purchaser of the bond an interest of the slightest shade under 3 per cent.

But though the holders of those bonds had bought them at that price, it did not help the United States except to temporary relief. The Government was obliged to go again to the market, and like many a spendthrift heir of a rich ancestor, it found itself obliged to pay more the second time. It offered bonds of the same character as before, and the bid was \$117.07. So there was a difference of 15 cents on the \$100 in that loan between what was offered then and what had been given before; but the loan operated some temporary effect, and purchasers of those bonds thought they had done pretty well. The bonds went up to 119.

That price held but a few days, and then down went the bonds as one went the gold, and by the time we realized the necessity for further action, the price of those bonds was 114 in the market. So, for every man who had invested \$117.22 there was already a loss of \$3.22; for every man who had invested in December \$117.07 there was a loss of \$3.07; going into many thousands of dollars upon the total amount of \$58,000,000 received on each loan.

Mr. President, that was not a comfortable outlook for a popular loan. True, in November there were offered \$178,000,000. But the conditions had much changed; and if the amount to be taken was limited to the immediate need, so as to impose the least burden of interest upon the people, it was necessary to go abroad.

But there was another thing to consider. The chance for a successful popular loan was then, is now, matter of speculation. No one can fail to answer what would have been the consequence of its attempt and its failure—our calamity would have been utter and complete.

I spoke of the advantage of controlling the rate of exchange. That advantage has already been enjoyed. By the terms of this contract it is provided that for a considerable period, six months, long enough, it is to be hoped, to cover all the needs of the country, 300,000 ounces of gold are to be shipped to us every month. Thus, there will stand the coming of 300,000 ounces of gold month after month against the tendency to an unfavorable rate of exchange. The effect has already been felt. There has been a cessation of demand—that is perhaps too absolute a word—but a vast diminution of gold exportation.

Another result is fairly to be expected, and so far has been enjoyed, a result which will extend its benefits to a great many people in this country as well as to the Treasury itself. If we restore abroad confidence in the purpose and the power of the United States to maintain the standard of value upon which our debts are based there will be a cessation of the return of American securities. American securities have been coming back upon our market ever since the panic of 1893. It has largely contributed to cause the unfavorable rate of exchange, causing gold exportation.

Mr. PETTIGREW. I should like to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. VILAS. Yes, sir.

Mr. PETTIGREW. I should like to know if the Senator can inform the Senate of the amount of American securities which have been returned to this country, and as to whether they exceed the amount taken on the other side during the last few years.

Mr. VILAS. I am not able to give the distinguished Senator an answer to the question except that I saw it estimated by an exporting banker in New York at \$90,000,000 in the year. It is a difficult thing to estimate—I suppose impossible of accurate ascertainment with any means of statistical information at hand.

The tables which I have introduced show, and it is the understanding of all financiers, that there is one thing especially necessary to our financial ease.



This Government is able to support the four or five hundred millions of promises to pay which we have printed on silver discs instead of paper flats. It is able to support and carry all the promises which it has issued, but it can not continually maintain gold redemption without the aid of Congress and the people. It can not maintain that gold redemption under such circumstances as we have been passing through without an immense supply of gold, nor finally unless confidence shall be restored in the markets of the world. It is necessary that the markets of London, Vienna, Paris, Berlin, Brussels, or wherever else American securities are offered at the boards of trade shall be unaffected by fear that what is promised to be paid in gold is to be discharged in silver worth but half as much. If that element is eliminated from the markets of the world, American securities will be valued there, as here, by a correct and just understanding of what is at the bottom of them financially.

There has been much criticism of the price which was paid for the gold, or received for the bonds. I believe never were bonds issued by the United States without that criticism being made. Nobody as Secretary of the Treasury in the history of our Government has ever issued bonds but that he was subjected to the unjust suspicions which, in the minds of some people, are likely to attach to large transactions. It is almost inevitable that any transaction of this kind shall be followed by an improvement in the price of the securities. If it be not, then the Government would have made a bargain that it ought not to desire. The Government of the United States ought not to wish to obtain money from those who supply its necessities on such terms as will impose loss. It would be degrading if it were so. Always it is to be expected that bonds will rise if the credit of the Government is maintained. That is peculiarly the condition in this transaction. Here we had a very perilous exigency, naturally depressing price at the time.

I ask the Senator from Rhode Island now to give me the information as to price he wished to.

Mr. ALDRICH. I will say to the Senator that the issue price is 113½ plus commission.

Mr. VILAS. That was met fairly by the New York Tribune article read yesterday, which says that 112½ in London is equivalent to only 109½ in New York. If those bonds do not go up in London to 120 the advantage derived from this contract will be less than I now expect.

Mr. ALDRICH. Do I understand the Senator from Wisconsin to contend that the advantages to the Government and the people of the United States would not have been so great if the bonds had been sold at the market price instead of being sold to this syndicate at 8 or 9 or 10 per cent less than the market price?

Mr. GRAY. What is the market price?

Mr. VILAS. The Senator from Rhode Island assumes at once that the market price was more than the bonds were sold for. It was not. It was just what they were sold for.

Mr. ALDRICH. I believe that a thousand millions of the bonds of the United States could upon that day have been sold by public subscription for 10 per cent more than the price which the President received.

Mr. GRAY. There is the Senator's belief again.

Mr. VILAS. If the distinguished Senator from Rhode Island had only happened to have been in the position of Secretary of the Treasury perhaps his belief would not have been so buoyant as it is when it is announced under the influence of partisan criticism. There is no justification for the proposition that the market price was a particle above what was paid, and I will prove it by the history of the negotiation. I have already called attention to the fact that the 5 per cent bonds of the United States had fallen in value until there was a loss of \$3 and upward on every hundred dollars invested.

Mr. ALDRICH. Will the Senator from Wisconsin be kind enough to suggest to the Senate why they had fallen in value?

Mr. VILAS. If what has been said here in respect to the condition of the loan last made and the way in which it was made does not explain it, it is impossible to explain it.

Mr. ALDRICH. Is not the Senator from Wisconsin aware that the Administration, after having sold those bonds to certain bankers in New York, made a proposition that all the bonds which were then held as security for national-bank circulation should be put upon the market within three or four months?

Mr. VILAS. Oh, I decline to be interrupted by that sort of talk. If the statement be founded on fact, the fact had no more influence on the price of bonds as compared with the conditions which I have been exhibiting to affect that price than a zephyr would have against the north wind. I think the criticism not supported by substantial fact.

Now, I wish to go a little further into the question of price. I have shown the fall of the bonds previously issued. I ask anyone who observed the newspapers during the time if it was not the common talk in the financial centers of the country that the next loan of the United States would have to be at 8½ per cent. It was

the rate generally spoken of, in recognition of the conditions which had ensued to the purchasers of the former bonds.

Mr. President, let us look at another matter. At the time when this contract was made, it was a part of its value, one of the necessary conditions, as I have shown, that the gold should come from Europe. Now, at that time, the rate of exchange was about 1 per cent against the movement of gold from Europe to the United States. It was stated in the article in the New York Tribune at 1½ per cent. Therefore if the Tribune is correct I put it moderately. At 1 per cent the persons who agree to move \$32,500,000 of gold to the United States will be obliged to pay \$325,000 for that loss, besides expenses of transportation. More than that they undertook practically—and that was explained in the article read yesterday—during a period of six months from the date of the contract, or from the 1st of February until the 1st of August, to maintain as far as possible a rate of exchange that would not export gold from the United States. They had to take the chances of encountering the financiers, the bankers of the world, the mischances and misfortunes that might befall any such transaction.

Of course, men abroad would not look at this without contemplating some element in the price that would cover those risks. Moreover, we were going into the markets of Europe to buy gold, and what they were willing to fix as the price for what we had to offer, we had to pay. We had to give them coin bonds, and they were not willing to pay us more gold for the coin bonds than at the rate named. We were not making a loan; we were not borrowing money; we were not simply seeking to get money into our Treasury. We were asking those men in Europe who had gold in their coffers to sell us that gold at once.

Mr. ALDRICH. Does the Senator from Wisconsin think the Secretary of the Treasury or the President would have been justified in paying \$16,000,000 premium for \$62,000,000 of gold which they desire to get at this time?

Mr. VILAS. Mr. President, whatever premium the Secretary of the Treasury was obliged to pay in order to get gold under those circumstances it was his duty to pay.

Mr. ALDRICH. Does the Senator think that it was necessary to pay \$16,000,000 premium?

Mr. VILAS. I have not the slightest doubt of it, with the coin bonds only to offer.

Mr. ALDRICH. Suppose the President had—

Mr. VILAS. And if the Senator from Rhode Island, instead of standing here to carp at a transaction already completed and finished, had put himself at one end of the Atlantic cable, as the Secretary of the Treasury practically did, through and with the aid of the greatest bankers in New York, and had cabled, as was done for days, to every money market in the world, trying in every way possible to get a reduction of the rate, he would perhaps have had a different opinion himself in regard to the possibility of getting the gold at such prices as he wanted it.

Mr. ALDRICH. If I as a business man had \$36,000,000 of legal-tender notes in my treasury and desired \$62,000,000 of gold from Europe or anywhere else, and if I could not have secured it by the payment of less than 1 per cent premium I should have felt like retiring from business.

Mr. VILAS. Mr. President, it is always the misfortune of the world that the ablest men are those who are not employed to discharge its great transactions.

Mr. ALDRICH. Does the Senator mean to say that the Secretary of the Treasury, having \$86,000,000 of legal-tender notes in his possession and subject to his use, could not have bought gold in any market of the world at less than 1 per cent premium?

Mr. VILAS. The Senator from Rhode Island can indulge in whatever speculation he sees fit.

Mr. ALDRICH. I ask the Senator from Wisconsin for his opinion. He is expounding this question from the Administration standpoint, and I desire to ask him whether he believes that the Secretary of the Treasury could not have obtained gold at less than 1 per cent premium if he had attempted it?

Mr. VILAS. The Secretary of the Treasury did not pay one fraction of 1 per cent premium for gold.

Mr. ALDRICH. The Senator from Wisconsin has just been saying that this was not a borrowing transaction; that the Secretary was not desiring to negotiate bonds, but that he desired gold to increase his reserve. I say that he could have gone into the market and obtained gold from the Bank of France, or the Imperial Bank of Germany, or the Bank of England with the legal-tender notes in the Treasury at less than 1 per cent premium, including all the expenses of the transaction.

Mr. VILAS. I do not see that the opinion the Senator from Rhode Island may hold on that subject affects it.

Mr. ALDRICH. Gold is not at a premium in any country of the world as compared with the notes of the United States.

Mr. VILAS. I do not mean the slightest disrespect for the Senator's opinion when I say it does not make a particle of difference. The Secretary of the Treasury was not equipped with his judgment or opinion or with his help. The Secretary of the Treasury

stood in the face of a disaster impending upon the country so imminent that from the black thunder cloud the lightning stroke was almost ready to descend. Was he, under such circumstances, to delay more days before he concluded this transaction lest there should be a fraction of a cent per cent somewhere that he could have saved? There are times in the history of nations, in peace not less than in war, when great consequences to a people depend upon instant, prompt action, and he whose arm is palsied or whose judgment flinches or quivers from decision under such circumstances is not worthy to be intrusted with high power.

I, sir, am one of those who believe that we owe a debt to the Secretary of the Treasury and the President and his Cabinet for assuming under the conditions in which they were placed to take the action they did, aware as they must have been that they would be held up afterwards to every criticism and charge that partisanship could aim against them. Sir, I am handed to read what even the New York Tribune says in an article read yesterday, and I repeat it, it is so direct, for it serves to show that other men, even in the party of which the Senator from Rhode Island is such an able and distinguished leader and representative, hold different opinions:

No plan that did not provide for getting gold from Europe, and that did not also provide means to check shipments of gold to Europe, could give the Treasury one dollar of permanent relief. This undertaking to change the whole course of exchange must necessarily be expensive, but the syndicate can do it, and the Treasury is accordingly benefited.

Mr. ALDRICH. The note read by the Senator from Wisconsin is not the language used by the New York Tribune, but is a quotation from a statement furnished by the syndicate in justification of their sale of gold to the Government at this price. It is a semi-official statement furnished the newspapers, and the Tribune published it as a matter of news, as all the other papers did.

Mr. GRAY. The Tribune indorsed it, if the Senator will read the rest of the article.

Mr. ALDRICH. There is no indorsement of it. I will read what the Tribune says about it:

The work that the Belmont-Morgan syndicate will have to accomplish in order to control the foreign exchange market so that rates will be kept below the gold-exporting point is explained in the following paragraphs, which were obtained from a member of the syndicate and circulated by a financial news agency.

Mr. GRAY. Does not that give the judgment of the New York Tribune that the transaction is explained by that statement.

Mr. ALDRICH. If that is a justification and a commendation the language is certainly not very emphatic nor very definite.

Mr. GRAY. Explanation and justification are two different things.

Mr. VILAS. A word now in respect to the history of the negotiation. I called attention to the fact that on Thursday, the 31st day of January, announcement was made in the papers of New York that the Assistant Secretary of the Treasury, Mr. Curtis, was in that city engaged in negotiations with a syndicate representing foreign bankers. From that time on until the 8th day of February, when the contract was signed, that negotiation was in progress. During that period of time, from the beginning of it, cablegrams were sent to Europe, to London, Paris, Brussels, Berlin, Vienna, to every seat of the great money exchanges of Europe.

Invitation was extended to every source from which it was thought possible that gold might be obtained. They were asked to take the 5 per cent bonds and name what possible price was the lowest that would be received. They refused those bonds. They were asked to name it in the 4 per cent bonds. The answer came, and it came without exception from four or five different cities—there was no underbid—that the 4 per cent bonds of the Government so computed as to make an interest of 3½ per cent was the lowest price that would be accepted for their gold.

Now, Mr. President, that was resisted—resisted, perhaps, because there was a belief entertained, such as the Senator from Rhode Island so freely expressed as his own, that there might be better terms achieved by longer continuance. It resulted as has already been shown. The press knew it, and the result of what was called a "hitch" in the negotiations instantly affected the market and renewed the run on the Treasury, although moderately. It seemed for a time that they were to be interrupted. It was feared, let me say, that, in the language of one of the bankers, the United States had already overstayed its time, and that it was too late to save the country from specie suspension. That entered into the element of price. Finally, on the 7th day of February, it was demanded, as a last attempt on the part of the United States, that the price should be 3½, which was refused. They would not furnish the gold for less than 3½.

Mr. ALDRICH. Was that proposition submitted to anybody except to Mr. Belmont and Mr. Rothschild?

Mr. VILAS. Oh, it was submitted to the great money kings of Europe.

Mr. TELLER. There was no such submission whatever.

Mr. VILAS. In respect to this matter I am giving information

which was furnished me directly from one who participated in the negotiation and whose word I believe implicitly.

Mr. TELLER. I should like to ask the Senator how then the bonds are worth 112 now?

Mr. VILAS. I will come to that in one moment and I think I shall make it perfectly plain. There was no man engaged in that transaction who did not desire to help the credit of the United States. The nature of the transaction was, one element of chiefest value was, that the Treasury of the United States did engage by the nature of the contract the aid of the great financiers of Europe to the support of the credit of the United States. What did they take those bonds for? To hoard? As is the way of their trade, they took those bonds to sell again. They are to be delivered from month to month during the six months of the performance of that contract; of course with allowance of interest during that time. They are thus to make their profit to compensate them for the cost of the shipment of gold to the United States, for holding the rate of exportation favorable to us, for all the risks and labor they undertake, they are to make their profit in the price at which they will sell their bonds to others.

Is it to be supposed that the United States were to go to Rothschild & Sons in London, or to the great bankers represented by Morgan & Co., of New York, and implore them to perform as a patriotic duty to the United States what her Representatives in Congress had failed to do? No. The Government of the United States was obliged to go to these bankers to buy gold, and it had to deal with them according to the exigencies of the situation. Of course it could not have been expected on the part of the Secretary of the Treasury that these bankers should not sell their bonds for more than they received. If they sold them for 109½ it would but pay a rate of interest equivalent to what other bonds of the United States were bearing, just about that. They would then have made but 5 per cent on the transaction as against the expenses of the shipment of gold, as against all the risks, as against all the necessary profits which such a transaction involved.

Mr. ALDRICH. Why does the Senator say these bonds would have sold at 109 if they had sold at the same rate other bonds of the United States were selling? On the day that transaction was made the fours of 1907, with twelve years to run, were selling at 110 to 110½. If these bonds had been sold at the same rate of interest, considering the length of time they had to run, they would have sold for 119 instead of 104½.

Mr. VILAS. That is a mere assertion on the part of the Senator from Rhode Island.

Mr. ALDRICH. It is an assertion capable of mathematical demonstration.

Mr. VILAS. It is an assertion. It is a mere opinion as to what those bonds were worth. The bonds which had been previously purchased from the United States under former loans had depreciated after they were purchased. Every banker who bought at either of the two former sales had met a loss if he had not first sold his bonds, and then the holder had. Of course, with the conditions in Congress the investment was a speculation, and necessarily so. The Secretary of the Treasury was not to blame for the fact that it was speculative. The result to their price depended on future contingencies. The bonds might fall as others had. It was one of the advantages of the transaction that the aid of great financiers was surely engaged to elevate our credit.

But, Mr. President, the Senator says the bonds have risen in value. I certainly hope they have. Let me say to him that other bonds have risen in value. All the bonds of the United States have appreciated since this transaction. The credit of the United States has ascended also.

Mr. ALDRICH. There has been no change, practically, in the quotation of bonds in the New York market or the London market since this contract was made.

Mr. VILAS. I think the Senator will find that he is mistaken; that they have risen from 1 to 1½ per cent.

Mr. WOLCOTT. I should like to ask the Senator if he thinks the price of fours has gone up because these bonds were sold at such a discount?

Mr. VILAS. These bonds were not sold at a discount. They were used to purchase gold at the best market price of the gold at that time in such bonds. It is a mere play upon words.

Mr. WOLCOTT. But were they not sold at 104.49?

Mr. VILAS. What is known in respect to the details of the transaction need not be repeated continually. Of course they were sold at 104½; that is to say, that was the price fixed as corresponding to a certain price fixed per ounce of gold; but the transaction was in every particular just what the statute authorized, a purchase of the gold coin.

Mr. President, one word in reference to this matter that was called to my attention in part by what the Senator from Ohio read yesterday. With whom were we dealing in this contract? With the house of August Belmont & Co. and with the house of J. Pierpont Morgan & Co. The house of August Belmont & Co. for many and many a year has been backed in this country by the



great banking house of Rothschild & Sons in London. The house of August Belmont & Co., headed then by the distinguished and able father of the present worthy son of the same name, stood by the people of this country in their time of great trouble; and also after the war, when we needed gold from Europe, the Secretary of the Treasury contracted with August Belmont & Co. to bring it to us from Europe. On the other hand its coadjutor in the negotiation, the partner of that house it might be said, was J. Pierpont Morgan & Co.

Who is Mr. Morgan? One of the foremost Republican financiers in the United States, a liberal and generous contributor, I have heard, to the campaign fund that was used to attempt to defeat the election of the present Executive in 1892, a leader in his party. I mention the fact only to show that in this whole business it was not politics, it was business, that the Secretary of the Treasury was conducting. He was not striving to make any political transaction, to get any political advantage. He was applying to the leading financiers of this country who are supported by the great houses of the world, and he had both sides to assist him in the transaction of business. He was dealing, sir, with as honorable men, as just, as upright, as trustworthy men in finance as this world knows. But, sir, it was business that was to be conducted; it was a necessity to be met, and the only available means were taken to meet it.

Mr. President, with what credit shall they be heard to criticise the terms of this contract who refuse to the people of the United States the saving of \$16,174,770 reserved to be saved in it at the option of the Congress of the United States? If a bond was worth but 3 per cent interest, if we ought to have paid but 3 per cent, why did we not accept the proffer at 3 per cent? How is it that men stand here to complain that the Secretary of the Treasury has sold a bond at 84 per cent, when but for their refusal to accept the terms secured it would have been at 3 per cent? Is it to be believed that the people of the United States, realizing the exigency in which the Administration was placed, are going to condemn them at the hands of critics of that character, who refuse these very millions that were stipulated for the benefit of the United States, as a privilege to be enjoyed at their option?

Mr. GRAY. Will the Senator from Wisconsin allow me to call to the attention of the Senator from Rhode Island the remark he made a while ago in reference to the article that was read by me yesterday from the New York Tribune, and which is found in the Post? He said that that was an explanation given by a prominent banker connected with the syndicate and did not express the views of the Tribune.

Mr. ALDRICH. I said there was no evidence that it did in the paper itself.

Mr. GRAY. Since then the junior Senator from Kentucky [Mr. LINDSAY] has handed me a clipping from an editorial in the Tribune of Sunday, which, if the Senator from Wisconsin will allow me, I will read for the benefit of the Senate and the Senator from Rhode Island. This is the editorial:

"SOME RESULTS."

The first effect of the bond transaction has been to put a premium on gold. By this one fact light is cast both on the expenses which the syndicate has undertaken to meet and on the probable effect of its operations upon the Treasury reserve. In order to get together the gold to be sold for bonds, the syndicate has to buy gold in open market here or abroad, and to pay a premium, which increases the cost of the bonds. It has also to regulate the market for foreign exchange, and to that end is liable at any time to be compelled to sell exchange at prices below those of other bankers, thus sustaining a loss which has also to be charged as part of the cost of the bonds. No doubt the able bankers who are in charge calculated on these and other losses and risks in fixing a price which they hoped would in the end bring them a profit, but it is only right to have in mind these with other items of the cost of replenishing the Treasury by such a process.

Mr. VILAS. Mr. President, I shall not occupy any more time in respect to the price of the bonds, except simply to refer to an observation of the Senator from Colorado who the other day quoted the price of bonds of some other countries, and concluded that the price at which our bonds were negotiated was lower, or the rate of interest was higher than that obtained in some other countries.

Mr. President, but a very few years ago, when the present Executive was in the same seat of office before, there was no country on the face of the earth whose credit rose higher than that of the United States under his Administration. If it be true that since that time, in the few years which have passed, the United States can not obtain money in Europe as cheaply as Egypt can, let them answer for it who have destroyed the national credit, or rather impaired it to that degree.

It was not the President of the United States or the Secretary of the Treasury, who, since their advent to office, have been forced to stand breast deep in the surge of trouble rolling over them and the National Treasury from causes engendered before their day of service began, that have destroyed the national credit. If, indeed, Egypt can borrow for less than we, it is because Egypt gives no uncertain sound in the honest promise she makes to pay. The United States can go into Europe to-day and borrow as cheaply as any country in the world, but if we will compete with others we have got to say in our words of promise what they say; we

must offer to pay in money which all the world knows to be good, dollar for dollar and cent for cent, with the promise.

Mr. WOLCOTT. I shall not interrupt the Senator again, but I wish to ask him this question: If it be true, as the Senator has stated, that other Governments can borrow money cheaper by agreeing to pay in gold, and we have to pay more because our securities are payable in coin, will not the Government of the United States be entirely justified in paying these particular bonds in silver or the money which is cheapest?

Mr. VILAS. Oh, no. Mr. President, I am astonished that the Senator from Colorado would even ask a question which I know he never would answer in the affirmative.

Mr. WOLCOTT. Did we not pay this enormous premium for this option? If not, for what did we pay it?

Mr. VILAS. We paid it because we had discredited to that degree our own promise.

Mr. WOLCOTT and Mr. TELLER. How?

Mr. VILAS. We had discredited it by casting a fear upon it, a fear in the money markets of the world in respect to the money of payment. To illustrate that, this very contract contains the agreement that if we would simply say "gold" we should have that money at 3 per cent flat.

Mr. President, notwithstanding these bankers manifest a shade of fear over their confidence, yet they have trusted us. Does the Senator from Colorado, does any man in the world, believe that they would have trusted us with this \$65,000,000 if they deemed it possible that the United States could return to them silver instead of gold? They had the word of the United States in this contract, given by the Executive so far as he could give it; they had it written in the statutes of the United States requiring always gold for loans; they had it in the statutes of the United States declaring it the established policy to maintain the parity of the two metals; they had it in the unblemished history of the United States through all the course of its years of honor.

Mr. President, I have heard criticisms of the fifth and last clause in the contract, which provides:

Fifth. In consideration of the purchase of such coin, the parties of the second part, and their associates hereunder, assume and will bear all the expense and inevitable loss of bringing gold from Europe hereunder; and, as far as lies in their power, will exert all financial influence and will make all legitimate efforts to protect the Treasury of the United States against the withdrawals of gold pending the complete performance of this contract.

I have heard that criticised. I think the Senator from Massachusetts said that that was for the United States to ask Rothschild & Sons to assist in maintaining our credit, and it was a dreadful thing to do.

Mr. LODGE. Does the Senator from Wisconsin refer to me?

Mr. VILAS. No; it was the Senator's colleague [Mr. HOAR] of whom I was speaking.

I have already pointed out in the tables introduced that when the former loans were made there were drawn out in both instances a very large share of the gold which was to be loaned from the Treasury itself. So, instead of deriving relief to the extent of the contract, the Treasury got not more than half of the relief stipulated, and perhaps not so much as that in the last instance.

In this case the contract provides within itself that it shall take six months to execute it. Would it have been anything but reprehensible in the Secretary of the Treasury not to have stipulated with these parties, in the light of his former experience, that they should not withdraw gold from the Treasury itself in order to execute the contract; that, on the contrary, they should assist to protect the Treasury in the benefits which the Treasury was contracting for? That mere suggestion answers all there is of such a criticism, and I pass from that.

Another point of criticism much insisted upon arises on that portion of the contract which provides that:

Second. Should the Secretary of the Treasury desire to offer or sell any bonds of the United States on or before the 1st day of October, 1895, he shall first offer the same to the parties of the second part; but thereafter he shall be free from every such obligation to the parties of the second part.

That was only a fair, a just consideration to the men who were purchasing this gold. This contract provided that they should not be required to deliver the last of the gold until August next. They would not receive the last installment of bonds until the last installment of the gold was delivered. They had seen the United States driven to new bonds within almost two months of a former sale, and the price of the bonds had gone down within two months of the sale. If the United States should, therefore, put into the market, in competition with the bonds they offered, a new issue of bonds, they might depreciate the market.

They asked only for two months after they had received the last installment of their bonds for an opportunity to sell them, or to give the United States at least as much for the bonds which might thereafter be sold as they could receive from anybody else, their purpose being necessarily to protect themselves in the market from a depreciation of the bonds they had purchased and which they had but two months to sell. It was a stipulation to guarantee the price of future bonds, not to lower it.

Mr. President, when the Senator from Colorado [Mr. WOLCOTT], in his usual eloquent and captivating fashion, assailed the President of the United States a day or two ago, and criticised the action taken because the price of the bonds was too low, and also because this was an attempt not to improve but to blacken our credit, to use his own words, I recognized that it was not unnatural, in the ardor of feeling for the cause which he has so long espoused, and with so much power and zeal, that he should be somewhat intemperate in the language he employed to criticize one who had done so much to prevent the country from going to the silver basis; but when the Senator from Massachusetts [Mr. LODGE] followed the Senator from Colorado, and again insisted upon the self-same points of objection which the Senator from Colorado had urged, only intensifying his language by using the superlative, I was not prepared to think so charitably of his phrase.

The Senator from Massachusetts represents a portion of the country which is as deeply interested in the maintenance of gold payments as any portion of the United States, a section of the country which as cordially upholds, I verily believe, in the hearts of all the people as in all its financial institutions, the action which the Secretary of the Treasury has taken as any other. He did not justify that portion of the people of this country when he, recognizing the duty to maintain gold payments, spoke of this contract, so necessary to that result, as the blackest public contract ever made. In what was it black? In no points of his suggestion black, save only what he iterated after the Senator from Colorado.

It is no blacker contract than those objections make it, if well taken. But they would not, if true, make it a black contract. If the price paid were high there would be no justification for calling it "black." If the price were inadequate criticism of the wisdom of the contract depends upon the circumstances under which it was made, and which I have tried to explain, as sufficient to justify whatever was necessary to make it.

I shall not detain the Senate much longer. I have already consumed much more time than I supposed would be necessary, but there is one feature of this contract to which I must make a passing and brief allusion.

Criticism has been made—I do not think I remember to have heard any member of the Senate do himself the discredit of making it here, but elsewhere it has been urged—that Mr. Stetson was concerned in this contract, and that Mr. Stetson was at one time a partner of the President in the profession of the law. Mr. Stetson is the head of the great law firm of Stetson, Bangs, Lynde & MacVeagh—if I give the names in their proper order—in New York.

One of the members of that firm is, I am informed—I know nothing more of it—a relative of Mr. Morgan, but, whatever the fact in that respect is, the firm has been for some time the ordinary legal advisers of the banking house of J. P. Morgan & Company. When this bargain was concluded, for the first time in its history Mr. Stetson, as the lawyer of the banking house, was called in to overlook the legal sufficiency of its formal enrollment and execution, simply to see that it was done in such manner as the law authorizes and would support in order to maintain the interest of his clients, and for no other purpose, and of course, as he was present at its conclusion, he signed his name as a witness.

This simple statement of facts is all that ought to be made. If it had not been that the thing has been the subject of the reckless tongue of slander, which loves to deal with great names, it should not have been mentioned here at all.

Mr. President, I introduced a bill here some days since in the hope that it might receive consideration. We need not say why it has not; and yet I think the bill which I introduced, fairly considered, requires no surrender of any principle or opinion in respect of the financial policy of the United States. It avoids every theory, every other plan or scheme of relief; it is addressed to the particular transaction already consummated in the contract by the Secretary of the Treasury, and, in words directly taken from the statutes of the United States, by which that transaction was authorized, and under which it proceeds, it simply proposes to transform the bonds to be issued from bonds at 4 per cent, payable in coin, to bonds at 8 per cent, payable in gold coin, with otherwise all and the same consequences.

It deals with no theory; it simply seeks to secure to the people of the United States the utmost possible saving in the circumstances in which the Treasury is placed by the agreement. The condition is inevitable, and no matter what opinion anyone may have of the contract it is surely to be carried out. Therefore, an opportunity was presented, on the one hand, to save to the people of the United States \$16,000,000 and upward, or, on the other, needlessly to lose it.

Mr. President, in what possible contingency alone can the United States regain that particular loss which has been inflicted upon the people by the refusal of Congress to authorize the bonds to be made at 8 per cent payable in gold coin, instead of 4 per cent payable in coin? In the one sole contingency that the United States shall repay to the holders of these bonds thirty years hence, with

the interest from time to time, money less valuable than gold, and less valuable than gold by more than \$16,000,000. There is no other possibility of escape from it.

But, sir, we are not asking or receiving money less valuable than gold. We demand specifically gold, not money less valuable, and can it be that any Senator of the United States could contemplate as possible, much more that he could calculate coolly, upon such an act of national dishonor and shame as that this country would force upon its creditors money less valuable than that which we receive; that we would compel the discharge of a debt for less than we took? I know it can not be possible. I know that no man in this Chamber would in sober judgment avow such a thing. To none should it be imputed. I wish not to debate what debate can only weaken, rather than strengthen. Yet, if in any quarter it shall be thought possible, let the great facts of our history be recalled.

When our forefathers, in comparative poverty, exhausted by seven long years of war with the greatest power which earth could send against them, took their first great step of character and policy in national finance under their new formed Government, what was it? To assume at their full face obligation all debts of every State which had been contracted in defense of independence, regardless of the hard terms of their origin, their depreciated market value, of all the sophistries or reasons which might support the gain of their dishonor, and the nation paid them all in full, to its honor and glory.

Again, sir, when the trials, the charges, and burdens of our late civil war had stripped our people so largely of the gathered fruits of years, and piled what seemed such a mountain weight of debt upon our backs, in the very hour of its heaviest oppression, this Congress responded to the patriotic pride of our citizens with the act of 1869, to declare that the public debt should be paid in the best money known to the civilized world, glorifying our national honor, our national good faith, and unflinching integrity.

Mr. TELLER. Will the Senator from Wisconsin allow me to call his attention to the fact that the public-credit act of 1869 provided for the payment of the debt in coin, exactly as our bonds call for?

Mr. VILAS. The public-credit act of 1869 did just what I said. It promised to pay the bonds of the United States in the best money known to the civilized world.

Mr. TELLER. Coin. That is what it promised.

Mr. VILAS. It was coin then indiscriminately. To pledge it now in coin and mean silver when you borrow gold is to ruin and destroy the public credit.

Mr. SQUIRE. I should like—

Mr. VILAS. I decline to be further interrupted. I am already weary with the time I have been on the floor, and I desire to finish.

The VICE-PRESIDENT. The Senator from Wisconsin declines to be interrupted.

Mr. SQUIRE. I do not desire to take any time. I merely wish to ask one question. I would ask the Senator if he is aware of a concurrent resolution which passed both Houses of Congress authorizing the payment of bonds in silver as well as in gold. Is he familiar with the fact?

Mr. VILAS. Oh, Mr. President, I do not want to stop—

Mr. SQUIRE. That is the concurrent resolution which was passed in 1878.

Mr. VILAS. I do not want to stop to discuss the details of a transaction the whole substance and effect of which was to declare the public faith of the United States pledged to pay in the best money then known to the world.

The VICE-PRESIDENT. The Senator from Wisconsin declines to be interrupted.

Mr. VILAS. The Senator from Washington can have the floor in a very few moments.

Mr. President, it is perhaps no time now, in the circumstances in which we are placed, to draw comparisons with other nations of the world. But let it be said, sir, for the people of the United States that they love their honor as they prize their liberty, and their sober judgment has never tolerated, it never will tolerate, the national reproach of the least equivocation in the nation's dealings with its creditors. That gentleman never lived, however high bred, honorable, and chivalrous, whose sense of honor and of shame was keener, higher, more sensitive than the public opinion of the freemen of America when challenged to activity by any question of its integrity. It sometimes takes great pain to awaken the quiet slumbering public opinion of the United States, not easily aroused to express itself, but in conclusion upon every great topic the public judgment of the people of the United States may be trusted for a sure result.

Sir, high in the heavens our country in its very youth flung out the declaration of its policy in national finance, blazoning like the cross in the clouds of Constantine's vision, in the words of good faith and honor; there it has since remained, there still it stands as yet undimmed, unsullied. And by that sign, sir, we have con-



quered—conquered our way in the world in all the peaceful struggle for supremacy, risen in rank, in power, in consideration, until now no nation looks down upon us from higher rank. Is it to be believed that the people of the United States will, for the gain of defrauding this particular creditor, now descend, in degradation, that scale of national place and honor?

Sir, thirty years must pass before these bonds shall come due, and upon another generation will rest the duty to maintain the unbroken faith and honor of our country. I have an implicit faith in that generation, sure that this is to be a rising, not a sinking world. But, sir, if, as must be thought possible, in order to reject for the gain of our country the privilege reserved in this contract, it lies in her future to return to her creditor less than was received, if indeed this great nation shall become capable of so debauching the national credit, repudiating good faith and defiling national honor, and so is to sink from its great place in the forefront of earth's family of States, I for one may thank God that I have not to live to see her shame.

Mr. SQUIRE. Mr. President, I do not intend to make a speech. I simply rose to refer to a matter which I intended to introduce by way of colloquy during the speech of the Senator from Wisconsin [Mr. VILAS] on the question of the payment of United States bonds. I merely wish to make the point that the claim on the part of the bondholders that it would be dishonest or discreditable to pay the bonds in silver is without foundation. The bondholders can not claim ignorance, as a concurrent resolution was passed by both Houses of Congress expressly declaring that all bonds payable in coin should be paid in gold or silver at the option of the Government.

The concurrent resolution was introduced in the Senate by Mr. Stanley Matthews, of Ohio, and passed on January 25, 1878, by a vote of yeas 42, nays 20. It was passed by the House of Representatives on January 28, 1878, by a vote of yeas 189, nays 79. Thus we see that by more than a two-thirds vote in each branch of Congress, the policy of the Government, at least so far as relates to the lawmaking power, was distinctly declared in this concurrent resolution. This was done after a full and fair discussion, lasting through many days, and there is no reason to suppose, so far as I have ascertained, that the executive department of the Government was not in full sympathy with the Congress of the United States on this subject. The relations between Stanley Matthews and President Hayes certainly were most intimate, and were known to be intimate.

I have in my hand the CONGRESSIONAL RECORD, and I send it to the desk and ask that the preamble and resolution as adopted be read.

The Secretary read as follows:

Whereas by the act entitled "An act to strengthen the public credit," approved March 18, 1869, it was provided and declared that the faith of the United States was thereby solemnly pledged to the payment, in coin or its equivalent, of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of such obligations had expressly provided that the same might be paid in lawful money or other currency than gold and silver; and

Whereas all the bonds of the United States authorized to be issued by the act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, by the terms of said act were declared to be redeemable in coin of the then present standard value, bearing interest payable semi-annually in such coin; and

Whereas all bonds of the United States authorized to be issued under the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, are required to be of the description of bonds of the United States described in the said act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt;" and

Whereas at the date of the passage of said act of Congress last aforesaid, to wit, the 14th day of July, 1870, the coin of the United States of standard value of that date included silver dollars of the weight of 412½ grains each, declared by the act approved January 18, 1837, entitled "An act supplementary to the act entitled 'An act establishing a mint and regulating the coins of the United States,' to be a legal tender of payment, according to their nominal value, for any sums whatever: Therefore,

Resolved by the Senate (the House of Representatives concurring therein), That all the bonds of the United States issued or authorized to be issued under the said acts of Congress hereinbefore recited are payable, principal and interest, at the option of the Government of the United States, in silver dollars of the coinage of the United States, containing 412½ grains each of standard silver; and that to restore to its coinage such silver coins as a legal tender in payment of said bonds, principal and interest, is not in violation of the public faith nor in derogation of the rights of the public creditor.

Mr. SQUIRE. As I said before, I did not rise to make a speech. I merely wish to make one remark. That the concurrent resolution was adopted by both Houses of Congress is a plain indication that it was the intention of the Government to give the bondholders to understand that they could be paid in either silver or gold dollars at the option of the Government.

While I have listened with great interest to the eloquent and forcible speech of the Senator from Wisconsin [Mr. VILAS], for whom I have great personal admiration, I may be allowed, without discourtesy, to say to him and the Senate that I believe the document just read is a full and complete answer to his entire argument, and no further words are needed in reference to the subject.

Mr. HAWLEY. I may be mistaken, but I think I am not, in

the statement that the Government of the United States never dared to offer payment of a single war bond in silver.

Mr. PLATT. Mr. President, the controversy of this debate for the last two or three days has drifted and surged backward and forward over the wounded body of our national credit. I shall not enter into that controversy. I shall not inquire as to who has been responsible for the wounds inflicted upon our national credit. I desire, however, to make some remarks in reference to the pending bill, and I think it may not be amiss to call the attention of the Senate back from the somewhat heated and, indeed, acrimonious controversy which it has been engaged in as to the responsibility for the sad collapse of our financial system.

The bill was introduced by the Senator from Arkansas [Mr. JONES] on the 23d of January, 1895. It was referred on that day to the Committee on Finance. It was reported on the 12th of February, only seven days ago. As originally introduced it provided in the first section that authority be given the Secretary of the Treasury to issue bonds of the United States to the amount of \$500,000,000, bearing interest at the rate of 3 per cent per annum, and to mature in thirty years from date, redeemable at the option of the Government after twenty years.

The second section provided that national banks might issue circulating notes to the par value of United States bonds deposited with the Secretary of the Treasury, and that the tax on circulation should be reduced to one-quarter of 1 per cent.

The third section provided that the national banking associations should not retire the whole or any part of their circulation without written authority from the Secretary of the Treasury.

The fourth section provided that hereafter national banking associations desiring to retire the whole or any part of their circulating notes shall, if so required by the Secretary of the Treasury, deposit with the Treasurer of the United States gold coin equal to the amount of notes to be retired, and each of the banking associations should at all times keep on deposit with the Treasurer of the United States, in gold coin, a sum equal to 5 per cent of its outstanding circulating notes, and the same to be held and used for the redemption of those notes.

The fifth section declared that not exceeding one-half of the lawful reserves on account of deposits now required by law to be kept by national banking associations might consist of bonds of the United States issued under the proposed act.

The sixth section provided that national bank notes should not be issued of a less denomination than \$10.

The seventh section provided for the use of silver certificates of a less denomination than \$10.

The eighth section provided for the redemption and cancellation of United States legal-tender notes, whenever and as fast as the aggregate circulation of United States legal-tender notes, Treasury notes, silver certificates, and national bank notes should be in excess of the aggregate amount of United States notes, Treasury notes, national bank notes, and silver certificates in circulation at the date of the passage of the act.

But when the report is made, Mr. President, all those provisions disappear from the bill. It does not provide for the issuing of any bonds. No provisions are in it relating to the circulation of national banks. There are no provisions relating to the retirement or cancellation of United States notes. None of the provisions which were important features of the bill at the time when it was proposed as the financial measure of the Senator from Arkansas [Mr. JONES] and the parties whom he represented, or was supposed to represent, are retained in the bill except section 9. That, and that alone, is now reported favorably by the committee. I will ask the Secretary to read it.

The PRESIDING OFFICER (Mr. BERRY in the chair). The Secretary will read as indicated.

The Secretary read as follows:

That from and after the passage of this act the Secretary of the Treasury is hereby authorized and directed to receive at any United States mint, from any citizen of the United States, silver bullion of standard fineness, and coin the same into silver dollars of 412½ grains each. The seigniorage on the said bullion shall belong to the United States, and shall be the difference between the coinage value thereof and the market price of the bullion in New York on the day the deposit is made, and all expenditures for coinage done under the provisions of this act shall be paid out of said seigniorage; and the Secretary of the Treasury shall deliver to the depositors of such bullion standard silver dollars equal in amount to the price thereof as aforesaid; and whenever the said coins herein provided for shall be received into the Treasury, certificates may be issued thereon, in the manner now provided by law.

Mr. PLATT. That section translated into English means and provides for this, that any owner of silver bullion may sell it to the United States at its market price, receiving for it silver dollars or certificates issued upon the silver dollars; that the United States shall make a profit, as it is called, upon its purchase, of the difference between the market value and the coinage value of the silver which it purchases. There is no limitation as to the amount of silver which may thus be presented to the United States for purchase.

To illustrate its working: It may be supposed that a man has \$1,000 worth of silver bullion at the market rate. He can bring

it to the United States mint and receive for it a thousand dollars in silver certificates, and as the market rate now is about 50 per cent of the coinage value the United States will, after having paid him for it, have what it can coin into silver dollars for another thousand dollars. So the United States pays him a thousand dollars for it, and has silver enough on hand to coin another thousand dollars which shall belong to the Government. That is the plain English of the proposition of the ninth section of the bill.

Mr. VEST. Will the Senator from Connecticut yield to me to submit a conference report?

Mr. PLATT. I will.

#### INCOME RETURNS FOR 1894.

Mr. VEST submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 273) extending from March 1, 1895, to April 15, 1895, the time for making returns of income for the year 1894, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out all after the words "ordinary repairs" and insert "shall be deducted," and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment inserting at the end of the amendment the following:

"And returns or reports of the names and salaries of employees shall not be required from employers unless called for by the collector in order to verify the returns of employees."

And the Senate agree to the same.

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendment of the Senate amending the title to said joint resolution 273, and agree to the same.

G. G. VEST.

STEPHEN M. WHITE,

W. B. ALLISON,

*Managers on the part of the Senate.*

BENTON McMILLIN,

A. B. MONTGOMERY,

A. J. HOPKINS,

*Managers on the part of the House of Representatives.*

Mr. VEST. It is possibly necessary to make a brief statement in regard to the effect of this agreement.

In the first place, that portion of the joint resolution of the House which extended the time for making returns under the income-tax law to April 15 has been agreed upon.

In the second place, the first of the Senate amendments, which required that fire insurance and necessary repairs upon real estate should not be included in the returns of the taxpayer, has been modified to this extent, that the taxpayer now under the conference report is not required to return the amount of any fire insurance either upon real or personal property or any necessary repairs either upon real estate or upon personal property.

The next amendment, as the Senate will recollect, refers to the language of the law, which requires that where a corporation has paid taxes upon the dividends allowed to stockholders then the individual taxpayer is not required to make a return as to those dividends. The Senate amended the present income-tax law so that the word "paid" was changed to the words "to be liable for," and under the report where the corporation is now liable for the dividends, whether they are actually paid or not, the individual taxpayer is not required to include that in his return.

The next important amendment was an addition to the second amendment of the Senate, which does away with the requirement of the law to the effect that all corporations shall return a list of their salaried employees, with the names of the employees, the amount of the salary, and the addresses of the employees. That provision is modified to this extent, that a corporation is not now required to make these returns unless the Commissioner of Internal Revenue requires the return in order to verify the individual statements or returns of the employees. This amendment is proper, because in the bill as it originally came to the Senate from the other House it will be remembered that the corporations themselves paid the tax upon all dividends and upon the salaries of all employees and deducted the amount from the dividends and the salaries. The Senate changed that provision of the bill as it came from the House, and provided that every individual employee should return his own salary and pay his own tax.

The last amendment made by the Senate to the joint resolution was in regard to the questions which under the regulations of the Internal Revenue Bureau are prescribed to be asked of the taxpayer. The House conferees refused peremptorily to accede to this amendment, and we were compelled to agree with the House in its action. The collectors will ask such questions as the law permits.

Mr. HALE. Let me ask the Senator himself whether after more full examination and scrutiny the Senator believes that those questions would be so troublesome as was at first indicated by the course of the debate here? I know for myself that while it seemed to me that there ought to be no questions asked until the return was under suspicion, on examining more fully the questions themselves it occurred to me that it might perhaps be fully as well that the taxpayer should have the opportunity of answering the ques-

tions at first, and thereby close the matter and not be open to general questioning afterwards. So for one I have given up my opposition to those questions.

Mr. VEST. That was the conclusion to which the conferees on the part of the Senate came after consultation with the House conferees. We have no doubt that in any case where the taxpayer honestly desires to make a return and to pay the tax due there will be no oppression and very little annoyance by reason of the questions. I do not know that as an original proposition I would have formulated these questions as they come now from the Internal Revenue Bureau; but as a matter of course the law is a new one, in a great many of its details at any rate, and there will be more or less friction here and there in regard to its operation. But the conferees on the part of the House were so determined on this point that we thought it better under all the circumstances to give them the benefit of any doubt, and to make the report as it stands.

Mr. CHANDLER. I understood the joint resolution as the Senate amended it, and I understand now from the Senator that the Senate amendment as to prohibiting the asking of questions is receded from. But I do not understand (perhaps because I listened inattentively) what other concessions from the Senate amendments the Senate conferees have made. Will the Senator state that again?

Mr. VEST. They made none. The House conferees acceded to all the amendments of the Senate except the amendment in regard to questions.

Mr. CHANDLER. All the Senate amendments are agreed to except that one?

Mr. VEST. Yes; they are modified to some extent, but they are substantially as the Senate agreed to them, and in fact one of them is enlarged.

Mr. CHANDLER. That is, the deductions of the first amendment are enlarged?

Mr. VEST. Yes, sir.

Mr. HILL. Mr. President, there is no complaint to be made of the Senate conferees so far as their action relates to the first two amendments. I am inclined to believe that the verbal amendments which they have made (they are in fact more than verbal amendments; the substantial amendments which they have made) have improved the joint resolution and improved the amendments which the Senate placed upon the House joint resolution. The objection arises to the last amendment from which the Senate conferees have wholly receded.

I do not intend to enter upon the argument again. The Senate seemed to be entirely unanimous upon the point that the Commissioner of Internal Revenue had no right to ask these questions in the original return. Nearly every lawyer in the Senate so asserted; and it was explained that the questions had inadvertently crept into the form of return established by the Commissioner of Internal Revenue, taking them, it was said, as an excuse for action, from the old forms and returns under the old war income tax, and that they would not be insisted upon. The Senator from Ohio [Mr. SHERMAN], in excusing the action of the previous conference committee, endeavored to exculpate the Commissioner of Internal Revenue, and made the broad statement that in future returns the Commissioner of Internal Revenue assured the Senate that those blanks would be changed. The only objection that he urged was that he had the blanks printed, that it would be an expense of some fifteen or twenty thousand dollars to reprint them, and that it ought to be avoided.

Mr. President, upon the faith of that statement or statements, equally as conclusive, the Senate concluded to allow the questions to remain. Then when the joint resolution came up the Senate, with great propriety in my judgment, insisted upon having the amendment placed upon the joint resolution where it was clearly germane and could not be disposed of by any point of order. Hence we inserted a clause in the amendment that the Commissioner of Internal Revenue, or the Collector, acting through him, should not have a right to ask any questions in the original return; that the taxpayer should simply make a statement of the various items of income, and the various items of deductions claimed, and that was all. That the income-tax law provides for nothing else is clear. That these questions are illegal is clear, and they will lead to litigation. The Senator from Ohio in his speech on the first conference report, said openly that he should refuse to answer them, and that every other Senator was at liberty to do the same. Every taxpayer can follow his example.

I had hoped, Mr. President, that we might have insisted upon this elimination; that we might have determined that those questions should not be insisted upon; that we should not put the people of the country in peril by reason of having them insisted upon in these returns. As I said, the first argument put forth was that they crept in inadvertently. Then a resolution was passed asking the Secretary of the Treasury by what authority they were placed in. He reversed the position of the Commissioner of Internal Revenue and made the broad statement that they were so inserted



and insisted upon because they were based upon the general provisions of the income-tax law. He pointed out no specific provision. He did not attempt to define that it could be done under the power to make forms and regulations, and thereby claim that he had a right to ask the questions, but he based it simply upon the broad power that was given by the income-tax law.

Now, Mr. President, what will be the practical effect? Some will answer them and some will not. Citizens who are not willing to accept the dangers of litigation will have to answer them. Other citizens who do not care and are willing to incur the displeasure of the collector can refuse to answer at their peril. If they refuse to answer the Commissioner of Internal Revenue or the collector can place a penalty of 50 per cent upon them. We leave the taxpayer subjected to this standing peril all the while.

Mr. President, I do not believe that this provision of the law will stand. I believe that under the decision of *The People vs. Boyd*, in the one hundred and sixteenth Supreme Court Reports, it will be held that the only object of the questions is for the purpose of paving a way by virtual examination under oath of the citizen to incur a penalty, and that under that decision there is no power to enforce the questions. But, nevertheless, the citizen is subjected to this penalty, and he must apply to the courts of the country to be relieved from it.

But, Mr. President, I retract nothing from my views which I entertained previously and which I expressed. I take the same position that I took then. I believe it is unfortunate that the House conferees insisted upon retaining these questions as the price of their consent to this very reasonable and proper extension of time in which to make returns. However, we must be practical as legislators. Many Senators here and many members of the other House, unfortunately or fortunately, have incomes. We can not return to our homes to get our books and papers before the 1st Monday of March if we desire to make accurate returns. Every member of Congress is so situated. Thousands of people are at the South, in Florida, and all the Southern States, visiting there, and they do not wish to return to the North until after the 1st Monday of March.

It is important for the business community who are not fully prepared for this law that this extension should be made. The other amendments which have been disposed of will be reasonably satisfactory. I do not think it wise to interpose any objection at this time to the approval of this conference report. The extension of time being most valuable and important I think it overshadows the other points involved. Each citizen must fight this out for himself in the courts and defend himself as best he can.

**THE PRESIDING OFFICER.** The question is, Will the Senate concur in the report of the committee of conference?

The report was concurred in.

#### COINAGE OF SILVER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2642) providing for the issue of bonds, the coinage of silver, and for other purposes.

**Mr. PLATT.** Mr. President, I think that of all the measures which have been suggested to Congress for a larger use of silver in our currency this is the most indefensible. I do not believe that it really meets the approval of any Senator who desires the increased use of silver. We ought not to make money as a Government out of what is called seigniorage. The provision of this bill by which the Government of the United States is to pay for the silver delivered to it, and the moment that it pays for it have it worth twice as much as it was in the hands of the seller, is not a seigniorage. Calling it seigniorage in the bill does not make it seigniorage.

Seigniorage, as has always been understood with reference to the coinage of money, is a charge made by the Government sufficient to meet the expenses of the coinage. No Government in the world has ever, to my knowledge, attempted the making of money out of the business of coining money except the Government of the United States. It would not be tolerated, I think, anywhere else.

This so-called seigniorage, this profit of 100 per cent at the present price of silver to the Government for coining it, is entirely delusive. There is an old saying that a man can not lift himself over a fence by his boot straps. It is equally true that you can not create something out of nothing. This is an attempt on the part of the Government to create an additional value in what it purchases, by the act of purchase, equal to the value of the thing in the hands of the seller; that is, at the present price of silver bullion.

If this were a measure for the free and unlimited coinage of silver in which the seller, the holder of the silver, was to receive the coinage value of the silver when delivered to the mint, I could see how it might be supported by our friends who believe in the unlimited coinage of silver. But what object is this to them? For

a silver owner in New York, or Denver, who can instantly convert his silver bullion into United States silver certificates at the market price of the bullion to take his silver to a mint, pay the charges of transportation to realize upon it, and then get only what he could get instantly in the markets where silver is sold, seems only an act of folly. I say, therefore, that I do not believe this bill is in any sense acceptable to our friends who desire the free and unlimited coinage of silver, where the holder is to receive the full benefit of what is called the coinage value of the silver.

The transportation to the mint, in order to get silver certificates for it, will be a matter of considerable expense and considerable annoyance to the holder of silver bullion. Suppose that he has \$100,000 worth of silver bullion in New York, where there is a market for it. He can sell it there any day at the market price. He can receive pay for it in silver certificates, or in other currency of the Government, as he may desire, at its market price.

Suppose, however, that this bill passes and he wants to take to the mint \$100,000 of silver bullion. What would net him \$100,000 for his bullion at the mint would be a quantity of silver which would weigh, I think, somewhere about 3 tons. So that, while now he may sell it in the New York market and get his pay for it instantly, under this bill he would have to pay transportation charges upon, say, 3 tons of silver bullion to the mint, and then, if he took it away in silver dollars, he would have to pay as much more to transport it to the place where he desired to use it. If he got his certificates, to be sure he could carry them away in his vest pocket.

Therefore, I can not conceive why it is that this measure is brought forward at the close of the session, with appropriation bills pressing, and the fear beginning to be felt that they can not be properly considered and passed before the close of the session. I can not see why this measure should be brought here.

Nobody believes in it, Mr. President. The men who fear that the unlimited coinage of silver would lead to an appreciation of our gold dollar and put it at a premium do not want this measure; and the men who believe in the unlimited coinage of silver, I venture to say, do not want it except for some sentimental influence which they suppose it may exercise upon the future of the silver question.

It is not a practical measure. To find favor with Senators it is presented as a measure which apparently, in terms, on the face of it, is going to enable the Government to make 100 per cent profit upon every transaction that it makes in the purchase of silver bullion. But as I remarked a few moments ago, that will sooner or later prove delusive. All the so-called seigniorage which the Government has made in its course with relation to silver coinage has not been a real profit, but there are compensations and disadvantages which even now have equaled the apparent profit to the Government arising from the purchase of silver at one value and coining it at another value.

So if the bill should pass, Mr. President, the very pleasing fiction that by thus dealing with silver bullion the Government is making 100 per cent profit at the present price of silver will disappear. It will prove not to have been a profit at all. If the time should ever come when, by reason of the extent of its purchases of silver, gold and silver should part company as to value, and the gold dollar should become more valuable in purchasing and debt-paying power than the silver dollar, the moment that occurs, if it does occur, then it will be seen that all this supposed advantage of 100 per cent profit in the purchase of silver was not a profit after all; and the loss will fall not upon the Government, not upon the man who sold the silver to the Government, but the man who holds the coins which the Government issues in the purchase of the silver, or which it coined after having paid for the silver and used it, for other purposes.

Now, I do not say that that time will ever come. I hope it will not, for I claim to be a bimetallist.

I believe, however, Mr. President, that gold coin is good money. I wonder if we can not get an agreement with all Senators on that proposition? Sometimes I have thought that some Senators did not think that gold coin was good money, but I think when they come to consider that question we can have a consensus of opinion as to that—that gold coin is good money.

**Mr. CHANDLER.** May I ask the Senator if gold coin is any better money than silver coin, provided that gold and silver have behind them the pledge of the United States that the parity of the two metals shall be maintained?

**Mr. PLATT.** Well, Mr. President, I was just about to answer that interrogatory in the course of what I was saying.

I want to know if we are not all agreed upon that proposition? Whatever the contention may have been in this currency matter with all these questions of gold monometallism and silver monometallism, can we not all agree that gold money is good money? I think we may. Silver money is just as good money as gold

money so long as it buys as much and pays debts to the same extent gold coin does.

Mr. ALDRICH. Will the Senator yield to me for a minute?

Mr. PLATT. I should like to say one other thing which will take but a moment.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. PLATT. And paper money which pays the same amount of debts and buys the same amount of property as gold coin does, being of the same denomination, is just as good while it continues to do so as the gold coin is. Now I yield to the Senator from Rhode Island.

Mr. ALDRICH. If it will be convenient for the Senator from Connecticut to finish his speech to-morrow, as we evidently can not get a vote upon this proposition to-night, I move that the Senate do now adjourn.

Mr. HARRIS. I hope that the Senator from Rhode Island, in the absence of the Senator in charge of the bill, will not now make that motion.

Mr. ALDRICH. The Senator from Arkansas will probably be here before the voting is concluded.

Mr. HARRIS. I hope the Senator will not take the time to take the vote.

Mr. CHANDLER. I join in the request of the Senator from Tennessee, and suggest to him to send for the Senator in charge of the bill and have him here, so that he can see that nothing is done with this bill in his absence.

Mr. ALDRICH. I thought the Senator from Tennessee might have charge of the bill temporarily.

Mr. HARRIS. The Senator from Tennessee is not in charge of the bill, temporarily or otherwise; but I think it would be proper for the Senator from Rhode Island to withdraw his motion until the Senator from Arkansas appears. I have sent for him, and I think he will be here in a few moments.

Mr. CHANDLER. I think the Senator from Rhode Island ought to withdraw his motion until the Senator from Arkansas gets here.

Mr. ALDRICH. I withdraw my motion for the present, until the Senator from Arkansas can get here.

The PRESIDING OFFICER. The motion is withdrawn. The Senator from Connecticut is entitled to the floor.

Mr. PLATT. Mr. President, to return to what I was saying. Having established one proposition to which we are all agreed, and that is, that gold coin is good money and that silver coin of the same denomination is good money so long as it buys as much as gold coin, and that paper money of the same denomination is good money so long as it buys and pays the same as the gold money, the question comes whether we can maintain this parity, for the moment a silver dollar does not buy as much as a gold dollar or pay debts to the same extent as a gold dollar, or when the paper dollar does not buy as much or pay as much of debts as the gold dollar, then it is not as good money as the gold.

We have been able thus far, Mr. President, to maintain all our money at an equal debt-paying and purchasing power. We have been able thus far to have all our silver money and our paper money just as good as gold money. It is so for all uses in this country, and I do not know but I might be prepared to admit for all uses in any country—as good as our gold money; but the question is whether we are going to be able to maintain that. That is a very serious question which arises upon the consideration of this bill.

As I said, I am a bimetalist. I believe that if we could have an international agreement among the commercial nations of the world, the world could use as money all the silver which is produced in the world, without in any way impairing the value of the silver money, without any prospect of such impairment, and I have not lost hope of international bimetalism. I think we may be very much encouraged at the present time to hope that international bimetalism is a thing of the not very remote future. The Senator from Iowa who sits before me [Mr. ALLISON] was a member of the last international monetary conference. I think he must be agreeably surprised at the change of sentiment which apparently has taken place among the commercial nations of the world since the close of that conference. If I understand the condition while that conference was in progress, any agreement for the further use of silver by Germany or England seemed to be entirely hopeless; and I think the Senator from Iowa, a member of that conference, would bear me out in saying that when the commission adjourned he had practically lost hope that either then or at any other time would England or Germany ever listen to proposals for an unlimited or enlarged use of silver for coinage as money.

But, Mr. President, events move pretty rapidly. That international monetary conference closed its labors in 1893; it is now 1895; and what seemed to be impossible has apparently happened. Here within two or three days the German Reichstag has adopted by a majority vote a resolution asking Germany to move in the

matter of calling another international monetary conference with reference to the use of silver as money.

Mr. PETTIGREW. I should like to ask the Senator from Connecticut a question.

Mr. PLATT. Let me finish my sentence.

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from South Dakota?

Mr. PLATT. In a moment.

But wonder of wonders, it seems almost probable that England at no distant day will be quite willing to join in such an international monetary conference. The present ministry in England, which was in power at the time of the last monetary conference, apparently is going out of office. A dispatch in the paper of this afternoon shows that it had only eight majority upon the last vote of confidence, and that Lord Roseberry, the prime minister, has summoned hastily a council of the cabinet, and that there is every reason to believe that Parliament is to be dissolved and a new election to take place.

Mr. STEWART. I should like to ask the Senator a question.

Mr. PLATT. One moment, please.

If that should be so, we can not forecast what the new ministry will be, but it is generally understood, I think, in this country, that it is likely to include the names of such men as Lord Roseberry, Mr. Goschen, and Mr. Balfour, all of whom are understood to be favorable to the joining of England in an international monetary conference. So the conditions have entirely changed, and we have to-day the bright hope of those commercial nations joining with us if we are ready in some proposition to establish international bimetalism.

Now, I will listen, first, to the Senator from South Dakota.

Mr. PETTIGREW. The Senator says he is a bimetalist. I wish to inquire whether he would be willing to join in a bimetallic agreement without an international agreement?

Mr. PLATT. Before I get through with what I have to say I shall try to make my position plain. I will say this, though, just here in answer to the Senator from South Dakota: I think that if it shall be shown that England and Germany utterly and absolutely for all time refuse to engage with the United States in an international agreement for the enlarged use of silver, I should be willing, and would advocate, that the United States join with such commercial nations as are willing to engage in an international monetary conference for that purpose. I think that answers the Senator's question.

Now, I will hear the Senator from Nevada.

Mr. STEWART. I should like to inquire of the Senator whether he has kept account of how many times the gold combination has got out of a tight place in the silver war by raising the cry of an international conference?

Mr. PLATT. Oh, Mr. President, the Senator from Nevada is troubled not only nights, but days as well, with this specter of a gold combination. I can not stop to answer him along that line.

Mr. STEWART. I was not asking about that. I asked how many times this promise has been held up for political purposes? When the gold party were liable to lose ground in this country they have never failed to call attention to the prospect of an international monetary conference.

Mr. PLATT. No great world-wide movement in finance ever makes progress immediately. These questions have to be settled slowly, especially if they are to embrace the sentiments and the opinions of men throughout the commercial nations of the earth. While I have despaired at times of reaching any agreement for international bimetalism, I think that the prospect now grows bright, and I do not think even the Senator from Nevada thinks that it was the gold combination which succeeded in passing that vote in the German Reichstag asking for such an international bimetallic conference.

Mr. ALDRICH and Mr. STEWART addressed the Chair.

Mr. WOLCOTT. I hope the Senator from Rhode Island will give the Senator from Nevada a chance to ask a question.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). Does the Senator from Connecticut yield to the Senator from Nevada?

Mr. ALDRICH. I do.

Mr. STEWART. The Senator from Connecticut [Mr. PLATT] wants to know what I think about this question of international monetary conferences. I think it is the gold combination and the gold manipulators who have got every vote and do everything to get international monetary conferences in order to obtain more time; and whenever we were invited over there it appeared to be the understanding that we should be kicked out every time. That is always a very "good Morgan" for a political campaign. Always just before a Presidential campaign is coming on we hear about an international monetary conference.

It is the same old chestnut we have heard in every campaign for a great many years. It was used in the campaign of 1892, and will be used again in the campaign of 1896.

Mr. PLATT. I do not think anyone but the Senator from Ne-



vada, either in the Senate, or in this country, or in England, or in Germany, thinks it was the gold combination which procured that vote in the German Reichstag.

Mr. ALDRICH (at 6 o'clock and 18 minutes p. m.). As the Senator from Arkansas [Mr. JONES] is now in his seat and it has passed the usual time for adjournment, I will renew the motion I made in his absence. I move that the Senate do now adjourn.

Mr. JONES of Arkansas. On that motion I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. DUBOIS (when his name was called). I transfer my pair with the Senator from New Jersey [Mr. SMITH] to my colleague [Mr. SHOUP] and vote "nay." My colleague, if present, would vote "nay."

Mr. GALLINGER (when his name was called). I am paired with the junior Senator from Texas [Mr. MILLS], and will withhold my vote.

Mr. GORDON (when his name was called). I am paired with the junior Senator from Iowa [Mr. WILSON].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], but I will transfer that pair to the junior Senator from South Carolina [Mr. IRBY], and vote "nay."

Mr. HILL (when his name was called). I am paired with the Senator from Nebraska [Mr. ALLEN], and therefore withhold my vote.

Mr. MITCHELL of Oregon (when his name was called). I am paired with the senior Senator from Wisconsin [Mr. VILAS]. If he were here, he would vote "yea" and I should vote "nay."

Mr. PETTIGREW (when his name was called). I am paired with the junior Senator from West Virginia [Mr. CAMDEN].

Mr. GALLINGER (when Mr. PRITCHARD's name was called). I have been requested to announce that on the remaining votes of the day the Senator from North Carolina [Mr. PRITCHARD] is paired with the junior Senator from Massachusetts [Mr. LODGE].

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR]. If he were present I should vote "nay."

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN].

Mr. ALDRICH (when Mr. SHERMAN's name was called). The Senator from Ohio [Mr. SHERMAN] requested me to announce that he is paired on all questions connected with this bill with the Senator from South Dakota [Mr. KYLE].

Mr. VEST (when his name was called). I am paired with the Senator from Minnesota [Mr. WASHBURN]. I should vote "nay" if he were present.

The roll call was concluded.

Mr. POWER. I have a general pair with the senior Senator from Louisiana [Mr. CAFFERY], and therefore withhold my vote.

Mr. BLANCHARD (after having voted in the negative). I inquire whether the senior Senator from Michigan [Mr. McMILLAN] has voted.

The PRESIDING OFFICER. The senior Senator from Michigan has not voted.

Mr. BLANCHARD. I am paired with that Senator, and withdraw my vote. If he were present I understand he would vote "yea."

Mr. HARRIS. I transferred my pair with the Senator from Vermont [Mr. MORRILL] to the junior Senator from South Carolina [Mr. IRBY], not knowing that the Senator from South Carolina had returned to the Chamber. He is now here and has voted. I transfer my pair with the Senator from Vermont to my colleague [Mr. BATE], who is absent for the moment, but who will be here very soon. My colleague will therefore stand paired on this vote with the Senator from Vermont, and I will allow my vote to stand.

Mr. PUGH. I transfer my pair with the Senator from Massachusetts [Mr. HOAR] to the junior Senator from Nebraska [Mr. ALLEN], and vote "nay."

Mr. HILL. I have myself already announced a pair with the junior Senator from Nebraska.

Mr. PUGH. Then I will transfer my pair to the Senator from South Dakota [Mr. KYLE].

Mr. ALDRICH. The Senator from South Dakota is paired with the Senator from Ohio [Mr. SHERMAN], as I have already announced.

Mr. PUGH. Then I am compelled to withhold my vote, Mr. President.

Mr. PALMER (after having voted in the affirmative). Has the senior Senator from North Dakota [Mr. HANSBROUGH] voted?

The PRESIDING OFFICER. The senior Senator from North Dakota has not voted.

Mr. PALMER. Then I withdraw my vote, as I am paired with that Senator.

Mr. BURROWS (after having voted in the affirmative). I voted inadvertently. I am paired with the junior Senator from Maryland [Mr. GIBSON], and desire to withdraw my vote.

Mr. BLANCHARD. I transfer the pair I have with the senior Senator from Michigan [Mr. McMILLAN] to my colleague [Mr. CAFFERY], who is paired with the Senator from Montana [Mr. POWER], which will allow the Senator from Montana and me to vote. I vote "nay."

Mr. POWER. Under that arrangement I vote "nay."

Mr. MITCHELL of Oregon. I understood the Senator from Michigan [Mr. BURROWS] to say that he was paired with the junior Senator from Maryland [Mr. GIBSON]. I suggest to the Senator from Michigan that we transfer our pairs respectively, so that the Senator from Wisconsin [Mr. VILAS], with whom I have a general pair, will stand paired with the Senator from Maryland.

Mr. BURROWS. I should be very glad to do that, if it be proper.

Mr. MITCHELL of Oregon. I vote "nay."

Mr. BURROWS. I vote "yea."

Mr. MITCHELL of Oregon. I find, on consultation, that the arrangement I made with the Senator from Michigan will not work, as I understand from the Senator from Maryland [Mr. GORMAN] that his colleague [Mr. GIBSON] would vote "yea" if he were here. Consequently I withdraw my vote.

Mr. BURROWS. Under those circumstances I withdraw my vote.

The PRESIDING OFFICER. The vote of the Senator from Oregon [Mr. MITCHELL] and the vote of the Senator from Michigan [Mr. BURROWS] will be withdrawn.

Mr. BLANCHARD. I find there is an error about the transfer of pairs I announced. I desire to withdraw my vote, and announce that I stand paired with the Senator from Michigan [Mr. McMILLAN].

Mr. POWER. I withdraw my vote.

Mr. WOLCOTT. I wish to suggest that if the senior Senator from Louisiana [Mr. CAFFERY] stands now unpaired, possibly that may permit a transfer of a pair to the Senator from Alabama [Mr. PUGH].

The result was announced—yeas 15, nays 32; as follows:

YEAS—15.			
Aldrich,	Chandler,	Gorman,	McPherson,
Alison,	Davis,	Hale,	Manderson,
Brice,	Dixon,	Hawley,	Platt.
Caroy,	Frye,	Higgins,	
NAYS—32.			
Berry,	Faulkner,	McLaurin,	Stewart,
Blackburn,	George,	Mantle,	Teller,
Butler,	Harris,	Martin,	Turpie,
Cameron,	Hunton,	Pasco,	Voorhees,
Clark,	Irby,	Peffer,	Walsh,
Cockrell,	Jones of Ark.	Perkins,	White,
Daniel,	Jones of Nev.	Rauch,	Wilson of Wash.
Dubois,	Lindsay,	Squire,	Wolcott.
NOT VOTING—41.			
Allen,	Gibson,	Mitchell of Wis.	Ransom,
Bate,	Gordon,	Morgan,	Sherman,
Blanchard,	Gray,	Morrill,	Shoup,
Burrows,	Hansbrough,	Murphy,	Smith,
Caffery,	Hill,	Palmer,	Vest,
Call,	Hoar,	Pettigrew,	Vilas,
Camden,	Kyle,	Power,	Washburn,
Coke,	Lodge,	Pritchard,	Wilson of Iowa.
Cullom,	McMillan,	Proctor,	
Dolph,	Mills,	Pugh,	
Gallinger,	Mitchell of Oreg.	Quay,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. PLATT] is entitled to the floor.

Mr. FRYE. With the permission of the Senator from Connecticut, I desire to ask the Senator from Arkansas [Mr. JONES] if, in view of the last vote, he thinks it is of any use to try to keep us here all night? There was just a quorum on that vote, and that was all.

Mr. JONES of Arkansas. I should be very glad to have a vote on this bill, and I hope we can have a vote very soon. There are certain Senators who are absent temporarily from the Capitol now who will be here in a few minutes, and I think there will not be the slightest difficulty about having a quorum here until such time as Senators who wish to put themselves on record shall be ready to vote on the bill, which I hope will not be beyond an hour or two. I should be glad to have an hour fixed, in order to avoid inconvenience to Senators, at which we can take the vote.

Mr. MITCHELL of Oregon. Say 10 o'clock.

Mr. JONES of Arkansas. I will ask unanimous consent that we vote at 10 o'clock.

Mr. ALDRICH. Ten o'clock of what day?

Mr. JONES of Arkansas. Ten o'clock to-night.

Mr. FRYE. Does the Senator expect us to sit here until 10 o'clock to-night in order to vote on this bill?

Mr. JONES of Arkansas. It being the duty of all Senators to be in the Senate when it is in session, I assume that every Senator will be in his place.

Before the Senator from Connecticut proceeds, for the purpose of being as liberal as possible with Senators who are unwilling to vote to-night and to avoid the necessity for a night session, I will ask unanimous consent that we may vote on this bill to-morrow at 1 o'clock.

Mr. CHANDLER. I object. I want to call the attention of the Senator from Arkansas to the fact that he has not been present here all the time, and that there has been a long speech made here, a very able speech, a very interesting speech, which had no relation whatever to the bill, and it can hardly be expected that a bill of this character can be voted upon without some debate.

So far as I am concerned I disclaim any desire to delay the passage of this bill by filibustering methods. The Senator from Arkansas very unkindly suggested that there was some intention of that kind before a word had been said on the bill at all and before any indication had been given as to what would be the course of the opponents of the bill. The Senator seemed to think it unreasonable that he could not bring this bill forward yesterday afternoon and get a vote upon it when Senators were not here.

The vote which has just been taken shows that a large number of the opponents of the bill have gone away, not expecting that it would be voted upon to-night, and the Senator can hardly expect that the bill will be voted upon without some little debate. When reasonable debate upon the merits of the bill ends, such as is the speech of the Senator from Connecticut [Mr. PLATT], and such as was not, I am free to admit, the speech of the Senator from Wisconsin [Mr. VILAS], there will be no objection to a vote being taken upon the bill.

I call the Senator's attention to another fact, that there has not been any speech made in behalf of the bill which reconciles this bill with the bill which kept us so long here some three months in 1893. The Senator from Indiana [Mr. VOORHEES], who I am glad to see in his seat, led the majority of the Senate, I being at that time his willing follower, in the repeal of the purchasing clause of what was called the Sherman silver act.

After three months that law was repealed. We were told that prosperity was to come to the country. Now, time has passed, and the Senator from Indiana stands here advocating the unlimited coinage of silver—the same Senator who thought the monthly purchase of 4,500,000 ounces of silver bullion was destroying the country, ruining us all. To-day the Senator from Indiana is for the bill reported by the Senator from Arkansas, although the Senator from Indiana perhaps does not feel well, and does not lead in the advocacy of the bill, but turns it over to the Senator from Arkansas.

I really think that somebody who is in favor of the bill ought to give us some explanation of this change of front on the part of the Finance Committee. I myself am greatly puzzled. I then followed the majority of the Finance Committee. Now I am compelled to differ with the majority of the Finance Committee, and the Senator from Arkansas is not willing to have a few hours debate, but wants to force us into a vote to-night. He says the friends of the bill have no explanation to make. I think the Finance Committee ought to make some explanation of the reasons. We were kept here from August until November, with no chance to visit the World's Fair unless we abandoned our duties in the Senate, in order to remove the terrible injury to the country that was inflicted by buying 4,500,000 ounces of silver a month. Now, forsooth, the country is to be saved and prosperity is to be restored by the unlimited coinage of silver.

Now, I want to hear briefly from the Senator from Arkansas the reason why this position has been taken; and I certainly hope my good-natured friend, the chairman of the Committee on Finance, who has presided over the committee on both occasions, when both reports have been made to the Senate, and who has been upon both sides of this question, will kindly tell us what he himself thinks. I do not understand it.

Mr. WHITE. Will the Senator from Arkansas permit me?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from California?

Mr. PLATT. I was quite willing—

Mr. WHITE. I was not aware that the Senator from Connecticut had the floor. I desired to make an observation.

Mr. PLATT. I was quite willing to yield to any conference between Senators as to whether I should be permitted to finish my speech to-morrow rather than this evening.

Mr. JONES of Arkansas. If the Senator from Connecticut will yield to me just one moment I will state that I have made a number of efforts to have an understanding as to a time for a vote on the bill. If the Senator from New Hampshire is sincere when he says that those who are opposing the passage of the bill have

no disposition to resort to dilatory tactics or to delay the passage of the bill, I propose to make another proposition. I ask unanimous consent that the Senate shall take a vote on the bill to-morrow afternoon at 3 o'clock.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent that the Senate take a vote on the bill at 3 o'clock to-morrow.

Mr. ALDRICH. I object, and I object for the reason I shall state, among others. I desire to supplement what has been stated by the Senator from New Hampshire [Mr. CHANDLER]. The bill as it was originally presented to the Senate by the Senator from Arkansas [Mr. JONES] contained nine sections, all of which were important in their bearing upon the financial situation of the country. When the bill comes back from the committee it is shorn of eight sections, and only one is presented for the action of the Senate. The eight sections which are stricken out included provisions for the sale of \$500,000,000 of bonds, for the retirement of legal-tender notes, and various other propositions of that kind which were understood at the time to have the Executive approval.

Mr. JONES of Arkansas. Will the Senator from Rhode Island allow me?

Mr. ALDRICH. I think the Senator from Arkansas is bound not only to explain the section which is presented here, but also to explain why there has been an abandonment of the other eight sections. Why is it that those eight sections which a large majority of the Democratic majority at that time thought were necessary for the salvation of the country are not as necessary now as they were then? The Senator from Arkansas, as the Senator from New Hampshire has very well said, comes in here on a matter of this importance and expects us to vote without any explanation on his part or the part of any friend of the bill as to what its purpose is.

I have heard the Senators upon this side of the Chamber and the other side who are in favor of silver say they were not in favor of treating silver as a commodity and having it purchased as merchandise. Yet here we have a proposition to commit every silver man in this body to a proposition to purchase an unlimited amount of silver as a commodity and as merchandise; and not only that, but to base the price of it upon gold. If there ever was a proposition to maintain and continue the gold standard it is contained in the pending bill.

Mr. STEWART. Does the fact that you charge a royalty make it merchandise? If it does, gold has been made a merchandise frequently, because there has been a royalty upon it.

Mr. ALDRICH. The Sherman Act, so called, provided for the purchase of 4,500,000 ounces of silver per month at the market price. The pending bill provides for the purchase at the market price of all the silver offered. The only difference is—

Mr. STEWART. And its coinage.

Mr. ALDRICH. The purchase; exactly so. I think when I have time to explain the bill I will convince even the Senator from Nevada that I am right and that this is simply a proposition for the unlimited purchase of silver and nothing else.

Mr. WOLCOTT. Will the Senator from Arkansas permit me to ask the Senator from Rhode Island a question? If the Senator from Arkansas will consent to modify the bill so that it shall be an out-and-out unlimited coinage of silver measure, will the Senator from Rhode Island then consent to vote upon it?

Mr. ALDRICH. I will then consent to discuss that measure.

Mr. WOLCOTT. Is there any measure which relates to the coinage of silver that the Senator from Rhode Island will not consent to discuss?

Mr. ALDRICH. No, sir; I think not. I have never seen one.

Mr. WOLCOTT. Is there any bill as to silver on which he will permit a vote?

Mr. ALDRICH. I will permit a vote on it after proper discussion. So far as I am concerned, I will permit a vote on this measure after proper discussion.

Mr. WOLCOTT. I ask, with due deference to the Senator from Arkansas, what the Senator from Rhode Island considers proper discussion?

Mr. ALDRICH. Discussion until every Senator who has views on the subject has had time to express them.

Mr. WOLCOTT. Is the Senator from Rhode Island aware of any Senator besides himself who has views to express on the subject?

Mr. ALDRICH. I tried to get a chance to speak upon the bill this afternoon, and I found seven Senators ahead of me upon the Vice-President's list.

Mr. WOLCOTT. The Senator from Rhode Island has been very industrious.

Mr. JONES of Arkansas. The Senate can remain in session, I think, without difficulty until 10 o'clock this evening, which will be three hours and a half from this time. I ask the Senator from Rhode Island if he and the minority, those who are opposed to the bill, will consent to take a vote to-morrow at 4 o'clock. That



will allow five hours' time for discussion to-morrow and three and a half hours to-night. It seems to me that would be full time for reasonable discussion.

Mr. FRYE (to Mr. PLATT). Consent to that, and then none of us will be obliged to stay here to-night to hear the discussion.

Mr. PLATT. I can not consent to that. [Laughter.]

Mr. HALE. The Senator from Connecticut [Mr. PLATT] has the floor. [Laughter.]

Mr. JONES of Arkansas. Then all I have to say is that the comments made by the Senator from New Hampshire and the Senator from Rhode Island distinctly show that the minority do not intend to have a test of strength in the Senate upon this question. That is all; and of course they will delay the bill as much as they choose to bring about that result.

Mr. CHANDLER. I have not said a single word to justify the remark of the Senator from Arkansas.

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. PLATT. No, Mr. President; I think I will go on.

Mr. HILL. Will the Senator from Connecticut allow me a moment on the mere question of speaking? I will state that I visited the Vice-President's desk this afternoon to see whether there would be an opportunity for me to express my views upon the subject. I had desired to wait until to-morrow, if I could. I looked at the list and I found that a half dozen gentlemen had entered their names for speeches to be delivered this afternoon, among them both Senators from Colorado—

Mr. WOLCOTT. Oh, no.

Mr. HILL. And other Senators; and I had a right reasonably to suppose that they would take the afternoon. I submit that in common fairness Senators who do not propose to speak ought not to go there and enter their names on the list and exclude others.

Mr. WOLCOTT. If I may interrupt the Senator from New York, I will state that I have not the slightest intention of speaking at the present time and have had none. I suspect that my name was put on the list by the Senator from Rhode Island, perhaps, as one of the seven names he saw. I assure the Senator from New York that I had not the slightest intention of speaking.

Mr. HILL. The Senator from Rhode Island seems to be responsible for everything.

Mr. ALDRICH. I saw the Senator's name on the list the Vice-President had, I am free to state. I suppose the statement of the Senator from Arkansas that none of the friends of the bill would speak upon it probably precluded the Senator from Colorado from carrying out his idea.

Mr. WOLCOTT. I had not the slightest disposition to speak at any time.

Mr. HILL. I have no knowledge as to how the names got on the list. I was informed by the Vice-President that those gentlemen said they wished to speak, and they had the right of way, of course. I suggest that in the future Senators who have no idea of speaking ought not themselves to place their names on the list or allow their names to be put on the list with their consent.

Mr. WOLCOTT. May I ask the Senator from New York if he added his name to the list?

Mr. HILL. I did not, because there are six or seven ahead upon the list.

Mr. WOLCOTT. I think I can inform the Senator from New York as to how the names came upon the list.

Mr. HILL. I do not know.

Mr. WOLCOTT. They were put on the list with reference to discussion on the bond resolution, not having the slightest reference to the bill brought in by the Senator from Arkansas.

Mr. HALE. It is in the line of the pending bill.

Mr. TELLER. I should like to say that I intended to speak very briefly upon the bond-contract question, but I have never had any idea at all of discussing this question.

Mr. HALE. It uses up the time.

Mr. HILL. Was not the Senator's name put down?

Mr. TELLER. I supposed the Senator from Wisconsin would quit by 4 or 5 o'clock, and then I would take a few minutes. But as he did not, I concluded I would not discuss the question.

Mr. WHITE. If the Senator will permit me simply to make an inquiry, I desire to ask whether, in addition to the rules of the Senate, which are written or printed, there is also a common-law rule that it is necessary to put your name upon a list in order to obtain recognition? The obscurity prevailing in parliamentary interpretation here appears to be intensified as we proceed.

The PRESIDING OFFICER. The Chair will state to the Senator from California that there is no rule governing the matter.

Mr. WHITE. That is what I supposed with reference to all the rules.

The PRESIDING OFFICER. The Senator from Connecticut will proceed.

Mr. PLATT. Mr. President, it occurs to me that perhaps I am a little interested personally in the matter which there has been an effort to arrange in the Senate, and I wish to suggest to the

Senator from Arkansas that he can hardly expect to bring a measure of this importance before the Senate and ask that the discussion be sat out the first night. When the Senator comes to think of it I am sure he will feel that he is crowding not only the convenience but almost the rights of Senators who desire to be heard upon the bill.

I suggested to friends yesterday that I should like to be heard on the bill to-day. I supposed I would have an opportunity by 2 or 3 o'clock in the afternoon and that we should have time during the rest of the afternoon for discussion upon the bill, but the Senator from Wisconsin [Mr. VILAS], and very properly, took up all the time from 1 o'clock until after 5 o'clock in the discussion of the matter.

I suggest to the Senator from Arkansas that he had better let the Senate adjourn at a proper and reasonable time, which I think this is, and come here to-morrow and see what is the prospect of having a debate upon this bill, the most important measure, I venture to say, which has been brought before either House of Congress this session, and then see if he can get an agreement to-morrow. Of course I am making a speech to-night under great difficulties. It is hard to remember what I was saying when the interruption occurred a half hour ago. But, struggling to resume the thread of thought, I believe I was saying that I had great hope of international bimetalism.

Mr. ALLISON. I ask the Senator from Connecticut to yield to me for a moment before he begins the thread of which he speaks.

Mr. PLATT. Certainly.

Mr. ALLISON. This bill was taken up last evening at 6 o'clock. If any notice was given by the Senator from Arkansas [Mr. JONES] that he would ask the Senate to remain here to-night until this bill was disposed of it escaped my attention.

Mr. JONES of Arkansas. I certainly gave it distinctly and clearly at the time the vote was taken.

Mr. STEWART. He gave it then and this morning again.

Mr. JONES of Arkansas. It is in the RECORD.

Mr. ALLISON. This certainly is an important bill that we have under consideration. It relates to a question that certainly interests the people of the United States very greatly; although I agree that with the waning hours of this Congress it is important we should occupy every possible moment in the consideration of the questions we ought to consider before we adjourn. But it does seem to me that a question of this importance ought to have more time for its consideration than can be given to it to-night. If we are to have a vote by unanimous consent at any time we should have coupled with it some understanding as to how that time shall be occupied. I do not know that I will wish to engage at all in the debate. If I do, it will be but briefly.

But I submit that when a Senator takes the floor and occupies two, three, or four hours in debate, whether he confines himself strictly to the question under consideration or deals with important collateral questions, it is scarcely fair to all the other Senators that they shall be forced into a vote upon this important measure without at least one day of debate wherein an opportunity will be given to Senators to discuss the question before us. As for myself, I have been compelled, as Senators know, for a day or two, perhaps for three days, to be almost wholly absent from this Chamber.

I should like very much to have the Senator from Arkansas continue this session, if he chooses to continue it, for some little time for debate, and then adjourn until 11 o'clock to-morrow. So far as I am concerned, I shall be glad to stay here to-morrow if we can have a legitimate debate upon this question, in which all Senators may have an opportunity of participating, and come to a vote at a reasonable time to-morrow.

Mr. HARRIS. Will the Senator from Iowa designate a time?

Mr. ALLISON. I will not. I will not designate a time, because this is not the time to agree to fix an hour for the vote. Here is a question certainly as important as any question that has engaged the attention of the Senate at the present session. It is a question that engaged our attention two years ago for three months. This bill is as far reaching as that bill, and more so, as has been suggested.

Therefore, I submit in all seriousness to the Senator from Arkansas having charge of this bill that he can not expect us now to agree to a time for a vote upon the bill, and such an agreement will not be made with my consent. After a fair opportunity be given for debate I will agree that a vote may be taken upon the bill, but I will not do it to-day.

Mr. HARRIS. I should like to ask the Senator from Iowa if he believes that anything any Senator on this floor may say in debate will change a single vote upon the pending question?

Mr. ALLISON. I will answer that question by asking the Senator from Tennessee another. He represents here upon this floor one of the States of this Union—

Mr. HARRIS. Yes; in part.

Mr. ALLISON. In part. It may be important to him or it may be unimportant to him to express on this floor the reasons which

actuate him in casting his vote for this measure or against the measure. Here is a proposition that has never yet been debated in this Chamber until to-day, and I am told that it was debated to-day in a very limited way. Whilst it may be that nothing the Senator from Tennessee may say or nothing that I may say or omit to say will change a single vote, nevertheless we have a right as Senators upon this floor to have at least a reasonable debate upon every important public question. That is my answer to the Senator.

Mr. JONES of Arkansas. I wish to call the attention of the Senator from Iowa to the fact that there has been no disposition manifested on the part of the friends of this bill to prevent a fair and full debate. On the contrary, we have from the beginning offered to agree to any length of time that the opponents of the bill might suggest as being reasonable for full and complete debate. The fact that one of the opponents of the bill took the floor when the bill was taken up to-day and occupied the whole afternoon in discussing an irrelevant matter, a matter that had no relation to the bill, is certainly a thing we can not be held responsible for. It seems to me that would be only a proof of what I suggested to-day might be the tactics of those who did not intend to have a vote on the bill, simply because they were opposed to it and they did not propose to allow the majority to say what they see fit.

Mr. HALE. Let me ask the Senator one question. There is not any disposition on this side to delay a vote unduly. There is not any doubt as to the result. The Senator and his associates have the power. They can pass this bill that is believed by very many Senators to be fraught with calamity. The Senator can not deny that it is a measure of almost supreme importance. Has he ever known in his service here any measure of commensurate importance to this where within one hour after it was put upon the Senate it began to be insisted that a time for voting should be named? I never have. That is not the process by which the Senate does business. Senators reporting an important measure like this allow the debate to go on, and the debate does go on sometimes for days. Here it can not go on for many days, because there are other questions coming up and the time of the session is short.

The Senator ought not, I think, at once to begin to insist that we shall fix a time. The Senator is safe and his bill is in the hands and the good sense of the Senate if he never got an agreement. On the tariff measure the Senator from Tennessee was constantly asking that the time be fixed. No time was fixed, but when the debate was ended the good sense of Senators in the minority asserted itself, as it always does, and a vote was taken. I have never known under the rules that are so much denounced any measure of public importance that did not in the end get a vote and the majority did not have its way and pass the bill.

There is great feeling in the country about this bill; there is great alarm about it. Whether or not some of us participate in the extent of that alarm I will not say, but there is great alarm about it; and the Senator ought not now at this short time, at this late hour, insist upon this side fixing a time. Let him take his chance, and when the debate is fairly over, as the Senator from Iowa says, he will get a vote.

Mr. JONES of Arkansas. Let me remind the Senator that when the bill was first proposed to be taken up the very first member of the Senate to suggest that on account of the shortness of the time we could not perhaps enter into a discussion of this kind was the Senator from Maine.

Mr. HALE. Undoubtedly.

Mr. JONES of Arkansas. The importance of disposing of the appropriation bills makes it a reason why we shall proceed promptly with whatever we have in hand. This question is not a new one. It has not been sprung within an hour. It has been discussed by everybody in the United States for the last twenty years.

Mr. HALE. This bill is new.

Mr. JONES of Arkansas. Everybody here has his mind made up, and everybody now knows just how he will vote.

Mr. HALE. My suggestion was made to the Senator in the hope that he would not embarrass the business of the Senate and would withdraw it. But the Senator I think will see that he will gain nothing at this late hour by insisting upon a prolonged session and insisting upon an agreement. He will get a vote quicker if he does not insist upon it.

Mr. JONES of Arkansas. Will the Senator suggest any hour or any day between now and the 4th of March when we will take a vote?

Mr. HALE. Does not the Senator know that if we should now agree upon a time when the vote should be taken the benches here would be vacant within three minutes? There would be no debate?

Mr. JONES of Arkansas. Simply because everybody's mind is made up.

Mr. HALE. There would be no attention given, and nobody would be here except at the time when the vote is taken.

Mr. JONES of Arkansas. That would only show that there is no necessity for debate.

Mr. HALE. Not in the slightest degree. There ought to be a fair debate; there ought to be a questioning; there ought to be views interchanged, and the country ought to see—there is the point—that we do not prematurely agree upon a time. When the time has come, and it will not be very far distant, the Senator will get his vote.

Mr. JONES of Arkansas. I will agree to a vote at any hour tomorrow, and will agree that the whole time shall be occupied by the opponents of the bill between now and then, so far as I am concerned, and I believe that everybody on my side of the question will agree to that.

Mr. ALLISON. I shall object to making any agreement tonight as to when the vote shall be taken.

Mr. WHITE. Will the Senator from Arkansas yield to me for a moment?

Mr. JONES of Arkansas. Certainly.

Mr. PLATT. I believe I have the floor.

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. WHITE. I wish to make an apologetic statement with reference to the Senator from Connecticut. I rose some time ago. Seeing two or three Senators upon the floor, I mistook a gentleman who had the floor for the one who was entitled to it and asked his permission to resign the floor. After waiting a while I came in and found a similar condition, not noticing even the Senator from Connecticut in his seat; and I may be pardoned for supposing that he had not the floor when he was not even within the Chamber. That is not what I would like to say, but I do not wish to interrupt him.

Mr. ALDRICH. Will the Senator from Connecticut permit me to say a single word in regard to the suggestion last made by the Senator from Arkansas?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Rhode Island?

Mr. PLATT. Yes, sir.

Mr. ALDRICH. The Senator from Arkansas says this is not a new question. I submit that the proposition made by the Senator from Arkansas is an entirely new one. In the wide range of imagining of the Senator from Nevada [Mr. STEWART] he never suggested any scheme like this.

Mr. WHITE. I rise to a parliamentary inquiry.

Mr. ALDRICH. I think the Senator from Arkansas is entitled to a patent on the scheme.

Mr. WHITE. Mr. President, I rise to a parliamentary inquiry. The PRESIDING OFFICER. The Senator from California will state his inquiry.

Mr. WHITE. I desire to ascertain who is entitled to the floor.

The PRESIDING OFFICER. The Senator from Connecticut is entitled to the floor, and yielded to the Senator from Rhode Island. The Senator from Connecticut will proceed.

Mr. PLATT. Mr. President, I trust I may be permitted to proceed; but before resuming the thread of my argument I wish to say that the remark made by the Senator from Tennessee [Mr. HARRIS] struck my ears harshly. I do not think that Senator, if he was opposed to a bill and desired to be heard upon it, would relish a question on my part addressed to him or to the Senate as to whether debate was any use, as to whether every member of the Senate had not his mind made up. Mr. President, we might as well abolish all rules for debate if that is to be the way in which debate, and legitimate debate, is to be treated in the Senate.

Mr. HARRIS. I hope the Senator from Connecticut will allow me to say that I certainly meant no discourtesy to him. There is no member in this body to whom I would not sooner be guilty of a discourtesy than to him. But I did mean that after the fifteen or twenty years of discussion of every phase of this question there is nothing that he or I or anyone else can say that will change a vote on this floor.

Mr. PLATT. When the dark shadow of this Administration shall have passed away from the Senate Chamber and the light of a new Administration shall have penetrated these walls it may be that the tariff question will come under discussion again. I do not think the Senator from Tennessee will then relish anyone telling him from this side of the Senate Chamber that we all have our minds made up and that nobody's mind is to be changed by debate.

Mr. MANDERSON. The tariff has been debated for a hundred years.

Mr. PLATT. It has been debated for a hundred years, and yet when it comes up it will be a proper subject for debate. It will be proper for Senators to express their opinions upon it, and if they fail to do so they will not be doing their duty to their State or their country.

Mr. President, I have no desire to detain the Senate here this evening. I did hope to have the opportunity of expressing my views upon this bill without interruption in an earlier portion of the day, but I commenced to speak at a very unfortunate time, unfortunate for myself as well as unfortunate for the Senate. Ordinarily when there was no such hot haste and no such coer-



cion attempted of the Senate as is attempted now, as a simple matter of courtesy I would have been permitted to continue my remarks in the morning. But I do not ask for any courtesy. We understand perfectly well that no courtesy is to be extended to Senators who do not believe that this bill is a good bill for the country. We do not propose to retaliate by endeavoring to defeat the bill by discussion or by taking the time of the Senate, but we do wish to have a fair opportunity to express our views in relation to it.

I can not understand the remarkable haste and the remarkable pressure which is evidenced from the other side of the Chamber in relation to the bill, especially in view of the fact that they know it can not become a law at this session of Congress. The trouble about it is just what I said before my remarks were interrupted. There is not a Senator in this Chamber who wants this bill to be passed into a law—not one. It is a playing for position on the part of Senators who bring this bill forward. It is to make a record by apparent sympathy with the further use of silver when they do not believe that this is a proper or profitable use of silver in the country.

Mr. President, if on the other side there was the slightest belief that this could be passed into law and the Senators who brought it forward desired that it should be enacted into law there would be a little more reason for pressure that there should be a vote without debate upon it. I submit that from the time this bill was taken up until I rose to try to express some views in opposition to it there had been no debate whatever upon the bill. It may possibly be thought that I am not debating it, and yet I announced that I would endeavor to confine myself in the remarks which I might make to the bill.

As I said, I am in favor of bimetallism, first international bimetallism, which I believe that we have a fair opportunity to secure now, and which I believe just such bills as this introduced into the Senate of the United States are more calculated to hinder than the efforts of those gentlemen whom the Senator from Nevada [Mr. STEWART] delights to call the gold combination. If we can not have international bimetallism, involving the fullest use of silver as money, I am for bimetallism in the sense that I am willing that silver shall be used in this country as money just so far as it is safe to do it without endangering bimetallism. I am not a monometallist.

Mr. STEWART. I should like to inquire of the Senator from Connecticut what he means by a monometallist.

Mr. PLATT. I decline to be interrupted. I wish to be permitted to finish.

Mr. STEWART. Good.

The PRESIDING OFFICER. The Senator from Connecticut declines to yield.

Mr. PLATT. I am not a monometallist. I am not a gold monometallist nor a silver monometallist. The time was when the men who desired the unlimited coinage of silver said they did not wish to drive gold out of the country; that they did not wish to go to a single silver standard. I trust that they have not yet abandoned that position. I trust that the friends of silver, as they are called, the men who wish the largest use of silver, have no desire to put this country on a silver basis. If they do now desire it they have within a few years changed fronts. What they used to tell us in the discussion on this subject was that there was no danger of that.

Mr. President, I am willing to go just as far in the direction of the use of silver as money in this country as it is safe to go, and beyond that I do not think I ought to be asked to go. I do not think the friends of silver ought to desire that I should go further. The trouble, the difficulty, the reason why we do not agree is that we can not agree as to the effect of the unlimited use of silver. I have faith to believe that if the advocates of silver thought that this unlimited coinage would result in putting this country upon a single silver standard they would not desire unlimited silver coinage. If I believed that it would not put this country upon a silver basis, where silver should be the only standard money in use, I would be in favor of the unlimited coinage of silver. There is the difference between us. It is an honest difference. I am willing to go just as far in the use of silver as money as we can go without the immediate danger of putting this country upon a single silver standard and making it a country where silver is the only metal used for money. Now, I am not prepared to say how far we can go, but I am pretty sure we can not go to the extent of this bill. To my mind there is no surer method of reaching silver monometallism than the adoption of this bill.

If the question of silver coinage, limited or unlimited, free or restricted, were a question of coinage merely, there would not be so much danger in it; but the old idea of coinage has all been eradicated from this question. Nobody wishes silver to be coined now and the dollars taken away from the mint by the person who brings silver to the mint for coinage.

It is the new invention of paper money issued upon the silver coined which accounts for all the desire for unlimited silver coin-

age. I venture to say that no holder of silver bullion would, if this bill passed and he had not the opportunity of turning his silver dollar into certificates, bring one dollar of silver bullion to the Treasury to be coined into silver dollars under it. We have already used silver in this country as money beyond any possibility of the use of the actual silver coin as money. We have 331,000,000 silver dollars, if I am correct in my figures, which circulate by means of paper tokens or representatives. We have about \$90,000,000 for which no silver certificates have been issued, say \$30,000,000 of which are lying in the Treasury unused, and \$60,000,000 of which are in actual circulation among the people.

Now, Mr. President, that amount can not be greatly increased so far as actual circulation of silver is concerned. It may be increased somewhat, but our present use of silver is far beyond what the people would use if they had to use the silver dollar. So that all this contention for free coinage, all this contention for the unlimited coinage of silver, simply means that more paper money is to be issued by the Government.

That leads me to say that I believe the vice of our whole financial situation lies in our paper currency. I know that in saying this I shall not meet with the approval of a good many of my associates, but I regard it as one of the most unfortunate epochs in the history of the United States when under a supposed and a real necessity we departed from the ancient methods and practices and customs of the Government to simply coin the metals, silver and gold, and resorted to a paper currency. No country ever did it, whether the paper was redeemable or irredeemable, that did not suffer for it in the end.

When we resorted to the greenback I venture to say that there were not ten public men in the United States who claimed that it was a sound financial measure. The men who advocated it, the men who insisted upon it, resorted to it upon the plea of necessity only, acknowledging that it was unsound finance, promising that when the war should be over and our great expenses arising from the war should no longer have to be met, greenbacks would be retired from circulation, never for a moment admitting or supposing that they could pass into our financial system; but they have been incorporated in our system.

In addition to that amount of paper money, the greenbacks, we have about \$480,000,000 of silver paper, speaking in round numbers. We have in this country, then, about \$875,000,000 of paper money. That money is responsible for the growth of paternalism in this country. The people from coming to believe that it was not sound finance, that the only function of Government with regard to money was to coin gold and silver, placing the Government stamp upon the metal and delivering it to the person who should bring it to the mint, and regulating the value of it, have come now to believe that in some way or other it is the function of Government to furnish money to the people, to believe that it is one of the functions of Government to make every man's business as profitable as the man himself shall desire it to be. It is the inherent vice of Government paper money that the people look to the Government to furnish them with money and to regulate the money of the Government so that they can be prosperous in their business.

The sentiment first began to appear, Mr. President, when we had the greenbacks only in circulation. Then there came to be an idea that if there happened to be a little squeeze of the money market in New York the Treasury must relieve it by the manipulation of its paper money. It was the speculators of Wall street who first conceived the idea that it was the duty of the Government, by the regulation and management of its paper money, to make good times in Wall street. Then, as time went on, the silver certificates were issued and another class of people caught up the idea of the Wall street speculators. The banker, the business man who was dissatisfied with his business, who began to feel the pinchings of his exhausted credit, thought that the Government must do something with the money in its Treasury to relieve the times, to restore confidence, to rehabilitate business. The fever spread from the speculator to the banker, from the banker to the business man, and then to the general community engaged in mercantile or business transactions. The moment there came to be a pressure the idea was boldly put forth that the Government was responsible by its money transactions, by its regulation of money in its Treasury, for all the conditions of business—for all distress.

It spread still further, till the farmer on his farm, conceiving the idea that the Government, through its manipulation of its paper money, had been favoring the Wall street speculator, the banker, the merchant, and the whole class of people engaged in other business than that of production, conceived the idea that it was the duty of the Government to help him with its paper money. The farmers wanted it issued on real estate, or they wanted that money should have no security behind it, and the cry went up, "Why should not the Government furnish us with money and help us out in our distress just as much as it helps the speculators in Wall street or the bankers of the East?"

So, Mr. President, the whole country has become demoralized with this idea that the Government may properly and wisely issue paper money, and regulate not alone the value of money, but the value and conduct of all business throughout the country thereby. There never was a more fatal governmental heresy than that national benefit is to be derived from issues of governmental paper. There is not another solvent nation in the world which does it, or which would think of doing it. Perhaps that statement is a little too broad. Canada, I think, has a few millions of paper money which it assumed upon the consolidation of the different provinces into one government. It is possible that in Germany there is a little paper outstanding, which the consolidated German Government assumed when it took in its provinces; but any nation that issues its promise to pay as money has embarked on a road where it is almost impossible to turn about, the end of which is in disaster and financial distress and ruin.

My greatest objection to the use of silver is in the issuing of paper money upon it. There is where the danger lies, Mr. President. We can maintain at a parity with gold coin all the silver coin at a ratio of 16 to 1 which the people will use as coin, but I firmly believe that we can not maintain at a parity with gold all the silver upon which we can issue paper money in this country. Why? I do not stop to discuss the old theory of the intrinsic value of money; but one thing is true, and that is that if there are two kinds of money the bullion value of which differs materially the cheaper kind will drive out the more valuable kind if it becomes sufficiently redundant. That is denied by no one. If we continue the purchase of silver, the bullion of which has only a gold value of 50 cents to the dollar, and continue putting out paper upon it without limitation, we shall finally arrive at that point where the cheaper money will drive out the more valuable money and where gold will go to a premium. I do not say when that point will be reached; but that it will be eventually reached, if this process goes on, I can not doubt.

Mr. PEPPER. If the Senator insists upon maintaining the Gresham law, how can he reconcile that with his declaration that he is a bimetalist? In other words, how can we establish bimetalism if one of the metals only can be with us at a time?

Mr. PLATT. The Gresham law does not say any such thing, Mr. President.

Mr. PEPPER. I understood the Senator was arguing that the cheaper metal would drive out the dearer metal.

Mr. PLATT. It will if the cheaper metal becomes too redundant. To that every financier agrees. You can use two metals of different bullion value together to a certain extent. If the United States Government should stamp 412½ grains of copper as a dollar, receive it for Government dues, make it a legal tender, and put no more of it in circulation than was fairly required for the payment of Government dues, and to meet perhaps the views of some few people who believe that the stamp of the Government is all that is needed, it could carry copper dollars of 412½ grains to a certain extent just as well as it can silver dollars of 412½ grains when the bullion in the dollar is only worth half as much as the gold dollar. But if you kept that process up, and issued those copper dollars until they were vastly in excess of what was required to be used for the payment of the Government dues, and in excess of the amount used by those who believed that the Government stamp will carry anything as a dollar, when the amount exceeded those requirements, then those dollars would become valuable only as copper. So, if by this system of issuing paper upon silver you get into circulation more silver than is required for the use of payments to be made to the Government, and up to a point where a majority believe that there is too much of it, then the silver which the paper represents will be valuable as silver only.

I may be old fashioned, Mr. President, in these ideas, but they were learned in my youth, and I have not been able, with all the attention which I have given to this subject, to divest myself of them. You can use two metals together where the bullion value differs, but if you use the cheaper metal too long and to too great an extent, then the money coined from the cheaper metal will become valuable only as metal.

Mr. QUAY. Will the Senator yield to an interruption?

Mr. PLATT. Not now. Let me go on.

Mr. QUAY. If the Senator declines to yield to an interruption, of course I shall not interfere with him.

Mr. PLATT. Mr. President, the trouble is that the Government has gone into the banking business, and no financial measure which does not look to the retirement of the Government from the banking business is going to be of anything but temporary avail. When we settle this question, we must settle it upon sound financial principles. That is our trouble now. With \$75,000,000 of paper money out, \$346,000,000 of which is directly redeemable, if not by law, by our custom, in gold, and \$155,000,000 more of what are called the Sherman purchase-act notes which have also been treated as being redeemable in gold, we have in round numbers

nearly \$500,000,000 of paper money to be redeemed in gold, and in addition to that are the national-bank notes, which may come in for gold redemption. I do not speak of that, however, because I am speaking of the absolute Government paper money. What does that involve, Mr. President? It involves our keeping a fund of gold in the United States Treasury all the while lying idle, until demand may be made upon the Treasury for redemption. It involves our keeping sufficient gold there so that everybody will be satisfied that there can be redemption under all circumstances.

We have by law put it out of our power to get a dollar of gold into the Treasury except by borrowing it. Then comes the necessity of meeting a demand for gold in our foreign payments, and so the gold is gradually or rapidly depleted from the Treasury, when we fill it up, as it were, with a sufficient reserve fund. This thing is to go on forever. So long as our present system of paper money continues there is no relief from it.

This proposed law would simply add to the difficulty. We have demands upon us for gold, and we shall have so long as we trade with any foreign country which uses gold. It is unavoidable.

People think very often when we reckon up what is called the balance of trade, of merchandise trade, and find that we have sold so many goods abroad and we have bought so many goods from abroad, that we have struck the balance of trade, and that if it comes to ten, fifteen, twenty, or fifty million dollars in a year that that is all the demand there is upon this country for gold. That is a very great mistake. What is called the balance of trade, meaning merchandise trade, is ordinarily the factor of least importance in the question of the foreign demand for gold. All that our people abroad spend in foreign lands goes abroad as gold; all that we owe as interest upon our Government bonds and the gold securities which are held abroad has to go in gold; all that we pay in freights carried in foreign bottoms has to be paid in gold. The balance of securities which may be sold in this country by foreigners over and above the securities which are purchased in this country by foreigners has to be paid in gold. All these are uncertain quantities, but they continually help to deplete the Government Treasury of gold.

If it were not for this paper money no gold could be taken from the Treasury of the United States. The outgo of gold from the United States Treasury to a foreign country is possible only as a result of this system of paper money, which has been so unfortunately fastened upon the country. Then we have to resort to borrowing. We think that gold redemption must be maintained. The most extreme silver advocates, I think, will agree that it is for the interests of the country that gold redemption should be maintained, that we should not, by a failure to maintain gold redemption, be thrust upon a silver basis. So, Mr. President, the drain goes on; and when there is a large drain of gold to foreign countries, the timid people in our own country begin to be frightened and they begin to draw gold from the Treasury by presenting paper money for redemption.

If we had not departed from the old system of coining gold and silver for the persons who brought it to the mint and in paying our own obligations in coin, or in the checks and bills of exchange which make up so large a proportion of the payments of this country, we should have no trouble. All this idea that the people have a right to depend upon the Government through its money transactions and its issue of paper money to regulate their affairs to their liking, would not be present, and this paternalism, socialism, and populism, latent or rampant, would never have got such a foothold in this country if it had not been encouraged by the false financial system of paper money which we have inaugurated.

I know that in the minds of a great many people I am talking financial heresy. I remember when I first came into the Senate a message was received from the President in favor of the continued retirement of greenbacks, and I saw the remarkable spectacle of the Secretary of the Treasury recommending that there should be no further retirement of greenbacks.

The difficulty with this question is to get rid of our paper money without disturbing the financial condition of the country. That is a serious question. It requires the attention and study of the best, the most careful, and most thoughtful financiers; but that we ought to do it in such a way and as rapidly as possible, without disturbing the financial conditions and dealing a serious blow to business, I have not the least doubt, Mr. President.

This road of Government paper issues, as I remarked awhile ago, can lead only to disaster in the end, and the worst feature about this bill is that it goes on adding, adding, forever adding, to the volume of our paper money.

Something was said within a day or two past in the Senate about paying off the bonds in silver, as if that were practicable. I think, in a rough calculation which I made while on my feet, that I said that 100,000 silver dollars would weigh about 3 tons. I do not think I was far out of the way. A million silver dollars would weigh 30 tons. Now, suppose—and it is not an unusual supposition at all—that a man in some institution has a million



dollars in bonds coming due to be paid. Who supposes that they could ever be paid at the Government Treasury or at the sub-treasury by the passing over of 30 tons of silver?

Mr. COCKRELL. Are they ever paid by passing the actual gold over?

Mr. WOLCOTT. What is the weight of the gold?

Mr. PLATT. The weight of the gold is one-sixteenth as much as that of the silver, I think.

Mr. TELLER. No; that is the value. The weight is greater in proportion.

Mr. PLATT. I am not able to state what it is; but whether it be more or less, we have the spectacle now before our eyes of gold coming by every ship from Europe, and a little while ago going by every ship to Europe.

I agree that neither gold nor silver are to be used fully in the payment of debts and of bonds; that the method and practice of paying by bills of exchange, checks, and drafts meets generally the requirements of business.

Mr. President, if I had not been interrupted I should have been able to state the views which I have upon this subject in very much less time. I am willing, I repeat, to go as far as I believe it will be safe to go in the use of silver, and I believe it is safe to continue its use until it is made certain or probable that we are going upon a basis of silver alone, and I believe that we have more trouble to-day and there is more fear of future trouble from our paper money than from any coinage of silver which could possibly be utilized in this country in any other form except by the use of paper money.

How much bullion would this bring to the mint? No one knows. It might bring the entire American product not required for use in the arts; it might even bring the foreign product if there was a surplus not needed for use in foreign countries; but to what extent it would bring bullion to the mint I can not foresee, nor can anyone; but the possibilities are that it may increase our silver paper currency even at the rate of \$50,000,000 a year.

We can not afford to trifle with such possibilities. If the bill were enacted into law and the silver certificates issued in pursuance of it which might be issued upon the silver bullion that might be brought to the mints, I have no doubt that in a short time it would drive gold to a premium and put the country upon a purely and exclusively silver basis.

If we are to have a greater use of silver there are a great many better ways in which it can be done than is proposed by the pending bill. I am not wise enough nor is there time enough for me to outline such methods here this evening at this late hour. But of all the foolish, illogical, impracticable methods for the use of silver none has ever surpassed or equaled the measure which is being pressed by the Senator from Arkansas as the deliberate judgment of the majority of the Finance Committee of the Senate.

Mr. QUAY (at 7 o'clock and 47 minutes p. m.). I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Allen,	Daniel,	Jones of Ark.	Power,
Allison,	Davis,	Kyle,	Pugh,
Bate,	Dubois,	Lindsay,	Quay,
Berry,	Faulkner,	McLaurin,	Rosch,
Burrows,	Frye,	McPherson,	Squire,
Butler,	Gallinger,	Manderson,	Stewart,
Caffery,	George,	Mantle,	Teller,
Camden,	Gibson,	Martin,	Vest,
Carey,	Gordon,	Morgan,	Walsh,
Chandler,	Hale,	Peffer,	White,
Clark,	Harris,	Perkins,	Wolcott.
Cockrell,	Hunton,	Pettigrew,	
Coke,	Irby,	Platt,	

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business. I am in hopes that if that is done we will be able to dispose of this question.

Mr. VEST. Will the Senator from Rhode Island allow me to make a report?

Mr. JONES of Arkansas. I ask for the yeas and nays on the motion to proceed to the consideration of executive business.

Mr. ALDRICH. I am willing to yield to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Rhode Island temporarily withdraws the motion, and yields to the Senator from Missouri.

#### REGULATIONS TO PREVENT COLLISIONS AT SEA.

Mr. VEST. I am directed by the Committee on Commerce to report a bill, and I ask for its present consideration.

The bill (S. 2788) to postpone the enforcement of the act of Au-

gust 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea;" was read the first time by its title and the second time at length, as follows:

Whereas the President, in accord with the proposition of Great Britain to enforce on March 1, 1895, the revised international regulations for preventing collisions at sea, and on the representations of that Government that those regulations had received the general approval of the several foreign maritime powers, pursuant to section 3 of the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea," issued on July 13, 1894, his proclamation fixing March 1, 1895, as the time when the provisions of said act, as amended, embodying said revised international regulations shall take effect; and

Whereas the Government of Great Britain has withdrawn from the position, communicated to this Government on April 25, 1894, that no time should be lost in carrying those regulations into effect, and on January 16, 1895, announced to this Government that the Government of Great Britain now finds it impossible until Parliament has been consulted to fix a date for bringing the regulations into force, and earnestly requests this Government to consent to a temporary postponement of the enforcement of said regulations; and

Whereas it is desirable that the revised international regulations for preventing collisions at sea shall be put into force simultaneously by the maritime powers: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said act of March 19, 1890, take effect not on March 1, 1895, but at a subsequent time, to be fixed by the President by proclamation issued for that purpose.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FRYE. Mr. President, in this matter Great Britain has pursued her usual entirely selfish course. She has disregarded entirely every nation but herself. A maritime congress assembled in Washington in 1889 at the suggestion of Great Britain. Her delegates appeared, and they were the chief instruments in procuring from that congress the rules of the sea which have become a law by the proclamation of the President of the United States. Very early the British minister called upon the President of the United States and requested him to issue a proclamation and make the regulations a law. He says:

In this form the regulations have received the general approval of the several foreign maritime powers, and Her Majesty's Government consider that no time should now be lost in taking steps to carry them into effect, and they now propose, after careful consideration, to enforce the regulations shown in the inclosed paper on and from the 1st of March, 1895.

Having regard to the paramount importance of securing international agreement with regard to these regulations, I am instructed to express a hope that the same course will be adopted as that determined on by Her Majesty's Government, in order that the rules may become law in both countries on the same day.

The President of the United States issued his proclamation at the request of Great Britain, and the regulations were to become effective on the 1st day of March. Then, after the proclamation had been issued, Great Britain notified the President of the United States that she did not desire those laws to go into force; that she desired further time for consideration. That of course compelled France, who had agreed to the propositions and had published her proclamation, to withdraw, because, as a matter of course, in a law of the sea where both nations occupy to such an enormous extent the British Channel, France could not agree to regulations unless they were also agreed to by Great Britain. Great Britain compelled Belgium to withdraw. The result is that we are compelled to-day, simply on account of Great Britain's utter disregard of everybody in the world but herself, to enact this measure into law to save human life. If no human life were in danger I for one never would consent to any such performance.

Mr. WHITE. Mr. President, I desire to add to the remarks of the Senator from Maine [Mr. FRYE], in which I fully concur, the statement that in the Washington conference of 1889 there were 28 nations represented. Those 28 nations in 1894 owned a total tonnage of more than 24,000,000 tons, while the nations not represented owned only 127,000 tons. When the President issued his proclamation in July, 1894, enforcing the rules on March 1, 1895, the assent of the United States, Great Britain, and France carried with it 16,230,000 tons, or two-thirds of the tonnage of the world. There was a further assurance by Great Britain that the approval of several foreign maritime powers would be procured.

I might add that in April we were informed by Great Britain that it was desired that the rules should be put into effect upon March 1 of the present year. We were never notified to the contrary until a very late date. Yet it appears from correspondence contained in the document referred to by the Senator from Maine that the Government of Belgium had been apprised in 1894 by the British Government that the rules referred to would not go into effect upon March 1, 1895, thus disclosing that although Great Britain had informed us in 1894 that she would acquiesce, and even suggested the adoption of these rules, to go into effect on the 1st of March, 1895, nevertheless she had apprised her representatives in Belgium that they would not go into effect upon that date.

Mr. President, I agree with the Senator from Maine that if it were simply a matter of diplomatic controversy I should be op-

posed to acceding to any such request, or rather to the circumstances created by the English refusal to agree to those rules. But life and property being involved, it passing unchallenged that Great Britain possesses such control of the sea, there is nothing left for us but to pass the bill and place within the proper jurisdiction the power to put the rules in force, which, if the great maritime powers of the world, and especially Great Britain, had acted in good faith, would without controversy be the dominating rule of conduct on the seas upon the 1st of March.

Mr. JONES of Arkansas. Is the consideration of this bill open to objection? I did not understand that there was to be any debate upon it at the time it was taken up.

The PRESIDING OFFICER. The Chair understands that the bill is before the Senate by unanimous consent.

Mr. JONES of Arkansas. I would not have consented to its consideration if I had known that it was to be debated. I did not understand it.

Mr. CHANDLER. I think the bill will take but a few minutes. Mr. STEWART. If there is going to be any more debate I will object to its further consideration.

Mr. CHANDLER. I had observed from time to time the proceedings by means of which, as a result of international conference, the new rules of the sea have come to be embodied in an international code. It has taken, I think, several years from the time of the first conference.

Mr. WHITE. Since 1889.

Mr. CHANDLER. Since 1889, when the movement originated. I had supposed that the thing was an *fait accompli*. I had supposed that there was no more possibility of delay. I am very much surprised at the condition of affairs which has led to the proposition to repeal the code which we so lately enacted. I rose, therefore, for the purpose of asking some one of the Senators who are familiar with this subject whether the objections of Great Britain were specific to parts of the code or whether their objections are general to the whole of it. What is the specific trouble? Is it likely to be obviated; and, if so, how soon?

Mr. FRYE. Great Britain says that it is desirable that these rules shall be submitted to the Parliament; that is, they will be submitted and there considered before a great while; and the probabilities are that no longer than six months' delay will be required. But Great Britain will pursue her own course, utterly regardless of us, of course.

Mr. CHANDLER. She specifies no particular objection to the rules?

Mr. WHITE. With the permission of the Senator, I desire to state that on February 14, 1895, Mr. Gibson Bowles, Conservative member of Parliament, made a motion in the House of Commons hostile to the new rules adopted here at the conference, and Professor Bryce, president of the board of trade, said that as most other countries had agreed to these rules it was not desirable to reopen the subject. Nevertheless he was willing that a special committee be appointed to inquire into the objections to the decision of the conference. Mr. Bowles eventually withdrew his motion. The matter is pending now, owing to the dispute in England as to whether she should or should not acquiesce.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed. The preamble was agreed to.

#### C. F. LYNCH.

Mr. CAMDEN, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the resolution submitted by himself on the 22d ultimo, to pay C. F. Lynch the difference between the amount of compensation received by him as an employee of the Government on the riding page roll of the Senate and the salary of a messenger, intended to be proposed as an amendment to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations and that it be printed; which was agreed to.

#### COINAGE OF SILVER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2642) providing for the issue of bonds, the coinage of silver, and for other purposes.

Mr. ALDRICH. I renew my motion.

The PRESIDING OFFICER. The Senator from Rhode Island moves that the Senate proceed to the consideration of executive business.

Mr. JONES of Arkansas. I hope that motion will be voted down, and I call for the yeas and nays.

Mr. GORDON. Mr. President—

Mr. ALDRICH. I am willing to yield to the Senator from Georgia.

Mr. JONES of Arkansas. I object to any other business being injected into this debate.

The PRESIDING OFFICER. The Senator from Rhode Island

moves that the Senate proceed to the consideration of executive business, on which the Senator from Arkansas demands the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DUBOIS (when his name was called). I announce the pair of my colleague [Mr. SHOUP] with the junior Senator from New Jersey [Mr. SMITH]. If my colleague were here he would vote "nay." I vote "nay."

Mr. GALLINGER (when his name was called). I announce my pair with the junior Senator from Texas [Mr. MILLS].

Mr. GORDON (when his name was called). I am paired with the junior Senator from Iowa [Mr. WILSON].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], but I transfer that pair to the Senator from Indiana [Mr. VOORHEES]. I vote "nay."

Mr. GALLINGER (when Mr. HAWLEY's name was called). The Senator from Connecticut [Mr. HAWLEY] and the Senator from Florida [Mr. PASCO] are both temporarily absent from the Chamber, and I was asked to announce the fact that they stand paired on this question.

Mr. HILL (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE].

Mr. McLAURIN (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. DIXON], but I have reserved the right to vote to make a quorum. I vote "nay."

Mr. GALLINGER (when Mr. PRITCHARD's name was called). I was requested to announce that the junior Senator from North Carolina [Mr. PRITCHARD] is unavoidably absent from the city, and is paired with the junior Senator from Massachusetts [Mr. LODGE] on all questions relating to this subject.

Mr. ALDRICH. The Senator from South Dakota [Mr. KYLE] has voted. I understood that the Senator from Ohio [Mr. SHERMAN] was paired with him. When the Senator from Ohio went away he left word with me to that effect.

Mr. PUGH (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. ROACH (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN], and withhold my vote.

Mr. VEST (when his name was called). I am paired with the Senator from Minnesota [Mr. WASHBURN].

The roll call was concluded.

Mr. PASCO. I am paired with the Senator from Connecticut [Mr. HAWLEY]. In his absence I withhold my vote.

Mr. BLACKBURN. I ask if the senior Senator from Nebraska [Mr. MANDERSON] has voted?

The PRESIDING OFFICER. The senior Senator from Nebraska has not voted.

Mr. BLACKBURN. I withhold my vote for the present. Were the senior Senator from Nebraska present I should vote "nay."

Mr. COKE (after having voted in the negative). I am paired with the Senator from Oregon [Mr. DOLPH]. I therefore withdraw my vote.

Mr. TELLER. I desire to announce that the senior Senator from Oregon [Mr. MITCHELL] is paired with the senior Senator from Wisconsin [Mr. VILAS].

Mr. BUTLER (after having voted in the negative). I am paired with the Senator from Delaware [Mr. GRAY], and therefore withdraw my vote.

Mr. DAVIS. I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. HANSBROUGH (after having voted in the negative). I am paired with the junior Senator from Illinois [Mr. PALMER]. I voted inadvertently, and therefore withdraw my vote.

Mr. KYLE (after having voted in the negative). Upon this question I am paired with the senior Senator from Ohio [Mr. SHERMAN]. I voted inadvertently, and therefore wish to withdraw my vote.

Mr. BLACKBURN. I suggest that the Senator from Minnesota [Mr. DAVIS] and myself exchange our pairs, so as to enable us to vote.

Mr. DAVIS. Very well.

Mr. BLACKBURN. I vote "nay."

Mr. DAVIS. I vote "yea."

Mr. BURROWS. I desire to announce that my colleague [Mr. McMILLAN] is paired with the Senator from Louisiana [Mr. BLANCHARD].

Mr. HARRIS. I desire to ask if the Senator who made the motion is recorded as voting?

Mr. ALDRICH. Is debate in order in the course of the roll call?

Mr. HARRIS. I am asking a question. I wanted to know if the Senator who made the motion had voted upon it.

Mr. ALDRICH. I object to debate.

The PRESIDING OFFICER. The Chair does not consider that a parliamentary inquiry to the Chair.

Mr. GALLINGER. Regular order.



The result was announced—yeas 6, nays 29; as follows:

YEAS—6.			
Caffery,	Davis,	Lindsay,	McPherson.
Carey,	Frye,		
NAYS—29.			
Allen,	Faulkner,	Martin,	Teller,
Bate,	George,	Morgan,	Walsh,
Berry,	Harris,	Peffer,	White,
Blackburn,	Huntton,	Perkins,	Wilson of Wash.
Camden,	Irby,	Pettigrew,	Wolcott.
Clark,	Jones of Ark.	Power,	
Daniel,	McLaurin,	Squire,	
Dubois,	Mantle,	Stewart,	
NOT VOTING—53.			
Aldrich,	Gallinger,	McMillan,	Ransom,
Allison,	Gibson,	Manderson,	Roach,
Blanchard,	Gordon,	Mills,	Sherman,
Brice,	Gorman,	Mitchell of Oreg.	Shoup,
Burrows,	Gray,	Mitchell of Wis.	Smith,
Butler,	Hale,	Morrill,	Turpie,
Call,	Hansbrough,	Murphy,	Vest,
Cameron,	Hawley,	Palmer,	Vilas,
Chandler,	Higgins,	Pasco,	Voorhees,
Cockrell,	Hill,	Platt,	Washburn,
Coke,	Hoar,	Pritchard,	Wilson of Iowa.
Cullom,	Jones of Nev.	Proctor,	
Dixon,	Kyle,	Pugh,	
Dolph,	Lodge,	Quay,	

The PRESIDING OFFICER. A quorum not having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Coke,	Irby,	Platt,
Allen,	Daniel,	Jones of Ark.	Power,
Bate,	Davis,	Kyle,	Pugh,
Berry,	Dixon,	Lindsay,	Quay,
Blackburn,	Faulkner,	McLaurin,	Roach,
Blanchard,	Frye,	McPherson,	Squire,
Burrows,	Gallinger,	Martin,	Stewart,
Butler,	George,	Morgan,	Teller,
Caffery,	Gordon,	Palmer,	Vest,
Camden,	Hansbrough,	Pasco,	Walsh,
Carey,	Harris,	Peffer,	White,
Chandler,	Higgins,	Perkins,	Wilson of Wash.
Clark,	Huntton,	Pettigrew,	Wolcott.

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum is present. The question recurs on the motion of the Senator from Rhode Island [Mr. ALDRICH], that the Senate proceed to the consideration of executive business. The yeas and nays having been ordered, the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). In order to make a quorum I reserved the right to vote. I will vote as the Senator from Delaware [Mr. GRAY], with whom I am paired, would vote. I vote "yea."

Mr. HILL (when Mr. CAFFERY's name was called). The Senator from Louisiana [Mr. CAFFERY] is not feeling well and was obliged to leave the Chamber.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH], or I should vote "nay."

Mr. FRYE (when his name was called). I am paired with the senior Senator from Maryland [Mr. GORMAN].

Mr. GALLINGER (when his name was called). I will announce my pair with the junior Senator from Texas [Mr. MILLS].

Mr. GORDON (when his name was called). I am paired with the junior Senator from Iowa [Mr. WILSON].

Mr. HARRIS (when his name was called). Being paired with the Senator from Vermont [Mr. MORRILL], I transfer that pair to the Senator from Indiana [Mr. VOORHEES]. I make this announcement for the rest of to-day's session. The Senator from Vermont [Mr. MORRILL] will stand paired with the Senator from Indiana [Mr. VOORHEES]. I vote "nay."

Mr. HIGGINS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. MCPHERSON] and withhold my vote.

Mr. HILL (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE].

Mr. KYLE (when his name was called). I am paired upon this question with the Senator from Ohio [Mr. SHERMAN] and withhold my vote.

Mr. PASCO (when his name was called). I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present I should vote "nay."

Mr. POWER (when his name was called). I have a general pair with the senior Senator from Louisiana [Mr. CAFFERY].

Mr. PUGH (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. HOAR]. I have reserved the right to vote to make a quorum. I vote "nay."

Mr. ROACH (when his name was called). I am paired with the Senator from Maryland [Mr. GORMAN]. I have the privilege of voting to make a quorum, and, as it will not change the result, I vote "nay."

Mr. VEST (when his name was called). I am paired with the Senator from Minnesota [Mr. WASHBURN]; but I have a right to vote to make a quorum. I vote "nay."

The roll call was concluded.

Mr. GALLINGER. I desire to announce that on this vote the junior Senator from North Carolina [Mr. PRITCHARD] is paired with the Senator from Wisconsin [Mr. MITCHELL].

Mr. BLANCHARD. I am paired with the senior Senator from Michigan [Mr. McMILLAN], but inasmuch as a quorum has not voted, having reserved the right to vote in that case, I vote "nay."

Mr. BURROWS. I am paired with the junior Senator from Maryland [Mr. GIBSON] and I did not vote.

The result was announced—yeas 7, nays 31; as follows:

YEAS—7.			
Butler,	Lindsay,	Palmer,	Quay.
Carey,	McPherson,	Platt,	
NAYS—31.			
Allen,	Daniel,	Martin,	Stewart,
Bate,	Faulkner,	Morgan,	Teller,
Berry,	George,	Peffer,	Vest,
Blackburn,	Hansbrough,	Perkins,	Walsh,
Blanchard,	Harris,	Pettigrew,	White,
Camden,	Irby,	Pugh,	Wilson of Wash.
Clark,	Jones of Ark.	Roach,	Wolcott.
Cockrell,	McLaurin,	Squire,	
NOT VOTING—50.			
Aldrich,	Dubois,	Jones of Nev.	Pritchard,
Allison,	Frye,	Kyle,	Proctor,
Brice,	Gallinger,	Lodge,	Ransom,
Burrows,	Gibson,	McMillan,	Sherman,
Caffery,	Gordon,	Manderson,	Shoup,
Call,	Gorman,	Mantle,	Smith,
Cameron,	Gray,	Mills,	Turpie,
Chandler,	Hale,	Mitchell of Oreg.	Vilas,
Coke,	Hawley,	Mitchell of Wis.	Voorhees,
Cullom,	Higgins,	Morrill,	Washburn,
Davis,	Hill,	Murphy,	Wilson of Iowa.
Dixon,	Hoar,	Pasco,	
Dolph,	Huntton,	Power,	

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Daniel,	Kyle,	Pugh,
Allen,	Davis,	Lindsay,	Quay,
Bate,	Dixon,	McLaurin,	Roach,
Berry,	Faulkner,	Martin,	Stewart,
Blackburn,	Frye,	Morgan,	Teller,
Blanchard,	Gallinger,	Palmer,	Vest,
Burrows,	George,	Pasco,	Walsh,
Butler,	Gibson,	Peffer,	White,
Camden,	Gordon,	Perkins,	Wilson of Wash.
Chandler,	Hansbrough,	Pettigrew,	Wolcott.
Clark,	Harris,	Platt,	
Cockrell,	Higgins,	Power,	
Coke,	Jones of Ark.	Proctor,	

The PRESIDING OFFICER. Forty-nine Senators having answered to their names, a quorum of the Senate is present. The question recurs on the motion of the Senator from Rhode Island [Mr. ALDRICH], that the Senate proceed to the consideration of executive business, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I have a pair with the Senator from Delaware [Mr. GRAY], but I am at liberty to vote to make a quorum, and I will vote as the Senator from Delaware would vote. I vote "yea." If he were present I should vote "nay."

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. If he were here I should vote "nay."

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. DUBOIS (when his name was called). I announce the pair of my colleague [Mr. SHOUP] with the junior Senator from New Jersey [Mr. SMITH]. If my colleague were present he would vote "nay." I vote "nay."

Mr. FRYE (when his name was called). I am paired with the senior Senator from Maryland [Mr. GORMAN].

Mr. GORDON (when his name was called). I am paired with the junior Senator from Iowa [Mr. WILSON].

Mr. KYLE (when his name was called). I am paired with the senior Senator from Ohio [Mr. SHERMAN].

Mr. PASCO (when his name was called). I announce my pair with the Senator from Connecticut [Mr. HAWLEY]. If he were present I should vote "nay."

Mr. POWER (when his name was called). I have a general pair with the Senator from Louisiana [Mr. CAFFERY], and withhold my vote.

The roll call was concluded.

Mr. BLANCHARD. I wish to announce my pair with the senior Senator from Michigan [Mr. McMILLAN]; but inasmuch as a quorum has not voted, I vote to make a quorum. I vote "nay."

Mr. GALLINGER. I desire to announce my pair with the junior Senator from Texas [Mr. MILLS]. I will also announce the pair

of the Senator from North Carolina [Mr. PRITCHARD] with the Senator from Wisconsin [Mr. MITCHELL].

The result was announced—yeas 7, nays 33; as follows:

YEAS—7.			
Butler, Carey,	Lindsay, McPherson,	Palmer, Platt,	Quay.
NAYS—33.			
Allen, Bate, Berry, Blackburn, Blanchard, Camden, Clark, Cockrell, Daniel,	Dubois, Faulkner, George, Hansbrough, Harris, Irby, Jones of Ark. McLaurin, Mantle,	Martin, Morgan, Peffer, Perkins, Pettigrew, Pugh, Roach, Squire, Stewart,	Teller, Vest, Walsh, White, Wilson of Wash. Wolcott.
NOT VOTING—43.			
Aldrich, Allison, Brice, Burrows, Caffery, Call, Cameron, Chandler, Coke, Cullom, Davis, Dixon,	Dolph, Frye, Gallinger, Gibson, Gordon, Gorman, Gray, Hale, Hawley, Higgins, Hoar,	Hunton, Jones of Nev. Kyle, Lodge, McMillan, Manderson, Mills, Mitchell of Oreg. Mitchell of Wis. Morrell, Murphy, Pasco,	Power, Pritchard, Proctor, Ransom, Sherman, Shoup, Smith, Turpie, Vilas, Voorhees, Washburn, Wilson of Iowa.

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich, Bate, Blanchard, Carey, Chandler, Clark, Cockrell, Daniel,	Davis, Dixon, Faulkner, Frye, Gallinger, Hansbrough, Harris, Higgins,	Hill, Jones of Ark. Kyle, McPherson, Palmer, Pasco, Peffer, Perkins,	Platt, Quay, Stewart, Teller, Vest, Wilson of Wash. Wolcott.
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The PRESIDING OFFICER. Thirty-one Senators have answered to their names. A quorum is not present.

Mr. JONES of Arkansas. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The Senator from Arkansas moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. KYLE. Would it not be better to say "compel the attendance of absent Senators?"

The PRESIDING OFFICER. The motion of the Senator from Arkansas is in accordance with the rule of the Senate. The question is on that motion.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant-at-Arms will execute the order of the Senate.

At 8 o'clock and 54 minutes p. m. Messrs. ALLEN, BERRY, BLACKBURN, BUTLER, CAMDEN, COKE, IRBY, JONES of Nevada, McLAURIN, MARTIN, PUGH, RANSOM, and ROACH entered the Chamber and answered to their names.

Mr. COCKRELL. I ask that the names of absentees be called.

The PRESIDING OFFICER. The Secretary will call the names of the absentees.

The Secretary called the names of Messrs. ALLISON, BRICE, BURROWS, CAFFERY, CALL, CAMERON, CULLOM, DOLPH, DUBOIS, GEORGE, GIBSON, GORDON, GORMAN, GRAY, HALE, HAWLEY, HOAR, HUNTON, LINDSAY, LODGE, McMILLAN, MANDERSON, MANTLE, MILLS, MITCHELL of Oregon, MITCHELL of Wisconsin, MORGAN, MORRELL, MURPHY, PETTIGREW, POWER, PRITCHARD, PROCTOR, SHERMAN, SHOUP, SMITH, SQUIRE, TURPIE, VILAS, VOORHEES, WALSH, WASHBURN, WHITE, and WILSON of Iowa.

At 8 o'clock and 57 minutes p. m. Messrs. BURROWS, MORGAN, and POWER entered the Chamber and responded to their names.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names. A quorum is present. The question recurs on the motion of the Senator from Rhode Island [Mr. ALDRICH] that the Senate proceed to the consideration of executive business.

Mr. ALDRICH. I ask unanimous consent to withdraw that motion.

The PRESIDING OFFICER. The Senator from Rhode Island asks unanimous consent that the motion submitted by him be withdrawn. Is there objection? The Chair hears none, and the motion is withdrawn.

Mr. WOLCOTT. I offer the resolutions which I send to the desk, and I ask to have them read.

The PRESIDING OFFICER. The resolutions will be read, if there be no objection. The Chair hears none.

The Secretary read the resolutions, as follows:

*Resolved*, That it is the sense of the Senate that the welfare and prosperity of the United States require the enactment of a law for the free and unlimited coinage of silver at the ratio of 16 to 1.

*Resolved*, That in view of the fact that this Congress will expire by law on March 4, and that there are important appropriation bills requiring the attention of the Senate, it is the sense of the Senate that consideration of such a law be not entered upon at this session of Congress.

Mr. JONES of Arkansas. Let those resolutions lie over.

Mr. COCKRELL. And be printed.

The PRESIDING OFFICER. The resolutions will lie over, and be printed.

Mr. PASCO. I move that all proceedings under the recent call be suspended.

The PRESIDING OFFICER. The Senator from Florida moves that further proceedings under the call of the Senate be dispensed with. Is there objection? The Chair hears none, and it is so ordered.

Mr. JONES of Arkansas. I move that the Senate adjourn.

The motion was agreed to; and (at 9 o'clock p. m.) the Senate adjourned until tomorrow, Wednesday, February 20, 1895, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

TUESDAY, February 19, 1895.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read and approved.

JOHN L. BULLIS.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting a communication from the Attorney-General, looking to an appropriation to reimburse John L. Bullis, Indian agent at the San Carlos Agency, for expenses incurred in the United States district courts; which was referred to the Committee on Claims.

### EXPENDITURES COAST AND GEODETIC SURVEY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting detailed estimate of expenditures of the Coast and Geodetic Survey for the fiscal year ended June 30, 1894; which was referred to the Committee on Expenditures in the Treasury Department.

### OKLAHOMA CENTRAL RAILROAD.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 5624) to authorize the Oklahoma Central Railroad to construct a bridge and railway through the Indian and Oklahoma Territories, and for other purposes.

The Senate amendments were read at length.

Mr. FLYNN. I move concurrence in the amendments of the Senate.

The motion was agreed to.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. McRAE indefinitely, on account of sickness in his family.

### REPRINT OF A BILL.

On motion of Mr. BARTHOLDT, by unanimous consent, a reprint of the bill (H. R. 8481) providing for the appointment of a commission to investigate the pollution of water supplies was ordered.

### WILLIAM MOSS.

Mr. McRAE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1126) making an appropriation for the benefit of the estate of William Moss, deceased.

Mr. STONE of Kentucky. Mr. Speaker, I wish to state that I made an objection last evening to the consideration of a bill called up by the gentleman from Michigan [Mr. WEADOCK]. The objection was made under a misapprehension, and I desire now to withdraw it.

The SPEAKER. The gentleman from Arkansas, who is compelled to be absent, has been recognized to ask unanimous consent for the consideration of a bill which will be read.

The bill H. R. 1126 was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SAYERS and others objected.

Mr. McRAE. This is a very meritorious bill and one that ought to be passed. I hope the objection will be withdrawn.

The SPEAKER. Objection is made.

### DONATION OF CANNON TO SOLDIERS' HOME, ROSEBURG, OREG.

Mr. HERMANN. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 237, authorizing the donation of certain cannon to the Oregon State Soldiers' Home, at Roseburg.



The joint resolution was read, as follows:

Joint resolution (H. Res. 227) authorizing the Secretaries of War and of the Navy to donate to the Oregon State Soldiers' Home, at Roseburg, Oreg., certain cannon, etc.

*Resolved, etc.,* That the Secretary of the Navy be, and he is hereby, authorized to donate and deliver, under such conditions as he may deem necessary in order to insure the proper fulfillment of the purposes of this resolution, to the Oregon State Soldiers' Home, at Roseburg, Oreg., such old and unused cannon, muskets, swords, and other implements of war, of copper, tin, bronze, iron, and steel, as are not now and will not hereafter be required for naval uses, for the purpose of being used for parades, anniversary celebrations, and salutes: *Provided*, That such articles only be donated, under the authority herein contained, as in the judgment of the Secretary of the Navy may be spared without detriment to the public interests.

The SPEAKER. Is there objection to the consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to a third reading; and being read the third time, was agreed to.

Mr. HERMANN. I move to amend the title by striking out the words "Secretaries of War and" and inserting the word "Secretary," so that it will read: "authorizing the Secretary of the Navy to donate to the Oregon State soldiers' home."

The SPEAKER. Without objection that amendment will be agreed to.

There was no objection.

LIEUT. ROBERT B. TUBBS.

Mr. WEADOCK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5206) for the relief of Robert B. Tubbs.

The SPEAKER. The Clerk will report the title of this bill.

The Clerk read as follows:

A bill (H. R. 5206) for the relief of Robert B. Tubbs.

The SPEAKER. This bill was read on yesterday, and objection was made to its consideration. The gentleman who objected now withdraws the objection. The Clerk will again report the bill.

The bill was read, as follows:

Whereas on or about the 23d day of August, A. D. 1863, Robert B. Tubbs, as lieutenant of Company I, of the Eighth Regiment of Michigan Cavalry, was dishonorably dismissed from the service of the United States by General Field Order No. 7 of the Army of Ohio, with a forfeiture of all pay and allowances then due; and

Whereas said order was based on the finding of a court of inquiry at which no opportunity was allowed said Tubbs to either disprove the charges alleged against him or to produce any witnesses in his defense: Therefore,

*Be it enacted, etc.,* That said Robert B. Tubbs is hereby relieved from such dishonorable dismissal from the service of the United States, and such dismissal and the finding of judgment of said court-martial and the said General Order No. 7 is hereby declared void so far as it affects the said Robert B. Tubbs; and said Robert B. Tubbs shall be entitled to receive the pay and allowances of his rank due to him at the date of his dismissal, with pay and allowances of his rank for three months after the date of such dismissal from such service. And the Treasurer of the United States is hereby authorized to pay the said Robert B. Tubbs the amount that shall be found due him from any moneys in the Treasury of the United States not otherwise appropriated.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. KILGORE. I should like to know who it was that objected yesterday?

Mr. WEADOCK. The gentleman from Kentucky [Mr. STONE].

Mr. KILGORE. Has that objection been withdrawn?

Mr. WEADOCK. The gentleman withdraws it.

Mr. KILGORE. Do I understand from the reading of that bill that it carries the pay and allowance that this man would be entitled to from the time that he was dismissed by the court-martial up to this time?

Mr. WEADOCK. What he was entitled to at the time of his dismissal. He was not tried by a court-martial. He was dismissed on the finding of a court of inquiry, at which no opportunity was given him to be heard. He was never tried by a court-martial. He never had any hearing.

Mr. KILGORE. Do you expect to pay him all the pay and allowances he would be entitled to?

Mr. WEADOCK. Simply what was due him at the time he was dismissed.

Mr. LOUD. This bill does not say that.

Mr. WEADOCK. We are going to amend it.

Mr. SAYERS. I understand that the gentleman agrees that we may strike out all after the word "dismissal," in line 10, which eliminates from the bill the pay and allowance of his rank for three months after the date of his dismissal from the service.

Mr. WEADOCK. I will accept that amendment.

Mr. LOUD. He would be entitled to his pay and allowances regardless of your striking that out.

Mr. WEADOCK. All we ask is what was due to him at the time of his dismissal.

Mr. LOUD. He would be entitled to it up to the time of the discharge of the regiment anyway, unless there is a special provision in the bill.

Mr. WEADOCK. He does not ask that.

Mr. LOUD. You should say that he shall not be entitled to any pay or allowances.

The SPEAKER. Is there objection to the request for the present consideration of the bill?

Mr. LOUD. Unless that amendment is included I shall have to object.

Mr. WEADOCK. I will agree to that amendment.

Mr. LOUD. That no pay or allowances shall accrue by reason of the passage of this act.

The SPEAKER. That amendment can be considered after the submission of the request. Is there objection to the request for the consideration of the bill?

There was no objection.

Mr. SAYERS. Now, I move to strike out all after the word "Tubbs," in line 7.

The SPEAKER. The Clerk will report the language proposed to be stricken out.

The Clerk read as follows:

On page 2, strike out the following language:

"And said Robert B. Tubbs shall be entitled to receive the pay and allowances of his rank due to him at the date of his dismissal, with pay and allowances of his rank for three months after the date of such dismissal from such service. And the Treasurer of the United States is hereby authorized to pay the said Robert B. Tubbs the amount that shall be found due him from any moneys in the Treasury of the United States not otherwise appropriated."

Mr. SAYERS. Now, instead of that, I move to insert the words:

*Provided*, That said Tubbs shall not be entitled to receive any pay or allowances by reason of the passage of this act.

Mr. LOUD. That is right.

Mr. WEADOCK. That will be accepted.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all after the word "Tubbs," in line 7, and insert the following: "*Provided*, That said Tubbs shall not be entitled to receive any pay or allowances by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. WEADOCK, a motion to reconsider the last vote was laid on the table.

#### FORFEITURE OF CERTAIN LANDS.

Mr. ELLIS of Oregon. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8097) to amend an act entitled "An act to amend an act entitled 'An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes,' approved September 29, 1890, and the several acts amendatory thereof."

The bill was read, as follows:

*Be it enacted, etc.,* That "An act to amend an act to amend an act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, and the several acts amendatory thereof," approved December 12, 1893, be, and the same is hereby, amended so as to read as follows:

"That section 3 of an act entitled 'An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes,' approved September 29, 1890, and the several acts amendatory thereof, be, and the same is, amended so as to extend the time within which persons entitled to purchase lands forfeited by said act shall be permitted to purchase the same, in the quantities and upon the terms provided in said section, at any time prior to January 1, 1897: *Provided*, That actual residence upon the lands by persons claiming the right to purchase the same shall not be required where such lands have been fenced, cultivated, or otherwise improved by such claimants, and such persons shall be permitted to purchase two or more tracts of such lands by legal subdivisions, whether contiguous or not, but exceeding 320 acres in the aggregate: *And provided further*, That nothing herein contained shall be so construed as to interfere with any adverse claim that may have attached to the lands or any part thereof."

The amendment recommended by the committee was read, as follows:

On page 2, line 25, after the word "but" strike out the word "exceeding," and insert the words "not to exceed."

Mr. SAYERS. Mr. Speaker, let us have an explanation of this bill.

The SPEAKER. Without objection, the gentleman may make a short explanation of the bill.

Mr. ELLIS of Oregon. Mr. Speaker, under the provisions of the bill here sought to be amended many have already secured patents for their lands upon precisely the same terms this bill seeks to extend to those who were not able, for want of the necessary funds, to pay for their lands within the time those who have received patents did.

Mr. McMILLIN. If the gentleman will pardon me, we can not hear a word he is saying.

Mr. ELLIS of Oregon. Probably about two-thirds of the settlers under the law as it now stands have secured patents to their lands, but by a recent ruling of the Department it is now held that those who have not completed title can not do so, for the reason that their lands do not lie contiguous, although they have not filed upon an amount in excess of the maximum amount allowed by existing law. But in some instances the lands do not lie contiguous and the claimant does not actually reside upon each tract, and the Department has held that they must do so in order to enable them to complete their title to the land which they claim under the act of September 29, 1890. Probably about two-thirds of those who had these claims have been able to perfect their

titles under the law, and this bill gives the other third the opportunity to complete their proof, but they can not under the ruling mentioned do this unless this act is passed.

The Commissioner of the General Land Office recommends the passage of the bill. There are a large number of claims hung up, patents suspended, and contests pending, awaiting action upon this bill, or some legislation of a similar character. If some action is not taken final disposition can not be made of them at this time, and a great hardship will be done, many worthy and deserving settlers, who are seeking in good faith to perfect title to their homes under the construction placed upon the act at the time they made settlement. This bill does not enlarge the rights of any one, but is simply to meet a construction which has been placed upon existing law by a recent ruling of the Department. If the title to these lands is not allowed to be perfected in this way the lands will revert to the Government, and instead of the Government receiving the \$1.25 an acre for them, as it will if the settler is permitted to perfect title as this bill contemplates, the land will be open to settlement under the homestead laws, and these lands, which are in many cases highly improved, will be lost to the man making the improvement and \$1.25 per acre to the Government.

Mr. HERMANN. And the settlers have improved the lands.

Mr. ELLIS of Oregon. The settlers have improved the lands and are living upon one tract or in close proximity, but it is held that they can not complete the title because the land is not contiguous, notwithstanding the fact they have done all that has been done by a great many who have heretofore obtained title.

Mr. LACEY. What is the maximum amount?

Mr. ELLIS of Oregon. Three hundred and twenty acres; and this does not remove that restriction or in any way enlarge the provisions of the original act, but seeks to put all upon an even standing.

Mr. STONE of Kentucky. Mr. Speaker, this seems to be too large a question to be considered on a request for unanimous consent.

Mr. LACEY. It does not cover very many cases.

Mr. ELLIS of Oregon. It does not cover many cases, but works a great hardship against those who were so unfortunate as to be unable by reason of poverty to obtain title prior to the ruling which cuts them off from the privileges enjoyed by those who perfected title before the ruling cutting off their less fortunate brethren was made. The Committee on the Public Lands unanimously reported in favor of the passage of this bill.

The SPEAKER. The gentleman from Kentucky objects.

ABRAHAM O. WAUCOP.

Mr. LAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2130) for the relief of Abraham O. Waucop.

The bill was read, as follows:

*Be it enacted, etc., That the Secretary of War be, and hereby is, directed to correct the military record of Abraham O. Waucop, late captain Company F, One hundred and eighteenth Regiment Ohio Volunteer Infantry, by removing the charge of absence without leave and dishonorable dismissal from the service and grant him an honorable discharge as of the date of May 15, 1865: Provided, That no pay, pension, or emoluments shall become due the said Abraham O. Waucop by virtue of this act.*

The amendment recommended by the committee was read, as follows:

In line 10, strike out the word "pension" and insert the word "bounty."

Mr. TALBERT of South Carolina. I would like to ask the gentleman if that bill has been considered by the Committee of the Whole at the Friday night sessions.

Mr. LAYTON. Under the rule, it can not be considered at the Friday night sessions, as the Chairman has ruled that it does not come within the jurisdiction of the Friday night sessions. That has been ruled on.

Mr. TALBERT of South Carolina. I object.

Mr. LAYTON. I hope the gentleman will permit me to make a short statement. It is a very meritorious case.

Mr. TALBERT of South Carolina. I have no objection to the gentleman making a short statement.

Mr. LAYTON. The beneficiary of this bill, Captain Waucop, is a reputable gentleman, living in my district, where he has always resided except the four years during which he was in the civil war. He enlisted three different times as a private; first on the 16th of April, 1861, in the Fifteenth Ohio Regiment; and he continued with that command until the 27th day of August in the same year, and received an honorable discharge. In a day or two thereafter he again enlisted in the Benton Cadets, of St. Louis, and served with that organization until January, 1862, and was again honorably discharged with the organization at that time. In the summer of 1862 he again, for the third time, reenlisted in the One hundred and eighteenth Ohio Volunteers, and served with that command continuously—in fact, to the close of the war.

Mr. TALBERT of South Carolina. Did he get a bounty every time he enlisted?

Mr. LAYTON. On the 28th of March his regimental commander reported that he had rendered himself unfit for duty and had been absent without leave since March 6, 1865, and recommended his dismissal from the service.

Mr. TALBERT of South Carolina. What evidence was there adduced except his own statement?

Mr. LAYTON. Nothing except the statement of his comrades who served with him.

Mr. TALBERT of South Carolina. The only point is this: I think the matter is one which ought to be investigated by the Committee of the Whole at the Friday night session.

Mr. LAYTON. The gentleman understands that it can not be considered in the Committee of the Whole on the Friday night meetings, because the chairman of the committee at the Friday night sessions has held that it does not come within the jurisdiction of those meetings. The chairman of the committee has continuously ruled that they can not be considered during the Friday night sessions, and that is the reason why it has not been so considered.

Mr. PICKLER. It is not within the jurisdiction of the committee.

Mr. TALBERT of South Carolina. This is a case for the removal of a charge of desertion.

Mr. LAYTON. No, sir; he is not charged with desertion. He is only marked as absent from the command. He served nearly four years, and was dishonorably dismissed from the service for being absent without leave for about fourteen days, without trial, and that happened three or four days after he was promoted to a captaincy for gallant services. He participated in many engagements and was wounded at the battle of Resaca, Ga. I assure the gentleman that this is one of the most meritorious cases of this kind ever presented to the House.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. LOUD. Mr. Speaker, the gentleman presents so strong a case that I think he had better let the bill lie over until to-morrow. [Laughter.] This is a case that comes within the law if the facts are as stated.

Mr. LAYTON. I will say to the gentleman that I submitted the question to Colonel Ainsworth himself and he told me that it did not come within the statute, because this man was dismissed by order of the Secretary of War. Colonel Ainsworth said that if he had had a trial by court-martial and had been charged with desertion then the case would come within the statute, but that as he was dismissed by the order of the Secretary of War it did not come within the statute. Application was made to the War Department for relief in the first instance and the application was rejected for that reason.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LAYTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

ELISHA B. BASSETT.

Mr. THOMAS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk, being Senate bill 1483 to correct the military record of Elisha B. Bassett.

The bill was read, as follows:

*Be it enacted, etc., That the President of the United States be, and hereby is, authorized to revoke, disapprove, and set aside so much of General Orders No. 253, Headquarters Department of the Cumberland, Chattanooga, Tenn., dated October 23, A. D. 1863, by command of Maj. Gen. George H. Thomas, general in command, as confirms so much of Special Field Orders No. 171, Headquarters Department of the Cumberland, Murfreesboro, Tenn., dated June 23, A. D. 1863, Major-General Rosecrans commanding, as dismissed Capt. Elisha B. Bassett, captain of Company B, Nineteenth Michigan Volunteer Infantry, from the service for cowardice exhibited by deserting his command while engaged with the enemy at the affair of Thompsons Station, and to grant and cause to be issued and delivered to the widow of said Elisha B. Bassett a certificate of honorable muster out of the service as of the 23d day of June, A. D. 1863. And the widow and heirs of the said Elisha B. Bassett shall not be entitled by virtue of this act to any pay or allowance subsequent to said 23d day of June, A. D. 1863.*

Mr. THOMAS. I ask that the report, which was made by General Black, of Illinois, be read.

The SPEAKER. Without objection the report will be read.

There was no objection, and the report was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 1483) to correct the military record of Elisha B. Bassett, have had the same under consideration and beg leave to report:

The said Bassett, now deceased, was in the year 1863 captain of Company B, of the Nineteenth Regiment of Michigan Volunteer Infantry; in the early part of March of that year Captain Bassett was in command of his company during the march of his regiment from Brentwood to Franklin, Tenn.; on the 5th of that month the enemy were encountered near Thompsons Station, Tenn., and during the engagement that followed Captain Bassett turned over



the command of his company to the first lieutenant and retired to the rear; the colonel of the regiment thereupon reported Captain Bassett for cowardice and recommended his dishonorable dismissal from the service, which recommendation was carried into effect. The purpose of the bill is to correct the military record of Captain Bassett, and to cleanse his memory from the stain of cowardice.

In support of the bill there was laid before the committee the affidavits of Clark, surgeon, and Bennett, assistant surgeon of the regiment; Adams, regimental adjutant, and afterwards assistant adjutant-general of brigade; Anderson, first lieutenant Company H, and afterwards major and colonel of regiment; Shaffer, first lieutenant Company A, and afterwards colonel and brigadier-general; and Privates Bellinger, Beverly, and Ely, of Captain Bassett's company. The facts sustained by this mass of testimony, based on personal and professional knowledge, are, in substance: That in the fall prior to the engagement near Thompsons Station Captain Bassett was attacked with tuberculosis and so prostrated that he was ordered on leave to recuperate, and went to his home, in charge of his wife, who had been sent for to nurse him.

After an absence of two months he rejoined and took command of his company, though greatly emaciated, and remained in service thereafter against the advice of the regimental surgeon. From this until the following spring he spent a portion of the time in hospital, leaving it only a few days before the march to Franklin and the engagement near Thompsons Station. During the march he was obliged to ride in an ambulance; but on meeting the enemy he took personal command of his company and participated in the engagement until a movement up a hill being ordered at double-quick, he found himself too weak to lead his men, and turned his command over to his first lieutenant. This action coming to the notice of the colonel of the regiment, Captain Bassett was reported for cowardice, with the result already stated.

The colonel who preferred the charge and the captain who suffered disgrace are both dead. Were both alive the committee would be justified in reflections in which it now forbears to indulge, for the affiants agree in testifying to the high moral and soldierly qualities of Captain Bassett, and especially to his conduct in the engagement near Thompsons Station, where he remained in command of his company as long as he was able. The affiants also agree in attributing the colonel's charge of cowardice to personal dislike of Captain Bassett, which this superior officer took no care to conceal. This animus is sworn to by all these affiants as of their personal observation and knowledge; and their character and opportunities compel belief on the part of the committee.

It is therefore considered an act of the merest justice that the cloud of dishonor which shadowed Captain Bassett to his grave should now be lifted from his memory; and the committee heartily approve the bill, and recommend its passage.

Mr. LOUD. I should like to know if that was the first engagement that this brave captain ever participated in?

Mr. THOMAS. I think it was.

Mr. LOUD. And he immediately had business to the rear. I know how it was, for I have experienced those feelings myself. [Laughter.] The man himself is dead, I understand from the report.

Mr. THOMAS. Yes, sir.

Mr. LOUD. And this is simply to enable his widow to get a pension?

Mr. THOMAS. This is to correct his military record, and the bill expressly provides that there shall be no pay or allowance subsequent to the date of his dismissal.

Mr. LOUD. Oh, they will get a pension in some way; but it is so unpopular to object to these bills, Mr. Speaker, that I shall not object in this case although I believe it is a bad bill.

There being no objection, the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. THOMAS, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### TRANSPORTATION OF MERCHANDISE IN BOND.

Mr. COCKRELL. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 277.

The joint resolution was read, as follows:

*Resolved by the Senate and House of Representatives, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to suspend the operation of section 3005 of the Revised Statutes, in so far as the same permits goods, wares, and merchandise to be transported in bond through the United States into the free zone of Mexico, so long as the Mexican free-zone law exists, at any point between the western boundary of the city of Laredo, in the State of Texas, and the Pacific Ocean: Provided, That nothing herein contained shall be construed so as to prevent the transportation of merchandise in bond to be delivered at points in the territory of Mexico beyond the limits of said free zone.*

Mr. COCKRELL. Mr. Speaker, I ask that the report of the committee be read.

Mr. DINGLEY. Mr. Speaker, this is an important measure, and I reserve the right to object.

The report (by Mr. BYNUM) was read, as follows:

The Committee on Ways and Means, to whom was referred the House resolution (H. Res. 200) entitled "A joint resolution in reference to the free zone along the northern frontier of Mexico and adjacent to the United States," having had the same under consideration, respectfully report the same back with the recommendation that the accompanying substitute be adopted in its stead.

The design of the resolution was to prevent the transportation of merchandise in bond through the United States into the free zone of Mexico. The free zone of Mexico is a narrow strip extending along the northern boundary of Mexico from the Gulf of Mexico to the Pacific Ocean. The Government of Mexico does not allow shipments in bond through its territory into the free zone, hence all shipments into this territory are made through the United States. The sparsely settled country along the line between the United States and Mexico makes smuggling easy, and the officers of the Government have found it impossible to prevent the same. The exemption of that portion of "Zona Libre" between the Gulf of Mexico and Laredo is deemed advisable by reason of the navigability of the river between those points. There is no objection upon the part of the Mexican Government to the passage of this resolution and the action proposed to be taken by this Government.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. BYNUM. Mr. Speaker, this is reported by the committee as a substitute for House joint resolution 260, and the original resolution should lie on the table.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. COCKRELL, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

The original resolution (H. Res. 260) was laid on the table.

#### CLARA A. GRAVES AND OTHERS.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill, which I ask the Clerk to read.

The bill was read, as follows:

A bill (S. 238) for the relief of Clara A. Graves, Lewis Smith Lee, Florence Lee, Mary F. Sheldon, and Elizabeth Smith, heirs of Lewis Smith, deceased.

*Be it enacted, etc., That the Treasurer of the United States shall pay, out of any money in his hands not otherwise appropriated, to Clara A. Graves, Lewis Smith Lee, Florence F. Lee, Mary S. Sheldon, and Elizabeth Smith, heirs of Lewis Smith, the sum of \$2,317.77, being their father's and grandfather's portion of prize money as first lieutenant of the brig Warrior, due and unpaid on or about July 17, 1815.*

Mr. WARNER. Mr. Speaker, this is the prize-money case that was fully explained here the other morning. The gentleman from Missouri [Mr. DOCKERY] at that time asked that the bill lie over until it could be examined, which has been done. I hope there will be no objection to the present consideration of the bill.

Mr. SAYERS. Mr. Speaker, I should like to hear some explanation of this bill.

Mr. WARNER. This is a case of prize money that was due to the ancestor of these claimants—the claim never having been assigned, which was deposited with the United States court and for which indemnity was offered—which was withheld by the court, and which formed a part of the sum with which the clerk absconded, the clerk having afterwards repaid a large portion of his liability. The bill was brought up here about two weeks ago. At that time the gentleman from Missouri [Mr. DOCKERY], a member of the Committee on Appropriations, asked that it might lie over until it could be examined, as did several others. The papers have been furnished to all of them, and I understand they have examined them, and they have had notice for the last three days that the bill would be called up. I trust there will be no objection to its consideration.

Mr. BROWN. This was paid out of the prize fund.

Mr. WARNER. This was a part of the prize fund.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. SAYERS. I object.

#### ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (S. 2599) granting a pension to Caroline E. Weasells.

#### REPORTS OF COMMITTEES.

The following reports of committees were handed in at the Clerk's desk, referred to their appropriate Calendars, and otherwise disposed of as indicated below:

#### SETTLEMENT OF CLAIMS OF OFFICERS AND ENLISTED MEN OF THE ARMY.

Mr. OUTHWAITE, from the Committee on Military Affairs, reported, in the nature of a substitute to House bill 8387, the bill (H. R. 8914) to amend an act entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for the loss of private property destroyed in the military service of the United States," approved March 3, 1885; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 8387 was laid on the table.

#### INSANE ASYLUM, NEW MEXICO.

Mr. JOSEPH, from the Committee on the Territories, reported back favorably the bill (H. R. 8999) approving an act entitled "An act to provide an addition to the insane asylum of New Mexico, and for other purposes;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### CENTENNIAL EXPOSITION, NASHVILLE, TENN.

Mr. WASHINGTON, from the Committee on Appropriations, reported, in the nature of a substitute for House bill 8109, the bill (H. R. 8916) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1896, and making an appropriation therefor; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 8109 was laid on the table.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 8277) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1896; in which the concurrence of the House was requested.

The message also announced that the Senate had further insisted upon its amendment numbered 5 to the bill (H. R. 8234) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1896, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses, and had appointed Mr. BLACKBURN, Mr. BRICE, and Mr. HALE as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 4693) for the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 684) for the relief of Mrs. Evalyn N. Van Vliet, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PALMER, Mr. GALLINGER, and Mr. HAWLEY as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 252) to amend the charter of the Metropolitan Railroad Company of the District of Columbia.

## MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and a joint resolution of the following titles:

On February 18, 1895:

An act (H. R. 5603) to amend an act entitled "An act to amend the laws relative to shipping commissioners," approved August 19, 1890, and for other purposes;

An act (H. R. 7839) to bridge the Newark Bay;

An act (H. R. 5216) to amend the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891; and

Joint resolution (H. Res. 261) authorizing the Secretary of War to expend a portion of the appropriation made in the river and harbor act of 1894 for St. Joseph Harbor, in the State of Michigan, to complete the connection between St. Joseph Harbor and Benton Harbor.

On February 19, 1895:

An act (H. R. 7020) to readjust the salaries and allowances of the postmasters at Guthrie, Oklahoma City, and Kingfisher, in Oklahoma Territory;

An act (H. R. 8488) to relieve Abraham D. Prince; and

An act (H. R. 8563) to adopt special rules for the navigation of harbors, rivers, and inland waters of the United States, except the Great Lakes and their connecting and tributary waters as far east as Montreal, supplementary to the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

## ANTITOXINE.

Mr. BRYAN. Mr. Speaker, I ask unanimous consent for the present consideration of House bill 8695, which I send to the desk.

The bill was read, as follows:

*Be it enacted, etc.,* That on and after the passage of this act antitoxine imported from any foreign country shall be admitted free of all customs duties.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. SAYERS. Mr. Speaker, I think there ought to be some explanation of the bill.

Mr. BRYAN. Let the report be read.

The report (by Mr. BRYAN) was read, as follows:

The Committee on Ways and Means, to which was referred the bill (H. R. 8695) to admit antitoxine free of duty, beg leave to report:

The evidence in favor of antitoxine as a remedy for the dreaded scourge of the race, diphtheria, which has so long defied the skill of medicine, seems to be preponderating, and the few cases in which the remedy has failed may be properly attributed to impurity in the drug. The demand is great and the facilities for its manufacture thus far are not numerous. In time doubtless we shall make it here as pure and as cheaply as elsewhere. That manufactured abroad is mostly under government supervision and with care that guarantees its purity. It should be allowed admission free of duty for the present at least. It is estimated that the loss to the revenue by placing antitoxine on the free list would not approach \$1,000, but if it were much greater than that sum and a single life were saved thereby, and the cost of the remedy reduced to the poor, it would justify the loss.

Your committee therefore recommend that the bill do pass.

Mr. SAYERS. I do not object, Mr. Speaker.

Mr. DALZELL. I object.

## DON CARLOS BUELL.

Mr. GOODNIGHT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill was read, as follows:

*Be it enacted, etc.,* That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Don Carlos Buell, late a major-general of United States Volunteers and a colonel in the Regular Army of the United States, to the position of brigadier-general in the Army of the United States, and to place him upon the retired list of the Army as of that grade, the retired list being thereby increased in number to that extent; and all laws and parts of laws in conflict herewith are suspended for this purpose only.

The amendment reported by the committee was read, as follows:

Strike out "brigadier general" and insert "colonel;" so as to read, "the position of colonel in the Army of the United States."

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. GOODNIGHT, a motion to reconsider the vote by which the bill was passed was laid on the table.

## BRIDGE OVER ST. LOUIS RIVER.

Mr. HALL of Minnesota. I ask unanimous consent for the present consideration of the bill (H. R. 8327) to authorize the Wisconsin and New Duluth Bridge Company to construct a bridge over the St. Louis River, between the States of Wisconsin and Minnesota.

The bill was read.

There being no objection, the House proceeded to the consideration of the bill.

The following amendments reported by the Committee on Interstate and Foreign Commerce were read and agreed to:

After the word "Wisconsin," in line 8, insert "at such point as the Secretary of War may determine."

Strike out "10," in line 5, of section 2, and insert "25;" so as to read "spans of not less than 25 feet in length."

After the word "draw," in line 7 of section 2, insert "and also a fixed span with a clear length of not less than 200 feet between piers at the low-water line, to permit the passage of rafts under said bridge; and the clear height of said fixed and draw spans above low water shall be determined by the Secretary of War."

At the end of section 2 insert the following: "and that the approaches to said bridge which cross the marshy flats adjoining the channel and which are overflowed at high water shall be upon open pile work consisting of bents not less than 15 feet between centers measured parallel to the axes of the approaches."

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HALL of Minnesota, a motion to reconsider the vote by which the bill was passed was laid on the table.

## ENGINEER SERVICE OF HOUSE OF REPRESENTATIVES.

Mr. SHELL, from the Committee on Ventilation and Acoustics, reported the following resolution:

*Resolved,* That in addition to the sum of \$300 to be paid out of the contingent fund of the House of Representatives for an assistant engineer and three additional laborers, under resolution of January 24, 1895, the Clerk of the House is hereby authorized and directed to pay from the contingent fund of the House for the same purposes, and at the same rates of pay, the further sum of \$90.25.

Mr. SAYERS. I should like to know when we are going to stop appropriating for this engineer down below.

Mr. SHELL. On the 4th day of March next. [Laughter.]

There being no objection, the House proceeded to the consideration of the resolution; which was agreed to.

## HARRISON B. HOBART.

Mr. TALBOTT of Maryland. I call for the regular order.

The SPEAKER. The Chair will dispose of the business on the Speaker's table.

The bill (S. 1969) granting a pension to Harrison B. Hobart, brevet brigadier general of volunteers, was laid before the House.

The SPEAKER. This bill was passed by the House with an amendment. The Senate has disagreed to the amendment, and asks for a conference. The amendment will be read.

The Clerk read as follows:

On page 1, in line 6, strike out "fifty" and insert in lieu thereof "thirty."

Mr. MARTIN of Indiana. I move that the House insist on its amendment and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced as conferees on the part of the House Mr. MARTIN of Indiana, Mr. BALDWIN, and Mr. PICKLER.

## MINERAL LANDS IN MONTANA AND IDAHO.

Mr. McRAE. I desire to submit a conference report on the bill (H. R. 3476) to provide for the examination and classification of mineral lands in the States of Montana and Idaho.

Mr. TALBOTT of Maryland. I should like to know whether the gentleman from Arkansas asks for the immediate consideration of this report. If he does, I shall have to antagonize it, because I want the House to go on with the consideration of the naval appropriation bill.



Mr. McRAE. I have no disposition to have any contest over the consideration of this matter; and therefore I ask leave that the conference report, with the statement of the House conferees, be printed in the RECORD, and that the gentleman from Oregon [Mr. ELLIS] be permitted to call it up as soon as the naval bill is finished.

Mr. TRACEY. If the naval bill should be finished to-day and this report should be called up immediately afterwards we should then know nothing more about it than we do now. On that ground I object to the request. If the intention is not to call up the report until to-morrow—

Mr. TALBOTT of Maryland. There is no danger of its being called up to-day.

Mr. TRACEY. Then I withdraw my objection.

Mr. McRAE. The request to print the report in the RECORD would hardly imply that I wanted to call it up to-day.

Mr. CAMINETTI. As one of the committee I dissent from this report; and I ask permission to file my reasons for dissenting.

The SPEAKER. The only way to dissent on a conference report is to do so orally in the House.

Mr. CAMINETTI. Let that be the understanding, then.

The SPEAKER. In the absence of objection, this report and the accompanying statement of the House conferees will be printed in the RECORD, and the matter will go over, subject to be called up by the gentleman from Oregon [Mr. ELLIS].

Mr. McRAE. I have made the request that the gentleman from Oregon be permitted to call this up, because when the time comes to do so I shall perhaps not be here. I wish to say now that I hope the report will be adopted. This is an important matter and ought to be disposed of as speedily as possible.

The SPEAKER. The Chair hears no objection to the request.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3476) to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with the following amendments:

In line 8 of section 2, after the word "and," strike out the words "two of whom at least residents" and insert in lieu thereof the words "a resident;" and the Senate agree to the same.

In lines 15, 16, 17, 18, and 19 of section 3, after the word "determine," strike out the words "and to enable the Northern Pacific Railway Company to select the indemnity for mineral lands, as provided in its charter, the surveyor-general for said State or States shall compute the area of said unsurveyed tract or tracts so classified as mineral," and the Senate agree to the same.

In line 23 of section 5, after the word "published," strike out the words "in the capital cities of Montana and Idaho" and insert in lieu thereof the words "at the capital city of the State in which the lands may be situated;" and the Senate agree to the same.

In lines 43, 44, and 45 of section 5, strike out the words "or by some proper officer of the Interior Department, detailed by the Secretary of the Interior for that purpose, who shall receive a compensation not exceeding," and insert in lieu thereof the words "unless the Secretary of the Interior shall detail some proper officer of the Department of the Interior for that purpose. The compensation for such service shall not exceed;" and the Senate agree to the same.

THOMAS C. McRAE,  
W. R. ELLIS,  
*Conferees on the part of the House.*  
JAMES H. BERRY,  
T. C. POWER,  
FRED T. DUBOIS,  
*Conferees on the part of the Senate.*

The statement of the House conferees is as follows:

The Senate amendment or substitute in many respects is identical with the bill as it passed the House. Both provide for the examination, classification, and segregation of the mineral lands within the limits of the Northern Pacific Railroad grant in four land districts in the States of Montana and Idaho by a board of three commissioners for each district. The Senate amendment requires that the examination and classification shall be fully completed in four years from the date of this act. The House bill fixed no limitation.

The most important change is in section 3, which defines what shall be classified as mineral lands. The House provision on this point is as follows:

"That all lands shall be classified and taken to be mineral lands under this act which prior to the passage of this act have been located or patented as mineral lands, or which have, or probably will have, a market value by reason of the minerals which they contain, or which show such indications of valuable mineral deposits as would induce a miner to spend his time or money upon them with the reasonable expectation of finding mineral in paying quantities, or which from their geological formation, or their situation or proximity or relation to known mineral lands, are or probably will be valuable for the mineral therein; and all of these matters shall be considered by the commissioners in determining the mineral or nonmineral character of such lands and in classifying the same."

The Senate amendment on this point is as follows:

"SEC. 3. That all said lands shall be classified as mineral which, by reason of valuable mineral deposits, are open to exploration, occupation, and purchase under the provisions of the United States mining laws, and the commissioners in making the classification hereinafter provided for shall take into consideration the mineral discovered or developed on or adjacent to such land, and the geological formation of all lands to be examined and classified, or the lands adjacent thereto, and the reasonable probabilities of such land containing valuable mineral deposits because of its said formation, location, or character."

The purpose of the change is to make the definition conform to the established practice of the Department and the decisions of the courts as to what should be classified as mineral lands, and has been approved by the Interior Department. The Senate amendment give the Department full power and authority to direct the work of the commissioners and limits the total amount

of compensation to be paid each commissioner annually, including transportation and subsistence expenses, to \$2,500. It reduces the compensation of the district attorney or his assistant from \$15, as provided in the House bill, to \$10, and provides that the Secretary of the Interior may detail some proper officer of this Department for the purpose of representing the United States at hearings before said commissioners, with like compensation.

The provision of the House bill which declares that nothing contained in this act shall be taken or construed as recognizing or confirming any grant of land or the right to any land in the said Northern Pacific Railroad Company, or as waiving, or in any wise affecting any right on the part of the United States against the said Northern Pacific Railroad Company to claim a forfeiture of any land grant heretofore made to said company, is contained in the Senate amendment. That provision of the Senate amendment relating to indemnity to said road for mineral land, which is apparently in conflict with the spirit of the said reservation of the right to forfeit the grant, is to be stricken out by the adoption of this report.

THO. C. McRAE,  
W. R. ELLIS.

#### ORDER OF BUSINESS.

Mr. TALBOTT of Maryland. Mr. Speaker, I ask unanimous consent to dispense with the call of committees to-day, and that the privilege be accorded to members having reports to file to hand them in at the desk.

There was no objection, and it was so ordered.

Mr. TALBOTT of Maryland. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills.

Mr. BROWN. Mr. Speaker, I rise for the purpose of antagonizing that motion with a contested-election case, the case of Williams vs. Settle, from North Carolina. I do so with considerable reluctance. If I can have the assurance that the House, after this appropriation bill has been disposed of, will take up that election case and dispose of it, I will not make any objection. I ask unanimous consent, therefore, that it be taken up immediately after the close of the consideration of the naval appropriation bill and disposed of.

The SPEAKER. The matter is a privileged one, and the gentleman can call it up whenever he desires.

Mr. BROWN. I call it up now; but ask unanimous consent that its consideration be postponed until after the completion of this bill, and that it be then taken up and disposed of.

Mr. SAYERS. I would like to state to the gentleman that the general deficiency bill ought to be disposed of immediately.

Mr. BUNN. I hope, Mr. Speaker, that this case will not be further antagonized by appropriation bills. It has been postponed for many months, and we are very near the close of the session.

Mr. BROWN. I would ask, Mr. Speaker, if there is objection to taking it up at the close of this bill?

Mr. BUNN. I have no objection to that, and hope the House will agree to it.

The SPEAKER. The Chair supposes the gentleman from Indiana desires to make a special order, and will submit the request. The gentleman asks unanimous consent that the House make a special order to dispose of the contested-election case from North Carolina, to which he has referred, immediately after the conclusion of the naval appropriation bill. Is there objection?

Mr. SAYERS. I must object for the present.

Mr. BROWN. Then I insist on the consideration of the case now.

The SPEAKER. The gentleman calls up the contested-election case from North Carolina; and the Clerk will report the resolutions reported from the Committee on Elections.

The resolutions were read.

Mr. TALBOTT of Maryland. I am constrained to antagonize that motion by raising the question of consideration.

The SPEAKER. The gentleman from Maryland raises the question of consideration as against this election case, and the question is, Will the House now proceed to consider it?

The question was taken; and on a division (demanded by Mr. BUNN) there were—ayes 50, noes 81.

So the House refused to consider the election case.

Mr. BROWN. I desire to give notice, Mr. Speaker, that I will ask the House to take up and consider this case at 1 o'clock to-morrow.

#### NAVAL APPROPRIATION BILL.

Mr. TALBOTT of Maryland. I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. O'NEIL of Massachusetts in the chair.

The CHAIRMAN. When the committee rose on yesterday afternoon a point of order was pending, made by the gentleman from Texas [Mr. SAYERS], on a provision of the bill which the Clerk will now report.

The Clerk read as follows:

On page 2, lines 4, 5, and 6, "8,250 men and 750 boys. \* \* \* And the Secretary of the Navy is hereby authorized to enlist as many additional seamen as in his discretion he may deem necessary, not to exceed 2,000. \* \* \* Provided, That hereafter no officer of the Navy shall be deprived of sea-duty pay while attached to a vessel in commission by reason of assignment to duty

as a member of a naval court-martial, court of inquiry, or board, or to other temporary duty, or by reason of being sent to a naval hospital for temporary treatment."

The CHAIRMAN. The first point point of order made by the gentleman from Texas was on the language which has just been reported, beginning with the word "and," in the sixth line, down to and including line eight, ending with the words "two thousand." The point of order was made by him that this changes existing law and does not retrench expenditures.

The rulings which have been made from time to time on points of order raised on the naval appropriation bill have established a pretty clear line of precedents; and whatever may have been the opinion or feeling of the Chair on the original proposition, yet in pursuance of the practice of the House he feels bound to follow the precedents established by previous presiding officers. So that when a provision is offered to a bill providing for an additional ship to the Navy, notwithstanding the fact that it added to the Navy and increased the expenditure, it has been uniformly held that it was in continuation of existing works or objects already in progress, and was not subject to the point of order.

Now, the point is made that this provision in the bill is obnoxious to Rule XXI, and many instances have been cited in support of that position. For instance, it is claimed that the Committee on Military Affairs, if this provision shall be held in order, might properly bring in an amendment or a provision in their bill increasing the military strength of the United States. And yet it seems to the Chair that a moment's reflection will convince any person that the Military Committee and the Naval Committee do not stand on the same footing in that regard.

For instance, the Appropriations Committee of this House has charge of two bills which carry large amounts of money for the maintenance of the Army and the defenses. The fortifications bill carries, for instance, the appropriation for the coast and harbor defenses, and the sundry civil bill carries also large appropriations for the maintenance of the army posts and other expenses of the Army, and the Military Committee brings in the bill providing for the maintenance of the military force of the United States. Now, it would seem to the Chair that under the rulings which have been made it is entirely competent for the committee to bring in a provision in continuation of any public work or object already in progress; that when it is admitted, as it has been by the practice of the House, that it is competent to bring in a provision authorizing the construction of a new ship, that it carries with it also the right to maintain that ship, or to continue and maintain work already in progress. This seems to the Chair to be very clear, and after giving a great deal of consideration to the question, he is obliged to overrule the point of order.

Mr. SAYERS. I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Texas [Mr. SAYERS] appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and on a division there were—ayes 116, noes 80.

Mr. SAYERS. No quorum, Mr. Chairman.

The Chairman appointed as tellers Mr. SAYERS and Mr. TALBOTT of Maryland.

Pending the division

Mr. BOUTELLE said: Mr. Chairman, I hope the gentleman from Texas will withdraw this point.

Mr. SAYERS. Mr. Chairman, I know what I am doing.

The CHAIRMAN. The House is dividing, and debate is not in order.

Mr. BOUTELLE. There are several other appropriation bills still to be passed, and the example the gentleman is setting is a very undesirable one.

The CHAIRMAN. The Chair hopes the gentleman from Maine will be in order.

The House divided; and the tellers reported—ayes 143, noes 37.

Accordingly, the decision of the Chair was sustained.

The CHAIRMAN. There are several other points of order still pending—

Mr. SAYERS. The gentleman from New Jersey [Mr. GEISSENHAINER] applauds the decision of the committee. I enter my protest against the ruling.

The CHAIRMAN. Does the Chair understand the gentleman from Texas to insist on his other points of order?

Mr. SAYERS. I insist on them all.

The CHAIRMAN. The next point of order is, beginning with the word "eight," in line 4, and running down to the word "boys," in line 5. Will the gentleman from Texas please state on what he bases his point of order against that provision?

Mr. SAYERS. Inasmuch as the Chair has ruled upon the question involved in this, it is not necessary for me to state anything further, because the committee, on this bill, under the ruling can change from officers to privates and from privates to officers without any restriction.

Mr. BOUTELLE. That is a reflection on the Chair.

Mr. SAYERS. I do not reflect on the Chair.

The CHAIRMAN. The Chair does not consider it a reflection. The committee have decided this question.

Mr. BOUTELLE. I should have said a reflection on the House.

Mr. SAYERS. Nor on the House either.

The CHAIRMAN. The Chair understands the gentleman from Texas to insist upon his point of order against the proviso beginning in line 10, down to and including the word "treatment," in line 15.

Mr. SAYERS. Mr. Chairman, of course after the ruling of the Chair, as stated in the first instance, the Chair is bound to overrule the other point of order, because it gives the power to this committee to do just as it pleases upon an appropriation bill.

The CHAIRMAN. The Chair will state to the gentleman that the Chair has made no such ruling.

Mr. SAYERS. But that is the effect of it?

The CHAIRMAN. The Chair does not think so.

Mr. SAYERS. I insist on the point of order.

Mr. BOUTELLE. What is the point of order?

Mr. TALBOTT of Maryland. I will say to the gentleman from Maine that the point of order is against the following proviso, beginning in line 10, on page 2:

*Provided, That hereafter no officer of the Navy shall be deprived of sea-duty pay while attached to a vessel in commission by reason of assignment to duty as a member of a naval court-martial, court of inquiry, or board, or to other temporary duty, or by reason of being sent to a naval hospital for temporary treatment.*

I will say to the House that the practice of the Treasury Department was formerly that officers transferred from assignment to sea duty temporarily received their sea pay; but recently the Department has decided otherwise, and the Secretary of the Treasury recommends this change in the law, so as to allow the accounting officers of the Treasury Department to settle with these officers as heretofore.

I will read what the Secretary of the Navy says:

The accounting officers of the Treasury have recently decided that when naval officers attached to a vessel are assigned to temporary duty as members of examining boards, courts-martial, etc., they shall receive shore pay only. Such assignment to temporary duty, which does not detach them from their vessels, in most cases entails additional expense upon the officers concerned, inasmuch as they continue to pay their shares of the ship's mess bills in addition to their hotel bills on shore. In view of this double expense for subsistence, necessarily imposed upon officers in such cases, it does not seem proper that their sea pay should be checked in addition. It is therefore respectfully recommended that such a provision as was inserted in the naval appropriation bill for the current fiscal year, subsequently stricken out, stipulating that the pay of officers shall not be checked in such cases, be commended to the favorable consideration of Congress.

The CHAIRMAN. It seems that this changes the existing law.

Mr. TALBOTT of Maryland. I will state to the Chair that there is no existing law on the subject.

The CHAIRMAN. But the gentleman from Maryland in his opening statement said that it was necessary to change the law.

Mr. TALBOTT of Maryland. I did not say it was necessary to change the law, but that there should be a change made to meet this decision of the accounting officers of the Treasury.

The CHAIRMAN. The Treasury has construed the law. The Chair will sustain the point of order.

Mr. SAYERS. I have an amendment to offer.

The CHAIRMAN. The Chair will recognize the gentleman from Texas after he has recognized the gentleman from Illinois.

Mr. SPRINGER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Add to the paragraph on page 2, at the end of line 10, the following: *"Provided, That any retired officer of the Navy or Marine Corps may, on his own application, be detailed to service as a teacher or professor in any school or college, but while so serving such officer shall be allowed no additional compensation; and ordnance and ordnance stores may be loaned to the colleges and schools where such officers are employed under the same conditions and regulations as such ordnance and ordnance stores are loaned to colleges and schools at which retired officers of the Army are employed."*

Mr. SAYERS. If the gentleman will omit the latter portion of his amendment I will not raise a point of order against it; but if he does not, I will submit a point of order against the whole amendment.

Mr. SPRINGER. What is the point?

Mr. SAYERS. I do not object to the detailing of retired officers, but I do object to the Secretary of the Navy having authority to distribute ordnance and ordnance stores all over this country at the will and pleasure of any officer.

Mr. SPRINGER. Will the gentleman allow me to have the letter of the Secretary read?

Mr. SAYERS. I reserve the point of order.

Mr. SPRINGER. I was about to say, Mr. Chairman, I am perfectly willing if the Chair thinks the point of order lies. But it does not cost anything, and it simply puts the retired officers of the Navy on the same footing as army officers on the retired list.

Mr. SAYERS. I am perfectly willing to do that.

Mr. SPRINGER. And the next part puts them on the same footing as the Army. Wherever army officers are detailed as instructors to colleges or schools the Army may loan to that college or school such ordnance or ordnance stores as are not needed for



the use of the Army—all at the expense of the college taking them, and they furnish bond. This simply puts the retired officer of the Navy in this respect upon the same footing as the officers on the retired list of the Army. The gentleman will permit me to have read a letter from the Secretary of the Navy on the subject as a part of my remarks.

The letter is as follows:

NAVY DEPARTMENT, Washington, January 23, 1895.

SIR: I have the honor to acknowledge the receipt of your reference of the letter of Charles A. Barnes, esq., dated the 18th instant, relative to the proposed amendment of the existing law relative to the detail of officers of the Army and Navy to duty as instructors at colleges, so as to permit retired officers of the Navy to be detailed for such duty, and requesting to be advised whether this Department can recommend legislation as to retired naval officers similar to that which has been made for retired army officers.

In reply you are informed that the last annual report of the Secretary of the Navy embodied a recommendation that Congress be asked to authorize the detail of officers of the Navy on the retired list to duty at colleges as instructors when application for assignment as such may be made. The paragraph containing this recommendation was as follows:

"The detail of officers of the Navy on the active list and of officers of the Army, either active or retired, to duty as instructors at colleges, under certain conditions, is authorized by existing law. It frequently occurs that, by reason of the exigencies of the service, officers on the active list can not be spared from their regular duties and assigned to colleges when asked for. The Department fully recognizes the advantages resulting from details of this character, and it is recommended that Congress be asked to authorize the detail to this duty of officers of the Navy on the retired list who may make application for such assignment. Authority to detail officers on the retired list of the Army to duty at colleges has been conferred by Congress on the Secretary of War, and it seems that a like provision respecting retired naval officers would be just and proper, and would result beneficially to the educational work of the colleges concerned and to the naval service."

"It is further recommended that Congress be asked to amend the act authorizing the Secretary of War to loan ordnance and ordnance stores to certain colleges and schools, so as to accord to such institutions the same privileges when a retired naval officer is employed as that act confers when retired army officers are assigned to such institutions."

You will see from the foregoing extract that it is the sincere wish of this Department that this apparent discrimination against the retired officers of the Navy be removed and that such officers be placed on the same footing with the retired officers of the Army respecting these college details.

Very respectfully,

W. MCADOO, Acting Secretary.

Hon. W. M. SPRINGER,

House of Representatives, Washington, D. C.

Mr. SAYERS. If the gentleman will understand me, I have no objection to the first part of his amendment. It is the latter part of the amendment I object to. If the gentleman will eliminate that I will withdraw the point of order against the amendment.

Mr. SPRINGER. To accommodate the gentleman I will modify my amendment in the manner suggested.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Add to the paragraph, on page 2, at the end of line 16, the following: "Provided, That any retired officer of the Navy or Marine Corps may, on his own application, be detailed to service as a teacher or professor in any school or college, but while so serving such officer shall be allowed no additional compensation."

The amendment as modified was agreed to.

Mr. HATCH. Mr. Chairman, I ask the gentleman from Maryland to make a motion that the committee rise, in order that I may get the agricultural appropriation bill, which has just come over from the Senate, disposed of.

Mr. TALBOTT of Maryland. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. SPRINGER having taken the chair as Speaker pro tempore, Mr. O'NEIL of Massachusetts, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 8665), the naval appropriation bill, and had come to no resolution thereon.

#### AGRICULTURAL APPROPRIATION BILL.

Mr. HATCH. Mr. Speaker, I call up the bill (H. R. 8727) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1896, and for other purposes, and I move to nonconcur in the amendments of the Senate thereto and agree to the conference asked for on the disagreeing votes of the two Houses.

The motion was agreed to; and the Speaker pro tempore appointed as conferees on the part of the House Mr. HATCH, Mr. FORMAN, and Mr. WAUGH.

Mr. TALBOTT of Maryland. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole on the state of the Union for further consideration of the naval appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. O'NEIL of Massachusetts in the chair.

#### NAVAL APPROPRIATION BILL.

The CHAIRMAN. The gentleman from Massachusetts [Mr. MORSE] is recognized.

Mr. MORSE. Mr. Chairman, I had no idea of offering any remarks on the pending bill, but there was a single remark made

by my friend the gentleman from New York [Mr. BARTLETT], in the course of his speech on Saturday, which I can not allow to go unchallenged. He said "Nineteen hundred years have passed since the advent of the Man of Nazareth, and instead of growing nearer and more near to a universal era of peace, all the energies, all the inventive talent, all the genius of the human mind are now devoted to the manufacture and construction and suggestion of implements of war more horrible, more fatal in the power of execution, than any which the world has heretofore seen;" by which I understand the gentleman to mean that no progress has been made since the lowly Nazarene was upon earth in the direction of disarmament or of settling disputes among nations by peaceful methods.

Now, I can not subscribe to that statement. Why, Mr. Chairman, a most wonderful event in the history of the world has just here and now happened. It is only a few days since W. Randal Cremer, a member of the English Parliament, appeared in this capital city of the nation bearing a memorial addressed to the Government and Congress of the United States and signed by no less than 354 members of the British House of Commons, asking this Government to join with the Government of Great Britain in framing a treaty to refer to arbitration disputes which diplomacy fails to adjust.

Mr. Chairman, does this most wonderful messenger and this most wonderful memorial argue nothing against the statement made by the gentleman from New York?

The settlement by arbitration of the Alabama dispute, the Canadian fishery dispute by the treaty of Washington, the arbitration of the Bering Sea dispute, are triumphs of peace instead of war, all fresh in the memory of the living generation.

Why, Mr. Chairman, only Friday evening last I attended a meeting in Convention Hall in this city, which seats 8,000 persons, and in that monstrous hall, festooned from its domes and arches, was exhibited a monster petition, the like of which was never seen on the face of the earth, 5 miles long, and signed by 1,150,000 persons, and further signed by officers of societies representing a grand total of 7,000,000 signatures, from citizens not only of this country and England, but of Burmah, Ceylon, Australia, Denmark, China, India, Mexico, Alaska, Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland, Belgium, Holland, Sweden, Spain, Uruguay, Brazil, Japan, Corea, Egypt, Finland, Russia, Turkey, Hawaii, Siam, and other nations and peoples speaking no less than fifty languages and dialects.

What does this monster petition pray for? It prays the legislators, monarchs, and rulers of the earth to suppress the drink and opium traffic. A herald of the cross, a weak woman, Mary Clement Leavitt, went forth with this petition in her trip around the world and has been eleven years in collecting these signatures.

Mr. Chairman, does this great movement, championed in England by Lady Henry Somerset, and in this country by that queen of American women Miss Frances Willard, and known as the white-ribbon movement, which has circled the world in its errand of love, mean nothing?

I say, does this argue nothing in favor of disarmament and the ushering in of that glorious day so long predicted in God's Word, when men shall beat their swords into plowshares and their spears into pruning hooks, and when nation shall not lift up sword against nation nor learn war any more?

The gentleman from New York says we should have such a navy, and that one of the objects of these battle ships is to place ourselves in a position to demand our rights in Bering Sea at the cannon's mouth, if necessary.

Mr. Chairman, I believe in an American Navy and will vote for this bill, but I will never vote to use that Navy except as a last and dire resort; only when arbitration and all peaceable methods of settlement of a great wrong have been exhausted.

The principal business of an American navy at present, and I hope it may continue to be its business in the future is a police duty, and by a show of force to represent this Government and protect its citizens and their rights in foreign countries, and especially in semi-civilized countries, as in the recent outbreak in the Sandwich Islands, and in the waters of Brazil and Chile. We need to continue a man-of-war at the present time at Hawaii, not only to defend American citizens in that country and their rights, but to give moral support to the cause of Republican government and good government in those islands, and such an exigency is likely to arise at any time, and hence patriotism dictates that our country should be equipped with a first-class navy that will command the respect of the world. I confess to some misgivings, however, in regard to these great unwieldy, topheavy, heavy-plated battle-ships. The experience of China and Japan show that the swift armor-plated cruiser is more than a match for the battle-ship. While I take this patriotic position in regard to a navy until such time as the nations of the earth will consent to a disarmament it argues nothing to my mind against peace and arbitration for the settlement of national dis-

putes, instead of bloodshed and war, the horrors of which we as a nation and the living generation know too well.

Why, Mr. Chairman and gentlemen of the House of Representatives, all the seals that ever swam in Bering Sea or in the waters of Alaska, all the fish that ever swam in the waters of Canada, are not worth one day's fighting between these two great Christian, English-speaking nations. God forbid that it should ever come to that.

No, Mr. Chairman, the gentleman from New York is wrong. I am one of those who believe that the world is growing better. There never were upon the face of the earth so many good men and women as now. Never was the disposition so strong to settle national disputes by arbitration as now.

Never were the conditions of war, even among semicivilized countries like the present war between China and Japan, mitigated by so much mercy and humane methods as now, notwithstanding the blot on the record of Japan at Port Arthur. On the field of battle in far off China is seen the flag of the Red Cross Society, the herald of the Prince of Peace.

In Nebuchadnezzar's dream he saw a stone cut out of the mountains without hands that smote the image, which Daniel interpreted by saying, "In the days of the years of these kings shall the God of Heaven set up a kingdom that shall break in pieces and consume all other kingdoms and stand forever." That kingdom has been set up; it is the Kingdom of Prince Immanuel; its banner is the cross; its rallying cry is, "Peace on earth and good will toward men." And its final triumph and success comes on apace and draws near. [Applause.]

On the morning of a memorable battle Napoleon Bonaparte pointed his gleaming sword toward the morning sun, and said to the officers that stood about him, "Behold, behold, the sun of victory!"

Mr. Chairman, methinks I behold the sun of victory, methinks that I behold the dawn of a better understanding among the family of nations, the dawn of peace and arbitration, in place of bloodshed and cruel war.

And I firmly believe that we have seen the last appeal to arbitration by the sword among English speaking people.

The following is the letter and accompanying petition from the members of the British House of Commons to which I have referred, and is altogether the most wonderful memorial that ever crossed the ocean:

[From W. Randal Cremer, M. P., St. Paul's Chambers, 23 Bedford street, Strand, London, W. C.]

LONDON, January 1, 1895.

DEAR SIR: I have the honor to forward you a copy of a memorial signed by 354 members of the British House of Commons. As the object of the memorial is of the highest importance, and the signatures represent all shades of political opinion in the British Parliament, I venture to ask for the prayer of the memorialists your earnest consideration.

Respectfully yours,

W. RANDAL CREMER.

Hon. E. A. MORSE, M. C.

To the President and Congress of the United States of America:

In response to the resolution adopted by Congress on April 4, 1890, the British House of Commons, supported in its decision by Mr. Gladstone on June 16, 1893, unanimously affirmed its willingness to cooperate with the Government of the United States in settling disputes between the two countries by means of arbitration. The undersigned members of the British Parliament, while cordially thanking Congress for having, by its resolution, given such an impetus to the movement and called forth such a response from our Government, earnestly hope that Congress will follow up its resolution, and crown its desire by inviting our Government to join in framing a treaty which shall bind the two nations to refer to arbitration disputes which diplomacy fails to adjust. Should such a proposal be made, our heartiest efforts would be used in its support, and we shall rejoice that the United States of America and the United Kingdom of Great Britain and Ireland have resolved to set such a splendid example to the other nations of the world.

William Abraham (Limerick), William Abraham (Rhonda), James T. Agg-Gardner, David Ainsworth, William Allan, C. F. Egerton Allen, William Allen, Robert A. Allison, Dr. Daniel Ambrose, Robert Ambrose, Joseph Arch, Hugh O. Arnold-Foster, Alexander Asher, Llewellyn Atherley-Jones, Sir John Austin, Bt.; Michael Austin; Sir George Baden-Powell, K. C. M. G.; John Baker, W. H. Walter Ballantine, J. Emmott Barlow, John Barran, Reuben V. Barrow, Edward Barry, Edw. Hodson Bayley, Thomas Bayley, Mark H. Beaufoy, Gilbert Beith, John Williams Benn, Joseph Bennett, Godfrey E. Benson, Michael Biddulph, James Bigwood, Alfred Billson, William Birkmyre, Augustine Birrell, Edward Blake, Matthias M. Bodkin, T. B. Bolitho, Thomas Dolling Bolton, Hon. Arthur G. Brand, Right Hon. Jacob Bright, John Albert Bright, Harrington Evans Broad, Henry Broadhurst, Alex. Hargreaves Brown, John Tomlinson Brunner, Thomas R. Buchanan, Robert J. D. Burnie, Thomas Burt, William P. Byles, Wm. Sproston Cairne, James Caldwell, Sir Charles Cameron, Bt.; Sir James M. Carmichael, Bt.; Patrick G. H. Carrivill, Francis A. Channing, Joshua M. Cheetham, John J. Clancy, Dr. Gavin B. Clark, Walter Owen Clough, Henry P. Cobb, Hon. Thos. H. Cochrane, Francis M. Coldwells, Jeremiah J. Colman, Andrew Connings, L. D.; Earl Compton, Thomas J. Condon, C. Aug. V. Conybeare, Arch. Cameron Corbett, Right Hon. Leonard H. Courtney, Herbert H. Cozens-Hardy, Donald Crawford, Eugene Crean, William Randal Cremer, Daniel Crilly, John William Crombie, William Crossfield, Sir Joseph Crosland, Alexander Cross, H. Shepherd Cross, Thomas B. Curran, Thomas Curran, Henry J. C. Cust, James H. Dalsiel, Maj. Leonard Darwin, William Rees Davies, C. Diamond, Right Hon. Sir Charles W. Dilke, Bt.; John Dillon, George Dixon, Cyril J. S. Dodd, Capt. A. J. C. Donelan, William Dunn, Frank Edwards, John Ed-

ward Ellis, Sir T. Grattan Esmonde, Bt.; Sir Francis H. Evans, K. C. M. G.; Samuel Thomas Evans, Robert Lacey Everett, Sydney Evershed, Dr. Robert Farquharson, Charles Fenwick, William Field, Charles James Fleming, James C. Flynn, P. James Foley, Matthew Fowler, Dr. Joseph Francis Fox, Sir Theodore Fry, Bt.; Frederick C. Frye, George P. Fuller, Christopher Furness, J. Lawrence Gane, James Gibney, James Gilhooly, Edward T. Gourley, Geo. G. Leveson-Gower, Thomas N. Archibald Grove, William Court Gully, David C. Guthrie, Richard B. Haldane, Sir Charles Hall, K. C. M. G.; John Hammond, Timothy Harrington, Luke P. Hayden, Right Hon. Charles Seale-Hayne, Walter Hazell, Right Hon. Sir A. D. Hayter, Bt.; Maurice Healy, Thomas J. Healy, Timothy M. Healy, James Heath, Clement Higgins, Sir Benjamin Hingley, Bt.; E. Brodie Hoare, Hugh E. Hoare, Samuel Hoare, Chas. Edw. H. Hobhouse, Henry Hobhouse, James Francis Hogan, Angus Holden, Sir Isaac Holden, Bt.; William H. Holland, Charles H. Hopwood, Joseph Howard, George Howell, Sir Henry H. Howorth, K. C. I. E.; Arthur C. Humphreys-Owen, William A. Hunter, Charles P. Huntington, John Husband, Alfred E. Hutton, Alfred Illingworth, Sir William J. Ingram, Bt.; William Jacks, James A. Jacoby, Right Hon. Sir Henry James, Sir James Joicey, Bt.; David Brynmor Jones, Maj. Evan B. Jones, Jeremiah Jordan, Hudson E. Kearley, J. Seymour Keay, Sir John H. Kennaway, Bt.; Patrick J. Kennedy, Dr. Joseph E. Kenny, Matthew J. Kenny, William Kenny, Denis Kilbride, Sir H. Seymour King, K. C. I. E.; Sir John G. S. Kinloch, Bt.; Sir James Kitson, Bt.; Henry Labouchere, George Lambert, J. Batty, Langley, Harry L. W. Lawson, Sir Wilfrid Lawson, Bt.; Robert Leake, Thomas Wodehouse Leigh, Joseph Leigh, Sir John Leng, Herbert S. Leon, Joseph F. Lesse, John Herbert Lewis, Thomas Lewis, Thomas S. Little, David Lloyd-George, Frank Lockwood, John William Logan, Thomas Lough, Right Hon. Sir J. Lubbock, Bt.; H. C. Fownes Luttrell, Sir Leonard Lyell, Bt.; John A. M. Macdonald, Sir Donald H. Macfarlane, Dr. Donald Macgregor, Miles MacInnes, Michael McCartan, Justin McCarthy, Patrick McDermott, Dr. Mark A. McDonnell, William McEwan, Patrick McGilligan, Edward M. Hugh, Patrick A. M. Hugh, Charles P. Bright McLaren, Walter S. B. McLaren, John McLeod, John Henry Maden, John Mains, W. F. Maitland, Richard Mallock, Francis Mandeville, Sir Moses Philip Manfield, Sir Frederick T. Mappin, Bt.; Richard Biddulph Martin, William Mather, William Jardine Maxwell, Francis B. Mildmay, Matthew J. Minch, Bernard C. Molloy, Sir Samuel Montagu, Bt.; James M. Moorsom, Robert Jasper More, Right Hon. Sir G. Osborne Morgan, Bt.; John Lloyd Morgan, W. Fritchard Morgan, Alpheus C. Morton, Edward J. C. Morton, John Fletcher Moulton, Right Hon. Anth. J. Mundella, Dadaabhai Naoroji, Hon. Mark F. Napier, Ralph Neville, George Newnes, Col. John P. Nolan, Hon. Sir Stafford Northcote, Bt.; Capt. Cecil W. Norton, Thomas Willans Nussey, P. J. O'Brien, William O'Brien, Arthur O'Connor, James O'Connor, Florence O'Driscoll, Francis A. O'Keeffe, Mark Oldroyd, Thomas Owen, Sir Charles M. Palmer, Bt.; George W. Palmer, Herbert W. Paul, James M. Paulton, Henry Fell Pease, Joseph A. Pease, Sir Joseph W. Pease, Bt., Sir John Pender, Robert W. Perks, Benjamin Pickard, Edward H. Pickersgill, John Pinkerton, Thomas B. Potter, Patrick J. Power, Robert John Price, Thomas P. Price, Briggs Priestley, Andrew D. Provand, W. Cuthbert Quilter, David Randall, William Rathbone, John E. Redmond, William H. K. Redmond, Sir Edward J. Reed, K. C. B.; R. Threshie Reid, Joseph Richardson, John Bryn Roberts, John Herbert Roberts, Sir Thomas Robinson, Henry J. Roby, John Roche, Sir Thomas Roe, Sir Albert Kaye Rolit, Sir Henry E. Roscoe, Chas. Savile Roundell, James Rowlands, W. Bowen Rowlands, Thomas W. Russell, Sir Bernard Samuelson, Bt.; William Saunders, Col. Chas. Seely Thomas Sexton, Charles Edward Shaw, W. Rawson Shaw, Jeremiah D. Sheehan, David Sheehy, Capt. John Sinclair, Clarence Smith, Harry Smith, James Parker Smith, Samuel Smith, William Smith, Thomas Snape, Albert Spicer, Hon. Philip J. Stanhope, Right Hon. James Stansfeld, Henry Charles Stephons, Sydney J. Stern, Francis S. Stevenson, James C. Stevenson, Samuel Storey, James Stuart, Donald Sullivan, Timothy D. Sullivan, Sir Thos. Sutherland, Charles K. Tanner, Francis Taylor, Harold John Tennant, Abel Thomas, Alfred Thomas, David Alfred Thomas, Walter Thorburn, Charles Townsend, Charles Ernest Tritton, James Tuite, Jasper Tully, Right Hon. C. P. Villiers, John Stewart Wallace, Robert Wallace, J. Lawson Walton, Cornelius M. Warrington, Thos. Courtenay T. Warner, Eugene Wason, Sir Edward W. Watkin, Bt.; Thomas Wayman, Alfred Webb, Sir Richard E. Webster, G. C. M. G.; Sir Wm. Wedderburn, Bt.; James Galloway Weir, Sir Joseph D. Weston, Samuel Whitbread, S. Howard Whitbread, Thos. P. Whittaker, J. Shireess Will, Arthur John Williams, John Carvell Williams, William Williams, James Williamson, Stephen Williamson, Charles H. Wilson, Henry Joseph Wilson, John Wilson (Durham), John Wilson (Govan), Joseph Havelock Wilson, Samuel Woods, Caleb Wright, Samuel Young,

I take the liberty to append here also a copy of my reply to the bearer of this wonderful memorial, which was sent to every Senator and Member of Congress:

HOUSE OF REPRESENTATIVES, UNITED STATES.

Washington, D. C., January 13, 1895.

DEAR SIR: I have the honor to acknowledge the receipt of your communication of the 1st instant, inclosing a copy of a memorial signed by 354 members of the British House of Commons, in favor of the framing of a treaty which shall leave to arbitration matters between the Government of the United States and your Government which can not be settled by diplomacy. I beg to assure you that this movement has my most hearty sympathy, and will receive my cordial and earnest support whenever it shall reach consideration in the Congress of the United States. The importance of such a measure to the welfare of the present generation in both countries and to peoples and generations yet unborn can not be overestimated, and is a step in the direction of ushering in that glorious day, so long predicted in God's Word, "when nation shall not lift up sword against nation, nor learn war any more."

Assuring you of my consideration, I have the honor to be,

Your most obedient servant,

ELIJAH A. MORSE.

Member of Congress, Twelfth District, Massachusetts.

To Hon. W. RANDAL CREMER, M. P.,

Riggs House, Washington, D. C.



Mr. SAYERS. Mr. Speaker, I move to strike out all after the word "law," in line 6, page 2, down to and including the word "thousand," in line 8. The words that I propose to strike out are these: "And the Secretary of the Navy is hereby authorized to enlist as many additional seamen as in his discretion may be deemed necessary, not to exceed 2,000." I desire every member of the committee to understand that the provision which I have moved to strike out increases the naval force by 2,000 men, and that an expenditure of nearly \$700,000 will be entailed to support this increase if it should become law.

There are 2,000 marines, one-half of whom are rarely doing anything, and my purpose is, if the amendment which I have offered be sustained, to offer another amendment, authorizing the Secretary of the Navy to assign to the secondary batteries such officers and men of the Marine Corps as in his discretion may be deemed necessary. That will furnish a force sufficient for all of the ships that have been authorized. The Secretary of the Navy says that he wants only 1,000 additional men for the ships that have been authorized, and that the remaining thousand of the 2,000 here provided for are intended for the battle ships and the other vessels that are carried in this bill. I desire the members of the committee to understand that when they vote against this amendment they vote to increase the naval force by 2,000 enlisted men.

Mr. BARTLETT. Will the gentleman allow one question?

Mr. SAYERS. No. Mr. Chairman, the question before this committee is whether, in the closing hours of this Congress, it will vote an increase in the number of enlisted men in the Navy. Why did not the committee bring forward this proposition before the last election?

Mr. MCALEER. It was bad enough as it was. [Laughter.]

Mr. SAYERS. And you now wish to make it worse.

Mr. MCALEER. You can not make it any worse.

Mr. SAYERS. It is nearly two years until the next election, and gentlemen may think that the people will forget the action of this Congress in increasing the naval force in a time of profound peace; a time, too, when there is so much distress throughout the country.

Mr. SPRINGER. How many men does the Secretary of the Navy estimate are necessary to man the new vessels that are coming into service this year and next year?

Mr. SAYERS. I understand from the Secretary of the Navy that for the ships that are authorized to be built he needs only 1,000 men, but he wants an additional thousand for the battle ships that are proposed to be constructed under this bill.

Mr. BOUTELLE. When are those men required?

Mr. SAYERS. When the ships shall be built; but at any time after this bill becomes law he is authorized to enlist them, and there is nothing to restrain his action.

[Here the hammer fell.]

Mr. RAY. I would like to know what the gentleman from Texas expects to gain by cutting down the efficiency of the Navy in these times.

Mr. SAYERS. I will answer that question if the gentleman will permit me.

Mr. RAY. You will occupy my time in answering it.

Mr. SAYERS. Not at all. I will answer it very briefly.

Mr. RAY. Well, I prefer to occupy my own five minutes, and the gentleman can answer later.

Mr. Chairman, the condition of things all over the world is such that the United States is called upon to maintain its dignity and its character as one of the powers of the earth. We ought to have a war ship in every American port and in every foreign harbor of importance. Whenever trouble arises in any foreign port where we trade, or where American citizens go, we need to be in a condition to send thither a vessel of war carrying the American flag and with force sufficient to maintain the character and dignity of this nation and protect the rights of the Republic and all its citizens. We do not invite war by preparing for it; but we do invite insult and war if we assume a cowardly attitude and refuse to provide a suitable naval armament, so as to let the world see our power.

We are building war ships; why should we not supply them with men? The gentleman from Texas knows perfectly well that we have not a sufficient number of enlisted men now to man the vessels already constructed. There is no sense in his appealing to the Democratic heart and asking his fellow Democrats here why they did not do this or that before election. The Republican party has always been ready to appropriate money to maintain the Navy of the United States; and after being out of power in this House for two years or a little longer, the people of the United States, with full knowledge of the record we had made upon all these questions, with full knowledge that the Republican party is in favor of enlarging the Navy and making liberal appropriations for its support, have seen fit to return us to power here. And I dare say now, and I do say, that if our Democratic friends in making appropriations for this Government had been a little more patriotic, had been a little more liberal, there would be more Democrats

in the Fifty-fourth Congress than the gentleman from Texas will see here when we assemble in December next. [Applause on the Republican side.]

Mr. SAYERS. My friend from New York [Mr. RAY] ought not to forget that with all the boasted liberality and patriotism of the Republican party, that party, after having complete control in the Fifty-first Congress, was swept away in the Fifty-second.

Mr. Chairman, this is no political question—

Mr. RAY. You have made it political.

Mr. SAYERS. No, sir; not at all.

I do not desire to cripple the Navy; but the Secretary of the Navy has written a letter in which he says that 1,000 men are sufficient to man all the vessels that have been authorized to be constructed.

Mr. DOLLIVER. In his annual report he expressly asks for 2,000 men.

Mr. SAYERS. It may be so; but nevertheless he says that he will need only 1,000 men to man the ships which have been authorized to be constructed.

Mr. DOLLIVER. This clause simply gives him a discretion.

Mr. SAYERS. Oh, discretion! Secretaries have too much discretion already.

Now, what I propose, Mr. Chairman, is this—and there are many officers of the Navy who agree with me—that we utilize a portion of the marine force by assigning that force, or so much of it as may be necessary, to manning the secondary batteries on the vessels in commission.

Mr. TALBOTT of Maryland. It is remarkable that no member of the Committee on Naval Affairs has ever heard of that proposition.

Mr. BOUTELLE. I wish to ask the gentleman from Texas what he means by the statement that naval officers have suggested that we could get along with fewer men if marines were assigned to the secondary batteries.

Mr. SAYERS. Some have been to see me about it.

Mr. BOUTELLE. Does not the gentleman know perfectly well that there is not a man-of-war in commission to-day on which the marines are not assigned to the secondary batteries?

Mr. SAYERS. I do not.

Mr. BOUTELLE. There is no man on a man-of-war who is not assigned to the guns.

Mr. SAYERS. Now, if 1,000 marines be put in charge of the secondary batteries under competent officers, there will be no necessity for increasing the naval force.

Mr. BOUTELLE. The gentleman is entirely mistaken.

Mr. SAYERS. That may or may not be so. But I make the statement; and I generally try to inform myself before making a statement.

Mr. MONEY. I rise to a parliamentary inquiry. Before this debate goes further, I want to know how many times a member may speak to one amendment under the rules.

The CHAIRMAN. Once.

Mr. MONEY. The Chair has twice recognized the gentleman from Texas, while only one member has spoken on the other side. I would like to know whether the gentleman from Texas is going to have simply the same time that is allowed to any other member, or whether he is going to occupy all the time.

The CHAIRMAN. The Chair has answered the gentleman's "parliamentary inquiry."

Mr. TALBOTT of Maryland. Mr. Chairman, the gentleman from Texas—I am sorry to say it—does not treat this committee right. He is unfair. I have in my hand a communication on this subject from the Secretary of the Navy. But before reading it I will call the attention of the committee to the annual report of the Secretary, in which he asks for these 2,000 men.

Mr. SPRINGER. Let it be read.

Mr. TALBOTT of Maryland. It would take too much time just now. It can be printed in the RECORD.

The statement is as follows:

I again renew my recommendation of last year that the enlisted force be increased by 2,000 men. A careful study of the services of the Navy for several years past convinces me that the number of vessels which must be kept in commission and ready for service is greater than the present enlisted force allowed the Navy will suffice to man. Calculations place this increase at not less than 2,000 men, and the law to authorize such increase should be so worded as to permit the Department to enlist them whenever needed.

An efficient and economical service can not be carried on without a fair margin between the number of men absolutely necessary to man the ships in commission and the limit as fixed by law. New ships getting ready for service and constantly recurring emergencies necessitating the dispatch of vessels to foreign waters are causing demands upon the enlisted force which the Department will very shortly be unable to meet. The expense of maintaining the additional number of men asked for will be small in comparison with the results to be obtained and the value of public property of which they become the care takers and defenders.

Our new ships, too, will be of little value without officers and men trained in exercising them. This should not, however, be for a moment understood to mean that the vessels now building and those the Department is asking for in this report ought all of them to be kept constantly in commission. Battle ships and coast-defense vessels, as well as other ships, should be kept as nearly as may be always ready for service. Armored ships, however, and some of the larger cruisers, like the *Minneapolis* and the *Columbia*, it would be desir-

able to keep cruising in our own waters for not less than one year out of three. When not cruising they might be laid up in fresh water under care takers who would maintain them in condition.

Experience is demonstrating that long cruises by our largest vessels are expensive, and there is no question but that smaller vessels better subserve all the purposes of cruising in foreign waters for the protection of American interests in time of peace. Economy is not to be lost sight of by those who would befriend the Navy. Its affairs should be so administered as to entitle it to the continuing support of a people whose patriotism may always be relied upon to respond to every reasonable demand.

If the naval policy I have here ventured to indicate and briefly outline be carried out, there will be no necessity, unless in case of war, to increase the force of enlisted men beyond that now requested for many years to come. This will make the total number of men authorized 11,000.

Mr. TALBOTT of Maryland. Now, Mr. Chairman, I have in my hand a communication from the Secretary of the Navy, which any other member could have had if he had asked for the information:

NAVY DEPARTMENT, Washington, February 8, 1896.

SIR: Replying to your letter of the 6th instant, I have the honor to inform you that the accompanying list gives the vessels that will be completed and should be placed in commission before June 30, 1896.

Names of vessels.	Probable date of completion.	No. of men required for each vessel.
Amphitrite	Mar., 1895	149
Maine	July, 1895	310
Puritan	do	180
Terror	do	149
Katahdin	do	89
Ericsson	do	24
Texas	Aug., 1895	325
Monadnock	do	149
Boston	Sept., 1895	229
Indiana	do	394
Massachusetts	Nov., 1895	394
Oregon	Dec., 1895	394
Gunboat No. 7	Apr., 1896	130
Gunboat No. 8	do	130
Gunboat No. 9	do	130
Total number required to man vessels		3,177
Total number probably available June 30, 1896		374
Number required		2,803

It thus appears that the number of men that the Secretary of the Navy estimates may be required is greater than the number we have authorized in this bill.

The present strength of our squadrons is not sufficient to meet the constant demands for vessels to protect the interests of our citizens.

It will be seen that if all these ships should be kept continuously in commission, together with those now in service, the number of men provided for in the appropriation bill would not be sufficient, but it is not the intention or expectation of the Department that all the ships belonging to the Navy are to be, in times of peace, in commission. The coast-defense ships are not intended to cruise abroad at any time, nor will the battle ships make distant cruises. In times of peace these two classes of ships are to be kept in commission only a portion of each year. All, however, require to be kept in order and ready for any demand that may be made upon them, and it is essential that as they are completed and delivered to the Navy, they shall each be commissioned and do sufficient cruising to thoroughly test the condition and efficiency of their machinery, battery, and fittings.

It is believed that if the bill passes as it has been reported, authorizing the enlistment of 2,000 men as they may be needed, it need only appropriate for 1,000 men. A proper selection of the ships to be kept in commission, and a judicious distribution of crews among them, will, it is thought, enable the Department to render these 1,000 men sufficient for the present needs.

It is also believed that the increase of 2,000 men now proposed will, properly administered, be sufficient for the wants of the Navy in time of peace, even after the ships provided for in the present bill shall have been constructed.

The vessels now in commission have the minimum number of men on board for efficient handling. Reports from some of the vessels state that more men are needed.

Respectfully,

HON. J. FREDERICK C. TALBOTT,

Chairman of Subcommittee on Naval Affairs,  
House of Representatives, Washington, D. C.

H. A. HERBERT, Secretary.

It is also believed that the increase of 2,000 men now proposed will, properly administered, be sufficient for the wants of the Navy in time of peace, even after the ships provided for in the present bill shall have been constructed.

The vessels now in commission have the minimum number of men on board for efficient handling. Reports from some of the vessels state that more men are needed.

The Secretary has asked for authority to enlist 2,000 additional men, but the Committee on Naval Affairs concluded that very probably, as we are at peace, he could get along with 1,000; hence, although we have authorized him in his discretion to enlist 2,000, we have appropriated for only 1,000, the amount of the appropriation being \$349,000.

But, Mr. Chairman, it is not worth while for the American people to adopt a policy of progressing with the construction of a Navy if they do not intend at the same time to provide means for manning it or authorizing the Secretary of the Navy to enlist men as the necessities of the case require. That is all that is proposed here, and I think that is a sufficient answer to the argument of the gentleman from Texas.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. SAYERS) there were—ayes 21, noes 51.

So the amendment was rejected.

Mr. SAYERS. I offer a further amendment to this paragraph. The Clerk read as follows:

Strike out all after the word "law," in line 6, down to and including the word "thousands," in line 8, page 2, and insert:

"And the Secretary of the Navy is hereby authorized to assign as many officers and enlisted men in the Marine Corps to man the secondary batteries of ships in commission as he may deem necessary."

Mr. BOUTELLE. Mr. Chairman, the gentleman from Texas, chairman of the Committee on Appropriations, who seems to have given a great deal of temporary thought to the organization of the Navy, has stated to the committee this morning that he has received communications from some officers in the Navy who have informed him that some special disposition of the Marine Corps would enable the Secretary of the Navy to man the ships without the necessity of the enlistment of any additional men. I do not know, of course, who these anonymous correspondents of the gentleman from Texas are. I do not know, however, any officer in the American Navy who I think would be willing to have his name used as a sponsor for that sort of a proposition.

The suggestion of the gentleman, or rather his positive statement, that if men of the Marine Corps, who, it is suggested, are now unused in the service, should be assigned to the duty of manning the secondary batteries on the ships of war they would take the place of the proposed enlisted men, is so amazing a statement, that I am compelled to express surprise that a gentleman of the standing of my friend from Texas would be willing to make it upon the floor of the House of Representatives to become its sponsor. Nothing is better known to those who are familiar with this subject than the fact that all persons on board of a naval vessel in time of war, or in the military exercises of the service, are assigned to some station and duty.

There is not a marine afloat to-day who has not his regular station assigned to him in time of battle or in time of the general exercises on board a man-of-war. That condition runs back to the earliest period in the history of the Navy.

Now, if this were a proposition to enlist some more marines, and thereby avoid the enlistment of more seamen, I could understand it, although I can see no reason for it. But the House knows and the country knows that the Secretary of the Navy, who is the authorized and official exponent of that branch of the service, and who, I desire to say to the gentleman from Texas, has at all times the advantage of the advice, counsel, and suggestion of all the officers of the Navy and who, it is to be presumed, has consulted with the officers of the Navy before he made his recommendations to Congress, has stated in his annual report year after year the obvious fact that we must have more seamen to man the ships we are building and putting into service.

In addition to that, I think, my friend from Texas was not quite ingenuous when he undertook to lay such stress on the outside limit of 2,000 additional men fixed in the bill. We have fixed the limit there it is true, but it by no means carries with it the necessity of enlisting that number. On the contrary, he must know, as members who have read the bill must know, that in this matter we have only provided for the enlistment of a portion of the 2,000, and have made provision for the pay and subsistence of but a portion of the 2,000, about 1,000 in all, during the next fiscal year. But we have increased the limit of enlistment 2,000 beyond the present number, because it is obvious that in the near future we will require more men. But there is no more necessity of enlisting the full number now than there was four or five or six years ago, when the maximum was at the present figure.

It was not done then, for the necessity had not arrived. But we have been warned by the obstructive tactics that have been employed whenever the point of increasing the number of seamen was brought before the House that it is desirable in fixing a new limit to place it not at a point to be reached in the next six months and which may have to be changed next year, but to make a reasonable provision for the future, in consideration of the number of vessels provided for and to be put in commission as the public service may require.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOUTELLE. I should like to have a minute or two longer.

The CHAIRMAN. Without objection the gentleman will proceed.

Mr. BOUTELLE. We are simply thrashing over now the straw which we have been pounding in the House ever since yesterday afternoon. This is the identical proposition my friend from Texas sought to eliminate by raising a point of order that has been overruled not only by the Chair, but by the approving judgment of the Committee of the Whole on that ruling. We have also had admissions from every member who has spoken, except the gentleman from Texas, that there is need of the additional men. This Committee of the Whole has emphatically voted that it believes in responding to the call of the Secretary of the Navy for these additional seamen.

And I desire to say, in view of the political situation which has



been adverted to here, that I think, when the Republican side of this House, standing here on the very threshold of their new responsibility that is to come to us within a few weeks—when we are willing to stand, as we have always stood, for liberal provisions for all of those agencies of government which tend to uplift and maintain the dignity and power of our country, when we are willing to assume responsibility for the future, I think it is remarkable that gentlemen from whose shoulders responsibility is now dropping should resort to the extraordinary obstructive filibustering tactics that we have met here to-day to prevent the response which this House is trying to make to the official appeal of that executive officer of the Government who is charged with recommendations as to the needs of the Navy of the United States.

Mr. MONEY. Mr. Chairman, the amendment of my distinguished friend from Texas is of no utility, because of the fact that the marines are already used to man the secondary battery. There is full authority to do that, and they are manning the secondary battery, and as a matter of fact it is inconceivable to my mind that an officer in command of a ship of the United States, responsible for the dignity of the flag, the honor of the nation, the safety of every life on board, and the property of the United States, should do otherwise than make the most proper and efficient distribution of the fighting force under his command. And you will always find that that commanding officer, responsible for the result of the engagement, will put the marines just where they ought to be, and that is in charge of the secondary battery.

Now, as regards the number of the enlisted men, there is a provision here exactly in accordance with the demands of the Secretary for authority to enlist 2,000 men, but provision is made only to pay 1,000, because we believe and the Secretary believes that that is enough for this fiscal year.

Mr. BLACK. What is the necessity for providing for the enlistment of these men if you do not make any appropriation to pay them?

Mr. MONEY. The necessity is just this: Now, in a time of profound peace many of our vessels will be lying in commission and not at service, but the gentleman does not know, nor does any other man know, that in the next nine months we may not have a war. There may be a necessity, as there was in the Brazilian affair, to man and hastily send every available vessel to Rio or some other port.

Mr. BLACK. Why do you not make an appropriation, then, to meet that possible emergency?

Mr. MONEY. The men will be enlisted, and the appropriation will come afterwards if there is a necessity for it. This recommendation has been made by a Secretary who in a long and honorable career in this House distinguished himself for economy in the management of bills in this committee. He is supported by one of the most brilliant young men ever in this House, his accomplished Assistant Secretary, who in his career here also made a great reputation for economy. These two men know what they are doing. They have both served on the Naval Committee. They know what the necessities of the service are, and they would not have recommended it if it had not been necessary.

The committee have gone into the subject and have made an examination that it is impossible for my distinguished friend [Mr. SAYERS] to make, because other and very serious duties have been devolved upon him by the order of the House, and he can not know as well as we do and as well as the Secretary and Assistant Secretary know what the demands of the service are.

As to the special amendment, it is wholly unnecessary. The Secretary and the officers in charge of the ship will place these men where they belong. I myself believe they ought to man the secondary battery. The Marine Corps has been distinguished not only for its drill but for its exceedingly fine marksmanship, which has taken the prize at every competitive firing in the world, and therefore no man need be uneasy that the marines will not be put where they will do the most good.

Mr. SAYERS. Now, Mr. Chairman—

The CHAIRMAN. The Chair will recognize the gentleman from Texas, after which he will recognize some gentleman in opposition to the amendment.

Mr. SAYERS. Mr. Chairman, I have not unadvisedly offered this amendment. I too have served on the Committee on Naval Affairs, both with the Secretary and Assistant Secretary of the Navy, and while I accord to them entire honesty of purpose, yet I do not accord to them complete exemption from all the influences that surround official life.

I know those gentlemen; I know them to be honorable men. There is a struggle going on in the Navy leading toward the taking away of the marines from vessels when they are in commission. I know the effort has been made and will continue to be made. I will say to the gentleman from Maine [Mr. BOUTELLE] that officers who were in the Navy long before he entered the naval service have spoken to me upon this subject and have said that instead of taking the marines from aboard these ships when in commission, they ought to be assigned to the secondary batteries,

thereby saving the necessity of enlisting 1,000 additional seamen. Gentlemen may do as they please; they may close their eyes to the true condition of this service, and they may vote this increase of enlisted men. Believing it is for the good of the service and that the public expenses may be curtailed, I have offered this amendment and shall insist upon a vote being taken.

[Mr. COVERT addressed the committee. See Appendix.]

Mr. TALBOTT of Maryland. Just one word, Mr. Chairman. I desire to call the attention of the committee to the report of the commandant of the Marine Corps.

On October 1, 1894, there were 2,097 enlisted men in the corps, only 3 short of the authorized number. Of these, 1,196 were on duty at the different shore stations and 901 on board ships in commission.

Now, he says, in addition:

The demand increases every day, both on shore and afloat, particularly in view of the many new vessels which will soon be placed in commission, and I again earnestly request that the Department will take the necessary action to have the appropriations increased for more men, in accordance with my many previous recommendations.

The Secretary of the Navy did not recommend an increase; but the committee will understand that there are 901 of the Marine Corps now serving on ships in commission.

The question was taken, and the amendment was rejected.

Mr. BELTZHOVER. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Add at end of line 15, page 2:

"Provided also, That hereafter the pay of all officers of the line, Medical Corps, Pay Corps, Engineer Corps, and chaplains shall be that now provided by the law for officers of the line of equal rank."

Mr. TALBOTT of Maryland. Mr. Chairman, I make the point of order against that amendment that it changes existing law. Furthermore, there is a bill pending which deals with that subject.

Mr. BELTZHOVER. Mr. Chairman, I desire to be heard on the point of order. Under a joint resolution passed by the present Congress and approved on January 12, 1894, subcommittees of three members of the Naval Committee of the Senate and a similar number from the Naval Committee of the House were appointed "to fully investigate and consider the entire subject of the rank, pay, and all other matters relating to the personnel of the Navy, and to report what legislation, if any, is necessary in the premises." These subcommittees have attended to the duties assigned them, and their report, unanimously approved by the Naval Committees of the Senate and House, is now before us. Their report covers numerous matters, but there is no one which they have considered more fully and upon which they speak with more emphasis than that relating to the pay of the Navy. This subject of the pay of the Navy has been regulated for twenty-five years by a law which was passed as a rider on the naval appropriation bill of 1870. The committee say that they have patiently studied this law and find unanimously—

1. That it is inequitable in many of its features.
2. That the system of paying officers of the staff more than their immediate commanding officer is subversive of discipline.
3. That the Commission is unable to find among the navies of civilized nations any similar departure from true military principles.
4. They propose an amendment of the existing law in the exact language of that which I have sent to the Clerk's desk, and which they say will remedy the evil.
5. That this amendment if adopted will save the Government \$195,000 annually.

This statement, embracing unanimous findings of facts by a committee of this House having full jurisdiction of the subject, it seems to me should be sufficient not only to enable the Chairman to hold that the proposed amendment is in order, but to induce every member of the House to give it his unhesitating support.

The instances of inequality and injustice prevailing in the payment of salaries between the line of the Navy, which constitutes its fighting force, and the staff, which is the ornamental feature of the service, are too numerous to be given in the limited time allowed to me.

There is only one out of all the navy-yards of the United States where the commanding officer, who has all the responsibility, gets as much pay as numbers of the subordinates under him. In all the rest of these great naval institutions the paymaster, whose duties are only clerical, gets more pay than the officer in charge.

Perhaps there is no more striking illustration than in the case of the navy-yard at Washington, where the inspector of ordnance, who superintends and directs the construction of all our immense guns, receives a thousand dollars a year less than the paymaster, whose sole duties are to disburse the stipend to the workmen periodically. The same occurs with the commandant, who also receives less than the paymaster and storekeeper.

There is no greater responsibility placed upon any officer of this Government than upon the commandants of the great cruisers and battle ships of which we are so proud and upon which we are

spending so many millions of dollars. These commandants have in their hands not only the great ships which they command and their enormous equipments and the lives of the thousands of men in their forces, but they are representatives of this Government in all the foreign ports of the world—at Honolulu and Wei Hai Wei and wherever our interests are imperiled—and upon them devolve still vaster responsibilities in the protection and defense of the country in the event of war. Is it not a striking commentary on our legislation on this subject that these high officers intrusted with such momentous interests are each paid less than two or three subordinates under their command?

Why should the physicians and paymasters and preachers get more pay than the commanders, upon whose skill and learning and prudence the destinies of the nation depend? No naval system in the world tolerates such an injustice. No steamship company among all the hundreds of great lines whose mighty fleets traverse the seas, carrying millions of passengers and hundreds of millions of dollars of freight, pays its force except on the broad, equitable principle which provides compensation in accordance with the value of the service. Why should not all commissioned officers on the active list of the Navy of equal rank receive the same pay?

This amendment must commend itself to the considerate judgment and approval of every intelligent and fair-minded person, and I sincerely trust it will be held to be in order, and that it may be submitted to the decision of the House.

The section of the bill now under consideration is for the "pay of the Navy." This amendment provides for the equalization of that pay and the correction of manifest wrongs which have long prevailed in the system under which the Government's money has been disbursed. The amendment is therefore clearly germane to the bill.

The law of 1870 provides for the payment of larger compensation to the staff of the Navy than it does to the line. The amendment provides clearly for the reduction of this excess of pay for the staff to the same amounts that are paid to the line. This amount of reduction the Committee on Naval Affairs have found will be at least \$195,000, and I have information that the amount will be more than \$250,000. The amendment, therefore, with any degree of liberality in the construction of the rules, can be fairly held to reduce expenditures.

This amendment if adopted will promote economy, restore equality and fairness in the payment of our naval force, remove the most potent causes which tend to destroy discipline, and bring our system into accord and harmony with all the naval establishments of the world.

The CHAIRMAN. The Chair would suggest to the gentleman that that is a matter of fact which has no relation to the parliamentary status.

Mr. BELTZHOOVER. Then I will confine myself now to merely saying that I understand the rule of the House to be that an amendment is in order although it does change existing law, if at the same time it clearly and unquestionably reduces expenditure.

The CHAIRMAN. On its face.

Mr. BELTZHOOVER. This amendment, I beg the Chair to notice, has been reported by the Naval Committee, and in their report, which is before the House, they declare that it will reduce the expenditures of the Government \$195,000 a year. The law fixes the pay of the staff of the Navy higher than the pay of the line, and therefore an amendment which proposes to reduce the pay of the staff must on its face reduce public expenditures.

Mr. HALL of Missouri rose.

The CHAIRMAN. The gentleman from Missouri will be recognized for five minutes.

Mr. HALL of Missouri. I do not rise to speak on the point of order, Mr. Chairman.

The CHAIRMAN. That is the only question before the committee.

Mr. HALL of Missouri. I want to speak on the amendment itself when it is in order to do so.

Mr. BELTZHOOVER. Of course, Mr. Chairman, if the amendment is held to be in order I shall desire to be heard further on the merits.

The CHAIRMAN. The Chair has not yet ruled on the point of order. Does the gentleman from Maryland [Mr. TALBOTT] desire to be heard on the question of order?

Mr. TALBOTT of Maryland. I do not propose to argue it, Mr. Chairman. I make the point that the amendment changes existing law, and also that there is a bill pending which deals with this subject.

Mr. BELTZHOOVER. If the Chair will pardon one more observation, although there is a bill pending which deals with this subject, and although at one time, under the rules, that would have rendered this amendment not in order, that is no longer the rule.

The CHAIRMAN. The Chair is very clear on this point of

order. The gentleman from Pennsylvania himself admits that this amendment changes existing law and on its face it does not reduce expenditures. Therefore it is clearly obnoxious to every provision of Rule XXI, and the Chair sustains the point of order. Mr. HERMANN. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 10, page 2, add:

"Any officer while within the regular retiring age of 62 years, who has been transferred from the active list to the retired list for disability possibly curable shall be subject to examination, at Navy Department discretion, as to ability to resume the duties of his existing commission; and if found thus able, and there be no further necessity for his continuance as a supernumerary officer, he shall be ordered back to the active list, according to his existing commission, when the next vacancy occurs in that grade."

Mr. TALBOTT of Maryland. I raise a point of order on that amendment.

Mr. HERMANN. What is the point?

Mr. TALBOTT of Maryland. That it would restore a number of officers to the active list and thereby increase expenditures.

Mr. HERMANN. I desire, then, to address myself to the point of order.

Mr. Chairman, under the law as it now exists, if an officer of the United States Navy who is under sixty-two years of age becomes disabled to a degree supposed at the time to be incurable, he is transferred from the active list and placed upon the retired list. Now, this amendment proposes to require that if at any time after such transfer it can be shown that the disability which had been supposed to be incurable is curable, and if the officer becomes relieved from the disability, he shall then be ordered back to active service, and take the place which he occupied under his commission previous to the order for his retirement.

It is shown that a great many officers now on the retired list are in this situation: While they are drawing half pay and performing no service, many of them are active, energetic, patriotic officers, who are exceedingly desirous to be reinstated in active service under their old commissions. Under the law as it now exists they are debarred from this privilege.

There is another class of officers who may be said to be indolent, who are disinclined to go upon the active list, though the disability for which they were retired has been entirely cured and they are physically able to return to their original places. Individuals of this class should be compelled to take their former positions and be subject to the orders of the Department on the active list.

If this amendment be adopted, it will exercise a most excellent influence upon both these classes of officers. The officer who, his disability being removed, desires to return to active service will be permitted to do so; an officer of the other class who is indisposed to return to active service, although physically qualified to do so, will be required to return to active duty under the orders of the Secretary of the Navy.

As to the position taken by the acting chairman of the committee [Mr. TALBOTT], that this amendment increases expenditures, allow me to say that it does just the reverse; it decreases expenditures to this extent: If an officer who has been retired is reinstated upon the active list he takes the place which would otherwise require another officer drawing full pay, and the Government thereby saves the amount of the retired pay. I submit to the Chair that this explanation is sufficient to justify the overruling of the point of order. Having briefly stated the merits of the amendment and also my position in reference to the point of order, I submit the matter to the Chair.

The CHAIRMAN. The Chair is very clearly of the opinion that the point of order is well taken, and sustains it.

The Clerk read as follows:

Naval Training Station, Coasters Harbor Island, Rhode Island (for apprentices): For dredging channels, repairs to main causeway, roads, and grounds, extending sea wall, and the employment of such labor as may be necessary for the proper care and preservation of the same; for repairs to wharf and sea wall; for repairs and improvements on buildings, heating, lighting, and furniture for same; books and stationery, freight, and other contingent expenses; purchase of food and maintenance of live stock, and mail wagon, and attendance on same, \$30,000; for hospital for station, \$20,000; in all, \$50,000.

Mr. SNODGRASS. I hope the chairman of the committee [Mr. TALBOTT of Maryland] will explain the paragraph just read.

Mr. TALBOTT of Maryland. I suppose that the item which the gentleman wants explained is the appropriation of \$20,000 for "hospital for station." This hospital is designed for naval apprentices. There is a training ship for these boys; and they are also sometimes kept on shore. Some time ago an epidemic broke out at this training station, where these boys are kept until they are detailed to duty on shipboard. In view of the sicknesses which sometimes occur, it has been deemed necessary to build a hospital for these boys; and we propose to appropriate for that purpose \$20,000.

The estimate of the Bureau covered \$125,000 for barracks and \$20,000 for a hospital. We disallowed the item for barracks, but allowed this for the hospital, because we did not think it proper that these boys when sick should be kept on the training ship or



in the barracks. Sometimes, when sick, they have been cared for in an old poorhouse, which was fitted up for the purpose. We think this appropriation for a hospital is entirely proper. This is the only new item in this paragraph.

The Clerk resumed the reading of the bill, but was interrupted by—

Mr. SAYERS. I wish to ask the gentleman in charge of this bill (because I feel quite sure that he would not have the committee vote upon anything that has not been explained) why it is that the appropriation under the head of "Equipment of Vessels" on page 10 has been increased \$188,000 over the appropriation for the current fiscal year.

A MEMBER. We have passed that long ago.

Mr. SAYERS. I know that; but I suppose the gentleman will not hesitate to inform the committee why it has been asked to vote this increased expenditure.

Mr. TALBOTT of Maryland. I am frank to state in about half a second to the gentleman from Texas that it is because of the new vessels going into commission in the Navy.

Mr. SAYERS. Is that the only reason?

Mr. TALBOTT of Maryland. Well, that ought to be sufficient.

Mr. SAYERS. Not at all.

Mr. MONEY. Well, we have passed over it anyway.

Mr. SAYERS. Very well.

The CHAIRMAN. The Clerk will proceed with the reading.

The Clerk read as follows:

Naval station, Sacketts Harbor, N. Y.: For one ship keeper, at \$366 per annum.

Mr. SIMPSON. Mr. Chairman, I would like to make some inquiry as to this naval station at Sacketts Harbor, for which an appropriation is made here of \$366 per annum. I ask the chairman of the committee if, as a matter of fact, there is a naval station there, or dockyard, or anything of the kind, or any need for the ship keeper?

Mr. TALBOTT of Maryland. This is the provision for a ship keeper at Sacketts Harbor?

Mr. SIMPSON. Yes.

Mr. TALBOTT of Maryland. Well, I will be very frank with the gentleman from Kansas, and tell him that I have not personally examined the matter. This is the usual appropriation that comes recommended by the Department. I did not make personal inquiry, but suppose the ship keeper is there.

Mr. SAYERS. I hope the gentleman from Kansas will move to strike it out unless some reason can be assigned for retaining it in the bill.

Mr. SIMPSON. I do not believe there is any ship there to keep, and hence no need for the ship keeper.

Mr. TALBOTT of Maryland. I am just told by a gentleman who knows, that there is a ship keeper there and a ship.

Mr. SIMPSON. Under our revised treaty with Great Britain and Canada we have but one vessel on the lakes; that is the steamer *Michigan*—

Mr. MONEY. That is the vessel.

Mr. SIMPSON. But she is never at Sacketts Harbor, I think.

Mr. TALBOTT of Maryland. That is the ship to which reference is made in this provision.

The CHAIRMAN. The question is on the motion to strike out.

Mr. BARTLETT. Mr. Chairman, I object in the name of the State of New York to striking out an appropriation of this kind without being able to say a word in defense of the proposition. Why should it be stricken out, I ask the gentleman from Kansas?

Mr. SIMPSON. Why, there is no ship there, and no need of a keeper. It seems plain enough.

Mr. BARTLETT. How do you know that there is no ship there?

Mr. SIMPSON. I have just been trying to get the information.

Mr. BARTLETT. Do you of your own knowledge say that there is no ship there?

Mr. SIMPSON. I have asked the chairman of the committee, and got the information from him that there was not.

Mr. TALBOTT of Maryland. No; the gentleman asked me if I knew the facts in connection with this matter, and at the moment I stated that I had not made personal inquiry; but have since been informed that there is a ship there and that the amount recommended here is necessary.

Mr. SIMPSON. I would like to know what ship is there?

Mr. BARTLETT. If the gentleman from Kansas is so strenuous a guardian of the public moneys, how does it happen that he allowed a million dollars to be passed through the House yesterday without raising his voice in opposition to the increase of pensions to the Mexican and Indian soldiers?

Mr. SIMPSON. Because I thought that a just proposition. These men are in life—in existence. But here is a provision to pay a ship keeper where there is no ship.

Mr. BARTLETT. Why should pensions be increased forty-five years after the close of the war? Is it not simply taking the money from the taxpayers and giving it away where there is no necessity for it?

Mr. SIMPSON. Well, that is a question for each man to determine for himself when he comes to vote on the proposition.

Mr. BARTLETT. And yet you think proper to rise and object to so small an appropriation as \$366 a year for the services of a man to take charge of this establishment at Sacketts Harbor.

Mr. SIMPSON. Let me ask the gentleman this question, since he has referred to pensions: Does he think it wrong to pay these pensions?

Mr. BARTLETT. I think it wrong to increase a pension from \$8 to \$12 a month nearly half a century after the close of the war, and for that reason I voted against it.

Mr. SIMPSON. Does the gentleman think it will make it right to vote for another wrong? According to his logic that would seem to be a necessary result.

Mr. BARTLETT. I think it right in this case. But the gentleman from Kansas poses as the guardian of the Treasury, and yet he allowed this vast sum to be taken out without a protest.

Mr. SIMPSON. I would like to ask the gentleman from New York also what he knows personally of the ship at this point.

Mr. BARTLETT. I know that the presumption is in favor of the report of the committee, and the onus is on you to show that it is not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMPSON. I ask a vote on the amendment.

Mr. PICKLER. Mr. Chairman, I desire to be heard briefly on this question.

I expect, after listening to the discussion on this bill, to vote for the provision for battle ships. That we may have lasting peace, that we may care for and protect our citizens in all lands, that we may uphold and sustain the dignity of the Government, we must have a Navy that will command respect; arbitration is then practical, and peace largely assured. I desire to call the attention of the committee to the declaration of the gentleman from Massachusetts [Mr. EVERETT] the other day, that it is greater to live for one's country than to die for one's country. While we all concede that the highest civilization comes from peace and its pursuits; while all concede that the highest point that the human race can attain must come with the development of peace and in times of peace, yet I can not subscribe to the sentiment, as I understand it, expressed by the gentleman from Massachusetts that it is greater to live for one's country than to die for one's country.

The doctrine that the gentleman asserts, taken in a general sense, is the doctrine that leads to servitude. Never has a people been rescued from servitude, from bondage, from tyrannical rule, from slavery, by advocating the doctrine that to live in peace is greater honor than to die for country.

Mr. Chairman, I believe, in the first place, for it to be an honor to live for a country it must be a government that is worth living for, and a government that is worth living for to save is worth dying for, and to die for it is the greater honor. A government is not worth living for that does not bring freedom to its people, that does not give every man an equal chance with every other man, that is not a government of the people, by the people, and for the people. It is no honor to live for a tyrannical and oppressive government, and to overthrow such a government is, in my opinion, the greatest honor.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. PICKLER. I should like to have five minutes more.

Mr. PAYNE. I ask unanimous consent that the gentleman have five minutes.

There was no objection.

Mr. PICKLER. I simply want to call the attention of the gentleman from Massachusetts [Mr. EVERETT] to a few of the declarations of our forefathers and our patriots in regard to the honor due to men who die for their country. It is simply the gentleman's proposition which he here asserted, that it is more honorable to live for one's country than to die for one's country, that I desire to combat. I can do it in no other way so well as by calling attention to sentiments expressed upon this question by men whose memories we honor. I simply desire to reiterate the proposition that it is no honor to live for a government that is tyrannical and oppressive, and that it is an unparalleled honor to die to overthrow such a government in order that we may have freedom for a people.

I believe rather in the sentiment expressed by Sir William Jones than the sentiment expressed by the gentleman from Massachusetts [Mr. EVERETT]. His words are that a true government is made up of—

Men who their duties know,  
But know their rights, and knowing, dare maintain;  
Prevent the long-aimed blow,  
And crush the tyrant while they rend the chain—  
These constitute a state.

I would rather adopt the sentiments of Daniel Webster concerning Bunker Hill Monument in that immortal speech made at its completion, and I commend it to the gentleman from Massachu-

setts. Speaking to the vast concourse of people there assembled Mr. Webster said:

Its future auditories will be through successive generations of men as they rise up before it and gather around it.

Its speech will be of patriotism and courage; of civil and religious liberty; of free government; of moral improvement and elevation of mankind, and of the immortal memory of those who with heroic devotion have sacrificed their lives for their country.

I commend the sentiment of Josiah Quincy, jr., at the second Boston centennial, September, 1890, that—

Human happiness has no perfect security but freedom, freedom none but virtue, virtue none but knowledge.

Especially would I call attention to and warmly indorse, in conclusion, the words and sentiments of that distinguished American orator George William Curtis as to the minutemen of the Revolution, men who battled and died for liberty at the very threshold of the home of the gentleman from Massachusetts [Mr. EVERETT]. Breaking forth in eloquent inquiry, he proceeds to patriotically answer the same:

The minuteman of the Revolution, who was he?

He was the husband and father, who, bred to love liberty and to know that lawful liberty is the sole guarantee of peace and progress, left his plow in the furrow and his hammer on the bench and, kissing wife and children, marched to die or to be free.

He was the son and lover, the plain shy youth of the singing school and village choir, whose heart beat to arms for his country, who fell, though he could not say, with the old English cavalier—

"I could not love thee, dear, so much,  
Loved I not honor more."

He was the old, the middle-aged, and the young.

He was Captain Miles, of Concord, who said that he went to battle as he went to church.

He was Captain Davis, of Acton, who reproved his men for jesting on the march.

He was Deacon Josiah Haines, of Sudbury, 80 years old, who marched with his company to the old South Bridge at Concord, then joined in the hot pursuit to Lexington, and fell as gloriously as Warren at Bunker Hill.

He was James Hayward, of Acton, 22 years old, who marched with his company from Concord to Lexington, who raised his piece at the same moment with a British soldier, each exclaiming, "You are a dead man." The Britton dropped, shot through the heart, and James Hayward fell mortally wounded. "Father," he said, "I started with 40 balls. I have three left. Tell mother not to mourn too much for me, and tell her whom I love more than my mother I am not sorry I turned out."

Mr. Chairman, I believe that the death of these men and those like them who die for free government, who die that their own and succeeding generations may escape tyranny and oppression and thus develop the only true and highest Christian civilization known to men, perform the greatest, grandest, holiest service that falls to the lot of man.

It is only in such a government that the golden rule can truly govern the actions of men. And while I join the gentleman of Massachusetts in his desire for the victories of peace on earth and good will to men, and while I grant that this is the great goal toward which all nations and men should tend, because righteousness exalts nations and men, I can not agree that any greater honor can come to man than to die for his home and country.

[Here the hammer fell.]

Mr. BRECKINRIDGE. I would like to ask whether the question or the fact has been settled that there is a ship at Sacketts Harbor?

Mr. TALBOTT of Maryland. They ask for this amount for this man and I presume there is one there.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. BRECKINRIDGE. I move to strike out the last word, so as to ascertain the fact. The question is whether there is a ship for that man to keep or not.

Mr. MONEY. I wish to say they have asked for \$365 for years, and the commodore asks this year for \$366 because there are more days, the next year being leap year; consequently there must be a man there or he would not want this appropriation made.

Mr. BRECKINRIDGE. There is no doubt about the man. The question is whether there is a ship.

Mr. MONEY. We are not paying the ship; we are paying the man.

Mr. BRECKINRIDGE. You are paying a man to keep the ship.

Mr. MONEY. Certainly.

Mr. BRECKINRIDGE. Now, is there any ship? There are four or five gentlemen on the committee present; can some one state whether we have any ship there? Now, I want to move to put in the word "not," so that the provision shall be \$366 to the man for "not" keeping the ship.

Mr. MONEY. I accept the amendment.

Mr. SAYERS. The gentleman has accepted the amendment.

Mr. TALBOTT of Maryland. We do not accept the amendment.

Mr. BRECKINRIDGE. My amendment takes precedence of the amendment that has been offered. The gentleman's amendment is to strike out, and mine is to make it read \$366, for ship keeper "not" to keep the ship.

Mr. SAYERS. The amendment of the gentleman from Kentucky was accepted by the gentleman from Mississippi.

Mr. MONEY. But that was all jocular. I am not in charge of the bill.

Mr. BRECKINRIDGE. I will withdraw my amendment.

Mr. TALBOTT of Maryland. Mr. Chairman, I ask unanimous consent to let these two lines, 20 and 21, on page 14, go over, so that I may have an opportunity to make the inquiry; and if there is no ship there I will move to strike it out.

There was no objection, and it was so ordered.

The Clerk read as follows:

Navy-yard, Washington, D. C.: For one clerk, at \$1,400; one messenger, at \$2 per diem; one foreman laborer, at \$4 per diem; one electrician, \$1,000; in all, \$4,284.

Mr. SAYERS. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman in charge of the bill to explain why the appropriation of \$500,000, which is a new one, is made, on page 7. I ask for an explanation.

Mr. TALBOTT of Maryland. We have passed that.

Mr. SAYERS. I ask for an explanation. Now, I think when a committee calls upon us to appropriate \$500,000 for a new purpose that the chairman of the committee ought to be willing to give an explanation.

Mr. TALBOTT of Maryland. Now, Mr. Chairman, I do not believe the gentleman is kind to this House.

Mr. SAYERS. I will say that if the gentleman does not wish the question asked I will withdraw the request.

Mr. TALBOTT of Maryland. Then I beg the gentleman's pardon. I have made that explanation to this House. I have told the House that under the acts of 1890, 1891, and 1892, this Government subsidized certain vessels—the *City of New York* and *City of Paris* are two of them—at \$3 a mile to carry the mails, with the proviso that, in case the Government needs them for war purposes, either as cruisers or transports, they shall be transferred to the Government upon a valuation to be ascertained by appraisers. I have told this House all that. Now, I told the committee that in case of an emergency and we wanted to use these vessels for naval purposes there is not a single gun at the disposal of the Navy Department to place upon them.

Mr. SAYERS. How many vessels are subsidized and between what ports are they sailing?

Mr. TALBOTT of Maryland. The *City of New York* and the *City of Paris* are now in commission, and I think the *St. Louis* will be soon. It is being built for the same purpose. It is to be subsidized. So is the *St. Paul*. I made that explanation to the House the other day.

Mr. SAYERS. I did not hear it. It must have been very brief. I have asked an explanation because it is an important question.

Mr. TALBOTT of Maryland. In other words, it is nonsense to subsidize these steamers and give authority to get control of them if we are not to be in a condition to use them and can not supply them with guns and gun carriages.

Mr. SAYERS. Can the gentleman inform us as to the size of the guns they are to carry?

Mr. TALBOTT of Maryland. I am told by the gentleman from New Jersey [Mr. GEISSENHAINER] that they are to be 6-inch guns. I did not inquire very thoroughly into that.

Mr. SAYERS. Are these guns to be put upon these vessels as soon as they are made?

Mr. TALBOTT of Maryland. My dear sir, you know they are not.

Mr. SAYERS. I did not know.

Mr. TALBOTT of Maryland. We mean just exactly what this bill means, and what common sense means, that they are to be kept as reserve guns for the use of these vessels in case we need them.

Mr. SIMPSON. I move to strike out the last two words.

Mr. TALBOTT of Maryland. I will ask the gentleman to make his motion with reference to some paragraph pending.

The CHAIRMAN. The gentleman from Kansas is recognized.

Mr. SIMPSON. Mr. Chairman, this shows how much a Naval Committee with eight lawyers on it knows about the shipping interests of the United States, including the Navy. [Laughter.] They appropriate money for a ship keeper at Sacketts Harbor when they do not know whether there is a ship there or not; and now I propose to give another illustration of their knowledge in regard to these subsidized vessels that they want to appropriate half a million dollars to arm. What is the history of these four ships for which this armament is to be provided? We have two of them already nationalized by an act of Congress introduced by the gentleman from New York, Mr. COCKRAN. What does that mean? It means that those vessels, including the two that are to be built in the United States, are to receive as a subsidy from the Government of the United States \$4 per mile, instead of \$2, as stated by the chairman of the Committee on Naval Affairs.

Mr. GEISSENHAINER. Two dollars.

Mr. SIMPSON. No, sir; \$4 a mile. Now, what does that mean, Mr. Chairman? The distance between New York and Southampton is 3,047 miles. This subsidy will give \$12,188 for every voy-



age that one of these steamers makes. If they make 53 voyages during the year that will produce \$633,776. But suppose they do not make 53 voyages per year, or one voyage a week, the amount will probably be at least half a million dollars of subsidy which is to be paid by the taxpayers of the United States. Is not that a costly navy? Is not that a costly experiment in getting transports for time of war?

Mr. TALBOTT of Maryland. The legislation the gentleman refers to was not reported from the Committee on Naval Affairs.

Mr. SIMPSON. I am aware of that.

Mr. TALBOTT of Maryland. It was reported from another committee.

Mr. SIMPSON. I am aware of that; but I want to draw attention to the fact that after all that the Democrats have said about the Republicans passing subsidy bills they have outsubsidied the Republicans. By that legislation you have given a greater subsidy to this international line than was ever given by any government on the face of the earth. You have put to shame all the Republican legislation along that line; and now come the Committee on Naval Affairs proposing to add another half million dollars to arm these subsidized ships.

Mr. SAYERS. Mr. Chairman, I desire to say that I have a telegram from the Postmaster-General stating that the amount of contracts with these subsidized lines rescinded since March 4, 1893, is \$1,398,528.

Now, the question I propound to the gentleman is this: If it be the policy of the Postmaster-General to rescind those contracts, why is it that the Committee on Naval Affairs report in this bill an item of \$500,000 to arm those vessels?

Mr. TALBOTT of Maryland. I will answer that when the proper time comes. Meanwhile, I wish to say to the gentleman from Kansas that he is entirely mistaken in what he has said about the subsidy legislation. When the bill to which he refers was passed the Senate was controlled by Republicans, and the House too.

Mr. SIMPSON. Does that excuse the Democrats who control this House?

Mr. TALBOTT of Maryland. My dear sir, I do not want to make any excuses for anybody or for doing what I consider to be my duty. I consider it to be my duty to report bills to maintain the American Navy, and I will do it whenever I have an opportunity. [Applause.]

Mr. SIMPSON. I am merely drawing the attention of the House to what has been done. I am sure that very few members realized at the time of the passage of that bill naturalizing those vessels what it really meant. So here to-day we have passed this important paragraph in this bill with very few people on this floor realizing its meaning, yet it is an appropriation of another half million dollars to arm these subsidized vessels.

Mr. SAYERS. Mr. Chairman, I move to strike out the last two words. I wish to call the attention of members to the fact that here is an item which appears for the first time on an appropriation bill from the Committee on Naval Affairs—an item to appropriate \$500,000 to arm ships which may never need artillery. Gentlemen have denounced the subsidizing act of the Fifty-first Congress, and the Postmaster-General has rescinded contracts made under it; yet this committee, upon the request of the Secretary of the Navy, proposes to expend \$500,000 to arm these fast-going ocean steamships belonging to private companies. Gentlemen do not object to paying Carnegie and the Bethlehem Iron Company five or six millions more and Cramp & Sons probably ten or twenty millions more for material and work that may never be utilized.

Mr. SIMPSON. Mr. Chairman, I ask unanimous consent to return to that paragraph and have a vote upon it.

Mr. TALBOTT of Maryland. I object.

The CHAIRMAN. Objection is made to the request of the gentleman from Kansas. The pro forma amendment will be regarded as withdrawn and the Clerk will read.

The Clerk read as follows:

Navy-yard, Boston, Mass.: To complete the electric plant at the Boston Navy-Yard, including United States steamer *Wabash*, \$1,500.

Mr. TALBOTT of Maryland. I move to amend by adding to this paragraph the words "to be immediately available."

Mr. SAYERS. I observe the language of this paragraph is "to complete the electric plant at the Boston Navy-Yard, including United States steamer *Wabash*." Does that mean to complete the *Wabash* and also the electric plant?

Mr. MONEY. The electric plant is on the *Wabash* and in the navy-yard.

Mr. SAYERS. It does not so read.

Mr. MONEY. Oh, yes; it does. The *Wabash* is the receiving ship, and the electric plant supplies her with light.

The amendment was agreed to.

The Clerk read as follows:

Navy-Yard, League Island, Pa.: For 200 linear feet of sea wall (continuation), 2,000 linear feet of light retaining wall (continuation), \$30,000; dredging, \$10,000; artesian wells, \$9,000; sidewalks, \$3,500; one deck scow, \$2,000; for the construction of one steam tug, \$30,000; in all, \$74,500.

Mr. TALBOTT of Maryland. I move to amend by striking out lines 16 and 17, down to the word "twenty," and inserting the words "continuation of sea wall."

Mr. SAYERS. I remember that in the Forty-ninth Congress the establishment of a navy-yard at League Island was refused. I wish to ask the gentleman in charge of this bill whether he can inform the Committee of the Whole how much money has been expended up to this time for that navy-yard and what will be the probable cost of completing it?

Mr. TALBOTT of Maryland. I could get the information for the gentleman, I suppose; but he has been here since the Forty-ninth Congress, and he ought to be better posted on these matters than I am.

Mr. SAYERS. That might be so if I were a member of the Committee on Naval Affairs. The chairman of the committee ought to be able to give us this information.

Mr. TALBOTT of Maryland. I do not suppose that any gentleman could answer offhand such a question.

Mr. SAYERS. I observe that the chairman of the committee [Mr. GEISSENHAINER] remains silent and does not inform us upon the subject.

The question being taken, the amendment of Mr. TALBOTT of Maryland was agreed to.

The Clerk read as follows:

Navy yard, Norfolk, Va.: For extension of quay wall, \$20,000; sand lighter, \$2,000; derrick car, \$1,000; repairs to granite dock, \$15,000; one deck scow, \$2,000; dredging in front of the navy-yard dock, \$3,012; in all, \$46,012.

Mr. TYLER. I offer the amendment which I send to the desk. The Clerk read as follows:

On page 19, line 15, after the word "dollars," insert the following: "The Secretary of the Navy is hereby authorized to exchange such of the land at the navy-yard, Norfolk, Va., being part of a tract known as St. Helena (on the east side of the Elizabeth River), which the Government does not need, for a part of the adjoining tract known as Cedar Grove, and now belonging to private parties, upon such terms as may be determined upon by a board of officers accepted by the present owners of Cedar Grove, and approved by them, as may, in his opinion, serve the best interests of the Government."

Mr. SAYERS. If no member of the Committee on Naval Affairs will raise a point of order on this amendment, I will do so.

Mr. TALBOTT of Maryland. The committee does not object to it.

Mr. TYLER. I hope the gentleman from Texas will not press his point of order. The effect of this amendment is to save expense. There is no appropriation coupled with the amendment; and its object is to prevent the necessity of an appropriation for the purchase of property which the Government should have. It now owns property there for which it has no use at this time.

Mr. SAYERS. I did not catch the language of the amendment, but—

Mr. TYLER. If the gentleman had understood the amendment I am quite sure he would not object.

Mr. SAYERS. Does it not provide that an exchange be made upon such terms as the Secretary of the Navy may think proper?

Mr. TYLER. It authorizes him, in his discretion, to make a certain exchange—to acquire other property, not by the expenditure of money, but by an exchange.

Mr. SAYERS. I object to giving so much "discretion."

Mr. TYLER. If the gentleman had heard the amendment he would have recognized that it is not open to objection.

Mr. MONEY. It does not involve the expenditure of a dollar.

Mr. SAYERS. I withdraw the point of order.

The amendment was agreed to.

The Clerk resumed the reading of the bill, but was interrupted by—

Mr. SAYERS. I want to ask the gentleman in charge of the bill as to the proposed dry dock at Algiers, La.

Mr. MONEY. We have passed that.

Mr. SAYERS. I know; but there is in the bill an appropriation of \$100,000 for that purpose, and I see that it is to cost ultimately \$1,200,000. I want to know what is the necessity for expending this money for a dry dock at that location.

Mr. MEYER. I will state the reason. For many years it has been thought that the establishment of a dry dock somewhere on the Gulf coast was a military necessity, and would further afford vastly favorable facilities to the commercial marine which gathers there and plies its commerce from all parts of the world.

Mr. SAYERS. Is Algiers on the Gulf coast?

Mr. MEYER. It is opposite New Orleans, the greatest port of the Gulf of Mexico.

Mr. SAYERS. How far is New Orleans from the Gulf coast?

Mr. MEYER. One of the main advantages of this site is that it is on the Mississippi River, 110 miles above its mouth; and this great stream brings to it every article of material for the construction, the provisioning, and the fitting out of ships, and its proximity to our great city insures it plenty of labor, both skilled and ordinary, and ample railway facilities. Being well up the river, it can easily be defended against hostile ships or troops, and the establishment will be one more step toward the protection of our

seaboard, the need of which is daily becoming more impressively obvious.

Mr. SIMPSON. Vessels of how deep draft can go up to Algiers?

Mr. MEYER. Thirty feet.

Mr. SIMPSON. Do you mean 30 feet of water at the bar in high water?

Mr. MEYER. Thirty feet of water at all times.

Mr. SIMPSON. Not 30 feet?

Mr. MONEY. Yes, sir; 30 feet. I have seen myself a vessel drawing 27 feet go up there without trouble.

Mr. MEYER. The contract under which the Government is operating now with the successors or heirs of the late Capt. J. B. Eads requires a channel of not less than 27 feet at all times.

Mr. SAYERS. I wish to say a word about this matter—

Mr. MEYER. I have not yet yielded the floor.

I wish to say, Mr. Chairman, in connection with this, that there were two commissions appointed by Congress in pursuance of the widespread demand for a dry dock somewhere along the Gulf coast. The first of these commissions examined every point on the coast—Galveston, Mobile, Pensacola, Sabine Pass, and points on the South Atlantic coast—and, after a careful and thorough investigation, they submitted a very exhaustive and able report and made the following recommendations on November 19, 1889:

After carefully weighing all the advantages and disadvantages of Algiers as a site for a naval station the commission is of opinion that, while the spot is not an ideal one, no other place in the Gulf compares with it in the advantages offered, and that the advantages are so many and so great and outweigh the disadvantages to such an extent that the commission has no hesitation in recommending the location of a navy-yard and dry docks at the present Government reservation at Algiers, La.

Shortly after this report had been made the Secretary of the Navy, Hon. B. F. Tracy, appeared before the Committee on Naval Affairs, and recommended that a dry dock be established at Algiers. A bill making an appropriation for the establishment of a dry dock at Algiers was thereupon reported from the Committee on Naval Affairs.

By virtue of a provision in the naval appropriation act approved June 30, 1890, another commission was appointed by the President "to select a suitable site, having due regard to commercial and naval interests, for a dry dock at some point on the shores of the Gulf of Mexico or the waters connected therewith."

The President appointed upon this Commission Capt. Francis M. Bunce, United States Navy; Maj. H. C. Hasbrouck, Fourth Artillery, United States Army; R. M. G. Brown, United States Navy, and Messrs. Sidney Perham and David T. Littler.

The Commission was organized on December 5, 1890, and after visiting the various points which they deemed advisable in order to carry out intelligently the requirements of the order for their appointment, and having due regard for commercial and naval interests and the emergencies which might arise in the event of war, they submitted their report on March 9, 1891. The commission say they made a careful study of the commercial routes to and from the Gulf of Mexico, and searched for the best position for a naval defense of them and of its coasts. They learned from the Bureau of Yards and Docks of the Navy Department that—

In view of the increased size of the vessels now being constructed and contemplated, a dry dock must be at least 600 feet long, 97 feet wide at the top, 66 feet in the clear at the entrance, with a depth of at least 26 feet, and of sufficient stability to support a load of 15,000 tons.

Upon inquiry of the Chief of Ordnance of the Navy Department it was ascertained that—

The larger guns of a modern battle ship will range upward of 8 miles at the extreme elevation permitted by the mounting, the ship being on an even keel, and by heeling the ship to increase the elevation this range could probably be increased to at least 10 miles, and, with the largest guns afloat, even to 12 miles.

Whence the commission concluded that the requisites for a dry dock were—

A clear channel to the sea of a depth of at least 26 feet, stability of foundation to support a load of 15,000 tons, and protection by a distance of 12 miles, or by an intervening elevation of the ground from gun fire from the sea.

After a careful study of the charts of the Gulf of Mexico and the waters connected therewith the commission proceeded to visit Key West, Tampa, Pensacola, Mobile, Port Eads, New Orleans, Galveston, and Aransas Pass. They declare that everywhere the greatest interest was manifested in the work of the commission; that they were received by committees of citizens and furnished with every facility to aid them in their investigations.

The report contains a clear statement of the advantages and disadvantages of seventeen different points on the Gulf of Mexico, and after a full examination the commission reached the conclusion that—

The South Pass of the Mississippi River affords the only entrance 26 feet deep to a port or harbor on the Gulf of Mexico or waters connected therewith far enough from the sea to be safe from gun fire.

They quote the opinion of Gen. C. B. Comstock, colonel of engineers, United States Army, and president of the Mississippi River Commission, to the effect that "the channel at the South Pass jetties is permanent, in the sense that it will be possible to maintain a channel there of at least 26 feet depth at low water in the river as long as the jetties are maintained to deep water and

the damages from storms repaired," an opinion in which the commission, after careful examination, concur.

The commission report that—

New Orleans is the only port on the Gulf coast or the waters connected therewith where the three primary requisites for a dry dock are to be found. It is situated about 100 miles up the river. It is the largest city in the Gulf States. From the entrance of South Pass to the city a depth of more than 26 feet can be carried at all times. The soil of the river banks in its vicinity at the surface light is, from 2 to 4 feet below the surface, of clay or clay and sand, increasing in density and solidity with the depth of the boring or excavation made, insuring a foundation amply sufficient to support a load of 15,000 tons in the dock by the employment of the usual methods in its construction.

This port has other and great advantages as the site. Being the greatest center of population of the Gulf States, labor, skilled or otherwise, can be obtained at short notice. Its foreign commerce is greater than that of all the other Gulf ports together, last year reaching 2,034,072 tons; all others, 1,907,892 tons. A fresh-water harbor, its water communication with the interior by the Mississippi and its tributaries is nowhere in the world equaled, and this is supplemented by six great railroad lines, which, with their connections, reach every part of the country. Defense of these by the whole power of the nation is assured. It is a military necessity. Fresh water for all uses is supplied by filtering the river water, by the rainfall, and by artesian wells. Epidemic diseases of foreign origin are prevented by a strict system of quarantine regulations, and the general health of the city is as good as that of any Gulf port. A supply of iron, coal, or other material required can always be had at short notice and at cheap rates.

In conclusion the commission says, for the reasons already given:

The commission therefore select this as the most suitable site for a dry dock on the shores of the Gulf of Mexico or the waters connected therewith.

The Secretary of the Navy, Hon. B. F. Tracy, in his communication forwarding the report of the commission to the President, says:

I approve of the selection made of a site for the dry dock at Algiers, on the right bank of the Mississippi River, in view of the conditions found by the commission to exist there. The naval reservation at this point is too limited in extent for the proper location and use of the dry dock, and it will be necessary to purchase additional lands adjoining.

Mr. SAYERS. Will the gentleman yield for a question?

Mr. MEYER. Certainly.

Mr. SAYERS. Was not Algiers simply selected because the Representative from that section was on the Committee on Naval Affairs?

Mr. McALEER. The Committee on Naval Affairs does not do that kind of work.

Mr. SAYERS. I am not speaking of this committee.

Mr. MEYER. This committee had nothing to do with it. Algiers was designated at a time when the Representative from the district was not on the Naval Committee.

Mr. SAYERS. But the member at that time was on that committee, was he not?

Mr. MEYER. It was before I was a member of the committee. Since then, however, I have never failed to keep its merits as a suitable location before my colleagues.

Mr. MONEY (to Mr. SAYERS). You were once a member of that committee yourself, I believe?

Mr. SAYERS. Yes.

Mr. MONEY. And did you not put in some good work for Texas?

Mr. SAYERS. No more than for any other part of the country.

A MEMBER. Because you had no water there, perhaps.

Mr. HUDSON. Can somebody tell me how far Pensacola is from Algiers?

Mr. MEYER. I would state that Pensacola has two bars, the inner and outer bar, and her deepest water is from 20 to 21 feet—not sufficient for any of our modern war ships.

The CHAIRMAN. The gentleman from Louisiana is entitled to the floor.

Mr. MEYER. Another advantage offered by Algiers is its convenient proximity to the coal and iron fields of Alabama and Pennsylvania, from which supplies can be secured at all times at the lowest cost, to be used for the repairs and work of the establishment.

Mr. PENCE. Was this point recommended by both commissions?

Mr. MEYER. Yes, sir; by both.

Another very important advantage possessed by New Orleans, which should not be ignored, is the fact that the water is fresh. In such water the metal hulls of the modern warships now being constructed for the naval service can easily be preserved when the vessels are not in service, an advantage not possessed by tide-water ports.

The ships not in commission can be laid up at such a yard with every assurance that their hulls would be preserved in good condition.

Our steel war ships require more frequent docking than their wooden predecessors. They are not sheathed, and rust, barnacles, and weeds accumulate rapidly on their hulls, particularly when they lie in port in tropical waters for weeks together.

Unless painted and scraped at least three times a year the marine growth greatly diminish their speed and a much larger consumption of coal is needed in their cruising.

In case of war, from a naval and military point of view it is essential that any fleet charged with the duty of protecting the



commercial interests and the coasts and harbors of the Gulf of Mexico should be so placed as to cover the commercial routes and the approaches to the coasts and there remain, intercepting and destroying the enemy should he attempt to endanger the safety of either.

The site selected is the center of the commercial and naval interests of the Gulf of Mexico. It must be our settled policy to hold this line as a naval base. Its importance was first brought to the attention of the Government by Commodore John Rogers as early as 1829.

The lack of adequate facilities for naval repairs and supplies on the thousands of miles of coast south of Norfolk and along the entire Gulf coast has been made particularly manifest during the last few years, and it is the part of prudence to defer remedying the want no longer.

But, Mr. Chairman, the question of the distinguished gentleman from Texas comes at a very late period. Congress determined the usefulness and need for this dry dock by two distinct acts, as evidenced in the naval appropriation bills of the second sessions of the Fifty-second and Fifty-third Congresses, and he need not fear that this money, proposed to be appropriated in furtherance of the great work already determined upon, will be unwisely or unserviceably applied.

Mr. SAYERS. Mr. Chairman, I will call the attention of the committee to the fact that it is proposed to commence the construction of a dry dock at a cost of \$1,250,000 at this point, which is not on the coast, but opposite to the city of New Orleans, and at the same time to maintain the Pensacola Navy-Yard. Before the completion of this dock the Government will have expended two or three million dollars. I only want to call attention to the fact.

Mr. TALBOTT of Maryland. Well, Mr. Chairman, we have already passed over this paragraph.

Mr. MONEY. I desire to ask the attention of the committee for a few moments.

Mr. Chairman, it is a singular state of things that gentlemen who are opposing any legislation looking to the building or maintenance of a proper navy for the United States on the floor of the House should offer such contradictory reasons for the position they occupy. Now, we had a speech from the gentleman from Tennessee [Mr. WASHINGTON] a day or two ago, and he objected to the location of the dockyard at Puget Sound, directly on the waters of the Pacific Ocean; and why? Because, he said, he was afraid the British would come right across and capture it.

Now, the fact is that in case of war with Great Britain we would go right over and capture Esquimaux. Now, however, comes the gentleman from Texas and objects to a dockyard that is put out of the reach of the British on the Mississippi River opposite New Orleans, and his objection is because it is not on the Gulf or the ocean. Why, is not New Orleans a seaport? Do not vessels of every nation in the world stand to-day alongside of her wharves and levees loading and unloading?

Some question has also been raised by the gentleman from Kansas, and I believe the gentleman from Texas as well, as to the depth of the water there. Do not these gentlemen know that there is not a harbor on the coast from Port Royal to Corpus Christi that has as deep water as New Orleans? There is not a single port for a distance of over 5,000 miles which has better facilities or better draft than New Orleans, and it is fully equal to New York, Philadelphia, Baltimore, Boston, or any of the Atlantic seaports.

It has a great custom-house there. It has ships there from every nation on the face of the earth that trades with the United States, and it seems that we can not get a dockyard anywhere that will suit these gentlemen of the opposition. If we put it on the seacoast they are afraid the British will capture it. If we put it up at New Orleans they are afraid of something else.

Mr. Chairman, we can not build dry docks without the money to do it, and my honorable friend from Texas [Mr. SAYERS] knows that the amount named is not too large to build a first-class dry dock. The gentleman is not only opposed to building ships for the Navy, but he is opposed to building dry docks and stations to maintain the Navy which we already have. What are you going to do with a navy without dry docks? If we are not to have places where ships can be careened and repaired you will soon lose the ships.

Mr. SAYERS. How many navy-yards and docks have we now besides this in the United States?

Mr. MONEY. We want one on the Gulf coast.

Mr. SAYERS. We are not talking about the Gulf coast.

Mr. MONEY. I am talking about the Gulf coast. The gentleman from Texas talks as if the fleets of the United States would be forever concentrated upon our Eastern seaboard. Does he not know that the very next difficulty that will invite the attention of the gentleman will be an appropriation for a fleet to maintain our communication through the isthmus? Are we not about to undertake an interoceanic canal there?

Mr. SAYERS. I hope not.

Mr. MONEY. You hope not! You hope there will not be any navy or any navy-yards?

Mr. SAYERS. I do not desire such an expenditure of money as the building of that canal will call for.

Mr. TALBOTT of Maryland. The gentleman asks how many navy-yards and dry docks we now have. In reply I will say that we have 16. The following is from the report of the Bureau of Yards and Docks for 1891. Naval stations and docks, etc., have since been added at Port Royal, S. C., and at Puget Sound, which are not included in the statement:

There are 14 navy-yards and stations, exclusive of the Naval Home, covering 2,700 acres of ground, with 499 workshops, store and ship houses, 7.18 miles of wharf line, 10 dry docks, 19 marine railways and launching ways, a large number of offices, many miles of railway, of water, gas, and steam pipes, 150 horses and oxen, and 100 houses for officers' residences, to be maintained by this Bureau.

The deterioration upon an unoccupied building or dock is as great, or greater, than when occupied. If these yards and stations are never to be used for naval purposes, true economy would be to sell them. If, however, the Government is to hold on to them for an emergency, sound policy requires that they should be kept in repair. Another reason for increase of expenses of this Bureau is that many improvements incidental to modern ships and a new navy have been made, such as the three new timber dry docks at New York, Norfolk, and League Island; also the growing importance of Port Royal, Key West, and of New London for coaling stations. A dock is being constructed at the former. These make it necessary to have increased appropriations.

I submit the following table, showing the value of the various properties:

[From page 38 of the Report of the Paymaster-General for 1894.]

Statement showing the value of real estate and chattels and machinery plant at the several navy-yards and stations June 30, 1894.

Navy-yards and stations.	Real estate and chattels.	Machinery plant.
Navy-yard, Portsmouth.....	\$2,837,047.00	\$304,178.34
Navy-yard, Boston.....	10,864,265.13	1,057,908.54
Naval station, Newport, R. I.....	590,232.94	81,587.59
Naval station, New London, Conn.....	128,540.57	6,136.16
Navy-yard, New York.....	13,408,361.01	873,907.68
Navy-yard, League Island.....	2,955,891.68	297,104.57
Naval Academy, Annapolis.....	671,449.87	30,538.32
Navy-yard, Washington.....	4,467,742.11	2,006,945.80
Naval Observatory.....	615,536.12	.....
Naval proving ground.....	94,561.47	7,337.20
Navy-yard, Norfolk.....	5,749,003.73	574,500.18
Naval station, Port Royal.....	440,893.88	892.50
Naval station, Key West.....	209,208.06	8,291.55
Navy-yard, Pensacola.....	1,885,222.40	45,450.00
Navy-yard, Mare Island.....	4,915,377.47	352,553.13
Naval station, Puget Sound.....	276,000.84	.....
New naval magazine, Dover.....	72,974.26	.....
Total.....	50,282,687.72	5,607,437.62

Mr. SIMPSON. Mr. Chairman, we have had this same question about this dockyard at New Orleans before. It was up in the Fifty-second Congress. Now let us see as to the fact. There is already a dockyard at Pensacola, Fla.

Mr. TALBOTT of Maryland. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TALBOTT of Maryland. There is no amendment pending to the bill. We had already passed this paragraph.

Mr. SIMPSON. I hope the gentleman is not afraid of a little discussion.

Mr. TALBOTT of Maryland. I am not, but I do not want to get off the bill. We had passed this paragraph.

Mr. SIMPSON. I will confine my remarks to the question before the House.

Mr. TALBOTT of Maryland. There is no amendment pending.

Mr. SIMPSON. I move to strike out the last word.

Mr. TALBOTT of Maryland. The gentleman can not do that on this paragraph.

Mr. SICKLES. I make the point of order that the paragraph has been passed.

The CHAIRMAN. The Chair recognizes the gentleman from Kansas, who moves to strike out the last word.

Mr. SIMPSON. I was about to say we have already one of the finest dockyards in the United States at Pensacola, Fla., on the Gulf coast, within five or six hundred miles of this proposed dry dock. That dry dock cost the American people four or five million dollars, I think.

Mr. MONEY. What is the depth of the water there?

Mr. SIMPSON. There is as much water there to-day as there is in New Orleans.

Mr. MONEY. The gentleman does not answer the question.

Mr. SIMPSON. And it would not cost one-fifteenth as much to deepen the water there, and it can be made a much better harbor than there is at New Orleans.

Mr. MONEY. The gentleman declines to answer my question.

Mr. SIMPSON. The people at New Orleans are continually telling the country through the press and otherwise that there is 30 feet of water at New Orleans. There never has been 30 feet of water there, and I do not believe there ever will be.

Mr. MONEY. I saw a ship go through the jetties there drawing 27 feet myself.

Mr. SIMPSON. They say they have 30 feet of water there, but that depth exists only on paper. Here is a proposition to expend more than a million dollars to build a dry dock away up the river at New Orleans, when we already have a much better one, if it is put in repair, at Pensacola. I think this is a useless expenditure of money.

The Clerk, proceeding with the reading of the bill, read as follows: New buildings: For quarters for observers, four buildings, at \$7,500 each, \$30,000.

Mr. TALBOTT of Maryland. I am authorized by the Committee on Naval Affairs to offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 21, strike out line 25, and on page 22, strike out lines 1 and 2, and insert in lieu thereof:

"New buildings: For quarters for observers, four buildings, at \$5,000 each, \$20,000."

Mr. SAYERS. Mr. Chairman, I move to amend the amendment by striking out the entire clause.

Four buildings at \$7,500 each are proposed. It is now proposed to reduce the cost of the buildings to \$5,000. The Observatory has been in existence for years—

Mr. MONEY. Oh, it is quite new.

Mr. SAYERS. I know, but it has been there for some years, and we are to expend \$20,000 in order that the observers may have quarters there. It is a wasteful expenditure of public money.

Mr. MONEY. Mr. Chairman, as a matter of fact this appropriation of \$30,000 was passed upon favorably by the committee, but we afterwards considered that we could build four houses there for \$20,000, and everybody who has had the pleasure of renting or building a house in the city of Washington knows that \$5,000 will build only a cheap house. Now, as to the necessity for these buildings, they are to be occupied by civilians, gentlemen whose work is at night, as the business of taking astronomical observations can not very well be conducted in the daytime. [Laughter.]

Mr. SAYERS. Is not this appropriation for dwelling houses? Mr. MONEY. Yes; for dwelling houses for these gentlemen. They are required to be there at night, and they can not well live elsewhere. They are engaged in making astronomical observations for the Government—that is, for the use of the whole Navy everywhere on the face of the globe. There is not a man in the Navy anywhere that does not have the benefit of the observations that are made by these gentlemen and of their skilled work; and it is ridiculous—I speak, of course, with perfect respect to my friend from Texas—to object to an appropriation of this sort.

I want to say another thing, Mr. Chairman. It is just as much in order to make an appropriation to build these houses as it is to make an appropriation to build houses at the barracks for officers, or at the Naval Academy, or at Newport, or at any other place; just as much in order and just as necessary in every particular. Another thing: These gentlemen of the Navy for whom we are required to build these houses do not stand in the same attitude as officers of the Army. These officers are allowed commutation for their quarters, but it is not so in the Navy, and therefore it is necessary for us to erect residences for the men who are engaged in this skilled work of far-reaching importance, and I hope the gentleman from Texas will not insist on his objection.

Mr. SAYERS. Mr. Chairman, of course the gentleman from Mississippi [Mr. MONEY] thinks it ridiculous for me to try to save the people \$20,000—

Mr. MONEY. I beg the gentleman's pardon. I do not.

Mr. SAYERS. But I will say to the gentleman that I have offered this amendment in all seriousness. There is no necessity for building these houses for people to live in at night when they ought to be watching the stars. [Laughter.] That is what the gentleman says these people are there for. Why was not this estimate brought in here before? Take this bill from beginning to end, on almost every page of it you will find items that the committee would not have dared to propose in the face of an election. [Laughter.] Seven thousand five hundred dollars apiece for houses for four gentleman to live in—

Mr. MONEY. Five thousand dollars.

Mr. SAYERS. Yes; the committee got scared and reduced it to \$5,000, but at first they wanted \$7,500.

Mr. MONEY. We did not get scared by the gentleman from Texas. We agreed to the reduction before the bill came in here at all.

Mr. SAYERS. Yes; when the gentleman from Tennessee [Mr. WASHINGTON]—

Mr. MONEY. No. Before the gentleman from Tennessee had anything to say about it.

Mr. SAYERS. I say, Mr. Chairman, you may take this bill all through and you will find it covered with scabs and sores. [Laughter.] It appropriates money that it never would have appropriated if there was an election coming on. A hundred thousand dollars for a dry dock at Algiers!

Mr. TALBOTT of Maryland. I believe the gentleman claims credit for cutting down the appropriations \$28,000,000 in the last session.

Mr. SAYERS. No, sir. I do not claim credit for anything.

Mr. TALBOTT of Maryland. I thought you did; but I did not see any good results from it. [Laughter.]

Mr. SAYERS. No. I do not claim credit for anything. But, Mr. Chairman, the gentleman from Maryland, during the closing hours of his public service, had better be building a monument which will enable him to come to Congress two years hence. [Laughter.]

Mr. TALBOTT of Maryland. That would be a good result. [Laughter.]

Mr. SIMPSON. I suggest to the gentleman from Texas that members of Congress have to come here at night sometimes, and, therefore, why not build houses for them?

Mr. SAYERS. In all seriousness, Mr. Chairman, the appropriation ought not to be made to build houses for the computers at the Naval Observatory.

Mr. MONEY. Mr. Chairman, my friend has more than once told us that we would not have reported this bill immediately preceding an election. It was not for him to call us to account.

Mr. SAYERS. Certainly; but you would not have done it.

Mr. MONEY. We might bring in bills, as many as we please, and the Democratic party could not fare any worse than under his leadership and cheeseparing. That is his work.

Mr. SAYERS. And I am going to continue the work until the 4th day of March; and if the gentleman wants to pass such bills through the House as this he will have to pass them with the full knowledge on the part of members as to their contents.

Mr. MONEY. Of course we explain the contents ourselves. We will not trouble you with that.

Mr. SAYERS. The House should know the character of the bills that are submitted.

Mr. TALBOTT of Maryland. Mr. Chairman, the estimate was for \$50,000, and we have reduced the amount for the buildings at this new Naval Observatory. That is a work of the Government; and it is found to be in the interest of science that these naval observers should be on the spot all the time; and for that reason we voted for the buildings.

The CHAIRMAN. The question is on the amendment of the gentleman from Maryland.

Mr. SAYERS. I offered an amendment to the amendment; to strike out the whole paragraph.

The CHAIRMAN. The Chair thinks it would be in order first to perfect the text.

The question was taken on the amendment of Mr. TALBOTT of Maryland; and the Chairman announced that the ayes seemed to have it.

Mr. HAINES. Division.

The committee divided; and there were—ayes 45, noes 3.

So the amendment was agreed to.

Mr. SAYERS. I now ask for a vote on my amendment to strike out the paragraph.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. BAKER of New Hampshire. Division.

The committee divided; and there were—ayes 39, noes 43.

Mr. SIMPSON. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman makes the point of no quorum. The Chair will appoint as tellers the gentleman from Kansas [Mr. SIMPSON] and the gentleman from Maryland [Mr. TALBOTT].

The committee again divided; and the tellers reported—ayes 51, noes 60.

Mr. SIMPSON. I withdraw the point of no quorum.

So the amendment was rejected.

The Clerk read as follows:

In all for the new Naval Observatory, \$42,000.

The CHAIRMAN. If there be no objection the Clerk will make the clerical corrections made necessary by the adoption of the amendment of the gentleman from Maryland. [After a pause.] The Chair hears none.

The Clerk read as follows:

Contingent, Bureau of Medicine and Surgery: For freight, expressage on medical stores, tools, ferringes, transportation of sick to hospital, transportation of insane patients; care, transportation, and burial of the dead; advertising; telegraphing; rent of telephones; purchase of books and stationery; binding of medical records, unbound books, and pamphlets; postage and purchase of stamps for foreign service; expenses attending the medical board of examiners; rent of rooms for naval dispensary; hygienic and sanitary investigation and illustration; sanitary and hygienic instruction; purchase and repairs of wagons and harness; purchase of feed for horses and cows; trees, plants, garden tools, and seeds; furniture and incidental articles for the museum of hygiene, naval dispensary, Washington; naval laboratory, sick quarters at Naval Academy and marine barracks, surgeons' offices and dispensaries at navy-yards and naval stations; washing for medical department at museum of hygiene, naval dispensary, Washington; naval laboratory and department of instruction, sick quarters at Naval Academy and marine barracks, dispensaries at navy-yards and naval stations and ships and rendezvous; buildings and grounds of the United States Naval Museum of Hygiene, and for minor repairs on said buildings and grounds as may be required



to properly receive and preserve the exhibits, and all other necessary contingent expenses, \$25,000.

Mr. HENDERSON of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 22, line 21, insert after the word "dead" the following:

"Including the expense of disintering and transportation and burial at his late home in Cherokee, Iowa, of the remains of William A. Lathrop, who died in the service on the United States steamer *Concord* at Wuhu, China."

Mr. HENDERSON of Iowa. I want briefly to explain the amendment. [Cries of "All right!"] Then I will not detain the committee.

The amendment was agreed to.

The Clerk read as follows:

Navy-yard, Norfolk, Va.: In general storehouses: Two bookkeepers, at \$1,200 each; two assistant bookkeepers, at \$1,017.35 each; one bill clerk, at \$1,000; one assistant bill clerk, at \$750; one receiving clerk, at \$942; one assistant receiving clerk, at \$730. In yard pay office: One writer, at \$1,017.35; one clerk to board of labor employment, \$1,200; in all, \$10,033.75.

Mr. SAYERS. Mr. Chairman, I only desire to call the attention of the committee to the last item for board of labor employment. There is no other branch of the public service which has such a board. I wish the gentleman in charge of the bill would explain the duty and the necessity of this board and of their having a clerk. Now, I have heard a great deal about the board in the navy-yard in Washington—

Mr. TYLER. But this is for the navy-yard at Norfolk.

Mr. SAYERS. I have heard a good deal about the board of employment here.

Mr. MONEY. But this is the navy-yard at Norfolk.

Mr. SAYERS. So much the worse, if it is for that small place.

[Laughter.]

Mr. CAMPBELL. That is a fraud on the Government.

Mr. SAYERS. I move to strike out lines 5 and 6, down to the word "dollars."

The Clerk read as follows:

On page 23, lines 5 and 6, strike out the following language:

"One clerk to board of labor employment, \$1,200."

Mr. TYLER. I wish the gentleman from Texas, before he insists on his amendment, would just listen briefly to what I have to say.

Mr. SAYERS. Certainly.

Mr. TYLER. If the result of the amendment were to wipe out boards of labor employment I would not raise my voice in opposition to it; but the fact of it is that the board of labor employment is a board that has been established in every navy-yard in the United States.

Mr. SAYERS. Is it true, I wish to ask the gentleman right now, because I have had some experience with this board of labor employment—

Mr. MONEY. Did you ask to have a man appointed?

Mr. SAYERS. I did not ask to have a man appointed. A Union soldier who had been discharged by the board of labor employment came to me and asked me to have him reinstated. He was not from my State. That was the only connection I had with the board.

Mr. TYLER. I supposed the gentleman from Texas was going to ask a question, not make an argument.

Mr. SAYERS. I would like to know the duties of the board of employment and how it operates.

Mr. TYLER. Their duty is to select laborers for work in the navy-yards of the United States in the building of ships—

Mr. SAYERS. They do not build ships at the Washington Navy-Yard.

Mr. TYLER. I am not speaking about the Washington Navy-Yard. If the gentleman will examine, he will see that this matter has relation to the Norfolk Navy-Yard.

Mr. SAYERS. Well, this provision ought to be stricken out, and also all similar provisions elsewhere in the bill.

Mr. TYLER. I am speaking for the Norfolk Navy-Yard. The gentleman is evidently not aware of the fact that there is already a clerk to the board of labor employment at the Norfolk Navy-Yard; but he is a per diem clerk, not an annual clerk, and I want to make him an annual clerk.

Mr. SAYERS. Of course.

Mr. TYLER. There will be no loss to the Government. The increased expenditure will be very slight. I am perfectly willing to be frank with the gentleman and say that the increase will be about \$175 a year. This clerk, to my knowledge, has as much labor to perform in clerical matters as any other clerk in that yard. Men who are receiving \$1,400 or \$1,500 a year as clerks there are doing no more than this man does, who receives about \$1,000. He is at work all the time; and as long as you have a board of labor employment you must have a clerk for that board.

Mr. SICKLES. We do not want any board of labor employment.

Mr. TYLER. If gentlemen desire to do away with these boards, they must amend the regulations that are now operating. And I will say to the gentleman that I offered a bill here last year for the purpose of doing away with these boards of labor employment. I shall be glad to have his cooperation in passing the bill.

Mr. SAYERS. This is a matter of departmental regulation, is it not?

Mr. TYLER. Yes, sir.

Mr. SAYERS. And if we take away from these gentlemen their clerical force they will not do the work themselves?

Mr. TYLER. You can not very well do that unless you examine very minutely the contingent funds which are under the control of the Department.

Mr. SAYERS. That is the trouble.

Mr. TYLER. This expense is paid out of a general fund apportioned among the several bureaus in the yards.

Mr. BARTLETT. Mr. Chairman, these boards of labor employment which have been established at various navy-yards in this country were first created under the administration of Mr. Secretary Tracy. He thought this step was for the good of the service. It was rather in the direction of civil-service reform. These boards have been unpopular with members of Congress, because members can not procure through them the employment of mechanics or laborers. I do not say all can not; but some can not. This system, however, which was established by a Republican Secretary of the Navy, has been continued by Mr. Secretary Herbert.

It is manifest that unless the system is to be radically changed, unless we are to interfere with these regulations established after careful consideration by two successive Secretaries of the Navy, we must allow clerk hire for these boards. If gentlemen wish to pass a bill providing that the Secretary of the Navy shall not have power to establish these boards, that is another matter. But it is clear that as long as these boards of labor employment exist they should have clerical assistance; we should make an allowance for clerks to aid them in their work.

Mr. SAYERS. Mr. Chairman, I do not know anything about these boards of labor employment except this: Last year an employee who had been discharged—he was not from my State or district; I believe he was from Pennsylvania—came to me and asked me to see whether I could get him reinstated. I never had seen the man before, but I went to the Navy Department and called attention to his case. I never could get a proper investigation of the causes of his discharge. He was a good workman who had been thrown out of employment. He is not a Democrat and is not from my State. As I have stated, he was unknown to me until he came to me with a letter.

Mr. RAY. If the man had belonged to your party you would not have had the least difficulty in securing his reinstatement.

Mr. SAYERS. The gentleman seems to be on very good terms with the Navy Department.

Mr. Chairman, I move to strike out the appropriation.

Mr. SICKLES. Mr. Chairman, I wish to inquire of the chairman of the Naval Committee whether these boards of labor employment are established by statute or by regulation?

Mr. TYLER. By regulation.

Mr. SICKLES. Now, I have had some experience within the last year or two with these boards of labor employment. I do not know of any institution in this country to-day that is so arbitrary and so impenetrable to any ordinary human inquiry or investigation as this bureau of labor employment in the Navy Department. I have had the same difficulty with it which has been encountered by the gentleman from Texas [Mr. SAYERS]. At the solicitation of many worthy mechanics I have endeavored to ascertain again and again why it was that men were dismissed from employment, competent and good men, and have never received a satisfactory reply.

I can address the President of the United States and get an answer; I can address the Commanding General of the Army and get a reply, but I can not get any information under any circumstances from the labor employment board in the Navy Department. I repeat, then, that it is the most despotic, arbitrary, and impenetrable power in the Government to-day, and I think it ought to exist no longer, for I certainly see no good purpose that it can serve. If, then, it does not exist by statute—

Mr. CAMPBELL. It does not.

Mr. SICKLES. It should not exist at all, and I am opposed to giving it any more clerks or any more facilities for lording it over men having business with it. I am against it, and would like to see some action taken here to change it and take from this board the powers which it now exercises with such an arbitrary sway. [Applause.]

[Here the hammer fell.]

Mr. MALLORY. Mr. Chairman, I would like to inquire of the gentleman in charge of this bill if there are any clerks to the boards of labor employment at the other navy-yards?

Mr. TYLER. I will say to the gentleman from Florida that at the Washington Navy-Yard, I understand, there is a clerk called the clerk of the equipment department, who does the work for the labor employment board and receives \$1,000 per annum.

Mr. MALLORY. Why, I would ask, if there are clerks for the labor employment boards in other yards are they not provided for in this bill?

Mr. TYLER. I can not answer that. I know, however, that there are some employed. At Mare Island, for instance, the clerk receives \$5 per day as a special laborer detailed to do the clerical work for the labor employment board. He is paid out of the contingent fund; and it seems to me it would be better to put him on the roll as a clerk to the board rather than to pay him out of this fund.

Mr. SAYERS. Do I understand the gentleman to say that the Navy Department allows the contingent fund to be used in the payment of clerical service in this way?

Mr. TYLER. It is not improperly paid, but these clerks are usually detailed for the purpose and are paid out of the contingent fund.

[Here the hammer fell.]

Mr. SAYERS. Mr. Chairman, I move to strike out the last word.

The gentleman from Virginia is a member of the Committee on Naval Affairs. I wish to ask him, in view of the statement he has just made, if the Navy Department sanctions the use of the contingent fund for the payment of a clerical force not authorized by law. Do I understand that clerks are detailed without authority of law and paid out of the contingent fund? That is what we want to know. Let us get to the bottom of this thing, and, for my part, I am thankful to the gentleman from Virginia that, in taking care of the Norfolk Navy-Yard, he has exposed what the Department permits to be done during the present Administration.

Mr. TYLER. Oh, there has been no exposition at all. There is no doubt the Department has a right to do just as it has done. It has used the contingent fund, as it has authority to do whenever the occasion arises, to employ special laborers, as they are called, who are detailed for this clerical service. And they are paid a per diem, but detailed to do certain work in the yard. They are not simply clerks, but are assigned to various duties, and among them is this duty of clerical service to the labor employment board.

Mr. RYAN. Would they allow the detail of clerks for this purpose if the House disapproved of this proposition?

Mr. McALEER. Of course that would not change it.

Mr. RYAN. I think it would.

Mr. TYLER. No. As long as you have the labor employment board, which, by the way, I might state in this connection is recommended by the President of the United States—

A MEMBER. That kills it.

Mr. TYLER. As long as that board remains you will find that these details for special service have to be made.

Mr. McALEER. There is no doubt of that; it has to be done.

Mr. SAYERS. Why?

Mr. TYLER. It is done as a regulation of the Navy Department—

Mr. TALBOTT of Maryland. Is it a Department order?

Mr. TYLER. Yes; and you can not get rid of it in this way. The only effect of a failure to adopt this provision would be to injure the clerk. It would not affect the board. If you want to assail the labor board, you should do it in some proper manner and not in this way.

Mr. SAYERS. Let me ask my friend from Virginia, in reference to the yard in Washington: Have removals been made there at the instance of Congressmen or not?

Mr. TALBOTT of Maryland. What has that got to do with this bill?

Mr. SAYERS. Because the labor board is involved in the bill.

Mr. TYLER. If it would be any satisfaction to the gentleman from Texas, I will say that I fully sympathize with him in his feelings with regard to this labor employment board. I have had more trouble individually than the gentleman could possibly have had to contend with in that regard.

Mr. SICKLES. Then let us kill it.

Mr. TYLER. But the trouble is you can not do it in this way.

Mr. McALEER. If you want to get rid of it you will have to proceed in some other way than that proposed here.

[Here the hammer fell.]

Mr. SAYERS. I withdraw the pro forma amendment.

The question being taken on the amendment of Mr. SAYERS to strike out the provision, it was agreed to.

Mr. McMILLIN. I hope the gentleman in charge of the bill will kindly consent that the committee rise for a few minutes, in order to dispose of a matter which is very important to be disposed of to-day. It will only take a few minutes.

Mr. TALBOTT of Maryland. I suppose there will be no objection to going on with the naval appropriation bill afterwards?

Mr. SAYERS. None whatever.

Mr. TALBOTT of Maryland. I move that the committee rise. The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. O'NEIL of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, re-

ported that that committee had had under consideration the naval appropriation bill, and had come to no resolution thereon.

#### INCOME-TAX RETURNS.

Mr. McMILLIN. Mr. Speaker, I wish to express my thanks to the gentleman from Maryland [Mr. TALBOTT] for his kindness. I am instructed by the committee of conference on the disagreeing votes of the two Houses to make the following conference report.

The SPEAKER. The gentleman from Tennessee [Mr. McMILLIN] submits a conference report, which the Clerk will read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 273) "extending from March 3, 1895, to the 15th day of April, 1895, the time for making returns of income for the year 1894," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out all after the words "ordinary repairs" and insert "shall be deducted;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment inserting at the end of the amendment the following: "And returns or reports of the names and salaries of employees shall not be required from employers unless called for by the collector in order to verify the returns of employees;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendment of the Senate amending the title to said joint resolution 273, and agree to the same.

BENTON McMILLIN,

A. B. MONTGOMERY,

A. J. HOPKINS,

Managers on the part of the House of Representatives.

G. G. VEST,

STEPHEN M. WHITE,

W. B. ALLISON,

Managers on the part of the Senate.

The SPEAKER. The Clerk will read the statement of the

House conferees.

The statement was read, as follows:

#### STATEMENT.

First. The effect of the action on the first amendment of the Senate is to allow the owner of real estate to deduct the amount necessarily paid for fire insurance from the income from the same when making his return. It applies only to real estate. It does not enlarge in other respects the amount of deductions that may be made. Under the income-tax law deduction might be made for necessary repairs, but not for betterments. This provision remains and is not enlarged by the amendment hereby agreed upon.

Second. The effect of the second amendment is to require corporations to return the tax list for corporate property and relieve the individual from the necessity of doing so. It is agreed to by the conferees to prevent the possibility of double taxation. Whilst the law guarded against this, it was thought not improper to add any additional assurance thereof that was necessary.

The amendment added by the conferees to the second amendment frees employers from the necessity of returning the names and salaries of their employees except when called for by the collector to verify the returns of employees. For that purpose the right will still exist.

Third. The third amendment the Senate conferees recede from. This was thought best, not only for the Government, but for the taxpayer.

BENTON McMILLIN,

A. B. MONTGOMERY,

A. J. HOPKINS.

Mr. McMILLIN. Mr. Speaker, just one word as to the effect of the legislation that is proposed here. The income-tax law that was passed during the last session of this Congress provided that the returns should be made by the 1st of March; but it will be remembered that, by reason of delays consequent upon agitation in the Senate of the question of making appropriations, the appropriation for the organization of the Bureau to arrange and send out the blanks was postponed, so there has not been the necessary time intervening between the 1st of January, the date of assessment, and the 1st of March, the day for the returns.

The Department found that a good deal of confusion was likely to result from crowding into a few days the work that was intended to be done in ninety days, and asked that the time for assessment of the tax and making the returns should be extended from March 1 to April 15.

It was also provided in the law that if the returns were not made within ninety days the penalty should attach. It is very unjust that that penalty should attach when, by reason of delays in Congress, it has been impossible for the taxpayer to make the return in the time required by law.

Now, as to the controversy between the House and the Senate, this is the situation: The first amendment offered by the Senate provided that in making his return upon real estate the taxpayer should be authorized to deduct not only the ordinary expenses of keeping the premises in repair, but the fire insurance as well. The conferees on the part of the House admit, as it will be remembered it was admitted on the floor when the discussion was up, that if the amount expended on the real estate was to keep it in its present condition, the taxpayer should deduct that money spent as repairs; so that the amendment of the Senate did not change the existing law in this respect. He might make repairs, but not betterments. The fire insurance we thought was not improper to be deducted, and the first amendment allows that to be deducted as a part of the expense when the taxpayer makes his returns on the property.



The second provision is as to employees. It will be remembered that when the income-tax bill passed the House it was the purpose to require corporations and employers to return the names of those who were engaged in their service in order that the Government might assess and collect from the employer the tax that would fall upon the employee and make its collection certain. When the bill got to the Senate they changed it in that particular, so as to put the employee on the same footing with other taxpayers and let him make his payment himself.

It will be remembered that we had to take the bill as a whole, and could not change it in conference. This left the law so that the corporation returns the names and the salaries of the employee without paying the tax; and we thought that, the necessity for the return ceasing, the requirements thereof might cease. Therefore the House conferees agreed with the Senate conferees that the return should be made by the employee and the tax paid by the employee as are the taxes of others; this right only being reserved, that in the event the collector has doubt as to the accuracy of the returns made by the employee, he may call upon the employer, as he would on any other person, to ascertain his property. That is the second amendment.

The third amendment, Mr. Speaker, was the proposition to ingraft into this section of the act by the Senate an amendment which proposed to take from the Government the right to propound interrogatories to the taxpayer with a view of ascertaining the nature, extent, and condition of his estate. To do that would take away from the official the very means of ascertaining the right and equitable tax; and, after a free and full conference, the conferees on the part of the Senate agreed that it was wise to leave in the officers of the Government the right to make reasonable interrogatories. Therefore the second amendment of the Senate was receded from by the Senate conferees.

The fourth amendment, Mr. Speaker, is merely formal, pertaining to the title, and it is not necessary to make any statement concerning it.

Mr. BARTLETT. I would like to ask the gentleman a question as to the time.

Mr. McMILLIN. I said in the beginning that the time within which the report might be made by the taxpayer is extended by this act from the 1st of March to the middle of April.

Mr. BARTLETT. I would like to ask the gentleman another question.

Mr. PAYNE. I desire to ask the gentleman from Tennessee a question.

The SPEAKER. To whom does the gentleman yield?

Mr. McMILLIN. I will yield first to the gentleman from New York [Mr. BARTLETT] who is near me, and then I will yield to my colleague on the committee [Mr. PAYNE].

Mr. BARTLETT. I want to ask the gentleman from Tennessee, who is the author of this income tax, whether I understand him rightly that all the inquisitorial features are left in the bill, and if it has not been amended in that respect.

Mr. McMILLIN. The gentleman is in error thus far, Mr. Speaker. Under the law as it passed the House all corporations had to return the names and salaries of their employees; all firms employing men had to return the names and salaries of their employees. That is done away with. But the right to inquire concerning the estate to be taxed remains in the bill. The Senate recedes from the third amendment, and the House recedes from its disagreement to the first and second amendments.

Mr. BARTLETT. I would like to ask the distinguished gentleman from Tennessee, when he framed this measure, why he imposed the tax upon the holy estate of matrimony; why he makes every woman who has \$4,000 of her own and who marries pay a tax on every dollar of the \$4,000, and yet her sister or sisters, who have an equal amount of \$4,000, are each one absolutely exempt? I would like to ask the gentleman what justice there is in that?

Mr. MONEY. I want to ask the gentleman if that matter was in conference?

Mr. McMILLIN. I will say in response to my friend from New York [Mr. BARTLETT] and my friend from Mississippi [Mr. MONEY] that that matter was not in conference; but I would like to state—for I do not wish to avoid answering the question—that where estates are kept separate they are taxed separate. If persons see fit to keep their estates separate they will be taxed separately, but where they combine their estates there would be one exemption on the whole estate.

Mr. BARTLETT. Then, as I understand the gentleman, if a woman keeps the money with her husband she will pay no tax.

Mr. McMILLIN. No, I do not mean to say that. The law applies to each individual taxpayer, with the exceptions that are made in the bill. The bill speaks for itself in that respect. I wish to say, however, that the subject about which the gentleman asks is not touched by this conference report at all, and it is a matter over which the conferees have no jurisdiction whatever.

Mr. PAYNE. Mr. Chairman, I wish to ask the gentleman a question founded on a short correspondence between a constituent

of mine, Mr. E. H. Avery, of Auburn, N. Y., and the Internal Revenue Department. On February 5 Mr. Avery addressed a letter to the Department, as follows:

NATIONAL BANK OF AUBURN,  
Auburn, N. Y., February 5, 1895.

DEAR SIR: The regulations relative to tax on incomes require that the estimate of gains, profits, and incomes shall include:

"1. All incomes derived from interest on notes," etc.

"3. Interest received or accrued, whether paid or not, if good and collectible."

"7. All other gains, profits, and incomes derived from any source whatever," with a proviso "that in computing the income there shall not be included the amount received from a corporation as dividends if the tax has been paid by the corporation on its net profits."

Question. Is the interest earned or accrued for the years prior to 1894, but actually paid and received in 1894, to be included?

For example, interest on a bond and mortgage is payable on the 1st day of January of each year. The interest for 1893 is paid and received January 1, 1894, and the interest for 1894 has accrued December 31, 1894, but not paid, although good and collectible.

The question arises, which of these items is to be included?

Again, clause 7, above referred to, specifying "all other income from any source whatever," would seem to include dividends on corporate stock, and yet the proviso forbids them to be included if the tax has been paid by the corporation on its net profits.

Question. Must the stockholder, at his peril, ascertain whether such tax has been paid by the corporation before making his list or return, or is the fact that the corporation is liable for and may be compelled to pay the tax a sufficient reason for omitting it, or, if included, to have it deducted from the gross income listed?

Respectfully, yours,

E. H. AVERY, President.

Hon. JOSEPH S. MILLER,  
Commissioner Internal Revenue, Washington, D. C.

That is the letter of Mr. Avery, and I call attention to the correspondence now because of the unsatisfactory nature of the answer. The Commissioner of Internal Revenue, after deliberating for ten days, replies, under date of February 15, 1895, as follows:

TREASURY DEPARTMENT,  
OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE,  
Washington, D. C., February 15, 1895.

SIR: In reply to your letter of the 5th instant, relative to income-tax returns, etc., you are respectfully referred to the collector of internal revenue for your district for all information relative to said tax. If he desires instructions or a ruling upon the subject-matter of your inquiry, he shall refer the same to this office.

Respectfully, yours,

G. W. WILSON, Acting Commissioner.

EDWARD H. AVERY, Esq.,  
President National Bank of Auburn, Auburn, N. Y.

Now, I ask my friend whether the bill itself, or this report, or the resolution will get rid of what seems to be the anomaly of collecting a tax upon money actually received for interest as well as upon the additional amount actually earned during the calendar year.

Mr. McMILLIN. Mr. Chairman, the last question which my friend propounds is not embraced either in the resolution adopted by the House or in any amendment thereto adopted by the Senate and submitted to the conference. Turning now to the merits of the question, which I do with some reluctance at this time, because I hate to detain the House, I may state that the object in framing the law in the language in which he finds it was to prevent the possibility of the taxpayer avoiding payment of the tax upon money that had been earned in a given year by postponing the collection to a later date. That was the origin and object of the peculiar phraseology of the law on this subject.

Mr. PAYNE. But the law did not intend to make a man pay the tax on his income twice.

Mr. McMILLIN. It was the purpose to collect for each year the income tax properly chargeable to that year; no more and no less.

Mr. PAYNE. Now, does not my friend think that he ought to withdraw this report and see whether it ought not to be amended in that particular?

Mr. McMILLIN. In reply to my friend I will say that if it were withdrawn and submitted to us again and we were to take charge of the subject that he speaks of, which is not embraced either in the original resolution or in the amendments of the Senate, our action would be wholly illegal and a point of order would lie against it.

Mr. PAYNE. I want to say to the gentleman that this letter of Mr. Avery was written in entire good faith, and it criticises a matter that has been taken charge of by this resolution. The law originally seemed to contemplate that the individual should pay his tax upon his income unless it had been paid by a corporation, while the provision is that the corporation should not pay until months after the return has to be made.

Mr. McMILLIN. The conferees have no jurisdiction whatever, except as to disagreeing votes of the two Houses. The conference, however, has agreed to a provision, as I stated before, by which the corporation makes its return, the individual his, and there can not be two taxes imposed on the same property.

Mr. PAYNE. I know that; but I suggest to my friend that he take this matter into prayerful consideration, and see if he can not work out some good result as to a remedy for this incongruity.

Mr. McMILLIN. I will get my friend from New York to join

me in these devotions, and I have no doubt that we shall attain to some good results. [Laughter.]

Mr. PAYNE. Certainly; and to that end I will ask that the correspondence which I have read in part may be printed in full in the RECORD.

There was no objection, and it was so ordered.

[The letters are printed in full ante.]

Mr. McMILLIN. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The conference report was agreed to.

On motion of Mr. McMILLIN, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

#### DONATION OF CONDEMNED CANNON.

The SPEAKER laid before the House the following resolution:

*Resolved by the House (the Senate concurring), That in the enrollment of the joint resolution (H. Res. 209) entitled "Joint resolution authorizing the Secretary of War to deliver condemned cannon to Asher Gaylord Post, Grand Army of the Republic, of Plymouth, Pa., and to Eckley B. Cox Post, Grand Army of the Republic, of Freeland, Pa.," the Clerk of the House be authorized and directed to enroll the title thereof so as to read as follows: "Joint resolution authorizing the Secretary of War to deliver condemned cannon to Asher Gaylord Post, Grand Army of the Republic, of Plymouth, Pa., to the William H. Tarbee Post, Grand Army of the Republic, of McGrawville, N. Y., to the Eckley B. Cox Post, Grand Army of the Republic, of Freeland, Pa., and to the R. Carpenter Post, Grand Army of the Republic, of Chelsea, Mich."*

The SPEAKER. The Senate and House of Representatives passed this bill with amendments, but omitted to change the title in accordance with the amendments. This resolution proposes simply to authorize the enrolling clerk to amend the title as stated in the resolution.

There being no objection, the resolution was adopted.

#### NAVAL APPROPRIATION BILL.

On motion of Mr. TALBOTT of Maryland, the House again resolved itself into Committee of the Whole on the state of the Union (Mr. O'NEIL of Massachusetts in the chair) and resumed the consideration of the naval appropriation bill.

The Clerk read as follows:

And the Secretary of the Navy is hereby authorized and directed to apply the sum of \$8,000, appropriated under the act of July 26, 1894, for the repair of the ship *Constitution*, now lying at the Portsmouth Navy-Yard, in the State of New Hampshire, in order that it may be used as a training ship for the Naval Militia, toward the repair and transfer of said vessel to the Washington Navy-Yard, District of Columbia.

Mr. EVERETT. On this paragraph I make the point of order that it is new legislation and does not reduce expenses. The last naval appropriation act appropriated money for the repair of the ship *Constitution* in order that it might be used specifically as a training ship for the Naval Militia. This paragraph proposes to depart from the purpose of the last act in this respect, and to divert the appropriation from the object then determined upon.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Steam machinery (special): To continue work on new machinery to replace present engines, boilers, etc., of United States steamship *Chicago*, \$300,000.

Mr. SAYERS. Mr. Chairman, we have presented here the extraordinary spectacle of being asked to appropriate \$300,000 for the repair of the *Chicago*. Now, if I remember correctly, this vessel was completed in 1885 or 1886. I may be mistaken as to the exact date, but such is my recollection. Two hundred thousand dollars was appropriated to be used for this purpose during the present fiscal year. The bill appropriates \$300,000 more to be used for the same purpose next year. This is the way the money goes! Now, this ship has not been completed nine years—

Mr. SNODGRASS. It cost half a million dollars originally.

Mr. SAYERS. More than a million dollars. Now, as I have said, \$200,000 was appropriated for the repair of this ship during the present year, and an appropriation of \$300,000 is proposed in this bill for the same purpose next year. And yet we are asked to build more ships.

I would like the gentleman from Maryland [Mr. TALBOTT] to inform the House, if he can, how much has been expended upon this vessel since her completion. She was completed, I believe, in 1885 or 1886.

Mr. COX. What did the vessel cost in the first place?

Mr. SAYERS. I do not know what was the exact cost. This is one of those Roach ships which the Government had to take back. Will the gentleman from Maryland inform us when this ship was completed, and how much she has cost in the way of repairs up to this time—

Mr. SNODGRASS. And how much it cost originally to build her?

Mr. TALBOTT of Maryland. We appropriated \$300,000 last year for the hull—

Mr. SAYERS. For the hull! Did she not have any hull? [Laughter.]

Mr. TALBOTT of Maryland. Oh, yes; it was because there was a hull that we wanted to repair it. If there had been no hull there would have been no occasion for repairs.

Mr. SAYERS. How much has been expended on her up to the present year?

Mr. TALBOTT of Maryland. Now they are going to repair the engines and boilers. The life of the boilers of one of these vessels is estimated to be about nine years, and that of the machinery from ten to fifteen years.

Mr. MONEY. Twenty-five years.

Mr. SAYERS. One gentleman says twenty-five years; another says ten or fifteen. Whom are we to believe?

Mr. TALBOTT of Maryland. I said the life of the boilers was estimated to be about nine years.

Mr. COX. How much did the vessel cost?

Mr. TALBOTT of Maryland. From thirteen hundred thousand to fourteen hundred thousand dollars. I think that is the amount; I will not be sure.

Mr. COX. And now you are going to repair this vessel again!

Mr. TALBOTT of Maryland. We appropriated last year money to repair the hull, and now we are appropriating for the repair of the machinery, so that we shall have practically a new vessel.

Mr. SAYERS. A new vessel every nine years!

Mr. TALBOTT of Maryland. I say that when the repairs are completed this will be practically a new vessel. The modern machinery will, according to the department of Steam Engineering, increase the speed of the vessel, so that in this respect it will be a better vessel than it was originally. We are within the estimate of the Department on this matter; and I hope the committee will sustain the provision of the bill.

Mr. BOUTELLE. The *Chicago* was the first of the large steel cruisers designed for the new Navy.

Mr. TALBOTT of Maryland. Will the gentleman from Maine yield to me for just one moment?

Mr. BOUTELLE. Certainly.

Mr. TALBOTT of Maryland. I would like to state for the information of the committee that we are only appropriating now for the repairs of vessels about 1½ per cent—I am not quite accurate, but certainly less than 2 per cent—of the total value of all the vessels. We appropriate no more now than when the value of the entire Navy was \$18,000,000, although it is \$65,000,000 to-day. We have been as economical in the appropriations as possible, notwithstanding the criticisms of the gentleman from Texas.

Mr. BOUTELLE. Mr. Chairman, I wish to say for the information of the committee that when the work of evolution from the wooden to the steel navy was first essayed the problem presented was a very different one from that which confronts us at this time. The *Chicago* was the first of the large cruisers built of steel in this country. Her designs were made by a board of naval officers, who gave much care and study to the questions involved, and undoubtedly at the time she was designed this vessel represented as great an advance in naval construction as any vessel that has ever been laid down.

She is a splendid ship. In many respects she has no superior of her class in our own or in any other navy. But it happened at the time we began designing steel ships that we had not yet reached what has since proved to be a practically revolutionary epoch in steam engineering. In designing the engines of the *Chicago*, an effort was made to obtain as great speed as could be had with the machinery then familiar to our naval engineers. But the problem of getting the greatest speed with the lightest weight and the smallest space had not reached the solution which came later on, in what is known to steam engineers as the triple-expansion system. Every one familiar with this subject is aware of the marvelous possibilities at once created by the application of this triple-expansion system. And it so happens that while the *Chicago*, as I have said, is in many respects one of the very finest ships built of her class, or of any build of any country, yet her machinery is not so powerful nor is her speed so great as that of other vessels of her class which have been built since the triple or quadruple expansion system was introduced in naval construction.

The problem for the Navy Department and for all persons interested in the development of the Navy was whether we should go on allowing this magnificent vessel to lack in the prime element of speed, utilize it as far as possible as it is, and build an additional new cruiser to take her place among the fast vessels of the navies of the world, or whether it was better, where she has reached an age that certain improvements or repairs have become absolutely essential, to take out altogether her boilers and engines, supply the ship with first-class triple or quadruple expansion engines, and make her one of the finest cruisers of her weight in the world.

By putting new boilers and new engines into this vessel we can at once add to the American Navy as fine a ship as we could build at this time if we were to lay down the keel now and start from the very beginning. It is a matter of economy, therefore, and it seems to me it ought to be a matter of national pride as well, to make this steel cruiser, as she can readily be made, one of the finest vessels of her type afloat.

[Here the hammer fell.]

Mr. SAYERS. Mr. Chairman, if I understand my friend from



Maine aright, he furnishes a substantial reason why we should not undertake at this time to build the three new battle ships provided for in this bill. Here, for instance, is the *Chicago*, which is not, I think, exceeding nine years old, if even so old as that, and he says that in order to furnish her with modern improvements—

Mr. DURBOROW. To make her worthy of the name. [Laughter.]

Mr. SAYERS. We must spend \$300,000.

Mr. SIMPSON. That will make her "worthy of the name," spending that much money.

Mr. SAYERS. Now, we expended \$200,000 on her this fiscal year, and we have a proposition to expend \$300,000 additional for the next fiscal year.

I hold in my hand a list of the amounts expended for the repairs of vessels. Take, for instance, the cruiser *Boston*, completed about the same time as the *Chicago*, and we find that we have spent \$188,000, in round numbers, upon her repairs. The *Baltimore*, completed not long since, has incurred an expenditure of over \$151,000. The *San Francisco*, a ship of late date, has also incurred an expenditure of over \$135,000 in the way of repairs. Do you not think it a very expensive Navy? You can not get public buildings in the interior, but you can build fine quarters and magnificent ships for which you have no need.

Mr. TALBOTT of Maryland. Are you for public buildings?

Mr. SAYERS. No, sir; because the extravagance of this bill denies to the interior of the country the appropriations which it ought to have.

Mr. BOUTELLE. The gentleman would not advocate going without stockings because it takes too much yarn to darn them, would he? [Laughter.]

Mr. SAYERS. I ask leave to print in the RECORD this statement, showing the expenditure in the matter of repairs on the new vessels:

NAVY DEPARTMENT,  
BUREAU OF SUPPLIES AND ACCOUNTS,  
Washington, D. C., February 1, 1895.

SIR: The Bureau transmits herewith a statement of repairs to vessels completed since June 30, 1884, called for in telegram of the chairman of the Committee on Appropriations of the 31st ultimo.

Respectfully,

EDWIN STEWART,  
Paymaster-General, United States Navy.

#### THE SECRETARY OF THE NAVY.

[Statement of repairs to vessels constructed since June 30, 1884.]

Atlanta.....	\$255,132.79	Montgomery.....	3,624.77
Bancroft.....	2,817.38	Newark.....	50,439.61
Baltimore.....	117,330.73	New York.....	73,482.23
Bennington.....	47,124.55	Olympia.....	15.00
Boston.....	188,970.50	Philadelphia.....	91,485.97
Castine.....	2,034.71	San Francisco.....	125,723.86
Charleston.....	78,953.06	Vesuvius.....	25,334.79
Cincinnati.....	3,365.99	Yorktown.....	97,554.85
Chicago.....	114,099.53	Miantonomoh.....	55,178.83
Concord.....	45,275.62	Petrel.....	24,521.53
Cushing.....	18,442.79	Narkeeta.....	12,832.30
Detroit.....	17,499.83	Iwana.....	3,574.03
Dolphin.....	117,423.42	Wahnetta.....	168.17
Monterey.....	22,568.19	Triton.....	4,896.39
Maclias.....	2,045.81		
Marblehead.....	120.74	Total.....	1,625,148.08
Minneapolis.....	1.30		

Mr. LOUD. Will the gentleman also state, in connection with that list, that 95 per cent of those so-called repairs are for painting, scraping of bottoms, etc., and not legitimate repairs, but simply current expenses of maintenance? That ought to go in with your statement.

Mr. MONEY. Mr. Chairman, the remarks of the gentleman from Texas are exactly in line with all that he has said upon this bill, and they prove conclusively that he does not want a navy at all. He is against the building of ships, he is against dockyards, and he is against repairing ships.

Mr. SAYERS. Oh, I advocated the building of ships while you were practicing law here in Washington.

Mr. MONEY. You have not done it to-day or since this bill was under consideration, and you have had a great change of heart since the time when you did advocate a navy.

Mr. BOUTELLE. He does not want to build any new ships; he does not want to repair those in existence, and those which are afloat he does not want to put any sailors upon.

Mr. MONEY. That is exactly the matter, and I want to say to my friend that in 1811, a year before the war with Great Britain, a gentleman from the South stood here and did exactly what the gentleman from Texas is doing. He said he would not vote a dollar to build an American navy, and he said he would rather set fire to a ship than to bring a bucket of water to put it out; yet the very next year we were engaged in a war with Great Britain, and we were absolutely defenseless, because the House had followed the counsels of such statesmen as the gentleman from Texas.

Mr. TALBERT of South Carolina. We licked them, anyhow.

Mr. MONEY. In 1857, 1858, and 1859 the very same arguments were made against having a navy—that it was useless, that the people did not want ships built, or dockyards, or repairs, or men

to furnish them. Yet the next year saw the country plunged in a war that convulsed the continent.

Mr. SNODGRASS. We whipped England once without ships. Why can we not do it again if necessary?

Mr. MONEY. We ought at least to have a Navy that will give this great Republic time to organize her Army. As it is to-day, we could not bring out the militia of this country even to meet the onset of a British squadron. Gentlemen feel perfectly secure to-day because we are at peace, but there is nothing so inevitable as war, and we want to be in a condition to-day to command the peace which we love. I understand the value of peace as well as the gentleman does. I appreciate its blessings. I cry "Peace, peace," just as the gentleman from Texas does, but the way to get peace is not to be in a state of unreadiness for war. Do you want this country struck down and left defenseless in the hands of its enemies?

Mr. SAYERS. Naked before her enemies!

Mr. MONEY. That is exactly what is the matter. Every proposition that the distinguished economist, the gentleman from Texas, has advocated in reference to this bill has been to the effect that we do not want any Navy, and ought not to have one. He is against every proposition to build a ship, to repair a ship, to put an engine in a ship, to build a dockyard, or anything else that goes to the maintenance of the Navy. And while it is a great thing to have the reputation for economy that the distinguished gentleman from Texas enjoys in this country, I submit to him that when he reviews this debate he will find that he has not manifested the patriotic disposition which we look for from a leader upon the floor of this House.

Mr. SAYERS. Mr. Chairman, I will say only a word. I voted for the rebuilding of the Navy while the gentleman from Mississippi [Mr. MONEY] was practicing law here in Washington.

Mr. MONEY. It does not make any difference what I was doing.

Mr. SAYERS. The gentleman is like all new converts, extremely zealous. Now, all that I desire is to call the attention of the committee to the sore spots in this bill, and gentlemen become irritated when I do that and accuse me of a want of patriotism and of hostility to the Navy. I have about as much patriotism as either of these gentlemen.

Mr. MONEY. There is no doubt about that.

Mr. TALBOTT of Maryland. Prove it by voting for the Navy. Prove your patriotism by your vote.

The CHAIRMAN. The gentleman from Maryland must be in order.

Mr. SAYERS. Patriotism does not require that we should vote \$300,000 here in addition to the \$200,000 which this ship had for the present year in order to give it modern improvements. This makes \$500,000.

Mr. TALBOTT of Maryland. I rise to a point of order.

Mr. MONEY. Mr. Chairman, I desire to say one word in reply to my friend from Texas. The gentleman is mistaken if he thinks anybody is irritated. We are all in perfectly good humor, and if anybody is irritated it is the gentleman; but nobody is irritated. It is certainly no argument, because we want to utilize a valuable ship which certainly ought to be used, for him to say that he had voted for the Navy when I was practicing law and when the gentleman was practicing demagoguery. [Laughter.]

I say that I voted in favor of the Navy before the gentleman ever dreamed of being here. Twenty years ago I voted for ships, and I have voted that way ever since. I stand here to-day committed as much as any man can be to a policy to make this great nation prepared to command peace and to resist any other navy on earth. [Applause.] As to my patriotism, I do not propose to test that with the gentleman from Texas. I am willing to accord him patriotism and honesty in the views which he expresses, but the gentleman is not more so than other men in the House. I do not think anybody has said anything but in the way of kindness in this debate.

Mr. SAYERS. Nothing whatever. [Laughter.]

The Clerk read as follows:

To commence new machinery to replace present engines and boilers of United States steamship *Hartford*, \$100,000.

Mr. SAYERS. I will call the attention of the committee to this item. Here is \$100,000 more to be appropriated to put new boilers and engines in the *Hartford*. What is to be done with this vessel?

Mr. TYLER. Fight her.

Mr. SAYERS. I am perfectly willing to take care of the vessel on account of the memories which are associated with her name.

Mr. TALBOTT of Maryland. Then give the money to take care of her.

Mr. SAYERS. Why, gentlemen at one time say they must have modern steel cruisers and battle ships. Now, the *Hartford* is not a modern steel cruiser or battle ship. Take care of the *Hartford* if you wish; I have no objection to that, but what for?

Mr. TYLER. To make her serviceable.

Mr. SAYERS. Make her serviceable! How long would she stand before an English cruiser?

Mr. TYLER. We want the three battle ships to do that.

Mr. SAYERS. Take care of her; but do not put such fine machinery into an old vessel like the *Hartford*.

Mr. TALBOTT of Maryland. Why, the gentleman permitted the last appropriation bill to go through without a single word of objection.

Mr. SAYERS. Certainly.

Mr. BOUTELLE. The *Hartford* is not to be stationed at Washington. The purpose is to put the *Hartford* in commission as a cruiser and send her wherever the American flag shall fly.

The Clerk read as follows:

That the Superintendent of the United States Naval Academy shall have power to convene general courts-martial for the trial of naval cadets, subject to the same limitations and conditions now existing as to other general courts-martial, and to approve the proceedings and execute the sentences of such courts, except the sentences of suspension and dismissal, which, after having been approved by the Superintendent, shall not be carried into effect until confirmed by the President: *Provided*, That, when the Superintendent is the accuser or prosecutor the court shall be convened by order of the President.

Mr. SIMPSON. Mr. Chairman, I want to make the point of order on that paragraph. It is new legislation, commencing at line 13, on page 35.

The CHAIRMAN. The Chair will be glad to hear from the committee on that.

Mr. BOUTELLE. Mr. Chairman, I think the gentleman from Kansas is under some misapprehension. I will state very briefly that this paragraph refers to the Naval Academy. That paragraph was drawn by the Navy Department, after consultation with myself and others, as a result of a surprising discovery which some of us made a short time ago. Members who thought they were somewhat familiar with the affairs of the Naval Academy find there is a difference between that institution and the Military Academy on account of the way our laws have grown up regarding these different bodies, one statute being passed to-day and another to-morrow. We found that really there is no provision whatever for the determination of any charges at the Naval Academy against the cadets.

Mr. SICKLES. It is like the board of labor employment.

Mr. BOUTELLE. There is no such provision as is made for the Military Academy. It is not only possible, but it has transpired, that actually charges have been made against some of these young men and determined simply upon an investigation by a summary board, composed of just such men as they shall see fit to choose—two or three officers, who take just such means as they shall see fit to ascertain the facts, without taking testimony or any record of testimony, and without any opportunity for the cadet to be present either in person or by counsel, without any opportunity for cross-examination of the witnesses, without any of the safeguards that are thrown by the regulations of the Navy around the humblest defendant in any case, but by a summary court-martial.

This condition of things was brought to the attention of the Secretary of the Navy by a case in which I had become interested a short while ago, and the result was the drawing up of this provision, which is intended to give to cadets at the Naval Academy, in case of charges being preferred against them, the same methods of having those charges investigated that are employed at the Military Academy or that would be adopted in any court of justice. It is precisely the same provision that is now on the statute book in regard to the Academy at West Point; indeed, it was drawn from that provision. The whole purport and object of it is to throw around the 200 or 300 young men at the Naval Academy the ordinary safeguards of justice which by law and the regulations of the Navy are granted to the humblest sailor or coal heaver in the service.

Mr. TALBOTT of Maryland. Mr. Chairman, I think this amendment is really in the direction of reducing expenses, because now, whenever they have any trouble at the Academy, the Secretary of the Navy brings up everybody that he wants to examine—

Mr. SAYERS. Only one single time.

Mr. TALBOTT of Maryland. Whether it is one single time or a hundred times, it makes no difference as to the principle.

Mr. SIMPSON. Mr. Chairman, I did not understand exactly what this might lead to, and it struck me on reading it as aiming at a further concentration of power in the hands of the Executive, where I think there is too much already. With the explanation which has been given by the gentleman from Maine I am satisfied that this provision is for the betterment of the Navy, and I therefore withdraw the point of order.

Mr. TALBOTT of Maryland. Mr. Chairman, I ask unanimous consent to go back to page 14, lines 20 and 21: "Naval station, Sacketts Harbor, N. Y.: For one ship keeper, at \$366 per annum."

I am advised by the Department that there is an old vessel at Sacketts Harbor which is not worth very much, but the man who has charge of her has also charge of the Government property and stores at that point. He is now and always has been designated

as "ship keeper," but in connection with the duty of taking care of the vessel he is also charged with the care of the other Government property there, and he is employed at a cost of \$1 a day.

Mr. SIMPSON. Has the gentleman any knowledge of what the Government property consists?

Mr. TALBOTT of Maryland. I have no detailed knowledge, but it certainly must be worth something, as Sacketts Harbor is a naval station, and might, in certain contingencies, be a very important one.

The report of the Navy-Yard Commission submitted to the Forty-eighth Congress (Sen. Ex. Doc. No. 55) says:

The great importance of the naval operations on the lakes during the war of 1812, the exposed condition of that portion of our frontier, and the enormous amount of property on those waters belonging to our citizens and therefore liable to destruction in the event of war, admonish your commissioners not to recommend the abandonment of the only naval station—whatever its demerits—we now hold in that quarter.

Mr. SIMPSON. Mr. Chairman, upon the gentleman's explanation, if I can have the consent of the House, I will withdraw the amendment.

There was no objection, and the amendment was withdrawn.

Mr. TALBOTT of Maryland. Now, Mr. Chairman, the totals as they stand in some of the paragraphs of the bill have been varied by the action of the committee, and I ask that the Clerk foot them up so that they may be correct. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. O'NEIL of Massachusetts, from the Committee of the Whole, reported that they had had under consideration the bill (H. R. 8665) making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes, and had come to no resolution thereon.

#### CHANGE OF REFERENCE.

The SPEAKER. Senate bill 2365, which has been referred to Committee on Claims, ought to go to the Committee on Indian Affairs, and without objection it will be so referred.

There was no objection.

Mr. SCHERMERHORN, by unanimous consent, obtained leave to withdraw from the files of the House papers in the case of W. A. Yates, no adverse report having been made thereon.

#### CORRECTION.

Mr. TERRY. Mr. Speaker, on page 2859 of the RECORD I am recorded as having voted in the affirmative on the proposition to suspend the rules and pass the bill to authorize the Altamonte Water Company to flood certain lands, etc. I desire to say that I was detained at home by sickness yesterday, and of course did not vote.

The SPEAKER. The correction will be made.

#### CENTENNIAL EXPOSITION AT NASHVILLE.

Mr. WILLIAMS of Illinois, by unanimous consent, obtained leave to file the views of the minority, to be printed with the report on the bill (H. R. 8109) to encourage the holding of a centennial exposition at Nashville, Tenn.

The House then, on motion of Mr. TALBOTT of Maryland (at 5 o'clock and 11 minutes p. m.), adjourned until 12 o'clock to-morrow.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. CLARK of Missouri, from the Committee on Claims: A bill (H. R. 8331) to reimburse the city of Menasha, Wis., for moneys expended, and for other purposes. (Report No. 1857.)

By Mr. COUSINS, from the Committee on Claims: A bill (H. R. 7883) for the relief of Ellis H. Roberts. (Report No. 1854.)

By Mr. OUTHWAITE, from the Committee on Military Affairs: A bill (H. R. 6748) for the relief of Alexander D. Schenck. (Report No. 1855.)

By Mr. LOUD, from the Committee on Claims: A bill (H. R. 8183) for the relief of Maj. Charles A. Woodruff. (Report No. 1856.)

By Mr. TURNER of Virginia, from the Committee on Pensions: A bill (H. R. 7041) to pension Lucinda Stone, daughter of a Revolutionary soldier. (Report No. 1859.)

By Mr. CAMPBELL, from the Committee on Claims: A bill (H. R. 5554) for the relief of James B. Russell. (Report No. 1860.)

By Mr. LACEY, from the Committee on Invalid Pensions: A bill (H. R. 8813) to increase the pension of Byron Cotton. (Report No. 1861.)

Also, a bill (H. R. 5962) from the same committee, granting a pension to Nancy G. Allabach. (Report No. 1862.)

By Mr. MARTIN, from the same committee: A bill (H. R. 8837)



granting an increase of pension to Daniel H. Cherry. (Report No. 1863.)

Also, from the same committee, a bill (S. 2351) granting a pension to Charles E. Jones. (Report No. 1864.)

By Mr. PICKLER, from the same committee, a bill (S. 1539) granting a pension to Josephine Foote Fairfax. (Report No. 1865.)

#### PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. HAMMOND: A bill (H. R. 8915) to provide for a site and the erection of a public building thereon at Logansport, in the State of Indiana—to the Committee on Public Buildings and Grounds.

By Mr. WILLIAM A. STONE: A joint resolution (H. Res. 278) proposing an amendment to the Constitution of the United States prohibiting any State from granting the right of franchise to any person not a citizen of the United States—to the Committee on the Judiciary.

By Mr. BLAIR (by request): A joint resolution (H. Res. 279) proposing an amendment to the Constitution of the United States in relation to the manufacture, importation, exportation, transportation, and sale of alcoholic liquors—to the Committee on Alcoholic Liquor Traffic.

By Mr. ELLIS of Oregon: Memorial from the legislature of the State of Oregon, for the payment of Indian war claims—to the Committee on War Claims.

#### PRIVATE BILLS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. BOATNER: A bill (H. R. 8917) granting a pension to Nathan Hite—to the Committee on Pensions.

Also, a bill (H. R. 8918) granting a pension to Talbot A. Rountree—to the Committee on Pensions.

By Mr. HAINER of Nebraska: A bill (H. R. 8919) to refer certain claims for postage paid to the Court of Claims—to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Petition for the passage of House resolution of January 19, 1895, for the ratification of a permanent treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. BARTHOLDT: Petition of St. Louis Local Union No. 11 of Journeymen Tailors' Union, and of Local Union No. 518, of the United Brotherhood of Carpenters and Joiners, in favor of the so-called Maguire bills for the better protection of American seamen—to the Committee on Merchant Marine and Fisheries.

By Mr. BLAIR: Petition of George T. Wilson and others against the Louisiana Lottery—to the Committee on the Post-Office and Post-Roads.

By Mr. COUSINS: Petition of 20 citizens of Grundy Center, Iowa, favoring Senate bill 1620 in relation to lottery traffic—to the Committee on the Judiciary.

By Mr. COVERT: Petition of B. Fenner and other citizens of Westport, N. Y., for payment of sugar bounty—to the Committee on Ways and Means.

By Mr. CRISP (by request): Letter from the chairman of the committee on pollution of water supplies of the American Public Health Association, relative to House bill 8481, to appoint a commission for the investigation of the pollution of water supplies, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. EDMUNDS: Petition for the passage of House resolution (Mr. COOMBS's) of January 19, 1895, for the ratification of a permanent treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. GORMAN: Papers to accompany House bill 6774 to grant an honorable discharge to John A. White—to the Committee on Military Affairs.

By Mr. HAGER: Resolutions adopted at a meeting of 127 citizens of Council Bluffs, Iowa, protesting against granting the right of franchise to any person not a citizen of the United States—to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of the Central Labor Union of Indianapolis, Ind., favoring the passage of House bill 7756—to the Committee on Labor.

By Mr. HENDERSON of Illinois: Petition for the passage of House resolution of January 19, 1895, for the ratification of a permanent treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. KIEFER: Resolution by the Academy of Natural Sci-

ences of the State of Minnesota, favoring a reduction of postage rates on natural-history specimens—to the Committee on the Post-Office and Post-Roads.

By Mr. LAPHAM: Petitions of Rhode Island Quarterly Meeting of Friends and Rhode Island Peace Society, asking for the passage of House resolution of January 19, 1895, for the ratification of a permanent treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. RAYNER (by request): Petition in favor of consular inspection of immigrants before embarkation—to the Committee on the Judiciary.

By Mr. REED: Petition of the Rufus Deering Company and 19 others, citizens of Portland, Me., for the passage of Senate bill 1620, for the suppression of the lottery traffic, etc.—to the Committee on the Judiciary.

By Mr. CHARLES W. STONE: Memorial of F. L. Houghton and Fred Beck, against the publication of the Columbian dairy records—to the Committee on Printing.

By Mr. WILLIAM A. STONE: Resolutions of citizens of Pittsburgh, Allegheny, East Deer Township, Bellevue, Millvale, Springdale, Tarentum, Sharpsburg, Lebanon, and Hoboken, all in Pennsylvania, for the submission of an amendment to the Constitution prohibiting any State from granting the franchise to any person not a citizen of the United States—to the Committee on the Judiciary.

Also, resolutions of the citizens of Pittsburgh, Allegheny, Bennett, Hoboken, Springdale, and Sharpsburg, all in Pennsylvania, for the submission of an amendment to the Constitution prohibiting any establishment of religion or sectarian appropriations, etc.—to the Committee on the Judiciary.

By Mr. UPDEGRAFF: Petition of S. C. Buck and 21 other citizens of Cresco, Iowa, for suppression of lottery traffic through foreign postal service—to the Committee on the Post-Office and Post-Roads.

By Mr. WANGER: Preamble and resolutions of a meeting of 45 citizens of Port Kennedy, 75 of Ivyland, Bucks County, and of Ogontz, Montgomery County, Pa., for the submission of an amendment to the Constitution of the United States prohibiting any establishment of religion, sectarian appropriations, etc.—to the Committee on the Judiciary.

Also, preamble and resolutions of a meeting of citizens of Ogontz, 75 of Ivyland, Bucks County, and 45 of Port Kennedy, Pa., for the submission of an amendment to the Constitution prohibiting any State from granting the right of franchise to persons not citizens of the United States—to the Committee on the Judiciary.

By Mr. WEVER: Petition of Ticonderoga Pulp and Paper Company, in favor of paying the sugar producers bounty for 1894—to the Committee on Ways and Means.

#### SENATE.

WEDNESDAY, February 20, 1895.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

#### REPORT OF THE COMMISSIONER OF PATENTS.

The VICE-PRESIDENT laid before the Senate the annual report of the Commissioner of Patents for the year ending December 31, 1894; which was referred to the Committee on Patents, and ordered to be printed.

#### SENATOR FROM MONTANA.

Mr. POWER. I present the credentials of Hon. Thomas Henry Carter, chosen by the legislature of Montana a Senator from that State for the term of six years, beginning on the 4th of March next, which I ask may be read.

The credentials were read, as follows:

In the name and by the authority of the Congress of the United States and the State of Montana.

To all to whom these presents shall come, greeting:

I, John E. Rickards, governor of the State of Montana, do hereby certify that at a joint session of the legislative assembly of the State of Montana, held at the capital thereof on Wednesday, the 16th day of January, A. D. 1895, pursuant to chapter I, Title II, Revised Statutes of the United States, Hon. Thomas Henry Carter, a resident of Montana, received a majority of the votes in each house for Senator of the United States from Montana.

Therefore, by virtue of the power vested in me by the constitution and in pursuance of the laws of the United States, I do hereby commission him, the said Thomas Henry Carter, as United States Senator to represent the State of Montana in Congress, hereby authorizing and empowering him to execute and discharge all and singular the duties appertaining to a Senator in Congress and to enjoy all the privileges and immunities in accordance with the laws thereof for a period of six years from the 4th day of March, A. D. 1895.

In testimony whereof I have hereunto subscribed my name and caused the great seal of the State of Montana to be affixed at Helena, Mont., the capital of said State, the 16th day of January, in the year of our Lord 1895, and in the one hundred and nineteenth year of the independence of the United States of America.

By the governor:  
[SEAL.]

J. E. RICKARDS.  
L. ROTWITT,  
Secretary of State.

Mr. HOAR. Mr. President, I ask the consent of the Senate to say a word about the credentials which have just been presented. I do not like, especially in the present condition of the public business, to trouble the Senate with small or unimportant criticisms, but credentials which authorize a Senator's name to be put upon the roll are of very great importance indeed, because there may at some time be a severe or angry political struggle between two equally balanced parties, and it is important, as it seems to me, that the State executives should get into the habit of following the simple precedent which has been set and followed now in so many cases.

A simple declaration certified by the executive of the State that on a certain day a certain person was duly elected by the legislature a Senator seems to me, and I am sure seems to the Senate, to be all that is needed. Anything beyond that is likely to suggest questions and refinements. These credentials do not set forth the fact of the due election; they do set forth the fact that the person voted for had a majority of the votes in each house, and that probably would be deemed, certainly in the absence of any real dispute of the facts, an equivalent, but, of course, it is not an equivalent.

Then the credentials go on to say, what is a matter for the governor's own satisfaction or otherwise, that he commissioned the Senator. I suppose the governor of the State has no more authority to commission a Senator of the United States than he has to commission the Sultan of Turkey.

Mr. GORMAN. I wish to say that I believe when the Senator from Massachusetts [Mr. HOAR] was the chairman of the Committee on Privileges and Elections, by the unanimous agreement of that committee a form of credentials was agreed upon and prepared some years ago, to be followed by the governors of the States in certifying the elections of Senators. I suggest to the Senator that a number of those forms should be printed so as to be easily accessible to the governors of the various States.

Mr. HOAR. I think that would be a very good plan.

The VICE-PRESIDENT. The credentials will be placed on the files of the Senate.

#### PETITIONS AND MEMORIALS.

Mr. SQUIRE. I present a memorial of the legislature of the State of Washington, certified by the secretary of state, representing that it is very important that in the next river and harbor appropriation bill there shall be an appropriation for the improvement of the Skagit River, the largest river emptying into Puget Sound, and which drains one of the most important sections of the State of Washington.

This river is blocked by jams of timber carried down by floods, which, besides impeding navigation, cause it in times of high water to back up and overflow the surrounding country, the richest and most fertile section in the State of Washington, producing widespread desolation and ruin. Besides these jams there are also several sand bars near the mouth of the river, which are a serious hindrance to commerce and navigation, and also in time of flood tend to cause the water to back up and overflow the adjacent land.

The farmers of the extensive region known as the Skagit Valley have been put to great expense in building dikes and levees, and have found that they can not, in that manner, protect their land from overflow until the jams and bars are removed.

It is represented that the inundation of the Skagit Valley in the year 1894 resulted in a loss of at least half a million dollars to the inhabitants, and that the inundation was in a great measure caused by these jams and sand bars.

It is also represented that these jams and sand bars are increasing in size each year, thereby threatening impending ruin to a large tract of the country and pointing out the necessity of speedy action to avert this disaster. I move that the memorial be printed as a document and referred to the Committee on Commerce.

The motion was agreed to.

Mr. PLATT. A few days since I presented a petition of the Cherokee Indian Association of the Cherokee Nation, an association representing what are called the intruders in the Cherokee Nation. I presented the petition by request. I now present a reply made by the delegates of the Cherokee Nation in the nature of a petition, praying Congress to designate the Court of Claims or some other important tribunal to pass upon and settle the controversy between the Cherokee Nation and the members of that association. I also present this petition by request. I move that it be referred, as the other petition was referred, to the Committee on Indian Affairs.

The motion was agreed to.

Mr. PEPPER presented a petition of 130 citizens of Lawrence, Kans., praying for the enactment of legislation prohibiting unnaturalized persons from voting; which was referred to the Committee on the Judiciary.

Mr. QUAY presented petitions of 38 citizens of Luthersburg, of 295 citizens of Lykens, of 40 citizens of Ryde, of 275 citizens of West Chester, of 419 citizens of Callensburg, of 150 citizens of Coal Valley, of 330 citizens of McKeesport, of 75 citizens of Beringer,

of 115 citizens of Brookville, of 80 citizens of Reynoldsville, and of 125 citizens of Tower City, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

He also presented petitions of 235 citizens of Lykens, of 38 citizens of Luthersburg, of 275 citizens of West Chester, of 350 citizens of McKeesport, of 80 citizens of Reynoldsville, of 75 citizens of Beringer, of 60 citizens of Tippecanoe, of 115 citizens of Brookville, of 125 citizens of Tower City, and of 419 citizens of Callensburg, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

Mr. COCKRELL presented resolutions of the general assembly of the State of Missouri, favoring the foreclosure of the Government's mortgage on the Union Pacific Railroad, and for the Government ownership and operation of said road; which were referred to the Committee on Pacific Railroads.

He also presented resolutions adopted by the Commercial Club of Kansas City, Mo., favoring the ratification of the treaties with the Wichita, Comanche, Kiowa, and Apache tribes of Indians; which were referred to the Committee on Territories.

He also presented a petition of 60 citizens of St. Louis, Mo., and a petition of 181 citizens of Warrensburg, Mo., praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

He also presented a petition of 181 citizens of Warrensburg, Mo., praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which was referred to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES.

Mr. MITCHELL of Oregon, from the Committee on Claims, to whom was referred the amendment submitted by Mr. ALLEN on the 29th ultimo, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. WASHBURN, from the Committee on Commerce, to whom was referred the bill (S. 2748) to authorize the Wisconsin and New Duluth Bridge Company to construct a bridge over the St. Louis River between the States of Wisconsin and Minnesota, reported it without amendment.

Mr. COCKRELL, from the Committee on Appropriations, to whom was referred the bill (H. R. 8767) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. BLACKBURN. I am directed by the Committee on Naval Affairs, to whom was referred an amendment submitted by Mr. CAMERON on the 4th instant, intended to be proposed to the naval appropriation bill, to report it favorably. I move that it be referred to the Committee on Appropriations and printed.

Mr. CHANDLER. I ask for the reading of the amendment.

The amendment was read, and referred to the Committee on Appropriations, as follows:

Amendment intended to be proposed by Mr. CAMERON to the bill (H. R. 8665) making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes, viz: Insert the following:

"That the accounting officers of the Treasury are hereby authorized and directed to credit Philip S. Wales, medical director, United States Navy, with the sum of \$44,055.89, to relieve the said Wales from certain charges raised against him on the books of the Treasury upon Treasury settlement numbered 8002, dated January 10, 1895: *Provided*, That the Secretary of the Navy shall be satisfied that the said Philip S. Wales received no benefit from the payment of the vouchers represented in the charges now standing against him in said Treasury settlement numbered 8002."

Mr. KYLE, from the Committee on Education and Labor, to whom was referred an amendment submitted by himself on the 24th ultimo, intended to be proposed to the legislative, executive, and judicial appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 2778) to aid and encourage the holding of the Tennessee Centennial Exposition at Nashville, Tenn., in the year 1896, and making appropriation therefor, reported it without amendment.

#### INDEX TO COTTON REPORT.

Mr. CAMDEN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by the Senator from Mississippi [Mr. GEORGE], to report it with an amendment, and I ask for its present consideration.



The Senate, by unanimous consent, proceeded to consider the resolution; which was read, as follows:

*Resolved*, That the Committee on Agriculture and Forestry be authorized to employ a competent person to make an index to volumes 1 and 2 of the report of said committee on cotton, and the expense thereof be paid out of the contingent fund of the Senate.

The amendment of the Committee to Audit and Control the Contingent Expenses of the Senate was to add at the end of the resolution the words "not exceeding two hundred dollars."

The amendment was agreed to.

Mr. HIGGINS. I should like to ask the Senator from West Virginia what are these volumes and what is proposed to be done by this person?

Mr. GEORGE. What is the question of the Senator from Delaware?

Mr. HIGGINS. I should like to know what the volumes are that the Agricultural Committee want to have edited?

Mr. GEORGE. They are two volumes of testimony, reports of consuls, and statistics furnishing very valuable information in relation to cotton.

The resolution as amended was agreed to.

#### CLAIM OF JULIA A. NUTT.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 440) to carry out certain findings of the Quartermaster-General and the Court of Claims, reported the following resolution:

*Be it resolved by the Senate of the United States*, That the claim of Julia A. Nutt, widow and executrix of Haller Nutt, deceased, late of Natchez, Miss., now pending before Congress, under the provisions of the act of August 7, 1882 (22 Stat., p. 736), for the relief of said claimant, be, and the same hereby is, referred to the Court of Claims for reinvestigation and refunding of facts and report to Congress under the provisions of the act of March 3, 1883, commonly known as the Bowman Act.

Mr. STEWART. I ask for the present consideration of the resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HARRIS. I should like to ask the Senator from Nevada if this case has been once investigated by the Court of Claims?

Mr. STEWART. Yes; but there is question about some evidence.

Mr. HARRIS. There is newly discovered testimony?

Mr. STEWART. There is some further testimony, and the court expressed some doubt.

Mr. HARRIS. I have no objection to the adoption of the resolution; but I desire to say that there are a very large number of claims which have been referred to that court and have been investigated and reported by the court. They have been hung up here for two years, and so far as I can learn they are not being considered. But even when committees are conferred with about them they seem to deem it necessary to go through every item of the claim or case with a view of reinvestigation. It seems to me that unless the findings of that court carry with them some weight to the Congress of the United States the whole theory of referring claims to it ought to be abandoned and perhaps the court abolished. I shall not object to the consideration of the resolution.

Mr. STEWART. This is rather a special case.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

#### BILLS INTRODUCED.

Mr. GORDON introduced a bill (S. 2784) for the erection of a custom-house and post-office building at Brunswick, Ga.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. SHERMAN introduced a bill (S. 2785) for the relief of John E. Welch, a citizen of the United States; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a joint resolution (S. R. 137) for the completion of the survey in Plymouth Harbor, Massachusetts; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PROCTOR introduced a joint resolution (S. R. 139) authorizing the Secretary of the Navy to deliver unserviceable or condemned cannon to the mayor of Burlington, Vt., to be used in decorating Battery Park; which was read twice by its title, and referred to the Committee on Naval Affairs.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Select Committee on Forest Reservations, and ordered to be printed.

Mr. BUTLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DANIEL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. JONES of Arkansas submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BATE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Education and Labor, and ordered to be printed.

Mr. KYLE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Select Committee on Forest Reservations.

He also submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs.

#### PRINTING OF EULOGIES ON THE LATE SENATOR COLQUITT.

Mr. GORDON. I offer a concurrent resolution in reference to the printing of eulogies, which I ask may be considered at this time.

The VICE-PRESIDENT. The concurrent resolution will be read.

The Secretary read as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the eulogies delivered in Congress upon the Hon. Alfred Holt Colquitt, late a Senator from the State of Georgia, be printed, as required by law.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Printing.

Mr. GORDON. I think there will be no objection to the resolution. It is simply the usual order to print eulogies.

The VICE-PRESIDENT. The resolution is referred to the Committee on Printing under the rule, the Chair will state to the Senator.

Mr. GORDON. Very well.

#### PRINTING OF SUNDRY CIVIL APPROPRIATION BILL.

On motion of Mr. COCKRELL, it was

*Ordered*, That there be printed for the use of the Senate 300 additional copies of House bill No. 8518, an act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes, as reported to the Senate February 18, 1895.

#### INTRODUCTION OF REINDEER INTO ALASKA.

Mr. TELLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Interior be directed to transmit a copy of the report of Dr. Sheldon Jackson, with maps and illustrations, upon the work of introducing reindeer into Alaska during the season of 1894.

#### PROPOSED EVENING SESSIONS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Florida [Mr. CALL] coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. CALL, as follows:

*Resolved*, That the Senate meet at the hour of 11 in the morning and remain in session until 5 p. m., then take a recess until the hour of 8 p. m.

Mr. CALL. The resolution may go over.

The VICE-PRESIDENT. Without objection, it is so ordered.

#### COINAGE OF SILVER.

Mr. CALL. If the morning business is over—

The VICE-PRESIDENT. The morning business is not concluded. The Chair lays before the Senate the resolutions of the Senator from Colorado [Mr. WOLCOTT] coming over from a previous day. The resolutions will be read.

The resolutions submitted yesterday by Mr. WOLCOTT were read, as follows:

*Resolved*, That it is the sense of the Senate that the welfare and prosperity of the United States require the enactment of a law for the free and unlimited coinage of silver at the ratio of 16 to 1.

*Resolved*, That in view of the fact that this Congress will expire by law on March 4, and that there are important appropriation bills requiring the attention of the Senate, it is the sense of the Senate that consideration of such a law be not entered upon at this session of Congress.

Mr. HIGGINS obtained the floor.

#### ARKANSAS NORTHWESTERN RAILWAY COMPANY.

Mr. JONES of Arkansas. If the Senator from Delaware will yield to me a moment, I desire to ask unanimous consent to call up the bill (H. R. 8681) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes. The bill has passed the House of Representatives. It is a matter about which the people interested are very much concerned, and it will only take the time to read the bill.

Mr. PLATT. All right.

Mr. JONES of Arkansas. If the Senator from Delaware will kindly yield, I ask for the consideration of the bill.

Mr. HIGGINS. I yield for that purpose.

Mr. CALL. I wish to make an observation. I ask unanimous consent to call up the bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes.

Mr. BUTLER. I object.

Mr. CALL. I will give way to the Senator from Arkansas as soon as the appropriation bill is taken up.

Mr. BUTLER. I object, Mr. President.

Mr. PLATT. The Senator from Delaware [Mr. HIGGINS] has the floor, and has yielded.

Mr. HIGGINS. I am entitled to the floor and yield to the Senator from Arkansas.

The VICE-PRESIDENT. The Chair will submit to the Senate the request of the Senator from Arkansas. Is there objection to the present consideration of the bill indicated by him?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8631) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ORDER OF BUSINESS.

Mr. HIGGINS. Mr. President—

Mr. CALL. I ask the Senator from Delaware to yield to me for a moment.

Mr. HIGGINS. I yield to the Senator.

Mr. CALL. I ask unanimous consent that at the conclusion of the remarks of the Senator from Delaware the bill making appropriations for the expenses of the Indian service during the coming fiscal year may be taken up.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Florida?

Mr. BUTLER. I object, Mr. President.

The VICE-PRESIDENT. There is objection.

Mr. CALL. Then I give notice that at the conclusion of the remarks of the Senator from Delaware I shall move to take the bill up.

Mr. JONES of Arkansas. I desire to say that the friends of the regular order, the pending silver bill, have no disposition to incur the risk of an extra session, and we so stated at the beginning. Developments have shown that while the friends of the measure have a majority in this body, it is impossible to pass the bill at the present late day of the session without incurring very grave danger to the appropriation bills and an extra session. Under these circumstances the friends of the silver measure have authorized me to say that it will not be further pressed at this session of Congress.

#### INCOME RETURNS FOR 1894.

Mr. GORMAN. I wish to enter a motion at this time to reconsider the vote by which the Senate concurred in the report of the committee of conference submitted yesterday by the Senator from Missouri [Mr. VEST] on the joint resolution (H. Res. 273) extending from March 1, 1895, to April 15, 1895, the time for making returns of income for the year 1894. I simply desire to enter the motion at this time, and later in the day I shall endeavor to call it up.

The VICE-PRESIDENT. The motion will be entered.

Mr. VEST. Permit me to say, Mr. President, that that motion in the interests of the people of this country ought to be determined at once. By our action yesterday we notified the public at large, or every taxpayer at least, under the income-tax law, that this matter had been settled, and now, when under the provisions of the amendment we adopted the time is extended to the 15th of April and the taxpayers are preparing their returns daily, to reopen it and leave it all undecided is not right and not just to the taxpayers of the country. The matter ought to be determined now.

Mr. GORMAN. Very well, Mr. President. I did not want to take the Senator from Delaware off the floor for more than a moment. We will determine it, so far as I am concerned, at any moment.

Mr. HIGGINS. I trust the question will not come up now. It can come up after my remarks have been finished.

#### MUNICIPAL IMPROVEMENTS IN THE DISTRICT OF COLUMBIA.

Mr. HARRIS. Will the Senator from Delaware indulge me for a single moment?

Mr. HIGGINS. Certainly.

Mr. HARRIS. I want to ask unanimous consent of the Senate that on to-morrow evening, at such an hour as the Senate may see

proper, it take a recess, agreeing to meet again at 8 o'clock to-morrow night, for the purpose of considering Order of Business 573.

Mr. PLATT. What measure is that?

Mr. HARRIS. The sewer and street extension bill in the District of Columbia. I simply desire to say that the sanitary condition and health of this city, as well as very large pecuniary interests of the people of this city, are involved, and it is vitally important that that bill shall be considered and acted upon in whatever manner the Senate proposes to act upon it at the earliest day possible. I ask unanimous consent for a meeting to-morrow evening at 8 o'clock for the consideration of that bill.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Tennessee?

Mr. ALLEN, Mr. McLaurin, and Mr. Pettigrew. I object.

The VICE-PRESIDENT. Objection is interposed.

Mr. HARRIS subsequently said: I offer a resolution, which I ask may be printed and lie over until to-morrow morning.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read as follows:

*Resolved*, That a night session be held by the Senate, beginning at 8 o'clock on Friday evening, the 22d instant, to consider Senate bill No. 2066, being "A bill to provide for continuing the system of trunk sewers in the District of Columbia, to provide for sewage disposal, to lay out highways, and for other purposes."

Mr. HAWLEY. Will the Senator from Tennessee allow me to make a suggestion? I see the Senator asks for a session Friday evening to consider a bill of which I heartily approve. I call his attention to the fact, however, that that is the evening of the 22d of February, and there are social and other engagements that evening.

Mr. Aldrich. Make it next week some time.

Mr. HAWLEY. So far as I am concerned, any evening will be satisfactory.

Mr. HARRIS. Might it not be well to have it to-morrow evening? The resolution goes over, and I shall ask the Senate to consider it to-morrow morning. I will change the time from Friday evening, the 22d, to Thursday evening, the 21st.

The VICE-PRESIDENT. That modification will be made. The resolution goes over.

#### MISSOURI RIVER BRIDGE.

Mr. ALLEN. Will the Senator from Delaware yield to me for a moment?

Mr. HIGGINS. I will.

Mr. ALLEN. I ask unanimous consent for the present consideration of House bill 8499.

The VICE-PRESIDENT. The title of the bill will be read for information.

The SECRETARY. A bill (H. R. 8499) to authorize the construction of a bridge across the Missouri River in the county of Dakota, in the State of Nebraska, and in the city of Sioux City, in the county of Woodbury, in the State of Iowa.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. FRYE. I object.

The VICE-PRESIDENT. There is objection.

#### YELLOWSTONE RIVER BRIDGE.

Mr. POWER. I ask unanimous consent for the consideration of the bill (H. R. 6750) to authorize the construction of a bridge across the Yellowstone River in the county of Dawson, State of Montana. I will state that a Senate bill in the same terms has been favorably reported by the Committee on Commerce; I therefore ask for action upon the House bill, and if it shall be passed I shall move the indefinite postponement of the Senate bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill indicated by the Senator from Montana?

Mr. ALLEN. I think the bridge bills ought to be considered together. I therefore object.

The VICE-PRESIDENT. There is objection.

#### ADOPTION OF CHILDREN IN THE DISTRICT.

Mr. GALLINGER. I ask the Senator from Delaware to yield to me that I may ask unanimous consent for the consideration of a bill which it is important should be passed. I think it will take but a moment.

Mr. HIGGINS. What is the bill?

Mr. GALLINGER. It is the bill to authorize the adoption of children in the District of Columbia.

Mr. HIGGINS. I yield to the Senator.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 5711) to authorize the adoption of children in the District of Columbia.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. BUTLER. I object.

The VICE-PRESIDENT. There is objection.

Several SENATORS. Regular order!



## COINAGE OF SILVER.

The VICE-PRESIDENT. The resolutions submitted by the Senator from Colorado [Mr. WOLCOTT] are before the Senate, upon which the Senator from Delaware [Mr. HIGGINS] is entitled to the floor.

Mr. HIGGINS. Mr. President, we have a sudden change of scene between last night and this morning as to the status of the silver question in the Senate. The junior Senator from Colorado [Mr. WOLCOTT] offered late last evening his resolutions, which are now the pending order, while this morning the Senator from Arkansas [Mr. JONES] has almost cut the ground from under our feet, by stating that his bill, once so urgent and so necessitous, will not now be pressed to a vote.

I should not feel relieved, Mr. President, of any reason for taking up the time of the Senate were the difference between the resolutions of the Senator from Colorado and the bill of the Senator from Arkansas a vital difference. Instead of that there is a vital concurrence between them. Both are declarations of policy on this momentous question to be met by this body. Of course, the bill of the Senator from Arkansas was neither presented nor urged as legislation, let alone serious legislation. He knows, as we all know, that at this stage of the session it is impossible for such a measure to receive the legislative assent. He knows, as we all know, that in all human probability, if it passed this body, it could not be passed by the other branch of Congress, still less that it could receive the sanction of the Executive. It amounts, therefore, to no more than a declaration of policy, and that is just what the first resolution of the Senator from Colorado is. The resolution is as follows:

That it is the sense of the Senate that the welfare and prosperity of the United States require the enactment of a law for the free and unlimited coinage of silver at the ratio of 16 to 1.

We may well ask, Mr. President, why we are to be vexed with this question at this stage of the public business and of the session? What good is to be accomplished by it? On the other hand, what harm, what vast injury, may be accomplished by it if it be adopted.

I shall not take up the time or weary the patience of the Senate by any rehash of the discussion of the silver question so elaborately considered in the first session of the present Congress, not to say in preceding sessions, but it does become incumbent on us to understand just where this question now stands.

I was surprised at the attitude of the Senator from Arkansas, finding fault or complaining that any discussion should be indulged in by the opponents of his bill or the opponents of this policy; surprised, in the first place, because his bill, it not being serious legislation, was itself but Senatorial discussion, playing for position, possibly a stump speech, not a bill presented with a view to its passage. If, therefore, the Senate is asked to vote on that question and thus make such a declaration, surely it is incumbent upon individual members of the Senate not to let such an utterance of this body go out to the country or to the world without some statement on their part of their belief and of their opinions.

A long time, Mr. President, has elapsed since the repeal of the silver clause of the Sherman Act; a year and nearly four months in time, but a period so pregnant with events, so full of experience on this question, that we have learned to know more about it than we should in any ten years of the previous experience of the world in this regard. During all this time there has been no discussion in this body of the silver question. Now we are asked suddenly to make this declaration, and to remain dumb as to all that has occurred meanwhile.

The passage of the silver purchase repeal act marked the broad lines of difference of treatment of this subject by the two sides of the Chamber. Those on the side I speak for professed to believe—I know I believe, and I think all the others believe—that they are true supporters of the doctrine and the principle of bimetalism. I say that despite the sneers of our friends on the other side of the question, who seem to insist upon it that we are but gold monometallists. On the contrary, our position is made very clear by an example that what we contend for, what our policy is pointed at, is nothing else but the restoration of the state of affairs as it existed before Germany suspended the coinage of silver in 1870 or 1871, and before her action was followed by France and the rest of Europe, and acceded to by the United States when we came to coinage.

Up to that time there had been no silver problem; the world had not been troubled by it. Everywhere, since France had adopted her standard of 15½ to 1 in 1803, silver had been freely coined in all of the mints, except that of England, at that ratio, and the two metals had subsisted as standard money side by side in all the marts of the world. All we ask is that a policy be pursued by the United States which will tend and lead to that result. That is the bimetalism in which we believe. We are not gold monometallists, and we are opposed to, and shall oppose to the very last, silver monometallism.

The two sides took issue on this matter in the fight over the repeal of the silver-purchase act, and, as we all know, it resulted in

the repeal. That was a step momentous in its character, vast in its results, and, as I have said, has been followed by a larger chapter and measure of experience in the year and a quarter which has elapsed since then than in any period of five times its length before in the history of the world.

The measure was, of course, one of experiment. Every such attempt by man in respect to this silver problem since Germany began the process of demonetization has been but one of experiment. It always remains in the experimental stage. Since 1878 we have been coining silver under the Bland-Allison Act until we had accumulated a stock of silver which was very large and quite as much as was presently needed for our purposes. Pressed by the advocates of free and unlimited coinage of silver, in 1890 we passed the purchase act, and under that act this country became the purchaser of 54,000,000 ounces of silver every year, issuing Treasury notes in substitution thereof based upon the bullion in the Treasury, and adding that to our paper money requiring to be redeemed.

A condition of things arose which alarmed the world and alarmed the people of this country. We were called upon to take a new departure. A new departure we did take. We initiated then a great measure of policy on this important subject. The real object, the *raison d'être* of the repeal act, was to serve notice upon Europe that the United States would no longer be the patient ass carrying the silver burden of the world; that they might not expect or hope or look for the mitigation of the exigencies of the silver problem by reason of the United States carrying upon its broad shoulders the whole of this burden. That we had essayed in a tentative way under the Bland-Allison Act, that we assumed with light heart and gay step when we enacted the purchase act. Silver went up to \$1.29 an ounce under the assurances of my friend, the senior Senator from Nevada [Mr. JONES], and then went back until it came to not more than 80 cents per ounce. The silver problem in all its dreadful features remained to perplex and vex and injure mankind. Should we go on to perpetuate it or should we seek to end it, and how should it be ended?

There is no question or difference between the two sides of this Chamber on this subject as to the disease; our diagnosis was the same. The broad difference was as to what the remedy should be. Our friends, the supporters of the free and unlimited coinage of silver by the United States alone, said that that was the remedy. Some of them are the open advocates of silver monometallism, and say that that will be good for the United States and the world; others that the United States by such free coinage will bring silver to a parity with gold at a ratio of 16 to 1 and at a price of \$1.29 per ounce of silver. On the other hand, unwilling to take the risk of such a step, the Senate and the House of Representatives and the President in that great act took the important step which is now attacked by this resolution. We enacted as the policy of this Government, as I said before, that we will no longer play the part of the patient ass carrying the burdens of all the world. We served notice upon Great Britain, upon Germany, upon France, upon all Europe, that they would have to bear and suffer along with us.

The VICE-PRESIDENT. The Senator from Delaware will suspend. The hour of 12 o'clock having arrived, the Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (S. 2642) providing for the issue of bonds, the coinage of silver, and for other purposes.

Mr. JONES of Arkansas. Let the unfinished business be laid aside informally to allow the Senator from Delaware to conclude his remarks.

Mr. GORMAN. Will the Senator from Arkansas permit me?

Mr. JONES of Arkansas. Certainly.

Mr. GORMAN. I must appeal to the Senator from Delaware, as well as the Senator from Arkansas, to cease the discussion at this time. All the great appropriation bills are pending in the Senate or in the committee, and it will be almost impossible to have fair consideration of those bills unless we begin with them now. I must appeal to the Senator in the public interest to give way and permit me to make a motion now, as I was requested to do by the Senator in charge of the Indian appropriation bill, that the Senate proceed to its consideration.

Mr. BUTLER. I shall have to object to that.

Mr. HIGGINS. I shall feel compelled to make my remarks on some other order of business. I never have taken up much time of the Senate in the discussion of any question.

Mr. BUTLER. I think the Senator from Delaware ought to proceed.

Mr. GORMAN. I move that the Senate proceed to the consideration of the Indian appropriation bill.

Mr. BUTLER. I object.

Mr. HIGGINS. I ask who has the floor?

The VICE-PRESIDENT. The Chair will state to the Senator from Delaware that when the hour of 12 o'clock arrived the unfinished business was laid before the Senate. The Senator from Arkansas [Mr. JONES], in charge of that bill, asked unanimous consent that it be laid aside for the present.

Mr. HIGGINS. I object.  
Mr. GORMAN. Mr. President—  
The VICE-PRESIDENT. Will the Senator from Arkansas repeat his request?  
Mr. JONES of Arkansas. My suggestion was that the coinage bill be informally laid aside. I stated a few moments ago in the Senate that in view of the lateness of the session and the necessity for passing the appropriation bills, the friends of the measure having had it before the Senate and having developed the fact that they were in the majority, and the minority presenting a determined opposition to it, it was impossible for us without danger to the appropriation bills to undertake to pass the bill at the present session, and that under those circumstances the friends of the measure would not press it further during this session of Congress.

Mr. SHERMAN. Mr. President—  
Mr. ALLEN. I desire to object—  
Mr. SHERMAN. I trust the Senator from Maryland will allow the Senator from Delaware to proceed and finish his remarks. There is no desire on this side to delay the appropriation bills.

Mr. GORMAN. I appeal to the Senator from Delaware to give way, so that we may proceed with the consideration of the Indian appropriation bill.

Mr. SHERMAN. The Senator from Delaware can finish his speech on that bill.

Mr. GORMAN. And if the Senator from Delaware desires to go on with his speech, well and good. I make that motion.

The VICE-PRESIDENT. The Chair will state that the motion of the Senator from Maryland to proceed to the consideration of an appropriation bill is a privileged motion, and the Chair submits it to the Senate.

Mr. SHERMAN. All right.

Mr. BUTLER. I desire to make a remark in regard to the matter. If the Senator from Delaware will permit me, I will state that the Senator from Maryland in the statement he has just made urges as a reason why the Senate should now proceed to the consideration of the Indian appropriation bill the shortness of time.

Mr. GORMAN. I do.

Mr. BUTLER. And that the appropriation bills might be jeopardized if we do not proceed to their consideration promptly. It must be borne in mind that the Senate devoted nearly two weeks to the consideration of the diplomatic and consular appropriation bill and the Post-Office appropriation bill for no other purpose on earth, as it appeared to me, than to kill time. Now, at this hour, when there are other very important measures which have been clamoring for recognition in this body—

Mr. GORMAN. I must suggest that debate is not in order.

The VICE-PRESIDENT. Debate can proceed only by unanimous consent.

Mr. BUTLER. Then I understand the Senator from Maryland objects to my making this statement.

Mr. GORMAN. I object to debate.

#### INDIAN APPROPRIATION BILL.

The VICE-PRESIDENT. The Chair submits to the Senate the motion of the Senator from Maryland to proceed to the consideration of the Indian appropriation bill.

Mr. BUTLER. On that I ask for the yeas and nays.  
The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. GRAY (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM].

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP]. Were he present I should vote "yea."

The roll call was concluded.

Mr. GALLINGER. I inquire if the junior Senator from Texas [Mr. MILLS] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. GALLINGER. I am paired with the junior Senator from Texas [Mr. MILLS] and withhold my vote.

Mr. DUBOIS. I am paired with the junior Senator from New Jersey [Mr. SMITH].

The result was announced—yeas 55, nays 12; as follows:

YEAS—55.			
Aldrich,	Dixon,	McLaurin,	Pugh,
Allen,	Frye,	McMillan,	Ransom,
Allison,	George,	McPherson,	Roach,
Bate,	Gibson,	Manderson,	Sherman,
Berry,	Gordon,	Mantle,	Squire,
Blackburn,	Gorman,	Mitchell of Oreg.	Teller,
Burrows,	Hale,	Morrill,	Turpie,
Caffery,	Harris,	Palmer,	Veet,
Call,	Hawley,	Pasco,	Vilas,
Carver,	Higgins,	Peffer,	Voorhees,
Chandler,	Hill,	Perkins,	Walsh,
Cockrell,	Hoar,	Platt,	Wilson of Iowa,
Daniel,	Kyle,	Power,	Wilson of Wash.
Davis,	Lodge,	Proctor,	

#### NAYS—12.

Blanchard,	Cameron,	Jones of Ark.	Mitchell of Wis.
Butler,	Faulkner,	Lindsay,	Quay,
Camden,	Huntou,	Martin,	Wolcott.

#### NOT VOTING—21.

Brice,	Gallinger,	Morgan,	Stewart,
Clark,	Gray,	Murphy,	Washburn,
Coke,	Hansbrough,	Pettigrew,	White.
Cullom,	Irby,	Pritchard,	
Dolph,	Jones of Nev.	Shoup,	
Dubois,	Mills,	Smith.	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. HIGGINS. Mr. President, I am only too happy to indicate by my vote on the question of taking up the appropriation bill that I have no disposition at all to delay the speedy passage of the appropriation bills and the discharge by the Senate of its duties at this stage of the session. But on this measure I desire to conclude the very brief remarks I wish to make upon the subject which was lately before the Senate.

As I was stating at the time I was interrupted, the object of the silver purchase repeal act was to force the nations of Europe into the adoption of international bimetalism. That was the remedy of the friends of silver in that regard. We believed that in such action we were its true friends, and my main reason for feeling it necessary that some one on this floor, anyone possibly better than myself, should not permit the vote of two days ago and yesterday in the Senate, in taking up the bill of the Senator from Arkansas for the free and unlimited coinage of silver by the United States to pass without putting upon record the facts which have justified those who voted for the repeal of the purchase act.

Events have been culminating very rapidly lately. Only last week, on Friday and Saturday, the German Reichstag actually adopted a resolution for the calling of another international monetary conference. I do not know whether Senators have considered and realized the great significance of that action. France was the only nation hitherto that was willing to cooperate with the United States or the great powers of the world in calling a conference. Germany always declined. She attended the conferences by her delegates; but call one, never. It was no other than Germany who initiated the demonetization of silver and put upon the world this great problem. We have had the interesting statement from Prince Bismarck that when he did it upon the unification of the German Empire he made a colossal blunder and mistake, and that if he were still the chancellor of that great Empire he would give his influence to the correction of it. That statement was made to Mr. William D. Kelley in the lifetime of the latter, and his son, Count Bismarck, also made the statement to a gentleman who personally told it to me. To-day the resolutions of the Senator from Colorado [Mr. WOLCOTT] and the bill of the Senator from Arkansas [Mr. JONES] come into the Senate in the face of Germany on her knees as the consequence of the great action of the United States in November, 1893, in stopping the further purchase of silver.

How does it stand in England, the great obstruction to the solution of this problem? Germany demonetized silver on the doctrine and idea that because England did not coin silver freely and England was prosperous, therefore if Germany did not coin silver freely Germany would be prosperous. So it all goes back to England. She is the cause of all this trouble. Mr. President, England to-day is sharing in the suffering which the demonetization of silver is putting upon the world.

The disparity of the metals, affecting every nation acutely, affects none more than it does her. What do we see politically as the result? When the Parliament met two or three weeks ago the first test that was made between the two parties contending for the Government, the first question raised by the opposition in reply to the speech from the throne, was a motion in respect of the depression and suffering that is going on in the British Isles. On that question the majority for the Government was but 14, and yesterday the majority for the Government was but 8. Behind those reduced and lowering majorities stands this profound depression brought about in England by the demonetization of silver, which threatens to overthrow the Liberal government and bring in a Conservative government.

Mr. President, this is nothing but currency and commercial war. I do not dispute that the United States is suffering; I do not dispute that we are suffering losses, and grave losses; that it is a heavy weight which our agriculture and our trade are carrying, but was ever war conducted without loss? Our silver-coinage friends year before last charged us with running from the field and doing what foreign countries wanted. On the contrary, the repeal act was a declaration at once of war and of independence. We have brought this very suffering home to every household in



England and the Continent, whatever we may suffer here. But I believe that only by such war can a final solution of this problem be brought about.

The condition of British agriculture is nothing less than pitiful. It does not mean loss to the farmers and laborers alone, but it means the undermining and overthrow of their social structure, a great social revolution. It means the decadence and partial dispersion of the proudest aristocracy now remaining upon earth. But it does not stop with agriculture alone. It reaches every channel of trade, and it is reaching as well finance, manufactures, commerce, shipping—all alike are suffering.

At the time my remarks were interrupted I was about to call attention to the fact that one of the consequences of the purchase repeal act was that England was forced to abandon the coinage of silver in India. She did it in anticipation of our action on the repeal bill. England was told by our distinguished representatives at the Brussels conference that if the conference did not give us either the free coinage of silver or the enlarged use of it, the United States would be compelled to suspend the further purchase of silver. So, expecting that action, the British Government in India did stop the coinage; and the acts of the two governments together consentaneously brought a fall in the price of silver from somewhere in the neighborhood of 80 cents an ounce to what it is to-day, about 59 or 60 cents an ounce. To-day the silver in our American dollar, the standard dollar, is not equal to 50 cents. That is the great problem that is put upon the world.

The Indian government as a consequence of the great fall of silver finds its revenues reduced one-half. It has to make its remittances to England in gold for its fixed charges, interest upon its debt, payment for all that it purchases from England. As a consequence, that government falls off in its revenues enormously and is reduced to a necessitous condition. It has exhausted its famine fund; it has ceased the extension of its railways; it has reduced the payment to its civil service. The condition of the civil service and the members of it, the Englishmen in India, is nothing less than pitiful. They are unable longer to send their children back to England to be educated. They are brought up in India, having to compete with the dark-skinned race in a condition that makes them no better than the pariahs and outcasts with whom they have to compete.

The Indian government has at last been compelled to impose a duty of 5 per cent upon cottons in order to augment its revenue, and at once, in revolt against any such action being committed by the British Government, Manchester rises in its strength and says, "You shall not undertake to impose a duty on our cottons going to India. What have we that dependency for if it is not to keep the mouths of the operatives in Manchester and England filled?" The strength of the English Government over the Indian peoples has been that it has been just and generous and treated them fairly, but at last, through the operation of these causes, she finds the selfishness of the Englishman pitted against the selfishness and the self-interest of the Indian, and the foundation and peace of the British Empire in India is shaken to its base while Manchester is starving.

Our silver friends here insist that it is the gold trust of London that controls everything—the holders of securities, the owners of the \$10,000,000,000 of securities in which Mr. Gladstone says England had invested over the world; but behind and underneath the securities and investments rests trade, prosperous trade, which builds up values and creates them. When you paralyze and destroy trade, whether it be agriculture or manufactures or commerce, you destroy that out of which profitable investment arises. So the investors of the British Empire find that they can not get away from the exigencies of the problem, and England is being brought to her knees. I say the repeal of the purchase act was a commanding act by the American people to control and settle this great problem in the interest of humanity.

Mr. President, if all accounts are not wrong, the Liberal government now tottering to its fall will not get a new lease of life by the elections about to be held in Great Britain. On the contrary, it seems on all sides to be conceded that the Conservatives will come in by a handsome majority. It is an open question as to whether Lord Salisbury will be the premier of that administration or his nephew, Mr. Balfour. The position of Mr. Balfour on the silver question is not unknown. It is open to the world. He is to-day the most conspicuous advocate of the free and unlimited coinage of silver by the British Empire and to all the nations. If he be not the premier of the next administration he will be the leader in the House of Commons. Side by side with him stands Mr. Goschen, chancellor of the exchequer of the last Conservative administration, and one of the greatest financial authorities of that empire which believes in authority and does not go to the cross-roads and backwoods, as America does, to learn about finance. Beside him is not only Mr. Chaplin, but other men of great influence and strength who will come into that government committed, as I believe it will be, to the free coinage of silver by Great Britain.

But the case would lack its peculiar feature of strength if we stopped with British opinion alone. Upon this question, Mr. President, the whole Irish vote hitherto sustaining the Liberal government will be cast with the Conservatives upon this side of the free coinage of silver. Why do I say this? Since the overthrow, and certainly since the death of Mr. Parnell, the uncrowned king of Ireland has been Archbishop Walsh. His interview in the Freeman's Journal, reprinted in a pamphlet and accessible to everyone, and read doubtless by all, is one of the most luminous and powerful expositions of the effect upon agriculture of the present silver problem and the disparity of the metals that has ever been formulated.

Archbishop Walsh calls attention to the fact that the Irish tenant can get an interest in the freehold in two ways—one by having his rent judicially fixed for fifteen years at a certain payment per annum, and the other, that he can purchase the land outright by payment of a fixed charge for forty-nine years and get aid from the Government by way of mortgage upon his lands for the initial payments. He then calls attention to the fact that the tenant thus becoming a tenant for fifteen years at a fixed rental or a purchaser at a fixed payment for forty-nine years has his obligations fixed; while by the continued fall of silver and the continued, consequent, and concurrent fall of grain and the produce of the soil, it takes twice the product of the land to pay the fixed charges. His obligations remain the same while his resources from the land are cut in half; and, stretched upon the rack, he is brought to this dire extremity by the repeal by the present Congress of the purchasing clause of the Sherman Act and the suspension of the coinage in India. I consider that whatever else may be problematic, the certainty is that when the new government comes in you will find all the Irish vote cast with the Conservatives for the free coinage of silver. It will not be as it was in the present government when they proposed such action while Mr. Gladstone still remained premier and were met by his threat that if they pressed their motion he would withdraw from the government. That is all passed. They withhold now because they are giving a free hand to the Liberal government to enact home rule; but with the incoming and Conservative government home rule becomes a matter of agitation and not of legislation, and there is nothing to restrain them any longer from voting for their interest on this great question.

Now, Mr. President, those are the consequences of the repeal of the purchasing clause of the Sherman Act. That is the justification for our conduct, and this is my justification for taking up the time of the Senate this morning in not allowing the resolutions and bill to go to a vote without putting upon record these facts, in order that the country and the world may see the experience under which we are acting and the opinions which govern the conduct of at least some of us on this question.

If it were possible for the resolutions of the Senator from Colorado or the bill of the Senator from Arkansas to be enacted into law in the face of these facts, I ask any friend of silver would it not be untold and preternatural folly to take such a course. If this great Government, this people of 70,000,000, have with gravity and deliberation started out upon a policy and that policy has produced such pregnant results, would you stop midway before it had had an opportunity to carry it out to its complete effects, and in the face of such profound changes of opinion in the great nations of the world, without whom this silver problem can not be entirely settled and solved?

I say if the resolutions and the bill could become law, if it was possible for them to become law, their promoters and supporters might well pause before pressing them to a vote in the light of these facts. But no legislation is proposed. The bill is substantially withdrawn; the resolutions remain, and the vote remains that was taken here two days ago on this subject.

It seems to me, Mr. President, not speaking as an Eastern man, not speaking as one who has assumed to be the custodian of the interests of silver, whether it be of the silver miners or of the debtor class of the community, that it is an act of untold injury to the cause of silver that we shall undertake to cast any doubt or any discredit upon the steadiness of the maintenance of this policy by the Government. That is the great issue that is brought before the Senate and the people. We may pass appropriation bills and avoid extra sessions of Congress. We may go on with our housekeeping; we may oil the machinery of Government; we may fill the mouths of our public servants whom we have in our pay; but, Mr. President, under this whole people now writhing in distress is the issue that is brought up by our repeal of the purchase act by these resolutions, and the bill of the Senator from Arkansas, undertaking to weaken the force of the attack of the 70,000,000 of Americans upon the strong front theretofore presented to us by united Europe.

Mr. President, I rejoice to know that the President of the United States stands as a barrier to the enactment of any such legislation, and that it can not be passed by the House of Representatives. I regret more than I can tell the vote that was taken here two days

ago flippantly and lightly as children going to a May fair, as if on the votes that were cast were not given the momentous weight of this great body and its majority in telling the nations of the world that we were not serious in the act we passed two years ago, and if they only wait long enough we would let up on them and begin silver coinage by ourselves alone, so that India would be relieved from her distress, and Manchester would be relieved from her distress, and English agriculture relieved from its distress, and German agriculture and trade from their distress, and they again would be happy at our expense, and the silver question would not be solved.

Mr. President, it seemed to me in the face of that vote that something was needed to be said here in the teeth of the friends of silver for the sake of silver. I want the free coinage of silver, but I do not want it at 50 cents on the dollar or 50 or 60 cents on the ounce. I want our miners to prosper, but not to prosper at that cost. I want the marvelous resources of the Rocky Mountains and of our mines all to be brought forth at \$1.2929 an ounce, with silver restored to its equality with gold. I want this problem to be solved for the whole world.

It is said that so much silver can be produced that it is no longer of any good as a money metal. The increase in the output of gold is quite as great as the increase in the output of silver, and both together are not as great as the increase of the realm and extent of commercial exchanges of mankind. I believe that we want a solution of this question that shall broaden the coin base of money metals, of money of redemption and money not needed, to be redeemed; that will carry easily the whole superstructure of credit that is needed for the development of the world and its industry and the prosperity of the people. That can not be done, in my belief, by the free coinage of silver by the United States alone. What we want to destroy is the disparity. What we want to rehabilitate is the parity. What we want to make of silver is not a disparaged metal. We do want and we need and the world needs that it shall be as good as gold; and now, when by our act we are bringing about that consummation so devoutly to be wished, we have thrust in our face the bill and the resolutions which are now pending that tend to check it and put it all aside.

Mr. MANDERSON. With the kind permission of the Senator from Delaware, he has reached that part of his remarks where I think it proper to suggest that I have drawn an amendment to the resolutions of the Senator from Colorado, which I understand have gone to the Calendar, that adds to the first section of the resolution the words I beg leave to read. The first resolution is as follows:

*Resolved, That it is the sense of the Senate that the welfare and prosperity of the United States require the enactment of a law for the free and unlimited coinage of silver at the ratio of 16 to 1.*

I propose to add the following proviso:

*Provided, That efforts should be pressed by the United States to induce international bimetallicism, and any legislation for free coinage of silver should provide for the maintenance of the parity between both metals, to which the faith of this country has been repeatedly pledged.*

I ask that the amendment be printed and lie on the table, to be considered if the resolution should come up again for consideration.

The VICE PRESIDENT. It is so ordered, if there be no objection.

Mr. MANDERSON. I introduce it now, as it is in the line of the remarks of the Senator from Delaware.

Mr. HIGGINS. Mr. President, I do not know that I have much more to add to what I have just said. The testimony of the last year and a quarter carries with it great significance and great importance and moment to the people of this country as it does to the world. It becomes apparent that those countries which are under the silver standard alone find that it operates in their foreign trade as a bounty upon exports and a duty upon imports, or rather a protection against imports. That is the result in the Straits Settlements. That is the result in China. That is the result in India except so far as the disparity of the metals is checked in India by the artificial arrangements of the Indian government in attempting to give an artificial value to the rupee such as there is given to our silver dollar, which, as we all know, circulates as of equal value and purchasing power with gold.

Mexico has flourished under the silver standard. Japan has flourished. China has not gone back. The Straits Settlements have gone ahead. Everywhere it operates as a stimulus to manufactures and trade. There would be certain advantages in this country from our going to a silver standard, I am perfectly free to admit; but, on the other hand, we are the borrowers from Europe of an enormous amount of capital used in the development of this great and growing country of ours. We would have those fixed charges to meet in the coin in which we contracted, and we would have put upon us, in the event of our going to the silver standard alone and the continued disparity of the metals, as great a burden as that under which India is groaning in like case now.

Therefore, it seems to me that we ought to let well enough alone; that having taken our course in 1893 in the repeal of the purchasing act, it being impossible to change it by legislation, it

would be wise upon the part of our silver friends not to undertake to weaken the force of that great policy, not to do it in the interest of the cause for which they speak, of the metal of which they have made themselves the champion, and, least of all, that they should do it because they may be disposed to play politics. The best politics, Mr. President, is to stand firmly by the course that was taken by the Congress after great consideration and out of which so much hopefulness has grown, and possibly so much of prosperity will come to this country and to the world.

Mr. CHANDLER. Mr. President, in deference to the prevailing opinion of New England, and because it may be unwise to open our own mints to the unlimited coinage of silver, without concurrent action upon the part of other great nations, I shall vote against the resolution offered by the Senator from Colorado.

But I very much regret that I can not also now vote in favor of some affirmative measure in the direction of bimetallicism, to promote which the Republican party is sacredly pledged by the promises of its national convention in 1892, which, as yet, nothing has been done to redeem.

Bimetallicism, as I understand it, is the use of gold and silver as money metals, each equally entitled to coinage as money in the mints of the bimetallic nations. It is the principle of bimetallicism that with such coinage at a ratio established by a consensus, there can be no inferiority of either metal to the other. Each will always be of the same comparative value with the other. As neither is of great intrinsic value, the market value of both is derived from their use jointly as money metals, and neither can depreciate in value as long as both are used as money. The discoverers and producers of either metal in unusual quantities are entitled to the profits of their enterprises and labors. At one time the proportion of new gold may increase, at another time that of new silver may preponderate; but as time runs the alternations will balance each other, and all the gold and silver, being the coined money of the world, will forever measure all the world's values. This is the bimetallicism to secure and preserve which the Republican party is bound, and from the support of which no Republican can be released without the utterance of a new national convention of his party.

Bimetallicism has been attacked and destroyed by England, the great creditor nation of the world. England's demonetization of silver has been up to this time acquiesced in by the United States. It is folly to say that silver is a money metal merely because we use it for subsidiary coinage and maintain the parity with gold of our present limited quantity of coined silver dollars. As long as our mints are absolutely closed to the coinage of silver bullion we shall be fast approaching a single gold standard; if we have not already reached it. Gold monometallism is our destiny if some affirmative action in another direction is not soon taken.

Against the adoption for America of the single gold standard it is my duty to speak and act, in accordance with the pledges of my party and with the interests of the great mass of the American people, debtors, producers, and property owners.

It may be, it doubtless is, the pathway of strength and honor for the National Government to pay all its existing obligations in gold. But that is a small branch of the pending question. It is agreed by all writers on political economy and the question of money that a diminution in the quantity of the metallic money causes an appreciation of the remainder and produces a fall in the prices of all commodities. If there are \$4,000,000,000 of gold and \$4,000,000,000 of silver in existence, constituting together the world's measure of value, and one-half the quantity is abandoned as a money metal and measure of value, the other half appreciates in value and destruction comes to the values of all other property, while the debts of the world remain unreduced. This brings insolvency to debtors and ruin to business enterprises.

To such a fate the people are now exposed. To what extent other causes than the demonetization of silver have brought about the distressing condition in which this country has found itself for the last two years it is not clear. But I can not avoid the conclusion that the adoption of the single gold standard has helped to produce the impending calamity. It is not, as I have said, a question of paying the public debt, or whether it shall be paid in gold or in silver. That debt is insignificant compared with the thousands of millions of obligations which weigh with crushing force upon the millions of our fellow-countrymen, equal to or greater in amount than they were a few years ago, while in the meantime half the world's money has been stricken from existence, and the prices of all property, from which debtors must derive the means to make their payments, have gone down one-half.

If, with the fall of one-half in the prices of commodities, the debts of the people were also scaled down one-half, we might possibly go forward on a single gold standard to revived business prosperity. But with the debts and the prices as they now are, widespread bankruptcies are, in my belief, to blight and curse the country in the months and years now close at hand, and the return of full prosperity will long be deferred.

Therefore, the people of this Republic will vote against the single gold standard. The time is approaching when it will be



necessary for the Republican party to present some affirmative measures of bimetalism. What those measures shall be must be determined by the wisest members of that party, which is soon to control, by an overwhelming majority, the popular branch of Congress. The bimetalism we have promised must be reached, or steps toward it must be taken, or the American voters will decide between gold monometallism as the one alternative and silver monometallism as the other. It is useless to shut our eyes to the fact that the debtors are more numerous than the creditors, and that the citizens who want prices of property to go up outnumber those who want them to remain as they now are. Bimetalism has been promised to the people of this country. They wait with much impatience for the fulfillment of the pledges solemnly made by both political parties.

Mr. DANIEL. Mr. President, I have but a few words to say on this subject.

Mr. CALL. I hope Senators will remember that the appropriation bill is now before the Senate for consideration. I ask that the bill may be read.

Mr. MANDERSON. We can not hear the Senator from Florida on this side.

Mr. CALL. I say that I hope Senators will remember that the appropriation bill is now before the Senate, and I ask that the Secretary proceed with the reading of the bill. The Senator from Virginia may then make his speech.

Mr. DANIEL. I did not hear the Senator's request.

Mr. CALL. I say the bill making appropriations for the expenses of the Indian service is now before the Senate.

Mr. DANIEL. I was perfectly aware of that fact.

Mr. CALL. It is proper that the bill should be formally laid before the Senate and the reading proceed. Then the Senator from Virginia may upon any motion he may see fit to make proceed to make his remarks.

Mr. DANIEL. Mr. President, I have but a few words to say upon this subject.

Mr. CALL. I will yield to the Senator from Virginia if he desires to proceed now.

Mr. DANIEL. I thought I had the floor.

Mr. CALL. I beg the Senator's pardon.

The PRESIDING OFFICER (Mr. BUTLER in the chair). The Senator from Virginia was recognized by the Chair.

Mr. CALL. Then I rise to a point of order.

The PRESIDING OFFICER. The Senator from Florida will state his point of order.

Mr. CALL. The point of order is that the Indian appropriation bill was by unanimous consent to be taken up at the close of the remarks of the Senator from Delaware [Mr. HIGGINS], and the bill has not yet been formally laid before the Senate.

The PRESIDING OFFICER. The Chair is informed by the clerks that the bill has been formally laid before the Senate for consideration.

Mr. CALL. Then the bill is not in order for discussion until it has been read or some portion of it read, and some objection raised to the text of the bill. I am willing to give way to the Senator from Virginia for a short period of time if he desires it; but I thought it proper that the fact should be recognized that the bill is now before the Senate for action by the Senate.

The PRESIDING OFFICER. The Chair has no right to assume that the Senator from Virginia is not going to address himself to the appropriation bill, and therefore the point of order is not well taken.

Mr. CALL. I desire to say that the point of order is that the bill is not formally before the Senate until the Secretary proceeds with its reading and some action is taken upon it.

The PRESIDING OFFICER. The Chair thinks otherwise, and recognizes the Senator from Virginia.

Mr. HOAR. I appeal from the decision of the Chair. If I may be pardoned, I do not wish to interpose any objection to the Senator from Virginia proceeding, but the Senate, by unanimous consent, agreed that the appropriation bill should be taken up, and it seems to me, with great respect to the occupant of the chair, that the Senator from Florida is right.

The PRESIDING OFFICER. The Senator from Massachusetts is mistaken. The bill was taken up by a vote of the Senate, not by unanimous consent, and it has been laid before the Senate.

Mr. HOAR. Very well; but it has not been read, and it is not open to be discussed until after it has been read. When the Senator from Florida says that he makes no objection, but will yield to the Senator from Virginia for his remarks, I do not think an erroneous ruling on a doctrine of parliamentary law should be resorted to. It is the right of the person having the bill in charge to have it read, if he sees fit, before it is debated, and that has not been done.

The PRESIDING OFFICER. The Chair will state to the Senator from Massachusetts that the bill has been formally laid before the Senate, and the Chair can not assume in advance what will be the character of the remarks of the Senator from Virginia.

Mr. HOAR. That is not the proposition. The proposition of the Senator from Florida was that when the bill is laid before the Senate it must be read at length before the debate proceeds, unless that is waived by unanimous consent.

The PRESIDING OFFICER. The Chair takes a different view of it.

Mr. HOAR. From that I appeal.

The PRESIDING OFFICER. If the Senator from Massachusetts desires to appeal from the decision of the Chair, the Chair will submit the appeal to the Senate.

Mr. CALL. In order to avoid any difficulty about it, if the Senator from Virginia makes the request, I yield to him.

Mr. DANIEL. I probably should have concluded my remarks before this time but for the desire of Senators to make these small points. If I have the floor, I will proceed, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia [Mr. DANIEL].

Mr. DANIEL. Mr. President, I propose to address a few words in reply to the able speech which has just been made by the Senator from Delaware [Mr. HIGGINS]. He has drawn a dismal and pitiful picture of the distress now pervading the civilized world, and with an air of triumph—

Mr. TURPIE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Indiana?

Mr. DANIEL. I decline to yield. I can not be interrupted in the midst of a sentence.

Mr. TURPIE. I was about to appeal to the Senator from Virginia to allow me to submit a resolution.

Mr. DANIEL. I must decline to yield. I should be very glad to gratify the Senator from Indiana in extending any courtesy in my power; but I do not think, when Senators get up to make a few remarks, especially those who have drawn but very lightly upon the attention of the Senate, that they should be interrupted in the midst of a sentence by appeals at this hour.

The PRESIDING OFFICER. The Senator from Virginia declines to yield.

Mr. DANIEL. I was about to say that the Senator from Delaware had drawn a dismal and pitiful picture of the distresses which are now pervading the civilized world. They are widespread, and I might say extend "from Greenland's icy mountains" to "India's coral strand," and, with an air of triumph, the Senator has said "this is our justification for the repeal of the Sherman law," as if devastation and ruin were one of the prime objects of legislation. While that Senator has called attention to starving Manchester and to confused and degraded India, he has told us but little of the distress which pervades our own country, and flows partially at least from that ill-conceived and ill-considered action. It was not with the prophecy that distress would be its result that that act was repealed.

There sat by the side of the Senator when he uttered those sentences the leader of the repealers (the senior Senator from Ohio), and there, on the records of the Senate, is his brilliant and rosy prophecy that if the Senate would consent to follow his leadership prosperity would return to this country in ten days; it was to be instantaneous, and it was to come through the restoration of confidence. Boards of trade and commercial bodies from all parts of this land predicated their appeal to the Senate to repeal that law upon very different grounds from those which the Senator now refers to with an air of triumph.

The last time I had the honor to say a word upon the financial subject to the Senate was on the 14th day of September, 1893, when I undertook to predict what would be the consequences of that act. I appeal to the records of a gloomy history to show that every prophecy which was made by those who opposed its unconditional repeal have been fulfilled, and that not a single prophecy of those who clamored for it has been fulfilled.

In the first place, Mr. President, I predicted then that the unconditional repeal of the Sherman law would be followed by the further decline in the price of silver bullion and consequent increased difficulty of its restoration. That prophecy has come true.

In the next place, I predicted that it would be followed by a further decline of prices of property, of produce, and of securities. The so-called confidence, which was to pour a golden flood over the country, did not come, but falling prices have continued in an unbroken stream.

In the next place, I predicted that that repeal would be followed by the decline of our national, our State, and our municipal revenues. We know how this has immediately and continuously taken place. In his report for 1893 the Secretary of the Treasury estimated that the expenses of the Government for the fiscal year ending June 30, 1894, would exceed the receipts by \$28,000,000. Time wore on. There was a deficit of \$69,803,260. That is \$41,803,260 in excess of the calculation. In his report of December 3, 1894, the Secretary of the Treasury estimated the deficit for the current fiscal year at \$20,000,000. At the end of January the deficit was \$34,754,290, and falling revenues, which have

attended the last dire results in India, have occurred in the United States, and now, as we are told by the President, we confront a predicament. State, county, and city revenues have manifested similar conditions.

In the next place, I predicted that the repeal of the Sherman law would inevitably be followed by the increase of taxes. After that act had been repealed Congress was assembled to revise the tariff taxes; and lo! the internal-revenue taxes had to be increased in order to supply the deficit, and a tax upon raw sugar had to be imposed in order to prevent a greater deficit. Now, a deficit, a fall in revenues, and an increase of taxes are still problems which confront us.

In the next place, I predicted that it would probably necessitate the increase of the public debt. Let the \$162,000,000 of additional debt, which is now to be paid out of the revenues of an overstrained and overburdened people, be the answer to that prophecy.

In the next place, I predicted that, instead of stopping the withdrawal of gold from this country, the gold drain would continue. Senators have time and again upon this floor, and the public press throughout the country in some quarters, have endeavored to make the American public believe, and have probably themselves been of the opinion, that it was the condition of our currency which led to the throwing of European securities upon the American market, and it was alleged by them that if you would only repeal the Sherman law instead of foreign securities being continuously thrown upon the American market, the stream of gold would flow from England and from Europe to replenish our diminishing stock.

No sooner had that act become a law than foreign securities were heaped upon the American market in increasing quantities in anticipation of catching the rise in price, which it was predicted would at least momentarily ensue; and still gold goes away in a continually ebbing tide from our shores and foreign securities continue to seek a market in America. It was not in consequence of our disordered currency that foreign securities were being thrown upon our market; it was because of the disordered condition of the Old World, in which she, being hard up for money, was obliged to sell what she had in order to get money. Great Britain was obliged to throw her securities upon the market to sustain her investments in South America, in Australia, and in all quarters of the globe, and that fact, misinterpreted by our superficial financiers, led to a false diagnosis of the case, and the surgeons have plunged the knife into the patient, who only needed their kind and nursing care.

In the next place, I predicted that it would strengthen the cause of monometallism, and that immediately it would be claimed by those who struck down the Sherman law that now we had gone to a gold standard, and must proceed. "No," they said, "not so; we stand up here in the Senate and pledge ourselves that just so soon as this law is repealed we will bring forward a bill to restore silver." Mr. President, that was a year and a quarter ago. The sands in the glass mark the near approach of the time when the party which came into power in triumph, with every department of the Government in its control, will depart from power. It is true a bill has been presented, but at so late an hour that no man anticipates its passage, and the Democratic party, which came into power charged by the American people with a task and with a pledge of coining both gold and silver without discrimination, and of taking the tax off State banks, is about to retire from power with neither pledge redeemed.

So urgent were those Senators who were of the same opinion as the Senator from Delaware to repeal that act that they attached to it their solemn pledge for the continued coinage of silver, and there it is registered upon our statute books the solemn pledge of the American Congress, signed and approved by our President, that that should be done. Is good faith to creditors the only good faith that honest men are bound by? Is there no good faith of American representatives to the American people who make them trustees of the sovereign powers that reside in them? Are promises to pay money to be held up before us, and are promises to provide money wherewithal that payment may be made to be ignored?

In the next place, Mr. President, I predicted then that that assault upon our bimetallic system would be followed by an effort to withdraw the greenback, and that the difficulty which the country confronted with the Sherman law in existence would be intensified by repealing that law without putting a substitute in its place.

If I may be permitted to do so, I shall read a few words from the speech which on the 14th of September, 1893, I had the honor here to make:

As soon as the Sherman law was repealed it would be immediately claimed that all of our silver money was a mere subsidiary money, to be redeemed in gold.

Our stock of gold in the Treasury available for redemption purposes is about \$100,000,000, and it is now charged with the redemption of \$112,000,000 of uncovered paper money. In addition to this, it would be instantly charged with the redemption, also, of some \$600,000,000 of silver certificates and silver dollars, making over \$1,000,000,000 of subsidiary money resting on a gold basis of \$100,000,000, or an inflation of a billion of paper money on the unbankable basis of 10 to 1.

If there be lack of confidence now in silver money, would not that lack of confidence be immediately intensified? Would it be possible for this slender and overstrained stock of gold to redeem this vast volume of other money? Might not the shock which we now feel be merely a tremor compared to that which would possibly result from the contraction of our metallic base, it being impracticable with present resources in gold to support the redemption of so large a volume of money? Confronting that condition, two alternatives would be presented to us to follow:

1. The Congress and the President would be urged to withdraw the greenback circulation of \$346,000,000, an idea which was recommended by Daniel Manning when Secretary of the Treasury, and which may now lurk behind the silent statement who demand unconditional repeal of the Sherman Act and no more, although none are bold enough to say that it was the cause of this trouble.

2. If this further contraction of our currency, with all the miseries in its train with which we are familiar, is not the mysterious plan behind this movement, then the increase of the national debt must become the other inevitable alternative.

In order to provide gold to save the Treasury, should there be a rush of silver or greenbacks for redemption, the issue of bonds would be proposed. Will confidence then be restored when the already overtaxed gold resources are thus assailed? On the contrary, confidence will be weakened, and those who have been urging the President to order or recommend the issue of bonds to provide gold will renew their demand, and it must be granted or the attempted gold system will collapse and fall and bury the honor of our country in its ruins.

There, Mr. President, in these fulfilled predictions is my justification and the justification of the Democrats and Republicans upon this floor who coincided with me for not voting to repeal the purchasing clause of the Sherman law without providing before its repeal for a system which should take its place; and if it be any pleasure to the Senator from Delaware, or to those who are acting with him, to point to the miseries of mankind in India, in Great Britain, and in America, and say, "This is our justification," then, sir, he is welcome to all the comfort he can get out of it and to all the praise which he may elicit from his so-called justification.

Mr. President, I did not cling to the Sherman law because I was in favor of it per se. I knew at the time it was enacted that it was a mere makeshift, and I predicted the consequences that would flow from it. But then was the hour when the new system should have been organized and acted upon; then was the accepted time, when in majority in both Houses and a Democratic President in the White House, the party was fully empowered to keep its pledges, to preserve its faith with a great people who had intrusted it, and to substitute their own wise and considerate legislation for the makeshifts of Shermanism. They allowed the timely hour to pass, and to-day their action can only be justified in such language as has been employed by the Senator from Delaware, who points with pride and satisfaction and comfort to the miseries of mankind.

Mr. COCKRELL. I ask unanimous consent that the amendments reported by the Committee on Appropriations may be acted upon as they are reached in the reading of the bill, and that the committee amendments be first considered before other amendments are offered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The reading of the bill will be proceeded with.

The Secretary proceeded to read the bill, and read to the end of the clause in line 8, page 2, providing for the pay of an Indian agent at Cheyenne River Agency, S. Dak.

Mr. PLATT. I suppose none but committee amendments are now in order.

Mr. COCKRELL. That was the understanding.

Mr. PLATT. I think when the bill shall have been read through I should like to propose a change in the name of the agency in line 7.

Mr. CALL. Let the committee amendments be considered first.

The reading of the bill was resumed and continued to the end of the clause, line 19, page 5, making provision for the pay of an Indian agent at the Sisseton Agency, S. Dak.

Mr. KYLE. I should like to know whether individual amendments are now in order?

The PRESIDING OFFICER. They are not.

Mr. KYLE. Not until the reading of the bill is finished?

The PRESIDING OFFICER. That is correct.

The reading of the bill was resumed. The first amendment of the Committee on Appropriations was, on page 6, line 13, before the word "hundred," to strike out "six" and insert "five;" so as to make the clause read:

At the Western Shoshone Agency, Nev., \$1,500.

The amendment was agreed to.

The next amendment was, on page 6, line 18, before the word "hundred," to strike out "six" and insert "five;" so as to make the clause read:

At the Yankton Agency, S. Dak., \$1,000; in all, \$86,500.

The amendment was agreed to.

The next amendment was, on page 7, line 17, after the word "one," to strike out "Indian school superintendent" and insert "superintendent of Indian schools;" so as to make the clause read:

For pay of one superintendent of Indian schools, \$3,000.

Mr. VEST. Is that an amendment of the committee?



Mr. COCKRELL. It is simply a change in the name. The other House used the language "one Indian school superintendent," which is not the proper designation. It should be "one superintendent of Indian schools." The amendment does not change the salary or anything else except simply to give the officer his proper designation.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 7, after line 18, to insert:

For pay of one secretary to the superintendent of Indian schools, to be employed by him, \$1,000.

The amendment was agreed to.

The next amendment was, on page 7, line 23, after the word "schools," to insert "and his secretary when necessary," and in line 24, before the word "dollars," to insert "five hundred;" so as to make the clause read:

For necessary traveling expenses of one superintendent of Indian schools, and his secretary when necessary, including telegraphing and incidental expenses of inspection and investigation, \$1,500.

The amendment was agreed to.

The next amendment was, on page 9, line 2, after the word "dollars," to insert:

And no person shall be employed as such farmer or stockman who has not been at least five years immediately previous to such employment practically engaged in the occupation of farming.

So as to make the clause read:

To enable the Secretary of the Interior to employ practical farmers, and practical stockmen, in addition to the agency farmers now employed, at wages not exceeding \$75 each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, \$70,000, and no person shall be employed as such farmer or stockman who has not been at least five years immediately previous to such employment practically engaged in the occupation of farming.

The amendment was agreed to.

The next amendment was, on page 9, line 7, after the word "each," to insert "of Indian police;" so as to read:

For services of officers, at \$15 per month each, and privates at \$10 per month each, of Indian police, to be employed in maintaining order.

The amendment was agreed to.

The next amendment was, on page 11, line 7, before the word "treaty," to insert "same;" so as to make the clause read:

For pay of physician and teacher, as per thirteenth article of same treaty, \$2,000.

The amendment was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. JAMES KERR, its Clerk, announced that the House insisted upon its amendment to the bill (S. 864) for the relief of Mrs. Evalyn U. Van Vliet disagreed to by the Senate, agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN of Indiana, Mr. FIELDER, and Mr. MEIKLEJOHN managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 2130) for the relief of Abraham O. Waucop;

A bill (H. R. 4941) for the relief of Don Carlos Buell;

A bill (H. R. 5206) for the relief of Robert B. Tubbs;

A bill (H. R. 8327) to authorize the Wisconsin and New Duluth Bridge Company to construct a bridge over the St. Louis River between the States of Wisconsin and Minnesota;

A joint resolution (H. Res. 237) authorizing the Secretary of the Navy to donate to the Oregon State Soldiers' Home, at Roseburg, Oreg., certain cannon, etc.; and

A joint resolution (H. Res. 277) in reference to the free zone along the northern frontier of Mexico and adjacent to the United States.

The message further announced that the House had passed a concurrent resolution authorizing the Clerk of the House to enroll the title of House joint resolution No. 209 so as to read, "Joint resolution authorizing the Secretary of War to deliver condemned cannon to Asher Gaylord Post, Grand Army of the Republic, of Plymouth, Pa.; to the William H. Tarbee Post, Grand Army of the Republic, of McGrawville, N. Y.; to the Eckley B. Coxie Post, Grand Army of the Republic, of Freeland, Pa., and to the R. Carpenter Post, Grand Army of the Republic, of Chelsea, Mich.;" in which it requested the concurrence of the Senate.

#### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 2521) to amend the charter of the Metropolitan Railroad Company of the District of Columbia; and it was thereupon signed by the Vice-President.

#### MISSOURI RIVER BRIDGE.

Mr. ALLEN. I ask the Senator in charge of the appropriation bill to permit me to call up House bill 8499, which can be passed without discussion. I ask unanimous consent for that purpose.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Florida yield to the Senator from Nebraska?

Mr. CALL. Is there any special reason why the bill should be passed at this time?

Mr. ALLEN. There are special reasons why it should be passed.

Mr. CALL. I will yield if it leads to no debate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8499) to authorize the construction of a bridge across the Missouri River in the county of Dakota, in the State of Nebraska, and in the city of Sioux City, in the county of Woodbury, in the State of Iowa.

Mr. ALLEN. There is an amendment.

Mr. QUAY. What is the bill?

The PRESIDING OFFICER. It is a bill for the consideration of which the Senator from Nebraska asked unanimous consent.

Mr. FRYE. I will state to the Senator from Pennsylvania that it is a bill which I objected to this morning, and since then an agreement has been reached between the various parties by the amendment which is about to be read. It authorizes the construction of a bridge at Sioux City.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Strike out section 7 and insert:

This act shall take effect in one year after its approval, and shall be null and void if actual construction of the bridge be not commenced within one year and completed within three years from the date it takes effect.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ALLEN. I move that the Senate request a conference with the House of Representatives upon the bill and amendment.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. GORMAN, Mr. CULLOM, and Mr. FRYE were appointed.

#### YELLOWSTONE RIVER BRIDGE.

Mr. POWER. Will the Senator from Florida yield to allow me to call up and finish the consideration of a bill which was read this morning?

Mr. CALL. I yield if it leads to no debate.

Mr. POWER. It will lead to no debate. I ask for the present consideration of the bill (H. R. 6750) to authorize the construction of a bridge across the Yellowstone River, in the county of Dawson, State of Montana.

Mr. GORMAN. Does the Senator from Florida yield for the consideration of this bill?

Mr. CALL. I consented that these two bills, which were in an unusual condition, might be considered. We were interrupted by a message from the House of Representatives.

The PRESIDING OFFICER. Is there objection to the consideration of the bill indicated by the Senator from Montana?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The bill (S. 2426) to authorize the construction of a bridge across the Yellowstone River, in the county of Dawson, State of Montana, will, without objection, be indefinitely postponed.

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 19th instant approved and signed the act (S. 2595) to establish a life-saving station at or near City Point, Boston Harbor, Massachusetts.

#### CONDEMNED CANNON.

The PRESIDING OFFICER (Mr. GRAY in the chair) laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved by the House (the Senate concurring). That in the enrollment of the joint resolution (H. Res. 209) entitled "Joint resolution authorizing the Secretary of War to deliver condemned cannon to Asher Gaylord Post, Grand Army of the Republic, of Plymouth, Pa., and to Eckley B. Coxie Post, Grand Army of the Republic, of Freeland, Pa.," the Clerk of the House be authorized and directed to enroll the title thereof so as to read as follows: "Joint resolution authorizing the Secretary of War to deliver condemned cannon to Asher Gaylord Post, Grand Army of the Republic, of Plymouth, Pa.; to the William H. Tarbee Post, Grand Army of the Republic, of McGrawville, N. Y.; to the Eckley B. Coxie Post, Grand Army of the Republic, of Freeland, Pa., and to the R. Carpenter Post, Grand Army of the Republic, of Chelsea, Mich."

#### HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2130) for the relief of Abraham O. Waucop;

A bill (H. R. 4941) for the relief of Don Carlos Buell; and

A bill (H. R. 5306) for the relief of Robert B. Tubbs.

The joint resolution (H. Res. 227) authorizing the Secretary of the Navy to donate to the Oregon State Soldiers' Home, at Roseburg, Oreg., certain cannon, etc., was read twice by its title, and referred to the Committee on Naval Affairs.

The joint resolution (H. Res. 277) in reference to free zone along the northern frontier of Mexico and adjacent to the United States was read twice by its title, and referred to the Committee on Finance.

#### INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, on page 13, line 12, after the word "relief," to insert "and civilization;" in line 13, after the word "Minnesota," to insert "approved January 14, 1889;" and in line 16, after the word "act," to insert "reimbursable;" so as to make the clause read:

This amount as advance interest to the Chippewa Indians in Minnesota, as required by section 7 of "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, to be expended under the direction of the Secretary of the Interior, in the manner required by said act, reimbursable, \$90,000.

The amendment was agreed to.

The next amendment was, on page 13, line 20, after the word "Minnesota," to strike out "and for other purposes;" so as to make the clause read:

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an act entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889, namely, the purchase of material and employment of labor for the erection of houses for Indians; for the purchase of agricultural implements, stock, and seeds, breaking and fencing land; for payment of expenses of delegations of Chippewa Indians to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools; for subsistence and for pay of employees; for pay of commissioners and their expenses, and for removal of Indians and for their allotments, to be reimbursed to the United States out of the proceeds of sale of their lands, \$50,000.

The amendment was agreed to.

The next amendment was, on page 17, line 8, after the word "flannel," to strike out "shirt" and insert "skirt;" so as to make the clause read:

For twenty-seventh of thirty installments, to supply each female, 700 in number, over 12 years of age, with a flannel skirt, or the goods necessary to make the same, a pair of woolen hose, 12 yards of calico, and 12 yards of cotton domestic, as per same article, \$4,000.

The amendment was agreed to.

The next amendment was, on page 20, line 19, before the word "treaty," to insert "of;" so as to make the clause read:

#### MOLELS.

For pay of teachers and for manual-labor schools, and for all necessary materials therefor, and for the subsistence of the pupils, per second article of treaty of December 21, 1855, \$3,000.

The amendment was agreed to.

The next amendment was, on page 20, line 24, before the word "treaty," to insert "of;" so as to make the clause read:

#### NEZ PERCES.

For salaries of two matrons to take charge of the boarding schools, two assistant teachers, one farmer, one carpenter, and two millers, per fifth article of treaty of June 9, 1863, \$6,000.

The amendment was agreed to.

The next amendment was, on page 21, line 9, after the word "Indians," to insert "\$17,000," and in line 13, after the word "Montana," to strike out "\$17,000;" so as to make the clause read:

For twenty-seventh of thirty installments, for purchase of clothing, as per sixth article treaty of May 10, 1866, including clothing for above Indians, \$17,000: *Provided*, That the amount in this and the preceding paragraph shall be expended pro rata, as near as may be, for the Northern Cheyennes and Arapahoes in Wyoming and on the Tongue River in Montana.

The amendment was agreed to.

The next amendment was, on page 22, line 4, before the word "treaty," to insert "of;" so as to make the clause read:

#### PAWNEES.

For perpetual annuity, at least one-half of which is to be paid in goods and such articles as may be deemed necessary for them, per second article of treaty of September 24, 1857 (permanent), \$30,000.

The amendment was agreed to.

The next amendment was, on page 22, line 16, before the word "treaty," to insert "of;" so as to make the clause read:

For purchase of iron and steel, and other necessities for the shops, as per fourth article of treaty of September 24, 1857, \$500; in all, \$47,100.

The amendment was agreed to.

The next amendment was, on page 23, line 13, before the word "treaty," to insert "of," and in line 15, before the word "treaties," to insert "of;" so as to make the clause read:

For permanent provision for payment of money in lieu of tobacco, iron, and steel, per second article of treaty of September 24, 1857, and tenth article of treaties of June 5 and 17, 1846, \$107.34.

The amendment was agreed to.

The next amendment was, on page 23, line 19, before the word "treaty," to insert "of;" in line 21, before the word "treaty," to insert "of," and in line 22, before the word "treaty," to insert "of;" so as to make the clause read:

For permanent provision for three blacksmiths and assistants, and for iron and steel for shops, per third article of treaty of October 16, 1826; second article of treaty of September 20, 1828, and second article of treaty of July 20, 1829, \$1,008.90.

The amendment was agreed to.

The next amendment was, on page 24, line 1, before the word "treaty," to insert "of;" so as to make the clause read:

For permanent provision for 50 barrels of salt, per second article of treaty of July 29, 1829, \$156.54.

The amendment was agreed to.

The next amendment was, on page 25, line 11, after the word "education," to insert "during the pleasure of the President;" so as to make the clause read:

#### QUAPAWS.

For education, during the pleasure of the President, per third article of treaty of May 13, 1833, \$1,000; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, \$500; in all, \$1,500.

The amendment was agreed to.

The next amendment was, on page 25, line 19, before the word "treaty," to insert "of;" in line 21, before the word "treaty," to insert "of;" in line 24, before the word "treaty," to insert "of;" on page 26, line 1, after the word "forty-two," to insert "\$40,000;" and in line 4, after the word "medicine," to strike out "\$40,000;" so as to make the clause read:

#### SACS AND FOXES OF THE MISSISSIPPI.

For permanent annuity, in goods or otherwise, per third article of treaty of November 3, 1804, \$1,000; for interest on \$200,000, at 5 per cent, per second article of treaty of October 21, 1837, \$10,000; for interest on \$800,000, at 5 per cent, per second article of treaty of October 11, 1842, \$40,000: *Provided*, That the sum of \$1,500 of this amount shall be used for the pay of a physician and for purchase of medicine; in all, \$51,000.

The amendment was agreed to.

The next amendment was, on page 26, line 9, before the word "treaty," to insert "of;" so as to make the clause read:

#### SACS AND FOXES OF THE MISSOURI.

For interest on \$157,400, at 5 per cent, under the direction of the President, per second article of treaty of October 21, 1837 (permanent), \$7,870.

The amendment was agreed to.

The next amendment was, on page 26, line 12, before the word "treaty," to insert "of;" so as to make the clause read:

For support of a school, per fifth article of treaty of March 6, 1861, \$200; in all, \$8,070.

The amendment was agreed to.

The next amendment was, on page 26, line 18, before the word "treaty," to insert "of;" so as to make the clause read:

#### SEMINOLES.

For 5 per cent interest on \$250,000, to be paid as annuity, per eighth article of treaty of August 7, 1856, \$12,500.

The amendment was agreed to.

The next amendment was, on page 26, line 22, before the word "treaty," to insert "of;" so as to make the clause read:

For 5 per cent interest on \$250,000, to be paid as annuity (they having joined their brethren west), per eighth article of treaty of August 7, 1856, \$12,500.

The amendment was agreed to.

The next amendment was, on page 27, line 2, before the word "treaty," to insert "of;" so as to make the clause read:

For interest on \$50,000 dollars, at the rate of 5 per cent per annum, to be paid annually for the support of schools, as per third article of treaty of March 21, 1866, \$2,500.

The amendment was agreed to.

The next amendment was, on page 27, line 12, before the word "treaty," to insert "of;" so as to make the clause read:

For permanent annuity, in specie, per fourth article of treaty of September 20, 1817, \$500.

The amendment was agreed to.

The next amendment was, on page 27, line 15, before the word "treaty," to insert "of;" so as to make the clause read:

For permanent annuity, in specie, per fourth article of treaty of September 17, 1818, \$500.

The amendment was agreed to.

The next amendment was, on page 27, line 18, before the word "treaty," to insert "of;" and in line 23, before the word "treaty," to insert "of;" so as to make the clause read:

For permanent annuity, for blacksmith and miller, per fourth article of treaty of February 28, 1851, to be annually paid to them as a national fund, to be expended by them for such articles and wants and improvements in agriculture as their chiefs (with the consent of their agent) may designate, as stipulated in the seventh article of treaty of February 23, 1867, \$1,600.

The amendment was agreed to.

The next amendment was, on page 28, line 1, before the word "treaty," to insert "of," and in line 3, before the word "treaty," to insert "of;" so as to make the clause read:

For permanent annuity, in specie, per fourth article of treaty of September 17, 1818, and fifth article of treaty of February 23, 1867, \$500.

The amendment was agreed to.

The next amendment was, on page 28, line 6, before the word



"treaty," to insert "of," and in line 7, before the word "treaty," to insert "of;" so as to make the clause read:

For blacksmith and assistants, shops and tools, iron and steel, per fourth article of treaty of July 20, 1831, and fifth article of treaty of February 23, 1867, \$530; in all, \$3,690.

The amendment was agreed to.

The next amendment was, on page 29, line 3, before the word "treaty," to insert "of," and in line 4, before the word "treaty," to insert "of;" so as to make the clause read:

#### EASTERN SHAWNEES.

For permanent annuity, in specie, per fourth article of treaty of September 17, 1818, and fifth article of treaty of February 23, 1867, \$500.

The amendment was agreed to.

The next amendment was, on page 29, line 7, before the word "treaty," to insert "of," and in line 8, before the word "treaty," to insert "of;" so as to make the clause read:

For blacksmith and assistant, shops and tools, iron and steel, per fourth article of treaty of July 20, 1831, and fifth article of treaty of February 23, 1867, \$530; in all, \$1,030.

The amendment was agreed to.

The next amendment was, on page 29, line 17, before the word "treaty," to insert "of;" so as to make the clause read:

#### SHOSHONES AND BANNOCKS.

Shoshones: For twenty-sixth of thirty installments, to purchase suits of clothing for males over 14 years of age; flannel, hose, calico, and domestics for females over the age of 12 years, and such goods as may be needed to make suits for boys and girls under the ages named, as per ninth article of treaty of July 3, 1868, \$10,000.

The amendment was agreed to.

The next amendment was, on page 30, line 6, before the word "treaty," to insert "of;" so as to make the clause read:

Bannocks: For twenty-sixth of thirty installments, to purchase suits of clothing for males over 14 years of age; flannel, hose, calico, and domestics for females over 12 years of age, and such flannel and cotton goods as may be needed to make suits for boys and girls under the ages named, as per ninth article of treaty of July 3, 1868, \$5,000.

The amendment was agreed to.

The next amendment was, on page 30, line 9, before the word "treaty," to insert "of;" so as to make the clause read:

For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of treaty of July 3, 1868, \$5,000; in all, \$20,000.

The amendment was agreed to.

The next amendment was, on page 30, line 14, before the word "treaty," to insert "of;" so as to make the clause read:

#### SIX NATIONS OF NEW YORK.

For permanent annuity, in clothing and other useful articles, per sixth article of treaty of November 11, 1794, \$4,500.

The amendment was agreed to.

The next amendment was, on page 30, line 23, before the word "treaty," to insert "of;" so as to make the clause read:

SIoux OF DIFFERENT TRIBES, INCLUDING Santee Sioux of Nebraska. For twenty-sixth of thirty installments, to purchase clothing for males over 14 years of age; for flannel, hose, and calico, and domestics required for females over 12 years of age, and for such flannel and cotton goods as may be needed to make suits for boys and girls, per tenth article of treaty of April 29, 1868, \$125,000.

The amendment was agreed to.

The next amendment was, on page 31, line 3, before the word "persons," to strike out "ten thousand;" so as to make the clause read:

For twenty-sixth of thirty installments, to purchase such articles as may be considered proper by the Secretary of the Interior, at \$20 per head, for persons engaged in agriculture, \$160,000.

The amendment was agreed to.

The next amendment was, on page 31, line 15, after the word "agency," to insert "and in the employment of such blacksmith and harness maker preference shall be given to Indians;" so as to make the clause read:

For pay of additional employees at the several agencies for the Sioux in Nebraska and Dakota, \$20,000, \$800 of which shall be used to employ an additional blacksmith at Cheyenne River Agency, and \$800 of which shall be used to employ a harness maker at said agency, and in the employment of such blacksmith and harness maker preference shall be given to Indians.

The amendment was agreed to.

The next amendment was, on page 31, line 21, after the words "seventy-seven," to insert "\$1,000,000;" in line 24, after the word "steamboat," to insert "transportation;" and on page 32, line 4, after the word "account," to strike out "\$1,000,000;" so as to make the clause read:

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February 23, 1877, \$1,000,000: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation; and in this service Indians shall have the preference in employment: *And provided further*, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account.

The amendment was agreed to.

The next amendment was, on page 32, line 8, before the word "same," to insert "of;" so as to make the clause read:

For pay of second blacksmith, and furnishing iron, steel, and other material, per eighth article of same treaty, \$1,000.

The amendment was agreed to.

The next amendment was, on page 32, line 21, after the word

"much," to insert "thereof;" and in line 24, after the word "South Dakota," to insert "in all, \$1,398,500;" so as to make the clause read:

For support and maintenance of day and industrial schools, including purchase, erection, and repairs of school buildings, in accordance with article 7 of the treaty of April 29, 1868, which article is continued in force for twenty years by section 17 of the act of March 2, 1889, \$75,000; \$5,000 of which, or so much thereof as shall be necessary, may be expended by the Secretary of the Interior for the construction of an artesian well at the Indian school at the Cheyenne River Indian Agency, S. Dak., and \$5,000 of which, or so much thereof as shall be necessary, may be expended by the Secretary of the Interior for the construction of an artesian well at the Indian school at Crow Creek Agency, S. Dak.; in all, \$1,398,500.

The amendment was agreed to.

The next amendment was, on page 33, line 3, after the word "article," to insert "of;" so as to make the clause read:

For twenty-sixth of thirty installments, to purchase clothing for males over 14 years of age; for flannel, hose, and calico, and domestics required for females over 12 years of age, and for such flannel and cotton goods as may be needed to make suits for boys and girls, per tenth article of treaty of April 29, 1868, \$125,000.

The amendment was agreed to.

The next amendment was, on page 37, line 13, after the word "ninety-two," to insert "\$5,000," and in line 18, after the word "reservations," to strike out "\$5,000;" so as to make the clause read:

For fourth of ten installments, to be expended, under the direction of the Secretary of the Interior, in the removal of the Spokane Indians to the Coeur d'Alene Reservation, in erecting suitable houses, in assisting them in breaking lands, in furnishing them with cattle, seeds, agricultural implements, saw and grist mills, thrashing machines, mowers, clothing, and provisions; in taking care of the old, sick, and infirm; in affording educational facilities, and in any other manner tending to their civilization and self-support, as per article 5 of agreement with said Indians dated March 18, 1867, ratified by act of Congress approved July 13, 1892, \$5,000: *Provided*, That any moneys heretofore or hereafter to be appropriated for the removal of said Spokane Indians to the Coeur d'Alene Reservation shall be extended or expended to such members of the tribe who have removed or shall remove to the Colville or Jocko reservations.

The amendment was agreed to.

The next amendment was, on page 37, line 24, after the word "For," to strike out "second" and insert "third;" so as to make the clause read:

For third of ten installments of \$100 each, to Chiefs Louis, Paul Schulhauff, Antarcham, and Enoch, as per article 9 of said agreement, \$400; in all, \$7,400.

The amendment was agreed to.

The next amendment was, on page 38, line 6, after the word "sixty-three," to strike out "\$720;" and in line 8, after the word "thousand," to insert "seven hundred and twenty;" so as to make the clause read:

#### CONFEDERATED BANDS OF UTES.

For pay of two carpenters, two millers, two farmers, and two blacksmiths, as per tenth article of treaty of October 7, 1863, and fifteenth article treaty of March 2, 1868, \$6,720.

The amendment was agreed to.

The next amendment was, on page 38, line 21, after the word "potatoes," to insert "or other necessary articles of food;" so as to make the clause read:

For annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food, as per twelfth article of same treaty, \$30,000.

The amendment was agreed to.

The next amendment was, on page 39, line 6, before the word "treaty," to insert "of;" so as to make the clause read:

#### WINNEBAGOES.

For interest on \$804,909.17, at 5 per cent per annum, per fourth article of treaty of November 1, 1837, and joint resolution of July 17, 1862, \$40,245.45; and the Secretary of the Interior is hereby directed to expend said interest for the support, education, and civilization of said Indians.

The amendment was agreed to.

Mr. ALLEN. I should like to ask the Senator in charge of the bill how he expects the Secretary of the Interior to expend this money in the civilization of the Indians. I refer to the provision on page 39, to provide for the payment of interest on certain Indian indebtedness, which says:

And the Secretary of the Interior is hereby directed to expend said interest for the support, education, and civilization of said Indians.

I should like to ask the Senator if there is any restriction upon the expenditure of this money.

Mr. CALL. That provision is for the support, education, and civilization of the Indians. That is the language used in all these provisions for the expenditure of money made by such appropriations.

For interest on \$804,909.17, at 5 per cent per annum, per fourth article of treaty of November 1, 1837, and joint resolution of July 17, 1862, \$40,245.45; and the Secretary of the Interior is hereby directed to expend said interest for the support, education, and civilization of said Indians.

I will say to the Senator that that is the language of the treaty and it is the language used on all occasions in all the acts of Congress on this subject.

Mr. ALLEN. I think that the language employed is altogether too broad. "Civilization" embraces all things. It embraces support and education of all kinds. I think there ought to be some restriction placed upon the Secretary of the Interior in the expenditure.

Mr. CALL. What amendment does the Senator suggest?

Mr. ALLEN. I suggest that there be stricken out—

The PRESIDING OFFICER. The Senator will please suspend

for a moment. The Chair will state that by unanimous consent the bill was to be read through and the committee amendments first considered. The amendment of the Senator from Nebraska will be in order after that arrangement has been carried into effect.

Mr. ALLEN. I did not know but that by calling the attention of the committee to this matter it might be corrected now by striking out the words "and the civilization of said Indians" and inserting the word "and" between the words "support" and "education;" so as to read:

And the Secretary of the Interior is hereby directed to expend said interest for the support and education of said Indians.

Mr. CALL. We can not do that now. We had better let the reading of the bill proceed.

The PRESIDING OFFICER. The reading will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 40, line 7, after the word "Superior," to insert "Wisconsin;" so as to make the clause read:

For support and civilization of the Chippewas of Lake Superior, Wisconsin, to be expended for agricultural and educational purposes, pay of employees, including pay of physician, at \$1,200, purchase of goods and provisions, and for such other purposes as may be deemed for the best interests of said Indians, \$7,125.

The amendment was agreed to.

The next amendment was, on page 40, line 14, after the word "Chippewas," to insert "Minnesota;" so as to make the clause read:

For support and civilization of Chippewas of Red Lake and Peppina tribe of Chippewas, Minnesota, and for pay of employees, \$10,000.

The amendment was agreed to.

The next amendment was, on page 40, line 24, after the word "Chippewas," to insert "North Dakota;" so as to make the clause read:

For support and civilization of Turtle Mountain band of Chippewas, North Dakota, including seeds, \$13,000.

The amendment was agreed to.

The next amendment was, on page 41, line 7, after the word "Flatheads," to insert "Montana;" so as to make the clause read:

For support and civilization of Carlos's band of Flatheads, Montana, including pay of employees, \$12,000.

The amendment was agreed to.

The next amendment was, on page 41, line 11, after the word "tribes," to insert "Montana;" so as to make the clause read:

For support and civilization of the Flatheads and other confederated tribes, Montana, including pay of employees, \$10,000.

The amendment was agreed to.

The next amendment was, on page 41, line 19, after the word "dollars," to insert "of which sum \$25,000 shall be immediately available;" so as to make the clause read:

For support and civilization of the Indians in Arizona and New Mexico who have been or may be collected on reservations in Arizona and New Mexico, \$25,000, of which sum \$25,000 shall be immediately available.

Mr. HAWLEY. I desire to get some information in regard to the paragraph now proposed to be amended from Senators most familiar with the matter, especially from the honorable Senator from Colorado on my left [Mr. TELLER], formerly Secretary of the Interior.

For several months many of us received numerous letters from highly respectable sources, including among them societies organized for the benefit of the civilization of the Indians, representing that there was very great danger that many of the Navajoes would be starving this winter. The Navajoes are a very capable people, numbering about 18,000. Before they were what may be called subjugated they were a pastoral people, doing something with crops and having large flocks of sheep and herds of horses. They have retained those flocks and herds, and have increased them. I do not pretend to say how many thousand sheep they now own, but their wool crop is very well known and their ancient ingenuity in weaving very valuable blankets is still more well known. Nevertheless, the question of irrigation is a very serious one with them. The dry season takes away the crops of corn and prevents them from obtaining the usual crop.

In short, for these and other reasons not necessary to mention, it was believed by very many people that there was serious danger of actual starvation amongst those Indians. Capt. Constant Williams, an officer of the Army, who was detailed to be Indian agent for these tribes and to look after the Indians in Arizona and New Mexico, but more especially he was connected with the Navajoes, represented not that those Indians were actually starving perhaps, but that there was indeed serious danger; that there were many instances of great suffering.

I, and I presume others like me, made inquiries of the Commissioner of Indian Affairs. I was told that the starvation of the Navajoes was practically impossible because they are thorough-going communists, and as long as there is a single sheep surviving it is the property equally of each one of those 18,000 people. Nevertheless one can imagine them as being separated in the winter; and scattered somewhat widely, and there might be squads or small bands of them who would be very much in danger of suf-

fering. But the danger was represented not only by Capt. Constant Williams in formal and temperate dispatches of his own, but by urgent letters from missionaries and private citizens, who were more or less familiar with the matter. So that, as a matter of fact, many of our people believed the Indians were in a starving condition, and there were considerable contributions and sums of money sent there for disbursement among those who were in special danger. The reports we could get from the Commissioner of Indian Affairs and the Secretary of the Interior, who were both entirely reasonable and obliging, so far as communicating information was concerned, and what was said by private parties unofficially in respect to the condition of these people, were conflicting, and there appeared to me to be considerable danger. I was told that the Department would relieve this tribe to some extent by purchasing their wonderful blankets.

Mr. President, the Navajo blanket, which those Indians manufacture, is a very beautiful and expensive article, and is a matter of great time, and could only be regarded as profitable where time practically is no element in the question. Those blankets are very fine indeed, but I can not conceive of a people resorting hastily to the sale of Navajo blankets to get bread for to-morrow. That was decidedly a weak suggestion. What has resulted from it has been an assurance to some of us from the Secretary of the Interior that the Indians should not be allowed to starve; and also it results in the lines in italics here on page 41—

Of which sum—

That is, \$225,000—

\$25,000 shall be immediately available.

I understand—and I should be glad to have authentic or, I might say, official assurance of it—that the object of making that special use of the \$25,000 is to put that sum of money at the command of the Secretary of the Interior, who may use it wherever it may be necessary to prevent starvation.

I call attention to these matters and refer to my friend on my left [Mr. TELLER], partly that I may be able to send some copies of the RECORD containing the report of these proceedings to the good people in different States who have been very much alarmed lest the Government should be cruel and neglectful in this matter.

Mr. TELLER. Mr. President, the Navajoes are substantially self-supporting, and have been for a great many years, the Government only making appropriations for the agency employees and a small amount for medical and other supplies or something of that kind, amounting, I think, generally heretofore to about \$70,000 a year.

These Indians in the early part of the war went on the warpath and were severely chastised by Col. Kit Carson, who subdued them, took them prisoners, brought them in and kept them in a camp for some years, and in 1868 they were put on their present reservation. The reservation has been increased in size from time to time as the population has increased. There were about 12,000 Indians at the time they were put on the reservation, and now it is supposed they number from eighteen to twenty thousand.

In 1868 or 1869—I speak from recollection, but I believe about that date—the Government put them on this reservation and furnished them with a quantity of sheep and goats. There was an appropriation made of about \$300,000 for their support; and when that was exhausted they were left to their own resources. They have done very well. They have taken care of themselves, multiplied their flocks, and cultivated the ground where they could, the country really not being very good agriculturally, being destitute of water. It is a region of country which can only be cultivated by the aid of irrigation. But they have raised some supplies, not very much, it is true, during the last three years, for there has been in that section of the country a very great drought, and they have been short of feed for their sheep, cattle, and horses. The cattle are not numerous, but the Indians have quite a large number of sheep.

I do not myself believe that they are in danger of starving, but the House committee did provide, over and above the usual appropriation for these Indians in Arizona and New Mexico, \$25,000 extra. The Senate committee proposes to make that amount immediately available, so that the Commissioner of Indian Affairs may at once use it. The Commissioner was before the committee and stated that he would be able to see that the Indians did not starve.

Two or three years ago, perhaps two years ago, there was an appropriation made for irrigating purposes of about \$60,000. That is now being expended, and the Indians are being employed to do that work. That relieves them to some extent, as they get wages, and with this appropriation, I have no doubt, they will come through all right, because they will have some cattle and some sheep and a number of horses left.

The suggestion that these Indians could make blankets and sell them in time to accomplish anything this year was not very valuable. The ordinary blanket made by the Navajoes is a work of time. I suppose none of those blankets is made under six or eight months, and many of them require a year in construction. Their



time is not valuable and the work is all done by hand in the most primitive manner, as primitive, probably, as that used by any people in the world. They use the shuttle made by staking out on the ground a loom, pounding the threads in by hand, shoving them through the wool, the filling, and the warp, and then pounding them up. The squaw always does that work, the Indian men never engage in it, and it takes a great length of time. They can not be relieved in that way. They can be relieved by this money if it is necessary that they should have relief. I very much doubt, although I think these Indians are in some destitution, whether it will be necessary to expend any considerable sum of money for their support.

I had recently a letter from a gentleman who is very well acquainted with and takes a great interest in these Indians calling my attention to the fact that they were in want; that the low price of wool last year had prevented them from realizing as much as usual, but he did not indicate that they would be in a starving condition immediately.

I believe when this bill becomes a law the Department will be well equipped to see that there is no real suffering. Indians will go hungry very frequently and will suffer severely before they will kill their sheep. These Indians will not want. They are self-supporting. I regard it as extremely desirable that they should remain so, and that they should only have Government support and food when it becomes absolutely necessary. They have never been dependent upon the Government except at the time when we took them off the country in which they had been from time immemorial and held them as prisoners of war. I remember well a conversation I had with Kit Carson, in which he told me that he made an attack upon the settlement of these Indians, who were then located below where they now are, in a more fertile region; that he went into their cornfield near daylight, when it was dark, and he had not succeeded by sundown in cutting down the corn that these Indians had planted. That must have been in 1864 or 1865. When their corn and supplies were so destroyed that they could not live, and they surrendered to the Government, as I said before, the Government kept them for some time, and then sent them to this reservation.

The PRESIDING OFFICER. The question is on the adoption of the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 42, line 8, after the word "Indians," to insert "Indian Territory," so as to make the clause read:

For support and civilization of the Kansas Indians, Indian Territory, including agricultural assistance and pay of employees, \$2,500.

The amendment was agreed to.

The next amendment was, on page 42, line 13, after the word "Makahs," to insert "Washington;" so as to make the clause read:

For support and civilization of the Makahs, Washington, including pay of employees, \$4,000.

The amendment was agreed to.

The next amendment was, on page 43, line 5, after the word "dollars," to insert:

Provided, That this amount be divided pro rata among all the members of said tribe in the Indian Territory and in South Dakota.

So as to make the clause read:

For support and civilization of the Ponca Indians, including pay of employees, \$15,000: *Provided*, That this amount be divided pro rata among all the members of said tribe in the Indian Territory and in South Dakota.

Mr. ALLEN. I want to call the attention of the Senate to the fact that this amendment ought to be modified so as to insert the word "Nebraska."

It now reads:

*Provided*, That this amount be divided pro rata among all the members of said tribe in the Indian Territory and in South Dakota.

The words "and in the State of Nebraska" should be inserted.

The amendment should embrace that portion of the Ponca Indians residing on the Nebraska side, amounting to several hundred.

Mr. CALL. I have no objection to that amendment.

Mr. ALLEN. Then let the proviso be amended so that it will read:

*Provided*, That this amount be divided pro rata among all the members of said tribe in the Indian Territory, South Dakota, and in the State of Nebraska.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 43, line 7, after the word "Territory," strike out "and in," and after the word "Dakota" insert "and in the State of Nebraska;" so as to make the proviso read:

*Provided*, That this amount be divided pro rata among all the members of said tribe in the Indian Territory, South Dakota, and in the State of Nebraska.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

Mr. CHANDLER. I desire to ask the Senator from Florida in charge of the bill to state what is the meaning of the committee amendment. As the appropriation of \$15,000 comes from the other House it is "for the support and civilization of the Ponca Indians, including pay of employees." That amount, of course, is to be expended in a discretionary way for supporting the Indians, for bringing about their civilization, and certain employees are to be paid from it. That, I suppose, is an intelligible system, and the usual one, but the amendment of the committee entirely changes that system, and makes the appropriation not one for pay of employees, not one for the support of the Indians, not one for the civilization of the Indians, unless they choose to civilize themselves. It is simply a pro rata payment to the Indians; the same amount of money to each one of them.

I do not know whether the proviso reported by the committee would confine the payment to the males of the tribe or whether it would include the women and children, but it is head money which is appropriated, so much per capita to each member of the tribe in the Indian Territory and South Dakota. Now, the Senator from Nebraska [Mr. ALLEN] has the Ponca Indian in Nebraska included. I ask the Senator from Florida whether it is really the intention of the Senate committee to take this amount away from the Secretary of the Interior which in his discretion he can use to pay employees, to support the Indians, and to aid in various and proper methods in civilizing them, and provide that the \$15,000 shall be distributed per capita among the Ponca Indians wherever they may be found, without any responsibility on the part of the Interior Department either for the pay of the employees or for the support or civilization of the Indians unless they choose to use this money to civilize themselves instead of using it for purposes not conducive to civilization. I wish to have an explanation from the Senator from Florida as to why the committee have inserted the proviso.

Mr. CALL. The chairman of the committee can answer the question more in detail than I can. The Ponca Indians, so far as I am informed, require very little in the way of agents and employees, and the remainder of this money is chiefly to be distributed amongst them, I presume, after the sums which are now authorized by law for the agents and employees shall have been deducted. Perhaps the language might be a little more definite than it is, and probably an amendment to the amendment would be acceptable.

Mr. ALLEN. I did not hear all the remarks of the Senator from New Hampshire, but I wish to say that a part of the Ponca Indians have a reservation in the State of Nebraska right across from the South Dakota line. The amendment reported by the committee would not embrace that portion of the Ponca tribe without expressly including the State of Nebraska.

Mr. CHANDLER. While the clause as it came from the other House without the amendment reported by our committee would cover all of the tribe wherever found?

Mr. ALLEN. Yes, sir.

Mr. CALL. The Senator from Nebraska and the Senator from New Hampshire are at cross purposes. The Senator from Nebraska moved to amend the proviso by inserting the words "in the State of Nebraska." That cures that difficulty. The inquiry of the Senator from New Hampshire is in respect to the language of the amendment—whether it excludes the employment of any portion of this money for the payment of agents and employees and provides that it shall go per capita among the Indians. I do not think that is the intention of the amendment. Perhaps there might be some necessity to amend the language.

Mr. ALLEN. I simply wish to explain to the Senator from New Hampshire that putting the name "Nebraska" in the amendment embraces all the territory on which the Ponca Indians are to be found. They are in the Indian Territory, in South Dakota, and in Nebraska, and nowhere else.

Mr. CHANDLER. I understand that very well. The proposition of the Senator from Nebraska is quite right. As long as the clause stood "the Ponca Indians," it provided for them wherever they might be found. As soon as the amendment of the committee undertook to locate them, of course the Senator from Nebraska wanted those in Nebraska included.

But the amendment of the committee is all wrong. Here are several pages of appropriations for the support and civilization of the Indians. The appropriations go right along, page after page, paragraph after paragraph, in similar language—for the support and civilization, including the pay of employees. Now, here are the Ponca Indians. I do not know whether or not the Ponca Indians are entitled to support and civilization. The Senator from Connecticut [Mr. PLATT] intimated to me a few minutes ago that those Indians were not entitled to any appropriation, but if they are entitled to an appropriation it is for their support and civilization, including the pay of the employees.

When the Committee on Appropriations say that so much money shall go as head money to all the members of the tribe, they utterly change the character of the appropriation. Instead of giving the

Interior Department \$15,000 with which to aid the Indians and to pay the employees to help take care of them, the committee are proposing to make a pro rata distribution of \$15,000 among the members of the tribe. There is no ground shown by the committee for making any such change. Why should not the same provision be put in the twenty-five or thirty paragraphs? Why should not all the amounts that are to be used by the Secretary of the Interior for the support and civilization of Indians, in accordance with existing methods, be changed, so that they shall be a mere money distribution to all the Indians of the tribes, and let them support and civilize or uncivilize themselves as they see fit?

Mr. PLATT. Does the Senator from New Hampshire understand that the \$15,000 is to be taken and divided pro rata among all the individual Ponca Indians wherever they may be found?

Mr. CHANDLER. That is the language.

Mr. PLATT. I ask the Senator in charge of the appropriation bill if he so understands it?

Mr. CALL. I do not. I think the language might be made a little more definite.

Mr. PLATT. I think it ought to be, so that there can be no possibility of such a construction.

Mr. CALL. I will say that the language is that of the present law for the current year. It simply follows that act. I think the criticism of the Senator from New Hampshire is correct to some extent, and that the proviso should be amended so that the residue, after paying for the necessary employees authorized by law, should be divided per capita among the Indians.

The object of the provision, I understand, is to enable the Indians to progress in their civilization, to provide them with necessary means, sometimes in the line of agriculture, sometimes stock, and for such personal uses as may be necessary for persons who are beginning to be civilized. I shall not object to making the language more definite. It simply follows, however, the language of the existing law in this respect.

Mr. PLATT. I understand from the Senator from New Hampshire that while I was temporarily out of the Chamber he said he understood from me that the Ponca Indians were not entitled to the proposed appropriations. I did not intend to be so understood. What I intended to say was that the appropriation as recommended by the committee amendment conforms to what has hitherto been done for the Ponca Indians; that is, the Indians in Kansas and South Dakota have had the benefit of the appropriation, while the suggestion to include the Ponca Indians in Nebraska is entirely new. I do not know anything about the circumstances.

Mr. PETTIGREW. I should like to inquire of the Senator in charge of the bill if this is the only appropriation made for the Ponca Indians? Will he also give the number of members of this tribe?

Mr. CALL. I do not find in the report of the Commissioner of Indian Affairs for 1893 the number of Ponca Indians. They are scattered in several portions of the country, and there is no statement here that I see as to the number. It is stated that the number of Poncas at the Ponca, Pawnee, and Otoe Agency is 578. Those who dress wholly in citizens' clothes are given at 410; the Indians who can read, 160; the Indians who can use English enough for ordinary conversation, 200; dwelling houses built by the Indians themselves during the year, 2; those occupied by Indians during the year, 100; and Indian apprentices, 5.

Mr. PETTIGREW. I should like to ask also whether the committee amendment intends to divide the money per capita among those Indians?

Mr. CALL. The amendment is intended to provide that after paying the employees and agents authorized by law at that agency the residue shall be paid the Indians per capita to aid them in the general business of life.

Mr. PETTIGREW. Is it to be paid to them in cash?

Mr. CALL. Oh, yes.

Mr. PETTIGREW. And not in annuity goods.

Mr. CALL. It is to be paid to them in money as a part of their annuity.

Mr. PEPPER. The wording of the amendment is somewhat unfortunate, and I suggest to the Senator from Florida a change. I will read the proviso as I propose to change it, and I will then suggest to the clerks where the amendment comes in:

*Provided, That this amount be apportioned among the divisions of said tribe in the Indian Territory, South Dakota, and Nebraska, according to the number in each division.*

I submit that that is what the Senator desires. There are quite a number of Ponca Indians in the Indian Territory, and quite a number in South Dakota and in Nebraska. I understand the committee want to divide a certain sum among the different divisions in the different localities.

Mr. CALL. I think more definite than that which the Senator suggests is the language inserted on motion of the Senator from Nebraska [Mr. ALLEN]. It reads:

*Provided, That this amount shall be divided pro rata among all the mem-*

*bers of the Indian tribe in the Indian Territory, in South Dakota, and in Nebraska.*

In altering this provision we should use language with precision. This has been the law for some years. The committee have followed it. There was no suggestion of any change. I have accepted the amendment of the Senator from Nebraska because if it should prove to be the case that the Nebraska Indians ought not to be included we shall have that information from the Secretary of the Interior before the bill passes. But in respect to the point suggested by the Senator from Kansas the language adopted is quite as definite as that which he proposes, dividing the amount among all the members per capita in the Indian Territory, in South Dakota, and in Nebraska.

Mr. PEPPER. I understand that the language proposed by the committee would be a per capita distribution of the money to the individual Indians without reference to their organized body. The Ponca Indians in the Indian Territory are, I know, organized. They have agents there. They have persons assisting them in learning the art of farming, etc. I suppose it is the same way in Nebraska and South Dakota. That being true, I understand the committee desires to place a certain amount among the several divisions.

Mr. CALL. Per capita, and pay it to the Indians. I submit to the Senator from Kansas that there have been great abuses growing out of the payment of the money to any others than directly to the Indians entitled to it. I suppose for that reason this language has been followed, in order that there might not be any payment to persons who would misuse the money, and so that it would go direct to the Indians. I submit to the Senator that is a better plan than to pay it to the heads of the organization.

Mr. PEPPER. With this discussion I have no doubt we now understand one another.

Mr. PETTIGREW. This provision to pay these Indians is an innovation. The practice has been among all the Sioux, and these are a part of the Sioux Indians, to pay them in annuity goods, to buy clothing and provisions, and distribute it among them. Why is an exception proposed to be made in relation to the Poncas? They are no more civilized than the other tribes of Sioux Indians. They reside, a part of them, in Nebraska and South Dakota. A part of them were removed by force to the Indian Territory many years ago. In fact, I think all of them were removed by force. Afterwards a portion of them returned overland, refusing to remain in the Indian Territory, but a few did remain. How far they may have progressed in civilization I do not know, but as to the Poncas of South Dakota and Nebraska, they are no further advanced than the other Sioux.

I am glad, however, to see the committee adopt this course and propose to pay in cash. The same rule ought to be applied to every Sioux Indian. If we are going to advance them in civilization we must place some responsibility on them; and instead of having at every agency a loafers' camp of 300 or 400 or 3,000 or 4,000 Indians who simply lie around doing nothing, waiting for issue day, we must teach them the use of money and the value of its preservation.

Several years ago the Senate adopted an amendment to the Indian appropriation bill to pay, to commute the rations and issue of clothing of these Sioux Indians and pay them in cash, but the Department refuses to take steps to advance these Indians in civilization and in the responsibilities of life. It continues to herd them upon a reservation, keeping them in indolence, feeding and clothing them until they have come to think that they are the wards of the Government, and that no further effort on their part is ever required or will ever be necessary. How are you going to make citizens of people who are pursuing a course of that sort? How are they, without responsibility, going to be other than paupers and mendicants, absolutely dependent upon our support and assistance? Civilization can never exist among them. Barbarism and worse than barbarism must be their fate. No matter what effort your missionaries may make they can give to them nothing that will take the place of the ability and the desire to care for themselves.

I say I am glad to see this change with regard to the Poncas, and before we get through with the consideration of the bill I shall offer amendments to apply the same provision to every Sioux tribe. The people of South Dakota are vitally interested in this question. These Indians are to become under the Dawes Act citizens of that State, entering into our politics, helping to control its affairs, and shaping its destiny. Therefore we are interested more than anyone else in this country in seeing that they are advanced in civilization and that they shall learn the value of property and how to preserve it. It seems to me after all there is nothing—no education at Carlisle, no education anywhere—that will take the place of learning the lesson of frugality. You may take them to Carlisle and varnish them over with a supposed and pretended civilization, but without learning the value of property and its individual ownership they return to the tribe only to sink in many cases, and



in almost every instance, lower in the grade of civilization than their wild brothers upon the plains.

Mr. CALL. I have in my hand the report of the Commissioner of Indian Affairs containing the report of the agent in regard to the Poncas in Nebraska. The report says:

The Poncas living near Niobrara, a village of several hundred inhabitants partake somewhat of the vices of the border element, but not to the extent one would suppose from a people only partially civilized. A few of them, as among whites, are scoundrels, but the majority of the band do not countenance rowdiness. The majority are industrious, and cultivate more land and care for their crops in a better and more farming-like manner than the Santees. They are good workers, but lack the prudence and foresight of the majority of white farmers, apparently thinking that "sufficient unto the day is the evil thereof." They appear to lack in judgment as to the value of money or merchandise, and will sometimes ask an exorbitant price for any article they may have for sale; and again, if needing a little money, will almost give a thing away in order to get it.

There is improvement in their mode of dealing since taking land in severalty, and the contact of white farmers is having a good effect. This year, instead of selling their grass upon the ground for a trifle, they are cutting and stacking more hay than any former year and holding it for sale until winter, when hay commands a better price.

The language found in the bill has been in the Indian appropriation bills for ten years, and according to the report of the agent and the report of the Commissioner the provision has worked very well. These Indians are improving; they are becoming more self-supporting; and from the statements made they have exhibited a good deal of economy and skill in farming. So, I submit to the Senator from South Dakota it would not be very wise to alter this provision, it having been made for ten years and apparently having had a good effect.

Mr. ALLEN. I should like to ask the Senator from Florida what he reads from.

Mr. CALL. I read from the report of the Commissioner of Indian Affairs for 1893.

Mr. ALLEN. I desire to observe that that is an illustration of the falsehoods which get into our Department reports. I personally know much about these Indians, as does the Senator from South Dakota. Their reservation in Nebraska was in the judicial district over which I had the honor to preside, and much of their litigation was determined in that court. I have been among them. I know something about them. I have seen them daily. The Ponca Indian in Nebraska is exactly as the Santee Sioux Indian, as the Rosebud Sioux, and all the kindred bands up the Missouri River. They are all a semicivilized set of people, decidedly shiftless, resulting, I dare say, from the manner in which they have been treated. They have learned to believe that they have a right to depend upon the Government. They cultivate the land to a very limited extent. If you give one of them a piece of land he cultivates it very indifferently. Frequently he moves off of it and goes along the rivers and creeks and begins fishing and trapping. The statement read from the report by the Senator from Florida is wholly incorrect.

Mr. CALL. I ask the Senator from Nebraska when he was at this agency?

Mr. ALLEN. I was there less than eighteen months ago.

Mr. CALL. Can the Senator say that the statement made by this agent, that they have cultivated more grass and saved more grass and stacked more grass this year than in any previous year, is not true?

Mr. ALLEN. I can say that, because the grass has not grown there to be stacked and cut.

Mr. CALL. This report was made in 1893.

Mr. ALLEN. I do not care whether it was made in 1893 or any other year. It is not correct.

Mr. CALL. Does the Senator say there is no grass there at all?

Mr. ALLEN. There was some grass there that year, but not any more than previously.

Mr. CALL. The report does not state that there was any more.

Mr. ALLEN. Their lands are not grass lands; they are hill lands. They live upon the mountain side. You might call them mountains down in Florida. They are most of them uncultivated hillsides. Of course you can occasionally find a piece of decent land. I want to say to the Senator from Florida that the Ponca Indian, like the Santee Sioux and the Brule Sioux and all that class of Indians, is a wild man, and you can not make a first-class citizen of him. You might as well undertake to tame a prairie chicken. A great many of us tried that when we were boys, but it can not be done; they will not domesticate, and these Indians will not domesticate except in a feeble and partial way.

Mr. CALL. The Committee on Appropriations have not had the advantage of the knowledge of the Senator from Nebraska upon this bill for the last ten years, and consequently they have made this appropriation as they have provided for other Indians. I see nothing in what the Senator says to contradict the statement of the agent. It may not be a grass country and yet there may be grass saved there, and the Indians may be progressive. That is what we have been trying to do with all of them. I see nothing in these criticisms on the subject. If it be hopeless to improve the Indians let the whole system be abandoned. The language in

this part of the appropriation bill is just what has been inserted for the last ten years with the approval of all the authorities we are in contact with and whom we have any right to consult.

Mr. CHANDLER. I suggested to the Senator from Florida the inquiry whether it was intended to make a per capita distribution of this money among the members of the Ponca tribe. The Senator from Florida says he understands that that is to be the plan, and the Senator from South Dakota approves of that method of using this money. The Senator from South Dakota says the same rule should be adopted as to all the other appropriations for the support and civilization of the various Indian tribes. If that be the case, in order to save the pay of employees under the appropriation for the Ponca Indians, I shall move an amendment so as to make the proviso read:

That this amount after paying employees shall be divided per capita among all the members of said tribe in the Indian Territory and in South Dakota and Nebraska.

That will make explicit the purpose which the Senator from Florida says he desires to accomplish, and it will also save the pay of the employees under the appropriation for the Ponca Indians, which would otherwise be taken away by the language of the amendment as it stands.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from New Hampshire submit that amendment?

Mr. CHANDLER. Is the amendment of the Senator from Nebraska to the amendment of the committee pending, or has it been adopted?

The PRESIDING OFFICER. It has been adopted, the Chair is informed.

Mr. CHANDLER. Then I move to insert after the words "that this amount" the words "after paying employees shall be divided per capita."

Mr. PASCO. May I ask the Senator from New Hampshire a question?

Mr. CHANDLER. Let the amendment be stated first.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. After the word "amount" strike out the words "be divided per capita" and insert "after paying employees, shall be divided per capita;" so as to make the proviso read:

Provided, That this amount, after paying employees, shall be divided per capita among all the members of said tribe in the Indian Territory, South Dakota, and in the State of Nebraska.

Mr. CALL. I suggest to the Senator that he add the words "authorized by law;" so as to read, "employees authorized by law."

Mr. CHANDLER. Certainly; that would be right.

The PRESIDING OFFICER. The amendment to the amendment will be so modified.

Mr. PASCO. I wish to ask who these employees are, and whether there will be any employees in case the money is distributed pro rata. I suppose the employees are for the purposes of the mission to aid in civilizing the Ponca Indians, but if there is no mission and the money is to be divided pro rata what will be the necessity to have any employees?

Mr. CHANDLER. I will endeavor to answer the Senator from Florida. All these appropriations, as the Senator will notice, for these various tribes are for support and civilization, including pay of employees. Under the new system there will be employees authorized by law, as the Senator from Florida [Mr. CALL] says. They will be paid, and they will render such services as, according to the scheme of the Indian Department, may be useful. Then, after paying the employees authorized by law, the money will be divided per capita among the members of the tribe, which the Senator from Florida [Mr. CALL] says is right, which the Senator from South Dakota [Mr. PETTIGREW] says is right, and on that distinguished authority we ought, I think, to be willing to act.

Mr. PETTIGREW. The Senator from Florida [Mr. PASCO] is anxious to know who these employees are. In most instances in the State of South Dakota they are farmers sent up from the State of Mississippi and other Southern States to teach the Indians, I suppose, how to raise cotton and sweet potatoes. They are almost all imported from the Southern States to teach the Indians of South Dakota the art of farming. They know nothing about the cultivation of the crops of that northern land; and yet they are shipped there as pensioners under the present Administration and paid out of the money that belongs to these Indians. I could name instance after instance, although I am not certain whether any of them came from Florida, and whether they are versed in the cultivation of oranges.

Mr. McLAURIN. Mr. President—

The PRESIDING OFFICER. Will the Senator from South Dakota yield to the Senator from Mississippi?

Mr. PETTIGREW. Certainly.

Mr. McLAURIN. I have just come into the Chamber. I want to know who was sent to the Senator's State from Mississippi.

Mr. PETTIGREW. There is a man named Smith who was sent there as Indian agent, and he brought along several cotton raisers who have spent most of their time in drinking intoxicating liquors.

Mr. McLAURIN. From Mississippi?

Mr. PETTIGREW. Yes, sir.

Mr. McLAURIN. From what part of Mississippi?

Mr. PETTIGREW. I do not know.

Mr. McLAURIN. Then how does the Senator know that he came from Mississippi?

Mr. PETTIGREW. Anywhere in Mississippi.

Mr. McLAURIN. I ask, how does the Senator know he came from Mississippi?

Mr. PETTIGREW. When we confirmed him the Senator said the agent was from Mississippi, and that he was an ex-Confederate officer. Perhaps he learned the art of farming in the Confederate service.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Hampshire to the amendment of the committee as amended.

Mr. CALL. I accept the amendment of the Senator from New Hampshire, but I desire to say to my friend the Senator from South Dakota that I understand there is only one farmer from the South in his State.

Mr. PETTIGREW. There is one agent and there are several farmers.

Mr. CALL. There is only one farmer, I understand.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire to the amendment of the committee as amended.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 43, line 8, after the word "Quil-leh-utes," to insert "Washington;" so as to make the clause read:

For support and civilization of the Quil-nal-elts and Quil-leh-utes, Washington, including pay of employees, \$5,000.

The amendment was agreed to.

The next amendment was, on page 43, line 16, after the word "dollars," to insert "one-half of which sum shall be expended by the Commissioner of Indian Affairs in procuring permanent homes for said Indians;" so as to make the clause read:

For support, civilization, and instruction of the Seminole Indians in Florida, \$6,000, one-half of which sum shall be expended by the Commissioner of Indian Affairs in procuring permanent homes for said Indians.

Mr. PASCO. With reference to the amendment that has just been read, I ask that it may be either rejected or else modified. This appropriation has been made for several years in behalf of the Seminole Indians of Florida; it was first made during the Fiftieth Congress. Once before, in 1890, a similar provision was put in the Indian appropriation bill, and it was then proposed that the appropriation be expended under the discretion of the Secretary of the Interior, but since then this appropriation of one-half the money for the purpose of obtaining permanent homes for the Indians has been omitted, and the entire \$6,000 has been left for general expenditure. I have here a letter from Hon. F. A. Hendry, a gentleman living in the part of the State where the headquarters of the Seminole Indian Agency are located. He states that the Indians have not yet been sufficiently advanced in civilization to accept any provision for permanent homes, and he is opposed to an appropriation of one-half of the money for this purpose. I will state that Mr. Hendry is a very prominent citizen of south Florida, that he has represented his county in the senate and house of representatives a number of times, that he has a very thorough knowledge of the condition of these Indians, and that his opinion upon this subject is worthy of the highest consideration. He says:

FORT THOMPSON, FLA., December 17, 1891.

DEAR SENATOR: Knowing that you are interested in the Seminole Indians of your State, and would do anything looking to their betterment, I address you on and in their interest. It appears that \$6,000 has been appropriated for the Seminoles of Florida, \$3,000 of which is specially designated for locating them on lands of their own, homes for them, etc., and \$3,000 for the usual expenses of the agency. It is fully demonstrated that the Indians will not consider for a moment the owning of land and occupying permanent homes.

The matter of locating the Florida Indians on permanent homes is something which must follow a further advanced condition of civilization. We are doing all we can down here to convince these red men the importance of actual citizenship and the owning of lands, but they are absolutely opposed to it; they simply want to be left entirely alone to enjoy the old cherished habits and customs. Dr. J. E. Breatit, our agent, I believe to be in dead earnest, and withal a very efficient man, and has done considerable labor among the Seminoles, and no doubt has taken the initiatory step toward bringing the Indians to consider the propriety of education and civilization. He needs to be among them all the time, at their homes, and have all the freedom which the Department can possibly give him. The whole of the \$6,000 should be applied in field work and for defraying its incident expenses, as it can not be used for the purpose designated. Will you kindly see the Commissioner and speak of this matter and see if there be some way to apply the funds as above suggested? I am here on the ground and know whereof I speak. I could go further into details, but I deem it unnecessary, as you and I talked

this matter over two years ago and you are fully advised of the condition of affairs down here.

HON. SAMUEL PASCO,  
United States Senate, Washington, D. C.

F. A. HENDRY.

Mr. COCKRELL. I suggest that the amendment read, "to be expended in the discretion of the Commissioner of Indian Affairs."

Mr. PASCO. I was going to ask that we go back to the language used in 1890, to strike out "by the Commissioner of Indian Affairs" and insert "in the discretion of the Secretary of the Interior;" so that it will read:

One-half of which shall be expended, in the discretion of the Secretary of the Interior, in procuring permanent homes for said Indians.

That is the language that was used in the act of 1890.

Mr. COCKRELL. All right.

Mr. PASCO. I wish to state also that a joint resolution was passed by the legislature of Florida relative to the donation of certain lands there for their benefit. The State of Florida has been engaged in this effort to persuade the Indians to accept permanent homes, but I understand that up to the present time it has been without success. I will ask that the joint resolution be also printed with my remarks.

The VICE-PRESIDENT. It is so ordered, without objection.

The joint resolution is as follows:

Joint resolution relative to the donation of certain swamp and overflowed lands to the Seminole Indians in south Florida.

Whereas the Seminole Indians in south Florida have no lands that can be called their own upon which they can settle permanently, for purposes of homestead and cultivation, without fears of disturbance and molestation; and

Whereas it is deemed a matter of public policy and justice to encourage them to become educated and to interest them in securing permanent homes for themselves and their children: Therefore, be it

Resolved by the legislature of the State of Florida, SECTION 1. That the board of trustees of the internal improvement fund be, and are hereby, authorized to set apart not to exceed 5,000 acres of the land donated by act of Congress of September 28, 1850, for the sole and permanent use and benefit of the Seminole Indians in south Florida.

SEC. 2. Be it further resolved, That the said lands shall be conveyed to three trustees and their successors, to be appointed by the governor, in trust for said Indians.

SEC. 3. Be it further resolved, That the trustees so appointed shall select said lands and shall endeavor to induce said Indians to enter upon and cultivate the same, and the said trustees shall carry out the purposes of said trust without expense to the State of Florida or to the said Seminole Indians.

Approved June 8, 1891.

Mr. PASCO. I move to amend the committee's amendment by striking out, in line 17, the words "by the Commissioner of Indian Affairs" and inserting the words "in the discretion of the Secretary of the Interior;" so as to make the clause read:

For support, civilization, and instruction of the Seminole Indians in Florida, \$6,000, one-half of which sum shall be expended in the discretion of the Secretary of the Interior in procuring permanent homes for said Indians.

Mr. CALL. Mr. President, I know Mr. Asbury Hendry, the author of the letter read by my colleague, and I desire to say that he is one of the most benevolent and intelligent men to be found in any country; that he has been quite a prominent man in the public history of the State of Florida and has interested himself very much in the civilization of these Indians. He obtained a young Indian with great difficulty and took him from his tribe and educated him and taught him the English language and something of a trade. He found, however, that this Indian, after being educated, preferred very naturally to go and remain amongst his own people.

Mr. Hendry and his family have been especially prominent in interesting themselves for the general advancement of the Indians in that State. They have in connection with an Indian society of the ladies of his part of the State and of the northern States made some very considerable efforts toward establishing schools and teaching the Indians to engage in farming and other occupations, and I understand with some success.

Some of these Indians, especially those who formerly lived in the neighborhood of Bartow, Fla., built houses for themselves and are hardly distinguishable from white people in their habits. But most of them are still roaming people, living in the Everglades. The State of Florida has no lands except the swamp and overflowed lands, which, as the act prescribes, have thereby been rendered unfit for cultivation, and which are required by the act to be devoted to the purposes of reclamation. But these Indians live in that country. Their number is unknown. They are variously estimated by Mr. Hendry and others, who are the best authority on the subject, at from 300 to 500 people—men, women, and children. The country is being settled; they are being encroached upon and something should be done for them.

Years ago, finding that they were entirely neglected by the Federal Government and being only a small remnant of the tribe, the treaty providing that when they emigrated to the West they should become the recipients of an annuity with the other Indians, and finding that although these Indians in Florida had not emigrated to the West, the annuity provided to be paid in the event of their removal was being paid to the Indians in the West, I obtained this appropriation of \$6,000 for their benefit. It has been con-



tinned from year to year, sometimes extended and sometimes not; but I believe that there is considerable progress being made now in the civilization of those Indians. Very soon they must be put upon homes, and they need the supervision and protection of the Government of the United States. They are, comparatively, children, and have more or less of the vices of civilization when they come in contact with them; but it is necessary to the welfare of the white people and the Indians themselves that this money should be expended, and judiciously expended.

I think, differing from Mr. Hendry, for whose judgment I have very great respect, that it is important that homes should be obtained for them, and that they should be taught to live in those homes. A railroad has now been extended right into their country down to Lake Worth, nearly to Fort Jupiter, and that lies parallel to the great swamp and overflowed region, which has within it, I am told, some four or five hundred thousand acres of dry and arable land. I have never been there, but that is the information I have in regard to it.

As for this appropriation I am entirely content with the suggestion of my colleague that it should be made as it was originally, to be expended in the discretion of the Secretary of the Interior.

Mr. COCKRELL. In line 17 the second word "shall" should be stricken out and the word "may" substituted.

Mr. PASCO. I was about to make that suggestion.

The PRESIDING OFFICER. The amendment to the amendment will be so modified.

The amendment to the amendment was agreed to.

The amendment was amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 43, line 19, after the words "Devils Lake," to insert "North Dakota;" in line 21, before the word "thousand," to strike out "ten" and insert "twelve," and in the same line, after the word "dollars," to insert "of which sum \$7,000 shall be immediately available;" so as to make the clause read:

For support and civilization of Sioux of Devils Lake, North Dakota, including pay of employees, and for the purchase of seeds, \$12,000, of which sum \$7,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 43, line 23, before the word "support," to insert "temporary;" in line 24, before the word "thousand," to strike out "ten," and insert "five," and in the same line, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For temporary support and civilization of Sioux, Medawakanton band, in Minnesota, \$5,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 44, line 1, after the word "Indians," to insert "Washington;" so as to make the clause read:

For support and civilization of the S'Klallam Indians, Washington, including pay of employees, \$1,500.

The amendment was agreed to.

The next amendment was, on page 44, line 4, after the word "Indians," to insert "Indian Territory;" so as to make the clause read:

For support and civilization of Tonkawa Indians, Indian Territory, and for seeds and agricultural implements, \$4,000.

The amendment was agreed to.

The next amendment was, on page 44, line 8, after the word "tribes," to insert "Oregon;" so as to make the clause read:

For support and civilization of the Walla Walla, Cayuse, and Umatilla tribes, Oregon, including pay of employees, \$6,500.

The amendment was agreed to.

The next amendment was, on page 45, line 2, before the word "dollars," to insert "five hundred;" so as to make the clause read:

Colorado: For general incidental expenses of the Indian service, including traveling expenses of agents, \$1,500.

The amendment was agreed to.

The next amendment was, on page 47, after line 3, to strike out:

The Secretary of the Interior is hereby authorized and directed to pay to the Stockbridge Indians, per capita, one-half of the trust fund now to their credit in the United States Treasury, and heretofore appropriated, when the allotment to their lands shall have been completed.

Mr. MITCHELL of Wisconsin. I hope the committee will not insist on this amendment. The paragraph proposed to be stricken out directs the Secretary of the Interior to pay to the Stockbridge Indians one-half of the trust funds now to their credit in the United States Treasury when the allotment of their lands shall have been completed. It seems to me that is a very proper paragraph to be retained in the bill. If carried out it will avoid delay and much unnecessary irritation. The allotment in severalty I believe will be completed in some six months, and people who are entitled to their money ought to be paid promptly, in my opinion.

Mr. COCKRELL. Does the Secretary of the Interior recommend this appropriation?

Mr. MITCHELL of Wisconsin. As it is contained in the bill as it came from the House of Representatives, I suppose he does.

Mr. COCKRELL. I do not know. We struck it out in committee because we did not have one particle of information in regard to it. The fact that it is put in the bill by the House of Representatives does not show that the Secretary of the Interior has recommended it. We proposed to strike it out in order that it might be in conference. If the Senator can show that the Secretary of the Interior has recommended it, that will be all right.

Mr. MITCHELL of Wisconsin. I assume he did, or it would not be in the bill as it came from the other House.

Mr. COCKRELL. We can not presume that anything which is in the bill has been recommended, but we must take the recommendation of the Secretary of the Interior when he makes his report, as it appears in the print.

Mr. MITCHELL of Wisconsin. Whether he does or not, it seems to me this is a very proper paragraph to be retained in the bill.

Mr. CALL. I suggest that the paragraph be passed over until we can ascertain what the facts are in regard to it.

The PRESIDING OFFICER. The amendment will be passed over for the present.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 47, line 18, to strike out "That the Secretary of the," and insert at the beginning of a new paragraph the words "That the Secretary of the;" in line 20, after the word "Indian," to strike out the word "interpreter" and insert "inspector," and on page 48, line 1, before the word "the" to insert "of;" so as to make the clause read:

That the Secretary of the Interior is hereby authorized and directed to detail or employ an Indian inspector to take a census of the Pottawatomie Indians of Indiana and Michigan who are entitled to a certain sum of money appropriated by Congress to satisfy a judgment of the Court of Claims in favor of said Indians. And for the purpose of making the payment to the Pottawatomie Indians of Indiana and Michigan of the \$104,631 appropriated by the last Congress to satisfy a judgment of the Court of Claims, there is hereby appropriated the sum of \$1,000.

The amendment was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. JAMES KERR, its Clerk, announced that the House had passed the bill (H. R. 5260) granting an increase of pension to Thomas Corigan; in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1483) to correct the military record of Elisha B. Bassett;

A bill (H. R. 4693) for the promotion of anatomical science, and to prevent the desecration of graves in the District of Columbia; and

A bill (H. R. 5624) to authorize the Oklahoma Central Railroad to construct and operate a railway through the Indian and Oklahoma Territories, and for other purposes.

#### HENRY HALTEMAN—VETO MESSAGE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

I return herewith without approval Senate bill No. 1536, entitled "An act for the relief of Henry Halteman."

This bill directs the Secretary of War "to grant an honorable discharge from the United States service to Henry Halteman, late of Company F, Second United States Artillery."

It is conceded that this soldier enlisted in the Regular Army on the 18th day of December, 1860, for the term of five years, and that he deserted on the 18th day of August, 1865. The only excuse or palliation offered for his offense is found in the statement that his desertion was provoked by his company being ordered to California so near the termination of his enlistment that his term would have expired before or soon after his company could have reached California, and "that his return would have been both tedious and somewhat perilous, if not expensive."

The fact must not be overlooked that this soldier enlisted in the Regular Army and that his term had no relation to the duration of the war or the immediate need of the Government for troops at the time of his desertion. The morale and discipline of the Regular Army is therefore directly involved in the proposed legislation.

The soldier's name remained on the records of the War Department as a deserter at large for twenty-three years, and until the year 1886. In August of that year application was made to the Department for the removal of the charge of desertion against him, which was refused on the ground that it was not shown that such charge was founded in error. Thereupon he applied for a discharge without character, as it is called, as of the date of his desertion. This was granted on the 21st day of September, 1888. Such discharges, which were not uncommon at that time, omitted the certificate of character which entitled the soldier to reenlistment.

In 1892 a bill similar to that now under consideration was referred to the Adjutant-General of the Army and was returned with an adverse report.

The record of the War Department on the subject of this soldier's separation from the Army is absolutely correct as it stands; and no sufficient reason is apparent why another record should be substituted. If this deserter is to be allowed an honorable discharge I do not see why every deserter should not be absolved from the consequences of his unfaithfulness.

The effect of this bill if it should become a law would be to allow the beneficiary not only a pensionable status, but arrears of pay and clothing allowances up to the date of his desertion, and travel allowance from the place of his desertion to the place of his enlistment.

It is not denied that all these things have been justly forfeited by deliberate

and inexcusable desertion. In the case presented, it seems to me that the laws and regulations adopted for the purpose of maintaining the discipline and efficiency of the Army ought not to be set aside.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 20, 1895.

**THE VICE-PRESIDENT.** The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

**Mr. MANDERSON.** Mr. President, I suggest that the veto message be referred to the Committee on Military Affairs, and that it be printed together with the bill.

That case received a very fair and full consideration by the Committee on Military Affairs. The alleged desertion of this soldier was after four years of service during the war of the rebellion. It is true he served in a regular regiment. That regiment at the close of the war, when the war of the rebellion was over, was ordered to California. Before it could have been possible that he could have reached the place to which the regiment was ordered his term of service would have expired. It seemed to the committee that it was a case which called for the equitable consideration of Congress.

I move that the veto message and the bill be printed and referred to the Committee on Military Affairs for its consideration.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 5260) granting an increase of pension to Thomas Corigan was read twice by its title, and referred to the Committee on Pensions.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes.

The reading of the bill was resumed at line 5 on page 48, and continued to line 12 on page 54.

**Mr. COCKRELL.** On page 54, line 12, I move to strike out the words "herein amended" and insert "hereinafter provided;" so as to read:

That said agreement be, and the same is hereby, accepted, ratified, and confirmed as hereinafter provided.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in Article VIII of the agreement, relative to the cession of the lands of Wichita and affiliated bands of Indians, on page 56, line 4, after the word "after," to strike out "three years" and insert "one year;" so as to read:

*Provided*, That said lands shall not be opened to settlement until after one year after said allotments are made to the Indians.

The amendment was agreed to.

The next amendment was, on page 56, line 19, after the word "be," to strike out "covered into the Treasury and placed to the credit of the said Wichita and affiliated bands of Indians" and insert "deposited in the Treasury subject to the judgment of the court in the suit herein provided for, less 6 per cent of said money, but not to exceed \$15,000, to be retained in the Treasury to the credit and subject to the drafts of the legal representatives of the said Indians' late delegate, Luther H. Pike, deceased;" so as to make the clause read:

That as fast as the lands opened for settlement under this act are sold, the money received from such sales shall be deposited in the Treasury subject to the judgment of the court in the suit herein provided for, less 6 per cent of said money, but not to exceed \$15,000, to be retained in the Treasury to the credit and subject to the drafts of the legal representative of the said Indians' late delegate, Luther H. Pike, deceased; *Provided*, That no part of said money shall be paid to said Indians until the question of title to the same is fully settled.

The amendment was agreed to.

The next amendment was, in line 8, page 57, before the word "court" to strike out the words "United States;" so as to read:

That as the Choctaw and Chickasaw nations claim to have some right, title, and interest in and to the lands ceded by the foregoing treaty, as soon as the same are abandoned by said Wichita and affiliated bands of Indians, jurisdiction be, and is hereby, conferred upon the Court of Claims to hear and determine the said claim of the Choctaws and Chickasaws and to render judgment thereon.

**Mr. COCKRELL.** I move to amend the amendment by striking out the word "treaty," in line 6, and inserting "agreement," as we no longer make treaties, but agreements. After the word "treaty" I move to strike out "as soon as the same are abandoned by said Wichita and affiliated bands of Indians." The land can not be abandoned by them when they give it up by agreement.

The **SECRETARY.** In line 6, page 57, strike out "treaty, as soon as the same are abandoned by said Wichita and affiliated bands of Indians" and insert "agreement;" so as to read:

That as the Choctaw and Chickasaw nations claim to have some right, title, and interest in and to the lands ceded by the foregoing agreement, jurisdiction be, and is hereby, conferred, etc.

**Mr. PLATT.** Why does not the Senator propose to strike out

the words "as soon as the same are abandoned by said Wichita and affiliated bands of Indians?"

**Mr. COCKRELL.** Simply because the land can not be abandoned, practically. It was at the suggestion of the chairman of the Committee on Indian Affairs and after conference with him that I moved the amendment. Those words make the provision unmeaning.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 57, line 23, after the word "precedence," to strike out the additional proviso, as follows:

*And provided further*, That nothing in this act shall be accepted or construed as a confession that the United States admit that the Choctaw and Chickasaw nations have any claim to or interest in said lands or any part thereof.

**Mr. ALLISON.** I suggest to the chairman of the committee that those words be not stricken out. My recollection of the whole case is that the Choctaws and Chickasaws have a very shadowy and nebulous claim, if any, to these lands. In view of the fact that we are providing special legislation for them, it seems to me well enough to put in a sort of protest here against their claim by saying that although we do give them this extraordinary jurisdiction and power to test their title we do not thereby admit that they have any title.

**Mr. COCKRELL.** The Senator will remember very distinctly that it is an old and controverted question as to whether they have rights or not. It has been passed upon by the Senate and the Senate has made appropriations to pay certain sums. This is to be construed and is intended doubtless to be construed as a declaration that the United States disclaims anything of the sort. That very question, if the Senator will read the first part of the clause, is submitted to the court:

That as the Choctaw and Chickasaw Nations claim to have some right, title, and interest in and to the lands ceded by the foregoing agreement, jurisdiction be, and is hereby, conferred upon the Court of Claims to hear and determine the said claim.

I want to add a word there which I forgot to put in. In line 9, I wish to insert after "said" the word "alleged;" so as to read "the said alleged claim." It is a claim merely of the Choctaws and Chickasaws. The paragraph provides that the court is—

To render judgment thereon, it being the intention of this act to allow said Court of Claims jurisdiction, so that the rights, legal and equitable, of the United States, and the Choctaw and Chickasaw nations, and the Wichita and affiliated bands of Indians in the premises, shall be fully considered and determined, and to try and determine all questions that may arise on behalf of either party in the hearing of said claim.

It would be unjust for the United States to undertake to put in a disclaimer that the parties have any right. The Senator from Iowa will remember that the subcommittee reported an amendment proposing a little more distinct declaration than this, and after some controversy and the consumption of some time in the committee the whole clause was stricken out. It would be unjust for this clause to be stricken out and no consideration be given to the other. Let the proviso be stricken out and the matter goes into conference.

**Mr. ALLISON.** I suggest to the Senator from Missouri that in line 6, page 57, after the word "agreement," which was substituted for "treaty," the words "not admitted by the United States" be inserted. Then the proviso could go out, and it would give notice to the Chickasaws and Choctaws that we do not admit that they have any claim.

**Mr. COCKRELL.** If the United States admitted it, what would be the necessity of a suit?

**Mr. ALLISON.** Does the Senator from Missouri mean to admit that they have a claim?

**Mr. COCKRELL.** No. We say they claim to have, and we authorize the court to settle it. I have no objection, however, if the Senator desires it, to inserting after the word "agreement" the words "not admitted by the United States."

**Mr. JONES of Arkansas.** The Senator from Iowa certainly does not say the Chickasaws and the Choctaws do not claim something in this connection.

**Mr. ALLISON.** No; I do not. I know they claim it.

**Mr. JONES of Arkansas.** That is all this provision asserts.

**Mr. ALLISON.** I suggest that we insert the words "which claim is not admitted by the United States."

**Mr. JONES of Arkansas.** There is no objection, certainly, to those words being inserted, because it is controverted by the Government.

**Mr. ALLISON.** I think something of that sort ought to go in.

**Mr. COCKRELL.** "But not admitted by the United States;" so as to read:

That as the Choctaw and Chickasaw nations claim to have some right, title, and interest in and to the lands ceded by the foregoing treaty agreement, but not admitted by the United States, jurisdiction be, and is hereby, conferred upon the Court of Claims to hear and determine the said claim.

**Mr. ALLISON.** The Senator from Kansas [Mr. PEPPER] sug-



gests to me that we insert "which claim is controverted by the United States."

Mr. JONES of Arkansas. That is correct.

Mr. ALLISON. Then the proviso can go out.

Mr. COCKRELL. That is all right.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "agreement" in line 6, page 57, insert the words "which claim is controverted by the United States;" so as to read:

That as the Choctaw and Chickasaw nations claim to have some right, title, and interest in and to the lands ceded by the foregoing agreement, which claim is controverted by the United States, jurisdiction be, and is hereby, conferred upon the Court of Claims to hear and determine the said claim of the Choctaws and Chickasaws and to render judgment thereon.

The amendment was agreed to.

Mr. COCKRELL. Now, let us dispose of the amendment in line 23, to strike out the proviso.

The VICE-PRESIDENT. The question is on agreeing to the committee amendment to strike out the additional proviso beginning in line 23.

The amendment was agreed to.

The reading of the bill was continued to line 11 on page 58.

Mr. COCKRELL. In line 9, page 58, I move to strike out the word "Indians" and insert "nations," and after the word "upon," in the same line, strike out the word "his;" so as to read:

And said petition may be verified by the authorized delegates, agents, or attorney of said nations upon information and belief as to the existence of such facts, and no other statement or verification shall be necessary.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 58, line 14, after the word "barred," to insert:

And provided further, That it shall be the duty of the Attorney-General of the United States, within ten days after the filing of said petition, to give notice to said Wichitas and affiliated bands through the agents, delegates, attorneys, or other representatives of said bands that said bands are made defendants in said suit, of the purpose of said suit, that they are required to make answer to said petition, and that Congress has, in accordance with Article V of said agreement, adopted this method of determining their compensation, if any. And the answer of the Wichitas and affiliated bands shall state the facts on which they rely for compensation, and may be verified by their agents, delegates, attorneys, or other representatives upon their information and belief as to the existence of such facts, and no other statement or verification shall be necessary; And provided also, That said Wichitas and affiliated bands shall file their answer in said suit within sixty days after they shall receive from the Attorney-General of the United States the notice herein provided for, unless further time is granted by the court, and in the event of failure to answer they may be barred from all claim in the premises aforesaid.

The said Court of Claims shall receive and consider as evidence in the suit everything which shall be deemed by said court necessary to aid it in determining the questions presented, and tending to shed light on the claim, rights, and equities of the parties litigant, and issue rules on any Department of the Government therefor if necessary.

It is hereby further provided that said Choctaw and Chickasaw nations may, at any time before the rendition of final judgment in said case by the Court of Claims, negotiate with the commissioners appointed under section 16 of the act of Congress approved the 3d day of March, 1893 (27 Stat., page 645), or with any successor or successors in said commission, for the settlement of the said matters involved in said suit, and move the suspension of such action until such negotiation shall be accepted or rejected by Congress; such settlement, however, to be made with the concurrence of the Secretary of the Interior and Attorney-General of the United States.

Mr. ALLISON. This is rather a complicated case, and I confess that I am not as familiar with it as I ought to be. I should like to inquire of the chairman of the committee what is the controversy that is to be finally disposed of here as to the money obligation of the United States. On page 54 of the bill we agree to pay the Wichitas \$1.25 per acre for so much of said land as is not required for allotment. I take it that this is in pursuance of article 5 of the treaty, wherein it is agreed "that the question as to what sum of money, if any, shall be paid to said Indians for such surplus lands shall be submitted to the Congress of the United States."

Mr. COCKRELL. Certainly.

Mr. ALLISON. "The decision of Congress thereon to be final and binding upon said Indians." The claim of the Choctaw and Chickasaw nations is to be determined by this inquiry, and if it shall appear that they have a title to those lands and that that title is of value, will the award, whatever it may be, come out of the \$1.25 per acre?

Mr. COCKRELL. Unquestionably.

Mr. ALLISON. And it will not be a charge on the Government of the United States in addition; that is, \$1.25 is the full price of the land. I do not see where that is made quite clear in these amendments, taking them altogether. I shall be glad if the Senator will point out just where it appears that whatever sum may be found to be due the Choctaws and Chickasaws shall be taken out of the price provided for.

Mr. COCKRELL. I suggest to the Senator that he read the provision on page 56, beginning with line 17.

Mr. ALLISON. Does that provide that this sum shall be taken out of the price which we have fixed as to the value of the land? Where in this agreement do the Wichitas agree that whatever sum may be due or found to be due the Choctaws and Chickasaws shall thus be taken?

Mr. JONES of Arkansas. In the agreement made between the Wichitas and the United States nothing is said about the claim of the Chickasaws and Choctaws to those lands. The point as to whether the whole \$1.25 shall go to the Wichitas or whether they have any title to the land, whether they have any claim or not, is referred to the court under the provisions of the pending bill for the court to determine about what proportion of it belongs to the Chickasaws and Choctaws and what belongs to the Wichitas—how much to each. That is exactly the point to be submitted to the court, and Congress will take no final action on it until the court decides. The money is to be deposited when the sale is made subject to the judgment of the court.

Mr. ALLISON. So I understand. The total result of these proceedings will be that we have agreed to pay \$1.25 per acre to the Wichitas for their land, all of which may be taken away by the decision of the courts, so that they will not receive anything. There is great reason to fear that, because, as I understand—

Mr. JONES of Arkansas. Will the Senator from Iowa allow me to call his attention to the point that the agreement is to pay the Indians whatever sum of money is due them, if any. That proposition goes through it all the way. There is no admission in the agreement that we owe the Wichitas anything at all.

Mr. ALLISON. Very well.

Mr. PLATT. Will the Senator from Iowa allow me a moment?

Mr. ALLISON. Yes, sir.

Mr. PLATT. I will state that when the commissioners who negotiated the agreement met the Wichita Indians, I understand, although I may be mistaken about it, they offered to agree with the Indians that the United States should pay them 50 cents an acre for their rights in those lands. The Wichitas were not satisfied with that, but offered to take 80 cents an acre. I do not pretend to be accurate, but this is my recollection. The commissioners and the Wichitas being unable to agree, the whole matter was to be left to Congress to say how much should be paid to the Wichitas for their rights.

Mr. JONES of Arkansas. If any.

Mr. PLATT. If any. But the Wichitas certainly understood they were to get 50 cents or more when they entered into the agreement with the commissioners.

Mr. ALLISON. I will ask the Senator from Arkansas, the chairman of the Committee on Indian Affairs, whether this general adjustment will not in the end lead to trouble from the fact that in a similar case, if I am not mistaken, we have already paid \$1.25 an acre to the Choctaws and Chickasaws. I remember that we had a controversy here some years ago as to a claim of \$3,000,000; and it was claimed then, and I think argued with much force, that the Choctaws and Chickasaws had no interest whatever in those lands. Yet we made an appropriation of \$3,000,000, or \$1.25 an acre, for land situated, I understand, very similar to these lands, if it was not in the same situation.

Mr. JONES of Arkansas. It was the same claim exactly.

Mr. PLATT. After we had paid the Cheyennes and Arapahoes.

Mr. ALLISON. After we had already paid another tribe for their interest. Now, we have made a contract with the Wichitas, who claim, I understand, under two titles. First, they claim that the United States had no authority to cede those lands to the Choctaws and Chickasaws or to the Five Civilized Tribes; that they held a possessory right to those lands before the cession by the United States, and that therefore they have a title paramount, if I may use that term in connection with Indian tribes, to the title of the Choctaws and Chickasaws.

Then it was also claimed, as I remember—I wish only that the matter may be thoroughly understood—that the United States had purchased and paid for all the right, title, and interest of the Choctaws and Chickasaws to those lands. Yet it is proposed that we shall pay for all these titles and all these interests, I understand, \$1.25 an acre, and that the parties or tribes or nations that are to receive the money are to be subjected to a final decision of the Court of Claims, with an appeal to the Supreme Court.

I am not quite sure that such an arrangement will be satisfactory to any of the Indians unless the decision shall be favorable to them. In other words, the Choctaws and Chickasaws, unless we give them \$1.25 an acre, as we have given them \$1.25 an acre for other lands similarly situated, will be dissatisfied. If it turns out that we are to give the Wichitas no more money and are only to allow them their allotments of land, as provided for in the treaty, surely they will be dissatisfied. I merely suggest that there are difficulties in this general arrangement which it seems to me may lead us into trouble in the future. I shall be glad to have the Senator from Arkansas or the Senator from Connecticut, both of whom are familiar with the whole matter, to explain what will be the effect and result of this proceeding.

Mr. JONES of Arkansas. In the case to which the Senator from Iowa alludes the discussion about the Cheyenne and Arapahoe lands was continued here for a couple of days, and then mainly on questions of law. The Senator from Massachusetts, Mr. Dawes, agreed with me in the belief that the Cheyennes and

Arapahoes had a possessory right to those lands, and that the Chickasaws and Choctaws had an equity, a claim against the Government for the use of the lands whenever they were devoted to any other purpose than possession and occupation by Indians.

The Senator from Iowa and the Senator from Connecticut differed with us. We had considerable debate. It was a question of law that could have been better settled in court than in the Senate. It seems to me that the very difficulties which were then presented here and occupied the attention of the Senate for two or three days should and could wisely be transferred to a judicial tribunal where those questions can be carefully, impartially, and completely looked into and examined and determined on judicial grounds by a judgment of the court. It seems to me that this proposition is eminently wise. Here are the conflicting interests of the Choctaws and the Chickasaws in this case with the Wichitas and the claim of title which the Wichitas have, whatever it may be, they claiming title in two ways, as the Senator from Iowa has suggested, but specifying in this article a possessory right, and it seems to me that it is proper that a court shall determine just what the rights of those parties are and that a judgment shall be rendered.

I have no doubt the Senator is right in saying that if a decision should be rendered against either of those tribes the tribe against whom it is rendered will be dissatisfied. I have never yet seen an individual who when a decision was rendered against him in court was satisfied with it. That is the common lot of humanity. If the decision should be against the Government of the United States, it seems to me there will probably be dissatisfaction with it in some quarters. It is what we are to expect. How we can have a judicial question of this kind settled in any manner more wisely than to have it done by our own courts, under the rules of law that prevail here, I confess I can not imagine.

Mr. ALLISON. The Indians are willing to submit the question to the court?

Mr. JONES of Arkansas. I understand they are perfectly willing.

Mr. PLATT. Does the Senator from Iowa ask as to the Wichitas?

Mr. ALLISON. Yes.

Mr. PLATT. I do not think they have been consulted.

Mr. ALLISON. I do not see how we shall get the Wichitas into our courts unless they are willing.

Mr. CALL. Mr. President, I think there is much force in the suggestion of the Senator from Iowa. There are 88 judges in this body, each of whom is equal if not superior to the judges to whom this case will be referred. I do not see what greater sanction can be given to the opinion of the five gentlemen who compose that court than to the opinion of 88 judges here.

But outside of that matter, it is not the province of the judicial department to consider questions of the exercise of sovereign legislative power. It is not within their province to say what are the equitable considerations which shall influence the judgment and legislation of this body, and manifestly this is a question of equitable right. While it may be to the convenience of the Senate to have judges ascertain by processes of law and the comparison of testimony the facts to be submitted to this body, I for one protest against the practice which prevails here of substituting the judgment of any court or any individual for that of the representatives of the States and the people under the Constitution of the country.

This is a case of purely equitable consideration. There is not a question of legal title or right in this matter. The Indians hold by equitable right. They hold possession under concession of the United States because of considerations of rights and equity and not upon propositions which involve at all a title derived from the sovereign owner of the fee. We found the Indians in possession of this country. We acknowledged, with some want of logic and correct reasoning, that that was a title by occupancy. Still, it was a title, not a fee, and, as the lawyers say, but a right of occupation which should not be disturbed by this country. Now, here come up questions of treaty obligations which the United States have entered into with these different Indians and it occurs to me that the absolute power of disposing of the question should not be given, and that words of limitation should be inserted in this provision of the bill.

Mr. CHANDLER. Mr. President, I judge by the introduction of amendments proposed by the Senate committee to the House provision of the pending bill that the Committee on Appropriations have given up all expectation of avoiding an extra session of Congress. Manifestly there can be no careful examination of a great subject like this and suitable debate thereon within the brief period of less than fourteen days before the expiration of the present Congress.

If the Committee on Appropriations had done what I conceive to be their duty in reference to this Indian treaty, they would have reported an amendment to strike out all the House provision; instead of which they put on at the end of eight or ten pages of

the bill two or three pages of their own lucubrations, which are quite as unintelligible as the matter which came from the House; and there is not, from one end to the other of the production of the House plus the production of the Senate committee, a single dollar of appropriation. There is not a single word or letter from beginning to end that finds any place whatever upon the appropriation bill. On page 48 begins this matter:

Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, did, on the 4th day of June, 1891, conclude an agreement with the Wichita and affiliated bands of Indians in Oklahoma Territory, formerly a part of the Indian Territory, which said agreement is as follows:

Then it goes on, various articles of the treaty being recited from article 1 to article 8. Then there is a ratification of the agreement by the United States in the following words:

That said agreement be, and the same hereby is, accepted, ratified, and confirmed as herein amended.

Then follow various House provisions for carrying into effect provisions of this treaty. There is not one dollar of appropriation, not one line, not one syllable of appropriation. On page 58 come amendments proposed by the Senate committee which run through two pages and are a radical change of the method of carrying out the treaty provided by the House. But, as I have said, from page 48 to page 60, inclusive, there is no appropriation whatever within the pages that the House and the Senate committee have put into the bill, and which they ask Congress during these closing hours of its session to consider, to deliberate, and to act upon.

Mr. President, when the opportunity is afforded, after the Senate amendment is perfected, if perfected it can be, so as to suit the committee, I shall move to strike out the whole provision in relation to this Indian treaty. I hold that it has no proper place in an appropriation bill, and for the very good reason, in the first place, that it does not appropriate any money. It does not purport to appropriate any money; and the treaty and the ratification of it by the Congress of the United States ought to be upon a separate bill.

I should like to ask the members of the Committee on Appropriations whether they approve of this method of compelling either the assent or the dissent of Congress, generally the assent of Congress, to long, difficult, and abstruse propositions concerning Indians upon appropriation bills when there is not a dollar of appropriation from one end to the other of the provision.

Mr. President, in endeavoring to look a little at these provisions, which ought not to be here, I find it very difficult to understand them. It appears that the treaty requires the Wichita and other affiliated bands of Indians to surrender their lands. That is the first provision. Then there are to be allotments in severalty made to the Indians, and after that the Indians appear to set up a claim to further compensation in money for their possessory rights in and to the land. They are to surrender it all. Allotments are to be made. Then they claim a money compensation besides, which is to be left to Congress, in accordance with the treaty; and later the proposed law goes on to provide that there shall be allowed by the United States to the Indians \$1.25 an acre.

I am informed that that is an allowance of six or seven hundred thousand dollars to these tribes, it being assumed that there will be half a million acres of land left after the allotments. Now, for that they claim money compensation. Yet it afterwards appears that the money is to be paid them only from the proceeds of the sales of the lands. That would be intelligible enough if it provided that the proceeds of the lands should be given to the Indians. But no; it appears by the committee amendments on page 56, in the first place, that \$15,000 are to be paid on the drafts of the representative of the Indians' late delegate, Luther H. Pike, deceased. Fifteen thousand dollars are to be used to pay his drafts, and then this whole sum of money is to be held in the Treasury of the United States subject to the claim of the Choctaw and Chickasaw tribe of Indians.

Mr. PLATT. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from New Hampshire yield to the Senator from Connecticut?

Mr. CHANDLER. Certainly.

Mr. PLATT. May I suggest to the Senator from New Hampshire that no one knows when the money will get into the Treasury of the United States for anyone.

Mr. CHANDLER. Why not, if the lands are to be opened for settlement?

Mr. PLATT. When they are opened and sold then some money will come into the Treasury of the United States, but there is a great deal of this land that I imagine will not be sold very soon.

Mr. CHANDLER. I am not undertaking to make this agreement with these Indians and to make the legislation that is proposed here intelligible or sensible. I am only undertaking to show the importance of it, the magnitude of it, in order to reiterate my argument as to the utter impropriety of bringing into an appropria-



tion bill that is to be considered at this late day provisions of this breadth and of this extent. The money is to go into the Treasury of the United States when the lands are sold. The Wichita Indians do not get it then, but they are to bring suit in the Court of Claims, and after the Court of Claims have made a decision, here is a provision that says, "the parties to said action shall have the right of appeal to the Supreme Court of the United States," which is equivalent to saying that half a dozen years shall elapse before this important transaction in connection with these Indian lands is closed.

I say, Mr. President, it is asking too much of the Senate to consider propositions of this kind upon an appropriation bill. If the proposition had not been inserted in the House of Representatives it would be subject to the point of order in the Senate. The Senate committee, therefore, ought to have recommended the striking out of the original House provisions instead of trying to amend those provisions to make them more satisfactory to the members of the committee and then reporting to the Senate with the idea that any intelligent votes will be cast upon them during the closing hours of this session.

Mr. President, I said that I imagined the Committee on Appropriations by presenting propositions of this kind to the Senate had come to the conclusion that it would be impossible to avoid an extra session. I do not myself believe that it will be possible to avoid such a session. I regard an extra session as inevitable if all the legislation that the House has put on the various appropriation bills and all the legislation which the Appropriations Committee of the Senate are putting upon appropriation bills is to be considered by the Senate. I do not believe that between now and 12 o'clock a week from next Monday it will be possible for the Senate to do justice by the great mass of matter which the Appropriations Committee are bringing in here from day to day upon the appropriation bills and for which they are inviting the consideration of the Senate. I say I believe the chairman of the committee, who has been quite uneasy of late, has reached the conclusion that in spite of the exertions which he may make there will be an extra session of Congress.

Mr. President, I am reconciled to that result. I believe that nothing better can happen than to have the next Congress called in extraordinary session as soon as possible after the 4th of March. I trust the President of the United States will bring Congress here during the month of April or the month of May in order that some things may be done that have been omitted by Congress, and in order that some investigations may be made that this Congress will not make, and that I trust will be made by the next Congress.

The best thing that can happen to clear the atmosphere in this country, to get the nation on a wise and safe road to prosperity, is the assembling in Washington within the Halls of Congress of the next House of Representatives. When that House of Representatives assembles I expect to see the Nicaragua Canal project taken up and a bill passed for the building of that canal, not, I trust, through a private corporation, but by the money of the United States. I believe the next House of Representatives as well as the next Senate will provide, and provide speedily, for the construction of the Nicaragua Canal. I believe the next House of Representatives will take steps for the annexation of Hawaii.

Mr. PETTIGREW. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from South Dakota?

Mr. CHANDLER. Certainly.

Mr. PETTIGREW. I wish to know if the Nicaragua Canal was built and Hawaii was annexed whether the Senator would be willing that the Wichitas should sell their lands?

Mr. CHANDLER. Not on an appropriation bill. I should still insist upon that minor reform. But after the building of the Nicaragua Canal is provided for, and Hawaii is annexed, with the permission of my friend from South Dakota, I shall be entirely willing that upon a separate bill these Wichita lands shall be purchased and this transaction carried into effect, which has no place upon an appropriation bill.

I say, I believe the next Congress will take wise, judicious, and effective steps for bringing about the certain and ultimate annexation of the Sandwich Islands to the United States.

Moreover, I think that the assembling of the next Congress will be of great importance for the purpose of investigating the recent purchase of gold by the Secretary of the Treasury under the direction of the President of the United States. That transaction is one of the most remarkable that this country has ever witnessed. Sixty-five million dollars of bonds have been disposed of at the price of 104 or thereabouts, which bonds to-day are worth 118 or 119 in the English and in the American market, which bonds were worth 15 per cent more the day they were sold than they were sold for.

Mr. WOLCOTT. I was called out of the Chamber for a moment. May I ask the Senator from New Hampshire if he is still on the Wichita Indian amendment?

Mr. CHANDLER. I left that for just a moment. I am coming to a transaction about which I heard the Senator from Colorado a few days ago make some feeble allusions. [Laughter.] Sixty-five million dollars of bonds of the United States have been sold for \$15,000,000 less than they were worth. That is a loss to the people of the United States of about \$9,000,000.

Mr. President, if there ever was a financial transaction of an Administration which needed investigation it is that purchase of gold and that sale of bonds. If there ever was a transaction which needed to be put under the investigation of a committee, a searching and a severe committee, like that which the Senate placed under the lead of the Senator from Delaware [Mr. GRAY] upon the sugar trust, of which my friend, the Senator from Massachusetts [Mr. LODGE], was a member, and which made such full and remarkable discoveries, it is this sale of bonds and this purchase of gold at a loss to the Government of \$9,000,000.

The Senator from Wisconsin [Mr. VILAS] undertook to state to the Senate some justification of that transaction. It was impossible for any Senator upon this floor, I think, until the Senator from Wisconsin and the Senator from Delaware [Mr. GRAY] undertook to make defense, to conceive of any earthly reason why that purchase of gold and that sale of bonds should be made at a loss of \$9,000,000 to the people of the United States. What has been the explanation and the excuse? We had developed to us here what was said to be a most startling condition of public affairs. We had been living upon a volcano. Our whole financial system was all ready to explode. The Treasury of the United States was to be bankrupt. Gold was to disappear from the Treasury and from the country, and imminent peril of financial insolvency was upon the country. None of us had known that; none of us had realized it before, until we were told of it by the Senator from Wisconsin and the Senator from Delaware as an excuse which they conjured up here as a reason for the most extraordinary fiscal operation that was ever known of in the history of the American Government.

Mr. STEWART. Was it not provided in the contract that we should be protected from all that?

Mr. CHANDLER. I will yield to the Senator from Nevada if he wishes to explain his views in connection with that transaction. [Laughter.] But, Mr. President, it is difficult to use moderate language in speaking of this recent so-called fiscal operation of the Treasury Department. In my belief there was no justification for it. In my belief there is a great deal more beneath the surface than the country is aware of. I do not believe that it was a transaction which the Congress of the United States can afford to allow to go without investigation. It is not likely to be investigated by the present Senate. It is not likely to be investigated by the present House of Representatives. It is sure to be investigated by the next House of Representatives. Possibly it may be investigated by the next Senate of the United States.

I say, therefore, Mr. President, that for the purpose of having that investigation made, made thorough, made careful, made impartial, but made through the length and the breadth and the depth of that most extraordinary fiscal operation of the Government, I hope there will be an extra session of Congress called. I am constrained to believe, ending as I have begun, that that is the expectation and the purpose of the Committee on Appropriations when they bring in here their bills laden with general legislation, take no pains to strike off that legislation when it comes here from the House, do their best to make unintelligible matter still more unintelligible, and expect Senators upon their responsibility as Senators to cast intelligent votes upon matters of such great importance.

I hope that the Senator from Missouri will candidly tell us that he has no expectation of passing the appropriation bills at the present session, and that we shall be enabled as soon as we can to reconcile ourselves to the inevitable and to be prepared for that extra session of Congress which the President of the United States will undoubtedly call, in order that proper appropriations may be made, in order that progress may be made in the matters to which I have alluded of great national moment, and in order that there may be exhibited to the Congress and to the people the full details of this most extraordinary financial transaction of the Secretary of the Treasury.

Mr. COCKRELL. Mr. President, if the appropriation bills fail it will be because of the course and conduct of the distinguished Senator who has addressed the Senate and the steering committee of the other side of the Chamber. It will not be the fault of the Appropriations Committee, because we have all but two of the bills upon the Calendar, and are ready to pass them at any time. I do not believe that there is a solitary member of the Appropriations Committee, either Republican member or Democratic member, who is doing anything directly or indirectly for the purpose of preventing the passage of the appropriation bills. I must say that I honestly believe the Republican members of the Committee on Appropriations are striving with the Democratic members to get these bills in the best shape possible for their early passage by

the Senate, so as to give no cause or pretext for an extra session of Congress.

Mr. ALLISON. Mr. President, just one word more with reference to this amendment. I find that the first article of the treaty for which we provide here an agreement cedes all the interest of the Wichitas in these lands to the United States. I find that under article 5 of the treaty it is agreed that the question as to what sum of money, if any, shall be paid to said Indians for such surplus land shall be submitted to the Congress of the United States, the decision of Congress thereon to be final and binding upon said Indians, "provided, if any sum of money shall be allowed by Congress for surplus lands, it shall be subject to a reduction for each allotment." The bill provides, beginning in line 13, on page 54, as follows:

That the said Wichita and affiliated bands of Indians be allowed as compensation for the cession of the lands described in article 1 of the foregoing agreement the sum of \$1.25 per acre for so much of said land as will not be required for allotment to the Indians as provided in the foregoing agreement, subject to such reduction as may be found necessary under article 5 of said agreement: *Provided*, That no part of said sum shall be paid except as hereinafter provided.

I agree, as the fifth article of this treaty provides, that these Indians shall receive \$1.25 per acre for their lands, we having been made the sole and exclusive judge by the treaty of the value of those lands. The bill says that the sum, however, shall not be paid "except as hereinafter provided." Thereupon we proceed in the subsequent provisions relating to this subject, first, to set apart sections 16 and 32 for common schools.

Mr. PLATT. Four sections in each township.

Mr. ALLISON. Two sections for common schools and two for university purposes.

Mr. PLATT. Yes.

Mr. ALLISON. In other words, we take out of every township of those lands four sections, which we reserve for educational purposes, and which can not be sold for any purpose.

Mr. PLATT. And for which the Indians will get no pay.

Mr. ALLISON. They will get no pay under the provisions as they stand here in the bill. We have bound ourselves to pay the Indians a sum of money which we ourselves agree they ought to be paid, to wit, \$1.25 an acre. Then straightway we reserve four sections in each township for public purposes, namely, for school purposes. We then provide that the remainder of those lands shall be sold and the proceeds, after paying Mr. Pike what he ought to be paid, \$15,000, shall be put into the Treasury to abide the complicated processes which are to be found in those provisions.

Mr. WOLCOTT. I should like to ask the Senator from Iowa a couple of questions.

Mr. ALLISON. I will hear the Senator.

Mr. WOLCOTT. Has this bill—for it is really a bill—which it is rather surprising to find on an appropriation bill, ever been to the Committee on Indian Affairs?

Mr. ALLISON. It has been to the Committee on Indian Affairs.

Mr. WOLCOTT. Was it reported favorably?

Mr. ALLISON. And it was reported by that committee and referred to the Committee on Appropriations, or at least these amendments were, as I understand, referred to the Committee on Appropriations for their consideration. The main provisions of this agreement, however, are found in the appropriation bill as it comes to us from the House of Representatives.

Mr. WOLCOTT. But has the Senate Committee on Indian Affairs studied this question, and has it reported favorably upon such a treaty as we are now passing through the Senate upon an appropriation bill?

Mr. ALLISON. I do not know how carefully it has been considered, but I have no doubt the subject has been studied with care.

Mr. WOLCOTT. But has it been reported favorably by the Committee on Indian Affairs?

Mr. ALLISON. The committee has reported favorably on the amendments which we have adopted. I do not know whether the Committee on Indian Affairs considered the subject or not.

Mr. JONES of Arkansas. The Committee on Indian Affairs has heretofore recommended the ratification of this agreement with the Wichitas.

Mr. WOLCOTT. I should like to ask one other question, which my colleague [Mr. TELLER] perhaps can answer better, as he is technically more familiar with the subject, perhaps, than the Senator from Iowa.

The laws in regard to mineral lands are to be extended by this bill over the lands covered by this treaty. To what extent the land here referred to is mineral I am not advised; but if the provisions of law relating to mineral lands are to be extended over all these lands, then I apprehend there will have to be evidence given as to whether the lands taken by the Indians themselves are non-mineral in their character. Is it intended to enact such a provision of law to apply to this case?

Mr. TELLER. I would say that I understand a portion of the

Indian lands in the mountains and in the higher country are mineral lands, supposed to contain gold, silver, lead, and copper. The intention is simply to extend the mineral laws over the whole country as they are extended all over the State of Colorado where there are mineral lands. If the lands contain minerals they will be taken under the mineral-land laws, and, if not, under the agricultural-land laws.

Mr. PLATT. Will the Senator from Iowa permit me a moment?

Mr. ALLISON. Certainly.

Mr. PLATT. It is very evident that there is going to be no money paid for these lands in less than three years to the Indians who surrender the lands. No money will go into the Treasury of the United States for three years, because it will take two years to allot the lands, and then we provide that they shall not be open to settlement until one year after the allotments have been made. That puts off settlement three years.

Mr. ALLISON. Very well. That is another point which I was not for the moment discussing. The point I make as to these lands is that this treaty having been made, leaving to Congress the amount of money which shall be paid to the Wichitas for their right, title, and interest in these lands, and we having provided here that we will pay them \$1.25 an acre, make no provision in any way for that payment, but proceed straightway to ourselves segregate, occupy, and hold four sections in each township, and then proceed to provide in another portion of the bill that a man who is settled adjacent to those lands upon a homestead, if his homestead falls short of 160 acres, may take enough of those lands to make up those 160 acres. Then we proceed to sell the residue of those lands and tie them up until there shall be a final decision by the Supreme Court of the United States as to who or what tribe is entitled to receive this money.

Mr. President, I wish to say that, for myself, I do not believe this is a fair and just execution of the agreement we have made with the Wichitas; but I say this with hesitation in the presence of the distinguished Senator from Connecticut [Mr. PLATT] and the distinguished Senator from Arkansas [Mr. JONES], who are members of the Committee on Indian Affairs, and whose primary duty it is to investigate carefully these questions before they are submitted finally to the Senate. If they believe, and will say, that these provisions, taken by and large, constitute an equitable and just arrangement as to the Wichitas, and that they are not entitled to any money under this treaty, I shall not make any further objection to the passage of the several provisions of this bill.

From the examination I have been able to make, however, I do not believe that it is a just and fair recognition of the provisions of the treaty, and I should not deal with it now except for the fact that we made a similar treaty with the Cheyennes and Arapahoes a few years ago, agreeing to pay them a sum of money for their possessory title, it being in effect the same title which the Wichitas have. I think we paid them 90 cents an acre, and then straightway proceeded to pay the Choctaws and Chickasaws a dollar and a quarter an acre for their interest in the same lands. If we submit this question to the Court of Claims, in the first instance, and they award, as Congress has awarded, the Choctaws and Chickasaws a dollar and a quarter an acre for their lands, the Wichitas receive nothing under this treaty except the bare right to have allotments in severalty for the lands which they are authorized to occupy. Those are my objections to these provisions.

If those objections are not grounded in the facts as they appear, of course I shall withdraw them; but I do not like to see these provisions passed without an affirmative declaration from the Senators who have examined this question that the Wichitas are to be fairly treated under these provisions, taken by and large.

Mr. JONES of Arkansas. Mr. President, in response to what has just been said by the Senator from Iowa, I have to say that there are certain provisions in this bill which came from the House of Representatives, ratifying and confirming these agreements, that I should not have put in the shape they are in if I had been framing the bill in the first instance, but we have endeavored to put the legislation, by the amendments which have been recommended and which have gone on the bill on the report of the Appropriations Committee in such shape as to accomplish what I believe to be a perfectly just, fair, and equitable settlement of this matter between the contending parties.

I do not believe that anything can be devised which will operate more justly than this, and that the interest of all parties will be passed upon in the courts, and justice will be done. I believe it can be better done by the courts than here, where we can not take evidence, can not examine the testimony, and can not look carefully into all the details of the matter as a court would do. I believe the amendment ought to be adopted.

Mr. PLATT. Mr. President, I do not remember being present at any session of the Committee on Indian Affairs of the Senate when the Wichita agreement was acted upon. Certainly if there had been any provision whereby the terms of the agreement were changed and \$1.25 an acre for the lands had been proposed, and



then there had been a court proceeding which might possibly take it all away from the Wichitas, I think I should have remembered it; but this whole matter comes from the other House. It may be that the Committee on Indian Affairs has reported in favor of ratifying the agreement made with the Wichitas with the provision for the payment of \$1.25 an acre and the provision that the Choc-taws and Chickasaws may enter the court and determine the title as between them and the Wichitas. So much in reply to the Senator from Iowa.

Mr. CHANDLER. Allow me to ask what authority has recommended to the Senate that \$1.25 an acre should be paid for these lands?

Mr. PLATT. That provision comes from the House of Representatives.

Mr. JONES of Arkansas. If the Senator from Connecticut will allow me a moment, I may possibly have been in error when I said a while ago that my impression was that the Committee on Indian Affairs had reported favorably the Wichita agreement which is under consideration. Such is my impression; but I think the report was made a good while ago, soon after the agreement was made; but I am not positive about that, and the recollection of the Senator from Connecticut may be better than mine on that subject. I have, however, never heard any objection to the ratification of the agreement, and I know it has been discussed in the Committee on Indian Affairs.

Mr. PLATT. I am not speaking with certainty upon that subject.

Mr. TELLER. I should like to suggest to the Senator from Connecticut that we were informed, as I think very reliably, that the Indians were exceedingly anxious to have this agreement ratified.

Mr. PLATT. But since the agreement has been made the Wichitas, Caddoes, and the other affiliated bands have, by their attorneys, insisted in a long argument here that they had the entire title to this property, that they were entitled to the entire compensation which might be paid, and that the lands were at least worth a dollar and a quarter an acre. I think the Senator from Iowa has that statement. I handed it to him a short while ago.

Mr. ALLISON. I have that statement here.

Mr. PLATT. Whether the Wichita Indians are satisfied with that arrangement by which it appears that they may possibly not receive anything for their lands I am not advised.

Mr. ALLISON. I wish to call the attention of the Senator from Connecticut to the fact that in this bill we provide that the Indians shall be paid a dollar and a quarter an acre for their lands. That is in pursuance of the fifth article of the treaty itself, which declared that the price of these lands should be fixed by Congress, and that that should be final. We have fixed that price at a dollar and a quarter an acre, but we have also provided that they may all be taken away from the Indians. I do not understand that that is in accord with the spirit of the fifth article of the treaty.

Mr. WOLCOTT. I understand the Senator from Iowa to state, in reply to my question, that when this bill came over from the House of Representatives we referred so much of it as pertains to Indian affairs to the Indian Committee.

Mr. PLATT. Oh, no.

Mr. WOLCOTT. Then, let me ask, has the Committee on Appropriations, in addition to its multifarious duties, assumed to pass upon the justice or wisdom of the Indian question, and has it considered it as a committee?

Mr. ALLISON. I understand it has.

Mr. WOLCOTT. May I ask, if it is not in violation of the confidence of the committee, whether the committee has taken any testimony or examined any reports or developed the question at all, or in any way passed upon the wisdom, prudence, or equity of such a measure affecting the Indian tribes?

Mr. ALLISON. I have no doubt it has taken all the testimony available, and has examined all the papers. The committee has given the closest and most careful attention to the whole subject.

Mr. WOLCOTT. May I ask if there was any testimony taken or any papers examined by the committee?

Mr. ALLISON. The treaties were of course before the committee in print. We did not send for the Indians.

Mr. WOLCOTT. Nor was the subject referred to the Committee on Indian Affairs?

Mr. ALLISON. The committee understood, or at least I understood for one, that these provisions, as is the custom, had the approval of the Committee on Indian Affairs.

Mr. WOLCOTT. I understand that the chairman of the committee states that he is uncertain as to whether or not his committee has ever dealt with the question.

Mr. JONES of Arkansas. I wish to state that I have sent for the clerk of the committee to find what the records of the committee show as to the Wichita agreement. I find that it was referred to a subcommittee, and was reported favorably by the subcommittee to the full committee, but has not been acted upon by

the full Committee on Indian Affairs. There has been no report made on it. As to the propriety of ratifying the agreement, there is no objection so far as I know. I have never heard of any objection, and I do not believe there is any.

Mr. ALLISON. I am not criticising the agreement. That agreement is satisfactory as it appears; but the criticism I make is that these provisions do not execute the agreement.

Mr. WOLCOTT. The Senator does not understand me. I want to ask him if he, as an experienced Senator, does not believe when a question comes up in the Senate of the United States dealing with the relations between the Indians and the whites, taking from the Indians vast tracts of land, and arranging as to their remuneration for those lands, that such a measure is within the jurisdiction of the Committee on Indian Affairs, appointed by this Senate for the purpose of examining such questions, and that it is not fair, either to the white people of this country or to the Indians, that such a question should be passed upon in the last days of the session by the Committee on Appropriations, whose business it is to deal with questions of appropriation, and not specifically with Indian affairs?

Mr. COCKRELL. I will ask the Senator if nearly every agreement with Indians which has been ratified has not been done on appropriation bills in the Fifty-first and Fifty-second Congresses, when the Senator from Iowa [Mr. ALLISON] was chairman of the Committee on Appropriations, as well as in the Fifty-third Congress? There has always been upon the Appropriations Committee, so far as I remember, a member of the Committee on Indian Affairs. The Senator's distinguished colleague [Mr. TELLER] is a member of the committee, and has been, I believe, a member of the subcommittee of the Committee on Indian Affairs.

Mr. WOLCOTT. I beg pardon. My colleague is not on the Committee on Indian Affairs.

Mr. COCKRELL. I supposed he was. He was Secretary of the Interior, and he is as conversant as any man in the Senate with Indian affairs, and for that reason he was a member of the subcommittee of the Committee on Appropriations to consider the Indian appropriation bill, and this bill has been considered just as all such bills have been considered for the last twenty years.

Mr. WOLCOTT. I beg the Senator's pardon. I beg to call his attention to the fact that the bill for the removal of the Southern Ute Indians, which passed the Senate the other day, went through the hands of the Committee on Indian Affairs.

Mr. COCKRELL. Some bills of that character, of course, have been passed in that way, but there always have been some on every Indian appropriation bill.

Mr. WOLCOTT. I understood the Senator from Missouri to say that all Indian bills were placed upon the Indian appropriation bill.

Mr. COCKRELL. Not at all. I never said anything of the kind; but the Indian appropriation bill has always gone to the Committee on Appropriations, and that committee has considered everything which was put on the bill ratifying agreements with Indians, either when inserted by the House of Representatives or when by the action of the Senate such amendments have been referred to the committee for consideration, and at the last session provisions ratifying agreements were put on the Indian appropriation bill, some of which were reported by the committee.

Mr. WOLCOTT. I should like to ask the Senator from Missouri if the Senate has ever been in the habit of putting upon appropriation bills any ratifications of Indian treaties until they had been duly reported by the Committee on Indian Affairs?

Mr. COCKRELL. Yes; I believe nearly all of them have been.

Mr. WOLCOTT. Without reference to the Senate Committee on Indian Affairs?

Mr. COCKRELL. If such an agreement was in the bill as it came from the other House it would stay there, and the Senate committee can not help themselves. We have always considered every treaty which was proposed to be ratified by a provision in the bill as it came from the other House, and we can not help ourselves. We have to consider such provisions, and nearly all of them have been put on in the House. At the last session we had a number of them. We act upon them and take such amendments as the Committee on Indian Affairs have submitted to us.

Mr. WOLCOTT. What I am reaching is this: I will ask the Senator from Missouri whether, whenever an appropriation bill comes up in the Senate that has upon it the ratification of a treaty coming from the other House, it has been through but one Indian Committee; that is, the House Committee on Indian Affairs?

Mr. COCKRELL. I do not know whether it has been through that committee or not.

Mr. WOLCOTT. The Senator is not even aware as to whether this provision has ever been before the House Committee on Indian Affairs?

Mr. COCKRELL. Certainly not.

Mr. WOLCOTT. It strikes me that that is a most improper

method of securing legislation between the Indian and the white man. If we appoint a Committee on Indian Affairs, that committee is entitled to take into consideration the proper relation which should exist between the two races, and should have the care and custody of any proposed treaties between the Indians and the whites.

Mr. HOAR. I should like to ask the Senator from Colorado what he would do in this case: We have a rule in regard to general legislation on appropriation bills; that rule is often set aside; still it is a general rule and generally enforced. The other House sends over general legislation on appropriation bills, legislation which relates to the administration of justice, or to any single department of the Government. I agree that the Senator's point is well taken, but I should like to have him state further how he would get at it.

Mr. WOLCOTT. I am not prepared to answer the Senator from Massachusetts, except to say that if it be the fact that our treaties with the Indians are passed and ratified by the Senate on appropriation bills, without reference to the Committee on Indian Affairs, then it would seem to me, in common justice, that it would be infinitely better that the Committee on Indian Affairs should take charge of the appropriations for the Indians, rather than that the rights of the Indians should be sacrificed by being included in appropriation bills, without any consideration whatever by any committee.

Mr. HOAR. Mr. President—  
The PRESIDING OFFICER. The Senator from Iowa [Mr. ALLISON] is entitled to the floor.

Mr. HOAR. I do not wish to take the Senator from Iowa off the floor.

Mr. ALLISON. I yield to the Senator.

Mr. HOAR. All that I desire to say is that I understand the custom of the Senate to be this: That there is upon the Committee on Appropriations at least one member of each of the other important committees of the Senate which deal with the large subjects of legislation. That member is usually placed upon a subcommittee on the particular subject dealt with in an appropriation bill.

Mr. WOLCOTT. Will the Senator from Massachusetts inform me who on the Appropriations Committee is a member of the Committee on Indian Affairs?

Mr. HOAR. I suppose the Senator from Arkansas can state. I do not know.

Mr. JONES of Arkansas. There is no member of the Committee on Indian Affairs, who is now a member of the Committee on Appropriations.

Mr. HOAR. My former colleague, Mr. Dawes, was a member of the Committee on Indian Affairs and also a member of the Committee on Appropriations.

Mr. JONES of Arkansas. That has nearly always been the case, and, as stated by the Senator from Massachusetts, his former colleague, who was a member of the Committee on Indian Affairs, was also a member of the Committee on Appropriations.

Mr. HOAR. My former colleague, who was chairman of the Committee on Indian Affairs, during the latter part of his service was chairman of the subcommittee of the Committee on Appropriations having charge of the Indian appropriation bill. The chairman of a subcommittee is always supposed to represent the other committee of which he is a member having special charge of the subject-matter. Otherwise the Indian appropriation bill ought to be referred to the Committee on Indian Affairs before it goes to the Committee on Appropriations.

Mr. ALLISON. After this colloquy and these suggestions as to the reorganization of committees in this body—of course I do not wish to enter into that debate at this time—I want to say in answer to the inquiry put to me by the Senator from Colorado [Mr. WOLCOTT] that as to the duties of the several committees of the Senate, I understand the Committee on Indian Affairs has jurisdiction of all matters relating to the Indian tribes, that it exercises that jurisdiction exclusively, and that no other committee, at least not to my knowledge, takes jurisdiction of subjects belonging to it. We have also in this Chamber, as the Senate knows, a Committee on Appropriations, the duty of that committee being to provide for the appropriation of money for the several branches of the Government authorized by law. We have also in this Chamber a rule, as I understand, which prevents legislation on appropriation bills, so well stated by the Senator from Massachusetts [Mr. HOAR]. That rule is occasionally violated, oftentimes by unanimous consent, I might say sometimes by the decision of the Chair, sometimes by a submission of a question to a vote of the Senate.

As a rule, we endeavor to keep appropriation bills clear of distinctive legislative provisions, but we do not control the rules of the House of Representatives, and they send us appropriation bills with legislation upon them; and when they send such legislation upon a bill, under the order of procedure there is but one way to get that legislation out of the bill, and that is to reject it in the

Senate, or through a conference or a recession of the House of Representatives get it out of the bill by the action of the two Houses.

This agreement with the Wichitas came to the Senate upon the Indian appropriation bill. That bill was referred to the Committee on Appropriations, and we undertook to consider it as best we could, not perhaps with the intelligence and with the care which would have been exercised by other committees of this body. We had a right to suppose, and I am sure it is the fact, that the Committee on Indian Affairs, the members of which are vigorous and alert, when an Indian appropriation bill comes to this body, give it examination as soon as it is printed, and if there is anything in the bill in the nature of legislation, or which pertains to their jurisdiction, they deal with it, without it being specially referred to them, I agree, but they give the Committee on Appropriations their advice and counsel regarding it. The Committee on Appropriations, having charge of these bills, are compelled to make such investigation as they can as to all the provisions they find in such bills. That is the custom, and that has been the custom of the Senate for a great many years, at least so long as I have been a member of it.

Mr. WOLCOTT. Will the Senator allow me a moment?

Mr. ALLISON. Yes, sir.

Mr. WOLCOTT. I desire to correct the Senator of a misapprehension he is under. I made no suggestion whatever respecting the remodeling of the Committee on Appropriations. In replying to a question put to me by the Senator from Massachusetts [Mr. HOAR] as to what I would do if we could not get the consideration by the Committee on Indian Affairs of the matters properly belonging to that committee, I gave him my answer. I had no quarrel with the Committee on Appropriations. I do not underrate for a moment the intelligence, ability, and capacity which has characterized that committee. I would not change it if I could; but when the Senator states that we have a Committee on Indian Affairs which deals exclusively with all questions pertaining to the Indian, he must have been under a misapprehension of the meaning of what he says when he follows it up by saying that when the other House sends over an appropriation bill with a treaty with the Indians in it it does not go to the Committee on Indian Affairs.

I rose not in an obtrusive way, not in any fault-finding way, not in any critical way, but seeking some information about this bill; and I ask the Senator from Iowa whether or not this bill in any way, officially or unofficially, has been considered by the Committee on Indian Affairs? The Senator from Iowa told me, I understood, that it had not. The Senator from Iowa now says that when the bill came to the Senate it was referred unofficially to the Committee on Indian Affairs. It will satisfy me as to this measure or any measure which affects the Indians if the Senator from Iowa can give us his assurance that the Committee on Indian Affairs, which is organized for the sole purpose of dealing with the question, whose members are appointed from States and sections of the country where their relations with the Indians give them peculiar facilities for dealing with the question, have been made familiar with the pending proposition and have given it their approval.

I am unable to get it. It seems to me it is a proper and intelligent inquiry, and if the Senator will assure me that the Committee on Indian Affairs or anybody competent to deal with the question has looked into the merits of the treaty on behalf of the Senate, I shall have no further word to say.

Mr. ALLISON. I knew the Senator from Colorado was not finding fault with the Committee on Appropriations. My remarks with respect to the division of duties in this body were only in response to the suggestion made in the colloquy between the Senator from Massachusetts [Mr. HOAR] and the Senator from Colorado [Mr. WOLCOTT]. I was endeavoring to show that under the existing order of business in the Senate, which can be changed at a proper time and under proper circumstances when a reorganization takes place, with which I have no fault to find, a different arrangement as to the Indian appropriation bill could be had. I repeat what I have so often said in the debate upon this question, that I understand the Indian Committee does favor this agreement.

Mr. PLATT. The Indian Affairs Committee of the Senate has never acted upon it. When the bill came over from the other House we did not present any objection to the Appropriations Committee, but we have not acted upon the bill in committee.

Mr. ALLISON. Very well. I wish to say one word further. The Committee on Appropriations can know as to these questions only from such information as it gathers in the committee.

The chairman of the Committee on Indian Affairs was present when some of these amendments were considered, and was consulted respecting them. But what I desire to have understood is, that no one here, not even the Senator from Connecticut, criticises this agreement, and if the agreement had been submitted to the



Committee on Indian Affairs, I have no doubt it would have been reported favorably. The Senator from Arkansas says they have reported it favorably, and I have no doubt—

Mr. JONES of Arkansas. I corrected that statement. I stated that that was my impression. I said that the agreement had been in the Committee on Indian Affairs, had been considered by a subcommittee, and that the subcommittee was ready to report it favorably, but it had not been acted upon by the whole committee. I corrected the statement to which the Senator from Iowa alludes.

Mr. PLATT. What the Committee on Indian Affairs has recommended is a change in the character of the submission to the court. The amendment in that respect received the approval of the committee, and was referred to the Committee on Appropriations.

Mr. ALLISON. So I understood. I do not think, with all deference to the Committee on Indian Affairs, that an elaborate measure such as is involved here and reported by the Senate committee, with the sanction of the Committee on Indian Affairs, could have been prepared without a careful analysis not only of every provision in the agreement, but a complete analysis of the House provisions respecting it. It is not possible that that committee can pick up a detail of this character and ask the Committee on Appropriations to add to the House provisions without having examined as a committee the House proposition in order to know what it contains.

I am not criticizing the agreement or any part of it. I am complaining that taking these legislative provisions by and large they nullify the fifth article of the treaty; at least it would so appear to the innocent minds of the Wichita Nation. They will see a provision here which gives them \$1.25 an acre, and they will see a complicated measure submitting a great number of questions to the Court of Claims and finally to the Supreme Court, which in its effect and result may take from under their feet the \$1.25 an acre. Therefore it is holding out to them a hope which, in my opinion, they will not realize under the agreement. That is the only objection I have made here.

Mr. TELLER. Mr. President, the treaty made with the Wichita Indians is entirely agreeable to the Indians themselves. They are not dissatisfied with it. The Department charged with these matters is entirely satisfied with it. There can be no necessity of sending the matter to the Indian Affairs Committee or anywhere else, so far as that is concerned; and I presume it had some examination in the other House by their committee.

Mr. PLATT. In the other House the Indian Committee reports the bill to the House, I understand.

Mr. TELLER. I understand that the Indian Committee reports the bill in the other House, and that it comes from the House to the Senate committee.

I think Senators rather misapprehend what is the effect of the provision by which we propose to submit for the examination by the court of the title of the Choctaws and Chickasaws. We made a treaty with the Wichita Indians that we would pay them what we thought their title was worth in the land they surrendered. We could not agree with the Indians exactly what we should pay them. We proposed, I think, to pay them 50 cents an acre. They thought that was not enough. They said finally, "We will leave the whole matter to the United States." The Indians are to have their allotment. Then what is left they are to be paid for as we see fit to pay them. Article 5 of the treaty reads:

In addition to the allotments above provided for, and the other benefits to be received under the preceding articles, said Wichita and affiliated bands of Indians claim and insist that further compensation in money should be made to them by the United States for their possessory right in and to the lands above described in excess of so much thereof as may be required for their said allotments. Therefore it is further agreed that the question as to what sum of money, if any, shall be paid to said Indians for such surplus lands shall be submitted to the Congress of the United States, the decision of Congress thereon to be final and binding upon said Indians; provided if any sum of money shall be allowed by Congress for surplus lands it shall be subject to a reduction for each allotment of land that may be taken in excess of 1,000 at that price per acre, if any, that may be allowed by Congress.

Then the House saw fit, I understand, under the advice of the Interior Department, to insert the provision which was prepared in the Interior Department providing that if the Choctaws and Chickasaws raised a claim—

To have some right, title, and interest in and to the lands ceded by the foregoing treaty, as soon as the same are abandoned by said Wichita and affiliated bands of Indians, jurisdiction be, and is hereby, conferred upon the Court of Claims to hear and determine the said claim of the Choctaws and Chickasaws and to render judgment thereon.

That, of course, is not in the treaty with the Wichita Indians.

The court is to determine the question whether the United States is bound to pay the Chickasaws and Choctaws any further sum than we have paid them for the lands which the Wichita Indians have ceded to the Government. We treated with those Indians years ago, and they gave us the authority to settle the present occupants upon the land. We took it in trust for friendly Indians. Nothing was said about reserving any right of reversion on the part of the Choctaws and Chickasaws. But now we propose to

change the trust, taking a portion of the land from the Indians and selling it to white men.

It was believed in another case of similar character that we were under obligation to pay the Indians; and we did pay them. I have no doubt we shall pay something to the Chickasaws and Choctaws for that right, for I think it is a valuable and existing right. I think they have not parted with their title except for a specific purpose, and when the Government of the United States ceases to occupy it for the specific purpose for which it was granted the land reverts to the Indians. It is their land and they have to be paid for it.

Now, whether we shall pay the Wichitas something also in addition is a question which they have left to us, and it is still left to us. It is not to be determined by the court. I do not think it can be said, if the court should determine that we should give the Choctaws and Chickasaws \$1.25 an acre or any other sum, that that is a payment to the Wichitas under the provision of the fifth article of the treaty.

Mr. PLATT. They would have to have more.

Mr. TELLER. They would have to have more. In other words, it might cost us \$3 an acre instead of \$1.25. That is all there is of it, I understand.

The Committee on Appropriations were not satisfied that the machinery for the adjudication was good as to the rights of the Choctaws and Chickasaws. We discussed that question to some considerable extent, and we called in the chairman of the Committee on Indian Affairs to aid us. We did not have the committee, but we had the chairman of the committee. I have his permission to say that he consulted with us, and that we fixed upon this form of amendment which we thought would carry out in a proper manner the object and purpose of the amendment of the House of Representatives for the submission to the court.

Then we provided—

That the laws relating to the mineral lands of the United States are hereby extended over the lands ceded by the foregoing treaty.

That provision certainly will not be complained of by the Indians, because if the lands are sold under those laws they will be sold at a much higher price than if sold under the homestead laws, and the Indians will not be injured but benefited.

The Wichitas really have no interest in this matter of submission to the Court of Claims of the right of the Choctaws and Chickasaws for further payment. This is really a case between the United States and the Chickasaw and Choctaw nations. It is rather an indirect way of permitting the Chickasaws and Choctaws to bring suit against the United States to determine whether the United States owes them anything. We can not, in my judgment, with the provisions of article 5 intact, set up, in morals or in law, the fact that we have paid the Chickasaws and Choctaws anything as a discharge of the obligation incurred by accepting the land to pay the Wichitas something.

That is the way I look at it. The Indians are exceedingly anxious to have the agreement ratified. As to the white people, it will not be out of place for me to say that the delegate who represents the people was before the committee, and was exceedingly anxious that it should be ratified. He represents, I believe, the people of all kinds. Everybody knows that all these matters ought to be settled for the benefit both of the Indians and the white people. I believe the bill protects the Government of the United States by permitting the matter to go to the Court of Claims. The Choctaws and Chickasaws, I think, are willing to submit to that. I do not myself think there is any better way of settling it. I am satisfied we should pay the Choctaws and Chickasaws something, and I should be ashamed if we should turn around and say that because we had to pay them we decline to make any appropriation for the Wichitas under the fifth article, for those people very generously said, "We will not now insist on what we might insist upon; we will not insist upon any special price. We will just leave it to the Government of the United States, and let the Government settle it."

In addition to that, when we come to settle with the Wichitas we will have to settle another question. That is, whether when we took this land and gave it to the Choctaws and Chickasaws fifty years ago we did not despoil and take away from the Wichita Indians the land that they were entitled to as much as any other Indians are entitled to—land over which they roamed. While they did not have a great community settled all over it, yet they had communities that did travel over it and communities on it. They were the aborigines beyond question, and they have from that time to this maintained in a sort of indefinite way that they have some title which should be settled. That will have to be settled also. I suppose it is safe enough to say that when it comes to the settlement of this question with the Indians the United States Government will not be close with them, for whatever may be said about our treatment of the Indians there is in the history of the world no nation that has dealt so generously with the aborigines as have the people of the United States.

There is no other nation that has taken possession of the lands occupied by wild people and has paid them such vast sums of money as we have paid the Indians of the United States for a title that many of the European countries absolutely ignore. I think the history of transactions here in Congress, including the payment of the Choctaws and the Chickasaws, with the adverse action of the executive department that determined the payment should not be made, indicated a determination on the part of Congress that the Indians should have no reason to complain of us; that we would rather err in giving more money to the Indian than he was entitled to than to give him less.

Mr. CALL. Mr. President, I wish to say just one word. I am bound by the action of the committee on this amendment. I think it is very clear that the Wichita Indians should have what the Government agreed to pay them, and not be deprived of it by any submission to any court or anybody else. If it were in my power I should so amend the amendment.

Mr. COCKRELL. Let us vote.

The PRESIDING OFFICER. The question is on the amendment of the committee. Without objection, the amendment will be considered as agreed to.

Mr. PLATT. What amendment is that?

The PRESIDING OFFICER. The amendment which has been under discussion.

Mr. PLATT. I wish to suggest that the practice which we have fallen into of deciding questions which are discussed here at great length by the Chair saying "Without objection, the amendment will be agreed to," is hardly a custom which gives a fair opportunity for the settlement of such questions.

The PRESIDING OFFICER. The Chair will suggest that he had no purpose of course to deprive a Senator of any right.

Mr. PLATT. Of course the Chair was following the custom which prevails here, but I think it is better honored in the breach than in the observance.

Mr. COCKRELL. Let the amendment be read and let us take the vote on it.

Mr. ALLISON. I wish to make one suggestion in view of what the Senator from Colorado [Mr. TELLER] has just stated. My observations respecting these provisions were based chiefly upon an answer given to me, I think, by the Senator from Arkansas, namely, that this \$1.25 an acre to be given to the Wichitas might be wholly taken away from them by a judgment against the United States by the Choctaws and Chickasaws. I think the sum we pay the Wichitas should be fixed and settled here. Therefore, I suggest to the Senator from Florida, or the chairman of the committee, whoever has charge of the bill at the present time, that we put into the bill a provision that the Wichitas shall have 90 cents per acre or 80 cents per acre for the lands not allotted under the provisions of the treaty, and that that shall settle and satisfy the claim which they have against us under the fifth article of the treaty.

Mr. HIGGINS. Without going into court at all?

Mr. ALLISON. Why should they go to the court? We have provided that we would settle that question. Let us settle it in this bill, and then strike out the provision found on page 54. It seems to me that is a wiser and better solution of this question, and that it would secure a better feeling among the Indians than if we undertake to leave this provision in the uncertainty it now is.

Mr. CHANDLER. I should like to ask the Senator from Iowa why we should decide that they shall have 90 cents? Who is to decide whether the land is worth 90 cents or 80 cents, or a dollar, or a dollar and a quarter? Should not somebody investigate the subject and decide what is a fair price?

Mr. ALLISON. The answer to that is this: Our commissioners who made the treaty offered them 50 cents and they asked \$1.25. We paid 90 cents an acre to the Cheyennes and Arapahoes for precisely the same title and very nearly the same character of land.

Mr. CHANDLER. Then that is a very good reason. Then why not give the rest \$1.25?

Mr. COCKRELL. I do not admit that the titles were at all the same. I do not think the Senator from Iowa was justified in saying that the title of the Cheyennes and Arapahoes was of the same kind as the title of the Wichitas. The Wichitas have a claim anterior to any of these claims.

Mr. ALLISON. I agree to that.

Mr. CHANDLER. Then I ask the Senator from Iowa, in the spirit of honorable compromise, in order to fix up this matter right, as we know all about it here, or are supposed to know all about it, why we should not give the Wichitas and affiliated bands 90 cents and give 85 cents an acre to the Choctaws and Chickasaws and have the whole thing ended right off, without going to the Court of Claims at all.

Mr. PETTIGREW. I think that is a good suggestion.

Mr. TELLER. I should like to suggest that we pass over these paragraphs until to-morrow morning. We are not going to get

through with the bill to-night. I think there might be some amendments made to it.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Colorado that the amendment be passed over until to-morrow? The Chair hears no objection. The reading of the bill will proceed.

The Secretary resumed the reading of the bill on page 60, line 6. The next amendment of the Committee on Appropriations was, on page 60, line 6, after the word "That," to insert "the laws relating to;" so as to make the clause read:

That the laws relating to the mineral lands of the United States are hereby extended over the lands ceded by the foregoing treaty.

The amendment was agreed to.

Mr. COCKRELL. In line 8 I move to strike out "treaty" and insert "agreement."

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 60, after line 8, to strike out:

The proper accounting officers of the Treasury are hereby authorized and directed to pay to Bartlett Richards, out of the appropriation for "support of Sioux of different tribes, including Santee Sioux of Nebraska," for the fiscal year ending June 30, 1895, the sum of \$885.46, for beef actually delivered to the Pine Ridge Agency, S. Dak., in the month of November, 1894; said amount having been suspended or disallowed, under contract stipulations, for the reason that the average weight of 500 beef steers was not fully up to contract requirements, the deficiency occurring through the efforts of the contractor to comply with written request of the army officer, acting Indian agent, to deliver lighter cattle than had been previously delivered under the contract.

Mr. CAREY. Mr. President, I hope that this paragraph will not be stricken out of the bill for the reason that it is right that it should remain in the bill. I introduced the amendment. It went to the Committee on Indian Affairs, and an adverse report was made, but I think if anyone will read the report that was made by the committee they will be convinced that this portion of the bill should not be stricken out.

Bartlett Richards was the contractor furnishing beef for the Indian service at Pine Ridge Agency. Calls were made at intervals for certain cattle that should weigh an average of so many pounds. At the request of the Indian agent a selection was made of cattle of light weight, as they could be more economically killed and served to the Indians. All of the cattle delivered previous to that particular time were above weight, and it appears that he took out of his herd these light-weight cattle to comply with the request of the Indian agent. The Indian agent says in express terms that the cattle were not of inferior quality. The Government was in nowise injured. So far as any provision of the contract is concerned it was not violated by Mr. Richards, as it appears from the testimony offered in this case that there was no necessity for the Indian agent to have received the lighter weight cattle unless he had actually wanted them.

It makes a difference of eight hundred and forty-odd dollars to the gentleman who furnished the beef. There is no excuse for the Government declining to pay the eight hundred and forty-odd dollars; it is a just claim against the Government. The Commissioner of Indian Affairs recommends that it shall be paid; the Secretary of the Interior says there is equity in the claim and it should be allowed. I can not see upon what ground, when you have read the report of the Committee on Indian Affairs, that they should have reported this provision adversely. The amendment was put in in the House. It was offered in the Senate, and the Committee on Indian Affairs of the Senate made a recommendation against it. I wish to ask the chairman of the Committee on Appropriations if he has examined the report.

Mr. COCKRELL. I have not examined it very carefully. I glanced over it and I thought it was correct. The amendment was reported adversely by the junior Senator from Louisiana [Mr. BLANCHARD] as a member of the Committee on Indian Affairs, and I supposed it was correct. I think it is. I have not given the report a critical examination.

Mr. CAREY. If the Senator will read the report of the Secretary of the Interior and the report of the Commissioner of Indian Affairs I believe he will conclude that it is a just claim against the United States. I do not think that in the current affairs of the Government in the furnishing of beef to the Indians from day to day the contractor should be compelled to go to the Committee on Claims and employ attorneys. To press the claim probably during two or three sessions of Congress would cost him more than the \$800 involved. He furnished the quality, he furnished the number of pounds, he furnished beef that was satisfactory to the agent, and the beef which it is stated could be most economically distributed among the Indians. I sincerely hope that the Senate will not concur in this amendment.

Mr. MANDERSON rose.

Mr. CALL. It is now 6 o'clock. If the Senator from Nebraska will give way to me, I will move that the Senate adjourn.

Mr. MANDERSON. I will yield the floor for the purpose of an adjournment, if that is the desire.



Mr. PUGH. It is important that we shall have a short executive session.

Mr. QUAY. I should be glad if the Senator from Alabama would withhold the motion for a moment.

Mr. PUGH. Certainly.

#### DELAWARE RIVER BRIDGE.

Mr. QUAY. I merely wish to make a statement. On Tuesday last, the 12th instant, the Senate unanimously passed the joint resolution (S. R. 133) directing the Secretary of War to make an examination of the bridge to be constructed over the Delaware River between the States of New Jersey and Pennsylvania. On the next day the senior Senator from New Jersey [Mr. McPHERSON] entered a motion to reconsider the vote by which the joint resolution was passed, accompanying the motion with the statement that on the following day he would either withdraw the motion or ask the Senate to proceed to its consideration. A week has now elapsed, and I wish to give notice that after the conclusion of the morning business to-morrow I shall ask the Senate to consent that the motion to reconsider shall be disposed of.

#### ANTONIO MAXIMO MORA.

Mr. MORGAN. I ask the Senate to proceed to the consideration of the joint resolution (S. R. 134) calling on the President to take such measures as he may deem necessary to consummate the agreement between the Government of Spain and the United States for the relief of Antonio Maximo Mora, a naturalized citizen of the United States.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. MORGAN. In line 8, before the word "agreement," I move to strike out the word "aforesaid."

The PRESIDING OFFICER (Mr. KYLE in the chair). The amendment will be stated.

The SECRETARY. It is proposed to strike out the word "aforesaid," in the last line of the joint resolution; so as to make it read:

*Resolved, etc., That the President be, and he is hereby, requested to insist upon the payment of the sum agreed upon between the Governments of Spain and the United States in liquidation of the claim of Antonio Maximo Mora against the Government of Spain, with interest from the time when the said amount should have been paid under the agreement.*

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

#### EXECUTIVE SESSION.

Mr. PUGH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-four minutes spent in executive session the doors were reopened, and (at 6 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 21, 1895, at 11 o'clock a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate February 20, 1895.*

##### POSTMASTERS.

Sallie Howard, to be postmaster at Tuskegee, in the county of Macon and State of Alabama, in the place of Benjamin F. Howard, deceased.

Lucius M. Monroe, to be postmaster at New Canaan, in the county of Fairfield and State of Connecticut, in the place of Selleck Y. St. John, whose commission expired February 14, 1895.

John E. Kelly, to be postmaster at Dundee, in the county of Kane and State of Illinois, in the place of Albert Miller, whose commission expired January 19, 1895.

Jefferson M. Swett, to be postmaster at Eastport, in the county of Washington and State of Maine, in the place of Henry N. Paine, whose commission expired February 14, 1895.

Louis A. Dickinson, to be postmaster at Fremont, in the county of Sandusky and State of Ohio, in the place of Edward Loudensleger, whose commission expired February 9, 1895.

Samuel E. Fleming, to be postmaster at Huntingdon, in the county of Huntingdon and State of Pennsylvania, in the place of John A. Nash, whose commission will expire March 3, 1895.

F. J. Smedley, to be postmaster at North East, in the county of Erie and State of Pennsylvania, in the place of Royce S. Pierce, whose commission expired January 19, 1895.

George E. Bryant, to be postmaster at Baldwinsville, in the county of Worcester and State of Massachusetts, in the place of Charles A. Perley, whose commission expired January 27, 1895.

John H. Hicock, to be postmaster at Flint, in the county of Genesee and State of Michigan, in the place of George E. Newell, whose commission expired February 14, 1895.

James R. Holcombe, to be postmaster at Gothenburg, in the

county of Dawson and State of Nebraska, in the place of William C. May, whose commission expired October 1, 1894.

Mary F. Holland, to be postmaster at Friend, in the county of Saline and State of Nebraska, in the place of Edward Whitcomb, whose commission will expire February 23, 1895.

Solomon S. Metzger, to be postmaster at Bedford, in the county of Bedford and State of Pennsylvania, in the place of Benjamin F. Mann, whose commission will expire February 28, 1895.

George W. Marshall, to be postmaster at Swampscott, in the county of Essex and State of Massachusetts, in the place of Enoch S. Eastman, whose commission expired August 22, 1894.

James F. Charlesworth, to be postmaster at St. Clairsville, in the county of Belmont and State of Ohio, in the place of William A. Hunt, whose commission expired January 19, 1895.

#### UNITED STATES CIRCUIT JUDGE.

Erskine M. Ross, of California, to be United States circuit judge for the ninth judicial district, provided for by act approved February 18, 1895.

#### SECRETARIES OF LEGATION.

William Crichton, of West Virginia, to be secretary of legation of the United States at Brazil, to fill a vacancy.

Joseph R. Herod, of Indiana, now second secretary of legation at Japan, to be first secretary of the legation of the United States at Japan.

#### CONSULS.

Fred. Ellison, of Indiana, to be consul of the United States at Belize, British Honduras, vice James Leitch, recalled.

Julio Harmony, of New York, to be consul of the United States at Corunna, Spain, to fill a vacancy.

William W. Masterson, of Kentucky, to be consul of the United States at Aden, Arabia, vice Dwight Moore, recalled.

Samuel W. Thome, of Pennsylvania, to be consul of the United States at Asuncion, Paraguay, to fill a vacancy.

#### PROMOTIONS IN THE ARMY.

##### *Infantry arm.*

First Lieut. Silas Augustus Wolf, Fourth Infantry, to be captain, February 19, 1895, vice Luhn, Fourth Infantry, retired from active service.

Second Lieut. William Curtis Neary, Third Infantry, to be first lieutenant, February 19, 1895, vice Wolf, Fourth Infantry, promoted.

#### PROMOTIONS IN THE NAVY.

Assistant Engineer John C. Leonard, to be a passed assistant engineer in the Navy from the 14th of February, 1895, vice Passed Assistant Engineer George D. Strickland, retired. [Subject to the examinations required by law.]

Lieut. James R. Selfridge, to be a lieutenant-commander in the Navy, from September 30, 1894, vice Lieut. Commander Franklin Hanford, promoted. [Subject to the examinations required by law.]

Lieut. (Junior Grade) William P. White, to be a lieutenant in the Navy, from September 30, 1894, vice Lieut. James R. Selfridge, promoted. [Subject to the examinations required by law.]

Lieut. Commander Frederick W. Crocker, to be a commander in the Navy, from November 11, 1894, vice Commander William C. Wise, promoted. [Subject to the examinations required by law.]

Lieut. Charles A. Adams, to be lieutenant-commander in the Navy, from November 11, 1894, vice Lieut. Commander Frederick W. Crocker, promoted.

Lieut. (Junior Grade) John H. Shipley, to be a lieutenant in the Navy, from November 11, 1894, vice Lieut. Charles A. Adams, promoted. [Subject to the examinations required by law.]

Lieut. William H. Everett, to be a lieutenant-commander in the Navy, from December 6, 1894, vice Lieut. Commander Robert M. G. Brown, retired.

Lieut. (Junior Grade) John E. Craven, to be a lieutenant in the Navy, from December 6, 1894, vice Lieut. William H. Everett, promoted. [Subject to the examinations required by law.]

Lieut. John M. Hawley, to be a lieutenant-commander in the Navy, from December 9, 1894, vice Lieut. Commander Theodorus B. M. Mason, retired.

Lieut. (Junior Grade) James H. Hetherington, to be a lieutenant in the Navy, from December 9, 1894, vice Lieut. John M. Hawley, promoted.

Lieut. Commander Robert M. Berry, to be a commander in the Navy, from February 2, 1895, vice Commander John J. Brice, retired.

Lieut. Thomas H. Stevens, to be a lieutenant-commander in the Navy, from February 2, 1895, vice Lieut. Commander Robert M. Berry, promoted. [Subject to the examinations required by law.]

Lieut. (Junior Grade) John J. Knapp, to be a lieutenant in the Navy, from February 2, 1895, vice Lieut. Thomas H. Stevens, promoted. [Subject to the examinations required by law.]

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 20, 1895.*

## UNITED STATES ATTORNEY.

Henry S. Foote, of California, to be attorney of the United States for the northern district of California.

## POSTMASTERS.

William L. Izlar, to be postmaster at Orangeburg, in the county of Orangeburg and State of South Carolina.

Edwin M. Slayton, to be postmaster at Port Byron, in the county of Cayuga and State of New York.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 20, 1895.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read and approved.

JACOB ECKERT.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Military Affairs, and ordered to be printed:

*To the House of Representatives:*

I return herewith, without approval, House bill No. 6244 entitled "An act to remove the charge of desertion from the military record of Jacob Eckert."

This bill directs the Secretary of War "to cause the records of the War Department to be so amended as to remove the charge of desertion from the service record of Jacob Eckert, of New Philadelphia, Ohio, late a private in Company B, Sixty-first Ohio Volunteer Infantry, and to grant an honorable discharge to said Jacob Eckert from the service of the United States Army as of date when said company was mustered out of service."

The regiment and company to which this soldier belonged, except such members as reenlisted as veterans, were mustered out of the service October 17, 1864.

Jacob Eckert did not reenlist and was not mustered out with his comrades for the reason that he was then under arrest on a charge of desertion. In November, 1864, he was tried by a general court-martial and convicted of having deserted on the 1st of September, 1864, and again on the 3d day of September, 1864, and upon such conviction he was sentenced to forfeit all pay due him from September 1, the date of his first desertion, until the expiration of his term of service, to be dishonorably discharged and confined at hard labor for twelve months.

This sentence was approved by the reviewing authority, and I assume the convicted soldier served his term of imprisonment, since the statement contained in the report of the House committee to whom this bill was referred, that he was dishonorably discharged in 1865, can be accounted for in no other way.

It seems to me that the provisions of this bill amount to a legislative reversal of the judgment of a regularly constituted court and a legislative pardon of the offense of which this soldier was convicted. If this doubtful authority is to be exercised by Congress it should be done in such a manner as not to restore a man properly convicted and sentenced as a deserter, without even the allegation of injustice, to the rights of pay, allowance, and pension belonging to those who faithfully and honorably served in the military service of their country according to the terms of their enlistment.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 19, 1895.

## WASHINGTON AQUEDUCT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a communication of the Chief of Engineers relative to the Washington Aqueduct; also draft of a bill authorizing the sale of certain lands pertaining thereto; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

## IMPROVEMENT OF CARABELL BAY AND HARBOR, FLORIDA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with a letter of the Chief of Engineers, report of preliminary examination of Carabell Bay and Harbor, Florida; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

## REPORT OF COMMISSIONER OF PATENTS.

The SPEAKER also laid before the House the annual report of the Commissioner of Patents for the calendar year ended December 31, 1894; which was referred to the Committee on Patents, and ordered to be printed.

## STANDARDS OF ELECTRICAL MEASURE.

The SPEAKER also laid before the House a letter from the President of the National Academy of Sciences, transmitting the annual report on standards for electrical measure; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

THOMAS CORIGAN.

The SPEAKER also laid before the House the bill (H. R. 5360) granting an increase of pension to Thomas Corigan.

The SPEAKER. This bill has been returned by the Senate accompanied with a resolution which the Clerk will read.

The Clerk read as follows:

*Resolved*, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 5360) granting an increase of pension to Thomas Corigan.

The SPEAKER. This bill was reported adversely from the Committee of the Whole at a Friday night session. When the bills reported from the Committee of the Whole were subsequently taken up for consideration this bill was passed by the House under an impression that the report from the Committee of the Whole had been favorable, when in fact it was adverse. When the bill was passed a motion to reconsider the vote on its passage was made and laid on the table, and the bill was sent to the Senate. Afterwards, on the motion of the gentleman from Indiana [Mr. MARTIN], the Senate was requested to return the bill; which has been done, and the bill is now on the table. The Chair understands that gentlemen who are interested in this question propose to dispose of it in this way: That the vote by which the bill was passed shall by unanimous consent be reconsidered; that the House shall then vote on the question of agreeing to the adverse report from the Committee of the Whole, and if that should be voted down, that then the vote shall be taken on the passage of the bill.

The Chair understands that to be the agreement to which gentlemen desire the assent of the House. Without unanimous consent the matter can not be reached, as a motion to reconsider the vote by which the bill was passed was made and laid on the table. Is there objection to carrying out the agreement which has been made, that the vote on the passage of the bill be reconsidered, that the question be then taken on agreeing to the report of the Committee of the Whole, which, if agreed to, disposes of the bill, and if the recommendation of the Committee of the Whole be disagreed to, that then the vote be taken again on the passage of the bill? The Chair hears no objection.

Mr. HULL. I understand that a vote will be taken on agreeing to the adverse report of the Committee of the Whole?

The SPEAKER. It will be.

Mr. HULL. And if that should be voted down the bill will be before the House and the question will be on its passage?

The SPEAKER. It will be.

Mr. HULL. I hope that the recommendation of the Committee of the Whole will be voted down and that the bill will be passed.

The SPEAKER. The vote by which the bill was passed will be reconsidered; and the question will be on agreeing to the report of the Committee of the Whole that the bill lie on the table. The Clerk will first read the bill.

The Clerk read as follows:

A bill (H. R. 5360) granting an increase of pension to Thomas Corigan.

*Be it enacted*, etc., That the Secretary of the Treasury is hereby authorized and empowered to place on the invalid pension roll of the United States the name of Thomas Corigan, late a member of Company B of the Eighty-eighth Illinois Volunteer Infantry, at the rate of \$50 per month, from and after the passage of this act.

The SPEAKER. The question is now on agreeing to the report of the Committee of the Whole recommending that the bill lie on the table.

Mr. HULL. Would it be in order to state that this bill was twice acted on favorably in the Committee of the Whole and was only defeated by the point of no quorum; and it was also twice acted on adversely? I only mention this to show that other action than that now coming before the House had been taken by the Committee of the Whole at a previous meeting.

Mr. SPRINGER. Can the report of the committee be read?

Mr. JONES. There are two reports—a minority as well as a majority report.

Mr. SPRINGER. Let both be read.

The SPEAKER. Without objection, the report of the committee and also the views of the minority will be read.

Mr. LACEY. Let the report of the Senate committee be read also, because the bill received the favorable action of the Senate committee before it came back here. The Senate report embraces the House report; and in this way both reports will be read.

The SPEAKER. Has the gentleman the report?

Mr. HULL. I have the Senate report, and I send it to the Clerk.

The SPEAKER. Has the gentleman the House report?

Mr. LACEY. The House report is embraced in the Senate report.

The SPEAKER. The reading of the minority report is also called for.

Mr. JONES. Here is the minority report [handing the report to the Clerk].

The SPEAKER. The Clerk will first read the report of the House Committee on Invalid Pensions.

The Clerk read as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 5360) to increase the pension of Thomas Corigan from \$50 to \$72 per month, and submit the following report:

Thomas Corigan was a corporal in Company B, Eighty-eighth Illinois Infantry, enlisted July 28, 1862, and was discharged on January 21, 1864.

At the battle of Chickamauga, September 20, 1863, he was severely wounded



in the left hand, and is now drawing a pension of \$30 per month for that injury, the arm being rendered wholly useless by the wound. At the same time he was wounded by a buckshot in the neck, and the soldier claims that this wound has affected his spine and has produced epilepsy.

The medical evidence shows that the wound in the neck produces distinct crepitus on movement of the neck. The epileptic fits have gradually increased until the soldier is totally helpless and requires constant aid and attendance and has become almost imbecile mentally.

The Pension Bureau in 1892 holds that it can not accept the "fits" as a result of the wound in the back of the neck, but no other cause is evident, and medical evidence has been furnished to show that the wound in the neck is the cause of his present condition.

The soldier's condition is helpless in the extreme, and if the wound in the neck is the cause of his injury he would be entitled to \$72 per month under the general law. We are not disposed to criticize the action of the Pension Bureau in rejecting this portion of the soldier's claim, but we think that it might have very fairly decided the other way under the evidence and examination of the medical boards.

Your committee think that the soldier should be given the benefit of the doubt to the extent of being raised to the second grade or \$50 a month. The committee is adverse to reporting bills changing the rate of pension as fixed by the Pension Bureau, but in a case of extreme helplessness like the present, where the wound has been followed by such helplessness, and there is much evidence to show that the soldier's condition is due to his wound, we are inclined to relax the rule.

Your committee recommend that the bill be amended by striking out "seventy-two," in line 7, and inserting "fifty."

If the case were before us as an original question, we would probably have come to a different conclusion from that arrived at by the Pension Bureau, but in the doubt raised in the case we think that the second grade would relieve the wants of the soldier and ought to be granted, especially as the claimant was an excellent soldier, highly commended by Gen. F. T. Sherman, and his severe wounds received in the battle of Chickamauga are clearly shown.

The letter of Colonel Sherman is as follows:

HEADQUARTERS FIRST BRIGADE,  
SECOND DIVISION, FOURTH ARMY CORPS,  
Camp near Blains Cross Roads, East Tennessee, January 10, 1864.

To whom it may concern:

This is to certify that Thomas Corigan, an enlisted man of the Eighty-eighth Regiment Infantry Illinois Volunteers and corporal of Company B, same regiment, is a soldier good and true; ever faithful in the discharge of duty, never absent without leave, brave as a lion in action, and always at his post. He won the confidence and esteem of his commanding officers by his uniform good conduct and soldierly bearing. I therefore take great pleasure and bear willing testimony to his merit, and request that his wishes may be consulted, inasmuch as he is disabled from active field service by reason of wounds received on the hard-fought and bloody field of Chickamauga on the 20th of September, 1863.

F. T. SHERMAN,  
Colonel Eighty-eighth Infantry Illinois Volunteers.

Your committee recommend that the bill do pass after being amended by striking out the word "seventy-two," in line 7, and inserting in lieu thereof the word "fifty."

The views of the minority of the Committee on Invalid Pensions were read, as follows:

The minority of the Committee on Invalid Pensions have considered the bill (H. R. 5599) to increase the pension of Thomas Corigan, and submit the following statement of their views:

The records of the War Department show that this soldier served from July 25, 1862, to January 29, 1864, in Company B, Eighty-eighth Illinois Infantry. He was discharged on account of disability from gunshot wound of hand received at Chickamauga. He has been pensioned for this wound ever since discharge, and now receives \$30 per month, since August 4, 1863. His application, filed February 12, 1864, alleged only this wound. A later application, filed September 11, 1866, states that he also "suffers pain in the neck from the effects of a wound there received." In 1867 he claimed that deafness had resulted from that wound, and states that the ball was removed in the field hospital; in April, 1868, he alleged resulting impairment of vision and of hearing; in September, 1868, he refers to "buckshot wound in back of neck;" in February, 1869, he alleged affection of sight and hearing and epilepsy as a result of said wound.

In September, 1862, the Pension Bureau accepted the fact that he had received this wound in the neck, but rejected the claim for additional pension on the ground that he had suffered no ratable disability from it at any time since the war, and none of the alleged results were accepted as sequences of such wound. This action was taken after a careful special examination of the claim, and was affirmed by Secretary Bussey on appeal, January 3, 1869.

In his deposition before the special examiner in June, 1862, the pensioner stated that he received the wound of neck at Chickamauga; that the doctor who took the bullet out put a sticking plaster over the wound and it remained until it fell off.

"The first time I felt any serious disability from the wound of my neck was about fourteen years ago (1878). I was flagging at a railroad crossing in Chicago. I felt a cloud come over me and I fell down right in the track. \* \* \* It was a hot day just like this. \* \* \* I have had convulsions for the past fourteen years, but not so much until the last eight years. I saw the shot that was extracted from my neck. I had it a long time. I lost it. It was a buckshot and went as far as the point of my ear. The doctor said to me when he extracted it, 'Pat, if the shot had gone a quarter of an inch further you would never eat any more potatoes.' \* \* \* I was not bothered with the wound of my neck in 1873, but I knew I had been shot in the neck. In 1873 I was not suffering with the wound in my neck much."

His wife, Rosetta Corigan, corroborates his statement as to the first convulsion or fit about fourteen years previously.

An examination by medical officers of the Pension Bureau September 6, 1873, reports: "Flesh wound of the neck, not rated;" September 7, 1875, "slight flesh wound on the back of the neck, not rated;" September 4, 1877, "slight wound of neck, not rated;" June 22, 1882, "wound on posterior surface of neck, size of a nickel, white in color, nonadherent, nondragging, nondepressed; the vertebrae do not seem to have been injured, but there is thickening of soft tissues beneath the integument."

From the facts stated it seems reasonably clear that the pensioner's present condition as to epilepsy is not chargeable to the slight wound of the neck, but rather originated in 1878 in the manner described by himself and wife.

Moreover, he is in receipt of a pension of \$1 a day and the question involved is purely one for the determination of the Pension Office, and the committee has repeatedly refused to interfere in the individual adjudications of the Pension Bureau in matters clearly within their jurisdiction and presenting no technical hardship. To pass this bill is squarely in violation of the principle enunciated in several adverse reports on bills of this character, and the minority do earnestly recommend that the bill do lie on the table.

JOHN J. McDANNOLD,  
M. R. BALDWIN,  
C. J. ERDMAN.

Mr. SPRINGER. I would like to ask, Mr. Speaker, whether the amendment reported reducing the amount from \$70 to \$50 was agreed to or is it the pending question?

Mr. LACEY. That was agreed to.

Mr. HULL. And the bill adopted after that amendment had been agreed to.

The SPEAKER. The bill reads "\$50 per month."

Mr. SPRINGER. But, as I understand it, the question of reducing the bill from \$70 to \$50 a month has not yet been submitted to the House. The Committee of the Whole reported it adversely, with the recommendation that it lie on the table.

Mr. LACEY. But the committee had first adopted the amendment reducing the amount to \$50.

Mr. HULL. That is correct.

The SPEAKER. The bill itself provides that.

Mr. LACEY. If the Chair will permit me, the bill provides for \$72—the original bill—but by an amendment it has been reduced to \$50.

The SPEAKER. The question will first be submitted on the adverse report of the Committee of the Whole.

Mr. SPRINGER. That is the recommendation that the bill lie on the table?

The SPEAKER. That is the recommendation of the Committee of the Whole.

Mr. SPRINGER. And that is not debatable?

The SPEAKER. It is not.

The question is on the recommendation of the Committee of the Whole that this bill lie on the table.

The question was taken; and on a division there were—ayes 48, noes 100.

Mr. SNODGRASS. I ask for tellers.

Tellers were refused.

So the House refused to concur in the recommendation of the Committee of the Whole.

The SPEAKER. Now, without objection, the amendment recommended by the Committee of the Whole reducing the bill from \$72 to \$50 per month will be considered as agreed to.

Mr. SPRINGER. That is right.

Mr. BYNUM. The last question submitted was on the recommendation of the Committee of the Whole—

The SPEAKER. It was.

Mr. BYNUM. I make the point of order that where the House refuses to concur in the report of the Committee of the Whole the bill stands recommitted to the committee.

The SPEAKER. That is true under the rule. But unanimous consent was given this morning with reference to this matter, which takes it from under the operation of the rule.

Mr. SPRINGER. That is only where the enacting clause is stricken out, I believe.

The SPEAKER. No; it is the rule itself. But in this case the unanimous consent covers it, so that now, without objection, this bill will be considered as amended so as to provide for \$50 a month, which amendment was agreed to in Committee of the Whole. Is there objection?

There was no objection; and the amendment recommended by the Committee of the Whole was agreed to.

The SPEAKER. In the absence of objection the bill will be considered as engrossed and read a third time; and the question now is, Shall the bill pass?

Mr. JONES. Mr. Speaker, I desire to be heard briefly in opposition to this bill. This is a bold and inexcusable attempt, by legislative action, to override and reverse a carefully considered decision of the Pension Bureau.

It appears from the very clear and convincing report filed by the minority of the Committee on Invalid Pensions that that committee has heretofore refused to report favorably bills of this character. Indeed, that several adverse reports have by that committee been made upon bills involving the identical question raised in this case. The beneficiary in this bill was in the service for a period of a year and a half, and he now enjoys a pension of \$30 per month, on account of a gunshot wound received in the hand. In the first application made by this soldier he alleged this wound as the one and the only one on account of which he asked to be pensioned, and made no reference to any other wound. He now asks to be given a pension of \$72 per month for total disability, alleged to be the result of a wound in the neck. It is alleged that this old soldier is suffering from epilepsy and that he is subject to fits, all of which it is now claimed is the result of the slight wound in the neck, which the soldier himself testifies gave him no serious inconvenience until the year 1873, and to which he did not even refer when first he made application to be pensioned on account of his wounds and disabilities.

The Pension Bureau caused a careful special examination to be made of the alleged wound in the neck in the year 1893 and rejected the claim upon the ground that the claimant suffered no ratable disability from this wound and that the epilepsy complained of was not the result of any disability incurred in the service. The claimant states in his testimony that while flagging at

a railroad crossing in the city of Chicago in the year 1878 he suffered what may be described as a sunstroke, and that since that time he had been subject to convulsions. It was about this time that the claimant first experienced any inconvenience from the slight wound in his neck, and it must be as clear to the members of this House as it is to the medical examiners of the Pension Bureau that the convulsions from which this man suffers are not the result of this scratch in the neck, but are rather to be traced to the sunstroke.

The majority of the Committee on Invalid Pensions admit that there is at least a doubt about this soldier's disabilities resulting from his wounds, and therefore it is recommended that his pension of \$30 per month be raised to \$50 per month and not to \$72 which he asks and to which he is unquestionably entitled under the general law if his disability arises from his wounds. Mr. Speaker, it must be evident that this soldier is entitled to the increase he asks, or else he is not entitled to any increase.

But, Mr. Speaker, the medical examiners of the Pension Bureau, after most careful consideration, have decided that he has no ratable disability, and upon appeal being taken, Commissioner Bussey confirmed this finding. I am told that the Committee on Invalid Pensions had before them the ex parte statement of some local doctors, who gave it as their opinion that this soldier owes his disability to the wound in the neck which I have described. Those affidavits were submitted to the medical department of the Pension Bureau, but they failed to convince that department, and the Bureau adheres to the opinion which it has always expressed.

We are now asked, Mr. Speaker, to review and reverse conclusions reached by those whose duty it is to examine the questions involved, and who, every fair-minded man must admit, are best qualified to pass upon them. We are asked to do this when there is not a particle of evidence before us to convince anybody that the Pension Bureau is wrong in its conclusions. The questions involved are purely such as should be determined by the Pension Office, and it will be an unjust reflection upon that Bureau if this House, with no information before it, shall undertake to reverse a decision made by its skilled medical experts. Even were all the facts before the House, it is not competent to pass upon a purely technical question like this one. Every sensible man will admit this. If this bill is passed we may well abolish the medical examiners of the Pension Bureau and permit a half dozen members of one of the committees of this House to determine all the purely medical questions which, until now, it was supposed that medical experts were alone capable of dealing with. Mr. Speaker, I have said this much in order that the House may know just what it is asked to do.

This bill has been carefully and fully considered in the Committee of the Whole upon several occasions and has been twice acted upon adversely. It is now before this House upon an adverse report and we are asked, notwithstanding that report and notwithstanding the facts that I have stated, to pass it. This House may do it, but I want it to know just what it is doing when it assumes this responsibility. There is more involved in this question than the mere payment of \$50 per month to a soldier who is now receiving \$30. There is involved the establishment of a vicious precedent. There is involved the assertion that the medical examiners of the Pension Office are not as capable of passing upon purely medical and technical questions as the members of this House, most of whom know absolutely nothing about those questions.

Mr. Speaker, I am aware that many gentlemen upon this floor vote for all pension bills and examine none; but I trust that even those gentlemen will carefully consider this bill, which involves all and more than I have said. I hope, at least, that the vote which we are about to take will disclose the fact that the majority of the House is opposed to the unjustifiable and absolutely vicious policy which we are asked to adopt.

In presenting these facts to the House, and in calling its attention to the true character of this bill, I have at least discharged my duty.

Mr. SPRINGER. Mr. Speaker—

The SPEAKER. One moment, before the gentleman from Illinois begins. There is a verbal correction of the bill, to strike out the words "Secretary of the Treasury" and substitute the words "Secretary of the Interior." Without objection that amendment will be considered as agreed to.

There was no objection.

Mr. SPRINGER. Mr. Speaker, the gentleman from Virginia [Mr. JONES] refers to the fact that the Pension Department has rejected the application of this pensioner for an increase of pension upon the ground that the proofs did not show conclusively that the disability which has increased his infirmities beyond the thirty-dollar limit was attributable to a wound received in the service. It is conceded, however, that he did receive a wound in the neck, and that this wound, after many years, became painful and troublesome. It appears that the Pension Office was not

satisfied that this disability of epilepsy was attributable to that wound.

For that very reason this case should come before this House. I think if I had been the Commissioner of Pensions I should probably have decided just as that Bureau did. But because it is not proven by a preponderance of evidence that the disease which this man complains of was the result of that wound it does not follow that the disease was not the result of the wound. In this case there is no other source from which the disease could be derived except this wound in the neck, and therefore it is one of those cases that appeal to Congress to construe liberally the law in the interest of a pensioner who is admittedly entitled to this pension upon his present disability, if it results from wounds received in the service. And upon that ground, Mr. Speaker, I favor this bill, for the evidence shows that his present condition is such that he is entitled to the rating of \$50 a month.

Mr. JONES. Will the gentleman permit a question?

Mr. SPRINGER. Certainly.

Mr. JONES. Where is the evidence in this record that shows that fact?

Mr. SPRINGER. Shows what?

Mr. JONES. That this disability results from the wound in the neck.

Mr. SPRINGER. I did not state that. The gentleman misunderstood me. I stated that the evidence showed that his present disability was of that character that entitled him, if it were derived from wounds in the service, to an increased pension, and that the only question here was upon the technical matter as to whether this last wound referred to caused this additional disability. He did receive this wound in the Army, he is thus disabled, and he is entitled by his present disability to a rating of at least \$50 a month; and this is one of the very cases that ought to come to Congress and appeal to our sense of justice, that we should do that which is just and right in a case of this kind.

Mr. WISE. Will the gentleman from Illinois allow me to ask him a question?

Mr. SPRINGER. Certainly.

Mr. WISE. What is the statement of the physician as to whether his disability is the result of the wound? What is the medical testimony?

Mr. SPRINGER. The medical testimony is conflicting. There are many affidavits here showing that his present disability is attributable to the wound he received, while others are not so certain about it; but the fact is that he was wounded, and that he is disabled in the manner described, and I hope the bill will pass.

Mr. HULL. I move the previous question.

Mr. WISE. If the gentleman will allow me to ask him another question, has there not been a special examination—

The SPEAKER. The gentleman from Iowa [Mr. HULL] moves the previous question. As many as favor ordering the previous question will say "aye," those opposed "no."

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. JONES demanded a division.

The House divided; and there were—ayes 136, noes 45.

So the previous question was ordered.

Mr. DOCKERY. Now I ask unanimous consent that the chairman of the Committee on Invalid Pensions [Mr. MARTIN of Indiana] be heard for three minutes.

The SPEAKER. The previous question is ordered. The gentleman from Missouri [Mr. DOCKERY] asks unanimous consent that the gentleman from Indiana [Mr. MARTIN] be heard for three minutes.

Mr. TALBOTT of Maryland. I do not object if the gentleman confines it to three minutes, but I desire to call the regular order as soon as possible.

Mr. DOCKERY. Three minutes are all I ask for.

The SPEAKER. Is there objection?

Mr. HULL. Mr. Speaker, unless—

Mr. VAN VOORHIS of New York. I object.

The SPEAKER. Objection is made. The question is, Shall the bill pass?

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. JONES demanded a division.

The House divided; and there were—ayes 130, noes 58.

Mr. JONES demanded tellers.

Tellers were refused, 33 members, not a sufficient number, voting in favor thereof.

Mr. JONES. I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Chair will appoint as tellers the gentleman from Virginia [Mr. JONES] and the gentleman from Indiana [Mr. MARTIN].

Mr. MARTIN of Indiana. I ask that the gentleman from Iowa [Mr. HULL] be appointed in my stead.



The SPEAKER. The gentleman from Iowa [Mr. HULL] and the gentleman from Virginia [Mr. JONES] will act as tellers.

The question was taken; and there were—yeas 152, nays 74, answered "present" 2, not voting 120; as follows:

## YEAS—152.

Adams, Pa.	Dingley,	Kiefer,	Reyburn,
Aldrich,	Dooliver,	Lacey,	Richards,
Apsley,	Doolittle,	Lane,	Richardson, Mich.
Avery,	Draper,	Lefever,	Ritchie,
Babcock,	Ellis, Oreg.	Linton,	Russell, Conn.
Baker, Kans.	English, Cal.	Livingston,	Russell, Ga.
Baker, N. H.	Fielder,	Lockwood,	Ryan,
Barnes,	Fithian,	Loudenslager,	Schermerhorn,
Bartholdt,	Fletcher,	Lucas,	Scranton,
Barwig,	Funk,	Lynch,	Settle,
Beckner,	Gillet, N. Y.	Mahon,	Sibley,
Bell, Colo.	Gillet, Mass.	McCall,	Sickles,
Beltzhoover,	Gorman,	McDearmon,	Simpson,
Bowers, Cal.	Graham,	McDowell,	Sipe,
Brets,	Griffin, Mich.	McEtrick,	Smith,
Broderick,	Griffin, Wis.	McGann,	Sorg,
Bromwell,	Groat,	Meiklejohn,	Sperry,
Brookshire,	Grow,	Mercer,	Springer,
Brosius,	Hager,	Meyer,	Stephenson,
Brown,	Hainer, Nebr.	Milliken,	Stevens,
Cadmus,	Haines,	Moore,	Stone, C. W.
Campbell,	Harmer,	Morse,	Stone, W. A.
Cannon, Cal.	Harris,	Murray,	Straus,
Cannon, Ill.	Harter,	Mutcher,	Talbott, Md.
Caruth,	Hartman,	Newlands,	Tarney,
Catchings,	Haugen,	Northway,	Thomas,
Chickering,	Hayes,	Onthwaite,	Tracey,
Clancy,	Henderson, Iowa	Page,	Updegraff,
Cobb, Mo.	Hepburn,	Payne,	Van Voorhis, N. Y.
Coffin, Md.	Hermann,	Pence,	Van Voorhis, Ohio
Cooper, Fla.	Hicks,	Pendleton, W. Va.	Wadsworth,
Cornish,	Hines,	Perkins,	Walker,
Curtis, Kans.	Hitt,	Phillips,	Wanger,
Curtis, N. Y.	Hooker, N. Y.	Pickler,	Weadock,
Dalzell,	Hull,	Pigott,	Wells,
Daniels,	Hunter,	Price,	Wheeler, Ill.
Davey,	Johnson, N. Dak.	Ray,	Woomer,
Davis,	Kem,	Reilly,	Wright,

## NAYS—74.

Bailey,	Dinsmore,	Kyle,	Robbins,
Baldwin,	Dockery,	Latimer,	Shell,
Bankhead,	Donovan,	Lawson,	Snodgrass,
Bartlett,	Dunphy,	Layton,	Stallings,
Berry,	Edmunds,	Lester,	Stone, Ky.
Black,	Epes,	Loud,	Strait,
Branch,	Erdman,	Maguire,	Swanson,
Breckinridge,	Fyan,	Mallory,	Talbert, S. C.
Bunn,	Goldzier,	Martin, Ind.	Tate,
Cabaniss,	Grady,	McCreary, Ky.	Taylor, Ind.
Capelhart,	Gresham,	McCulloch,	Terry,
Causey,	Harrison,	McKag,	Turner, Ga.
Clark, Mo.	Hatch,	Meredit,	Turner, Va.
Cobb, Ala.	Henderson, N. C.	Montgomery,	Tyler,
Cockrell,	Hooker, Miss.	Neill,	Warner,
Cooper, Tex.	Izlar,	Patterson,	Williams, Miss.
Cox,	Jones,	Pearson,	Wise,
Culberson,	Kilgore,	Pendleton, Tex.	
De Armond,	Kribbe,	Richardson, Tenn.	

## ANSWERED "PRESENT"—2.

Storer, Washington.

## NOT VOTING—120.

Abbott,	Cooper, Wis.	Hopkins, Ill.	O'Neill, Mo.
Adams, Ky.	Cousins,	Hopkins, Pa.	Paschal,
Aitken,	Covert,	Houk,	Powers,
Alderson,	Crain,	Hudson,	Quigg,
Alexander,	Crawford,	Hulick,	Randall,
Allen,	De Forest,	Hutcheson,	Rayner,
Arnold,	Denson,	Ikirt,	Reed,
Belden,	Dunn,	Johnson, Ind.	Robertson, La.
Bell, Tex.	Durborow,	Johnson, Ohio	Robinson, Pa.
Bingham,	Ellis, Ky.	Lapham,	Rusk,
Blair,	English, N. J.	Little,	Sayers,
Bland,	Enloe,	Maddox,	Sherman,
Boatner,	Everett,	Magner,	Somers,
Boen,	Forman,	Marsh,	Stockdale,
Boutelle,	Gardner,	Marshall,	Strong,
Bower, N. C.	Gear,	Marvin, N. Y.	Sweet,
Brickner,	Geary,	McAlear,	Taney,
Bryan,	Geisenhainer,	McCleary, Minn.	Taylor, Tenn.
Bundy,	Goodnight,	McDannold,	Tucker,
Burnes,	Grosvenor,	McKeighan,	Turpin,
Bynum,	Hall, Minn.	McLaurin,	Waugh,
Caminetti,	Hall, Mo.	McMillin,	Wever,
Childs,	Hammond,	McNagy,	Wheeler, Ala.
Clarke, Ala.	Hare,	McRae,	White,
Cockran,	Heard,	Money,	Whiting,
Coffeen, Wyo.	Heiner, Pa.	Moon,	Williams, Ill.
Cogswell,	Henderson, Ill.	Morgan,	Wilson, Ohio
Conn,	Hendrix,	Moses,	Wilson, W. Va.
Coombs,	Henry,	Ogden,	Wolverton,
Cooper, Ind.	Holman,	O'Neill, Mass.	Woodard,

Mr. MARSH. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall of the House and failed to hear his name called?

Mr. MARSH. I had just stepped into the lobby, and was gone just a minute, and when I came back my name had been passed. I supposed it was the first call.

The SPEAKER. The Chair can not entertain the request.

Mr. MARSH. Then I ask unanimous consent that I be allowed to vote.

The SPEAKER. The Chair can not submit that, under the rule.

Mr. HALL of Missouri. Mr. Speaker, I was not here when my name was called, but was here at the beginning of the call of the roll.

The SPEAKER. The Chair can not entertain the request.

Mr. ERDMAN. Mr. Speaker, I ask that my colleague [Mr. WOLVERTON] be excused for this day, on account of sickness.

The following pairs were announced:

Until further notice:

Mr. ABBOTT with Mr. HOUK.

Mr. MCRAE with Mr. GEAR.

Mr. HUTCHESON with Mr. DRAPER.

Mr. O'NEIL of Massachusetts with Mr. COGSWELL.

Mr. WOODARD with Mr. TAYLOR of Tennessee.

For this day:

Mr. STOCKDALE with Mr. TAWNEY.

Mr. McLAURIN with Mr. QUIGG.

Mr. ENLOE with Mr. GROSVENOR.

Mr. RAYNER with Mr. SWEET.

Mr. McDANNOLD with Mr. JOHNSON of Indiana.

Mr. CRAIN with Mr. MOON.

Mr. ALDERSON with Mr. BELDEN.

Mr. RUSK with Mr. SHERMAN.

On this vote:

Mr. CLARKE of Alabama with Mr. HEINER of Pennsylvania.

Mr. ALLEN with Mr. ROBINSON of Pennsylvania.

Mr. BURNES with Mr. BINGHAM.

Mr. McMILLIN with Mr. HOPKINS of Pennsylvania.

Mr. HALL of Missouri with Mr. MARSH.

The result of the vote was then announced as above recorded.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

MRS. EVALYN N. VAN VLIET.

The SPEAKER laid before the House the bill (S. 684) for the relief of Mrs. Evalyn N. Van Vliet, with House amendment disagreed to by the Senate.

Mr. MARTIN of Indiana. I move that the House insist on its amendment, and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced as conferees on the part of the House Mr. MARTIN of Indiana, Mr. FIELDER, and Mr. MEIKLEJOHN.

DISCHARGE OF SOLDIERS OF THE LATE WAR FROM THE INTERIOR DEPARTMENT.

The SPEAKER. The gentleman from South Dakota [Mr. PICKLER] calls up a privileged resolution—a resolution of inquiry to the head of a Department. The Clerk will read the resolution.

The Clerk read as follows:

*Resolved*, That the Secretary of the Interior be requested to furnish to the House the names of the soldiers of the late war discharged from the public service in his Department and the several bureaus thereof since March 4, 1893, and the cause in each case of such dismissal.

Mr. SPRINGER. Where did that come from?

The SPEAKER. This is a resolution that was introduced last December and referred to the Committee on Reform in the Civil Service, and no report having been made the gentleman calls it up as a matter of privilege.

The question was taken on the adoption of the resolution, and the Speaker announced that the ayes seemed to have it.

Mr. MEREDITH. Division.

The House divided; and there were—ayes 63, noes 55.

So the resolution was agreed to.

On motion of Mr. PICKLER, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

MICHAEL GAUL.

Mr. TALBOTT of Maryland. I ask for the regular order, Mr. Speaker.

Mr. HAINES. Mr. Speaker, I ask the gentleman to withdraw that demand for a moment.

Mr. TALBOTT of Maryland. I withdraw the demand temporarily.

Mr. HAINES. Mr. Speaker, I ask unanimous consent for the present consideration of House bill 5877, for the relief of Michael Gaul.

The bill was read, as follows:

*Be it enacted*, etc., That the Secretary of the Navy be, and hereby is, authorized and directed to correct the record of Michael Gaul by removing the charge of desertion which now stands against him on the records of the Navy Department, and to issue to him a certificate of honorable discharge from the United States Marine Corps.

The following amendment, recommended by the Committee on Naval Affairs, was read:

*Provided*, That no arrears of pay or bounty shall be allowed to the said Michael Gaul by this act.

Mr. DOCKERY. Mr. Speaker, reserving the right to object, I should like to hear some explanation of this bill.

Mr. HAINES. I ask that the report be read. That will explain it.

The SPEAKER. Without objection, the report will be read.

The report (by Mr. MEYER) was read, as follows:

The Committee on Naval Affairs have considered the bill (H. R. 5877) for the relief of Michael Gaul, and submit the following report:

The purpose of this bill is to remove the charge of desertion against Michael Gaul, who was a sailor in the United States Marine Corps and Navy.

The records of the Navy Department show that he enlisted in the Marine Corps October 26, 1861, and was honorably discharged November 6, 1865; enlisted in the Navy December 17, 1866, as first-class fireman, and was honorably discharged April 23, 1870; enlisted again in the Marine Corps January 25, 1871, and deserted February 16, 1871, and the Navy Department has no authority under the general law to remove this charge.

The petitioner states, in explanation of this charge of desertion, that he was on a spree with some of his old shipmates, and when he became sober he regretted what he had done, but his health not being good he returned to his home and never returned to duty; that he wishes the charge of desertion removed for the sake of his family; that he had one brother killed in the war and another who served through the war; that he never received any bounty or prize money.

There is on file an original number of a newspaper, the Higo News, dated September 24, 1893, containing a letter from an officer of the United States steamer *Iroquois* describing the rescue from drowning of a Japanese (whose boat had capsized) by the united efforts of William Hawkins and Michael Gaul, at the imminent peril of their own lives.

The petitioner states that William Hawkins, above referred to, assaulted a comrade with a razor and subsequently deserted from the *Iroquois*, but was reinstated in his rank as a petty officer by the President because of his assistance in rescuing the Japanese.

Your committee recommend that the bill do pass after being amended by adding the words:

"Provided, That no arrears of pay or bounty shall be allowed to the said Michael Gaul by this act."

Mr. DOCKERY. I understand from the report that this man was drunk and deserted.

Mr. HAINES. Yes, sir; after serving seven years in the Army.

Mr. STONE of Kentucky. And that he was sorry afterwards. [Laughter.]

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. STALLINGS. I object.

#### ORDER OF BUSINESS.

Mr. JONES. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is the call of committees for reports.

Mr. TALBOTT of Maryland. I ask unanimous consent that the call of committees be dispensed with, and that gentlemen having reports to present have leave to file them with the Clerk.

Mr. RICHARDSON of Tennessee. I do not wish to object to that, Mr. Speaker, but I desire to submit an adverse report which is the unanimous report of the committee.

#### REPORTS OF COMMITTEES.

The following reports of committees were handed in at the Clerk's desk, referred to their appropriate Calendars, and otherwise disposed of, as indicated below:

##### BRIDGE OVER THE MONONGAHELA RIVER.

Mr. BARTLETT, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (H. R. 8880) to authorize the Monongahela and Western Railroad Company to construct a bridge over the Monongahela River; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

##### MAHON RIVER LIGHT STATION.

Mr. MAHON, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (H. R. 8609) to establish the Mahon River light station on a new site; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

##### RANGE LIGHTS STATION AT MORRIS RIVER, DELAWARE BAY.

Mr. MAHON also, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (H. R. 8612) authorizing the establishment of a range lights station at Morris River, Delaware Bay; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

##### STEAM LIGHT-VESSEL AT OVERFALLS SHOAL, NEW JERSEY.

Mr. MAHON also, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (H. R. 8611) for a steam light-vessel at Overfalls Shoal, New Jersey; which was referred to the Committee of the Whole House on the state of the Union; and, with the accompanying report, ordered to be printed.

##### RELIEF VESSEL FOR FOURTH LIGHT-HOUSE DISTRICT.

Mr. MAHON also, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (H. R. 8610) for a relief vessel for the Fourth light-house district; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

##### BRIDGE ACROSS ILLINOIS RIVER NEAR THE TOWN OF HENNEPIN.

Mr. DURBOROW, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (H. R. 8889) to

authorize the construction of a bridge across the Illinois River at or near the town of Hennepin; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### MINERAL LANDS.

Mr. WEADOCK, from the Committee on Mines and Mining, reported back favorably the bill (S. 1515) to amend chapter 6 of Title XXXII of the Revised Statutes, relating to mineral lands and mining resources; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### PORTRAIT OF DANIEL D. TOMPKINS.

Mr. BARTLETT, from the Committee on the Library, reported back favorably the bill (H. R. 1909) to purchase a portrait of Daniel D. Tompkins, late Vice-President of the United States, painted by Jarvis in 1812; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### CARE AND CURE OF INEBRIATES IN THE DISTRICT OF COLUMBIA.

Mr. MEREDITH, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 8630) to provide for the care and cure of inebriates in the District of Columbia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### CHARTERS OF CERTAIN STREET RAILROAD COMPANIES, DISTRICT OF COLUMBIA.

Mr. RICHARDSON of Tennessee, from the Committee on the District of Columbia, reported, in the nature of a substitute for House bill 8461, the bill (H. R. 8923) to amend the charters of certain street railroad companies in the District of Columbia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

House bill 8461 was laid on the table.

#### HARBOR OF PEEKSKILL, N. Y.

Mr. CATCHINGS, from the Committee on Rivers and Harbors, reported back favorably the joint resolution (H. Res. 267) providing for a survey of the harbor of Peekskill, N. Y.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### ESTABLISHMENT OF MILITARY POST AT OR NEAR SANTA FE, N. MEX.

Mr. JOSEPH, from the Committee on Military Affairs, reported in the nature of a substitute for House bill 354 the bill (H. R. 8928) for the establishment of a military post at or near the city of Santa Fe, N. Mex.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

#### ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1483) to correct the military record of Elisha B. Bassett;

A bill (S. 2591) to amend the charter of the Metropolitan Railroad Company of the District of Columbia;

A bill (H. R. 4693) for the promotion of anatomical science, and to prevent the desecration of graves in the District of Columbia; and

A bill (H. R. 5624) to authorize the Oklahoma Central Railway Company to construct and operate a railway through the Indian and Oklahoma Territories, and for other purposes.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 8681) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 8727) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1896, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CALL, Mr. BRUCE, and Mr. CULLOM as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 1795) to aid in the erection of a monument to the memory of Gen. William Smallwood and the soldiers of the Maryland Line in the war of American independence;

A bill (S. 2388) for the relief of Fred Kormann;

A bill (S. 2508) for the relief of James Curran;

A bill (S. 2745) to authorize the Postmaster-General to refund



to Volley P. Hart, postmaster at Sedalia, Mo., moneys sent him by the Post-Office Department for the disbursements and losses by the failure of the First National Bank of Sedalia; and

A bill (S. 3783) to postpone the enforcement of the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

#### DAIRY TESTS.

Mr. RICHARDSON of Tennessee, from the Committee on Printing, reported back adversely the joint resolution (H. Res. 235) for the publication of the dairy tests made by the Columbian Exposition; which was laid on the table, and the accompanying report ordered to be printed.

#### ORDER OF BUSINESS.

The SPEAKER. Is there objection to the request that the call of committees be dispensed with, and that gentlemen having reports to present have leave to file them with the Clerk?

There was no objection, and it was so ordered.

Mr. TALBOTT of Maryland. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the further consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. O'NEIL of Massachusetts in the chair.

The CHAIRMAN. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 8865) making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes.

The CHAIRMAN. When the committee rose last evening the Clerk had read as far as page 37, line 24. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Pay of noncommissioned officers, musicians, and privates: For 1 sergeant-major, 1 quartermaster-sergeant, 1 leader of the band, 1 drum-major, 50 first sergeants, 140 sergeants, 180 corporals, 30 musicians, 96 drummers and fifers, and 1,000 privates, and for the expenses of clerks of the United States Marine Corps traveling under orders, \$381,847.67.

Mr. SAYERS. Mr. Chairman, I move to strike out the last word. On yesterday the gentleman from Maine [Mr. BOUTELLE], whom I regret not to see in his place, as well as the gentleman in charge of the bill, made statements upon this floor that the marines were being used at the secondary batteries.

Mr. TALBOTT of Maryland. I made no such statement.

Mr. SAYERS. I did not say you; I said "gentlemen." If the gentleman from Maryland did not make the statement, I will except him, and I am glad to see he differs with the gentleman from Maine.

Mr. TALBOTT of Maryland. I do not know how much I differ with the gentleman from Maine, but I made no such statement as that which the gentleman from Texas attributes to me. Now, in the testimony taken before the Committee on Naval Affairs regarding a bill which is pending before this House in relation to the marines the following is found in the statement of Colonel Heywood, colonel of the marines. He says:

As the matter stands now the marines are sent on board as sharpshooters, you may say supernumeraries, and they do not render the service which a body of men who are so well organized and drilled should perform.

Mr. MONEY. As a general thing do not they man the secondary batteries? Colonel Heywood. They do, until the guns are taken away from them. They are nearly always put there by the captain when first going on board ship, but are taken away afterwards upon orders from the Bureau of Navigation, Navy Department.

Again:

Mr. MONEY. There is no law now or regulation of the Department existing that prevents the marines from serving at the batteries?

Colonel Heywood. No; but when they are stationed there by the captain orders are at once issued by the Bureau of Navigation to remove them. We state to the committee that by stationing the marines at the guns of these secondary batteries their services could be extended, and consequently they would be more useful on board ship.

Now, Mr. Chairman, the amendment that I offered on yesterday was to direct the Secretary of the Navy to assign the marines to man the secondary batteries in order to obviate the necessity of increasing the number of enlisted seamen, as provided for in this bill, and, if I recollect right, gentlemen on the other side stated—the gentleman from Maine [Mr. BOUTELLE] especially; the gentleman from Maryland in charge of the bill denies it, and I of course accept his denial as true—and insisted upon it, that the marines were already in charge of the secondary batteries on the ships.

I withdraw the pro forma amendment.

Mr. TALBOTT of Maryland. Mr. Chairman, I reiterate what I said yesterday. The gentleman from Texas endeavored yesterday to amend this bill so as to authorize the Secretary of the Navy, in his discretion, to place these men on board and behind the secondary batteries. All I did was to read a statement which showed that nearly one-half of them are now assigned on board vessels. The question has been disposed of, and I do not see why the gentleman from Texas should want to kill the time of the House.

Mr. SAYERS. I wanted to call attention to the facts of the case as developed in the testimony before the Committee on Naval Affairs.

Mr. TALBOTT of Maryland. One of the troubles in the Navy, I suppose, is that the Marine Corps want to get into the line.

Mr. SAYERS. I do not know anything about that.

The CHAIRMAN. There is no amendment before the committee.

The Clerk read as follows:

#### INCREASE OF THE NAVY.

That for the purpose of further increasing the naval establishment of the United States the President is hereby authorized to have constructed by contract three seagoing coast-line battle ships designed to carry the heaviest armor and most powerful ordnance upon a displacement of about 10,000 tons, to have the highest practicable speed for vessels of their class, and to cost, exclusive of armament, not exceeding \$4,000,000 each; and nine torpedo boats of from one to three hundred tons each, at the discretion of the Secretary of the Navy, at a cost not to exceed an average of \$170,000; and the Secretary of the Navy is further directed to construct three additional torpedo boats of from one to three hundred tons each, at a cost not to exceed an average of \$170,000, one of which shall be constructed at the Brooklyn Navy-Yard, Brooklyn, N. Y., one at the Norfolk Navy-Yard, Norfolk, Va., and one at the Mare Island Navy-Yard, Mare Island, Cal.; and in the construction of all said vessels all of the provisions of the act of August 3, 1886, entitled "An act to increase the naval establishment," as to materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, except as to premiums, which are not to be offered, the notice of any proposals for the same, the plans, drawings, and specifications therefor, and the method of executing said contracts shall be observed and followed, and said vessels shall be built in compliance with the terms of said act, save that in all their parts said vessels shall be of domestic manufacture. In making proposals for contracts for building the vessels authorized by this act it shall be required that one of such battle ships and three of such torpedo boats shall be built on or near the coast of the Pacific Ocean or the waters connecting therewith; *Provided*, That if it shall appear to the satisfaction of the President of the United States, from the biddings for such contracts when the same are opened and examined by him, that the said vessels can not be constructed at a fair cost on or near the coast of the Pacific Ocean, he shall authorize the construction of said vessels, or any of them, elsewhere in the United States; and if the Secretary of the Navy shall be unable to contract at reasonable prices for the construction of any of said vessels, then he may build such vessel or vessels in such navy-yard as he may designate: *And provided further*, That one of said battle ships shall be named Kearsarge.

Mr. DOLLIVER. I rise to offer an amendment.

Mr. SAYERS. I have an amendment to offer.

The CHAIRMAN. The gentleman from Iowa [Mr. DOLLIVER] offers the amendment which the Clerk will read.

The Clerk read as follows:

Amend, on page 46, by adding after the word "therewith," in line 15, the words "and two torpedo boats shall be built on the Mississippi River," and after the word "ocean," in line 30, insert the words "and that the torpedo boats above authorized can not be constructed at a fair cost on the Mississippi River."

Mr. TALBOTT of Maryland. We are ready to accept that amendment.

Mr. SAYERS. I should like to have some explanation as to the construction of these boats on the Mississippi River.

Mr. DOLLIVER. Mr. Chairman, the amendments which I have offered, although two in number, are substantially one, the second merely applying to the Mississippi River the same provisions which the bill applies to the Pacific Ocean. It has been the policy of the Government for some years to authorize the construction of a part of the ships carried by each bill in the shipyards of the Pacific Ocean. About two years ago a little shipbuilding establishment on the Mississippi River bid successfully for the construction of one of the torpedo boats authorized by the act of 1891. That boat has been constructed, has been launched, and is now awaiting final trial.

The success of the little shipbuilding firm at Dubuque, in the State of Iowa, has been very gratifying to the Department and had the effect not only of scattering the profits of shipbuilding throughout the country, but of interesting a large section of the country in the upbuilding of the Navy. Now, in the amendment which I offer I propose that in addition to requiring part of the ships to be constructed on the Pacific Ocean, a part of the torpedo boats authorized shall be constructed on the Mississippi River. I make this proposition because the shipyards of the Mississippi Valley are able to do the work, and in view of the immense population of that region are entitled to a share of the profits of the industrial enterprises connected with shipbuilding. They are entitled not only to the employment of their capital, but to the employment of their labor in these enterprises; and I think I shall have no difficulty in convincing the committee that if these boats are to be constructed there can be no harm done, but on the contrary much good done if their construction be scattered as far as possible throughout all the industrial communities of the United States.

Mr. SAYERS. Does not the gentleman believe that the Government should let the construction of these boats to the lowest and best bidder, without reference to the portion of the country from which the bids may come? I have heard a great deal about the unity of this country and about the flag of this country; but whenever you touch any gentleman's locality, or whenever he wants an appropriation made for work which will affect his locality, he proposes and votes for such legislation as will do that work at the expense of the General Government. Now, I believe that the

building of these ships ought to be let to the lowest and best bidder, requiring at the same time that the bidder shall construct the ships just as cheaply as he constructs similar vessels for a foreign government.

Mr. TALBOTT of Maryland. Is there anything in this bill that does not permit that?

Mr. SAYERS. There is an invitation in the bill not to do it.

Mr. TALBOTT of Maryland. Oh, no.

Mr. DOLLIVER. I want to say to my friend from Texas that the amendment I have offered expressly authorizes and requires the Secretary of the Navy to reject these bids coming from the Mississippi River region unless they come at a fair and reasonable proposal.

Mr. SAYERS. Is it not left to the discretion of the Secretary of the Navy to say what is a reasonable price? And in justice to the Government ought it not to be required that these bids shall be let to the lowest, best, and most responsible bidders?

Mr. DOLLIVER. Let me say to my friend that the Department has two objects in view—one to get the ships and the other to establish the business of building ships in the United States.

Mr. SAYERS. The trouble with the Department is that it has sometimes been engaged more in establishing industries than in watching the interests of the Government.

Mr. DOLLIVER. By establishing the shipbuilding industry on the Pacific Coast, as the Navy Department did in the construction of war ships there, we have not only got as good ships as we would have obtained otherwise but have also got them as cheaply, and we have doubled the ship-producing ability of the American people, which is quite as important as getting cheap ships.

[Here the hammer fell.]

Mr. TALBOTT of Maryland. I should like to make an arrangement with gentlemen opposed to this legislation in regard to new battle ships so that we may limit the time for debate.

Mr. SPRINGER. Make it half an hour.

Mr. SAYERS. Oh, no; gentlemen must not be in such a hurry to pass this bill.

Mr. TALBOTT of Maryland. I ask unanimous consent that the debate on the pending paragraph and amendments thereto terminate at half past 2 o'clock.

Mr. SAYERS. Let us understand each other on this proposition. To what point in the bill does the gentleman from Maryland wish to limit the debate?

Mr. TALBOTT of Maryland. Down to the end of line 24, on page 47. That includes the authority for the construction of the new ships, the armor and the armament, and the construction of the steam machinery.

Mr. DOLLIVER. What limit does my friend from Maryland suggest?

Mr. TALBOTT of Maryland. To limit the debate on this part of the bill to half past 2 o'clock, the time to be divided equally.

Mr. SAYERS. I suggest to the gentleman from Maryland that it would be better to limit debate on the paragraph which has just been read, ending with line 2 on page 47.

Mr. TALBOTT of Maryland. Very well; I do not object to that, and I ask consent, Mr. Chairman, that the debate on this proposition, beginning with line 6, on page 45, and ending with line 2, on page 47, and all amendments to the same, be closed at half past 2 o'clock, the time to be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The Chair will recognize the gentleman from Maryland [Mr. TALBOTT] to control one-half of the time, and the gentleman from Texas [Mr. SAYERS] the other half.

Mr. DOLLIVER. I ask for a vote on the amendment I have offered, Mr. Chairman.

Mr. SAYERS. I am not opposing the amendment of the gentleman from Iowa. Let it be adopted. But I wish to bring the House to know that the discretion that is being used by the Department in the construction of these ships will be not solely to build the ships the most cheaply, but also to promote another interest besides that of the Government.

Mr. HENDERSON of Iowa. Now, Mr. Chairman, I wish to say a word in respect to the amendment of my colleague.

The CHAIRMAN. The Chair had agreed to recognize the gentleman from Maryland to control one-half of the time, and the gentleman from Texas the other.

Mr. TALBOTT of Maryland. At this point, however, Mr. Chairman, I think it would be better to dispose of the amendment of the gentleman from Iowa. I understand the gentleman from Texas withdraws his objection to it.

Mr. HENDERSON of Iowa. Does the gentleman from Texas consent that this amendment of my colleague may go in?

Mr. SAYERS. I withdraw my objection.

Mr. HENDERSON of Iowa. Then I do not desire to be heard upon it.

The amendment of Mr. DOLLIVER was agreed to.

Mr. SAYERS. Now, Mr. Chairman, I move to strike out from the bill all after the word "contract," in line 9, on page 45, down to and including the word "and" on the same page, in line 14.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of the paragraph just read the following words:

"Three seagoing coast-line battle ships designed to carry the heaviest armor and most powerful ordnance upon a displacement of about 10,000 tons, to have the highest practicable speed for vessels of their class, and to cost, exclusive of armament, not exceeding \$4,000,000 each; and."

Mr. SAYERS. I yield ten minutes to the gentleman from Kansas [Mr. SIMPSON].

Mr. SIMPSON. Mr. Chairman, I have listened to the whole of the discussion in regard to the various appropriations covered by the pending bill, but I have not heard as yet any defense that I regard as at all satisfactory for the construction of the proposed new battle ships, nor any reason given for their utility or their necessity at this time.

Gentlemen on the other side of this question who have discussed the bill, whether purposely or otherwise, have evaded that part of the discussion entirely. I would not oppose the bill if this proposition were not included. But I am opposed to the construction of the three new battle ships for the reasons that I have heretofore stated. I am opposed to it on the ground, in the first place, that it has not yet been fully or satisfactorily demonstrated by the experience of any nation on earth that these ships are really valuable as a means of defense; and the committee, I think, have totally failed to show that they are.

I oppose the provision also on another ground, that now, in a time of profound peace, with our nation in financial distress, with the Government borrowing money at a high rate of interest, it seems a most inopportune time, in the absence of any necessity whatever for the construction of these ships, to enter upon this work; and no good reason is given why we should incur the enormous expense which will be necessarily involved. I oppose it also because I think the people of the United States at this time—even if their construction was necessary, which, as I have repeatedly said, has not yet been demonstrated—can ill afford to appropriate so large a sum as must be paid to the shipbuilders during the next year or two for these battle ships.

Mr. BLACK. What does the appropriation carry?

Mr. SIMPSON. The total appropriation involved in the construction of these ships, with their armor and armament, steam machinery, and so on, will involve an expenditure of \$23,000,000, in round numbers, before the vessels are complete and ready for service; and I say that this is an expenditure that, even if the value of these ships had been proven by actual demonstration, the people of the United States can not well afford to incur at this time. I do not know that I should object to an appropriation for the increase of the number of swift cruisers. I think they are necessary, and I regard them as the most useful of our vessels as a defensive arm of the Government. If we need a navy at all, it is to protect our interests, our commerce, and our citizens in foreign countries; and the swift, light-armed cruiser is undoubtedly the most valuable vessel for that service. But the great battle ship is not, as I think I proved the other day in the early discussion of this bill, by any means a seagoing vessel. The immense weight of the armor and armament with which the vessel is loaded down will prevent her, necessarily, from carrying a sufficient supply of coal or fuel for any long cruise. She is intended mainly for coast defense, if for anything.

I said at the opening of the discussion that a vessel of this class was not available in this country for the necessities of our service, for the reason that we have such a long line of seacoast with so many shallow harbors in which she can not enter to get supplies or to operate for the defense of the coast.

I can readily see, Mr. Chairman, why the Republicans should want a large navy and a great standing army. I can readily see that the men who believe in the policy of a strong government, of a centralized government, should want a strong army and a strong navy. They are the props on which a strong centralized government rests. They are the means which a strong centralized government has for enforcing its commands; but in a great Republic like this, resting upon the will of the people, I can see no necessity for burdening the people to build up a great navy or a great army.

Mr. CANNON of Illinois. Will the gentleman allow me?

Mr. SIMPSON. Yes.

Mr. CANNON of Illinois. Just where does the gentleman draw the line for the General Government to cease to exercise its power in the preservation of peace and the performance of its functions? I want to know where it begins to be a strong and a centralized government. Just let us know about how far—

Mr. SIMPSON. That has been the trouble with all the nations, where it ceases and where it begins. The strong mailed hand of power is continually stealing from the people their power. It is through this process, little by little, that a strong government is



organized out of the people's government, and year by year we have witnessed, for thirty years, the gradual encroachment of power by the executive upon the administrative and the legislative.

Mr. CANNON of Illinois. Could we not avoid all danger by just disbanding the General Government? [Laughter.]

Mr. SIMPSON. The danger of what?

Mr. CANNON of Illinois. Why, of a centralized government.

Mr. DINGLEY. And let each State maintain a navy.

Mr. SIMPSON. The gentleman is trying to be funny now.

Mr. CANNON of Illinois. No; I am trying in good faith to find where the gentleman would draw the line, and what he means by a centralized government.

Mr. SIMPSON. The people who organized this Government, the men to whom we owe a free Government, the freest Government that has ever been organized among men, foresaw clearly, and realized from the past experience of the people, the danger of a strong army and a great navy. There is not one of the forefathers who organized this Government among the people who has not at one time or another expressed himself against the building up of a great army and of a great navy.

Mr. BOWERS of California. Will the gentleman allow me to ask him a question?

Mr. SIMPSON. Yes; certainly.

Mr. BOWERS of California. Does the gentleman object to this being a strong Government? Does he want to make the Government weak?

Mr. SIMPSON. I want to hold the power among the people.

Mr. BOWERS of California. They have it. It is the people's Government.

Mr. SIMPSON. I stated before that a great army and a great navy have, in the experience of every nation, at one time or another, proved the enemy of the people. If the gentleman from California has not intelligence enough to discern what I mean, why that is his fault and not mine.

Mr. BOWERS of California. One more question, then, right here. Did we ever have any other Government in the United States but a Government of the people, that came from the people, elected by the people?

Mr. SIMPSON. I am holding this up as a warning to the people of this country.

Mr. BOWERS of California. If the Government is wrong, it is because the people are wrong.

Mr. SIMPSON. I am speaking of the danger of building up a strong centralized force in the shape of an army and navy. What experience had Brazil here but a short year ago? From where did the danger come to her? Did it come from the people?

Mr. BOWERS of California. Free government comes from the people.

Mr. LOUD. I hope my colleague will allow the calamity howl to go on.

Mr. SIMPSON. There was nearly a successful attempt to overthrow the Government of Brazil through the organization of a strong and powerful navy. There is an experience that I hold up as a warning to the people of this country.

Mr. BOWERS of California. Mr. Chairman—

Mr. SIMPSON. I hope the gentleman will not interrupt me. I do not think the gentleman from California can add anything to this discussion.

Mr. BOWERS of California. No; I do not think either of us, probably, is adding anything to it.

Mr. SIMPSON. In conclusion, I want to say that I am opposed to the appropriation of this large sum of money for what I believe will be a useless number of battle ships. The gentleman from Maine [Mr. BOUTFLE], the only man, with one exception, on the Naval Committee who has ever had any experience in naval affairs or as a sailor, said here yesterday that nine years ago we built a cruiser which was at that time, as far as naval architecture and armament were concerned, in advance of any such ship that had been built in the world; yet after nine years' experience we find that she is now out of date and obsolete, and we have to expend a large appropriation to bring her up to modern times.

So it will be with these battle ships. In nine years or less, perhaps, they will have to be thrown away and another large appropriation made to build other battle ships, or other ships more in accordance with modern invention and discovery.

[Here the hammer fell.]

Mr. TALBOTT of Maryland. I yield five minutes to the gentleman from Mississippi [Mr. MONEY].

Mr. MONEY. Mr. Chairman, the gentleman from Kansas is really gorged with misinformation. He says that a battle ship that is nine years old is obsolete, when as a matter of fact she is one of the finest in the fleet. I simply want to say, as a matter of fact, that of the battle ships and cruisers that were engaged in the battle of Yalu River two were more than ten years old. My friend from Kansas says we do not want any battle ships, because they

are not seaworthy. There is not a cruiser in the fleet more seaworthy than a first-class line-of-battle ship; and to show you how he differs with the aggregate wisdom of the world, I will state that there are 115 battle ships afloat in the navies of the different nations of the world, and 43 are now building; and under the Spencer programme 40 more are being built by the British Government.

My friend stated the other day in his remarks—not one single paragraph in which did not contain a misstatement—that one of the battle ships of China was struck by a torpedo from a Japanese torpedo boat and went down head first, her wheel revolving as she went down. As a matter of fact, there were only two battle ships involved in that engagement, and neither one of them sunk. The gentleman says they were sunk by a torpedo. Not one single torpedo was used by the Japanese in that whole battle. As a matter of fact, the vessel that was sunk was one of these cruisers of which he is so much in favor.

Mr. SIMPSON. The gentleman will excuse me. He has accused me of something I do not want him to do, because it is not correct. I stated that I read that from the Scientific American, and I did not state it of my own authority.

Mr. MONEY. I say that the gentleman is entirely mistaken. There is no such account given of the sinking of a battle ship at that battle of the Yalu River.

Mr. SIMPSON. I did not say it was.

Mr. MONEY. It is in your remarks as printed in the RECORD.

Mr. SIMPSON. You will not find it in my remarks.

Mr. MONEY. I read your speech, and found it there. As a matter of fact, the Japanese never fired a torpedo during the whole fight. The vessel that was sunk was struck by a 12-inch shell, and was one of the Chinese cruisers, one of the ships you want to build.

The gentleman says we ought to build cruisers and not battle ships. I ask you whether we should trust this matter to the judgment of the gentleman from Kansas or to the judgment of the Navy of the United States and the men who have it in charge? Who is the better informed—the gentleman from Kansas or those gentlemen whose business it is by the laws to consider all matters involved in the construction and maintenance of the Navy? If the gentleman will peruse his statement again he will discover other mistakes. He says battle ships can not carry coal. I will tell him that the coal-carrying capacity of a battle ship is greater than that of a cruiser. In the case of the Iowa, which is one of the battle ships just about completed, she has a capacity of 1,752 tons of coal, and at a moderate rate of speed she can run 7,073 knots without recoaling. There is nothing in the history of the late war that does not indicate that the battle ship is the arm of the future, and that all naval contests must be decided by the battle ship.

The fact of the business is, Mr. Chairman, that the gentleman has gone so far that he declares that we do not want any navy; that we want to live at peace with the balance of the world and with the balance of mankind.

Now, Mr. Chairman, if the American Congress is willing to see the country deprived of its defense, then it may follow the statesmanship of the gentleman from Kansas [Mr. SIMPSON] and the gentleman from Texas [Mr. SAYERS]. He talks about the continuing cost of these ships. As a matter of fact, there is no appropriation except an insignificant amount that will come in the fiscal year after the next one, as we provide in this bill. There will be no more payment for battle ships until the new system of construction has begun.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAYERS. A parliamentary inquiry. There is some difference between the gentleman from Maryland [Mr. TALBOTT] and myself as to who has the right to close this debate. It is upon my motion, and I have the right to close.

Mr. TALBOTT of Maryland. I beg the gentleman's pardon. There is an agreement that this debate shall close in forty minutes, and I being in charge of the bill have a perfect right to conclude this debate and control the bill.

Mr. SAYERS. I have offered an amendment, and the debate is upon that amendment.

Mr. TALBOTT of Maryland. It is all amendments to this paragraph; and I claim the right to control the debate. I have only occupied five minutes of the time, and the gentleman has occupied ten.

The CHAIRMAN. The agreement was that the debate should be closed on the paragraph and all amendments to the paragraph, and therefore the chairman of the committee will have the right to close debate.

Mr. SAYERS. Now, Mr. Chairman, to be candid—

The CHAIRMAN. The Chair will remind the gentleman that the other side have used but five minutes of their time.

Mr. SAYERS. I understood the Chair to be forcing me into the debate at this time.

The CHAIRMAN. The Chair made no such statement.

Mr. SAYERS. Then let the gentleman from Maryland proceed.

Mr. TALBOTT of Maryland. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON of Iowa. Mr. Chairman, I am for peace and against war, and therefore I am for these battle ships and torpedo boats. The surgeon can not wisely be without his surgical instruments because he does not happen to have at the time a patient needing their use.

My stock of patience has become pretty nearly exhausted by this eternal abuse of our Navy that comes from certain quarters. I think it would content some gentlemen best if on the back of every naval officer and seaman could be hung a tag on which was written: "This fellow is a scamp or a scoundrel." There is a spirit in certain quarters, most unworthy I think, which delights in constantly reflecting upon a gallant, educated, cultivated, and worthy branch of our public service, the Navy. Certainly nothing that has been done by the United States Navy, in all our past up to the present hour, merits this abuse.

The gentleman from Kansas [Mr. SIMPSON] says he does not wonder that Republicans support this measure, because "they are for a strong centralized government." I do not know whether or not the gentleman is bordering on State rights and secession when he makes that remark. He knows best. For my part I am for a strong centralized government, of which every State and each citizen shall be a royal and an interested part. [Applause.] I believe in a government that will protect every citizen, rich or poor, from the outside to the center of it.

I think we have had recent experiences enough to teach us that in order to protect the people we must be in a position to do so. I am against a large standing army. I am against a large navy. So far as the forefathers have stood on that platform I stand with them; but I believe in having so much of an army and such a navy as will prevent impudent fellows, governed by selfishness, from walking around with chips on their shoulders, or dictating to us on all questions of international or maritime policy. [Applause.] That is my feeling in regard to the Navy. The battle ships proposed in this bill I believe are needed. There is about \$500,000 appropriated for them in this bill. It takes a long time to build a battle ship, but this inaugurates the work.

It proceeds on the system—a system which I do not approve of except when it is necessary—of making contracts anticipating the revenues of the Government. In this case, however, that must be done to some extent in order to have the work done.

Now, Mr. Chairman, I say that any man who believes in protecting his country in its just rights can not afford to belittle our Army or our Navy, both of which ought to be kept in such condition that, supplemented by our rich, patriotic people, they can at any and at all times command respect and protect the citizen and the property of the citizen everywhere. [Applause.]

Mr. SAYERS. I yield two minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON of Illinois. Mr. Chairman, in those two minutes I want to say that I am not going to discuss the propriety of this proposed authorization of torpedo boats and battle ships. I merely want to call attention to the conditions under which this work is proposed. These battle ships, contracts for which are authorized by this bill, are to cost when completed over \$20,000,000. It may be that it is well to have them. This bill carries only \$500,000 of the \$20,000,000 plus that will be required, but it authorizes the contracts which beget the whole expenditure. I suspect that the bill has much of strength in this House from the fact that the authorization can be made now and the appropriation will have to follow in the next Congress.

Mr. SAYERS. That is so.

Mr. CANNON of Illinois. So that we shall have a naval bill in the next House swelling up to, perhaps, \$40,000,000, and the gentleman from Maryland [Mr. TALBOTT], who now stands like a beacon light in the storm, and that illustrious mariner from Mississippi [Mr. MONEY], to whose dulcet tones I always listen with interest, after making this authorization here will stand, twelve or eighteen months from now, talking about the terrific extravagance of the Republican House in bringing in a navy bill that carries \$40,000,000. [Laughter.] Gentlemen, why do you not have the courage of your legislation? The manly thing to do is, along with this twenty millions of authorization, to make at least a decent portion of the necessary appropriation. But you will not do that. You will authorize, but you will shirk the responsibility of your convictions and your authorizations. [Laughter.]

Mr. SAYERS. Mr. Chairman, I wish to say a few words, and especially to my Republican friends. I believe that my record in this Congress will show that I have endeavored, so far as I could, to discharge all outstanding contracts of the Government and to leave as few contracts upon the next Congress as possible, thus paving the way to a further and a larger reduction of expenditures by the Federal Government.

For that reason, among others, I am opposed to this legislation. I do not believe this House would be doing right to impose upon the next Congress the burden of discharging the contracts which it authorizes the present Administration to enter into. If I favored the construction of these battle ships I would also favor a larger appropriation, as suggested by the gentleman from Illinois.

Now, I have no hopes of carrying this amendment. Why, sir, Mr. Cramp, the man who of all others in the country is most interested in this matter, has said that this bill would pass. How much has Mr. Cramp been paid by the General Government for the building of ships? Over \$22,000,000.

Mr. TALBOTT of Maryland. Have we not got the ships?

Mr. SAYERS. The Bethlehem Company, who are receiving today, as I am told, \$150 more per ton from the Government of the United States than they are receiving from the Russian Government for the same kind of material, has been paid nearly \$7,000,000 by our Government, and Carnegie over \$4,000,000. For this reason I do not expect this amendment to succeed. Parties are here from the Pacific Coast to pass this bill; they are here from Louisiana to pass this bill; they are here from Pennsylvania to pass this bill. Why do we want battle ships? How many ports and harbors in this country can these battle ships, if constructed, enter? Are there half a dozen?

Mr. LOUD. Oh, yes; twenty-five.

Mr. SAYERS. No, sir.

Mr. TALBOTT of Maryland. I published in the RECORD a list of about thirty.

Mr. SAYERS. I am speaking of the battle ships.

Mr. MALLORY. They can not enter the harbor of Galveston.

Mr. SAYERS. No; and they can not enter any harbor of Florida.

Mr. MALLORY. They can enter at Key West, where there is 27 feet of water at the bar.

Mr. SAYERS. I am tired of hearing gentlemen denounced on this floor as unpatriotic because they will not agree to swell the expenditure already authorized by the present Congress. My good friend from Iowa [Mr. HENDERSON] says that he is tired of hearing the Navy denounced. I have never denounced the Navy; the officers of the Navy are gallant and patriotic men; but I stand here to say that it is the duty of Congress to enable the Government to build these ships and construct these guns in any portion of the country where it can be done cheapest and best—I care not whether it is in Pennsylvania or California or in any other State of the Union.

Now, the statement has gone abroad that we are paying the Bethlehem Company \$150 more per ton for gun steel and armor than is being paid to the same company by the Russian Government.

Mr. DOLLIVER. I should like to know the gentleman's authority for that statement.

Mr. SAYERS. It is so charged; and let me read the apology coming from the Department. I do not think that it is true, but the charge has been made; and when a resolution went from the Senate to the Secretary of the Navy to inquire into the truth of this matter, what was the answer?

Another reason, and one which may have impelled the Bethlehem Iron Company to acquire its recent contract, even at a serious loss, is that a far greater loss would be experienced if it was found necessary to break up the organization, disperse the skilled labor, and close the works through lack of orders.

Here is a Department of the Government that should always bear in mind the interests of the Government in all its contracts attempting to justify the fact that we are paying a larger price for armor and gun steel than the Russian Government is paying to the very same parties—

Mr. ADAMS of Pennsylvania. Will the gentleman permit me—

Mr. SAYERS. I am not denouncing the Bethlehem Company; I am not reflecting upon that company. Why, Mr. Chairman, I heard one of the most prominent gentlemen on this floor say once that there is no patriotism in time of peace; that it is only in time of war that citizens are patriotic, and that the only object and use of Government in time of peace, so far as individual citizens and particular localities are concerned, is to furnish as much revenue to the citizen and to the localities as possible. I deny the truth of any such proposition. No man can be justly denounced on this floor as unpatriotic who insists that the expenditures of this Government should be brought within its revenues in a time of peace. I deny that any man is not patriotic who says that this Government ought not to pay any more upon its contracts with its citizens than a foreign government does. I deny that any man is unpatriotic when he refuses to burden future Congresses in time of peace with appropriations for contracts which ought to be appropriated for by the Congress that authorizes them.

It has been an effort with me since I have been honored with the chairmanship of the Committee on Appropriations to so advise the House. I have said: "Pay up all outstanding contracts; authorize none that are to be paid for in the future, so that the next



Congress may have it within its power to reduce the appropriations by forty million or fifty million dollars per annum.<sup>6</sup> If that Congress should do this, its action shall have my hearty approbation. I will join with those gentlemen in reducing the overgrown expenditures of our Government in time of peace.

Mr. TALBOTT of Maryland. I have, Mr. Chairman, ten minutes of the time remaining?

The CHAIRMAN. That is correct.

Mr. TALBOTT of Maryland. And I yield five minutes to my colleague on the committee, the gentleman from Iowa [Mr. DOLLIVER].

Mr. BOUTELLE. Before the gentleman from Iowa proceeds, will he allow me to ask a question of the gentleman from Texas?

Mr. TALBOTT of Maryland. If it does not come out of my time, I will yield to the gentleman with pleasure.

Mr. BOUTELLE. Is there not plenty of time?

Mr. TALBOTT of Maryland. No; the time has been limited.

Mr. SAYERS. I ask unanimous consent that the gentleman from Maine may be permitted to ask a question, not to be taken out of the time allowed for the debate.

The CHAIRMAN. Without objection the gentleman will have that privilege.

There was no objection.

Mr. BOUTELLE. Mr. Chairman, I simply desire to bring out more plainly a fact to which the gentleman from Texas adverted with a great deal of emphasis during the course of his remarks a few moments ago, and that is with regard to the matter of these contracts. Do I understand the gentleman from Texas to state, or does he desire this committee to have the impression, that this bill imposes on the Government any contract whatever to purchase armor or material of any description at prices higher than they are furnished to any other nation in the world?

Mr. SAYERS. I did not say that it did.

Mr. BOUTELLE. If the gentleman did not say that it did I think it altogether likely that he may have left that impression on the minds of some of the members here by what he did say.

Mr. SAYERS. If it will satisfy the gentleman from Maine or any other gentleman on this floor, I will disclaim such an idea.

Mr. BOUTELLE. I do not mean to say that the gentleman intended to do that; but my idea was that that impression might have been created by what he did say, that the bill proposes to impose upon the Government of the United States certain contracts for the purchase of material for the construction of ships at a higher price than such supplies are furnished to other governments.

Mr. SAYERS. I will say to my friend this: That I did not charge it to be absolutely true that this Government is paying \$150 a ton to the Bethlehem Company more than is charged to foreign governments; but what I did say was that such a statement had been made publicly, and a resolution was passed by the Senate calling upon the Secretary of the Navy for information on that point. His answer to that resolution I have already given to the committee.

Mr. BOUTELLE. Has the gentleman any apprehension of danger that the Secretary of the Navy will make any contract, under the operation of this bill, at other than proper rates, and in the interest of the Government of the United States? I do not think there is any danger—

Mr. SAYERS. Well, it is not necessary for me to answer that question.

Mr. BOUTELLE. Is not the inference a reasonable one even if the statement to which the gentleman refers is true, and the Bethlehem Company, or any other company whose plant involves the expenditure of an immense amount of capital, has been enabled by later improvements to furnish material to foreign Governments or to any individuals at a cheaper rate now than formerly, that it can furnish such supplies to the United States Government at a lower rate, and that hereafter there will be, in contracts which may be made with such establishments, a decided advantage in favor of the government over the contracts that were made when these works started?

Mr. SAYERS. If my friend from Maine has that impression, will he agree with me to add a clause to the bill forbidding the Secretary of the Navy to enter into a contract for armor or armament with this company, or any other company, at a larger price than is paid by a foreign government for the same material furnished by such contractors?

Mr. BOUTELLE. I should not object to it myself, if such a provision were regarded as necessary.

Mr. SAYERS. Very well. I propose to offer an amendment of that kind.

Mr. TALBOTT of Maryland. I yield five minutes to the gentleman from Iowa [Mr. DOLLIVER].

Mr. DOLLIVER. Mr. Chairman, I do not wish to be put in the position of antagonizing my distinguished friend from Illinois [Mr. CANNON]. I agree with him perfectly, as I said at the outset of this debate, that we ought to make a reasonable provision to

pay for the ships we are authorizing in this bill. I do not desire, either, to be put in the position of acrimonious antagonism to my friend, the distinguished chairman of the Committee on Appropriations. I presume there is nobody in the House who has any disposition or purpose to impeach his patriotism, or even to criticize the sagacity with which he usually guards the Treasury of the United States.

There can be no better argument, however, adduced in favor of this bill than the fact that my friend from Illinois [Mr. CANNON] and my friend from Texas [Mr. SAYERS], not to speak of the gentleman from Kansas [Mr. SIMPSON], who has furnished so large a part of the vocabulary of this debate up to this time—that these three gentlemen, with all the influence they properly exercise in this House, have not been able to disturb in any degree the purpose of the House to proceed with the building of these three battle ships. [Applause.]

Mr. SAYERS. Because the "combine" is too strong for us to fight.

Mr. CANNON of Illinois. Will my friend from Iowa permit me a moment?

Mr. DOLLIVER. Certainly.

Mr. CANNON of Illinois. Will my friend be kind enough to place his finger on any proposition or word said by me that antagonizes this bill except for what it does not contain?

Mr. DOLLIVER. So far as my friend from Illinois is concerned that certainly is true. But we have seen the struggle on the part of the chairman of the Committee on Appropriations and the stubborn fight he has made on the items regarding the manning of these ships, the increase in the number of men necessary for that purpose.

Mr. SAYERS. That is correct.

Mr. DOLLIVER. And we have also seen his fight against the items for the repair of ships when they are rotting down at the yards; his fight against the appropriation for putting these ships in proper condition, when both the President and the Secretary are united in saying that the repairs are necessary.

Mr. HENDERSON of Iowa. Will my friend allow me a word?

Mr. DOLLIVER. Certainly.

Mr. HENDERSON of Iowa. He ought, in justice to the gentleman from Illinois, to admit that it would have been better if the committee had made an appropriation of the money which is necessary, instead of leaving it in such a way that it will have to be provided for by future Congresses.

Mr. DOLLIVER. I have already admitted that, and I have done what I could to impress upon this House the fact that the Committee on Naval Affairs, as I believe, true to the habitual instinct of Democratic management, has proposed to load on future Congresses the expense of these improvements to the Navy, to which their judgment has yielded a ready assent.

Now, I wish to say another thing: My friend from Texas [Mr. SAYERS] speaks of the fact that this is a united country, and I know there is nothing in his heart that would suggest a spirit of sectional contention in a debate of this character. And yet we are not without evidence from time to time in this House that a spirit of sectionalism is growing up in the United States. Within a week I have heard on this floor a suggestion that the West, that the Mississippi Valley is alien in interest to the Eastern Seaboard, if not already hostile to it in its purposes and in its conditions of growth and prosperity.

Mr. BOEN. Is not that partly true?

Mr. DOLLIVER. I do not believe it is true at all, and I believe this House has no better means of refuting that mischievous nonsense than by a liberal provision for these great national objects that concern the whole people of the United States. I will say to my friend from Minnesota that after infinite sacrifices we are one people, brought together in the common bond of commercial and political unity, and what God in His providence has joined together we ought not in this House to allow demagogues to put asunder. [Applause.]

Mr. TALBOTT of Maryland. Mr. Chairman, I am surprised to hear, over and over again, a reiteration of the amount of money that is to be appropriated in the next Congress for the support of the Navy. I stated to this House, in the beginning of this debate, that this appropriation bill carried every dollar necessary to complete the construction of all the vessels now authorized by law.

Mr. SAYERS. Not at all. There is an item of \$750,000—

Mr. TALBOTT of Maryland. I stated to the House, and I stand by it, that this bill carries enough money to complete all the vessels at present authorized by law to be constructed. I maintain that proposition now. The Secretary of the Navy, in his annual report for the year 1894, says:

The estimates for this year for "Increase Navy" will be the last of the large annual amounts required for the building up of the new Navy, so far as the same has been authorized. It may therefore be stated that this is substantially the last payment on account of the vessels provided for by law. Unless, then, new constructions are authorized expenditures under this head will fall with great rapidity after the next fiscal year and thereafter entirely disappear from the annual appropriations. It is estimated that with the expenditure of not more than \$750,000 for the fiscal year ending June 30, 1897, the ex-

isting new Navy will have been entirely paid for. Thus it will be seen that the expenditures under "Increase Navy" will decrease at one bound from the amount asked for this year, \$13,250,302, to \$750,000, as above stated.

I also state that the next House can make the regular and proper appropriations to continue the work on these battle ships, and that their bill will be less than \$20,000,000 for the support of the Navy, including the construction of the vessels authorized by this act.

I do not like for any gentleman to get up and appeal to the prejudices of any one section of this land as against another when we are considering a bill that is national in its character. I do not think it amounts to a row of pins whether we paid the Cramps \$22,000,000 or 22 cents, or paid it to someone else. The answer is always complete, that we have the vessels which are the best of their class built anywhere in the world.

Mr. HENDERSON of Iowa. Will the gentleman allow me to ask him a question?

Mr. TALBOTT of Maryland. I have not the time, but I will yield.

Mr. HENDERSON of Iowa. I understand that there is between \$400,000 and \$500,000 under the head of "Construction and steam machinery" which will be applied in the next fiscal year to the construction of these new battle ships and torpedo boats.

Mr. TALBOTT of Maryland. The sum of \$513,000 is carried for the fiscal year 1895-96 to begin these vessels.

Mr. HENDERSON of Iowa. And that will be sufficient for that period.

Mr. TALBOTT of Maryland. That will be sufficient, so the Secretary of the Navy says.

Mr. HENDERSON of Iowa. I am glad to know that.

Mr. BOUTELLE. That is in accordance with the Secretary's letter.

Mr. TALBOTT of Maryland. Now, Mr. Chairman, the gentleman says the Bethlehem Iron Works received between six and seven millions of dollars. The gentleman knows and this House knows that the Bethlehem Iron Works engaged in this enterprise at the suggestion of Secretary Whitney, and they have not yet received a dollar more than they have invested in their plant.

But while the gentleman was giving this information to the House, why did he not state to the country what had been expended in other localities? The sum of \$9,254,000 has been expended on the Pacific Coast. In this connection I will insert the following statement, showing in detail the sums paid to various firms who have contracted for the vessels and the armor and armament therefor in accordance with law since June 30, 1884:

#### NAVY DEPARTMENT, February 19, 1895.

SIR: In reply to your telegram of this date I have the honor to inform you that since the 30th of June, 1884, there has been paid by this Department to the firms mentioned below the following sums of money:

Cramps	\$22,629,132.81
Bethlehem	6,795,959.30
Carnegie	4,269,861.54
Union Iron Works	9,254,429.95
Columbian Iron Works	2,073,395.90
Bath Iron Works	1,611,487.47
Harrison Loring	1,030,633.19
N. F. Palmer & Co.	1,794,077.85
Richmond Locomotive Works	639,520.39
Samuel L. Moore & Sons Co.	307,694.34
Iowa Iron Works	80,640.00

Of the amount paid to the Bethlehem Iron Company, as stated in the Bureau's indorsement of yesterday, \$2,346,056.86 was for gun forgings.

Very respectfully,

WM. MCADOO, Assistant Secretary.

Hon. J. F. C. TALBOTT,  
House of Representatives.

Now, Mr. Chairman, in the brief space of time left to me I again call upon my Democratic associates upon the floor of this House. Let us once again put our party before this country as it stood before the war. This is patriotic in us; it will be as patriotic as then. Our country is united; we are united for all time to come; and I claim to be as good and as patriotic a citizen as stands upon the floor of this House. Now, I appeal to my colleagues with whom I associate to stand by this legislation. The gentleman says, and he lays great stress upon the fact, that two Chinese battle ships were sunk. The answer to it, and it is complete, is that they were not sunk at Yalu River. They were the last remnant of the fleet left; but the answer to all that you can say is that the Japanese Government, with their experience in this war, immediately contracted for two battle ships in England.

As to the reference made by the gentleman from Texas, and in answer thereto, concerning the reasons which impelled the Bethlehem Iron Company to acquire its recent contract with the Russian Government, I append the whole communication from the Navy Department bearing upon that question:

#### NAVY DEPARTMENT, Washington, February 4, 1895.

SIR: In compliance with the resolution of the Senate dated the 28th ultimo, directing the Secretary of the Navy to transmit a statement showing the prices paid per ton for armor plates for vessels of the Navy, comparing the same with prices paid by other nations, and also with the prices paid or to be paid under recent contracts to American manufacturers for armor plates for other nations, I have the honor to transmit herewith a statement prepared by the Chief of the Bureau of Ordnance, which statement contains all the information afforded by the records and files of this Department on the subjects covered by the resolution.

I have had some conversation with representatives of the Bethlehem Iron Company respecting its recent contract with the Russian Government, but am unable to state at what prices the armor to which that contract relates is to be furnished.

Very respectfully,

H. A. HERBERT, Secretary.

The PRESIDENT OF THE UNITED STATES SENATE.

#### DEPARTMENT OF THE NAVY, BUREAU OF ORDNANCE, Washington, D. C., February 1, 1895.

SIR: In compliance with the Senate resolution requesting information as to the prices paid for armor plates for vessels of the Navy, comparing the same with the prices paid by other nations, with special reference to the prices to be paid under recent contracts to American manufacturers, the following statement is submitted:

The first armor contract which was made with the Bethlehem Iron Company, on June 1, 1887, was for 6,702.6 tons of simple steel armor. It was graded into exhibits varying in price from \$490 to \$600 a ton, according to the difficulty of manufacture.

The report of the Secretary of the Navy for 1887 contains the following in relation to this contract:

"The contracts for armor and gun steel are made at prices within 25 per cent of the European price for the similar material, not greater than the difference in labor between the two countries, notwithstanding the heavy outlay for plant (estimated at \$2,500,000) necessary to be made to undertake the contract."

The prices agreed upon for the armor and its appurtenances, bolts, etc., averaged \$538.76 a ton.

The first delivery under this contract was made in August, 1891. In the meantime, on November 20, 1890, a contract was made on the same basis with the Carnegie Steel Company for 6,000 tons of simple steel armor, the first delivery of which was made in January, 1892. Upon the decision of the Department to adopt nickel-steel armor an additional compensation of \$11.20 per ton was paid the armor contractors to cover the cost of the introduction of the nickel and the increased difficulty of machining. The nickel was furnished by the Government.

On February 28, 1893, a contract was made with the Carnegie Steel Company for 2,927.29 tons of nickel steel armor, and on March 1, 1893, a similar contract was made with the Bethlehem Iron Company for 3,562.24 tons of nickel-steel armor.

The armor in these later contracts was likewise graded into exhibits, those similar to the exhibits of the first contracts ranging in price from \$500 to \$575 a ton, including the cost of the introduction of nickel. Two new exhibits of special difficulty of manufacture were created, one of 101.5 tons at \$725 a ton, and one of 122.5 tons at \$800 a ton.

A separate contract was later made, in which the armor makers agreed to apply the Harvey process at a charge of \$50.40 per ton for plates of and above 8 inches thickness; \$78.40 per ton for plates 5 to 8 inches thick; \$100.80 per ton for plates under 5 inches thick. In addition, the Harvey Steel Company was paid a royalty of \$11.50 a ton.

The price for the principal part of nickel-steel armor for vessels of the Navy under contracts signed two years ago is therefore as follows:

Ordinary	\$500.00 to \$575.00
Special	600.00 to 725.00
Cost of Harvey process	61.00

The prices paid abroad for armor can not be positively stated. The information which the Department possesses comes from a variety of sources—newspaper clippings, conversations, and confidential statements. All of these lack the official confirmation only conveyed in a properly executed contract, such as that to which the Department was a party in the purchase of compound armor for the *Miantonomoh*. The average cost of that armor was \$535 a ton, and was purchased from Sheffield, England.

It must be further remembered that foreign armor contractors furnish various grades of armor at different prices. In France, for example, under recent contracts, three different prices are paid for the same exhibit of armor, according to its quality. In the United States the contracts stipulate that the manufacturer shall make the most resisting and enduring armor that he can; he must furnish and maintain the most improved modern plant; finally, the requirements for acceptance are now in many respects far more severe than those abroad.

The nickel-steel armor made in this country contains 3.25 per cent nickel; that made abroad contains from 2 to 2.5 per cent. It follows that not only is the actual cost of the nickel 40 per cent less, but the manufacture is less expensive, so far as the greater ease of machining is concerned. In England very little nickel-steel armor is made.

The following table of prices of armor is submitted, with full reservation as to the accuracy of those asked by foreign makers:

#### Price of armor in the United States and abroad, 1894.

UNITED STATES.			
Grade.	Plain.	Nickel.	Harveyized.
Lower limit	\$490	\$500	\$561.60
Upper limit	600	575	636.60
Special		600-725	
Foreign trade			
ENGLAND.			
Lower limit	\$413		Said to be 88 more than for plain steel; hence \$501 to \$325.
Upper limit	438		
Special			
Foreign trade	\$312	\$368	\$307-341
FRANCE.			
Lower limit		\$444	\$521
Upper limit		463	540
Special			
Foreign trade	\$312	\$311.46	399.32

<sup>1</sup> Vickers, makers for H. M. S. *Centurion*.

<sup>2</sup> Vickers's bid.

<sup>3</sup> Cammell's bid for armor of Russian *Three Saints*.

<sup>4</sup> Cammell's bid.

<sup>5</sup> Acier special for the *Bouvet*.

<sup>6</sup> For the *Charlemagne* and *St. Louis*.

<sup>7</sup> Le Creuzot bid.

<sup>8</sup> Le Creuzot bid for Russian *Three Saints*.



The Department has no information as to the prices to be paid American manufacturers under recent contracts for armor plates for other nations. It will be observed, however, that the bids of English and French manufacturers for the foreign trade is far below the prices paid them for armor intended for ships of their own nationality. This is susceptible of various explanations, the most natural of which is that the quality of the armor manufactured for foreign navies is inferior to that made for their own. The requirements for acceptance are not so severe, and the inspection is less thorough and exacting. Another reason, and one which may have impelled the Bethlehem Iron Company to acquire its recent contract even at a serious loss, is that a far greater loss would be experienced if it was found necessary to break up the organization, disperse the skilled labor, and close the works through lack of orders.

Respectfully,

W. F. SAMPSON,  
Chief of Bureau of Ordnance.

The SECRETARY OF THE NAVY.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON of Illinois. I desire to offer an amendment, and I suppose amendments are in order to this paragraph.

The CHAIRMAN. Certainly, amendments are in order.

Mr. CANNON of Illinois. I desire to offer the following amendment, at the close of the paragraph.

The CHAIRMAN. The Chair would suggest to the gentleman from Illinois that the vote had better be taken on the amendment offered by the gentleman from Texas first.

Mr. CANNON of Illinois. Very well. What is the amendment?

The CHAIRMAN. The Clerk will again report the amendment. The Clerk read as follows:

On page 45, line 9, after the word "contract," strike out the following language: "Three seagoing coast-line battle ships designed to carry the heaviest armor and most powerful ordnance upon a displacement of about 10,000 tons, to have the highest practicable speed for vessels of their class and to cost exclusive of armament not exceeding \$4,000,000 each; and."

Mr. CANNON of Illinois. The gentleman from Texas proposes to strike that out. If that is stricken out I will have to change my amendment, but I am perfectly content that the vote shall be taken on that first.

Mr. TALBOTT of Maryland. I did not catch the amendment of the gentleman from Illinois.

The CHAIRMAN. It has not been read yet.

The question was taken on the amendment offered by Mr. SAYERS; and the Chairman announced that the yeas seemed to have it.

Mr. SAYERS. Division, Mr. Chairman.

The committee divided; and there were—ayes 43, yeas 121.

So the amendment was rejected.

Mr. CANNON of Illinois. I have an amendment.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Illinois.

The Clerk read as follows:

On page 47, at the end of line 2, insert the following: "And the sum of \$22,000,000 is appropriated to carry out the provisions of this paragraph."

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The question was taken; and the Chairman announced that the yeas seemed to have it.

Mr. CANNON of Illinois. Division! I hope all patriotic gentlemen will support this amendment. [Laughter.]

The committee divided; and there were—ayes 79, yeas 90.

Mr. TALBERT of South Carolina. No quorum.

The CHAIRMAN. The gentleman from South Carolina makes the point of no quorum. The Chair will appoint the gentleman from Maryland [Mr. TALBOTT] and the gentleman from Illinois [Mr. CANNON] to act as tellers.

The committee again divided.

Mr. SPRINGER. I ask to have the amendment read again.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Several members objected.

Mr. TALBERT of South Carolina. I withdraw the point of no quorum.

The CHAIRMAN. The gentleman withdraws the point of no quorum. The yeas have it, and the amendment is rejected.

Mr. CANNON of Illinois. I offer another amendment, Mr. Chairman. It is the same as the other except that it strikes out the words "twenty-two" and inserts the word "five."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 47, line 2, after the word "Kearsarge," insert the following: "And the sum of \$5,000,000 is appropriated to carry out the provisions of this paragraph."

The question was taken; and the Chairman announced that the yeas seemed to have it.

Mr. CANNON of Illinois. Division.

The committee divided; and there were—ayes 64, yeas 99.

Mr. CANNON of Illinois. I think we had better have tellers

and therefore I make the point of no quorum, merely to get the tellers.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum. The Chair will appoint as tellers the gentleman from Illinois [Mr. CANNON] and the gentleman from Maryland [Mr. TALBOTT].

The committee again divided; and the tellers reported—ayes 56, yeas 126.

So the amendment was rejected.

Mr. SAYERS and Mr. CAMPBELL rose.

The CHAIRMAN. The Chair will first recognize the gentleman from Texas to offer an amendment, and will afterwards recognize the gentleman from New York.

Mr. SAYERS. I move an amendment.

The Clerk read as follows:

At the end of line 18, page 47, insert the following proviso: "Provided, That no higher price shall be paid for armor or gun steel than is paid the contracting party for like armor and gun steel furnished private parties or other governments."

The CHAIRMAN. The Chair will recognize the gentleman from New York [Mr. CAMPBELL] for five minutes.

Mr. CAMPBELL. Mr. Chairman, I did not intend to say anything upon the question under consideration, as I thought it proper that the able Committee on Naval Affairs should be permitted to take care of their own appropriation bill. But I find distinguished members of the House opposing this patriotic and meritorious measure, and, further than that, I happen to have the honor of representing the old shipbuilding interest of New York, that has built some of the most magnificent vessels that ever floated on the waters of the world. Therefore I beg leave to submit a few remarks.

The question of whether or no we should build battle ships is really the same as the question whether or no we should have a navy at all. There can be no doubt that the country as a whole, irrespective of party, favors a Navy suitable for our needs. There is also no doubt that our Navy is not yet what it should be. Some of the economists who admit the necessity for a navy, and a larger navy, believe that no new construction should be authorized now because of the condition of the Treasury. Everyone, however, who knows anything about naval matters and the construction of ships, knows that if large ships are authorized now they will not be well under way for eighteen months, and it will be two years before any large proportion of the total cost can be drawn from the Treasury. [Applause on the Democratic side.]

Possibly the gentlemen who plead poverty are sufficiently good prophets to vote upon present pressing questions from knowledge of what the condition of the Treasury will be two years from now, but less gifted mortals must act according to their lights. [Applause.]

If no new vessels are authorized now, it will be fifteen or eighteen months before the next Congress will pass the naval appropriation bill, and the work of building up our Navy will be at a dead standstill for a year.

The committee has very properly recommended that battle ships be authorized now. Common sense of the commonest kind would seem to indicate this as the proper course. [Applause.] A modern navy is built both to fight and run away. But in strict accordance with the maxims of political economy, it is found best to apply the principle of division of labor. Battle ships are built to fight, and cruisers to run away. No disparagement is meant to the cruiser; it has useful functions, and if, in time of war, the interests of the country are best served by a cruiser running away, it is its duty to run as fast as possible. [Laughter and applause.]

We have now a navy composed nearly entirely of fast cruisers. What we need is a few fighting ships; ships that can stand in the gate and meet all comers. [Applause.] It is nonsense to say that cruisers can tackle battle ships. A cruiser, by a lucky accident, might sink a battle ship, just as a little man might get the best of a big man in a personal encounter; but common sense of the commonest kind tell us that the odds are in favor of the big man, and so it is with the battle ship and cruiser. [Laughter and applause.]

The fact that the Japanese cruisers have finally disposed of the two Chinese battle ships does not show that cruisers are preferable to battle ships for fighting, but simply that the Chinese are not sea fighters. The Chinese had two battle ships 15 years old, but they also had a lot of cruisers. The Japanese cruisers ate up the Chinese cruisers as fast as they could get at them, but they found the old battle ships hard nuts to crack, though the Chinese were too much dispirited to put out their ships when they caught fire, and fired mostly clay shell, which, nicely painted, polished, and stacked, had been passing inspection for some years.

If we are to have a navy to do our fighting as well as our running away, we must have battle ships; and there are not too many to authorize now. There is one point to which due attention should be given in this connection. Gentlemen speak of these battle ships as unwieldy monsters because they are of 10,000 tons displacement. That they are not unwieldy is shown by the preliminary trials of those now building. If they are monsters, what are foreign ships which they may be called upon to meet? Italy and England have

battle ships which are 50 per cent larger, and France and Russia are close behind them. Yet it is commonly admitted that the 10,000-ton ships designed by American constructors and built by American mechanics are fair matches, individually, for these 15,000-ton foreigners. Instead of grumbling at the large size of our monsters we should congratulate ourselves that they are so small.

There are some gentlemen who say, "if we build these vessels, they will be obsolete by the time they are completed, and so we should wait until we can take advantage of the latest improvements." That was the policy adopted by us for many years after the war, until our Navy became the laughingstock of the world, and our seacoast cities were all at the mercy of Spain, Brazil, Chile, or almost any comer.

I presume that the ancestors of the gentlemen who advocate that policy did not, in the days of bows and arrows, fail to provide themselves with these useful weapons because gunpowder and repeating rifles were going to be invented. Had they done so we would not now be favored with the presence of these gentlemen. [Laughter and applause.] That policy, fully carried out, would result in our beginning to build up our Navy the afternoon of judgment day.

Now, Mr. Chairman, in connection with what I have already said, I want to add that we have at the head of this department of the Navy one of the best naval architects and mechanics in the world. I refer to Commodore Philip Hichborn and assistants, who designed our cruisers and who is to design these battle ships, and I say to you gentlemen, pass these appropriations and you can rest assured that they will be placed in safe hands and will be used to do credit and honor to the American Government, which we in part represent here. [Applause.]

Carry on the noble work so ably begun under the auspices of Hon. William C. Whitney while Secretary of the Navy, and so zealously promoted by the late Secretary, General Tracy, and by the present Secretary, Hon. Hilary A. Herbert, formerly the honored chairman of the House Committee on Naval Affairs, aided by his efficient and intelligent Assistant Secretary, Hon. William McAdoo.

I have no desire to take up more of the valuable time of this committee, but I have here an article from the New York Herald discussing this subject in an exhaustive manner, and also an editorial from the same paper of Monday, February 18, which I ask leave to have printed in the Record in connection with my remarks.

There was no objection.

Mr. CAMPBELL. The newspaper extracts above referred to are these:

**BATTLE SHIPS AND THEIR GUNS—GREAT BRITAIN'S MEN-OF-WAR ARE LARGER THAN OURS, BUT NOT AS EFFICIENT—TYPE SHIPS CONTRASTED—WHEREIN OUR INDIANA CLASS ARE THE SUPERIORS OF ENGLAND'S LATEST DESIGNED VESSELS.**

While the general opinion, not only in this country but abroad, is that the chief success of the United States in navy shipbuilding has been made in the development of the fast cruiser, it is important to note that the few battle ships we have laid down are the equals of anything afloat or likely to be put afloat for several years. Other nations have built larger vessels and have given them heavier guns than ours, but the United States battle ships of the Indiana class would probably defeat anything yet built or projected for other navies.

This extraordinary result has been attained chiefly by the excellence of the designs for the United States vessels, though superior material and workmanship have also contributed to it. That our ships have secured a fighting value equal to that of the best British battle ships on a much smaller displacement is conceded by English experts.

#### A BRITISH OPINION OF OUR SHIPS.

Thus Brassey's Naval Annual for 1894 says: "Accepting the conclusions that had been arrived at by those powers who had been forced to push on continually, the United States authorities at once adopted types possessing the general features of such vessels as were most approved; for example, our *Royal Sovereign* class—that is, the 1890 design. Profiting by drawings giving all the necessary details, and even employing men who had been engaged in England in working out the designs, it was found feasible to spring, without a single false step or disappointment, to the very front and to work forward so as to rival those who had offices and dock yards full of all that hardly bought experience had furnished. It was, obviously, feasible but not by any means easy to command success in the striking way in which it has been achieved.

#### THEY WAS—THEY WAS!

"The United States authorities are then to be congratulated, first, on the judgment that chose the line to be taken; and, next, on the constructive ability and energy that was (sic) displayed exactly in the most profitable way. It naturally follows, from what has been said, that anyone would search in vain in the American fleet for such types as were developed in the twenty years following the close of the war in 1865. No mastless seagoing *Thunderer* (nor *Dreadnought*, no *Infexible* (nor *Italia*, no *Monarch* (nor *DuParre* is to be found in the United States Navy. In one tremendous stride the United States constructors pass, with hardly an intermediate step, from the small coast-defense *Manhattan*, with her 2,100 tons displacement and 19-ton smooth-bore guns, to the modern ship with the powerful quick-fire armament and steel armor."

At Portsmouth the English recently put afloat the *Majestic*, whose twin, the *Magnificent*, was floated out of her construction dock at Chatham just before last Christmas, both vessels having been built with unsurpassed rapidity, as they were designed in 1893, and the *Magnificent* was floated one year and a day from the time work began upon her.

The *Majestic* represents England's latest idea in battle ships. Her size—15,000 tons displacement—is greater than that of any other war ship except the *Italia* and *Lepanto*, of the Italian navy, which have a displacement of 15,960 tons each.

#### TORPEDO TUBES GALORE.

Besides the guns hereafter mentioned the *Majestic* is fitted with four submerged torpedo tubes and one stern tube above water, all discharging the 13-inch Whitehead auto-mobile torpedo, which carries 190 pounds of gun cotton.

Her machinery is designed to develop 10,000 horse power under natural draft and 12,000 under "induced" draft. Instead of forcing air into the fire rooms, with no means of escape except through the furnaces, the fire rooms are left open and the air is sucked through the boiler tubes. She has twin screws, each 17 feet in diameter.

Each of her two steel masts will have two fighting tops. She will also carry powerful electric searchlights on each mast and on each extremity of a midship bridge.

The 12-inch guns, 40 calibers long, will be of the latest pattern of the Woolwich 46-ton wire wound type—somewhat similar to the Brown segmental tube wire wound gun of this country, but far inferior to it in strength and velocity giving power.

The *Majestic's* full complement of officers and men, while serving as a flagship, will be, the English newspapers say, 750 men—a rather unusual crew for even so large a ship.

#### COMPARED WITH OUR INDIANA CLASS.

In view of the progress of these great men-of-war toward completion, there is a natural revival of interest in this country in the battle ships of the United States Navy. The Herald has heretofore pointed out the elements of superiority of our cruisers over those of foreign navies, and has given the testimony of foreign experts in proof thereof. Similar superiority can be shown for the United States battle ships over those begun by the leading naval powers of Europe. Although the *Indians* class were designed about six years ago, they need not fear comparison with the latest and largest armor clads of the British navy—the *Majestic* class heretofore mentioned.

The leading characteristics of the two classes are herewith set forth.

	Displacement.	Length.	Beam.	Draught.	Speed.	Coal supply.	Armor (thickness in inches).		
	Tons.	Feet.	Feet.	Feet.	Knots.	Tons.	Belt.	Turrets.	Elsewhere.
Indiana*	10,231	348	80.2	24	16	1,800	18	17	6 to 8
Majestic†	15,000	390	75	23	17½	1,800	9	14	6

Battery—\* Four 13-inch, eight 8-inch, four 6-inch, twenty 6-pound, and four 1-pounder rapid firing.

† Four 12-inch, twelve 6 inch rapid firing, sixteen 12-pound, and twelve 3-pound rapid firing.

As in point of displacement the *Majestic* is nearly half again as large as the *Indiana*, it might have been expected that she would have a corresponding increase in fighting efficiency; but an examination of the details of the two ships brings to light no such difference.

#### AN EQUAL SUPPLY OF COAL.

Although the amount of coal carried is the same for each, the *Indiana*, owing to her lighter draft and less tonnage, would have a considerably longer radius of action; that is, she could go much further with one supply of coal.

The axes of the *Majestic's* 12-inch guns laid level are 27 feet above the water line, while the *Indiana's* 13-inch guns are carried only 18 feet above the water. This would give the former some advantage in a heavy seaway.

A calculated speed of 17½ knots is allowed to the *Majestic*, and only 16 knots to the *Indiana*, again some advantage to the British ship. It is known, however, that the *Indiana's* actual speed is more than 17 knots, her builders, the Messrs. Cramp, having always improved upon the calculated speed of the vessels built by them. It is also well known, on the other hand, that the British builders rarely equal the speed expected of their ships; hence, if the *Majestic* should reach her contract maximum, she would have less than a half knot better speed than the *Indiana*, a difference so slight as to be almost a negligible quantity in calculating the fighting value of the two ships.

#### THE INDIANA'S SUPERIOR ARMOR.

For protection the *Majestic* has a belt of harveized steel armor, 9 inches thick, while the *Indiana's* belt is 18 inches thick. It is true that the *Majestic's* belt covers 300 feet on each side, while the *Indiana's* belt covers less than two-thirds of her length; but the important fact concerning the two belts is that the *Indiana's* will keep out the projectiles of every gun aboard the *Majestic*, while the *Indiana* has at least 12 guns which can send their shells clear through the *Majestic's* belt.

Similarly, the *Indiana's* turrets of 17-inch armor will withstand the attacks of all the *Majestic's* pieces at an ordinary fighting range, but the *Majestic's* barbettes have only 14-inch armor, and the *Indiana's* 13-inch guns could disable the barbettes with two well-placed shots.

Around the *Indiana's* 8-inch guns is a protection of 8-inch armor, and 6-inch armor protects her 6-inch guns. The *Majestic* could penetrate the former with her 12-inch guns only. Evidently, so far as protection is concerned, the *Indiana* has great superiority over the *Majestic*.

#### FACTS ABOUT THE MAJESTIC'S GUNS.

Coming now to the chief element of fighting power, we find the *Indiana's* main battery greatly superior to the *Majestic's*. The *Majestic's* 12-inch guns throw projectiles weighing 714 pounds each with a muzzle velocity of 1,014 feet a second, giving a power at the moment of leaving the gun to penetrate 22.6 inches of wrought iron; a penetration of 20.6 inches at a distance of 1,000 yards, and of 18.8 inches at 2,000 yards. The penetration in steel would be about four-fifths of the foregoing figures, and in Harveyized steel not more than one-half. Each projectile thrown by her 6-inch rapid-fire guns weighs 100 pounds. It has a muzzle velocity of 2,500 feet a second and a muzzle penetration of 16.4 inches in wrought iron, equal to about 13.2 inches in steel; at 2,500 yards it would have a penetration in steel of about 5.7 inches.

Straight ahead or straight astern the *Majestic* can bring to bear two 12-inch guns and four 6-inch rapid-fire guns. These will deliver at one discharge 1,828 pounds of projectiles, having on leaving the muzzle an energy of 53,590 foot-tons.

On either beam the *Majestic* can bring to bear four 12-inch guns and six 6-inch rapid-fire guns, throwing a total weight of projectiles of 2,456 pounds, having a total muzzle energy of 98,524 foot-tons.

#### WHAT THE INDIANA'S GUNS ARE.

The *Indiana's* guns throw projectiles having the following weights and velocities: Four 13-inch guns; weight of projectile, 1,100 pounds; velocity, 2,100 foot-seconds; muzzle energy, 33,637 foot-tons; penetration in wrought iron at muzzle, 30.1 inches. Eight 8-inch guns; weight of projectile, 250 pounds; velocity, 2,150 foot-seconds; muzzle energy, 8,011 foot-tons; penetration, 12.7 inches. Four 6-



inch guns; weight of projectile, 160 pounds; muzzle velocity, 2,150 foot-seconds; muzzle energy, 3,204 foot-tons; penetration, 13.7 inches.

The guns which the *Indiana* could fire straight ahead or straight astern would be two 13-inch and four 8-inch guns, giving for one discharge of each a total weight of projectiles of 3,200 pounds, and a total muzzle energy of 99,298 foot-tons.

At any point between 60 degrees forward of and 60 degrees abaft the beam the *Indiana* can concentrate the fire of four 13-inch, four 8-inch, and two 6-inch guns, giving for one discharge of each a total weight of projectiles of 5,600 pounds, and a total muzzle energy of 172,960 foot tons.

#### THE BATTERIES COMPARED.

The battery power of the two ships may best be compared by placing the figures in tabular form, thus:

	Straight ahead or astern.		On either beam.	
	Weight of projectiles.	Muzzle energy.	Weight of projectiles.	Muzzle energy.
	Pounds.	Foot tons.	Pounds.	Foot tons.
<i>Indiana</i> .....	3,200	99,298	5,600	172,960
<i>Majestic</i> .....	1,824	53,596	3,456	98,534

Inasmuch as the *Majestic's* 6-inch guns are rapid firers they would be able to deliver their projectiles faster than from breech loaders that are not rapid firers, and this would add somewhat to her fighting efficiency as compared with the *Indiana*; but the latter's superiority in weight of metal and in the energy of the blows delivered is too great to be offset by the rapidity of fire of a few light guns.

The *Majestic* has some advantage in her secondary battery, consisting of sixteen 12-pounders and twelve 3-pounder rapid firers, against the *Indiana's* twenty 6-pounders and six 1-pounder rapid firers. The *Majestic's* 12-pounders would do greater execution on the unarmored parts of an enemy's ship than the *Indiana's* 6-pounders.

But the enormous excess of fire that the *Indiana* could deliver upon the *Majestic* as they approached each other "bow on" would go far toward deciding the action before the bulk of the Englishman's guns could be brought to bear; and, while the value of rapid firers should not be underrated, the deadly blows will be delivered by the big guns.

The splendid protection given to the *Indiana's* guns would go far to prevent the *Majestic's* rapid-fire guns from doing harm to the former's battery, and it would not be long ere the American's 8-inch and 6-inch guns would wreck everything outside the Englishman's barbettes. Besides, our 6-inch and 8-inch breech-loaders can easily be replaced by rapid firers and then the whole advantage, except that contained in the secondary battery, would be on the *Indiana's* side.

#### OTHER STRONG FEATURES.

Besides the points of advantage heretofore described the *Indiana* possesses features which, it is believed, are not found to the same extent in any other war ship. For instance, her 13-inch guns can be loaded at any point of train, since all the supply and loading accessories are revolved with the turrets. Hence, in action the loading and firing of these guns will go on uninterruptedly with their muzzles always turned toward the enemy. In the British turret-ship *Hood*, however, it is necessary to bring the heaviest guns to the fore-and-aft position in order to load them. If the ship, therefore, should be fighting an enemy ahead she would be obliged, after firing her 13.5-inch guns, to revolve the turrets 90 degrees, then reload and revolve them back again 90 degrees before resuming fire.

Not only would there be dangerous delay from this necessity to take a fixed position for loading, but there would be a great additional risk of injury to the guns. More than one-half the length of the *Hood's* guns is outside the turrets, and turning back and forth they would present a far larger target to the rapid-fire guns of her enemy than the *Indiana's* guns would, as the latter would be continuously pointed at her antagonist. A 6-pounder shell striking a 13.5-inch gun squarely on the chase would so indent it as to make a bulge on the inside bore, thereby making it impossible to fire a projectile out of it without blowing off the chase beyond the injury.

#### AN ADMIRABLE AMMUNITION SUPPLY.

Again, the *Indiana's* provision for supplying ammunition is exceptionally efficient. On the deck below the protective deck there is a broad, high, well-lighted passage on each side of the ship, extending from the base of the forward to that of the after turret. On going into action a sufficient supply of ammunition for the day would be whipped out of the main magazines and shell rooms and would be stowed in smaller magazines opening off these two wide passages, below the belt armor and protective deck. Each gun would have its own ammunition thus stored directly below it, and there would be no shifting of ammunition about below and no possible confusion in supplying it. No more perfect arrangement for dealing with ammunition has ever been devised.

#### TO OFFSET WATER-LINE INJURIES.

Among other valuable defensive qualities the *Indiana* has a 6-foot belt of cellulose all around the water line, forward and abaft of her belt armor, so that no amount of damage that could be inflicted by gun fire in an ordinary battle could open the way to such an amount of water as would imperil her stability. Even though innumerable holes were shot through her 'twixt wind and water the cellulose, at the first touch of water, would so swell as to fill up every aperture, and the inflow of the sea would at once be checked. Even were this obstacle overcome, however, and the water were permitted to fill her forward compartments, the water-tight doors would shut it off from entering the rest of the ship, and she would still have not only enough buoyancy, but enough stability to float.

[N. Y. Herald, Monday, February 18, 1895.]

#### NEEDED INCREASE OF THE NAVY.

If the House of Representatives should fail to-day to provide for the battle ships recommended by the Secretary of the Navy, by the Naval Committee, and by all other persons well informed as to the Navy's needs, its failure will be cause for national regret. Whatever else may be postponed to a more convenient season, the construction of armored ships can not safely be delayed.

The Herald yesterday showed by detailed comparison that even the latest productions of the British shipyards are not superior to the United States battle ships designed nearly six years ago. If Congress will now authorize the building of three more such vessels we shall close this century as we did the preceding one—possessing a nucleus of the finest fleet afloat. It was just about this time one hundred years ago that the frigates of the *Constitution* class were laid down. If Congress at that time had shown itself unpatriotic and parsimonious by refusing the appropriation for those ships our navy might never have won the glorious victories of *Truxton*, *Stewart*, *Hull*, and *Bainbridge*.

To be certain of keeping the peace it is often necessary to possess the means of making an attack. Twelve millions spent on battle ships now might easily save us from a war that would cost a thousand millions. No Representative who votes for these ships will ever have cause to regret his vote, though he may be sorry he did not advocate building twice as many.

Now, Mr. Chairman, with these few observations, I thank the committee for the kindness they have extended to me on this occasion in giving me an opportunity to express my views on this important subject, because I believe that the safety of this country is in being always prepared for war, even in time of peace. [Renewed applause.]

The CHAIRMAN. The question is on the amendment of the gentleman from Texas.

Mr. BOUTELLE. What is the amendment?

The amendment was again read as above.

Mr. BOUTELLE. Mr. Chairman, I desire to say a few words on that amendment. I want to congratulate the House and the country upon this wonderful demonstration on the part of the gentleman from Texas of the progress we have made here in the space of less than ten years. About six or seven years ago I had the honor, on the floor of this House, to offer an amendment to a pending appropriation bill which authorized and directed the Secretary of the Navy to purchase armor and gun materials for our ships. The amendment which I offered struck out all authorization for the purchase of any part of the material abroad, and provided that the Secretary of the Navy should be authorized and required to purchase this material of domestic manufacture if it could be obtained at a reasonable price and within a reasonable time. At that time it was utterly impossible to obtain such materials on this continent—we had no steel plant here that could forge the great ingots—and in moving to strike out the provision in the bill, I stated that rather than see a dozen or twenty battle ships put afloat within the next ten years thereafter, a large portion of the materials of which we had been compelled to buy abroad, I would prefer to wait without the ships for ten or fifteen years if, by any action of Congress, we could secure at the end of that time the establishment of a great plant somewhere in this country that would make us independent of the world in the production of materials for our ships.

In the Committee of the Whole that amendment prevailed; but it was a Democratic House, and when we got into the House my friend from Texas [Mr. SAYERS], who was then on the Committee on Naval Affairs, and other gentlemen rallied their forces and defeated the amendment. The bill went from here to the Senate with the original provision, which made it substantially obligatory upon the Secretary of the Navy to buy in Europe all of the hollow steel shafting for our ships, all of the armor forgings for our ships, and all of the great steel forgings for our guns. But the agitation having been started, it was taken up at the other end of the Capitol, it was taken up by the press, and, as a result of the agitation on this floor in behalf of the emancipation of our Government from an intolerable dependence upon the great steel forgers of Europe, a measure was formulated and enacted into law by which the Secretary of War and the Secretary of the Navy were authorized to call for bids for \$10,000,000 worth of heavy steel forgings for armor and for guns from any corporation or company that would establish a plant on United States soil and guarantee, in bonds, to begin delivery within a certain time.

When the question was pending it was stated upon this floor that fifteen years would be an impossible time within which to accomplish the desired result. The measure was enacted and the proposition went out to our people. A bid was made by the Bethlehem Company, to which reference has been made on the floor to-day, and within a few years of that time—years ago—that great corporation had established in Bethlehem, Pa., not only one of the greatest, but incomparably the greatest steel-forging plant in the world. So, during the last four, five, or six years, instead of being absolutely dependent upon foreign governments or foreign manufacturers for these primary materials for our ships, we have been obtaining them from the hands of our own people, and now every ton, every pound of armor that goes into one of our ironclads, every forging that is turned into a great gun at our gun factory here in Washington is made from ore dug from American soil, heated in an American forge, and fashioned by the brawny right arms of American workmen. [Applause.]

Mr. SICKLES. We make them for Europe, too.

[Here the hammer fell.]

Mr. BOUTELLE. Mr. Chairman, I ask indulgence for two or three minutes more, as this is an important question.

There was no objection.

Mr. BOUTELLE. This is the most striking picture in the history of American progress in the last generation. It is a new Declaration of Independence; for just as much as it is essential that a nation shall be able to maintain its own defense by its own arms, its own ships, its own weapons, it is essential that we shall be able to provide the weapons, to provide the ships, and to furnish the materials of which they shall be constructed.

To-day, as the condition which confronted me on this floor ten years ago comes back to me with the effect of a dream, the contrast is almost indescribable. Only those few years ago gentlemen arose on the one side and on the other with scorn and jibe and ridicule on their lips at the bare suggestion that we should have steel works capable of handling these monster forgings required for our ships of war. To-day, Mr. Chairman, neither the great Whitworth works, in England, nor those at Creusot, in France, nor the great Krupp works, in Germany, possess such ponderous machinery as is now forging the great armor plates that are to form the bulwark of the defense of the people of the United States upon the sea. And signaling that, I am delighted to find that we have already reached that point of independence which provoked such incredulity only a few years ago, so that no longer does any gentleman even on the Democratic side question the ability of our own people to furnish the material for our own ships; but we have reached a point where a distinguished Democratic Representative wants to proclaim to the world that we are now able to furnish this material for the world and to provide that we shall furnish it as cheaply to our own Government as we will furnish it to any other nation on the globe. I am glad that the gentleman from Texas thus recognizes that we have reached that point. It is a magnificent demonstration of what the building up of the Navy of the United States has accomplished for the industrial emancipation of the American people. [Applause.]

[Mr. VAN VOORHIS of New York addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. SAYERS].

Mr. TALBOTT of Maryland. The committee accept that amendment.

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. DURBOROW. I move to amend by adding at the end of the bill the paragraph which I send to the desk.

The Clerk read as follows:

COLUMBIAN MUSEUM, CHICAGO.

That the Secretary of the Navy be, and he hereby is, authorized to transfer to the trustees of the Columbian Museum of Chicago the reproductions of the caravels of Columbus, the *Santa Maria*, *Nina*, and *Pinta*, which were exhibited at the World's Columbian Exposition.

Mr. PENCE. Mr. Chairman, I do not care to address myself to the pending amendment, but I take this opportunity of putting in the RECORD a communication which I find the Committee on Naval Affairs has received from the Secretary of the Navy and which, I believe, will remove from the minds of many members any doubts they may have had as to the advisability of voting for these battle ships. Many of us have hesitated in regard to that proposition on account of the idea that the Government is not in a condition now to contract any such heavy expense, and will not be for a year or two to come. This letter from the Secretary of the Navy which I send to the Clerk to be read shows that between this time and the 1st of July, 1896, there will be but \$513,000 expended on account of this expenditure for battle ships.

The Clerk read as follows:

NAVY DEPARTMENT, Washington, December 18, 1894.

SIR: In response to the verbal request of the committee I have the honor to state that, if the appropriation act for the fiscal year ending June 30, 1896, contains a provision authorizing the building of three battle ships and three torpedo boats, the total estimates required for that fiscal year for these vessels, under "Increase of the Navy," will be as follows:

Construction and steam machinery ..... \$463,200  
Armament ..... 50,000

I have the honor to be, sir, very respectfully,

H. A. HERBERT, Secretary.

Hon. JACOB A. GEISSENHAINER,  
Chairman Committee on Naval Affairs,  
House of Representatives.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. DURBOROW].

Mr. TALBOTT of Maryland. The Committee on Naval Affairs does not object to that amendment. We are very glad to have the Government get rid of those caravels and let the city of Chicago bear all expense hereafter connected with them.

The amendment of Mr. DURBOROW was agreed to.

Mr. TALBOTT of Maryland. I ask unanimous consent to return to page 45 of the bill for the purpose of inserting after the word "one," in line 19, the word "hundred," so that the language will read "torpedo boats of from 100 to 300 tons each."

The CHAIRMAN. Is there objection?

There being no objection, the amendment was agreed to.

Mr. SICKLES. I ask unanimous consent to return to page 13 of the bill for the purpose of adopting the amendment which I send to the desk.

The Clerk read as follows:

Insert after the word "dollars," in line 7 of page 13:  
"Provided, however, That no expenditure shall be made for the maintenance of labor-employment boards from the contingent fund or other fund until an appropriation shall be provided by law for such boards."

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to the portion of the bill he has indicated for the purpose of offering this amendment.

Mr. TALBOTT of Maryland. I must object.

The CHAIRMAN. The reading of the bill is now concluded.

Mr. TALBOTT of Maryland. I move that the committee rise and report the bill and amendments to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. O'NEIL of Massachusetts reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 8685) making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes, and had directed him to report the same back with sundry amendments and with the recommendation that the bill pass as amended.

Mr. TALBOTT of Maryland. I demand the previous question on the amendments and on the bill to its passage.

The previous question was ordered.

The amendments recommended by the Committee of the Whole were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. SAYERS. Mr. Speaker, I submit the following motion to recommit the bill, with instructions, to the Committee on Naval Affairs.

The Clerk read as follows:

Resolved, That the bill (H. R. 8685) making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes, be recommitted to the Committee on Naval Affairs, with instructions to report the same back forthwith, amended as follows:

On page 45, in lines 9 to 14 inclusive, strike out so much as authorizes the construction, by contract, of three seagoing coast-line battle ships, designed to carry the heaviest armor and most powerful ordnance upon a displacement of about 10,000 tons, to have the highest practicable speed for vessels of their class, and to cost, exclusive of armament, not exceeding \$4,000,000 each.

Mr. SAYERS. On that motion I demand the yeas and nays.

The yeas and nays were ordered.

Mr. SAYERS and Mr. TALBOTT of Maryland were appointed tellers at the desk.

The question was taken; and there were—yeas 67, nays 202, answered "present" 0, not voting 79; as follows:

YEAS—67.

Arnold,	Crawford,	Hunter,	Pendleton, Tex.
Bailey,	Daniels,	Jones,	Richardson, Mich.
Baker, Kans.	Davis,	Kem,	Richardson, Tenn.
Beckner,	De Armond,	Kyle,	Sayers,
Bell, Colo.	Dockery,	Lane,	Shell,
Beltzhoover,	Donovan,	Latimer,	Simpson,
Black,	Dunphy,	Lawson,	Snodgrass,
Bland,	Ellis, Ky.	Little,	Stone, Ky.
Boen,	Everett,	Maddox,	Strait,
Breckinridge,	Fithian,	Martin, Ind.	Talbert, S. C.
Bretz,	Fyan,	McDearmon,	Tarsney,
Brookshire,	Grady,	McKeighan,	Tate,
Cabaniss,	Hall, Mo.	McMillin,	Taylor, Ind.
Capehart,	Hare,	Montgomery,	Tucker,
Clark, Mo.	Hatch,	Moore,	Turner, Ga.
Cockrell,	Holman,	Moses,	Williams, Ill.
Cox,	Hudson,	Neill,	

NAYS—202.

Adams, Pa.	Caruth,	English, Cal.	Henderson, N. C.
Aldrich,	Causey,	Epes,	Henry,
Alexander,	Chickering,	Erdman,	Hepburn,
Apsley,	Childs,	Felder,	Hermann,
Avery,	Clancy,	Fletcher,	Hicks,
Baker, N. H.	Clarke, Ala.	Forman,	Hitt,
Baldwin,	Cobb, Mo.	Funk,	Hooker, Miss.
Bankhead,	Coffin, Md.	Geary,	Hooker, N. Y.
Barnes,	Cooper, Fla.	Geissenhainer,	Hopkins, Ill.
Bartholdt,	Cooper, Wis.	Gillet, N. Y.	Hulick,
Bartlett,	Cornish,	Gillet, Mass.	Hull,
Barwig,	Cousins,	Goldzier,	Hutcheson,
Berry,	Covert,	Graham,	Ickert,
Blair,	Culbertson,	Graham,	Isiar,
Boatner,	Curtis, Kans.	Griffin, Mich.	Johnson, N. Dak.
Boutelle,	Curtis, N. Y.	Griffin, Wis.	Kiefer,
Bowers, Cal.	Dalzell,	Grow,	Kribbs,
Branch,	Davey,	Hager,	Lacey,
Bromwell,	De Forest,	Hainer, Nebr.	Layton,
Brosius,	Dingley,	Haines,	Lefever,
Brown,	Dinsmore,	Hall, Minn.	Linton,
Bundy,	Dolliver,	Harmer,	Livingston,
Bunn,	Doolittle,	Harris,	Lockwood,
Cadmus,	Draper,	Harrison,	Loud,
Caminetti,	Dunn,	Hartman,	Loudenslager,
Campbell,	Durborow,	Haugen,	Lucas,
Cannon, Cal.	Ellis, Oreg.	Henderson, Ill.	Lynch,
Cannon, Ill.		Henderson, Iowa	Maguire,



Mahon,  
Mallory,  
Marsh,  
McAleer,  
McCall,  
McCleary, Minn.  
McCreary, Ky.  
McCulloch,  
McDowell,  
McEttrick,  
McGann,  
McKaig,  
Meiklejohn,  
Mercer,  
Meredith,  
Meyer,  
Milliken,  
Money,  
Morse,  
Murray,  
Mutchler,  
Northway,  
Ogden,

O'Neill, Mass.  
O'Neill, Mo.  
Outhwaite,  
Page,  
Paschal,  
Patterson,  
Payne,  
Pearson,  
Pence,  
Pendleton, W. Va.  
Perkins,  
Phillips,  
Pickler,  
Pigott,  
Price,  
Randall,  
Ray,  
Reed,  
Reilly,  
Reyburn,  
Richards,  
Ritchie,  
Robbins,

Robertson, La.  
Russell, Conn.  
Russell, Ga.  
Ryan,  
Schermerhorn,  
Scranton,  
Settle,  
Sickles,  
Somers,  
Sorg,  
Sperry,  
Springer,  
Stallings,  
Stephenson,  
Stevens,  
Stone, C. W.  
Stone, W. A.  
Storer,  
Straus,  
Strong,  
Talbot, Md.  
Terry,  
Thomas,

Tracey,  
Turner, Va.  
Tyler,  
Updegraff,  
Van Voorhis, N. Y.  
Van Voorhis, Ohio  
Wadsworth,  
Wanger,  
Warner,  
Waugh,  
Weadock,  
Wells,  
Wever,  
Wheeler, Ala.  
Wheeler, Ill.  
Williams, Miss.  
Wilson, Ohio  
Wilson, W. Va.  
Wise,  
Woomer,  
Wright.

## NOT VOTING—79.

Abbott,  
Adams, Ky.  
Aitken,  
Alderson,  
Allen,  
Babcock,  
Belden,  
Bell, Tex.  
Bingham,  
Bower, N. C.  
Brickner,  
Broderick,  
Bryan,  
Burnes,  
Bynum,  
Catching,  
Cockran,  
Coffee, Wyo.  
Cogswell,  
Conn,

Coombs,  
Cooper, Ind.  
Cooper, Tex.  
Crain,  
Denson,  
Edmunds,  
English, N. J.  
Enloe,  
Gardner,  
Gear,  
Goodnight,  
Gorman,  
Grosvener,  
Grout,  
Hammond,  
Harter,  
Hayes,  
Heard,  
Heiner, Pa.  
Hendrix,

Hines,  
Hopkins, Pa.  
Houk,  
Johnson, Ind.  
Johnson, Ohio  
Kilgore,  
Lapham,  
Lester,  
Magner,  
Marshall,  
Marvin, N. Y.  
McDannold,  
McLaurin,  
McNagay,  
McRae,  
Moon,  
Morgan,  
Newlands,  
Powers,  
Quigg,

Rayner,  
Robinson, Pa.  
Rusk,  
Sherman,  
Sibley,  
Sipe,  
Smith,  
Stockdale,  
Swanson,  
Sweet,  
Tawney,  
Taylor, Tenn.  
Turpin,  
Walker,  
Washington,  
White,  
Whiting,  
Wolverton,  
Woodard.

So the motion to recommit was rejected.  
The following pairs were announced:

For the rest of the day:

Mr. COOPER of Texas with Mr. BELDEN.

Mr. BURNES with Mr. HEINER of Pennsylvania.

On this question.

Mr. WASHINGTON with Mr. COOMBS.

On this vote:

Mr. ENGLISH of New Jersey with Mr. EDMUNDS.

Mr. LESTER with Mr. BINGHAM.

Mr. BYNUM with Mr. HOPKINS of Pennsylvania.

Mr. TRACEY. My colleagues, Mr. COOMBS and Mr. QUIGG, are absent, paired. If present they would vote in favor of the construction of the battle ships.

Mr. GEISSENHAINER. I desire to say the same for my colleague, Dr. ENGLISH, who is paired for the battle ships.

The result of the vote was then announced as above recorded.

The SPEAKER. The question recurs on the passage of the bill.  
The bill was passed.

On motion of Mr. TALBOTT of Maryland, a motion to reconsider the last vote was laid on the table.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the following resolution:

*Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the joint resolution (H. Res. 209) entitled "Joint resolution authorizing the Secretary of War to deliver condemned cannon to Asher Gaylord Post, Grand Army of the Republic, of Plymouth, Pa., and to Eckley B. Cox Post, Grand Army of the Republic, of Freeland, Pa.," the Clerk of the House be authorized and directed to enroll the title thereof so as to read as follows:*

*"Joint resolution authorizing the Secretary of War to deliver condemned cannon to Asher Gaylord Post, Grand Army of the Republic, of Plymouth, Pa.; to William H. Tarbee Post, Grand Army of the Republic, of McGrawville, N. Y.; to the Eckley B. Cox Post, Grand Army of the Republic, of Freeland, Pa.; and to the R. Carpenter Post, Grand Army of the Republic, Chelsea, Mich."*

The message also announced that the Senate had passed with an amendment the bill (H. R. 9499) to authorize the construction of a bridge across the Missouri River in the county of Dakota, in the State of Nebraska, and in the city of Sioux City, in the county of Woodbury, in the State of Iowa, asked a conference with the House on the bill and amendment, and had appointed Mr. GORMAN, Mr. CULLOM, and Mr. FRYE as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 6750) to authorize the construction of a bridge across the Yellowstone River in the county of Dawson, State of Montana.

## DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. McCREARY of Kentucky. Mr. Speaker, I call up for present consideration the conference report on the diplomatic and consular appropriation bill.

The SPEAKER. The Clerk will report the title of the bill.

Mr. BROWN. Before that, Mr. Speaker, I gave notice on yesterday that I would ask the House to-day to consider the election contest of Williams vs. Settle, from North Carolina. The consideration of this case is urged upon me from all sides. It has been upon the Calendar for quite a long time, and the House ought to take it up and dispose of it, one way or the other.

Mr. McCREARY of Kentucky. The consideration of this report, I think, will not occupy any considerable length of time.

Mr. BROWN. How much?

Mr. McCREARY of Kentucky. Not perhaps over half an hour.

The SPEAKER. The only way the gentleman from Indiana can antagonize the gentleman from Kentucky is to raise the question of consideration.

Mr. BROWN. I have just had a conversation with the gentleman from Kentucky, and he thinks that it will not take more than half an hour to complete the consideration of this report.

Mr. McCREARY of Kentucky. I think not more than that.

Mr. BROWN. My inclination is not to antagonize the gentleman from Kentucky if there is reasonable ground to believe that he can get through in time.

Mr. BUNN. In that connection, Mr. Speaker, representing the contestant in this matter, I want to ask the House to agree that this case shall follow immediately after the conference report; and I would like also to ask that we agree on the time now. It is satisfactory to all connected with the case that two hours' debate shall be allowed on each side. We have already discussed the matter with the chairman of the Committee on Appropriations and others having important measures on hand, and that time is entirely satisfactory to them. I hope, therefore, we may make an agreement now, that immediately after the conference report is disposed of the House will proceed to consider the election contest, and that the debate be limited to two hours on a side.

Mr. DALZELL. I object.

The SPEAKER. The gentleman from Kentucky calls up a conference report which is a partial agreement. The Clerk will read the report.

The Clerk read as follows:

The committee of conference on the disagreeing vote of the two Houses on the amendments of the Senate to the bill (H. R. 824) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1896, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 15.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, and 14, and agree to the same.

On amendment numbered 5, the committee of conference have been unable to agree.

JAMES B. McCREARY,  
CHAS. E. HOOKER,  
ROBERT E. HITT,

Managers on the part of the House.

JO. C. S. BLACKBURN,  
CALVIN S. BRICE,  
EUGENE HALE,

Managers on the part of the Senate.

The SPEAKER. The Clerk will read the statement of the House conferees.

The statement was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 824) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1896, submit the following written statement in explanation of the action taken by the conference:

The Senate receded from its amendment to pay J. W. Pepper, United States consul at Milan, \$9.65; R. W. Hemick, United States consul at Geneva, \$24.12; Alton Angier, United States consul at Rheims, \$38.70; A. H. Lowrie, commercial agent at Freiburg, \$10.75; A. J. Bensusan, vice-consul at Cadiz, \$5, being expenses incurred by order of the Department of State at the request of the Committee on Agriculture and Forestry of the United States Senate in making investigation into the consumption and production of cotton in their respective consular districts, and Thomas E. Henan, consul at Odessa, for loss of salary occasioned by his absence under orders of the Department of State, in investigating cotton culture in Asiatic Russia, his report thereon having been furnished by the said Department to the said committee, \$526.90.

The House agreed to the following amendments of the Senate:

The allowance of an annual salary of \$2,000 to the consul at Zanzibar. Zanzibar is now the chief market of the world for the supply of ivory, gum copal, and cloves. The population of the island is estimated at 300,000. The nearest consulate to Zanzibar is at Mozambique, 700 miles away. The consul at Zanzibar has judicial powers, and is often called upon to preside as judge of the consular court. For years the United States had a consul and a vice-consul at Zanzibar, and the reestablishment of this consulate is recommended by the Department of State.

The allowance for the clerks at Bradford is increased to \$1,800. It appears that \$2,500 per year was allowed some time ago, and it was shown that there is more work in connection with this office now than there has ever been. This consulate in the last three years, during which time business has been dull, has reported to the United States Treasury fees amounting to about \$50,000.

Erzerum, in Armenia, was increased from \$1,500 to \$2,000.

For the execution of the obligations of the United States and the protection of the interest and property of the United States in the Samoan Islands, under existing treaty with the Government of said islands and with the Governments of Germany and Great Britain, \$6,000, to be expended under the direction of the President.

The salaries of envoys extraordinary and ministers plenipotentiary to Switzerland and Portugal, at \$7,500 each, which is in accordance with the amounts allowed in the United States statutes.

JAMES B. McCREARY,  
CHAS. E. HOOKER,  
ROBERT E. HITT.

On the Senate amendment authorizing the President to contract for the entire work of laying a telegraphic cable between the United States and the Hawaiian Islands, to be owned and operated by the United States Government, and appropriating \$500,000 as part of the cost of such cable, the committee of conference have been unable to agree.

Mr. McCREARY of Kentucky. Mr. Speaker, the first question will be upon agreeing to the report, which is a partial agreement.

Mr. DINGLEY. Before that is done I should like to inquire whether there are any points of disagreement except as to the cable.

Mr. McCREARY of Kentucky. Mr. Speaker, the Senate added three or four amendments to the diplomatic and consular appropriation bill as it passed the House. The committee of conference agreed to all the amendments except one, and that one is the amendment providing for an appropriation to aid in the construction of a submarine cable to the Hawaiian Islands. The report does not embrace that amendment, but it does embrace the other amendments. So that the committee of conference were enabled to agree on every amendment proposed by the Senate except two. The Senate receded from one, and the remaining one is the one I referred to, appropriating money for the submarine cable to Hawaii. I shall therefore move the adoption of the report, and then I shall ask the House to insist upon its disagreement to the amendment to which I have referred.

Mr. DINGLEY. Before that is done, Mr. Speaker, I should like to inquire of the gentleman from Kentucky what was done in conference with various salaries that were increased by the Senate. Have the conferees agreed to the increase?

Mr. McCREARY of Kentucky. There were not "various salaries increased." There were two.

Mr. DINGLEY. What was done with those two?

Mr. McCREARY of Kentucky. I have just explained; they were agreed to.

Mr. REED. What were they?

Mr. McCREARY of Kentucky. The first one was the establishment of a consulate at Zanzibar. We had a consul at Zanzibar for many years. For some reason, which I am not able to explain, the consulate was not continued. Upon the recommendation of the Secretary of State we reestablished the consulate at Zanzibar. There is no other consulate within 700 miles of that point. It is a very important place, and the consul is given \$2,000. The other increase was authorized by a statute which has been on the statute books for twenty-five or thirty years, and that is the increase of the salaries of the minister to Switzerland and the minister to Portugal. The committee of conference believed that, as the minister to the Argentine Republic and the minister to Chile received annual salaries each of \$10,000, and as other ministers in that class were receiving the amounts provided for in the United States statutes as annual salaries, we could see no reason why the ministers to Switzerland and Portugal should not have the amount allowed by statute.

Mr. BOUTELLE. What was the increase?

Mr. McCREARY of Kentucky. One thousand dollars.

Mr. OUTHWAITE. Was not that increase as to Portugal attempted in the House and voted down?

Mr. McCREARY of Kentucky. No, it was put on by the Senate.

Mr. REED. Did the Senate agree to all the increases of salary which the House proposed?

Mr. McCREARY of Kentucky. The House, if I remember correctly, only proposed one increase, and that was very slight. The diplomatic and consular appropriation bill, as it left the House, was almost an exact copy of the diplomatic and consular appropriation bill as it passed last year.

Mr. REED. But you maintained all the increases which were made last year, did you not, including those that were given on account of the politeness of the Belgian minister to the members of the monetary conference?

Mr. McCREARY of Kentucky. There were very few increases last year.

Mr. REED. But you maintained them all, did you not?

Mr. McCREARY of Kentucky. I think the increases that were made last year were necessary and proper, and, of course, they were continued.

Mr. REED. They were retained, and the Senate agreed to all you made, and you have agreed to all that they made?

Mr. McCREARY of Kentucky. We did not agree to all the amendments of the Senate, as the report will show.

Mr. REED. With our bonds selling 15 below par, you still agreed to them all?

Mr. McCREARY of Kentucky. I was not aware that we were discussing the bond question.

Mr. REED. Incidentally, you know, the question of how much money you have to borrow and the price you have to pay for it has something to do with the salaries which you pay your servants.

Mr. McCREARY of Kentucky. We have plenty of money to pay our indebtedness.

Mr. BOUTELLE. Is there anything in the bill to keep up the parity?

Mr. McCREARY of Kentucky. I move the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will now read the amendment which is in issue between the two Houses.

Mr. McCREARY of Kentucky. Mr. Speaker, I yield a moment to the gentleman from Maryland [Mr. TALBOTT].

LEAVE TO PRINT.

Mr. TALBOTT of Maryland. Mr. Speaker, I omitted, before the bill was finally disposed of, to ask unanimous consent that gentlemen having remarks they desire to print in the RECORD on the naval appropriation bill may have permission to do so, as the time for debate was so short.

There was no objection, and it was so ordered.

#### CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The SPEAKER. The Clerk will now report the amendment in issue between the two Houses on the consular and diplomatic appropriation bill.

The Clerk read as follows:

On page 8, after line 25, insert:

"The President is hereby authorized to contract for the entire work of laying a telegraphic cable between the United States and the Hawaiian Islands and to direct the prosecution of such work whenever such a contract shall be made, and as a part of the cost of such cable the sum of \$500,000 is hereby appropriated, said cable to be owned and operated by the United States Government."

Mr. McCREARY of Kentucky. Mr. Speaker, I move that the House insist upon its disagreement to the amendment of the Senate.

Mr. SICKLES. I hope the House will not insist upon its disagreement; and I demand the yeas and nays on that.

The SPEAKER. The gentleman from Kentucky has the floor.

Mr. SICKLES. I move to concur in the Senate amendment.

The SPEAKER. When the gentleman from Kentucky yields the floor the Chair will recognize gentlemen.

Mr. HITT. Mr. Speaker, I wish to make an inquiry.

The SPEAKER. The gentleman will state it.

Mr. HITT. Would I not have the right to make a motion which has precedence of the motion of the gentleman from Kentucky—that the House recede from its disagreement?

The SPEAKER. The Chair will recognize the gentleman when the gentleman from Kentucky yields the floor.

Mr. HITT. I move, then, that the House recede from its disagreement to the Senate amendment.

The SPEAKER. The gentleman from Kentucky has the floor on the motion which he has made. The Chair will recognize the gentleman, of course, whenever the gentleman from Kentucky yields the floor.

Mr. McCREARY of Kentucky. I will yield to let the gentleman make his motion.

Mr. CANNON of Illinois. Ah, but, Mr. Speaker, is not a motion that will bring the two Houses together the motion which has precedence?

The SPEAKER. Undoubtedly; but that does not take the gentleman from Kentucky off the floor. The gentleman is entitled to the floor. After he yields the floor the Chair will recognize the gentleman from Illinois.

Mr. HITT. I do not wish to take the gentleman from Kentucky off the floor in debating his motion.

Mr. McCREARY of Kentucky. I yield for the gentleman to make his motion.

Mr. HITT. I move that the House recede from its disagreement to the Senate amendment.

The SPEAKER. The Chair will recognize the gentleman to make that motion.

Mr. McCREARY of Kentucky. Mr. Speaker, the House of Representatives should insist upon its disagreement to the Senate amendment, which is as follows:

The President is hereby authorized to contract for the entire work of laying a telegraphic cable between the United States and the Hawaiian Islands and to direct the prosecution of such work whenever such a contract shall be made, and as a part of the cost of such cable the sum of \$500,000 is hereby appropriated, said cable to be owned and operated by the United States Government.

I am opposed to that amendment. It will be observed that the Senate amendment seeks to put the Government in the business of building, owning, and operating telegraph lines. Our Government has never yet been in that business. This is a departure from the usages we have adhered to for a century. There are today nine submarine cable lines connecting the United States with foreign countries. Every one of those cable lines was built by private subscription. Not one dollar has ever yet been given by this Government for the construction of submarine telegraph lines. If we are now to embark in the construction and operation of a submarine telegraph line to Hawaii, then we may also build



a submarine telegraph line to Samoa, to Japan, to China, and other countries of the world. If we are to embark in the business of building submarine lines of telegraph we should also build overland telegraphs to Guatemala, or to Buenos Ayres in the Argentine Republic. If our Government should build and own telegraphs, why not railroads, and if railroads, why should not our Government own and operate mines and manufactories? The limit of the proposed policy can hardly be defined.

I am opposed to this new policy. I believe that the Senate amendment should be voted down. I believe that it should be condemned. I believe it should be defeated by the House of Representatives of the United States. [Loud applause on the Democratic side.]

Mr. Speaker, the amendment of the Senate is a sugar-coated and carefully disguised proposition, but when it is properly scrutinized it means not only an appropriation of \$500,000 at present, but of \$2,500,000 in the future to build the telegraphic cable to the Hawaiian Islands.

In the past we have had subsidies on land and we have had subsidies on the sea, and now it is proposed that we shall have a subsidy under the sea. [Laughter.] Republican Congresses have granted subsidies to railroad corporations by donating to them millions of acres of the public lands and indorsing millions of dollars of railroad bonds. They have granted subsidies to ship-owners. They have granted large bounties to manufacturers under a generous protective tariff system; but, Mr. Speaker, no party has ever gone so far as it is now proposed to go, for the proposition now is that this Government for the first time in the history of our Republic shall embark in the business of building telegraphs, which must lead to the building of railroads also. But that is not all. In the eagerness of the Senate to put this amendment upon this bill the usual safeguards which go with every measure for the construction of a telegraph line or of a railroad have been omitted. There is nothing in this amendment providing for the time when this line shall be commenced or when it shall be finished.

Mr. COCKRELL. Did not the gentleman a few years ago vote for an appropriation of \$85,000 to survey a railroad line down into Central America?

Mr. MCCREARY of Kentucky. Mr. Speaker, my answer to the gentleman is that the Pan-American Congress made an agreement that there should be a survey made to ascertain if it was practicable to build a line of railroad to connect the United States with Central and South America. Two appropriations were made by Congress under that agreement.

Mr. HOLMAN. Not by this Congress.

Mr. MCCREARY of Kentucky. By the Congress of the United States.

Mr. HOLMAN. Yes; but by the Fifty-first Congress.

Mr. MCCREARY of Kentucky. Two appropriations of \$85,000 each were made by Congress as our part of the expense of that survey, and after the work was nearly finished and the United States was thoroughly committed to it by having made two appropriations, and when under the provisions of the agreement in the Pan-American Congress our country and each country in Central and South America was to pay \$1,000 for every million of its inhabitants, the United States Government was bound to stand by the agreement made. I voted for it. We were honorably bound, and I believe it was right for us to pay our part of the expense of what was called a preliminary survey to ascertain if a railroad could be built to connect the United States with Central and South America. Our country was not asked to build and operate a railroad or to aid with money in the construction of a railroad.

I will say also to the gentleman from Texas [Mr. COCKRELL] that the Senate amendment does not provide for a survey. I suppose the gentleman voted for the appropriation of \$25,000 in the naval appropriation bill which passed in a preceding session of Congress, to pay for careful soundings to be made between San Francisco, Cal., and Honolulu to ascertain the practicability of laying a cable line between those two points.

But, Mr. Speaker, I was about to say when I was interrupted by the gentleman from Texas that, while this is an amendment of only six lines, it will lead, before we get through, to the appropriation of \$3,000,000 out of the Treasury of the United States to build this submarine cable line. There is nothing in the amendment which defines when the work shall begin or when it shall be completed. There is nothing in it which requires that there shall be a board of directors or other officers to look after the work and to make a report to the President or to the Congress of the United States. There is nothing in it which requires that the work shall be completed as soon as practicable, or that the telegraph line, when completed, shall be managed effectively. There is nothing in it which limits the amount of expenditure in any way whatever.

In the haste to draw this amendment and put it upon this bill—an amendment was not in order according to the rules of the Senate; an appropriation which, in my opinion, is not authorized or

warranted by the Constitution of the United States—I say in the haste to draw this amendment and put it upon this bill the usual safeguards have not been thrown around it.

Mr. Speaker, it is said we should construct this submarine cable because it will improve our commerce with Hawaii. There is no country on earth that has been so costly to us as the little country of Hawaii.

In 1876 we made a treaty with that country by which we allowed her to send into the United States, free of duty, many articles, but the principal articles were sugar and rice, and we have already lost, because of allowing Hawaii to ship sugar and rice free to this country, \$56,000,000. From 1876 down to this time—I have the figures before me—Hawaii has cost us, in consequence of that reciprocity treaty, \$56,000,000. Yet it is now proposed that we should expend \$3,000,000 more to construct a telegraphic cable. Why should we build this cable? Are we justified in departing from all the usages of the past and incurring this enormous expense?

The advocates of the appropriation say it will give us the commerce of the Hawaiian Islands. We have the commerce of that country now, and it is costing us about three millions per annum. A few persons in Hawaii have made millions of dollars on account of the privileges we extended under the reciprocity treaty; but the admission of sugar free of duty from the Hawaiian Islands did not cheapen the price of sugar to the people of the United States.

Another argument relied on by the advocates of this appropriation for the Hawaiian cable is that if we do not speedily build it Great Britain will build a cable line from Canada to the Hawaiian Islands. This is the same old threat which has become too common in the American Congress, and it is unworthy of the gentlemen who make it. Let Great Britain take care of her affairs—we are amply able to care for ours. I read from the treaty of 1884, Article II, which is as follows:

His Majesty, the King of the Hawaiian Islands, grants to the United States the exclusive right to enter the harbor of Pearl River in the island of Oahu and to establish and maintain there a coaling and repair station for the use of vessels of the United States; and to that end the United States may improve the entrance to said harbor and do all other things needful to the purposes aforesaid.

Under this treaty the authority is clearly granted to construct a submarine cable to the Pearl River Harbor, and this harbor is only a few miles from Honolulu, and soon enterprising business men of the United States and Hawaii will build the cable line as other submarine cable lines have been built which now connect the commercial centers of the United States with the commercial centers of other countries.

The Hawaiian Islands are 2,000 miles from San Francisco. They are not on the direct line from the United States to any important place on the globe. The straightest and shortest line from San Francisco to Japan and China runs over 2,000 miles north of the Hawaiian Islands, and the shortest line from San Francisco to New Zealand runs nearly 1,000 miles south of them. The line to Australia is the nearest and is over 500 miles south of the Hawaiian Islands. It has been claimed that we will need this submarine cable in time of war.

This claim is too remote. We have no prospect of war, and I hope all submarine cables will have time to wear out before we have another war; but if we have a war with any foreign power a cable 2,000 miles long could be easily cut, and I can not understand how we could get news from Hawaii that would be beneficial when we were at war with any of the great countries of the world. The Hawaiian Islands do not furnish even good coaling stations, and there is no coal there, and we will have to transport coal there if we establish a coaling station. It would be much more convenient and profitable to establish a coaling station on one of our Aleutian Islands south of Bering Sea rather than to have a coaling station at Pearl River Harbor. The Aleutian Islands are said to be within 100 miles of the shortest line between the United States and Hongkong.

In all Administrations from Washington to Cleveland our Government has always refused to do that which is now provided for in the Senate amendment. I can not believe that a time-tried and time-honored rule will now be violated and our Government build and own and operate a telegraphic cable.

Mr. Speaker, I desire to see this submarine cable constructed in the way that nine other submarine cables have been constructed. The enterprise and business energy of the capitalists of our country and the capitalists of the Hawaiian Islands will soon furnish a submarine cable to the Hawaiian Islands.

We now have before the Committee on Foreign Affairs (and the subcommittee has authorized me to report it favorably) a bill for the construction of a submarine cable from San Francisco by way of Hawaii to Japan. Admiral Irwin, William Alvord, William H. Diamond, Alfred S. Hartwell, John D. Spreckels, and a number of other men of wealth and enterprise have asked Congress to incorporate them under the name of the International Cable Company, with authority to build a submarine cable line from San

Francisco by way of Hawaii to Japan. These men will construct the submarine cable line to the Hawaiian Islands and to Japan when they are incorporated and authorized to do so by the Congress of the United States.

I hope the House of Representatives will insist on its disagreement to the Senate amendment. This is no time for a departure from the usages to which we have adhered for a century. This is not the time for our Government to embark in the business of constructing and operating telegraph lines or railroads. I read with some interest a statement made by one of the Senators from Nebraska, published in the CONGRESSIONAL RECORD, in which he said that he thanked the advocates of the Hawaiian cable amendment for their concessions to the controverted doctrine of the Populists.

Mr. Speaker, this is a very important question. It is one in which I think every member of this House should take an interest. The time has not come when we should depart from the position we have taken in the past. There is no necessity for this telegraph line to Hawaii. There is no emergency that justifies the construction of a telegraph line to Hawaii according to the plan proposed. There is no commerce that demands it. There is nothing that demands it. And I ask this House to vote down the motion to recede and accept my motion to insist upon our disagreement to the Senate amendment. [Applause.]

Mr. HITT obtained the floor.

Mr. McCREARY of Kentucky. I reserve the balance of my time.

Mr. BOUTELLE. The gentleman from Illinois [Mr. HITT] yields to me that I may ask a single question of the gentleman from Kentucky. I understood the distinguished chairman of the Committee on Foreign Affairs to state, among other negative reasons against this cable, that we have no commerce with Hawaii—

Mr. McCREARY of Kentucky. I did not say that. I said we have no commerce that demands it. We have commerce with Hawaii.

Mr. BOUTELLE. Now, will the gentleman be kind enough to indicate any other port on the globe with which we had so much commerce during the last fiscal year as we had with the port of Honolulu?

Mr. McCREARY of Kentucky. Yes; England.

Mr. BOUTELLE. England is not a port, although I believe I did hear once that Europe was one of the principal cities of Liverpool. [Laughter.]

Mr. McCREARY of Kentucky. I refer, of course, to Southampton and Liverpool.

Mr. BOUTELLE. I will make my question more specific. Of course we all understand that these ocean steamers, flying like shuttlecocks to and fro, carrying passengers, pile up a great amount of tonnage.

Mr. McCREARY of Kentucky. I do not yield for a speech, but for a question.

Mr. BOUTELLE. I ask the gentleman whether he can name a port on the civilized globe to-day at which during the last year the American people have entered and cleared as large an amount of legitimate trading tonnage as they have at Honolulu?

Mr. McCREARY of Kentucky. My answer to the gentleman is this: He intimates that we are doing a large business with Honolulu now; he says, which I deny, the largest done with any port. Yet we have no telegraphic communication with that port; we do this business without a telegraphic line.

Mr. BOUTELLE. But that is not an answer to the question. Mr. SNODGRASS. The gentleman from Maine seems to have this matter on the brain.

Mr. McCREARY of Kentucky. Well, I can not yield to the gentleman from Maine any longer.

Mr. BOUTELLE. But the gentleman from Illinois [Mr. HITT] is the gentleman who is doing the yielding, and he will yield to me long enough to say that if the gentleman will examine the reports for the last fiscal year he will find that there is no port, either civilized or uncivilized, which has had such a large amount of American tonnage to enter and clear in legitimate business as the port of Honolulu—

Mr. McCREARY of Kentucky. If the gentleman will examine the last reports he will withdraw that statement.

Mr. BOUTELLE. I speak of American tonnage. Now, Mr. Speaker, I prefer to have a submarine cable to a subterranean diplomacy with Hawaii.

But I append a table in support of my statement:

Comparative statement of the number of American vessels and the amount of tonnage arriving at the principal seaports of the world for the year ending June 30, 1894.\*

Port.	Number of vessels.	Tonnage arriving.
Antwerp .....	10	45,024
Bombay .....	No report	
Bremen .....	No report	
Calcutta .....	None	

Comparative statement of the number of American vessels, etc.—Continued.

Port.	Number of vessels.	Tonnage arriving.
Hamburg .....	2	4,350
Havre .....	10	16,453
Hongkong .....	79	137,473
Honolulu .....	165	146,993
Liverpool .....	43	+92,932
Manila .....	10	13,591
Rio Janeiro .....	64	46,310
Southampton .....	29	+177,573
Sydney, New South Wales .....	29	33,568
Valparaiso .....	10	9,294
Yokohama (Kanagawa) .....	65	+165,074

\* Compiled from statistics in the Bureau of Navigation.

† The amount of tonnage is augmented at these three ports by regular lines of American steamers. At Liverpool by the *Ohio* and *Indiana*, running regularly between that port and Philadelphia; at Southampton by the steamships *New York* and *Paris*; at Yokohama by four large steamships of the Pacific Mail Steamship Line.

(See pages 87, 88, Report of Commissioner of Navigation, 1894.)

Statement of the nationality, number, and aggregate tonnage of vessels arriving at the ports of the Hawaiian Islands for the year ending December 31, 1893. (From the Annual Report of the Hawaiian Collector of General Customs.)

Nationality.	Number of vessels.	Aggregate tonnage.
American .....	298	181,817
Hawaiian .....	* 23	15,750
British .....	58	+111,635
German .....	5	5,063
Japanese .....	4	7,167
Other nationalities .....	2	2,245

\* Owned almost entirely by Americans.

† The greater part of this tonnage represents calling steamships of trans-Pacific lines; those of the Canadian Pacific Company, running between Vancouver and Yokohama; the Occidental and Oriental, between San Francisco and the same port, and a chartered British steamer in the Oceanic Line, from San Francisco to Sydney, New South Wales.

The SPEAKER. The Chair understands the gentleman from Illinois to move that the House recede from its disagreement to the amendment of the Senate and agree to the same.

Mr. HITT. Mr. Speaker, I wish to protest at the first word against the assumption of the gentleman from Kentucky that the proposition to build a submarine cable to the Hawaiian Islands is either a Republican or a Democratic measure. There are some questions that appeal to a higher sentiment than mere partisanship.

This proposition was put into the bill by the joint action and opinion of a large majority of patriotic men in another branch of the National Legislature; and no word was heard in the debate there—a debate of high merit and wide range and well worth reading—of partisan appeal or recrimination. It is not a project for Republicans to assume or Democrats to assume as theirs; it is not a question involving politics in any sense of the word, although it has been recommended by the President of the United States in two messages—

Mr. McCREARY of Kentucky. I deny it, and call on the gentleman for proof. The President of the United States—

Mr. HITT. I will furnish the gentleman the proof.

Mr. McCREARY of Kentucky. The President of the United States has not recommended it, but—

Mr. HITT. If the gentleman will wait he will have ample opportunity to make a denial after the proofs are submitted. It was urged upon the House when the measure for a submarine cable to Hawaii was proposed in 1891—and the suggestion came from the other side—that instead of granting a subsidy to aid in the construction of the cable, as then proposed, it should be done by direct act of the Government, just as is proposed in the pending amendment to this appropriation bill.

The gentleman from Kentucky mentions a bill now pending which has been recently introduced, authorizing the construction of this cable by private enterprise. Do not be misled by that. No man ever pretended, either here or elsewhere, that this cable project was at this time a profitable investment for capital.

Mr. McCREARY of Kentucky. Will the gentleman allow an interruption?

Mr. HITT. Not now.

Mr. McCREARY of Kentucky. I only wanted to say that that bill was introduced by Mr. STONE of Pennsylvania on your side. [Cries of "Regular order!"]

Mr. HITT. I do not admit, Mr. Speaker, that there is any "side" to this question except the side of Americans against influences hostile to American interests. [Applause.]

There have been various projects, coming on one after the other for many, many years, by private individuals and corporations to get charters, concessions, and franchises for this work, but always with the same ultimate view as the last one; that is, to be ready to take possession of the ground and then to get the advantages of such subsidies as this Government or any other government might



grant to aid in building the line. The gentleman from Kentucky spoke of an eminent officer of our Navy—Admiral Irwin—who is named as a corporator in this last bill now pending. I saw him at the door of this Hall myself, and he told me then that he and his associates had no thought of proposing a project to contravene the measure adopted by the Senate and now before us.

In the course of the conversation I said to him, "Do you not know as a matter of fact that there is little prospect of immediate profit in such a cable; that it must be done on the broader principle of promoting national interests, and not on the mere cent per cent for individual investors' gain?" He understood that, but he said when the cable was built to Honolulu by the United States they would connect there with their line to Japan, for which they expected aid, perhaps one to China, one to the French possessions, the Tahiti Islands, and perhaps one to New Zealand and Australia. All these lines will no doubt be subsidized heavily, and the admiral's company will have the advantages of this and the connection through from Honolulu to the United States.

It is not a new thing to hear talk of building a Hawaiian cable by private enterprise. Ever since Belknap made the deep-sea soundings in 1874 this has been agitated—so many interests have been eager for a cable. Leland Stanford was on the first bill which was presented as one of the incorporators. He represented, as is well known, large capital. In 1877 Audley Coote, an Englishman, got a charter or concession for this work and a grant from the Hawaiian Government with the promise of a subsidy, but the English would not aid unless it made an exclusive cable right to the American coast.

They understood then, as they do to-day, that the most important matter was exclusive government control by one government, and that the connection by cable with these distant islands meant political advantage and not fixed return in dollars and cents. Cyrus W. Field took hold of it in this country, but when it was found that no subsidy could be obtained from the Government the work was given up.

Then there was a company formed at Honolulu in 1889, and they were to have half a million dollars from that Government, but that Government could not pay it. They worked for a while at a scheme of selling bonds to be guaranteed by the Hawaiian Government and the United States, and they tried for aid from the British Government, but could do nothing, and it dropped. General Hartwell was here in 1890 and 1891, and many of the members now in this Hall were members then, I suppose, when the Hartwell proposition for a subsidy was discussed here and voted down by the House because of the aversion which American Representatives and our people have to the subsidy system.

But in that debate there was not one word uttered against the proposition that the American Government and the American people ought to be connected with that island Government, which, more than any other spot of earth outside of our boundaries, is now part of our commercial system and becoming part of our future political system. [Applause.]

That subsidy was refused by a vote of this House in 1891. The vote I believe was 86 to 136.

It was asserted then that the cost of this cable would be nearly \$4,000,000. The lowest figure I saw was \$3,700,000 in the estimates, but there was no accurate information within reach at that time.

What did the House do? What did Congress do? The proposition for a subsidy to that company was voted down. But that Congress passed a provision appropriating money to immediately begin the survey of the route—

Mr. McCREARY of Kentucky. I know my friend desires to represent the facts. The sum of \$25,000 had been appropriated before that, and I referred to it in a speech that I made, which I now have before me.

Mr. HITT. That survey had not been made.

Mr. McCREARY of Kentucky. The survey had not been made, but the \$25,000 had been appropriated, before you, when you were chairman of the Committee on Foreign Affairs, brought in a diplomatic and consular bill with an amendment to it seeking a subsidy in order to construct the submarine telegraph lines which a Republican House of Representatives voted down.

Mr. HITT. The gentleman can never rise above party or refrain from speaking of Republicans and Democrats. We were Americans, and we did not want—

Mr. McCREARY of Kentucky. And you voted it down because you were Americans.

Mr. HITT. And we voted it down because the American people do not like a subsidy; but not even you had the hardihood then to oppose any reasonable proposition for connecting this country with the Hawaiian Islands.

That survey was made. The *Albatross* and the *Thetis* took five or six hundred soundings. A path 300 miles wide was examined, and a full and favorable report was made. I have the volume before me, showing the facility with which this cable can be constructed from our coast to Honolulu. Here we at last have accu-

rate data. The estimates made upon them are that it will cost about ten or twelve hundred dollars per mile for the 2,100 miles. Allowing for some margin, for such works always overrun the estimates, it will cost, say, about two million and a half of dollars.

Now, that sum of \$2,500,000 will not be invested in this cable by any man or any body of men who have had business sense enough to make \$2,500,000. It will not be done by private capital.

Last summer there sat at Ottawa a colonial conference of British statesmen from England, from Australia, the Cape of Good Hope, from Canada, to consider this whole question of improving communication between the different parts of the British Empire, the promotion of commerce, and the establishment of telegraphic cable lines. They examined this Hawaiian line most carefully. This was the line they discussed more than any other one, and the report made then by Mr. Sandford Fleming, of the Canada foreign office, was that though the cable would develop a great increase of commerce, yet in the mere matter of profit to be received from payment for messages it would require considerable time before it was self-sustaining, and the figures, most carefully prepared, which he submitted showed that it would probably be self-supporting at the end of about seven years.

Now, how can it be built except by the Government? It will not be done by private capital. The general benefit that commerce would receive might be vast; the political, naval, and military advantages might be inestimable, but all that would not help the private investor if he did not get dividends on his money.

But immediately comes into every man's mind the thought which the gentleman has just expressed: "Why should our Government for the first time build a cable outside of the country?" Are we to enter upon it as a system? Why construct a cable to the Hawaiian Islands?

The reason is very plain. Our relations with those islands are wholly different from our relations with any other part of the globe. In 1875, following up a policy which has been outlined by our statesmen for fifty years, we finally made the well-known treaty of reciprocity that absolutely incorporated the Hawaiian Islands into the commercial system of the United States. Now look at the result of it. The gentleman from Maine [Mr. BOULET] has just mentioned the striking fact that in the port of Honolulu we had more tonnage of American ships in the last fiscal year than we had in any other port in the world, unless, possibly, including calling steamers, you except Southampton and Yokohama, but more than at Liverpool.

Why, the trade of the Hawaiian Islands is not only incorporated in our commercial system by the treaty, but Americans own it. American enterprise and American capital taken there dominate all other interests. In the city of Honolulu, which contains one-fourth of the population of that Republic, a great part of the wealth of the place, the business, the living forces of the city, are purely American. Outside of the city American citizens own the greater portion of the land, the plantations and farms. The census report shows that the total valuation of these lands is \$36,000,000, and of these American citizens own \$21,700,000, and Americans, Hawaiian-born, own \$4,400,000 more, so that we own there \$26,000,000 out of the \$36,000,000 of landed property.

Our commerce going there is not only more than that of any country, not only more than all other countries, but three times more than that of all other countries put together. That is our share of the imports there. As to their exports, the simple fact is, all the exports come to the United States. Twelve million dollars—

Mr. McCREARY of Kentucky. Will the gentleman permit me to interrupt him there?

Mr. HITT. I do not know of any occasion for an interruption.

Mr. McCREARY of Kentucky. I want to show you the \$56,000,000 we have paid since 1876 for that commerce.

Mr. HITT. I shall state that in a moment. We remitted duties on their products by the treaty of 1875, and in turn secured the exclusion of all other powers from their soil. We by treaty obtained substantial control of the islands. Now, I appeal to any public man, when we have paid \$56,000,000 in remitted duties for the exclusive right and control politically of that part of the world's surface, so immeasurably valuable to our national interests and future, to know if he will now oppose a measure like this, providing for a closer communication with that people by telegraph. Shall we drive them to ask us to annul the treaty that has cost so much to us; force them unwillingly to listen to British proposals to build a cable? You can not have this cable laid except by a government. The Government of the United States or the Government of England must pay for it. Now, are we going to be the dog in the manger, refuse to do it ourselves, and fall back upon the treaty and say nobody else shall do it? Is there not some broader statesmanship, some patriotism of a higher range than that in this House?

Mr. Speaker, I spoke of a sentiment broader than that the gentleman had appealed to. I take from a message sent to this House by President Cleveland a few words, terse and to the point, cover-

ing the question of the benefits of the treaty and the need of Congress building a cable. On the 3d of December, 1886, he cites the reasons for close and quick connection with the Hawaiian Islands, all of which are tenfold stronger to-day than at that time. The old treaty of 1875 was drawing near the end of its term and he wished it renewed, and he said:

I express my unhesitating conviction that the intimacy of our relations with Hawaii should be emphasized. As a result of the reciprocity treaty of 1875 those islands, on the highway of Oriental and Australasian traffic, are virtually an outpost of American commerce and a stepping-stone to the growing trade of the Pacific.

There is an utterance of a man who was broader than his party.

The Polynesian Island groups—

There are 1,100 islands in those groups—

have been so absorbed by other and more powerful Governments that the Hawaiian Islands are left almost alone in the enjoyment of their autonomy, which it is important for us should be preserved.

If he sent the message to-day he could leave out the word "almost."

Our treaty is now terminable on one year's notice, but propositions to abrogate it would be, in my judgment, most ill-advised. The paramount influence we have there acquired, once relinquished could only with difficulty be regained, and a valuable ground of vantage for ourselves might be converted into a stronghold for our commercial competitors.

Mr. McCREARY of Kentucky. May I interrupt the gentleman?

Mr. HITT. Can not the gentleman let the President speak for one moment? Do not interfere with the President. Wait until I have read what Mr. Cleveland said.

Mr. McCREARY of Kentucky. I want to ask the gentleman if he can find anything in that message of the President in which he said a word about building, owning, and operating a cable.

Mr. HITT—

I earnestly recommend—

Says President Cleveland—

I earnestly recommend that the existing treaty stipulations be extended for a further term of seven years. A recently signed treaty to this end is now before the Senate.

And then he adds these words, which I trust the confusion raised a moment ago as I was about to read them will not prevent gentlemen from listening to:

The importance of telegraphic communication between those islands and the United States should not be overlooked.

Mr. BOUTELLE. Who wrote that?

Mr. HITT. Grover Cleveland in 1886. [Applause.] Two years later Great Britain took possession of the twelve Gilbert Islands, just south of the Hawaiian group; three of the Ellice group, five of the Enderbury group, three of the Union group, and six others, including Fanning Island, the very island that is now designated as a station. How fast they were swept up!

In 1899 they took possession of three others. In 1891 they took possession of Johnston Island. In 1892 they took possession of Gardiner group, the closest to the Hawaiian group. Two of those islands, Palmyra and Johnston, are claimed by the Hawaiian Government as within their jurisdiction, and have been since 1854, but the British are holding them simply by the right of might. These two islands are claimed by the Hawaiian Government to-day, while we, with this warning of the President before us, are refusing to facilitate communication with Hawaii, refusing to carry out in spirit that treaty of wise statesmanship which secured for us so much. Even after the President made this appeal Congress in 1886 did nothing, and when the next Congress opened he repeated it in stronger words. Let me read again from President Cleveland's utterances on this subject in his message of December 3, 1888:

Proclamation was duly made on the 9th of November, 1887, of the conventional extensions of the treaty of June 3, 1875, with Hawaii under which relations of such special and beneficent intercourse have been created. In the vast field of Oriental commerce now unfolded from our Pacific borders no feature presents stronger recommendations for Congressional action than the establishment of communication by submarine telegraph with Honolulu.

Here we have the President recommending for Congressional action the establishment of telegraphic communication by submarine cable with Honolulu.

Mr. BOUTELLE. I would prefer a submarine cable to a subterranean diplomacy with Hawaii. [Laughter.]

Mr. HITT. Now, Mr. Speaker, that is a good remark; but Mr. Cleveland, when he is in this vein, talks even better than the gentleman from Maine, and in what I am now reading he is at his best. He says further:

The geographical position of the Hawaiian group in relation to our Pacific States creates a natural interdependency and mutuality of interest which our present treaties were intended to foster, and which make close communication a logical and commercial necessity.

And, Mr. Speaker, this cable is a logical and commercial necessity to the development of our national interests and their protection.

Now, the gentleman from Kentucky spoke of the authority of the Committee on Foreign Affairs, and, with resounding voice, he emphasized the importance of their recommendations. The Committee on Foreign Affairs in the Fifty-first Congress sent into this

House a unanimous report by Mr. Chipman, the eloquent gentleman who used to represent the city of Detroit, and whose seat on that side of the House was a center of influence, and deservedly so from his great authority with those who knew him. I will not insult the memory of that honorable man by saying that he was in this matter a Democrat, for on such a question as this he was not a Democrat, he was an American; and I may say the same of many more.

But let me read a word or two from the views of the Committee on Foreign Affairs as expressed by Mr. Chipman:

Your committee regard the establishment of the submarine cable telegraph between San Francisco and Hawaii as a measure of high national concern, which will be an efficient factor not only in securing Hawaiian autonomy so long as the interests of the United States require, and a firm and permanent American influence in the Hawaiian Islands, but in securing for our country the commerce of the Pacific Ocean and the trade of the Australasian continent.

There spoke the representative not of a district but of a nation.

We also think that unless such action as is proposed to be taken, the danger is great that a large proportion of that trade and commerce will be diverted to Canada and England.

Mr. Speaker, the report of the consul of the United States at Honolulu, Mr. Mills, just published, January 30, 1895, confirms this prophecy, and describes in detail these very facts, and shows the diversion of that trade to Canada which is now going on.

Let me now read a word from what the Secretary of the Navy at that time said. I will not take time to read more than a line or two. The Secretary said:

I regard a submarine cable connecting the United States and the Hawaiian Islands as a matter of national importance, and that its advantages would in many respects be great and direct.

A MEMBER. Who was that?

Mr. HITT. That was Secretary Tracy.

Now, an officer of the Navy was before our committee, the same officer who was in charge of the vessels which made the survey in 1892, and he stated with technical knowledge and with singular clearness the vast advantage of a cable to our naval power; and he explained at length (gentlemen who care to read it will find his statement on page 5) the immense value of a vessel at the end of a cable, where, as he says, it may do the work not merely of one but we know not how many vessels.

What do you build the Navy for? For what did you vote those thirty-odd millions to-day in the naval appropriation bill? To have a ship at the very point where the fight is to take place. All the rest of the Navy is useless at such a moment. British statesmen understand this. We have on our eastern border the Bermuda Islands. There is no trade or commerce, no general interest of Great Britain that can make her need vast fortifications and depots and a cable line there; yet she has them. You can not send a cable message to Bermuda except by permission and under the view of a British officer if they choose to exercise the control.

They can in case of war instantly cut off all knowledge in the United States of what takes place there. They can at any moment order a body of armed vessels to steam for and attack any part of our coast; and they would burst upon us in forty-eight hours, no human soul in our Republic knowing it until the destroying shells fell like hail upon our undefended people. That is the value of a cable in making ships effective, in putting them in the very place where the struggle takes place. And all the Navy counts for nothing in the dreadful hour of battle, save the one that is in the thickest of the fight. Shall we not learn from this example confronting and threatening our eastern doors?

Now, this line to Hawaii takes us to the stepping-stone, as the President says, to the halfway house, to the central point, to the radiating focus of the great Pacific Ocean, the theater of the mighty events of the future. Other lines will undoubtedly be built there; but we should possess, and our Government should control absolutely, the line that runs from our border to the Hawaiian Islands; no other nation should hold that line.

On this question British statesmen can teach us. They have been in charge of great interests that concern many colonies, a vast empire, a prodigious commerce that has distanced all others. When they were in consultation at Ottawa on this very question that we are discussing, Sir Charles Mills, of the Cape of Good Hope, said that though you might cut a cable it was wise on the part of Great Britain to build cables to all her points of strategic importance, for the cable can not be cut in time of peace; and "if a cable only serves to enable a communication of the declaration of war to be made it will well repay the cost of its construction and maintenance."

He gives an example—it is too long for me to read, but it is given in this Blue Book which the British Government has published—showing how by one cable dispatch which he managed to get through to Cape of Good Hope he put the governor-general and the colonists there on the qui vive in the alarm of 1896, at the time of the scare about a Russian war. They immediately gathered up their old guns and repaired their fortifications. They had right in their presence two powerful Russian corvettes that could have blown them all to pieces.



Now, that conference at Ottawa went over this question with a great deal of care. Their proceedings make a large volume, containing a vast body of information on this subject carefully collected. They were called, as I said, to consider the extension of commerce and telegraphic communication and closer intercolonial connections. One point they dwell upon all through in the discussions and in the final resolutions which are the result of the conference. I read from the fourth resolution, showing how they kept in mind exclusive control of the cable for naval, military, and national interests:

That the home Government be requested to take immediate steps to secure neutral landing ground on some one of the Hawaiian Islands, in order that the cable may remain permanently under British control.

The Earl of Jersey, who was there representing the Imperial Government, reported back to the home Government in these words:

It was the decided wish of the conference that the cable should if possible pass entirely through British territory whenever it touches islands on the route. It was believed that the practical exigencies of the case from an engineering point of view might render it desirable that the cable might run from Vancouver to Hawaii, as this stretch is materially shorter than that to Fanning Island. In that case it would be desirable, if possible, that the exclusive use of one of the Hawaiian Islands should be obtained, in order that the cable might be as far as possible free from foreign control.

Listen to this, American legislators! A British statesman, urging the construction of a cable to what is virtually an American colony, advises the home Government that their colonial councillors were all determined upon one inexorable condition, that the cable should be wholly under British control, for political, naval, and military purposes. Yet we Americans are here saying that for us to establish a cable there would be a departure from the customs of one hundred years—that Jefferson never built a submarine cable! [Laughter.]

I spoke of broader views than those of the hour or of the day—of broader views than mere partisan views. Let me read the words of Mr. Forrest, the representative from Queensland, one of the English rulers of a large part of that great continent of the southeast. He says:

For my own part I do not concur with the idea that we can only look at these matters from the standpoint of an immediate advantage to ourselves—I mean pecuniary advantage. In the ordinary conduct of business which depends chiefly upon individual effort, each man must conduct his business so that he may receive an immediate return, because men must get their daily bread. But we ought not to look for immediate returns in national affairs, and particularly in conducting the affairs of the great British Empire.

Are we such little creatures that we must have smaller rules for the governance of our conduct in the affairs of the great Republic of the United States? Are we not of as good blood as our ancestors or far kindred, and can we not look as far as they? He says:

Had the great and far-seeing statesmen of England paused to count the cost, we might never have procured colonial possessions, and we are here to-day because they did not count the cost, and because, without looking for immediate returns—to use the words of Lord Rosebery—"they pegged out claims for futurity." \* \* \* The mere question of the Vancouver cable paying to start with should not for a moment prevent us from advocating its construction.

But I will not read further. I have mentioned all of the essential facts; that this line, then proposed, was not expected to be and could not possibly be self-sustaining for at least seven years; and yet they went on and determined to do their utmost to have the cable constructed, letting each Government represented pay its share, without reference to the question of whether it would be a paying investment at the time or not. I will not speak of the development of commerce. There is a great deal here that is much better said than I could say it in advocacy of this principle as a doctrine and a system. But to show how much more than justice these gentlemen have done us in supposing that we had more sagacity than has been expressed on the floor of the House in this debate let me read just this single sentence from Mr. McKenzie Bowell, Canadian minister of trade and commerce:

Foreign nations whose interests are inimical to British interests—

At whom was he looking? Manifestly at us—

recognize the necessity of a Pacific cable. France, on the one hand, and the United States, on the other, have already moved in the direction of establishing one, and unless prompt action be taken to establish a British cable across the Pacific the connection may be formed under foreign commerce, to the detriment of all British interests, and especially would this be the case in the event of international difficulties arising.

I know economic souls may say, have said heretofore on this floor, "Why can you not send a telegram by cable, after the British build it?" Well, you might for some short trip get passage by some influences, in case there was no other way, on a British man-of-war. But do you intend to rely on that? You can get transportation for our officers on the Cunarders at any time in peace. But it is not the custom of our people to abandon the construction of ships of war because they can get cheaper transportation for officers or hope to catch a ride on a British frigate. All that will fail you in time of war, just when most wanted. So of this cable. It will not be built by Great Britain except for her own benefit and under her exclusive control.

These islands are to-day virtually under our protectorate; we

can and will prevent any other country from intervening. These gentlemen in that conference wanted one of the islands and went there for that purpose, representing British interests. Sandford Fleming, of the foreign office of Canada, and Mr. Mercer, of the British office, were appointed to negotiate for an island for this cable. They set about their work with great activity. They went to the Hawaiian Islands and made every effort to get the exclusive right and jurisdiction over one of the islands—Necker Island, Frigate Shoals Islands, or Bird Island, or some other of the uninhabited islands.

They drew up a form of contract and proposed to the Hawaiian Government that in view of the construction of the cable they should have this concession, the right to land on one of these uninhabited islands. The Hawaiians were eager to have a cable—that is only natural and human. Every soul there desired cable communication; and the English proposed that they should have Necker Island or some other ceded to them; that they should be given the whole jurisdiction and to be exempt from taxation as long as they chose to keep up the cable, which means a perpetual concession.

Mr. VAN VOORHIS of New York. Why did not the British take one of their own islands? They have five or six hundred in that region.

Mr. HITT. Well, I will answer that question, though perhaps I might wait a moment.

Mr. VAN VOORHIS of New York. Take your own time.

Mr. HITT. The Hawaiian Islands are the proper place in every way for the termination of the line. There are no others in the region which are available except through a long stretch of ocean, Fanning Island being the nearest, some 1,200 miles distant, farther south. They have seized it. They have it now.

To show the importance that statesmen upon the other side put upon this feature of the exclusive political control of the islands, they all declared in the conference, and have since declared, that they will have that control or they will not build by the Sandwich Islands at all, but will build to Fanning Island.

Mr. VAN VOORHIS of New York. Do you not think—

Mr. HITT. Wait a moment. On last Saturday Hon. Sandford Fleming, of the Canadian foreign office, announced an important fact. He had heard from Washington. Through the press, the public men, the thousand forms of expression of sentiment, he had heard from the American people, and discovered that the treaty of 1875 could not be undone. Our Senate and our people never would suffer it, never would abandon our exclusive rights in Hawaii, the exclusion of all other countries from the Sandwich Islands. So it was left for British statesmen to decide where they would build their cable. I read the following press dispatch:

OTTAWA, ONTARIO, February 16.

The analysis made by Sandford Fleming of tenders received for the construction of the Pacific cable—

They had propositions from six construction companies—

has been sent to the different colonial governments. For route No. 1, which seems to be the one which will have to be adopted—

There is an answer to the question of the gentleman from New York—

in the event of arrangements falling through with Hawaii for a landing place on the Hawaiian Archipelago, the lowest offer, including maintenance for three years, is £1,517,000.

That amounts to \$7,585,000. But an Englishman has courage. That does not make him shrink, when he comes to count the prodigious interests of a great empire, weighed by men of spirit so great that they have met and mastered events during the last two centuries and surpassed all other peoples.

This is for a speed capacity of 12 words per minute. The route in question is entirely within British territory, and would run from Vancouver Island to Fanning Island, Fiji, Norfolk Island, with branches from Norfolk Island to New Zealand and New South Wales.

Then it proceeds to the adjustment of details. That is the way in which this question is dealt with by those statesmen.

I want to read a word by Sir Henry Wrixon, who represented the government of Victoria, in Australia, at the Ottawa conference:

If we can have a cable through the Pacific, touching at Necker Island, which might be leased from the Hawaiian Government, we might be able to have the cable entirely on British soil, and entirely in seas under the command of the British navy.

For what were you trying to build up a navy when this afternoon you voted for four battle ships which will cost over \$30,000,000 if you refuse \$500,000 to make the Navy effective in a sea where to-day the British naval force in one part of that sea is seven times as great as the American and in another part of that sea five times as great as the American, measured by the respective guns of the squadrons?

The words which I now quote are by Sir Henry Wrixon on the importance of having this cable on British soil and under command of the British navy:

We take that to be a matter of the greatest importance, and we are perfectly willing to contribute our quota.

That man spoke from a colony thousands of miles away, but his patriotism was wider than his colony.

Mr. Speaker, I have talked longer than I intended, but the subject appeals to all that is best in the motives of those charged with the conduct of public affairs.

I have mentioned the commercial value of this enterprise to our country generally, and have imperfectly pointed out its prodigious, its measureless value as an instrument of war and an instrument of political power among nations. In the progress of events, in the developing commerce of the West we ought at least to have some share, and an increasing share. Instead of that, we have been losing, and losing rapidly, of late. Once we had a great volume of the Chinese trade. We had lines of steamers in China running from Shanghai 1,200 miles up those rivers.

The merchants of New York and San Francisco prosecuted an extensive and flourishing China business. It is gone. It has been taken from us, chiefly by the English. The subsidy to the English line of steamers that runs from Vancouver to Australia has so stimulated that line and trade that our commerce there has fallen off in comparison with that of British merchants in the Hawaiian Islands, where those vessels touch. Owing to the fact that the line running from Vancouver to Hawaii is heavily subsidized, the British can carry freight from Canada in competition with the products of the American firms in San Francisco cheaper than the American ships can carry them and sell them. They can charge the loss to ship's account. They are able to do this when they are repaid by the subsidy.

I referred to Consul-General Mills's report of January 30, 1895, where he gives in that month a list of goods such as formerly came from the United States, but are now replaced and superseded by the goods coming from Canada by the Vancouver, Canadian and Australian line, which is fast encroaching on the American line to San Francisco.

He mentions 8,160 barrels of lime, 6,000 barrels of flour, 535 tons of bran, 250 tons of rolled barley, etc., a long list of staple products that should have come from the United States, as heretofore, but now, owing to the breaking down of these lines of steamers and the additional facilities given to our rivals, are coming from other countries. So that trade is passing from us.

There is an American steamer line now running from San Francisco to Australia. They did receive an Australian subsidy, but recently, owing to the powerful pressure put upon them, the colonial government transferred the subsidy to the Vancouver line. The result is that the American line, in the report last made, had to admit the fact that during the last twelve months that line of steamers has not paid expenses. Is it any wonder that the Democrats, from California at least, have no partisan feeling here? They are not afraid of the company of Republicans in rising up to help their State's claim to a share of the vast commerce of the Pacific.

I have not dwelt upon the general considerations that will rise in every patriotic breast at such a proposition for the advancement of our country's interests and power, the approval that arises to the lips of every American, the glow in our hearts when we contemplate an extension of the prosperity of our country, the enlargement of its power, the enhancement of its commercial interests, its glory, and its honor. These are things that I do not believe it necessary to recall to the consciences of the members of this House. I only ask that this proposition be considered here by you as it was in another branch of Congress, in a spirit above all narrow partisan consideration, and where it passed by a strong majority of men of all parties.

Take the judgment of the President, which I have read, uttered in his calmest hour, when he stated reasons that to-day have still greater force than at the time they were first addressed to you, reasons which appeal to every American here. He there foresees the forces which will control largely the future of the Republic upon the vast western world. I hope to see our Government a great naval power. I voted for the bill which just passed this House heartily and cheerfully, though that is a bloody fashion of protecting and encouraging enterprise. I would rather do it by those peaceful, those powerful, those restless arms and instrumentalities of knowledge and commerce, benefiting all, those advances of civilization which bless both those who attack and those who are overcome.

I trust to see our commerce and our influence extending and widening westward and our flag in the same majestic march. We have voted guns to slay our enemies. Add a cable to quicken intelligence and bring peace and make us friends everywhere—bring the isles to our doors. Let us never forget our friends, our brothers, our children, the best blood of our people, who in the islands of the west have changed darkness to light, made a wilderness blossom, and built up a Republic, who if they have a fault, and have suffered for it, it is that they loved us not wisely but too well. [Loud applause on the Republican side.]

Mr. McCREARY of Kentucky. I suppose there are other gentlemen here who desire to address the House on this subject, and

therefore I move that the House adjourn. But I would like to agree with my friend from Illinois as to the time to close debate on this question. I am informed the gentleman in charge of the general appropriation bill is very anxious to go on to-morrow, and there is also an election case pressing. I would like to have some agreement as to the length of time we shall consume to-morrow.

Mr. HITT. Mr. Speaker, I must say that I have been so indulged by the House that I feel a very great hesitation in suggesting a time. I have spoken about an hour, and I do not know how much time other gentlemen may desire. I know of two gentlemen who would like to address the House, and I would ask the gentleman to let it go over until to-morrow.

Mr. McCREARY of Kentucky. I want to say that the election case is pressing, and the general deficiency bill is pressing, and I hope we can agree on time. Will an hour on each side be enough?

Mr. HITT. I will say that I do not know. Perhaps we will not use an hour, but I would not like to make any agreement. I have spoken so long myself that I would not like to make any agreement that might cut others off.

Mr. STORER. I will state to the chairman of the committee that, supposing I should have an hour, I have appropriated a part of my time to other gentlemen, and I should not be willing to enter into any agreement which did not allow me to have the hour.

Mr. BRECKINRIDGE. I would suggest to gentlemen that Congress by law expires on the 4th day of March, which is but a few days off, and the deficiency bill must be passed. I gave way to the gentleman from Kentucky, understanding that we could get rid of this question and the contested-election case. An hour on each side has already been taken.

Mr. McCREARY of Kentucky. I only made a short statement myself, not over thirty minutes, and I have said to gentlemen that I did not expect to take much time in this debate. I shall not take much time, but some of the other gentlemen on the committee, the gentlemen from Mississippi [Mr. HOOKER and Mr. MONEY], wish to make short speeches.

The SPEAKER. The gentleman can test the sense of the House by demanding the previous question after a reasonable time.

Mr. McCREARY of Kentucky. I would ask the gentleman if an hour on each side would not be sufficient.

Mr. HITT. I can not make that agreement now. The Speaker has suggested that we can test the sense of the House in the morning if we can not agree. I do not like to make an agreement when that will cut others off, since I have been allowed to speak for about an hour.

Mr. BRECKINRIDGE. The Committee on Elections and the gentleman in charge of the report of the conference committee thought that they would get through about 3 or 4 o'clock to-morrow, so that we might afterwards take up the general deficiency bill.

Mr. OUTHWAITE. Would there be any difficulty about having a vote upon this now? Gentlemen know just about as much as they will know after debate. [Cries of "Vote!"]

The SPEAKER. If the gentleman from Kentucky yields the floor, the Chair will put the question to the House.

Mr. VAN VOORHIS of New York. I rise to a parliamentary inquiry.

Mr. PAYNE. I move that the House adjourn.

The SPEAKER. The gentleman from New York moves that the House adjourn. That cuts off an inquiry.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, as follows: To Mr. COOMBS, indefinitely, on account of sickness.

To Mr. MADDOX, for this day, on account of sickness.

Mr. BRECKINRIDGE. I ask unanimous consent that the House meet at 11 o'clock to-morrow morning.

Mr. PAYNE. Regular order.

The SPEAKER. The gentleman demands the regular order, which cuts off the request.

The question was taken on the motion to adjourn, and the Speaker announced that the ayes seemed to have it.

Mr. SAYERS. Division.

The House divided; and there were—ayes 65, noes 46.

So the motion was agreed to.

And accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned until 12 o'clock m. to-morrow.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. GORMAN, from the Committee on Military Affairs: A bill (H. R. 6774) to grant an honorable discharge to John A. White. (Report No. 1886.)

By Mr. CAMPBELL, from the Committee on Claims: A bill (H. R. 2644) for the relief of Secor & Co., Perine, Secor & Co., and the executors of Zeno Secor. (Report No. 1867.)



By Mr. MOSES, from the Committee on Pensions: A bill (H. R. 8888) granting a pension to Williamson Durley. (Report No. 1884.)

Also, from the same committee, a bill (H. R. 8885) granting a pension to James G. Laughlin. (Report No. 1885.)

Also, from the same committee, a bill (H. R. 8886) granting a pension to Charles Leeper. (Report No. 1886.)

Also, from the same committee, a bill (H. R. 8884) granting a pension to Alexander M. Laughlin. (Report No. 1887.)

By Mr. BUNN, from the Committee on Claims: A bill (H. R. 8924) in lieu of divers bills for the payment of sundry claims for street and other improvements adjacent to the property of the United States. (Report No. 1888.) Ordered that the bills H. R. 6962, 7292, 8896, 8895, 903, 7246, 6539, 23, 7881, 1465, 8081, and 6445, on the same subject, lie on the table.

By Mr. MEIKLEJOHN, from the Committee on Invalid Pensions: A bill (S. 1957) to increase the pension of Joseph W. Fisher. (Report No. 1891.)

Also, from the same committee, a bill (S. 2199) granting a pension to Charles F. Holly. (Report No. 1893.)

By Mr. MARTIN of Indiana, from the Committee on Invalid Pensions: A bill (S. 1656) granting an increase of pension to Mary A. L. Eastman. (Report No. 1892.)

By Mr. HARE, from the Committee on Invalid Pensions: A bill (H. R. 8166) granting a pension to Catharine Darragh. (Report No. 1894.)

By Mr. PICKLER, from the Committee on Invalid Pensions: A bill (S. 2414) granting an increase of pension to Mrs. Helen Morrell Carroll. (Report No. 1895.)

By Mr. LOUD, from the Committee on Claims: A bill (H. R. 7882) for the relief of Maj. Samuel T. Cushing. (Report No. 1896.)

#### ADVERSE REPORTS.

Under clause 2 of Rule XIII, private bills were adversely reported and laid on the table, as follows:

By Mr. MARTIN of Indiana, from the Committee on Invalid Pensions: A bill (S. 501) to pension John P. Biehn. (Report No. 1868.)

By Mr. STRONG, from the Committee on Invalid Pensions: A bill (S. 1383) to increase the pension of Russell N. Reynolds. (Report No. 1869.)

By Mr. LACEY, from the Committee on Invalid Pensions: A bill (S. 244) to pension James Callison. (Report No. 1870.)

A bill (H. R. 4193) to pension David C. Allen. (Report No. 1871.)

A bill (H. R. 5822) to pension Henry Chaney. (Report No. 1872.)

#### PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. VAN VOORHIS of New York: A bill (H. R. 8920) to amend an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes"—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: A bill (H. R. 8921) for the establishment of a light-house and fog-signal station at or near Big Oyster Bed Shoal, New Jersey—to the Committee on Interstate and Foreign Commerce.

By Mr. MALLORY: A bill (H. R. 8922) to provide American register for the bark *Johan Ludwig*—to the Committee on Merchant Marine and Fisheries.

By Mr. WHEELER of Alabama: A bill (H. R. 8925) to grant a township of land to the State of Alabama for the use of the Alabama State Normal College—to the Committee on the Public Lands.

By Mr. CAMINETTI: A bill (H. R. 8926) making an appropriation to carry out the provisions of "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," approved March 1, 1893, and to protect the navigable waters of the Sacramento and San Joaquin river systems—to the Committee on Rivers and Harbors.

By Mr. HERMANN: A bill (H. R. 8927) providing for the appointment of a board of engineers to consider and report on a new project for deeper water on the bar of Yaquina Bay, in Oregon—to the Committee on Rivers and Harbors.

By Mr. HARMER: A joint resolution (H. Res. 290) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. HARRIS: A joint memorial of the State legislature of Kansas asking that the pension laws be extended to the Eighteenth and Nineteenth Kansas Volunteer Cavalry—to the Committee on Invalid Pensions.

Also, a joint memorial of the State legislature of Kansas asking the restricting of the issue of license to retail dealers to sell intoxicating liquors—to the Committee on Ways and Means.

#### PRIVATE BILLS INTRODUCED.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. PHILLIPS: A bill (H. R. 8930) granting a pension to Elizabeth Jordan—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: A bill (H. R. 8929) for the relief of N. B. and E. A. Lanier, of Warren County, Miss.—to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELL of Colorado: Resolutions of the Board of Trade of Durango, Colo., in regard to the sugar industry—to the Committee on Ways and Means.

Also, resolutions of the Board of Trade of Durango, Colo., on the currency question—to the Committee on Banking and Currency.

Also, resolutions of the Women's Political Educational Club of Pueblo, Colo., protesting against any further issue of bonds, etc.—to the Committee on Banking and Currency.

By Mr. CADMUS: Protest of the Passaic Liquor Dealers' Protective Association, against the increased tax on beer—to the Committee on Ways and Means.

By Mr. DE FOREST: Petition from the mayor, common council, doctors, and lawyers of Norwich, Conn., for the passage of House resolution of January 19, 1895, for the ratification of a permanent treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. ENGLISH of California: Petition of the Dry Goods Economist, Fred Viotor & Achelis, and Otto Seyd, of New York, praying for the passage of the national bankruptcy law—to the Committee on the Judiciary.

By Mr. HARMER: Resolution adopted at a meeting of 107 citizens of Philadelphia, Pa., in favor of maintaining civil and religious liberty by absolute separation of church and state, and in favor of an amendment to the Constitution of the United States against the use of the property or credit of the United States or any State, or any money raised by taxation, for maintaining any institution wholly or in part under sectarian or ecclesiastical control—to the Committee on the Judiciary.

Also, preamble and resolution adopted at a meeting of 107 citizens of the city of Philadelphia, Pa., setting forth that in a number of States the right of franchise is granted to aliens after a residence of from four to five months to one year, and, that the rights of the legal citizens may not be abridged, petitioning that Congress shall adopt a joint resolution proposing an amendment to the Constitution of the United States that no State shall grant the right of franchise to any person in violation of the law of the United States—to the Committee on the Judiciary.

By Mr. HARRIS: Resolution adopted by Division No. 161, Order of Railway Conductors, of Parsons, Kans., favoring the passage of the Wright labor-arbitration bill—to the Committee on Labor.

By Mr. HOOKER of New York: Resolutions of citizens of Olean, N. Y., proposing sixteenth and seventeenth amendments to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. HOPKINS of Pennsylvania: Resolutions adopted at a meeting of 50 citizens of Roaring Branch, Pa., protesting against granting the right of franchise to any person not a citizen of the United States—to the Committee on the Judiciary.

Also, resolutions adopted at a meeting of about 50 citizens of Roaring Branch, Pa., for a constitutional amendment respecting the establishment of religion and prohibiting the use of public money for sectarian purposes—to the Committee on the Judiciary.

By Mr. JOSEPH: Petition of citizens of the Territory of New Mexico, praying Congress to approve an act of the legislative assembly of the said Territory to construct an addition to the insane asylum of New Mexico—to the Committee on the Territories.

By Mr. KRIBBS: Resolutions of Capt. R. Laughlin Council, No. 419, Junior Order of United American Mechanics, against appropriating public money to aid sectarian institutions—to the Committee on the Judiciary.

Also, resolutions of Capt. R. Laughlin Council, No. 419, Junior Order of United American Mechanics, against granting the right of franchise to aliens—to the Committee on the Judiciary.

Also, resolutions of 72 citizens of Clarion, Pa., against granting the right of franchise to persons not citizens—to the Committee on the Judiciary.

Also, resolutions of 72 citizens of Clarion, Pa., against Government support of sectarian institutions—to the Committee on the Judiciary.

By Mr. REYBURN: Resolutions of a meeting of 374 citizens of Philadelphia against appropriating public money to aid sectarian institutions, etc.—to the Committee on the Judiciary.

Also, resolutions adopted at a meeting of 374 citizens of Philadelphia against granting the right of franchise to persons not citizens of the United States—to the Committee on the Judiciary.

By Mr. TYLER: Petition of 70 citizens of Norfolk, Va., for an amendment to the Constitution prohibiting Federal or State aid to religious institutions—to the Committee on the Judiciary.

By Mr. WILSON of Ohio: Petition of Springfield Lodge, No. 148, International Association of Machinists, for legislation for the benefit of merchant seamen—to the Committee on Merchant Marine and Fisheries.

By Mr. WOOLMER: Petition of 66 citizens of West Hanover, Pa., in favor of an amendment to the Constitution providing that no State shall grant the right of franchise to any person who is not a citizen of the United States—to the Committee on the Judiciary.

Also, petition of 66 citizens of West Hanover, Pa., praying for a constitutional amendment providing that neither Congress nor any State shall pass any law respecting an establishment of religion—to the Committee on the Judiciary.

## SENATE.

THURSDAY, February 21, 1895.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The VICE-PRESIDENT. The Journal of yesterday's proceedings will be read by the Secretary.

Mr. WOLCOTT. I ask that the reading of the Journal be dispensed with this morning.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

Mr. WOLCOTT. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Bate,	George,	Manderson,	Sherman,
Berry,	Gordon,	Martin,	Squire,
Butler,	Hale,	Mills,	Teller,
Caffery,	Harris,	Mitchell of Oreg.	Turpie,
Call,	Hawley,	Mitchell of Wis.	Vilas,
Cameron,	Hill,	Palmer,	Voorhees,
Cockrell,	Hoar,	Pasco,	Washburn,
Coke,	Hunton,	Peffer,	White,
Davis,	Irby,	Perkins,	Wilson of Iowa,
Faulkner,	Kyle,	Platt,	Wolcott.
Frye,	Lodge,	Proctor,	
Gallinger,	McLaurin,	Pugh,	

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present.

### CREDENTIALS.

The VICE-PRESIDENT presented the credentials of Marion Butler, chosen by the legislature of the State of North Carolina a Senator from that State for the term commencing March 4, 1895.

The credentials were read and ordered to be filed.

Mr. IRBY presented the credentials of Benjamin Ryan Tillman, chosen by the legislature of the State of South Carolina a Senator from that State for the term commencing March 4, 1895.

The credentials were read and ordered to be filed.

### EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, recommending that a clause be inserted in the general deficiency appropriation bill to refund to Noble C. Butler, clerk of the United States courts at Indianapolis, Ind., the sum of \$49.30 costs in the case of The United States vs. Nettie Williams, inadvertently turned over to the United States and covered into the Treasury; which was referred to the Committee on Appropriations, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. JAMES KERR, its Clerk, announced that the House had passed a bill (H. R. 8665) making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes; in which it requested the concurrence of the Senate.

### PETITIONS AND MEMORIALS.

Mr. TURPIE presented a memorial of sundry citizens of Fort Wayne, Ind., remonstrating against the proposed sale of the land belonging to the Government on Mackinac Island; which was referred to the Committee on Military Affairs.

Mr. COCKRELL. I present resolutions of District Assembly No. 4, Noble Order of the Knights of Labor of North America, secretary's office, stating that District Assembly No. 4, Knights of

Labor, of St. Louis, Mo., are opposed to the recommendation of the President in the financial message to Congress, and indorsing the stand taken by Senator Vest in his opposition to the issuance of bonds in times of peace and his attitude toward the Merchants' Exchange of St. Louis, Mo. I move that the resolutions be referred to the Committee on Finance.

The motion was agreed to.

Mr. PERKINS presented a petition of the Board of Trade of San Francisco, Cal., praying for the enactment of legislation reorganizing the consular and diplomatic service of the Government; which was referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Chamber of Commerce of San Francisco, Cal., favoring the enactment of legislation reorganizing the personnel of the Navy; which were ordered to lie on the table.

Mr. SHERMAN presented a petition of 400 citizens of Canal Dover, Ohio, and a petition of 130 citizens of Osnaburg, Ohio, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

He also presented a petition of 46 citizens of Mount Eaton, Ohio, and a petition of 400 citizens of Canal Dover, Ohio, praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

Mr. SQUIRE. I present a memorial of the legislature of the State of Washington, certified by the secretary of state, asking Congress to reject the bill of the House of Representatives, No. 8504, entitled "A bill to improve the public surveys, and for other purposes."

The memorial sets forth the object of the bill to consolidate the Coast, Geodetic, Geological, and public-land surveys under one head; and states that it would be injurious to the service to centralize all the surveys under such head and to abolish the present system of surveys of the public lands by contract under the supervision of surveyors-general.

The memorial also states that the passage of such a bill would very materially retard the settlement of the public domain and increase the expenses of the execution of the surveys of the public lands. The legislature of the State of Washington thinks that such an act would work great injustice to the settlers on unsurveyed lands by taking the management of said surveys from the surveyor-general, who resides in the State and knows the wants of the settlers better than can be known by a scientific bureau so far removed from the field of operations as Washington City.

The memorial further represents that the State of Washington is entitled to consideration in the matter in view of the fact that its payments for public lands are equal to those of any other State in the Union.

I move that the memorial be referred to the Committee on Public Lands, and ask that it be printed in full in the RECORD.

Mr. HARRIS. I object to printing it in the RECORD. It may be printed as a document if the Senator desires.

Mr. FRYE and Mr. HOAR. It is a resolution of a State legislature.

Mr. SQUIRE. It is a memorial of the legislature of the State of Washington.

Mr. HARRIS. Oh; if it is the memorial of a State legislature, of course it goes into the RECORD.

Mr. SQUIRE. I ask that it be printed as a document, and that it also be printed in the RECORD.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

The memorial was referred to the Committee on Public Lands, as follows:

[House memorial No. 13.]

Memorializing Congress to reject House of Representatives bill No. 8504, entitled "A bill to improve the public surveys, and for other purposes."

Whereas a bill has been introduced in the National House of Representatives to consolidate the Coast, Geodetic, Geological, and public-land surveys under one head, thereby centralizing all the surveys in Washington City and abolishing the present system of surveys of the public land by contract under the supervision of the various surveyors-general, and doing said public-land surveys by paid employees detailed from Washington City; and

Whereas the passage of said bill would very materially retard the settlement of the public domain and increase the expense in the execution of the surveys of the public lands; and

Whereas such an act would work a great injustice to the settlers on unsurveyed lands, taking the management of said surveys from the surveyor-general, who resides in the State and knows the wants of the settlers better than could be known by a scientific bureau so far removed from the field of operations as Washington City; and

Whereas the State of Washington is entitled to consideration in this matter in view of the fact that its payments for public lands are equal to those of any other State in the Union: Therefore be it

Resolved by the house of representatives of the State of Washington (the senate concurring therein), That our Senators be instructed and our Representatives in Congress be requested to use all honorable means to defeat the passage of said bill; and be it further



*Resolved*, That a certified copy be transmitted by the secretary of state to each of our Senators and Representatives in Congress.  
Passed the house February 12, 1895.

ELLIS MORRISON,  
Speaker of the House.

Passed the senate February 13, 1895.

F. H. LUCE,  
President of the Senate.

(Indorsed:) House memorial No. 13, memorializing Congress to reject House bill No. 8504, "A bill to improve the public surveys, and for other purposes." Filed in the office of the secretary of state February 14, 1895.

J. H. PRICE, Secretary of State.

UNITED STATES OF AMERICA, STATE OF WASHINGTON, Office of the Secretary of State:

I, J. H. Price, secretary of state of the State of Washington, do hereby certify that I have carefully compared the annexed copy of the house memorial No. 13 with the original now on file in this office, and find the same to be a true and perfect copy thereof.

In testimony whereof I have hereunto set my hand and affixed the seal of the State of Washington.

Done at Olympia, this 15th day of February, in the year of our Lord 1895.

[SEAL.]

J. H. PRICE, Secretary of State.

Mr. CAMERON presented a petition of the Pennsylvania State Dairymen's Association, of Meadville, Pa., praying for the publication and distribution of the results of the World's Fair dairy test; which was referred to the Committee on Printing.

He also presented petitions of 74 citizens of Oberlin, of 41 citizens of Oneida, of 60 citizens of Tippecanoe, of 51 citizens of Berwyn, of 80 citizens of Shamokin, and of 190 citizens of Pittsburg, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States, prohibiting the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

He also presented petitions of 66 citizens of Kempton, of 41 citizens of Oneida, of 50 citizens of Berwyn, of 40 citizens of Ryde, of 85 citizens of Shamokin, of 150 citizens of Coal Valley, of 190 citizens of Pittsburg, of sundry citizens of Philadelphia, and of 74 citizens of Oberlin, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

Mr. MITCHELL of Oregon presented the petition of Mrs. Louisa Boddy, praying that she be recompensed for the loss of her husband and two sons, who were killed by the Modoc Indians November 20, 1872; which was referred to the Committee on Indian Depredations.

Mr. WHITE presented a joint resolution of the legislature of the State of California; which was referred to the Select Committee on Forest Reservations and ordered to be printed in the RECORD, as follows:

[Senate joint resolution No. 1. Introduced by Mr. Matthews, January 18, 1895. Referred to the Committee on Forestry, etc.]

[Joint resolution relating to the passage of H. Res. 119, Fifty-third Congress, in the Senate of the United States.]

Whereas there is now before a Select Committee on Forest Reservations in the Senate of the United States a bill to protect public forest reservations and secure favorable conditions of water flow, which if passed will add greatly to the wealth of the nation, and particularly to the State of California: Therefore,

*Be it resolved by the senate of the State of California (the assembly thereof concurring)*, That we instruct our Senators and urgently request our Representatives in Congress from this State that they use every means in their power to secure the passage of H. Res. 119, pertaining to "the protection of public forest reservations."

*Resolved*, That the governor be requested to transmit to each of our Senators and Representatives in Congress from this State a copy of these resolutions.

Mr. WHITE presented a memorial of the Chamber of Commerce of San Francisco, Cal., remonstrating against the passage of the so-called Fithian shipping bill; which was referred to the Committee on Commerce.

He also presented a memorial of the Chamber of Commerce of Los Angeles, Cal., remonstrating against any reduction being made in the forest reservations in the United States, especially those in the State of California; which was referred to the Select Committee on Forest Reservations.

#### THE RAMIE INDUSTRY.

Mr. WALSH. I present, by request, a statement containing certain valuable information concerning the ramie industry. I move that it be printed as a document.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. McLAURIN, from the Committee on Claims, to whom was referred the bill (S. 2694) for the relief of the Baptist Church at Corinth, Alcorn County, Miss., reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2695) for the relief of the Methodist Church at Brandon, Rankin County, Miss., reported it with an amendment, and submitted a report thereon.

Mr. PASCO. I wish to state with reference to the two bills

just reported that the action of the Committee on Claims was not unanimous. They are the reports of a majority of the committee.

The VICE-PRESIDENT. The bills will be placed on the Calendar.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (H. R. 1075) for the relief of Merrill Denham, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom was recommended the bill (H. R. 5645) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county, reported it with amendments.

Mr. PALMER. I ask the unanimous consent of the Senate for the immediate consideration of the bill just reported by the Senator from Missouri.

Mr. CALL. I hope the Senator from Illinois will let the morning business be concluded. I shall have to object until the morning business is over and the appropriation bill taken up.

The VICE-PRESIDENT. There is objection. The bill will be placed on the Calendar.

Mr. DAVIS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5234) for the relief of James Stewart, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 5260) granting an increase of pension to Thomas Corigan, reported it without amendment, and submitted a report thereon.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8680) granting the Mount Vernon Barracks Military Reservation to the State of Alabama for public uses, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the same committee, to whom was referred an amendment submitted by Mr. QUAY on the 13th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying papers, referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, reported an amendment intended to be proposed to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred an amendment submitted by Mr. WOLCOTT on the 19th instant, intended to be proposed to the Indian appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations; which was agreed to.

Mr. DANIEL, from the Committee on Foreign Relations, to whom was referred an amendment submitted by himself on the 20th instant intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. KYLE, from the Select Committee on Forest Reservations, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also, from the Committee on Education and Labor, to whom was referred an amendment submitted by Mr. BATE on the 20th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

#### DEATH OF HON. ISAAC P. GRAY.

Mr. TURPIE, from the Committee on Foreign Relations, reported the following concurrent resolutions; which were considered by unanimous consent, and unanimously agreed to:

*Resolved by the Senate (the House concurring)*, That the Congress of the United States has learned with high gratification of the special honors paid to the memory of the deceased by the Government of Mexico upon the occasion of the death of the Hon. Isaac P. Gray, late minister of the United States near the Republic of Mexico.

*Resolved*, That in token of the appreciation of the same, the Secretary of State be requested to forward to the Mexican Government an enrolled copy of this resolution.

#### MEXICAN FREE ZONE.

Mr. HARRIS. I am directed by the Committee on Finance, to whom was referred the joint resolution (H. Res. 277) in reference to the Free Zone along the northern frontier of Mexico and adjacent to the United States, to report it without amendment.

Mr. COKE. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution; which was read, as follows:

*Resolved, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to suspend the operation of section 3005 of the Revised Statutes, in so far as the same permits goods, wares, and merchandise to be transported in bond through the United States into the Free Zone of Mexico, so long as the Mexican Free Zone law exists, at any point between the western boundary of the city of Laredo, in the State of Texas, and the Pacific Ocean: Provided, That nothing herein contained shall be construed so as to prevent the transportation of merchandise in bond to be delivered at points in the territory of Mexico beyond the limits of said Free Zone.*

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ADOPTION OF CHILDREN.

Mr. GALLINGER. Yesterday I asked unanimous consent for the consideration of the bill (H. R. 9711) to authorize the adoption of children in the District of Columbia. Objection was made to it, as well as to two other bills, at that time. The other bills have since been passed, and I now ask for the consideration of House bill 9711.

Mr. FRYE. Is the morning business finished?

The VICE-PRESIDENT. The morning business has not been concluded.

Mr. GALLINGER. This will take but a moment.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. HARRIS. I hope the routine morning business will be concluded.

The VICE-PRESIDENT. Objection is interposed to the request of the Senator from New Hampshire.

#### BILLS INTRODUCED.

Mr. PETTIGREW introduced a bill (S. 2786) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska," and for other purposes; which was read twice by its title and referred to the Committee on Foreign Relations.

Mr. TURPIE introduced a bill (S. 2787) granting an increase of pension to Capt. Samuel W. Scott; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 2788) granting a pension to Elvira Bachelder; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WHITE introduced a bill (S. 2789) approving an act entitled "An act authorizing the rebuilding of the Territorial capitol at Santa Fe, N. Mex., which was destroyed by fire May 12, 1892;" which was read twice by its title, and, with the accompanying paper, referred to the Committee on Territories.

Mr. FRYE introduced a bill (S. 2790) to amend section 1 of chapter 398 of the law of 1882, entitled "An act to provide for deductions from gross tonnage of vessels of the United States;" which was read twice by its title, and referred to the Committee on Commerce.

Mr. WHITE introduced a bill (S. 2791) to regulate final proofs in placer-mining entries; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. KYLE introduced a bill (S. 2792) granting a pension to Charles Leeper; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2793) granting a pension to James G. Laughlin; which was read twice by its title, and referred to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PERKINS submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. FRYE submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SQUIRE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PASCO submitted an amendment intended to be proposed by him to the sundry civil appropriation bill, the amendment providing for a survey of the proposed Nicaragua Canal route and ascertaining the feasibility and cost of the construction of the canal; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by

him to the Indian appropriation bill; which was ordered to be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed.

#### AFFAIRS IN THE DISTRICT OF COLUMBIA.

Mr. CALL. By request of the labor organizations of the District of Columbia, I submit a resolution which I ask may be read. The resolution was read, as follows:

*Resolved, That the Commissioners of the District of Columbia be, and are hereby, directed to furnish as soon as practicable for the information of the Senate a statement showing—*

First. The names of all streets, avenues, alleys, and reservations in the limits of the cities of Washington and Georgetown partially or wholly unpaved, and the total length thereof so unpaved; also the lengths thereof unsewered; also the lengths thereof without water mains; together with the estimated cost of fully improving, paving, sewerage, and laying water mains in the same.

Second. An estimate of the amount required to carry out the provisions of an act passed March 2, 1893, to provide a permanent system of highways in that part of the District of Columbia lying outside of the cities of Washington and Georgetown; and the amount and cost of condemning lands and buildings for said highways and reservations; also an itemized estimate of the cost of building bridges, culverts, grading and fully improving said highways, streets, avenues, alleys, and reservations as contemplated by said act of March 2, 1893; also an estimate of the cost of improvements in such other unpaved streets and avenues as lie outside of the cities of Washington and Georgetown; also the assessed value of private and Government property lying outside of the cities of Washington and Georgetown and in the District of Columbia.

Third. A statement showing the amount of taxes collected in the cities of Washington and Georgetown and the county, respectively, by years from 1878 to 1893, both inclusive; and in like manner the amounts expended in each of said sections from the District revenues during the same period.

Fourth. The amount of surplus revenues of the District of Columbia covered into the Treasury of the United States from 1878 to 1894, inclusive, and to what fund credited; also the amount of surplus now in the Treasury to the credit of the District of Columbia.

Mr. CALL. If there be no objection, I would ask for the present consideration of the resolution.

Mr. HARRIS. Let the resolution be printed and go over. I do not think there will be any objection to it probably, but I should like to see it in print.

The VICE-PRESIDENT. The resolution will be printed and go over under the rule.

#### HOUSE BILL REFERRED.

The bill (H. R. 8665) making appropriations for the naval service for the fiscal year ending June 30, 1896, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 20th instant approved and signed the following acts:

An act (S. 1667) to provide for coinage at the branch mint at Denver, Colo.; and

An act (S. 2699) for the encouragement of education in the State of Mississippi.

#### PROPOSED EVENING SESSIONS.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Florida [Mr. CALL] coming over from a previous day.

The resolution submitted by Mr. CALL on the 19th instant was read, as follows:

*Resolved, That the Senate meet at the hour of 11 in the morning and remain in session until 5 p. m., then take a recess until the hour of 8 p. m.*

Mr. CALL. I ask that the resolution may lie over, and I ask that the Indian appropriation bill be now taken up and proceeded with.

Mr. HARRIS. I hope the Senator from Florida will allow the resolution I introduced yesterday to be laid before the Senate.

The VICE-PRESIDENT. The morning business is not yet concluded. The resolution will, without objection, lie over.

Mr. HARRIS. There is another resolution coming over as a part of the morning business.

#### MUNICIPAL IMPROVEMENTS IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution of the Senator from Tennessee [Mr. HARRIS] coming over from a previous day.

The Secretary read the resolution submitted yesterday by Mr. HARRIS, as follows:

*Resolved, That a night session be held by the Senate, beginning at 8 o'clock on Thursday evening, the 21st instant, to consider Senate bill No. 2068, being "A bill to provide for continuing the system of trunk sewers in the District of Columbia, to provide for sewerage disposal, to lay out highways, and other purposes."*

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. ALLEN. Mr. President, it strikes me that the resolution ought not to be adopted by the Senate at this time. The question that it is proposed we shall consider at the night session provided for by the resolution is the question of issuing seven and a half



million dollars of bonds for the improvement of that portion of the District of Columbia lying outside of the city of Washington.

This question was before the Senate only a few days ago, and it was decided adversely to the issuance of the bonds. Why there should be a persistent effort, in view of the present financial condition of the country, to issue \$7,500,000 of interest-bearing obligations for this Government to pay I do not understand.

Mr. President, this country is undergoing the throes of an industrial depression the equal of which we have never known. There is universal distress throughout the length and breadth of the land. There is a universal cry on the part of the people for relief from our present financial condition; and yet, within the last four weeks, there have been introduced in this Chamber alone I think I can say in round numbers fully one dozen bills, all calling for the issuance of bonds. The President has told us that we should authorize the Secretary of the Treasury to issue bonds; the Secretary of the Treasury himself has called upon Congress to authorize him to issue bonds.

I see no reason why the District of Columbia should be made a pet in this instance; I see no reason why the taxpayers whose property is to be benefited by these improvements should not themselves pay for the improvements. A spirit has grown up here—I do not know how long it has existed, but it seems to be almost universal—that it is the duty of this Government to improve the city of Washington, and improve the District of Columbia outside of this city. I know of no more reason why the taxpayers of the United States should improve the city of Washington than that they should improve the city of Denver, Colo., in which my distinguished friend [Mr. WOLCOTT] resides. I know of no more reason why money should be taken from the Treasury of the United States for the pavement of streets and the laying of sewer and water mains in the city of Washington and in the District of Columbia than it should be taken for the same purpose to construct like improvements in the town in which I reside.

Mr. HILL. Will the Senator allow me to interrupt him a moment?

Mr. ALLEN. Certainly.

Mr. HILL. Is there not this difference, that the Government owns the District of Columbia and owns the streets, but does not own his town?

Mr. ALLEN. Mr. President, that is nominally true; but the Government does own my town in the sense that it taxes the people of my town. The farmer in Nebraska, the artisan in my little village, pay the taxes which are expended to improve this city; they are citizens of the United States, bearing their full share of the burdens and obligations of the Government, and if this city is to be the recipient of a gratuity at the hands of the Government for the improvement of territory lying outside the city limits, why should it not go beyond the District of Columbia and be extended into other sections of the country?

Mr. HILL. Will the Senator allow me again?

Mr. ALLEN. Certainly.

Mr. HILL. I simply suggest to the Senator that the very point to which he is calling the attention of the Senate now is what is proposed to be discussed this evening, if he will give the Senate an opportunity to do it.

Mr. GEORGE. I desire to suggest to the Senator from New York, if the Senator from Nebraska will allow me, that he labors under a very serious error when he says the Government of the United States owns the District of Columbia. The Government owns but a very small portion of the District.

Mr. HARRIS. If the Senator will allow me, upon the very point he has suggested, I will say that within the limits of the city of Washington the Government owns more than half, and outside of the city limits, in the county, the United States owns much very valuable property. In the county the assessed value of such Government property outside of the two cities is as follows: Agricultural lands, \$5,296,889; nonagricultural lands, \$4,503,695, aggregating \$9,800,584 outside of the city limits and in the county.

Mr. ALLEN. I have heard that argument used here repeatedly. Mr. HARRIS. It is not merely an argument, but it is a fact.

Mr. ALLEN. It is a stock argument upon the part of the residents of the city of Washington; it is a stock argument upon the part of those Senators and Members of the House of Representatives who believe in expending large sums of money in this city. There is not a city in the United States outside of Washington that would not be glad to pay the entire tax of the municipality if the seat of Government were located there. If the United States will place its capital at the city of Omaha, in my State, which is a city fully as large as this, a city of great commercial importance and great financial resources, and within 100 miles of the geographical center of the United States, I will guarantee that the people of that city and the people of the State of Nebraska will be willing to pay every particle of taxation that may be levied upon the property of that city and not ask the Government for one nickel.

No, Mr. President, with all due respect for the people of the city of Washington and the District of Columbia, there have gathered within the precincts of this capital city a certain class of people who believe it to be perfectly legitimate to take every hard-earned dollar of the taxpayers of the United States out of the Treasury they can get for the purpose of building up their own property, beautifying this city, and enhancing the value of their holdings here. I have no objection to appropriating every dollar that may be necessary to legitimately improve this city; I do not propose to be parsimonious in this respect; but let us take the money from the Treasury as it may be needed, and not issue interest-bearing obligations to rest on and burden the people of this country for several years yet to come.

I was speaking, when interrupted by the distinguished Senator from New York [Mr. HILL], of the fact that we seem to have become bond crazy. Everything looks toward the issuance of bonds. The President wants bonds, the Secretary of the Treasury wants bonds, Senators upon both sides of this Chamber want bonds. Perhaps a half dozen propositions have come from the Republican side within the last four weeks looking to giving the Secretary of the Treasury unlimited authority to issue bonds. An equal number has come from this side of the Chamber. I am pleased, however, to note that not one of those propositions has emanated from a Populist in this Chamber.

The time has come when we must retrace our steps financially; the time has come when we must cease the issuance of bonds. We have in the Treasury to-day millions of dollars' worth of silver bullion, which the Secretary of the Treasury has ample authority to coin into money and pay out for the current expenses of the Government. He does not deny that this authority is conferred upon him in express language by existing statutes. There is no pretense among Senators upon either side of the Chamber that the Secretary of the Treasury does not possess ample authority to coin the seigniorage, amounting to \$55,000,000, and yet the Secretary of the Treasury doggedly and persistently and without reason refuses to do so. I shall not by my vote or by my voice in this Chamber confer upon him authority to issue the interest-bearing obligations of this Government.

Sir, to-day every bond that has been issued by the Secretary of the Treasury is absolutely null and void. There is not a provision upon the statute books any more conferring authority upon him to issue the bonds of this Government than there is conferring upon me like authority. The act of July 14, 1875, is repealed; it is a dead letter; and it is a mere pretense and usurpation of authority on his part to issue obligations under that act. Every bond, if its legality were contested in a court, would be held to be void.

Mr. President, what have we seen transpiring during this session of Congress? We came here about three months ago realizing that this country had been undergoing a financial panic, the equal of which our people had never seen before. There was a universal cry throughout the length and breadth of the land for relief. It was within our power to relieve them promptly by the introduction of some measure looking to the enlargement of the volume of money. Nothing, however, was done until, I think, the 23d of last month, when a bill was introduced by the Senator from Arkansas [Mr. JONES] looking again to authority to issue bonds upon the part of the Secretary of the Treasury.

That bill went to the Committee on Finance, where many a good measure sleeps to-day. It was held there until the 12th day of this month. Nothing was done upon it so far as the Senate has been informed, and then suddenly it comes before the Senate with a proposition for the free coinage of silver with a great many limitations. A great spectacular performance was advertised to take place in this Chamber the day before yesterday. The Senator from Arkansas forced a vote upon taking up his measure.

Mr. President, it must have been understood by Senators who have that bill in charge that it was reported so late that no action of Congress could be taken on it. There was not the slightest hope or possibility of having it pass this branch of Congress and the other and being approved by the President. The time was too late; the appropriation bills were pressing themselves upon us; it was impossible to get the measure before Congress and have it properly considered; and yet it was forced before our attention with all the display and pretense of a purpose of having it become a law.

Certain Senators, I suppose, who have not always hewn close to the line upon the subject of silver, who have been the advocates of giving power to the Secretary of the Treasury to issue bonds, suddenly conceived it necessary to place themselves right before their constituents, and before the closing hours of this Congress to show to their constituency that, after all, they are the true friends of bimetallicism.

Mr. President, night before last at 9 o'clock in this Chamber the war was being waged with vigor. There was roll call after roll call; there was seemingly a determination to force the bill to a vote. All of a sudden the Senator from Colorado [Mr. WOLCOTT]

introduced a harmless kind of a resolution, and the war was at an end. The display had been made, the country had been told that these Senators were the champions of bimetalism; that, after all, they were upholding the cause of the people in this Chamber and voting for the free and unlimited coinage of silver when it was apparent to them, and apparent to every man in this Chamber, that there was no possibility of passing that bill and having it become a law. It was merely a grand-stand play, a mere spectacular performance for the benefit of the constituents of some of these Senators.

Mr. President, in this condition of our public affairs, with the people of this country suffering as they have never suffered before, with 6,000,000 of men, women, and children in this country who sleep upon their couches nightly without sufficient food to satisfy their hunger, with starvation staring many of our people in the face, with universal industrial paralysis, with the universal cry of distress, here is an attempt to force an indebtedness upon the people in the form of bonds to the amount of seven and a half million dollars more.

Is it necessary, Mr. President, that this city should receive the benefit of so large a donation? Is it possible that bonds are to be issued because lying beyond the boundaries of this city some gentlemen own property which needs improvement, or is it possible that this city in a time of universal distress can not care for itself for one year more until Congress can do something for the relief of the people at large?

Mr. President, I am glad to announce that daylight is appearing, and that Democrats and Republicans alike are falling away from their party. I hold in my hand an editorial published in the World-Herald, in my own State, a paper of large circulation, announcing the accession to the Populist ranks of two distinguished Senators in this Chamber. I will read it. It is from the World-Herald of February 18, 1895:

#### THE EASTERN IDEA.

The silver Democrats have been called Populists in Nebraska until they have become accustomed to it, and it now appears that Senators TELLER and VEST are also called Populists. The Hartford (Conn.) Times says of them: "Senator TELLER of Colorado is a leader of the Populist party. He declared yesterday on the floor of the Senate that no financial measure should pass the Senate except it shall contain a free silver coinage provision, and another Populist from Missouri, declared that the entire exhaustion of the \$100,000,000 reserve of gold could not come too quickly to please him. These declarations are supported by the entire Populist party, which holds the balance of power in the Senate, and shows something of the low degree in financial policy to which the Populist party has descended."

Our Eastern brethren will soon have to drop party lines and form "a more perfect union" between the Republicans and Democrats in order to oppose the West and South.

I am glad to know, Mr. President, that the Populist party is making progress in this Chamber. I feel confident that the rank and file of the Populist party, when they hear these glad tidings, will welcome to our ranks the distinguished and profound Senator from Colorado [Mr. TELLER] and the equally distinguished and brilliant Senator from Missouri [Mr. VEST]. We need the benefit of the advice and the great ability of these gentlemen, and if we can hold Congress back for one year more from this mad craze of issuing bonds, I feel confident that the heaven is working, and that before one year elapses there will be a sufficient accession to our party from both the Republican and the Democratic sides of this Chamber to prevent the issue of more Government bonds.

Mr. President, I am opposed to these bonds sincerely and earnestly. If I thought the people of the District of Columbia needed these improvements more than the people of this country need relief I would not interpose any objection to this legislation, but I am satisfied that the first duty of Congress is to the people of the United States at large. Let us bring to the people of this nation, from the East to the West and from the North to the South, that full measure of relief to which they are entitled, and which they so much need, before we abandon their cause and enter upon legislation which is designed for the benefit of a few thousand people alone, and that, too, in a city which has been the recipient of the benefactions of this Government for over a hundred years, where millions of dollars have been expended out of the public Treasury for the sole purpose of beautifying this city as a national capital. Sir, to-day we are not only beautifying it, but in consequence of the expenditures we have made here we are building up the private fortunes of hundreds, and even thousands of men. Land syndicates and speculators go out upon the outskirts of the city and buy cheap land for a small sum of money, and then they come to Congress and ask for public money, or the issuance of bonds, for the improvement of those lands, which results in making enormous fortunes for the individuals who have the holdings.

I can not and will not give my voice or my vote for a measure of that kind. There is no necessity for this expenditure of money. If there is any necessity for improving the sewerage of this city, if there is a pressing necessity for anything of that kind, we can make a proper appropriation for it, but there is no necessity of issuing the interest-bearing obligations of this Government for a

few speculators to invest in. I am well persuaded that one of the purposes which prompts the introduction of this measure is to afford a few men who have idle money a safe and secure investment at Government expense.

I can not and will not give my consent to the setting apart of an hour, in violation of our rules, for the consideration of this measure. We have had measures of vastly greater importance than this brought before this Congress from time to time and debated, and yet there never has been a request for a night session to consider such measures. Here is an exception. The people of the District of Columbia say: "We want this improvement, we want the Government to issue its bonds to the amount of seven and a half million dollars; we can not get that measure, we can not get it passed by Congress and become a law at these closing hours of the session unless we can get a special session set apart for that purpose," and the Senator from Tennessee, who is the chairman of the District Committee, asks the Senate to make this exception in its course of business, and to set apart a special hour, a special time, when the interests of 70,000,000 of our people are to be entirely ignored and set aside, and the interests of a few land speculators are to be taken up and considered.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. GEORGE. I hope the vote will not be taken on that resolution this morning. I shall feel compelled to make some remarks upon it before the vote is taken, and I do not wish to consume the morning hour in doing so. If the Senator from Tennessee will allow the resolution to pass over until to-morrow, retaining its place, I shall be glad; if not, I shall have to proceed now.

The VICE-PRESIDENT. The Chair will state to the Senator from Mississippi that it is impossible to hear his remarks.

Mr. WOLCOTT. We see the Senator from Mississippi is standing up, but we can not hear a single word he says.

Mr. GEORGE. I was not saying much of anything.

Mr. WOLCOTT. That may be true, but we should like to know what the Senator does say.

Mr. GEORGE. I have not been saying much of anything, except that I was opposed to the passage of the resolution, and that I desire to say something on this subject before it is acted upon; but I do not desire to say it now. That is about all. If the Senator from Tennessee will not allow the resolution to go over, I will make a motion to lay it on the table, and have a vote on that. If it is voted down, we can then discuss the question.

Mr. HARRIS. I want no roll call upon dilatory motions. It is now 12 o'clock, or within a minute of it. I will give notice that at five and a half o'clock this evening I shall move that the Senate take a recess until 8 o'clock, and I give further notice that, when the Senate reassembles at 8 o'clock to-night, if it shall so assemble, if I can get the floor, I shall move that the Senate proceed to the consideration of the bill indicated in the resolution.

Mr. GEORGE. And I give notice that I shall move to amend the motion of the Senator by substituting the bankruptcy bill as the bill to be proceeded with.

Mr. HARRIS. Which motion will not be in order.

The VICE-PRESIDENT. The hour of 12 o'clock having arrived it becomes the duty of the Chair to lay before the Senate the unfinished business.

Mr. COCKRELL. I insist upon the regular order.

#### DELAWARE RIVER BRIDGE.

Mr. QUAY. I desire, in pursuance of the notice which I gave yesterday evening, the hour of 12 o'clock having arrived, to move that the Senate proceed to the consideration of the motion of the Senator from New Jersey [Mr. McPHERSON] to reconsider the vote by which the Senate passed the joint resolution (S. R. 133) directing the Secretary of War to make an examination of the bridge to be constructed over the Delaware River between the States of New Jersey and Pennsylvania.

The VICE-PRESIDENT. The hour of 12 o'clock having arrived the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian Department for the fiscal year ending June 30, 1896, and for other purposes.

Mr. QUAY. I ask the Senator from Florida in charge of the appropriation bill to agree that it may be informally laid aside, without prejudice, in order that the Senate may dispose of the motion to reconsider the vote by which the Senate passed the joint resolution (S. R. 133) directing the Secretary of War to make an examination of the bridge to be constructed over the Delaware River, between the States of New Jersey and Pennsylvania.

Unless the Senator from New Jersey [Mr. McPHERSON] has some reasons to give for persisting in his motion, with the consent of the Senator from Florida, I will merely ask the Senate to vote upon the motion to reconsider the vote by which the joint resolution was passed.

Mr. McPHERSON rose.



Mr. QUAY. I shall be pleased to hear what are the reasons of the Senator from New Jersey for making the motion to reconsider.

Mr. McPHERSON. I wish to say that the subject is somewhat important, and, in my opinion, will provoke considerable discussion before a vote can be had upon my motion.

Mr. FRYE. I will state to the Senator from Florida that it will undoubtedly take an hour or two to dispose of the proposition.

Mr. CALL. I must insist upon proceeding with the appropriation bill under the instruction of the committee.

Mr. QUAY. I thought when this matter was mentioned in the Senate yesterday afternoon that there was, in a manner, unanimous consent that the question should be disposed of at 12 o'clock to-day. I do not know what the RECORD shows.

Mr. CALL. I was not advised of any such consent.

Mr. QUAY. Very well; I shall not interpose. However, I will ask the Senate to dispose of the question after the Indian appropriation bill is passed, and I hope it will be done. The Senator from New Jersey has tied up the joint resolution for a week by a motion to reconsider, and there are only ten legislative days left of the present Congress. The joint resolution must go to the other House or fail.

#### INCOME RETURNS FOR 1894.

Mr. VEST. Notwithstanding the statement of the Senator from Florida, I feel it my duty to ask the Senate to consider the motion to reconsider the action of the Senate in concurring in the conference report upon the amendments to the income-tax law, a motion submitted by the Senator from Maryland [Mr. GORMAN] yesterday. It is a matter of such general importance and the time is so short in which it can be determined that I must ask that it be disposed of now.

Mr. GORMAN. It is a privileged motion.

Mr. CALL. If it be a privileged motion I have no right to object to it. I will give way if it be a privileged motion.

The VICE-PRESIDENT. The Senator from Missouri asks unanimous consent that the Senate proceed to the consideration of the motion to reconsider the vote by which the Senate concurred in the report of the committee of conference on the joint resolution (H. Res. 273) extending the time for making returns of income for the year 1894. Is there objection?

The Chair hears none; and the question is on agreeing to the motion to reconsider.

Mr. GORMAN. Mr. President, when the conference report was submitted by the distinguished Senator from Missouri [Mr. VEST], with an explanation which he made of the alterations that had been made in the joint resolution as it was passed by both Houses of Congress, it was not at the moment clearly understood by myself. I found the next morning, which was yesterday, on reading the conference report which was presented to the other House that the conferees in the consideration of the measure had inserted a provision exempting corporations from furnishing a list of the salaries of their employees to the collector of internal revenue in the district in which the corporation is located.

The act required all corporations to report the amount of salaries paid up to \$4,000 or less to each person employed and the amount paid in salaries of more than \$4,000. They were to make that return to the collector without being sought for. It was a provision, as a matter of course, intended to facilitate the collection of the income tax, one that looked to economy in ascertaining who were liable to the tax. It was a wise provision in my judgment. I have found since, however, by inquiry and from conversation with the distinguished Senator from Missouri, that the Commissioner of Internal Revenue recommended this change, and the conferees on the part of the other House insisted upon exempting corporations from making this return.

I think myself that it was an unwise change in the law, that the only possible way by which you can ascertain properly and speedily and without expense to the Government the immense amount of money that is disbursed by corporations to their employees is through that provision as it stood. When I glanced over the report and found that the conferees had inserted this provision, while it had not been considered, I understand, by either House of Congress in the discussion of the joint resolution, it struck me as extraordinary. As I have said, my belief is that the provision of the law as it stood, requiring corporations to make this return as to all the amounts they pay to their employees beyond \$4,000 per annum, was a wise one.

The fifth requirement of the original act, that corporations should return all salaries paid of all sorts and descriptions and of all amounts, was an unwise one. I have had applications made to me, as I take it for granted every other Senator has, by the representatives of corporations in my part of the country, begging that this change be made and that they be exempted from making this return. It is very natural for them to do so, but so far as I am concerned, so long as the income tax stands—and it is dis-

tasteful to me—I believe that that was a wise provision and the only one which would enable the Government to get a full return.

Mr. VEST. Will the Senator from Maryland permit me? I do not want to discuss the matter.

Mr. GORMAN. Certainly.

Mr. VEST. I call the Senator's attention to the change that was made in the tariff bill as it came from the House of Representatives. When the bill came to us originally from the other House it contained a provision that every corporation should pay the income tax upon all salaries of their employees over \$4,000 and deduct the tax from the salaries. The Senate changed that mode of procedure entirely and required the employee to make his own individual return and pay his own taxes; and the corporation has nothing whatever to do with it as the law stands now.

The complaint to which the Senator from Maryland alludes came from the employees, the officials, who could not see, and I can appreciate that very well, why as they made the return and as they paid the tax they should be put upon a different footing from other individuals throughout the country. It is an invidious distinction upon citizens who happen to be the salaried employees of corporations. That is the whole question as presented by the conferees of the House, and the conferees of the Senate were unable to answer that objection.

Mr. GORMAN. The whole thing is invidious. There is nothing fair about it from beginning to end.

Mr. GRAY. That is true, too.

Mr. GORMAN. The distinguished Senator from Missouri, and I give him full credit for it, has tried to modify it the best he could; and a comparison of the provision as it came from the other House and as it passed the Senate results so enormously in favor of the work the Senator from Missouri has done that I have no complaint whatever to make of him. I am not now complaining of him or the conferees on the part of the Senate, for I understand this modification was forced upon the Senate conferees. It was forced upon the Senate conferees by a body so radical that nothing was too extreme for them to do against corporations. It was forced upon this body by gentlemen who have held up the Senate as the protectors of corporations. I am not complaining of my distinguished friend from Missouri. I think he intended to be absolutely fair about it with his views, which are more extreme than mine. Therefore I beg him to understand that I am not criticizing him.

But in the very last days of the session the conferees of another body in making a moderate change in the law, so as to extend the time for making returns from the 1st of March to the 15th day of April, inserted a provision which is a great boon to the corporations of the country. The Senator from Missouri says it is an invidious distinction. That has been done with the corporations in every line of the law. What is it, Mr. President? That the corporation shall take 2 per cent from the amount due to the Senator from Missouri or myself and hold it and pay it over to the Government. Congress required another thing of corporations in the original law, drafted by my friend from Missouri.

In order to enable the Department to ascertain who is getting \$4,000 a year from corporations, the law required them to make a return to that effect. It was a simple and easy matter. To relieve them from it and to require the deputy collectors to go all over the country and ascertain who are employees of corporations is an immense work, and will require an army of men. I understand the Commissioner of Internal Revenue prefers now to make this change, and to have his deputies ascertain facts that he could get from the corporations in fifteen minutes.

Mr. President, the truth of it is that this act, being retroactive, taxing the incomes of last year, the year 1894, has found individuals and corporations in a position where they do not care to make the returns officially. Individuals are required to make returns who have not kept books of account, because they did not expect to make income returns.

Corporations have made expenditures and have employed persons as to which they do not want to make an official return. I say now, sir, that the matter comes back here from another body which insisted that we wanted to make the law so as to let the corporations escape, and the very first act which is brought before us is a measure to modify the law as it relates to corporations. The proposition, I am aware, comes at a time and under conditions when we probably can not resist it, because everybody in this body and elsewhere is pressing for an extension of time. But this provision was insisted upon by another body and by the Commissioner of Internal Revenue, and I simply desire to enter my protest against the change.

Mr. CHANDLER. Mr. President—

Mr. VEST. I move to lay on the table the motion to reconsider.

Mr. CHANDLER. I think I was recognized before the motion was made.

The VICE-PRESIDENT. The Chair will hear the Senator from New Hampshire.

Mr. CHANDLER. Mr. President, it seems that the provision to which the Senator from Maryland has addressed his remarks was no part of the Senate amendments to the bill. It is a new condition concerning a new subject-matter entirely, and was introduced by the committee of conference. This provision, which is a change in the income-tax law, requiring corporations to report the names and salaries of their employees for the year 1894, is changed now by the conference report, although nothing in the original amendments of the Senate had any relation to that subject.

This, as I said, is a very adroit piece of legislative work. It shows the danger that lurks in conference committees, and it shows that the Senate should scrutinize with care all conference reports.

Mr. HALE. Does the Senator from New Hampshire mean to say that the conference committee have introduced in their report a feature that was not considered by either body?

Mr. CHANDLER. I say so in this case.

Mr. HALE. That is very remarkable, if it is true.

Mr. VEST. It is not true.

Mr. ALLISON. I beg to assure the Senator from New Hampshire that he is wholly mistaken as to the fact.

Mr. CHANDLER. Perhaps the Senator from Iowa will be able to demonstrate that fact.

Mr. ALLISON. I will try to do so if the Senator from New Hampshire wants me to.

Mr. CHANDLER. The Senator from Iowa will please wait until I get through and then try.

The amendments of the Senate were threefold, and they will appear in the report if it is read. There was not in the amendments of the Senate a single word on the question whether corporations should return the names and salaries of their employees. The House conferees insisted as a condition of accepting the Senate amendments that a provision should be put in exempting corporations from making returns of the names and salaries of their employees. I say that had not the slightest reference to any one of the Senate amendments. It was a new matter entirely.

I understand very well why the amendment has been run into the conference report. It is very inconvenient for the great corporations of this country to give the names and salaries of all their employees. The law is inquisitorial. It was fought here by this side of the Chamber because it was an inquisitorial law, but it suited the majority to pass it, to make it a law and to fasten this inquisitorial enactment upon the people of the country; and it should rest upon the corporations of the country just as much as it rests upon the individuals of the country. Now, here is an attempt to change the law in this very important particular simply for the reason that the great corporations of this country are unwilling to give to the collectors of internal revenue, and possibly to the public, the names and salaries of certain of their employees.

Mr. President, the united railroads of this country, with \$11,000,000,000 of capital, are standing at the doors of the Senate and the House of Representatives, seeking to pass the pooling bill which the Senator from South Carolina [Mr. BUTLER] advocated with so much ability the other day. This eleven billion dollar partnership or aggregation of railroads has hundreds of employees to whom it pays large salaries, and did pay those salaries in 1894. Some of them, perhaps many of them, are in this city to-day seeking to influence and to control legislation. That is one class of employees that it is very inconvenient for the great railroads and great corporations of this country to furnish a list of to the revenue officers. It would be very annoying, very inconvenient, very inquisitorial, no doubt, that those returns should be made; and I congratulate those gentlemen and the railroad corporations and the other corporations which employ them upon the skill, ingenuity, and ability which they have shown in influencing conference committees of Congress.

Mr. HALE. I should like to have some member of the conference committee make it clear to the Senate that the conference has not violated what is a rule of the Senate, never that I know of varied from, that no new matter not considered by either House shall be introduced into a conference report. Unless that rule is steadily maintained all legislation is in the hands of conference committees. The Senate has always taken ground clearly and squarely upon this question, and its conferees have always taken that position. In the Appropriations Committee, where in the last days everything depends upon the legislative integrity of the conferees of this body and of the other, it has always been maintained, as a rule, that no new matter shall be introduced.

I hope and believe that the conferees in this case can explain to the Senate that it has not been done now.

Mr. VEST. Mr. President, compared with the action of the Senate heretofore as to the rule which has been established with respect to conference committees, we have not gone by any means as far as has always been done at every session since I have served

here in regard to conference reports. I remember very distinctly when a whole tariff bill was brought in after some of the provisions in it had been voted down by both Houses of Congress, and that became the law in 1883.

Now, in this case, while we were considering the question of returns made by corporations, which we found in the second subdivision of the resolution, this amendment was suggested by the House conferees with the approbation of the Commissioner of Internal Revenue. It is a matter germane to the subject which we were considering, and was not outside of the province of the conference committee at all.

Mr. HALE. What was the provision which was amended?

Mr. VEST. It was the resolution—

*Resolved*, That in computing incomes under said act the amounts received as dividends upon the stock of any corporation, company, or association shall not be included in case such dividends are also liable to the tax of 2 per cent upon the net profits of said corporation, company, or association, although such tax may not have been actually paid by said corporation, company, or association at the time of making returns by the person, corporation, or association receiving such dividends.

Mr. ALLISON. I ask the Senator to read also the third resolution which was put in by the Senate, relating to inquiries.

Mr. CHANDLER. The conferees backed out of that.

Mr. VEST. The third resolution says:

*Resolved*, That no taxpayer shall be required in his, her, or its annual return under said act to answer any interrogatories except as specifically provided in said act.

That was the third resolution. Now, we added:

And returns or reports of the names and salaries of employees shall not be required from employers unless called for by the collector in order to verify the returns of employees.

I desire to say in answer to the Senator from New Hampshire that any intimation that corporate influence brought this about is absolutely false.

Mr. HALE. I myself think, after hearing that read as a part of one of the amendments, that it gave the committee jurisdiction over the subject. I am glad to see that the committee does not exceed its authority.

Mr. VEST. It has not exceeded it.

Mr. HALE. I did not know that was the case.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Missouri [Mr. VEST] to lay on the table the motion to reconsider.

Mr. ALLEN. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. HANSBROUGH (when his name was called). I am paired with the junior Senator from Illinois [Mr. PALMER].

Mr. PASCO (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD]. In his absence I withhold my vote.

The roll call was concluded.

Mr. BURROWS (after having voted in the affirmative). I desire to withdraw my vote. I am paired with the junior Senator from Maryland [Mr. GIBSON].

Mr. DUBOIS. I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. WHITE (after having voted in the affirmative). I am paired with the Senator from Idaho [Mr. SHOUP]. I withdraw my vote. If the Senator from Idaho [Mr. SHOUP] were present I should vote "yea."

The result was announced—yeas 57, nays 10; as follows:

#### YEAS—57.

Aldrich,	Frye,	McPherson,	Quay,
Allison,	Gallinger,	Manderson,	Sherman,
Bate,	George,	Mantle,	Squire,
Berry,	Gordon,	Martin,	Stewart,
Blackburn,	Gray,	Mills,	Teller,
Blanchard,	Hale,	Mitchell of Oreg.	Turpie,
Butler,	Harris,	Mitchell of Wis.	Vest,
Camden,	Hawley,	Morgan,	Vilas,
Cameron,	Hill,	Morrill,	Voorhees,
Carey,	Hoar,	Perkins,	Wilson of Iowa,
Clark,	Hunton,	Pettigrew,	Wilson of Wash.
Cockrell,	Jones of Ark.	Platt,	Wolcott,
Daniel,	Lindsay,	Power,	
Dixon,	Lodge,	Proctor,	
Faulkner,	McMillan,	Pugh,	

#### NAYS—10.

Allen,	Gorman,	McLaurin,	Walsh.
Call,	Irby,	Peffer,	
Chandler,	Kyle,	Roach,	

#### NOT VOTING—21.

Brice,	Dolph,	Murphy,	Smith,
Burrows,	Dubois,	Palmer,	Washington,
Caffery,	Gibson,	Pasco,	White.
Coke,	Hansbrough,	Pritchard,	
Cullom,	Higgins,	Ransom,	
Davis,	Jones of Nev.	Shoup,	

So the Senate laid the motion to reconsider on the table.



Mr. HOAR. I simply ask leave to state that if there had been time to deal with this matter more carefully I should have voted against laying the motion to reconsider on the table. I am not at all satisfied with the way the legislation is left, but the shortness of time seemed to compel a disposition of the measure now.

# INDIAN APPROPRIATION BILL.

Mr. COCKRELL. Let the Indian appropriation bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes.

Mr. COCKRELL. There was considerable discussion yesterday evening between the Senator from Arkansas [Mr. JONES] and the Senator from Iowa [Mr. ALLISON] as to the meaning of the Wichita agreement. Two amendments have been prepared which, I think, cover the entire case and are satisfactory to all parties. I move to strike out on page 54, from line 13 down to the word "agreement" in line 20, and insert what I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 54, after line 13, strike out all down to and including the word "agreement" in line 20, in the following words:

That the said Wichita and affiliated bands of Indians be allowed as compensation for the cession of the lands described in article 1 of the foregoing agreement the sum of \$1.25 per acre for so much of said land as will not be required for allotment to the Indians as provided in the foregoing agreement, subject to such reduction as may be found necessary under article 5 of said agreement.

And insert:

The compensation to be allowed in full for all Indian claims to these lands which may be sustained by said court in the suit hereinafter provided for shall not exceed \$1.25 per acre.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Missouri.

The amendment was agreed to.

Mr. COCKRELL. Now, on page 56, at the end of line 16, I move to insert the following proviso:

Provided, That the United States shall pay the Indians for said reserved sections the same price as is paid for the lands not reserved.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

Mr. CALL. On my own account I offer an amendment. I move to amend, on page 60, after line 5, by inserting:

Provided, That such judgment shall not be binding on Congress, but only advisory.

The VICE-PRESIDENT. The Chair will recognize the Senator from Florida for the purpose of offering the individual amendment after the committee amendments have been disposed of. The next amendment of the Committee on Appropriations will be stated.

Mr. COCKRELL. The amendment of the committee, beginning in line 23, at the bottom of page 57, should be agreed to.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "precedence," in line 23, page 57, the committee report to strike out the following additional proviso:

And provided further, That nothing in this act shall be accepted or construed as a confession that the United States admit that the Choctaw and Chickasaw nations have any claim to or interest in said lands or any part thereof.

The amendment was agreed to.

The VICE-PRESIDENT. The amendment of the Committee on Appropriations which was pending at adjournment yesterday will be stated.

The SECRETARY. Strike out all after line 8, page 60, down to and including line 23, in the following words:

The proper accounting officers of the Treasury are hereby authorized and directed to pay to Bartlett Richards, out of the appropriation for "support of Sioux of different tribes, including Santee Sioux of Nebraska," for the fiscal year ending June 30, 1895, the sum of \$385.46, for beef actually delivered to the Pine Ridge Agency, S. Dak., in the month of November, 1894; said amount having been suspended or disallowed, under contract stipulations, for the reason that the average weight of 599 beef steers was not fully up to contract requirements, the deficiency occurring through the efforts of the contractor to comply with written request of the army officer, acting Indian agent, to deliver lighter cattle than had been previously delivered under the contract.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. MANDERSON. Mr. President, this amendment is to strike out a portion of the bill that was inserted in it by the action of the House. It is not a proposition to insert an appropriation either by the suggestion of the Committee on Appropriations or by the suggestion of any standing committee of the Senate or any individual member of the Senate.

I take it that the action of the Committee on Appropriations in striking out this paragraph inserted by the House is because of

an adverse report coming from the Committee on Indian Affairs and submitted by the Senator from Louisiana [Mr. BLANCHARD], adverse to an amendment of like character that was proposed by the Senator from Wyoming [Mr. CAREY]. I have with great care examined the adverse report submitted. I will say in passing that while a member of the Committee on Indian Affairs I was not in the committee room when this matter was under consideration by the committee. Had I been I certainly would have antagonized an adverse report there as I antagonize it here.

I think it quite likely that if the Senate of the United States were sitting as a court of law without equity powers it might come to the conclusion suggested by the Senator from Louisiana and presumably to the conclusion that has been reached by the Committee on Indian Affairs by its majority; but the Senate of the United States and the Congress has no such limited power. It is not governed by law. It makes law; and constantly and ever it applies principles of equity and fair dealing between the Government and its citizens. Unfortunately for the citizens, it does not apply these principles so frequently as it should.

This contractor, having a contract with the Indian Office to supply certain beef cattle to feed the Indians at Pine Ridge Agency, gathered his stock for the purpose of making the supply. He gathered them near the agency that they might be delivered at such times and under such calls as might be made by the agent. It appears from this report that most of the cattle he had gathered were what are known as heavy beef cattle, averaging in weight perhaps 1,000 or 1,100 pounds, and those are the cattle he would have preferred to have delivered under his contract. It was to his advantage and pecuniary gain that he should deliver that class of cattle instead of those lighter in weight.

These cattle, when they come to be distributed by the agent among the Indian families, it is found, are more readily and evenly distributed—there is less trouble in apportioning them from the corral, whether they are delivered on the hoof or whether they are slaughtered and delivered—by having them of lighter weight. The request and desire of the Indian agent, Captain Penney, was that cattle should be delivered of the lighter weight instead of the heavier.

I will now refer to a statement contained in the report, being the affidavit of Bartlett Richards. Let me say in passing that this gentleman is a citizen of the State in which I live, one of its most reputable citizens, a man who would ask nothing of the Government that he is not fairly entitled to receive, a man who stands eminent in his neighborhood for his virtues, his honesty, and his integrity. And he is asking this comparatively small sum on this contract, not so much because of the amount involved as because it is fair treatment to him, and decent and honorable on the part of the Government that it should recognize and pay his claim. Mr. Richards in making his affidavit sets forth among other things the calls that had been made upon him for light cattle, those averaging about 900 pounds in weight. He sets forth the facts, about which there is no dispute, and can be no dispute. He says:

The average weight of your petitioner's 3 and 4 year old steers, as shown by deliveries under the above contract and former ones, is more than 1,100 pounds per head; that your petitioner culled with special care all the lightest cattle from his herds to comply with the acting Indian agent's request, though it was to his, the petitioner's, disadvantage; that your petitioner had 1,000 heavy beef steers ready for delivery within a few days' drive of said agency; that the delivery of cattle weighing less than the prescribed average weight was not because of his inability to comply fully with the requisites of the contract, but solely through his efforts to oblige the acting agent in delivering lighter cattle than were previously delivered, and that the cattle selected were somewhat lighter than he had estimated when cutting them out of his herds for the purposes of said delivery; that the 599 beef cattle—all steers—so delivered were weighed and found to average 824 pounds instead of 850 pounds each, but that said cattle were inspected by Alfred B. Jackson, first lieutenant, Ninth Cavalry, United States Army, who certified that he found the same to be good, merchantable cattle and of quality fully up to the requirements of the contract of Bartlett Richards, dated May 18, 1894, under which they were delivered, and that Capt. Charles G. Penney, United States Army, acting United States Indian agent for the Pine Ridge Agency, receipted for said cattle, as follows, after stating numbers and weight:

I hereby certify that the beef here receipted for is fully equal to the requirements of the contract above mentioned, and in this delivery and receipt each and every condition, provision, and stipulation of the contract has been fully and honestly complied with, and that payment has not been made for the same. Received under article 6 of the contract." And that said acting agent subsequently informed the Commissioner of Indian Affairs, by telegram of November 21, 1894, that said cattle were received under article 6 of contract, "not by reason of inferior quality, but because below stipulated average weight."

Your petitioner further states that the cattle so delivered were in fine condition and of excellent quality of beef; that the Indians received good, merchantable beef, fat and otherwise in fine condition, not lean and of large frame, and that it is a serious hardship to insist upon a deduction from the contract price of said delivery of beef steers, under a provision of the contract designed solely to protect the Government and the Indians against beef of inferior quality, and especially is it a hardship in making a deduction from said issue in this case, working an injustice that the Government should not and, it is believed, will not insist upon when it is clearly shown that the light weight, i. e., smaller beef cattle, but in excellent flesh and otherwise fine beef cattle, were delivered through a desire solely to turn in such cattle as were desired by the acting agent.

This sworn statement of the contractor does not stand alone. It is corroborated by all those who have knowledge of the facts,

and no one contradicts it. Not only that, upon the showing made that here was an effort to comply with what was desired by the Indian agent, both the Commissioner of Indian Affairs and the Secretary of the Interior say, upon full investigation of the matter, that this account should be paid. It has received their hearty approval, and it receives the disapproval of the majority of the Committee on Indian Affairs simply because, as I believe, they do not understand the condition. Here is not an effort to collect money for that which has not been delivered. Here is an effort to enforce the penalty of a contract and have the Government prevented from paying for that which it has received simply because here is a penalty clause that certainly under the circumstances should not be enforced.

Mr. President, it seems to me beyond question that upon a full understanding of this matter by the Committee on Appropriations they will not insist that the amendment striking out this portion of the bill shall prevail. I have nothing further to say about it, for I find myself talking under extreme difficulty on account of my throat.

Mr. BLANCHARD. Mr. President, before the Indian appropriation bill came to the Senate from the House the proposition to pay Mr. Bartlett Richards the \$885.46 was embodied in the form of an amendment intended to be proposed to that bill by the Senator from Wyoming [Mr. CAREY]. The amendment was referred by the Senate to the Committee on Indian Affairs. After reaching that committee, it was sent by the chairman of the Committee on Indian Affairs, the Senator from Arkansas [Mr. JONES], to the Secretary of the Interior and the Commissioner of Indian Affairs for report upon the amendment and for the facts of the case.

It seems that this proposition to pay Mr. Bartlett Richards \$885.46 is predicated upon a petition which Mr. Richards addressed to Congress, and when analyzed will be found to be nothing more nor less than an attempt on the part of a Government contractor to be relieved from certain stipulations of his contract. Matters of this sort come up frequently. The Senate should be very careful what it does in cases like this. Where an executive officer of the Government makes a contract for certain governmental purposes with an individual or individuals under law authorizing him to do so, the contractor should be held with reasonable strictness to the stipulations of his contract. For the Senate to do otherwise would be to set a dangerous precedent. The equity must be very strong indeed that would justify the Senate or justify Congress in a contrary course. Now, what are the facts of this case?

Mr. Richards, in May, 1894, made a contract with the Indian Office to supply to the Pine Ridge Agency in South Dakota 4,500,000 pounds of gross beef, at the rate of \$2.99 per hundred pounds. The price that he was to receive for his beef is stipulated in article 1 of the contract. Article 5 of the contract stipulates as to the quality of the beef, and also as to the average per head that the beef cattle actually presented in compliance with the contract should weigh. If Senators will turn to page 2 of the adverse report, article 5 of this contract is set forth in full. It will be there seen that this contractor stipulated with the Government that he would furnish beef cattle to average not less than 850 pounds. Then follows section 6 of the contract, which is also copied in full in the report. In this section 6 the contractor distinctly agrees and stipulates that if he does not furnish cattle of the required average weight as set forth in section 5 he will suffer a deduction on the contract price of 1 per cent upon every 5 pounds, or fraction thereof, that the beef cattle may be under the stipulated average weight.

Here is what article 6 says upon that subject, and language can not be plainer:

ART. 6. That it is also further agreed by and between the parties hereto that for all the cattle offered under this contract which are not in conformity with the requirements of article 5, but which the respective Indian agents may be compelled by the necessities of the service to receive, there shall be a deduction of one (1) per cent in the price agreed upon in article 1, for each and every five (5) pounds, or fraction thereof, that said cattle so received shall fall short of the standard weights agreed upon in the preceding article.

As stated, the average weight agreed upon in the preceding article was 850 pounds per head for the cattle to be furnished under the contract.

Mr. Richards furnished on the 3d day of November 599 head of beef cattle aggregating 493,570 pounds gross. It was discovered that these cattle instead of weighing an average of 850 pounds per head, as his contract called for, weighed 834 pounds per head; and the Indian agent, who by the way is an army officer, Capt. Charles C. Penney, in receiving the beef cattle distinctly stipulated that he received them under section 6 of the contract.

When the account came up to the Indian Office for settlement the following telegram was sent by the Commissioner of Indian Affairs to the Indian agent at the Pine Ridge Agency:

On receipts issued to Richards for delivery of 3d instant, you say the cattle were received under article 6 of the contract. Were they so received because the necessities of the service required it, or for some other reason? Wire explanation, if practicable; if not, report fully by mail.

To this Captain Penney replied by telegram on the same date, as follows:

Telegram received. Cattle received from Richards on 3d instant because the necessity of the service required it; taken under article 6 of the contract, not by reason of inferior quality, but because below stipulated average weight.

In the contract with Richards it is stipulated that though the beef cattle be found to be below the average weight per head required by the contract, yet if the necessities of the service demanded they be received anyhow, the Indian agent could receive them and throw upon the contractor the penalty embodied in section 6 of the contract, viz, a diminution of price.

This is what Captain Penney, the acting Indian agent, did in this case. The necessities of the service required he should receive the 599 head of cattle. He did receive them, though they were under size and under weight; but he received them under section 6 of the contract, and the penalty of reduction of price was incurred by the contractor.

Why should Mr. Richards be relieved from this penalty? Why should he not be held to the letter and the law of his contract? We are told here by the Senator from Wyoming and the Senator from Nebraska that he should be relieved from the operation of section 6 of his contract because he could have furnished beef of the required average weight, but that he did not do so on account of the Indian agent having "expressly required beef of a certain average weight." There is nothing in the record of this case to justify that assertion except the statement of Mr. Richards himself—

Mr. CAREY. I did not understand the Senator. Will he repeat his statement?

Mr. BLANCHARD. I said there is nothing in this record as to the cattle delivered on November 3, the date in question, showing that the Indian agent requested Mr. Richards to deliver cattle of a certain average weight except the statement of Mr. Richards himself. If there be anything, I will pause for the Senator from Wyoming to point it out.

Mr. CAREY. I wish to ask the Senator from Louisiana a question in this connection. The minimum weight is fixed in the contract?

Mr. BLANCHARD. Yes.

Mr. CAREY. The evidence before the committee showed this state of affairs: That the Indian agent, Captain Penney, requested that the cattle for these various issues should weigh about so much. Now, the contractor had to go to the herd and gather those cattle and bring them up, guessing what their probable weight would be. The cattle delivered just previous to this issue weighed a little more than was required by the contract. It so happened that he, in selecting these cattle to oblige the Indian agent, obtained cattle of a lighter weight than the contract required; but if you take the average of the cattle from time to time that were issued you will find the issues were above the minimum weight. At the same time he was complying with the request of the Indian agent.

In addition to that, I want the Senator before he has completed his remarks to read what the Secretary of the Interior says, and also what the Commissioner of Indian Affairs says about this matter.

Mr. BLANCHARD. I repeat there is nothing in this record whatever except the statement of Mr. Richards himself to show that in the delivery of cattle required on November 3 the agent said one word about the weight of the cattle to be delivered at that time.

It is very significant that Mr. Richards, in his petition, omits the order of the Indian agent for the delivery of the cattle upon the 3d day of November, 1894. Does it not seem to you, Mr. President, if the Indian agent had stipulated in his order that he desired cattle of a certain weight (the order having been in writing) Mr. Richards would have produced that order in connection with his petition? He does not do it; but he has furnished three other orders for cattle which he had received from Captain Penney, the Indian agent, two of them for the delivery of cattle prior to November 3, and one of them for the delivery of cattle on the 21st day of December, all in writing. Yet the very order upon which the cattle in question were furnished he omits to make any mention of. That will not be disputed by the Senator from Wyoming. Here are Mr. Richards's orders which he had received for beef cattle prior to November 3, and one subsequent to that date. I will read them:

PINE RIDGE AGENCY, S. DAK., September 1, 1894.

SIR: You are hereby notified that I will require, on September 17, 1894, for issue to Indians, 488 head of beef cattle—

And he puts this in parentheses—

(to weigh about 440,000 pounds gross, or to average about 900 pounds) to be penned on the evening of September 16.

Please acknowledge receipt of this letter.

I am, sir, very respectfully, your obedient servant,

CHAS. G. PENNEY,

Captain, Sixth Infantry, Acting United States Indian Agent.

MR. BARTLETT RICHARDS,

Contractor, Chadron, Nebr.



Mr. CAREY. Will the Senator allow me?

Mr. BLANCHARD. In one moment. They were not the beef cattle involved in this controversy.

Mr. CAREY. Mr. President—

Mr. BLANCHARD. I ask the Senator to wait until I go a little further.

On the 26th of September, 1894, the Indian agent gave another order for cattle, which reads as follows:

PINE RIDGE AGENCY, S. DAK., September 26, 1894.

SIR: You are hereby notified that I will require, on October 15, 1894, for issue to Indians, 84 head of beef cattle—

And, then, in parentheses—

(to weigh about 75,000 pounds, or to average about 900 pounds), to be penned on the evening of October 14, 1894.

Please acknowledge receipt of this letter.

I am, sir, very respectfully, your obedient servant,

CHAS. G. PENNEY,

Captain, Sixth Infantry, Acting United States Indian Agent.

Mr. BARTLETT RICHARDS,  
Contractor for Beef, Chadron, Nebr.

That order is not for the beef cattle over which this controversy arose. Then comes the delivery of the cattle on November 3, 1894, but no order for this delivery is furnished by Mr. Richards, though it is the one above all others he should have furnished, since it was the delivery over which this controversy has arisen.

Then, on November 19, about sixteen days after the delivery of the cattle in the instant case, another order for cattle was given and we find Mr. Richards furnishing that order in writing, received by him from Captain Penney, the Indian agent. That order is as follows:

PINE RIDGE AGENCY, S. DAK., November 19, 1894.

SIR: You are hereby notified that I will require on December 21, 1894, for issue to Indians, 484 head of beef cattle—

Then, in parentheses—

(to weigh about 441,000 pounds gross, or to average about 900 pounds), to be penned on the evening of December 20, 1894.

Please acknowledge receipt of this letter.

I am, sir, very respectfully, your obedient servant,

CHAS. G. PENNEY,

Captain, Sixth Infantry, Acting United States Indian Agent.

Mr. BARTLETT RICHARDS,  
Contractor, Chadron, Nebr.

I cite these orders to emphasize the concealment by Mr. Richards of the order in question upon which the delivery of cattle of November 8 was made. He could furnish two preceding orders and he could furnish the first succeeding order, but he omits entirely from his statement the order of most importance to his case. The statement, therefore, that there is nothing in this record to show that the Indian agent had stipulated any weight for these particular 599 head of cattle delivered on the 3d of November, except the statement of Mr. Richards himself, is correct.

But suppose we assume, for the sake of the argument, that the order he gave for the delivery of cattle on the 3d of November was in precise terms similar to the two orders which I have quoted preceding the 3d of November and the one order which I have quoted following the 3d of November, what does it show? If you will scrutinize the language, it is plain that the Indian agent did not intend to confine Mr. Richards to any particular weight per head of cattle, that he did not intend in any way to relieve him from the obligation of his contract to furnish cattle of a certain average weight, but merely used a general term to designate that he wanted about so many hundred thousand pounds of beef gross, or so many head of cattle to average about 900 pounds.

Mr. CAREY. Now, I should like to ask the Senator a question.

Mr. BLANCHARD. I yield.

Mr. CAREY. I think the Senator from Louisiana is stating the case very unfairly.

Mr. BLANCHARD. I do not think so.

Mr. CAREY. Bartlett Richards under this contract could have delivered cattle that weighed 1,600 pounds or 2,000 pounds. The agent had no right to request him to send cattle of a certain average under this contract. Bartlett Richards selected cattle out of his large herd for the purpose of obliging Captain Penney, who distributed these cattle. Now, the Senator asks why he wanted a certain average weight, or about a certain weight. It was for the purpose of distributing them to the Indians. They bunched 22 Indians together, giving to each such band one head of cattle to butcher for themselves. Nine-hundred-pound cattle made about the right distribution to these 22 Indians.

I think it is very unjust to say that Mr. Richards purposely omitted that order.

Mr. BLANCHARD. Why did he not furnish it, then?

Mr. CAREY. It was probably only a letter or request; he may not even have had it; he may not have kept it.

Mr. BLANCHARD. Let me ask the Senator from Wyoming if it is not a little singular that Mr. Richards could furnish us the two preceding orders and the first succeeding order, all in the

form of letters, and totally omit the very order in question upon which the delivery of cattle was made from which this controversy has sprung? Is it not a matter requiring explanation?

Mr. CAREY. The Senator from Louisiana, whenever there is a bounty involved in which the State of Louisiana is interested, is not so particular—

Mr. BLANCHARD. I did not yield to the Senator from Wyoming to indulge in matters irrelevant to this controversy or in personal flings at myself.

Mr. CAREY. Very well; I shall have an opportunity to make my speech afterwards.

Mr. BLANCHARD. I wish to say that I have no feeling in this matter. Why should I have? I had never heard of Mr. Bartlett Richards until this claim came before the Committee on Indian Affairs. I am merely the organ of the Indian Committee in reporting to the Senate its conclusions in this case. The conclusions of the Indian Committee are assailed by the Senator from Wyoming, and the report made by me embodying those conclusions is assailed by him. I am an humble member of the Indian Committee, who was deputed by the committee to formulate in the way of a report the reasons which induced the committee to report this claim adversely.

If the Senate of the United States, in its larger jurisdiction, shall see proper to override the committee, override the plain letter of the law of the contract made with Mr. Richards, and pay him, upon some idea that the law must give way to the equity of the case, then I will accept its decision in good part. In opposing the claim I am but discharging a duty which was delegated to me by the Committee on Indian Affairs; and it is unbecoming in the Senator from Wyoming to charge me with being unfair in the statement of the case.

The Indian agent, in stipulating in his various orders that he would require cattle about the weight of 900 pounds, was merely using a general term to indicate about how many head of cattle he wanted. He nowhere expressly requests Mr. Richards, as Mr. Richards states in his petition, to furnish him beef cattle of a certain weight, but merely uses the general term already referred to.

Mr. President, it will be observed that "the 900 pounds," which the Indian agent mentioned in the several orders, which I have quoted, were 50 pounds above the average weight required by the contract, and in all of his preceding deliveries Mr. Richards did furnish cattle which averaged more than 900 pounds, or more than 50 pounds above the weight required in his contract; but on the 3d day of November Mr. Richards, according to his own statement, seemed to have culled out of his herds, not at the agency, or even near the agency, but three days' march from the agency, 599 head of beef cattle, taking upon himself the risk that those cattle in point of weight would meet the contract requirement. When the cattle reached the agency and were placed upon the Government scales, it was found that an important stipulation in the contract had not been complied with; that 599 head of cattle weighed only 824 pounds per head, or 26 pounds per head less than his contract called for. If he had complied with the request of the agent (so far as we may be able to judge of what that request was in this particular case by his orders given in other cases) the beef cattle would have averaged 900 pounds per head, or 76 pounds more than they did average.

Mr. President, the Senator from Wyoming stated yesterday in his speech as follows:

So far as any provision of the contract is concerned it was not violated by Mr. Richards, as it appears from the testimony offered in this case that there was no necessity for the Indian agent to have received the lighter weight cattle unless he had actually wanted them.

That statement of the Senator from Wyoming, if he will permit me, is negated by the dispatch received from the Indian agent at Pine Ridge Agency by the Commissioner of Indian Affairs. On page 3 of the adverse report you will find the dispatch. There he will see that the Indian agent telegraphed:

Cattle—

This particular delivery of cattle he means—

Cattle received from Richards on 3d instant, because the necessity of the service required it, taken under article 6 of the contract, not by reason of inferior quality, but because below stipulated average weight.

Mr. CAREY. I ask the Senator to read the entire telegram.

Mr. BLANCHARD. I have already read the telegram, but I will read it again. It is as follows:

Telegram received. Cattle received from Richards on 3d instant because the necessity of the service required it; taken under article 6 of the contract, not by reason of inferior quality, but because below stipulated average weight.

Now, if the Senator will turn to article 6 of the contract, he will see that the Government reserved the right to receive cattle offered, notwithstanding they were under the average weight specified by the contract, if the necessities of the Indian service at that time required it, and so the agent did receive these 599 head of cattle, notwithstanding the fact that they were under the contract weight. He received them because, as he stated in his telegram to the

Commissioner of Indian Affairs, the necessities of the service required their reception. I will read article 6 again:

It is also further agreed—

Says article 6 of the contract—

by and between the parties hereto that for all the cattle offered under this contract which are not in conformity with the requirements of article 5—

That means if they be of inferior quality he could reject them. If the cattle were underweight, but not inferior in quality, he could still reject them; but if the necessities of the service required him to receive them in either case he could do so, but in that event the remainder of article 6 would apply, and the contractor was to suffer a reduction in the price.

Article 6 says:

That it is also further agreed, by and between the parties hereto, that for all the cattle offered under this contract which are not in conformity with the requirements of article 5, but which the respective Indian agents may be compelled by the necessities of the service to receive, there shall be a deduction of one (1) per cent in the price agreed upon in article 1 for each and every five (5) pounds or fraction thereof that said cattle so received shall fall short of the standard weights agreed upon in the preceding article.

So, when these cattle were offered on the 3d of November, while they came under the contract requirement as to the quality of beef, they did not come up to the requirement as to the average weight of the cattle, and the Indian agent, this army officer there, in the discretion vested in him by article 6 of the contract, knowing and stating that the necessities of the service required him to receive these beef cattle anyhow, did receive them and receipted for them, not under the terms of article 5, where the full contract price would have been paid, but expressly under the terms of article 6 of the contract, which imposed the penalty of a diminution in price upon the contractor.

That is the whole case, Mr. President. The Indian Committee reported it adversely; it could hardly do otherwise. Whatever equities there may be, they must give way before the plain letter of the law. This contract made between the Government and Mr. Richards is a law unto the contracting parties, and when Mr. Richards stipulated that if his beef cattle did not come up to the required weight he would suffer this diminution in price, it must be held by the Senate that that stipulation was there to subserve some good purpose.

It rests with the Senate to say whether they will uphold the contract or override it and pay Mr. Richards this amount of money. The Indian agent held to the letter of the contract. The Commissioner of Indian Affairs wanted to pay Mr. Richards the price stipulated in article 1 of the contract, but the language of article 6 was so imperative that he had no discretion in the matter, and he stated the account in such a way as to enforce the deduction. Had the cattle not been of light weight Mr. Richards would have received for the delivery of November 3, \$14,757.74. He actually received \$13,872.23, the difference being \$885.46, or the amount now claimed.

The Indian Office appended this to its statement of the account:

The deduction is made in accordance with article 6 of Mr. Richards's contract that a deduction of 1 per cent in the price shall be made for each and every 5 pounds or fraction thereof that said cattle so received shall fall short of the standard weight agreed upon, viz, an average of 850 pounds per head. The 599 steers averaged but 834 pounds, making a shortage of 26 pounds to each head, for which a deduction is made of 6 per cent on the contract price, or a total deduction on the 493,570 pounds of \$294.46.

If Congress does what the Senator from Wyoming now asks it to do it renders inoperative article 6 of the contract so far as this delivery of cattle on the 3d of November, 1894, is concerned. Is this a politic thing for Congress to do?

I have not much sympathy, Mr. President, with contractors who stipulate one thing in their contracts and do another, and then come before Congress and ask relief under pretense of equities existing in their favor justifying them in the failure to execute all of the provisions of their contracts.

It is true the Indian Office, in its letter on this claim, uses this language:

Although the cattle received at this particular delivery were below the average weight prescribed, I do not understand that such fact was any detriment to the service or that the Indians suffered any loss thereby; and inasmuch as it appears that the cattle received were fully up to the contract requirements as to quality, I see no objection to the adoption of the amendment proposed.

It will be seen that the Commissioner does not "recommend" Congress to pay this amount to Mr. Richards. He merely states, in a guarded way, that he sees no objection to the adoption of the proposed amendment.

The Secretary of the Interior, in his letter inclosing the letter of the Commissioner of Indian Affairs, is still more guarded. He closes his statement of the facts with this observation:

For these reasons I am of the opinion there is equity in the case.

Neither of them recommends to Congress to pay this money, but both think there is some equity in the contention of Mr. Richards. So there may be, Mr. President, but equity must give way before the plain letter of the law of the contract. Mr. Richards made the contract, and article 6 of the contract, relating to reductions,

is as much a part of it as that article which provides that he be paid \$2.99 per hundred pounds.

Mr. CAREY. Mr. President, I think the Senator from Louisiana has stated the case very unfairly. An Indian contractor, Mr. Bartlett Richards, had agreed to deliver cattle that should not average below a certain number of pounds. He proceeded to deliver those cattle on the request of the Indian agent as to weight. So far as this contract which is exhibited to us shows, he could have delivered cattle which weighed 1,600 pounds or 2,000 pounds, but it was the practice of Captain Penney to request so many pounds of beef or so many head of cattle which should average a certain weight. He selected these averages out of a large herd he had in the vicinity.

Mr. Richards is the owner of a very considerable herd of cattle, not a very great number of miles from this Indian reservation. Immediately before the bunch of cattle were delivered which are concerned in this controversy, it seems that he delivered to the Government cattle of about the weight which were requested by the Indian agent. He had to go to his herd to select the cattle and he had to get cattle of a certain weight. There were undoubtedly in the bunch some that were over the average and some that were under it. His contract simply stipulated that they should be of a certain average weight—not less than a certain number of pounds. In this particular delivery it seems they fell a little short in weight. When the attention of the Secretary of the Interior was called to the matter he said he saw no objection, under the circumstances, to this amount being allowed, because the Indians had not been injured, the Government had not been injured, and the quality of beef was up to the standard. The Commissioner of Indian Affairs virtually made the same statement with reference to this matter.

For the purpose of properly getting this subject before the Senate, I ask the Secretary to read what I have marked in a letter addressed to the Committee on Indian Affairs by the Secretary of the Interior.

The Secretary read as follows:

In reply to your request for the facts and opinion in the case, I beg to hand you herewith a copy of a letter from the Commissioner of Indian Affairs, dated the 17th instant, wherein the circumstances relating to the delivery of the beef cattle in question are fully set forth.

It appears that Mr. Richards has a contract for supplying the agency named with beef cattle; that the contract provides for a standard of weight, the minimum of which shall be an average of not less than 850 pounds at each delivery; that Mr. Richards had made several deliveries prior to the one in question, all of which were far in excess of the weight above stated; that at the request of the acting Indian agent in charge of the agency named, who desired cattle of an average of about 900 pounds each, he, Richards, culled out with special care all the lightest cattle from his herds to comply with the acting agent's request, though to his disadvantage to do so; that the cattle so delivered failed to come up to the standard specified, weighing an average of only 834 pounds per head; that said cattle were received and accepted by the agent in charge as fully equal to the requirements of the contract, and that the same were received under the provisions of article 6 of the contract, which provides for a penalty in case the delivery is not of the standard weight, "not by reason of inferior quality, but because below stipulated weight."

Mr. CAREY. In this case it is proposed that Mr. Richards shall be punished because he was complying with the request of the Government. I do not believe this Government should take that which does not justly belong to it. I believe it should pay its honest debts, and I do not care whether they arise in a court of equity or a court of law. Mr. Richards tried to do that which was requested by the agent of the Government. The Interior Department is well satisfied that he did this; the Commissioner of Indian Affairs is also satisfied that in making this delivery of beef he was doing that which was required or requested by the Indian agent.

It involves the sum of \$842, and there is no reason under the circumstances why Mr. Richards should not be paid that amount. That is all I desire to say on the subject.

Mr. COCKRELL. This is no punishment of the contractor. To refuse to pay this amount is in strict accord with the letter, the spirit, and the object of the contract, pure and simple. If there are equities in this case, then article 6 of the contract ought not to have been put into it. It is a part and parcel of all the Indian contracts, and if we are to trample upon this contract, we ought to instruct the Commissioner of Indian Affairs that it does not make any difference what a steer weighs, that he shall pay according to the highest price for the heaviest-weight cattle.

One clause of the contract was for cattle weighing 850 pounds or over. There is another clause that if cattle of a less weight than that shall be delivered a deduction shall be made. That is a part and parcel of the contract. When light cattle are received the net weight of which does not equal what the net weight would be if the cattle were heavier, a deduction is made. The deduction is in accordance with the contract. It is not a punishment; it is not a deprivation of any right, but it is simply granting to the contractor the right he claims of receiving 1 cent less on every 5 pounds where he delivers light cattle. If this contract is to be construed as an equity, then every Indian contractor who for years and years has delivered cattle of lighter weight than those



contracted for, and who has not received the highest price, will come in upon a supposed equity and claim full price for light-weight cattle, which do not net so much beef to the Indians as the full-weight ones do.

The amendment was inserted in the other House. It came to the Senate, and I found that an amendment to the same effect was pending before the Committee on Indian Affairs. I asked the committee's consideration of the amendment in the pending bill. The Committee on Indian Affairs reported the amendment adversely. We have stricken it out, and I fully sustain the report so ably prepared by the Senator from Louisiana [Mr. BLANCHARD]. It sets forth the facts and shows there is no equity in the matter. It is simply a matter of contract pure and simple. The contractor agreed to take less for light cattle than for heavy cattle. That is all there is about it.

Article 6 is just as much a part of the contract as article 5, and there is not a line from any Indian agent calling for light-weight cattle. The officer in charge said he wanted so many cattle averaging about 900 pounds. Now, necessarily he expected some weighing a thousand and some weighing 800 pounds, but they were to average about 900 pounds. Instead of that they only averaged 824 pounds. That was no compliance with the contract at all. Those cattle were not worth so much as if they averaged higher. They did not net so many pounds to the Indians. I hope the amendment of the Senate committee will be sustained.

Mr. CAREY. I should like to ask the chairman of the Committee on Appropriations whether Mr. Richards was compelled, under his contract, to comply at all with the request of the Indian agent which is printed on page 8 of the report.

Mr. COCKRELL. That is, a request to deliver cattle of certain weight?

Mr. CAREY. No; he requests so many head of cattle to average so much.

Mr. COCKRELL. Averaging about 900 pounds. That is above the standard. He does not ask for light-weight cattle under the contract—not a bit of it. He does not say he wants those which will come under article 6 of the contract. He left that to the discretion of the contractor. He said, "I want cattle that will average about 900 pounds." Necessarily, to average that weight, some would weigh a thousand, some 900, some 950, some 850, and so on.

Mr. CAREY. I wish to ask the Senator from Missouri another question. If he will look under the article he alludes to, article 5, he will see that Richards would have filled the contract if he had delivered cattle that weighed 2,000 pounds. The minimum weight was fixed in the contract. If the Senator will read the entire statement he will find that Mr. Richards fell into his trouble and loss of \$842 because he was supplying the cattle on the request of the agent who wanted so many head. I have explained the reason for that, that the Government issues an animal to each 22 Indians, and the agent wanted the cattle of about a certain weight so that he would get the average number of pounds for each Indian. It is now proposed that because in guessing at the weight of cattle in picking them out of his herd, which he did to oblige the Indian agent at this particular time, as he had been doing theretofore, and fell a few pounds short, Mr. Richards is to lose \$842, notwithstanding the Secretary of the Interior says the Indians were not injured and the Government was not injured, because the beef was up to the standard quality. I say the Senate can not afford to take that position.

Mr. COCKRELL. The Senator from Wyoming is mistaken. This is simply a provision of the contract. It is a part and parcel of all Indian contracts, and if it is to be nullified here it ought to be nullified in every instance, and we ought to tell the Commissioner of Indian Affairs to strike it out and annul it; that it does not make any difference whether a steer weighs 840 or 900 or 1,000 pounds; a 600-pound steer is just as good as a thousand-pound steer or a 900-pound steer. Anybody who knows anything about cattle knows that the net weight is very material, that the heavier the steer is the greater the net weight. The Indians were the sufferers by that action. The contract specifies the price according to weight, as all contracts do, and we have paid the contractor every cent he is entitled to in equity or in law or in justice or in right. We have paid him all he could have gotten in the market for cattle of that weight, and there is no equity here at all.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. JONES of Arkansas. I suggest to the Senator from Missouri that there be a modification made of an amendment which was adopted a few minutes ago. It is a clerical correction. Instead of striking out, on page 54, as was suggested by the Senator from Missouri, from line 13 down to and including the rest of the paragraph, I suggest that we simply strike out lines 13, 14, 15, down to and including the words "per acre" in line 16, leaving the remainder of the paragraph as it is in the present text, with the amendment proposed to come in just after that in lieu of the words stricken out.

Mr. COCKRELL. Let it be read as proposed to be modified.

The SECRETARY. On page 54, after line 12, strike out:

That the said Wichita and affiliated bands of Indians be allowed as compensation for the cession of lands described in article 1 of the foregoing agreement the sum of \$1.25 per acre.

And insert:

The compensation to be allowed in full for all Indian claims to these lands which may be sustained by said court in the suit hereinafter provided for shall not exceed \$1.25 per acre.

The PRESIDING OFFICER. If there be no objection to the modification proposed it will be agreed to. The Chair hears none, and it is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 62, line 16, after the word "lands," to strike out "or entitled to select lands for educational purposes;" in line 17, after the word "law," to insert "may select such lands;" in line 18, after the word "Territory," to strike out "from the surplus lands thereof;" in line 20, after the word "reservation," to strike out "the surplus lands purchased by the United States;" and in line 22, after the word "settlement," to insert "may select such lands from the surplus lands thereof purchased by the United States;" so as to make the clause read:

That any State or Territory entitled to indemnity school lands under existing law within the boundaries of any Indian reservation in such State or Territory, after allotments have been made to the Indians of such reservation, and prior to the opening of such reservation to settlement, may select such lands from the surplus lands thereof purchased by the United States.

Mr. PETTIGREW. I should like to have this paragraph passed over. I am opposed to the committee amendment because I think it is unjust and unfair and entirely unnecessary. It seems to me the committee will not insist upon it. I should like, however, to have it passed over for the present.

The PRESIDING OFFICER. If there is no objection, the amendment will be temporarily passed over.

#### PENSION APPROPRIATION BILL.

Mr. BRICE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3092) "making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1896, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment strike out "and," and strike out all after the word "surgeons," in line 20, down to and including line 23, on page 2 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "And it is further provided that from and after the passage of this act, all pensioners now on the rolls, who are pensioned at less than \$6 per month, for any degree of pensionable disability, shall have their pensions increased to \$6 per month; and that hereafter, whenever any applicant for pension would, under existing rates, be entitled to less than \$6 for any single disability, or several combined disabilities, such pensioner shall be rated at not less than \$6 per month: *Provided also*, That the provisions hereof shall not be held to cover any pensionable period prior to the passage of this act, nor authorize a rerating of any claim for any part of such period, nor prevent the allowance of lower rates than \$6 per month, according to the existing practice in the Pension Office in pending cases covering any pensionable period prior to the passage of this act;" and the Senate agree to the same.

CALVIN S. BRICE,  
A. P. GORMAN,  
*Managers on the part of the Senate.*  
JOS. H. O'NEIL,  
J. E. WILLIAMS,  
WILLIAM W. GROUT,  
*Managers on the part of the House.*

Mr. GALLINGER. When the bill was under consideration in the Senate three amendments were added to it by the Senate. I desire to inquire of the Senator having the bill in charge as to what became of those amendments. My own impression is, from hearing the reading of the conference report, that one of them was agreed to as it passed the Senate; that another was agreed to in an amended form, which I think is a very proper change; and that perhaps the third amendment was disagreed to. I will ask the Senator first as to the amendment repealing the provision of the law that prevented the payment of pensions to widows and others residing in foreign countries. Was that agreed to by the conference committee?

Mr. BRICE. The House conferees receded, and the Senate amendment is retained in the bill.

Mr. GALLINGER. The second amendment was an amendment offered by myself, as was the first one, requiring boards of examining surgeons to state the rating to which, in their judgment, the applicant is entitled. I judge from the reading of the conference report that that amendment has been stricken from the bill.

Mr. BRICE. The conference struck out all after the word "surgeons," in line 20, and down to and including line 23, on page 2 of the bill.

Mr. GALLINGER. The Senator refers, of course, to the engrossed bill, and it does not appear in the print before me; but I judge it is the provision on page 3 of the print I have. I regret that the conferees on the part of the Senate agreed that that might be stricken from the bill; but I will make no contention about the matter. I simply content myself by saying that I think, during the entire period since the war, examining boards have stated what in their opinion the rating should be for the several disabilities. For some reason or other the Pension Bureau very recently instructed the boards not to make such rating, and it is utterly impossible even for a person somewhat well versed in pension matters, on examining the papers in the Bureau, to get a very accurate notion as to what the allowance should be in any individual case. I say I exceedingly regret that that provision has not been retained in the bill; but I will make no contention about it beyond stating my own dissent from the views of the committee of conference.

The additional amendment was the amendment submitted by the Senator from Connecticut [Mr. HAWLEY] providing that \$6 a month should be the lowest pension for any degree of pensionable disability hereafter. I observe that the committee of conference has enlarged that provision, which it strikes me is an improvement on the language used by the Senator from Connecticut when he submitted the amendment. I feel very confident that it will not only accomplish the purpose designed but will protect the pensioners even to a larger extent in the future in the matter of securing pensions. The conference committee amendment seems to provide that hereafter if any pensionable disability is found, either a single or a compound disability, the pension shall be granted at a rate not less than \$6 per month, which I feel sure was the purpose the Senator from Connecticut had in view.

Mr. HAWLEY. Mr. President, the conferees extended to me the courtesy to show me the proposed changes in the amendment which I had the honor to offer, and they are all in the direction of increased caution. It occurred to me that the original provision was definite enough, but out of abundant caution they added some phrases and made some slight changes which do not affect the main purpose and perhaps guard it more carefully. I myself cheerfully agree to the changes.

Mr. GALLINGER. I wish simply to add that it is to me a matter of great personal gratification that the conference committee saw fit to keep in the bill the provision relating to nonresidents. I have in my desk now probably a dozen letters from people in Ireland, England, Canada, and other foreign countries, some of them of the most pathetic description, showing the great injustice that has been wrought to those people by the provision in a former appropriation act. I am extremely gratified and want to extend my thanks to the conference committee for having done this act of justice to a class of people who were greatly wronged by the hasty legislation of a former Congress.

Mr. BRICE. In view of the statement made by the Senator from New Hampshire that the change of amendment numbered 3 in the report enlarges the provision which was inserted in the bill on the motion of the Senator from Connecticut, I desire to say that there has been no enlargement of the amount.

Mr. GALLINGER. No; of course I do not mean that.

Mr. BRICE. It remains at \$6 a month. The enlargement was rather by adding words of caution to see that the evident intention of the Senate was carried out.

Mr. GALLINGER. That is my understanding.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

MRS. EVALYN N. VAN VLIET.

Mr. PALMER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 634) for the relief of Mrs. Evalyn N. Van Vliet, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

The Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment. Strike out the word "thirty," in line 4, and insert the word "twenty-five;" and the House agree to the same.

JOHN M. PALMER,  
J. H. GALLINGER,  
JOS. R. HAWLEY,  
*Managers on the part of the Senate.*  
A. N. MARTIN,  
GEO. B. FIELDER,  
G. D. MEIKLEJOHN,  
*Managers on the part of the House.*

The report was concurred in.

#### ADOPTION OF CHILDREN.

Mr. GALLINGER. The Senator from Florida in charge of the appropriation bill has very kindly consented to allow me to call up for present consideration a bill that was partly considered yesterday. It is the bill for the adoption of children in the District of Columbia. It will take but a moment to pass it.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill (H. R. 3711) to authorize the adoption of children in the District of Columbia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### INSPECTORS OF HULLS AND BOILERS.

Mr. FRYE. Will the Senator from Florida allow me to have a pretty important bill of general interest passed? It will take but a moment. The bill is one regulating the salaries of inspectors of hulls and boilers. A similar bill has passed the Senate three times, and finally the House concluded to take it up and has passed it under a suspension of the rules. However, it will require two or three amendments. I report it back from the Committee on Commerce with amendments. There is no need, in my judgment, of reading the bill. The amendments can be read and acted on. The bill has been read in the Senate over and over again.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2377) to amend "An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels," approved August 7, 1883; and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels."

The PRESIDING OFFICER. The amendments reported from the Committee on Commerce will be stated in their order.

The first amendment was, in section 1, line 8, after the word "also," to strike out the word "section" and insert in lieu thereof the word "sections;" so as to make the section read:

That the "act to amend section 4400 of title 53 of the Revised Statutes of the United States," approved August 7, 1882, be, and the same is hereby, amended by striking out from the first section thereof all after the word "aforesaid," in the fourteenth line of said section; also sections 2 to 6, inclusive, of said act.

The next amendment was, in section 2, to insert after line 20:

In districts inspecting 100 steamers and less, to a salary of \$1,200 per year each.

The amendment was agreed to.

The next amendment was, in section 2, line 25, after the word "inspecting," to insert "over one hundred and;" so as to make the paragraph read:

In districts inspecting over 100 and less than 150 steamers, to a salary of \$1,500 per year each.

The amendment was agreed to.

The next amendment was, in section 2, line 41, after the word "Treasury," to insert "the number of inspections for the year next preceding the approval of this act and thereafter;" so as to read:

The Supervising Inspector-General shall report to the Secretary of the Treasury the number of inspections for the year next preceding the approval of this act and thereafter, at the end of each fiscal year, the number of steamers inspected in each local district in that year, which number shall be the basis upon which shall be determined the salaries to be paid to local inspectors for the following fiscal year, in the ratio described in the preceding paragraphs of this section.

The amendment was agreed to.

The next amendment was, in section 2, line 54, after the word "Massachusetts," to insert "Chicago, Ill.;" so as to read:

For the district of New Orleans, La.; Philadelphia, Pa.; Baltimore, Md.; Boston, Mass.; Chicago, Ill., and San Francisco, Cal., at \$1,800 per year each.

The amendment was agreed to.

The next amendment was to strike out section 3, in the following words:

Sec. 3. That this act shall take effect July 1, 1895.

And insert in lieu thereof:

Sec. 3. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. FRYE. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate, and Mr. RANSOM, Mr. VEST, and Mr. FRYE were appointed.

Mr. FRYE. I am obliged to the Senator from Florida.

WILLIAM W. BUCKLEY.

Mr. PALMER. I ask the Senator who has charge of the pending appropriation bill to allow me to call the attention of the Senate to House bill 8237. It is a very short bill and will occupy but little time.

Mr. CALL. I can not consent to any further interruption of the appropriation bill at this time.

Mr. PALMER. If the Senator from Florida will allow me, I will state that this bill is one that was introduced in the House by a gentleman one month older than I am. He is very anxious for



its passage, and holds me responsible for its passage by the Senate. I hope the Senator will allow me to have it passed.

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Illinois?

Mr. CALL. After that appeal I will yield.

By unanimous consent, the bill (H. R. 8237) for relief of William W. Buckley, late first lieutenant One hundred and ninety-fourth Regiment Ohio Volunteers, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments: In line 3, after the word "the," to strike out "Secretary of War" and insert "President of the United States;" in line 4, after the word "authorized," to strike out the words "and directed," and in line 8, after the word "to," to insert "direct the Secretary of War to;" so as to make the bill read:

*Be it enacted, etc.*, That the President of the United States be, and he is hereby, authorized to revoke the order mustering out of service William W. Buckley as first lieutenant of Company K, One hundred and ninety-fourth Regiment Ohio Volunteers, on October 15, 1865, and to direct the Secretary of War to issue to him an honorable discharge as of that date: *Provided*, That under the terms of this act the said Buckley shall not be entitled to receive any pay, bounty, or other allowances to which he would not have been entitled under his original muster out of service.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### INDIAN APPROPRIATION BILL.

Mr. COCKRELL. Now let us proceed with the appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, on page 63, line 2, before the word "thousand," to strike out "two" and insert "three;" so as to make the clause read:

For pay of employees at substation, and saw and flour mills at the Flathead Agency, Mont., \$3,500.

The next amendment was, on page 63, after line 3, to insert:

To enable the President to cause, under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed, or resurveyed, for the purposes of said act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the Office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said act, \$20,000: *Provided*, That whenever it shall be made to appear to the Secretary of the Interior that by reason of age, disability, or inability any allottee of Indian lands under this or former acts of Congress can not personally and with benefit to himself occupy or improve his allotment or any part thereof the same may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for a term not exceeding five years for farming or grazing purposes, or ten years for mining or business purposes: *Provided further*, That the surplus lands of any tribe may be leased for farming purposes by the council of such tribe under the same rules and regulations and for the same term of years as is now allowed in the case of leases for grazing purposes.

Mr. JONES of Arkansas. I move to strike out the last proviso, in the following words:

*Provided further*, That the surplus lands of any tribe may be leased for farming purposes by the council of such tribe under the same rules and regulations and for the same term of years as is now allowed in the case of leases for grazing purposes.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 64, after line 2, to insert:

That the allotments of land made to the Quapaw Indians, in the Indian Territory, in pursuance of an act of the Quapaw national council, approved March 23, 1893, be, and the same are hereby, ratified and confirmed. And the Secretary of the Interior is hereby authorized to issue patents to said allottees in accordance therewith: *Provided*, That said allotments shall be inalienable for a period of twenty-five years from and after the date of said patents: *And provided further*, That the surplus lands on said reservation, if any, except 100 acres where the Quapaw school buildings now stand, which shall be reserved for school purposes, may be allotted from time to time by said tribe to its members, under the above-entitled act, and after said allotments shall have been made the remainder may be disposed of by the national council at not less than \$1.25 per acre and the proceeds used by said council for the benefit of said tribe.

Mr. JONES of Arkansas. I ask the Senate to disagree to this amendment relative to the Quapaw Indians.

The amendment was rejected.

Mr. COCKRELL. That proposed amendment was transferred from page 81, lines 5 to 15, which is the House provision in the bill. We struck it out there because it was not in its proper place, and, supposing that some provision had to be retained, we modified it as we thought best. Now that the modification has been disagreed to, I ask that the amendment of the committee striking

out the paragraph on page 81, from lines 5 to 15, inclusive, be agreed to. That will end the whole matter.

Mr. PLATT. And strike out the whole thing.

Mr. COCKRELL. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee on page 81, which will be stated.

The SECRETARY. On page 81 the committee report to strike out from line 5 to line 15, inclusive, in the following words:

That the allotments of land made to the Quapaw Indians, in the Indian Territory, in pursuance of an act of the Quapaw national council, approved March 23, 1893, be, and the same are hereby, ratified and confirmed. And the Secretary of the Interior is hereby authorized to issue patents to said allottees in accordance therewith: *Provided*, That said allotments shall be inalienable for a period of twenty-five years from and after the date of said patents: *And provided further*, That the surplus lands on said reservation, if any, may be allotted from time to time by said tribe to its members under the above-entitled act.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 65, after line 8, to insert:

For surveying the Indian reservations in South Dakota, \$20,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 65, after line 10, to insert:

To enable the Secretary of the Interior, in his discretion, to negotiate with the Belknap Indians for the surrender of certain portions of their reservation, situated in the north central portion of the State of Montana, and the Blackfeet Indians for the surrender of certain portions of their reservation, situated in the northwestern part of the State of Montana, \$3,500; and the Secretary of the Interior is hereby authorized to appoint a commission to negotiate with the said Belknap and Blackfeet Indians for the ceding of said portions of their respective reservations, any agreement thus negotiated being subject to action by Congress.

Mr. PLATT. I ask, because I am not fully informed, whether it has been customary for the Secretary of the Interior to appoint commissions to negotiate with the Indians, or is the appointment made by the President of the United States?

Mr. COCKRELL. Sometimes the appointment is made by one and sometimes by the other. Where it is a small matter, it has generally been left with the Secretary of the Interior.

Mr. PLATT. The Senator thinks it is entirely proper to leave this matter with the Secretary of the Interior?

Mr. COCKRELL. Yes; this is a small matter.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 65, after line 21, to insert:

For the survey of the lands in the Indian Territory, \$400,000, or so much thereof as may be necessary: *Provided*, That the Secretary of the Interior may, in his discretion, direct that the surveys herein authorized, or any part of them, shall be made under the supervision of the Director of the Geological Survey, by such persons as may be employed by or under him for that purpose. And such surveys shall be executed under instructions to be issued by the Secretary of the Interior, and subdivisive surveys shall be executed under the rectangular system, as now provided by law: *Provided further*, That when any surveys shall have been so made and plats and field notes thereof prepared, they shall be approved and certified to by the Director of the Geological Survey, and two copies thereof shall be returned, one for filing in the Indian Office and one in the General Land Office; and such surveys, field notes, and plats shall have the same legal force and effect as heretofore given to the acts of surveyors-general: *Provided further*, That the cost of said surveys, so to be made under the supervision of the Director of the Geological Survey, shall not exceed the rates now established by law; and that whenever such surveys are executed as herein provided by the Director of the Geological Survey, all laws inconsistent with the provisions hereof are declared to be inoperative as respects such surveys.

Mr. PETTIGREW. I think there is a mistake on the part of the committee in connection with this amendment. The provision as it reads would, I think, place all the surveys of Indian reservations provided for in the bill under the Geological Survey. I think it is the intention to place only the surveys in the Indian Territory under the direction of the Geological Survey.

Mr. JONES of Arkansas. That certainly was the intention, and I think it is clearly shown.

Mr. PETTIGREW. I think the amendment unquestionably includes all surveys provided for in the bill. I therefore move to insert, after the word "authorized," at the top of page 66, the words "in the Indian Territory."

Mr. PLATT. That will do.

Mr. PETTIGREW. I do not want the Geological Survey to do the work in my State because I am afraid it would never be done. I do not think that Bureau ever means to get out of business.

Mr. JONES of Arkansas. There is no objection to that amendment to the amendment. I think the amendment as at present constructed does the same thing.

Mr. CALL. I call the attention of the Senator from South Dakota to the words in line 2 on page 65, "for survey of lands in the Indian Territory."

Mr. JONES of Arkansas. That limits it.

Mr. PETTIGREW. But it provides also that "the surveys herein authorized," and the bill authorizes the surveys of other Indian reservations in the United States. The paragraph just preceding authorizes the survey of an Indian reservation in South

Dakota. Therefore I desire that my amendment to the amendment shall be adopted.

Mr. JONES of Arkansas. There is no objection to that amendment.

Mr. COCKRELL. In line 2, on page 66, after the word "them," insert "in the Indian Territory."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 66, after line 21, to insert:

That jurisdiction upon the principles of law and equity be, and it is hereby conferred upon the Court of Claims to hear and determine a suit that may be instituted therein by Yvon Pike, Lillian Pike, and the legal representatives of Luther H. Pike, children and heirs at law of Albert Pike, deceased, late a citizen of the State of Arkansas, against the Choctaw Nation of Indians for just compensation to them for and on account of services as attorney at law and otherwise rendered to and for said nation by the said Albert Pike in his lifetime, in and about the prosecution of the so-called "net proceeds" claim of said nation against the United States and in other business, and to render such judgment or decree in said suit, upon the merits thereof, as the facts will warrant, and as shall be just and equitable, with right of appeal to the Supreme Court of the United States from said judgment or decree to either party to said suit.

The amendment was agreed to.

The next amendment was, on page 67, after line 12, to insert:

That the Secretary of the Interior is hereby authorized and directed to pay to Joel M. Bryan, for services rendered the North Carolina Cherokees residing in the Cherokee Nation west, in accordance with the proceedings of a council of said North Carolina Cherokees held at Tahlequah, in the Indian Territory, March 12, 1892, now on file with the accounting officers of the Treasury Department, the sum of \$3,000, out of any unexpended balance of the amount appropriated by the act of March 3, 1893, for the removal and subsistence of those members of the Eastern Band of Cherokees who have removed themselves, as well as those who may now or hereafter desire to remove themselves, to the Cherokee Nation in the Indian Territory.

The amendment was agreed to.

The next amendment was, on page 68, after line 2, to insert:

For payment of interest on certain abstracted and nonpaying State stocks belonging to the various Indian tribes, and held in trust by the Secretary of the Interior, for the fiscal year ending June 30, 1895, namely, from July 1, 1894, to August 15, 1894, both inclusive, \$9,870.42.

The amendment was agreed to.

The next amendment was, on page 68, after line 10, to insert:

To provide for the expenses of the five commissioners appointed to take a census of the Old Settler Cherokees, \$2,000, in addition to the sum of \$5,000 appropriated for such purpose by act of Congress approved August 15, 1894, the same to be deducted from the amount awarded to said Indians by judgment of the Court of Claims, dated June 8, 1893, and reimbursed to the United States.

The amendment was agreed to.

The next amendment was, on page 68, after line 19, to insert:

To enable the Attorney-General to employ a special attorney for the Mission Indians of southern California, upon the recommendation of the Secretary of the Interior, \$2,000, of which sum \$1,000 shall be available for the fiscal year 1895.

The amendment was agreed to.

The next amendment was, on page 69, beginning at line 1, to insert:

That the homestead settlers on the Absentee Shawnee, Pottawatomie, and Cheyenne and Arapahoe Indian lands in Oklahoma Territory be, and they are hereby, granted an extension of two years within which to make the first payment provided for in section 16 of the act of Congress approved March 3, 1891, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1892, and for other purposes," and such payment may be made at any time within five years from the date of the entry of such lands. And that the like extension of two years on the first payment required to be made, when payable in installments, is hereby granted to all homestead settlers on all ceded Indian reservations in the States of South Dakota, Nebraska, Montana, and Idaho: *Provided*, That in any case where the United States has not paid the Indians for such ceded lands the consent of the Indians interested shall first be obtained, in such manner as the Secretary of the Interior may direct.

Mr. HANSBROUGH. In line 16, after the words "States of," I move to insert "North Dakota."

Mr. COCKRELL. Let the amendment be stated from the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee on page 69, line 16, after the words "States of," by inserting "North Dakota."

Mr. PLATT. Has North Dakota suffered the same as other States named from drought?

Mr. HANSBROUGH. Yes, sir.

Mr. PLATT. Then I have no objection to the amendment to the committee's amendment.

The amendment to the amendment was agreed to.

Mr. PETTIGREW. I move to strike out all the committee's amendment after the word "Idaho," in line 17, on page 69, down to and including the word "direct," in line 20.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of

the committee in line 17, on page 69, after the word "Idaho," by striking out the following:

*Provided*, That in any case where the United States has not paid the Indians for such ceded lands the consent of the Indians interested shall first be obtained, in such manner as the Secretary of the Interior may direct.

Mr. COCKRELL. I hope the amendment to strike out those words will not be agreed to. The Commissioner of Indian Affairs says this provision is absolutely necessary; that in cases where Indian lands have been sold to homestead settlers and they have been given time in which to make payment, and then have had an extension of time, the consent of the Indians shall be obtained. If the amendment should be adopted a very serious question would arise of violating a special and specific contract we made with the Indians. I do not think the change proposed ought to be made. Wherever the Government has assumed payment, or anything of that kind, I think it ought to be done, but where there is a specific contract it ought not to be insisted upon.

Mr. PETTIGREW. Mr. President, of course where the Government has not paid for the Indian lands the preceding provisions would be entirely worthless as to settlers occupying the lands. In the State of South Dakota, in the great Sioux Reservation, there are large numbers of people who have taken lands and are trying to make homes; but unfortunately that country has been exceedingly dry and the people have been able to produce no crops whatever. This simply gives them another opportunity to try to make homes upon those prairies, and to try to build up that country.

If this provision is insisted upon, if we wait to get the consent of 25,000 Sioux Indians in South Dakota, the year will pass, the settlers will leave that country, and the Indians will receive nothing. It is not only in the interest of the Indians but absolutely in the interest of the settlers that this proviso should be stricken out. We have a treaty with the Sioux, and I think the Indian Rights Association insist that we can do almost nothing unless we get the consent of three-fourths of the male Indians over eighteen years of age, and I suppose they will insist upon that stipulation in connection with this matter, and therefore the extension of time will be absolutely worthless to those people. If it is a mere matter of interest, the Government can afford to pay the interest for those people, if it is necessary, in order to carry out the agreement with the Indians, and not drive those people from their homes by insisting that they shall make this payment within the year. Give them a chance to make another crop; give them a chance, if they want to stay in that country, to do so. That will enable the remainder of the lands to be sold, and it will be far better than to insist upon the proviso, which makes the extension absolutely worthless.

Mr. COCKRELL. The proviso is:

That in any case where the United States has not paid the Indians for such ceded lands the consent of the Indians interested shall first be obtained, in such manner as the Secretary of the Interior may direct.

That does not mean each individual member of the tribe, and the Secretary of the Interior will be able to obtain the consent of the Indians in a month.

Mr. PETTIGREW. I will say that there are six tribes interested in this land. The whole Sioux Nation are on six reservations, probably a hundred miles apart, and the amount of interest will not equal the cost of making the agreement. There are only a few hundred settlers in that country, and if they leave it, there will be less in the future and there are millions of acres of land there yet belonging to the Indians.

Mr. PLATT. It seems to me there is considerable force in what the Senator from South Dakota [Mr. PETTIGREW] says about this provision. To put this provision in the bill is practically to say that where the land has not been paid for, the provisions of law shall not apply, for I do not see how the homestead settler who wishes to have an extension of his time, because of the drought and his inability to pay for his land, can negotiate with and obtain the consent of the tribe of Indians who would receive the benefit of the payment.

Mr. CHANDLER. I wish to ask the Senator from Connecticut why the United States has not paid the Indians for all these ceded lands?

Mr. PLATT. We have taken some lands from the Indians upon an agreement to pay them as fast as the money comes into the Treasury from the sales of their lands to actual settlers, and it is those classes to which the provision refers.

Mr. CHANDLER. Is there any doubt but that the Indians will get their pay whether the extension is given to homestead settlers or not?

Mr. COCKRELL. Let the proviso go out of the amendment.

Mr. PLATT. Replying to the Senator from New Hampshire, if he desires a reply now, although the chairman of the Committee on Appropriations has consented to the proviso going out of the bill, if the settler can not get the extension, the probability is he will abandon his settlement, and then the Indian will not get his pay until the Government can sell the land over again. If the settler gets an extension, it is probable he will be able to struggle



along and pay for his land; and then the Indian will get the money for it.

Mr. CHANDLER. Do I understand that the United States pays each individual Indian for the proceeds of his own land? Does not the United States pay from the gross accumulation of the sales to the tribe?

Mr. PLATT. That is it.

Mr. CHANDLER. Then if the gross sales are sufficient of all the lands, the Indians are sure to get their money, and then there will be no reason for this provision.

Mr. PLATT. The Indians get all the money that is paid into the Treasury, but if the homestead settler can not keep on and pay up the Indians do not get pay for that land. Wherever the settler abandons his land it is so much lost to the Indian unless the Government can sell the land over again.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Dakota to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 69, after line 20, to insert:

That the Secretary of the Interior be, and hereby is, authorized and directed to negotiate with the Otoe and Missouri tribes of Indians, located in the Territory of Oklahoma, and, if practicable, to purchase from the said tribe a sufficient quantity of their surplus lands to allot to members of the Iowa tribe of Indians, in Kansas and Nebraska, as hereinafter set forth: *Provided*, That in case the Secretary of the Interior deems best for the interests of the said Iowa tribe he is hereby authorized to allot to the said Iowa Indians lands that have been, or may hereafter be, ceded to the United States by the Comanche, Kiowa, and Apache, or the Wichita tribes of Indians, located in the Territory of Oklahoma.

The amendment was agreed to.

The next amendment was, on page 70, after line 7, to insert:

The lands so secured to be allotted in tracts of 80 acres of farming land to each person who has not already received an allotment of land who was recognized as a member on May 1, 1894, of the Iowa tribe of Indians, in Kansas and Nebraska, and to children born to members of the tribe since the former allotment, and to such other persons of Iowa blood who may be admitted to membership by authority of the said Iowa tribe, with the approval of the Commissioner of Indian Affairs, previous to the completion of the allotments hereinbefore provided for; said allotments to be made under the provisions of the act of Congress providing for the allotment of lands in severalty to Indians on the various reservations, approved February 8, 1887.

The amendment was agreed to.

The next amendment was, on page 70, after line 21, to insert:

The cost of the lands hereby authorized to be purchased from the Otoe and Missouri tribe of Indians, or the lands owned by the United States that are allotted as aforesaid, shall be paid to the said Otoe and Missouri tribe or reimbursed to the United States from funds due the said Iowa tribe of Indians now held in trust by the United States, payment of said sum to be under the direction of the Secretary of the Interior: *Provided*, That a majority of the male adult members of the said Iowa tribe of Indians shall first agree to the provisions hereof.

The amendment was agreed to.

The next amendment was, on page 71, after line 6, to insert:

That with the consent of the Otoe and Missouri tribes of Indians, to be obtained in such a manner as the Secretary of the Interior may direct, said Secretary is authorized to expend any of the principal sum derived from the sale of their lands in Kansas and Nebraska, not to exceed \$30,000, the same to be expended per capita, in his discretion, in the erection of houses and other necessary farm buildings on their individual allotments, in the purchase of seed, farm implements, and domestic animals, and in settling them upon their lands, and in preparing them to begin agricultural life.

Mr. MANDERSON. I desire to offer an amendment to that clause, which was an amendment to the bill intended to be proposed by me, but I am glad to see it has been adopted by the Committee on Appropriations. I ask that the amendment may be read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of the committee amendment, on line 16, page 71, it is proposed to insert the following proviso:

*Provided*, That the Secretary of the Interior may, in his discretion, pay to any of said Indians whom he may consider capable of judiciously expending their money their per capita share of such sum in cash.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

Mr. MANDERSON. I have been called upon by representatives of this tribe, and it is a tribe of Indians which is well advanced toward civilization, who informed me that there is coming to them the sum of \$80,000, and their desire was that this amount might be distributed among them per capita, to be expended for their welfare and comfort and advancement. I hold in my hand a letter from the Acting Secretary of the Interior, in which he suggests this amendment.

Their desires were met in part by the Interior Department in that they should receive one-half of this amount for the purpose named, and that where any of them were so far advanced as to permit it, and had buildings, in his discretion the Secretary of the Interior might give them their share in money rather than expend it for farm buildings and the purchase of seed, farm implements, and domestic animals.

I send to the desk the letter of the Acting Secretary of the Interior, and ask that it be read.

The PRESIDING OFFICER. The letter will be read.  
The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, Washington, February 4, 1895.

SIR: Referring to letter of the Department of January 23, 1895, reporting upon an amendment intended to be proposed by Mr. MANDERSON to the bill (H. R. 8479) making appropriations for the current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes, I desire to say that upon further consideration and at the earnest solicitation of representatives of the Otoe and Missouri tribe of Indians, whom said amendment affects, I have concluded to suggest that a proviso be added to the amendment suggested by the Commissioner of Indian Affairs, and approved by said Departmental letter, authorizing the Secretary of the Interior to pay in cash the shares of those Indians who may be found capable of judiciously expending the money.

I inclose a draft of said proviso, and respectfully recommend that it be added to the draft of amendment heretofore forwarded.

Very respectfully,

WM. H. SIMS, Acting Secretary.

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,  
United States Senate.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Nebraska to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. PETTIGREW. We have passed an amendment made by the committee, on page 69, as to the Otoe and Missouri tribe of Indians. I should like to know what purpose is to be accomplished by that amendment? I do not know of that subject having been before the Committee on Indian Affairs, and I should like to know something about it.

Mr. PLATT. I suggest to the Senator to let that stand until the Senator from Nebraska returns.

Mr. PETTIGREW. Very well.

The PRESIDING OFFICER. There is no motion pending. The Secretary will resume the reading of the bill.

Mr. WOLCOTT. The Senator from Nebraska [Mr. MANDERSON] offered an amendment.

The PRESIDING OFFICER. That has been adopted.

Mr. PETTIGREW. I desire to open that question again. I wish to understand the provision. I do not remember of there being any statement before the Committee on Indian Affairs, and I do not understand the amendment or what is to be accomplished by it. I should like to have the Senator in charge of the bill inform us.

Mr. JONES of Arkansas. Does the Senator refer to the proposed purchase of land in the Indian Territory from the Otoe Indians?

Mr. PETTIGREW. Yes, sir.

Mr. JONES of Arkansas. I do not remember that that subject has been before the Committee on Indian Affairs, but I think I recall indistinctly that some communication has been made from the Indian Office of an arrangement being made with certain Indians in Kansas about to remove to the Indian Territory, and that there is an amicable agreement for them to purchase lands in the Otoe Reservation.

Mr. PLATT. The Senator will recall that the Senator from Kansas [Mr. MARTIN] appeared before the committee and urged the adoption of this amendment.

Mr. JONES of Arkansas. I believe that is the fact.

Mr. PLATT. And the Senator from Nebraska who has just spoken on the subject [Mr. MANDERSON], who has been called out for a moment, was also interested in it, and either of those Senators, I think, can explain the situation.

Mr. MARTIN. I will state that these amendments were submitted to the Secretary of the Interior and the Commissioner of Indian Affairs, and have their cordial approval in writing. They were before the Committee on Indian Affairs and also before the Committee on Appropriations.

Mr. JONES of Arkansas. I now recall that there was a report from the Committee on Indian Affairs.

Mr. PETTIGREW. I should like to know if these Indians now own lands in Kansas?

Mr. MARTIN. No. This bill provides for the purchase of Indian lands for certain Indians in Oklahoma and in the Indian Territory.

Mr. PETTIGREW. Have they any lands in the State of Kansas which belong to them?

Mr. MARTIN. All the lands, as I understand, owned by these Indians have already been allotted among the Indians there.

Mr. MANDERSON. There are no tribal lands. They have been allotted in severalty.

Mr. PETTIGREW. How many Indians are there?

Mr. MARTIN. I am not prepared to say about that. I do not know.

Mr. PETTIGREW. I am very sorry to see the Senator from Kansas so anxious to get rid of the best population in his State. [Laughter.]

Mr. MARTIN. We do not propose to supply the deficiency by importations from South Dakota. [Laughter.]

Mr. CHANDLER. Is there any exigency in this legislation which requires it to go on an appropriation bill, when there is no appropriation made whatever in connection with the provision?

Mr. MARTIN. I do not know that there is any special reason why this should be so. I can only say it is proper legislation, that it has been properly submitted to the Department of the Interior and the Commissioner of Indian Affairs, and that it has been cordially approved by them. It has been reported here favorably by a committee. It seems to me that all the rules of the Senate have been complied with in that respect, and that it is not subject to any objection whatever.

Mr. MANDERSON. The Otoe and Missouria Indians who are concerned in this particular amendment do not live in the State of Kansas or in the State of Nebraska. They are members of those tribes who, many years ago, were taken to the Indian Territory, where they now reside. A few of them who preferred to remain at their old home were allowed to take land in severalty. This distribution of one-half of the amount which belongs to them, which is in the Treasury of the United States, is a distribution to the members of the tribe who are in the Indian Territory and who are not citizens of either Kansas or Nebraska. It is for the purpose that they may advance themselves in civilization in the Indian Territory that this money is to be paid for their benefit. It is theirs, and why should it not be paid, when, in the opinion of the Interior Department, they are so far advanced that they should receive this that is their fair due?

I am afraid my friend from South Dakota did not listen to the statement made in regard to this matter, and particularly to the letter from the Acting Secretary of the Interior, which was read. I have no doubt in my mind but that this is a righteous and proper provision.

Mr. PETTIGREW. Will the Indians in Nebraska receive any of this money?

Mr. MANDERSON. This is a part of the money they received for the sale of the lands that were not taken by a portion of the tribe in Nebraska and Kansas.

Mr. CHANDLER. I am glad to see the Senator from Nebraska [Mr. MANDERSON] giving some attention to this provision, because I know he always brings intelligence and good sense to every subject which he discusses. I should like to call his attention to the fact that here are two pages, beginning on line 21, page 69, and going to line 16 on page 71, where there is no appropriation whatever. It is not in order on an appropriation bill and could be ruled out if a point of order were made. Certainly there ought to be a succinct and brief statement made of what the object is when Senators are called upon to vote for amendments of this kind which contain no appropriation whatever.

Does the Senator know sufficient facts about the provisions here to be able to say that they not only are wise and judicious legislation, but that they are of sufficient importance to be put upon an appropriation bill when no appropriation is made? We get no information from the other side of the Chamber about these clauses; they have made no explanation of these pages of this appropriation bill which are devoted to new legislation, and I should be very glad if the Senator from Nebraska, who has discovered the word "Nebraska" four or five times in these provisions, and has therefore made a short speech on them, will tell us whether he can vouch for the sense and soundness of these provisions, and also whether they are so important that they can not possibly wait until a better and more intelligent Congress shall assemble in Washington. [Laughter.]

Mr. MANDERSON. Mr. President, the Senator from New Hampshire [Mr. CHANDLER] never allows himself to burst with ignorance. He always seeks light, and always seeks it from the place where he can obtain it best. [Laughter.] I feel very much complimented, and I think I fully deserve the encomiums he has passed on my good judgment and excellent sense. [Laughter.] Having placed me so high in opinion by that expression, I am sure he will believe me when I say that I think these provisions to which he has referred are so beneficent, so excellent, that they should be upon this bill, even in violation of the rules of the Senate, for which, as I have heretofore said, I have so little regard that I think a majority should never hesitate to overrule them when good can result thereby.

I can assure the Senator that the fact that the word "Nebraska" is frequently in these amendments gives them additional merit, and I have no question but that he will believe me when I make that statement, if I can have his attention.

Mr. CHANDLER. Mr. President, I heard nearly all the remarks of the Senator from Nebraska. The Senator from Connecticut [Mr. PLATT] was engaged in pouring additional information into my ears. The Senator has satisfied me about this provision, and I make no further objection to it. I only regret that we can not get from the other side of the Chamber, from Senators who are conducting this bill, an equally lucid statement as to all the various provisions which they have added to the bill.

Mr. CALL. If there be no objection, I wish to have inserted the following proviso, after line 16, on page 71:

*Provided, That the Secretary of the Interior is hereby authorized and directed to pay to the five Indian delegates of the said tribe now in Washington \$150 each out of their appropriation, to cover their board and traveling expenses in coming to and returning from Washington.*

This has been presented to me by the head of the tribe, with authority from his tribe to come here for the purpose of representing them.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Florida.

Mr. CHANDLER. I should like to hear the amendment. I do not think anyone on this side of the Chamber heard what the Senator from Florida said, and I should like to have the amendment read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. After the amendment already agreed to it is proposed to insert, after line 16, on page 71, the following:

*Provided, That the Secretary of the Interior is hereby authorized and directed to pay the five Indian delegates of said tribe now in Washington \$150 each out of their appropriation, to cover their board and traveling expenses in coming to and returning from Washington.*

Mr. CALL. If the Senator from New Hampshire desires to know, I will state—

Mr. CHANDLER. I have not the least objection to the amendment if the delegates will only go. [Laughter.]

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 71, after the amendment just agreed to, to insert:

*That that part of the act of Congress approved February 28, 1891, amending an act providing for the allotment of land in severalty to Indians on various reservations, etc., approved February 8, 1887, which reads as follows, to wit: "And provided further, That no allotment of land shall be made or annuities of money paid to any of the Sac and Fox of the Missouri Indians who were not enrolled as members of said tribe on January 1, 1890; but this shall not be held to impair or otherwise affect the rights or equities of any person whose claim to membership in said tribe is now pending and being investigated," be, and the same is hereby, repealed.*

The amendment was agreed to.

The next amendment was, on page 72, after line 4, to insert:

*The Secretary of the Interior is hereby authorized and directed to suspend action under the provisions of the act of Congress approved March 3, 1893 (27 Stats., 641), ratifying the agreement with the Cherokee Nation of December 19, 1891, as to the actual removal from the Cherokee country of persons designated by the authorities as intruders, until the appraisal of the value of the improvements of such persons shall have been completed and submitted to Congress by the Secretary of the Interior, and until the further action of Congress.*

Mr. BUTLER. I beg to call the attention of the Senator in charge of the bill to a protest which I hold in my hand from certain Cherokee delegates which bears directly upon the proposed amendment of the committee. The protest is not long, and I will ask that it be read from the desk.

The Secretary read as follows:

NATIONAL HOTEL, Washington, D. C., February 8, 1895.

To the Senate of the United States:

We, the undersigned delegates and representatives of the Cherokee Nation of Indians, beg leave to call your attention to the amendment on page 72 to H. R. 8478, making appropriation for the Indian service, etc., which directs the Secretary of the Interior to suspend action under the provisions of the act of Congress approved March 3, 1893, 27 Statutes, page 641, which relates to the removal of intruders from our Territory.

We must say that we were very much surprised to see the amendment referred to. We have had no notice whatever of such intended amendment, and had no knowledge whatever in regard to it until we read it in the reported bill.

When the Cherokee people agreed to sell to the United States that vast territory of country containing over 6,000,000 acres of land known as the Cherokee Outlet, it was specially and specifically agreed that all intruders were to be removed from our Territory by the United States, as agreed in former treaties. This part of the agreement of the sale was a material part of the consideration, and one of the strong inducements that impelled the Cherokee Nation to sell and part with this vast and valuable domain.

When Congress ratified this agreement, which was approved on March 3, 1893, as above referred to, Congress modified the agreement in this regard by requiring the Cherokee Nation to pay the intruders the value of their improvements as a condition for their removal. Notwithstanding our people thought this a hard requirement, after these intruders had occupied and used our lands for many years free of rent, yet in order to comply with the wishes of the United States, in regular council accepted and ratified the amendment.

Since then a commission was duly appointed by the United States to make appraisement of the improvements of the intruders, which appraisements have been completed, and the Cherokee Nation has set apart and held in readiness \$250,000 to make full payment to all persons whose improvements have been appraised. We have fully complied with our part of the agreement, and insist that the United States carry out in good faith its part of the agreement, and that the Senate strike out the amendment referred to. Any failure to execute this important agreement will greatly discourage our people and cause them to doubt the good faith of the United States in any proposition hereafter made.

Respectfully,

C. J. HARRIS, Principal Chief,  
WALTER A. DUNCAN,  
J. P. THOMPSON,  
S. W. GRAY,  
ROACH YOUNG,  
Cherokee Delegates.

Mr. BUTLER. The Senator from Arkansas has an amendment



to the amendment of the committee, which I have not examined very carefully; but it seems to me it will obviate somewhat the complaint which is very justly submitted by the delegates from the Cherokee country.

Mr. CHANDLER. I ask the Senator from Arkansas whether the amendment he proposes makes an appropriation?

Mr. JONES of Arkansas. It does not.

Mr. CHANDLER. Then I make the point of order on the amendment.

Mr. JONES of Arkansas. I suppose the Senator from New Hampshire will allow me to offer the amendment before he submits the point of order.

Mr. CHANDLER. I will allow the Senator from Arkansas to do anything he likes.

Mr. JONES of Arkansas. In line 14, page 73, I move to strike out all of the committee amendment after the word "completed," and insert the words:

And approved by the Secretary of the Interior and submitted by him to Congress; and the removal of such intruders shall not be made earlier than January 1, 1896: *Provided*, That whenever any intruder shall have been paid or tendered the appraised value of his improvements, if he does not immediately surrender possession of the same to the authorities of the Cherokee Nation, he shall pay rent therefor at the rate usual in the country.

Mr. BUTLER. The Senator from Arkansas had a suggestion about giving the nation a lien on the crops.

Mr. JONES of Arkansas. I think it is proper that a lien should be reserved to the nation for the rent, and I am willing to have the amendment modified in that respect.

Mr. CHANDLER. The amendment has not been read from the desk, and I do not understand it. I understand the original proposition, the committee amendment, and as I understand it, it is a direct violation of a solemn agreement made with the Cherokee Nation, as stated by them. Now, here is the provision in the act of March 3, 1893, which shows that there has already been a postponement of the agreement, but it distinctly provides that upon the demand of the principal chief, or otherwise, the intruders shall be put out. They shall be paid for their improvements upon the land, the sum to be expended not to exceed \$250,000, which the Cherokees have provided. The appraisements have gone forward, and the chiefs of the tribe ask to have the intruders go.

Mr. BUTLER. If the Senator from New Hampshire will allow me, I will suggest in support of what he has just stated that I am informed that the board of appraisers have finished the field work, and will in a few days be able to make their report to the Secretary of the Interior.

Mr. CHANDLER. Now, here comes another provision which suspends all action, not until the reports of the appraisals are made and the intruders paid, but until the further action of Congress.

Mr. BUTLER. That is to be stricken out.

Mr. CHANDLER. So that the appraisals may be made—

Mr. JONES of Arkansas. That clause is to be stricken out.

Mr. CHANDLER. I am speaking of this proposition as it came from the committee and as it lies before me on the desk.

Mr. BUTLER. The words the Senator refers to are proposed to be stricken out by the amendment of the Senator from Arkansas.

Mr. CHANDLER. I am commenting upon the feast to which we were first invited, and not that which we are asked to participate in now by the Senator from Arkansas. Here is a provision, as reported by the committee, that after the appraisals are made, after the intruders are paid for the improvements which they made upon the land, when they had no business there, it shall be necessary for the Cherokees to come and get another act of Congress to get them out, because here is the clause in line 15—

And until the further action of Congress.

I submit that unless that clause is to go out, and the provisions that are to go into the appropriation bill shall effectually provide for carrying out the agreement with those Indians, then the whole paragraph ought to go out, and the contract ought to be complied with just as the Indians now here, speaking through their memorial and through the Senator from South Carolina, ask that it shall be complied with.

Mr. BUTLER. I think the objectionable features of the amendment are, in a large measure, corrected by the amendment of the Senator from Arkansas.

Mr. CHANDLER. Is it satisfactory to the memorialists whose memorial the Senator from South Carolina has presented?

Mr. BUTLER. I am not prepared to answer that question. But the provision to which the Senator refers and takes exception I think ought to be stricken out. It is to be stricken out, I understand, by the amendment of the Senator from Arkansas. Whether the amendment of the Senator from Arkansas will be acceptable to the delegates I am not able to say.

Mr. CHANDLER. If it is agreeable to the Senator from Arkansas to have his amendment read from the Clerk's desk, then I will decide whether to make the point of order on it.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. After the word "completed," in line 14, page 73, strike out the remainder of the committee amendment, as follows:

And submitted to Congress by the Secretary of the Interior, and until the further action of Congress.

And insert:

And approved by the Secretary of the Interior and submitted by him to Congress; and the removal of such intruders shall not be made earlier than January 1, 1896: *Provided*, That whenever any intruder shall have been paid or tendered the appraised value of his improvements, if he does not immediately surrender possession of the same to the authorities of the Cherokee Nation, he shall pay rent therefor at the rate usual in the country.

Mr. JONES of Arkansas rose.

Mr. CHANDLER. Mr. President—

Mr. JONES of Arkansas. I thought the Senator from New Hampshire had yielded the floor.

Mr. CHANDLER. I will yield to the Senator from Arkansas to hear what he has to say.

Mr. JONES of Arkansas. I merely wish to say in explanation of what is here proposed, that as suggested by the Senator from New Hampshire, we proposed, a couple of years ago, to remove those intruders, after the value of the improvements they had made in the country had been appraised and paid for. The appraisement of those improvements is nearing completion, but it is not completed. The Senator from South Carolina says he is advised that the completion will occur within a few days. I am not so informed, though I understand it will take place not very far in the future.

In the mean time the time for planting the crops in that country has arrived. To take those people, and there are six or seven thousand of them, people who make their living by farming, by agriculture, after the time has come for them to plant their crops, away from their homes and bodily eject them by military force out of that country would be an act of brutality of which the Government of the United States can not afford to be guilty, and will not be guilty. The proposition as we have it here is that those people when their improvements have been appraised and paid for, if they do not immediately surrender possession, shall pay rent to the Cherokee Nation for the use of the land upon which they live and the improvements that they occupy, and that they shall not be removed before the 1st of January next. It simply allows those people who, will be planting their crops before the appraisement can be finished, an opportunity to harvest their crops and go in an orderly way to homes to be found somewhere else. That is all there is of it, and the dictates of the commonest humanity require that this shall be done.

Mr. BUTLER. Do I understand the Senator from Arkansas to state that the effect of his amendment will be to preserve the title to these lands in the Cherokee Nation after the improvements have been paid for, or after the payment has been tendered?

Mr. JONES of Arkansas. There is no doubt in my mind that the title to all this land is now in the nation, and has been since the patent was made to them, before either the Senator from South Carolina or I was born, and that the intruders who have gone there and have been, some of them, asserting rights as against the Cherokee Nation for title to the land will have their claim absolutely wiped out by the amendment. They will have notice served upon them that the Government of the United States recognizes the title of the land as being in the Cherokee Nation.

Mr. BUTLER. That I understood to be the effect of it, and so I asked the question.

Mr. CHANDLER. I think the amendment proposed obviates all objection to this legislation, and if the Senator from South Carolina is satisfied I will not press the point of order.

Mr. BUTLER. The amendment has just been read. The Senator from Arkansas discussed it somewhat this morning. I am inclined to think it will obviate all the objections which the Senator from New Hampshire discovered in the amendment and which I myself discovered. I entirely agree with him. My opinion is that it does obviate the difficulty, and if the amendment is agreed to I can not conceive why there should be any complaint about it. The provision to which I objected and to which the Senator from New Hampshire objected is stricken out; that is, suspending all action until further legislation by Congress, so that the appraisal can be proceeded with. If the amendment is adopted I do not see how they can be injured by continuing it until the 1st of next January.

Mr. CALL. Let the amendment be reported.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "completed," in line 14, page 73, strike out the remainder of the amendment and insert:

And approved by the Secretary of the Interior and submitted by him to Congress; and the removal of such intruders shall not be made earlier than January 1, 1896: *Provided*, That whenever any intruder shall have been paid or tendered the appraised value of his improvements, if he does not immediately surrender possession of the same to the authorities of the Cherokee Nation, he shall pay rent therefor at the rate usual in the country.

diately surrender possession of the same to the authorities of the Cherokee Nation he shall pay rent therefor at the rate usual in the country.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arkansas to the amendment of the committee.

The amendment to the amendment was agreed to.  
The amendment as amended was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. JAMES KERR, its Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 8499) to authorize the construction of a bridge across the Missouri River, in the county of Dakota, in the State of Nebraska, and in the city of Sioux City, in the county of Woodbury, in the State of Iowa.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8476) to provide for the examination and classification of mineral lands in the States of Montana and Idaho.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8234) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1896; further insisted upon its disagreement to the amendment of the Senate numbered 5, upon which the committee were unable to agree; agreed to a further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCREARY, Mr. HOOKER of Mississippi, and Mr. HITT managers at the conference on the part of the House.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolutions, and they were thereupon signed by the Vice-President:

A bill (H. R. 8681) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

A joint resolution (H. Res. 209) authorizing the Secretary of War to deliver condemned cannon to Asher Gaylord Post, Grand Army of the Republic, of Plymouth, Pa.; to William H. Tarbee Post, Grand Army of the Republic, of McGrawville, N. Y.; to the Eckley B. Coxe Post, Grand Army of the Republic, of Freeland, Pa., and to the R. Carpenter Post, Grand Army of the Republic, of Chelsea, Mich.; and

A joint resolution (H. Res. 273) extending from March 1, 1895, to the 15th day of April, 1895, the time for making returns of income for the year 1894, and for other purposes.

#### INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 72, line 18, after the word "lease," to insert "repair;" in line 20, after the word "draftsman," to strike out "at \$1,200 per annum;" in line 22, after the word "million," to strike out "one hundred and sixty-four thousand three hundred and fifty," and insert "two hundred and fifty-three thousand four hundred and forty," and in line 24, after the word "dollars," to insert "of which amount the Secretary of the Interior may, in his discretion, use \$5,000 for the education of Indians in Alaska;" so as to make the clause read:

#### SUPPORT OF SCHOOLS.

For support of Indian day and industrial schools, and for other educational purposes, including the purchase, lease, repair, and construction of school buildings, not hereinafter provided for, including pay of draftsman to be employed in the office of the Commissioner of Indian Affairs, \$1,253,440, of which amount the Secretary of the Interior may, in his discretion, use \$5,000 for the education of Indians in Alaska.

Mr. PLATT. It is proposed here to raise the appropriation from \$1,164,350 to \$1,253,440, which is an increase of about \$90,000. Will the Senator in charge of the bill state how that increase is made up or what it represents? Perhaps it is well to understand it at this point.

Mr. CALL. In reply to the question of the Senator from Connecticut, I will state that the increase over the House provision is made by adding the additional number of Indian children to the different Government schools, making as many as they can accommodate and take care of. It is found that under the provision of the bill abolishing all denominational schools and establishing the policy of the Government school for the education of the Indian children it is possible to add largely to the different Gov-

ernment schools on the reservations and elsewhere. Consequently the effort has been made, with the approval of the Commissioner of Indian Affairs, to extend the accommodations and the capacity of the different Government schools for teaching the Indian children.

Mr. PLATT. I do not think the Senator has fully answered my question. This increase is \$89,000, is it not?

Mr. CALL. The Senator refers to the difference between \$1,164,350 and \$1,253,440?

Mr. PLATT. Yes; it is \$89,000, I believe. Now, I wish to know how that is made up. I understand that a portion of it is made up by an addition to compensate for the striking out of the Hampton school, Virginia, and the Lincoln Institution at Philadelphia. Is that true?

Mr. CALL. I so understand. The Senator will find all the details of the bill as we proceed. He will find where the difference in the appropriation is made up.

Mr. PLATT. The reason why I call attention to this item at the present time is because further on in the bill the special appropriation for the Hampton school, Virginia, \$20,040, and for the Lincoln Institution at Philadelphia, \$33,400, is proposed to be stricken out by the committee, and I suppose this addition has been made at this point because those items are stricken out in another place. In other words, this involves the question whether those items are to be stricken out and the money placed in the hands of the Commissioner of Indian Affairs to do as he pleases with it.

Mr. CALL. The committee adopted the policy recommended by the Secretary of the Interior of abolishing all denominational schools. There may have been some mistake as to what were denominational schools, but upon the best information the committee could get they struck from the bill all denominational schools and added to the Government schools to the extent of their capacity. In doing that the Hampton school and the Lincoln school were classed as denominational.

Mr. HUNTON. I beg to say in reply to what has fallen from the Senator from Florida that the Indian school at Hampton is in no sense a denominational school, and how such an idea arose I can not understand.

Mr. PLATT. Will the Senator from Virginia permit me?

Mr. HUNTON. Yes, sir.

Mr. PLATT. Will the Senator in charge of the bill be willing to pass over this item for the increase of the money which is to be put in the hands of the Commissioner until we come to the two items providing for the Hampton school and the Lincoln school?

Mr. CALL. If the Senator desires it, I am willing that that course shall be pursued.

Mr. COCKRELL. I wish to make an explanation in regard to this appropriation. It may save the time of the Senate. At the last session of Congress we appropriated \$1,040,000 for this purpose. In the House of Representatives, in this bill that amount was increased by \$124,350, and that was the amount appropriated in the last Indian appropriation act for the support of schools said to be under the control of the Catholic Church. All the schools under the control of the Catholic Church were stricken out of this bill, but the amount that was appropriated for them last year was put into the aggregate amount allowed for Indian schools.

We found in the bill two schools. I do not call them denominational schools, but they are Protestant schools in contradistinction from Catholic schools. One is at Philadelphia and the other at Hampton. We struck them out. The amount appropriated for them is \$53,440. We put that amount in, increasing the appropriation made by the House, adding an additional sum to it, in order that the Commissioner of Indian Affairs and the Secretary of the Interior may have ample funds to purchase all the school buildings of any denomination, Protestant or Catholic, upon the reservations and establish there Government schools. We have taken out of the bill everything that is Catholic and everything that is Protestant. We have separated eternally and forever, so far as we can, church and state, and Protestants have no right to complain, nor have Catholics.

Mr. HUNTON. Mr. President—

Mr. QUAY. Will the Senator from Virginia permit me to interrupt him for a moment?

Mr. HUNTON. I beg pardon; I have been interrupted three or four times and I beg leave to finish the few remarks I wish to submit on this subject.

The VICE-PRESIDENT. The Senator from Virginia will proceed.

Mr. HUNTON. Mr. President, I am not at all satisfied with the explanation given either by the Senator from Florida in charge of the bill or the chairman of the Committee on Appropriations. The Senator from Florida says that the two denominational schools, one at Philadelphia and the other at Hampton, have been excluded from appropriations. In regard to the school at Hampton, I take pleasure in saying that it is in no sense of the word a denominational school. I have before me a letter from the superintendent



of that school, Mr. Frissell, in which he says that all denominations are represented in the school. The letter is as follows:

HAMPTON NORMAL AND AGRICULTURAL INSTITUTE,  
Hampton, Va., February 9, 1895.

MY DEAR SIR: I send you by this mail some statements in regard to the work of the Hampton school, in response to your suggestion.

This institute, as you well know, is undenominational in character, being controlled by a board of trustees representing six different religious denominations, no one of which has a majority. Our present chaplain is a Congregationalist; his assistant, an Episcopalian, and his predecessor was a Presbyterian. The Baptist students are met regularly by a Baptist clergyman who administers communion to them. Catholic as well as Protestant students come to us, and we receive support from friends of all sects.

To those acquainted with these facts the claim which I understand has caused the withdrawal of this school from the appropriation bill when before the subcommittee of the Senate seems manifestly unjust. The Government usually allows \$187 apiece for 120 Indians, and considering what this school has done through General Armstrong for the industrial education of the Indian in the West, it seems as if this support was deserved.

I send by this mail a number of documents which give an account of what Hampton students have accomplished in the West, and some testimonies as to the results of Hampton's work there. The part which General Armstrong and the Hampton school have had in the starting of industrial training among the Indians seems to us to entitle it to the continued help from the Government and to a place in the appropriation bill.

Thanking you for your kind interest, I remain, very truly, yours,  
H. B. FRISSELL.

HON. EPPA HUNTON,  
United States Senate, Washington, D. C.

That disposes of the statement made by the Senator from Florida in charge of the bill. I say to the Senate that in no sense of the word could the school at Hampton be considered denominational, because, as the superintendent states in the letter before me, all denominations are represented on the board of trustees and in the professors who are conducting the school.

Mr. President, I am amazed to find that out of the number of Indian schools provided for heretofore all have been provided for in the bill under consideration except two, the one at Philadelphia and the other at Hampton, Va.

Mr. COCKRELL. There are 15 or 20 left out of the bill.

Mr. HUNTON. They were not put in in the House, then.

Mr. COCKRELL. They were not put in in the House, but they have always been in heretofore.

Mr. HUNTON. I am talking about the bill as it comes from the House. Every school provided for in the bill as it came from the House to the Senate is provided for except the Philadelphia school and the Hampton school.

Mr. COCKRELL. Every other school provided for in the bill is a Government school.

Mr. HUNTON. This is a Government school.

Mr. COCKRELL. I beg pardon; it is not a Government school.

Mr. HUNTON. It is supported by Government appropriations. In regard to the explanation made by the chairman of the Committee on Appropriations, he tells the Senate that there is a sum in the general appropriation of one million two hundred and some odd thousand dollars, part of which may be appropriated by the Secretary of the Interior to support these schools by contract.

Mr. President, that does not meet the case at all. It provides that the Secretary of the Interior may make contracts, but only with the present contract schools, for the education of Indian pupils during the fiscal year ending June 30, 1896, and expend not exceeding 80 per cent of the present appropriation. I can not understand for the life of me why these two schools are to be cut down 80 per cent of the appropriation which has been allowed to them for years and years, while all the other schools in the bill before us have the full quota appropriated for them.

The Secretary of the Interior has estimated, and it is sent to us in the Book of Estimates, for the support and education of 120 Indian pupils at the school at Hampton, Va., \$20,040. That sum, I understand, has been appropriated year after year for a long period of time for the education of Indian students at the Indian school at Hampton, Va. Why this declaration and estimate of the Secretary of the Interior is overruled by the Committee on Appropriations I am at a loss to understand, because we do know that the school at Hampton under the recent care of General Armstrong, of the Indian Department, has educated many Indians who have gone West among the Indian tribes and have been of invaluable service in civilizing and educating the Indian tribes of the West.

Therefore, Mr. President, I protest most earnestly against the singling out of the Hampton school, in Virginia, as well as the Philadelphia school, and striking them out entirely from the list of schools for which an appropriation is annually made. The provision alluded to by the chairman of the Committee on Appropriations does not meet the case, because it leaves to the Secretary of the Interior a right to expend 80 per cent, in his discretion. He may or may not expend it. If he concludes to expend it, it is only to be expended to the amount of 80 per cent.

I hope that the amendment of the Senate committee to strike out the appropriation for the support and education of 120 Indian pupils at the school at Hampton will not be agreed to by the Senate.

Mr. QUAY. Mr. President, the Senator from Virginia has completely covered the ground which I was about to occupy. I will only add one word in behalf of the Lincoln Institute, situated at Philadelphia.

The Lincoln Institute is, I believe, the oldest and, as I know, one of the best of the Indian schools. It is absolutely nondenominational. I have submitted the evidence of that fact to the Senator in charge of the bill. There is nothing in the charter of the institution and there is nothing that has ever occurred in its conduct to bring it within the meaning of what is intended by the term a "denominational school." Some of its teachers belong to one denomination and some to another. It has a number of Roman Catholic scholars who attend Roman Catholic churches. None who have reached the age of discretion are influenced in their choice of the church they attend. So there is no reason, so far as the line which the Senator from Missouri intends to draw is concerned, for dealing so harshly as the Senate committee proposes to deal with the Lincoln Institute.

The question which the Senator from Virginia mentioned is, after all, not whether the denominational schools, if these are denominational schools, shall be stricken down in these two instances, but whether they shall continue in the list of the annual recipients of the charity of the Government, as they have been for years heretofore, or shall become mendicants at the Interior Department. I do not wish to see the Lincoln Institute pass into the latter category. I preface that I have all confidence in the present Secretary of the Interior and the Commissioner of Indian Affairs. There is no doubt of the intention of the Committee on Appropriations, because the amount it has increased this appropriation, it will be noticed, is \$253,440. The exact amount of the appropriation for the Hampton school and the Lincoln Institute at Philadelphia is \$53,440. That increase has been added for the purpose of giving that amount to those two schools. The attempt of the committee is not to suppress the schools as denominational schools, but merely to hand the funds over to the Secretary of the Interior, instead of having them pass through the regular channels of the Treasury as formerly.

I have only to repeat what I said, that I have all confidence in those who will at present administer this fund that they will carry out the intention of Congress. Yet a new king may arise who knew not Joseph, and if these schools lose their present status and go off the list of the recipients of the annual appropriations of the Government they may finally disappear absolutely as objects of its charity and bounty, when they are among the very worthiest objects that can be provided for by this appropriation bill.

I sincerely trust that the Senator in charge of the bill will allow the words "fifty-three thousand four hundred and forty," in lines 23 and 24, to be stricken out, and the committee amendment, from the fourth to the tenth line, on page 77, to be voted down. The propositions ought to go together, of course. Does the Senator from Florida in charge of the bill object to that proposition?

Mr. CALL. I could not hear the Senator from Pennsylvania.

Mr. QUAY. I ask the Senator in charge of the bill to strike out the word "and," in the twenty-third line, page 72, and the words "fifty-three thousand four hundred and forty," in line 24, and allow the committee amendment striking out lines 4, 5, 6, 7, 8, 9, and 10, on page 77, to be voted down, for the reason that these schools are not denominational.

Mr. CALL. So far as I am concerned, and so far as the policy of the committee is concerned, if these be Government schools not in anywise connected with the sectarian question, Protestant or Catholic, I should have no objection to the change in the bill proposed by the Senator from Pennsylvania. If they are not it would be violating the great public opinion of the Protestant and the Catholic religious bodies of this country that have united in a demand that there shall be no more denominational schools, in order to avoid religious strife. As the bill first came to the Senate it had in it a new denominational school and a provision made for it.

Mr. DANIEL. May I ask of the Senator what school that was? Where is it situated?

Mr. COCKRELL. That school got into the bill by mistake. The bill was recalled and it was stricken out.

Mr. CALL. It aroused great feeling among the religious communities throughout the country. Representations were made here from different quarters, particularly on the part of the Catholic people. The committee have sought earnestly to adopt impartially the policy which has been agreed upon of nonsectarian or Government schools without discriminating in favor of one or the other of the denominations of the country.

Mr. DANIEL. Will the Senator from Florida inform me to what denominational school he refers?

Mr. CALL. I do not remember the name, but it is to be found in the report.

Mr. DANIEL. It is not involved in this discussion in any way, and it is not in this bill.

Mr. CALL. Oh, no. I am speaking of what I should be will-

ing to do. I would agree to the amendment of the Senator, provided it can be shown that it is not in any sense of the word a Protestant, a Catholic, or a denominational school; and I am saying that there is a great public sentiment throughout the country, Protestant sentiment and the sentiment of all other denominations—

Mr. HUNTON. Will the Senator from Florida allow me to ask him a question?

Mr. CALL. Certainly.

Mr. HUNTON. I want to ask upon what information the Senator bases the statement that the Indian school at Hampton is a denominational school?

Mr. CALL. I have never made such a statement as the Senator from Virginia attributes to me.

Mr. HUNTON. I beg pardon. I thought the Senator had.

Mr. CALL. I said the information before the committee was that the instructors and professors and some of the persons conducting religious services at that school were Protestants. Whether that is true or not I do not know. I have not stated that either the Hampton school or the Lincoln school was a Protestant school.

Mr. DANIEL. Will the Senator allow me to ask him a question?

Mr. CALL. Certainly.

Mr. DANIEL. Is the Senator opposed to an appropriation to schools because the teachers happen to be religious persons?

Mr. CALL. By no means, but I am in favor of obeying the will of the religious people of this country, that there shall be no sectarian schools supported by the Government. That is what I am in favor of, and that is what we are seeking to do. If the Senator from Virginia and the Senator from Pennsylvania can establish the fact that these are not denominational and Protestant schools and are not open to the objection and the censure of this great body of public sentiment on that subject I shall have no objection to an appropriation being made for them.

Mr. HUNTON. Allow me to say to the Senator that I hope he heard me read the letter from a gentleman whose character can not be assailed for truth and veracity, in which he stated that the Hampton school is in no sense a denominational school, and in which he gives the religious convictions of the teachers and trustees. It is, therefore, in no sense a denominational school, and I call upon the Senator from Florida in charge of the bill to redeem his pledge and let the amendment of the committee go out of the bill.

Mr. CALL. The Senator must first make out his case.

Mr. WOLCOTT. I should like to ask the Senator from Florida a question.

Mr. CALL. Certainly.

Mr. WOLCOTT. Is the Senator from Florida, or some member of the Committee on Appropriations, prepared to tell us what kind of schools these are? Will the Senator from Florida tell us, does he rely upon his own information or upon statements made by Senators during the debate, and did the committee have in its possession some sort of evidence which would show what kind of schools these are? Are they Government schools? Is religion taught in the schools? Are they conducted under some religious organization, or are they exclusively Government schools? Have they received pay outside of the pay they receive from the Government? Is there not some Senator upon the Appropriations Committee with intelligence enough and information enough to tell us something about these schools, so that we may be informed regarding them?

Mr. CALL. If we had the Senator from Colorado, with his omniscience, upon that committee—

Mr. WOLCOTT. No, Mr. President; you would not have my omniscience, but you would not have me standing on my feet in the last days of the session saying I would accept the statement of a couple of Senators as to whether a school was denominational or not, and you would find me, I trust, prepared to state for the information of the Senate what kind of schools these are.

I am not finding fault; I am seriously and anxiously seeking for information in order to vote intelligently upon this question, which is a burning question everywhere, and there are many Senators here who want to vote with care and with the exercise of intelligence upon this question, and we are entitled to information from somebody as to what sort of schools these are.

Mr. CALL. Nor will the Senator from Colorado find any member of the Committee on Appropriations who, like him, has failed to inform himself by the public records of this country of the facts which are in them in regard to these various schools.

Mr. WOLCOTT. Then I will ask the Senator to tell us what they are, if he knows. Are these schools religious schools or are they not?

Mr. CALL. It is not the business of the Senator from Florida to educate the Senator from Colorado [laughter], but, ex gratia, I will tell the Senator from Colorado that which he ought to have known from his own study and research, that these schools have been classed as a kind of half-and-half schools—

Mr. WOLCOTT. Oh!

Mr. CALL. Sustained by Government aid and understood to be under Protestant influences. That is the record.

What constitutes a denominational school, or what not, may be a nice question. I am not prepared, being a Protestant, to sit in judgment as to these institutions. If they do not teach sectarian doctrines—and of that there is no record except the information that we had that the religious teachers in these institutions were Protestants, and that the services conducted were Protestant services, and not Catholic services—

Mr. WOLCOTT. We do not ask the Senator from Florida to be a judge; we ask him to be a witness, and to tell us something. He now tells us that these schools are a "kind of half-and-half schools," that they are half Protestant and half Government, as I understand him. [Laughter.] Am I rightly informed?

Mr. CALL. Oh, no; the Senator is not right in that.

Mr. WOLCOTT. Then I should like to have the Senator state what he does say they are.

Mr. CALL. I said they were of doubtful denominational character. [Laughter.]

Mr. WOLCOTT. In other words, Mr. President, does the Senator mean that they are not above suspicion? [Laughter.]

Mr. CALL. Not above suspicion; suspicion in this: If the Senator, who is a very bright man, will study a little while, he will see that if a school, if it be a Government school, in the sense of receiving aid from the Government, has services conducted in it by Catholics it would be termed a denominational school though not under the organization of the Catholic Church, and it might properly be said to be of a doubtful denominational character. If it were a school receiving Government aid, and its teachers and instructors were Protestants and its religious exercises were Protestant, what would the Senator from Colorado call it?

Mr. WOLCOTT. I will say to the Senator from Florida that I am sincerely anxious to get light upon this question, and if the Senator from Florida is classing schools as Protestant or Catholic because of the character of the religious services held in them on the Sabbath, that is one question. If it be a question as to whether or not they receive sectarian help or whether they are conducted under sectarian auspices, that is another question. I think we are entitled, without flippancy, to some sort of explanation from the Senator. If he is not prepared to state his own views, perhaps some member of the Committee on Appropriations can state what their investigations disclose as to the character of these schools.

A school should not be classed as a denominational school because upon the Sabbath there are some sort of religious services held in it. That does not make a denominational school. I apprehend that what enters into the characteristics which make a denominational school is the character of the teaching that is carried on there.

I do not know as to these particular schools, whether or not there is any religious teaching carried on in them. I should like to know. The Committee on Appropriations should have known before they dealt with this question and struck out this amendment, and I ask the Senator in good faith again, if he can tell us, or if some member of the Committee on Appropriations can tell us, the character of these schools and to what extent they are denominational?

Mr. CALL. The Senator wants to know how many Protestant prayers and Protestant sermons are delivered there.

Mr. WOLCOTT. No, Mr. President, my question is far more serious than that. My question asks for a much more intelligent view than the Senator from Florida seems to be possessed of. [Laughter.] I am asking in the utmost good faith, and I have asked again and again, and I am not to be put aside by these kinds of suggestions that I do not know what I ought to know. I am entitled to this information from the Senator, and the Senate is entitled to it, and no committee should assume to strike out or to put in a bill appropriations of thousands of dollars of the people's money in behalf of an institution, and not be ready to tell us why existing appropriations for years have been stricken out or why appropriations have been put in which were not in the bill before.

Mr. LODGE. Mr. President, although not a member of the Committee on Appropriations, I will say that it seems to me this is really a perfectly simple question, notwithstanding it has been somewhat obscured by the explanations which have come from that committee. [Laughter.]

The sectarian or denominational schools, as I think is generally understood, are schools which are established by any religious organization and sustained by different sects and churches throughout this country.

The Secretary of the Interior recommended that those schools established and sustained by the different church organizations in this country should be gradually abolished. I think it was an eminently wise suggestion. The House of Representatives embodied that policy in this bill, as will be seen on page 73. That House also made the usual appropriations for schools at Hampton,



Va., and for the Lincoln school at Philadelphia, holding that those were not denominational schools under the accepted definition. The Senate Committee on Appropriations has stricken out the declaration of policy as to sectarian schools, and has also stricken out the several appropriations made for those two schools.

Those two schools are not sectarian or denominational within the accepted definition of the word. They were not established by churches; they are simply charitable schools. Persons of all sects have contributed to them; persons of all forms of religious belief are educated at them; teachers and trustees of all forms of faith take part in their government. They are charitable schools, purely philanthropic enterprises, with no connection with church organizations or religious denominations. It is utterly unfair to put Hampton and Lincoln Institute in the same class of schools as those provided against on page 73.

They have never been known as sectarian or denominational schools. They do not belong in that class because they were not established, and they have not been supported or sustained by any religious or church organization; and the striking out of the provision of this clause for those two schools simply confuses the issue.

The main question here is as to the House policy and the policy of the Secretary of the Interior which provides for the abolition gradually of all sectarian schools, that is, all schools established and sustained by the churches not merely for the purpose of giving a secular education, but giving also a religious education, and these two schools which have been under discussion so far have nothing to do with it. They are merely philanthropic and charitable enterprises, and ought not to have been stricken out.

Mr. HAWLEY. Mr. President, I coincide with the Senator from Massachusetts [Mr. LODGE] so heartily, that he has nearly anticipated all I desired to say.

This question is a very delicate one; that everybody acknowledges. These religious denominations became jealous of each other, and the only way apparently to settle the matter was to resort to the action of Congress. The two Houses are aiming to take away direct support from the schools that were in the absolute control of the governing powers of ecclesiastical organizations, and which, therefore, might be called sectarian or ecclesiastical schools.

Mr. WOLCOTT. I am anxious to hear what the Senator is saying, but I can not hear him.

Mr. HAWLEY. Mr. President, I place myself upon my rights, and stop until there is order in the Senate Chamber.

The VICE-PRESIDENT. The Chair requests Senators to abstain from conversation. [A pause.] The Senator from Connecticut will proceed.

Mr. HAWLEY. I take it that the attempt to avoid this alleged evil and serious embarrassment is not to be carried out so far as to exclude anything like religious teaching from any school. When the Government withdraws the pupils from those admirable Catholic schools and admirable Baptist and Methodist and other schools and then puts the children into other schools which it gets up, with fine buildings, and with a corps of teachers, and compels the Indian children to go there, what is to be done then? Are you going to hunt for an Ingersoll to conduct them? You would have to forbid even him from saying anything. Is it to be out of order to utter the Lord's Prayer when school opens? Are we to conduct schools and great institutions of education where it will be against order to acknowledge the Almighty God and Father, and that, too, in a country which is founded upon religious considerations and whose foundations are religious? I take it, it is not intended to make such schools; and I take it, when you have reorganized them in that way, you will employ people of good moral character and intelligence, and I think you will discover to your surprise that there are a good many men and a good many women who will not teach for you unless they can utter a prayer or teach the children the general fundamental principles of all religions—things which are held in common. I should rather have a Catholic school governed by Jesuits than to have a school with no God in it.

If there be a school in the United States—I speak from personal knowledge and acquaintance with the sainted Armstrong and with Frissell and others who conduct that great school at Hampton—if there be a school that can be said at the same time sincerely and properly to be not ecclesiastical or sectarian it is that school visited by Congregationalists at one time and Episcopalians at another, and Catholic priests come, as they used to come to our regiments in the war, to supply the religious wants of the pupils. I have great admiration for it.

There are few men who live in the country like Armstrong, who combine in such marvelous degree a high enthusiasm for education and for great moral teaching, and at the same time, to use a common expression, level-headed common sense and business capacity throughout it all. Therefore I feel badly when I see the blue pencil drawn against Hampton. I do not think it comes within the spirit of this new change at all.

Mr. DUBOIS. Mr. President, I think I can answer the suggestion of the Senator from Colorado [Mr. WOLCOTT] in regard to the sectarian character of the school at Hampton at any rate. Mr. Frissell, the principal of that school, was at Yale with me. He is a most splendid Christian gentleman, and his statements I think can be taken with absolute safety. He writes to me, and I take this opportunity to read his letter.

Mr. COCKRELL. He is the principal of the school now, and was the former regular chaplain at the same school.

Mr. DUBOIS. I will read a letter from him as to the sectarian character of the school.

Mr. COCKRELL. Yes; I know all about that.

Mr. DUBOIS. I repeat to the Senator from Missouri that I have known Mr. Frissell for twenty-five years. There is not a more honorable Christian gentleman in the world than he.

Mr. COCKRELL. I have no doubt about that.

Mr. DUBOIS. What Mr. Frissell says can be taken with perfect safety as being true. He writes to me as follows:

I understand that the subcommittee of the Senate has withdrawn the Hampton school from the Indian appropriation bill passed by the House on the belief that it is a sectarian school. To those acquainted with this work the claim seems most unjust, as prominence has always been given to the nonsectarian character of the school. Our chaplain is a Congregationalist and his assistant an Episcopalian. His predecessor was a Presbyterian. The Baptist students are met regularly by a Baptist clergyman for the administration of communion. The school itself is governed by a board of trustees representing six different denominations, no one of which is in the majority. We receive Catholic students here and help from Catholic friends.

To my mind, at any rate, that establishes the nonsectarian character of that school. I have been there also, and have always understood that it was not a sectarian school. If this appropriation is to be withdrawn from Hampton on the ground that it is a sectarian school, I think it would be unjust. I think the provision ought not to be stricken out unless it be for some other reason. I shall not support the committee amendment.

Mr. DANIEL. Mr. President, it would be impossible to conceive of any educational institution which was more nonsectarian than Hampton school. It is a normal institute and an industrial school. It was founded just after the war by General Armstrong, who was born in the Hawaiian Islands, being the son of a missionary, who came to this country and participated in the late war as an officer of the Federal Army, and after the war became very much interested in the education of the freedmen. The general assembly of Virginia, having great confidence in him and in this school which he there established, appropriated a large portion of land scrip which was donated by the Federal Government to that State to this school for the education of the freedmen.

General Armstrong was so distinguished as an educator and had to so large an extent the confidence of all classes of people that, in connection with this normal institute and industrial school for the education of the freedmen, it became a contract school for the education of the Indians. His work in their education was as distinguished for its efficiency as his work in the education of the freedmen.

As we understand the statement of the Committee on Appropriations made to us to-day, they were instigated in the movement to eliminate some schools and appropriations from this bill by the policy recommended by the Secretary of the Interior of eliminating sectarian schools from governmental appropriations. That policy is, in my judgment, a wholesome one and a just one, and one in accordance with the spirit of our Constitution, our institutions, and the public sentiment of the great body of our people; but they overshot the mark when they selected Hampton Institute and the Lincoln school of Philadelphia as fit schools to be eliminated from this bill.

I had before me, and was about to read when the Senator who has just taken his seat read, the letter from the superintendent, who was formerly the chaplain of that institution, and who states that six different denominations are represented upon the board of trustees, and that no one is in the majority.

Mr. CALL. Are they not all Protestants?

Mr. DANIEL. They happen to be all Protestants, and that might be said of many a corps of professors in this country and of many bodies of men. The Protestant religion is generally the religion of the American people, and I do not think that any portion of our people are to be disfranchised and distinguished by being denied the religious emoluments and favors of Government by the chance fact that a certain body of them happen to be Protestants.

The school was not established under denominational influence; it is not maintained under denominational influence; and the mere happening of the fact that portions of the board of trustees, or all of them, may belong to any church, Catholic or Protestant, is not a sufficient matter to be made the subject of invidious remark.

Certainly, Mr. President, it was not in the interest of economy that the Appropriations Committee selected Hampton Institute and Lincoln school as objects to be slighted, for it will be seen on page 73 of the bill that the net increase of appropriation between the two items, one of which they have enlarged and the other diminished, is \$36,000.

Mr. President, I prefer the bill as it came from the House. It is more economical; it is more in accordance with the established policy of our Government; and it is evident, if, indeed, it is not confessed, that the theory upon which it is proposed to deny these schools this benefit, is a theory contradicted by the facts in the case.

ANNIE M. GREENE.

Mr. PALMER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 905) granting a pension to Annie M. Greene, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment, as follows: Strike out the word "twelve" and insert the word "ten;" and the House agree to the same.

JOHN M. PALMER,  
J. H. GALLINGER,  
W. A. PEPPER,  
*Managers on the part of the Senate.*  
A. N. MARTIN,  
M. J. MCETTRICK,  
*Managers on the part of the House.*

The report was concurred in.

HARRISON C. HOBART.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 1060) granting a pension to Harrison C. Hobart, brevet brigadier-general volunteers, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

WM. F. VILAS,  
J. H. GALLINGER,  
JOHN M. PALMER,  
*Managers on the part of the Senate.*  
M. R. BALDWIN,  
J. A. PICKLER,  
*Managers on the part of the House.*

The report was concurred in.

#### INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes.

Mr. COCKRELL. Mr. President, I want the Senate to distinctly understand exactly the position, particularly of the subcommittee which acted upon this bill, and then they can do just as they please with the matter.

I am a Protestant of Protestants, but I shall not ask for Protestant institutions what I deny to Catholic institutions. When we say that church and state shall be separated, we mean it. This bill came to us with some Catholic institutions which were named in former laws stricken out. They have been for years and years named specifically in every appropriation bill, and money has been appropriated for their support. That commenced under President Grant's Administration, when the different religious denominations were invited to build their schools, take charge of certain Indian reservations, and name the Indian agents, and they were appointed upon the direct recommendation of the church authorities. Those schools have been maintained until the present time. They were named in the last annual appropriation bill. The House struck them all out. We presumed it was because they were Catholic schools.

They retained in the bill two schools which are Protestant schools as fully and completely as any Protestant school can exist. We did not believe it was fair or just or right from the Protestant standpoint to leave out all the Catholic institutions and to retain over the protest of the Catholic Church and its authorities affected by this those Protestant schools.

Mr. QUAY. Mr. President—

Mr. COCKRELL. Wait a moment until I can make my explanation.

Mr. QUAY. Where is the evidence that either of these schools is a Protestant school?

Mr. COCKRELL. There is abundant evidence. They do not deny it. No man can deny it.

Mr. HOAR. What does the Senator from Missouri mean by "Protestant?"

Mr. COCKRELL. They are under the charge of Protestants exclusively.

Mr. DANIEL. Will the Senator from Missouri allow me to ask him a question?

Mr. COCKRELL. I am going to make my explanation. I know about these schools as well as any other Senator. It was said as to the Lincoln school that when a Catholic child receiving instruction there at the expense of the Government wanted to attend a Catholic church one of the teachers replied that the Episcopal religion was good enough for that Indian pupil. I know

that those schools receive Catholics. Certainly they do. The Catholic University, here in Washington, will receive Protestants. All the great schools receive Protestants, Catholics, Mohammedans, Hindoos, or any other class of people. Yet they are denominational, and they are Catholic or they are Protestant. I know the gentleman in charge at Hampton. He is an able Presbyterian minister, a man of high character and standing. Yet he is a Protestant, and his corps of teachers are Protestants, and the controllers of the school are Protestants. As a matter of course there are some Catholics there. So it is at Lincoln.

Now, we meant to do exact justice. We did not want, in view of the excitement in the country over the support given by the Government to Catholic or Protestant institutions, to subject ourselves to criticism. We wanted to make a clean sweep and divorce the Government forever from Catholicism or Protestantism so far as that was concerned and make the schools Government schools just like the other schools are to-day. In those Government schools will be Catholics and Protestants, but it will not be a distinct recognition of either Catholicism or Protestantism.

Mr. HAWLEY. Nor is the Hampton school a recognition of either.

Mr. COCKRELL. It is a recognition, direct and unequivocal, and it is so considered by everybody except those connected with the school and the friends of it, and it has good friends. I have been a friend of it, but I can not stand by it now when it is making itself obnoxious to the charge of trying to drive out every Catholic school from Government support and yet retain Government support for Protestant schools.

Mr. HAWLEY. The Senator from Missouri is very unjust. Hampton is doing nothing here as a school. I speak because I have known it for many years. I speak for the side of justice and fair play. We know what a Catholic school or an Episcopal school is. It is governed by ecclesiastical authorities, the pupils are taught by Catholic or Episcopal teachers, and the doctrines of the church are inculcated as a part of the regular course of education. That is all good; I find no fault with it, but that is distinctly an ecclesiastical and church school. But a school like Hampton teaches no doctrine, no distinctive creed; it teaches the belief of no particular church.

Mr. COCKRELL. We understand that. There is no misunderstanding about it. I wish to get through with my explanation.

We struck out these two schools. What did we do? There seems to be a general misunderstanding as to the effect of the 20 per cent reduction. We added to the amount provided here an amount equal to the sum paid to Lincoln and to Hampton, just as the other House of last year added to the appropriation allowed in 1895 to the Catholic schools, which have been stricken out.

Now, I wish to say a few words on the subject of the operation of the 20 per cent reduction, and I beg Senators to pay some attention to this matter, because it is not wholly understood. What is to be the operation of the 20 per cent reduction? Is the Secretary of the Interior or the Commissioner of Indian Affairs to reduce the number of students at Hampton 20 per cent or at the Lincoln school 20 per cent?

Will he reduce the amount he will pay 20 per cent at any of those schools? Not at all. Under this very law and under this very appropriation the Commissioner of Indian Affairs told us expressly that he should continue the same number of students for the coming fiscal year at Hampton and at the Lincoln Institute that he had already at those schools.

Mr. HOAR. Will the Senator from Missouri allow me to ask him a question?

Mr. COCKRELL. Let me get through with my explanation. Then I will answer any question the Senator from Massachusetts may ask.

What will the Commissioner of Indian Affairs do with this 20 per cent reduction? As I said, he will not reduce the price paid to any school; he will not reduce the number of students furnished to any school, but he will wherever the students of a school can be taken from that school and put into a Government school; he will abolish the school entirely and thereby make a 20 per cent reduction of the amount appropriated.

He will continue that system until he has made all the schools Government schools. There are plenty of schools upon the reservations, and we have put in the bill the word "purchase," which is a distinct declaration that he shall purchase the schools on the reservations and turn the pupils into a building purchased and paid for by the Government—Government property—and make it a Government school. As long as appropriations are made for contract schools his object will be to maintain at the contract school, whose students can not be conveniently turned over to the Government schools, the same number of pupils and give the schools the same pay. Now I will answer the question of the Senator from Massachusetts.

Mr. HOAR. I wish to ask the Senator from Missouri, as a part of his explanation, what there is that makes Hampton a Protes-



tant school that does not make West Point or Annapolis a Protestant school?

Mr. COCKRELL. Because it is not under Government control, directly or indirectly. It is under the control of individual members of Protestant churches, and just as much so as other schools are under Catholic control.

Mr. HOAR. How does the fact that it is under private and not public control make it any more a Protestant school than Annapolis or West Point?

Mr. COCKRELL. It is either under the control of Protestants or Catholics; and being under the control of Protestants, it has made itself obnoxious to the charge that it is the support of a Protestant school by Government aid. We desire to divorce the Government wholly and absolutely from any school and make all of our schools Government schools just as soon as we can, and have no contract schools.

Mr. HOAR. The Senator still does not get my point. I understand this school is under the control of Protestants; I suppose it is, from what the Senator has said. The Senate is under the control of Protestants; the House of Representatives and the Cabinet are under the control of Protestants. There are 100 private schools in my State that are under the control of Protestants. But what is there in it that makes it a Protestant school if the Protestant who controls it does not wield the school in the interest of his Protestantism and does not teach Protestantism?

Mr. COCKRELL. We can not go into an investigation of how far they undertake to exercise specifically denominational control. It is sufficient to know that it is not a Government school, that it is a Protestant school, and that the Catholics have made their fight against it just as the Protestants have made their fight against other schools. So far as we are concerned we take it out of the controversy and place the Government where it can not be accused of favoritism to either one side or the other.

Mr. DANIEL. Will the Senator from Missouri now allow me to ask him a question?

Mr. COCKRELL. Yes, sir.

Mr. DANIEL. The University of Virginia—

Mr. COCKRELL. I am not going to answer abstract questions of that kind. I am not discussing that question, and I do not intend to discuss it.

Mr. DANIEL. The Senator from Missouri yielded to me to ask a question.

Mr. COCKRELL. Certainly; ask it.

Mr. DANIEL. The Senator can answer it or not as he pleases.

Mr. COCKRELL. Go on and ask it.

Mr. DANIEL. I was about to ask the Senator a respectful question, and he seems to be in such a fidget over this matter that he can not listen to it after he has yielded.

The University of Virginia, as I was about to say, was founded by Thomas Jefferson as a nondenominational university. It chances that all of its professors are Protestants, just as it chances that those at Hampton are Protestants. I wish to know if he would call the University of Virginia a denominational school, and, if not, what is the distinction between the two?

Mr. COCKRELL. Is that the Senator's question?

Mr. DANIEL. It is.

Mr. COCKRELL. That has nothing to do with this discussion, and I do not propose to discuss it.

Mr. QUAY. Will the Senator from Missouri allow me?

Mr. COCKRELL. Now wait a moment. I am not going to be led off into a discussion of anything that is not pertinent.

It does not make one particle of difference to me how this question is determined. I have given my views. We took all the pains we possibly could to avoid a controversy between Christian denominations, and to bring about peace and harmony instead of contention and criticism. I for one feel that I would not have done my duty as a Protestant if I had not recommended that these two schools be stricken out and that the Government should treat all alike. We have made provision, as I said, so that all the schools, Catholic and Protestant, will be maintained until an arrangement is made for Government schools. The pupils will then be turned over to the Government schools and educated.

They will be turned over just as rapidly as the Government can buy school buildings already erected, wherever they may be convenient and accessible, or can erect other buildings to which the students in the contract schools can be transferred. I hope to see the time come when there shall be no Indian contract schools, and when all the schools will be under the control of the Government, just as we intend.

Mr. WOLCOTT. Will the Senator from Missouri permit me to ask him a question? I feel greatly obliged to him for the fearless manner in which he has met the question here to-day. I understood him to say, toward the close of his remarks, that under the present system of appropriation there will still be probably the same number of scholars educated at Hampton and Lincoln as in other years.

Mr. COCKRELL. Until the system is changed.

Mr. WOLCOTT. Until the whole system of appropriations for this purpose is changed the schools will be the recipient of as much patronage from the Government at the same price as they would receive under a specific appropriation. Is that true of all schools, Protestant and Catholic?

Mr. COCKRELL. It is true, as I understand. The system will be just as it was last year. Last year they aimed to make a 20 per cent reduction. Instead, as many supposed, of taking 20 per cent off the amount paid that school or this school or reducing the number of students by 20 per cent, they simply abolished three different schools, two Protestant and one Catholic, or two Catholic and one Protestant. That took away 20 per cent of the appropriation. They were schools where the pupils could be turned immediately into Government schools.

The Commissioner was very explicit on that question. He seems to have had his mind fully made up and his whole plan arranged, which is that if this proposition passes he will pick out this school and that school, where he can either purchase a building already erected, or can erect a building that will accommodate all the pupils who are in certain Catholic or Protestant schools, and turn them over to the Government school and stop that one school until he has reduced the amount appropriated 20 per cent. So it will take four years probably, before any effect is had on certain schools, particularly training schools and schools of that kind.

Mr. WOLCOTT. The Senator will please explain to me, if he will, why the committee has stricken out the amendment which provides that at the end of five years the contract schools shall cease.

Mr. COCKRELL. That was not done by the subcommittee. It is not a part and parcel of the plan recommended by the subcommittee.

Mr. WOLCOTT. Was the Senator from Missouri one of the subcommittee?

Mr. COCKRELL. The Senator from Florida [Mr. CALL], the senior Senator from Colorado [Mr. TELLER], and myself were the subcommittee. So far as I am concerned, I hope that provision will not be agreed to.

Mr. PETTIGREW. I should like to ask the Senator from Missouri if there is a provision in the bill for purchasing the buildings, and the school furniture therein, which have heretofore been used for contract schools?

Mr. COCKRELL. Yes, sir. We have increased the amount not only over and above what is sufficient to keep the same number of students at the same price at Hampton and Lincoln, but we have gone beyond that and beyond the amount the Commissioner of Indian Affairs said he wanted. He said the amount he already had was sufficient, but our subcommittee, after full consideration of it and in order that there might be no direct or indirect charge against anybody of favoring Protestantism or Catholicism or of taking Indian pupils out of Indian schools and denying them the privilege of Government schools, put in an increased amount, so that the Commissioner has ample authority to furnish school buildings, either by purchasing those existing or by erecting new ones.

Mr. PETTIGREW. I should like to ask the Senator from Missouri if it is the policy of the committee to purchase the denominational school buildings and their furniture, where the owners are willing to sell?

Mr. COCKRELL. We are certainly in favor of that, and I understand there is no question that the Commissioner of Indian Affairs is in favor of it. Where a building is already erected and is used for school purposes, and is suitable for such use, he will purchase it every time. Quite a number of buildings, he told us, were offered the Department, one, I believe, in a very suitable place. The owners offered it to the Government if the Government would simply pay for the furniture that is in it. They offered the building gratis. The Commissioner said he would have no trouble, even without the increased amount we propose to give him, in obtaining by purchase or by erection buildings sufficient to accommodate a sufficient number of students to make the reduction of 20 per cent.

Mr. PETTIGREW. It is entirely within the discretion of the Commissioner of Indian Affairs as to whether he will purchase the contract school buildings or not.

Mr. COCKRELL. Entirely so.

Mr. PETTIGREW. I wish at this time to offer an amendment to the bill on this subject.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Strike out all after the word "Alaska," in line 2, page 73, down to and including the word "cease," in line 11, and insert:

*Provided, That \$515,000 of said sum of \$1,253,440 shall be expended in support of schools with which contracts have heretofore been made: Provided further, That the Secretary of the Interior may, in his discretion, expend 20 per cent of said sum of \$515,000 in the purchase of the property of such contract schools as may be offered for sale.*

Mr. TELLER. Mr. President, I think when the Senate under-

stands the purpose of the House provision there will not be very much trouble about this question.

To go back and commence with the history of the contract system, very briefly stated, it is that it grew up in the early days in an attempt to educate Indians, commencing about twenty years ago. Just before that General Grant parceled out all the Indian agents to the various churches of the country, and he allowed them to select the agents, or to recommend them to him at least. For instance, the Protestant Episcopal Church had so many agents, the Methodist so many, the Baptist so many, the Catholic so many. Practically they took charge of the education and the morals of the Indians on the reservations. It was found that practically it did not work well. Nobody who could be reached was found responsible for the appointment of those agents. A great many broken-down ministers or ministers who had failed to be acceptable to their congregations were sent out as agents. When I went into the Interior Department in 1889 I found that there was great complaint of a lack of intelligence and aggressive force on the part of the agents of the Department. With a good deal of difficulty and with a good deal of controversy with the church people I abandoned that system. There has been a decided improvement ever since, so far as the agents are concerned.

I found also the contract system, by which the Government would contract with a church school to furnish so many students, and generally at a less price than the Government could afford to educate the pupils in their own schools. For myself, I did not believe that was good policy. I attempted to break it up from the very beginning. I came to the proper committees of Congress and urged that the Department should be furnished with sufficient money to put the children who were then in contract schools into Government schools. But it was found that by doing so we should be compelled to increase the appropriations, and in the interest, as it was supposed, of economy it was denied. So the system, which was small in the beginning, gradually extended year after year.

After awhile those who were particularly interested in a school like Hampton or Lincoln university, at Philadelphia, or the Holy Family, in Montana, or some other school, would come to Congress for fear they would not get so much out of the Interior Department as they might get here through an appropriation specifically for a particular school. That system was maintained until there was a large number of schools, Baptist schools, Methodist schools, Presbyterian schools, Quaker schools, and Catholic schools, and I think one or two Moravian schools. The Catholics complained that they were not having their share of the patronage of the Government in this direction. They had been active in maintaining schools at the different agencies for the religious education of the Indian children even before the Government of the United States began to take any active steps toward the education of the Indian. Gradually, I think, the Catholics succeeded in getting more than their share in proportion to their number as a denomination, and a good deal of complaint was made all over the country about it.

We might just as well talk plainly about the matter. An organization has grown up in this country which insists that there shall be a disavowance of state and church, and, Mr. President, in that I heartily concur, although I do not mean to say that I concur in all of the ideas of the association. But I am one of those who believe that church and state can not well be mixed in this country or any other. I believe that if the Government of the United States owes an obligation to the Indians to educate them it is able to educate them without any charity on the part of church people or anybody else. I think the church people are entitled to immense credit for what they have done. They have stimulated and hastened action on the part of the Government beyond all question; and their effort in that behalf is not to be spoken of lightly. But about three or four years ago there arose among the Protestant churches which held those contracts a disinclination to continue. I think the feeling grew out of the fact that it looked to them as though the practice were going to grow into a great big system, and that there would be more great sectarian connection between the Government and its agency in the schools than there ought to be. So they began gradually to withdraw.

Amongst the first, I think, was the great Methodist Church, which had maintained quite a number of schools. It withdrew. The action of the general conference was very decided that there should be no further contracts entered into on their part. So they closed their schools in some instances, turning their buildings over to the Government, and in many instances turning over their teachers to the Government. Then the Quakers withdrew and the Baptists withdrew, and I think practically all of what might be called the ultradenominational schools were abandoned except those maintained by the Catholics. In the mean time the Catholics increased their schools as the others went out. Nobody ought to blame the Catholics for desiring to do that. It added to their expense; they were making no profit out of it; but it was in accordance with the Catholic policy to get at and reach the children of all denominations if they can, I think, and to give them

instruction not only in the ordinary branches but religious instruction as well.

So, as I was saying, this sentiment has grown up very strongly in the country, and there has been a very decided demand that the Government shall disavow its connection with these sectarian schools. That has been urged unreasonably in some sections, I think. When I went home to the State of Colorado last July I was met by at least three committees who insisted that we should close all the denominational schools at once. To that I replied that I had always been in favor of closing the denominational schools, and was prepared to advocate it as fast as the Government could make arrangements to take the children into its own schools, but that I should never vote to turn the Indian children out of a denominational school until the Government had opened an opportunity for them to go into another school; that I would rather the children should attend a Catholic school than no school at all; that any denominational school in my judgment was better than none.

When the pending bill came from the other House we found that every Catholic school was stricken out, and there had been, I think, seven or eight or more of them, and some of them had three or four hundred scholars. There had been no complaint of their management; I do not know that anybody had been complaining anywhere that the schools had not been properly conducted, but they were all stricken out. It was in response to the sentiment that the Government should sever its connection with sectarian education. We found in the bill two schools, one of them pronouncedly a Protestant denominational school, the Lincoln university, as to the methods of which the Senator from Missouri [Mr. COCKRELL] has spoken more particularly than I care to do, a very excellent school, principally, I think, for girls. I think I may say they got their first students while I was Secretary of the Interior. I do not know that there has ever been any complaint made against that school except the one where it is alleged they did not allow Catholic children to attend a Catholic church. I spoke to some friends of the school, and they denied that; they said it was not true.

Mr. QUAY. I assert absolutely that it is not true. They permit Catholic children to go to a Catholic church.

Mr. TELLER. That is what I was about to say.

Mr. QUAY. The children attend services outside the institution. Those too small to judge for themselves are, I believe, taken generally to the church of the denomination to which the superintendent happens to belong. Those who have arrived at the age of discretion go where they please. Sometimes there is a superintendent who is of one denomination and sometimes there is a superintendent who is of another denomination. They have some teachers of one denomination and some of another. There is nothing in the charter or by-laws of the organization to prevent teacher, superintendent, or regent from being Catholic, or really, I suppose, from being a man without any faith in the Christian religion. If there is an institution that is not Protestant, that is not Catholic, that is not sectarian in the country perforce of its organization it is Lincoln Institute, although it so happens just now that it is under Protestant control.

Mr. TELLER. The Senator from Pennsylvania ought to know about it better than I, but I have had some acquaintance with it, and I think I shall not misstate when I say it was under the control and management of the Protestant Episcopal Church when I knew more about it than I know now. I am very certain it was.

I was about to say when the Senator interrupted me that this charge was made against them and denied by them. We found that neither of these two schools, the Lincoln Institute and the school at Hampton, was a Government school. That is certain. They were the only schools in the bill that were not Government schools. They are Protestant schools at least. The committee thought if the policy indicated by the House bill is to be passed, that is, that the Government itself is to take charge of Indian education as soon as possible, at the end of five years at most, we ought simply to put these two Protestant schools exactly where we put the Catholic schools in Montana and other sections of the country, for which we had refused to appropriate. This is all we did.

Mr. President, it does not follow that these schools are to be closed. We were concerned about what would become of the Indian children. We had as much interest in them as anybody. I will say that I think I have myself had as much interest in their education as anybody here, and I think in a weak way I have contributed all my powers would allow in the direction of securing for them an education. We have now about 30,000 Indian children in either Government schools or contract schools. I should like to put them all in Government schools, but I knew we could not do it this year. The Department notified us it would take \$1,250,000 in addition to the appropriation estimated for if they were put in Government schools.

Mr. HOAR. How much is to be given for that purpose by the bill?

Mr. TELLER. I can not tell the Senator without going over it.



We have in a lump sum \$1,257,000, and then there are a large number of appropriations besides. I can not aggregate them. It has to be a large sum. But if we appropriated the \$1,250,000 the schoolhouses could not be provided for them. We had to let the contract system, if it is objectionable, continue. All we could do was to approve of the suggestion of the House to reduce it 20 per cent each year for five years until it should be closed out. That is, I have no doubt, in accordance with what is the sentiment of the American people on this subject. The American people feel that they do not want Indian children educated by any denomination or that the Government shall have any connection with denominational schools.

We sent for the Commissioner of Indian Affairs to learn what we should do in this matter—what would be the result of dropping out these schools by the House; what would be the result if we dropped out the other two, and did not appropriate for them. He said, as stated by the Senator from Missouri, that so far as that was concerned, he should not attempt to reduce the number of students in Hampton 20 per cent and in Lincoln Institute 20 per cent if we left the appropriation in, or if we did not, because that would not be an efficient method of conducting the schools; that he would leave in those schools the same number of children; but wherever he could find a school that could be surrendered and at the same time the Government could afford school opportunities for the children, he would take that school from the hands of the denomination which might have it in hand and make a Government school of it.

Now, there will be nearly as many, there will be 80 per cent as many Indian children in contract schools as there was last year. Eighty per cent they are required to have. The Commissioner will be required to reduce the number 20 per cent, and he gave us to understand that he would not attempt to reduce any more than that number. All the difference there will be is that in the former case we appropriated by name for a school. This year the contract will be made by the Commissioner. The Commissioner can make a contract for the same number of students at Hampton provided for by the House in the bill if he sees fit.

Mr. HOAR. What kind of religious education will the Indian children get in the Government schools?

Mr. TELLER. I was coming to that in a moment, because my friend who sits on my right got enthusiastic and eloquent on the necessity of having some religious education for the Indian children. I will venture to say that there is not a Government school in the United States which does not have not sectarian but religious teaching of some kind. Goto Carlisle with its 750 students. There is not any denominational school anywhere in the United States where there is a better air of Christianity and morality than there is in that Government school.

Nowhere do the children get better instruction as to their duty to themselves and to their country and to their God than at Carlisle, and it is a Government school. There has been no proposition or suggestion, as the Senator from Connecticut would seem to want the public to understand, that we are wiping God and morality out of the schools. There is nothing that warrants him in making a statement like that. They will have religious and moral instruction. They will not be in the line of any denomination; they will not probably have the tenets that the Calvinist taught them, but they will know the great fundamental truths of Christianity and morality, and that is all they need to know. In my judgment, the world would be a good deal better if there was less denominationalism and more broad Christianity taught even in our churches.

I do not know whether we shall in five years put all these children in Government schools or not. I hope we may. I hope the time will not come when any Secretary of the Interior or Commissioner of Indian Affairs will ever feel at liberty to discontinue the moral instruction that has been going on in all the Indian schools from the time they were organized up to the present time.

All there is in this matter is a determination on the part of the House, to which the subcommittee of the Committee on Appropriations of the Senate agreed, to which the committee agreed, and to which I trust the Senate will agree, that we shall get rid of any cause of complaint and will not have it said that the Catholics have four or five hundred thousand dollars of this public fund when some other denomination has only \$25,000 or \$50,000. We will say to the world that we are going to educate these children ourselves, educate them as a great Christian nation will educate its children, whether it be in the common schools or in the colleges. I do not suppose anybody would say that Yale and Harvard are denominational schools, but I think every man would be surprised if he was told the time would ever come when Christianity would not be taught in those great American colleges, not sectarianism, but the true Christianity.

Mr. President, I am myself in favor of the Government discharging its obligation and not turning it over to anybody else.

As fast as we can do it we will put these children in Government schools. What I think is the perfectly fair and honest thing, and incumbent on us to do, is when people have gone out in the West and built Indian schoolhouses, and they now find they do not need them because of their idea that they ought not to be longer connected with the Government, like the Baptists, and the Quakers, and the Methodists, and, ultimately, the Catholics, and when they shall say "We have a schoolhouse that we built here because we thought you would furnish us children and we should maintain a school, it is useless to us," that we shall buy it. Then the Commissioner may buy those buildings and take them off their hands and turn them into Government schools.

This is all I care to say on the subject.

Mr. CALL. Mr. President, I was not in favor of excluding either the Hampton or the Lincoln school from the full benefit of the former appropriation. I thought it was the wiser policy to have appropriated the full amount of money which would be needed to maintain all of these schools in their utmost capacity, but with directions to the Secretary of the Interior and the Commissioner of Indian Affairs to purchase, wherever practicable, the school buildings of the different denominations, or the schools under sectarian influence, and turn them into Government schools, leaving to the Interior Department and the Commissioner of Indian Affairs the responsibility of applying this money according to the command of Congress. The committee, however, thought that the end would be better attained by the provision which they have inserted in the bill, which, as the chairman has explained, would under the assurances of the Interior Department maintain these schools to their utmost capacity. Under the appropriation some schools will be discontinued and the money which would be applied to them will be applied to those of greater capacity, and which are nearer to the Indians.

Mr. President, that was the policy which I thought it was wise to adopt. I am a Protestant; but I have no objection to sectarian ideas being taught by sectarian institutions. But I am opposed to the State giving its aid in any shape or in any form to the maintenance of these sectarian schools. I think that wherever Government aid is given sectarian ideas should be prohibited from being taught. I do not agree with the distinguished Senator from Massachusetts. A sectarian school is not a school that is organized by a sect, that is under the domination of a sect, but a school where sectarian doctrines are taught. That is the vital and the essential point. By whatever means such an institution is maintained, if the Government aids in it the Government is aiding in disseminating the sectarian doctrines taught by that institution.

Ever since I have been in the Senate, and at the last session particularly the Senator from New Hampshire [Mr. GALLINGER] and myself united in a protest upon the Indian appropriation bill then pending, against the continuance of the system of Government aid in any shape or in any form to any institution where sectarianism was taught. That is the vital principle and the essential distinction.

Now, Mr. President, I am the organ here of the Committee on Appropriations, not representing my own ideas but theirs, for I was in favor of continuing upon the facts as then stated the appropriation to these two schools and inserting in the bill a provision that no sectarianism should be taught there, whatever might be the faith of the professors and the teachers at those institutions, and that the Government would see that its money was not expended in the aid of the dissemination of the doctrines of any sect. That was my idea, and that is my idea now. So far as I am concerned, under the assurances that have been given of the non-sectarian character of these two institutions, I am content that that which would have been attained equally well under the bill may be attained by accepting the proposition of the Senator from Pennsylvania.

Mr. QUAY. Then I understand that the committee agrees to reinstate the House provision and reduce the gross appropriation to \$53,440.

Mr. CALL. I suggest that we give to these two institutions precisely the status they had before. Under the assurance of Senators here that they are not sectarian institutions, and that the organization shall not be given aid in the dissemination of sectarian doctrines, I am content to accept such an amendment, so far as I am concerned, if the committee will so agree.

Mr. QUAY. Then that is agreed to.

Mr. GALLINGER. Mr. President, I have listened with a great deal of patience and interest to the long debate which has taken place on this most important subject. I think I would not have uttered a word in the debate (and I shall endeavor to be brief, as it is) had not the Senator from Florida [Mr. CALL], in charge of the bill, alluded to the fact that he and I had cooperated in the past in securing the result that we hope will be attained when this bill becomes a law.

When the bill making appropriations for current and contin-

gent expenses of the Indian Department was under consideration last year I submitted an amendment in these words:

*Provided, That the Secretary of the Interior is hereby directed to inquire into and investigate the propriety of discontinuing contract schools, and whether, in his judgment, the same can be done without detriment to the education of the Indian children; and that he submit to Congress at the next session the result of such investigation, including an estimate of the additional cost, if any, of substituting Government schools for contract schools, together with such recommendations as he may deem proper.*

In response to that amendment to the law the Secretary of the Interior in his report submitted to Congress at the present session has this to say:

*Contract schools.*—The contract schools are now the subject of general discussion. I agree fully with those who oppose the use of public money for the support of sectarian schools. But this question should be considered practically. The schools have grown up. Money has been invested in their construction at a time when they were recognized as wise instrumentalities for the accomplishment of good. I do not think it proper to allow the intense feeling of opposition to sectarian education, which is showing itself all over the land, to induce the Department to disregard existing conditions. We need the schools now or else we need a large appropriation to build schools to take their place.

It would scarcely be just to abolish them entirely—to abandon instantly a policy so long recognized. My own suggestion is that they should be decreased at the rate of not less than 20 per cent a year. Thus, in a few years more, they would cease to exist, and during this time the Bureau would gradually be prepared to do without them, while they might gather strength to continue without Government aid. This is the policy which is now controlling the Department, and unless it is changed by legislation it will be continued. The decrease in the appropriation for the present fiscal year is 20 per cent.

The Secretary of the Interior has responded to the action of Congress in adopting the amendment I submitted to the last act appropriating money for the support of Indian schools, and I am very glad to note that the Committees on Appropriations of both Houses of Congress seem disposed to meet this question fairly, and as I think in a spirit of true Americanism.

This is not a new question. The very question that we are considering to-day was fought over in Holland by the Anabaptists three hundred and fifty years ago. Brave little Holland not only fought for her liberties as a nation, but she fought for personal, for political, and for religious freedom. The doctrines that were advocated in Holland almost four centuries ago were the doctrines that were implanted in this country when those people came here and founded New Netherlands on this western continent. It would be interesting, if time allowed, to go over briefly the history of the contests that were had in Holland upon this question.

It is an interesting fact that when the Constitution of the United States was made it was almost a transcript of the laws and the constitution of Holland. John Adams wrote concerning it that the originals of the two Republics are so much alike that the history of one seems but a transcript from that of the other. I have in my hand a little book written by the Rev. Dr. Griffis, entitled *Brave Little Holland*. I want to read a few passages from one chapter in this most interesting publication. The author says:

Originality in methods of government is hardly possible. Searching all antiquity and looking at modern examples, our fathers tried to copy with improvements the good and avoid the evil. From the Dutch system they borrowed the idea of a written constitution, a Senate or States-General, the Hague or District of Columbia, the Supreme Court (with vast improvements), the land laws, registration of deeds and mortgages, local self-government from the town and county to the Government of governments at Washington, the common-school system, freedom of religion and of the press, and many of the details of the Dutch state and national systems. The principle for which the Anabaptists contended, and for which thousands of them were put to death, separation of the church and state, was made fundamental in the American system. James Madison in 1822 wrote: "The example of Holland proved that a toleration of sects dissenting from the established sect was safe and even useful. We are teaching the world that governments do better without kings and nobles than with them. The merit will be doubled by the other lesson: that religion flourishes in greater purity without than with the aid of government."

I say, Mr. President, this is an old, old question, almost as old as civilization itself. It seems to me strange that at the very close of the nineteenth century in the Congress of the United States it should be necessary for any man to raise his voice in opposition to the doctrine that the church and the state should be united in matters of education. I do not know whether the committee have acted wisely or unwisely in some things that they seem to have done. My own impression is that they have acted unwisely; and I feel sure that the Senate will reject the proposition striking out the provision that each succeeding year the Secretary of the Interior shall proportionately reduce the amount thus used, so that at the end of five years from the date this act goes into effect all contracts for such education shall cease.

The House of Representatives responded to the suggestion on the part of the Secretary of the Interior that this reduction should be made at the rate of 20 per cent a year, but the Senate committee for some reason has stricken that from the bill. I trust that by consent on the part of the committee, or by a vote of the Senate, if the committee do not agree to consent, those amounts may be restored to the bill we are considering to-day.

I have only a word to say concerning the two schools which are

the subject of controversy in the pending bill. I think that the Committee on Appropriations have gone a little further than they ought to have gone in this matter. They have removed from the list of beneficiaries of the nation certain schools that were under the control of the Roman Catholic Church, and if there are schools directly under the control of any Protestant religious denomination in this country that are receiving money from the Government for the education of Indian children I will strike hands with them in removing those schools from the list.

But when they take a school like Hampton, a school that has ingratiated itself into the hearts of the benevolent people of New England to such an extent that any action that would seem like hostility to that school would send a thrill of sorrow and of horror into every New England State; when they take a school like the school in Philadelphia, under Protestant auspices it is true, so far as the teachers themselves are concerned, but in which I take it not one single tenet of any religious denomination is taught, and remove those schools from the list because certain Roman Catholic schools have been stricken out, I say I think the committee have gone further than they ought to have gone in this matter. So far as I am concerned my course is clear.

I shall vote in favor of the bill with the exception of the provision where they have stricken from the bill the recommendation of the Secretary of the Interior to get rid of the contract schools at the rate of 20 per cent each year; and I shall vote to restore to the bill that most beneficent institution at Hampton, Va., and the equally beneficent institution in the city of Philadelphia. Having done that, I think we will have done our duty for this year; and if in another year it be proven that these two schools are sectarian schools, then we can deal with them when we come to pass upon another appropriation for the education of the Indian children of the country.

Mr. LODGE. Mr. President, I am very glad the Senator from Florida has accepted the amendment of the Senator from Pennsylvania, restoring Hampton and Lincoln Institute, because, as I said when I was on the floor before, neither of those schools, I think, was considered by anyone to be under the head of sectarian schools until the policy was adopted by the House of Representatives abolishing sectarian schools. They were looked upon as being what they are—secular schools founded and established by charity.

But it seems to me that the policy adopted by the House and recommended by the Secretary of the Interior is an extremely wise one. Ever since I have been in Congress I have done what little I could toward the abolition of the sectarian Indian schools, which I do not think are in conformity with the principles of our Government, for I do not think there should be any appropriations of public money for sectarian purposes.

In the course of the debate to-day it has appeared, what I supposed was the case, that there is no difficulty really in the Government taking possession of these schools within a reasonable time, paying proper compensation to the owners of the schools, and putting in Government teachers and making them Government schools. The subject is one which I think should be removed as soon as possible. It seems to me that it is desirable to get rid of this question and of these sectarian schools and these appropriations as rapidly as may be. I have seen no reason presented why it should not be done in less time than five years. I am quite aware, as the Senator from Colorado [Mr. TELLER] stated, that it is impossible to do it at once. That would lead to confusion and great expense. But it seems to me it might be done perfectly well in three years; and I offer an amendment to that effect to the proviso on page 73, which I will move after the committee amendment and the amendment of the Senator from South Dakota have been voted on.

Mr. PETTIGREW. I do not understand that the Senate has accepted the amendment offered by the Senator from Pennsylvania [Mr. QUAY]. I do not think the action of one member of the Committee on Appropriations binds the Senate, and I object to an acceptance without a vote of the Senate on that subject.

I think these two schools are just as much sectarian schools as any other schools in this country, and I believe I am somewhat familiar with the subject. They are absolutely and unqualifiedly Protestant schools.

I think the thing to do is to treat all fairly in this matter. I do not believe in sectarian schools. I do not believe the Government should appropriate money for their support, but if we are going to stop that policy let us stop it, and treat everybody alike, and treat everybody fairly. Senators stand up here and plead for the cancellation of contracts with one denomination and then plead for schools which receive aid from the Government which are pursuing a course in accordance with their religious views.

So far as I am concerned, I have no prejudice one way or the other in this matter. The Government of the United States invited these people to build these schools because the Government



did not wish to advance the money at the time to erect the buildings, and those denominations have expended a million and a half of dollars. If we are going to strike off 20 per cent each year for these denominational schools, we ought at the same time to appropriate \$300,000 each year to buy the schools and put them under Government supervision, and we ought to continue the reduction in every instance until, at the end of five years, we should have appropriated a million and a half of dollars, and have abandoned the present system.

I remember very well when this system was inaugurated. It was about fifteen years ago. The appropriation started with a very small sum. We were very anxious to have it done. Our Indian children were uneducated and uncared for. They were not being fitted for citizenship. A lady residing in Philadelphia, Miss Drexel, for instance, took an interest in this subject, and donated a million dollars of her great fortune to build Indian schools. Several were erected in my State, splendid school buildings, grandly equipped, and they have done a splendid work, which the Government of the United States refused to do.

Now, I say in justice and in honor, if we are determined to reduce this appropriation for contract schools 20 per cent each year, we are bound to appropriate 20 per cent of the cost of these schools to purchase the buildings and their equipments, if those who built them desire to sell. I do not see how we can pursue any other course, or have any other opinion.

Even with all the contract schools and with all the Government schools there are still over 1,800 Indian children of school age in my State who are not provided for, who are growing up in absolute ignorance and barbarism, and it seems to me it is a poor policy to commence the reduction of appropriations now, advocated by the philanthropists of the East who are so concerned about these Indians, while we make no provision for those 1,800 Indian children in my State.

I have another objection to Hampton Institute, and Lincoln Institute, and that is, that they are located thousands of miles from the homes of these Indians, and that we gather up the children and bring them to this unusual climate, so far as they are concerned, and sow in their systems the seeds of consumption, and we confer upon them civilization and habits of life which do not accord with the life from which they came and the life to which they return. If we continue these two schools and continue to take Indian children from the plains, we ought also to provide that they shall never be returned.

My heart goes out in sympathy to the Sioux Indian girl who, leaving her tepee home, the tepee of her parents upon the plains, is taken to those schools and taught the habits of civilized life, is taught the modesty of thought and action becoming another and a different civilization, and taught those things which do not accord with her training and the training of her people, and then is returned to her people and their methods of life and to their mode of living, only to be taunted for having abandoned the habits of her parents and the habits of her tribe and the customs of her ancestors, and finding life unendurable, the worst possible fate befalls her.

If we wish to educate the Indians, we should give them an education in accordance with the life which they would live, in accordance with the surroundings of their tribe and their people; and if we are going beyond that, we should never return them.

I am willing Pennsylvania and Virginia shall have the Indian children of my State and absorb them into their population, but I believe we do those children a rank injustice when we return them, after five years in these schools, to their tribes and their modes of barbarous life. There is no question but that we owe to these people a great duty; but the education they ought to receive is in their own tribe and among their own people and it should not go further than a knowledge of the rudiments of an English education, and then a knowledge of how to win a living. I believe if any other course is pursued it will be an injustice to those people, and that these two schools and the school at Carlisle do far more harm than good.

Mr. WHITE. Mr. President, in the message sent to the Congress by the President of the United States when this session was convened I find the following:

The intelligent Indian school management of the past year has been followed by gratifying results. Efforts have been made to advance the work in a sound and practical manner. Five institutes of Indian teachers have been held during the year, and have proved very beneficial through the views exchanged and methods discussed particularly applicable to Indian education.

Efforts are being made in the direction of a gradual reduction of the number of Indian contract schools so that in a comparatively short time they may give way altogether to Government schools, and it is hoped that the change may be so gradual as to be perfected without too great expense to the Government or undue disregard of investments made by those who have established and are maintaining such contract schools.

The policy thus announced is one which meets my cordial approval. I am convinced that the Indian schools should be under the absolute management—not the half-way management, but the

absolute management—of the Government. It is not a vital question with me whether these institutions are better conducted now than they will be if the Government takes exclusive possession. There are other considerations which should be deemed paramount and determinative. It is plain that appropriations which are to be expended by this denomination or that one must be provocative of acrimonious discussion; and whatever benefits might otherwise flow from the administration of sectarians the advantage is more than met by the difficulty which arises from the factional religious agitation thereby engendered.

I agree that this source of disputation should be removed as soon as practicable, but I do not care to vote for an earlier date for the entire substitution of Government control than that which has been suggested by the Secretary of the Interior. I have no doubt he has examined the subject carefully and has made an accurate estimate of the time requisite for accomplishing the transfer. I think the suggestion of the President that we should have regard for the investments made and should not put too much and too sudden expense upon the Government is eminently wise. The Government created these schools, and the welfare of all concerned should be fairly considered in devising the ways and means for their abolition.

Mr. President, concerning the two schools in question—that at Hampton and that at Philadelphia—it is evident they are not sectarian schools in the fullest sense. They are not conducted by a particular religious denomination and are not directly connected with particular creeds. Still they are not Government schools. I take it we shall always have trouble if we permit any distinction between denominational schools and private schools. I think that it should not be important here whether an appropriation is made for a denominational school or for a private school. Government schools only should be supported. I believe that if Congress intends to take charge of the business of Indian education it should do so completely, and that no private school whatever should be a beneficiary. Any other view will lead to disagreeable controversy.

Let us enforce the proposition that the Government will attend to this subject and that private schools must depend upon private subscription. If we pursue a different course we must take testimony session after session to ascertain whether this private school or that one is or is not a denominational school. This debate has shown the difficulty of determining such an issue. We shall have people claiming and urging that a specified institution is really carried on in the interest of this religious denomination or that one, and we will have to pass judgment upon a many-sided case. But if we adopt the rule, plain in its terms, unambiguous in expression, that none but Government schools shall have public support there will be no trouble.

I recognize that the two schools named are ably conducted by gentlemen who deserve the thanks of their kind, and I would not for a moment entertain the thought of sweeping them from existence, but the assurances given upon this floor that they will be substantially maintained by the process and through the instrumentalities referred to by the Senators who have explained the intentions of the Interior Department, and that the Indians will not lose the benefits heretofore conferred, ought to satisfy us all. In five years, or in such time as may be designated, these institutions will be turned over to the Government. If those who now own or manage them, exercising their option, decline to yield possession, then surely the Government should not be called on.

The declaration of public policy, which we are seeking to make here and now, should be observed consistently and universally. Private schools, whether denominational or not, should be maintained by their promoters. Many charities and other praiseworthy objects are thus and ever will be kept alive. But the Government must administer its trusts with impartial justice.

The fair and clear course which I have outlined should be universally approved by right-thinking and patriotic people. The fact that all occasion for sectarian debate will have departed ought to commend the plan to all.

Mr. President, so strongly do I feel the necessity for such positive action at this time that I do not think it right to urge the interpolation into this bill of any private interest whatsoever; the real principle we should follow ought to be that the Government, which pays the money, should control that which it supports; that it should have no partners in the disbursement of its educational fund.

Mr. POWER. Mr. President, has the Senator in charge of the bill accepted the amendment?

Mr. CALL. I stated that I had no authority to speak for the Committee on Appropriations, but, so far as I was personally concerned, I was content that the amendment should be accepted.

Mr. POWER. I wish to offer an amendment which has been reported from the committee favorably.

Mr. WHITE. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. WHITE. Is the amendment proposed by the committee withdrawn?

The VICE-PRESIDENT. The Chair does not so understand. The Chair will entertain the amendment of the Senator from Montana [Mr. POWER] after the amendments of the committee are disposed of.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 72, line 18, after the word "lease" to insert "repair," and in line 20, after the word "draftsman," to strike out "at \$1,200 per annum;" so as to read:

For support of Indian day and industrial schools, and for other educational purposes, including the purchase, lease, repair, and construction of school buildings, not hereinafter provided for, including pay of draftsman to be employed in the office of the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was, in line 23, on page 72, after the words "one million," to strike out "one hundred and sixty-four thousand three hundred and fifty," and insert "two hundred and fifty-three thousand four hundred and forty;" and in line 24, after the word "dollars," to insert "of which amount the Secretary of the Interior may, in his discretion, use \$5,000 for the education of Indians in Alaska;" so as to read:

For support of Indian day and industrial schools, and for other educational purposes, including the purchase, lease, repair, and construction of school buildings, not hereinafter provided for, including pay of draftsman to be employed in the office of the Commissioner of Indian Affairs, \$1,253,440, of which amount the Secretary of the Interior may, in his discretion, use \$5,000 for the education of Indians in Alaska.

Mr. QUAY. At that point I understand the committee will agree to strike out the words, in the twenty-third line, "and fifty-three thousand four hundred and forty."

The VICE-PRESIDENT. The question is on the amendment of the Senator from Pennsylvania to the amendment of the committee.

Mr. TELLER. What is the amendment?

Mr. FAULKNER. What is the parliamentary condition? Is this an amendment of the committee we are to vote on, or is it an amendment to strike out from the bill as it came from the House?

The VICE-PRESIDENT. The Chair will state that the vote will first be taken upon the amendment proposed by the Senator from Pennsylvania to the amendment of the committee.

Mr. JONES of Arkansas. What is the amendment?

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 23, after the word "hundred," it is proposed to strike from the committee amendment the words "and fifty-three thousand four hundred and forty."

Mr. QUAY. I wish to modify the appropriation so as to leave it an even \$1,200,000. That is, with the understanding that the proposition on the seventy-seventh page for the Lincoln Institute and Hampton Institute are to remain in the bill.

Mr. TELLER. I should like to find out whether the amendments of the committee, on page 77, have been rejected or not. If they have been rejected, then this amendment is proper. If not, we do not want to make it.

The VICE-PRESIDENT. Those amendments have not yet been reached.

Mr. QUAY. The propositions were included in the suggestion I made to the Senator from Florida in charge of the bill, and which he accepted.

Mr. FAULKNER. I suggest to the Senator from Pennsylvania that he bring the question up at once as to whether the Senate will agree to the amendment of the committee striking out the House provision. Then, if the Senate does not agree to the amendment of the committee striking out the House provision, we can go back and correct the other.

Mr. QUAY. Then I ask that the vote be taken first on the amendment.

Mr. COCKRELL. Let the vote be taken on the amendments on page 77.

Mr. CALL. That is the idea.

The VICE-PRESIDENT. The amendments will be stated.

The SECRETARY. After line 3, on page 77, it is proposed to strike out:

For support and education of 120 Indian pupils at the school at Hampton, Va., \$20,000.

For support and education of 200 Indian pupils at Lincoln Institution, Philadelphia, at \$167 per annum each, \$33,400.

The VICE-PRESIDENT. The question is on the amendment.

Mr. GALLINGER. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. PETTIGREW. Mr. President, I should like to inquire just what the proposition is. Is it to adopt the amendment of the committee?

The VICE-PRESIDENT. It is.

Mr. COCKRELL. The question is on striking out the provisions as to the schools at Hampton and Lincoln.

Mr. QUAY. Those in favor of the institutions will vote "nay."

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. HUNTON. There are some Senators who do not understand the question to be voted upon. I ask the Chair to restate it.

The VICE-PRESIDENT. The Chair will state that the question is on the amendment of the Committee on Appropriations, to strike out the clauses on page 77 of the bill, from line 4 to line 10, inclusive.

Mr. HUNTON. Then the question is upon agreeing to the committee's amendment to strike out?

Mr. FRYE and others. Yes.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the Senator from Maryland [Mr. GIBSON]. If he were present I should vote "nay."

Mr. DUBOIS (when his name was called). I transfer my pair with the junior Senator from New Jersey [Mr. SMITH] to my colleague [Mr. SHOUP] and vote "nay."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. If he were present I should vote "yea."

Mr. LINDSAY (when his name was called). I am paired with the junior Senator from Nebraska [Mr. ALLEN]. I do not know how he would vote on this question if present, but if he were here I should vote "yea."

Mr. PASCO (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD] and therefore withhold my vote.

Mr. PETTIGREW (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN]. If he were present I should vote "yea."

Mr. POWER (when his name was called). I am paired with the Senator from Louisiana [Mr. CAFFERY], but I understand that if that Senator were present he would vote "yea," so I vote "yea."

The roll call was concluded.

Mr. GRAY. I am paired with the senior Senator from Illinois [Mr. CULLOM], who is not present, and therefore I withhold my vote.

Mr. BATE. I am paired with the Senator from Georgia [Mr. GORDON]. Not knowing how that Senator would vote, if present, I withhold my vote.

Mr. GALLINGER (after having voted in the negative). I have voted, but I am paired with the junior Senator from Texas [Mr. MILLS]. I will transfer that pair to the senior Senator from Ohio [Mr. SHERMAN] and let my vote stand.

Mr. VEST (after having voted in the affirmative). I withdraw my vote, as I notice that the Senator from Minnesota [Mr. WASHBURN], with whom I have a general pair, has not voted.

Mr. GORDON. I wish to announce my pair with the junior Senator from Iowa [Mr. WILSON].

Mr. BATE. The Senator from Georgia [Mr. GORDON], with whom I have announced a pair, having come into the Chamber, I will cast my vote. I vote "nay."

Mr. BURROWS. I desire to transfer my pair with the Senator from Maryland [Mr. GIBSON] to the Senator from Rhode Island [Mr. ALDRICH], and I vote "nay."

The result was announced—yeas 21, nays 32; as follows:

#### YEAS—21.

Berry,	Hansbrough,	Perkins,	Vilas,
Blackburn,	Jones of Ark.	Power,	Voorhees,
Brice,	Martin,	Boach,	White.
Cockrell,	Mitchell of Wis.	Stewart,	
Coke,	Morgan,	Teller,	
Davis,	Palmer,	Turpie,	

#### NAYS—32.

Bate,	Dubois,	Kyle,	Platt,
Blanchard,	Faulkner,	Lodge,	Proctor,
Burrows,	Frye,	McLaurin,	Quay,
Call,	Gallinger,	McMillan,	Ransom,
Chandler,	Hawley,	Manderson,	Squire,
Clark,	Hill,	Mantle,	Walsh,
Daniel,	Hoar,	Mitchell of Oreg.	Wilson of Wash.
Dixon,	Hunton,	Peffer,	Wolcott.

#### NOT VOTING—35.

Aldrich,	Dolph,	Irby,	Pritchard,
Allen,	George,	Jones of Nev.	Pugh,
Allison,	Gibson,	Lindsay,	Sherman,
Butler,	Gordon,	McPherson,	Shoup,
Caffery,	Gorman,	Mills,	Smith,
Camden,	Gray,	Morrill,	Vest,
Cameron,	Hale,	Murphy,	Washburn,
Carey,	Harris,	Pasco,	Wilson of Iowa.
Cullom,	Higgins,	Pettigrew,	

So the amendment was rejected.

Mr. COCKRELL. Now, I ask the Senate to disagree to the amendment beginning in line 22, on page 72, striking out "\$1,164,050" and inserting "\$1,253,440," so as to leave the amount just as it came from the House of Representatives.



The VICE-PRESIDENT. The amendment will be stated.  
The SECRETARY. On page 72, line 22, after the words "one million," the Committee on Appropriations reported to strike out "one hundred and sixty-four thousand three hundred and fifty," and insert "two hundred and fifty-three thousand four hundred and forty."

Mr. COCKRELL. That is restoring the amount as the bill came from the House of Representatives.

The VICE-PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. TELLER. I do not want to have any mistake in relation to the language as it stands. The words "of which amount the Secretary of the Interior may, in his discretion, use \$5,000 for the education of Indians in Alaska," I suppose are to stand.

Mr. COCKRELL. That is a separate amendment. Let that be voted on.

Mr. TELLER. Those words are to be left in?

Mr. COCKRELL. Those words will be agreed to if there be no objection.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 72, line 24, after the word "dollars," the Committee on Appropriations report to insert:

Of which amount the Secretary of the Interior may, in his discretion, use \$5,000 for the education of Indians in Alaska.

The amendment was agreed to.

Mr. JONES of Arkansas. In line 2, page 73, it seems to me, in view of the discussion that has been had here to-day, the word "may" should be stricken out and the word "shall" inserted. If there is a proposition to reduce the appropriation for the contract schools 20 per cent, I think the Secretary should make the contracts for 80 per cent; and it ought not to be left doubtful as to whether he will or will not. I hope that change will be made.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed in line 2, page 73, to strike out "may" and insert "shall;" so as to read:

That the Secretary of the Interior shall make contracts for the education of Indian pupils, etc.

Mr. PETTIGREW. I have an amendment on the desk which has not been disposed of that I think covers this question. I ask that it may be read.

The VICE-PRESIDENT. When the text is perfected the Chair will recognize the Senator from South Dakota.

Mr. PETTIGREW. I think if the amendment of the Senator from Arkansas prevails it may take the place of the one I offered. As I offered my amendment first, I should like to have it disposed of first. I should like to have the amendment I offered read.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. Strike out all after the word "Alaska," in line 2, page 73, down to and including the word "cease," in line 11 of the same page, and insert:

Provided, That \$515,000 of said sum of \$1,253,440 shall be expended in support of schools with which contracts have heretofore been made: Provided further, That the Secretary of the Interior may in his discretion expend 20 per cent of said sum of \$515,000 in the purchase of the property of such contract schools as may be offered for sale.

Mr. PETTIGREW. I will state in this connection that the sum named is just the amount of money which was expended for contract schools last year for all denominations—\$515,000. If we are going to reduce it 20 per cent, a sum equal to that ought to be expended in the purchase of schools which may be abandoned.

Mr. JONES of Arkansas. I agree, in view of the fact that a large number of contract schools have been built under the system which has heretofore prevailed, that if the ordinary arrangements are not allowed to go on the buildings ought to be bought by the Government, or at least those which are desirable and available should be purchased. I think the amendment proposed by the Senator from South Dakota covers the point I have suggested, and I am willing to take a vote on that.

Mr. GALLINGER. I ask that the amendment of the Senator from South Dakota be again read.

The VICE-PRESIDENT. The amendment will be again read.

The Secretary again read the amendment.

Mr. GALLINGER. It strikes me that this is a very radical amendment and that we ought to take time to think it over before we vote it into the bill. If the amendment is adopted it certainly does two things: It strikes from the bill the provision that the contract schools shall be decreased at the rate of 20 per cent a year, which the Secretary of the Interior has suggested, and it likewise eliminates from it the provision that the Secretary of the Interior shall make contracts, but only with present contract schools, for the education of Indian pupils, etc., and instead it gives a lump sum for a certain other purpose.

Mr. PLATT. If the Senator from New Hampshire will permit me, I will state that the amendment would allow the Secretary of the Interior to continue all the contract schools that are now in

existence unless he chooses to buy some of them out with 20 per cent of the money.

Mr. GALLINGER. There is no question about that. I think the amendment is not in the line of the legislation which we are trying to accomplish by the bill.

Mr. JONES of Arkansas. Will the Senator from New Hampshire allow me a moment?

Mr. GALLINGER. Certainly.

Mr. JONES of Arkansas. I understood the Senator from South Dakota to explain the effect of his amendment to be that he proposes to appropriate the amount of money which was appropriated last year, naming the amount, less 20 per cent. The difference between the present bill and his amendment is that the amount is specified in his amendment and is not specified in the bill. I should be glad to know if I misunderstood the Senator from South Dakota in that respect.

Mr. PETTIGREW. That is correct. If 20 per cent is stricken off I think it should be used for the purchase of buildings which may be abandoned.

Mr. HARRIS. Will the Senator from New Hampshire, as he seems to desire a little time to consider the amendment, yield to me in order that I may move a recess?

Mr. GALLINGER. I shall be pleased to do so.

Mr. HARRIS. I move that the Senate take a recess until 8 o'clock to-night.

Mr. PETTIGREW. For what purpose, I should like to know?

Mr. HARRIS. The question is not debatable, but I have no hesitation in saying that if I can get the floor—

Mr. WOLCOTT. I object to any explanation.

Mr. McLAURIN (at 5 o'clock and 38 minutes p. m.). I move that the Senate adjourn.

Mr. BLANCHARD. I ask the Senator from Mississippi to withdraw the motion to adjourn and yield to me—

Mr. HOAR. Regular order.

Mr. BLANCHARD. I wish to introduce a bill.

Mr. FAULKNER. Mr. President—

The VICE-PRESIDENT. The Chair has recognized the Senator from Louisiana.

Mr. FAULKNER. I ask the Senator from Mississippi, who has the floor, to yield to me.

Mr. HOAR. The regular order has been demanded.

The VICE-PRESIDENT. The regular order is demanded, which is on agreeing to the motion of the Senator from Mississippi [Mr. McLAURIN] that the Senate adjourn.

Mr. McLAURIN and Mr. BUTLER called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. I transfer my pair to the Senator from Mississippi [Mr. GEORGE] and vote "nay."

Mr. GALLINGER (when his name was called). I am paired with the junior Senator from Texas [Mr. MILLS]. I transfer my pair to the senior Senator from Ohio [Mr. SHERMAN] and vote "nay."

Mr. GORDON (when his name was called). I am paired with the junior Senator from Iowa [Mr. WILSON].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. I should vote "nay" if I were not paired.

Mr. DUBOIS (when Mr. SHOUP's name was called). I announce the pair of my colleague [Mr. SHOUP] with the junior Senator from New Jersey [Mr. SMITH].

The roll call was concluded.

Mr. HARRIS. I transfer my pair with the Senator from Vermont [Mr. MORRILL] to the junior Senator from New York [Mr. MURPHY] and ask that my vote be recorded. I vote "nay."

Mr. DAVIS (after having voted in the affirmative). I desire to inquire if the Senator from Indiana [Mr. TURPIE] has voted.

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. DAVIS. I withdraw my vote, as I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. HIGGINS. I am paired with the Senator from New Jersey [Mr. McPHERSON]. I am informed he would vote "nay" if present, and I therefore vote. I vote "nay."

The result was announced—yeas 19, nays 38; as follows:

## YEAS—19.

Allen,	Chandler,	Hansbrough,	Peffer,
Bate,	Daniel,	Hoar,	Platt,
Berry,	Dixon,	Kyle,	Teller,
Blanchard,	Dubois,	McLaurin,	Walsh,
Call,	Frye,	Mitchell of Oreg.	

## NAYS—38.

Blackburn,	Carey,	Faulkner,	Harris,
Brice,	Clark,	Gallinger,	Hawley,
Burrows,	Cockrell,	Gray,	Higgins,
Butler,	Coke,	Hale,	Hill,

Hunton,  
Jones of Ark.  
Lodge,  
McMillan,  
Manderson,  
Mantle,

Martin,  
Mitchell of Wis.  
Morgan,  
Palmer,  
Perkins,  
Proctor,

Quay,  
Ransom,  
Roach,  
Stewart,  
Vest,  
Vilas,

Voorhees,  
White,  
Wilson of Wash.  
Wolcott.

## NOT VOTING—31.

Aldrich,  
Allison,  
Caffery,  
Camden,  
Cameron,  
Cullom,  
Davis,  
Dolph,

George,  
Gibson,  
Gordon,  
Gorman,  
Irby,  
Jones of Nev.  
Lindsay,  
McPherson,

Mills,  
Morrill,  
Murphy,  
Pasco,  
Pettigrew,  
Power,  
Pritchard,  
Pugh,

Sherman,  
Shoup,  
Smith,  
Squire,  
Turpie,  
Washburn,  
Wilson of Iowa.

So the Senate refused to adjourn.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from Tennessee [Mr. HARRIS] that the Senate take a recess until 8 o'clock this evening.

Mr. ALLEN. I suggest the absence of a quorum and desire the roll to be called.

Mr. COCKRELL. What is the number of Senators shown on the yea-and-nay vote?

Mr. HARRIS. Will the Chair please state the number of votes recorded upon the roll call?

Mr. FAULKNER. The roll call shows the presence of a quorum, and no business has intervened since the roll call.

The VICE-PRESIDENT. The point made by the Senator from West Virginia is well taken.

Mr. ALLEN. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Nebraska that the Senate proceed to the consideration of executive business.

Mr. McLAURIN and Mr. TELLER called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. HILL. Is it too late to raise the point of order whether a motion to proceed to the consideration of executive business has precedence of a motion to take a recess?

The VICE-PRESIDENT. The Chair will state that he has ordered the roll call to proceed, and it can not be interfered with.

Mr. HALE. Nothing can interfere with the roll call.

Mr. HILL. A motion to take a recess has preference over a motion to proceed to the consideration of executive business.

Mr. HALE. Nothing can interrupt the roll call.

The VICE-PRESIDENT. The roll call will proceed.

The Secretary resumed the calling of the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. GALLINGER (when his name was called). I will again announce my pair with the junior Senator from Texas [Mr. MILLS], and transfer it to the senior Senator from Ohio [Mr. SHERMAN]. I vote "nay."

Mr. GORDON (when his name was called). I am paired with the junior Senator from Iowa [Mr. WILSON].

Mr. HARRIS (when his name was called). Being paired with the Senator from Vermont [Mr. MORRILL], I transfer my pair to the junior Senator from New York [Mr. MURPHY] and vote "nay."

Mr. PASCO (when his name was called). I again announce, and for the day, my pair with the Senator from North Carolina [Mr. PRITCHARD].

Mr. TURPIE (when his name was called). I inquire if the Senator from Minnesota [Mr. DAVIS] has voted.

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. TURPIE. I withhold my vote, being paired with that Senator.

The roll call was concluded.

Mr. BLANCHARD. I desire to state that my colleague [Mr. CAFFERY] is paired with the Senator from Montana [Mr. POWER].

The result was announced—yeas 13, nays 44; as follows:

## YEAS—13.

Allen,  
Berry,  
Carey,  
Chandler,

Dubois,  
Hansbrough,  
Kyle,  
McLaurin,

Mitchell of Oreg.  
Peffer,  
Teller,  
Walsh,

Wilson of Wash.

## NAYS—44.

Bate,  
Blackburn,  
Blanchard,  
Brice,  
Burrows,  
Butler,  
Call,  
Clark,  
Cockrell,  
Daniel,  
Dixon,

Faulkner,  
Frye,  
Gallinger,  
Gray,  
Hale,  
Harris,  
Hawley,  
Higgins,  
Hill,  
Hoar,  
Hunton,

Jones of Ark.  
Lindsay,  
Lodge,  
McMillan,  
Manderson,  
Mantle,  
Martin,  
Mitchell of Wis.  
Morgan,  
Palmer,  
Perkins,

Platt,  
Proctor,  
Quay,  
Ransom,  
Roach,  
Stewart,  
Vest,  
Vilas,  
Voorhees,  
White,  
Wolcott.

## NOT VOTING—31.

Aldrich,  
Allison,  
Caffery,  
Camden,  
Cameron,  
Coke,  
Cullom,  
Davis,

Dolph,  
George,  
Gibson,  
Gordon,  
Gorman,  
Irby,  
Jones of Nev.  
McPherson,

Mills,  
Morrill,  
Murphy,  
Pasco,  
Pettigrew,  
Power,  
Pritchard,  
Pugh,

Sherman,  
Shoup,  
Smith,  
Squire,  
Turpie,  
Washburn,  
Wilson of Iowa.

So the Senate refused to proceed to the consideration of executive business.

The VICE-PRESIDENT. The Chair desires to state that the Chair would have sustained the point of order raised by the Senator from New York [Mr. HILL] if it had been made before the first name was called upon the roll; but for the reason that the roll call had commenced the Chair could not entertain the point of order. The question is on the motion of the Senator from Tennessee [Mr. HARRIS] that the Senate take a recess until 8 o'clock.

Mr. KYLE. I move that when the Senate adjourn to-day it adjourn to meet to-morrow at 10 o'clock.

Mr. HARRIS. The motion I made takes precedence of any such motion.

Mr. KYLE. I think it does not.

Mr. HILL. I rise to a point of order.

The VICE-PRESIDENT. The Chair will hear the point of order raised by the Senator from New York.

Mr. HILL. The point of order I raise is that a motion to take a recess takes precedence of a motion to adjourn to a time certain.

Mr. JONES of Arkansas. That is correct.

Mr. MANDERSON. That is not the case.

The VICE-PRESIDENT. The rule will be read.

Mr. KYLE. I make the point that a motion to adjourn to a day certain takes precedence.

The VICE-PRESIDENT. The Chair will have the rule read, and that will determine the question.

The Secretary read as follows:

## RULE XXII.

## PRECEDENCE OF MOTIONS.

When a question is pending no motion shall be received but—

To adjourn,  
To adjourn to a day certain, or that when the Senate adjourn, it shall be to a day certain.

To take a recess,

To proceed to the consideration of executive business,

To lay on the table,

To postpone indefinitely.

The VICE-PRESIDENT. Under the rule the Chair will first entertain the motion of the Senator from South Dakota [Mr. KYLE] that when the Senate adjourn it be until 10 o'clock to-morrow. [Putting the question.] The yeas seem to have it.

Mr. McLAURIN. I call for the yeas and nays.

The yeas and nays were not ordered.

The VICE-PRESIDENT. The yeas have it, and the motion of the Senator from South Dakota is not agreed to.

Mr. ALLEN addressed the Chair.

The VICE-PRESIDENT. The question recurs upon the motion of the Senator from Tennessee [Mr. HARRIS] that the Senate take a recess until 8 o'clock this evening.

Mr. HOAR. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ALLEN. Mr. President—

Mr. LODGE. I make the point of order that the roll call has begun.

Mr. ALLEN. I addressed the Chair before the roll call commenced.

The VICE-PRESIDENT. The Senator from Nebraska states that he addressed the Chair before the first name was called. The Chair will hear the Senator from Nebraska.

Mr. ALLEN. I addressed the Chair before the question was put by the Chair for the purpose of moving to amend the motion of the Senator from Tennessee by substituting 10 o'clock for 8 o'clock.

The VICE-PRESIDENT. The Chair did not hear the Senator from Nebraska. The roll call has commenced and it must proceed.

Mr. ALLEN. I appeal from the ruling of the Chair.

Mr. HOAR. An appeal can not be made pending a roll call.

The VICE-PRESIDENT. The roll call will proceed.

The Secretary resumed the calling of the roll.

Mr. BERRY (when his name was called). I am paired with the Senator from Colorado [Mr. TELLER].

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. GORDON (when his name was called). I am paired with the junior Senator from Iowa [Mr. WILSON].

Mr. HARRIS (when his name was called). I transfer my pair with the Senator from Vermont [Mr. MORRILL] to the junior Senator from New York [Mr. MURPHY]. I vote "yea."

The roll call was concluded.



Mr. GALLINGER. I announce my pair with the junior Senator from Texas [Mr. MILLS], which I transfer to the senior Senator from Ohio [Mr. SHERMAN]. I vote "yea."

The result was announced—yeas 43, nays 12; as follows:

## YEAS—43.

Bate,	Faulkner,	Jones of Ark.	Proctor,
Blackburn,	Frye,	Lindsay,	Quay,
Blanchard,	Gallinger,	Lodge,	Ransom,
Brice,	Gray,	McMillan,	Roach,
Burrows,	Hale,	Manderson,	Stewart,
Butler,	Harris,	Mantle,	Vest,
Carey,	Hawley,	Martin,	Vilas,
Chandler,	Higgins,	Morgan,	Voorhees,
Clark,	Hill,	Palmer,	White,
Cockrell,	Hoar,	Perkins,	Wolcott.
Dixon,	Huntton,	Platt,	

## NAYS—12.

Allen,	Davis,	Kyle,	Peffer,
Call,	Dubois,	McLaurin,	Walsh,
Daniel,	Hansbrough,	Mitchell of Oreg.	Wilson of Wash.

## NOT VOTING—33.

Aldrich,	George,	Morrill,	Smith,
Allison,	Gibson,	Murphy,	Squire,
Berry,	Gordon,	Pasco,	Teller,
Caffery,	Gorman,	Pettigrew,	Turpie,
Camden,	Irby,	Power,	Washburn,
Cameron,	Jones of Nev.	Pritchard,	Wilson of Iowa.
Coke,	McPherson,	Pugh,	
Cullom,	Mills,	Sherman,	
Dolph,	Mitchell of Wis.	Shoup,	

So the motion was agreed to; and (at 6 o'clock p. m.) the Senate took a recess until 8 o'clock p. m.

## EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

## MUNICIPAL IMPROVEMENTS IN THE DISTRICT OF COLUMBIA.

Mr. HARRIS. Mr. President, the Committee on the District of Columbia, of which I chance to be chairman, with absolute unanimity some time since reported a bill, the passage of which is recommended by the unanimous report of the District Commissioners, and, I am informed, with great unanimity by the Board of Trade and the taxpayers and citizens of the District generally. The bill was reported to the Senate by the Senator from Vermont [Mr. PROCTOR], who is chairman of the subcommittee having it in charge. It is Senate bill 2066, and I move that the Senate proceed to its consideration.

The VICE-PRESIDENT. The title of the bill will be stated.

The SECRETARY. A bill (S. 2066) to provide for continuing the system of trunk sewers in the District of Columbia; to provide for sewerage disposal, to lay out highways, and for other purposes.

The VICE-PRESIDENT. The question is on the motion of the Senator from Tennessee to proceed to the consideration of the bill.

Mr. McLAURIN. I suggest the want of a quorum, Mr. President.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Allen,	Faulkner,	McLaurin,	Quay,
Bate,	Gorman,	Martin,	Sherman,
Berry,	Harris,	Mitchell of Wis.	Wolcott.
Chandler,	Hill,	Palmer,	
Cockrell,	Jones of Ark.	Pasco,	
Dubois,	Kyle,	Peffer,	

Mr. MARTIN. The Senator from Mississippi [Mr. GEORGE] requested me to state to the Senate that he is feeling very unwell this evening, and asks for leave of absence.

The VICE-PRESIDENT. Twenty-one Senators have answered to their names. No quorum is present.

Mr. HARRIS. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE-PRESIDENT. The Sergeant-at-Arms will execute the order of the Senate.

After some delay, Mr. HUNTON, Mr. ROACH, Mr. PROCTOR, Mr. PERKINS, Mr. TURPIE, Mr. PETTIGREW, Mr. HAWLEY, Mr. TELLER, Mr. WHITE, Mr. BUTLER, Mr. VEST, Mr. PLATT, Mr. ALLISON, Mr. ALDRICH, Mr. McMILLAN, Mr. SQUIRE, and Mr. BRICE entered the Chamber and responded to their names.

Mr. HARRIS (at 9 o'clock and 2 minutes p. m.). Mr. President, if I can have the consent of the Senate to say a few words, I should be glad to do so in explanation of the step that I shall next take.

The PRESIDING OFFICER (Mr. MARTIN in the chair). Is there objection to the request of the Senator from Tennessee? The Chair hears none, and the Senator will proceed.

Mr. HARRIS. Mr. President, I asked for this night's session to consider a bill upon the passage of which largely depend the sanitary condition and the health of the people of this city and District, a bill than which no measure is more important to this locality. In view of the fact that we are the legislative department for 300,000 people who have no voice in the Government,

and who rely upon the Congress of the United States and upon the Congress only for such legislation as may be necessary for their well-being the protection of their health, their lives, and their property, I regret more than I can find words to express that there is so little interest felt as that an occasion such as this should meet with the experience we are having to-night.

I feel, however, Mr. President, that I have tried to do my duty in the premises; and at this late day of the session, important as the measure that I asked the Senate to come here to consider to-night is, in view of the fact that a majority of the great appropriation bills have not yet been considered in this body, and that we have barely a week within which to consider them and such other matters as will be forced upon our consideration, as we have patiently waited here for one hour and five minutes and still we are ten short of a quorum, I shall not take the responsibility of asking those Senators who have kindly come here from a sense of duty to remain longer in the fruitless and hopeless task of getting a quorum here to perform their duties and transact the public business of the country.

I move that the Senate do now adjourn.

Mr. KYLE and Mr. PALMER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PALMER. I ask the Senator from Tennessee to withdraw the motion.

The PRESIDING OFFICER. The Chair has recognized the Senator from South Dakota.

Mr. KYLE. Before the Senator from Tennessee takes his seat and the Senate adjourns I should like to say just one word.

Mr. HARRIS. I hope the Senator will have permission to do so.

The PRESIDING OFFICER. Debate is not in order except by unanimous consent. Is there objection to the Senator from South Dakota proceeding?

Mr. CHANDLER. I shall not object to the statement which the Senator from South Dakota is about to make, but I shall object to debate after that unless there is a quorum of the Senate present.

The PRESIDING OFFICER. The Chair hears no objection, and the Senator from South Dakota will proceed.

Mr. KYLE. Mr. President, I do not wish to place myself in the attitude of seeming to block the progress of the sewer-bond bill. I realize the importance of the measure fully as much as does the Senator from Tennessee. I believe we ought to have good sewers in every part of the city of Washington. I realize that there are now many diseases prevalent in various parts of the city in consequence of the fact that we do not have here a proper sewerage system. I believe also that we should extend the streets at the same time, as the expense of the work will be less if the two projects are carried on at one time than if done separately.

The only difference between those of us who so believe and the element represented by the Senator from Tennessee is with reference to paying the bills. The Senator wishes by the provisions of his bill to issue bonds. We do not wish to issue bonds. We are willing to pay for the work out of the Treasury, we are willing to issue silver certificates, we are willing to do almost anything if we can bring about an agreement, and as all measures that are put through Congress are the result of compromise in the end, I believe that the opposition should come halfway to us. We are willing to meet them halfway.

Mr. TELLER. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator from Colorado will state his question of order.

Mr. TELLER. There is nobody here to give unanimous consent. It requires the Senate to give unanimous consent.

Mr. PALMER. Mr. President—

Mr. TELLER. I ask the Senator from Illinois to wait a moment. I notice that the Reporter is making a report of this proceeding. He might as well make a report of a town meeting, as nothing can go into the RECORD except the mere fact that we did not have a quorum and the proceeding taken to get a quorum. I object now to any further talk. We are dropping into a method of doing business that will rise to plague us hereafter.

Mr. CHANDLER. I object—

Mr. TELLER. Nothing can be done without a quorum.

Mr. CHANDLER. I object to the Senator from Colorado proceeding any further.

Mr. PALMER. I ask the Senate to give me twenty minutes for the consideration of private pension bills.

Mr. HARRIS. There is no quorum here and nothing can be done.

The PRESIDING OFFICER. The Chair can not entertain the request of the Senator from Illinois.

Mr. HARRIS. Let the question be put on my motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee that the Senate do now adjourn.

The motion was agreed to; and (at 9 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 23, 1895, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

THURSDAY, February 21, 1895.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read and approved.

## RECEIPTS AND EXPENDITURES, WAR DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a detailed statement of the receipts and expenditures of the War Department for the fiscal year ended June 30, 1894; which was referred to the Committee on Expenditures in the War Department.

## JANITOR FOR CUSTOM-HOUSE, UNALASKA.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a draft of a bill, with a favorable recommendation, to reimburse the late deputy collector of customs at Unalaska, Alaska, for money expended in the employment of a janitor; which was referred to the Committee on Claims.

## CLATSKAINE AND LEWIS RIVERS.

The SPEAKER laid before the House letters from the Secretary of War, transmitting, with letters of Chief of Engineers, reports of preliminary examinations of Clatskaine River, Oregon, and Lewis River, Washington; which were referred to the Committee on Rivers and Harbors.

## BRIDGE AT SIOUX CITY, IOWA.

The SPEAKER laid before the House a bill (H. R. 8499) to authorize the construction of a bridge across the Missouri River in the county of Dakota, in the State of Nebraska, and in the city of Sioux City, in the county of Woodbury, in the State of Iowa, with an amendment of the Senate thereto.

Mr. MEIKLEJOHN. Mr. Speaker, I move that the House concur in the Senate amendment.

The amendment was read, as follows:

Page 5, strike out all of section 7 and insert:  
"SEC. 7. This act shall take effect in one year after its approval, and shall be null and void if the actual construction of the bridge be not commenced within one year and completed within three years from the date it takes effect."

The amendment was concurred in.

On motion of Mr. MEIKLEJOHN, a motion to reconsider the vote by which the Senate amendment was concurred in was laid on the table.

## SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills of the following titles; which were severally referred as indicated below:

A bill (S. 1795) to aid in the erection of a monument to the memory of Gen. William Smallwood and the soldiers of the Maryland Line in the war of American independence—to the Committee on the Library.

A bill (S. 2388) for the relief of Fred Kormann—to the Committee on Private Land Claims.

A bill (S. 2503) for the relief of James Curran—to the Committee on the Post-Office and Post-Roads.

A bill (S. 2745) to authorize the Postmaster-General to refund to Volley P. Hart, postmaster at Sedalia, Mo., moneys sent him by the Post-Office Department for the disbursements and losses by the failure of the First National Bank of Sedalia—to the Committee on Claims.

A bill (S. 2783) to postpone the enforcement of the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea"—to the Committee on Merchant Marine and Fisheries.

## MILITARY INSTRUCTION IN PUBLIC SCHOOLS.

Mr. BRETZ. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8637) to amend section 1325 of the Revised Statutes so as to provide for the detail of officers of the Army and Navy to assist in military instruction in the public schools.

The bill was read, as follows:

*Be it enacted, etc.,* That section 1325 of the Revised Statutes, concerning the detail of officers of the Army and Navy to educational institutions, be, and the same is hereby, amended so as to permit the President to detail, under the provisions of that act, and in addition to the detail of the officers of the Army and Navy now authorized to be detailed under the existing provisions of said act, such officers and noncommissioned officers of the Army and Navy of the United States as in his judgment can be spared for that purpose without affecting its efficiency, to act as instructors in military drill and tactics in the public schools of the various cities in the United States where such instruction shall have been authorized by the educational authorities thereof and where the services of such instructor shall have been applied for by said authorities. As far as practicable these details shall be made by the President from the officers and noncommissioned officers of the troops which are stationed in the vicinity of the schools in which instruction is required, and the instruction shall be so arranged as to only require them to devote such time as is necessary for that purpose: *Provided, That no detail of any such officer or noncommissioned officer shall be made or continued where the*

number of scholars of the town or city to be instructed by him shall not exceed 300. The maximum number of officers to be detailed under the provisions of this act in public schools as herein prescribed shall not exceed 50 and shall be exclusive of the details of officers of the Army and Navy authorized by the section hereby amended, and this amendment shall not affect any provisions thereof.

SEC. 2. That the Secretary of War is authorized to issue, at his discretion, and, under proper regulations to be prescribed by him, out of ordnance and ordnance stores belonging to the Government, and which can be spared for that purpose, such number of the same as may be required for military instruction and practice by the public schools of any city which shall adopt military instruction as a part of its public-school system; and the Secretary shall require a bond in each case for double the value of the property for the care and safe-keeping thereof and for the return of the same when required.

The SPEAKER. Is there objection to the consideration of this bill?

Mr. McMILLIN. Mr. Speaker, reserving the right to object, I would like to hear the report read.

The report (by Mr. OUTHWAITE) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8273) to amend section 1325 of the Revised Statutes, so as to provide for the detail of officers of the Army and Navy to assist in military instruction in the public schools, having had the same under consideration, report a substitute therefor, with a recommendation that House bill 8273 lie on the table and that the substitute do pass.

This bill simply extends the privilege of securing military instruction from army and navy officers to the public schools, but with such limitations as not to impair the efficiency of the Army and Navy. Under existing laws, 75 officers from the Army and 25 from the Navy may be detailed to colleges having certain capacity and membership, and these limitations are such that public schools are not included.

This bill increases the number of officers that may be detailed to 150, and provides that the increase of 50 be allotted to public schools. Your committee believe that to extend the instructions to those attending public schools would secure to the youths throughout the country such knowledge of military affairs as will make them efficient as volunteers in cases of emergency, and if that can be accomplished without any inconvenience to the United States Government it may prove to be a valuable undertaking.

The officers detailed to public schools under the provisions of this bill shall not be required to remain at such schools continually, but it is specially provided "that the instruction shall be so arranged as to only require them to devote such time as is necessary for that purpose." There must be at least 300 scholars in the town or city where the officer is detailed to receive such instruction.

The Secretary of War, in his last annual report (1894), in discussing this subject, says:

"I renew the recommendation made last year, that the opportunities for military instruction of officers of the Army now open to colleges be extended to the high schools of our large cities and to normal schools."

The Major-General Commanding the Army uses the following language in reference to the same subject:

"No better employment can be given to the officers of the Regular Army in time of peace than in this wide dissemination of elementary military education."

Your committee recommend the passage of the substitute.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BLACK. I object.

## FORFEITURE OF RAILROAD LAND GRANTS.

Mr. ELLIS of Oregon. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8097) which was up the other day and was objected to by the gentleman from Kentucky [Mr. STONE]. The gentleman has since examined the matter and withdraws his objection. The bill was read the other day and I hope it will now be put upon its passage.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill to amend an act entitled "An act to amend an act entitled 'An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes,' approved September 20, 1890, and the several acts amendatory thereof."

The SPEAKER. This bill was submitted and read the other day in the House, but the gentleman from Kentucky [Mr. STONE] objected to its consideration.

Mr. STONE of Kentucky. I withdraw the objection, Mr. Speaker.

The SPEAKER. Is there further objection?

Mr. COOPER of Florida and Mr. JONES asked for the reading of the report.

Mr. McMILLIN. Mr. Speaker, let the bill be again read.

The bill was again read, as follows:

*Be it enacted, etc.,* That "An act to amend an act entitled 'An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes,' approved September 20, 1890, and the several acts amendatory thereof," approved December 13, 1893, be, and the same is hereby, amended so as to read as follows:

"That section 306 of an act entitled 'An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes,' approved September 20, 1890, and the several acts amendatory thereof, be, and the same is, amended so as to extend the time within which persons entitled to purchase lands forfeited by said act shall be permitted to purchase the same, in the quantities and upon the terms provided in said section, at any time prior to January 1, 1897: *Provided, That actual residence upon the lands by persons claiming the right to purchase the same shall not be required where such lands have been fenced, cultivated, or otherwise improved by such claimants, and such persons shall be permitted to purchase two or more tracts of such lands by legal subdivisions, whether contiguous or not, but exceeding 320 acres in the aggregate: And provided further, That nothing herein contained shall be so construed as to interfere with any adverse claim that may have attached to the lands or any part thereof.*"



An amendment recommended by the Committee on the Public Lands was read, as follows:

Page 2, line 25, strike out the word "exceeding," before "320 acres," and insert "not to exceed."

Mr. JONES. Mr. Speaker, I would like to hear the report on that bill.

The SPEAKER. Without objection, the report can be read.

The report (by Mr. ELLIS of Oregon) was read, as follows:

The Committee on the Public Lands have had under consideration House bill 8007, and find under the construction placed upon section 3 of the act approved September 29, 1890, as promulgated by the Commissioner of the General Land Office in his letter of December 24, 1890, purchase was allowed to be made by parties claiming under the third section as settlers without requiring them to show actual residence, they having met all the requirements of the bill as to fencing, cultivation, etc., and also that they were allowed to purchase in an amount not exceeding the maximum allowed under said act, even though the amount so purchased was not contiguous. Under said construction by the Department they purchased their lands and acquired patents for the same.

Under a decision of the Secretary of the Interior, made November 3, 1893, it was held that actual residence must be shown, and under said ruling many entries are now held for cancellation, although the entrymen stand on precisely the same footing occupied by those who have long since received patents from the Government for their lands. This bill does not enlarge any rights, but only seeks to give those who from any cause may have been unable to complete purchase under the original act and amendments thereto the same rights and privileges that were accorded to their more fortunate brethren.

Your committee think the relief asked is meritorious and just, and therefore report the bill back with the recommendation that it do pass with the following amendment:

After the word "but," in the twenty-fifth line, strike out the word "exceeding" and insert "not to exceed."

The committee appends the letters of the Commissioner of the General Land Office and the Secretary of the Interior and makes them a part of this report, and recommends the passage of the bill.

DEPARTMENT OF THE INTERIOR,  
Washington, December 15, 1894.

SIR: I transmit herewith a report of the Commissioner of the General Land Office on House bill No. 8007, entitled "A bill to amend an act entitled 'An act to amend an act entitled 'An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes,' approved September 29, 1890, and the several acts amendatory thereof,'" recommending the passage of the bill.

I do not concur in this view.

The third section of the act of September 29, 1890, provides for the right of purchase of lands within the forfeited limits by two classes of persons. First, where persons being citizens of the United States, or who have declared their intention to become such, are in possession of any of the forfeited lands under deed, written contract with, or license from the State or corporation to which such grant was made, or its assignees, executed prior to January 1, 1893; and, second, where persons may have settled said lands with a bona fide intent to secure title thereto by a purchase from the State or corporation when earned by compliance with the condition of the requirements of the granting act.

As to the first class, the Department has held that mere occupancy and improvement of the land is sufficient to entitle such person to purchase, for the reason that their right depends upon a deed, written contract with, or license from the company, under which they could require the company to specifically perform their contract whenever the lands were earned.

As to the second class, the right of purchase depends solely upon the settlement made upon the land, and without any contract or license that could be enforced against the company.

To accord to persons the right to purchase by merely taking possession of and improving such lands, without requiring residence thereon, would be to grant a privilege that is not conferred upon the homesteader as to any other part of the public domain.

For this reason I do not approve the passage of the bill.

Very respectfully,

Hon. W. R. ELLIS,  
House of Representatives.

HOKE SMITH, Secretary.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,  
Washington, D. C., December 15, 1894.

SIR: There has been submitted to me by the Hon. W. R. ELLIS, of the House of Representatives, a copy of House bill 8007, entitled "A bill to amend an act entitled 'An act to amend an act entitled 'An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes,' approved September 29, 1890, and the several acts amendatory thereof,'" for an expression of my views thereon.

I have the honor to transmit the said copy herewith, which reads as follows, viz:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That 'An act to amend an act entitled 'An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes,' approved September 29, 1890, and the several acts amendatory thereof, be, and the same is hereby, amended so as to read as follows:

"That section 3 of an act entitled 'An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes,' approved September 29, 1890, and the several acts amendatory thereof, be, and the same is, amended so as to extend the time within which persons entitled to purchase lands forfeited by said act shall be permitted to purchase the same, in the quantities and upon the terms provided in said section, at any time prior to January 1, 1897: *Provided*, That actual residence upon the lands by persons claiming the right to purchase the same shall not be required where such lands have been fenced, cultivated, or otherwise improved by such claimants, and such persons shall be permitted to purchase two or more tracts of such lands by legal subdivisions, whether contiguous or not, but not exceeding 320 acres in the aggregate: *And provided further*, That nothing herein contained shall be so construed as to interfere with any adverse claim that may have attached to the lands or any part thereof."

In connection therewith I have the honor to make the following statement, viz:

The first section of the act of September 29, 1890 (32 Stat., 496), declared a general forfeiture of granted lands opposite the unconstructed portions of land-grant railroads.

The second section provided a relief for actual settlers or occupants on such lands according to the general principles of the homestead laws, calling for a

prescribed period of residence and cultivation by the claimants on the land claimed as a prerequisite to perfecting title.

The third section contains special provisions for the relief of a class of persons who had taken action with a view to acquire the title of the railroad companies to portions of the land in question, who had incurred more or less of expense in the pursuit of that object before the forfeiture was declared, and who appeared to be regarded by Congress as proper subjects for special relief. That section read as follows, viz:

"That in all cases where persons being citizens of the United States, or who have declared their intentions to become such in accordance with the naturalization laws of the United States, are in possession of any of the lands affected by any such grant and hereby resumed by and restored to the United States, under deed, written contract with, or license from, the State or corporation to which such grant was made, or its assignees, executed prior to January 1, 1893, or where persons may have settled said lands with bona fide intent to secure title thereto by purchase from the State or corporation when earned by compliance with the conditions or requirements of the granting acts of Congress, they shall be entitled to purchase the same from the United States, in quantities not exceeding 320 acres to any one such person, at the rate of \$1.25 per acre, at any time within two years from the passage of this act, and on making said payment to receive patents therefor, and where any such person in actual possession of any such lands, and having improved the same prior to the 1st day of January, 1890, under deed, written contract, or license as aforesaid, or his assignor, has made partial or full payments to said railroad company prior to said date, on account of the purchase price of said lands from it, on proof of the amount of such payments he shall be entitled to have the same, to the extent and amount of \$1.25 per acre, if so much has been paid, and not more, credited to him on account of and as part of the purchase price herein provided to be paid the United States for said lands, or such persons may elect to abandon their purchases and make claim on said lands under the homestead law and as provided in the preceding section of this act: *Provided*, That in all cases where parties, persons, or corporations, with the permission of such State or corporation, or its assignees, are in the possession of and have made improvements upon any of the lands hereby resumed and restored, and are not entitled to the same under the provisions of this act, such parties, persons, or corporations shall have six months in which to remove any growing crop, and within which time they shall also be entitled to remove all buildings and other movable improvements from said lands: *Provided further*, That the provisions of this section shall not apply to any lands situate in the State of Iowa, on which any person in good faith has made or asserted the right to make a preemption or homestead settlement: *And provided further*, That nothing in this act contained shall be construed as limiting the rights granted to purchasers or settlers by 'An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads and for the forfeiture of unearned lands, and for other purposes,' approved March 3, 1867, or as repealing, altering, or amending said act, nor as in any manner affecting any cause of action existing in favor of any purchaser against his grantor for breach of any covenants of title."

The duty of administering this statute first arose in this office under a former Administration. The Secretary of the Interior in his letter of December 24, 1890, to the then Commissioner of the General Land Office (11 L. D., 635), in reference to the proper instructions to be issued to the district land officers, under the third section of the said act, suggested "that the instructions should be in the words of the act itself," which it will be seen do not expressly require actual residence on the tracts claimed thereunder.

The circular of instructions was issued accordingly under date of January 3, 1891 (12 L. D., 3), and it appears that in subsequent proceedings purchase was allowed to be made by parties claiming under the third section as settlers, without requiring them to show actual residence on the tracts so claimed by them.

It appears to have been held that when persons who were citizens of the United States, or who had declared their intention to become such citizens, had settled said lands with bona fide intent to secure title thereto by purchase from the State or corporation when carried by compliance with the conditions or requirements of the granting acts of Congress, and the lands were fenced, cultivated, or otherwise improved by such claimants, in such manner and to such extent as to show good faith, that they should be permitted to purchase under the said third section, without being required to show, as a part of the proof of their settlement, that they were actual residents on the tracts claimed by them. In other words, it appears to have been held that parties might be settlers within the meaning of the statute without being actual residents on the tracts claimed. Numerous entries were allowed to be made under this view of the meaning of the statute, and many of them were patented.

In the case of James C. Daly, decided by the Secretary of the Interior, November 3, 1893 (17 L. D., 408), it was held as per syllabus that—

"The right to purchase from the Government forfeited railroad lands, accorded by section 3, act of September 29, 1890, to those 'who may have settled said land with bona fide intent to secure title thereto by purchase from the State or corporation,' can not be exercised by one who has not established his residence on such lands."

That decision, without questioning that one of the classes of persons provided for in such third section, viz, those in possession of any of the lands affected by such grant under deed, written contract with, or license from the State or corporation to which such grant was made, or its assignees, executed prior to January 1, 1893, were entitled to purchase from the Government 320 acres of the land so held in possession whether actual residents thereon or not, decided that the other class, viz, those who "may have settled" said land with bona fide intent to secure title thereto by purchase from the State or corporation when earned by compliance with the conditions or requirements of the granting acts of Congress were not entitled to make such purchase unless they were actual residents on the lands claimed.

Following the decision referred to as a precedent on the point involved, this office has refused to permit claimants of the class referred to to perfect their claims. All entries based on claims of settlement under said third section in which actual residence is not shown, which had not been patented prior to the promulgation of said decision of the Secretary of the Interior, were suspended, and are liable to cancellation, if not yet canceled.

The bill (H. R. 8007) above quoted would not operate to change existing law, except so far as to permit claimants to perfect their titles in the character of settlers under the third section of the act of September 29, 1890, without being required to show actual residence upon the tract claimed, where such lands have been fenced, cultivated, or otherwise improved by them. The passage of this bill would enable this Office to relieve from suspension the entries found to be invalid under the decision in the Daly case, above mentioned.

As one incident to the enforcement of that decision it is required that entries of this class must form a compact body, as where residence is required that condition can not be recognized as fulfilled with regard to both by residence on one of two disconnected tracts, nor can residence on one be accepted as entitling the party to make entry of the other. It follows that in cases where a party residing on one legal subdivision of land has made an entry within the maximum, but including another legal subdivision, not contiguous, the entry as regards the latter must be canceled. The passage of said bill would relieve a number of cases of this kind now suspended in view of the Daly decision.

By reason of the facts above stated I am of the opinion that this bill should become a law, and I would so recommend.

Attention is called to a clerical error in the twenty-fifth line, by which, as the fourth word, "but" is used where "not" is evidently intended.

Very respectfully,

S. W. LAMOREUX, *Commissioner*.

The SECRETARY OF THE INTERIOR.

Mr. TRACEY. I would like to ask whether the Interior Department has recommended this action?

Mr. ELLIS of Oregon. The Commissioner of the General Land Office recommends it strongly as being in the interest of the Government.

Mr. TRACEY. Is there any communication from the Commissioner of the General Land Office on that point?

Mr. ELLIS of Oregon. Yes; quite a lengthy one.

Mr. McMILLIN. Is that appended to the report?

Mr. ELLIS of Oregon. Yes, sir; but it is quite lengthy. It recounts all of the legislation that has been had on this subject.

Mr. McMILLIN. Let it be read.

The SPEAKER. The document is quite voluminous and would probably occupy a half hour in reading. If there be no objection, it will be read.

Mr. OUTHWAITE. I object to the reading.

Mr. McCREARY of Kentucky. I demand the regular order.

Mr. TRACEY. I do not want to prevent the bill from being considered if the gentleman from Kentucky will withdraw his demand.

The SPEAKER. The gentleman from Kentucky demands the regular order, which is equivalent to an objection.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, for this day, to Mr. DAVEY, on account of sickness.

#### DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The SPEAKER. The gentleman from Kentucky demands the regular order, which is the further consideration of the Senate amendment, disagreed to by the House, on the consular and diplomatic appropriation bill.

Mr. McCREARY of Kentucky. Before proceeding with the debate I would like to make some arrangement, if possible, with gentlemen on the other side as to the time to be consumed in the discussion.

Mr. HITT. How much time does the gentleman from Kentucky suggest?

Mr. McCREARY of Kentucky. I would suggest an hour on each side.

Mr. HITT. That will be agreeable to me.

The SPEAKER. Without objection that order will be made.

Mr. VAN VOORHIS of New York. I object.

The SPEAKER. The gentleman from Kentucky of course can give notice that he will demand the previous question at the expiration of two hours' debate.

Mr. McCREARY of Kentucky. Then I give notice that I will demand the previous question in two hours from this time, unless we can make some arrangement now.

Mr. HITT. In the mean time the two hours suggested by the gentleman will be divided equally?

Mr. McCREARY of Kentucky. Certainly.

Mr. VAN VOORHIS of New York. I suggest that, having heard two very able speeches on either side, a half hour on each side would be sufficient, and for that reason I have made the objection.

Mr. McCREARY of Kentucky. In order to meet the objection of the gentleman from New York, if agreeable to the gentleman from Illinois, I will suggest that the time be limited to three-quarters of an hour on each side.

Mr. HITT. I can get along with that time and meet the demands on me.

Mr. McCREARY of Kentucky. Very well. Then I suggest, Mr. Speaker, that the time be limited to an hour and a half, three-quarters of an hour on each side.

Mr. VAN VOORHIS of New York. I object to that.

Mr. McCREARY of Kentucky. Then I give notice that at the end of two hours I will move the previous question.

Mr. OUTHWAITE. Say an hour and a half.

Mr. VAN VOORHIS of New York. I withdraw the objection to an hour and a half.

The SPEAKER. Is there further objection?

Mr. WELLS. I object.

The SPEAKER. The gentleman, as the Chair has suggested, can demand the previous question whenever the gentleman from Illinois and himself shall agree upon the time to be consumed in the discussion.

Mr. HITT. The gentleman from Kentucky understands that we will get through on this side in three-quarters of an hour.

Mr. McCREARY of Kentucky. I again ask unanimous consent then, Mr. Speaker, and hope the gentleman from Wisconsin will not object, to close the debate and consider the previous ques-

tion ordered in one hour and a half, the time to be equally divided between the gentleman from Illinois and myself.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection, and it was so ordered.

Mr. McCREARY of Kentucky. Under the agreement the time is limited to one hour and a half, three-quarters of an hour on each side. I yield twenty minutes to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER of Mississippi. Mr. Speaker, before proceeding with the discussion of this question, I desire to call the attention of the House to the specific terms of the amendment of the Senate which was referred to in the debate on yesterday, and I think when the House understands the full purport of this proposition there will be no hesitancy in saying that the conferees on the part of the House have acted wisely and properly in refusing concurrence in the amendment. I call your special attention to the language of the amendment itself in order that its breadth and scope may be taken in by the House. The amendment is on page 8, line 25, of the bill, and proposes to insert the following—and I will remark in passing, that if the point of order had been made in the Senate, as I think it should have been, on the proposition it would have been excluded from the bill altogether for the reason that there is nothing in the amendment which pertains to the question of appropriation for the support of the diplomatic and consular service of the United States.

Mr. VAN VOORHIS of New York. If the gentleman will permit me, does he not know that the point of order was made and overruled by the Vice-President?

Mr. HOOKER of Mississippi. I was not aware of that; but if that be the case, then, in my judgment, the Vice-President made an erroneous decision.

But this is the amendment made by the Senate:

The President is hereby authorized to contract for the entire work—

Mark the terms of the amendment—

to contract for the entire work of laying a telegraphic cable between the United States and the Hawaiian Islands, and to direct the prosecution of such work whenever such a contract shall be made, and as a part—

That is, a part of the prosecution of this work, and to carry it out—

and as a part of the cost of such cable the sum of \$500,000 is hereby appropriated; said cable—

And I call the particular attention of the House to the closing lines of this amendment—

said cable to be owned and operated by the United States Government.

Mr. Speaker, I venture the assertion that such a proposition has never been made before in the history of the Congress of the United States.

As has been well said, and it is conceded by gentlemen on both sides, this is but the entering wedge to appropriations in support of the building and operation of this cable, which are to amount in the end to between three and four million dollars. It is conceded by everybody that the cost can not be less than this.

Now, that is the scope of the amendment; that is the breadth of the enterprise which is to be begun upon the completion of the contract and operated by the Government of the United States. Are we prepared to enter upon this enterprise in this form? Why, sir, the honorable gentleman from Illinois [Mr. HITT] who made the motion to concur in the Senate amendment said in the course of his speech yesterday that there had been a conference at Ottawa, Canada, at which the home Government was represented by a gentleman from across the water, and the local government of Canada was also represented. Why, sir, that conference failed entirely to accomplish anything; it declined to sanction the enterprise, and declined upon the ground that it was not to the interest of Great Britain to go into the measure at all, both the representative of the home Government and the representative of the local Canadian government concurring in that opinion.

In the course of the speech of my honorable friend from Illinois the gentleman from Maine [Mr. BOUTELLE] has interpolated, as I find in the RECORD this morning, a report of the number of vessels which stopped at the port of Honolulu during the last year. But it will be seen, if members of the House will examine this report, that a large number of vessels, both American and foreign, entering that port were simply passing vessels, stopping in their transit to or fro at that great inlet to the Pacific Ocean and to the Oriental countries which lie beyond it. In the very table itself attention is called to this fact in notes which say:

\* Owned almost entirely by Americans.

† The greater part of this tonnage represents calling steamships of trans-Pacific lines; those of the Canadian Pacific Company, running between Vancouver and Yokohama; the Occidental and Oriental, between San Francisco and the same port, and a chartered British steamer in the Oceanic line, from San Francisco to Sydney, New South Wales.

So that a large number of the vessels stopping at the port of Honolulu, as contradistinguished from other vessels from our



country, is attributable to the fact that they are passing vessels—nothing more.

My friend from Illinois said that he was in favor of this measure; and when his attention was called to the fact that in the Fifty-first Congress when the proposition was made it was voted down—

Mr. HOLMAN. And that was a Republican Congress.

Mr. HOOKER of Mississippi. His reply was that it was done because the American people were hostile to subsidies. I am glad to know it. I am glad to find that the hostility to subsidies does not exist alone on the Democratic side of the House, but among other Representatives of the American people. Does the honorable gentleman from Illinois hope to educate the American House of Representatives up to the granting of subsidies? In his admiration of English liberality and English magnificence, which he commented on with so much favor, is he willing to forego so far the principle which lies at the foundation of our Government—that we are a Government of limited powers, and that we can only appropriate money for such measures as are in accordance with the cardinal and fundamental principles of the Constitution? Does the gentleman hope to educate the next House up to the idea of granting subsidies? He may do so; but he can not educate this House to the idea of voting subsidies for anything—much less for a Hawaiian cable—when he concedes himself, by his own remarks of yesterday, that we have now all the commerce between America and Hawaii.

The gentleman went on to show what had been accomplished in Hawaii. He commended the "republican" form of government which has been established there, and as an illustration of the wonderful growth of that "republican" Government he introduces figures to show that while the land value of the Hawaiian Islands amounts to \$36,000,000, this great "Republic" composed of about 250 people had absolutely absorbed \$26,000,000 worth of that land already. That is a fact, as he reiterates now by nodding assent to my statement.

Why, sir, what is the meaning of the proposition now to construct a cable from San Francisco to Honolulu at an expense to the American Government of three or four million dollars? We had a company chartered by the Government of the United States with authority to build such a cable, and that company did not carry out the enterprise because it was not profitable. But the gentleman says now that this line will be continued finally to Japan, connecting with various islands in the Pacific. And, Mr. Speaker, when we have exhausted the \$500,000 for the purpose of starting this cable, is it proposed to add another and another and another subsidy until the line as mapped out by the gentleman shall be completed? Because if his argument is worth anything, and it is the interest of the United States Government to give a subsidy to construct a cable from San Francisco to Honolulu, it is far more to the interest of the Government to give an additional subsidy to complete it to Japan. It is conceded, then, that we already have all the commerce that we can get from the Hawaiian Islands; that we are in control of it; that we export almost all that they receive, and that we get almost all that they export.

Mr. COX. I should like to suggest one question to the gentleman. Under the amendment inserted by the Senate the proposition is that the United States shall own this line and operate it.

Mr. HOOKER of Mississippi. Undoubtedly.

Mr. COX. Now, suppose a conflict should arise between those islands and the United States as to how the line shall be operated, is the United States Government to assume authority to control the operation of that line, in opposition to the wishes of those islands?

Mr. HOOKER of Mississippi. Unquestionably.

Mr. COX. Then does not my friend see at once that we might be involved in a serious conflict?

Mr. HOOKER of Mississippi. Undoubtedly. We made a treaty with those people in 1875; and that portion of the message of the President of the United States which my honorable friend from Illinois adverted to yesterday was addressed to the House of Representatives in reference to that treaty, which gave such enormous advantages to the United States under the reciprocity for which it provided and under which we now absolutely control every particle of the enormous production of that country, consisting mainly of sugar, of which those fertile islands are said to produce from two to seven tons to the acre. Under the treaty those islands are allowed to send their products here free of duty; and in return we export to those islands free of duty all that they need in the way of provisions, machinery, etc.

That treaty was urged with great force by a distinguished gentleman from New York who was then a member of this House. It was advocated in most eloquent terms by my distinguished colleague [Mr. MONEY] then and now on the floor of the House.

When that treaty was about to expire, and we were likely to lose the reciprocal benefits which had been brought to this country by its passage by Hawaii and the United States, the President of the United States, in urging upon Congress the necessity of reenact-

ing that treaty, did allude to the fact that it would be very much to the interest of the whole country to have a cable route from San Francisco to Honolulu; but he never proposed that that should be at the expense of the Government of the United States and operated by the Government of the United States. No proposition has been made in any of the great political debates, embracing the three parties of this country, so broad as this proposition to pledge the Government of the United States to construct and to operate a cable line between San Francisco and Honolulu.

No party has ever yet committed itself to the support of a proposition which looked forward to pledging the Government to the expenditure of three or four million dollars for the construction of this cable.

Mr. HOLMAN. This is the beginning of a new policy.

Mr. HOOKER of Mississippi. Yes, sir; this is the beginning of a new policy. Nearly twenty years ago an act was passed "to encourage and promote telegraphic communication between America and Asia," but not by engaging the Government of the United States in the work of laying down a cable. That act contemplated the construction of a line of telegraphic communication by a private corporation, with certain important stipulations and reservations in favor of the United States, and was in the words following:

An act to encourage and promote telegraphic communication between America and Asia.

*Be it enacted, etc.,* That Celso Caesar Moreno, Alvinza Hayward, John F. Miller, Leland Stanford, Mark Hopkins, James C. Flood, William Irwin, James McM. Shafter, O. H. La Grange, Isaac Friedlander, William Alvord, Eugene L. Sullivan, John P. Jackson, Andrew J. Bryant, John B. Felton, Louis Sloss, Philip A. Roach, Nathaniel W. Spaulding, William Norris, Frank M. Pixley, and J. Craig, of the State of California; Henry Failing and Julius Friedman, of the State of Oregon; Henry O'Reilly, and William Barnett Phillips, of the State of New York; Dudley S. Gregory, of the State of New Jersey, shall have the right to construct, lay, land, and maintain a line or lines of telegraph or submarine cable or cables on the Pacific coast of the United States of America, to connect the American and Asiatic coasts by telegraph lines, wires or submarine cables: *Provided,* That said company shall begin to lay said cable or cables within three years from the passage of this act.

SEC. 2. That any telegraph line or cable laid by said company shall be subject to the following conditions, stipulations, and reservations, to wit: The Government of the United States shall be entitled to exercise and enjoy the same or similar privileges with regard to the control and use of such line or lines or cable or cables that may, by law, agreement, or otherwise, be exercised and enjoyed by any foreign Government whatever; secondly, citizens of the United States shall enjoy the same privileges as to the payment of rates for the transmission of messages as are enjoyed by the citizens of the most favored nations; thirdly, the transmission of dispatches shall be made in the following order: First, dispatches of state, under such regulations as may be agreed upon by the Governments interested; secondly, dispatches on telegraphic service; and, thirdly, private dispatches; fourthly, the lines of any such cables shall be kept open to the public for the daily transmission of market and commercial reports and intelligence, and all messages, dispatches, and communications shall be forwarded in the order in which they are received, except as hereinafter provided; fifthly, before extending and establishing any such line or lines or cable or cables in or over any waters, reefs, islands, shores, and lands within the jurisdiction of the United States a written acceptance of the terms and conditions imposed by this act shall be filed in the office of the Secretary of State by the said company.

SEC. 3. But nothing in this act shall be construed to limit the United States in granting to other persons or companies similar privileges herein contained.

SEC. 4. That the right to alter, amend, or repeal this act, at any time, is hereby reserved to Congress.

Approved August 15, 1876.

Mr. Speaker, I understand that there is now a bill pending before the Congress of the United States which proposes not only to charter a company to construct a cable to Honolulu, but to extend it to the islands of the Pacific beyond, and finally to the Oriental countries, and terminate in Japan. Let private enterprise construct this if it is desired. I am not willing to see the Government of the United States start out in imitation of the Englishmen whom my friend from Illinois [Mr. HERR] so much delights to eulogize in this House. I am not willing to see the Government of the United States constructing forts upon every island in the ocean; I am not willing to see the Government of the United States building outlying fortifications around all the countries with which it has commercial relations. Let Europe shape its own policy, but let us be governed by the policy fashioned by our fathers in the pure days of the Republic, and let us look simply to our commercial welfare, as we have well done. If this cable were constructed to-morrow, whether by Government aid or by private enterprise, it would not add one iota to the commercial facilities which we have obtained by our treaty stipulations in Hawaii, nor would it do anything to develop that country or increase its commercial relations with ourselves.

I say, therefore, that this is a new departure for the American people, whether they belong to one party or to another; that this is a proposition to construct at Government expense and operate by Government money this cable, which it is conceded would not pay if it was constructed by private subscription. You may say this cable would be of value in the event of war. But here are a few islands lying in the Pacific, important to us because we have there the coaling station which we have been careful to reserve to ourselves in the harbor of Pearl River, and which we have secured exclusively for the use of the United States by the treaty of 1875 and by the renewed treaty of 1884. What more do we want?

What closer relations do we desire to maintain? Does the honorable gentleman from Illinois [Mr. HITT] want to maintain relations with all of the barbarous tribes on the islands of the Pacific, and would he, in order to accomplish it, put the Government of the United States to the expense of constructing a cable? Why, sir, such a proposition would startle the commercial world, the idea that the Government should undertake to build up its commerce by the expenditure of four or five millions of dollars to construct a cable between the United States and the barbarous islands of the Pacific.

Mr. HOLMAN. What would we gain?

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. McCREARY of Kentucky. I will yield to the gentleman five minutes more time.

Mr. HOOKER of Mississippi. Mr. Speaker, we should know and understand the geographical position of this country with which we are proposing to make this extraordinary connection, commercial and otherwise. From San Francisco to Honolulu the distance is 2,100 miles; to Auckland, New Zealand, from San Francisco, the distance is 3,810 miles; to Sydney, New South Wales, 4,484 miles; to Yokohama, 3,440 miles; to Hongkong, 4,893 miles, and to Tahiti, 2,300 miles.

The extension of this cable line, so that it would reach all the countries that it must eventually reach, would cost the Government of the United States many millions of dollars, if it is to be encouraged by the Government of the United States, in the shape of subsidies proportionate to that which gentlemen propose to give to the first 2,100 miles from San Francisco to Honolulu.

Now, sir, what is the condition of that country as shown to us by the census of 1878? The whole population amounted to 57,985 persons. The number of natives of pure Hawaiian blood was 44,088, and of half caste, 3,420. There were at that time Chinese numbering 5,916. Of Americans there were only 1,276; of British, 883; of Portuguese, 430; of Germans, 273; of French, 81, and of other foreigners, 666; of Hawaiians born of foreign parents, 947.

I do not think that is proposed in the interest of the Hawaiian races, but in the interest of the men who want to construct this cable under the auspices of the Government; in the interest of the men who want to conduct the commerce with those islands for their own personal emolument, and they propose that we appropriate \$500,000 in aid of that purpose.

Mr. HOLMAN. To begin with.

Mr. HOOKER of Mississippi. To begin with, simply as an initiatory step, which looks to a gigantic subsidy which they subsequently desire to get along the line of the route, because they can not build it from San Francisco to the Hawaiian Islands only for the purpose of the extension of our commerce; they propose that the Government of the United States shall construct it, and then the Government of the United States, after having constructed it, must operate it; and when the Government of the United States shall have completed every mile of it, connecting by a cable under the ocean San Francisco with Honolulu, you will hear of another appeal to the American Congress, more successful, perhaps, in another Congress than it will be in this, to add another million upon top of another million, for the purpose of extending the cable line to where it will pay. That is the broad proposition.

Mr. HOLMAN. Where is it to end if once commenced?

Mr. HOOKER of Mississippi. Where is it to end if commenced? Why not apply the principle of the Populist party, to purchase all the railroads of the United States and operate all the railroads by the Government of the United States? Why not apply it to all the relations of commerce everywhere? If the Government can do it in one instance, if it can build a mile of this cable, it can under the same authority and with the same power appropriate \$50,000,000 to construct it to a point where it would become valuable.

The allusion made by my colleague from Texas [Mr. COCKRELL] to the appropriation for a survey for a transcontinental railroad route was not, to my mind, analogous, because that was a contract we entered into not to appropriate a dollar, not to give one acre of land toward the construction of a railroad, because every mile of railroad in the United States which would connect with a transcontinental railroad had been built in the United States, and that was largely so in Mexico, and largely so in Central and South America; that was an appropriation simply to make a preliminary survey, and no more.

The SPEAKER pro tempore (Mr. TRACEY). The time of the gentleman has expired.

Mr. HITT. I yield ten minutes to the gentleman from Ohio.

Mr. STORER. Mr. Speaker, it is only the gentleman from Kentucky [Mr. McCREARY], chairman of the Committee on Foreign Affairs, who can see in this matter a party issue. I regret that he has drawn that line. I regret that he has appealed to party lines in this House on this issue, but I recognize the necessity for his doing so, because in that way alone could he hope to defeat what I believe to be, not only the wish and desire of the

American people, but the wish and desire, privately speaking, of this House. This is not a party question. The vote in the Senate on this amendment showed that. Does the gentleman from Kentucky mean to impeach the Democracy of Senator BUTLER, Senator CALL, and Senator MORGAN, letting alone the votes of Senator HILL, Senator GORMAN, and Senator WHITE of California? One-quarter of the Democratic votes of the Senate polled on this issue were polled in favor of this amendment. And why? Because this was a matter which was pushed to the attention of Congress by the last Democratic Administration that we have had. It was brought to the attention of Congress twice by President Cleveland, once in 1886 and once in 1888, and it was done when there was a Democratic Secretary of State and not a Secretary of State who belongs to no party but rises either above or falls below any party, according to the judgment of him who looks at him.

Mr. McCREARY of Kentucky. Will the gentleman allow me to interrupt him?

Mr. STORER. I have but ten minutes. If the gentleman will be short, I will permit him to ask me a question.

Mr. McCREARY of Kentucky. I will be very short. At the time when President Cleveland sent the message to which the gentleman refers I suppose that no Democrat or Republican would suggest—

Mr. STORER. Why, you are making a speech. I yielded to you to ask me a question.

Mr. McCREARY of Kentucky. That he made any recommendation that the Government should own and operate a cable to the Hawaiian Islands.

Mr. STORER. I object. I decline to yield further. The gentleman from Kentucky has already had time and will have time, and he can make his speech then.

Mr. McCREARY of Kentucky. I know—

Mr. STORER. In 1886—

Mr. REED. I rise to a question of order.

The SPEAKER pro tempore. What is the question of order?

Mr. REED. I would like to inquire who has the floor?

The SPEAKER pro tempore. The gentleman from Ohio has the floor.

Mr. REED. What position is the gentleman from Kentucky in? [Laughter.]

Mr. McCREARY of Kentucky. If the gentleman will allow me to answer, I wished only to lay before you—

Mr. STORER. I decline to allow the gentleman to take any more of my time.

The SPEAKER pro tempore. For what purpose does the gentleman from Kentucky rise?

Mr. McCREARY of Kentucky. To respond to the gentleman from Maine.

The SPEAKER pro tempore. The gentleman from Ohio has the floor and will proceed.

Mr. STORER. When in 1886 Mr. Cleveland and Mr. Bayard sent to the House of Representatives and the Senate of the United States a message saying of the Sandwich Islands:

The paramount influence we have there acquired, once relinquished could only with difficulty be regained, and a valuable ground of vantage for ourselves might be converted into a stronghold for our commercial competitors.

And followed it up by adding:

The importance of telegraphic communication between those islands and the United States should not be overlooked.

They evidently did not agree with the gentleman from Kentucky.

Again, in 1888, the President of the United States, Mr. Bayard being his Secretary of State, sent to Congress a proclamation that—

In the vast field of Oriental commerce now unfolded from our Pacific borders no feature presents stronger recommendation for Congressional action than the establishment of communication by submarine telegraph with Honolulu.

Are our interests less now than they were then? Is our Navy weaker or stronger now than it was then? Has the question of our relations to those islands been more or less of profound interest to the American people in the last two years than it was during the last Administration of President Cleveland?

Again, in 1888, the President through Mr. Bayard, or Mr. Bayard through the President, as the case may have been, announced to the Congress of the United States that—

The geographical position of the Hawaiian group in relation to our Pacific States creates a natural interdependency and mutuality of interest which our present treaties were intended to foster, and which make close communication a logical and commercial necessity.

Has the President ever withdrawn that? Never. It may be said, I know it has been privately said, that the present Administration is against this amendment. If so, the honest and decent thing for the Administration to do would be to send us a message against it after having twice sent messages urging Congressional action upon this matter. When the President of the United States calls the attention of Congress to the absolute necessity of a submarine cable to a certain place, what does that mean? Does it not mean that he desires that Congress shall take action? And yet in 1891, four years ago almost to a day, when the question was up



whether this Government should subsidize or assist in laying a cable, the gentleman from Kentucky [Mr. McCREARY] opposed the proposition on the ground that a subsidy was wrong, and that if a cable was to be built at all the Government should control it.

Mr. McCREARY of Kentucky rose.

Mr. STORER. The gentleman will have ample opportunity to answer me in his own time. And now, Mr. Speaker, when the proposition is not for a subsidy, but that the Government itself shall build this cable, as it would build a dockyard or a dispatch boat, the gentleman still objects to it, because the Government builds it. In which way is Congressional action to be had to satisfy the gentleman from Kentucky and the President of the United States, who seems now, according to statements made privately on the other side, to have altered his opinion on this question?

Mr. Speaker, this cable to Honolulu or to the Sandwich Islands is no more a private enterprise than the building of a rapid dispatch boat for naval purposes would be. Fifteen, twenty, or perhaps thirty years ago, with the same necessity that now exists for rapid communication between our shores and the key of the Pacific Ocean for commercial reasons and for the preservation of our naval supremacy, we should have built the fastest dispatch boat then possible, and probably in such a case should have been met with objections on the constitutional ground that the Navy did not include means of sending news rapidly. But we have built such vessels repeatedly, and now, in the march of science, it is a submarine cable that is needed, and that is just as much a necessity in these days as the telephonic connection between the pilot house and the engine room of a man-of-war. The harbor of Honolulu is the sole place in this world, of commercial importance to us, that is now without a cable. It is the center of our commerce and naval power in the Pacific, and God knows it ought to be kept so. The British would make it theirs if they could. It is for you, gentlemen of the majority at this time, to say under which flag you will sail. Will you surrender our right to the interest of a subsidized British cable, or will you let us build ours, as by treaty we have a right to do?

We can not pass it without your votes. You are in the majority. If you choose to take that burden and, if I may call it so, that shame, on yourselves for the next two years, you can reject it and leave us in the minority again. But when you do it, remember what you are doing. You are not under the flag of Marcy; you are not even under the flag of Bayard; you are under the flag of the present Secretary of State; and if you want it, why stay there. [Applause on the Republican side.]

I yield back the remainder of my time.

Mr. HITT. I yield ten minutes to the gentleman from Massachusetts [Mr. DRAPER].

Mr. DRAPER. Mr. Speaker, a year ago, when another phase of the Hawaiian question was under consideration, I spoke at some length advocating the policy of annexing these islands, and explaining from a commercial standpoint, and the standpoint of our Pacific Coast defense, the advantages that would accrue to this country from their possession. I do not propose to repeat to-day what I then said, but I can not let this opportunity pass without a few words of a similar character.

A year ago there was considered to be some political capital in the discussion. To-day there is no reason why any man should approach this subject from any but a national standpoint, whether he is a Republican, a Democrat, or a Populist. We are all Americans, and ought to consider our foreign relations at least as Americans, regardless of partisanship.

We are one of the great nations of the earth, and should respect ourselves and provide for our needs accordingly.

Other great powers, like England and France and Germany and Russia, have recently been taking possession of the islands of the Pacific, though far distant from their home soil, until there is little left but the Hawaiian group, which is so closely allied to us by its position and its population and its commerce. If we do not annex it, eventually some of these other powers will, and we shall have another Bermuda on our west coast to serve as a base of operations against us in case of a foreign war.

England has had a jealous eye on the Sandwich Islands for many years. At the time the cession of Pearl Harbor to the United States was first mentioned in the public journals the London Times, commenting thereon, stated that—

The narrow land-locked harbor named Pearl River is in itself small in absolute extent, but of inestimable value to any civilized nation possessing it for naval purposes.

And that—

the maritime power that holds Pearl River, and moors its fleets there, possesses the key to the northern Pacific.

This policy of Hawaiian annexation is not new. It has been favored by our statesmen of both political parties for nearly or quite fifty years.

William H. Seward, in a speech in the Senate in 1853, predicted that—

The Pacific Ocean, its shores, its islands, and the vast region beyond, will become the chief theater of events in the world's great hereafter.

Secretary Marcy advocated annexation in 1854, Secretary Seward in 1867, President Johnson in 1868, and President Grant in 1871. Their words are on record and referred to in my former remarks.

On December 1, 1881, our Secretary of State, James G. Blaine, in an instruction to the American minister at Honolulu, wrote as follows:

It [this Government] firmly believes that the position of the Hawaiian Islands, as the key to the dominion of the American Pacific, demands their benevolent neutrality, to which end it will earnestly cooperate with the native Government. And if through any cause the maintenance of such a position of benevolent neutrality should be found by Hawaii to be impracticable, this Government would then unhesitatingly meet the altered situation by seeking an avowedly American solution of the grave issues presented.

Finally, in his message of December 3, 1888, President Cleveland made the following statement in regard to a submarine cable, the point at issue, though I regard it as merely preliminary to a closer connection:

Proclamation was duly made on the 9th day of November, 1867, of the conventional extensions of the treaty of June 3, 1875, with Hawaii, under which relations of such special and beneficent intercourse have been created. In the vast field of oriental commerce now unfolded from our Pacific borders no feature presents stronger recommendations for Congressional action than the establishment of communication by submarine telegraph with Honolulu. The geographical position of the Hawaiian group in relation to our Pacific States creates a natural interdependency and mutuality of interest which our present treaties were intended to foster and which make close communication a logical and commercial necessity.

There is surely enough authority to warrant either Democrats or Republicans in favoring closer relations with Hawaii, or at least to prevent either from being actuated by prejudice against annexation on party grounds.

The great bulk of the trade of these islands, 91 per cent it is said, is with the United States, and the controlling element largely of American birth or descent.

American ships were the first that opened trade with Hawaii after its discovery by Cook. American missionaries have civilized its natives. American energy, backed by American capital, has brought it into our commercial system and converted it into an American outpost in the North Pacific. The question is now, Shall we retain the hold we have peacefully acquired there? Our Pacific Coast is yearly growing in population and commercial importance, and the marvelous prophecy of Mr. Seward is fast approaching its fulfillment. Will our Government, with the advantages it possesses and with the prestige it has acquired, neglect to provide for the future of our commerce in that quarter?

It is due to our citizens commercially established there that some action be taken by this Government that will add to the stability of the large interests they have built up, and that will strengthen the ties that already bind them to their mother country, toward whom none can show more sincere devotion than our brethren on those islands.

Mr. Blount's report, which was surely not a jingo document, contained the following (page 21) description of the Hawaiian people:

The white race, or what may be termed the Reform party, constitute the intelligence and own most of the property in these islands, and are desperately eager to be a part of the United States on any terms rather than take the chances of being subjected to the control of the natives. With them we can dictate any terms. The feeling of the natives is that, while they do not want annexation, if the United States does it will be accomplished, and they will acquiesce.

I also quote from his report (pages 133, 134):

A majority of the whites, especially Americans, are for annexation. The Americans of what is sometimes termed the better class, in point of intelligence, refinement, and good morals, are fully up to the best standard in American social life. Their homes are tasteful, and distinguished for a generous hospitality. Education and religion receive at their hands zealous support. These general observations can be applied to the English and German population.

The question that confronts us to-day is, Shall these islands that have been civilized and Christianized by our teachers, that occupy so important a place in our commercial system, come within our political domain, or shall we leave them to others who are greedily watching for an opportunity to take them? We have a cession of a valuable harbor there already. The commerce between this country and Hawaii carried in American ships is larger than that with any other country in the world, and in the near future an Isthmian canal will add vastly to their importance as a depot on the world's great ocean highway.

We are expending large sums on our Navy, and I am glad of it, but if we are to use a navy in time of war we must have coaling and supply stations; and Hawaii is the most valuable one to us in the Pacific. I have fully elaborated my views on this point, and was pleased to find that they were approved by the highest military and naval authorities of this country.

I believe in annexation—and I believe in this cable as a step toward it—and I appeal to those gentlemen who agree with me in this general view to vote for this appropriation.

I also appeal to all who object to foreign interference in these islands. Even the majority of the present Committee on Foreign Affairs reported February 3, 1894, that "foreign interference in

the political affairs of these islands will not be regarded with indifference by the United States Government."

Now, if we do not lay this cable, England will lay one; and after she has a cable and we none—she wanting the islands as a part of her great plan for commercial and naval supremacy, and we refusing even to establish suitable communication with them—how long does any sensible man suppose they will remain free from English control?

If any Representative here wishes to prevent that, now is the time to prevent it. It will be too late to take action after England is in possession. [Applause.]

[Mr. VAN VOORHIS of New York addressed the House. See Appendix.]

Mr. HITT. I yield now to the gentleman from Oregon [Mr. HERMANN].

Mr. HERMANN. Mr. Speaker, in my judgment, and in the judgment of the people of the entire Pacific Coast, there is no question presented to the Congress at this time which is of more overshadowing and transcendent importance than the one which is now before us, except it possibly be the construction of the great Nicaraguan ship canal, which will practically extend the mouth of the Mississippi from the Gulf to the Pacific Ocean and the mouth of the great Columbia River from the Pacific to the Atlantic, saving over 10,000 miles of transportation route by steam and sail, with millions and millions of dollars saved in reduction of freight rates, insurance, and other expenses to our shippers, manufacturers, and producers of all kinds, and with a saving in time of transit between the Atlantic and Pacific ports of weeks and even months, over the present long and costly voyages around the capes.

Mr. CANNON of Illinois. Let me ask the gentleman if these propositions are not twins?

Mr. HERMANN. They are substantially connected together. There is no doubt of that.

The construction of a cable line to the Hawaiian Islands is not the mere result of a patriotic impulse, nor is it prompted altogether by a sentiment of friendship to the people who reside on those islands. It is the legitimate prompting of a great commercial nation, which seeks to maintain close and intimate relations with those countries which engage in extensive traffic and exchange their products with it. That this prompting is well justified it need only be said briefly that our tonnage at the port of Honolulu, Hawaiian Islands, exceeds our entire tonnage at Liverpool, Hongkong, Rio de Janeiro, Havre, Sydney, and Valparaiso. In fact, there are but two other foreign ports in the world where our tonnage exceeds that at Honolulu.

Our tonnage there exceeds that of any other nationality. Last year the value of our imports from the Hawaiian Islands amounted to \$10,065,317, and our exports to the islands during the same year amounted to \$3,306,187. As compared with other nations this people give us 90 per cent of their entire trade; and what is equally noticeable and greatly to our advantage is the fact that this traffic is carried on exclusively in American ships. Some of my constituents are engaged in this business, and sail their own ships in constant traffic with the Sandwich Islands, selling through this means our products of fruit, flour, our manufactured products, our lumber, fish, and all other commodities produced on our coast, and bringing back in return cargoes of rice, sugar, and miscellaneous products.

More American ships entered Honolulu last year than entered Liverpool, Hongkong, Yokohama, Southampton, or Sydney. As against our \$3,838,359 in exports to the islands, Great Britain exported \$380,000; China, \$154,696; Germany, \$99,113. Nearly 90 per cent were American products sold there and only 8 per cent were British.

So much for the present commercial inducement for a cable. Looking into the near future, we behold a canal across the Isthmus, when the industries of the islands will rapidly increase and their commerce grow to large magnitude and value, and then, too, as Hawaii becomes a midway station between the Pacific States and the proposed Nicaragua Canal, cable communication with Hawaii will be felt to be more than ever valuable to the great interests involved.

So much to the business of our people which alone demands and justifies the cable. Aside from this there are political or governmental, or I may say patriotic considerations, which of themselves warrant and require this cable. Hawaii is now a Republic, with a form of government modeled largely after our own. The people who are the moving spirits of this infant Republic are of our own kith and kin. They possess that exalted love of liberty which characterized their ancestors. They also revere the flag of their fathers, and gaze with yearning eyes to the Union of States, with prayerful hope that in the not distant future their own Hawaiian land shall be merged with the American Union and ultimately become as one or as several States in the great sisterhood of States.

But viewing it merely as a neighboring Republic, we are justifi-

fied in keeping in close and rapid and absolutely independent communication with it. The very proximity of the islands to our country makes it imperative that no foreign control by the nations of the Old World should ever attach to these lands. In the event of future complications in regard to them it is essential that we should exercise the earliest precaution in their behalf. This a cable communication will enable us to do. It is in one sense a compliance with the wise maxim of Washington: "In time of peace prepare for war."

An attack upon the Republic of Hawaii will henceforth be regarded by every patriotic American as an attack upon our own Republic. Time and again has our Government indicated to the nations of the world that it would not tolerate any foreign domination of those lands. But, even in the face of this notice, Great Britain very diplomatically paves the way for future advantage by her recent endeavor to obtain a privilege for a cable station on one of the islands. Do we require any further reminder of our own interests in this direction, or shall we permit the shrewd Briton first to acquire the great advantage of cable communication?

This cable can not be constructed by individual effort. The business at present will not justify the expenditure required, and the alternative is left for the entire American people to undertake the enterprise and make it an American project for Americans and under American control.

In conclusion, I would say if we are not yet prepared to accept the political annexation of Hawaii, we are prepared to accept commercial annexation, and one of the most favorable conditions toward such union will be the construction and maintenance of a telegraph cable between the two countries.

Mr. HITT. I ask that general leave to print be given on this subject.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HITT] asks unanimous consent that gentlemen be allowed to print remarks in the RECORD on this subject. Is there objection?

There was no objection.

Mr. HITT. Will the gentleman from Kentucky occupy some of his time? I have no one ready just at this moment.

Mr. McCREARY of Kentucky. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. HARTER].

Mr. HARTER. Mr. Speaker, like my colleague from Ohio, I regret that this eminently practical question should have taken on a political aspect. It seems to me that we ought to be able to consider it from the everyday standpoint of the average taxpayer of the United States, and it is certain that is the standpoint from which it can be most properly and intelligently treated. It is immaterial to me, much as I respect the present Administration, whether Mr. Cleveland and Mr. Gresham want this cable laid, or whether they would prefer not to have it. It is simply a question of whether the interests of the country call for the construction of the cable, and whether, if laid, it shall be as a private enterprise or at the public expense. Certainly, when the public credit of the United States is at such a low ebb that its bonds sell on a basis of 3½ per cent interest per annum, while the bonds of the English Government sell at 2½ per cent per annum, and bring a premium at that—at a time like this it seems to me that unless the increase of the public debt is called out by a vital measure that we ought to refuse to make this appropriation and upon this ground.

Again, at a time when the people from one end of the country to the other are complaining of the burden of the hardness of the times, when this burden rests upon every family in the land, and when the current income of the United States is so far below the necessary expenses of the Government, there can be no valid grounds upon which we should vote to increase the public expenses or to enlarge the debt of the United States.

Mr. DRAPER. Will the gentleman yield for a question?

Mr. HARTER. Not at this moment. Even if we had a Treasury overflowing with money, the first question that would naturally be asked would be, Is this a proper channel in which to let a portion of the surplus find its way out of the Treasury? It occurs to me, sir, from all that I have heard in this House, that this is an enterprise which is not called for either by the commerce of the United States of to-day or by the probable business of the United States for years to come. If the enterprise promised any pecuniary returns to the investor, certainly private capital all over the country would rush in to occupy the opportunity for profit, and certainly private capital should be encouraged to employ itself in this direction, and we should refuse to allow the Government to enter into this kind of illegitimate channels—illegitimate, I mean, for the Government. I am reliably informed now that a set of gentlemen representing large capital, themselves American citizens of reputation, have appeared before the proper committee and requested that they be chartered, that they be given an opportunity to build this cable at their own expense. If this is true—and I am here to say that it is true—what excuse, gentlemen, have you, as representatives of the people, for deciding that



instead of permitting American citizens to build this cable as a private enterprise you will tap and break into our bankrupt Treasury and pour out money which ultimately will find its resting place in the pockets of people who have no claim whatever upon the taxes paid by the people?

[Here the hammer fell.]

Mr. HITT. I yield five minutes to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Speaker, I hope the House will recede from its disagreement and adopt the Senate amendment to the bill. To my mind, Mr. Speaker, it needs no argument to prove that very many and beneficent results commercially and politically will accrue to the people of the United States from the construction of the proposed cable. In considering this question, sir, we must not lose sight of the fact that from many causes to which the limited time at my disposal will not permit me to even refer, but which are very well known, our relations with the people of the Hawaiian Islands have become very different from those with any other people of the world, and as one of the results the interests of the people of this Republic of the isles and of our own have become so identified as to be practically inseparable; and so, sir, I believe they must remain.

As has been well stated during this debate, this is the only spot on the globe in which our merchants have been able to maintain and to extend the supremacy of the foreign commerce of this country during the past twenty-five years, and for this reason alone, if there were none other, I think that this Democratic House, during the last days of its existence, may well show its substantial sympathy with our merchants in their laudable and successful efforts to extend their foreign commerce by passing this bill. I believe this to be good Democratic doctrine; I believe it to be good, sound American statesmanship; and I am not willing to concede that there is any difference between the two.

Mr. Speaker, the distinguished gentleman from Kentucky, the chairman of the Committee on Foreign Affairs, in his speech yesterday stated that the nine submarine cables connecting the United States with foreign nations had all been built by private enterprise; and he instanced that as a reason why we should refuse to subsidize the proposed cable. I should like to ask the distinguished gentleman this question: If his country were not now connected with the other portions of the civilized globe, and if it had been demonstrated that it was entirely feasible to lay a connecting cable under the ocean, but that private enterprise was not equal to the task, or, what is the same thing, if through the timidity of capital sufficient funds could not be obtained to construct and lay a submarine cable, would he then refuse to vote a subsidy to connect this country with the other nations of the world?

Mr. McCREARY of Kentucky. Mr. Speaker, I will answer that question.

Mr. RYAN. I hope the gentleman will in his own time. I have only three or four minutes of my time remaining.

Mr. McCREARY of Kentucky. You asked me a question.

Mr. RYAN. The gentleman has all the time he desires. I have but a few minutes, and am sorry I can not yield to the gentleman from Kentucky.

Mr. HITT. Will the gentleman from Kentucky yield the gentleman from New York time?

The SPEAKER pro tempore. The gentleman from New York has the floor.

Mr. McCREARY of Kentucky. I will answer the question.

The SPEAKER pro tempore. The gentleman from New York declines to yield.

Mr. RYAN. Mr. Speaker, the gentleman from Kentucky objected to this proposed amendment for the reason, among others, that it seemed to impose no sufficient restraint upon the President as to the terms of the proposed contract; because the Senate had shown such unprecedented confidence in the business sagacity of the President of the United States that the safeguards usual in such measures are omitted from this. I believe that that objection is a minor one and one that can very easily be removed in conference; but even if it should not be found possible to remove such an objection, I should then, with the distinguished gentleman from Illinois [Mr. HITT], whose loyalty to the Republican party does not prevent his advocacy of a measure designed to increase the powers of a Democratic President, be entirely willing to give a vote of confidence to this Administration to the extent of permitting it the unusual latitude of action allowed by this proposed amendment.

Mr. Speaker, the gentleman also said in his speech that the people of the United States had lost \$56,000,000 since the treaty between the Hawaiian Kingdom and the United States, made in 1876, by the provision of which that much tax on food products which were imported into the United States from Hawaii for the consumption of the American people has been remitted or not collected at the custom-house; and it seemed to me that was a very strange doctrine to be promulgated by a Democratic leader from Kentucky. I had been taught that what is really the same in principle, that is, that the foreigner pays the tax, when stated by

a Republican leader of Ohio, was rank political heresy from a Democratic standpoint; but I do not believe that because it is stated now with the apparent sanction of the distinguished gentleman from Kentucky it is any different as a political doctrine from what it would be if uttered by an Ohio Republican leader.

I do not believe, sir, that the admission of sugar and rice free of a duty of \$56,000,000, and which lowered the price of sugar and rice in this country from the date of that treaty of 1876 to the enactment of the McKinley tariff, cost the consumers of this country any such sum nor any sum whatever.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN. I would like one minute more.

Mr. HITT. I yield to the gentleman.

Mr. RYAN. I believe, Mr. Speaker, in conclusion, that we can well employ ourselves during part of the few remaining days of this Democratic Congress by passing this bill as amended, so that it shall secure to us a cable connection to the islands which will inevitably, in the near future, be a part of our common country; and furthermore, that we should, before the expiration of our term, follow up this good work by favorable action on the proposed Nicaraguan Canal.

With the plea that the times are not propitious for undertaking projects that may entail the expenditure of any considerable sums of money by the Government I have no sympathy. On the contrary, Mr. Speaker, I contend that when employment is most needed by our people is just the time when the General Government, as the largest employer in the nation, should undertake and carry on those public improvements which are needed and necessary, and which can be done now to better advantage than at any other time. No matter what may be said to the contrary, neither the nation nor its credit is too poor to do that which is necessary for its development or protection. The small sum required by this amendment is a mere bagatelle as compared with the resultant benefits. Let us grant it, and show that the Democratic party in the last as in the first decade of this century believes in the future development and magnificent destiny of the Republic. [Loud applause.]

Mr. McCREARY of Kentucky. I now yield five minutes to the gentleman from Virginia [Mr. TUCKER].

Mr. TUCKER. Mr. Speaker, it is well enough to understand the real question before the House. The amendment presented apparently is for the sole purpose of laying a cable by the Government of the United States between this country and Honolulu, to be owned and operated by the United States Government. I say that that is the proposition, Mr. Speaker, but that is not its ultimate object. Down below the laying of the cable, down in the bottom of the hearts of gentlemen who advance this proposition there is another—not to lay the cable to Honolulu, but to lay the wires for the annexation of the Hawaiian Islands. [Loud applause on the Republican side.]

I am very glad, Mr. Speaker, that I have succeeded at last in smoking out the gentleman upon the other side. [Jeers on the Republican side.]

Mr. STORER. The gentleman can always smoke out the American flag.

Mr. TUCKER. I listened with great pleasure to the distinguished gentleman from Illinois [Mr. HITT], who is a noted diplomat, on yesterday. I noticed that his speech was given up to a discussion of the commercial interest that existed between this country and the Hawaiian Islands, but I failed to hear him declare openly for annexation. I noticed his magnificent appeal to the Americanism of this House. I accept it, sir. I am for America against the world. Yet, sir, I am for America for Americans, and not America for Chinese, Dagos, Japanese, and half-breeds in the Hawaiian Islands. [Applause on the Democratic side.]

I must do justice to my honored friend and colleague, the gentleman from Massachusetts [Mr. DRAPER], who, in his discussion in this matter, with a frankness which is characteristic of him, did not conceal the fact that his object was to have annexation. Mr. Speaker, I do not believe in an ambitious government. I do not believe in that principle which would lead us to cast our longing eyes across the seas, seeking what we can gather under the folds of the United States flag. Our duty, sir, as Americans is to see that honest and good laws are enacted for the advancement, cultivation, civilization, and progress of Americans, and to see that our commercial relations with other nations are proper and correct. I am against annexation.

Gentlemen have said in this discussion that they voted for the naval appropriation bill on yesterday carrying \$20,000,000 for building four war ships in time of peace. Well, sir, I found it to be my duty to vote against it; but when that bill was passed, I at least congratulated myself that the country was at last safe. But now, my honorable friends on the other side say that the Navy alone amounts to nothing. We are to have it, but, they say, "What is a navy without a cable?"

Mr. BOUTELLE. A cable is a good thing for a navy.

Mr. TUCKER. A sort of umbilical cord! [Laughter.] Why, Mr. Speaker, if the United States can not get along with the reen-

forcement of the Navy, with four battle ships provided for in the bill just passed, and which I think ought not to have been passed in the present condition of the Treasury—if we can not get along with that, what next will gentlemen bring up? Do they want to extend this cable to Japan and thence to the islands of the sea beyond, and in their wild dreams of conquest and power compel submission from those countries to ours? Mr. Speaker, I have no sympathy with that idea. I have no sympathy with annexation.

Have we not questions of sufficient difficulty to contend with in the vast domain now under our jurisdiction? Have we not political and social questions enough to engage our attention? And has our solution of the great race problem with which we have been struggling for thirty years been so successful as to warrant our acceptance of others? The acquisition of territory on this continent in the past for well-known political reasons is one thing; to attempt to bring into our social fabric the islands of the sea is an entirely different matter. Sir, the argument can not be resisted that if the Hawaiian Islands, 2,100 miles from our coast, are necessary for its protection, then must it follow that the countries beyond the Hawaiian Islands must be necessary to the United States for the protection of the Hawaiian Islands. I can not do more than suggest the argument in the limited period of five minutes.

I believe that our true principle is to legislate for Americans, and not to seek, by greed and lust of power, to extend our domain across the sea. Without meaning any pun, I may suggest, in the language of another, that "when you leave the land, then are you at sea indeed." [Applause on the Democratic side.]

Mr. HITT. Mr. Speaker, I yield twelve minutes to the gentleman from New York [Mr. SICKLES].

Mr. SICKLES. Mr. Speaker, I am a little embarrassed, for two reasons. First, my esteemed friend from Ohio occupied this seat a while ago, and, having nothing else to do, he tore up my speech. [Laughter.] Furthermore, he took an unfair advantage, because, having read it and torn it up, he went over on the other side of the House and replied to it. [Laughter.] So here I am, sir, with twelve minutes of time and no speech.

Mr. Speaker, I am embarrassed for another reason.

I find myself here surrounded by my Democratic associates and unable to agree with Democracy as any of those who have spoken have defined it, except my esteemed colleague [Mr. RYAN]. I am obliged to appeal from the Committee on Foreign Affairs of this House to the Committee on Foreign Relations of the Senate for Democracy. I read in the RECORD the magnificent speech of the chairman of the Committee on Foreign Relations, Mr. MORGAN of Alabama, in which he advocates this measure on the broadest grounds of American statesmanship, and then I hear our worthy chairman of the House committee denouncing it as hostile to all the objects of American policy and antagonistic to Democratic principles as he understands them.

I am afraid, sir, that I shall be obliged to build a platform for myself, and describe Democracy as I understand it. [Laughter.] But, sir, when I go back a little in our history I do not find myself so circumscribed or embarrassed. Thomas Jefferson was the first American annexationist. He annexed Louisiana. I am a Jeffersonian Democrat to-day, and always have been. He was denounced for it. It was said to be unconstitutional, impolitic, unwise, dangerous. Coming down the line a little further I stand with Monroe, another Democrat, who took the whole American continent under his wing and announced the policy of an American protectorate over this hemisphere; and that policy has stood intact until to-day, and will stand forever. [Applause.]

I go further and put another plank in my little platform, which I get from Andrew Jackson, under whose inspiration Texas was annexed. Jackson, too, was an annexationist, inspiring the policy of Mr. Polk and Mr. Buchanan and of Robert J. Walker, all good Democratic names. They annexed Texas. How many Americans were there in Texas when she was annexed? Not one-third as many as there are now in the Sandwich Islands. The battle of San Jacinto was fought by seven or eight hundred Americans, who annihilated the Mexican army and captured its generalissimo. Yet we are told to-day that we can not annex territory that has any foreign population. The population of Texas at the time it was annexed was nine-tenths Mexican, but what is it to-day? Texas to-day is a vast empire with millions of population, one of the brightest stars in the Republic.

I go further and take another plank for my platform from the Administrations of Polk and Pierce. When we had extended our Pacific territory and boundaries, our wise Democratic statesmen of that epoch looked to the commerce of the East to aggrandize our trade and power; a railway across the Isthmus of Panama was projected; but it could not be built. Why? Because no private capital would trust itself to the protection of the insecure governments which existed there. What happened?

The Democratic Administrations of Polk and Pierce extended our protectorate over that isthmus and covered that railway with the American flag, which has waved over it from that time to this, nearly fifty years. This is American policy; this is Democratic policy, as I have been taught from my boyhood to understand it,

and as I adhere to it. But, sir, if the time shall come when I am unable to assist in the development and the progress of my country within party lines, I will break party lines, and I will seek progress wherever I can find it, as an American. [Applause.] I have done so before and I will do it again. I am happy always to stand with my political friends and associates; and I trust I shall not be separated from them on this question. I know I am not separated from the hearts of the American people. There is nothing partisan, and should not be, in this question.

Gentlemen say that they can not find power in the Constitution of the United States to lay a cable. Mr. Speaker, the Constitution of the United States gives to Congress control over our foreign intercourse; it gives to Congress power to regulate commerce between the States and with foreign nations. It gives to Congress the control of postal communications; and these are not limited to a horseback rider carrying a mail bag; they expand and extend with the times and with civilization. To-day they include telegraphic wires and submarine cables as much as they do any other means of postal communication. We were told we could not build a railway to the Pacific, but we built it all the same. We were told this Government had not the right of self-preservation, but we saved the Union all the same.

The Supreme Court of the United States has held in a long series of decisions from the era of Marshall down to this date that the power of Congress, within its sphere, is absolute and unlimited. The power of Congress extends over commerce and foreign intercourse and all forms of postal communication. Therefore, a submarine cable is as much within the authority of Congress as it would be to authorize the Navy Department to build a wheelbarrow or to buy stationery. Whatever facilities are necessary to execute an unquestioned power of Congress, no matter what those facilities may be, the Supreme Court of the United States has again and again said are within the discretion of Congress. And so is this measure.

Now, as to the future. The gentleman from Virginia [Mr. TUCKER] says he sees lurking under this measure a possibility of annexation. I see it, too, sir; and I accept it. [Applause.] I am for the annexation of the Sandwich Islands. Governor Marcy was for it. President Pierce was for it. A long line of statesmen, Democratic and Republican, have been for it. It is the traditional policy of the United States.

Mr. Speaker, my span of life can not be extended much longer; yet I hope to live until the day when the star of the new Republic of the Pacific shall add its tropical splendor to the starry flag of the great Republic of the western hemisphere. [Loud applause.]

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HITT] has one minute remaining.

Mr. HITT. I will not use it now.

Mr. McCREARY of Kentucky. I am entitled to close the debate, I believe. If the gentleman from Illinois desires to speak, I hope he will do so now.

The SPEAKER pro tempore. The gentleman from Illinois is recognized, if he desires to use his time.

Mr. HITT. I believe I will not use my time.

The SPEAKER pro tempore. Then the gentleman from Kentucky [Mr. McCREARY] is recognized to close the debate.

Mr. McCREARY of Kentucky. I desire to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. McCREARY of Kentucky. I have the right to close this debate, I believe.

The SPEAKER pro tempore. The Chair so understands.

Mr. McCREARY of Kentucky. And the gentleman from Illinois has declined to use the residue of his time.

Mr. HITT. I yield what time I have to the gentleman from New York [Mr. BARTLETT].

The SPEAKER pro tempore. The gentleman from New York [Mr. BARTLETT] is recognized for one minute.

Mr. BARTLETT. Mr. Speaker and gentlemen of the House, as I am about to cast my vote against some of the leaders of my party I desire to explain my position in a few moments; and I hope that the one minute which has been granted me by the gentleman from Illinois will be extended so that I may have five minutes.

Mr. SNODGRASS and others. No.

Mr. BOUTELLE. I ask that the gentleman from New York may have four minutes additional.

The SPEAKER pro tempore. The gentleman from Maine [Mr. BOUTELLE] asks unanimous consent that the gentleman from New York be allowed five minutes.

Mr. SNODGRASS and Mr. CABANISS objected.

Mr. BOUTELLE. The gentlemen certainly did not understand the request.

The SPEAKER pro tempore. The gentleman from New York will proceed in the one minute which has been allowed him.

Mr. BARTLETT. Mr. Speaker, my reason for voting in favor of this proposition is that I believe it is part of that general scheme



which is necessary for the maintenance of our Navy and the protection of our national defense. I believe it is necessary that we should control the direct telegraphic communication with the Sandwich Islands in order that we may maintain a coaling and repairing station there for our Navy. I believe that it is in consonance with the principles of the Democratic party as enunciated in their national platform, where they declare that they will maintain the Nicaragua Canal against foreign control.

[Here the hammer fell.]

Mr. McCREARY of Kentucky. Mr. Speaker, the debate on the Senate submarine-cable amendment has taken a very wide range. The advocates of the amendment have discussed subjects that are far away from the real question before this House, and it is well that we inquire, what are we now considering? The question now before this House is, Shall \$500,000 be appropriated to start the United States Government in the business of building and owning and operating a telegraph line between the United States and the Hawaiian Islands?

The gentleman from Illinois [Mr. HITT] yesterday sought to make the House believe that the President of the United States had sent a message to Congress in 1888 in which he indorsed the plan now proposed in the Senate amendment. I denied that at the time, and I deny it now. The President of the United States in 1888 used these words in his message:

In the vast field of Oriental commerce now unfolded from our Pacific borders, no feature presents stronger recommendations for Congressional action than the establishment of communication by submarine telegraph with Honolulu.

Up to and including the year 1888 no man had ever dared in our country to advocate in any legislative body that the Government of the United States should go into the business of building or owning telegraph lines. The President had no cause to believe that the Government would be asked to make such a departure from the usages and precedents of the past.

His reference to Congressional action looking to the establishment of communication by submarine telegraph with Honolulu clearly meant that a company should be incorporated to build this telegraph line, as nine other telegraph lines had been built which then connected the commercial centers of the United States with the commercial centers of the world. Only a few years before these words were written by the President a bill had been passed by Congress authorizing Leland Stanford, Celso Cesar Moreno, John F. Miller, and others to construct and maintain lines of telegraph or submarine cable to connect the American and Asiatic coasts.

The gentleman from Ohio [Mr. STORER] in his extremity to-day insinuated that when this cable question was before the Fifty-first Congress I did not oppose the Government constructing the telegraph line. That gentleman has not read the speech I made then with intelligence if he insists on this statement. I advocated on the floor of the House that an incorporated company should build the Hawaiian cable and referred to the fact that Senator Leland Stanford was president of a company already authorized to construct that cable line. I opposed earnestly the proposition that the Government of the United States should go into the business of building telegraph lines and owning them, just as I oppose it now.

The extremity to which our friends are driven to sugar-coat this scheme has been very remarkable. My friend from Ohio [Mr. STORER] says it is a higher question than politics. He says this is a great American question. I would like to call his attention to what his own party did in the Fifty-first Congress. Congress was then asked to grant a subsidy of \$3,000,000 to the construction of a submarine line to connect San Francisco with the Hawaiian Islands, and when that question was brought before the House Democrats and Republicans were good Americans and voted against it, and it was defeated by a majority of 46 in a Republican Congress.

Mr. Speaker, this debate has developed the real sentiment underlying the proposed Senate amendment. The gentleman from Massachusetts [Mr. DRAPER], as well as the gentleman from New York [Mr. SICKLES], said that it meant annexation. The sweet morsel that all of these gentlemen present is an appropriation of \$3,000,000 to build this cable, and afterwards provide for the annexation of the Hawaiian Islands. I am opposed to the Government of the United States going into the business of building railroads or telegraph lines, and I am opposed also to the annexation of the Hawaiian Islands to the United States, and I wish I had time to answer the gentleman from New York fully, whose speech, although that subject was not before the House, was entirely devoted to the question of annexation.

Mr. Jefferson, to whom the gentleman referred, and from Jefferson, including all the Presidents of the United States, to Mr. Cleveland, with the single exception of Mr. Harrison, always advocated the acquisition of territory contiguous to the United States. The framers of the Constitution of the United States prepared that sacred instrument for the Government of the

United States of America and not for countries in different parts of the world. It was not made and shaped for a colonial system, but for a family of sovereign States composing the American Union, held and governed by homogeneous people, with harmonious institutions, and as free as possible from entangling alliances with foreign nations.

In 1803, during the Administration of Mr. Jefferson, we acquired from France what is known as the Louisiana territory, which gave us the great father of waters, the Mississippi River, as an outlet and a vast and wonderful domain contiguous to our country. In 1819, in Monroe's Administration, we acquired Florida from Spain, as bordering on our Republic. Under the Guadalupe-Hidalgo treaty and the Gadsden treaty a large scope of country was acquired from Mexico, all of which was contiguous to the United States. When we acquired Alaska, the northwestern boundary line had not been run, and that territory was thought to be contiguous to the United States. But it is proposed now to go 2,100 miles from our shores to build a cable line to Hawaii, and then annex the islands. The gentleman from Massachusetts [Mr. DRAPER] was candid enough to say he wanted all the Representatives, in voting for the cable line, to understand that that was the meaning of the adoption of the Senate amendment. The gentleman deserves to be complimented for his candor.

My friend from Illinois [Mr. HITT] in his speech on yesterday showed how fond he was of the people living in the Hawaiian Islands. There are 90,000 people occupying the Hawaiian Islands. Eighty-six thousand of them are Portuguese, Chinese, Japanese, Polynesians, and Kanakas. There are only 2,000 Americans on the islands, and 2,000 French, German, and English, making 4,000 in all; and yet my friend [Mr. HITT], in the plenitude of his generosity and affection, speaks of all the people there as "our friends, our brothers, our children."

It might well be said of this mixed population, as was said by the great dramatist:

Black spirits and white,  
Red spirits and gray;  
Mingle, mingle, mingle.

If the gentleman from Illinois is pleased with his endearing language, I shall not endeavor to break the spell which binds him to those people; but I wish to bring the members of this House back to the American idea that it is not our policy, nor according to the traditions of our Government, to annex or acquire any country not contiguous to our own, and that we should not vote to provide a submarine cable line except according to the way they have been built in all the years that are past—by private corporations and private capital.

[Here the hammer fell.]

The SPEAKER. Under the order of the House the previous question is now ordered. The gentleman from Kentucky [Mr. McCREARY] moves that the House further insist on its disagreement to the Senate amendment, and the gentleman from Illinois [Mr. HITT] moves that the House recede from its disagreement. The question will be first taken on the motion of the gentleman from Illinois, that the House recede from its disagreement and concur in the amendment of the Senate.

Mr. McCREARY of Kentucky. I wish to submit a parliamentary inquiry. The first question, as I understand it, is on the motion of the gentleman to recede?

The SPEAKER. It is.

Mr. McCREARY of Kentucky. Then upon my motion?

The SPEAKER. If the House votes down the motion to concur, it is equivalent to the motion of the gentleman from Kentucky to insist on its disagreement.

Mr. HITT. And if the House should recede the gentleman will have the business disposed of. I ask the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. HITT and Mr. McCREARY of Kentucky were appointed tellers at the desk.

The question was taken; and there were—yeas 114, nays 153, answered "present" 2, not voting 80; as follows:

YEAS—114.

Adams, Ky.	Chickering.	Gillet, N. Y.	Kern.
Aldrich.	Childs.	Griffin, Wis.	Kiefer.
Avery.	Cockrell.	Groat.	Lacey.
Babcock.	Coffin, Md.	Grow.	Lefever.
Baker, Kans.	Cooper, Wis.	Hager.	Linton.
Baker, N. H.	Cousins.	Hainer, Nebr.	Livingston.
Bartholdt.	Curtis, Kans.	Harmer.	Lond.
Bartlett.	Dalzell.	Harris.	Loudenslager.
Bell, Colo.	Daniels.	Hartman.	Maguire.
Blair.	Davis.	Haugen.	Mahon.
Boen.	Dingley.	Hepburn.	Marsh.
Boutelle.	Dolliver.	Hermann.	McCall.
Bowers, Cal.	Doolittle.	Hitt.	McDowell.
Broderick.	Draper.	Hooker, N. Y.	McGann.
Bromwell.	Ellis, Oreg.	Hopkins, Ill.	McKeighan.
Brosius.	English, Cal.	Hopkins, Pa.	Meiklejohn.
Bundy.	Fletcher.	Hudson.	Mercer.
Caminetti.	Funk.	Hull.	Milliken.
Cannon, Cal.	Gardner.	Hirt.	Morse.
Cannon, Ill.	Geary.	Johnson, N. Dak.	Murray.

Northway.  
O'Neill, Mo.  
Payne,  
Pence,  
Perkins,  
Phillips,  
Powers,  
Randall,  
Ray,

Reyburn,  
Russell, Conn.  
Ryan,  
Scranton,  
Settle,  
Shell,  
Sickles,  
Simpson,  
Smith,

Stephenson,  
Stone, C. W.  
Ryan, W. A.  
Storer,  
Strong,  
Tawney,  
Thomas,  
Updegraff,  
Van Voorhis, N. Y.

Van Voorhis, Ohio.  
Walker,  
Wever,  
Wheeler, Ill.  
Whiting,  
Woomer,  
Wright.

## NAYS—152.

Alderson,  
Alexander,  
Allen,  
Arnold,  
Bailey,  
Baldwin,  
Bankhead,  
Barwig,  
Beckner,  
Bell, Tex.  
Beltzhoover,  
Berry,  
Black,  
Bland,  
Boatner,  
Bower, N. C.  
Branch,  
Breckinridge,  
Brets,  
Brickner,  
Brookshire,  
Bunn,  
Bynum,  
Cabaniss,  
Cadmus,  
Capehart,  
Caruth,  
Catchings,  
Causey,  
Clancy,  
Clark, Mo.  
Clarke, Ala.  
Cobb, Ala.  
Cobb, Mo.  
Cooper, Ind.  
Cooper, Tex.  
Cornish,  
Cox,

Crawford,  
Culberson,  
De Armond,  
Dinsmore,  
Dunn,  
Dunphy,  
Durborow,  
Edmonds,  
Ellis, Ky.  
Epes,  
Erdman,  
Everett,  
Fielder,  
Fithian,  
Forman,  
Fyan,  
Geissenhainer,  
Goldzier,  
Gorman,  
Grady,  
Graham,  
Gresham,  
Griffin, Mich.  
Hall, Minn.  
Hall, Mo.  
Hammond,  
Hare,  
Harrison,  
Harter,  
Hayes,  
Henderson, N. C.  
Henry,  
Hines,  
Holman,  
Hooker, Miss.  
Hunter,  
Izlar,  
Johnson, Ohio

Jones,  
Kilgore,  
Kribbs,  
Kyle,  
Lane,  
Lapham,  
Latimer,  
Lawson,  
Layton,  
Lester,  
Little,  
Lockwood,  
Lynch,  
Mallory,  
Marshall,  
Martin, Ind.  
McAleer,  
McCreary, Ky.  
McCulloch,  
McKalg,  
McMullin,  
McNagney,  
Mercedith,  
Meyer,  
Money,  
Montgomery,  
Moore,  
Moses,  
Mutchler,  
Neill,  
Ogden,  
O'Neil, Mass.  
Outhwaite,  
Page,  
Paschal,  
Patterson,  
Pearson,  
Pendleton, Tex.

Pigott,  
Price,  
Reilly,  
Richards,  
Richardson, Mich.  
Ritchie,  
Robbins,  
Robertson, La.  
Sayers,  
Snodgrass,  
Sorg,  
Springer,  
Stallings,  
Stone, Ky.  
Strait,  
Straus,  
Talbert, S. C.  
Talbot, Md.  
Turney,  
Tate,  
Taylor, Ind.  
Terry,  
Tracey,  
Tucker,  
Turner, Ga.  
Turner, Va.  
Turpin,  
Tyler,  
Warner,  
Washington,  
Weadock,  
Wells,  
Wheeler, Ala.  
Williams, Ill.  
Williams, Miss.  
Wise,  
Woodard.

## ANSWERED "PRESENT"—2.

Barnes,

Enloe.

## NOT VOTING—80.

Abbott,  
Adams, Pa.  
Aitken,  
Apsley,  
Belden,  
Bingham,  
Brown,  
Bryan,  
Burnes,  
Campbell,  
Cockran,  
Coffee, Wyo.  
Cogswell,  
Conn.  
Coombs,  
Cooper, Fla.  
Covert,  
Crain,  
Curtis, N. Y.  
Davey,

De Forest,  
Denson,  
Dockery,  
Donovan,  
English, N. J.  
Gear,  
Gillett, Mass.  
Goodnight,  
Grosvenor,  
Haines,  
Hatch,  
Heard,  
Heiner, Pa.  
Henderson, Ill.  
Henderson, Iowa  
Hendrix,  
Hicks,  
Houk,  
Hulick,  
Hutcheson,

Johnson, Ind.  
Lucas,  
Maddox,  
Magner,  
Marvin, N. Y.  
McCleary, Minn.  
McDannold,  
McDearmon,  
McEttrick,  
McLaurin,  
McRae,  
Moon,  
Morgan,  
Newlands,  
Pendleton, W. Va.  
Pickler,  
Quigg,  
Rayner,  
Reed,  
Robinson, Pa.

Rusk,  
Russell, Ga.  
Schermerhorn,  
Sherman,  
Sibley,  
Sipe,  
Somers,  
Sperry,  
Stevens,  
Stockdale,  
Swanson,  
Sweet,  
Taylor, Tenn.  
Wadsworth,  
Wanger,  
Waugh,  
White,  
Wilson, Ohio  
Wilson, W. Va.  
Wolverton.

Accordingly the motion to concur was rejected.

Mr. SWANSON. Mr. Speaker, I am paired with the gentleman from Pennsylvania, Mr. ADAMS. If he were present, he would vote "aye," and I should vote "no."

Mr. CURTIS of New York (having previously voted). I desire to know if the gentleman from West Virginia, Mr. PENDLETON, has voted?

The SPEAKER. He has not.

Mr. CURTIS of New York. Then I desire to withdraw my vote. Were the gentleman from West Virginia here he would vote "no." I have voted "aye," but I withdraw my vote for the reason stated.

Mr. CABANISS. Mr. Speaker, my colleague, Mr. MADDOX, is absent on account of sickness. If present, he would vote "no."

Mr. WILSON of West Virginia. I am paired with the gentleman from Maine, Mr. REED. If he were present, I should vote "no."

Mr. ERDMAN. I ask that my colleague, Mr. WOLVERTON, be excused on account of sickness.

There was no objection.

Mr. COX. I ask that my colleague, Mr. McDEARMON, be excused on account of sickness.

There was no objection.

The Clerk announced the following pairs:

Until further notice:

Mr. ABBOTT with Mr. HOUK.

Mr. McRAE with Mr. GEAR.

Mr. HUTCHESON with Mr. DRAPER.

Mr. WOODARD with Mr. TAYLOR of Tennessee.

For this day:

Mr. WILSON of West Virginia with Mr. REED.

Mr. HATCH with Mr. ROBINSON of Pennsylvania.

Mr. COOMBS with Mr. BINGHAM.

Mr. DOCKERY with Mr. HENDERSON of Iowa.

Mr. McLaurin with Mr. QUIGG.

Mr. ENLOE with Mr. HEINER of Pennsylvania.

Mr. RAYNER with Mr. SWEET.

Mr. McDANNOLD with Mr. JOHNSON of Indiana.

Mr. CRAIN with Mr. MOON.

Mr. STOCKDALE with Mr. BELDEN.

Mr. ENGLISH of New Jersey with Mr. HEINER of Pennsylvania.

Mr. MADDOX with Mr. GROSVENOR.

Mr. BURNES with Mr. COGSWELL.

Mr. RUSK with Mr. SHERMAN.

Mr. SIPE with Mr. GILLET of Massachusetts.

On this question:

Mr. PENDLETON of West Virginia with Mr. CURTIS of New York.

Mr. SWANSON with Mr. ADAMS of Pennsylvania.

On this vote:

Mr. APSLEY with Mr. McETTRICK.

The result of the vote was then announced as above recorded.

The SPEAKER. The motion to concur being voted down, is equivalent to an affirmative vote of nonconurrence.

Mr. McCREARY of Kentucky. The House having refused to recede from its disagreement, I now move that we agree to the conference asked by the Senate.

The SPEAKER. Without objection that order will be made.

There was no objection.

The SPEAKER announced as conferees on the part of the House Mr. McCREARY of Kentucky, Mr. HOOKER of Mississippi, and Mr. HITT.

Mr. BRECKINRIDGE. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

## CLASSIFICATION OF MINERAL LANDS IN THE STATES OF MONTANA AND IDAHO.

Mr. ELLIS of Oregon. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 3476) to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho.

Mr. BRECKINRIDGE. Can I raise the question of consideration against that conference report?

The SPEAKER. The gentleman can. The Clerk will read the statement and then the gentleman can raise the question of consideration.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 3476) to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with the following amendments:

In line 8 of section 2, after the word "and," strike out the words "two of whom at least residents" and insert in lieu thereof the words "a resident;" and the Senate agree to the same.

In lines 15, 16, 17, 18, and 19 of section 3, after the word "determine," strike out the words "and to enable the Northern Pacific Railway Company to select the indemnity for mineral lands, as provided in its charter, the surveyor-general for said State or States shall compute the area of said unsurveyed tract or tracts so classified as mineral;" and the Senate agree to the same.

In line 23 of section 5, after the word "published," strike out the words "in the capital cities of Montana and Idaho" and insert in lieu thereof the words "at the capital city of the State in which the lands may be situated;" and the Senate agree to the same.

In lines 43, 44, and 45 of section 5, strike out the words "or by some proper officer of the Interior Department, detailed by the Secretary of the Interior for that purpose, who shall receive a compensation not exceeding," and insert in lieu thereof the words "unless the Secretary of the Interior shall detail some proper officer of the Department of the Interior for that purpose. The compensation for such service shall not exceed;" and the Senate agree to the same.

THOMAS C. McRAE,

W. R. ELLIS,

Conferees on the part of the House.

JAMES H. BERRY,

T. C. POWER,

FRED. T. DUBOIS,

Conferees on the part of the Senate.

The statement of the House conferees is as follows:

"The Senate amendment or substitute in many respects is identical with the bill as it passed the House. Both provide for the examination, classification, and segregation of the mineral lands within the limits of the Northern Pacific Railroad grant in four land districts in the States of Montana and Idaho by a board of three commissioners for each district. The Senate amendment requires that the examination and classification shall be fully completed in four years from the date of this act. The House bill fixed no limitation.

"The most important change is in section 3, which defines what shall be classified as mineral lands. The House provision on this point is as follows:

"That all lands shall be classified and taken to be mineral lands under this act which prior to the passage of this act have been located or patented as mineral lands, or which have, or probably will have, a market value by reason of the minerals which they contain, or which show such indications of valuable mineral deposits as would induce a miner to spend his time or money upon them with the reasonable expectation of finding mineral in paying quan-



titles, or which from their geological formation, or their situation or proximity or relation to known mineral lands, are or probably will be valuable for the mineral therein; and all of these matters shall be considered by the commissioners in determining the mineral or nonmineral character of such lands and in classifying the same.

"The Senate amendment on this point is as follows:

"Sec. 3. That all said lands shall be classified as mineral which, by reason of valuable mineral deposits, are open to exploration, occupation, and purchase under the provisions of the United States mining laws, and the commissioners in making the classification hereinafter provided for shall take into consideration the mineral discovered or developed on or adjacent to such land, and the geological formation of all lands to be examined and classified, or the lands adjacent thereto, and the reasonable probabilities of such land containing valuable mineral deposits because of its said formation, location, or character."

"The purpose of the change is to make the definition conform to the established practice of the Department and the decisions of the courts as to what should be classified as mineral lands, and has been approved by the Interior Department. The Senate amendment gives the Department full power and authority to direct the work of the commissioners and limits the total amount of compensation to be paid each commissioner annually, including transportation and subsistence expenses, to \$2,500. It reduces the compensation of the district attorney or his assistant from \$15, as provided in the House bill, to \$10, and provides that the Secretary of the Interior may detail some proper officer of his Department for the purpose of representing the United States at hearings before said commissioners, with like compensation.

"The provision of the House bill which declares that nothing contained in this act shall be taken or construed as recognizing or confirming any grant of land or the right to any land in the said Northern Pacific Railroad Company, or as waiving, or in any wise affecting any right on the part of the United States against the said Northern Pacific Railroad Company to claim a forfeiture of any land grant heretofore made to said company, is contained in the Senate amendment. That provision of the Senate amendment relating to indemnity to said road for mineral land, which is apparently in conflict with the spirit of the said reservation of the right to forfeit the grant, is to be stricken out by the adoption of this report.

"THOS. C. MCRAE.  
"W. R. ELLIS."

Mr. ELLIS of Oregon. Mr. Speaker, I move the adoption of the report, and upon that I demand the previous question.

Mr. SAYERS. I would like to have some explanation in regard to this report. It seems to me to be a very important matter.

The SPEAKER. The explanation has just been read.

Mr. BRECKINRIDGE. I would like to know from the gentleman how long it will occupy before I relinquish the opportunity of raising the question of consideration.

The SPEAKER. The gentleman demands the previous question. The question is on the demand for the previous question.

Mr. BRECKINRIDGE. I will not raise the question of consideration.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the report.

Mr. SAYERS. Mr. Speaker, I trust that the gentleman will make some explanation in addition to the statement that has been read. One of the conferees, I understand, has refused to sign this report; and the House ought to know what they are doing.

The SPEAKER. The gentleman can be heard in reference to the report of the committee of conference. There are fifteen minutes for debate on either side.

Mr. SAYERS. I ask the gentleman from California to make an explanation.

Mr. CAMINETTI. Mr. Speaker, on the 23d day of last July this House passed what is known as the "Hartman bill," providing for the examination and classification of mineral lands within the Northern Pacific Railroad grant in the States of Montana and Idaho. An urgent necessity existing for the extension of the law to the State of California and other mineral regions—

Mr. HERMANN. And Oregon.

Mr. CAMINETTI. Yes, sir.

I prepared an amendment and submitted it to the chairman of the Committee on Public Lands [Mr. MCRAE]. At his earnest solicitation I refrained from offering it, as he said it would cause debate and prevent his committee from considering other measures of importance in the time assigned to it. The chairman kindly offered to assist me in securing its insertion in the report of the Senate committee.

I secured a hearing before the latter committee, and I confidently expected to see a general law reported on the subject, or secure at least the insertion of California.

On the report of the bill to the Senate without amendment I introduced H. R. No. 8551, providing for the examination and classification of mineral lands within the boundaries of railroad land grants in the State of California.

The House Committee on Public Lands, to which it was referred, after due consideration and an extension of its provisions to Oregon and Arizona, reported a substitute therefor (H. R. No. 8794) with a favorable recommendation.

Within the last ten days the legislature of the State of Oregon has memorialized Congress in favor of its passage.

California, by a mass convention of miners, held in the city of San Francisco, representing every county in the State, passed resolutions urging the California delegation to use all honorable means to secure relief in this matter.

When the Hartman bill as amended in the Senate reached this House, a conference was ordered on the disagreeing votes of the

two Houses, and I had the honor of being named as one of the conferees.

In obedience to the duty I owed to my constituents, and in view of the favorable report of our Committee on Public Lands, I again endeavored to include California in its provisions.

The conferees held various meetings. The main difference arose on account of this endeavor.

Mr. CANNON of Illinois. Will the gentleman allow me to ask him a question for information?

Mr. CAMINETTI. Yes, sir.

Mr. CANNON of Illinois. Has the conference committee jurisdiction, by any amendment on the bill, to include that or other States?

Mr. CAMINETTI. Yes, sir; for this reason: When the bill was called up for passage in the Senate an amendment was offered striking out all after the enacting clause and inserting the provisions, barring a few changes made afterwards by unanimous consent, sent to this House. It came here, as the record shows, as one amendment, hence under the rule was subject to alteration or change in conference throughout.

Mr. CANNON of Illinois. Is California, Oregon, or Arizona included in the amendment? I am asking for information.

Mr. CAMINETTI. No, sir; the Senate conferees refused to yield, not because they had any objection to the merits of my request, but for reasons I shall explain.

Mr. CANNON of Illinois. It seems to me the committee of conference did not have jurisdiction.

Mr. CAMINETTI. The gentleman will not deny that an amendment made to a bill by one House is subject to change or elimination in conference. The rule is the same whether the amendment is to a sentence, section, or, as in this instance, the whole bill. The Senate having pursued this method had reopened the whole subject. I have the opinions of leading parliamentarians who have examined the question in support of this position.

Mr. CANNON of Illinois. Will the gentleman allow another question?

Mr. CAMINETTI. Certainly.

Mr. CANNON of Illinois. Is the gentleman's objection to this bill because it does not include California and other States?

Mr. CAMINETTI. I will come to that later.

Mr. SAYERS. I would like to hear the gentleman answer the question of the gentleman from Illinois. If California, Oregon, and other mining States are included, the bill would in your judgment be right and would meet with your approbation.

Mr. CAMINETTI. It would be complete if that were done. It is not my purpose to antagonize this report, but to present the facts in favor of enlarging the scope of the proposed legislation so as to include all mining regions similarly situated, and particularly to call attention to the nature of the opposition to such extension.

#### THE DEMAND FOR A GENERAL LAW.

The Senate committee, in its report on the question of making the law general, says:

Your committee observes that this bill is not a general one, in that it does not apply to all land-grant railroads, and while it believes that legislation of a similar character applied to all land-grant railroads would be advisable, yet it does not feel that it ought to imperil the passage of the bill, which it believes to be a wise and conservative measure, even though it does not go as far as it might desire, by attempting to amend it to make it general in its provisions. It is a step in the right direction.

The House committee absolutely commits itself in the following terms:

A general law providing not only for the examination and classification of mineral lands within railroad grants, but also for their survey, with ample appropriations for its proper enforcement, is a public necessity.

The Secretary of the Interior has lately said in a communication to Senator BERRY, chairman of the Senate Committee on Public Lands:

I am impressed with the importance of adjusting as soon as possible the railroad land grants, and I trust that Congress will take such action as may be deemed necessary, providing for the examination and classification of mineral lands at the present session.

WHO OPPOSES GENERAL LEGISLATION, OR THE INCLUSION OF CALIFORNIA IN THIS BILL?

The only objection urged to an enlargement of the territorial jurisdiction of this measure is that to do so would defeat the wishes of Montana and Idaho.

It passed both Houses by practically a unanimous vote. What opposition was openly developed was not aimed against the general purposes of the bill; certain features only were affected, which by consent were altered.

Then whence comes this opposition? Certainly not from the people, or those who represent them.

I have already cited the action of the two land committees and of the respective Houses, and I know that the conferees desire in good faith to gratify the wishes of the people, each having expressed his willingness to aid legislation for their benefit.

It has been hinted to me from outside sources that any attempt to include new territory would defeat all legislation.

I can not blame the conferees, nor the friends of this bill, under the circumstances, for their refusal to endanger its passage; but I

do think it necessary to unmask the real opponents of the efforts of California, Oregon, and Arizona to obtain relief.

The Northern Pacific Railroad, the only one affected as the matter now stands, singular as it may appear, favors its passage. Whether a preference on its part for the indemnity lands has caused this unusual indication of public spirit the future will determine. It is not a bond-aided road, and so far as I am aware is not indebted to the Government. In this respect it differs materially from roads interested in the mining regions of the Pacific Coast.

The Central Pacific, the Oregon and California, and other land-grant lines are bond-aided and also indebted to the United States. At this moment some are in default to the Government.

For over twenty years they have refused to take out patents for a considerable portion of their grants, in order to avoid State and municipal taxation. Now that they are in, or about to, default, selections are being filed and applications for patent urged with an energy only equaled by that which engineered the wholesale methods of the Contract and Finance Company and other similar organizations.

Nor are they particular as to whether the selections are on land to which they are entitled by law. In this again they are true to their record.

Mining regions of vast extent have been thus covered. Lands in Eldorado, Placer, Nevada, and other counties on the leading mineral belt of the United States, from which has been extracted the bulk of the gold California has given to the commerce of the world, are not exempt from this raid.

The same course has been pursued in the northern and southern mines of our State, notwithstanding that the grant therefor expressly reserves mineral lands from its operation.

These companies, through their emissaries, are here antagonizing the wishes of the people of California.

But it is not alone on this ground that I urge action. The Government as a creditor should interpose its power to protect itself. Existing laws have forfeited to the United States lands already patented to them, as well as all other property in their possession at the date of default, under what is known as the forfeiture clause of section 5 of the Pacific Railroad act of 1862, applicable to all bond-aided roads. It reads:

On the refusal or failure of said company to redeem said bonds, or any part of them, when required so to do by the Secretary of the Treasury, in accordance with the provisions of this act, the said road, with all the rights, functions, immunities, and appurtenances thereunto belonging, and also all lands granted to the said company by the United States which at the time of said default shall remain in the ownership of the said company, may be taken possession of by the Secretary of the Treasury for the use and benefit of the United States.

Ordinary prudence, as well as the obligations of duty, dictate that lands remaining unpatented to these bond-aided roads, especially after default has taken place or danger thereof exists, should be withheld as an element of security from further loss.

The Committee on the Public Lands of the House has acted favorably on a bill having this object in view.

Pending a settlement of their debt, or the institution of proper proceedings to protect the rights of the Government, all their applications should at least be suspended, if it is not the desire to declare an immediate forfeiture as of right should follow.

Concerning these lands President Cleveland, in his message transmitting the report of the Pacific Railway Commission, makes the following recommendation:

I desire to call attention also to the fact that if all that was to be done on the part of the Government to fully vest in these companies the grants and advantages contemplated by the acts passed in their interest has not yet been perfected, and if the failure of such companies to perform, in good faith, their part of the contract justifies such a course, the power rests with the Congress to withhold further performance on the part of the Government.

If donated lands are not yet granted to these companies, and if their violation of contract and of duty are such as in justice and morals forfeit their rights to such lands, Congressional action should intervene to prevent further consummation. Executive power must be exercised according to existing laws, and Executive discretion is probably not broad enough to reach such difficulties. I especially commend to the attention of Congress this condition of affairs, in order that it may determine whether or not it should intervene to save these lands for settlers, if such a course is justifiable.

I do not on this occasion, nor did I in conference, desire to prevent Montana and Idaho from receiving the benefits of this legislation. I believe its objects, if carried out in good faith, are for the public interest; but I appeal now, as I appealed in conference, for equal privileges. You are taxing the people of California to enforce this law in those States, and yet our people are suffering far more from the evils intended to be remedied by our action to-day than those of the States named.

It was feared by the conference that the California bill might fail in securing consideration owing to the crowded condition of affairs in both branches of Congress and the limited time left for the necessary work of the session.

It was then agreed that a concurrent resolution should be prepared and introduced providing for a suspension of action on all selections within the State of California. The resolution as introduced by me in the House reads as follows:

*Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Interior be requested to suspend action upon all selections filed by land-grant railroad companies for lands situated in the State of California until the first day of January, 1896, unless legislation providing for the examination*

and classification of mineral lands within the limits of such selections shall be enacted previous to said date.

This, it was supposed, would give an opportunity to the Fifty-fourth Congress to take action in case nothing could be done before the expiration of this session.

Senator WHITE, of California, introduced a like resolution in the Senate.

The public land committees of the Senate and House have promptly and unanimously reported favorably thereon.

The Secretary of the Interior kindly accorded me a hearing after it was referred to him by Senator BERRY. He gives it his approval as this communication will show:

DEPARTMENT OF THE INTERIOR,  
Washington, February 20, 1895.

SIR: I transmit herewith a report from the Commissioner of the General Land Office upon the following concurrent resolution, to wit:

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Interior be requested to suspend action on all selections filed by land-grant railroad companies for lands situated in the State of California until the 1st day of January, 1896, unless legislation providing for the examination and classification of mineral lands within the limits of such selections shall be enacted previous to said date.*

I am impressed with the importance of adjusting, as soon as possible, the railroad land grants, and I trust that Congress will take such action as may be deemed necessary providing for the examination and classification of mineral lands at the present session.

I am, however, advised that in California the land-grant railroad companies are indebted to the United States for aid given in the construction of their roads. Entirely outside of the question of mineral lands, it seems to me unquestionably advisable that the United States should patent no lands to such railroads until an adjustment can be had of the indebtedness of the roads to the United States. In my opinion, the resolution should embrace all lands in any State or Territory granted to railroad companies thus indebted to the United States.

The view herein contained is the result of a suggestion only brought to my attention within the past few days.

For the reasons given I cordially approve the resolution.

Very respectfully,

HOKE SMITH, Secretary.

HON. JAMES H. BERRY,

Chairman Committee on Public Lands, United States Senate.

Now, my object in addressing the House at this time is to present the united desire of the two committees of conference for action favorable to California, and I hope, Mr. Speaker, that an opportunity will be given her people, as well as those of other States, to prevent mineral lands from being unlawfully patented to these corporations, and at the same time protect the interests of the United States.

The experience we are having in this matter brings us face to face with a power that defies law and sets at naught the will of the people.

These same companies are now the subject of considerable attention in Congress.

#### ANOTHER FUNDING BILL.

They are endeavoring to persuade us that a law providing for a settlement of the first and second mortgage bonds should be passed at this session.

Sugar-coat their propositions as they may they are made of material from which they have spun the webs and traps of the past thirty years.

The new bill which is about to be reported differs only from that which was so overwhelmingly defeated by the tempting bait of the offer to pay the principal of the debt due the United States within one year.

What proof have we, what guaranty is offered or proposed that the payment will then be made?

In the mean time they secure a year's delay, enjoying the license that has enriched their manipulators, while the hands of the Government will be completely tied up, legal proceedings suspended, and valuable properties now subject to forfeiture permitted to remain in their possession or otherwise dealt with without regard to the interests of the Government whose rights thereto may possibly be waived by this course of action.

One forfeiture has already taken place involving millions of dollars in value, yet we hear of no steps being taken to protect public interests.

Rather than toy with wily schemers and stockbrokers, let us arouse the sleeping power of our Government charged with the enforcement of the law.

#### A TAX ON THE WEST.

While on this branch of the discussion, I purpose to direct the attention of the House to the effect of the passage of any funding legislation which may be reported.

When the Reilly bill was before us it was denied by its supporters that the local traffic would be compelled to pay the bulk of this debt.

I took issue with them and was prepared to substantiate my view had an opportunity been afforded.

I assert now that the passage of any law postponing payment, or organizing a system such as proposed by the remodeled Reilly bill, will mortgage the labor, productions, and enterprise of the people inhabiting the country through which these lines run, for an indefinite period. This particularly will be the case with California.

There are many things Congress can do; there are some things Congress should refrain from doing. This is of the latter class.



Whatever errors of omission or commission it may commit on the tariff, silver, or bond issue, it ought not to yoke us against our solemn protest to a fate so unmerited and so indefensible as that proposed.

Now for the proofs:

The Senate Committee on Pacific Railroads, in its report to the Senate, filed in anticipation of the passage of the original Reilly bill, said of the funding proposition:

Whichever plan may be adopted will require the consent of the company, and ought to take into consideration the interests of the people living along the lines and depending wholly upon them for railroad facilities. As the honorable Commissioner of Railroads well says in his special report of April 1, 1892, above referred to:

"The interests of the people living along the lines and depending wholly upon the Union and Central Pacific roads for their transportation facilities are directly and vitally involved in this controversy. There is only one way in which the railroad companies can pay their debts—that is, by earning the money to pay them with. They have no surplus funds and no sources of income except from the operation of their roads. If the terms of settlement enforced by Congress demand too speedy payments or too high a rate of interest, then if the roads attempt to comply with such terms they can do so only by levying exorbitant rates upon their traffic. This would be a hardship upon the people living along their lines. There would be no escape for those who depend entirely upon these roads for their transportation. Through rates can not be advanced; competition would prevent that. The forces of commerce are more potent than any railroad company in fixing the rates from competing centers. The burden would inevitably rest upon local traffic."

A failure of crops, the closing down of the mines, and a general stagnation in business of all kinds have prostrated the affairs of nearly all the Western roads. With little to sell, and that little bringing a low price, and with the general scarcity of a circulating medium, the condition of the Western producer is far from satisfactory. The railroads, as before stated, must depend upon local traffic almost exclusively for their earnings.

The opinion of the Commissioner included in this quotation should have weight with us. We should impress upon our minds the pertinent suggestion with which he closes:

*"The burden would inevitably rest upon local traffic."*

The Senate report proceeds:

As we have stated with reference to the Union Pacific, the earnings of these roads must come almost wholly from local traffic. The competition for through business has become very sharp since the completion of the other transcontinental lines of road, so that now that business pays little or nothing beyond the cost of its transportation. Along the whole line of the main stem of the Central Pacific from Ogden to Reno, a distance of nearly 600 miles, there is no local traffic of any consequence whatever. The State of Nevada, through which this line extends, is not increasing in wealth and population at all. Its population is not now as great as it was some years ago.

The mining industry in that State has for years been on a decline, and now what mines remain are all practically closed down. That industry almost alone in former years made up the business of the Central Pacific in Nevada. Without it, and with nothing else to take its place, the long line of road from Ogden west to the mountains, in the language of Mr. Huntington, might as well be "1,000 feet in the air," so far as its value for local traffic is concerned, it being simply "what you might call a bridge to connect the East and the West."

The local traffic, therefore, of the Central Pacific system must come from the country along the lines west of the Sierra Nevada; that is, along the line of the old Western Pacific from Sacramento down to San Jose, along that portion of the main line from Sacramento east to the base of the mountains, and along the branch lines. All that country is very rich, and the business of it will, in all probability, increase from year to year. It is from those pieces of road that the Central Pacific must derive its income for many years—in fact, until, if ever, the State of Nevada takes on new life and is more fully developed.

Who has or can successfully dispute these conclusions?

HUNTINGTON AND STANFORD'S ADMISSIONS.

C. P. Huntington himself, in a pamphlet bearing his signature and lately distributed to the members of the House, said on this question, *"The money has to come mostly from the people who live along the line; that is, from the local business, as the interstate-commerce law has enabled the Canadian Pacific Railway Company to take most of the through or overland business."*

The report submitted on a similar bill by Senator FRYE of Maine, in the Fifty-first Congress, first session, contains a letter from Senator Stanford of California, in which occurs the following:

*If the Government is to be paid it must be chiefly out of the earnings of the local roads in the State of California; therefore, while the benefit has been and is national, the burden of payment will be local.*

Of course he had reference only to the Central Pacific debt.

I feel that we can safely rest our case on this point without fear of the rebuttal evidence of our opponents.

The local traffic, and not the manipulating syndicates, would pay this debt.

SPURIOUS CAPITALIZATION.

But again, any refunding scheme that may be forced on the Pacific Coast, and other States affected, that does not provide for a purging of the spurious and fraudulent capitalization of these roads, will continue indefinitely the tax upon their resources which they have unjustly borne since the opening of rail communication between the East and the West.

Official reports give the amount of watered or spurious capital at \$172,347,115.

The burden has been patiently suffered in the past, as a result of frauds which the law did not impose. Let us not sanction it for the future by deliberate action of the lawmaking power.

I have been led to refer to this matter in connection with the mineral-land question because they constitute twin impositions, from which the Congress of the United States should defend us with all the power in its gift.

Mr. HERMANN. I merely wish to add to what has been said by the gentleman from California that the legislative assembly of Oregon, within the last few days, has sent a memorial here in favor of the classification of lands in that State upon the same basis as those of Montana and Idaho.

The SPEAKER. The gentleman from Montana [Mr. HARTMAN] is recognized for five minutes.

Mr. HARTMAN. Mr. Speaker, the career of this bill has been a checkered one. It ran the gauntlet of the House; it came under the scrutinizing eyes of the chairman of the Committee on Appropriations, the gentleman from Texas [Mr. SAYERS], and is here now, after leaving the conference committee, appropriating less money than when it passed the House on the 23d day of last July.

Mr. SAYERS. I am not complaining of the bill.

Mr. HARTMAN. I know the gentleman has not complained of it; and I am glad he does not. It passed the Senate with amendments and went to the conference. It there had a stormy time between the five members of the conference committee and the gentleman from California [Mr. CAMINETTI].

This bill contains the results of five long years of hard work on the part of the Representatives and Senators from Montana and Idaho. It represents \$30,000 in cash spent by our people to pay our mineral-land commissioner in the last six years. It represents untold effort on the part of the present Representatives on this floor and of the Senators in the other end of the Capitol. It is the most important piece of legislation for the people of Montana and Idaho that has ever been enacted by the American Congress. It meets the unqualified approval of the Land Office of the Interior Department and the entire legislatures of Idaho and Montana, including the governors and State officers.

The gentleman from California [Mr. CAMINETTI] had exactly the same opportunity that I had to procure this legislation for his people; and the Public Lands Committee is here ready to listen to his cause, and if he presents a good one—and I hope he has a good one—I shall be very glad to assist him with every power that I have to secure the legislation for his people. I have no resentment against him in that regard; but I do not believe that the gentleman from California has any right to come here at this day and hour and say to me and to this House, "If I can not get California provided for—California that has not been taken care of as you have taken care of Montana and Idaho in the bill—the bill itself shall go down to defeat." I do not believe that Congress is going to do anything of that kind.

A moment further, Mr. Speaker, and I will yield the floor. This conference report has been adopted in the Senate and the conferees discharged. The chairman of the conference committee of the House, the honorable chairman of the Public Lands Committee [Mr. McRAE], has been called to his home in Arkansas, to the bedside of a sick daughter, and can not be here to participate in any further conferences; and therefore voting down this report is to defeat the bill entirely. If the gentleman from California wants to assume that responsibility it is for himself and he understands what it means.

Mr. CAMINETTI. I said expressly in the conclusion of my remarks that I was not here to antagonize the bill of the gentleman from Montana. But it was understood in the committee that I should be permitted to present the facts on behalf of California, so that the case on which we base our claim for action of this kind in regard to California might be before the House. The remarks of the gentleman, therefore, that I am against the bill, are entirely out of place.

Mr. HARTMAN. I am very glad to hear that. I misunderstood the gentleman, and withdraw any remark that I made as to his opposition to the measure.

The SPEAKER. The question is on agreeing to the report of the conference committee.

The report was agreed to.

On motion of Mr. ELLIS of Oregon, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. BRECKINRIDGE. I ask unanimous consent, Mr. Speaker, that gentlemen having reports to make from the committees may be permitted to file them with the Clerk.

The SPEAKER. Without objection that order will be made. There was no objection, and it was so ordered.

REPORTS OF COMMITTEES.

The following reports of committees were handed in at the Clerk's desk, referred to their appropriate Calendars, and otherwise disposed of as indicated below:

SURVIVORS OF INDIAN WARS OF 1832 TO 1842.

Mr. TAWNEY, from the Committee on Pensions, reported back favorably the bill (H. R. 8595) to amend an act entitled "An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July 27, 1892;

which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BRIDGE OVER THE OBION RIVER IN THE STATE OF TENNESSEE.

Mr. DURBOROW, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (H. R. 8873) authorizing the Dyersburg and Mississippi River Railway and Improvement Company to bridge the Obion River in the State of Tennessee; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGES ACROSS THE EMORY AND THE CLINCH RIVERS, IN THE STATE OF TENNESSEE.

Mr. DURBOROW also, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (H. R. 8659) to authorize the construction of bridges across the Emory and the Clinch rivers in the State of Tennessee; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT OWOSSO, MICH.

Mr. BRETZ, from the Committee on Public Buildings and Grounds, reported back with amendments the bill (H. R. 6319) for the construction of a public building at Owosso, Mich.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NATIONAL GAS AND ELECTRIC LIGHT AND POWER COMPANY, DISTRICT OF COLUMBIA.

Mr. BABCOCK, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. 7310) to incorporate the National Gas and Electric Light, Heat and Power Company of the District of Columbia; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CONSTRUCTION OF RAILROAD, TELEGRAPH, AND TELEPHONE LINE THROUGH THE INDIAN TERRITORY.

Mr. HUNTER, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 8900) to amend section 9 of an act entitled "An act to authorize the Kansas City, Pittsburg and Gulf Railroad Company to construct and operate a railroad, telegraph, and telephone line through the Indian Territory, and for other purposes;" which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REMOVAL OF SNOW AND ICE FROM SIDEWALKS, CROSS WALKS, AND GUTTERS, WASHINGTON AND GEORGETOWN.

Mr. HEARD, from the Committee on the District of Columbia, reported back favorably the bill (S. 1921) for the removal of snow and ice from the sidewalks, crosswalks, and gutters in the cities of Washington and Georgetown, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolutions of the following titles; when the Speaker signed the same:

A bill (H. R. 8681) authorizing the Arkansas Northwestern Railway Company to construct and operate a railway through the Indian Territory, and for other purposes;

Joint resolution (H. Res. 273) extending from March 1, 1895, to the 15th day of April, 1895, the time for making returns of income for the year 1894, and for other purposes; and

Joint resolution (H. Res. 209) authorizing the Secretary of War to deliver condemned cannon to Asher Gaylord Post, Grand Army of the Republic, of Plymouth, Pa.; to the William H. Tarbee Post, Grand Army of the Republic, McGrawville, N. Y.; to the Eckley B. Coxe Post, Grand Army of the Republic, of Freeland, Pa., and to the R. Carpenter Post, Grand Army of the Republic, Chelsea, Mich., and

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. Res. 273) extending from March 1, 1895, to the 15th day of April, 1895, the time for making returns of income for the year 1894, and for other purposes.

The message also announced that the Senate had passed without amendment, joint resolution (H. Res. 277) in reference to the Free Zone along the northern frontier of Mexico and adjacent to the United States.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Joint resolution (S. R. 134) calling on the President to take such measures as he may deem necessary to consummate the agreement between the Governments of Spain and the United States for the relief of Antonio Maximo Mora, naturalized citizen of the United States.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

*Resolved by the Senate (the House of Representatives concurring).* That the Congress of the United States has learned with high gratification of the special honors paid to the memory of the deceased by the Government of Mexico upon the occasion of the death of the Hon. Isaac P. Gray, late minister of the United States near the Republic of Mexico.

*Resolved,* That in token of the appreciation of the same, the Secretary of State be requested to forward to the Mexican Government an enrolled copy of this resolution.

DEFICIENCY APPROPRIATION BILL.

Mr. BRECKINRIDGE. I move that the House resolve itself into Committee of the Whole for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. TARSNEY in the chair.

The CHAIRMAN. The Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (H. R. 8892) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes.

Mr. BRECKINRIDGE. I ask unanimous consent to dispense with the first formal reading of the bill. It is quite a long bill, comprising many items, and must be taken up and considered by paragraphs.

Mr. CANNON of Illinois. I think unanimous consent to dispense with the first reading ought to be given. I believe there will be no objection on this side.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. BRECKINRIDGE. Now, Mr. Chairman, I would be glad if the gentleman from Illinois would give me his attention. I ask that there be no general debate on the bill, but that as items are reached about which there will be some discussion we shall then agree to such reasonable general debate on the several items, other than that allowed by the five-minute rule, as may be acceptable or desirable. There are some matters that will probably lead to more extended debate than can be allowed under the five-minute rule.

Mr. CANNON of Illinois. I will say to the gentleman in charge of the bill that, so far as I know, upon this side of the House there is no disposition except to consider this bill in good faith. I concede that consideration and real debate is most valuable, provided it can immediately precede a vote of the House upon the proposition debated.

There are some matters on the bill, and I am advised that there will be perhaps a few other matters moved by way of amendments, that will probably lead to a more extended debate than can be had under the five-minute rule—

Mr. BRECKINRIDGE. I agree that there shall be longer debate when they are reached.

Mr. CANNON of Illinois. And if the gentleman is willing to say that when we shall reach such items from time to time liberal general debate may be allowed, I am quite willing, so far as I am concerned, that he should proceed now with the consideration of the bill by paragraphs.

Mr. BRECKINRIDGE. I agree to that; and when these items are reached I think the gentleman from Illinois and myself will have no difficulty in arranging a reasonable time for debate upon them.

Mr. CANNON of Illinois. That is satisfactory to me.

Mr. BAILEY. I would like to give notice to the gentleman from Kentucky that when we reach the appropriation for the payment of the judgments of the Court of Claims we shall want a longer time than the five-minute debate.

Mr. BRECKINRIDGE. I understand that the gentleman from Texas may desire, or may not desire (for there may be such developments in the mean time as to render it unnecessary), a more extended debate than would be allowed under the five-minute rule on the Indian depredation claims. As the amount involved is large, and the principle quite important, I think that such an arrangement ought to be assented to, and I will gladly agree that there be a reasonable time allowed for debate on that subject.

The CHAIRMAN. Under the understanding between the gentleman from Kentucky [Mr. BRECKINRIDGE] and the gentleman from Illinois [Mr. CANNON] the gentleman from Kentucky now



asks unanimous consent that general debate be considered closed. Is there objection? [A pause.] The Chair hears none. The Clerk will proceed to read the bill for amendment.

The Clerk, proceeding with the reading of the bill, read the following:

STATE DEPARTMENT.

For contingent expenses, namely: For care and subsistence of horses and repairs of wagons, carriage, and harness, rent of stable and wagon shed, care of clocks, telegraphic and electric apparatus, and repairs to the same, and for miscellaneous items not including the foregoing, \$650.

Mr. DURBOROW. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

At the end of line 3, page 2, insert:

"And the Secretary of State be, and he hereby is, authorized to transfer to the trustees of the Columbian Museum, of Chicago, all of the exhibit of the Department of State at the World's Columbian Exposition that was procured with funds appropriated for the support of the board of government, management, and control, and exhibited in the building known as the Convent of La Rabida and the east gallery of the Government building."

Mr. SAYERS. I want to reserve a point of order on that amendment, pending an explanation by the gentleman from Illinois [Mr. DURBOROW]. I submit to the gentleman whether we had not better insert in the bill a clause transferring the seat of Government with all its archives at once to the city of Chicago? [Laughter.]

Mr. DURBOROW. Mr. Chairman, in explanation of this item I want to say that during the preparations for the late Columbian Exposition in Chicago the Exposition corporation and the United States Government, acting in conjunction, sent a number of special commissioners on special missions to the South American countries, to collect there such relics and exhibits as would be proper for that Exposition. These were collected, and in a large measure exhibited in the Convent of La Rabida and in certain sections of the Government building, chiefly under the control of the State Department. In order to take advantage of existing conditions at the close of the Fair, the citizens of Chicago subscribed very liberally to the endowment of what is now known as the Field Columbian Museum. A very large sum of money has been raised for this purpose; and it is intended—

Mr. SAYERS. I withdraw the point of order.

Mr. DINGLEY. I renew it.

Mr. DURBOROW. It is intended, Mr. Chairman, to collect and perpetuate in this museum the most complete exhibit of relics and nautical apparatus of all kinds of the time of Christopher Columbus that has ever been embraced in any collection in the history of the world. The trustees of this museum desire very much that this small collection from the Latin-American countries, which really has now but a nominal value, should be turned over to them. The State Department has recommended such a transfer, and it needs only the formal action of Congress in order that the transfer may be completed. I hope the point of order will be withdrawn.

Mr. McMILLIN. I will ask the gentleman whether there is not in the Smithsonian Institution here a collection kindred to that referred to in the amendment, embracing duplicates of almost everything that is now at Chicago?

Mr. DURBOROW. Yes, sir; almost everything is duplicated.

Mr. SAYERS. I have withdrawn my point of order. I simply wished to afford the gentleman an opportunity of explaining the amendment.

Mr. DURBOROW. I certainly appreciate the gentleman's kindness.

Mr. DINGLEY. I reserved a point of order on the amendment. I desire now that it be read again in order that we may fully understand it.

The amendment was again read.

Mr. DINGLEY. This amendment, I see, covers the whole exhibit that was made—

Mr. DURBOROW. Only what is now left in Chicago.

Mr. DINGLEY. Some of it has been transferred?

Mr. DURBOROW. Almost everything now remaining is duplicated in the Smithsonian Institution. It is only the duplicates that it is desired to keep out at Chicago.

Mr. BLACK. The gentleman says that "almost everything has been duplicated." What is there that has not been duplicated?

Mr. DINGLEY. I hope that the gentleman from Illinois will explain what this collection consists of.

Mr. DURBOROW. The collection consists of a number of curios collected from Mexico and the Central and South American States. It consists principally of photographs.

Mr. DINGLEY. What is the remainder?

Mr. DURBOROW. The remainder is pottery, nautical instruments of the time of Columbus, and records. Almost everything was gotten up in duplicate; and the principal part of the original collection has already been transferred to the Smithsonian Institution. These articles that we desire to have out there are only the duplicates.

Mr. DINGLEY. Would not this amendment cover the articles already transferred to the Smithsonian Institution?

Mr. DURBOROW. It was not so intended.

Mr. DINGLEY. The language of the amendment appears to cover all the articles which were exhibited, a large number of which I understand have been transferred to the Smithsonian Institution.

Mr. DURBOROW. It is not intended to cover those already on exhibition in the Smithsonian Institution and National Museum.

Mr. DINGLEY. Then does not the language need some modification? I am entirely willing that the articles remaining at Chicago shall be transferred under the amendment; but not those already transferred to the Smithsonian Institution. I suggest that the gentleman modify his amendment so as to cover specifically what he says was intended.

Mr. DURBOROW. I will accept an amendment to that effect.

Mr. DINGLEY. I ask unanimous consent that this paragraph may be passed without prejudice.

Mr. HOPKINS of Illinois. It can be settled now by inserting the words "except such as are already in the Smithsonian Institution."

Mr. DURBOROW. I will accept such an amendment.

Mr. DINGLEY. Knowing that the most important of these articles have been transferred to the Smithsonian Museum, I do not want any paragraph adopted in this bill that will transfer the articles which have already been removed to the Smithsonian Institution. It seemed to me that the provision was broad enough to cover the whole, because those articles were a part of the exhibition.

Mr. DURBOROW. It occurs to me that such a construction might possibly be placed upon this amendment, but that is not the intention at all.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the amendment insert the following: "Except such as are now under the control of the National Museum."

Mr. DINGLEY. I withdraw the point of order.

The amendment as modified was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

United States and Venezuela Claims Commission: For salaries and expenses of the Commission to arbitrate the claim of the Venezuela Transportation Company against Venezuela, under act of August 27, 1894, \$7,500.

Mr. BRECKINRIDGE. Mr. Chairman, I am authorized by the Committee on Appropriations to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 2, after line 9, insert the following:

"Bering Sea damages: For the payment to the Government of Great Britain, under the agreement reached by exchange of notes of August 21, 1894, in full satisfaction of all demands for damages against the United States growing out of the controversy between the two Governments as to the fur seals in Bering Sea under the award and findings of the Tribunal of Arbitration at Paris, \$455,000."

Mr. BRECKINRIDGE. Now, Mr. Chairman, I ask unanimous consent that that item and the next item, relating to the Bering Sea arbitration, be passed over for the present.

Mr. CANNON of Illinois. I am quite content that that should be done, with the understanding that it shall not be called up just about the time of adjournment.

Mr. BRECKINRIDGE. As to that I shall consult the gentlemen of the minority.

Mr. CANNON of Illinois. This is an important amendment and should be considered when there is a full attendance and when the members are not weary.

Mr. BRECKINRIDGE. We can agree privately as to that. We have eulogies at half past 3 this afternoon, and therefore it is impossible to discuss the matter to-day. I suggest that we pass it.

Mr. McCREARY of Kentucky. I heard the proposed amendment read, but did not understand the statement in reference to it. Has there been any agreement about it?

Mr. BRECKINRIDGE. We have agreed to pass it for the present.

The CHAIRMAN. Will the gentleman from Kentucky state his proposition again?

Mr. BRECKINRIDGE. I ask unanimous consent that this item and the next be passed for the present.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the amendment pending and the next item be passed for the present. Is there objection?

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

That the Auditor for the Treasury Department be, and he hereby is, directed to allow the expenses for personal services of officers, clerks, and employees in the Executive Department of the Treasury incident to the enforcement of the provisions of the act of October 1, 1890, respecting bounty on sugar and to the collection of internal revenue, under the provisions of "An act to provide for the collection of internal revenue, and for other purposes," approved August 27, 1894.

Mr. BRECKINRIDGE. I am directed by the Committee on Appropriations to offer at this point the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 4, after line 18, insert the following:

"Office of Auditor for Post-Office Department: For temporary clerks in the office of the Auditor for the Post-Office Department for the purpose of bringing up the work now in arrears in said office, \$8,000, to be available from April 1, 1895, until expended; said temporary clerks to be appointed from those now in the classified service of the Treasury Department."

The amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

For post-office and court-house at Charleston, S. C.: For completion of building, \$40,000.

For post-office at Fort Dodge, Iowa: For completion of building, \$1,500.

Mr. BRECKINRIDGE. I move to strike out the item for the post-office at Charleston, S. C., and at Fort Dodge, Iowa, lines 3, 4, 5, and 6, on page 9, because those items have been put in the sundry civil bill in the Senate.

The CHAIRMAN. The gentleman from Kentucky moves to strike out lines 3, 4, 5, and 6, on page 9.

Mr. BRECKINRIDGE. Those two public buildings are provided for in the sundry civil bill in the Senate.

Mr. DINGLEY. Do they not properly belong in this bill?

Mr. BRECKINRIDGE. No; they belong really in the sundry civil bill.

Mr. SAYERS. I will state to my friend that some years ago, as I am informed, there was a double appropriation made for a building at a certain place in the United States, whereas but one appropriation should have been made, and yet they used the double appropriation. Now, these towns that the gentleman refers to are provided for in the sundry civil bill.

Mr. DINGLEY. My query is, whether these items are not really deficiencies instead of being current expenses?

Mr. SAYERS. They are not deficiencies; they are to increase the limit.

Mr. DINGLEY. All right.

The CHAIRMAN. The gentleman from Kentucky moves to strike out lines 3, 4, 5, and 6, on page 9.

The amendment was agreed to.

The Clerk read as follows:

For post-office at Richmond, Ky.: For completion of building, \$35,000.

Mr. BRECKINRIDGE. I make the same motion as to that. It is also included in the sundry civil appropriation bill.

The CHAIRMAN. The gentleman from Kentucky moves to strike out the two lines which have just been read. If there be no objection it will be so ordered.

There was no objection.

The Clerk proceeded with the reading of the bill.

Mr. BRECKINRIDGE. Mr. Chairman, I understand that today has been set apart, after half past 3 o'clock, for eulogies upon the late Senator Stockbridge. I, therefore, now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TARNSEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8892, and had come to no resolution thereon.

#### HOOR OF MEETING.

Mr. BRECKINRIDGE. Mr. Speaker, I desire to ask unanimous consent that the House meet to-morrow at 11 o'clock, and if that is agreed to I think we can conclude the consideration of this bill during the session of to-morrow. The larger part of Saturday is to be taken by eulogies on the late Senator Vance.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the House meet to-morrow at 11 o'clock, so as to go on with the deficiency bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

#### WITHDRAWAL OF PAPERS.

Mr. DURBOROW, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of William N. Pringle, Fifty-second Congress, no adverse report having been made.

#### LATE HON. FRANCIS B. STOCKBRIDGE.

The SPEAKER. The Clerk will report the special order.

The Clerk read as follows:

Resolved, That Thursday, the 21st day of February, beginning at 3.30 o'clock p. m., be set apart for eulogies on the life and services of the late Francis Browne Stockbridge, late a Senator from the State of Michigan.

The SPEAKER. The Clerk will report the Senate resolutions.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, February 9.

Resolved, That the Senate has heard with profound sorrow of the death of Hon. Francis B. Stockbridge, late a Senator from the State of Michigan.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, As a further mark of respect to the memory of the deceased, the Senate do now adjourn.

Mr. THOMAS. Mr. Speaker, I offer the following resolutions.

The Clerk read as follows:

Resolved, That the House has received with sincere regret the announcement of the death of the Hon. Francis B. Stockbridge, late a member of the Senate from the State of Michigan, and tenders to the family of the deceased the assurance of their sympathy with them in the bereavement they have been called upon to sustain.

Resolved, That as a further mark of respect to the deceased, and in recognition of his eminent abilities as a public servant, the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk be directed to transmit to the family of Mr. Stockbridge a certified copy of the foregoing resolutions.

Mr. THOMAS. Mr. Speaker, from the eastern shore of Lake Michigan and the scenes of his life work I bring my humble tribute of affectionate regard and lay it upon the grave of Francis B. Stockbridge.

Born in obscurity on the rocky coast of New England; apprenticed to business in Boston; achieving fortune and fame in the great Northwest, and dying in the fullness of years, honored alike by the great and the lowly—these are the graphic outlines of his illustrious career.

When he came to my State in 1851, an adventurous youth of 25, the resources of the Commonwealth of Michigan were comparatively unknown. Her primeval forests were then unsubdued. Beneath the site of the Indian wigwam lay vast deposits of unknown mineral wealth. Here it was, with a prescience worthy of maturer years, young Stockbridge cast his lot with that select body of men whose enterprise was destined in a few short years to transform Michigan into homes of comfort and cities of wealth.

The same sagacity that guided his business affairs characterized his political career.

Notwithstanding the presence of two distinct civilizations, apparently irreconcilable, he saw with a prophetic vision the inseparability of civil liberty and Federal union.

Through the darkest days of rebellion Governor Blair had no truer friend or safer counselor than Colonel Stockbridge.

When peace returned to our distracted country and great economic questions confronted our nation he brought with him to the United States Senate and to the solution of governmental problems the lessons of patriotism and the practical experience of business.

The curiosities of a new political economy never bewildered his judgment or entangled his feet. The truths of finance and of revenue wrought out in the white heat of the American Revolution and demonstrated during a century of national life were never abandoned by him.

In the Republican and Democratic parties he saw the embodiment of a natural and historical issue. Within one or the other of these parties he believed all the needed reforms could be accomplished. The disintegration of either by collateral issues he believed would result in the ascendancy of the other. Hence, he welcomed to Republican councils Prohibitionists and Populists and all who had a cause or a grievance.

I first met Colonel Stockbridge in 1871 at the convention which nominated him for the State senate. He was then a strong man of 45, of commanding presence and affable demeanor. His fine head was crowned with dark hair, and his full beard was untouched by age. His kindly face had no trace of severity, save those lines of thought which constant business habit had been registering there since his sixteenth year.

His largest title at that time was that of "The Saugatuck Lumberman." He had already served in the lower house at Lansing, and a man of his nature could not fail to appreciate the generous expression of confidence contained in his promotion to the State senate.

It is customary on occasions like this to speak of the early life of the illustrious dead. To be well born involves three factors, namely, lineage, locality, and liberty. Organic quality must be inherited, environment must favor development, and freedom to act attend upon opportunity.

The name of Stockbridge proclaims an English ancestry. To be descended from a race which has maintained the supremacy of one flag on all the seas during the most momentous centuries of human history is no mean honor and itself an earnest of inherited worth.

Of the locality of his birth I can not speak in detail, as I have never seen the storm-swept hills of Maine; but this I know, that great men have been nursed beneath her wintry skies. Their names are illustrious in our country's history. One was the second officer in rank in the Republic and the Presiding Officer of the Senate during all the years of civil war. One was a distinguished Secretary of State, whose fame as a parliamentarian and statesman outranked in honor the Executive himself. Another is the present distinguished Chief Justice of the United States; and on the decisive field of Gettysburg, at a spot where the com-



bat was fiercest, I read an inscription to the soldiers of Maine who fell in the defense of their country's flag.

Francis B. Stockbridge was born at Bath, in the State of Maine, April 9, 1828, and died suddenly and painlessly at Chicago, Ill., April 30, 1894, while on his way to California with his wife.

His father was a physician in ordinary circumstances. He was nurtured in a home of comfort, education, and refinement until his sixteenth year, when, in 1842, he went to Boston and began his business career as a commercial clerk. In 1847 he removed to Chicago and connected himself with the lumber business, and, becoming interested in Michigan pine lands, in 1851 he removed to Allegan County.

Here he wooed and won his faithful wife, Miss Betsy Arnold, of Gun Plain. In 1874 I was elected to the seat formerly occupied by him in the State senate, and from that time to the time of his death I knew him well and he was closely identified with my county, my State, and my political party.

Colonel Stockbridge possessed the qualifications of leadership. His knowledge of men was intuitive and his charity for their failings unbounded. In his upward progress to fame and fortune he was never weighted with malice nor disabled by envy nor corroded by jealousy. His faith in men and in the possibilities of the future enveloped his life in the sunshine of hope and guided him to certain success.

It is often the case that men render favors from selfish motives and hope to receive personal advantages as a result of their benefactions. These men pass by opportunities to show unselfish "humanity to man."

Senator Stockbridge was often known to show his liberality, which came from the kindness of his heart, without the remotest expectation of praise or personal gain, and this virtue must have made him many friends.

During the campaign that preceded his last election to the United States Senate the contest for nominating members of the legislature was in some localities very active between the friends of Mr. Stockbridge and his opponents. In one locality the opposition united upon a man who was very popular and influential in his locality, and his friends also thought this a proper time to give him the honor of a seat in the councils of the State, and they so conducted the campaign in his interest that his nomination was conceded. But, to the surprise of all, when the roll was called at the convention, his nearest friends voted for his opponent, and thereby gave him the nomination. When asked afterwards why his personal friends had deserted him, he replied:

"Many years ago, when I was a poor boy, I walked into Saugatuck as good as barefooted and wore only an excuse for clothing. I met Mr. Stockbridge and talked with him about the prospects for work. He informed me that he had nothing for me to do. 'But,' said he, 'come with me to the store.' I did so, and he directed that I be supplied with everything necessary for my personal comfort. I accepted his generosity; and although since then I have been abundantly able to pay him, as you know, yet the spirit with which he supplied my necessities forbade my offering him a moneyed consideration. I have not seen Mr. Stockbridge in many years, but if I had been nominated and elected you would have expected me to have voted against him. This I could not have done, so I asked my personal friends to vote for the other man." Thus, the unselfish consideration given to that poor boy gave to the benefactor a vote for the United States Senatorship.

As society is now constituted the accumulator of wealth must be a leader of men. There was a time when leadership meant power; to-day it means justice; for such leadership the workmen of America are yearning.

The revolt of society is not against authority but against avarice. Of all the virtues that promote the well-being of man I would assign to justice the first rank. Industry, temperance, fortitude, and benevolence are grand virtues, but they are often self-relative and expend their force on a narrow field. What the world is perishing for is justice, not charity. If one-half of the millions that are wasted in organized Christian charity was expended to promote the plain pagan virtue of justice between man and man the daybreak of the millennium would flock the eastern skies.

Daniel Webster it was who said:

Justice, sir, is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together. Wherever her temple stands, and so long as it is duly honored, there is a foundation for general security, general happiness, and the improvement and progress of our race.

Speaking of justice; Sydney Smith said:

Truth is its handmaid, freedom its child, peace its companion, safety walks in its steps, victory follows in its train. It is the highest emanation from the Gospel; it is the attribute of God.

Above all things is justice—

Said David Dudley Field—

Success is a good thing, wealth is good also, honor is better, but justice excels them all.

Such were the ethics of Senator Stockbridge. And whether you visit his mines in the upper peninsula of Michigan or his lumber yards in the lower; whether you inspect the plant of the Red Wood

Company of California, or the Spring and Axle Works of Kalamazoo, or his famous stock farm in western Michigan, everywhere and always the secret of his leadership was the recognition of the rights of those he led. And as a tribute to his memory I would carve upon his monument these words: "He believed in the equal rights of all and in rendering to each his own."

That was indeed a sorrowful day when Michigan paid its last tribute of love to the faithful son she had delighted to honor. Very few, if any, of the great cities of the State were unrepresented. Around his casket gathered alike the rich and the poor, the titled and the lowly; all social, political, and religious distinctions vanished beside the grave of one who was broad enough to be a patriot without partisanship, a capitalist without ostentation, and a Christian without sectarianism. Death has of late been a frequent visitor to the Senate Chamber. First, it claimed the distinguished Georgian, Senator Colquitt. Next, in rapid succession, Senator Vance, North Carolina's honored son; and before the funeral dirge of Senator Vance had died away, the announcement went forth that Michigan's senior Senator had received his final summons.

Farewell, most loyal citizen. Farewell, most wise statesman. Farewell, devoted husband, esteemed neighbor, and faithful friend. Well may we say with Senator McMILLAN, "His genial presence and kindly nature are now a loved remembrance."

Mr. GRIFFIN of Michigan. \* Mr. Speaker, it was not my privilege to be personally acquainted with the late Senator Stockbridge. His social and business relations were largely remote from my home, in the city of Detroit. His political sympathies and surroundings, so far as political parties are concerned, were entirely different. Though both were members of the Fifty-third Congress, I came into it at its second session, and he was called from it when that session was little more than half under way.

It is sufficient, however, to warrant my use of a few moments' time that we both came from the same State. If more is needed it is to be found in the esteem accorded him while living and the respect paid him dead by every citizen of Michigan who knew of his honored career. Born in the East he sought the West for his fortune, and he was its own architect. Happily for him and happily for the State, he found a home in the Commonwealth made illustrious by the great statesman whose name is so often coupled with the names of Clay, Webster, and Calhoun; a State rich in its waters, its forests, and its mines; a State carved out of that immense Northwest Territory and inspired by the utterance of the ordinance of 1787, "Schools and the means of education are forever to be encouraged;" renowned for the intelligence and morality of its people, for its common schools and colleges, and for its great university, whose light through its teachers and scholars illumines and enlightens the civilized world, occident and orient alike.

He was quick to discover its natural advantages and its superior attractions as a home. It needs no personal acquaintance with the man to be assured that to be chosen from such a State and by such a people to the Senate of the United States there must be something in him of character and manhood to provoke admiration and win approval. If we turn, therefore, to that source of knowledge which is not infrequently more searching than the oftentimes partial judgment of personal association; if we turn to the common and united speech of his fellow-citizens, which go to make up reputation, we shall find by this estimate that the people made no mistake in their choice, for he was every whit a man. A member of the staff of Michigan's war governor during the second epoch in this country that tried men's souls, he cherished no bitterness and no sectional hatred when the contest was over.

With a full realization that this nation, to be the greatest must be united, and that the glory and grandeur of the Republic are to be preserved and perpetuated by the unflinching loyalty and undying devotion of every section and of all her sons, he longed for harmony and brotherly forbearance with peace, for real content and satisfaction with outward reconciliation. He was generous in sentiment, considerate in expression, not impatient of honest difference of opinion, and ever dominated by the patriotic impulse that lingers upon the words of one of America's most lovable poets—words which seem freighted with a divine afflatus:

Thou, too, sail on, O Ship of State!  
Sail on, O Union, strong and great!

Our hearts, our hopes, are all with thee;  
Our hearts, our hopes, our prayers, our tears,  
Our faith triumphant o'er our fears,  
Are all with thee, are all with thee.

Nor, Mr. Speaker, was he a novice in legislative experience when he entered the Capitol. He had in the very prime of manhood been successfully chosen representative and senator in the councils of his adopted State. It was there undoubtedly that he won his first spurs as a wise and safe legislator; there he gained the confidence of his associates and the plaudits of the people, riveting their attention upon him, until he became the target for kindly expression and generous approval, eventually culminating in the grateful summons to go up higher.

He had not been educated for the forum or specially equipped for the halls of legislation. He was not learned in the scholastic sense of the word, but nature had gifted him with a remarkable capacity to divine cause and effect, and had endowed him with a sort of correct a priori reasoning. These things stood him in good stead in business and public life, and enabled him to accumulate wealth, and at the same time hold himself secure in the growing love of the people. He was one of those rare men who, without early mental discipline in the direction of scholarship, in the midst of increasing business cares and responsibilities, fitted himself to creditably and faithfully serve his countrymen in the highest station the State can bestow.

I have alluded to his wealth. His fortune for these times was not extremely, but moderately, large. It had come to him by earnest and steady effort and by honest and wise management, availing himself of the opportunities offered in the legitimate avenues of traffic and trade. But he was not a man to glory in his riches. He was rich in good works and willing to contribute. He held his wealth in trust for the good that it could accomplish. He was a bountiful giver. Every object of charity and benevolence felt the kindly touch of his generous nature, and the benedictions of the poor were always over and upon him. In the quaint language of the old preacher, he "furred himself warm with poor men's hearts." He had scarcely attained the age of three-score years and ten, but if we live in deeds not years, he had reached the full limit of four-score.

Mr. Speaker, I should be untrue to my own instincts, and this most imperfect sketch would be most unjustly incomplete, if I failed to recall one feature of his life which, pervading as it did his entire business and public career, is deserving of a most marked recognition. The voice of Him who spake as man never spake, whose utterance gave back to the despairing widow of Nain her only son, called from the tomb the brother of Mary and Martha, restored the ruler's daughter, and on the midnight lake even the winds and sea obey, had a potency and charm for him that permeated all his ambitions, and, as unerring as the Star of Bethlehem, always brought him in sight of the will and command of the Master. His religion was not a thing of lip service. It was not the seeming, but the real. It was not without only, but within also. He left no wound prints, the marks of gross betrayal, and no deeds that reveal the whitened sepulcher.

Humbly at this hour I pay this meager tribute to his memory. He lived a life of usefulness, of honorable distinction, of worthy example, and bequeathed to those he left behind a precious legacy of good works and a record of high and lofty achievement. He sleeps the sleep of the just. How true it is—

The last end  
Of the good man is peace! How calm his exit!  
Night dews fall not more gently to the ground,  
Nor weary, worn-out winds expire so soft.

Mr. GROUT. Mr. Speaker, my acquaintance with Francis Browne Stockbridge, late a Senator from the State of Michigan, was not intimate, but sufficient to give a distinct impression of his manly, sturdy character.

His neighbors at home and his colleagues in the Senate all testify to his singleness of purpose and his straightforwardness; also to his great good sense and his faithful perseverance in whatever work he undertook. His judgment was always excellent, whether on questions of business or of public concern. Though always able to express himself clearly and forcibly, he was in no sense an orator. In fact, he made no attempt at display in speech, but was rather a man of action than of words.

He had only a common-school education, with perhaps a term or so at the academy. He was a native of the State of Maine and was 69 years of age at the time of his death. He had been eight years in the Senate, having been first elected in 1886 and again in 1892.

The high honor of a seat in the United States Senate is matter of recognition by the entire American people. And no man can reach that enviable distinction, and especially be reelected, except there be that in him worthy of high approval in the estimation of the people of his State. It seems that Senator Stockbridge had reached this commanding position with the people of the great State of Michigan, and had become the worthy successor in the Senate of such distinguished men as Lewis Cass, Zachariah Chandler, and Jacob M. Howard. Yes, Senator Stockbridge had made his way to this goal of great difficulty and placed his name among these great names in the history of his State. And the question I am going to ask, if you will bear with me for a little time while I answer it, is, By what means was this grand result reached? What was the secret of this great success?

And first of all, in answering, let me say that this was not Senator Stockbridge's first great success. He had before that made a great success in business and amassed a large fortune, not by speculation, but by a lifetime of industry and patient labor. He had also accomplished the great success of winning the hearts and the absolute confidence of all who knew him; the great success of being esteemed, not only independent and able, but thoroughly upright, and always to be relied upon to perform to the utmost

verge all that he had promised, and frequently more than was expected of him, not only in matters of charity but in business as well. And these great successes, possibly thought by some not very great, but, I repeat, these great successes were the stepping-stones by which Senator Stockbridge rose in the estimation of the people of Michigan, till they crowned his reasonable ambition for a seat in the United States Senate with success also, thereby honoring honest worth and providing themselves with a representative in that body sure to guard well their interests and always to uphold their honor.

Senator Stockbridge had served creditably in both branches of the State legislature, and had shown himself familiar with public questions, both State and national. In his extensive business enterprises he had displayed great courage and ability; in fact, here he was a veritable leader among men. But that which most of all impressed the people with his superiority was the rectitude of his life, both public and private, and the nobility and grand individuality of his character. He was, indeed, a fine specimen of American manhood, and his noble qualities came partly from inheritance and partly from a well-ordered life, into which entered but little of frivolity and vanity, and much of sober, thoughtful work, not only as the means of success for himself but of usefulness to his fellow-man. He was a good illustration of the poet's conception that—

Life is real! Life is earnest!  
And the grave is not its goal;  
Dust thou art, to dust returnest,  
Was not spoken of the soul.

He was in the first place born with that idea. He was of good, strong Puritan stock, which is never quite destitute of energy and a certain religious flavor which have made New England civilization what it is, and not alone New England civilization, but largely that of the great West.

He acquired no extravagant false notions in the receptive, formative period of childhood and youth, spent as it was in the simple, quiet home of his father, a country doctor. And if we had a full and particular history of the four years, from the age of 17 to 21, spent by young Stockbridge in the wholesale store in Boston, we should undoubtedly find him strictly faithful and conscientiously diligent in the work of his employer and exemplary in all his habits—doubtless standing then, as in all after life, on the principle of total abstinence from intoxicating drinks, which he did not depart from here at the capital, but exemplified, as few have the courage to do, by having no wine served at his elegant and sumptuous dinner parties.

Yes; if the curtain could be raised on these four years, young Stockbridge would undoubtedly be presented as "many a time and oft" politely but firmly declining the invitation of friends and acquaintances to partake of the flowing bowl.

It would also disclose the fact that his companionship was not with the prodigal young man who "wasted his substance in riotous living." He evidently did not invest all his current earnings in "wild oats," as was unquestionably done by many a gilded and giddy youth of his acquaintance, whose life naturally enough in most instances ended early in failure.

No; for at the age of 21 we find him with some cash and much character, and with good habits and good health, settled in the lumber business in the then young city of Chicago. Here, as at every point in life, he was successful. His upright dealing won confidence and credit, and his business sagacity and foresight, backed by unusual energy of character, soon carried him from his lumber yard in Chicago to the sources of supply in the pineries of Michigan.

Here he bought lands and built mills and pushed his fortunes till he was accounted a rich man. Villages sprung up about him and thousands of men were in his employ; all of whom, because of his kindly relations with them, had come to look upon him as a sort of foster father.

Of a sudden, however, one of those terrible forest fires which have more than once devastated the State of Michigan overran his lands and swept lumber and mills out of existence. He was thought to be utterly ruined, but the indomitable spirit within him rose equal to the occasion.

He at once set himself with unabated courage to the work of repairing his fortune. His employees stepped forward to a man with a loan of their savings. They had implicit confidence in Mr. Stockbridge, the same as the people of Michigan had when they intrusted him with their interests in the Senate of the United States. And thus seconded by the men in his employ he resumed business, striking out into new fields, and, phoenix-like, out of the ashes of his first estate sprung another far greater, but which he all the time looked upon as a trust fund for the benefit of mankind—for the relief of the orphan world, rather than for his own personal use and aggrandizement. He always held open hand toward charities, both great and small; to which the Kalamazoo College, Academy of Music, and Young Men's Christian Association building stand as eloquent witnesses; while the church of which he was



a member leaned upon him as upon a pillar for support. And the poor whom we have with us always, and whose benevolent steward he felt himself to be, were never turned empty away—he seldom, if ever, stopping to inquire if, perchance, he might not sometimes be imposed upon.

Such, in brief, were some of the qualities of the late Senator Stockbridge, and is it any wonder that when his sudden death was announced the newspapers told us of many a moist eye and husky voice in the city where he had his home and where everyone felt that he had lost a personal friend?

Any picture of Senator Stockbridge would be incomplete which did not present his benevolent and sympathetic acts as wholly without ostentation or display, and as well guarded by a dignified and quiet reserve, both of manner and speech, which to the stranger seemed to make him a little inaccessible; but with the acquaintance and the friend the cordiality was complete, while with the needy a statement of the case was all that was necessary.

The picture would also be incomplete if it did not disclose underneath this sober, earnest exterior a vein of pleasantry and humor that always relished a joke and had a keen sense of the ludicrous; a taste, also, for the beautiful, both in art and nature, especially for that most beautiful and noble of animals for the use of man, the horse. And so strong was his admiration not only for the beautiful but for the lively in nature, that he had one of the largest and best establishments for breeding the trotting horse in the whole Northwest, in which he took great pride and pleasure. Here is, indeed, a bright, brisk spot in the otherwise quiet outline of his sedate career.

But the picture would be still incomplete, sadly incomplete, if it did not bear testimony to those rare qualities of head and heart which always saved him from serious mistakes and kept him on the right side of all public questions. He was wise and patriotic. His judgment was clear, strong, and practical. His convictions were always a fixed quantity, he was never tossed about by the uncertain winds of expediency, and, as the result, his public record is one of fidelity to duty and of honor alike to himself, his party, and his State.

Mr. Speaker, aside from respect for the dead, if there be any profit to the American people in the memorial exercises held from time to time in the two Houses over deceased Senators and Members, it is to be found in the lesson for the living, and especially for young men, to be drawn from the life and career of those who have gone out from amongst us and are now at rest.

It seems to me that in the life of this deceased Senator may be found a valuable lesson for American youth. Here was a poor boy of humble birth, who won his way to a seat in the American Senate, with only limited educational advantages, and with none of the gifts or arts of oratory, which sometimes obscure defects in judgment and are frequently accepted as a substitute for sounder qualities, but which never fail to dazzle and attract, and are really the mediumship of the highest public service; with none of the arts, either, of the professional politician, but with a life devoted to the stern demands of business, in which everything he undertook was thoroughly and conscientiously done; a life of which each day gave proof of his sense of responsibility to his Creator and his fellow-man; a life filled with the every-day heroism of the faithful and the just; in short, a life worthy of imitation and of commemoration.

Mr. Speaker, the following verses from Longfellow's "Psalm of Life" were written of such men as the late Senator Stockbridge, and are fit to be read in any presence:

Lives of great men all remind us  
We can make our lives sublime,  
And departing, leave behind us  
Footprints on the sands of time.

Footprints that perhaps another,  
Sailing o'er life's solemn main,  
A forlorn and shipwreck'd brother,  
Seeing, shall take heart again.

\* \* \* \* \*  
Let us, then, be up and doing,  
With a heart for any fate;  
Still achieving, still pursuing,  
Learn to labor and to wait.

Mr. DINGLEY. Mr. Speaker, in view of the fact that Senator Stockbridge was a native of the State of Maine and of the district which I have the honor to represent, it is fitting that I should unite in the tributes offered on this occasion to his memory.

I do this all the more gladly because the bond of sympathy which always unites the sons of Maine wherever they may have cast their lot was supplemented in the case of the departed Senator by the ties of mutual respect and confidence.

Although only 17 years of age when he left his boyhood home in Bath, Maine, in 1848, to enter upon the struggles and take up the responsibilities of active life in a large business establishment in Boston, yet, young as he was, he was equipped with endowments

inherited from a Pilgrim ancestry that always insure success—industry, self-reliance, integrity, pluck, and that practical grasp of men and affairs popularly styled "common sense," not because it is common, but because it embodies those qualities which enable the possessor to speak the word or do the act which is at once recognized by men everywhere as the right thing at the right time.

When, five years later, at the age of 23, young Stockbridge went to Chicago, then just entering upon that marvelous career possible nowhere else than in the great West, and entered into business for himself as a lumber merchant, he was admirably fitted by the thorough training which he had received in business methods, added to his natural aptitude for business affairs, to take high rank in a city famed for the ability and push of its captains of industry and trade. True to the instincts of a son of the Pine Tree State, he soon found himself pushing his way into the forests of Michigan, the New England of the West, to which State he removed in 1851, and in whose development and business and political activities he was a tireless and prominent factor till the day of his death.

When called to positions in public life Senator Stockbridge displayed the same practical qualities in State and national affairs that he had shown in his successful business career. On committees, where the work of legislation is really done, his thorough acquaintance with business and industrial life made him exceptionally useful. Although never trained as a public speaker, yet his plain, businesslike statements on practical questions always commanded attention and carried conviction. The confidence which his character inspired gave great weight to his brief speeches, strikingly illustrating the truth that it is not so much the words uttered as the man behind them which gives potency to speech.

Mr. Stockbridge's fame rests, however, on his conspicuous success as a business man. He was one of those sagacious and enterprising men, endowed with a rare business insight and foresight and capacity to organize and execute on a grand scale, who have been instrumental in developing the wonderful resources of this country within a generation to a degree that surpasses the fabled energies of Aladdin's lamp. Under their sagacious leadership and marvelous inspiration our broad expanse has been spanned with railways, the valleys and the mountains have been made to yield up their treasure, the rivers coursing to the sea have been laid under contribution, the forests have been utilized, and the broad prairies, no longer "tickled with the hoe" in the hands of man, but cultivated with machinery, which works with human intelligence, have "laughed with harvests" such as the world never before saw. The forces of nature have been harnessed by capital and made to so cooperate with labor that human energy has been multiplied many fold and wealth produced as never before—wealth which has been distributed by an economic law higher than statutes in increased wages to labor, lower cost of products to every human being, and a bountiful recompense to those exceptional captains of industry whose genius and skill have made possible such results.

It is to me, Mr. Speaker, a peculiarly gratifying trait of the well-rounded character of Mr. Stockbridge—a trait, indeed, without which no character can be said to be well rounded—that he regarded the wealth which had come to him by virtue of his rare God-given business capacity, not as his alone, but in large measure as a trust placed in his hands for the benefit of his fellow-men. In that charming gem of the many beautiful cities of Michigan in which he so long resided, and to which his remains were taken for burial, his benefactions were so numerous that his name was a synonym of public spirit and benevolence.

The sympathy of his nature and the kindliness of his heart were manifested in his beaming countenance, his helpful greetings, and his philanthropic deeds. Some men are a perpetual benediction as they tread the pathway of life, and cheer and aid the struggling around them. Such was Senator Stockbridge.

While possessed of abundant means to gratify every desire, Mr. Stockbridge was unostentatious, modest, and simple in his tastes and mode of life. The simplicity, sobriety, and rectitude which were a part of his pilgrim inheritance followed him through life, and were as manifest in the whirl of business and the gayeties of the national capital as when, a boy of 17, he left his quiet home on the Kennebec, with the benediction of those who had watched over him in infancy and boyhood and taught him the way of truth.

He was a type of that grand Pilgrim character—judged by its influence and fruitfulness, worthy of eulogy in story and song—for which Brewster and Winslow and Standish stood, leaders who, though dead, are still striding from the Atlantic to the Pacific, molding our institutions, framing our laws, inspiring our policies, and impressing themselves on the West as well as the East, on the Pacific slopes as well as on New England.

Those who are accustomed to denounce New England as if her people were of a different type from the people of the great West,

and to speak of the men of the East as if they were in antagonism to the men of the West, forget that it was the sons of New England and New York and Pennsylvania, of whom Senator Stockbridge was a type, who laid the foundations of Ohio and Michigan and the States beyond; and that the bond of kinship and sympathy which exists between those who left our hearthstones to found a new empire and those who remained behind and their descendants can never be broken.

Mr. Speaker, I should fail to give an adequate conception of the character of Mr. Stockbridge, and undoubtedly of the potent influence which shaped his life, if I should lose sight of the fact that he was a Christian man in the sense that he was an earnest believer in the great truths of Christianity and had a deep and abiding personal faith in the Saviour of mankind. It is such a faith which builds character that stands like a rock when the hours of trial come, and inspires a life's weary wayfarer with courage and hope. It is such a faith that lifts men above the storms and buffetings and disasters of this life and enables them to do their duty here nobly, bravely, and grandly by widening their vision, deepening their faith in God, and giving them root not simply in the transient world that now is, but also in the immortal world beyond.

The great change which with our narrow vision we call death, but which to the spiritual vision is only the laying aside of the worn and dusty garments of this brief life and the putting on of the splendid robes of immortality, must come to all. It never comes hidden, whether it appears with or without warning. It came to him whose memory we honor to-day suddenly, but I doubt not it found him prepared.

It is a consolation to those who mourn that, though he has passed through that great change which we call death, yet he still lives—lives in the fragrance which his helpful life shed; lives in the loving remembrance of those who best knew him; lives in that higher, nobler, and better unending life, of which this is only the preparation and threshold.

Mr. LINTON. Mr. Speaker, we have met at this time for the purpose of paying a tribute to the memory of a leader, a typical American, and an honest man. I, sir, not only had the honor of being a member of the legislature which first elected Francis B. Stockbridge to the Senate of the United States, but it was my lot and privilege also to be a member of the caucus which placed him in nomination for that high position; and, having been one of his supporters therein, I watched his career with the greatest interest, and now, during the busy closing scenes of the last session of the Fifty-third Congress, it is indeed a sad pleasure for me to say kind words of the man whom all Michigan loved.

He was a great organizer if not a great orator, but at times he spoke with much force, while his genial manner and kind actions toward all who had the pleasure of his companionship won for him admiration and respect.

He was loved not only by his home people, but by all residents of Michigan, and by every American citizen who was honored by his acquaintance.

He was ever vigilant and watchful when the interests of his constituents and the Peninsular State were at stake, and was diligent and careful when performing any and every duty assigned to him.

He was a man of good judgment, with firm convictions, and his counsel and advice were always in demand by those who knew him; and now that he has passed to the great beyond, we here this afternoon exemplify in his honor one of the kind features of political life, when members of all parties join in kindly, courteous tributes to his memory.

His employees knew him to be a friend in time of need; honest and intelligent, he was a safe counselor to those in trouble; determined upon doing right, he never faltered in the battle of life and his courage never weakened. No other man assisted more in developing the great resources of Michigan. He caused her soil to be cultivated, her live stock to be improved, mines to be opened, railroads to be built, caused the enactment of wise laws, and in divers other ways helped to make the Wolverine State great, wealthy, and strong. He was a man of deeds and not of empty words, while his votes in the United States Senate and elsewhere were cast for honest convictions and not for policy. He was loyal to the party of his choice, but was free from offensive partisanship or prejudice toward those who differed from his political views.

It was my privilege to be assigned as a member of the House committee which attended Senator Stockbridge's funeral in the pleasant city of Kalamazoo, chosen years ago for his life's home. There I saw the lip quiver and the tear fall upon the faces of neighbors and those who were bound by ties of relationship as they looked for the last time upon the form about to be laid away upon the hill top in their beautiful cemetery. There were gathered men and women who had long known the dead Senator during

his active life and had been associated with him in social, business, and political affairs. I shall never forget their sad hearts, sorrowful countenances, and the great attendance, showing the high esteem in which he was held by those whom he had so often joined in enterprises for the advancement of his city and State, and also many times aided in charitable works, being enabled so to do by his wealth, every dollar of which was accumulated in honorable pursuits, and the possession of which never caused him to lose that gentleness of manner or the spirit of good fellowship for which he was so well known.

The community in which he lived considered him a benefactor in every sense of the word. We all remember the warm clasp of his hand and the heartiness of his greeting. We know that in his public as well as his private life he evaded no duty nor shirked any responsibility. Although seldom heard in debate, his judgment in committee rooms was considered the best, and there where our work is mostly performed he often decided the fate of a bill or measure under consideration. His record has no stain upon its page, as evil doing was never thought of in connection with his name; and his life being full of success and exemplifying the possibilities of American citizenship, it is proper and fitting that we should to-day pay homage to whom homage is due by revering the memory and saying kind words of Senator Stockbridge, whose name and deeds will be cited as an example so long as our Commonwealth exists.

He died with his armor on. Commissioned by the people of a great State to sit in the council chamber of the world's leading Republic, and with his name still upon the roll, he was called beyond the grave, where we hope at the end of earth's existence the universal congress of all nations may assemble for time eternal.

Mr. GORMAN. Mr. Speaker, in deference to a long-established custom of paying tribute to a deceased member of either branch of Congress, I rise to make a few remarks touching the life and official career of the Hon. Francis B. Stockbridge, late a Senator from the State of Michigan.

I am not given to lauding the services of the living or rendering fulsome praise to the dead. I am constrained, however, to feel that it is a matter of justice and a common expression of feeling of respect to the late Senator to call to mind some attributes of strength, success, and admiration that attended him through life. Of his birth I know nothing other than what is now a matter of history; of his training neither do I know anything than what his neighbors have told; of his public career, when called to official dignity and state, I am fairly well conversant.

Two things have always strongly impressed me with a feeling of admiration for Senator Stockbridge. The first is that unconquerable disposition that he has always manifested to succeed in that to which he aspires. The second is his absolute and unquestionable loyalty to his friends that he made. The first great element of his strength is that which commands the respect and admiration of every American citizen. Success once attained, the beneficiary is justly entitled to the consideration of his fellow-men. Coming into the business, social, and political controversies of this life as he did quite fully and fairly demonstrates the possibilities that are within the reach of the young men of this country who are not upheld and supported by distinguished parentage, wealth, or social relations. No more beautiful illustration of the possibilities of a young man in this country could possibly be exemplified with more force and effect than that which Senator Stockbridge has given to the people of his adopted State.

As it has been said many times, some are born to honors, others have honors thrust upon them. Neither could be said of the late Senator; he acquired all that he had, and is therefore more to be honored than if they had come by any other source. I never had a very extended personal acquaintance with Senator Stockbridge, but from what little I did see of him and have known of him, I am satisfied that he must have had elements of strength in his honesty with his friends, his devotion to his principles, and his strict compliance with his promises and obligations in every walk of life, that made him especially strong with those who came in everyday business contact with him.

I occupied a seat in the upper branch of the Michigan legislature when Senator Stockbridge was first elected to the honorable position, to which he was subsequently reelected, in the United States Senate. I occupied a seat on the floor of the house of representatives at Lansing, when a very warm friend of mine, Senator Palmer, of Big Rapids, presented the name of Francis B. Stockbridge as a candidate for United States Senator in the Republican caucus. With the eloquent and oratorical effort for which Senator Palmer was especially distinguished, he pictured in such glowing terms the life, the business qualifications, the capacity, the honesty, the probity, and the worth of Mr. Stockbridge as an honorable citizen of the State that it made an impression on my mind that I never have, and perhaps never will, forget.

In speaking of the second great qualification, for which Senator



Stockbridge has been especially admired and respected by his associates and friends, irrespective of party, throughout the State, that is, his loyalty to his friends, I can not too strongly express my admiration for a man who is particularly identified as the one who never forgets his friends. I do not believe that a man ought to be blind to the interests or wishes of those who are not especially classed as his friends, but I do think that one of the strongest elements that any man in public life can bring to bear in his own behalf, and in the behalf of his party, is that of faithfulness to those who were faithful to him. This may not be in strict accordance with the doctrine of the New Testament, but it is the most natural to human kind, and justified in Holy Writ. To my thinking the most beautiful tribute that I could pay to the memory of a departed friend would be to say he thought first of those who were loyal to him in the hour of need.

Senator Stockbridge did not believe in the public policy of Governmental affairs that I do; he believed in the advocacy of a policy purely and exclusively American. Whether I think he was right or wrong, is a matter of little concern here; it is enough to say that I believe he was sincere in the advocacy of his principles. I have great respect for any man who advocates a policy, even though I think him wrong, if he is sincere in the advocacy of the same. That Senator Stockbridge was sincere in everything that he did, I have no question of doubt, and I do not think that others who know him have; that he was honest in his purposes goes without saying; that he was kind-hearted is well known by the many beneficiaries of his liberal purse; that he was broad gauged and considerate in the national and religious rights of others is well known and wholly appreciated by all the people familiar with his life. He was honest, sober, sincere, and liberal in what he did.

He was a beautiful illustration of the possibilities of American citizenship—an unquestioned type of a self-made man.

Mr. WEADOCK. Mr. Speaker, having had for many years only that knowledge of Colonel Stockbridge which every citizen of Michigan had, having known him as one of the prominent business men and one of the political leaders of the State, my closer knowledge of him began in the Fifty-second Congress. Colonel Stockbridge prior to that time had illustrated in the highest way one of the most beautiful aspects of political life in this country; that is, the strong and enduring friendship that political contests bring, for there are none of us who can fail to remember those friends who, at great cost to themselves either of time or money, or both, have stood by us and the principles which we represented in those contests with that loyalty which inspires a memory lasting as long as life itself. This is one of the few compensations which come to those who are engaged in public life.

One incident I wish particularly to speak of. At a certain time in the history of Michigan a certain Senator who belonged to Senator Stockbridge's party, and whose term was about to expire, was the candidate of a large majority of his party for reelection. A revolt was led against that choice. Colonel Stockbridge, then a private citizen, stood by this man who was the choice of his party with a loyalty, an earnestness, and faithfulness that challenged and won the admiration of the people of that State. Financial and other misfortunes had come to this man of his choice, but he stood in the breach unflinching, ready to fulfill every obligation and every requirement of the situation.

When the nomination for Senator was offered him, if he would step aside and abandon his friend, he firmly refused to do so, and a new man was elected. He served only one term. In his stead, there came from the State of Michigan, with a very strong public sentiment behind him, created by the steadfastness and loyalty he had shown to his friend, the man whose memory we are commemorating to-day, Francis B. Stockbridge.

In the Senate, and throughout his career, Colonel Stockbridge was always plain, modest, unassuming, loyal, and friendly. He belonged to that class of lumbermen that in Michigan, using the colloquialism of the camps, we call the "State of Mainers." They are among the most successful lumbermen of the State, and it was in that line of business that his great success was achieved prior to his coming to the Senate.

Of his career in Washington the gentlemen who have preceded me have perhaps sufficiently spoken. Never at any time nor at any place did he fail to remember the slightest wish of any citizen of his State or fail to respond to it in the fullest measure. Without pretension to great learning, his library was one of the choicest in the State, and he was a man of wide information. He had studied nature in her great forests; he had studied men in the great arenas of business and public life. And education is not so much that which we are taught as that which we know. With such an education as that our departed friend was exceedingly well equipped.

Those who see their friends taken from them wonder often that the busy hum of life goes on without any change; that the birds still sing, and the sun shines, and the world follows its usual avocations, when everything seems so dark before them. So on

these occasions of enlogies upon our departed brethren, the great demands upon human activities call this and that and the other man away, so that at the close only a few men, who have some special interest in the proceedings by their closer acquaintance with a departed fellow-member, remain to pay the last tribute of respect to the deceased.

In such facts as these there is perhaps but little encouragement to enter upon a career in the public service. At such times such a career seems perhaps the most thankless and disappointing that can fall to the lot of anyone. But it is a part of the obligations of good citizenship to discharge in the best manner we can the official duties we may be called upon by the preference of our fellow citizens to perform. And to the discharge of such duties with a hearty loyal friendship, with a thorough love of country, with thorough loyalty to friends, and with a thorough appreciation of the every-day duties of life came Francis B. Stockbridge, whose memory we honor to-day.

Mr. BLAIR. Mr. Speaker, Senator Stockbridge, with whose friendship I was honored while in the Senate, was a man of genial and equable temperament, most courteous and obliging in manner, who never for a moment seemed to lose his self-poise, much less to act from impulse which endangered in the slightest degree his absolute self-possession. But his calmness of demeanor did not indicate any want of strong opinions and deep convictions or of determined will. He was really a man of great intellectual powers, and his views upon all questions were those of a strong thinker, guided and controlled by sound judgment and the promptings of a philanthropic heart.

He was of New England birth. In fact, Michigan has been called the New England of the West, and it is true, probably, that the influence of the three northerly States of that section of the country, Maine, New Hampshire, and Vermont, has been felt more strongly in the growth and development of Michigan than in almost any other of the States which have been begotten of the old thirteen. To New Hampshire the State of Michigan seems almost as a daughter, although the mother may not ever be too fondly remembered, for the great girls of the family do not always like to think of the little cradles in which they were rocked; but later on they will remember, for Cass and Chandler were from New Hampshire, and our hills are high enough for us to behold the mighty growth of Commonwealths born of her own institutions which tower along the lakes, in the great valley, and across the continent, overtopping the mountain ranges with still more elevated moral and political institutions, to the far-setting sun and the Pacific seas.

Senator Stockbridge was from our sister State of Maine, and it is enough to say of any man that he was a worthy son of that noble mother. He was a business man in the largest and best sense. He knew how to make money without robbing his fellow-men under the forms of law, and the great fortune which he acquired by wise and prudent intellectual grasp of the resources and opportunities which surrounded him, but which would have been wasted but for his capacity to comprehend and utilize them, was as legitimately his own as the wage of the laborer for his daily toil.

Wealth thus acquired does not provoke the envy of the less fortunate. They rejoice in it, rather, and point their children to such examples of the success of honest and generally of self-made men as a proof of the excellence of our institutions and the justification of the hopes which should stimulate their own honorable activities.

The masses of the American people do not subscribe to the doctrine that "property is robbery," and they never will. But too often, as they look upon the millionaire, they know that robbery is sometimes the source of property.

Men like Senator Stockbridge restore the public mind and demonstrate not only that honesty and fair dealing may result in great wealth, but by their wise and humane administration of vast possessions assure the people that a man is a man for all his wealth as well as for all his poverty. With the constantly increasing prejudice in our country against owners of immense wealth, it is something—perhaps I may well say that it is high honor—to have acquired and administered great fortune so as to have won the approval of society as a rich man.

Senator Stockbridge was a model for all rich men.

The strong, solid business man, with his practical ideas and his old-fashioned honesty and conservative conduct in affairs, is an indispensable element in the successful statesmanship of this country. We are preeminently a business country, and the happiness of our people depends upon the prevalence of sound and sensible ideas in economic affairs. More and more business men must come to the front in the making and administration of our laws.

Of this increasingly important class of men in our higher politics Senator Stockbridge was one of the most influential and best illustrations that I have known. His loss in the very prime of life and while his influence was ever widening and increasing, and when his State and country hoped for his services for many

years to come, was a distinct and serious calamity to the public, as it was a source of irreparable grief to his large circle of personal friends.

But his high example will long be remembered for the encouragement and instruction of those who survive, and the benedictions of those who loved him will keep his memory fresh and unfading forever.

[Mr. RICHARDSON of Michigan addressed the House. See Appendix.]

Mr. AVERY. Mr. Speaker, the death roll of the Fifty-third Congress is a long one, and Michigan has contributed to it two honored names, J. Logan Chipman from this House, an able lawyer, an eloquent speaker, an upright judge, and an earnest and steadfast friend of the veteran soldiers; and Francis B. Stockbridge from the Senate, in whose memory these exercises are being held.

Death comes unheralded, asks no questions, and will take no excuses, but leaves with the living its admonition, "Be ye always ready."

Senator Stockbridge came of sturdy New England stock, and traces his ancestry in this country back to 1635, when a young Englishman by the name of John Stockbridge, well born and prosperous, with his young wife and baby boy 1 year old settled in Scituate, Mass. He bought a mill and built another, also a mansion house, which was used as a garrison during King Philip's war.

Mill-building and the milling business seem to have descended in almost regular line from this four times great-grandfather down to the late Senator.

From this John Stockbridge have descended some of the most eminent men and women of New England—business men, merchants, lawyers, physicians, and scientists.

About 1800 William Stockbridge, the grandfather of the late Senator, is described as the greatest landholder in Hanover, Mass., and it is of record that he was a man of "ready wit, lively and sociable in his habits, an agreeable companion, and an industrious and upright citizen."

He was a selectman in Hanover in 1812. His son John, father of the late Senator, was a physician, and settled in Bath, Me., in 1805, where he practiced his profession for forty-eight years, and was known as a "scientific and successful practitioner, a consistent and devoted friend, and an honest and upright man."

Here Francis B. Stockbridge was born in 1826. His mother, Eliza Stockbridge, was the daughter of the Hon. John Russell, for many years the editor and proprietor of the Boston Commercial Gazette. Here he attended the common schools and academy until he was 16 years of age, when he accepted a position as clerk in a wholesale dry goods store in Boston.

When barely twenty-one years of age, in 1847, he turned his face westward, and from a clerk in a dry goods store in Boston became at that early age a lumber merchant in Chicago. Soon after this he saw across the lake in Michigan an almost unbroken forest of pine. He saw also the practically unlimited demand for lumber the settlement of the vast prairies of Illinois and the West would create.

At that time he could hardly have foreseen the wonderful growth of that marvel of the West, the city of the World's Exposition of 1893.

But with true business instinct and sagacity he saw his opportunity and added to his business as a lumber merchant that of a manufacturer of lumber in Michigan. And while yet a young man only 27 years of age, in 1853 he took up his residence in Saugatuck, Mich., just across the lake from Chicago, where he had already mills engaged in cutting lumber.

Here he rapidly extended his business until he became one of the most prominent and extensive lumber manufacturers and dealers in the Northwest.

In 1863 he married Miss Betsy Arnold, the estimable and accomplished daughter of Daniel Arnold, of Gun Plain, Allegan County, Mich., who survives him and is now living in elegant retirement in this city.

Always domestic in his tastes, genial and social, though somewhat of a retiring disposition, his social and domestic relations have ever been most pleasant. At his elegant home in his own beloved city and State he was noted for his hospitality, and the humblest of his many friends always found as warm a welcome as those most favored by fortune.

At the nation's capital he and his accomplished wife have moved in the most select circles and have been noted for the munificence and elegance of their entertainments and receptions; and many there are who will remember the genial and unostentatious host and hostess of the Stockbridge mansion.

My first acquaintance with the late Senator was in 1870, while he was serving his first term in the Michigan legislature. I there learned to respect him for his sterling qualities of head and heart.

He was known for his good sense and attention to duty, and as an industrious and painstaking committee worker. He seldom took part in the discussion of subjects not directly connected with his committee work. When he did he was brief, pointed, and clear and commanded the attention of all.

He never posed as an orator, and yet he had a good, strong, clear voice, well modulated, and spoke directly to the question under discussion with great clearness and force, but without any attempt at ornamentation.

He took an active part in several campaigns and was counted a well-informed and logical speaker. He always spoke within the comprehension of the common people, and made plain the question he discussed, and the people understood him and believed in his honesty and sincerity of purpose.

After serving one term in the lower branch of the Michigan legislature he was elected to the State senate, where he served one term with the same conscientious fidelity to the interests of his constituents and State as he had in the lower branch. He was never an office seeker, but he was always ready to respond to any duty, public or private, imposed upon him.

In 1874 he removed to Kalamazoo, one of the most beautiful of Michigan's inland cities, where he resided at the time of his death. Though never a politician in the general acceptance of the term, he was always interested in public affairs and kept thoroughly informed upon all questions affecting the interests of his State and nation, and he was frequently mentioned as one who would honor the State as its chief executive.

In 1887 he was elected to the United States Senate to succeed the Hon. Omar D. Conger, and in 1893 he was reelected to succeed himself. In the Senate he was known and respected as a practical business Senator, as an industrious worker, and for his devotion to the interests of his constituents and State. He always kept in close touch with the people of his State, and the humblest citizen could write him at any time with perfect assurance that his business would receive prompt attention and his letter a respectful answer.

While he was a Republican of pronounced views upon all the economic questions that divided the parties, and gave to these questions close study and practical application, he was never offensive in giving expressions to them, and thus by his courtesy and firmness won for himself the respect of his colleagues for his honesty of purpose and practical ability.

He was a lover of the beautiful in art and nature. He adorned his home with rare and fine pictures and stocked his farm with fine horses and thoroughbred cattle; and he never appeared to better advantage than at home when he had laid aside the cares of state and business, and gave himself up to the enjoyment of the beautiful in his home and on his farm. As a business man he had a capacity and liking for large operations, and yet he was conservative, methodical, and always thoroughly familiar with the details of every interest with which he was connected. And in business, as in political life, he was the soul of honor, and nothing so aroused the fire of his indignation as to have his confidence betrayed by one in whom he had confided.

As a citizen he was ever mindful of the interests of his own city and State, and was in every way a broad-minded and generous man. In his private charities he followed the injunction of the Master, "Let not thy left hand know what thy right hand doeth," and many a needy and distressed family in his neighborhood have had their prayers for food and warmth answered by an unseen agent.

In his public benefactions he exercised the same careful thought that he did in his business investments, but never neglecting the charitable, educational, and religious institutions of his own city and State.

The Children's Home at Kalamazoo, the beautiful home of the Young Men's Christian Association at the same place, Kalamazoo and Albion colleges and Hobart Hall at Ann Arbor all bear eloquent testimony to his munificent and practical liberality. But more eloquent than all, perhaps, would be the words spoken from the room in the Woman's Hospital at Chicago, endowed by his generosity, and which he constantly kept occupied by some unfortunate but deserving poor woman.

In his death the State loses one closely identified with all its interests and a faithful guardian of every one of them; very many who were wont to rely upon him, a safe counselor and a generous benefactor; the Congress a safe and practical legislator, and the community in which he lived a public benefactor, an upright citizen, and a courtly Christian gentleman.

The career of Senator Stockbridge is eminently worthy of emulation by the young men of to-day. He set up a high standard in early life and few men came nearer attaining it than he.

Starting with a well-grounded Christian character, by his industry, perseverance, honesty, and an earnest and upright life he has assisted the upward movement of Christian civilization, and has demonstrated that true worth outweighs genius in the great struggle for success in life.



He lived an active, earnest life, was faithful to every trust, and his "works do follow him."

Mr. Speaker, on behalf of several gentlemen who had expected to participate in these proceedings and pay tribute to the memory of our dead friend, I ask unanimous consent that those who desire to do so may print remarks in the RECORD.

There was no objection, and it was so ordered.

The resolutions were unanimously agreed to; and accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow morning at 11 o'clock.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BUNN, from the Committee on Claims: A bill (H. R. 824) for the relief of L. A. Noyes. (Report No. 1897.)

By Mr. LAPHAM, from the Committee on Military Affairs: A bill (H. R. 8674) to correct the military record of and grant an honorable discharge to Peter Rourke, late of Company C, Seventh Regiment of Rhode Island Infantry Volunteers. (Report No. 1898.)

By Mr. TURPIN, from the Committee on Indian Affairs: A bill (H. R. 8647) to refer the claim of Eli Ayres to the Court of Claims and quiet the title to certain lands in the State of Mississippi. (Report No. 1900.)

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (S. 2122) to increase the pension of Mrs. Eunice Ida Rhoades, and the same was referred to the Committee on Pensions.

#### PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. MCGANN (by request): A bill (H. R. 8931) to secure the payment of masters' wages by giving them a maritime lien therefor in certain cases—to the Committee on Merchant Marine and Fisheries.

By Mr. HAGER: A bill (H. R. 8932) to further regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNN: A bill (H. R. 8933) donating a section of land in Oklahoma Territory to Douglas City, in said Territory—to the Committee on the Public Lands.

By Mr. MAGUIRE: A bill (H. R. 8937) to relinquish the interest of the United States in and to certain lands in California—to the Committee on the Public Lands.

By Mr. HERMANN: A bill (H. R. 8938) providing for the appointment of a board of engineers to consider and report on a new project for deeper water on the bar of Yaquina Bay, in Oregon—to the Committee on Rivers and Harbors.

By Mr. GROUT: A joint resolution (H. Res. 231) authorizing the Secretary of War to deliver condemned cannon to the Soldiers' Home for the State of Vermont, located at Bennington, Vt.—to the Committee on Military Affairs.

By Mr. SPRINGER: A joint resolution (H. Res. 282) to authorize the appointment of a clerk to the Committee on Banking and Currency—to the Committee on Accounts.

By Mr. CURTIS of Kansas: A resolution of the legislature of the State of Kansas, asking for the passage of a bill to prohibit the collector of internal revenue for the State of Kansas from issuing receipts for special tax to retail dealers in intoxicating liquors to any persons not holding permits—to the Committee on Ways and Means.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. HAGER: A bill (H. R. 8934) authorizing and directing the Secretary of the Treasury to pay the city of Council Bluffs, Iowa, the cost of constructing pavements and sewers in front of lots 1 and 2 and east 20 feet of lot 3, block 6, Bayliss's first addition to Council Bluffs, owned by the United States Government in said city, and used as United States court-house and post-office—to the Committee on Claims.

By Mr. HOOKER of New York: A bill (H. R. 8935) granting a pension to John H. Crandall—to the Committee on Invalid Pensions.

By Mr. CHARLES W. STONE: A bill (H. R. 8936) for the relief of James R. D. Morrison and William H. Morrison, executors and administrators of William M. and Charles J. Morrison—to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALZELL: Resolutions adopted by 344 citizens of Pittsburgh, Pa., favoring an amendment to the Constitution of the United States to be known as the seventeenth amendment, "No State shall grant the right of franchise to any person who is not a citizen of the United States"—to the Committee on the Judiciary.

Also, resolutions of 46 citizens of Pittsburgh and 190 of the State of Pennsylvania in favor of an amendment to the Constitution that "neither Congress nor any State shall pass any laws respecting an establishment of religion," etc.—to the Committee on the Judiciary.

By Mr. DOOLITTLE: Memorial of citizens of Sumner, Wash., for a constitutional amendment relative to elective franchise—to the Committee on the Judiciary.

By Mr. DURBOROW: Memorial against the publication of the Columbian dairy tests—to the Committee on Printing.

By Mr. GRIFIN of Michigan: Petition of business men of the city of Detroit, for payment of sugar bounty for 1894—to the Committee on Appropriations.

By Mr. HARMER: Resolution adopted at a meeting of American citizens of Chestnut Hill, Philadelphia, Pa., in favor of maintaining civil and religious liberty by absolute separation of church and state, and in favor of an amendment to the Constitution of the United States against the use of the property or credit of the United States or any State, or any money raised by taxation, for maintaining any institution wholly or in part under sectarian or ecclesiastical control—to the Committee on the Judiciary.

By Mr. HEARD: Petition of the Builders' Exchange of Washington, favoring the extension of the sewerage and highway system for the District of Columbia—to the Committee on the District of Columbia.

By Mr. HOOKER of New York: Petition in claim of John H. Crandall, Company I, Twenty-seventh New York Volunteers, and Company A, One hundred and thirty-sixth New York Volunteers—to the Committee on Invalid Pensions.

By Mr. IKIRT: Petition of 130 citizens of Osnaburg, Ohio, against granting franchise to aliens—to the Committee on the Judiciary.

By Mr. LAWSON: Petition of certain colored people in Georgia, asking for transportation to Liberia, in Africa, and supply of food for twelve months after reaching there, to be furnished by the Government of the United States—to the Committee on Appropriations.

By Mr. MAGUIRE: Memorial of the Chamber of Commerce of San Francisco, Cal., in favor of House bill 8476, to reorganize the personnel of the Navy—to the Committee on Naval Affairs.

By Mr. MAHON: Two petitions of citizens of Chambersburg and two of the citizens of Edenville, Pa., requesting that a certain amendment be made to the Constitution of the United States—to the Committee on the Judiciary.

Also, petition of citizens of Mont Alto, Pa., requesting an amendment to the Constitution of the United States in regard to giving money for sectarian purposes—to the Committee on the Judiciary.

By Mr. REYBURN: Resolutions of a meeting of 121 citizens of Wissahickon, Philadelphia, against appropriating public money to aid sectarian institutions, etc.—to the Committee on the Judiciary.

Also, resolutions adopted at a meeting of 121 citizens of Wissahickon, Philadelphia, against granting the right of franchise to persons not citizens of the United States—to the Committee on the Judiciary.

By Mr. SCRANTON: Resolution of the Scranton Board of Trade, of Scranton, Pa., relative to the reform of the consular service—to the Committee on Foreign Affairs.

Also, resolution of the Scranton Board of Trade, of Scranton, Pa., against the passage of House bills 5361 and 6098—to the Committee on Patents.

By Mr. CHARLES W. STONE: Memorial of Lodge No. 422, International Association of Machinists, of Bradford, Pa., in favor of the passage of the Maguire bill (H. R. 8603)—to the Committee on Merchant Marine and Fisheries.

By Mr. STORER: Resolution approving detail of army officers for military instruction in public schools—to the Committee on Military Affairs.

By Mr. WOOPER: Resolutions adopted at meetings of citizens of Duncannon and Lykens, Pa., against granting the right of franchise to persons not citizens of the United States—to the Committee on the Judiciary.

## SENATE.

FRIDAY, February 22, 1895.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on motion of Mr. HILL, and by unanimous consent, the further reading was dispensed with.

## EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting for the favorable consideration of Congress a letter from the chief of the division of stationery, printing, and blanks, Treasury Department, stating that an additional sum of \$120,000 will be required for printing and binding for that Department; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. JAMES KERR, its Clerk, announced that the House had agreed to the concurrent resolution of the Senate expressing appreciation of the special honors paid by the Mexican Government upon the occasion of the death of Hon. Isaac P. Gray, late minister of the United States near the Republic of Mexico.

The message also communicated to the Senate the resolutions of the House of Representatives commemorative of the life and services of Hon. Francis B. Stockbridge, late a Senator from the State of Michigan.

## ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 3476) to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho;

A bill (H. R. 6750) to authorize the construction of a bridge across the Yellowstone River, in the county of Dawson, State of Montana; and

A bill (H. R. 8499) to authorize the construction of a bridge across the Missouri River in the county of Dakota, in the State of Nebraska, and in the city of Sioux City, in the county of Woodbury, in the State of Iowa.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry citizens of Washington, D. C., sufferers from the local water famine, praying that the provision of the House in the District of Columbia appropriation bill which appropriates \$125,000 for increasing the height of the dam at Great Falls be retained; which was referred to the Committee on Appropriations.

Mr. SHERMAN presented a petition of 67 citizens of Chagrin Falls, Ohio, praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which was referred to the Committee on the Judiciary.

He also presented a petition of 67 citizens of Chagrin Falls, Ohio, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which was referred to the Committee on the Judiciary.

Mr. QUAY. I present resolutions of the Manufacturers' Club of Philadelphia, Pa., bearing upon the currency question. It is an important subject and the Manufacturers' Club is an important commercial body. I should be glad to have the resolutions read. They are brief.

There being no objection, the resolutions were read, and referred to the Committee on Finance, as follows:

## MANUFACTURERS' CLUB OF PHILADELPHIA.

February 21, 1895.

DEAR SIR: At a meeting of the Manufacturers' Club, held on Monday evening, the 18th instant, the following resolutions were unanimously adopted:

Whereas the troubles in which the Treasury of the United States is involved are chiefly due to the failure of the present tariff law to produce sufficient revenue; and

Whereas the practice of borrowing money to meet expenditures which may be fully provided for by procuring revenue from usual sources by the employment of usual means, is most ill-advised, whether it is pursued by a private citizen or by a Government: Be it, and by the Manufacturers' Club of Philadelphia it is,

Resolved, That we make solemn protest against the policy which, after impoverishing the American people by prostrating their industries and subjecting them to injurious foreign competition, heaps upon them in a time of profound peace new and wholly needless burdens of debt.

Resolved, That we also protest against the action of the President in secretly giving to European bankers at high cost to the people a monopoly of the right to lend to the Treasury money which may be had at lower cost, if it must be had at all, from the people themselves.

Resolved, That we repudiate as un-American, as humiliating to the nation, and as disgraceful to those who are responsible for it, that conduct of public affairs which has placed the Treasury of the United States in a position of dependence upon the favor of foreign bankers and has permitted Europeans to shape, to control, and to direct the economical and fiscal policies of this great nation.

Resolved, That we call upon our representatives in Congress to voice the indignation with which the people regard these iniquitous performances and to demand that the Treasury and the public credit shall be strengthened solely by the acquirement of sufficient lawful revenue obtained through the medium of duties upon imports.

Attest:

WM. S. STOCKTON,

Assistant Secretary.

Mr. QUAY presented petitions of 108 citizens of Pittsburg, of 159 citizens of North End, of 200 citizens of Rowersville, of 73 citizens of Clarion, of 60 citizens of Fayette City, of 53 citizens of Worthington, of 41 citizens of Upper Middleton, of 41 citizens of Buttercup, and of 40 citizens of Casselman, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

He also presented petitions of 41 citizens of Buttercup, of 73 citizens of Clarion, of 66 citizens of Kempton, of 52 citizens of Worthington, of 100 citizens of Upper Middleton, of 40 citizens of Casselman, of 159 citizens of North End, of 200 citizens of Rowersville, and of 40 citizens of Irwin, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriations of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

Mr. VEST presented a memorial of District Assembly No. 4, Knights of Labor, of St. Louis, Mo., remonstrating against the enactment into law of the provisions recommended in the recent message of the President on the financial question; which was referred to the Committee on Finance.

He also presented a petition of 26 citizens of Sheffield, Mo., praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which was referred to the Committee on the Judiciary.

He also presented a petition of 26 citizens of Sheffield, Mo., praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which was referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of Branch No. 393, National Association of Letter Carriers, of Binghamton, N. Y., praying for the passage of Senate bill No. 2523 regarding the tenure of letter carriers, etc.; which was referred to the Committee on Post-Offices and Post-Roads.

## REPORTS OF COMMITTEES.

Mr. PERKINS, from the Committee on Naval Affairs, to whom was referred an amendment submitted by himself on the 21st instant intended to be proposed to the naval appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. ALLEN, from the Select Committee on Forest Reservations, to whom was referred an amendment submitted by Mr. PETTIGREW on the 20th instant intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. MITCHELL of Wisconsin, from the Committee on Military Affairs, to whom was referred the bill (H. R. 840) to correct the muster of Lieut. Gilman L. Johnson, reported it without amendment, and submitted a report thereon.

Mr. HUNTON, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 8696) to amend the act to incorporate the American University, reported it without amendment.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 8624) for the relief of James Linskey from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens, reported it without amendment.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 8714) to incorporate the Capital Railway Company, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8698) to authorize the Washington and Marlboro Electric Railway Company of Maryland to extend its line of road into and within the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the



bill (H. R. 8427) to amend the charter of the Eckington and Soldiers' Home Railway Company, reported it without amendment.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia, to whom were referred the bill (S. 2771) to authorize the extension of the Columbia Railway Company and the bill (H. R. 6816) to amend the charter of the District of Columbia Suburban Railway Company, to report them without recommendation, there being a difference of opinion in the committee in regard to the bills.

The VICE-PRESIDENT. The bills will be placed on the Calendar.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 2519) granting an increase of pension to Adelaide Morris, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1707) granting a pension to Caroline Reed, reported it with an amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (H. R. 725) for the relief of the trustees of the Presbyterian Church of Bethel Springs, Tenn., reported it without amendment, and submitted a report thereon.

Mr. BLACKBURN, from the Committee on Military Affairs, reported an amendment concerning sea-duty pay of officers intended to be proposed to the naval appropriation bill, and moved that it be referred to the Committee on Appropriations and be printed; which was agreed to.

He also, from the same committee, reported an amendment intended to be proposed to the sundry civil appropriation bill, the amendment being to insert in line 7, page 46, after the word "manufacture," the words "and may be constructed of steel or other metal or an alloy," and moved that it be printed, and, with the accompanying papers, be referred to the Committee on Appropriations; which was agreed to.

Mr. BLACKBURN. I submit an amendment which it is proposed to be offered to the sundry civil appropriation bill, and I present it by direction of a majority of the Committee on Appropriations. I move that the amendment be printed, and that it lie on the table.

The motion was agreed to.

Mr. MARTIN, from the Committee on Pensions, to whom was referred the bill (H. R. 7038) to pension Joseph W. Snyder, crippled son of a soldier of the war of 1812, reported it without amendment, and submitted a report thereon.

Mr. POWER, from the Committee on Public Lands, to whom was referred the bill (S. 2714) granting certain lands in the abandoned military reservation at Fort Maginnis, Fergus County, Mont., to the State of Montana, for a soldiers' home, reported it with amendments, and submitted a report thereon.

#### BERLIN SILVER COMMISSION.

Mr. GORMAN, from the Committee on Printing, reported the following order; which was considered by unanimous consent, and agreed to:

*Ordered*, That there be printed and bound in paper covers, for the use of the Committee on Finance, 3,000 copies of part 1, Senate Miscellaneous Document No. 274, being the proposals submitted to the Berlin Silver Commission of 1894, of which 1,000 shall be for the use of the Senate document room.

#### OREGON STATE SOLDIERS' HOME.

Mr. PERKINS. I am directed by the Committee on Naval Affairs, to whom was referred the joint resolution (H. Res. 237) authorizing the Secretaries of War and of the Navy to donate to the Oregon State Soldiers' Home, at Roseburg, Oreg., certain cannon, etc., to report it without amendment. The joint resolution simply provides for the donation of unused cannon under the control of the Secretary of the Navy. I ask that it be now considered.

Mr. COCKRELL. Let it be read for information.

The Secretary read the joint resolution, and, by unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BATTERY PARK, BURLINGTON, VT.

Mr. HALE. I am directed by the Committee on Naval Affairs, to whom was referred the joint resolution (S. R. 189) authorizing the Secretary of the Navy to deliver unserviceable or condemned cannon to the mayor of Burlington, Vt., to be used in decorating Battery Park, to report it without amendment. I ask that the joint resolution be put on its passage.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amend-

ment, ordered to be engrossed for a third reading, read the third time, and passed.

#### WITHERBY & GAFFNEY.

Mr. HILL. There is a claim bill which has passed the other House and which came over to the Senate and has been reported favorably by the Committee on Claims, not granting the claim but simply referring it to the Secretary of War to take testimony. I ask unanimous consent to proceed to the consideration of the bill (H. R. 4507) for the relief of Witherby & Gaffney.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of War be, and he is hereby, authorized and directed to examine into the contract entered into by Witherby & Gaffney with the United States on the 9th day of September, A. D. 1889, to tear down and reconstruct the west wing of the officers' quarters at Madison Barracks, Sacketts Harbor, New York, and ascertain what work was done thereunder and whether any balance is still due to the said contractors therefor; also, whether the said contractors were required by the officers of the Government having direction of the work to modify or change the plans or to add to the work; and if so, whether the cost of construction was thereby increased, and the amount of such increase; also, whether there was any failure on the part of the Government to comply with any agreement or obligation to furnish heat for the work during the winter whereby the contractors were injured or damaged; and if so, the value of the material lost and of increased labor caused thereby; also, whether there was any loss to the contractors justly chargeable to the Government on account of the removal of the old building mentioned in the contract and the rejection of any materials it contained which the contractors had a right to expect they could use in the construction of the new building; if so, the amount in value of such loss; also, whether for any other reason or because of any other facts the said contractors are equitably entitled to any additional compensation on account of work performed or material furnished in the construction of said barracks. And the Secretary is authorized to take evidence to ascertain the facts in the case, notwithstanding the terms of the contract, and to determine the aggregate amount that is justly and equitably due the contractors as the result of his examination into the matters aforesaid; and the Secretary of the Treasury is hereby authorized and directed to pay to the said contractors, Witherby & Gaffney, the aggregate sum so found to be due to them when properly certified by the Secretary of War. And a sufficient amount of money is hereby appropriated, out of the funds in the Treasury not otherwise appropriated, to pay the said aggregate sum to the said Witherby & Gaffney.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### JAMES STEWART.

Mr. SHERMAN. Mr. President—

Mr. KYLE. May I ask what is the pending order of business? The VICE-PRESIDENT. The Senate is proceeding under the call of reports of standing and select committees.

Mr. SHERMAN. I hope the Senator will allow me to have a bill passed for the relief of a soldier, to enable him to sue in the Court of Claims.

Mr. KYLE. Certainly.

Mr. SHERMAN. I ask the Senate to proceed to the consideration of the bill (H. R. 5224) for the relief of James Stewart.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to refer to the Court of Claims the claim of James Stewart, who served as first sergeant Company B, second and first lieutenant Fourth Artillery, and captain Eighteenth Infantry of the United States Army in the late war of the rebellion, for a balance of wages earned by him in the suppression of the rebellion and during his entire time of service in the Army, and not paid to him.

Mr. COCKRELL. Has the bill been referred to a committee?

Mr. SHERMAN. Oh, yes; it has been reported from the Committee on Military Affairs. It is a House bill; it has passed the House and has been reported unanimously by the Committee on Military Affairs of the Senate. The Senator from Minnesota [Mr. DAVIS] submitted the report.

Mr. DAVIS. Mr. President—

Mr. HALE. Let me give a notice. I wish to state that after this bill is disposed of I shall ask for the regular order of business and that the morning business shall proceed regularly. When that is through, if the Senate chooses to go on and consider bills by unanimous consent I do not object, but it is getting to be too much the practice here for Senators in the midst of morning business to call up matters from the Calendar and break into the routine morning business.

Mr. SHERMAN. This bill will take but a moment. There can be no objection to it.

Mr. HALE. I do not object now, but after the bill is passed I shall object to the consideration of any other bill until after the conclusion of the routine morning business.

Mr. DAVIS. For the information of the Senator from Missouri, I will state that this is one of those cases of which Captain Pull

man's is the leading one, often passed upon by the Committee on Military Affairs and concerning which an omnibus bill is on the Calendar for many claims directing the Secretary of the Treasury to audit and pay them.

Mr. WHITE. With reference to the remark made by the Senator from Maine concerning the calling up of bills, I wish to say that there are some Senators upon this floor who have bills of local importance and who do not obtrude themselves sufficiently perhaps to get their bills before the Senate. It seems to me that there ought to be some arrangement made by which every Senator shall have a right to call up some bill of local importance. I have a matter here in my hand which affects a few citizens of the county in which I live, and it is an eminently just bill, to which no one would object. While I do not intend to offer any objection to the bill now proposed to be passed, I suggest that the Senators having these matters in charge, in deference to the wishes of all others here who do not care to enforce their particular interests to the disadvantage of public business, should consent to some kind of a programme by which there might be a fair deal all around.

Mr. HALE. We ought to have a couple of hours some day for just such business and just such consideration as the Senator from California has referred to, but we ought not to break into the routine morning business with it.

Mr. FRYE. I desire to call the attention of my colleague to the fact that always during the last five or six days of a session, when the appropriation bills get into conference, there is ample time to pass local bills.

Mr. HALE. That is the time when there will be more space than any other.

Mr. FRYE. We have always had ample time to pass these bills at the last of the session.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### COMMITTEE ON PACIFIC RAILROADS.

Mr. MORGAN, from the Committee on Pacific Railroads, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and ordered to be printed:

*Resolved*, That the Committee on Pacific Railroads be instructed, either by full committee or such subcommittee or committees as may be appointed by the chairman thereof, with the full power of such committee, to continue during the coming recess of Congress the investigations authorized by the resolution of October 13, 1893, with the authority and in the manner and to the extent provided in said resolution, and in pursuance of such investigations such committee or committees are authorized to make a personal examination of the roads and other properties of the bond-aided Pacific railway companies and their branches, and the country through which they pass or which is immediately contributory to their income, with a view of ascertaining their present status and their ability to pay their indebtedness to the United States and how that indebtedness can be adjusted and paid. In pursuing such investigations said committee or committees are hereby further authorized to sit during the recess or sessions of the Senate, at such times and places as they may deem advisable; and they shall have power to send for persons and papers, to administer the necessary oaths, and to employ a stenographer and such clerical and expert assistance as they may deem necessary. Said committee or committees shall have authority to cause its proceedings and testimony taken to be printed from time to time as they may see fit; and such expense as may result from said investigation shall be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of said committee and by the Committee to Audit and Control the Contingent Expenses of the Senate. Any subcommittee appointed by the committee or the chairman thereof shall have all the powers of the full committee.

#### BILLS INTRODUCED.

Mr. McLAURIN introduced a bill (S. 2794) to relieve the United States of the costs of election contests; which was read twice by its title, and referred to the Committee on Privileges and Elections.

Mr. PETTIGREW introduced a bill (S. 2795) to amend an act entitled "An act to prevent the extermination of fur-bearing animals in Alaska, and for other purposes;" which was read twice by its title, and referred to the Committee on Finance.

Mr. FAULKNER introduced a bill (S. 2796) approving an act entitled "An act to provide an addition to the insane asylum of New Mexico, and for other purposes;" which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 2797) approving an act entitled "An act authorizing the rebuilding of the Territorial capitol at Santa Fe, N. Mex., which was destroyed by fire May 13, 1892;" which was read twice by its title, and referred to the Committee on Territories.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. MILLS submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which

was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. QUAY submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed and, with the accompanying paper, referred to the Committee on Claims.

Mr. WOLCOTT submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. FRYE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce.

Mr. HUNTON submitted an amendment intended to be proposed to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### DUES TO ARMY OFFICERS.

Mr. DAVIS submitted an amendment intended to be proposed by him to the bill (S. 2297) to provide for the restatement, readjustment, settlement, and payment of dues to army officers in certain cases; which was ordered to lie on the table and be printed.

#### IMPORTANT PERIODS IN THE HISTORY OF THE UNITED STATES.

Mr. KYLE. I submit a concurrent resolution, and ask for its present consideration.

The concurrent resolution was read, as follows:

Whereas Gen. James D. McBride is the originator of the centennial memorial entitled "The administrators of the United States Government at the beginning of its second century;" also the Columbian state paper entitled "The administration of the United States Government at the beginning of the four hundredth anniversary of the discovery of America," to which the seal of the United States, the seal of the Supreme Court, the seal of the Senate, and the seal of the House of Representatives have been affixed by authority of law: Therefore,

*Resolved by the Senate (the House of Representatives concurring)*, That the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized and directed to accept for the Senate and House two copies of the said publication entitled Important Periods in the History of the United States.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

Mr. KYLE. I will state that this resolution does not involve any expense whatever. A year ago, under a resolution of Congress, Mr. McBride was authorized to use the seal of the United States in preparing a chart for the Columbian Exposition, and the same privilege was also granted to him in 1876 in reference to the administration of the Government at that time. He also made a chart of the Declaration of Independence of 1776, thus making a complete chart of the three periods in the administration of the United States. No doubt many Senators will remember having signed their names to this chart. [Exhibiting.] Mr. McBride, out of gratitude for what the Senate has done, wishes to present one of these charts to the Senate and one to the House of Representatives. That is all the resolution contemplates. It was prepared by the Committee on the Library.

Mr. HOAR. I should like to inquire—I do not know whether the Chair would consider himself at liberty to answer the question from the chair, but some Senator may perhaps do so—whether it requires a concurrent resolution of the two bodies to have a book put in the library of the Senate or the House of Representatives. I suppose that it is within the power of the librarian as a matter of course. If that be so, the passing of this resolution may embarrass everybody hereafter who wants to send a copy of any book which he thinks may be useful and interesting to the library of either House of Congress.

I think the resolution had better go over or be referred to the Committee on the Library.

Mr. COCKRELL. Probably there may be a good reason for this action, for the reason that there is an amendment here, offered by the Senator from South Dakota [Mr. KYLE], which authorizes the purchase of quite a large number of these charts.

Mr. KYLE. That has nothing at all to do with this question, I will say to the Senator from Missouri.

Mr. VOORHEES. Allow me an observation in reply to the Senator from Massachusetts.

Mr. HOAR. I suggest that the resolution should go to the Committee on the Library, if there be no objection.

Mr. VOORHEES. This is a perfectly harmless matter.

Mr. HOAR. If the Senator will pardon me, the Committee on the Library is a perfectly harmless committee.

Mr. VOORHEES. That is true, especially since the Senator from Massachusetts is no longer a member of it. [Laughter.]

This gentleman has a very handsome chart, and he asks the privilege of presenting two copies of it, one to the Vice-President



and the other to the Speaker of the House of Representatives. I do not know about the precedents, or whether there be a precedent or not, but this costs no money, it can do no harm, and may do some good.

Mr. HAWLEY. I do not quite agree with the distinguished Senator from Indiana [Mr. VOORHEES] in saying that this will do no harm. It affords a precedent for other people of more vanity and less usefulness coming here and bothering Congress, in the hope that they will be able to carry about as scalps at their belt such evidence as this of the distinguished treatment they have received, the extreme value of their services, and all that sort of thing. I would much rather have a report from the Library Committee; and I move the reference of the resolution to that committee.

The VICE-PRESIDENT. The question is on the motion of the Senator from Connecticut to refer the concurrent resolution to the Committee on the Library.

The motion was agreed to.

Mr. KYLE. I should like to have the chart go with the concurrent resolution to the committee, so that the committee may see what it is.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

#### HEARINGS BEFORE COMMITTEE ON INTERSTATE COMMERCE.

Mr. GORMAN. I submit an order to print a document for the use of the Senate to-morrow. This is the only copy that can be found. By accident all the copies but this one were destroyed, and we want it for to-morrow morning.

The order was read and agreed to; as follows:

*Ordered*, That there be printed for the use of the Senate the usual number of copies of the report of the hearings before the Committee on Interstate Commerce on December 14, 1892, on the bill (S. 3577) to amend the interstate commerce act.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. JAMES KERR, its Clerk, announced that the House had passed a bill (H. R. 8880) to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River; in which it requested the concurrence of the Senate.

#### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 277) in reference to the Free Zone along the northern frontier of Mexico and adjacent to the United States; and it was thereupon signed by the Vice-President.

#### AFFAIRS IN THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT. Concurrent and other resolutions are in order. If there be none such, the Chair lays before the Senate a resolution of the Senator from Florida [Mr. CALL] coming over from a previous day.

Mr. BLACKBURN. May I ask, as the morning business seems to have been completed—

The VICE-PRESIDENT. The morning business has not been completed.

Mr. BLACKBURN. I meant reports of committees, the introduction of bills, and the introduction of resolutions.

I was going to ask the Senate to take up at this time for consideration two bills, neither of which, I am sure, will provoke a minute's discussion. They are House bills to amend the Articles for the Government of the Navy, and it is important that they should be passed. The Naval Committee has reported them unanimously favorably; they are on the Calendar here and have been passed by the House of Representatives. The Secretary of the Navy is very solicitous that they should be passed before the adjournment of Congress. They are both very short bills, there being not more than a half dozen lines in either; and I am sure no one will want to discuss either of them.

Mr. VOORHEES. Do they relate to the reorganization of the Navy?

Mr. BLACKBURN. No; they are simply to amend the Articles for the Government of the Navy.

Mr. STEWART. They do not relate to the personnel of the Navy?

Mr. BLACKBURN. Oh, no. I will say to the Senator from Florida that if he thinks the consideration of these bills would delay the consideration of his resolution and interfere in any wise with the disposition of it I will withdraw the request.

Mr. CALL. I was going to say that the resolution submitted by me was sent here by the labor organizations of the District of Columbia. It is a resolution only asking for information, and it will not take any more time than the reading of it.

Mr. PLATT. What is the order of business, Mr. President?

The VICE-PRESIDENT. The Chair was laying before the Senate the resolution of the Senator from Florida coming over from a previous day. The resolution will be read.

The Secretary read the resolution submitted by Mr. CALL on the 21st instant, as follows:

*Resolved*, That the Commissioners of the District of Columbia be, and are hereby, directed to furnish as soon as practicable for the information of the Senate a statement showing—

First. The names of all streets, avenues, alleys, and reservations in the limits of the cities of Washington and Georgetown partially or wholly unpaved, and the total length thereof so unpaved; also the lengths thereof unpaved; also the lengths thereof without water mains; together with the estimated cost of fully improving, paving, sewerage, and laying water mains in the same.

Second. An estimate of the amount required to carry out the provisions of an act passed March 2, 1893, to provide a permanent system of highways in that part of the District of Columbia lying outside of the cities of Washington and Georgetown; and the amount and cost of condemning lands and buildings for said highways and reservations; also an itemized estimate of the cost of building bridges, culverts, grading and fully improving said highways, streets, avenues, alleys, and reservations as contemplated by said act of March 2, 1893; also an estimate of the cost of improvements in such other unpaved streets and avenues as lie outside of the cities of Washington and Georgetown; also the assessed value of private and Government property lying outside of the cities of Washington and Georgetown and in the District of Columbia.

Third. A statement showing the amount of taxes collected in the cities of Washington and Georgetown and the county, respectively, by years, from 1878 to 1893, both inclusive; and in like manner the amounts expended in each of said sections from the District revenues during the same period.

Fourth. The amount of surplus revenues of the District of Columbia covered into the Treasury of the United States from 1878 to 1894, inclusive, and to what fund credited; also the amount of surplus now in the Treasury to the credit of the District of Columbia.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. HARRIS. I suggest that in line 25, before the words "Government property," the words "estimated value of" be inserted. The resolution as it reads asks for "the assessed value of private and Government property." Government property is not assessed at all. As I propose to amend it the resolution will ask for "the assessed value of private property and the estimated value of Government property."

Mr. CALL. I will accept that amendment and modify my resolution accordingly.

The VICE-PRESIDENT. The resolution will be so modified. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

#### PROPOSED EVENING SESSIONS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution submitted by the Senator from Florida [Mr. CALL], coming over from a previous day; which will be read.

The Secretary read the resolution submitted by Mr. CALL on the 19th instant, as follows:

*Resolved*, That the Senate meet at the hour of 11 in the morning and remain in session until 5 p. m., then take a recess until the hour of 8 p. m.

Mr. CALL. That resolution may go over.

The VICE-PRESIDENT. Without objection it will be so ordered.

#### ARTICLES FOR THE GOVERNMENT OF THE NAVY.

Mr. BLACKBURN. I now ask for the consideration of the two bills to which I have alluded. They are both purely administrative; their consideration is absolutely necessary, and they are pressed upon us by the Secretary of the Navy.

Mr. DUBOIS. I inquire of the Chair if the morning business has closed.

The VICE-PRESIDENT. The morning business has closed.

Mr. BLACKBURN. I first ask for the consideration of House bill 6323.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Kentucky for the consideration of the bill named by him?

Mr. QUAY. I have no objection; but I wish to say to the Senator from Kentucky, that by an agreement between the Senator from New Jersey [Mr. McPHERSON] and myself, the joint resolution relative to the bridge between the cities of Camden and Philadelphia was to be taken up and disposed of to-day after the routine morning business.

Mr. BLACKBURN. I will say to the Senator from Pennsylvania that the bills for whose consideration I ask will not require five minutes' time.

Mr. QUAY. With that understanding, of course I have no objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6323) to amend the Articles for the Government of the Navy relative to punishment on conviction by court-martial, which was reported from the Committee on Naval Affairs with an amendment, in line 5, after the word "Article," to strike out "64" and insert "63," so as to make the bill read:

*Be it enacted, etc.*, That the Articles for the Government of the Navy be, and the same are hereby, amended by adding thereto the following:

"ART. 63. Whenever, by any of the Articles for the Government of the Navy of the United States, the punishment on conviction of an offense is left to the discretion of the court-martial, the punishment therefor shall not, in time of peace, be in excess of a limit which the President may prescribe."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BLACKBURN. Now I ask for the consideration of the bill (H. R. 5218) to amend the Articles for the Government of the Navy.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that the Articles for the Government of the Navy be amended by adding thereto the following:

ART. 61. No person shall be tried by court-martial or otherwise punished for any offense, except as provided in the following article, which appears to have been committed more than two years before the issuing of the order for such trial or punishment, unless by reason of having absented himself, or of some other manifest impediment he shall not have been amenable to justice within that period.

ART. 62. No person shall be tried by court-martial or otherwise punished for desertion in time of peace committed more than two years before the issuing of the order for such trial or punishment, unless he shall meanwhile have absented himself from the United States, or by reason of some other manifest impediment shall not have been amenable to justice within that period, in which case the time of his absence shall be excluded in computing the period of the limitation: *Provided*, That said limitation shall not begin until the end of the term for which said person was enlisted in the service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HOUSE BILL REFERRED.

The bill (H. R. 8890) to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River was read twice by its title, and referred to the Committee on Commerce.

#### DELAWARE RIVER BRIDGE.

Mr. QUAY. I now ask the Senate to proceed to the consideration of the motion of the Senator from New Jersey to reconsider the vote by which the Senate passed the joint resolution (S. R. 133) directing the Secretary of War to make an examination of the bridge to be constructed over the Delaware River between the States of New Jersey and Pennsylvania, which motion was entered by the Senator from New Jersey [Mr. McPHERSON] a few days ago.

Mr. WASHBURN. I ask the Senator from Pennsylvania to yield to me to allow me to ask for the consideration of a House bill, which will take but a moment.

Mr. QUAY. If the bill provokes no discussion, I have no objection.

Mr. WASHBURN. I ask unanimous consent for the present consideration of House bill No. 7259.

The VICE-PRESIDENT. The title of the bill will be read for information.

The SECRETARY. A bill (H. R. 7259) for the relief of certain settlers who have entered lands under the timber and stone act, etc.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. I should like to know from what committee that bill comes.

Mr. WASHBURN. It has been reported favorably by the Committee on Public Lands.

Mr. PETTIGREW. I ask that the bill may be laid over until to-morrow.

Mr. KYLE. I object to the consideration of the bill.

The VICE-PRESIDENT. There is objection.

Mr. QUAY. I now ask the Senate to proceed to the consideration of the motion of the Senator from New Jersey [Mr. McPHERSON], to reconsider the vote by which the Senate passed Senate joint resolution No. 133.

The VICE-PRESIDENT. The joint resolution will be stated by title.

The SECRETARY. A joint resolution (S. R. 133) directing the Secretary of War to make an examination of the bridge to be constructed over the Delaware River between the States of New Jersey and Pennsylvania.

Mr. FRYE. Let the joint resolution be read.

The VICE-PRESIDENT. The joint resolution will be read.

The Secretary read the joint resolution.

The VICE-PRESIDENT. The question is on the motion of the Senator from Pennsylvania—

Mr. McPHERSON. Mr. President, the object of my entering the motion—

The VICE-PRESIDENT. The Chair will state to the Senator from New Jersey that the pending question is on the motion of the Senator from Pennsylvania to proceed to the consideration of the motion for the reconsideration of the vote by which the joint resolution was passed, and that motion is not debatable.

Mr. HALE. How long a time, I will ask the Senator from Pennsylvania, is this subject likely to take?

Mr. QUAY. So far as I am concerned, I am ready to move to

lay the motion to reconsider on the table, and if any time is occupied it will be occupied by those in opposition to the joint resolution.

Mr. McPHERSON. I have the floor, Mr. President. I do not think the Senator from Pennsylvania has it.

Mr. QUAY. The Senator is mistaken. I think I have the floor.

The VICE-PRESIDENT. The Chair will state that the motion is not debatable, except by unanimous consent.

Mr. HALE. Then let us have the question put, Mr. President.

The VICE-PRESIDENT. The question is on the motion of the Senator from Pennsylvania.

Mr. SHERMAN. I understand the motion is to take up the joint resolution.

The VICE-PRESIDENT. The question is on the motion of the Senator from Pennsylvania to take up the motion to reconsider the vote by which the joint resolution was passed.

The question being put, a division was called for; and the ayes were 15.

Mr. QUAY. I will say, Mr. President, pending the vote—

Mr. HARRIS. The Senate is dividing.

Mr. QUAY. That it was agreed between the Senator from New Jersey [Mr. McPHERSON] and myself that this question should be taken up at this time to-day.

The VICE-PRESIDENT. Senators opposed to the motion will rise and stand until they are counted.

Mr. QUAY. Let us have the yeas and nays, Mr. President.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. PASCO (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD]. The Senator from Montana [Mr. POWER] is paired with the Senator from Louisiana [Mr. CAFFERY]. We have agreed to exchange pairs, so that the Senator from Louisiana will stand paired with the Senator from North Carolina. I vote "nay."

Mr. WILSON of Iowa (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON], and therefore withhold my vote.

The roll call was concluded.

Mr. DUBOIS. I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. McMILLAN (after having voted in the affirmative). I inquire whether the Senator from Louisiana [Mr. BLANCHARD] has voted?

The VICE-PRESIDENT. The Senator from Louisiana has not voted.

Mr. McMILLAN. Then I will withdraw my vote, as I am paired with that Senator.

Mr. QUAY. In accordance with the notice I gave I now move—

The VICE-PRESIDENT. The Chair has not announced the result.

Mr. CALL. The hour of 12 o'clock having arrived, I ask the Senate to proceed with the regular order.

Mr. GORMAN. The result has not been announced.

Mr. QUAY. I hope the Senator from Florida will wait until we dispose of this matter.

The result was announced—yeas 42, nays 15; as follows:

#### YEAS—42.

Allison,	Dixon,	Martin,	Rosch,
Bate,	Faulkner,	Mitchell of Oreg.	Sherman,
Berry,	Gallinger,	Morrill,	Squire,
Burrows,	Hansbrough,	Peffer,	Stewart,
Butler,	Hawley,	Perkins,	Teller,
Call,	Hill,	Pettigrew,	Vest,
Cameron,	Hoar,	Platt,	Washburn,
Carey,	Jones of Ark.	Power,	White,
Chandler,	Lindsay,	Proctor,	Wolcott.
Cockrell,	Lodge,	Quay,	
Davis,	Manderson,	Ransom,	

#### NAYS—15.

Allen,	Hale,	McPherson,	Pasco,
Blackburn,	Harris,	Mitchell of Wis.	Voorhees,
Frye,	Kyle,	Morgan,	Walsh.
Gorman,	McLaurin,	Palmer,	

#### NOT VOTING—31.

Aldrich,	Daniel,	Huntton,	Pugh,
Blanchard,	Delph,	Irby,	Shoup,
Brisson,	Dubois,	Jones of Nev.	Smith,
Caffery,	George,	McMillan,	Turpie,
Caunden,	Gibson,	Munroe,	Vilas,
Clark,	Gordon,	Mills,	Wilson of Iowa,
Coke,	Gray,	Murphy,	Wilson of Wash.
Callom,	Higgins,	Pritchard,	

So the motion was agreed to.

Mr. McPHERSON. Mr. President—

Mr. QUAY. I move to lay the motion to reconsider on the table.

The VICE-PRESIDENT. The question is on the motion of the



Senator from Pennsylvania, to lay on the table the motion of the Senator from New Jersey to reconsider the vote by which the joint resolution was passed.

Mr. MCPHERSON. I think, Mr. President, I am entitled to be recognized, as I addressed the Chair first.

The VICE-PRESIDENT. The Chair will state to the Senator from New Jersey—

Mr. SHERMAN. The motion is not debatable.

Mr. QUAY. This question is not debatable.

The VICE-PRESIDENT. The Chair was about to state that the motion is not debatable.

Mr. MCPHERSON. I understand the motion is not debatable, but, as I addressed the Chair first, I thought I had a right to be recognized.

The VICE-PRESIDENT. The Chair did not hear the Senator from New Jersey address the Chair, but the Chair will hear the Senator's inquiry.

Mr. QUAY. The Senator from New Jersey, as a matter of fact, did not address the Chair first. I was on the floor and addressed the Chair pending the calling of the roll, and was ruled out of order on that account.

Mr. MCPHERSON. I addressed the Chair immediately after the announcement of the result of the vote.

Mr. MANDERSON. I rise to a question of order.

The VICE-PRESIDENT. The Senator will state his point of order.

Mr. MANDERSON. The question of recognition is entirely for the Chair to decide, and can not be debated on the floor.

The VICE-PRESIDENT. The Chair so understands, but the Chair was listening to the suggestion of the Senator from New Jersey.

Mr. MCPHERSON. I ask the Senator from Pennsylvania to withdraw his motion for a single moment in order that I may make a statement.

Mr. QUAY. Mr. President, under ordinary circumstances I should do that with pleasure, but after the Senator from New Jersey made a deliberate agreement with me yesterday to proceed to the consideration of this question and then voted against the motion to take it up I do not feel compelled to do so.

Mr. HARRIS. I object to any statement upon a motion to lay on the table. If the Senator from Pennsylvania will not withdraw his motion he can not debate the question.

Mr. QUAY. I merely wished to make a personal explanation.

Mr. FRYE. It is 12 o'clock, and I call for the regular order.

The VICE-PRESIDENT. The hour of 12 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes.

Mr. QUAY. Mr. President—

Mr. HOAR. I rise to a question of order, which is, that a motion to reconsider is a privileged motion, and having been taken up by the Senate and being under consideration it must be decided. I believe it goes on until it is disposed of.

The VICE-PRESIDENT. The Chair thinks it is not a privileged motion in the sense indicated. The hour of 12 o'clock having arrived, it was the duty of the Chair under the rule to lay before the Senate the unfinished business.

Mr. GORMAN. That is right.

Mr. QUAY. I move that the unfinished business be informally laid aside until the business which by the roll call was just ordered to be taken up is proceeded with.

Mr. HARRIS. That can be done only by unanimous consent.

Mr. QUAY. I think the Senators in opposition to this—

Mr. FRYE. I am not going to interpose any objection provided an opportunity is given to discuss the question. It never has been discussed before the Senate. It is a question of grave importance. There are 800 men at work to-day on this very bridge.

Mr. QUAY. They will remain at work if the joint resolution is passed.

Mr. FRYE. They will be discharged forthwith if the joint resolution passes and goes to the other House.

Mr. QUAY. They will remain at work if the joint resolution passes. The work will not be interrupted for two weeks.

Mr. FRYE. I do not make any objection if I can have an opportunity to discuss the question. The matter was referred to the Committee on Commerce, but the committee made no report, except, as frequently happens here, by a poll by the Senator from Pennsylvania on the floor, without any consideration. That is the only way the joint resolution passed the Senate. It is entitled to consideration and discussion in the Senate before it passes under a motion to lay on the table the motion to reconsider.

Mr. QUAY. Mr. President—

Mr. CALL. I call for the regular order.

Mr. QUAY. I move that the Senate proceed to the considera-

tion of the motion to reconsider, and I shall insist on the motion to lay on the table.

Mr. CALL. I call for the regular order.

Mr. QUAY. I do not desire to discuss it, but if necessary I will lay before the Senate the resolutions of commercial bodies of the city of Philadelphia and the State of Pennsylvania and the State of New Jersey at whose instance I am proceeding.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business. The Chair will then hear the Senator from Pennsylvania.

Mr. QUAY. I move that the Senate proceed to the consideration of the joint resolution.

The VICE-PRESIDENT. The motion of the Senator from Pennsylvania to postpone the regular order is in order. That motion will be entertained.

Mr. QUAY. That is the motion.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Pennsylvania.

Mr. FRYE. Is that not debatable?

The VICE-PRESIDENT. It is debatable.

Mr. FRYE. So I understand.

Mr. STEWART. I hope the motion will not be agreed to. I like to see fair play in the Senate. I think the Senator from New Jersey should be permitted to make the explanation he desires. Senators have voted—at least I did—without the slightest knowledge of the question. A motion to lay on the table without any explanation is unusual in the Senate. I hope the Senator from Pennsylvania will withdraw the motion to lay on the table and allow an explanation of the joint resolution.

Mr. MCPHERSON. Mr. President, it seems as though it were the purpose to press this matter without any opportunity whatever to explain it. The Senator from Pennsylvania has referred to some kind of an agreement which he said took place between himself and myself yesterday in regard to the disposition of this motion. I did say to the Senator from Pennsylvania that I had no objection to his moving to take up the motion which I entered to prevent further action upon the joint resolution; but gentlemen upon this side of the Chamber, the hour of 12 o'clock having nearly arrived, were desirous of going on with the appropriation bill. I could not agree with the Senator from Pennsylvania to use an hour or two hours of the time of the Senate for the purpose of discussing the motion.

Now, I wish to say a few words with respect to the whole matter, and then I will leave the subject to the Senate. The bridge bill was passed some time in 1894. It provided for a bridge across the Delaware River between Pennsylvania and New Jersey. The bridge act required that the bridge should be 40 feet in height. It required that it should have draw spans of 125 feet. It required that it should have channel spans of a certain width. The company which undertook to build the bridge voluntarily increased the height of the bridge 10 feet, making it a 50-foot bridge. They increased the channel span something like 100 feet, and they increased the draw span from 125 feet to 129 feet. The bridge is under construction, and a large number of workmen are employed to-day in building it.

Now it is proposed to arrest the progress of the work by introducing a joint resolution here which requires that the whole question shall be again submitted to a board of engineers. When the bridge act was passed the matter was submitted to the engineer in charge, who reported to the Chief of Engineers, and the report of the engineer was approved by the Chief of Engineers and the Secretary of War.

The Senator from Pennsylvania [Mr. QUAY] one day when there were but few Senators present—at least I know I was not present at the time, and I think the Senator from Maine [Mr. FRYE] who had reported the bridge bill, was not present—polled the committee upon the floor as I am informed, introduced his resolution, and passed it in the absence of the Senator from Maine and myself. When I returned to the Senate Chamber I made a motion to reconsider the vote by which the joint resolution was passed in order that we might arrive at the true facts in the case.

Now, if any error has been committed, it is an error which has been committed by the board of engineers and by the Congress of the United States in passing the original act. The bridge is much wider in its span and much higher than the act required, and now it is proposed to stop the work, to annul the contract, if another board of engineers shall so declare, and spend months of time, perhaps, in arriving at a judgment respecting it. And all for what purpose? To gratify, I understand, some gentlemen in the State of Pennsylvania and perhaps a few in the State of New Jersey.

I heard it stated here yesterday that some action had been taken by the legislature of New Jersey respecting the bridge. Nothing was done by the legislature in opposition to the bridge, but a resolution was passed merely referring to a dike, which was to run on the New Jersey side of the river at the terminus of the bridge where it connects with the shore.

Mr. QUAY. What was mentioned in connection with the New Jersey legislature was mentioned to the Senator privately. I said nothing of the kind upon the floor. The Senator's statement is correct. The action of the New Jersey legislature referred to the dike and not to the bridge.

Mr. GORMAN. I wish to make an appeal to the Senator from Pennsylvania, as well as to the Senator from New Jersey, to let the matter go over until we can reach some convenient point for its consideration, either to-day or to-morrow, after the appropriation bill is disposed of. It will unquestionably lead to quite a discussion. It may be disposed of before we get through the present session, but we are in great jeopardy of not being able properly to consider the great appropriation bills. The Indian appropriation bill, which is pending here to-day, will take some hours, undoubtedly, if it is to be intelligently considered by the Senate. Then all the other great appropriation bills are behind it—the sundry civil bill, which practically deals with every department of this Government and in which questions of great moment are involved, and the legislative bill.

Now, I appeal to the Senator to let the matter go over, and if we can find a convenient point where it can be discussed—it ought to be discussed for a half hour or an hour—some reasonable time—then take it up.

Mr. QUAY. I have no objection to the suggestion of the Senator from Maryland. I never resist any of his suggestions. If he will name a time to-day or to-morrow when a vote can be taken, I shall have no objection. But the Senator from Maryland will remember that the joint resolution has already passed the Senate, and that it is held up and has been held up for ten days in an iron cage by a motion to reconsider entered by the Senator from New Jersey. If the joint resolution does not pass the other House this week it can not become a law. If a time can be fixed for a vote any time to-morrow I have no objection to letting the matter go over. I am quite as anxious as is the Senator from Maryland to speed the passage of appropriation bills.

Mr. GORMAN. I hope we can arrange a time when the question can be voted upon.

Mr. FRYE. If a time is fixed for the consideration of this matter am I to suppose that the Senator from Pennsylvania will renew his motion to lay upon the table?

Mr. QUAY. I will.

Mr. FRYE. Then no discussion will be had upon it.

Mr. QUAY. No, sir.

Mr. FRYE. I propose to discuss the joint resolution before it passes.

Mr. QUAY. There is nothing to prevent the Senator from Maine from discussing the matter upon any bill before the Senate.

Mr. FRYE. I never do that, I will inform the Senator from Pennsylvania.

Mr. QUAY. I will do it.

Mr. FRYE. I discuss questions only when they are before the Senate for discussion.

Mr. QUAY. I will do it. I will state that what I have to say on the subject will be confined, as I have said, to the resolutions adopted by my constituents, whom I represent in my action here.

Mr. FRYE. I do not see that I am obliged to discuss the question now. I do not wish to interfere with the appropriation bills, for I feel as anxious as does the Senator from Maryland that they shall be acted upon and passed, so that we shall not have an extra session.

Mr. GORMAN. I will now make a suggestion to the Senators on both sides. This is an important matter, it is true, and I trust we will be able to fix some time to-day or to-morrow when, after fair statement on each side, with no prolonged discussion, we can take a vote on the joint resolution. I hope we will be able to arrange that, if the Senator from Pennsylvania will postpone his motion for the time being—

Mr. QUAY. I have no objection to the matter going over, but it must pass this week, as the Senator from Maryland knows.

Mr. GORMAN. That to-morrow morning by unanimous consent we dispose of it in the morning hour.

Mr. HALE. Let us take it up to-morrow morning.

Mr. QUAY. What is the suggestion of the Senator from Maryland? I did not clearly understand it.

Mr. HALE. We can take it up to-morrow morning after the reading of the Journal.

Mr. GORMAN. Yes; immediately after the reading of the Journal is concluded and devote half an hour to it.

Mr. HALE. Say one hour.

Mr. QUAY. I should like to dispose of it. It is a joint resolution.

Mr. HALE. That is fair.

Mr. QUAY. If there is no disposition to talk it to death.

Mr. HALE. My colleague has indicated a desire to speak on the subject.

Mr. FRYE. Did the Senator from Pennsylvania ever know me to talk anything to death? I simply wish to debate the question.

Mr. QUAY. Would it be indelicate for me to ask the Senator from Maine how much time he will occupy?

Mr. FRYE. Not over twenty-five minutes.

Mr. QUAY. All right. Then I accept the suggestion of the Senator from Maryland.

The VICE-PRESIDENT. Will the Senator from Maryland again state his proposition?

Mr. GORMAN. It is that the matter may be taken up at a quarter past 11 o'clock to-morrow morning and voted on by 12 o'clock.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maryland?

Mr. QUAY. There is none.

The VICE-PRESIDENT. The Chair hears no objection, and it is so ordered.

#### CONSIDERATION OF UNOBTected CASES ON THE CALENDAR.

Mr. GORMAN. I wish to submit a request to the Senate, that on Tuesday next the Senate will begin a session at 8 o'clock in the evening to take up unobjected cases upon the Calendar, so as to give each Senator, as has always been the rule, an opportunity to call up at least one bill.

The VICE-PRESIDENT. Is there objection?

Mr. CHANDLER. Will the Chair state the request?

Mr. ALLEN. I understand the request of the Senator from Maryland merely embraces unobjected cases on the Calendar.

Mr. GORMAN. Unobjected cases, and with the distinct understanding that if the chairman of the Committee on Appropriations finds it necessary to consider an appropriation bill that night, of course the unanimous-consent agreement will not stand.

Mr. HARRIS. I wish to suggest to the Senator from Maryland that the consideration of those bills should also be under Rule VIII.

Mr. GORMAN. Under Rule VIII.

Mr. HARRIS. And debate limited to five minutes.

Mr. GORMAN. Under Rule VIII, and unobjected cases only.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maryland?

Mr. ALLISON. Subject to appropriation bills.

Mr. CHANDLER. Will the Chair kindly state the understanding?

Mr. GORMAN. It is that on Tuesday next, from 8 o'clock in the evening, the Senate will consider unobjected cases on the Calendar under Rule VIII, giving to each Senator an opportunity, as has always been the rule, to call up a bill, subject, however, to the consideration of an appropriation bill if it becomes necessary to consider one that night.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

#### INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes.

Mr. CALL. I ask unanimous consent that the debate on the Indian appropriation bill and the amendments be limited to five minutes to each Senator.

The VICE-PRESIDENT. Is there objection?

Mr. MORGAN. I object.

Mr. PETTIGREW. I object at the present time. Perhaps some time during the day I shall consent.

The VICE-PRESIDENT. There is objection. The pending question is on agreeing to the amendment of the Senator from South Dakota [Mr. PETTIGREW] to the amendment of the committee, which will be stated.

The SECRETARY. Strike out all after the word "Alaska" in line 2, page 73, down to and including the word "cease," in line 11 of the same page, and insert:

*Provided, That \$515,000 of said sum of \$1,253,440 shall be expended in support of schools with which contracts have heretofore been made; Provided further, That the Secretary of the Interior may in his discretion expend 20 per cent of said sum of \$515,000 in the purchase of the property of such contract schools as may be offered for sale.*

Mr. GALLINGER. Mr. President, when the amendment was offered yesterday I had the floor, which I very cheerfully yielded to the Senator from Tennessee [Mr. HARRIS] to make a motion for an evening session. I had not then very carefully examined the amendment; it was not printed, and I had very grave doubts as to its effect and purpose. I have looked it up during the past few minutes, and I am very thoroughly satisfied that it is a mischievous amendment, intended to annul practically the provisions which are now proposed to be put into the bill by the committee.

It is a very good principle in legislation, as in other things, to adopt the well-known maxim to beware of the Greeks when they come bearing gifts; and I have learned in these matters to be somewhat careful in considering propositions offered by my friend, the Senator from South Dakota [Mr. PETTIGREW]. The Senator has extremely winning ways, and I always like to accommodate



him when I can; but I am very well satisfied that his winning ways in this case are designed to obscure the facts and to lead us to adopt what we do not want to adopt in relation to the education of Indian children.

I may be wrong in my analysis of the amendment, but I think I am right. It is certainly very loosely drawn. It states, in the first place, the sum of \$1,253,440, which is not the sum appropriated in the bill. The amendment furthermore provides that \$515,000 shall be expended in the support of Indian schools with which contracts have been heretofore made. Then it provides further—

That the Secretary of the Interior may, in his discretion, expend 20 per cent of said sum of \$515,000 in the purchase of the property of such contract schools as may be offered for sale.

So the entire amount is in the first place to be used for the education of Indian children, and 20 per cent of it is to be diverted for the purchase of school property.

Mr. PLATT. Is \$515,000 precisely the amount which was expended last year for that purpose?

Mr. GALLINGER. So I understand. If the pupils in the contract schools are reduced 20 per cent, the number in Government schools will necessarily be correspondingly increased, and the same amount of money and possibly more money will be required to educate those children than is required under the existing condition of things. So if we divert 20 per cent of the school money to the purchase of property, it will necessarily result in depriving 20 per cent of the children of school facilities. I do not think the Senator from South Dakota intends to reach that result, but it seems to me manifest and indisputable that if the amendment is adopted it will bring about precisely that condition of affairs.

Now, I have this to say to the Senator from South Dakota, and I hope he will accept the suggestion in the spirit in which it is offered: Let us proceed to act upon the provisions of the bill as they are now before us. Let us determine whether or not we will stand by the other House in providing that each succeeding year there shall be a proportionate reduction of 20 per cent, so that at the end of five years we will get rid of the contract schools. Let us either accept or reject the other provisions in this paragraph of the bill. Then having done that, let the Senator from South Dakota, if he sees fit to do so, offer an amendment appropriating a certain amount of money, whether it be great or small, for the purchase of school buildings, and let the Senate proceed intelligently and openly to discuss and act upon that question.

Mr. PETTIGREW. I should like to ask the Senator from New Hampshire if he will vote for such a provision.

Mr. GALLINGER. I will consider the matter and listen very attentively to any argument the Senator from South Dakota chooses to advance in the matter, and very likely I may vote for it; I do not know whether I shall or shall not vote for it. But I suggest that if we are going to appropriate money for that purpose we ought not to take it from the school fund and rob the Indian children of the facilities which we have always given them in matters of education and divert the money to the purchase of real estate in the State of South Dakota or any other State in the American Union. If we are going to purchase those school buildings, if that is the policy of the Government, and I think we will have to come to it sooner or later, let us meet the matter fairly and squarely; let us appropriate money for that specific purpose and not appropriate it under the guise of an amendment that is going to take from the children the money to which they are entitled to secure their education.

I believe I have said all that I desire to say on this question. I hope the Senate will reject the amendment offered by the Senator from South Dakota unless he temporarily withdraws it. Whether I have intelligently discussed this matter or not (I may be laboring under a misapprehension; the Senator from South Dakota knows much more about the details of Indian education, as well as Indian affairs, than I do), I hope he will see the propriety of withdrawing his amendment and letting us act upon the provisions of the bill which we are now considering. Then if he chooses to offer an amendment appropriating money for this specific purpose, let him do so, and we will act upon it as an independent proposition.

Mr. PETTIGREW. Mr. President—

Mr. CALL. I rise to a point of order.

The VICE-PRESIDENT. The Senator from Florida will state his point of order.

Mr. CALL. It was unanimously agreed that we should consider the committee amendments first as the bill was read, and then consider other amendments that might properly come before the Senate. I hope the Senator from South Dakota will not insist upon discussing at this time the amendment which he proposes.

Mr. PETTIGREW. The amendment is an amendment to the committee amendment.

Mr. CALL. It not only increases the appropriation but it proposes general legislation. So I hope the Senator will not bring

me to the necessity of objecting to it or making a motion to lay it upon the table.

Mr. PETTIGREW. I shall insist upon my amendment at this time.

The VICE-PRESIDENT. The Chair will state to the Senator from Florida that the pending amendment, submitted by the Senator from South Dakota, is an amendment to the committee amendment.

Mr. PETTIGREW. It does not increase the appropriation.

Mr. CALL. I beg pardon; it does increase the appropriation. It increases the appropriation by \$515,000 added to \$1,164,000.

Mr. PETTIGREW. I intend by my amendment to provide not for any increase of the appropriation, but to make definite the sum which shall be expended for contract schools and not leave that amount in the discretion of the Secretary of the Interior or the Commissioner of Indian Affairs. I made the sum the same amount that was expended last year for this purpose.

In addition to that, I provide for complying with the policy of the Government in reducing the amount 20 per cent in the discretion of the Secretary of the Interior, and propose that that sum shall be expended in the purchase of schools. If we purchase schools, the Government at once takes care of the children in those schools. So the other schools are still provided for by the amendment. If it is not clear, if it is not plain, I hope the Senator from New Hampshire will give us the benefit of his thought and judgment, and offer such amendments as will carry out my intention.

Mr. GALLINGER. With the permission of the Senator from South Dakota I will ask him one simple question. If I am wrong I should like to be set right. If 20 per cent of the money appropriated is to be taken for the purchase of real estate, does it not take just that amount out of the school money, and does it not leave those children without the facilities for education?

Mr. PETTIGREW. The Senator from New Hampshire talks about purchasing real estate. The bill proposes to purchase schools with which we have heretofore contracted.

Mr. GALLINGER. Certainly.

Mr. PETTIGREW. If we purchase a school where there are 125 children, those children will be taken care of by the Government; and the other 80 per cent of the appropriation goes to take care of the other schools which we do not purchase.

Mr. GALLINGER. Will 80 per cent take care of their education when heretofore 100 per cent has been needed?

Mr. PETTIGREW. There will be that many less children.

Mr. GALLINGER. I will not call it real estate; I will say school buildings, if the Senator from South Dakota prefers. If you take 20 per cent of the school money for the purchase of contract school buildings, how are you going to accommodate and educate the children? There is the same number of children. If you take them out of contract schools you must put them in Government schools. The money must be expended, and if you appropriate it in this way how are the children going to be educated?

Mr. PETTIGREW. The bill provides for a reduction of 20 per cent anyway.

Mr. GALLINGER. Not of the children.

Mr. PETTIGREW. There is a 20 per cent reduction for contract schools. What are you going to do with the children who are in contract schools? You provide, anyway, for the expenditure of the money to purchase schools. So the school capacity will not be decreased. There is no question about that.

Mr. GALLINGER. The children, of course, are going to be transferred to the Government schools, but the Government can not educate children without spending money for that purpose. In fact, the contention has been that it costs more to educate in Government schools than in contract schools. If you take 20 per cent for the purchase of schools you must certainly deprive 20 per cent of the children of education.

Mr. PETTIGREW. But the proposition is to reduce the appropriation 20 per cent, and thereby close up a portion of the schools without any provision at all as to them. I am perfectly willing to increase the appropriation; I am perfectly willing that a specific sum shall be appropriated to purchase those schools outside of the sum provided for their maintenance and support. I think my amendment may be improved. But I am not afraid of any proposition or suggestion or amendment which the Senator from New Hampshire may frame, and I am not afraid that he will deceive me one particle with regard to its contents.

Mr. GALLINGER. I do not propose to draft amendments for the Senator from South Dakota. He is fully competent to do that himself. Now, he has conceded precisely the ground that I have contended for, that we must increase the appropriation if we purchase the school buildings. Let the Senator from South Dakota meet the matter squarely. Let him propose an amendment to the bill that will provide an appropriation for this specific purpose, and then the Senate can adopt it or vote it down just as it pleases; but to come in here and, under the guise of an innocent amendment, undertake to rob 20 per cent of the Indian children of school

facilities and divert the money to the purchase of school buildings is an absurdity so patent to my mind that I do not think the Senator from South Dakota is going to stand here and advocate it many minutes longer.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from South Dakota to the amendment of the committee.

Mr. LODGE. Mr. President, it has been made very plain that the amendment of the Senator from South Dakota takes the 20 per cent which is taken from the contract schools, and which ought to go to Government schools in order to educate the same number of children, and uses it for the purchase of buildings and equipment. I have no objection to an additional appropriation if it is desired for the purpose of compensating the contract schools for buildings and equipment taken by the Government. It seems to me very clear that an additional appropriation is needed if this amendment is to be agreed to, as it would have the effect of crippling the educational fund used solely for the education of the children.

But there is, to my mind, a very much more important objection to the amendment presented by the Senator from South Dakota. If adopted by the Senate it entirely effaces the proviso on page 73. In that proviso is contained a declaration of the policy of the House of Representatives embodying the recommendation of the Secretary of the Interior. That declaration of policy adopted by the House is that this reduction shall go on steadily for five years until all these contract schools are abolished. I believe entirely in that policy. I think those schools ought to be abolished and that Government schools should take their place. If the amendment of the Senator from South Dakota is adopted it carries all that declaration out with it and we shall have no opportunity of reaching it. I am quite aware that one Congress can not bind another, but at the same time I think it is of the utmost importance that that declaration of policy should stand. It is the abolition of a class of schools and of the appropriation of money for them in what I think is a wrong manner, and I am most anxious that those lines should be reached. If the amendment is adopted the opportunity of voting upon that amendment is taken away. It not only becomes a portion of the educational fund, but entirely wipes out the declaration of policy of the House in favor of the abolition of these schools, which, I think, is of the utmost importance.

Mr. PETTIGREW. Of course, the object for which I strive is accomplished by a direct appropriation for the purchase of these schools. In the amendment I propose to take the 20 per cent which is to be diverted from the contract schools to Government schools, and apply it to the purchase of contract schools. The Senator objects on the ground that it would reduce the appropriation for the Government schools. All the Government schools are provided for and filled to their fullest capacity. If 80 per cent is taken off from the contract schools you can not remove those children to Government schools, for we have not the buildings to accommodate them. Therefore the Secretary of the Interior will be compelled to erect new buildings. I propose, instead of having him erect new buildings, to buy the old ones and continue the schools where they are.

I am perfectly willing that this shall be brought about by increasing the appropriation. I think it would be better to conform as far as possible to the idea of the committee and not increase the appropriation. If the Senator from New Hampshire and the Senator from Massachusetts are willing that an increased appropriation shall be made I am heartily in favor of it.

Mr. STEWART. Allow me to make a suggestion. It is to add to the amendment of the Senator from South Dakota:

And in case of such purchase a sum equal to the money expended for such purchase is hereby appropriated for the support of the schools which become Government schools by such purchase.

Mr. PETTIGREW. I accept the amendment.

The PRESIDING OFFICER (Mr. PASCO in the chair). The Chair understands that the pending amendment is an amendment to an amendment.

Mr. STEWART. The Senator from South Dakota accepts my amendment.

Mr. PETTIGREW. I beg pardon; I modify my amendment.

Mr. GALLINGER. Let the amendment be read as modified.

The PRESIDING OFFICER. It is accepted as part of the amendment of the Senator from South Dakota. The amendment to the amendment will be read as modified.

The Secretary read as follows:

*Provided*, That \$515,000 of said sum of \$1,164,350 shall be expended in support of schools with which contracts have heretofore been made: *Provided further*, That the Secretary of the Interior may, in his discretion, expend 20 per cent of said sum of \$515,000 in the purchase of the property of such contract schools as may be offered for sale. And in case of such purchase a sum equal to the money expended for such purchase is hereby appropriated for the support of the schools which become Government schools by such purchase.

Mr. PETTIGREW. I am glad to make the last clause a part of my amendment. I understand that it carries out the idea of the

Senator from New Hampshire and the Senator from Massachusetts.

Mr. GALLINGER. Certainly it does not carry out my idea, I beg to suggest to the Senator from South Dakota. In the first place, I contend, as does the Senator from Massachusetts, that striking out certain provisions from the bill and inserting any sort of an amendment strikes at the very fundamental doctrine for which we contended in this Chamber one year ago and for which we contend to-day.

I suggest to the Senator again, that if he is to offer an amendment of this kind, whether in its original form or as modified, he should withhold it until we act upon the important provision of the bill that is embraced in the portion that he proposes to strike out. I do not know whether I should vote for the amendment as modified or not if it is offered as an independent proposition. I certainly shall not vote for it if it is offered as a substitute for the most important provision that the bill contains, and that is the declaration of policy which we passed upon one year ago, which the Secretary of the Interior has confirmed in his late report, and which the House of Representatives has incorporated in this bill, that we shall proportionately reduce the amount 20 per cent each year, so that at the end of five years we shall get rid of these contract schools entirely. I trust that if the amendment is insisted upon in its present form it will be rejected, and that we shall proceed to act upon the provisions of the bill as they come from the House of Representatives and from the Committee on Appropriations on the part of the Senate.

Mr. LODGE. Mr. President—

The PRESIDING OFFICER. The Chair will first state the parliamentary situation. The Chair understands that the amendment offered by the Senator from South Dakota proposes to strike out all after "Alaska," in line 2, on page 73, to the end of the proviso. The committee amendment is to amend that language, and the committee amendment is, therefore, first in order. Until there has been an opportunity to perfect the text, a motion to strike out is not in order.

Mr. GALLINGER. Then let us have the question on the committee amendment.

Mr. LODGE. The amendment of the Senator from South Dakota as modified undoubtedly meets the objection as to the disposition of the school funds, but it does not meet the objection which to me is most important, that it strikes out the declaration of policy made by the House of Representatives in regard to the abolition of these schools. I had supposed that when a motion was made to strike out it was necessary to perfect the text first before the motion to strike out was put.

Mr. GALLINGER. The Chair holds to that view.

Mr. LODGE. Therefore, as the amendment of the Senator from South Dakota is intended to perfect the passage which the committee proposes to strike out, it would have precedence. I think that is the rule laid down in Jefferson's Manual. I am not prepared to say whether it is the practice of the Senate or not.

Mr. GALLINGER. I suggest to the Senator from Massachusetts that the Chair has stated as his ruling that the committee amendment is now in order.

Mr. LODGE. I did not so understand.

The PRESIDING OFFICER. The matter was so stated, the Chair understands, by the Vice-President last night. The Senator from South Dakota [Mr. PETTIGREW] said:

I have an amendment on the desk which has not been disposed of that I think covers the question. I ask that it may be read.

The VICE-PRESIDENT. When the text is perfected the Chair will recognize the Senator from South Dakota.

The Senator from South Dakota then said:

I think if the amendment of the Senator from Arkansas prevails it may take the place of the one I offered. As I offered my amendment first, I should like to have it disposed of first.

The Chair thinks that the motion to perfect the text would be in order before the motion to strike out and insert. The question, then, is on the adoption of the amendment of the committee to insert in line 3 what will be read.

The SECRETARY. After the word "contracts," line 3 of page 73, insert the words "but only with present contract schools."

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The SECRETARY. After the words "eighteen hundred and ninety-five," in line 7, page 73, strike out:

And each succeeding year he shall proportionately so reduce the amount thus used that at the end of five years from the date on which this act goes into effect all contracts for such education shall cease.

Mr. CALL. I hope we shall have a vote on the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The language having been perfected, the amendment of the Senator from South Dakota is in order to strike out the whole proviso and insert the words which will be read by the Secretary.



Mr. CALL. I hope the amendment of the Senator from South Dakota will not prevail. The bill has been very carefully prepared with a view of providing strict and impartial justice between the different contract schools. If we propose to interfere with it we shall destroy entirely the harmony and propriety of these provisions. The amendment of the Senator from South Dakota would require an increase of appropriation unless we abandon the whole theory of the bill in its adjustment of the schools. I hope that the Senate will vote down the amendment.

Mr. GALLINGER. I have only to say in reference to this matter that I trust the committee amendment may not be adopted. We had a declaration yesterday from the distinguished chairman of the Committee on Appropriations that this amendment was not put in the bill at his instance, but in opposition I think to the position he then held. I understand the Senator in charge of the bill to say that he does not approve of it. It is certainly the vital part in the whole matter, and if it is stricken out will emasculate the bill and relegate us to precisely the same condition of things that existed one year ago when this contention was inaugurated.

I trust that the amendment of the committee may be rejected, and if necessary I shall ask for the yeas and nays on agreeing to it.

The PRESIDING OFFICER. The Chair will state to the Senator from New Hampshire that the pending question is on the amendment offered by the Senator from South Dakota, and not the amendment of the committee.

Mr. GALLINGER. I beg the Chair's pardon.

Mr. GORMAN. What is the question before the Senate?

The PRESIDING OFFICER. The question is to strike out the proviso on page 73 as amended by the committee and insert the language offered by the Senator from South Dakota [Mr. PETTIGREW].

Mr. GORMAN. Let it be read, so that we may see how it stands.

The PRESIDING OFFICER. The proviso will first be read as amended and then the amendment suggested in lieu of it by the Senator from South Dakota.

The Secretary read as follows:

*Provided, That the Secretary of the Interior may make contracts, but only with present contract schools, for the education of Indian pupils during the fiscal year ending June 30, 1895, to an extent not exceeding 80 per cent of the amount so used for the fiscal year 1893.*

The PRESIDING OFFICER. The pending question is on the motion of the Senator from South Dakota to strike out the proviso which has just been read and insert what the Secretary will now read.

The Secretary read as follows:

*Provided, That \$515,000 of said sum of \$1,164,330 shall be expended in support of schools with which contracts have heretofore been made: Provided further, That the Secretary of the Interior may, in his discretion, expend 20 per cent of said sum of \$515,000 in the purchase of the property of such contract schools as may be offered for sale. And in case of such purchase a sum equal to the money expended for such purchase is hereby appropriated for the support of the schools which become Government schools by such purchase.*

Mr. JONES of Arkansas. What became of the amendment I moved yesterday to perfect the text by striking out the word "may" and inserting the word "shall," in line 2, page 73?

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 2, page 73, strike out the word "may" and insert the word "shall," so as to read:

*That the Secretary of Interior shall make contracts, etc.*

The PRESIDING OFFICER. That amendment is now in order, it being to perfect the text proposed to be stricken out. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the adoption of the amendment offered by the Senator from South Dakota.

Mr. GORMAN. I inquire of the Chair whether the committee amendment striking out the clause from line 7 to line 11 has been agreed to?

The PRESIDING OFFICER. It has been agreed to, the Chair will state.

Mr. LODGE. Not the amendment beginning in line 7?

Mr. GALLINGER. Certainly not.

Mr. FRYE. It was declared agreed to.

The PRESIDING OFFICER. It was announced agreed to by the Chair in the absence of objection.

Mr. LODGE. I did not so understand.

Mr. GORMAN. I certainly did not so understand.

Mr. LODGE. The amendment of the committee in line 3 was agreed to.

The PRESIDING OFFICER. The Chair will state that both amendments were agreed to.

Mr. LODGE. I certainly did not understand it, because I myself have an amendment pending to that clause.

The PRESIDING OFFICER. The matter can be easily set straight. It was so declared by the Chair in the absence of objection while the attention of the Senator from Massachusetts was

probably withdrawn; but by unanimous consent the vote will be regarded as reconsidered, and that will be declared to be the pending amendment.

Mr. LODGE. I understood the Chair to hold that before the committee amendment to strike out that clause could be put it was necessary to put the question on the amendment of the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from Massachusetts is entirely mistaken. Perhaps the Chair was not sufficiently clear in his statement. The statement of the Chair was that the text must first be acted upon and perfected before a motion to strike out is in order.

Mr. LODGE. Do I now understand the Chair to state that the question is on the committee amendment to strike out the clause beginning in line 7?

The PRESIDING OFFICER. The text has been perfected by two amendments, one by inserting the words "but only with present contract schools," in the third line, and the other by substituting "shall" for "may" in line 2. The pending amendment is to strike out from line 7 to line 11, beginning with "and" and ending with "cease."

Mr. LODGE. On that amendment I ask for the yeas and nays. The yeas and nays were ordered.

Mr. COCKRELL. What is the question? Let us understand it.

The PRESIDING OFFICER. The pending amendment of the committee will be stated.

The SECRETARY. After the words "eighteen hundred and ninety-five," in line 7, page 73, strike out:

*And each succeeding year he shall proportionately so reduce the amount thus used that at the end of five years from the date on which this act goes into effect all contracts for such education shall cease.*

Mr. GORMAN. Mr. President, I trust the amendment of the Committee on Appropriations will be agreed to. The bill as it comes from the House is a radical change in the entire system, and attempts on an appropriation bill to determine what we shall do for the next five years. That is bad in principle in any case. The Committee on Appropriations thought we ought to deal only with the next fiscal year, and we have tried to eliminate everything from the bill that would bind the Government to what it shall do in the next five years in the matter of the education of Indian children.

I trust the Senate will sustain the Committee on Appropriations in this amendment. Let the next Congress deal with the fiscal year thereafter. Nobody can tell to-day how this new system will operate, what injustice may be done concerning investments which may have been made in buildings, or the effect upon the schools already in existence. I confess that I do not know that the way these schools have been conducted all over the country has been a very great success, beginning with the highest school and going down to the lowest; but it seemed to the committee, and it seems to me, that in fairness to everybody, to the people who are interested in this work, to the Indians themselves, and to the Government, we ought to deal with the subject for only one year. In the next Congress we shall have had nearly a year of the operation of the system that we are inaugurating in this bill, and we shall have all the facts before us. The Commissioner of Indian Affairs and the people who are engaged in the education of the Indians will be able then to give us further light on the matter, and we can deal with the subject intelligently. It is possible that we may then be able to make a greater reduction, and that such an adjustment of this matter can be had as to enable the Secretary of the Interior and the Commissioner of Indian Affairs to present a scheme which can be satisfactorily introduced. At all events, it is bad policy in a matter of this sort that Congress should without due consideration change the whole system for five years in advance. It is unusual.

If this provision had been proposed in the Senate of the United States as an amendment it would have been out of order. It has no place and no right in this bill under the rules of any parliamentary body that I know of. But like some other provisions, it has come to us and we have attempted to correct it, and to correct it without running counter to the sentiment which unfortunately has crept out in this whole matter, and which ought not to be permitted to influence the mind of anyone here. But at all events we can afford to do simple justice and confine the reduction to one year. I trust the Senator from Massachusetts, who I know to be as much interested in the matter of Indian education as any Senator here, will see the justice and the propriety of doing what the Committee on Appropriations have attempted to do.

Mr. PLATT. Mr. President, much that the Senator from Maryland has said with reference to attempting to control future Congresses in legislation is correct and true; but we have a very peculiar state of affairs here. In the fiscal year ending June 30, 1893, there was spent for contract schools \$512,435. In last year's appropriation act a clause was inserted declaring it to be the policy of the Government to change the contract schools to Government schools as rapidly as possible. Yet with that clause in

the appropriation act there was spent between June 30, 1893, and June 30, 1894, I understand, an increased amount of money, \$515,000, for the contract schools. So instead of the amount having been decreased it has been increased during the past year, although Congress has declared it to be the policy of the Government to have a reduction.

Mr. GALLINGER. The Senator is doubtless right on that point, but still we have submitted the matter to the Secretary of the Interior for his examination and report, and he reports that hereafter we ought to decrease the amount 20 per cent.

While I am on my feet I wish to say a single word further. I listened to the argument of the Senator from Maryland in favor of the committee amendment. I do not agree at all with him. I know of no reason why we may not in a statute, and especially in an appropriation act, where we declare all sorts of things, make a declaration looking to the future as well as to the present. If the bill as it comes from the House of Representatives is enacted into law and works a hardship we can take care of that in the next appropriation bill, where, as my colleague has frequently said, we enact all sorts of legislation.

I was somewhat surprised to hear the Senator from Maryland suggest that if this provision had been offered as an amendment in the Senate it would have been out of order. Mr. President, almost one-half of the bill is out of order to-day, but we are passing upon it. We are not raising the point of order on these various amendments. Hence that suggestion does not carry any weight. I think we have a clear and plain duty to perform in this matter, and that is to reject the amendment and to pass the bill, so far as this provision is concerned, precisely as it came from the House of Representatives.

Mr. LODGE. Mr. President, I quite understand, as the Senator from Maryland has pointed out and as I have already said in this debate, that one Congress can not bind another. That is perfectly obvious. But these schools are the schools known as sectarian denominational schools. I believe, and I think that it is the general belief of the American people, that the public money ought not to be appropriated for sectarian purposes or for sectarian schools. I have held that view ever since I have served in Congress. Now, the Secretary of the Interior has recommended their abolition and stated that it can be done in five years by a gradual reduction.

It seems to me it might be done in a much shorter time; but it is admitted on all hands that it is desirable to get rid of these schools. If we are going to do it, I see no objection to Congress making a declaration of policy. On the contrary, I think it is of great importance that Congress should so declare the policy of the Government in regard to these schools. There can be no surprise, no complaint of unfairness. It can be known that they are to be removed in the course of the next three or five years. Undoubtedly the next Congress will not be bound by it, and equally undoubtedly the next Congress will give due weight to the action of the present Congress.

To me, Mr. President, this is far the most important provision in the pending appropriation bill, and I sincerely hope that the amendment of the committee to strike out will fail.

The PRESIDING OFFICER. The roll call will proceed on agreeing to the amendment of the Committee on Appropriations.

The Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE].

Mr. VEST (when his name was called). I am paired with the Senator from Minnesota [Mr. WASHBURN]; otherwise I should vote "yea."

The roll call was concluded.

Mr. MITCHELL of Oregon. Has the Senator from Wisconsin [Mr. VILAS] voted?

The PRESIDING OFFICER. The Senator from Wisconsin has not voted.

Mr. MITCHELL of Oregon. I am paired with that Senator, and therefore withhold my vote.

Mr. McMILLAN (after having voted in the negative). I inquire if the Senator from Louisiana [Mr. BLANCHARD] has voted?

The PRESIDING OFFICER. The Senator from Louisiana has not voted.

Mr. McMILLAN. Then I withdraw my vote, as I am paired with that Senator.

Mr. BURROWS (after having voted in the negative). I am paired with the junior Senator from Maryland [Mr. GIBSON], but I transfer that pair to the Senator from Rhode Island [Mr. ALDRICH], and will let my vote stand.

Mr. DUBOIS. I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. WHITE (after having voted in the affirmative). The Senator from Idaho [Mr. SHOUP] and I are paired. I voted inadvertently, and withdraw my vote.

Mr. GALLINGER (after having voted in the negative). I inquire whether the junior Senator from Texas [Mr. MILLS] has voted?

The PRESIDING OFFICER. The junior Senator from Texas has not voted.

Mr. GALLINGER. I notice he is in his seat, and therefore will allow my vote to stand.

Mr. HARRIS. I inquire if the Senator from Vermont [Mr. MORRILL] is recorded as voting?

The PRESIDING OFFICER. The Senator from Vermont is not recorded.

Mr. HARRIS. I suggest to the Senator from New Hampshire that we transfer our respective pairs.

Mr. GALLINGER. It is not necessary, inasmuch as my pair is present.

Mr. HARRIS. Very well. Then I withdraw my vote, and announce my pair with the Senator from Vermont [Mr. MORRILL].

The PRESIDING OFFICER (when Mr. PASCO's name was called). The present occupant of the chair is paired with the Senator from North Carolina [Mr. PRITCHARD].

The result was announced—yeas 31, nays 23; as follows:

## YEAS—31.

Bate,	George,	McPherson,	Power,
Blackburn,	Gorman,	Mantle,	Roach,
Brice,	Gray,	Martin,	Stewart,
Caffery,	Hansbrough,	Mitchell of Wis.	Turpie,
Camden,	Hill,	Morgan,	Voorhees,
Carey,	Hunton,	Murphy,	Walsh,
Clark,	Jones of Ark.	Palmer,	Wilson of Wash.
Davis,	Lindsay,	Pettigrew,	

## NAYS—23.

Barrows,	Frye,	Lodge,	Proctor,
Call,	Gallinger,	McLaurin,	Pugh,
Cameron,	Hawley,	Manderson,	Quay,
Chandler,	Higgins,	Peffer,	Squire,
Cockrell,	Hoar,	Perkins,	Wolcott,
Dixon,	Kyle,	Platt,	

## NOT VOTING—34.

Aldrich,	Dolph,	McMillan,	Smith,
Allen,	Dubois,	Mills,	Teller,
Allison,	Faulkner,	Mitchell of Oreg.	Vest,
Berry,	Gibson,	Morrill,	Vilas,
Blanchard,	Gordon,	Pasco,	Washburn,
Butler,	Hale,	Pritchard,	White,
Coke,	Harris,	Ransom,	Wilson of Iowa,
Cullom,	Irby,	Sherman,	
Daniel,	Jones of Nev.	Shoup,	

So the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from South Dakota [Mr. PETTIGREW].

Mr. PETTIGREW. I should like to have the amendment read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out the proviso beginning on page 73, line 2, and insert:

*Provided, That \$515,000 of said sum of \$1,164,350 shall be expended in support of schools with which contracts have heretofore been made: Provided further, That the Secretary of the Interior may, in his discretion, expend 20 per cent of said sum of \$515,000 in the purchase of the property of such contract schools as may be offered for sale, and in case of such purchase a sum equal to the money expended for such purpose is hereby appropriated for the support of the schools which become Government schools by such purchase.*

Mr. GORMAN. I understand it was agreed by unanimous consent that we were first to go through with the committee amendments, and then that amendments were to be submitted by individual Senators. I make that point now. I will suggest to the Senator that this is not the time to offer his amendment; it can be offered later on.

Mr. CALL. I desire to say that I made that point; I think it is a correct point; but the Vice-President, then in the chair, ruled that it was an amendment to the committee amendment, and not to the text of the bill, and therefore was in order. I should be very glad if that decision could be reversed. In justice to myself I feel that I should make this statement.

The PRESIDING OFFICER. The Chair will state that when the Vice-President occupied the chair that point was raised and it was determined that the amendment was in order, and it was the pending amendment when the present occupant took the chair. The present occupant is not disposed to overrule the action of the Vice-President, and decides the amendment to be in order. The question is on the amendment.

Mr. GORMAN. Very well.

Mr. CHANDLER. Do I understand that the Presiding Officer now holds the amendment to be in order?

The PRESIDING OFFICER. The amendment was declared to be in order when the Vice-President was in the chair.

Mr. CHANDLER. As the amendment is to be voted on, I should like to have it again read.

The PRESIDING OFFICER. The amendment will be again read.

The Secretary read the amendment proposed by Mr. PETTIGREW.

Mr. LODGE. I ask for the yeas and nays on the amendment.



The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. DUBOIS (when his name was called). I am paired with the Senator from New Jersey [Mr. SMITH].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. MITCHELL of Wisconsin (when his name was called). I am paired with the Senator from Wyoming [Mr. CAREY], and in his absence withhold my vote.

The PRESIDING OFFICER (when Mr. PASCO's name was called). The present occupant of the chair is paired with the Senator from North Carolina [Mr. PRITCHARD].

Mr. WILSON of Iowa (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON], and therefore withhold my vote.

The roll call was concluded.

Mr. BRICE. I am paired with the junior Senator from Colorado [Mr. WOLCOTT].

Mr. BURROWS (after having voted in the negative). I wish to withdraw my vote, and announce my pair with the Senator from Maryland [Mr. GIBSON].

Mr. MITCHELL of Oregon. I am paired with the Senator from Wisconsin [Mr. VILAS], and therefore withhold my vote.

Mr. GALLINGER (after having voted in the negative). I inquire if the junior Senator from Texas [Mr. MILLS] has voted?

The PRESIDING OFFICER. The junior Senator from Texas has not voted.

Mr. GALLINGER. I am paired with that Senator, but I will transfer that pair to the senior Senator from Ohio [Mr. SHERMAN] and allow my vote to stand.

Mr. McPHERSON. I inquire if the Senator from Delaware [Mr. HIGGINS] has voted?

The PRESIDING OFFICER. The Senator from Delaware has not voted.

Mr. McPHERSON. Then I withhold my vote, as I am paired with that Senator.

Mr. HARRIS. In order to make a quorum I will record my vote, notwithstanding my pair with the Senator from Vermont [Mr. MORRILL], and vote "nay."

The result was announced—yeas 13, nays 33; as follows:

## YEAS—13.

Caffery,	Hansbrough,	Perkins,	Stewart.
Cameron,	Jones of Ark.	Pettigrew,	
Chandler,	Manderson,	Power,	
Davis,	Martin,	Squire,	

## NAYS—33.

Aldrich,	Gallinger,	McLaurin,	Quay,
Bate,	Gorman,	McMillan,	Boach,
Berry,	Gray,	Morgan,	Teller,
Blackburn,	Harris,	Murphy,	Turpie,
Blanchard,	Hawley,	Palmer,	Voorhees,
Call,	Hoar,	Peffer,	Walsh.
Cockrell,	Huntton,	Platt,	
Dixon,	Lindsay,	Proctor,	
Frye,	Lodge,	Pugh,	

## NOT VOTING—42.

Allen,	Dolph,	Kyle,	Shoup,
Allison,	Dubois,	McPherson,	Smith,
Brice,	Faulkner,	Mantle,	Vest,
Burrows,	George,	Mills,	Vilas,
Butler,	Gibson,	Mitchell of Oreg.	Washburn,
Camden,	Gordon,	Mitchell of Wis.	White,
Carey,	Hale,	Morrill,	Wilson of Iowa,
Clark,	Higgins,	Pasco,	Wilson of Wash.
Coke,	Hill,	Pritchard,	Wolcott.
Cullom,	Irby,	Ransom,	
Daniel,	Jones of Nev.	Sherman,	

So the amendment was rejected.

Mr. PETTIGREW. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Chair will state to the Senator from South Dakota that unanimous consent was given that the committee amendments should first be considered. The Senator will please withhold his amendment until the committee amendments have been acted upon.

Mr. PETTIGREW. Very well, I will withhold the amendment.

Mr. LODGE. I gave notice of an amendment which I intended to offer at this time. It was an amendment making the time for the abolition of these schools three years, but as the Senate has just declined to keep in the proviso declaring it to be the policy of the Government to abolish them in five years, it is obviously quite useless for me to press an amendment declaring it to be the policy to abolish them in three years. So I do not press a vote upon it, but withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 73, line 18, before

the word "dollars," to increase the total from "\$1,184,350" to "\$1,273,440."

The amendment was agreed to.

The next amendment was, on page 73, line 19, after the word "of," to strike out "two hundred and fifty" and insert "three hundred;" in line 23, before the word "dollars," to strike out "forty-one thousand seven hundred and fifty" and insert "fifty thousand one hundred;" and, on page 74, line 3, before the word "dollars," to strike out "forty-four thousand seven hundred and fifty" and insert "fifty-three thousand one hundred;" so as to make the clause read:

For support and education of 300 Indian pupils at Albuquerque, N. Mex., at \$167 per annum for each pupil, \$50,100; for pay of superintendent of said school, \$1,500; for general repairs and improvements, \$1,500; in all, \$53,100.

The amendment was agreed to.

The next amendment was, on page 74, line 13, after the word "pupil," to strike out "\$90,000;" in line 13, after the word "school," to strike out "\$5,000," and in line 15, before the word "thousand," to strike out "\$3,000; in all, ninety-eight," and insert "one hundred and five;" so as to make the clause read:

For support of Indian industrial school at Carlisle, Pa., at not exceeding \$167 for each pupil; for transportation of pupils to and from said school, for general repairs and improvements, \$106,000.

The amendment was agreed to.

The next amendment was, on page 74, line 21, before the word "hundred," to strike out "two" and insert "five," and in line 23, after the word "thousand," to insert "three hundred;" so as to make the clause read:

For support and education of 125 Indian pupils, at \$167 per annum each, at the Indian school at Carson City, Nev., \$20,875; for pay of superintendent at said school, \$1,500; for general repairs and improvements, \$1,000; in all, \$23,375.

The amendment was agreed to.

The next amendment was, on page 75, line 10, after the word "repairs," to insert "and;" in the same line, after the word "improvements," to strike out "and," and insert "one thousand dollars; for;" and in line 14, before the word "hundred," to strike out "twenty-seven thousand two" and insert "twenty-eight thousand five;" so as to make the clause read:

For support and education of 150 Indian pupils at Flandreau, S. Dak., at \$167 each per annum, \$25,050; for general repairs and improvements, \$1,000; for water supply, \$1,000; for pay of superintendent of said school, \$1,500; in all, \$28,550.

The amendment was agreed to.

The next amendment was, on page 75, after line 21, to insert:

That any unexpended balance of the amount appropriated for buildings and repairs of buildings for Fort Shaw Reservation and Indian Industrial School, Montana, for the fiscal year 1895, not needed for that purpose, may be used for purchase of seed, agricultural implements, irrigation, and for water and sewer system for said school, and shall be available during the fiscal year 1896.

The amendment was agreed to.

The next amendment was, on page 76, line 5, after the word "support," to insert "and education;" in line 6, before the word "Indian," to strike out "two hundred and forty" and insert "three hundred;" in line 9, before the word "dollars," to strike out "forty thousand and eighty," and insert "fifty thousand one hundred;" and in line 12, before the word "dollars," to strike out "forty-two thousand five hundred and eighty" and insert "fifty-two thousand six hundred;" so as to make the clause read:

For support and education of 300 Indian pupils, at \$167 per annum each, at Indian school, Fort Totten, N. Dak., \$50,100; for pay of superintendent at said school, \$1,500; for general repairs and improvements, \$1,000; in all, \$52,600.

The amendment was agreed to.

The next amendment was, on page 76, line 14, before the word "Indian," to strike out "and fifty;" in line 17, before the word "dollars," to strike out "fifty-eight thousand four hundred and fifty" and insert "fifty thousand one hundred," and in line 20, before the word "dollars," to strike out "sixty thousand nine hundred and fifty" and insert "fifty-two thousand six hundred;" so as to make the clause read:

For support and education of 200 Indian pupils at the Indian school, Genoa, Neb., at \$167 per annum each, \$33,400; for general repairs and improvements, \$1,000; for pay of superintendent of said school, \$1,500; in all, \$35,900.

The amendment was agreed to.

The next amendment was, on page 77, line 1, after the word "dollars," to insert "for erection of hospital, \$1,500; and in line 2, after the word "all," to strike out "twenty-seven thousand five hundred" and insert "twenty-nine thousand;" so as to make the clause read:

For support and education of 150 Indian pupils at the Indian school at Grand Junction, Colo., at \$167 per annum each, \$25,050; for pay of superintendent at said school, \$1,500; for general repairs and improvements, \$1,000; for erection of hospital, \$1,500; in all, \$29,050.

The PRESIDING OFFICER. The Chair understands that the two clauses for the support and education of Indian pupils at the school at Hampton, Va., and at the Lincoln Institution in Philadelphia, on page 77, extending from line 4 to line 10, have already been acted upon by the Senate. The next amendment in order will be stated.

The next amendment of the Committee on Appropriations was,

on page 77, line 15, before the word "dollars," to strike out "one thousand five hundred" and insert "two thousand;" and in line 17, before the word "dollars," to insert "five hundred;" so as to make the clause read:

For support and education of 500 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., at \$167 per annum each, \$83,500; for pay of superintendent at said school, \$2,000; for general repairs and improvements, \$1,000; in all, \$86,500.

The amendment was agreed to.

The next amendment was, on page 77, line 22, before the word "hundred," to strike out "two" and insert "five;" in line 24, before the word "dollars," to strike out "one thousand" and insert "three thousand two hundred and fifty;" and on page 78, line 2, before the word "dollars," to strike out "twenty-seven thousand two hundred and fifty" and insert "thirty thousand three hundred;" so as to make the clause read:

For support and education of 150 Indian pupils at the Indian school, Mount Pleasant, Mich., at \$167 each per annum, \$25,050; for pay of superintendent of said school, \$1,500; for general repairs and improvements, \$3,250; in all, \$30,800.

The amendment was agreed to.

The next amendment was, on page 78, line 3, after the word "hundred," to insert "and fifty;" in line 6, before the word "dollars," to strike out "sixteen thousand seven hundred" and insert "twenty-five thousand and fifty;" in line 8, before the word "hundred," to strike out "two" and insert "five;" in line 9, before the word "thousand," to strike out "three" and insert "ten," and in line 11, before the word "dollars," to strike out "twenty thousand nine hundred" and insert "thirty-six thousand five hundred and fifty;" so as to make the clause read:

For support and education of 150 Indian pupils at the Indian school at Ferris, Cal., at \$167 each per annum, \$25,050; for pay of superintendent of said school, \$1,500; for erection of additional buildings and general improvements, \$10,000; in all, \$36,550.

The amendment was agreed to.

The next amendment was, on page 78, line 12, after the word "hundred," to insert "and fifty;" in line 16, before the word "dollars," to strike out "thirty-three thousand four hundred" and insert "forty-one thousand seven hundred and fifty;" and in line 20, before the word "dollars," to strike out "thirty-six thousand four hundred" and insert "forty-four thousand seven hundred and fifty;" so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school at Phoenix, Ariz., at \$167 per annum each, \$41,750; for pay of superintendent at said school, \$1,500; for general repairs and improvements, \$1,500; in all, \$44,750.

The amendment was agreed to.

The next amendment was, on page 79, line 3, before the word "Indian," to strike out "sixty" and insert "seventy-five;" in line 7, before the word "dollars," to strike out "ten thousand and twenty" and insert "twelve thousand five hundred and twenty-five;" in line 8, before the word "dollars," to insert "two hundred," and in line 11, before the word "dollars," to strike out "eleven thousand five hundred and twenty" and insert "fourteen thousand two hundred and twenty-five;" so as to make the clause read:

For support and education of 75 Indian pupils at the Indian school, Pipestone, Minn., at \$167 per annum each, \$12,525; for pay of superintendent at said school, \$1,200; for general repairs and improvements, \$500; in all, \$14,225.

The amendment was agreed to.

The next amendment was, on page 79, line 19, before the word "hundred," to strike out "one" and insert "two;" in line 23, before the word "dollars," to strike out "twenty-five thousand and fifty" and insert "forty-seven thousand seven hundred and fifty;" on page 80, line 1, before the word "dollars," to insert "five hundred;" in the same line, after the word "for," to insert "erection of additional buildings;" in line 2, before the word "thousand," to strike out "one" and insert "fifteen," and in line 3, before the word "hundred," to strike out "twenty-eight thousand five" and insert "fifty-nine thousand seven;" so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school at Santa Fe, N. Mex., at \$167 each per annum, \$41,750; for pay of superintendent at said school, \$1,500; for water supply for irrigation and fire protection, \$1,500; for erection of additional buildings, general repairs and improvements, \$15,000; in all, \$59,750.

The amendment was agreed to.

The next amendment was, on page 80, line 6, before the word "Indian," to strike out "twenty-five" and insert "fifty;" in line 9, before the word "dollars," to strike out "twenty thousand eight hundred and seventy-five" and insert "twenty-five thousand and fifty;" in line 10, before the word "hundred," to strike out "two" and insert "five;" and in line 13, before the word "dollars," to strike out "twenty-three thousand and seventy-five" and insert "twenty-seven thousand five hundred and fifty;" so as to make the clause read:

For support and education of 150 Indian pupils at the Indian school, Shoshone Reservation, Wyo., at \$167 per annum each, \$25,050; for pay of superintendent at said school, \$1,500; for general repairs and improvements, etc., \$1,000; in all, \$27,550.

Mr. CALL. In line 11, I move to strike out the words "and so forth."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 80, line 18, before the word "hundred," to strike out "two" and insert "five," and in line 20, before the word "hundred," to strike out "eighteen thousand nine" and insert "nineteen thousand two;" so as to make the clause read:

For support and education of 100 Indian pupils at the Indian school, Tomah, Wis., at \$167 per annum each, \$16,700; for pay of superintendent at said school, \$1,500; for general repairs and improvements, \$1,000; in all, \$19,200.

The amendment was agreed to.

The next amendment was, on page 81, line 4, before the word "thousand," to strike out "thirty" and insert "forty;" so as to make the clause read:

For collecting and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor, \$40,000.

The amendment was agreed to.

The next amendment was, on page 81, after line 4, to strike out:

That the allotments of land made to the Quapaw Indians, in the Indian Territory, in pursuance of an act of the Quapaw national council, approved March 23, 1893, be, and the same are hereby, ratified and confirmed. And the Secretary of the Interior is hereby authorized to issue patents to said allottees in accordance therewith: *Provided*, That said allotments shall be inalienable for a period of twenty-five years from and after the date of said patents: *And provided further*, That the surplus lands on said reservation, if any, may be allotted from time to time by said tribe to its members under the above entitled act.

The PRESIDING OFFICER. The Chair understands that the next committee amendment, to strike out, on page 81, from line 5 to line 15, inclusive, has already been acted upon.

The next amendment was, on page 84, line 14, after the word "hundred," to strike out "ninety-six" and insert "ninety-five;" so as to read:

But no such goods or supplies shall be distributed or delivered to any of said Indians prior to July 1, 1895.

The amendment was agreed to.

The next amendment was, in section 10, on page 89, line 6, after the word "this," to strike out "act" and insert "section;" so as to make the clause read:

And on failure of any purchaser to make payment as required by this section he shall forfeit the lands purchased, and the same shall be subject to entry and sale, at the appraised value thereof, or shall be again offered at public sale, as the Secretary of the Interior may determine.

The amendment was agreed to.

The next amendment was, on page 89, line 12, before the word "the," to strike out "Act" and insert "section;" so as to make the clause read:

That there shall be exempted from the provisions of this section the lands upon which the two boarding or industrial schools are located on these reservations, not exceeding 640 acres for each school, the amount to be determined and designated, after the tribe shall have assented, by the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, on page 89, line 17, after the word "this," to strike out "Act" and insert "section;" so as to make the clause read:

That for the purpose of carrying this section into effect the sum of \$1,500, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, which sum shall be reimbursed to the United States out of the proceeds of the first sales of lands made under the provisions hereof, each tribe to be charged only with the expenses attending the sale of its own lands.

The amendment was agreed to.

The next amendment was, on page 90, line 3, after the word "this," to strike out "act" and insert "section;" so as to make the clause read:

That before any of the surplus lands belonging to the Kickapoo tribe of Indians shall be sold under the provisions of this section there shall be allotted by the Secretary of the Interior 80 acres to each of the children of said tribe residing on or adjacent to said reservation who have not heretofore received any lands.

The amendment was agreed to.

The next amendment was, on page 90, after line 8, to insert the following as an additional section:

SEC. 11. That in all payments or disbursements of money to Indians individually the Secretary of the Interior is hereby authorized, in his discretion, to detail an officer from his Department or appoint a special agent to make or to superintend and inspect such payment; and when made by special agent the Secretary shall fix a reasonable compensation, not to exceed \$200 per month when actually employed, for the services of such special agent and pay it out of the money to be disbursed. In all cases the agent making such payment shall give bond to the United States in double the amount to be disbursed, with good and sufficient security, to be approved by the Secretary, conditioned for the faithful performance of his duties. All such payments to be made under such rules and regulations as the Secretary may prescribe.

Mr. JONES of Arkansas. I propose to suggest an amendment to the committee amendment. In lines 14 and 15 I move that the words "not to exceed \$200 per month when actually employed" be stricken out. The purpose of conferring on the Secretary of the Interior the power of employing an agent to pay out these



money to the Indians per capita is to avoid such scandals as have characterized such transactions. The amendment requires that bonds shall be given for such payments. Where a half million or a million dollars has to be paid out to one of these tribes and a bond is required to be given for double the amount, say for a million or two million dollars, I do not think any man can be found who would be willing to make the bond for the paltry consideration of \$200 a month for the time he was actually employed, which perhaps would not be more than three or four weeks of actual payment.

To strike out these words will leave the matter of compensation in the discretion of the Secretary of the Interior. Of course he will not act in such cases except by consent of the Indians concerned. It seems to me there can be no harm done so far as the payment of salary goes. I suggest to the members of the committee in charge of the bill that the words "not to exceed \$200 per month when actually employed" ought to be stricken out of the amendment. That will leave it in the discretion of the Secretary of the Interior to fix a reasonable compensation wherever he chooses to direct that a special agent shall be employed.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. After the word "compensation," in line 14, page 90, strike out "not to exceed \$200 per month when actually employed."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. MITCHELL of Wisconsin. I desire to call attention to the amendment on page 47, which was passed over. I understand the committee amendments have been gone through with.

Mr. PLATT. Several committee amendments have been passed over.

Mr. MITCHELL of Wisconsin. The amendment to which I allude was the first committee amendment passed over.

The PRESIDING OFFICER. The Senate now recurs to the amendments passed over, the first of which is on page 47. The amendment will be read.

The SECRETARY. Under the head "Miscellaneous," page 47, beginning in line 4, the committee report to strike out:

The Secretary of the Interior is hereby authorized and directed to pay to the Stockbridge Indians, per capita, one-half of the trust fund now to their credit in the United States Treasury, and heretofore appropriated, when the allotment to their lands shall have been completed.

Mr. COCKRELL. There is no objection to the recommendation of the committee being disagreed to. The committee had no information about the matter, and the amendment was—

Mr. PLATT. I think the amendment of the committee ought not to be disagreed to.

Mr. COCKRELL. Very well, if there is any objection to disagreeing to it. The clause was in the bill as it came from the House, and we had no information about it from the Senate Committee on Indian Affairs. Before this amendment is taken up I should like to correct one or two other things that will take no time. Let the amendment on page 47 be passed over informally.

The PRESIDING OFFICER. If there be no objection the amendment will be passed over temporarily.

Mr. COCKRELL. After line 8, on page 47, under the head of "Miscellaneous," I move to insert:

The Secretary of the Interior is authorized to negotiate with the Indians on the San Carlos Reservation, Ariz., through an interpreter, for the cession or relinquishment to the United States of the lands embracing the coal fields, and any agreement made shall be submitted to Congress for its action.

We find in the sundry civil appropriation bill a very vague provision as it came to us from the House authorizing the Secretary of the Interior to segregate these coal lands without any provision for the consent of the Indians or any negotiation. I referred the matter to the Commissioner of Indian Affairs, and he reported back a recommendation that in the Indian appropriation bill a provision of this kind should be inserted; stating that the coal fields are there; that the Indians know they are valuable; that they will never be satisfied unless through regular negotiation the United States shall obtain title to them, and that as they are not available to the Indians he thought it was the best policy to negotiate and adjust the matter and make them available. So I ask that the amendment I propose be adopted, and that the letter of the Commissioner of Indian Affairs may be printed in the RECORD and also as a separate document.

The PRESIDING OFFICER. It is so ordered in the absence of objection. The question is on agreeing to the amendment submitted by the Senator from Missouri.

The amendment was agreed to.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs, Washington February 9, 1895.

SIR: I received from you on yesterday a telephone message requesting me to examine the paragraph on page 59, lines 5 to 7, of the sundry civil bill as passed the House, relating to survey and segregation of the coal fields on the San Carlos Reservation, Ariz., and make full report to you as to purpose and

effect of said provision and my opinion as to the necessity or propriety of this work.

The provision referred to is as follows:

"For the purpose of a survey and segregation of the coal fields on the San Carlos Indian Reservation, in Arizona, \$5,000."

As to just what ultimate effect this legislation would have I am not prepared to say, as there is no provision as to what disposition shall be made of the coal fields when segregated. The avowed purpose of it is to cut off from the reservation the lands embracing the coal fields and have them surveyed, in order that they may become subject to disposal under the general land laws.

These coal fields lie south of the Gila River, opposite the present site of the San Carlos Agency. For many years the people of Arizona especially have been endeavoring to get possession of these lands in order to utilize the coal which is known to exist there in more or less quantities. The legislature of Arizona has several times petitioned Congress to that end.

This office has always been in sympathy with the people in their desire to obtain possession of these coal fields, but has always taken the ground that the consent of the Indians should first be obtained and that they should be paid a reasonable sum for the lands.

I had occasion not long ago to make a report to the Secretary of the Interior touching this very matter, in which I remarked in substance that the Indians of the White Mountain Reservation were known to be very jealous respecting their boundary lines; that they were well aware that these coal fields were and have long been coveted by the whites, which fact doubtless gave them a value which they did not possess before this was so well understood.

My suggestions were that an inspector of the Department be sent to negotiate with the Indians for the cession or relinquishment to the United States of the lands embracing the coal fields, and that any agreement made should be submitted to Congress for its action.

I am still strongly of the opinion that these lands should not be segregated without the consent of the Indians and just compensation; and if the effect of the clause in the sundry civil bill above cited would be contrary to this equitable plan, I think it should be stricken out.

As having a direct bearing upon this question, I have the honor to invite your attention to the fact that only the other day the President vetoed a bill granting a right of way to a railway company through this reservation largely upon the ground that it did not provide for first obtaining the consent of the Indians. (See Senate Executive Document No. 49, Fifty-third Congress, third session.)

In conclusion I will add that the paragraph in the sundry civil bill providing for this "survey and segregation" did not originate in this office, nor do I know where it did originate. I am free to say, however, that these coal fields ought to be made available to public use, and I believe that upon a proper presentation of the case to the Indians they would give their consent.

Very respectfully,

D. M. BROWNING, Commissioner.

Hon. F. M. COCKRELL,  
Chairman Senate Committee on Appropriations  
(Through the Secretary of the Interior).

Mr. COCKRELL. Now, on page 62 is the next amendment passed over. I suggest an amendment in lieu of any amendment there. In line 20, strike out "the surplus lands purchased by the United States," and after the word "thereof," in line 19, insert "purchased by the United States." This is offered in lieu of the amendment proposed by the committee. Let it be read as it would stand if amended in that way.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Amend the paragraph so as to read:

That any State or Territory entitled to indemnity school lands or entitled to select lands for educational purposes under existing law may select such lands within the boundaries of any Indian reservation in such State or Territory from the surplus lands thereof, purchased by the United States, after allotments have been made to the Indians of such reservation and prior to the opening of such reservation to settlement.

The PRESIDING OFFICER. The original committee amendments are withdrawn and the amendment suggested by the Senator from Missouri is declared adopted in the absence of any objection.

Mr. CALL. I think some consideration ought to be given to this amendment. It seems to me it opens the whole of these lands to outside allotment and location of scrip. The Senator from South Dakota [Mr. PETTIGREW] yesterday objected to it because it would open the lands to selection in other States and Territories than those in which these Indian lands lie. I call his attention to it.

Mr. PLATT. Let me suggest that whether this amendment is adopted or not adopted the whole matter will go into conference, and it can be fully examined in conference.

Mr. CALL. That may, perhaps, be the advisable course to pursue.

Mr. PLATT. It seems to me well to adopt the amendment and leave the matter for adjustment in conference. I do not know what the Senator from South Dakota thinks about it.

Mr. PETTIGREW. The Senator from South Dakota thinks so, too.

Mr. COCKRELL. We had to amend the provision as it came from the House to make it mean anything.

Mr. PETTIGREW. I think the Senator from Missouri has it in such shape that it is entirely satisfactory to me.

Mr. PLATT. Let it be agreed to.

Mr. COCKRELL. The amendment I have offered is in lieu of the amendments of the committee.

Mr. PETTIGREW. That I agree to.

The PRESIDING OFFICER. The amendments of the committee to the paragraph have been withdrawn. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment was agreed to.

The PRESIDING OFFICER. The committee amendment on page 58 will be reported.

Mr. COCKRELL. That was really agreed to the next morning. I offered certain amendments as a settlement of the whole question. Let it be read, however, if the record does not show it.

The SECRETARY. After the word "barred," page 58, line 14, insert:

*And provided further, That it shall be the duty of the Attorney-General of the United States, within ten days after the filing of said petition—*

Mr. PLATT. All that has been read.

Mr. COCKRELL. That has all been read, and the amendments were agreed upon and offered the next morning at the instance of the Committee on Indian Affairs, which was a settlement of the whole matter. Those amendments were to be considered as agreed to. If the record does not show it—

Mr. PLATT. The amendments on page 54 were agreed to?

Mr. COCKRELL. Certainly.

Mr. PLATT. And that was—

Mr. COCKRELL. Part and parcel of the same thing.

The PRESIDING OFFICER. Then the amendment on page 58 will be declared adopted.

Mr. COCKRELL. And on page 59.

Mr. CALL. I wish to express my dissent to that at once. The amendment on page 58, beginning in line 14, is as follows:

*And provided further, That it shall be the duty of the Attorney-General of the United States, within ten days after the filing of said petition, to give notice to said Wichitas and affiliated bands through the agents, delegates, attorneys, or other representatives of said bands that said bands are made defendants in said suit, of the purpose of said suit, that they are required to make answer to said petition, and that Congress has, in accordance with article 6 of said agreement adopted this method of determining their compensation, if any. And the answer of the Wichitas and affiliated bands shall state the facts on which they rely for compensation, and may be verified by their agents, delegates, attorneys, or other representatives upon their information and belief as to the existence of such facts, and no other statement or verification shall be necessary: And provided also, That said Wichitas and affiliated bands shall file their answer in said suit within sixty days after they shall receive from the Attorney-General of the United States the notice herein provided for unless further time is granted by the court; and in the event of failure to answer they may be barred from all claim in the premises aforesaid.*

A statement was made the other day by the Senator from Iowa [Mr. ALLISON] showing that in the preceding portion of this agreement the Government had agreed positively by treaty that Congress would take final action in determining this matter. Now we refer it to a court, with a provision that the Indians shall be barred absolutely and forever if they fail to answer in accordance with that agreement.

Mr. JONES of Arkansas. I should like to suggest that the amendment which is being discussed by the Senator from Florida was discussed fully and settled three or four days ago. It certainly is not open for discussion now in Committee of the Whole.

Mr. CALL. It was not settled with my knowledge or approval.

Mr. JONES of Arkansas. That may be, but the Senate settled it.

Mr. CALL. I say it did not meet with my approval.

Mr. COCKRELL. I discover that on page 73, in consequence of the amendment proposed by the—

The PRESIDING OFFICER. The Chair thinks that the amendments on page 58 should be first settled. The Senator from Arkansas states that they were disposed of several days ago.

Mr. COCKRELL. There is no question about that. That was the distinct understanding, and I made the statement when I reported certain agreements.

The PRESIDING OFFICER. Then those amendments do not require any action at this time.

Mr. COCKRELL. On page 73, line 17, the total, \$1,273,440, should be disagreed to; so as to leave the amount as fixed by the House, \$1,184,850.

The PRESIDING OFFICER. The amendment will be considered as reconsidered, and the amount will be left as it was fixed by the House, in the absence of objection. The amendment on page 47 will now be taken up.

Mr. PLATT. In regard to what the Senator from Florida has just said, I wish to state that he proposed to offer an amendment providing that the judgment should not be binding on Congress but only advisory, and the Chair then said that the Chair would recognize the Senator from Florida for the purpose of having the individual amendment considered after the committee amendments had been disposed of.

Mr. JONES of Arkansas. But that is not in order now, for the committee amendments have not yet been disposed of.

Mr. PLATT. No.

The PRESIDING OFFICER. The individual amendments will be taken up hereafter. The amendment on page 47 will now be read.

The SECRETARY. On page 47 the committee report to strike out the paragraph beginning in line 4, in the following words:

*The Secretary of the Interior is hereby authorized and directed to pay to the Stockbridge Indians, per capita, one-half of the trust fund now to their credit in the United States Treasury, and heretofore appropriated, when the allotment to their lands shall have been completed.*

Mr. MITCHELL of Wisconsin. I suggested to the committee heretofore the propriety of withdrawing the amendment, and I gave some reasons for that opinion. The amendment was laid aside waiting an expression from the Department of the Interior. I believe my colleague has a letter on the subject from the Secretary of the Interior.

Mr. VILAS. I hope that the amendment is not going to be insisted upon. I have received a communication with respect to it.

Mr. COCKRELL. The Senator has not heard what occurred. The Senator from Connecticut [Mr. PLATT], a member of the Committee on Indian Affairs, thinks the amendment ought to be adopted.

Mr. VILAS. I understand that the idea of the Senator from Connecticut grows out of the resolution which he introduced, which was passed without attention being called to it on the 30th day of January, with a view of suspending further proceedings under the allotment which was directed to be made by an act of Congress.

Let me remark that this is simply to renew before Congress a controversy which raged, one may say, for some years over this subject, which was considered with great care in the Fifty-second Congress, and finally resulted in the passage of the act of March 3, 1893, devoted solely and entirely to the subject of that controversy, and which, I think, ought to be considered as forever putting it at rest. That act of Congress commands the Secretary of the Interior to proceed to enroll the members of that tribe according to certain principles, and then declares in specific terms that—

all members—

Of the tribe—

who entered into possession of lands under the allotments of 1856 and of 1871, and who by themselves or by their lawful heirs have resided on said lands continuously since, are hereby declared to be owners of such lands in fee simple in severalty, and the Government shall issue patents to them therefor.

Mr. PLATT. But this provision goes further than that. If it referred only to those parties to whom lands had been allotted previous to the passage of the act, I should not have the same objection to it that I have now. Will the Senator let me make a statement?

Mr. VILAS. Certainly. I shall be very glad to hear the Senator's statement before I draw attention to the matter.

Mr. PLATT. I would be very willing if the Senator would allow the amendment to be disagreed to, so that the matter might go into conference, and then if he can satisfy the committee that it is all right of course it can be settled in conference. But I apprehend very great injustice is going to be done to some Indians if this provision of the House should be allowed to stand. It is true in 1893 (and I must make any statement about the matter brief) an act was passed providing for a new enrollment of the Stockbridge and Munsee Indians, taking in some Indians claiming rights who up to that time had been excluded. It was said in the report that there were but few of them, but the enrollments have gone on under that act until more persons have been enrolled under the new enrollment than were under the enrollment before the act was passed. So the few for the benefit of whom it was supposed the act was passed number more than the original Indians.

Great complaint is made by those Indians that the enrollments have not been fair. They say that the enrollments are illegal. They say, first, there has been an enrollment of all persons who were members of the tribe at the time of the treaty of 1856, without regard to the question whether they did not subsequently separate themselves from the tribe. That would be against the act. They say that many persons have been enrolled who entered upon allotments under the treaties of 1856 and 1871, irrespective of the requirement that they should have resided continuously thereon since; that under this line persons have been enrolled and placed in position to receive a new allotment of land in cases where they have sold out and abandoned their allotments; that in some cases persons have been unlawfully enrolled who separated from the tribe and became citizens of the United States and were never received back into the tribe in pursuance of article 6 of the treaty of 1856; that persons have been enrolled who were never at any time members of such tribe; also persons who were not recognized under any treaty; also persons who claimed to be descendants of a member of the tribe at one time and who became outcasts for crime and were properly dropped from the tribal roll, and had not resided within the tribe for thirty years or more.

Now, the Indians make those charges. I have here a petition of the Munsee and Stockbridge Indians protesting against this enrollment, saying that it embraces persons who ought not to be enrolled. It is signed by the chairman and secretary of the meeting held for that purpose and with thirty or forty names protesting that the enrollments are not right.

I did introduce a resolution asking the Secretary of the Interior to communicate to Congress the facts in regard to the enrollment.



I am not aware that he has made any reply. I did add to the resolution a provision that he should suspend further action. I know he can not be controlled by that action of the Senate.

If what is claimed here is true, that there have been persons illegally enrolled (and without knowing accurately about all the facts I am inclined to think that is the case), then the provision inserted by the House gives them their share of the tribal funds. I do not think that ought to be done. I am perfectly willing, without entering into a long discussion about it here, that the matter shall be settled in conference.

Mr. VILAS. I do not wish to protract the discussion, but I do not recognize the force of the suggestion by the Senator from Connecticut that because there are a greater number of people entitled to share in that long-delayed justice than we supposed therefore all the justice should be denied to them which Congress has embodied in an act of Congress for the purpose.

Mr. PLATT. If the enrollment has been fair the Senator is quite right. If it has been unfair and illegal, as the large number which have been enrolled would seem on the face to indicate, then they are not entitled to it.

Mr. VILAS. How are we to decide whether the enrollment was well made in accordance with the specific directions of the act of Congress or not? Neither the Senate nor Congress itself is equipped with the means of making that inquiry. It is one of those executive acts which must necessarily be intrusted to the Secretary of the Interior.

I do not object at all to any direction for renewed scrutiny. No one ought to be enrolled not authorized and entitled by the act of Congress to be enrolled. I can not presume that the Secretary of the Interior in the execution of the act has enrolled persons not entitled by law to that place. Neither am I willing to accept, as against the probabilities that he has strictly and carefully executed the law, the complaints of some of those interested people who for so many years strove, and strove successfully, against the award of an act of justice so plain that every Secretary of the Interior, every Commissioner of the Indian Office, and I was about to add every Committee on Indian Affairs of the Senate has recognized it, although it took some years before it ripened into a decree. I am willing that the paragraph shall be amended, if the Senator from Connecticut desires, so as to declare that the amounts awarded shall be paid only to such persons as under that act are legally entitled.

Mr. PLATT. "Only to such persons as the Secretary of the Interior shall find are legally entitled under the act of 1893."

Mr. VILAS. "As the Secretary of the Interior shall find under the act of Congress are lawfully entitled to participate."

Mr. PLATT. I suppose I had better accept that.

Mr. VILAS. That will put it in conference, but it does not put the whole question of disbursement into conference. It only puts into conference the specific thing which the Senator addressed his objection to, in respect to which I have no complaint if there be any real fault.

The PRESIDING OFFICER (Mr. WHITE in the chair). The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. In line 5, after the word "to," insert "such of;" in the same line, after the word "capita," insert "as he shall find entitled under the act of March 3, 1893, to be enrolled and to participate in the distribution;" so as to read:

The Secretary of the Interior is hereby authorized and directed to pay to such of the Stockbridge Indians, per capita, as he shall find entitled under the act of March 3, 1893, to be enrolled and to participate in the distribution, one-half of the trust fund now to their credit in the United States Treasury, and heretofore appropriated, when the allotment to their lands have been completed.

Mr. VILAS. In connection with this matter I will ask to have printed in the RECORD, without now reading it, a communication from the Secretary of the Interior, addressed to me, approving this amendment and desiring its adoption.

The PRESIDING OFFICER. If there be no objection it will be so ordered.

The paper referred to is as follows:

DEPARTMENT OF THE INTERIOR,  
Washington, February 21, 1895.

SIR: In response to your informal request for an expression of my opinion as to the payment to the Stockbridge Indians, per capita, of one-half of the trust funds now to their credit in the United States Treasury, when the allotment of their lands shall have been completed, I would submit the following:

The provision for this payment was incorporated in the Indian appropriation bill as it passed the House of Representatives. As reported to the Senate by the Committee on Appropriations this provision was stricken out.

In my opinion these Indians are fully capable of managing their own business, and may be safely trusted to expend this money, if it be given them, advantageously. In support of this opinion, and as furnishing the latest information in the possession of the Department as to their status and condition, I quote the following from a special report of the agent in charge, dated November 30, 1894:

"STOCKBRIDGES AND MUNSEES.

"These Indians occupy a reservation consisting of about 11,000 acres, and numbered on the last roll 506 persons. These Indians are civilized, speak only the English language, and have entirely lost their Indian habits and traditions, and are as capable of managing their own affairs as the same number

of white men. I would recommend that their lands be allotted to them, patents in fee simple be given, their fund of \$75,000 be given them in a lump sum per capita, and that they be made complete citizens and thrown entirely upon their own resources. As long as they are under the control of the Government they will be an annoyance to the Department and a constant source of trouble to the agent, the Department, and to Congress.

"Each head of family has selected his land and they are awaiting the arrival of a special agent to confirm their selections and give them certificates. Their land is well timbered, and when cleared and cultivated will produce good crops. By selling their surplus timber as they clear the land and using the \$75,000 divided among them they should at once become prosperous and well-to-do citizens.

"I would also state that out of the 503 of these Indians enrolled not over 300 reside on the reservation. The balance live in the State of New York and in various portions of Wisconsin, and will never remove to the reservation, as they are too comfortably situated to ever move into the woods to occupy and claim a few acres of land that has but a small value at most. These Indians have 500 acres under fence, own 25 horses, 1 mule, 30 head of cattle, 25 hogs, and 500 fowls, but next year the number of houses and acres cultivated will be much greater on account of some of the newly enrolled members of the tribe coming on to the reservation and opening up farms.

"Very respectfully,

"THOS. H. SAVAGE,  
"United States Indian Agent."

In this connection, however, I would call your attention to a resolution submitted by Senator PLATT on January 30, 1895, Miscellaneous Document No. 30, Fifty-third Congress, third session, as follows:

"Whereas complaint is made of the result of the carrying out by the Secretary of the Interior of the act of Congress entitled 'An act for the relief of the Stockbridge and Munsee Indians in the State of Wisconsin,' approved March 3, 1893: Therefore

"Resolved, That the Secretary of the Interior is hereby instructed to report to the Senate of the United States the names of all persons enrolled by him in pursuance of said act, and his reason therefor; all allotments made by him and their extent, and all patents issued, if any, giving names and dates and amounts of land, and a full account of all his actions and proceedings under said act since the 3d day of March, 1893; and that all further proceedings under said act be suspended until said report is made and until further action of Congress."

I also inclose herewith copy of a communication of the Commissioner of Indian Affairs, of this date, upon this subject.

This Department has no objection to the provision in the bill as it passed the House of Representatives, but is inclined to the opinion that such legislation would be of benefit to the Indians, provided the work of making allotments to them is to be continued and completed as contemplated by the act of March 3, 1893.

Very respectfully,

HOKE SMITH, Secretary.

HON. WILLIAM F. VILAS,  
United States Senate.

Mr. PLATT. I should like to have printed also the petition of the Indians. It is very short.

The PRESIDING OFFICER. If there be no objection, it will be so ordered.

The petition referred to is as follows:

To the honorable Senate of the United States:

We, the undersigned, members of the Stockbridge and Munsee tribe of Indians, do hereby petition your honorable body, that the issuing of patents as provided by an act of Congress, dated March 3, 1893, be suspended until further investigation can be had, for the following reasons, etc.: That a large number of persons have been enrolled under said act of March 3, 1893, who are not properly or legally entitled to said enrollment; further, if said enrollment is continued a large portion of our lands will fall into the hands of persons who are neither of Stockbridge nor Munsee descent. And your petitioners would ever pray.

JAMESON QUINNEY, Chairman,  
BENJAMIN YACCAM, Secretary,  
And others.

JANUARY 2, A. D. 1895.

Mr. VILAS. I suppose the order will be, then, that the amendment of the committee is disagreed to, and the amendment proposed by me is agreed to.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

Mr. MORGAN obtained the floor.

Mr. CALL. I ask the Senator from Alabama to yield to me. The Senator from Connecticut [Mr. PLATT] has an amendment which he desires to offer at this time.

Mr. PLATT. I have an amendment which I should like to propose.

Mr. MORGAN. I rose to offer an amendment.

The PRESIDING OFFICER. The Chair recognized the Senator from Alabama.

Mr. MORGAN. I offer an amendment which I send to the desk, but before it is read I desire to make some observations upon it.

Mr. PLATT. Will the Senator withhold his amendment for a moment? It is going to give rise to a good deal of discussion, and I wish he would allow one or two little amendments which will occasion no discussion to be incorporated in the bill.

Mr. MORGAN. If it is understood that, after these formal matters have been disposed of, I can have the floor, I shall have no objection to that course.

The PRESIDING OFFICER. The Chair will recognize the Senator from Alabama after the other amendments have been disposed of.

Mr. PLATT. I desire, on page 72, after line 15, to have inserted the amendment which I send to the desk. I will say in regard to it that it has received the approval of the Committee on Indian Affairs, but was reported to the Senate too late to reach the com-

mittee which had the bill in charge. It has been shown to the chairman of that committee, and I think there is no objection to it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the amendment already adopted on page 72, line 15, it is proposed to insert:

That the Secretary of the Interior be, and he is hereby, directed to examine the claim of the Sac and Fox Indians of Mississippi, now residing in the State of Iowa, as set forth in their memorial presented to Congress (Senate Miscellaneous Document No. 43, Fifty-third Congress, third session), for the payment of annuities and other sums from the tribal funds of said Sac and Fox Indians of Mississippi and any and all claims of that portion of the tribe residing in Iowa, and to ascertain whether, under any treaties or acts of Congress, any amount is justly due them as a portion of said tribe from those of said tribe now in Oklahoma by reason of any unequal distribution of tribal annuities, land funds, or funds from other sources, and if so, how much, giving full opportunity to all parties in interest to be heard, and to report his conclusions to Congress at the next assembling thereof.

Mr. PLATT. The claim is merely submitted to the Secretary of the Interior, and he is authorized to examine disputed claims between two different bands of the same tribe of Indians. There is nothing final about it. He is to report to Congress.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Connecticut [Mr. PLATT].

The amendment was agreed to.

Mr. CALL. I offer an amendment to perfect the text of the Senate amendment which has been adopted on page 60, line 5.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 60, after line 5, it is proposed to insert:

Provided, That such judgments shall not be binding on Congress, but only advisory and of persuasive force.

Mr. CALL. That is my own amendment, Mr. President, and not an amendment of the committee.

Mr. JONES of Arkansas. We have inserted at considerable length in this bill a provision authorizing certain suits to be brought in the Court of Claims, and appeals are provided for to the Supreme Court of the United States. Now the Senator from Florida moves to add an amendment that the judgment, when so rendered by those courts, shall have no force.

Mr. MANDERSON. Hardly that. I want to suggest to the Senator that the amendment, as I understood it—perhaps my ear did not catch it aright—is that the judgment is to have persuasive force. Exactly where the persuasion is to cease and the force to begin I should like to know as a matter of instruction.

Mr. JONES of Arkansas. I simply call the attention of the Senate to the nature of the proposition, and do not think it necessary to argue it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Florida.

Mr. CALL. Mr. President—

Mr. CHANDLER. Will the Senator allow the amendment to be reported again before he speaks in favor of it?

Mr. CALL. I will.

The PRESIDING OFFICER. The amendment will be stated. The Secretary read the amendment proposed by Mr. CALL.

Mr. CALL. Mr. President, the agreement with the Indians provides in absolute terms that the action of Congress shall be final upon this subject. There is a provision inserted in this bill absolutely barring those Indians if they fail to appear in that suit within sixty days, and making the judgment of the court absolutely binding upon them in the face of the treaty provision that the legislative power of Congress shall determine this question and their action shall be final upon it. I do not see that the Senator from Nebraska needs any other information than that we can not transfer the legislative power of this Government to any court, and that, in the presence of our own treaty provisions with these Indians, we have no right to transfer to a judicial tribunal the sovereign legislative duty which Congress has agreed to perform.

These Indians have been recognized as having rights. They were the original occupants. The United States has offered them 50 cents an acre for their land, which they have refused. While it may be proper to have an investigation of those cases and that the facts may be submitted to the Congress of the United States, it is not proper, in my judgment, that that action shall be final and conclusive in the face of the direct and absolute agreement of this Government that it shall not be, but that the action of Congress shall be final.

Mr. CHANDLER. Mr. President, it seems to me that the amendment proposed by the Senator from Florida [Mr. CALL] is entirely right in principle. It may not be framed exactly as other Senators would frame it, but the obvious intent and purpose of the amendment should meet with the approval of the Senate.

Senators are aware that judgments of the Court of Claims in what are known as the Bowman Act cases are all submitted to Congress; they are not treated as having any binding force; they are only treated as having persuasive force, and the Senate accepts or rejects them at its pleasure. There is another class of claims, exceedingly meritorious, the French spoliation claims. By solemn act of Congress those claims have been sent to the

Court of Claims and they have been carefully adjudicated. General opinions and specific opinions have been rendered by the Court of Claims and numerous judgments have been rendered in the French spoliation cases. The judgments of the Court of Claims in both those classes of cases, the Bowman Act or Southern claims and the French spoliation cases, mainly Northern and Eastern claims, come to Congress; the claimants knock at the door of the Appropriations Committees of the two Houses and they meet with no favorable response.

Session after session and Congress after Congress these claims—which we are bound to presume are just and honest if that presumption is to arise in the judgments to be rendered in these Indian cases—come here and are submitted to the will and the judgment, if it be a judgment, of Congress, and they are refused payment.

Mr. President, it seems to me that the amendment proposed by the Senator from Florida means nothing more than this, that before they are paid the judgments of the Court of Claims in this case shall be submitted to Congress. I should express the proposition differently if I were to draw it; so would the chairman of the Committee on Appropriations [Mr. COCKRELL]; so would the distinguished Senator from Nebraska [Mr. MANDERSON]; but, after all, is not this the only safe thing to do with this proposed extraordinary lawsuit?

Mr. FAULKNER. I ask the Senator from New Hampshire—  
The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from West Virginia?

Mr. CHANDLER. Always, Mr. President.

Mr. FAULKNER. I would ask the Senator from New Hampshire, as no appropriation is made for any judgment that would be rendered, would not the matter ultimately have to come to Congress for determination?

Mr. CHANDLER. That question does not do justice to the usual discrimination and intelligence of the Senator from West Virginia. If he had studied this bill with the care he gives to matters connected with the District of Columbia or the Territories of the United States, he would have seen that the proceeds of those lands when they are sold come into the Treasury, that this judgment is to be paid from those proceeds, and there is no need of a new appropriation of public money by Congress. If I am wrong in that respect, the Senator from Florida will correct me; and, if I am not wrong, then the Senator from West Virginia was mal à propos in his interrogatory.

Mr. President, here is a most extraordinary statement; here is an arbitrary sum of \$1.25 an acre written in this bill as the amount of money which the United States is to pay the Wichita and affiliated bands of Indians for those lands. Now, I ask who fixed that \$1.25 an acre? Was it fixed by any agreement? No. There have been various negotiations made with the tribe, but no sum has been agreed upon. Was it fixed by the Secretary of the Interior? Not by the Secretary of the Interior. Was it fixed by the Senate Committee on Indian Affairs? Not at all. How this sum of \$1.25 an acre came to be inserted in this bill in the House of Representatives, and why it is approved by the Senate Committee on Indian Affairs and the Senate Committee on Appropriations, either or both of them, we have absolutely no knowledge whatever; but here it is; somebody has named \$1.25 an acre for the lands, estimated to be \$700,000.

Do we give it to the Wichita and affiliated bands of Indians? By no means. We promise it to them; but instead of giving it to them, we put it in the Treasury of the United States, and then we set the Choctaw and Chickasaw Indians to fighting for it. We say to the Choctaw and Chickasaw Indians, "Make a claim to these lands," which we have acknowledged practically belong to the Wichita tribe, and we send these Indians, the Wichitas and Choctaws and Chickasaws, who are supposed to be at peace with themselves up to this time, into the Court of Claims to fight over the proceeds of those lands. We invite that lawsuit; we create that lawsuit by an act of Congress, and the \$1.25 an acre, which is to make this large sum of money, fixed by no competent authority, fixed upon no considerations which are submitted to the Senate, is to be fought for in a grand lawsuit in the Court of Claims between the Choctaws and the Chickasaws on one side and the Wichitas and affiliated bands of Indians on the other.

Mr. President, there is neither sense nor reason in the construction of a piece of machinery of this kind and putting it into an appropriation bill which is to be passed upon during the last ten days of the session of Congress.

But if this provision is here, if it is to be adopted by Congress, and this lawsuit is to go forward to judgment, then I say by all means let the judgment when it is rendered be brought into Congress and be considered by Congress before it becomes effective, and let it not be given any more force and effect than we give today to the judgments for millions of dollars for Bowman Act claims and to judgments for millions of dollars in the French spoliation claims.

I suggest to the Senator from Florida to modify his amendment,



and, instead of using the rhetorical expression which has occasioned some criticism of Senators, to use some language to indicate that the judgment when it shall be rendered is to be submitted to Congress for its consideration. In that form I hope the amendment will be adopted.

Mr. CALL. I have not the slightest objection to amending the language of the amendment in any respect Senators may desire or think proper, but Congress has the final right, as well as power, to settle this matter by its action. The amendment, however, I think, is worded quite as accurately as it can be. A judgment is either of binding force or it is persuasive, one of the two. No judgment of any court can open the Treasury of the United States. If we were to pass, as the Senator from Nebraska seems to think we can do, an act requiring that payment should be made of whatever decree or judgment the Supreme Court shall render without an appropriation to be made from the Treasury of the United States, it would not be according to our laws and according to the division of power contained in the organic law. Therefore, I insist that this amendment is in exactly correct terms. It should be of persuasive force, and advisory, as every decision of a competent tribunal should be.

When by solemn treaty the Congress of the United States has guaranteed to these Indians that Congress shall adjudicate, settle, and determine their right, for an amendment to be brought here referring this whole question to the decision of a court and barring these ignorant Indians, who are relying upon the faith of Congress, if in sixty days they shall fail to comply with the provisions of that act, I insist that it is a violation of the treaty obligation we have assumed and an act of great injustice to those Indians; and that, while we may refer this question for the purpose of ascertaining the facts in regard to it, we have no right, in the face of our positive obligations to the contrary, to avoid the duty we have assumed on the part of Congress to inform itself finally and act upon this subject, and transfer it to another and a different department of the Government.

I am indifferent as to the fate of this amendment. I can see in it the opportunity to defraud these Indians; I can see in it an opportunity for advantages to be taken of them, and therefore I insist that these ignorant people should not be bound by the processes of judicial procedure of which they have no knowledge.

Mr. JONES of Arkansas. Mr. President, the facts in the case are simple and plain. The United States has agreed to open certain lands in the Indian Territory to which the Wichitas lay claim. The Choctaws and Chickasaws also prefer a claim to those lands. We provide by this bill that the settlers going upon the land shall pay a dollar and a quarter an acre beyond the ordinary office fees for the land; that this money shall be deposited in the Treasury of the United States; that the claimants to those lands shall go into court and present their claims, to be determined by the court, and that whatever judgment is rendered by the Court of Claims may be appealed by either party who is dissatisfied to the Supreme Court of the United States.

Questions have been frequently referred to the Court of Claims under the Bowman Act for examination of the facts and a report made to Congress, but there never was an appeal allowed from an ascertainment of facts; but when a judgment is provided for, and an appeal permitted to the Supreme Court of the United States, it seems to me to be the veriest folly to talk about such a judgment not having the force and effect of a judgment when rendered by that high tribunal.

Mr. CHANDLER. Mr. President, the Senator from Arkansas overlooks the exact language of the agreement and of the statute he proposes to enact. Here is article 5 of the agreement, on page 52, and I call the attention of the Senator from Wisconsin [Mr. VILAS], who is familiar with these matters, to this language, where, in addition to the allotments which are provided for—

It is further agreed that the question as to what sum of money, if any, shall be paid to said Indians for such surplus lands shall be submitted to the Congress of the United States, the decision of Congress thereon to be final and binding upon said Indians.

Then, on page 54, this bill says:

That the said Wichita and affiliated bands of Indians be allowed as compensation for the cession of the lands described in article 1 of the foregoing agreement the sum of \$1.25 cents per acre for so much of said land as will not be required for allotment to the Indians.

Mr. President, so far there is a perfect compliance with the contract with the Indians, that the Congress of the United States shall decide what the Indians shall have, that that decision shall be final and binding upon the Indians, and there is the decision of Congress that they shall have \$1.25 per acre for their land. Then what follows? After thus keeping faith with the Indians the bill proceeds to break faith with them by the use of the following provision:

Provided, That no part of said sum shall be paid except as hereinafter provided.

Then the bill goes on to determine, not that this \$1.25 an acre shall go to these Indians by the judgment of Congress, but that the Choctaws and the Chickasaws shall be invited to make claims

to the land and to the proceeds of the land; and, so far as Congress can see, every dollar of the \$1.25 an acre which has thus been solemnly adjudicated as belonging to the Wichitas may be taken away from them by a judgment of the Court of Claims. And when the Senator from Florida [Mr. CALL] insists that a judgment which shall do that thing shall first be submitted to Congress for its consideration the Senator from Arkansas [Mr. JONES] says the case is so plain that there need be no discussion of the subject. I say it is not plain, unless it is plain that the plighted faith to the Wichita Indians in these contracts is being broken by the Congress of the United States by this agreement, and, instead of Congress deciding what money the Indians shall have and giving it to them, Congress goes through the form of deciding what they shall have, and gives it to them with one hand and takes it away with the other, by providing that they shall only have the money provided it is left to the adjudication by the Court of Claims and the Supreme Court of the United States of this lawsuit, which no one seems to know anything about.

Nobody has undertaken to tell us what the rights of the Choctaw and Chickasaw nations are, but they are invited to make a plunge into a lawsuit upon this sum of money solemnly guaranteed to the Wichita Indians.

I say, without fear of successful contradiction, that this bill, instead of being a bill which complies with either the letter or the spirit of the contract with these Indians, is a direct and positive breach of the good faith of the United States.

The PRESIDING OFFICER (Mr. PASCO in the chair). The question is on agreeing to the amendment of the Senator from Florida [Mr. CALL].

The amendment was rejected.

#### RECONSIDERATION OF CONFERENCE REPORTS.

Mr. GALLINGER. Mr. President, yesterday two conference reports were concurred in which were submitted to the Senate, one by the Senator from Illinois [Mr. PALMER] and one by myself; one being on the bill for the relief of Evalyn N. Van Vliet, and the other granting a pension to Annie M. Greene. It has been discovered that the wording of the reports was defective. I now move to reconsider the votes whereby the two conference reports were adopted, and ask permission to submit other reports in their stead.

The PRESIDING OFFICER. If there be no objection, the votes by which the conference reports referred to were concurred in by the Senate will be reconsidered. The Chair hears none, and it is so ordered.

#### EVALYN N. VAN VLIET.

Mr. GALLINGER. I now submit the conference reports in those two cases, which I ask may be read and acted upon.

The PRESIDING OFFICER. The first conference report submitted by the Senator from New Hampshire will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 684) for the relief of Evalyn N. Van Vliet, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment and agree to an amendment, as follows:

Strike out the word "thirty," in line 4, and insert the word "twenty-five" in lieu thereof; and the Senate agree to the same.

JOHN M. PALMER,  
J. H. GALLINGER,  
J. R. HAWLEY,  
Managers on the part of the Senate.

A. N. MARTIN,  
GEO. B. FIELDER,  
G. D. MEIKLEJOHN,  
Managers on the part of the House.

The report was concurred in.

#### ANNIE M. GREENE.

Mr. GALLINGER. I now ask that the other conference report may be read and acted upon.

The PRESIDING OFFICER. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 305) granting a pension to Annie M. Greene, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment and agree to an amendment, as follows:

Strike out the word "twelve" and insert "ten" in lieu thereof in line 7; and the Senate agree to the same.

JOHN M. PALMER,  
J. H. GALLINGER,  
W. A. FEFFER,  
Managers on the part of the Senate.

A. N. MARTIN,  
M. J. McETTRICK,  
L. D. APSLEY,  
Managers on the part of the House.

The PRESIDING OFFICER. The question is on concurring in the report.

The report was concurred in.

## DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GORMAN. I submit the report of the conferees upon the disagreeing votes of the two Houses upon the bill (H. R. 8988) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1896, and for other purposes.

Mr. CHANDLER. Unless it is the intention of the Senator from Maryland to ask for action on the report at this time, to which I shall certainly object, I simply ask that it may be printed in the RECORD and go over until to-morrow.

Mr. HARRIS. A conference report is a privileged question to the extent of submitting it to the Senate and having it read.

Mr. ALDRICH. I hope the report will be read.

Mr. GORMAN. Let it be read.

The Secretary proceeded to read the report, and was interrupted by—

Mr. ALDRICH. I understand from the Senator from Maryland that the report is a long one and that it is his purpose to have it printed so that Senators may examine it. He does not expect any action to-day. Therefore I withdraw my request to have it read.

Mr. GORMAN. Several Senators desire to look at the report. It is an important bill. I have no objection to the suggestion of the Senator from Rhode Island. I submitted the report this afternoon merely that it might be printed in the RECORD and also in document form; and I shall call it up to-morrow morning.

Mr. ALDRICH. I should like to ask the Senator from Maryland now, in order that the Senate may understand it, what became of the amendments in regard to the waterworks, the dam across the Potomac at Great Falls, and also the proposition as to the schools.

Mr. GORMAN. In respect to the dam at the Great Falls, I will state that the bill as it came from the other House proposed to appropriate \$125,000 for raising the dam at the Great Falls. The Senate struck out that appropriation, but we have now concurred in the bill as it came from the House in that respect, with an addition that the dam, together with the balance of the improvements as to the water supply, shall be under the proper officer, leaving General Casey as consulting engineer. The appropriation of \$125,000 to raise the dam remains, as do practically all the other provisions, with some changes in the provision which the Senate passed in relation to the abandoned tunnel.

Mr. HARRIS. May I ask the Senator if the raising of the dam is made to depend upon any investigation or action of Colonel Elliot and General Casey?

Mr. GORMAN. No; the appropriation is made directly for it, and it is to be consummated without any further examination so far as the dam is concerned. But in relation to the abandoned tunnel between Georgetown and the reservoir at the Soldiers' Home, that examination is to be made, and we have provided also, by enlarging the provision, that in the event the Commissioners determine that the tunnel can not be utilized, they are to report a feasible plan for an additional pipe from Georgetown to the city of Washington.

Mr. HARRIS. I think that action eminently proper and wise.

Mr. GORMAN. I shall be glad to have consent that the conference report be printed, and I will explain it more in detail to-morrow when I call it up.

The VICE-PRESIDENT. It will be so ordered.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8988) "making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1896, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 10, 11, 16, 20, 22, 25, 28, 30, 39, 47, 51, 55, 59, 60, 61, 71, 79, 80, 81, 86, 92, 101, 102, 103, 107, 108, 125, 134, 135, and 138.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 6, 7, 8, 12, 13, 14, 15, 18, 19, 21, 37, 38, 43, 44, 45, 48, 52, 57, 59, 63, 64, 66, 67, 68, 69, 73, 82, 83, 84, 85, 93, 95, 96, 97, 98, 99, 100, 105, 106, 109, 110, 112, 117, 118, 120, 124, 126, 127, 129, and 133, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the number proposed insert "three;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$49,533;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$67,332;" and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: After the word "that," in line 1 of the matter inserted by said amendment, insert the word "hereafter;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,500;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an

amendment as follows: In lieu of the sum proposed insert "\$12,500;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment strike out the words "10,000, or so much thereof" and insert in lieu thereof the words "so much;" and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with amendments as follows: In lieu of the sum proposed insert "\$14,000;" and in line 14, page 10 of the bill, strike out the word "Ninth" and insert the word "Tenth;" and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$142,000;" and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$11,300;" and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$53,900;" and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$18,460;" and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$36,980;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$31,240;" and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$10,000;" and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with amendments as follows: In line 3 of the matter inserted by said amendment, strike out "thirty-seven thousand three hundred and eighty-two" and insert in lieu thereof "thirty thousand;" and in lines 4 and 5 strike out "sixty-four thousand three hundred and eighty-two" and insert in lieu thereof "fifty-seven thousand;" and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment, strike out "seventy-five" and insert in lieu thereof the word "forty;" and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$9,000;" and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$6,000;" and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$6,000;" and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$35,000;" and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum proposed in the amended paragraph insert "\$146,000;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$19,000;" and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted by said amendment insert the following:

"For raising the height of the dam at Great Falls, together with the cost of such other work as may be found necessary in connection therewith, including the cost of strengthening the conduit, and for damages on account of flooding of land and other damages, \$125,000, for which amount and purposes the available balance of the appropriation for increasing the water supply of the city of Washington shall be applicable, subject to all the provisions and restrictions of the act to increase the water supply of the city of Washington, and for other purposes, approved July 15, 1882, and of the act approved July 5, 1884, making appropriations for the expenses of the government of the District of Columbia, as to apportionment and settlement between the United States and the District of Columbia, and the refunding thereof. And in the execution of this work Gen. Thomas L. Casey shall be associated with the proper officer in charge of the Washington Aqueduct as consulting engineer.

"For testing the tunnel conduit to determine the amount of its leakage, \$25,000, to be taken from the appropriation for increasing the water supply of Washington, D. C., to be immediately available.

"There shall be prepared, upon careful investigation by the proper officer of the Government having the charge of the Washington Aqueduct and the water supply to the city of Washington, a full and detailed report, which shall be submitted to Congress on the first Monday in December, 1895, upon the feasibility and propriety of completing the tunnel conduit as now projected; the completion of the new reservoir, including its dam or any modifications to the same deemed necessary; and upon the results as to the supply of water to the city when said dam, the raising of the dam at the Great Falls, the conduit, and reservoir are completed. And if such officer and consulting engineer shall conclude that it is impracticable, or too expensive, to repair such tunnel conduit, then they shall report some plan for bringing increased water supply from the reservoir in Georgetown to Washington by pipes or otherwise.

"Each separate item of the report shall be accompanied by a detailed estimate of the cost of the work required and the necessary costs, not to exceed \$10,000, connected with the inquiry and reports, shall be defrayed from the appropriation for increasing the water supply of Washington, D. C.: Pro-



vided, That in the preparation of this report Gen. Thomas L. Casey, United States Army, shall be associated with the proper officer of the Government in charge of the Aqueduct as consulting engineer, and his signature shall be appended to said report in said capacity, and said report shall also be accompanied with the judgment of the Chief of Engineers, and made to the Secretary of War, who shall transmit the same to Congress with his views thereon."

And the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$9,000;" and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$4,000;" and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$12,000;" and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$12,000;" and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$9,000;" and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "\$12,000;" and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For one new four-room building, Sixth Division A, Conduit road, \$3,000: *Provided*, That this sum shall not be available until a suitable site for said building shall have been donated therefor;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$480;" and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$480;" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$480;" and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the following: "Five hundred and twenty-eight thousand seven hundred dollars;" and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed in the amended paragraph insert "\$24,545;" and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$11,000;" and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,000;" and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In line 8, page 29 of the bill, after the word "may," insert the words "on and after the passage of this act;" and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment, after the word "shall," insert the words "in the discretion of the Commissioners;" and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$4,000;" and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In line 50 of the matter inserted by said amendment, after the word "Columbia," insert the following: "two copies each to the Committees on Appropriations of the Senate and House of Representatives;" and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,000;" and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$40,000;" and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$8,500;" and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$16,000;" and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$51,025;" and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the word "eight" insert "six;" and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,800;" and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$37,004;" and the Senate agree to the same.

On amendments numbered 91, 114, 115, and 116 the committee of conference have been unable to agree.

A. F. GORMAN,  
F. M. COCKRELL,  
W. B. ALLISON,  
*Managers on the part of the Senate.*  
J. R. WILLIAMS,  
A. M. DOCKERY,  
D. B. HENDERSON,  
*Managers on the part of the House.*

#### INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes.

Mr. WOLCOTT. Mr. President—

Mr. COCKRELL. If the Senator from Colorado will allow me for just one instant, I will state that there is an amendment, more formal than otherwise, which I think can be disposed of in one second, that I should like to suggest. I have a letter from the Secretary of the Interior, inclosing one from the Commissioner of Indian Affairs, who suggests that in the appropriation for collecting and transportation of pupils to and from Indian schools, on page 81, at the end of line 4, the following words be inserted:

Of which amount the sum of \$8,000 shall be immediately available.

I presume there will be no objection to the amendment.

The PRESIDING OFFICER (Mr. PASCO in the chair). The amendment will be stated.

The SECRETARY. After the word "dollars," in line 4, page 81, insert:

Of which amount the sum of \$8,000 shall be immediately available.

The amendment was agreed to.

Mr. WOLCOTT. I desire to call up the amendment which was reported from the Committee on Indian Affairs, appropriating \$10,000 for the purpose of carrying out the provisions of the bill removing the Ute Indians, which was signed by the President Saturday.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Amend by inserting as follows:

To pay the necessary expenses of securing the consent to the removal by the Southern Ute Indians and the necessary expenses of removing said Indians, in accordance with the provisions of the law recently passed for their removal, \$10,000, or so much thereof as may be necessary.

Mr. COCKRELL. I ask that the amendment be again read.

The amendment was again read.

The PRESIDING OFFICER. At what point in the bill is the amendment to be inserted?

Mr. WOLCOTT. It is to come in at the end of the bill, I take it.

Mr. ALLEN. I should like to ask the Senator from Colorado how the consent of the Indians is secured.

Mr. WOLCOTT. I will state that it is the custom of the Department to send somebody out to properly take a poll of the Indians for that purpose, which has to be appropriated for. It is the most unimportant item.

Mr. COCKRELL. I suggest that the amendment be inserted on page 47, right after the San Carlos amendment.

Mr. WOLCOTT. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

Mr. KYLE. I offer an amendment to come in at the end of line 10 on page 10.

Mr. MORGAN. I think under an agreement with the Senate I have the right to the floor on the amendment I offered. I yielded to certain matters which would not lead to debate. If the amendment the Senator from South Dakota proposes to offer will lead to debate—

Mr. KYLE. I will allow the Senator from Alabama to take the floor provided he will yield to me for a moment for the consideration of the amendment I desire to offer.

Mr. MORGAN. How much time will it take?

Mr. KYLE. It will take only a few moments.

The PRESIDING OFFICER. The Chair had recognized the Senator from South Dakota.

Mr. MORGAN. I had a right to the floor under the agreement with the Senate, and I yielded for the purpose of perfecting the bill. I yielded to such matters as would not provoke debate for the purpose of having the bill perfected.

Mr. PETTIGREW. What is the amendment?

Mr. MORGAN. It is an amendment I desire to discuss. I offered my amendment before anybody did, and I am here representing a committee.

The PRESIDING OFFICER. The present occupant of the Chair found other Senators occupying the floor, and when they had concluded the Chair recognized the Senator from South Da-

kota [Mr. KYLE]. If the Senator from Alabama was entitled to the floor the Chair did not know it.

Mr. MORGAN. I am clearly entitled to the floor under the consent of the Senate, and I yielded it with that understanding.

Mr. KYLE. Will the Senator from Alabama yield to me for a few moments?

Mr. MORGAN. How long will it take?

Mr. KYLE. It will take but fifteen or twenty minutes, I think.

Mr. MORGAN. I am willing to yield fifteen minutes if I can give the bill any progress by doing it.

Mr. KYLE. I will yield to the Senator from Alabama, on condition that I shall have the floor when the consideration of his amendment is concluded.

The PRESIDING OFFICER. The Chair is unable to make any bargain with the Senator from South Dakota. If the Senator from South Dakota yields the floor the Chair will recognize the Senator from Alabama. The Chair understands the Senator from South Dakota to yield, and the Chair recognizes the Senator from Alabama.

Mr. BERRY. I should like to have the amendment of the Senator from Alabama read. If it is the same as the bill which the Senator offered, I do not ask to have it read.

Mr. MORGAN. It is the same with one or two verbal amendments, but nothing to change the character of the bill.

Mr. BERRY. Very well; I do not ask to have it read.

Mr. MILLS. I reserve the point of order on the amendment.

Mr. MORGAN. Mr. President, the Committee on Indian Affairs directed me to bring in the amendment, which has been reported in two forms. It was reported as an amendment to the pending bill, and also as an independent measure now on the Calendar. The committee have examined it very carefully and very closely and under the pressure of a great necessity to provide for the preservation of life and property and liberty among the Five Civilized Tribes. What might very well be termed a vendetta has been going on in those tribes for months and years, and it has been aggravated very much in recent times. The committee have felt that it was necessary to invite the attention of the Senate to the matter for the purpose of executing the laws of the United States for the safety of the people who are in the Five Civilized Tribes. More than 120,000 people are there exposed to every imaginable danger of lawlessness without the protection of the law in any particular.

The attention of the Congress of the United States was very sharply drawn to this subject at its last session, and a commission was organized for the purpose of making an investigation of the actual condition of the people of the Five Civilized Tribes, or the Indian Territory I will call it, for that is the legal name of it. The President was authorized to appoint a commission of eminent men to go into that Territory to examine and report upon the actual condition of affairs there.

Those Senators who feel an interest in this measure and would like to know what its provisions are can ascertain by getting the bill which was reported back from the Committee on Indian Affairs and is now pending upon the Calendar. The amendment I offer is with very few changes, and slight ones indeed, a copy of that bill. I will state further in respect to the body of the amendment that I am not the author of it. It was copied really in the Interior Department, and is recommended by that Department, out of two statutes which are now upon the book. One is a part of the statute organizing the Territory of Oklahoma, and the other is the statute passed the year before creating a district court of the United States in the Indian Territory. The language of the amendment in all of its important provisions is therefore such as has been agreed to in both of those statutes, and I suppose there will be no occasion for any criticism upon the language of the amendment or the arrangement of the different sections or the different subjects to which it applies.

All the provisions of the amendment are contained in the law as it now stands except that we create two judges instead of one; three judicial districts instead of one, and we also create clerks for the different courts, assign the places where the courts are to be held, create attorneys and marshals for the different courts, three attorneys and three marshals, the deputies and clerks for the different courts, and deputy clerks for the places at which the clerks do not reside but where courts are held. The main purpose of the amendment is to confer upon the courts of the United States in that Territory plenary jurisdiction over criminal and civil matters, and to abolish the distinction that now exists in regard to persons who may become litigants before the courts either as parties plaintiff or parties defendant.

The object of the amendment is gradually to get rid of the Indian courts in those six or seven tribes. The Indians at what is called the Quapaw Agency, a half dozen or more little bands of Indians or fragments of Indian tribes, have no laws at all. They have no legislature, they have no judges, they have no sheriffs or constables. They are simply a law unto themselves. Being a very good and quiet people, the necessity has not arisen in that

part of the country perhaps as it has in others for enforcing the laws of the United States through the agency of district courts. Nevertheless, they are included in the amendment. They were included in the Indian Territory when it was set apart at the time Oklahoma was created into a Territory, and they were also included in the jurisdictional limits of the judge of the district court of the United States which we established in the Indian Territory with circumscribed powers.

It would be impossible for any one within due limits to undertake to make in detail a statement or to draw an apt portrayal of the actual condition of affairs in that country. A man can scarcely speak of the matter at all, in terms of the most exact truth, without exposing himself to the criticism of being a romancer and overstating the actual condition of terror that reigns in that country.

We all know in this body, and we are glad to remember, too, the ability of Mr. Dawes, the Senator from Massachusetts who was recently here, whose place is now occupied by another gentleman, and who declined a reelection. Mr. Dawes was for many years the chairman of the Committee on Indian Affairs in this body. He was also a member of the Committee on Appropriations, and had charge of the appropriation bills for the benefit of the Indians. I do not suppose that in American history a man could be found whose devotion to those people has been so conspicuous, so just, so gentle, so kindly, and so enlightened as that of Mr. Dawes. We know that he would make no representation to the Senate or to the Government of the United States that in the slightest degree was not true.

He went down with the other commissioners, Mr. Kidd and Mr. McKennon, under the orders of the Secretary of the Interior or the President, and he returned and made a report to the Secretary of the Interior, from which I will read a short extract, a sort of summing up of a part of the situation in that part of the country to which this bill now particularly applies. Speaking, first, of the demand of the Cherokees particularly, and other tribes also, for the removal of a very large class of white persons from that country called intruders, he says:

The impossibility of enforcing these executory provisions has arisen from a neglect on both sides to enforce them. This neglect is largely the result of outside considerations for which neither is responsible and of the influence of forces which neither can control. These executory conditions are not only impossible of execution, but have ceased to be applicable or desirable. It has been demonstrated that isolation is an impossibility, and that, if possible, it could never result in the elevation or civilization of the Indians. It has been made clear that under its operations, imperfectly as it has been carried out, its effect has been to retard rather than to promote civilization, to impair rather than strengthen the observance of law and order and regard for human life and human rights or the protection or promotion of a virtuous life. To such a degree has this sad deterioration become evident that to-day a most deplorable and dangerous condition of affairs exists in the Territory, causing widespread alarm and demanding most serious consideration.

All the functions of the so-called governments of these Five Tribes have become powerless to protect the life or property rights of the citizen.

That is a broad remark. He says:

All the functions of the so-called governments of these Five Tribes have become powerless to protect the life or property rights of the citizen. The courts of justice have become helpless and paralyzed. Violence, robbery, and murder are almost of daily occurrence, and no effective measures of restraint or punishment are put forth to suppress crime. Railroad trains are stopped and their passengers robbed within a few miles of populous towns and the plunder carried off with impunity in the very presence of those in authority. A reign of terror exists, and barbarous outrages, almost impossible of belief, are enacted, and the perpetrators hardly find it necessary to shun daily intercourse with their victims. We are now informed that, within the territory of one of these tribes, there were 53 murders during the month of September and the first twenty-four days of October last and not a single person brought to trial.

In every respect the present condition of affairs demonstrates that the permission to govern themselves, under the Constitution of the United States, which was originally embraced in the treaty, has proved a failure. So, likewise, has the provision that requires the United States to exclude white citizens from the Territory. The course of procedure by the governments of the Five Tribes has largely contributed to this result, and they are quite as much responsible as the United States for the fact that there are 250,000 white people residing in the Territory. These citizens of the United States have been induced to go there in various ways and by various methods by the Indian governments themselves. These governments consented to the construction of a number of railways through the Territory, and thereby consented that they bring into the Territory all that is necessary in the building and operation of such railroads—the necessary depots, stations, and the inevitable towns which their traffic was sure to build up, and the large building which white men alone could develop and which these railroads were sure to stimulate and make profitable.

Besides these, they have, by their laws, invited men from the border States to become their employees in the Territory, receiving into their treasuries a monthly tax for the privilege of such employment. They have also provided by law for the intermarriage of white persons with their citizens and adopted them into their tribes. By operation of these laws large numbers of white people have become adopted citizens, participating in the benefits of citizenship. A single instance of such marriage has enabled one white man under the laws to appropriate to his exclusive use 50,000 acres of valuable land. They have, by their legislation, induced citizens of the United States to come in from all sides and under leases and other agreements with private citizens, sanctioned by their own laws, farmed out to them large ranges of their domain, as well as inexhaustible coal deposits within their respective borders, and other material interests which civilized white men alone could turn to profit. In some sections of the Territory the production of cotton has proved so feasible and profitable that white men have been permitted to come in by thousands and cultivate it and build trading marts and populous towns for the successful operation of this branch of trade alone.

I need not pursue that very valuable statement or report any



further for the purpose of getting before the mind of the Senate a condition of affairs there which, according to the description of this eminent man, is paralleled nowhere else in the world except in Turkish Armenia. There is not another place that any man can name now in the civilized world where there is such utter disregard of human life, such destruction of all human rights, such contempt for government and for law as there is amongst the Five Civilized Tribes.

Mr. President, I have had the honor of being on this floor for eighteen years, and during almost the entire time I have been upon the Committee on Indian Affairs. I made various visits, at great personal trouble, to those tribes, in company with Mr. Dawes, the former chairman of that committee. So far as I am concerned, so far as every member of that committee is concerned, and particularly in respect to the chairman and his able management of Indian affairs, nothing has been omitted that justice and mercy could indicate for the purpose of trying to get those people into a condition where they would let each other alone, where their savage instinct for blood would be quelled in the midst of our happy and pleasant civilization.

My remarks are not true in regard to the people who occupy the Indian Territory at large. These 250,000 people—he has the numbers a little wrong but I will put them before the Senate in correct form presently—this very large mass of people there comprise one Indian and two white men. The Indians in the entire Indian Territory form about one-third of the population. What laws have they there? In the Cherokee Nation they have a written constitution. They have an organized government, very well organized indeed, with all the paraphernalia of a State government. They have a legislature consisting of two bodies. They meet together at stated times. They pass laws. They are approved by their chief or governor. They are signed and promulgated.

In the Choctaw and Chickasaw countries, treating those tribes as being a unit, as they really are, except in their separate legislative capacity, they also have a written constitution and they have all the formalities of civil government. They have courts and judges, sheriffs and constables, justices of the peace, and many of the institutions of the higher civilization.

Now, go to the Creeks. They have a few statements or propositions which they call a constitution. Some of their laws are printed and some are not. Some of their laws are mere tribal enactments, which are promulgated in the way the Creek tribe formerly promulgated them, by sending out magistrates through the different towns to communicate to the people in common councils what the law was, as the ruler, the king, and his council had determined at the center of government.

The Seminoles have no written laws. Their laws are merely tribal traditions. They are very severe in their character, very few, very simple; but they are binding upon the people to the last degree of obedience. The penalties for their disobedience are extremely severe.

I have mentioned that the various fragmentary tribes in the Quapaw Agency have no laws at all and no legislature. They have simply a common council, where they meet together and adjust by a process of arbitration amongst themselves matters relating to contracts and debts, and also in respect to crimes. They have not any written laws. They have no code that any man could prove in a court except perhaps it might be the law of descent. In that respect they hold on to the old Indian law, which carries the line of descent through the female branch of the family, from the mother instead of the father.

Now, that is the situation in respect to the law. We can understand very well that in a population of, say, 250,000 people, two-thirds of whom are white men, with the women and children, such a system of jurisprudence as that, even administered in good faith and by competent men, would be a failure necessarily. It gives license to crime. It gives immunity to all manner of trespass. There is indeed nothing connected with the administration of justice in that country which meets the demands of our civilization.

So plainly is this a fact, that we have devised two courts, one in Arkansas and one in Texas, for the purpose of trying the Indian who commits a crime against a white man or the white man who commits a crime against an Indian, or in reference to him or his property. We take them out from the jurisdiction of the Indian Territory entirely and carry them to Arkansas and Texas for trial.

Mr. VEST. And to Kansas.

Mr. MORGAN. And also to Kansas.

Now, what was the reason that forced the Government of the United States to take these people from the interior of that Territory and carry them sometimes a distance of 200 miles with their witnesses, or the witnesses against them, at public expense for the purpose of trying a certain class of crimes punishable by hard labor or by death? What was the occasion for it? Well, there were some reasons for that course which may have been in existence at the time we resorted to it and may have been somewhat persuasive if not substantial for a course of that kind. But at the

time that system was adopted very few white men comparatively were in the Territory, and it was a matter of impossibility, as was then supposed, to get good, honest, and fair juries for the trial of men for their lives and upon penitentiary accusations.

So we went off to the neighboring States, to Kansas, to Texas, to Arkansas, and attached the Indian Territory in certain boundaries which were marked to these various outside courts in order that offenders against the laws of the United States might be taken to these places and tried before juries of the different States assembled in the district courts of the United States.

Mr. Dawes in the report refers to a process which has been going on for several years amongst all those Indian tribes by which the white population has been continually invited into the Indian country in great numbers, particularly the farming population. There is another population that has gone in there, traders and speculators, and still another, criminals against public justice in all parts of the United States, who have made a rendezvous of the Indian Territory because the extradition laws that obtain there, if there are any at all, are entirely ineffectual. But the main body of the population that has been drawn into the Indian country amongst the white classes has been assembled there by the employment on the part of the Indians of those persons to go upon their places as farmers, upon some contract or understanding with the possessors of the farms, the Indian government charging to the Indian landlord a license tax (I believe \$10 a year is the tax usually imposed there) for the privilege of hiring a white man to come into the Territory and work upon his farm.

In this way there has been, of course, a very large importation of white men into that country and for very good reasons. They were not intruders; they were not refugees from justice. They were men who went there under a lawful contract which the Government of the United States recognized through its agents as being a proper contract. When they got there with their families they settled down upon the different holdings where the Indians were residing, and after they had been there for a year and made some little improvement, putting up a cabin, or opening a truck patch, or something of that kind, planting a little orchard, perhaps, they wanted to stay another and another, and they have become fixtures in that country. They are really permanent occupants of that country. When the Indians come to us with complaints about intruders, they do not include that class of people. They include only the men who go there otherwise than under engagements of employment from them or engagements with the railroad companies or the companies that are there cutting timber or mining coal.

Thus, Mr. President, the Indian policy of playing landlord instead of going upon his farm and working it has really drawn into that country a mass of white people who are absolutely uncontrollable. Who would think of undertaking to go into the Indian Territory with an army or with policemen or marshals and expel all of those white men from that country? You can not conceive of such a thing being possible. As fast as you get them beyond the border—there being no law against their going into the Territory—they flock back again. The fact is that it is a moral and physical impossibility to free that country of the presence of the white people. We can not select between those who are intruders and those who are not, and at the bidding of the Indians say, I will pick this man to stay and that man to go. The Indian government or the Indian people can not make a selection of that kind. That they must all go or they must all stay is the result of the situation.

Under such circumstances how is justice to be administered among the men who are innocently, legally, and properly in the Indian Territory? What instrumentalities of government and what right, too, have our people, under the Constitution of the United States, in that country? They have not gone there to expose themselves to Indian judges, for we have never permitted the Indian courts to take any jurisdiction or cognizance of them. They went there for the purpose of serving their own interests under contracts and agreements with the Indians, which were considered to be entirely legitimate, to which neither the Indians nor the Government ever objected.

If we should consider only the necessities of the better part of the white people who are in that Territory we would not hesitate, of course, finding them in any part of the United States, and saying that the Constitution and the laws of the United States should attend them in this Territory, for it is a Territory of the United States, and that we should there exercise our right and our duty as prescribed in the Constitution of the country to make all laws necessary for the disposal and government and control of the territory of the United States. That does not mean territory the title of which is in the Government of the United States by any means. It means territory that is included within our political boundaries. It means that portion of the domain of the United States over which the Constitution prevails.

It makes no difference what may be the nature of the title of the Indian to his land, no man in this country can have such a

title to a tract of land, no corporation, no body of citizenship, no tribe of Indians can have such a title to a tract of land as to oust the eminent domain of the United States even in respect of the actual allodium, the actual title. I need not remind Senators that that has been decided in the Supreme Court of the United States in the railroad cases, where the Indians made the question and brought it to the Supreme Court of the United States whether Congress had the right to grant the right of condemnation to any more than the two roads that were to cross each other in the Cherokee country, as prescribed in the treaty of 1866. That question came up and was settled.

So, as to the very inherent right of the Government itself in the land, it has been decided that we possess it as a sovereignty. We can go and condemn the Indian lands to public uses of the United States just as well as my land in Alabama can be condemned to the public uses of that State. Their property, I care not how sacred we may call the title, is subjected to all the public control that mine is.

Yet I am a citizen of a sovereign State of this country, and these men are mere occupants of territory.

Now, we have a still further control over every body of men who are assembled in the United States within our limits, whether upon our lands or upon the lands of somebody else, whether upon the lands of the Government or lands in private ownership, whether in a city, a county, or a State, more particularly where there is no intervention of State sovereignty to prohibit or to restrain our powers. When we find a set of men or a community in a territory in the occupancy of a region of country which we have deeded to them, it makes no difference how solemn and sacred may be the character of the deed, our political power over that community remains in the Government of the United States.

The Supreme Court of the United States also decided upon that in the Georgia case. They said that these are not sovereignties at all; they are mere dependent tribal governments, and that the laws of the United States enacted in pursuance of the Constitution that do not disturb some actually vested right prevail to the exclusion of all other laws that may oppose them. That is a very important point. It shows that the right of civil government in the hands of the Government of the United States extends through all of its borders, and that it can be interrupted only to the extent of some personal vested right in some individual or by some constitutional provision that restrains the operation and powers of the Federal Government within the States.

The provision empowering the Congress of the United States to regulate the disposal of the Territories of the United States has reference not merely to the public lands contained within the territorial limits, but also all matters relating to human government. It covers the whole subject. That has been frequently decided. In fact, we scarcely pass a law in regard to any Indian tribe at all that does not include that provision. We hold tribes to their reservations where we make grants of land to them, from which they may take estates in severalty, leaving another part as communal land. We say to these people, "You shall not sell your land; you shall not mortgage it for twenty years." We say to them, "You shall keep upon the reservation; you shall not go abroad from that reservation without a license from some officer of the Government, the agent, or someone else; you shall not buy any intoxicating drinks; no man shall go among you to trade with you, to traffic with you about the earnings of your labor, unless he has a license from the Government of the United States. And yet you will own the land. You are locked up upon the lands that you own by the powers of the Government of the United States; and you are required to remain there because there is no right that stands against the power of the Government of the United States to require you to do that thing."

So when government was given to the Congress of the United States by these provisions of the Constitution it means plenary government. It does not mean government with the consent of the Indians; it does not mean a power that the Congress of the United States can abdicate at its pleasure. It does not mean a power that the Congress of the United States can transfer into an Indian legislature. It means power to be exercised here, absolutely and completely exercised in this Chamber and in the other House, and through the assistance of the President.

Mr. President, I grant you that we have a great many provisions upon our statute book which have resulted from the necessities of the situation, in which we have not come down to the exercise of our actual power, but have made agreements with these Indian tribes, beginning with the first treaty that was made in New England and coming down to the present time, suited to the circumstances and conditions that were then present, never, however, yielding the sovereign power of the white people of this country into the hands of the Indian.

The sovereignty which was established over this country by the men who first planted their feet upon the shores of Massachusetts was a sovereignty which has ripened from time to time into such higher degrees of authority as it was able to take to itself; and it

has never been upset; it has never been admitted away; it has never been surrendered, and can not be surrendered under the Constitution of the United States, because Congress can not abdicate its power to govern, according to the full measure of its jurisdiction, all people in the United States, wherever the Constitution extends, who are subject to the authority of this Government.

We commenced making treaties with them; colonial establishments in the United States, using the name of the British Crown, made treaties with them. But even those treaties were not with sovereign, separate, and independent powers; they were not made by the Parliament of Great Britain; they were made by the colonies. I do not know of any British colony in the world which has a right to make a treaty with a sovereign power, nor do I remember in the history of Great Britain and of her colonies any instance of that kind. Perhaps there may be some here who are wiser than I am in history—and there are many, I know—who can cite me to an instance in which this has been done.

The colonies of Great Britain in the United States, the fourteen original colonies as they were, including Canada, made their own treaties with the respective Indian tribes, and sometimes there was serious complaint by one colony that a treaty had been made by another to its disadvantage; but enough appears in the history of this country to show that these treaties were not made with independent and sovereign powers, but that they were made in the nature of contracts or agreements for the purpose of tiding over and getting rid of circumstances which surrounded the people at the time and which made these agreements necessary.

Look back over your own book of treaties with the Indians. You have two volumes of them here, a large number of treaties made with a great number of different tribes and on different occasions. Although they were formerly brought before the Senate of the United States for ratification by a vote of two-thirds, they are not treaties which are promulgated by an exchange of ratifications. The terms of all these Indian treaties were and are that they shall take effect when they were ratified by a vote of the Senate, which, under our Constitution, means a two-thirds vote, but with no exchange of ratifications, no formalities.

I refer to this, Mr. President, for the purpose of showing the wisdom of that very provident act—I think it was of 1867, if I have the date right; we all remember the act, whether I quote it correctly by date or not—in which the Congress of the United States determined by an act of law that there should hereafter be no more treaties made with Indian tribes. That merely took jurisdiction away from the Senate of the United States to ratify and confirm one of these Indian agreements; that was all. We took it away from the Senate and transferred it into the hands of Congress, and that is the whole effect of it. We have gone on and made a great many agreements since that time, and perhaps more than before, but they come here to this body and find their way into bills, such as we have here to-day, which ratify and confirm these agreements. There is one of them ratified in this very bill we are now discussing, not by a vote of the Senate under the treaty-making power, but by the legislative power.

Now, we ask ourselves the question, so far as we are concerned, have those treaties which have been heretofore ratified been a part of the supreme law of the land in the same sense that a treaty ratified between the United States and Great Britain or France is a part of the supreme law of the land after ratifications have been exchanged and the treaty promulgated? Surely not. They stand upon an entirely different basis. When Congress passed the act it did not take away from the Senate of the United States a part of its constitutional power to ratify a treaty; it merely determined that these agreements, reaching back to the first one which was made in that form, depended for their sanction solely upon acts of Congress, and not upon acts of the Executive making a treaty through his agents with the Indian tribes.

We must stand in this generation of men and justify our conduct upon the Constitution of the United States, and whenever it is necessary for the preservation of life, liberty, and law that we should act in respect to these various Indian agreements, even in contravention of the guardianship which we have assumed over the Indians, the responsibilities which attend it and the benign spirit of justice and mercy which has always followed it, stand here and justify us in taking ground, all the ground that is necessary, for the purpose of preserving the lives of these people in the Indian country.

We have the power, and we can not abdicate it; we can not throw it away; there is no authority to do it. We must exercise it, or else we must take the responsibility and the blame of allowing crime to go unpunished, because we want to pay some unnecessary deference to a condition of law, as it is called, in those countries which estops and forbids us from doing justice to our own people, to our own civilization, and to our own country.

I maintain that there is no such impediment at all. All the decisions of the Supreme Court of the United States which define in any respect whatsoever the nature of the government of an Indian tribe show that they never had the capacity to make a



treaty with us; that they never were possessed of any sovereign or independent status that we should even recognize without destroying our own authority as a people, without permitting them to set up an imperium in imperio, where they would be absolutely independent of us.

That is exactly the pretense which is being encouraged here day by day by our weak course in dealing with these subjects. I call it "a weak course," because it is a course which pays deference to a sentiment and an opinion, instead of to truth, to justice, to right, and to correct dealing. We yield to sentiment merely, when we ought to exercise in all justice and in all mercy and with all proper strength the strong right arm of the law.

I have not by any means exhausted the subject, Mr. President. I have merely touched upon the margin, but I have gone over this to show that in the event some one should find, or think that he could find, any treaties which we have formulated and signed with the Five Tribes and with this fragmentary Quapaw Agency or bunch of Indians—I will call them that, for that is the only way to describe them—if he thinks that he can find some engagement of ours which shuts us out from the exercise of our sovereign powers as a Government in that Territory, I think when he comes to consider the nature of the engagements thus made and the tribes with which they were made, he will realize two propositions. The first is settled by the Supreme Court of the United States, that we can repeal any treaty by an act of Congress as to every purpose of it and every effect of it which does not confer a vested right, which is protected by other provisions of the Constitution; and the next would be that these engagements with the Indians are not in themselves anything more than temporary agreements for the purpose of providing as well as we could for them and ourselves, dealing with a people who were savages, progressing into civilization, but who, at the time we were dealing with them did not have a proper conception of what was their duty to the civilization of this age and to the great Government under which we live.

We have a character of court there which we have established by law, which I will merely advert to. Senators will all remember about those courts. They are called Indian courts. They exist in almost every tribe in the United States. An agent appointed by the Government of the United States will assemble to his assistance two or three chiefs or headmen in a particular agency where he may be, and they will sit in judgment in their own way and pass sentences, to be approved only by the agent, not reaching to life, not reaching to capital punishment, but they pass sentences upon Indians for a great many minor offenses, the definition of which is taken from the Indian traditions and Indian laws. We take their laws and their traditions in these little piepoudre courts, and we administer them through an agent, associating with him two or three Indians, whom he himself selects. They execute these laws among the Indians. They might be called the first outbudding of justice; and yet to the extent of the penalties they impose upon the Indians, it is just as much and effectually a law as if it was enacted by the Congress of the United States or through the power of any State government. That is one class of Indian courts we have in that country, which exist almost everywhere.

That is not the class of courts which exists among the Five Civilized Tribes. That class of courts does exist amongst the Indians of the Quapaw Agency, and there are quite a considerable number of Indians there, some eight or nine tribes. They are the richest Indians in the world. They have more property per capita, I suppose, than any people in the world. I think that as an entire community they may be considered as the wealthiest people in the world; and yet they have not a law, no legislature, no judges, or anything of the kind. They associate sometimes with the agent and sometimes by themselves in the trial of questions of right and agreement between two members of their own tribe. When they come to administer the law we pay respect to it; we do not interfere with it; they enforce it, and therefore they enforce it under our authority. That system prevails now in that part of this country to which I propose to bring the laws of the United States and the judges of the United States.

Then we will go—and I have remarked before that I shall not go over that ground in detail—to the lowest grade of Indians, the Seminoles, who have no written law. They have a code of laws, but it is not written, unless, perhaps, a few items of it may be written down for the purpose of more convenient promulgation. They have, for all, some very enlightened men in the Seminole country; they are rather a strong body of Indians, a very intelligent people, too, and very warlike in their disposition.

We then go to the Creeks, who have a little higher range of information, not civilization. They have the laws which I have described, a few written statutes, a few written original or elementary propositions, and they have their judges and their courts.

We then go to the Chickasaws and Choctaws, and we find a still better development, and perhaps in the Cherokee country yet a better development than there is among the Chickasaws and Choctaws

by their system of tribal government, and particularly in the judicial department. They have been in operation, through the aid of the white people, protected by the Government of the United States, not interfered with by the intruders, as they are called, since 1836 or 1837, down to the present time; and, instead of having built up permanently and established a government there that is capable of taking care of human life and property, they are degenerating from time to time, from day to day, a degeneracy not caused by the evil influence of white men upon them, but it is because they have found that a great many of them can live by speculation, by land grabbing, by their wits, by playing landlord and having white men hired to work for them, and they can go off on the tippie, and indulge in gambling, and in all those sports of which the Indian is so fond. They are being demoralized by their very opportunities and their wealth, until we have had to take hold of them, as I observed before, by creating tribunals entirely outside of the country to deal with them in their crimes committed against white people or crimes committed by white people against them.

After emigrating from Alabama, Mississippi, Florida, Georgia, and Tennessee to the country west of the Mississippi River, these Five Tribes, of which I am speaking now particularly, established the governments about which I have been talking. When the civil war came on they participated in that civil war, taking sides in it as they chose, according to their convictions. The nations were divided against themselves upon that question, and no one of the nations went wholly or bodily either in favor of the Confederate or the Union cause.

After that war was over there came a reconstruction amongst them. That reconstruction involved two questions. The first was what the Indians would be willing to do, what they would agree to do in respect of the renewal of their loyalty to the Government of the United States, and the second was, what they would do with the colored population amongst them, whom they had largely and chiefly owned as slaves, for the Creeks, the Cherokees, the Choctaws, the Chickasaws, and the Seminoles were all slave-owning tribes. They did not have any compunction at all about the putting of the negro into bondage. The negro question was treated in these various treaties separately; that is to say, it was put into such shape as suited the Government of the United States, and the Indians were willing to agree to it, in respect of their becoming citizens of the tribe of which they had formerly been slaves, and also in respect of their political rights and place in the different Territories and the different tribal lands which they might occupy. Negroes abounded in the Creek country more than they did in any other in proportion to the number of the population. In the treaty of 1866 between the Creek Indians and the Government of the United States is article 10, which provides:

The Creeks agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian Territory: *Provided, however,* (That) said legislation shall not in any manner interfere with or annul their present tribal organizations, rights, laws, privileges, and customs. The Creeks also agree that a general council, consisting of delegates elected by each nation or tribe lawfully resident within the Indian Territory, may be annually convened in said Territory, which council shall be organized in such manner and possess such powers as are hereinafter described.

I have read the latter part of that tenth article for the purpose of calling the attention of the Senate to a common consent among all of these Five Tribes to a Territorial government. The general council which is spoken of here had never existed, had never even been in contemplation, so far as we have any historical information on the subject, prior to the time of the making of these treaties. They were all made in and about the same time, the same year, and perhaps in almost the same month.

Mr. GRAY. What is their consent with reference to the administration of justice there?

Mr. MORGAN. This is the provision:

The Creeks agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian Territory.

That covers, of course, the whole case. We put in a proviso, to which I will call attention in a moment. I wish, however, before I reach that proviso as to the proper construction of article 10, to call attention to the fact that in the reconstruction of these Indian tribes—for that is exactly what it was; it was as much a reconstruction among them as it was amongst the Southern States which had seceded from the Union—those conditions were imposed by the Government of the United States equally upon all of the Five Tribes. They all consented to them.

A general council was to be called, to which each tribe should select its proper delegates to go there and make laws for the whole of the Five Tribes. They agreed to that and the Government of the United States was to pay the expenses of the delegates, who were to get \$4 a day. They were to be elected and sent there, and on one or two occasions they were elected and they were sent there, but the work was disagreeable to them. It wounded their

tribal pride, and they abandoned it, and they said, for a pretext, that the Government of the United States had not made the appropriations for carrying the law into effect, when the fact was that they were to go there, transact their business, and do their work, and the Government of the United States was to provide the funds necessary to carry it out. There may have been something a little slack in our administration of this law, and I am very sorry for it, because these Indians, instead of getting closer together and drawing more nearly to the bonds of statehood, have dissevered from each other, and have become now really belligerent tribes as against each other.

Recognizing that fact—and I want to call the attention of the Senate to it—when we came to pass the Indian court bill, which is now upon our statute books, we provided in the jurisdiction of that court that the Indian of one tribe might sue the Indian of another tribe in that court. What does that mean? It does not mean that we had surrendered the jurisdiction of determining suits between Indians—not by any means. In the very act from which this bill in large part is copied we affirm the principle that we had the right to authorize an Indian of one tribe to sue an Indian of another tribe in that court. Therefore it can not be said that, upon that interpretation of it, we have yielded up in these treaties, or elsewhere, the right to try an Indian for an offense committed upon an Indian, or a white man either, or the right to entertain a suit on the part of an Indian against an Indian of another tribe.

I now come to that proviso, and I will consider that as presenting the strongest feature of the case against my argument. I will read it:

*Provided, however, That said legislation shall not in any manner interfere with or annul their present tribal organizations, rights, laws, privileges, and customs.*

Then it goes on to provide as to this general council. Now, admitting the full efficacy of that treaty engagement with a foreign power and irrevocable—put it in the strongest form you can—and then see how much of a barrier it is to our legislating for these Creek Indians.

That said legislation shall not in any manner interfere with or annul their present tribal organizations—

The bill does not propose to do that—rights—

No rights are taken away.

laws—

No laws are interfered with.

privileges—

No privileges are broken down.

customs.

No custom is disregarded; but entirely consistent with all of these the judicial arm of the nation is extended there, and it may be that the judges in controversies between these Indians will feel themselves bound in the administration of the law between them as to disputed matters of right or criminality to regard their customs and privileges as they have existed there as controlling in the administration of justice precisely as the *piepoudre* Indian courts, to which I have referred, recognized the customs of the Indians in administering penalties. All over that country, in every reservation, and amongst every tribe everywhere that is the principle that is recognized, and in the jurisprudence of the United States which touches upon the Indian is not absent anywhere; his rights, his duties, his privileges, and customs are all regarded by the courts, unless we take occasion to repeal or change these rights, privileges, and traditional usages.

Mr. President, that is all that bars us out from the Creek country. Does any Senator here find, when a murder is committed in that country or any other form of outrages or abuse of law and justice is committed there, that the Government of the United States has no right to enter, with its Constitution there already, with its laws enacted under the Constitution, and with its judicial system—because we can appoint as many inferior judges as we choose—and take up the subject of the redress of those wrongs and the punishment of the culprits and the protection of society in consequence of it? How can such a provision as that in a treaty, admitting that it was made by lawful authority and approaches the dignity of a vested right, shut out the Congress of the United States from going there and taking hold of this subject and regulating it? I can not see.

Now, in regard to the Choctaws and Chickasaws, there is a stronger provision in their favor. But it does not shut us out. Article 7 of the treaty made the same year provides:

*The Choctaws and Chickasaws agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian Territory: Provided, however, Such legislation shall not in anywise interfere with or annul their present tribal organization, or their respective legislatures or judiciaries, or the rights, laws, privileges, or customs of the Choctaw and Chickasaw nations respectively.*

If we should construe that article into an absolute bar against our going with our judicial system amongst the Choctaws and

Chickasaws, whose people are very anxious that we shall go, the question will arise, Shall we in consequence of that proviso as a qualification of the positive engagement we have made, find ourselves disarmed of the power, constitutional and otherwise, to go there and exercise the functions of a Government which administers justice according to law? We can not abdicate the right to do it. The ratification of that treaty, which was by the Senate of the United States, never gave to it such an effect of law as to give to those people a vested political right of that sort. What is it but a political right? Nothing. Unless they were politically in a condition to receive that right as a sovereign power and to hold us to the engagement, they have nothing more in the world upon us than a moral claim, which I am entirely free and have been for years to indulge, admit, and execute. When I find that those courts are totally inefficient, that their judges are corrupt, that their powers are not respected, that murder and rapine sit at the very doors of the courts of justice in that country, I do not feel that I am under any constitutional or treaty obligation to forbear the powers that are possessed by the Congress of the United States to redress those grievances of the people, and to protect them in their lives, their property, and their liberty.

But I contend that that is not at all a proper construction of the article. Even giving to the words the broadest possible force of which they are capable, for there is no community in the United States not protected by the sanction of a written, permanent constitution of the sovereign character that belongs to the States of the American Union, there is and there can be no institution of government or people or tribal organization here which can stand against the necessities of civilization and justice in this country. We can not possibly admit in this country that any body of men can stay outside of all government except their own tribal organization, with no representation anywhere and no communication with anybody. We can not admit now that they can do that or that we can encourage and sustain them in it, unless we are prepared to give up the whole subject of government into their hands.

I wish to read two or three extracts from the Creek laws to show the animus of those people and to describe to the Senate what they think of the powers they possess and the manner in which they want to use them in opposition and hostility to the Government of the United States. Here is the act approved August, 1872:

*That no citizen of this nation shall exercise the power of petitioning any foreign power upon any question, when such petition shall be in its nature subversive of the laws and constitution of this nation; and any citizen who shall be found guilty of violating the above law shall receive fifty lashes upon the bare back.*

No Indian in that country is allowed to come here with a petition or a suggestion that he does not get justice, nor is it allowed that any foreign power—they class us as a foreign power—shall be invited or petitioned to do anything at all for the relief of a person in that country. Here is another provision of the act approved August, 1872:

*That no citizen of this nation shall exercise the right of attending any meeting or council called by an alien or aliens, when such meeting is intended to produce lawlessness, or is subversive of the constitution and laws of this nation; and any citizen found guilty of violating the above law shall receive fifty lashes.*

The law goes on with various other provisions of that kind. The Cherokees had a provision in their law that no man should be permitted to ship timber out of the Cherokee Nation. I know a man who had, perhaps, eight or ten thousand dollars, a large amount of money, involved in the logging business out there. He went around among the occupants of the land and bought logs from them, walnut and cherry, etc., and shipped them down the Arkansas River. The officials seized the logs and confiscated them and put the money into the treasury or their pockets, whichever they pleased. Then they tried him and punished him heavily, all because he was carrying his logs outside of the Cherokee country into a foreign land—down to Fort Smith in Arkansas—for sale. There are cases of that kind.

Now I will read an extract from the latest census report of the United States. I read it to show something of the manner in which justice is administered out there by some of the courts, and there are a great many instances of that kind. We have evidence of a number of instances in which justice has been administered in this way. I will pick out one. There are a number of instances.

Albert Rennie, United States commissioner, of this city, who, for a time, was stationed at Wewoka, the capital of the Seminole nation, relates an inhuman and barbarous incident connected with an execution at Wewoka. It is the custom to execute those convicted of a capital crime by shooting. The executioners were two members of the national light horse, detailed for the purpose. In the instance referred to the victim was led to the rock upon which these judicial killings take place.

The two light horsemen, executioners, were too drunk to hit a barn, and their shots wounded the human target. They left the ground at once, and the negro brought the rough box coffin to the side of the wounded man, who protested against the proceedings as vigorously as his strength would permit. Assisted by two other negroes the body was put in the box and an effort made to nail the lid, but the victim pushed and kicked it so that the task was only accomplished by two of the men sitting on the lid while the other drove the nails with the utmost nonchalance. The interment was then made.



There is a Senator on this floor who has a photograph, taken by one of those story-telling kodaks, of a man who was shot in the same way. He was condemned to death, and the sheriff gave the job of shooting that man to his worst mortal enemy. He took his gun and deliberately shot the condemned man on the wrong side of his body. Instead of shooting him through the heart, he shot him on the other side, so as to wound him. When the poor creature had been shot, though not yet dead, they laid him upon the ground, sat upon his chest, put their fingers around his throat, and choked him to death. There is the kodak picture telling the story. A Senator on this floor has it. That might do as an example of the barbarous manner in which they execute the decrees of what they call their courts. Any man is convicted against whom the judge and his friends combine, and any man is acquitted who will put up money enough to make his escape or who has power enough in the community to threaten these men with being waylaid and shot.

There is not only no justice in that country, but there is scarcely amockery or pretense of justice. I have papers lying before me now which, if it is requisite, I will read to show that at the time when we commenced distributing the money amongst the Cherokee Indians, for instance, for the land strip we bought of them, the most horrible and brutal robberies and murders were carried on throughout the Territory. There was scarcely a single store in the Cherokee Nation which was not robbed. A great many of the very best citizens in the country were met upon the highway and robbed. On the day of the distribution of the money, at a place within 3 miles of the telegraph and the capital of the Cherokee Nation, an Indian came riding down the road. He found a couple of commercial drummers in a wagon of some kind. He shot one and arrested them both, and robbed them. Going on down the road he found a very respectable young man with his mother in a wagon. His mother was a woman very much beloved in the country. In his effort to shoot the young man the Indian killed the old lady in the wagon. The young man took up his gun, and killed the Indian and his horse.

Such things go on there in the presence of the courts and judges, who have not the will or the power, either, to administer justice. Such a mockery of justice exposes human life to greater danger than if there were no courts in the Territory. Then men would not rely upon the courts. They would rely upon the power of self-defense, and these murderers and marauders who go about there and attack everybody, day and night, railroad trains and everything else, might become afraid to do such things in the event that they knew men would go armed for them and would not rely upon the courts for their protection.

In an effort to relieve this situation we established two courts, one at Fort Smith and the other at Paris, and also a court of limited jurisdiction in the Territory. Whoever speaks of those courts, and the testimony abounds in every investigation ever made in that country, says it is an enormous cruelty upon the people. The marshals go out with their deputies, having a hundred deputies at their command to send to different parts of the country. They will pick up this man or that man or the other man to take down to court. There may be a large number of witnesses to go. The marshal makes a slow and circuitous movement through the country with his caravan, picking up prisoners and witnesses, camping at that place and the other, and after a while he wheels into Fort Smith with a brigade of people following him. When he comes to make up his accounts he has so much for catching a man, so much for the night's entertainment in camp, so much travel per mile. He makes his money by thus going around among the people and collecting prisoners and witnesses and carrying them to court from various distances, anywhere from 10 to 200 miles. I am informed that one of them sent a bill for his personal fees in a single year which amounted to \$25,000.

The expenses of the courts down there have simply been enormous. There is no occasion for carrying those people outside of the Indian Territory to get juries no better than they can find inside and judges who are no better. There is no reason for removing justice from the door of the culprit because you want to take him into a strange land and punish him. If justice is worth anything it is because it seats itself where it is within easy reach of the appeal of the innocent and where the guilty will feel that there is present in the community a power and an instrumentality that is not to be set aside.

Justice does not protect people by running off from them a hundred or two hundred miles to hold its court in some other country or some other place. The United States Government can not protect the people in that kind of a way, no matter what the expense may be or even what the economy might be, if there were any economy about it. It would be a failure of justice, because the influence and effect of justice is not felt among the people. Under such circumstances the whole advantage of our judicial system is lost.

I obtained from the Department of Justice a statement of the

expenses of those two courts. The expense of the district court in western Arkansas for the fiscal year 1894 was \$189,870.14, in the Indian Territory \$186,008.66, in eastern Texas \$195,558.40, making \$571,437.20. That amount is bestowed upon the trial of a comparatively small number of cases. The convictions in one court were 80, in another perhaps a little over a hundred, but all together the convictions, most of them, I think, for retailing whisky and offenses of that kind, would not amount perhaps to more than three or four hundred out of a population which Mr. Dawes states is 250,000. The census returns show differently. I will put before the Senate the correct statement from the census of 1890. It shows that the total population of all races in the Five Civilized Tribes was 178,097. I am reminded by the Senator from Arkansas [Mr. Jones] that the number has increased considerably since that time. Another gentleman informs me that it has almost doubled. So perhaps Mr. Dawes's figures giving them a population of 250,000 are correct.

Now, I wish to call attention to another matter. In the Cherokee country there were in 1890 56,309 people, but the per cent of Indians was 39.10. In the Seminole country there were 2,739, and the per cent of Indians was 64.29. But in the computation of the Indians they do not confine themselves to full bloods. They take all who belong to the tribe, all the citizens of the tribe, and there are a great many white men who are counted Indians because they are citizens of the tribe. But taking it upon the figures of the census of 1890 the majority of white people in that country over Indians was 69,704. For the sake of taking care of 39 per cent of the population of the Cherokees, 9 per cent of the population of the Chickasaws, and 25 per cent of the population of the Choctaws, shall we go to all that expense and have this elaborate system of judicial procedure by which men are taken up and carried out of the Territory for trial?

There is not a paper, I think, in the whole Five Civilized Tribes, and there are a great many newspapers there, which does not advocate the abandonment of those outside courts and the creation of the court that is proposed in the amendment of the Committee on Indian Affairs which I have had the honor to present and to try to defend. I do not know that I could justify myself in detaining the Senate by a more protracted statement of the necessities of this legislation than that which I have made. There is one point, however, in regard to the Cherokee country and its condition to which I wish to call attention.

The Cherokee Indians have presented the strongest objections that have been made here upon the question of the obligation we are under to protect them in their treaty rights. I wish now to show another engagement which we made with those people and the engagement which they insist is stronger than the one we made with the Chickasaws and Choctaws. It is really not so strong in its language, and taken with its surrounding circumstances it is not so strong in its import. What does it mean? I invite the attention of Senators, who have any doubt or difficulty at all about this case, to article 26.

Mr. CHANDLER. Will the Senator from Alabama allow me to suggest, in relation to the amendment which he proposes to the appropriation bill and to which he invites the attention of the members of the Senate, whether there should not be some member of the majority of the Committee on Appropriations on the floor to be convinced by the Senator that the amendment ought to go on the bill?

Mr. MORGAN. I presume they are entirely convinced anyway.

Mr. CHANDLER. I understood the amendment has not yet received the approbation of the Committee on Appropriations, and it seems to me they ought to hear the remarks of the Senator from Alabama.

Mr. MORGAN. It has not received the disapprobation of that committee by any means.

I wish to read article 26. I shall be very glad if Senators will give me their attention for just a moment.

The United States guarantee to the people of the Cherokee Nation the quiet and peaceable possession of their country and protection against domestic feuds and insurrections, and against hostilities of other tribes.

If there is any one guarantee needed in that country at this time it is for the protection of one Indian against another, for the Territory is in a condition of feud, and vendetta prevails there. There have been a great number of Indians killed there recently in personal feuds among themselves. I am not exaggerating when I say hundreds of Indians have been killed there recently in feuds among themselves without any apparent responsibility to the law or any dread of it at all. They have no respect for their own courts, and up to this time we have not given any court of the United States power to interfere where one Indian attacks another. But there is our promise to them in the treaty that we will protect them against feud.

What is a feud? Not a political turmoil. It is a personal controversy; it is that which breeds vendetta—private malice and private anger, sometimes running into families and getting up combinations of that kind, one family against another. But the

prevalence of this lawlessness and destruction of human life is so great we can well call it a feud, and many, yes, a great number, of those people, are looking to-day with extreme anxiety for the people of the United States to come there and suppress those feuds and establish laws in that land.

Now, having stated these points, I will ask the Secretary to read the amendment, in order that the Senate may get in its possession the precise programme that is presented. Then I may submit a few remarks upon the provisions of the amendment.

**THE VICE-PRESIDENT.** The amendment proposed by the Senator from Alabama will be read.

**THE SECRETARY.** Insert the following:

That the territory known as the Indian Territory, now within the jurisdiction of the United States court in said Territory, is hereby divided into three judicial districts, to be known as the northern, central, and southern districts.

The northern district shall consist of all the Creek country, all of the Seminole country, all of the Cherokee country, of the country occupied by the Indian tribes in the Quapaw Indian Agency, and the town site of the Miami Townsite Company, and the places of holding courts in said district shall be at Miami, Vinita, Claremore, Tahlequah, Muskogee, and Okmulgee.

The central district shall consist of all the Choctaw country, and the places of holding courts in said district shall be at South McAlester, Atoka, Antlers, and Cameron.

The southern district shall consist of all the Chickasaw country, and the places of holding courts in said district shall be at Ardmore, Purcell, Pauls Valley, Ryan, and Chickasha.

**SEC. —** That there shall be appointed by the President, by and with the advice and consent of the Senate, two additional judges of the United States court in said Indian Territory, who shall hold their respective offices for the term of six years from the date of their appointment, unless sooner removed as provided by law, one of whom shall be the judge of the northern district and the other shall be the judge of the southern district, and the judge of the United States court now in office shall, from and after said appointments, be the judge of the central district, and shall hold his office for the term for which he was appointed, anything in this act to the contrary, and during the period of their service said judges shall reside in the judicial district for which they are appointed; and said judges of the northern and southern districts shall each take the oath of office required by law to be taken by the judges of the district courts of the United States. Said judges shall each be paid a salary of \$5,000 per annum, the same to be paid from the Treasury of the United States in like manner as the salaries of the judges of the United States district courts. If said judges are appointed at a time when Congress is not in session, they shall hold office until the next final adjournment of Congress, unless they are confirmed by the Senate, and when so confirmed their terms of office shall then date from the date of such confirmation.

The judges shall have, within the judicial districts for which they are appointed, all such authority, both in term time and vacation, as to all matters and causes, both criminal and civil, pending or that may be brought in said districts, and shall have the same superintending control over commissioners' courts therein, and the same authority in the judicial districts, to issue writs of habeas corpus and prohibition, injunction, mandamus, certiorari, and other remedial and final process, as is by law vested in the judge of the United States court in the Indian Territory, or in the circuit and district courts of the United States; and the district courts created by the provisions of this act shall be courts of criminal and special jurisdiction conferred by act of Congress and of common law and equity jurisdiction. The judges of each of said districts are authorized and empowered to hold courts in any other district, and they are required to sit in the courts of either of said districts when it is necessary to provide for the trial of any cause or causes when the judges of such districts, or either of them, is for any reason disqualified from holding the court or from trying any cause pending therein. And in case of sickness or the inability for any cause of one of said judges at any time to perform his duties, another of said judges may perform his duties in term time or in vacation.

Until the appointment and qualification of said judges of the northern and southern districts, respectively, the judge of the United States court in the Indian Territory shall continue to perform all the duties and exercise all the authority that is now, or hereafter may be, conferred upon him as such judge, except as herein provided.

At least two terms of court shall be held each year at each place of holding court in each district, at such regular times as the judge thereof shall fix and determine.

There shall be appointed by the President an attorney and marshal for each of said districts, who shall continue in office for four years, and until their successors shall be duly appointed and qualified, and they shall discharge the like duties as other United States attorneys and marshals. Each of said marshals shall appoint one or more deputies, who shall have the same powers, perform the like duties, and be removable in like manner as other deputy United States marshals; and said marshals shall give bond with two or more sureties, to be approved by the judge of the district, in the sum of \$10,000, conditioned as by law required in regard to the bonds of other United States marshals. And the attorney and the marshal in the Indian Territory shall be the attorney and marshal for said central district after this act goes into effect.

Each of the attorneys appointed in said Territory shall receive a salary of \$3,000 per annum; and each of the marshals shall receive a salary of \$4,000 per annum; and each of his deputies, not exceeding four in number, unless a greater number be specially authorized by order of the district judge, entered of record, shall receive a salary of \$1,500 per annum, and his reasonable and necessary expenses of travel and subsistence while on duty, to be approved by the judge of the district for which he is appointed: *Provided*, That, in case of emergency, either of said judges may authorize the appointment of as many deputy marshals as he may deem necessary for the enforcement of law and the suppression of crime, and such deputies shall receive the same pay and expenses of travel, for the time they may serve as regular deputy marshals.

**SEC. —** That the clerks of the courts of each of said districts shall be appointed by the judge thereof, and he shall reside and keep his office at one of the places of holding court in his district. He shall perform the same duties and be subject to the same liabilities as clerks of other like courts; and, before entering upon his duties, he shall give bond in the sum of \$5,000, with two or more sureties, to be approved by the judge of the district, conditioned that he will faithfully discharge his duties as required by law. Each of said clerks shall appoint a deputy clerk for each court in his district at which he himself does not reside. Said deputy clerk shall keep his office and reside at the place appointed for holding the court for which he is appointed, and shall keep the records of said court: *Provided*, That the appointment of such deputy shall be approved by the judge of the district, and may be annulled by said judge for cause, which shall be stated on the records of the court, and the clerk shall be responsible for the official acts and negligence of his deputies. Each

of the clerks in said Territory shall receive a salary of \$2,400 per annum, and each of the deputy clerks shall receive a salary of \$1,200 per annum.

**SEC. —** That each of said courts shall have the powers conferred by law upon United States circuit courts to appoint commissioners within the district in which he presides, who, at the time of their appointment, shall be an attorney of some court of the United States, or of some State, and shall be competent and of good standing, and shall be known as United States commissioners; but not exceeding six commissioners shall be appointed for any district hereinbefore constituted: *Provided*, That the present commissioners shall be included in that number and shall hold office under their existing appointments, subject to removal by the judge of the district where said commissioners reside, for causes prescribed by law. The judge of each district may fix the place where, or the time when, each commissioner shall hold his regular terms of court.

The order appointing such commissioners shall be in writing and shall be spread upon the records of one of the courts of the district for which they are appointed; and such order shall designate by notes and bounds the portion of the district for which he is appointed. They shall have all the powers of commissioners of the circuit courts of the United States. They shall be ex officio notaries public and ex officio justices of the peace within and for the portion of the district for which they are appointed, and shall have the power as such to solemnize marriages.

The provisions of chapter 45 of Mansfield's Digest of the General Laws of Arkansas, entitled "Criminal Law," except as to the crimes and misdemeanors mentioned in the proviso of this section, and chapter 46 of said laws of Arkansas, contained in said digest, entitled "Criminal Procedure," and chapter 91 of said general laws, regulating the jurisdiction and procedure before justices of the peace in civil cases, be, and they are hereby, extended to and put in force in the Indian Territory; and the jurisdiction to enforce said provisions is hereby conferred upon the United States district courts therein: *Provided*, That in all cases where the laws of the United States and the said criminal laws of Arkansas have provided for the punishment of the same offenses, the laws of the United States shall govern as to said offenses, except for the crime of larceny, the punishment for which shall be that prescribed by the laws of the State of Arkansas. And all laws now in force in said Indian Territory in conflict with this act are hereby repealed.

The jurisdiction of such commissioners as justices of the peace in civil cases shall, in all those classes of cases where jurisdiction is by this act conferred upon the United States courts in the Indian Territory, be exclusive, where the amount or value of the demand or of the property or thing in controversy does not exceed \$100.

That said commissioners, acting as justices of the peace in criminal cases, shall have jurisdiction to hold preliminary examinations, and discharge, hold to bail, or commit in cases of offenses which, under the laws applicable to the Territory, amount to felonies.

Appeals may be taken to the district courts in said Indian Territory from the final judgment of said commissioners, acting as justices of the peace, in all cases; and such appeals shall be taken in the manner that appeals may be taken from the final judgments of the justices of the peace under the provisions of said chapter 91 in civil cases, and chapter 46 in criminal cases of the laws of Arkansas: *Provided*, That no appeal shall be allowed in civil cases where the amount of the judgment, exclusive of costs, does not exceed \$30. Each of said commissioners in said Territory shall receive a salary of \$1,000 per annum, and all fees collected by him shall be paid over to the clerk of the district.

**SEC. —** That each of said courts may appoint a constable for each of said commissioners' districts, so designated by the court, which appointments shall be in writing and spread upon the records of one of the courts of the district, and the constable so appointed shall perform all the duties required of constables by the laws of the State of Arkansas, chapter 24 of Mansfield's Digest. Each of said constables shall receive a salary of \$200 per annum. Each of said commissioners and constables shall keep a careful account of all fees, fines, and costs collected by him, and shall settle with and pay the same to the clerk of the district at the end of every quarter, who shall pay the same into the Treasury of the United States. Said commissioners and constables, before entering upon the discharge of their duties, shall execute to the United States, for the security of the public, a good and sufficient bond in the sum of \$2,000, to be approved by the judge appointing him, conditioned that he will faithfully discharge the duties of his office and account for all moneys coming into his hands; and he shall take an oath to support the Constitution of the United States, and to faithfully perform the duties required of him, which bond and oath shall be filed with the clerk in the district for which the appointment is made.

**SEC. —** That jurors for each term for each of said courts in each district shall be selected and summoned in the manner provided by the statute laws of the State of Arkansas, now in force in said Territory: *Provided*, however, That Indian citizens, both by blood and marriage, shall be eligible to serve upon both petit and grand juries the same as the citizens of the United States.

**SEC. —** That all prosecutions for crimes or offenses committed in said Territory, except as herein provided, shall be had within the district in which said offense shall have been committed, and in the court nearest or most convenient to the locality where it is committed, to be determined by the judge on motion to transfer the trial of the case from one court to another. All civil suits shall be brought in the district in which the defendant or defendants reside, or may be found, but if there are two or more defendants residing in different districts the action may be brought in any district in which either of the defendants reside or may be found, and in the court nearest to his residence. All cases shall be tried in the court to which the process is returnable, unless a change of venue is allowed, in which case the court shall change the venue to the nearest place of holding court, without regard to the district in which said court is held, and any civil cause may be removed to another district for trial if the court shall so order, on the application of either party.

**SEC. —** That any person, whether an Indian or otherwise, who shall in said Territory manufacture, sell, give away, or in any manner or by any means furnish to any one, either for himself or another, any vinous, malt, or fermented liquors, or any other intoxicating drinks of any kind whatsoever, whether medicated or not, or who shall carry, or in any manner have carried, into said Territory any such liquors or drinks, or who shall be interested in such manufacture, sale, giving away, furnishing to anyone, or carrying into said Territory any of such liquors or drinks, shall, upon conviction thereof, be punished by fine not exceeding \$500, and by imprisonment for not less than one month nor more than five years.

**SEC. —** That the United States courts in the Indian Territory herein created shall have and exercise jurisdiction as follows:

They shall have exclusive original jurisdiction of all offenses committed in said Territory. They shall have exclusive jurisdiction of all civil cases where the amount or value of the demand or property or thing in controversy exceeds the amount of \$100, and appellate jurisdiction of all cases tried before said commissioners, acting as justices of the peace, where the amount of the judgment exceeds \$30, and original jurisdiction of causes transferred into said courts from the Indian courts.

Any cause pending in any Indian court at the date of the approval of this act shall, on the motion of any party thereto, be transferred into the United



States court of the district where the cause of action originated, or in which any defendant resides, for trial as an original cause; and, for the period of two years from the approval of this act, said Indian courts shall have jurisdiction to hear and determine all causes now pending therein that shall not be so transferred, after which date their jurisdiction shall cease, and the papers and a transcript of the record in all causes pending in said Indian courts which are not decided shall then be transferred into such United States courts for trial: *Provided*, That the jurisdiction of the Indian courts relating to the administration and settlement of the estates of deceased persons, and to guardians, and the accounting executors, administrators, and guardians, and their appointment and qualification or removal shall continue, except as the same shall be changed by law. Administrators and executors of decedents, and guardians and trustees, shall be held liable to suits in the United States courts upon demands, obligations, and liabilities that may exist against the estates they represent.

All laws heretofore enacted, conferring jurisdiction upon the United States courts held in Arkansas and Texas, outside of the limits of the Indian Territory, as herein defined, as to causes of action arising or offenses committed in said Indian Territory, except as herein provided, are hereby repealed, and such jurisdiction as is now conferred by law upon said courts are hereby given to the courts created by this act in said Territory: *Provided*, That in all criminal cases where said courts outside of the Indian Territory have, when this act takes effect, acquired jurisdiction of the persons of the defendants by arrest, they shall retain jurisdiction to try and finally dispose of such cases, and shall retain jurisdiction to try all civil cases pending therein at the date of this act; but all other criminal cases in which the offense is charged to have been committed in the Indian Territory shall be transferred to the courts herein created, together with all original papers belonging to the same, and a copy of all proceedings of record therein. All cases, civil and criminal, now pending in the United States court in the Indian Territory shall be tried and disposed of by the courts in the districts where the same are now pending, unless the venue therein be changed.

SEC. — That it shall be the duty of the marshals appointed under this act to provide, under the direction and with the approval of the judge of the district, suitable buildings and rooms for holding the district courts of their respective districts. They shall also procure suitable offices for the clerks and marshals. Any contract for these purposes shall be approved by the judge only after personal inspection of the premises leased, and any contract for a period longer than six months shall be reported to the Attorney-General for his approval. Said marshals shall also provide suitable prisons at the places of holding district courts for the confinement and safekeeping of all prisoners committed by order of said district courts and the commissioners appointed under this act, and all other prisoners in legal custody.

SEC. — That the judges of said district courts, together with the judges of the United States district court for the western district of Arkansas, shall constitute a United States circuit court of appeals, to be presided over by the judge of the United States district court for the western district of Arkansas, as chief justice of said court, and said court shall have such jurisdiction and powers in said Indian Territory, and such general superintending control over the courts thereof as is conferred upon the supreme court of Arkansas over the courts thereof by the laws of said State, as provided by chapter 40 of Mansfield's Digest of the Laws of Arkansas, and the provisions of said chapter, so far as they relate to the jurisdiction and powers of said supreme court of Arkansas as to appeals and writs of error and as to the trial and decision of causes, so far as they are applicable, shall be, and they are hereby, extended over and put in force in the Indian Territory, and appeals and writs of error from said district courts to said appellate court, in criminal cases, shall be prosecuted under the provisions of chapter 46 of said Mansfield's Digest, by this act put in force in the Indian Territory. But no one of said judges shall sit in said appellate court in the determination of any cause in which an appeal is prosecuted from the decision of any court over which he presided. In case of said presiding judge being absent, the senior judge of said district courts shall preside over said appellate court, and in such case two of said judges shall constitute a quorum.

Writs of error and appeals from the final decision of said appellate court shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of appeal of the United States. Said appellate court shall appoint its own clerk, who shall hold his office at the pleasure of said court, and who shall receive a salary of \$1,200 per annum. Said appellate court shall be held at South McAlester, in the Choctaw Nation, and it shall hold two terms in each year, at such times and for such periods as may be fixed by the court.

SEC. — That there shall be allowed to said attorneys, marshals, and clerks of the court of appeals and district courts the same fees as are allowed to like officers in chapter 16, title judiciary, of the Revised Statutes of the United States, and as are allowed in chapter 63 of the Laws of Arkansas, in all cases where such fees or taxed costs are paid by individuals or corporations, and they shall each keep careful account of all such fees collected by him, and account to the clerk of the court of appeals for all of the same in excess of their respective salaries, making settlement therefor with said clerk at the end of each quarter of the fiscal year. And the said clerk of the court of appeals shall at the end of each quarter pay the moneys or fees so received by him to the assistant treasurer of the United States in St. Louis, Mo.

SEC. — That the laws heretofore enacted by the several legislatures of the Indian tribes within the territory included in this act, so far as the same are not in conflict with the Constitution of the United States, or with the laws of Congress that are specially applicable to any of said tribes of Indians, shall remain in force, except so far as the same are in conflict with the provisions of this act, and shall be recognised by the United States courts as valid enactments.

SEC. — That within thirty days after the passage of this act the President of the United States will, by his public proclamation, inform the inhabitants of the territory included in this act of its provision, and in said proclamation there shall be given a copy of the Laws of Arkansas that are hereby made applicable to said territory.

And for carrying into effect the provisions of this act, the sum of — dollars is hereby appropriated out of moneys in the Treasury not otherwise appropriated.

SEC. — That none of the provisions of any other acts, or of any of the laws of the United States, or of the State of Arkansas, heretofore put in force in said Indian Territory, except so far as they come in conflict with the provisions of this act, are intended to be repealed, or in any manner affected by this act, but all such acts and laws are to remain in full force and effect in said Territory.

SEC. — That this act shall take effect from and after its passage so far as to authorize the appointment and qualification of the judges and other officers required by its several provisions, but in all other respects it shall take effect on and after ninety days from its passage.

Mr. MORGAN. If a point of order is to be made upon the amendment, of course it ought to be disposed of in limine. I wish to say that there are verbal amendments to the amendment which Senators have suggested and which I myself think ought to go

into the text; and that will be the next question whenever the question of order is passed upon. I do not wish to delay the Senate. I wish to get along as fast as we can possibly do so. I do not feel that really I have as much time as I ought to have to present this question to the Senate, because I am so anxious that the pending bill shall get through as well as the other appropriation bills. Therefore I shall not detain the Senate at the present time any further upon it.

Mr. BERRY. Mr. President—

Mr. CALL. Will the Senator from Arkansas allow me?

Mr. BERRY. For what purpose?

Mr. CALL. I wish to ask unanimous consent that the bill shall be proceeded with under the five-minute rule, one speech to a Senator upon each amendment.

Mr. MORGAN. I do not think that would be just to gentlemen who may wish to discuss the pending amendment.

Mr. MILLS. I wish to have an executive session this evening. There is some important business that ought to be transacted in executive session.

Mr. CALL. I hope Senators do not propose to address the Senate at length on the amendment.

Mr. MILLS. I ask the Senator from Arkansas if he will yield to me and take the floor in the morning, so that we may have an executive session now?

Mr. BERRY. I was going to state that if, as the Senator from Alabama [Mr. MORGAN] says, a point of order has been made against the amendment, while I am very anxious to make some remarks upon it, I am equally anxious that the appropriation bill shall be disposed of, and if the point of order is sustained I do not care to take the time of the Senate in discussing the amendment. I regret that this most important matter, one of the most important matters that can possibly affect the country, at least that section of the country, is not presented in such a way that it can be discussed in all its bearings.

On the 5th of December I introduced a bill to create a Territorial government, to provide courts, to provide for a legislature, to have a governor appointed in the Indian Territory; and that I believe is the only remedy for the existing evil. If this subject is to be legislated on now I should like to have a vote of the Senate upon the proposition as to whether it would not be better to organize a Territorial government there at once and provide for all the conditions that exist. Such a measure would go far beyond that which is proposed by the Senator from Alabama.

I do not disagree with the Senator from Alabama as to the question of power nor as to the conditions there. I think Congress has the undoubted and unquestioned power to deal with the situation there, and I believe it is the duty of Congress to deal with it in such a way that it will effectually suppress the lawlessness that exists there and insure to each Indian in that Territory his just rights within the Territory.

Among the violations of United States laws there the train robberies are not all the evil. In my opinion there are others almost as great; but the evil which I believe demands the action of Congress as much as any other is the fact that that vast territory, which belongs to the tribe for the benefit of every Indian, has been seized upon by a few individuals and converted to their own use.

The commission of which the Senator from Alabama has spoken, headed by ex-Senator Dawes, state in their report, which I hold in my hand, that in one nation 61 citizens have appropriated to their own use more than 1,000,000 acres of land, being more than one-third of all the lands which belong to the tribe, consisting of some 14,000 people. I say that is an evil which ought to be corrected; and if we had the time, and this matter came before the Senate in a regular way, I should desire to offer the bill introduced by me as a substitute for the bill proposed by the Senator from Alabama to be inserted as an amendment to the pending appropriation bill.

I repeat, the conditions which exist there are such that they ought to be dealt with in a way that will correct all the evils. But, as I have said, I do not care to go into that if the point of order is sustained. If it be overruled, then various questions will arise upon that amendment, and there are numerous amendments to the amendment which I shall desire to discuss; but until the question is settled as to whether or not we are to consider the entire subject upon this bill I shall not further detain the Senate.

Mr. MILLS. I renew the point of order I made when the Senator from Alabama [Mr. MORGAN] took the floor, which is that the amendment is general legislation on an appropriation bill and is in violation of Rule XVI of the Senate.

The VICE-PRESIDENT. The Chair submits to the Senate the question, Is the proposed amendment in order? [Putting the question.] The "noes" seem to have it.

Mr. MORGAN. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. PETTIGREW (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. ROACH (when his name was called). I am paired on this question with the Senator from California [Mr. PERKINS], who is necessarily absent from the Senate. If he were present I should vote "yea."

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUR].

The roll call was concluded.

Mr. LINDSAY. I am paired with the senior Senator from Rhode Island [Mr. ALDRICH]. If he were here, I should vote "nay" and he would vote "yea."

Mr. HARRIS. Is the Senator from Vermont [Mr. MORRILL] recorded as voting?

The VICE-PRESIDENT. The Senator from Vermont is not recorded.

Mr. HARRIS. I am paired with that Senator, and withhold my vote. If he were present I should vote "nay."

The result was announced—yeas 18, nays 26; as follows:

## YEAS—18.

Blackburn,	Frye,	Morgan,	Vest,
Blanchard,	Jones of Ark.	Platt,	Walsh,
Brice,	Kyle,	Quay,	Wolcott.
Chandler,	Manderson,	Squire,	
Cockrell,	Martin,	Teller,	

## NAYS—26.

Allen,	Gallinger,	McMillan,	Pugh,
Bate,	George,	Mantle,	Turpie,
Call,	Gorman,	Mills,	Vilas,
Clark,	Hawley,	Mitchell of Oreg.	Washburn,
Davis,	Huntou,	Pasco,	Wilson of Wash.
Dixon,	Lodge,	Peffer,	
Faulkner,	McLaurin,	Power,	

## NOT VOTING—44.

Aldrich,	Daniel,	Hoar,	Pritchard,
Allison,	Dolph,	Irby,	Proctor,
Berry,	Dubois,	Jones of Nev.	Ransom,
Burrows,	Gibson,	Lindsay,	Roach,
Butler,	Gordon,	McPherson,	Sherman,
Caffery,	Gray,	Mitchell of Wis.	Shoup,
Camden,	Hale,	Morrill,	Smith,
Cameron,	Hansbrough,	Murphy,	Stewart,
Carey,	Harris,	Palmer,	Voorhees,
Coke,	Higgins,	Perkins,	White,
Callom,	Hill,	Pettigrew,	Wilson of Iowa.

Mr. MILLS. I move that the Senate proceed to the consideration of executive business.

Mr. PLATT. Can we not get through with the bill to-night?

Mr. MILLS. We must have some executive sessions. There is much important executive business to be transacted.

Mr. PLATT. Will the Senator from Texas listen to me for a moment?

Mr. MILLS. I will.

Mr. PLATT. Can we not get through with the Indian appropriation bill in a few minutes?

Mr. GEORGE. Let us get through with the bill to-night.

The VICE-PRESIDENT. The Chair is compelled to state that upon the call of the yeas and nays no quorum has voted. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Allen,	Dixon,	Lindsay,	Platt,
Allison,	Dubois,	Lodge,	Power,
Bate,	Faulkner,	McLaurin,	Quay,
Berry,	Frye,	McMillan,	Roach,
Blackburn,	Gallinger,	Manderson,	Squire,
Blanchard,	George,	Mantle,	Teller,
Burrows,	Gibson,	Martin,	Turpie,
Call,	Gorman,	Mills,	Vest,
Camden,	Harris,	Mitchell of Oreg.	Vilas,
Chandler,	Hawley,	Morgan,	Walsh,
Clark,	Huntou,	Pasco,	Washburn,
Cockrell,	Jones of Ark.	Peffer,	Wilson of Wash.
Coke,	Kyle,	Pettigrew,	Wolcott.

The VICE-PRESIDENT. Fifty-two Senators have answered to their names. A quorum is present.

Mr. MORGAN. I ask unanimous consent that I may withdraw the demand for the yeas and nays, and let the decision of the Chair on the question stand as the judgment of the Senate.

The VICE-PRESIDENT. Is there objection?

Mr. WOLCOTT. What is the request? We could not hear it.

The VICE-PRESIDENT. The Senator from Alabama asks unanimous consent that he be permitted to withdraw the demand for the yeas and nays, and that the decision of the Chair on the viva voce vote of the Senate, that the amendment of the Senator from Alabama is not in order, stand as the judgment of the Senate.

Mr. MILLS. I now move that the Senate proceed to the consideration of executive business.

Mr. CALL. I ask unanimous consent that further debate on this bill may be continued under the five-minute rule, and that we agree to take the final vote upon the bill to-day.

Mr. KYLE. I shall have to object to that.

Mr. CALL. Then I will say at 6 o'clock this evening.

Mr. MILLS. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The Chair will first submit the request of the Senator from Florida to the Senate. Is there objection to the request?

Mr. PETTIGREW. Mr. President—

Mr. CALL. I ask the Senate to allow me, by unanimous consent, to say a single word.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

Mr. CALL. If this bill is not finished to-day or early to-morrow the appropriation bills will not be concluded at this session. I ask that the vote may be taken at 2 o'clock to-morrow.

The VICE-PRESIDENT. Is there objection?

Mr. PETTIGREW. I shall object to the request of the Senator from Florida, in the first place, for the reason that there are a large number of amendments to this bill which I desire to offer. I have made no opposition to the consideration of the bill for the purpose of delay, but this is the most important appropriation bill which comes before Congress, so far as my people are concerned. There are nearly 30,000 Indians in my State, and there are many amendments to be still considered which interest the people of my State which can not be disposed of under the five-minute rule. Further than that—

Mr. MILLS. What has become of my motion to proceed to the consideration of executive business, Mr. President?

Mr. PETTIGREW. I have made no objection to the disposition of the appropriation bills, but I understand—

The VICE-PRESIDENT. The Chair must state that debate is not in order, objection being interposed. The Chair entertains the motion of the Senator from Texas to proceed to the consideration of executive business.

Mr. PETTIGREW. I hope the Senate will give unanimous consent to me to make a very brief statement of not more than a minute.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Dakota?

Mr. MILLS. What is the request?

The VICE-PRESIDENT. That he be permitted to make a statement.

Mr. PETTIGREW. That I be permitted to finish my sentence. I shall only take a moment.

I wish to state further, it is well understood in this Chamber that at 3 o'clock to-morrow an effort is to be made to get up the railroad pooling bill and to sit it out, to hold a session to-morrow evening and on Sunday. So long as such a notion is entertained, I want to say emphatically that when the legitimate consideration of this bill is disposed of, for my part I shall proceed to interpose delay in every way possible, and I want it distinctly understood that the railroad pooling bill, if I am able to prevent it, will not become a law at this session of Congress, much less will it be considered on Sunday.

Mr. MILLS. I object to further debate.

The VICE-PRESIDENT. There is objection to further debate.

Mr. CALL. I ask the Senator from Texas to allow me to make a request for unanimous consent that the vote may be taken upon the pending appropriation bill to-morrow before the Senate adjourns.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Florida?

Mr. ALLISON. Will the Chair state the request?

The VICE-PRESIDENT. The Senator from Florida asks unanimous consent that the vote may be taken upon the pending bill to-morrow—at what hour?

Mr. CALL. I will say at 4 o'clock to-morrow.

The VICE-PRESIDENT. Is there objection?

Mr. PETTIGREW and others. I object.

Mr. GORMAN. If I may be permitted, I ask that we may have a unanimous-consent agreement that the vote on the pending appropriation bill shall be taken before the Senate adjourns to-morrow.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maryland?

Mr. HARRIS. Why not fix the hour at, say, 3 o'clock?

Mr. FRYE. You can not do that.

The VICE-PRESIDENT. The Chair hears no objection.

Mr. MILLS. I move that the Senate proceed to the consideration of executive business.

Mr. CHANDLER. I object, Mr. President.

The VICE-PRESIDENT. The Chair did not hear the Senator.

Mr. CHANDLER. To the request that the bill be finished to-morrow I object.



The VICE-PRESIDENT. There is objection to the request of the Senator from Maryland [Mr. GORMAN]. The question is on the motion of the Senator from Texas that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 23, 1895, at 11 o'clock a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate February 22, 1895.*

##### MINISTER RESIDENT AND CONSUL-GENERAL.

William H. Heard, of Pennsylvania, to be minister resident and consul-general of the United States to Liberia.

##### POSTMASTERS.

John Earley, to be postmaster at Seymour, in the county of New Haven and State of Connecticut, in the place of Wilbur W. Smith, whose commission expired February 14, 1895.

J. E. Petite, to be postmaster at Bellevue, in the county of Jackson and State of Iowa, in the place of William M. Haney, whose commission will expire February 27, 1895.

Andrew W. Bingham, to be postmaster at Littleton, in the county of Grafton and State of New Hampshire, in the place of Chauncey H. Greene, whose commission expired January 27, 1895.

Fanny P. Bisgood, to be postmaster at Sag Harbor, in the county of Suffolk and State of New York, in the place of Genevieve French, whose commission expired December 19, 1893.

Wilbur P. Borland, to be postmaster at Richfield Springs, in the county of Otsego and State of New York, in the place of Norman Getman, whose commission expired February 2, 1895.

William W. Collins, to be postmaster at Whitney's Point, in the county of Broome and State of New York, in the place of Eli B. Blach, whose commission expired December 9, 1894.

Albert Dornfeld, to be postmaster at North Tonawanda, in the county of Niagara and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1894.

Richard Gleeson, to be postmaster at Antwerp, in the county of Jefferson and State of New York, in the place of Josie Miller, whose commission expired February 14, 1895.

Frank Hasbrouck, to be postmaster at Poughkeepsie, in the county of Dutchess and State of New York, in the place of John I. Platt, whose commission will expire February 24, 1895.

Frank Johnson, to be postmaster at Havana, in the county of Schuyler and State of New York, in the place of William V. Dolph, whose commission expired December 21, 1893.

James S. Kissane, to be postmaster at Chateaugay, in the county of Franklin and State of New York, in the place of Charles L. Bentley, whose commission expired February 2, 1895.

John H. Mealey, to be postmaster at Greenwich, in the county of Washington and State of New York, in the place of Stephen L. Stillman, whose commission expired February 14, 1895.

John C. Marlette, to be postmaster at Fultonville, in the county of Montgomery and State of New York, in the place of William Wiles, whose commission expired January 19, 1895.

John Peel, jr., to be postmaster at Livonia Station, in the county of Livingston and State of New York, in the place of Grace Chapman, whose commission expired January 6, 1895.

Hervey Ross, to be postmaster at Gloversville, in the county of Fulton and State of New York, in the place of George O. Potter, whose commission expired February 9, 1895.

Mary V. Proctor, to be postmaster at Lebanon, in the county of Warren and State of Ohio, in the place of Thomas Starry, whose commission expired February 9, 1895.

Jacob M. Winder, to be postmaster at Bristol, in the county of Bucks and State of Pennsylvania, in the place of William H. H. Fine, whose commission expired December 30, 1893.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 22, 1895.*

##### TERRITORIAL ASSOCIATE JUSTICE.

Gideon D. Bantz, of New Mexico Territory, to be associate justice of the supreme court of the Territory of New Mexico.

##### CIRCUIT JUDGE.

Erskine M. Ross, of California, to be United States circuit judge for the ninth judicial circuit.

##### MARSHAL.

Richard T. O'Connor, of Minnesota, to be marshal of the United States for the district of Minnesota.

#### PROMOTIONS IN THE ARMY.

##### Artillery arm.

Lieut. Col. Edmund Cooper Bainbridge, Third Artillery, to be colonel.

Maj. Edward Bancroft Williston, Third Artillery, to be lieutenant-colonel.

Capt. John Rencklin Myrick, Third Artillery, to be major.

First Lieut. William Everett, Fourth Artillery, to be captain.

First Lieut. Henry Clay Danes, Third Artillery, to be captain.

Second Lieut. Eugene Trimble Wilson, First Artillery, to be first lieutenant.

Second Lieut. Moses Gray Zalinski, Second Artillery, to be first lieutenant.

##### Infantry arm.

First Lieut. Silas Augustus Wolf, Fourth Infantry, to be captain.

Second Lieut. William Curtis Neary, Third Infantry, to be first lieutenant.

##### POSTMASTERS.

Martin V. Woodworth, to be postmaster at Danielsonville, in the county of Windham and State of Connecticut.

Hugh Ferry, to be postmaster at Audenried, in the county of Carbon and State of Pennsylvania.

Frank Hasbrouck, to be postmaster at Poughkeepsie, N. Y.

Jefferson M. Swett, to be postmaster at Eastport, in the county of Washington and State of Maine.

Charles F. Easterbrooks, to be postmaster at Bristol, in the county of Bristol and State of Rhode Island.

Clarence B. Davis, to be postmaster at West Haven, in the county of New Haven and State of Connecticut.

Frank Johnson, to be postmaster at Havana, N. Y.

#### HOUSE OF REPRESENTATIVES.

FRIDAY, February 22, 1895.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read and approved.

##### DEATH OF THE LATE MINISTER TO MEXICO.

The SPEAKER laid before the House the following concurrent resolution of the Senate:

*Resolved by the Senate (the House of Representatives concurring). That the Congress of the United States learned with high gratification of the special honors paid to the memory of the deceased by the Government of Mexico upon the occasion of the death of the Hon. Isaac P. Gray, late minister of the United States near the Republic of Mexico.*

*Resolved. That in token of the appreciation of the same, the Secretary of State be requested to forward to the Mexican Government an enrolled copy of this resolution.*

Mr. BYNUM. Mr. Speaker, I ask unanimous consent for the present consideration of this resolution, and move concurrence.

Mr. REED. Would it not be desirable to have this matter referred to some committee first, to see if it is in accordance with the precedents? I think it would have more weight. I merely suggest this to the gentleman from Indiana.

Mr. BYNUM. I do not see why it should have any more weight if reported upon by a committee.

Mr. REED. I would suggest to the gentleman that the Committee on Foreign Affairs might consider it with the right to report at any time. I merely wish to see if it is in accordance with the custom in such matters.

Mr. BYNUM. Mr. Speaker, I would prefer to have action now. If the gentleman desires to object—

Mr. HITT. There would probably be some difficulty at this stage of the session in getting a meeting of the committee.

The SPEAKER. Is there objection to the present consideration of the concurrent resolution?

Mr. DINGLEY. Let it be again reported.

The resolution was again read.

Mr. DINGLEY. I would like to ask the gentleman from Indiana if it has been the custom, in case of the death of a minister of the United States at a foreign court, to pass such resolutions as this?

Mr. BYNUM. This is simply a resolution of thanks to the Government of Mexico for its courteous action in reference to the death of our late minister there.

Mr. DINGLEY. But has it been the custom? Has this been done before?

Mr. BYNUM. I am not able to say. This is a Senate resolution, and I presume is in the usual form.

Mr. DINGLEY. Because if it has been the custom there could be no objection.

Mr. REED. It is one of those things that ought not to be done

without some consideration, although a matter of very little importance in itself.

Mr. BYNUM. I do not know whether it has been the custom or not.

Mr. DINGLEY. There is no objection, of course, unless this is the establishment of a practice with reference to the death of a foreign minister, in which event some consideration should be given to the matter.

Mr. BYNUM. I think it eminently proper that it should be done under the circumstances, and I ask unanimous consent for the present consideration of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Indiana for the present consideration of this concurrent resolution?

There being no objection, the resolution was considered, and agreed to.

#### REIMBURSEMENT OF CITY OF MENASHA, WIS.

Mr. WELLS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8331) to reimburse the city of Menasha, Wis., for moneys expended, and for other purposes.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

*Be it enacted, etc.,* That the sum of \$2,745.48 be, and the same is hereby, appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the purpose of reimbursing the city of Menasha, Wis., for moneys expended by said city in the construction of a retaining wall along the bank of the Government canal in block 44, and at the head of Main street, in said city of Menasha, the construction of which wall was made necessary through the washing away of a portion of what is known as Water street, in said city, as also the foundations of the drawbridge crossing said canal, which said washing away was caused by the passage of boats through said Government canal.

SEC. 2. That the moneys so appropriated shall be immediately available for the purpose aforesaid, and shall be paid over to said city through its proper officers immediately upon the enactment and approval of this measure.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SAYERS. Let us have some explanation of this bill. It seems to be somewhat unusual.

Mr. WELLS. Mr. Speaker, the report of the Committee on Claims is unanimous in favor of this proposition, and is very short. It covers the ground pretty well; and before asking to have the report read I will take a moment to make a brief statement.

Early in the fifties what was known as the Fox and Wisconsin improvement was inaugurated in our State. Subsequently the General Government obtained possession of the canal which had been commenced, and all the works on the Fox and Wisconsin rivers now belong to the Government. In building the canal through the city of Menasha they failed to build a retaining wall along what is known as Water street in the city. It was soon found that the operation of the canal washed this street to such an extent that it was necessary for the city to go to the expense, in order to preserve the street from total destruction, to build what is known as a retaining wall along the canal. Last fall the city of Menasha had their laborers at work on this wall, and I wired to the Secretary of War in their behalf, and borrowed stone from the Government with which to carry on the work during the fall.

The report of the committee carries with it the affidavits of the older citizens of the city of Menasha, who have been there since the creation of the village and the settlement of that country, who set forth all the facts which I have now stated, to wit, that the retaining wall is necessary to preserve the street and the drawbridge across the Government canal. The city engineer has reported that this money was expended in the construction of this wall and was absolutely necessary. There is no question as to the equity of the case.

Mr. SAYERS. Has the gentleman anything from the War Department in reference to this?

Mr. WELLS. There has been a report by the Chief of Engineers, to which reference is made by the committee. The committee, after an examination of this report and all of the facts in the case, subsequently unanimously reported this bill.

Mr. SAYERS. What is the report of the Chief of Engineers?

Mr. WELLS. Well, it is the ordinary report in such cases, showing the work done and the necessity for it. It is a short report, merely setting forth the facts, as I have done.

Mr. SAYERS. Did the Chief of Engineers state that this injury now claimed was the result of negligence on the part of engineers of the Government in not properly constructing the canal in the first instance?

Mr. WELLS. The Chief of Engineers is not in the habit of making such suggestions, as against brother officers of prior date.

Mr. SAYERS. I suppose he would state the truth, if he knew it to be the fact?

Mr. WELLS. I presume he accepted that as a fact, upon the basis of the sworn statement made by gentlemen who know all about the fact. Indeed one of them, Mr. Reed, postmaster of the

city of Menasha, testifies that he helped to build the canal, and knows all the circumstances.

Mr. LOUD. This opens up too great a question, I think, for this Congress to dispose of by unanimous consent. If this bill were to pass the district of my friend from Mississippi [Mr. STOCKDALE] would have a claim on Congress in the matter of the improvement of the Mississippi River; and this is really a great question. I hope this Congress will not establish the precedent without due consideration in Committee of the Whole, after a full discussion. Upon these grounds I shall have to object.

Mr. WELLS. I hope the gentleman will not object.

Mr. DALZELL. I ask unanimous consent for the consideration of a bill which I send to the Clerk's desk.

Mr. BRECKINRIDGE. I wish, if possible, to get the general deficiency bill through to-day, and I call for the regular order, so that we can be impartial to everybody.

Mr. DALZELL. I hope the gentleman will allow me to present this bill. It is a bridge bill.

Mr. SAYERS (to Mr. BRECKINRIDGE). Let them have one recognition on that side.

Mr. BRECKINRIDGE. I will withdraw the demand for the regular order long enough for one recognition on the other side.

#### BRIDGE OVER THE MONONGAHELA RIVER.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 8880.

The SPEAKER. The Clerk will report the bill.

The bill was read at length. It authorizes the Pittsburg, Monongahela and Wheeling Railroad Company, a corporation organized under the laws of the Commonwealth of Pennsylvania, or its successors or assigns, to construct and maintain a bridge and approaches thereto across the Monongahela River at a point in the county of Allegheny, Pa., opposite, or as nearly opposite as may be, Monongahela City, in said State.

Mr. SAYERS. I understand the bill is in the usual form.

Mr. DALZELL. It is in the regular form.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. DALZELL. There are two amendments to the bill, one for the insertion of the word "company" after the word "railroad," and the other an amendment to the title.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 9, section 7, after the word "railroad," insert the word "company."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The committee recommended that the title of the bill be amended so as to read:

A bill (H. R. 8880) to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River.

The amendment was agreed to.

On motion of Mr. DALZELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BRECKINRIDGE. Now, Mr. Speaker, I demand the regular order.

#### LEAVE OF ABSENCE.

The Clerk read as follows:

Mr. PICKLER, who is confined to his room by sickness, asks to be excused from yesterday's and to-day's session of the House. Had he been present yesterday he would have voted "aye" in favor of the Hawaiian cable.

The SPEAKER. Without objection this leave of absence will be granted.

There was no objection.

#### VISITORS TO MILITARY AND NAVAL ACADEMIES.

The SPEAKER announced as Visitors to the Military Academy Mr. WHEELER of Alabama, Mr. WASHINGTON, and Mr. MILLIKEN.

The SPEAKER also announced as Visitors to the Naval Academy Mr. SAYERS, Mr. TATE, and Mr. HULL.

#### REGISTERS AND RECEIVERS OF LAND OFFICES.

Mr. DOCKERY, from the Joint Commission to Inquire into the Status of Laws Organizing the Executive Departments, submitted a report concerning the duties of registers and receivers of land offices; which was ordered to be printed and to lie on the table.

#### BONDS OF OFFICERS OF THE UNITED STATES.

Mr. DOCKERY, from the same commission, submitted a report with reference to bonds of officers of the United States; which was ordered to be printed and to lie on the table.

#### SOLICITOR OF INTERNAL REVENUE.

Mr. DOCKERY, from the same commission, also submitted a report recommending the abolition of the office of Solicitor of Internal Revenue, and for other purposes. The report was ordered to be printed and to lie on the table.



## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bills and joint resolution of the following titles:

A bill (H. R. 5711) to authorize the adoption of children in the District of Columbia;

A bill (H. R. 5218) to amend the Articles for the Government of the Navy;

A bill (H. R. 5224) for the relief of James Stewart; and

A joint resolution (H. Res. 237) authorizing the Secretary of the Navy to donate to the Oregon State Soldiers' Home, at Roseburg, Oreg., certain cannon, etc.

The message also announced that the Senate had passed with amendments the bill (H. R. 2377) to amend "An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels," approved August 7, 1882; and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels," asked a conference with the House on the bill and amendments, and had appointed Mr. RANSOM, Mr. VEST, and Mr. FRYE as the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments the bill (H. R. 8237) for relief of William W. Buckley, late first lieutenant One hundred and ninety-fourth Regiment Ohio Volunteers; in which the concurrence of the House was requested.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8092) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1896, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1969) granting a pension to Harrison C. Hobart, brevet brigadier-general of volunteers.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendment the bill (H. R. 6323) to amend the Articles for the Government of the Navy relative to punishment on conviction by court-martial; in which the concurrence of the House was requested.

The message also announced that the Senate had passed with amendment the bill (H. R. 4507) for the relief of Witherby & Gaffney; in which the concurrence of the House was requested.

The message also announced that the Senate had passed joint resolution (S. R. 138) authorizing the Secretary of the Navy to deliver unserviceable or condemned cannon to the mayor of Burlington, Vt., to be used in decorating Battery Park; in which the concurrence of the House was requested.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses to bills of the following titles:

A bill (S. 305) granting a pension to Annie M. Greene; and

A bill (S. 684) for the relief of Mrs. Evalyn N. Van Vliet.

## REPORTS OF COMMITTEES.

The following reports of committees were handed in at the Clerk's desk, referred to their appropriate Calendars, and otherwise disposed of as indicated below:

## TERMS OF UNITED STATES CIRCUIT AND DISTRICT COURTS AT CUMBERLAND, MD.

Mr. BOATNER, from the Committee on the Judiciary, reported back favorably the bill (H. R. 8842) to amend an act to provide for terms of the United States circuit and district courts at Cumberland, Md., approved March 21, 1892, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

## REGULATIONS FOR PREVENTING COLLISIONS AT SEA.

Mr. FITHIAN, from the Committee on Merchant Marine and Fisheries, reported back favorably the bill (S. 2783) to postpone the enforcement of the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea;" which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

## YAQUINA BAY, OREGON.

Mr. HERMANN, from the Committee on Rivers and Harbors, reported back favorably the bill (H. R. 8938) providing for the payment of a board of engineers to consider and report on a new project for deeper water on the bar of Yaquina Bay, in Oregon; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

## BARK JOHAN LUDWIG.

Mr. ROBBINS, from the Committee on Merchant Marine and Fisheries, reported back favorably the bill (H. R. 8922) to provide American register for the bark *Johan Ludwig*; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

## MARINE HOSPITAL, SAVANNAH, GA.

Mr. MCKAIG, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 8281) to establish a marine hospital at Savannah, Ga.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

## ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 3476) to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho;

A bill (H. R. 6750) to authorize the construction of a bridge across the Yellowstone River, in the county of Dawson, State of Montana;

A bill (H. R. 8499) to authorize the construction of a bridge across the Missouri River in the county of Dakota, in the State of Nebraska, and the city of Sioux City, in the county of Woodbury, in the State of Iowa;

A bill (H. R. 5711) to authorize the adoption of children in the District of Columbia; and

Joint resolution (H. Res. 277) in reference to the Free Zone along the northern frontier of Mexico and adjacent to the United States.

## FRIDAY EVENING SESSION.

Mr. MARTIN of Indiana. Mr. Speaker, I wish to be recognized to make a request for unanimous consent.

The SPEAKER. The regular order has been demanded. What is the gentleman's request?

## ORDER OF BUSINESS.

Mr. MARTIN of Indiana. Mr. Speaker, I ask that that portion of the rule governing Friday night sessions limiting them to 10.30 p. m. be vacated or changed so as to extend, if necessary, until 12 o'clock to-night. Let me say in that connection that there are a large number of Senate bills that have not been acted upon. We would like very much if the House would agree that this evening we may sit, if necessary, until 12 o'clock.

The SPEAKER. The gentleman from Indiana asks unanimous consent that the rule governing the night sessions be so modified as to permit the House to remain in session, if necessary, until 12 o'clock before adjourning, in place of 10.30. Is there objection?

Mr. JONES. I object, Mr. Speaker.

## REPORTS.

The SPEAKER. The gentleman from Kentucky [Mr. BRECKINRIDGE] asks that gentlemen having reports to file may be permitted to hand them in at the Clerk's desk. Is there objection? [After a pause.] The Chair hears none.

## DEFICIENCY APPROPRIATION BILL.

The SPEAKER. The gentleman from Kentucky moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The committee accordingly resolved itself into Committee of the Whole, Mr. TARSNEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8892) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1895, and for prior years, and for other purposes.

The Clerk proceeded with the reading of the bill, as follows:

## NAVAL ACADEMY.

To pay the accounts for heating and lighting for the fiscal year 1894, which are set forth in House Executive Document No. 255 of this session, \$1,218.95.

Mr. GOLDZIER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

At the end of line 15, page 20, add:

"Provided, That every Representative or Delegate in Congress whose district or Territory is not now represented at the Naval Academy for any cause by a cadet shall be permitted and authorized to recommend a candidate for appointment as a cadet at the Naval Academy of the United States, said recommendation to be made on or before the 4th day of March, 1895, subject to the qualifications now prescribed by law. Nothing herein contained shall be construed to increase the number of cadets at said Naval Academy as now provided by law."

Mr. GOLDZIER. I ask for a vote.

Mr. DINGLEY. I reserve the point of order upon that.  
Mr. GROSVENOR. What is the purpose of this provision?  
Who offers this amendment?

The CHAIRMAN. The gentleman from Illinois [Mr. GOLDZIER].

Mr. GROSVENOR. The outgoing gentlemen propose to reverse the law and make the appointments for the next two or three years.

Mr. GOLDZIER. I did not hear the gentleman.

Mr. GROSVENOR. The outgoing gentlemen propose to make the appointments for the next three or four years.

Mr. GOLDZIER. The outgoing gentlemen propose to have the appointments made to which they are entitled in their terms.

Mr. GROSVENOR. They have never been entitled to anything of the sort. If so, there is no necessity for this amendment.

Mr. GOLDZIER. Mr. Chairman, the object of this amendment is to cure a defect in the bill which was recently passed by the House, in which the House authorized these appointments to be made; but the Secretary of the Navy construes that law as meaning only a certain class of appointments, when the members of the House who voted for the bill were of the opinion that it included all vacancies. This amendment carries no appropriation whatsoever and does not change existing law, but simply gives additional time for the appointment that the sitting member has the right to make.

Mr. GROSVENOR. Is this before the Chairman on a point of order?

The CHAIRMAN. The gentleman from Maine reserves the point of order.

Mr. DINGLEY. I reserved the point of order.

Mr. GROSVENOR. Why not make the point of order?

Mr. DINGLEY. You can make the point of order now.

Mr. GROSVENOR. I make the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. GROSVENOR. The existing law provides that immediately after the 4th of March the existing vacancies, or vacancies to exist, shall be noted to the then member of Congress, and thereupon, prior to the 1st day of July, he shall make a nomination.

This is a clear, distinct, and unequivocal change of existing law. It is very easy to see what the purpose is. It provides that prior to the 4th of March the outgoing Congress shall fill the vacancies for the four years to come thereafter. Now, this appointment has no operation and no effect until the annual examination on the 15th day of May or on the 15th day of September, and at that time there is in every Congressional district a member of Congress who ought to have the appointment.

I am not discussing the merits of the question. I make the point of order that it changes existing law. If it does not do so, then there will be no necessity for offering this amendment. It is enough to say that the House inadvertently passed this sort of a measure in the form of law, or a bill, which repealed the existing law and changed the statute; and it has fallen to the ground. It is now proposed, on this appropriation bill, to do in this indirect way what failed to be done in a direct way in the legislation to which I have referred.

Mr. MARTIN of Indiana. I ask the gentleman from Ohio to yield to me.

Mr. GROSVENOR. For what purpose?

Mr. MARTIN of Indiana. I want to make a little explanation in connection with this amendment.

Mr. GROSVENOR. Very well.

Mr. MARTIN of Indiana. So far as I understand, this amendment would cover the case of the district which I have the honor to represent, although I did not know it was to be presented. I made a nomination last year, under the law, of a young man as a cadet at Annapolis. He failed to pass the examination. As I supposed, I had, under the law, the right to make another nomination. The Department declined to make the appointment, saying that the law or rules of the Department do not authorize it.

The effect of that ruling of the Department, or of law, is that during the six years I have been a member of this Congress, while there has been but one opportunity for the appointment of a naval cadet, I am entirely shut out. Now, I understand that the effect of this amendment will be merely to cover cases of that kind and that it will not change existing law.

Mr. GROSVENOR. If it does not change existing law, what do we want it for? This amendment, if it were adopted, would have no effect on me, so that it is not a selfish position that I am taking in this matter. There is a vacancy in the Naval Academy at this time from my Congressional district, but if I live I shall have the privilege of filling it under the existing law, and I am not ready to fill it with the precipitancy contemplated by this amendment. It is very true that a member of Congress may sometimes fail to make these appointments. I made a recommendation almost two years ago, but I have thus far failed to se-

cure an applicant that could be admitted to the Academy; but that does not affect the question here.

When the Congressional district which I now represent was created, on the last days of February two years ago, my predecessor, or a gentleman who represented one of the counties of my present district, nominated a cadet from one of my counties to the Academy at West Point, and I therefore lost that appointment. But that was the operation of the law. I submit that there can be no question but what a provision which undertakes to give to an ex-member of Congress an appointment—because that is exactly what this does—changes the existing law. As the law now stands the nomination is to come from a man who is a member of Congress at the time.

The CHAIRMAN. Will the gentleman permit the Chair to call his attention to the fact that the amendment as offered provides that the recommendations shall be made on or before the 5th day of March?

Mr. GROSVENOR. I understand that, but the recommendation is to be made to fill a vacancy that has not occurred; it is to fill the place of a cadet who will not vacate the place at the Academy until the June examination.

Mr. GOLDZIER. That is done at the present time.

Mr. GROSVENOR. It is done, but it is done by a man who is a member of Congress and who will be a member of Congress at the time of the June examination; not otherwise.

Mr. GOLDZIER. No, sir; in the case of the West Point Academy the appointments are made now and the cadets report for examination in March, after our terms here expire.

Mr. GROSVENOR. It is true that the law provides that appointments to the Academy at West Point shall be further along; there is a longer interval. I admit that, but the notice is not sent out until the vacancy is about to happen. Mr. Chairman, this amendment clearly changes existing law.

The CHAIRMAN. For the information of the Chair, will the gentleman from Ohio state whether the recommendations or appointment of these cadets is regulated by statute or by a mere ruling of the Department.

Mr. GROSVENOR. By the statute, as I understand it.

Mr. TAYLOR of Indiana. The limitation of the time when an appointment can be made by a member is a mere ruling of the Secretary.

Mr. GROSVENOR. Then, if it is made by a mere ruling of the Department, this legislation is unnecessary and ought not to be brought in here.

Mr. GOLDZIER. It is not unnecessary because it is directory.

The CHAIRMAN. The suggestion of the gentleman from Ohio goes to the merits of the question and not to the point of order.

Mr. GROSVENOR. Why, Mr. Chairman, there are scores of members of the Fifty-fourth Congress who have already held their examinations and made their preparations for the filling of these vacancies, and now it is proposed that gentlemen who have had the good fortune to have been elected to stay at home shall come in and undertake to do the work which legitimately belongs to members of the next Congress. This bill can not pass with that provision in it.

Mr. CANNON of Illinois. Mr. Chairman, I would like to ask a question, for I do not know that I have quite "caught on" to the merits of this point of order. If I understand it, the law as it now exists without this amendment will keep the sitting member from making the nomination to the Academy for the May or June examination. Am I correct about that?

Mr. GOLDZIER. Not the law, but the construction of it that the Secretary of the Navy makes.

Mr. CANNON of Illinois. Let us see about that. The law is as it is construed to be by the officers charged with its execution—

Mr. TAYLOR of Indiana. That is not necessarily so.

Mr. CANNON of Illinois. Necessarily so, as I understand it, and the very object of this provision is, by legislative enactment, to change that law. The Secretary's construction of the law may not be a wise one. I can not tell whether it is or not. I do not know whether appointments will fall in or fall out by virtue of the adoption or nonadoption of the proposed amendment. But upon its very face, if it is not a change of law as it is construed to be by the officer charged with its enforcement, then there is no use for it. The case is something like that of the destruction of the library at Alexandria away back, many hundred years ago. That library was destroyed, notwithstanding its great literary and historical value, upon the theory that all that was good was contained in the Koran, and if there was anything in that library which was not in the Koran it ought to be destroyed.

The CHAIRMAN. The point of order made against this proposition is that it changes existing law. The Chair has not been referred to any statute which fixes and regulates—

Mr. GROSVENOR. The Chair has not stated the entire point. I hope the Chair will not rule upon a partial presentation of the question.



The CHAIRMAN. What is the other point?

Mr. GROSVENOR. The other point is that the amendment is new legislation. The proposition is clearly obnoxious to the rule upon the one ground or the other.

Mr. TAYLOR of Indiana. Does the gentleman from Ohio know of any part of this bill that is not new legislation?

Mr. GOLDZIER. The fact that a measure is new legislation does not make it out of order.

The CHAIRMAN. The understanding of the Chair (his attention not having been called directly to any statute on the subject) is that there is no statute conferring upon members of Congress the power to appoint cadets; that they merely have, under a rule of the Department, the right to make recommendations of appointments to the head of the Department, and that the time when these recommendations shall be made is fixed purely by departmental regulation.

Mr. GROSVENOR. The Chair is mistaken. I can show the statute which fixes the date.

The CHAIRMAN. The date when the recommendation shall be made?

Mr. GROSVENOR. Yes, sir.

The CHAIRMAN. That is the statute which the Chair asked for.

Mr. GROSVENOR. I am informed that the statute fixes the date.

The CHAIRMAN. That is the statute which the Chair desired to examine.

Mr. GROSVENOR. The Chair ought not to rule on a question of so much importance without referring to the statute when the statute is within reach.

The CHAIRMAN. The Chair asked the gentleman from Ohio to furnish the statute. If one exists, the Chair has no knowledge of it.

Mr. GROSVENOR. I can not be making my argument and at the same time sending for the Revised Statutes.

The CHAIRMAN. The Chair will withhold his ruling on this question until he can refer to the statute which the gentleman from Ohio says he can furnish.

Mr. GROSVENOR. We had the same fight last year on a point of order with reference to this question, and the point was sustained.

Mr. BYNUM. I think I can state correctly the law and the regulations of the Department with reference to this matter. The statute gives to every Representative the right to make a recommendation to the Secretary of the Navy for the appointment of a cadet; the Secretary makes the appointment. The law directs that the Secretary of the Navy shall notify Representatives after the 5th of March, and that the Representative shall recommend for the appointment before the 1st day of July. I think the Chair will find that such is the provision in the statute. At the present time a great many vacancies exist because the candidates recommended and appointed between the 5th of March and the 1st of July last year failed to secure admission, having failed in their examinations.

The examinations were held, some in June and some in September, and as a number of the nominees failed vacancies still exist. The only question is, when a cadet fails to pass the examination has the member a right to make another appointment before the 5th of March following? The Department holds that the Representative can make only one recommendation during the year, and that between the months designated. I think the Chair will find that to be the whole point. I insist that this proposition is not a change of law. The moment a candidate fails to pass for any reason, the member ought to have the right under the law to make another recommendation. The law does not preclude him from doing so; it only gives the Secretary the paramount right to fill the vacancy. The Department, however, holds that this can not be done except at the time specified.

The CHAIRMAN. Unless there be objection, this matter will be temporarily passed over until the Chair can have opportunity to examine the statute.

There was no objection.

Mr. GROSVENOR. Mr. Chairman, upon the former question I cite the Chair to section 1514, Revised Statutes.

The CHAIRMAN subsequently said: The Chair is now ready to rule upon the question of order on the amendment proposed by the gentleman from Illinois [Mr. GOLDZIER]. The Clerk will read section 1514 of the Revised Statutes.

The Clerk read as follows:

Sec. 1514. The Secretary of the Navy shall, as soon after the 5th of March in each year as possible, notify, in writing, each Member and Delegate of the House of Representatives of any vacancy that may exist in his district. The nomination of a candidate to fill said vacancy shall be made upon the recommendation of the Member or Delegate, if such recommendation is made by the 1st day of July of that year; but if it is not made by that time the Secretary of the Navy shall fill the vacancy. The candidate allowed for the District of Columbia and all the candidates appointed at large shall be selected by the President.

The CHAIRMAN. The Chair holds that the point of order is well taken. The amendment proposes to change the existing law,

under which the recommendation for appointment can only be made by the Representative prior to the 1st of July of any year.

The Clerk resumed the reading of the bill.

Mr. BRECKINRIDGE. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 32, after line 23, insert the following:

"To pay William E. Brandt, late a qualified surgeon in the Pension Office, for expenses incurred while detailed as a special examiner of the Pension Office during the fiscal year 1890, \$153."

The amendment was agreed to.

The Clerk read as follows:

#### INTERIOR DEPARTMENT.

To pay Charles E. Monroe for professional services rendered in the chemical examination of and testing the quality of various rubber bands submitted as samples with bids to supply the Department of the Interior bureaus and offices with stationery for the fiscal year ended June 30, 1894, \$125.

Mr. BOWERS of California. Mr. Chairman, I move to strike out that paragraph under the head of "Interior Department."

This is one of the most astonishing things I have ever heard or seen in an appropriation bill in this House. They propose here \$125 to pay an expert to test rubber bands furnished to the Department. Certainly there should be some satisfactory explanation from the committee as to the qualifications necessary in this man who has this remarkable duty to perform, whether he is a Sandow, a Goliath, a David, or if he has peculiar qualifications that are not ordinarily possessed by other men which fit him for this purpose. Will the chairman of the committee explain to a waiting and anxious House and country this remarkable appropriation?

Mr. BRECKINRIDGE. I send to the desk a statement of Mr. George W. Evans, chief of the disbursing division of the Department of the Interior, which explains this matter.

The Clerk read as follows:

The CHAIRMAN. Explain this item in reference to George E. Munroe.

Mr. EVANS. Professor Munroe is a professor in the Columbian College of Washington, and he was called upon by the Secretary of the Interior to make a chemical examination of a large number of rubber bands submitted to the Department and upon which the Department had received bids and estimates. There were a great number of bidders and a large number of samples of bands submitted for examination. The Secretary agreed to pay Professor Munroe \$125 for this service.

The CHAIRMAN. Had he no fund out of which he could pay it?

Mr. EVANS. He had. The Secretary ordered that it should be paid out of the contingent fund, but the question was submitted to the Comptroller, and the Comptroller ruled that we could not pay for such services out of the contingent fund. There being no other fund out of which it could be paid, the Comptroller said we would have to go to Congress for it.

Mr. BOWERS of California. I submit that that does not explain anything, except that they have agreed to pay so much for some kind of a service rendered. It does not show what the man did, or what he is required to do. I would ask if the committee has any evidence as to the number of days or months or hours this man has been engaged in this remarkable labor, and how much he has suffered in his physical development and energy during this phenomenal test?

Mr. BRECKINRIDGE. This is simply an appropriation in the interest of honest contractors against adulterated goods. It is an attempt on the part of the Secretary of the Interior to obtain knowledge, that must be that of an expert, by which he can determine whether the articles furnished are worth the amount proposed to be expended for them or not. If the House desires honest contractors and honest goods they will vote for the appropriation. If the House prefers to give dishonest contractors a chance to palm off dishonest goods upon the public, and against honesty, they will strike it out.

Mr. BOWERS of California. Can the gentleman state the value of the rubber bands reported upon?

Mr. BRECKINRIDGE. The statement was not given. I ask a vote.

Mr. BOWERS of California. I submit that this item should be stricken out.

The question was taken; and on a division (demanded by Mr. BOWERS of California) there were—ayes 6, noes 38.

So the amendment was rejected.

Mr. ELLIS of Oregon. I offer an amendment to this paragraph. The Clerk read as follows:

After the word "dollars," in line 5, page 33, insert:

"In order to pay John H. Cradlebaugh, of Hood River, Oreg., for publishing in 1892, pursuant to instructions from the local land office at Vancouver, Wash., eleven notices of intention of final homestead proof to be made by Indians, \$55, or so much thereof as the Secretary of the Interior may ascertain to be due and certify for payment."

Mr. BRECKINRIDGE. The gentleman from Oregon submitted this to me, and I do not know but that it ought to be adopted. I have no objection to it.

The amendment was agreed to.

The Clerk read as follows:

That the unpublished work of the Eleventh Census shall be completed in the office of the Secretary of the Interior, to whom the records and other property of the Census Office shall be transferred; and the Secretary of the Interior is authorized to employ, from the date specified in this act, from the force of the Census Office then employed, a chief of division, at a salary of

\$2,000 per annum; three special agents, and such other employees, not to exceed 50, as he may deem necessary for closing up and completing the work of the Eleventh Census, such employees to be paid according to the classification set forth in an act to provide for the taking of the Eleventh and subsequent censuses, approved March 1, 1880; and the Secretary of the Interior is further authorized to rent necessary rooms in the city of Washington to carry out the provisions of this act, at a cost not exceeding the rate of \$6,000 per annum; and he is also authorized to continue the services of the Commissioner of Labor in charge of the completion of the Eleventh Census, in accordance with an act to extend the time for completing the work of the Eleventh Census, and for other purposes, approved October 3, 1893.

Mr. HEPBURN. Mr. Chairman, I reserve the point of order in regard to this paragraph until some explanation can be made by the gentleman in charge of this bill.

Mr. BRECKINRIDGE. Do you mean the entire paragraph or the latter clause of it?

Mr. HEPBURN. The entire paragraph. I want to know if the gentleman will state, or can state, to the committee within what time we may reasonably expect the completion of this census report. It has been now nearly five years since the work was begun.

My understanding is that none of the bound volumes of the report have yet been completed, except what is known as the Compendium of the Census. Now, if this delay is to continue it looks to me as if the value of the work is practically lost. It is no use for the Government to go on making expenditures for a work of this kind if it is not to be laid before the people within such time as will make it of any value to them. Five years practically have elapsed already, and I hope the gentleman, if he has the information, will give us some idea in a brief statement, as to when we may expect some returns from the enormous expenditures already made.

Mr. BRECKINRIDGE. As I understand from Mr. Carroll Wright, the head of the department, the work will be entirely done, so far as the census tables are concerned, by the 1st of March. The material is nearly all in the hands of the Printer at this time, and will be gotten out as rapidly as it can be printed. The appropriations for it have already been made, and there is no additional appropriation covered by this bill except one to which I will refer presently.

Mr. HEPBURN. The work, I believe, contemplates a series of 26 volumes, does it not?

Mr. BRECKINRIDGE. I am not quite certain as to that. I think 26 volumes was the number originally suggested, but there may be one or two about which there is some question.

Mr. HEPBURN. And but two are already in print?

Mr. BRECKINRIDGE. I think so, although I should not like to say positively that that is the exact number. The work is progressing, I will state to the gentleman, as rapidly as possible, and, as I have said, it is already in the hands of the Printer. The appropriations of the last session were ample to continue and complete the work, and no appropriation is in this bill except for the one item to which I have referred, and which I will explain in a moment. The entire work is being done as rapidly as possible, and I think there will be no material delay in completing it.

Now, there is one matter, and that is, what shall we do with the original returns? The gentleman understands that there is a vast mass of original returns. The recommendation of the bill and of the Department is that, instead of printing or binding them, the way to do is simply to arrange and tie them up, so that anybody who desires to examine them can go and examine the particular things that he wants by merely having them shown to him and untying the bundle. That will require about \$10,000. That will wind up all the expense of the Census Bureau.

Mr. HEPBURN. And it is for the care of these original documents that this sum is asked?

Mr. BRECKINRIDGE. It is not only for the care of them, but the preparation of them in such form as that any person who may desire to obtain information from the originals may have an opportunity to examine them.

Mr. HEPBURN. I withdraw the point of order.

The Clerk, proceeding with the reading of the bill, read as follows:

For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labor, repairs of building and care of grounds, and other necessities, directly ordered by the Attorney-General, to supply deficiencies on account of fiscal years, as follows:

For 1893, \$1,100.

For 1894, \$26.83.

Mr. FLYNN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

After line 12, page 37, insert:

"For payment of expenses of five district judges in Oklahoma Territory when holding court outside of the counties where they reside, \$1,500."

Mr. BRECKINRIDGE. I reserve the point of order upon that amendment.

Mr. FLYNN. I am frank to admit that there has been no provision in the law whereby the expenses of the district judges in Oklahoma Territory are authorized to be paid when they are outside of their districts. The Attorney-General transmitted to the

committee a letter recommending an appropriation to cover this expense, and stated in connection with it that the one district judge in the Indian Territory was allowed \$600 a year.

There are five judges in Oklahoma, and this would make the appropriation \$3,000 if it were on the same basis; but I have, however, reduced that to one-half of what the recommendation of the Attorney-General would seem to indicate was necessary. One of the judges, in a statement transmitted to the Attorney-General, and by him to the committee, states that while the salary is \$3,000 a year, his necessary traveling expenses to hold court in his district are \$1,000. If the judges are to be paid by law \$3,000, Congress ought to arrange the matter so that it would not take a large part of their salary to pay their expenses to comply with the law.

This is fair, and I trust that the gentleman in charge of the bill [Mr. BRECKINRIDGE] will not insist upon his point of order. I was before the committee, and the objection there was that there was no existing law authorizing this appropriation. I can readily understand that; but there are a great many matters in this bill which are not authorized by existing law, and if there was ever a just expenditure appropriated for by Congress it is this. It is not in the interest of any particular individual. The judges are all appointees of the present Administration, with the exception of one. I trust the gentleman will not insist upon the point of order, because this amount has been reduced to one-half of what the Attorney-General requested to be appropriated.

Mr. BRECKINRIDGE. Mr. Chairman, there is no question of politics about this. I do not know who the judges are, but the committee examined the matter and did not allow it, and, therefore, by authority of the committee, I must raise the point of order. Certainly there is no law permitting this expense to be paid.

The CHAIRMAN. Does the gentleman from Kentucky insist upon the point of order?

Mr. BRECKINRIDGE. I do.

The CHAIRMAN. The point of order will be sustained.

The Clerk, proceeding with the reading of the bill, read as follows:

Payment to Winston & Winston: To pay the accounts of Winston & Winston for \$250, and of Alexander M. Winston for \$115 for services as attorneys rendered in defending certain Indians, under orders of the judge of the United States court for the district of Washington; in all, \$365.

Mr. SMITH of Arizona. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 38, after line 2, insert the following:

"To pay Allen R. English, of Arizona, for services as attorney rendered in defending five certain Indians charged with murder, under orders of the judge of the United States court in Arizona, \$1,000."

Mr. BRECKINRIDGE. I reserve the point of order on that amendment.

Mr. LIVINGSTON. If the gentleman from Arizona [Mr. SMITH] does not desire to be heard, I wish to address the committee.

Mr. SMITH of Arizona. I will yield to the gentleman.

Mr. LIVINGSTON. I want to say in regard to this paragraph of the bill that, while the amount is a small one, yet we are setting a precedent here that is dangerous.

Mr. BRECKINRIDGE. What is the motion that the gentleman makes?

Mr. LIVINGSTON. My motion is to strike out the paragraph in the bill.

Mr. BRECKINRIDGE. Against that motion, of course, I do not raise any point of order.

Mr. LIVINGSTON. I was saying that while the amount is a small one, it is setting a precedent that this House ought not to set. The facts in the case are simply these: Winston & Winston were appointed by the judge to defend some pauper Indians. Now, there is not a lawyer on the floor of this House who does not know that the law provides expressly that any citizen who declares himself to be a pauper shall be entitled to free counsel in the courts of the country with no charge whatever to the Government. That is a provision of the United States statutes.

Here are two pauper Indians, who came and declared in the presence of the court that they had not counsel, and were not able to pay for counsel, and Winston & Winston, as provided in this clause, are to be paid this amount of money for defending them. These were pauper Indians. Every lawyer on this floor knows that in every court in this country, from one side to the other, and one end to the other, charity practice has to be done every day without compensation.

Mr. BRETZ. Not at all.

Mr. DOOLITTLE. Never.

Mr. LIVINGSTON. Paupers are defended without compensation; and the only point in this case upon which you can hang a claim is that these pauper Indians were not citizens of the United States.

Mr. STORER. Will the gentleman allow me to ask him a question?

Mr. LIVINGSTON. The law says "citizens of the United



States." Now, Winston & Winston claim that they ought to be paid for defending these Indians because these pauper Indians were not citizens. Why, it is as evident as that two and two make four that the law was intended to include the wards of the Government as well as citizens of the Government. I do not care anything about the amount of money. It is not that.

Mr. DOOLITTLE. Winston & Winston do.

Mr. LIVINGSTON. Winston & Winston may. But I want to put this House on notice that if you pay this bill you will open the floodgates for appropriations of this character from the Indian Territory. Every pauper Indian, and every Indian who has no conscience, will go before the court and declare he is a pauper, and the United States will have to defend his suit without cost to him; and they will come back and get this precedent of the action taken by the House, and we will have to pay the bills.

Mr. STORER. Will the gentleman yield to me for a question?

Mr. LIVINGSTON. I yield to the gentleman for a question.

Mr. STORER. Do I understand the gentleman to say that in his State counsel are supplied for indigent persons and are not paid?

Mr. LIVINGSTON. They are not paid. That is the law, and that is the law of the United States.

Mr. STORER. I understood the gentleman to say that that was the law of every State.

Mr. LIVINGSTON. I did not state that.

Mr. STORER. I will state to the gentleman that in the State of Ohio indigent prisoners are supplied with counsel, but at the expense of the county.

Mr. LIVINGSTON. The Revised Statutes provide that an indigent person shall be defended without cost to him.

Mr. STORER. Who is to pay?

Mr. LIVINGSTON. Nobody is to pay. That is one of the things which a lawyer has to do some time in his lifetime, and it is a very small matter to give his services to pauper defendants.

Mr. STORER. The gentleman made the point especially as to the Indian Territory. How large a bar is there in the Indian Territory, and how large an amount of labor would be thrown upon that bar if they are to be called upon to defend all indigent persons and are not paid?

Mr. LIVINGSTON. That I do not think is pertinent to the issue. In Georgia the judge selects the counsel to represent a pauper person without cost. The Revised Statutes of this country do the same; and I understand that Winston & Winston undertake to get this claim simply on the idea that the Indian is not a citizen of the country.

Mr. STORER. I am only desirous of saying that in Ohio the judge selects the counsel, the amount is allowed by the court, and is paid by the county.

Mr. CANNON of Illinois. Mr. Chairman, a word in reply to the motion, which I believe is to strike out the appropriation. I do not believe it should be stricken out. I hold in my hand Executive Document 122, in which the Attorney-General, after referring to these cases, shows it was for the defense of two Indians charged with murder, taking a week in trial and longer in preparation, and between \$300 and \$400 in amount, and recommended by the court. The poverty of the Indians was shown, the judge's certificate given as to the effectiveness and the necessity of the defense, and the Attorney-General recommends as follows:

These accounts were presented to the last session of Congress without result. They are again presented, at the request of the parties claimant. They are meritorious, and are therefore submitted for appropriation and payment.

That forecloses the propriety. Now, I understand the Indians were acquitted.

Mr. LIVINGSTON. Do I understand my colleague on the committee to say that the simple fact that the Attorney-General recommends the appropriation forecloses the question of propriety?

Mr. CANNON of Illinois. Yes. Now, as to the legality of the payment. These Indians are wards of the Government. Stricken with poverty, crowded necessarily by our people, charged with murder, not going into court upon their own motion, these men are assigned to defend and do defend them, and it is claimed that they were to donate their services. There is nothing in the law which requires it to be done.

I have the pauper act that the gentleman refers to, the act of July 20, 1892, and it provides that any citizen of the United States, being a poor person, on proper proof may prosecute his suit, and that the officers of the court shall perform the services for nothing. It will be observed that there is no provision in the act for a defendant who is a poor person; it is as a plaintiff that the poor person is provided for, and also as a citizen of the United States. These Indians did not come within the statute first because they were defendants and not plaintiffs, and second because they were not citizens of the United States but wards of the Government. In my judgment the Attorney-General is right in his recommendation, and these parties have a legal claim on the Government of the United States; and, when it is only \$355 for the defense of

two Indians, involving a week's work, to say nothing of preparation, I certainly think the claim ought to be paid.

Mr. SMITH of Arizona. Mr. Chairman, I thoroughly agree with the gentleman from Illinois. There is no doubt that the statute which has been referred to has no reference whatever to blanket Indians or Indians on reservations. It never was so intended; nor was the act intended to touch a question of attorneys' fees. Gentlemen who desire to have the Indian treated fairly when he is brought before the courts, in a community where it is here claimed there is a prejudice against him, certainly can not get to see him defended by inferior counsel, and you can not get the better talent of the bar to stop their other business to defend an Indian accused of murder when there is no pay attached to the service. The only way you can obtain a fair trial for the Indian in such cases is by allowing reasonable compensation for his defense.

In the case referred to by the gentleman from Illinois [Mr. CANNON], and especially in the case to which my amendment refers, certain Apache Indians were being tried for murder, and counsel was appointed by the court to defend them, and the Attorney-General reports that it was a necessary employment, and that these moderate fees should be allowed. I believe, too, that the committee have allowed in these cases a much less sum than was recommended by the Attorney-General; certainly they have done so in the case covered by my amendment, and I think that my friend from Georgia [Mr. LIVINGSTON], when he understands the circumstances and surroundings of these Indians, and when he takes into account the prejudice which is alleged to exist against them in those communities—which, however, I deny—will not object to this allowance.

Mr. LIVINGSTON. Is the gentleman willing to agree to an amendment providing that this money shall be taken from the Indian fund?

Mr. SMITH of Arizona. I do not care where it comes from.

Mr. LIVINGSTON. You are aware of the fact that the Indians have a fund and that they have a larger per capita amount of currency to-day than any State in the Union?

Mr. SMITH of Arizona. That depends entirely upon what Indians you are talking about.

Mr. LIVINGSTON. I understand that.

Mr. SMITH of Arizona. Some of the Indians have no fund whatever. I know of no particular fund that the Apaches have out of which this allowance could be justly made. The Government is supporting these Indians at its own expense; they are charged with murder on the reservation, and attorneys are appointed by the court to defend them; and now the point of order is made that this pauper act applies to them, although the gentleman must have seen from its reading that it has no application whatever, and could not, in mercy or in justice, have any application to such cases.

Mr. DOOLITTLE. Mr. Chairman, I simply want to say a word in addition to what has been said by the gentleman from Illinois in support of that provision. This gentleman, Mr. Winston, was for a full term United States attorney of the district of Washington. Shortly after the expiration of his term he was appointed to defend these Indians. Their case was regarded as meritorious, but on account of many surrounding circumstances it was regarded also as a dangerous case for the Indians, and Mr. Winston rendered the country, as well as the Indians for whose defense he was appointed, valuable service, extending over more than a week, he and his son being engaged during all of that time in the defense of these men, which they conducted successfully.

Mr. LIVINGSTON. Mr. Chairman, I want to add just a word. In the first place, this is without authority of law. In the second place, it is a bad precedent. In the third place, it is not only without authority of law and a bad precedent, but there were no ascertained facts before the committee which allowed the account as to how many days or hours of service was rendered. Now, having brought the matter to the attention of the committee, I have done my duty, and I withdraw the motion to strike out.

The CHAIRMAN. The question is on the amendment of the gentleman from Arizona.

Mr. SMITH of Arizona. Mr. Chairman, on consultation, I believe that I will accept an amendment fixing the amount at \$750 instead of \$1,000, although I believe the recommendation of the Attorney-General was \$1,200.

The amendment was modified by striking out "a thousand" and inserting "seven hundred and fifty," and was then adopted.

The Clerk read as follows:

For defraying expenses incurred by marshals in executing orders, warrants, and processes of United States courts; for the protection of property in the hands of receivers of such courts, and for the arrest and detention until trial of persons arrested for violating such orders and resisting the execution of such warrants and processes, to be audited and allowed by the Attorney-General, \$140,000, and said sum shall be available for expenses incurred during the fiscal years 1894 and 1895, \$140,000.

Mr. LIVINGSTON. Mr. Chairman, I move to strike out the paragraph just read, beginning on line 11 and ending on line 21.

I want to state to the committee that this provision is very peculiar in its language, and forms a precedent which, if once set in this House, will open a flood gate of extravagance by putting into the hands of officers of the Government amounts of money to be expended without any ascertained account. Notice the language of this paragraph. It provides that this money shall be expended on warrants "to be audited and allowed by the Attorney-General." Here is an appropriation of \$140,000, for what? Not a member of the Appropriations Committee knows to-day for what, and not a member of this Committee of the Whole knows for what this money is to be expended.

The chairman of the subcommittee and myself insisted on the Attorney-General saying why this was necessary and where this money was to go. It is said to be for "expenses incurred by marshals in executing orders, warrants, and processes of United States courts for the protection of property in the hands of receivers." The question was propounded to the Attorney-General how much of this money was to go for services in defense of property not in the hands of receivers, and he failed to answer. How much of it was for the protection of the Illinois Central Railroad Company? How much of it was for the protection of Armour & Co., or any private property? Those questions were asked, and they were not answered. Now, it is proposed in this bill to appropriate a lump sum of \$140,000, to be placed in the control of the Attorney-General, to be expended upon vouchers to be audited when and reported to whom?

What necessity can there be for auditing an account after it has been paid? And how can a deficiency be ascertained until the account has been audited or estimated? Mr. Chairman, this provision is subject to a point of order and it ought to go out on that ground.

Mr. BOATNER. Why do you not make the point of order?

Mr. LIVINGSTON. I wish to say that the committee was divided as to the propriety of paying this money—

Mr. BOATNER. The rule provides that no appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for an expenditure not previously authorized by law—

Mr. LIVINGSTON. Yes, sir.

Mr. BOATNER. Why not, then, make a point of order against the appropriation?

Mr. LIVINGSTON. I raise a point of order against this paragraph under Rule XXI.

Mr. RAY. It is too late to make that point of order. The gentleman has discussed the proposition and moved to strike it out.

The CHAIRMAN. The Chair thinks the point of order comes too late. The question is on the amendment of the gentleman from Georgia [Mr. LIVINGSTON] to strike out the paragraph.

Mr. GROSVENOR. Mr. Chairman, I think an appropriation carrying \$140,000 ought to be in words and figures more definite and certain than this one. I think the Committee on Appropriations ought to know what this is for; and if any of them does know I wish they would tell us. My position about this question is this: If this money is to be applied to the payment of any Government officials for the discharge of any duties that they performed under duly constituted authority, I have no objection, of course, to the appropriation; but if the employment was by private persons or private corporations, then, notwithstanding the person doing the service may have been disguised as a public officer, yet if his service was a private duty, I should not be in favor of making this payment. Any person whose property suffers injury by mob violence has recourse for damages upon the locality that was legally bound to furnish protection for the property and that has failed to perform that duty. If this appropriation is intended to compensate private corporations or private individuals for outlays made for the protection of their own property, then, in my judgment, it ought not to be allowed.

Mr. CANNON of Illinois. Mr. Chairman, this provision speaks for itself. Not a dollar of this money after it is appropriated can be paid until the expenditure which is to be covered is shown and has received the special approval of the court whose process the officer was executing. The Committee on Appropriations in the preparation of this bill exhausted this question so far as they could, and in the published hearings will be found between four and five closely printed pages giving the questions propounded to the Attorney-General and the answers made.

The Department—

Says the Attorney-General—

was officially advised that property in the hands of receivers was in jeopardy; that the laws of the United States were violated and defied, and that the ordinary forces of the marshals were wholly inadequate to enforce the orders of the court. Immediate action was imperatively demanded. Under these circumstances, and upon a representation of the facts, instructions to the marshals were given to employ sufficient force to carry out the orders of the court and to uphold the laws. It is evident that the ordinary provisions for the payment of marshals' accounts under usual circumstances were not applicable in these cases. From time to time, therefore, on the requisitions of the marshals, funds have been advanced to them to defray the necessary expenses, with specific instructions that the accounts must first receive the

special approval of the court. It should perhaps be stated incidentally that these expenses covered a period of several months, commencing from the time of the "commonwealer" disturbances.

In answer to inquiry 4, the Department states that it is impossible to estimate the amounts expended, or for which the United States are liable in the protection of properties not in the possession of receivers, or the causes for such expenditures and the dates thereof, except that where properties were not in the hands of receivers the expenditures were for executing the interstate and postal laws under the orders of the United States courts, and whatever protection was granted to roads not in the hands of receivers of the courts was not granted for the benefit of the roads, but was an incidental protection which was absolutely necessary to enforce the laws of the Government in interstate and postal matters.

I might read further; but this substantially covers the ground. There is the list of the claims so far as we could get them; but these are not claims of the usual character, payable in the ordinary way. They can not be audited until they are paid; and they can not be passed until the courts specially approve them; and in addition to that they must receive the approval of the Attorney-General.

Mr. LIVINGSTON. I would like to bring to the attention of the gentleman—

[Here the hammer fell.]

Mr. CANNON of Illinois. I will move to strike out the last word, if there be no objection.

Mr. BRECKINRIDGE. I ask unanimous consent that the gentleman from Illinois be allowed five minutes more.

There was no objection.

Mr. LIVINGSTON. I wish to bring to the attention of my colleague on the committee the fact that in this paragraph we propose to appropriate a lump sum of \$140,000 for certain purposes indicated upon accounts to be audited and allowed, and the usual expression, "or so much thereof as may be necessary," is omitted. So that here is an appropriation of \$140,000 to be given over to the Attorney-General to be paid on accounts that he knows nothing about, that the House knows nothing about, and that the Committee on Appropriations knew nothing about; and we have not even inserted the qualifying clause, "or so much thereof as may be necessary."

Mr. CANNON of Illinois. Mr. Chairman, the statement of that objection, if you will stop and think a minute, does not need any answer. The words, "or so much thereof as may be necessary," are merely "leather and prunella."

Mr. LIVINGSTON. If \$140,000 has been ascertained as the amount to be paid, why not say so?

Mr. CANNON of Illinois. It is not claimed that the precise amount has been ascertained; it can not be ascertained until the money has been paid out by the marshal and until he takes his vouchers and gets the special approval of the judge, and afterwards the approval of the Attorney-General. The words "or so much thereof as may be necessary" can be inserted by unanimous consent, if desired. But they do not change the effect of the appropriation the ten-thousandth part of a hair.

Now, what are the facts? Unfortunately—without locating the blame; it is not necessary to do so—during a portion of the last fiscal year and of this fiscal year there have been great disturbances throughout the country. This was the case at Chicago, out West, down East, and in various parts of the country; parties, without locating the blame, took possession of the gateways through which the travel and commerce of the country passed and stopped it. It was Sunday every day, in the words of the old song, throughout the length and breadth of the country.

The President, charged with the execution of the laws, through the Department of Justice ordered the expenditures provided in this paragraph to be made and how they should be made. So far as they were made to enforce the law they ought to be paid. I want further than that to call the attention of the gentleman to this fact: The President of the United States—and we appropriate a part of the deficiency in this very bill—the President of the United States found the civil arm of the Government weak and powerless to restore order, and directed the military force of the Government to proceed to the point of trouble, and at the end of the bayonet, against the protests of governors of States, he enforced the law of the United States; and I repeat, this bill contains a deficiency appropriation to pay the Army for that use of the bayonet.

Why, Mr. Chairman, does the gentleman swallow the camel and strain at the gnat? If it was wrong to use and pay the civil arm of the Government to enforce the law, much more wrong is it to pay the Army for helping to enforce the same law against the protests of governors of States.

Now, I might let the matter rest there, but there is one additional thing to which I wish to call your attention. All over this country there are humble men who work by the day and live in the sweat of their faces who, it is alleged, and in many cases I believe, did take service under the marshals, taking their lives in their own hands for the purpose of guarding the mails of the United States and its commerce carried under the interstate-commerce law. They have not been paid for that service, and they



ought to be, if I am correctly informed as to these cases and I think I am. The payment has been withheld from them.

Mr. LIVINGSTON. Will the gentleman state where the \$140,000 is going? How do you know that they have not been paid already?

Mr. CANNON of Illinois. I know it from the fact that orders were given in the northern and southern districts of Illinois, and that this document that I hold in my hand says that between thirty and forty thousand dollars were contracted there without being able to give the details of it until the vouchers come in, and they can not come in until the money is appropriated. And I know, further, that gentlemen representing districts in the northern and southern divisions of Illinois have come in contact with men who have not been paid.

Mr. BOATNER. Will the gentleman from Illinois give some reason why the committee should not have furnished the House or should not themselves have been furnished with the details of the expenditures and the names of the parties to whom the money is to be paid? I do not mean, of course, the name of each individual, but the amount expended by the various marshals acting under the order to which he refers.

Mr. CANNON of Illinois. If my friend from Louisiana had listened to me it would not be necessary for me to repeat the language of this document.

Mr. BOATNER. There was so much confusion at the time I could not hear.

Mr. CANNON of Illinois. It covers about four pages, but I will read again a brief extract.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOATNER. I ask unanimous consent that the gentleman have time to discuss this question.

Mr. CANNON of Illinois. Oh, well, I withdraw the pro forma amendment, and renew it.

Mr. BOATNER. Let me say this to the gentleman: I have read the answer of the Attorney-General, and it seems to be entirely insufficient or unsatisfactory, as far as accurate details are concerned, to support so large an appropriation. I agree entirely that the United States is responsible and ought to appropriate whatever is necessary for the enforcement of the laws of the United States and to protect property entitled to Federal protection. But before appropriating the money the House ought to be advised in what manner the money has been expended or the obligation incurred, the parties paid, the circumstances, the condition under which it was expended, and so on, so the House may judge for itself, and not the Attorney-General, whether it ought to be appropriated.

Mr. CANNON of Illinois. I understand; but if the gentleman will just allow me to read one moment I think he will be satisfied. Let me read:

Under these circumstances and upon a representation of the facts, instructions to the marshals were given to employ sufficient force to carry out the orders of the court and to uphold the laws. It is evident that the ordinary provisions for the payment of marshals' accounts under the usual circumstances were not applicable in these cases. From time to time, therefore, on the requisition of the marshals, funds have been advanced to them to defray the necessary expenses with specified instructions that the accounts must first receive the special approval of the court. It should perhaps be stated incidentally that these expenses covered a period of several months, commencing from the time of the "commonwealer" disturbances.

It will be seen from this that this expenditure forms an exception to the usual expenditures in such cases.

Mr. BOATNER. Now, why does not the Attorney-General, I ask the gentleman, proceed to give the number of persons employed by the several marshals, and the marshals who employed them, how long a time they served, and the amounts to be paid?

Mr. LIVINGSTON. And the property they protected.

Mr. BOATNER. All of which information now seems to be withheld from the House.

Mr. CANNON of Illinois. Oh, Mr. Chairman, a child could ask more questions in a minute than a sage could answer in a lifetime.

Mr. LIVINGSTON. It will not take a lifetime to answer a simple question like that.

Mr. BOATNER. And the gentleman is superior to a sage.

Mr. CANNON of Illinois. Oh, my friend from Louisiana is larger than a child. Suppose you put it that way.

Now, the accounts for fees of marshals are only audited after they are paid, and can not be paid until the money is appropriated. The money is advanced to the marshal; he pays it out to a thousand people perhaps, and he takes their vouchers, returning them to the Department of Justice. Then for the first time it is in the power of the Department to tell the individual to whom the money has been paid.

Mr. SMITH of Arizona. After the local courts have passed upon it?

Mr. CANNON of Illinois. Yes. Now, what is the fact. These expenses were directed to be made. The marshal did not have the money, but he made the employment under the order of the Attorney-General, and now those vouchers can not be ascertained by the Attorney-General until the money is furnished to pay

them, and when the marshal pays them and takes a receipt therefor, every receipt must first bear the special approval of the court.

Mr. OUTHWAITE. And unless approved it will not be paid, and the marshal becomes responsible for it?

Mr. CANNON of Illinois. Why, certainly. It must first have the special approval of the court, and then it must come to the Attorney-General's office and pass that office, and then, for the first time, it is in the power of the Attorney-General to tell how many people were paid.

Ah, but says the gentleman, suppose the marshal pays somebody whom he ought not to pay. Why, that question comes up in the public service everywhere. If he fails to get the approval of the Attorney-General he is not allowed for that expenditure and he must make it good, and his bond is held to make it good. There is no danger of any man improperly getting a cent and the marshal getting credit for that payment unless the courts specially approve wrongfully, and unless the Attorney-General specially approves wrongfully; and if you go to higgling about making this appropriation from that standpoint, then we will strike it all out, because you come to a point where you have got to trust somebody to make the payment.

Mr. BOATNER. With all due respect to the gentleman from Illinois, I think that his answer to the question which I propounded to him is not only not satisfactory, but is utterly fallacious. The logical deduction from what he says is that this House shall abandon its discretion in this matter to the Attorney-General, and that because the Attorney-General says \$140,000 is necessary to discharge the obligations of the Government incurred in this way we ought to appropriate the amount. When I ask why details are not given which show the justification for this expenditure and the obligation of the United States, the gentleman says that the details can not be given until the money is paid. Well, then, if that be true, how does the Attorney-General arrive at the fact that the sum of \$140,000 is necessary to discharge the obligation? I do not ask why the Attorney-General did not furnish vouchers. I do not ask for vouchers; but it seems to me to comport with common sense and reason that the Attorney-General could lay before this House the information which he has. If any marshal employed any number of deputies, he knows when he employed them how much he agreed to pay them and how long they served.

It is not necessary that he should produce vouchers in order to show us what expenditure it has been necessary to make. So I submit to the gentleman from Illinois, with all due respect for his experience as a member of the committee and his ability as a legislator, that unless we propose to abandon the discretion which the law imposes upon us to scrutinize these accounts and to know where the money of the United States is going to be paid before we appropriate it, we ought to have exactly the information which I have indicated by my question to the gentleman.

Mr. SMITH of Arizona. It is a mere estimate. That is all he can give.

Mr. CANNON of Illinois. I desire to say in answer to the gentleman that it takes two people to conduct a conversation. Sound made by the voice is no sound to him who is deaf. There must be a man who talks and a man who has an ear that hears before there can be practically any such thing as sound. When I have stated that it seems to me I have covered the ground.

Mr. BOATNER. No doubt, to your satisfaction.

Mr. CANNON of Illinois. Well, possibly so, and I trust to the satisfaction of the House. I will not again explain why it is not in the power of the Attorney-General to give a list of these men. I have twice explained it; but I will turn back to pages 24, 25, and 26, and I now want the attention of the gentleman from Ohio [Mr. OUTHWAITE], chairman of the Committee on Military Affairs. Here is a bill which carries a deficiency of \$25,000 for subsistence of the Army.

Mr. OUTHWAITE. It has very rarely happened that there has been any deficiency from the Military Committee, I want to say.

Mr. CANNON of Illinois. Well, now, the Army went to Chicago because they were sent there. They had to be clothed and to be furnished with ammunition. They had to have rations, and the disturbance which led to this deficiency grew largely out of the enforcement of the law through calling into use the military arm of the Government. Yet my friend from Louisiana [Mr. BOATNER] allows that which was specially ordered by the President to pass by. Why did he not demand the number and names of the soldiers that made that deficiency—how many privates, and who commanded them? What property did they protect, and where did they go? Whose rights or person did they defend? But my friend was as silent as the graveyard there.

Mr. OUTHWAITE. Why are you addressing your remarks to me?

Mr. CANNON of Illinois. Well, I am cross-eyed; I was looking at my friend from Louisiana. [Laughter.]

Mr. OUTHWAITE. Then you must be cross-eyed. I agree with you in the proposition.

Mr. BOATNER. Will the gentleman state whether or not, in asking the committee for that deficiency appropriation, the Department did not furnish them with the necessary specifications as to how these expenses were incurred, what amount was necessary to defray the cost of transportation, defray the cost of sustenance, to pay for the ammunition, and all those items?

Mr. CANNON of Illinois. Why, they did not, and never do. They never do that; they come before us with an estimate.

Mr. HENDERSON of Iowa. They make a requisition in bulk of so much.

Mr. CANNON of Illinois. They will make an estimate and forward that estimate with a request that the appropriation be made; but there were no details. If we had to have the details of the expenditures of every cent to every individual with our 70,000,000 population and the 1,500,000,000 people in the world where our public service reaches on the earth, there would not be room enough in this House to hold them.

Mr. BOATNER. If the gentleman will allow me.

Mr. SAYERS. If my friend will refer to page 40 he will find an appropriation for 1895 deficiencies, \$713,000, for fees of marshals. Now, the Committee on Appropriations could not possibly ascertain how many deputies the marshals would require, how many miles they would have to travel, or how many writs they would serve. We could only take the estimate of the Department of Justice that this would be the probable deficiency during the present fiscal year, and we reported \$713,000. So all through this bill there is a well-defined line of difference in deficiencies. One is what may be termed "ascertained deficiencies" and the other class as "estimated deficiencies." An "ascertained" deficiency may arise during the present fiscal year or the year before or the year before that; future deficiencies can only be estimated.

Let us consider the subject under immediate consideration. The courts in Illinois (I will take that State, for instance,) having in their charge and under their control through receivership of certain railroads, etc., finding that the operation of these roads was being impeded, directed the United States marshals to incur certain expenditures; that is, by swearing in deputy marshals and taking such steps as would release these roads from interference. Usually, as in the payment of all expenses, the United States marshals make payment upon their own responsibility and then transmit their accounts. This appropriation is made in bulk, and, as stated by the gentleman from Illinois, before the marshal can pay one dollar he must do so upon the order of the court. He must show the order of the court for his voucher, and such voucher is transmitted to the Department of Justice for revision.

Mr. GROSVENOR. Why do you not say so in this appropriation—that it should be audited by the Auditor of the Treasury?

Mr. SAYERS. If my friend will notice, on the top of page 40 there is no such requirement as this.

Mr. GROSVENOR. But this specially provides that it shall be audited by the Attorney-General.

Mr. LIVINGSTON. Who has no authority to audit accounts.

Mr. SAYERS. These accounts, if I do not misunderstand the law, go to the Attorney-General.

Mr. BRECKINRIDGE. You are wrong.

Mr. SAYERS. These accounts go to the Attorney-General.

Mr. BRECKINRIDGE. This particular item was put in before that law, and it was to be audited by the Treasury, and not in the way of the ordinary law.

Mr. SAYERS. They are to be revised and allowed by the Attorney-General. Are not all the accounts of the marshals revised by the Attorney-General?

Mr. BRECKINRIDGE. Not in the sense of this language.

Mr. SAYERS. Now for fees of marshals for 1895. Does not the gentleman from Kentucky know that the Department of Justice under this new act must revise every one of these accounts?

Mr. GROSVENOR. I understand the gentleman to state that the expenditure for which this appropriation is to go has already been made.

Mr. SAYERS. It has already been made.

Mr. GROSVENOR. What is the necessity for this peculiar language, to which I wish to call the gentleman's attention? After reciting that it is to defray expenses incurred by marshals in executing orders, etc., of United States courts, it provides that the appropriation shall be \$140,000, and then goes on to say that "said sum shall be available for expenses incurred during the fiscal years 1894 and 1895, \$140,000."

Mr. SAYERS. The two fiscal years are mentioned because my recollection is that the troubles occurred in both years.

Mr. GROSVENOR. I think not.

Mr. SAYERS. Well, I think so; but I am not positive.

Mr. GROSVENOR. But does this appropriation carry \$140,000 or \$280,000?

Mr. SAYERS. Only \$140,000.

Mr. GROSVENOR. Why do you not content yourself, then, with saying \$140,000 once?

Mr. SAYERS. The repetition comes from the practice of nam-

ing the amount at the end of each paragraph in order to facilitate the summing up.

Mr. GROSVENOR. But this states the sum twice at the end.

Mr. SAYERS. I do not think there can be any question that the amount is only \$140,000.

Mr. BRECKINRIDGE. What is the gentleman's criticism?

Mr. SAYERS. The gentleman from Ohio seems to think that this is an appropriation of \$280,000.

Mr. BRECKINRIDGE. Not at all. The last "\$140,000," though, ought to be stricken out, as it is a mere repetition.

Mr. SAYERS. There is no more danger of \$280,000 being paid out under this appropriation than there is of a million.

Mr. BRECKINRIDGE. But at the best the second "\$140,000" is a repetition.

Mr. BAKER of New Hampshire. Mr. Chairman, I offer an amendment, which I send to the desk.

The amendment was read, as follows:

Insert after the word "dollars," in line 21, page 40, the following: "Provided, That the Attorney-General shall report to Congress the payments made under this paragraph, to whom paid, and for what purpose or service."

Mr. SAYERS. That is entirely unobjectionable.

Mr. BRECKINRIDGE. I have no objection to that. Now, Mr. Chairman, I desire to say a single word in justice to myself on this provision of the bill. I loyally support the bill reported by the committee and which I was directed to report, but personally I was against the making of this particular appropriation. I want to put that on record, because the question may arise in some other way. I was opposed to it, first, because I am opposed to the mode in which it is proposed these claims shall be audited. All other claims are audited by the regular accounting officers of the Department according to law, but these claims are to be audited solely by the Attorney-General. I think it is a bad precedent. I have every confidence in the present Attorney-General, but there are eight Cabinet officers for all time to come. I was opposed to it also because I was not prepared to say that the response of the Attorney-General as to how this money was to be expended was sufficient. I disagree with my friend from Illinois [Mr. CANNON]—and I content myself by simply stating the disagreement—in his statement that the Attorney-General shows where the money is to go. I think the Attorney-General leaves it absolutely in doubt.

We only know that it goes to certain districts. There are certain districts in which it is to be distributed, but to whom or for what properties or under what proceedings we are not informed. I was opposed to the appropriation upon a third ground, which went to the bottom of the matter. I think that the tendency toward the control of great corporations and of the workmen employed by them by writs of injunction and by prosecutions for contempt is in the wrong direction. I think we are going too far in conceding to courts of equity the powers which they have assumed over corporations and their employees. We are opening the door too wide to great corporations to come into a court of equity and, at the expense of the United States, invoke the processes of the court for that protection which, if they are entitled to it at all, they ought to obtain at their own expense.

I admit that it is hard to draw the line as to where the Federal courts should stop when their power is invoked for the protection of person or property under the interstate-commerce clause of the Constitution in relation to corporations upon whose service the mail facilities of the United States in large measure depend; and while I myself was opposed to this provision, yet as the committee heard it in the last session of Congress with great care and suspended action and then heard it again, and now, having heard it a third time, have determined to report it, I stand with the committee, and oppose the motion of my colleague [Mr. LIVINGSTON] to strike it out.

Mr. SAYERS. Mr. Chairman, I always like gentlemen, when they oppose an appropriation for a particular purpose, to show that they have manifested their opposition to that purpose in a legitimate way, which in this case would be by the introduction of a bill limiting the powers of the Federal courts.

No such bill has been before the House. I will give the reason why I support this appropriation. I have been informed that the men who performed this service are citizens of the United States, who were summoned to perform certain duties by the United States marshals. If that be true, and if they performed the service, then each and every one of those citizens can sue the Government in the district court nearest to his home, and can obtain judgment against the Government for the services that he rendered; and then Congress will be obliged to appropriate not only the original sum, but the costs and the interest also. My object, therefore, in supporting the appropriation is to save the payment of a larger sum, which must otherwise be paid in the future. The persons to whom this appropriation, if made, will go are poor men, summoned to the performance of a public duty by the marshals.



Mr. HENDERSON of Iowa. Mr. Chairman, I ask the Clerk to read from the CONGRESSIONAL RECORD a paragraph which I send to the desk.

The Clerk read the following from the proceedings of the House of Representatives of July 16, 1894:

*Resolved*, That the House of Representatives indorses the prompt and vigorous efforts of the President and his Administration to suppress lawlessness, restore order, and prevent improper interference with the enforcement of the laws of the United States and with the transportation of the mails of the United States and with interstate commerce, and pledges the President hearty support, and deems the success that has already attended his efforts cause for public and general congratulation.

Mr. HENDERSON of Iowa. Mr. Chairman, I make that the text for a few observations touching this appropriation; and I will confine myself solely to the merits of the main question involved; for I fear that some at least of the technical objections raised here are really directed to the main question instead of the technical ones to which they appear to attach.

A few months ago, as the RECORD just read shows and as we all remember, there was serious trouble in this country. The Executive, coming manfully to the discharge of his duty as Chief Magistrate, acted, according to the judgment of Congress, promptly and wisely. That resolution was adopted under a suspension of the rules requiring a two-thirds vote, and it practically had little opposition in either House of Congress.

That was the way Congress felt then when we were in great trouble, confronted with confusion, great and weighty questions hanging in the balance. It was a time when some novel issues were presented, considered, met, and solved. The protection of the United States mails, the protection of interstate commerce, and the enforcement of the mandates of the Federal courts were all involved. And I am glad to live in a country where the supreme Executive met his duty manfully, and where Congress, backed by every Republican vote, said "Amen" to that action.

The storm has blown over. The men who took their lives in their hands as bailiffs, possibly as a part of the posse comitatus of the country, and as deputy United States marshals, with a courage which no soldier can say was second to anything that was done on bloody battlefield, responded to the call of the law and helped to execute it. They were mostly poor men—laboring men—but men and citizens who did not shrink from their grave duty.

Now, Mr. Chairman, the Executive lays upon the table of Congress the statement of a legitimate expenditure in connection with that execution of the law; he shows how, according to long and well-established usages, this money was called for and expended. The storm, I say, has passed; there is no trouble now in the great centers; no blockade of commerce, no stoppage of the mails, no rumblings, as it were, of civil war. And now we can afford, as gentlemen seem to think, to haggle and become technical in respect to paying the poor and worthy men who helped us in our hour of trouble.

For one I will say, shame upon the American Congress if it fails to step up and do its duty! The Committee on Appropriations has done its duty and has laid this provision before the Committee of the Whole. I ask that you respond, as the Committee on Appropriations has done, to the demands of duty and in behalf of good government. [Applause.]

Mr. LIVINGSTON. Mr. Chairman, the opposition to this clause in the appropriation bill has nothing to do with the Democratic party, and nothing to do with President Cleveland, and nothing to do with the indorsement by this House of his action in this matter. Whether Mr. Cleveland did right or wrong is not the question before this House now. That was settled when the resolution which has been read was pending; and the House indorsed his action. The question is now whether these accounts are properly presented to this Committee of the Whole. The speech of the gentleman from Iowa [Mr. HENDERSON] was simply the utterance of a sentiment—nothing more. He never touched the issue before the committee, whether the Attorney-General has authority to audit accounts or not. There is one objection to this clause. There is no law for it; and if you begin to-day to give the Attorney-General authority to audit accounts, then abolish the Auditor's office so far as the Department of Justice is concerned.

There is another objection. Some of us believed in the committee room, and we believe now, that a part of this money was spent illegally, and that if this appropriation be now made it will be expended without authority of law. We believe that these United States marshals and these bailiffs were protecting private property which the State of Illinois ought to have protected, if protected at all; which the city of Chicago should have protected, if protected at all, or which the Illinois Central Railroad Company should have protected, if protected at all. And we endeavored, by a letter addressed to the Attorney-General, to ascertain to whom this money was to be paid and for what purpose. We sought to ascertain the names of the marshals and deputy marshals, with a description of the property that was protected and the expense incurred in protecting it. We could not get answers to those questions, and we have not got them yet.

My colleague the chairman of the subcommittee is right when he suggests that this is a dangerous precedent, without authority of law, and may entail upon the Congress of the United States in days to come an amount of trouble which we shall hardly have the capacity to roll off our shoulders.

There is another objection to this provision. This appropriation is clearly and distinctly repeated. We appropriate the sum of \$140,000 twice. How do you know and how do I know what construction will be put upon the language in this bill?

I will confess, Mr. Chairman, that if the amendment now pending be adopted a great deal of my objection to this proposition will vanish and I may cease my opposition to this clause of the bill. But the matter as it now stands I can not and will not vote for it.

Mr. BYNUM. Mr. Chairman, I think that very much of the opposition which has been made on the floor to this appropriation arises from a misapprehension or a misunderstanding of the facts. As I understand it, this appropriation is made in bulk to the Department in order to pay the expenditures of that Department in executing the laws of the country. It stands precisely on the same principle as the appropriation to the Department for the payment of witnesses or jurors. Of course, none of the officers of that Department can, in advance, give a statement of how moneys appropriated for the payment of jurors is to be expended.

Mr. LIVINGSTON. But this stands on a very different footing.

Mr. BYNUM. The very same objections might be alleged against appropriations for the payment of jurors, I repeat. The money is appropriated, it is sent by the Department to the various officers throughout the country, often before the juries are drawn, and it would be impossible before the money is expended and before the jury is paid to render an account to the Department giving the details of the expenditure. It is just the same way with the appropriation carried in this bill with reference to other appropriations made for the United States courts.

Mr. LIVINGSTON. No; the difference is this: In the appropriations for witnesses and jurors the accounts are audited. In this they are not.

Mr. BYNUM. They will be audited after the payment is made. How can they be audited in the case of jurors before the jurors are drawn, before their service has been rendered, and before payment has been made? All of these appropriations for such fees must in the very nature of things be made in advance.

Mr. BRECKINRIDGE. But there is this distinction, if the gentleman will permit me: In all other cases of expenditures for United States courts the expenditures are audited by the Auditors of the particular Department under which the expenses are incurred. For instance, in the cases of jurors' and marshals' fees the accounts are passed upon by the Auditors; but in this case these expenses are audited by the Attorney-General in person and allowed by him. These are expenses that are not regarded as the ordinary expenses of the Federal courts.

Mr. BYNUM. I do not know whether a change has been made by the new system in auditing these accounts—

Mr. BRECKINRIDGE. No; in respect to that no change has been made.

Mr. BYNUM. But that, however, makes no difference in the principle.

I know as a matter of fact that the deputy marshals, so far as Indiana is concerned—the men for whom this appropriation is asked—were appointed from the laboring classes and were laboring men. They went in obedience to the law and discharged their duties faithfully and promptly. Some were seriously injured in the discharge of their duty. The great majority of them were poor men, who were unable to do without their pay, and suffered from the fact that there was no money on hand to promptly discharge their claims.

After their discharge many were compelled, because of their circumstances and because there was no money to pay for the services they had faithfully rendered in preserving order and in aiding in the enforcement of the laws of the country—they were compelled to discount their claims against the Government. Now we are quibbling over the appropriation to pay those of them who were able to hold their claims until Congress had an opportunity to make an appropriation. I know a large number of these men personally; they are entitled to their pay. It is objected for the reason that the Department of Justice should come to Congress and render an itemized account as to what all the various deputy marshals who were necessarily employed were engaged in, where they were and what they were engaged in every hour of the day, and whose property they were guarding.

In the very nature of things it would be impossible to render such a statement. These men who performed the duty were under the control of the marshal and they were sent wherever their services were required, and to require a specific report to the House of all of the particulars of the services rendered in various parts

of the country at that time would be just as impossible as to require full and complete details from every officer of the Government in every one of its Departments who has charge of expenditures in the enforcement of any of its laws. It is sufficient to know that these men were engaged in a duty which was considered to be essential, and they performed their duty well. The appropriation, therefore, ought to be made without objection and without contest on this floor.

I represent a large labor district. I represent men who were engaged in that strike; but I do not believe, Mr. Chairman, that there is one of them who would countenance for a moment the refusal on the part of the Government of the United States to pay its just obligations which were incurred during that period.

[Here the hammer fell.]

Mr. BOATNER. Mr. Chairman, it is a favorite resort, or rather a common thing in the practice of law, for a party who holds the weaker side of an issue to shift it whenever he can. I have not heard a man on this floor, in the discussion of this question, antagonize the position taken by the gentleman from Indiana [Mr. BYNUM]. I doubt if there is a man here who objects to the Government paying the poor men he refers to in Indiana every dollar it owes to them. I certainly do not object to it, nor do I object to the payment of every dollar of expenditure lawfully incurred by the Government in the maintenance of law and in the protection of every right which it is the duty of the Federal Government to protect. But that is not the question at all. The question is whether we shall take the mere statement of the Attorney-General that he needs \$140,000 for the purpose contemplated here as conclusive of this question, and therefore excuse him from furnishing any details to the House as to whether his estimate is correct or not. Who suggests that anybody wants an account of what these deputies did?

Mr. BYNUM. The gentleman from Georgia suggested that?

Mr. LIVINGSTON. No, I did not.

Mr. BOATNER. No, sir; the suggestion is that the Attorney-General should furnish this House a statement of the number of deputies employed, and the time that they served, and the amount of their wages. Does that involve a difficulty impossible of accomplishment? Why, sir, to say that the Attorney-General could not furnish this House with a statement that would show the way in which this money had been expended with reasonable particularity, so that we can judge whether or not it ought to be paid, is an insult to any man's understanding. That, sir, is all I contend for. I object to this House surrendering the discretion imposed upon it by the Constitution of determining how the money of the United States should be expended, and to accepting the mere statement of the Attorney-General that he had incurred an expense of \$140,000 in protecting the public peace, in protecting property, and that we shall accept that, and accept his declination to give us the particulars of the expenditure of that money. I repeat, sir, that he could without difficulty have given us the details upon which he arrived at the conclusion that the sum of \$140,000 is necessary.

Now, the gentleman from Texas [Mr. SAYERS] in his remarks a few minutes ago drew a distinction between a deficiency which is estimated and a deficiency which has occurred. If the deficiency is estimated for the future, of course the particulars can not be given, except by estimation; but where the appropriation is to cover a deficiency in public expenditure which has already occurred, there is no reason whatever why the exact figures of that deficiency should not be given to the House.

I repeat, that I do not yield to the gentleman from Indiana [Mr. BYNUM], or the gentleman from Iowa [Mr. HENDERSON], or the gentleman from Illinois [Mr. CANNON], or any other gentleman upon this floor in disposition to support proper appropriations to pay all lawful expenses of the United States, and particularly expenses lawfully incurred in the preservation of the public peace and in the protection of property; but I protest, sir, that this House should not permit the Attorney-General to treat one of its committees with the discourtesy which he has shown to this one, or to treat the House with the discourtesy which he has shown it by refusing to furnish such a statement of the expenditure of this money as will enable us to determine whether it was lawfully and rightfully expended or not.

Mr. TURPIN. Does he refuse to give the information?

Mr. BOATNER. There is his letter, which is evasive, and which does not give the information.

Mr. BRECKINRIDGE. I think it is due to the Attorney-General to allow his letter to be put in the RECORD. I think it is hardly fair to say that the Attorney-General refused or that he was discourteous. He simply did not give us the information.

Mr. BOATNER. I want to be understood with reference to that matter as saying that the act is in itself discourteous. There is a reply to a letter addressed to him by the chairman of the committee. I repeat, that it seems to me that it was easy for him to have given these details, that it was easy for him to have ascer-

tained how many deputies had been employed, the length of time they had served, and the amount which had been agreed to be paid to them. I do not mean that he should have given the details with absolute accuracy; but certainly he could have given the House more information than is contained in that letter. I repeat, that in my judgment the act itself was discourteous, although the letter is not. The discourtesy consisted in withholding from the House the details which it ought to have, in order to enable it to decide whether the Attorney-General wisely exercised the discretion vested in him.

Mr. BRECKINRIDGE. I make the request that the letter of the Attorney-General be printed in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks that the letter of the Attorney-General be printed in the RECORD. Is there objection?

There was no objection.

The letter is as follows:

DEPARTMENT OF JUSTICE,  
Washington, D. C., December 15, 1894.

SIR: Your letter of December 7, 1894, transmits a request for statements to be sent to the committee showing "the various properties, with the names of the corporations owning them, in the possession of receivers appointed by the courts of the United States, and the courts in which said receivers were appointed."

In reply it may be stated that the Department has not a list of the various properties, with the names of the corporations owning them, in the hands of receivers, appointed by the United States courts, whether circuit or district, in which receivers were appointed. In this reply there is no wish to evade any item of the inquiry or to conceal any matter connected with the inquiry. The clerks of the United States courts are the only officials who can give the correct information. An effort to collect from them what is desired and tabulate their answers when received for report to Congress could hardly be accomplished till late in the present session. The clerks of the courts not being under the control of this Department, they would only report upon the order of the judge, and as such work is without compensation some delay might be expected at their hands in complying with the Department request.

The Department was officially advised that property in the hands of receivers was in jeopardy; that the laws of the United States were violated and defied, and that the ordinary forces of the marshals were wholly inadequate to enforce the orders of the court. Immediate action was imperatively demanded. Under these circumstances, and upon a representation of the facts, instructions to the marshals were given to employ sufficient force to carry out the orders of the court and to uphold the laws. It is evident that the ordinary provisions for the payment of marshals' accounts under usual circumstances were not applicable in these cases. From time to time, therefore, on the requisitions of the marshals, funds have been advanced to them to defray the necessary expenses, with specific instructions that the accounts must first receive the special approval of the court. It should perhaps be stated incidentally that these expenses covered a period of several months, commencing from the time of the "commonwealer" disturbances.

"The sums expended, respectively, in the protection of said properties, and the dates and objects of said expenditures."

Answer. The Department furnishes in Exhibits A and B the amounts which have been advanced to the marshals of the different judicial districts out of the appropriation for protecting property in the hands of receivers for the fiscal years 1894-95 and 1894, with the dates when the advances were made; but it can not apportion the advances so as to show what kind of expenses were paid off by the marshals. This can only be ascertained by a careful analysis of the accounts that have already been examined and paid and are now on file in the Treasury, or those awaiting examination by this Department and those in the marshals' hands yet unpaid, awaiting a deficiency appropriation. In making requisitions for advances for the purpose above indicated the marshals did not specify the character of the accounts in their hands, but simply asked for amounts to cover all the claims that were ready to be paid. To completely analyze all the accounts that have been rendered, which are now in the Department, and those in the hands of the marshals, would require the labor of several clerks and would consume at least a month or two in the preparation of a statement which would fully answer the inquiry.

It might be borne in mind that the special appropriation for protecting property has only been used to pay expenses incurred by reason of these disturbances, and any fees that were earned in executing orders of the court are paid from the regular appropriation provided for that purpose.

"The sums for which the United States are now liable for the protection of said properties, respectively."

Answer. The amounts for which the United States are now liable under the appropriations mentioned are set forth in Exhibit C, as reported by the marshals.

In answer to inquiry 4, the Department states that it is impossible to estimate the amounts expended, or for which the United States are liable in the protection of properties not in the possession of receivers, or the causes for such expenditures and the dates thereof, except that where properties were not in the hands of receivers the expenditures were for executing the interstate and postal laws under the orders of the United States courts, and whatever protection was granted to roads not in the hands of receivers of the courts was not granted for the benefit of the roads, but was an incidental protection which was absolutely necessary to enforce the laws of the Government in interstate and postal matters. The main object of the court, acting through the marshal and his deputies, was to enforce obedience to the laws of the United States, to do which it was necessary to see that the roads were protected so far as was needed for a proper execution of the laws. To this extent the protection was given, and no more than what was incidental to the main object of executing the laws.

In answer to inquiry 5, the Department states that it is impossible to give the names or number of "persons arrested or detained by the order of the United States courts in the protection of property in the hands of receivers of said courts, or the cause of such arrests and detentions, and the expenses thereof," for reasons indicated in reply to No. 3.

The amounts paid in the various districts, respectively, for fees of jurors and for fees of witnesses during the fiscal year 1894 are presented by Exhibits D and E.

It is impracticable to furnish the information as desired in No. 7, as the accounts of marshals for even the first quarter of the fiscal year 1895 have not all been received.

The expenses for transportation of prisoners to places of imprisonment are payable from "Fees and expenses of marshals," not from "Support of prisoners." To obtain the desired data letters would have to be sent to all the marshals asking for the information.



The cost of transportation of prisoners released from penitentiaries (payable from "Support of prisoners") is estimated to be about \$24,000 a year.  
Very respectfully,

Hon. W. C. P. BRECKINRIDGE,  
Chairman Subcommittee on Deficiencies,  
Committee on Appropriations, House of Representatives.

Attorney-General.

Mr. SAYERS. I desire to say in behalf of the Attorney-General that in my intercourse with him, not only personally but officially as chairman of the Committee on Appropriations, I have always found him ready and willing to give all the information within his power in reference to any matter whatsoever about which he was interrogated. There can be no question as to his entire willingness at all times to furnish our committee with such information as he possessed, and he did furnish it, and that, too, in a courteous manner. The trouble is that he did not have all the information that was asked of him. He is an able, honest, and efficient official. I believe that the amendment offered by the gentleman from New Hampshire [Mr. BAKER] will cure every defect, and will enable this Congress to ascertain to a cent to whom this appropriation goes. The only question now is whether we shall pay those citizens of the United States who have been summoned by marshals to discharge certain duties and who have discharged those duties, many of them being poor men.

Mr. BRECKINRIDGE. I ask for a vote.

The CHAIRMAN (Mr. TARNSEY). The question is upon the motion of the gentleman from Georgia [Mr. LIVINGSTON] to strike out lines 11 and 21, inclusive, on page 40.

Mr. LIVINGSTON. Has the amendment proposed by the gentleman from New Hampshire [Mr. BAKER] been agreed to? There has been no vote upon it.

The CHAIRMAN. The present occupant of the chair was not in the chair when it was offered.

Mr. LIVINGSTON. There was no motion put to the committee.

Mr. BAKER of New Hampshire. I understood the chairman of the subcommittee to accept the amendment, and that it was adopted.

Mr. LIVINGSTON. I desire to say that there was a motion made to strike out the paragraph, and then there was another proposition to amend the paragraph. Before the motion to amend can be declared to be adopted it must be voted upon while the other motion is pending.

Mr. BRECKINRIDGE. To settle all doubt, I call for a vote on the amendment offered by the gentleman from New Hampshire [Mr. BAKER].

Mr. LIVINGSTON. I ask that that amendment be reported.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

After line 21, on page 40, insert the following proviso:  
"Provided, That the Attorney-General shall report to Congress the payments made under this paragraph, to whom paid, and for what purpose or service."

Mr. BRECKINRIDGE. Now, Mr. Chairman, I ask for a vote upon that.

The CHAIRMAN. The amendment of the gentleman from New Hampshire is to the original text.

Mr. BYNUM. The vote should first be taken on the motion to perfect the text.

The question was taken; and the amendment of Mr. BAKER of New Hampshire was agreed to.

Mr. LIVINGSTON. Mr. Chairman, as the amendment which has just been agreed to obviates some of the objections I had to the paragraph, I withdraw my motion to strike out the paragraph.

Mr. BRECKINRIDGE. Now, Mr. Chairman, I move to perfect the text by striking out the words "hundred and forty thousand dollars," in lines 20 and 21. They are a repetition by a misprint.

The CHAIRMAN. If there be no objection that amendment will be considered as agreed to. [After a pause.] The Chair hears none.

Mr. CANNON of Illinois. Mr. Chairman, I move to strike out the last word, for the purpose of saying—the gentleman from Georgia having withdrawn his motion to strike out the paragraph—on the real, substantial, permanent, patent excuse or reason that the amendment of the gentleman from New Hampshire has been adopted, and as we are to pass on, as peace broods over the House, and gentlemen have got themselves into the RECORD, so that they can go, if they want to, in the sweet by and by or hereafter, so that they can "catch them coming and going," and say they were for or against the proposition—"you pays your money and takes your choice"—being in that blissful condition, I am ready that the Clerk, so far as I am concerned, shall read. [Laughter.]

The Clerk read as follows:

For 1892, \$232.50.

Mr. LIVINGSTON. Mr. Chairman, I desire to offer an amendment.

Mr. TRACEY. I would like to offer an amendment before we reach the next paragraph.

Mr. LIVINGSTON. I offer an amendment on page 48, after line 8.

The Clerk read as follows:

On page 48, after line 8, insert:

"To pay the claims of Charles Morgan, C. B. Payne, and the Southern Steamship Company, audited and reported to the Forty-sixth Congress; the claims of Charles Morgan and M. C. Mordecai, audited and reported to the Forty-eighth Congress, being for allowance for one month's extra pay as United States mail contractors, \$17,510.83, or so much thereof as may be necessary."

Mr. BRECKINRIDGE. While I am in favor of paying these claims, if subject to the point of order I feel it my duty to make the point of order.

Mr. SAYERS. I am opposed to paying these claims.

Mr. LIVINGSTON. Mr. Chairman, I want to hear the gentleman on the point of order. I want to know where it is.

Mr. DINGLEY. Has the amendment been read?

Mr. DOCKERY. Reserve every point of order.

Mr. BRECKINRIDGE. I make the point of order that there is no law under which they can be paid.

Mr. LIVINGSTON. Why, in answer to that, Mr. Chairman, I have the law here.

Mr. DINGLEY. Is the point of order reserved? I have not heard it read.

The CHAIRMAN. The gentleman from Kentucky makes the point of order.

Mr. DOCKERY. I make the point of order under clause 2 of Rule XXI. I want to make every point of order that may be made.

Mr. LIVINGSTON. I understand that these gentlemen are catching at a straw. I will show them what it is before I get through.

I will say, in answer to the gentleman in charge of the bill, that these are all accounts allowed by the statutes of the United States, under a law which authorized the Postmaster-General to allow a month's extra pay to a railway mail contractor when he suspended his contract, and the letter that I have sent to the desk shows that the Postmaster-General allowed these contractors one month's extra pay. It shows more than that, Mr. Chairman; that these accounts have gone to the Auditor and been ascertained and certified to Congress as lawful and right and equitable.

The CHAIRMAN. The Clerk will read the letter from the Auditor.

The Clerk read as follows:

TREASURY DEPARTMENT,  
OFFICE OF THE AUDITOR OF THE TREASURY  
FOR THE POST-OFFICE DEPARTMENT,  
Washington, D. C., June 12, 1894.

SIR: In reply to your request contained in your indorsement on the inclosed list of claims, to be informed whether or not "these claims have been paid in whole or in part by the Confederate States, and if said claims are now justly due to parties," I have the honor to inform you that a careful examination of the Confederate records, now in the custody of this office, fails to disclose that any part of said claims was paid by the Confederate States government.

There can be no question as to the legality of these claims, based, as they are, upon the orders of the Postmaster-General, issued under authority vested in him by the terms of the contract, and in view of the fact that the Supreme Court has decided that the suspension of contracts for service in the Confederate States carries with it a month's extra pay as if the service were discontinued. (Wallace, 8, page 38.)

The claims of Charles Morgan, C. B. Payne and the Southern Steamship Company were reported to the Forty-sixth and Forty-seventh Congresses, and that of Charles Morgan to the Forty-eighth and Forty-ninth Congresses, also.

The claim of M. C. Mordecai was reported to the Forty-seventh, Forty-eighth, and Forty-ninth Congresses.

The following footnotes appear in Executive Documents No. 20, second session, Forty-sixth Congress, and No. 23, first session, Forty-seventh Congress:

"First. These six items are incident to service on mail routes in Southern States, discontinued because of the rebellion, being in the nature of damages by reason of such discontinuance. The accounts for the original service are suspended in this office, waiting additional legislation.

"A doubt has arisen as to the propriety of reporting these allowances, but as they have been certified to this office since the date of the act approved June 14, 1878, they are submitted herewith."

"Second. These six claims are based on the condition in all mail contracts 'that the Postmaster-General may curtail or discontinue the service on whole or in part, he allowing one month's extra pay on the amount dispensed with.' The amount due for service performed under each contract has been paid in full, with the exception of the first, which, with all other ante bellum mail service, is waiting action by Congress."

In explanation of the doubt expressed in the first note above quoted, one of my predecessors, in a letter to the honorable Secretary of the Treasury, wrote as follows: "The doubt referred to in this note related solely to the propriety of reporting claims for one month's extra pay, while the accounts for the original service were suspended in this office awaiting legislation, it in no wise affects their validity and integrity, and does not arise under any law."

The question whether or not a claim for one month's extra pay, under the provisions of the contract, in the absence of any order from the Postmaster-General authorizing its payment, and of evidence that service was performed to the date of its suspension, heretofore raised in this office, remains unsettled, but that can in no sense affect the validity of these claims, as orders

were issued by the Postmaster-General authorizing the payment of one month's extra pay, and evidence of service to the date of discontinuance furnished in each case.

Very respectfully,

GEO. A. HOWARD, Auditor.

Hon. L. F. LIVINGSTON,  
House of Representatives, Washington, D. C.

Mr. LIVINGSTON. Now, Mr. Chairman, the Auditor, Mr. Howard, quotes the fact, and gives you the law and the date of its passage.

Mr. DINGLEY. But he does not take into account an act of war, which practically suspended these contracts.

Mr. LIVINGSTON. Mr. Chairman, this act was passed since the war. It was passed in 1878, and authorized the Postmaster-General to do this thing. The Postmaster-General had suspended these contracts. These accounts were submitted to the Auditor, who passed on them and sent them to Congress, and they have been in this Hall and upon the floor of this House and in the committee since the Forty-sixth, the Forty-seventh, and the Forty-eighth Congresses; and I desire, Mr. Chairman, for the benefit of the committee, to remind them that these four claimants are not at all associated with a lot of claims that Mr. Reagan got into trouble with on the floor of the House many years ago. There are only four of them; and I send this letter to the Clerk's desk and ask that it be read.

Mr. DINGLEY. How many are there behind that?

Mr. LIVINGSTON. There are no more behind that. The gentleman is getting these confused with a different sort of claims altogether.

The Clerk read as follows:

TREASURY DEPARTMENT,  
OFFICE OF AUDITOR FOR THE POST-OFFICE DEPARTMENT,  
Washington, D. C., February 13, 1895.

SIR: In reply to your letter of this date I have the honor to inform you that the four claims named are for one month's extra pay on discontinuance of service, and are all of that class of claims now pending.

Very respectfully,

WM. G. CRAWFORD,  
Deputy Auditor for Post-Office Department.

Hon. W. C. P. BRECKINRIDGE,  
House of Representatives, Washington, D. C.

Mr. LIVINGSTON. Now, Mr. Chairman, there are but four of this class of claims unpaid.

The CHAIRMAN. The Chair desires to hear the gentleman from Kentucky on the point of order.

Mr. BRECKINRIDGE. I have an impression on my mind that at one time the gentleman from Missouri [Mr. DOCKERY] who sits before me, as Chairman of the committee, had some such claim before us, and I do not know upon what ground it was decided. I am in the attitude that I believe that these claims ought to be paid; but the committee having reported against them, it is my duty to raise the question of order. I ask the gentleman from Missouri to make a statement.

Mr. DOCKERY. I remember very distinctly that when presiding over the Committee of the Whole in a former Congress I sustained a point of order that was made against a claim presented on behalf of Mr. Mordecai, though I do not now recall upon what ground. My recollection is that some time after the war an appropriation of about \$375,000 was made to pay this class of antebellum claims, but that, in the administration of that appropriation, some doubts arose as to whether or not the Confederate government had not paid a part of the claims. Possibly there was a suspicion of fraud in connection with some of the claims—not these particular ones, however—and, if I remember right, a subsequent statute was enacted forbidding any further payment of those claims; but in the hurry incident to the presentation of the question a moment ago I have been unable to find the statute. I believe, however, that such a statute exists.

Mr. LIVINGSTON. I think that if there was any statute of that kind the Auditor would not have overlooked it.

Mr. DOCKERY. Well, I do not assert positively that there is such a statute, but that is my recollection. I hope that this paragraph and the amendment will be allowed to go over, with the point of order pending, until the conclusion of the bill.

Mr. BRECKINRIDGE. I hope the gentleman will consent to that.

Mr. LIVINGSTON. Mr. Chairman, I will consent that this shall go over until the other parts of the bill are acted upon.

Mr. DOCKERY. With the point of order pending.

Mr. TRACEY. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 48, line 8, insert the following:

"Senate and House of Representatives: To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1895, including the Capitol police and Official Reporters of the Senate and House, for extra services during the Fifty-third Congress, a sum equal to one month's pay, at the compensation then paid them by law, the same to be made immediately available."

Mr. SAYERS. I understand that this is the ordinary resolution

for an extra month's pay that has been adopted heretofore at the short sessions of Congress.

Mr. TRACEY. Yes, sir.

Mr. SAYERS. I will ask the gentleman to let that lie over until we get through with the bill. There are several persons who are endeavoring to get special appropriations independent of this, and I do not think that, in justice to ourselves, we should allow an extra month's pay and then permit certain gentlemen to come and get appropriations for five hundred or a thousand dollars extra. I do not make any objection to the gentleman's amendment, but I ask him to let it lie over until we can see how the matter stands.

Mr. TRACEY. Mr. Chairman, this is the proper place for the amendment to come in, and I have offered it after consultation with the committee.

Mr. SAYERS. I do not object to it, but I ask unanimous consent that it be passed over for the present without prejudice.

Mr. TRACEY. Mr. Chairman, with the understanding that no point of order is raised against the amendment I will not object.

The CHAIRMAN. No point of order has been raised.

Mr. TRACEY. At any rate, the amendment has been discussed, so that if an attempt were made now to raise the point of order it would come too late. With the understanding, then, that no point is or can be made against it, I will agree that the amendment shall go over, as suggested by the gentleman from Texas.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the amendment offered by the gentleman from New York [Mr. TRACEY] may be laid aside until the committee has gone through the bill.

There was no objection, and it was so ordered.

Mr. CURTIS of New York. Mr. Chairman, I desire to add as an amendment to the amendment of my colleague [Mr. TRACEY] the following: "and employees of the law library of Congress."

Mr. SAYERS. I reserve the point of order on the amendment.

The CHAIRMAN. The amendment of the gentleman from New York [Mr. TRACEY] has already been laid aside informally.

Mr. CURTIS of New York. Well, I desire to have my amendment follow his and be considered immediately after it.

Mr. DOCKERY. With the point of order pending.

The CHAIRMAN. The point of order has been made on the amendment to the amendment, but no point of order has been made on the amendment of the gentleman from New York [Mr. TRACEY], and that amendment having been discussed upon its merits, of course no point of order will be entertained by the Chair when it comes up for consideration.

Mr. O'NEIL of Massachusetts. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 48, after line 21, insert:

"To pay \$2,000 to Mrs. Celeste H. McCoy, of St. Paul, Minn., widow of the Hon. W. D. McCoy, deceased, late minister and consul-general of the United States to Liberia."

Mr. SAYERS. I make the point of order on the amendment.

Mr. O'NEIL of Massachusetts. Mr. Chairman, I desire to make a brief statement. I offer this amendment at the request of my colleague, Dr. EVERETT, who is unable to be here to-day. I send to the Clerk's desk and ask to have read the report of the subcommittee of the Committee on Foreign Affairs, by whom this appropriation is recommended.

The Clerk read as follows:

The subcommittee, to whom was referred H. R. 7964, for the relief of Mrs. C. H. McCoy, widow of W. D. McCoy, beg leave to report as follows: It appears from the records of the State Department that W. D. McCoy was appointed minister to Liberia January 11, 1892; that he offered his resignation February 6, 1893; that it was received March 16, but never formally accepted; and that he died of a bilious attack resulting from the climate at Monrovia May 15, 1893.

Mr. McCoy was allowed salary from the 20th of January, 1892, to the 15th of May, 1893, at the rate of \$4,000 per annum, aggregating \$5,283.40; his widow has received, under section 1749, Revised Statutes, \$549, being salary at that rate for fifty days' transit time from the 16th of May to the 4th of July, 1893. She now applies for one year's salary, and her petition to that effect states her to be in greatly reduced circumstances.

The precedents in this case are thoroughly set forth in the report (No. 1061) of Hon. J. B. MCCREARY in the Fifty-second Congress on H. R. 5227, for the relief of Mary A. Swift. There have been ten instances since March 3, 1879, two of them the widows of ministers to Liberia, where varying sums have been paid under similar circumstances.

Your subcommittee therefore report the bill, recommending that it be amended by striking out the word "four" and inserting the word "two" in line 5, thus giving Mrs. McCoy six months' salary in addition to the sum already received, this report according with the greater number of precedents.

Respectfully submitted.

WILLIAM EVERETT,  
H. ST. G. TUCKER,  
WILLIAM F. DRAPER,  
Subcommittee.

Approved in writing by—

THOS. J. GEARY,  
ANDREW PRICE,  
CHAS. E. HOOKER,  
A. C. HARMER,  
H. W. BLAIR,  
J. VAN VOORHIS.



Mr. O'NEIL of Massachusetts. Mr. Chairman, as I have said, I offer this amendment at the request of my colleague. It has been approved by a majority of the Committee on Foreign Affairs; and I hope that the gentleman from Minnesota, who represents the district to which Mrs. McCoy belongs, will be allowed to say a word or two in relation to this matter.

The CHAIRMAN (Mr. HATCH). The Chair desires to hear from the gentleman from Texas [Mr. SAYERS] on the point of order.

Mr. SAYERS. There is no law authorizing the payment of money for the purpose indicated. It will be a mere gratuity and can not properly be put upon an appropriation bill. If there can be shown any law which in the remotest degree authorizes this appropriation I will admit that my point of order is unfounded.

The CHAIRMAN. The Chair would like to ask the gentleman from Texas whether there is any provision of any statute authorizing the appropriation reported in this bill by the Committee on Appropriations?

To pay the widow of M. B. Wright, late a Representative in Congress from the State of Pennsylvania, \$1,699.82.

Mr. SAYERS. That is subject to a point of order; any gentleman can make it if he chooses.

The CHAIRMAN. The Chair does not think it is, because it follows an unbroken precedent, and the amendment to it is of the same character. If the Committee on Appropriations can report an appropriation to pay a claim simply upon precedent, certainly the Committee of the Whole can entertain an amendment of the same character.

Mr. SAYERS. I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Texas has made the point of order that the amendment offered by the gentleman from Massachusetts is not in order, because there is no law authorizing the payment of the amount named. The Chair has overruled the point of order. The gentleman from Texas has appealed from the decision of the Chair; and the question now is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. SAYERS. I desire to be heard a moment.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SAYERS. Mr. Chairman, if any gentleman can show any authority whatever in law for making this appropriation I will withdraw my appeal. But there is no law in existence which either directly or indirectly authorizes this appropriation. It is a mere gratuity.

Mr. WEADOCK. What is the amendment?

Mr. SAYERS. It proposes to pay the widow of a minister to Liberia \$2,000.

Mr. LIVINGSTON. If authority of law is required for all these appropriations, then four-fifths of this bill would go out.

Mr. SAYERS. Let them go out.

Mr. BOATNER. Does not the report show that this officer resigned and that his resignation was not accepted, and that this appropriation is to pay the amount of his salary between the date of his resignation and his death?

Mr. SAYERS. No, sir.

Mr. BOATNER. I so understood.

Several MEMBERS. Let the amendment be again read.

The Clerk again read the amendment.

Several MEMBERS. Let the report be read.

Mr. MOSES. I object to reading the whole report again.

Mr. BYNUM. Mr. Chairman, while I think the point is probably well taken, I wish to say that this is a very meritorious case.

Mr. SAYERS. Let us first decide the question of order.

Mr. BYNUM. This officer, at the time of his appointment, was a resident of the district I represent. He was an educated gentleman and a creditable representative of his country and an honor to his race. He died in a foreign country at his post of duty, and his family were thus bereft and left in limited, if not distressed circumstances, and I should like to see this appropriation made. He was a most estimable colored gentleman. His body was brought home, whether at the expense of his family or the Government I do not know, but presume at the expense of the former. This appropriation would, in my judgment, meet general approval.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question being taken; there were on a division (called for by Mr. SAYERS)—ayes 104, noes 30.

Mr. SAYERS. I call for tellers.

The CHAIRMAN. Does the gentleman make the point of no quorum, or does he desire a vote by tellers?

Mr. SAYERS. I have called for tellers.

Tellers were not ordered; only 20 voting therefor.

The CHAIRMAN. Tellers are refused; and the decision of the Chair is sustained by the Committee of the Whole. [Applause.] The question is now on the amendment offered by the gentleman from Massachusetts [Mr. O'NEIL].

Mr. BRECKINRIDGE. I move to amend the amendment by

striking out the word "two" and inserting "one," which will give to this widow one-fourth of the annual salary.

Mr. O'NEIL of Massachusetts. I accept that amendment.

The question being taken on the amendment of Mr. O'NEIL of Massachusetts as modified, it was agreed to.

Mr. TERRY. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by adding at the end of line 21, page 48, the following: "And to pay W. Jasper Blackburn balance of salary due him as member of the Fortieth Congress from the State of Louisiana, \$5,597.23."

Mr. BRECKINRIDGE and Mr. SAYERS raised a point of order upon the amendment.

Mr. TERRY. I suggest that this amendment should come in after the amendment adopted on motion of the gentleman from Massachusetts [Mr. O'NEIL].

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard on the question?

Mr. SAYERS. I desire to argue the point, if the gentleman from Kentucky does not.

Mr. BRECKINRIDGE. This is a claim, as I understand, on account of salary as member of the Fortieth Congress. It comes here without any information of any sort as to why payment was not made. Unless there was some good reason to the contrary, this gentleman would have obtained his salary under the statute at that time. I therefore raise the point of order that there is no law for the payment of this salary. If there had been, it would undoubtedly have been paid at the time.

Mr. SAYERS. If the Chair will indulge me, I will furnish the authority in a few moments. I have sent for it.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. TERRY. Mr. Chairman, I desire to state that so far as the point of order is concerned I do not think it can be sustained. We will undertake to show that under the law this man was entitled to the money which is proposed to be appropriated by this amendment; and it does not detract from that right that Congress has heretofore not made arrangements to pay him.

Now, in regard to the claim not having been presented before, let me state that it has been sent here to the Representatives from the district wherein Mr. Blackburn resides, Congress after Congress, for from fourteen to twenty years or more. This old man, now gray-headed and in want, has been knocking at the doors of the American Congress for what is justly due him and which has been withheld from him all these years, and has not been able under any circumstances heretofore to get payment of his claim.

The Committee on Claims, to which this was referred, in their report use this language:

Your committee have carefully considered the same, and find that W. Jasper Blackburn was a member of the Fortieth Congress and as such was entitled to the sum of \$10,000 salary, and that he has only received the sum of \$4,402.77, and is therefore entitled to the balance, to wit, the sum of \$5,597.23. It also appears in evidence before the committee that Nathaniel Boyden was a member of the same Congress, and was entitled to the same sum, and that he only received the sum of \$4,347.22, and is entitled to the further sum of \$5,652.78. The said Nathaniel Boyden is dead.

Your committee found the law to be clearly in favor of the payment of these sums (see resolutions, July 12, 1863, 12 Stat. L., page 624), and so far as your committee have been able to ascertain these are the only cases since the passage of this resolution where the law has not been followed.

In that connection I wish to read also a letter from the Treasury Department bearing upon this question:

TREASURY DEPARTMENT, FIRST AUDITOR'S OFFICE,  
Washington, D. C., February 18, 1892.

SIR: In reply to your letter of the 13th instant to the Secretary of the Treasury, asking for information in regard to the compensation of Hon. W. Jasper Blackburn, M. C., from Louisiana, referred to this office, it appears from the records of this Department that Mr. Blackburn received mileage for both terms of the Fortieth Congress, amounting to \$1,865.60, and salary for ten months and seventeen days, viz, from April 17, 1888, to March 3, 1889, inclusive, amounting to \$4,402.77. For the full period of the Congress he would have been entitled, in addition to what he received as set forth above, to salary from March 4, 1887, to April 16, 1888, or thirteen months and thirteen days, amounting to \$5,597.23.

Respectfully, yours,

GEO. P. FISHER, First Auditor.

Hon. B. H. BURN,  
Chairman Committee on Claims, House of Representatives.

The CHAIRMAN. Will the gentleman from Arkansas inform the Chair why this money was not paid heretofore?

Mr. TERRY. I am unable to inform the Chair why it was not paid, unless it be that the persons he relied upon to present it did not press the matter.

The CHAIRMAN. Did he serve in that Congress?

Mr. SAYERS. If the gentleman from Arkansas will allow me, I will read from the RECORD showing the facts in this case.

Mr. BOATNER. I wish to be heard myself on this question before the Chair rules on the question of order.

Mr. SAYERS. Mr. Chairman, this question was up for consideration at the second session of the present Congress, upon a resolution similar to that now proposed by the gentleman from Arkansas. It was then offered by the same gentleman who offers it now. Upon a point of order suggested by me the Chairman

decided that the amendment could not be considered, and it was ruled out.

The facts of the case are these: Mr. Blackburn was elected to Congress on the 17th of April, 1868, and received pay from that date until the conclusion of his term on the 4th of March following. The object of this resolution, as was the object of the one declared out of order on the occasion to which I have referred, was to provide for back pay from the 4th day of March, 1867, up to the 17th of April, 1868.

Mr. BRETZ. That is, pay before he was elected?

Mr. SAYERS. Yes; from March 4, 1867, to April 17, 1868.

Mr. CATCHINGS. Upon what theory does the claimant demand this pay?

Mr. SAYERS. For instance, I will state, if a person is elected a member of Congress his salary begins to run not from the time he is elected—

Mr. CATCHINGS. But it does.

Mr. SAYERS. I know; but the theory of the gentleman from Arkansas is that it runs from the commencement of the term; that is to say, for the entire time.

Mr. CATCHINGS. Does the gentleman from Texas mean to say that if I should die, for instance, now, and a man is elected to succeed me, that he would receive full pay for the entire term?

Mr. SAYERS. Oh, no.

Mr. CATCHINGS. I understood the gentleman to state that

Mr. SAYERS. Not so. I wish the committee to understand the proposition.

Mr. BOATNER. I think the gentleman wants the committee rather to misunderstand it.

Mr. BAILEY. The gentleman will find that a member does not draw pay under such circumstances from the beginning of the term, but from the time his predecessor ceases to serve.

Mr. HAUGEN. How would that be in the case of this amendment?

Mr. SAYERS. There was no representation from this district.

Mr. MARSH. Why?

Mr. SAYERS. Because the State was under reconstruction.

I read now from the statement of the gentleman from Arkansas [Mr. TERRY] himself, who now offers the amendment. He says:

The term of Congress to which this man was elected began March 4, 1867. Now, he was not elected until April 17, 1868, and from April, 1868, until the close of the term he received his pay.

The object of this amendment, it will be seen, is to give him pay for the entire term, even when he was not a member of Congress and while the State was not permitted representation.

Mr. BOATNER. Will the gentleman from Texas allow me to ask him a question right there? Is the gentleman from Texas aware that a member of the Fortieth Congress was elected from that district in 1866 and the Congress of the United States refused to recognize the validity of that election?

Mr. SAYERS. Certainly.

Mr. BOATNER. And directed another election to be held.

Mr. SAYERS. Yes.

Mr. BOATNER. That election was held in April, 1867, pursuant to the provisions of an act of Congress.

Mr. SAYERS. April, 1868.

Mr. BOATNER. April, 1868, and the member was seated as a member of the Fortieth Congress?

Mr. SAYERS. That is my recollection.

Mr. BOATNER. He did not receive the salary allowed by the law, which then stood exactly as it stands to-day, because the accounting officers of the Treasury misconstrued the law. This House has reversed that construction and the Senate has reversed that construction by subsequently paying the full salary for the full term to every other member who was elected under similar circumstances except this old man, who now lives in Little Rock.

Mr. SAYERS. I would like to conclude.

Mr. BRECKINRIDGE. How was the point of order decided?

Mr. SAYERS. The point of order was decided against the amendment.

Mr. TERRY. I desire to say in regard to the point of order being decided in that way, that when I went to the Chairman afterwards, with the law on the subject, he said, "Oh, you know what I was put up there for!" [Laughter.]

Mr. CATCHINGS. Who was the Chairman who made that ruling?

Mr. SAYERS. The gentleman from Indiana [Mr. BYNUM]. Now, Mr. Chairman, if the amendment is not subject to the point of order, then, in my judgment, it is useless to propose any point of order to any amendment that can be offered to this bill, and any claim which has been or which has not been reported to this House by the Committee on Claims can be offered to this bill, and if a majority of the committee see proper to put it on it will be in order.

Mr. PAYNE. That has just been decided, has it not? It comes pretty close to it.

Mr. SAYERS. Mr. Chairman, I ask that the decision of the Chairman, made on the occasion referred to, be read.

The Clerk read as follows:

The CHAIRMAN. There is no question that under the act of 1863 a member elected to fill a vacancy is entitled to salary from the beginning of the vacancy of the term; but the question in this case is whether that statute is modified by the act of 1868, which admitted Representatives from Louisiana on certain conditions. The act of 1868 provided that Representatives from Louisiana and other States should be admitted from those States upon the acceptance of the provisions of the fourteenth amendment, etc. The Chair is of the opinion that the act of 1863 is modified by the act of 1868.

That is, while the act of 1868 entitles, under ordinary circumstances, a Representative elected to draw the salary from the beginning of the vacancy, that that act is not applicable to this case. The question here is whether there was a vacancy prior to the election of Mr. Blackburn in 1868. The Chair does not desire to go outside of the act and to express an opinion upon the legality of the act, or anything of that kind. The Chair accepts the act as it finds it, and as construed by the Congress at that time. Under that construction the State was not entitled to representation until the proclamation was issued by the President in July, 1868; and on examining the record the Chair finds that this member was sworn in on the day of the proclamation by the President.

The Chair is inclined to think that the act of 1863 is modified so far as the State of Louisiana is concerned by the act of 1868, and that the term of the gentleman really began on the date this member was sworn in, and that, under the rules affecting amendments on appropriation bills, no law exists authorizing payment of salary prior to his admission. Further, there is no question but what this claim is an equitable claim to be presented to Congress. The question here as to whether, under the rules as affecting appropriation bills, there is any clear authority of law for the payment of the same, the Chair is of the opinion that that is a somewhat doubtful question; and at least the Chair gives the benefit of the doubt to the Committee on Appropriations.

Mr. TERRY. Now, Mr. Chairman, I desire to state the proposition of law that is involved in this matter. The pay of a member of Congress dates, not from the day of his election, nor from the day of his taking his seat, but it dates from the beginning of the Congress to which he was elected.

Mr. BROSIUS. May I inquire whether that applies to a case where a man is elected to fill a vacancy?

Mr. TERRY. There is a provision in the act of 1863 which covers it.

Mr. BRETZ. There was no vacancy at that time in this case. The State was not entitled to representation.

The CHAIRMAN. The Chair would like to suggest this inquiry to the gentleman from Arkansas: Suppose one of the Territories were admitted to this Congress to-day, would the salary of the member admitted from that Territory go back to the beginning of this Congress?

Mr. TERRY. I do not know how it would be in regard to a Territory. Previous to their admission as States they are represented by Delegates, who draw pay the same as members of Congress.

Mr. HAYES. That is not an analogous case.

Mr. TERRY. I do not think that is an analogous case at all, but the rule has been as I have stated, and it has uniformly been held that way. Now, the point that they try to make against this old man's claim is that his State was not readmitted into the Union until June, 1868. That is the ground upon which the honorable Chairman of the Committee of the Whole ruled it out before; but to show how inconsistent that ruling was, this member's pay was dated back to the 16th of April, 1868, and his State was not readmitted until June, 1868. Now, in the States of South Carolina, Alabama, Tennessee, Virginia, and all the other States that passed through reconstruction their members were paid, not from the times their States were readmitted, but from the beginning of the Congress to which they were elected.

It was only a few years ago that Benjamin F. Rice, who was a Senator from the State of Arkansas, was paid back to the 4th of March, 1867, when the State of Arkansas was not admitted into the Union until June 23, 1868. There has never been a case, Mr. Chairman, that has been presented to Congress in which they have not allowed the member to be paid back to the beginning of the Congress to which he was elected, irrespective of the time when his State was admitted.

Now, sir, if there ever was a meritorious claim it is the claim of this old man. He belonged not to the household of my political faith; but when I came here, I told him that I thought his claim was just, and I would advocate it upon this floor. The old man is decrepit and poverty stricken, and here, with this amount of money due him from the great Government of the United States, we find members of the Appropriations Committee raising all kinds of technical objections to try to beat the old man out of his pay, and yet they have embraced in their appropriation bill thousands upon thousands of dollars not authorized by any existing law. "Consistency, thou art a jewel" not possessed by those honorable gentlemen of the Appropriations Committee!

I say, Mr. Chairman, that it is a shame upon the American Congress that this old man has not been paid long before this. I yield to my friend from Louisiana [Mr. BOATNER] to further discuss the point of order, because he has the authorities before him. I will say that on no mere technicality is it subject to the point of order, and it is not under that statement of the gentleman from Texas, for his point is not good. He was not urging any point, but just attempting to bulldoze the Chair, so as to get him to sustain his view of it.



Mr. BOATNER. Mr. Chairman—

Mr. BAILEY. I desire to submit an inquiry to the gentleman from Louisiana just as he begins. The difficulty I have in this case is this: Could a vacancy exist in the representation of a State that was not entitled to be represented in Congress? In other words, I believe this gentleman, Mr. Blackburn, was elected a Representative from the State of Louisiana when that State was not entitled to representation at all under the theory adopted by the Federal Government.

Mr. TERRY. According to Lincoln's theory of this matter, the State of Louisiana, and none of the rest of them, was ever out of the Union. That was the point that Mr. Lincoln made and the theory acted upon by the dominant party all through the war.

Mr. BAILEY. The point to which I desire to call your attention is: Could any member from the State of Louisiana have been qualified as a member of this House before this man Blackburn took the oath of office?

Mr. BOATNER. Mr. Chairman, I would like to address myself to the judgment of the Chair as a lawyer, and I ask the same deliberate consideration of the case from the Chair as if he were sitting as a judge of the court, because the question involves everything to the party who is the beneficiary of the amendment. Now, the only question before the Chair is the point of order. The gentleman from Texas raises the point of order that this amendment is in conflict with the second section of Rule XXI, which reads as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress.

Then I say, Mr. Chairman, the provisions of the law existing while the Fortieth Congress was sitting, which law is unchanged to this day in letter or syllable, authorized the appropriation of that money in the appropriation bill by that Congress which is in order here to-day. I refer the gentleman to the law under which this appropriation can be made. Section 14 of the act of 1866 fixes the salaries of members of Congress. It reads as follows:

That the compensation of each Senator, Representative, and Delegate in Congress shall be \$5,000 per annum, to be paid from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the usual route of travel going to and returning, etc.

That, Mr. Chairman, is the law to-day, and under the uniform construction of that law by this House members elected have been considered as entitled to receive compensation for the term and not from the day of their election, unless they succeeded some one who had been elected, in which case, under a law adopted in 1863, they received compensation from the time the compensation of their predecessor ceased. I call the attention of the Chair to the resolution:

That in all cases of vacancies in either House of Congress, by death or otherwise, of any member elected or appointed thereto after the commencement of the Congress to which he shall have been elected or appointed, the person afterwards elected or appointed to fill such vacancy shall be compensated or paid from the time the compensation of his predecessor ceased.

Now, my friend from Texas [Mr. BAILEY] wants to know if this member-elect was entitled to receive compensation for the time that the State was not entitled to representation. Possibly not; but, sir, no such case is presented here. The whole theory upon which the secession of the Southern States was forcibly prevented was that they had no right to secede; that the Union was one and indissoluble; that no State could withdraw itself from it; and upon that theory the war was begun and successfully prosecuted and the ordinances of secession of the several States deemed and treated as if they were void.

Proceeding upon that theory, the President of the United States, immediately after the cessation of hostilities, took steps to reorganize the State governments in the several States. The government of Louisiana was reorganized. A governor, a legislature, and State officers were elected, and in November, 1866, the State of Louisiana exercised her constitutional right to elect a member of Congress from the Fifth district to this body. Early in 1867 the Congress of the United States suspended the effect of that reorganization and denied the right of the member thus elected to a seat in this body; not because the State was not a State in the American Union, or was not entitled to representation here, but because the steps which had been taken to obtain that representation did not meet the judgment and approval of the then Congress of the United States upon the theory that the State constitution of that and other Southern States were not republican in form. So in 1867 the reconstruction act was passed. The State of Louisiana was directed and authorized to form a State government, and in April, 1868, she elected a member to the Fortieth Congress, not to the unexpired term of that Congress.

Mr. OUTHWAITE. Had a member been elected from that district to the same Congress before that time?

Mr. BOATNER. A member had been elected from that district before that time to that Congress.

Mr. OUTHWAITE. Then there were two persons from that

district who were entitled to pay as members of that Congress, two persons entitled to \$10,000 each?

Mr. BOATNER. Not at all, because Congress refused to let the other gentleman take his seat, refused to recognize the validity of his election, and therefore he is considered as if never elected.

Mr. OUTHWAITE. What right had Congress to do that?

Mr. BOATNER. It did it in the exercise of its legislative discretion, just exactly as Congress would have the right to decide that there had been no election in your district.

Mr. OUTHWAITE. But upon what theory did they do it?

Mr. BOATNER. Upon the theory that the State governments which had been established in those Southern States after the war were not republican in form, and that they were not properly entitled to representation in the Congress of the United States.

Now, I want to call the attention of my friend and of those who are talking as if Louisiana and Arkansas were not in the Union to the language of the statutes which permitted those States to have representation in this body. Those statutes nowhere claimed that those States were not in the American Union. They nowhere claimed that they were not States. They nowhere claimed that they were not entitled to representation in Congress. On the contrary, they recognized the right of those States to representation by prescribing the conditions upon which they could obtain that representation.

There was no contention that Louisiana or Arkansas was not entitled to representation here. The contention was that the people of the States had not conformed to the provisions of the law in such a manner as to lawfully entitle them to have representation upon this floor. When gentlemen ask if this man is to be paid for the time which ran before his election, they must certainly be ignorant of the fact that the Representatives from the State of Arkansas, both Senators and members of this House, occupying exactly the same position as the claimant here, the members from Tennessee, the members from Virginia, the members from Florida, the members from Alabama, the members from South Carolina, and from other Southern States, who were elected under exactly the same conditions, were paid by subsequent Congresses and by the Congresses sitting immediately subsequent; reversing the action of the accounting officers of the previous Congresses in refusing to recognize the rights of those members to receive pay from the commencement of their terms instead of from the date of their election.

Mr. TUCKER. I want to say to my friend that, so far as the State of Virginia is concerned, no pay was given to the men who were elected under the circumstances to which he has made reference.

Mr. TERRY. Here is a statement taken from the record that the members from Virginia were seated here in 1870 and paid.

Mr. TUCKER. Well, that is not true. The Hon. Alexander H. H. Stuart, the Hon. Robert Y. Conrad, and the whole delegation were elected, but they were never paid.

Mr. BOATNER. Here is the official record from the Department, which says they were.

Mr. TUCKER. It is not correct. In fact, I was asked by one of those gentlemen to introduce a bill in relation to this matter.

Mr. BOATNER. Well, they may have been unfortunate, as this old gentleman was. Now, Mr. Chairman, it is asked why this claim has not been more vigorously pressed. Soon after the expiration of his term as a member of Congress he became the subject of domestic affliction, and was for a time almost unbalanced in his mind. Since that time he has pressed it to the full extent of his ability. He has had it here in the hands of his Representative. He has had it here in the hands of a claim agent. He has done all that he could do. He has persistently and continuously asked Congress to give him relief.

Now, Mr. Chairman, I submit that this amendment is to carry into effect the provisions of existing law; that is to say, we hold that the amount claimed is due this gentleman as a part of his salary as a member of the Fortieth Congress. If it is not due him, then there is no claim. But the contention is that this money is due as the balance of his salary; and that is a question, Mr. Chairman, for the House to decide, not for the Chair. The amendment contemplates the execution of the provisions of an existing law—the payment of the balance of the salary of a member of Congress. Whether that balance is due is a question of fact and of law for the House to decide. But certainly the amendment proposes to execute the provisions of law which existed at the time this man was a member and exist now.

Mr. HUDSON. Does not the amendment propose to pay this man for thirteen months prior to the time he was elected and before he was even a candidate, when he was nothing but a private citizen?

Mr. BOATNER. It does.

Mr. HUDSON. Upon what ground should a man receive salary for a time when he was a mere citizen, when he had no claim to a seat in Congress?

Mr. BOATNER. That goes into the merits of the question.

Mr. HUDSON. It is the merits of the question I am talking about.

Mr. BOATNER. But I will say to my friend that this claim is based upon the ground that the law pays a member of Congress his salary for the term. This man was elected a member of the Fortieth Congress and was entitled to receive the compensation fixed by law in accordance with the terms of the Constitution. That compensation was not paid by the day or by the month or by the year, but for the term at the rate of \$5,000 per annum.

Mr. HUDSON. If the gentleman's position is true, would not a man elected a member of Congress only three months before the expiration of the term be entitled to the full salary of \$5,000?

Mr. BOATNER. Under the plain provisions of law as read a few moments ago, if the election under which the gentleman from Kansas [Mr. HUDSON] now holds his seat should be decided by this House to have been void, if it should be held that there had been no lawful election in his district and he is not entitled to the seat, and if the question should be referred back to the people of his district to elect a new member, then, although the election might not take place until thirty days before the expiration of the term, the man elected would be entitled to the salary for the term.

Mr. HUDSON. You do not mean he would be entitled to the full salary as a matter of right, but simply as a matter of precedent.

Mr. BOATNER. As a matter of law under the statute enacted in 1863, which has now stood upon the statute book for more than thirty years. And upon exactly the same principle, if the sitting member dies, and a month afterwards his successor is elected, that successor draws the salary back to the death of his predecessor.

Now, in this case the State of Louisiana was entitled to representation, but her people had not put her in such condition that the House of Representatives would seat her representative. She was still a State of the American Union; she had never been out of it since her admission into the Union, and in 1866 she was entitled under the Constitution of the United States to representation in this body if she would conform to the other provisions of that instrument. The Congress then sitting decided that she had not so conformed, and would not seat the member she elected—required her to have another election and elect another member. The member who was first elected was not paid. Then as a matter of law and logic, and justice under the law, the member who was last elected was entitled to the salary for the full term of the existence of the Fortieth Congress.

Mr. BAILEY. Allow me a question right there. I have never investigated this matter, and I wish to ask the gentleman whether, prior to the joint resolution of 1863, it was customary if a member died to pay his successor from the beginning of the term?

Mr. BOATNER. I have not made any investigation of that question.

Mr. HAYES. In such case payment was not made from the beginning of the term, but from the date of the death of the member's predecessor.

Mr. BAILEY. Then I must insist that it does not appear that the salary in these cases is paid for the full term, but, according to the plain language of the statute, "per annum," and it must begin from the beginning of the service.

Mr. HAYES. No, that is not the construction which has been put upon the law. The Congressional term is an entirety; and if a man who is elected while the term is running has had no legal predecessor, then he is entitled to pay from the beginning of the term. If there has been a legal predecessor, the incumbent is entitled to pay from the time that the service of his predecessor ceased.

Mr. BAILEY. Then, as I understand, the joint resolution of 1863 was only necessary in order to give the successor the salary from the time his predecessor ceased to draw the salary, because, under the statement which is now made, both members could not draw the salary from the beginning of the term, and neither could have drawn it for the interim except under the statute of 1863.

Mr. BOATNER. Let me call my friend's attention to this fact, that at the time the act of 1863 was passed the act of 1866 was not in existence.

Mr. BAILEY. That is true. But the act of 1856 was.

Mr. BOATNER. But that cuts no figure in this argument at all. I rest my case and appeal to the judgment of the Chair and members of this House on this proposition, which I believe to be unassailable: That on the 4th day of November, 1866, the State of Louisiana was entitled to elect a member of this body from the Fifth district of that State; that if the member so elected was not seated, or could not be by the then Fortieth Congress because of any obstacle that Congress found sufficient to prevent it, the setting aside of that election created a vacancy in the literal terms of the act of 1863; and under the terms of that act, a vacancy having been created, the member elected at a lawful election, which Congress recognized as such, is entitled to the salary back to the commencement of the term.

I submit that the legal effect of that proposition can not be

assailed. If that be so, then this member is entitled to receive the salary which the Constitution says shall be ascertained by law and paid for his services. It has not been paid in this case. The reason it was not paid was because the accounting officers of the Treasury misconstrued the law. But Congress has repeatedly decided otherwise and has shown that there was a misconstruction of the law on the part of the officers of the Department by paying members elected under the same circumstances the exact amount that we ask to be paid to this old man. And I wonder that the gentleman from Texas, I wonder that fair-minded men anywhere who want to do the right thing, and who are willing that the citizens of the United States shall have their rights under the Constitution and the law of the land, I wonder that they should rise upon this floor and by a forced construction prevent this body from doing justice to one of its citizens who stands as sadly in need of his rights as any other member of this House, or as any man in this country anywhere.

Mr. BRECKINRIDGE. Mr. Chairman, I want to discuss the point of order which is now pending.

I have no response to make to the somewhat excited peroration of my friend from Arkansas [Mr. TERRY], that it is a great shame that men should stand in the way of a raid on the Treasury by raising technical objections, because I know no objection in the law except that which is technical. And my good friend from Arkansas will hereafter see that that sort of argument, on the construction of the rules of the House, while exceedingly eloquent, has no bearing whatever upon the question.

As to my friend from Louisiana [Mr. BOATNER], who has expressed surprise that persons should be found on this floor ready to raise a question of order on such propositions, I can only say we are in this attitude: I am in charge of this bill, trying to have it passed according to the rules of the House and the wishes of the committee I represent.

Now, in the first place, Mr. Chairman, this is only a claim at best. Whatever it may be, right or wrong, it is only a claim, and under the rules all claims go for consideration to the Committee on Claims and not to the Committee on Appropriations. This is not a proper bill to put it on, even if it is a just claim, which is shown by the fact that the friends of the measure had it referred to another committee and let it take its chances in that committee with all other claims of every kind against the Government of the United States.

In the second place, it is res adjudicata. It has been brought before the House or the Committee of the Whole and decided to be not in order; in other words, it has been adversely decided, and while of course one Congress can not bind another, it is certainly persuasive if not conclusive. Besides, in this case it has the additional advantage that it was in the present Congress that this adverse action took place and not a preceding Congress.

Mr. BOATNER. If the gentleman from Kentucky will allow me—

Mr. BRECKINRIDGE. Certainly.

Mr. BOATNER. I desire to call his attention to the fact that in this very Congress the Chairman of the Committee of the Whole made a ruling upon a question, and within two weeks afterwards the Speaker made a contrary ruling, reversing him.

Mr. BRECKINRIDGE. But not on the same question.

Mr. BOATNER. On an exactly similar question.

Mr. BRECKINRIDGE. That may be.

Mr. BOATNER. And the present occupant of the chair can not be bound by a mistake of his predecessor.

Mr. BRECKINRIDGE. That is true. It is not an unusual thing for two tribunals, or the same tribunal trying different cases, to come to very different conclusions, although the facts and the law would seem to be identical; but the decision I refer to was of this very case, on this precise point. But under any circumstances, this party under the law is not entitled to the salary. If granted at all, it would be a mere gratuity. Now, Mr. Chairman, I agree with the gentleman from Louisiana that this question should be argued as if I should say "your honor" instead of "Mr. Chairman," because on all questions of parliamentary law I make it the rule here to vote on appeal according to what I think the law to be, without regard to partisan advantage.

The gentleman was not entitled to his salary, except from the day on which he was elected or sworn in. Prior to 1856 Representatives were paid a per diem. In 1856 they were paid a salary. Finally, in 1862, a resolution was adopted providing that where a certain member had served, and died or resigned, or there was a vacancy occasioned, his successor should be paid, not from the day upon which he was elected or sworn in, but from the day on which the payment to his predecessor had ceased. That of course was based upon the hypothesis that there was a vacancy in the true sense; that is, an existing office which could be filled, and which had been filled, and he who had filled it ceased to fill it. Now, there was no vacancy here at all. Whatever may have been the status de jure, the Representatives of certain States ceased to represent those States on this floor.

It was a political question, resting with the Congress, as to



when that representation should recommence. Whether States were in or out of the Union, whether they were entitled, as a matter of intangible right, under constitutional provision, to representation here or not, practically it was settled that it was a political question to be decided by the Congress of the United States, and not by the President, except as a part of the legislative force of the Government, when representation should commence. And by the acts of the legislative branch of the Government it began, as to Louisiana, in the spring of 1868.

It is not for me to decide who was right in the great controversy between the Congress of the United States and President Johnson, nor is it for us to reopen those great disputes as to whether sovereign States had always remained sovereign, as to whether representation was merely suspended, and by the very act of peace, without any proclamation, they were entitled to be represented here at once, or whether it took some enabling act for them to reestablish themselves with Representatives.

In point of law, in point of fact, the Congress of the United States admitted this gentleman upon the floor of this House as the commencement of the representation of the sovereign State of Louisiana. From that date, and only from that date, did that representation recommence. From the time that the Louisiana Representatives withdrew in accordance with and in obedience to the act of secession of Louisiana, up until that date, Louisiana in point of fact, and in point of statutory law, and in point of recognition by this body, which is the sole judge of the election and qualification of its members, was without representation. There was, therefore, no vacancy in the representation of Louisiana. There was no predecessor whose payment had ceased. There was, therefore, nothing upon which to hang this claim. There is absolutely no peg upon which it can be hung. That representation began at that election. He was paid from that time, and that is his sole claim.

Mr. BOATNER. Will my friend from Kentucky then account in some way for the reasons that induced the Forty-first and Forty-second Congresses to pay the salaries of the Senators and Members from Arkansas, Louisiana, South Carolina, and Florida under similar conditions and taking the view of the law which we now seek to impress upon the House?

Mr. BRECKINRIDGE. I can not undertake to account for why those Congresses did anything. Personally and politically they did very few things that I would approve, and therefore I would feel exceedingly loath, at this late day, to undertake to construe the motives or acts which at the time seemed to me to be unwise.

Mr. BOATNER. I did not ask for the motive, but under what construction of law?

Mr. BRECKINRIDGE. I can only say to my friend that it was probably upon a motive like those which have been so eloquently discussed by my friends from Louisiana and Arkansas, sympathy for some poor fellows who had gotten into a scrape, whom they wanted to pull out. Probably the reconstruction period was over. The gentlemen who had been elected belonged to a party whose domination in the South had passed away. The House was under the control of that party still, and perhaps they felt that they were paying them for the sacrifices they had undergone, for the dangers they had incurred, and all that sort of thing. I am not here, however, to answer that. I do not know. This law which I ask "your honor"—if I may so change the vernacular of the committee—to construe, is as follows:

Whenever a vacancy occurs in either House of Congress, by death or otherwise, of any Member or Delegate elected or appointed thereto, after the commencement of the Congress to which he has been elected or appointed, the person elected or appointed to fill it shall be compensated and paid from the time that the compensation of his predecessor ceased.

There was no predecessor and no vacancy in this case.

Mr. Chairman, under ordinary rules no man is entitled to money, paid by the taxpayers of the country, for a period when he does not serve them. It is an anomalous provision that a member of Congress shall receive pay for a period anterior to his election or anterior to his qualification.

We ought not to increase, we ought not to amplify this anomalous provision by a doubtful construction. So that finally it returns to this: the affirmative is upon them. I put the law and rule of this House, simply to say that, as the committeeman in charge of this bill, I believe that this question ought not to be put to a vote of the House; and I raise a question of order. We stand upon the law. Of the member who desires to vote public money from emotional reasons I have no criticism to make; of the member who fails to draw a distinction between the public money, of which he is trustee, and private funds, of which he has entire control, I have no criticism to make. The simple proposition is, Shall the law and rule of the House be complied with, no matter who the person is who asks an appropriation in violation of it?

Mr. TERRY. Mr. Chairman, just a moment. In response to the last statement of the gentleman from Kentucky, which is that

their committee wish to guard the Treasury and are not actuated in any way by sympathy, I read in this bill:

To pay the widow of Philip S. Post, late a Representative in Congress from the State of Illinois, \$701.91.

Mr. BRECKINRIDGE. That is the law. We are bound to pay that.

Mr. TERRY (reading):

To pay the widow of G. B. Shaw, late a Representative in Congress from the State of Wisconsin, \$3,061.25.

To pay the widow of M. B. Wright, late a Representative in Congress from the State of Pennsylvania, \$1,699.82.

Now, I would like to know if they can show any law under which this is done.

Mr. SAYERS. You can make the point of order on all of it, if you desire.

Mr. BRECKINRIDGE. No, you can not; the law is sufficient; the precedents very numerous.

Mr. TERRY. The chairman of the Committee on Appropriations and the gentleman from Kentucky in charge of this bill differ on that point.

Mr. BRECKINRIDGE. The law is:

In all cases of vacancy in either House, by death or otherwise, of any member elected or appointed thereto after the commencement of the Congress to which he shall have been elected, each person afterwards elected or appointed to fill such vacancy shall be compensated and paid from the time the compensation of his predecessor ceased.

Mr. BOATNER. This goes on to the end of the term.

Mr. CAUSEY. No; it does not.

Mr. BOATNER. That has been the uniform custom of the House.

Mr. TERRY. I would not raise the point of order against anything of this kind, as suggested by the gentleman from Texas. I just wish to show the opinion of some of the gentlemen who had to do with the construction of the law, in which the gentleman from Kentucky [Mr. BRECKINRIDGE] says that there is existing law for payment to the widow of a member of Congress for the whole of his unexpired term, and the gentleman from Texas [Mr. SAYERS] informs him there is no such law, and yet they have put in their appropriation bills thousands of dollars for such claims. I read from the report made by Senator TELLER, and he certainly knew something about the law. He shows that Senators Rice and McDonald, of Arkansas, were paid back of the time when the States were admitted.

Sawyer of South Carolina was paid back of that date. Spencer of Alabama and Senators Foster and Patterson of Tennessee were all paid back of that time. I read now an extract from the report of Senator TELLER, in which he says:

Your committee finds that the Senators and Representatives from Arkansas were seated in the Senate and House on the 23d of June, 1868, and that the Representatives were paid from the 4th day of March, 1867.

This report shows that the Senators and Representatives from Virginia were seated in the Senate and House on the 27th day of January, 1870, and the Representatives were paid from the 4th day of March, 1869, and the Senators were paid from the 27th of January, 1870.

And all of them were paid from the 4th day of March, 1869; and the Senators, also, were paid from the 4th of March, 1869, although not seated until 27th January, 1870. Hon. G. S. Patterson and Hon. John S. Fowler, the United States Senators from Tennessee, were seated July 27, 1866, and were paid from the 4th day of March, 1865.

All back of the date of the Congress to which they were elected.

The Representatives from Tennessee, Hon. W. B. Stokes and others, were seated July 23, 1866, and paid from March 4, 1865, on a report of the Hon. Henry L. Dawes, afterward Senator Dawes. The Sergeant-at-Arms asked for instructions as to when their pay should commence. The House decided without division that their pay should begin with the term.

That has been the practice all along; and Mr. Stevens and Mr. Dawes said there could be no doubt of the fact that members' pay should commence with the term and was for the term. These were the men who had been here, and were experienced in the usage of the law. The report of Mr. TELLER states;

Your committee find many precedents both in the Senate and House sustaining this fact.

Now, what I stand upon is that the pay of a member of Congress dates not from the date of his election and the time he takes his seat, but from the beginning of the Congress to which he is elected.

Now, the act of 1862 is not in order now. That does not confine it to the case of vacancy from death or anything of that kind, but it says as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases of vacancy in either House of Congress, by death or otherwise, of any member elected or appointed thereto after the commencement of the Congress to which he shall have been elected, each person afterwards elected or appointed to fill such vacancy shall be compensated and paid from the time the compensation of his predecessor ceased.

So that, if a man is not elected at the beginning of Congress, but is afterwards elected, and seated, he is entitled to pay from the beginning of the term, without any question.

The CHAIRMAN. The Chair regrets that on a question of this importance a decision must be rendered upon such brief consideration. It is embarrassing to the Chair to be required to render an opinion upon the point of order raised without more ample time to examine the one precedent presented or to consider the arguments submitted. Members of Congress receive an annual salary of \$3,000, not a term salary of \$10,000.

Under the act of 1863 provision is made in case of the election of a member during a term of Congress that he shall be entitled to the salary which would have gone to his predecessor in that term had there been such predecessor; in other words, that his salary shall date back to the creation of a vacancy in the office by death or otherwise. This presupposes the election of another person to fill the particular term and the creation of a vacancy by the death or removal of such person, or some other like cause.

It appears that in 1868 the Congress of the United States made provision for the representation upon this floor of the State of Louisiana, that State not having for some years previous had representation in this body. By the act of 1868 Congress made provision for restoring the representation of that State in this House, not for filling vacancies caused by death or any personal event, but creating a legal right to representation on the part of the State to begin upon compliance with the conditions prescribed in the act. A proclamation reciting certain conditions was to be issued by the President of the United States, and when, and not until, those conditions had been complied with the State of Louisiana was to be entitled to representation upon this floor.

The present occupant of the chair will not assume to enter into any discussion of the constitutionality or validity of that law, but will accept it as the valid law of the land, as it was then construed valid by all the authorities of the Government, and in particular cases since its validity has been uniformly upheld. If, then, the act of 1868 was a valid act, its effect was the same as though the State of Louisiana had never theretofore had or been entitled to have representation in this body; it created a right upon the part of Louisiana to representation on this floor, to begin when, and not until, the State had complied with the terms of the act, and only upon compliance with the terms of that act the right of the Congressional districts of Louisiana to representation here was to commence. Conceding the validity of the act of 1868, the Chair can not distinguish this case from that of a person chosen a member to represent a new State admitted after the commencement of a Congress.

The Chair would not feel so strongly warranted in making this decision at this time without further examination and consideration but for the fact that when the gentleman for whom this claim is made was admitted to his seat to fill an unexpired term, or to fill the short term that was created by that law, his salary was paid to him for only the remaining period of the term. That was the construction of law at the time by the Congress in which he served by the fiscal officers of the Government and by all the authorities of Government at that time.

Now, this is not a question of equitable right appealing to the sympathy or even the discretion of the Chair. As presented here there is no question of justice involved in it. It is a question of whether here upon a deficiency bill this claim, be it equitable or be it legal, has a right to be incorporated by amendment. The present occupant of the chair finds that in the last Congress the same point of order was made upon this very same claim, and the then occupant of the chair held, following the line of precedents and reasoning now being followed, that such an amendment was not in order under the rules of the House. That decision was, upon appeal, sustained by the Committee of the Whole at that time, and these being precedents which should govern until some higher and better precedent is set, the Chair sustains the point of order and holds that this amendment is not in order.

Mr. TERRY. I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Arkansas appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. BOATNER. Mr. Chairman, I desire to be heard on that for a moment. The Chair in passing upon a question of order has, in reality, passed upon the merits of this case and decided that inasmuch as, in his judgment, the United States does not owe this claimant any balance of salary, he will prevent, if it is in his power to do so, the House from passing on that question itself. This amendment proposes to pay a balance of salary due to this man as a member of Congress. Whether there is a balance of salary due is a question of fact, and it is a question which the House is entitled to ascertain and determine for itself.

What has the Chairman done? He has said that inasmuch as the State of Louisiana was not entitled to representation upon this floor in 1868 until an act of Congress had been passed authorizing her to obtain that representation, the United States could

not be bound for a salary to a member of Congress from Louisiana for a period anterior to the time when the State was admitted to representation here under that action of Congress. I submit that that is taking away from the House the right to judge of the very fact which the House ought to determine for itself. If this amendment is to pay a balance of salary to a member of Congress it is not denied that it is in order.

No one will contend but that an amendment proposing to pay an officer of the Government any part of his salary fixed by existing law would be in order as an amendment to any appropriation bill. The amendment declares that it is for a balance of salary, and I say it is a question of fact for the House to decide whether it is a balance of salary or not, and not a question of law for the Chair to decide in ruling upon the point of order.

Another thing. If the ruling of the Chair be correct that the act of 1868 admitting those States to representation upon this floor is a valid statute, then there are several States of this Union that have not a lawful representation upon this floor or in the Senate of the United States to-day, because there are incorporated in that act certain so-called fundamental conditions taking away from the States the right to amend their organic laws in a number of very important particulars, which conditions several States have disregarded and have gone on to frame their organic laws to suit themselves and according to their own ideas of a republican form of government.

Mr. Chairman and gentlemen of the committee, I submit that the act of 1868 was merely declaratory of a right which already existed. I submit that this House can not decide that those States were ever out of the American Union or were ever for one day de jure deprived of the right of representation upon the floor of both Houses of the Congress of the United States. That, to my mind, is a perfectly clear proposition. It is a right which those States refused for a time to exercise, which they for a time abandoned by going into a state of open war. But when that war had ceased, when the military authority of the United States had reinstated the integrity and unity of the Government, the right to representation on this floor so instantly asserted its existence.

Mr. CATCHINGS. Does the gentleman take the position that we never did get out of the Union at all?

Mr. BOATNER. I certainly do. Does the gentleman think we did?

Mr. CATCHINGS. I thought so.

Mr. HAYES. What do you think now?

Mr. CATCHINGS. I think we are in the Union now.

Mr. BOATNER. The gentleman from Mississippi [Mr. CATCHINGS] doubtless tried very hard to get out of the Union; but he must not belittle a question of this sort by ignoring the great contention between the two political parties which then existed in the United States. He is perfectly aware of the fact that those who maintained that the United States had the right to subjugate the Southern States, did so upon the ground that the Union could not be dissolved, and that the General Government had the right by force of arms to maintain the Union of the States.

Mr. CATCHINGS. That is true; but I once entertained a contrary opinion.

Mr. BOATNER. The gentleman knows that the correctness of that conclusion was successfully enforced by the military power of the United States.

Now, Mr. Chairman and gentlemen, there are some members of the Appropriations Committee who have brooded over the Treasury eggs until, like a hen setting over her time, they can not distinguish an egg from a doorknob. [Laughter.] They are willing to invoke any sort of a technicality to prevent the Government of the United States from discharging its obligations wherever they can be avoided.

Mr. LACEY. And the Treasury has about as much meat in it as a doorknob about this time.

Mr. BOATNER. Why, sir, the Secretary of the Treasury reports that we have a handsome surplus. [Laughter.] The Committee on Appropriations will not deny that fact. There is no pretense that the United States is not able to pay its just debts.

Mr. SIMPSON. The syndicate has a surplus, too.

Mr. BOATNER. Now, I appeal to gentlemen to answer this question in their minds, and to answer it by their votes: Why should this old man, who was elected a member of the Fortieth Congress, be denied his compensation as a member of that Congress—the same compensation which was accorded to every other member of that body?

A MEMBER. But we do not know that.

Mr. BOATNER. Here is an official report.

Mr. OUTHWAITE. We have had simply a statement which was read awhile ago from a speech.

Mr. BOATNER. There has been no denial that all the Representatives from the State of Arkansas were paid; there is no denial that the Senators from that State were paid.

Mr. BRETZ. The gentleman from Virginia has stated that



one of these very gentlemen had asked him to introduce a bill to that effect.

A MEMBER. That statement was taken back.

Mr. BRETZ. When and where? The retraction ought to be made publicly.

Mr. MOSES. That was the case of a gentleman elected but never seated.

Mr. BOATNER. I wish to call attention to another fact. The case of the Virginia members stood on somewhat different grounds because they were not elected until 1868. They were elected in the fall of that year for a term which commenced at that time. These other men were elected in 1869 for the term which commenced on the 4th of March, 1867.

Now, gentlemen, in conclusion I want to say that I have been animated in my action on this matter by a desire that the Congress of the United States shall do justice to a man who is entitled to receive justice at its hands. This old gentleman who was elected and served is entitled to the same meed of compensation that was paid to his colleagues who were elected under similar circumstances, and that the House should not make fish of one and flesh of another. If those who were elected at the same time and under the same circumstances were paid the full amount of the compensation for the whole term, we ought to pay him the full amount. The Chair, instead of passing on the question of law involved, has gone beyond it and passed on the facts and the merits of the question itself. As he has ascertained to his satisfaction that there is no balance of salary due he sustains the point of order, and here refuses to permit the House to determine for itself the merits of the controversy.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and on a division (demanded by Mr. TERRY) there were—ayes 98, noes 14.

So the decision of the Chair was sustained.

The Clerk read as follows:

For allowance to the following contestants and contestees, audited and recommended by the Committee on Elections, for expenses incurred by them in their contested-election cases, namely:

To J. Thomas Goode, \$2,000;  
To JAMES F. EPES, \$2,000;  
To Charles E. Belknap, \$1,500;  
To G. F. RICHARDSON, \$1,500;  
To Lewis Steward, \$1,000;  
To ROBERT A. CHILDS, \$2,000; in all, \$10,000.

Mr. McDOWELL. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Insert on page 49, after line 12, "To THOMAS SETTLE, \$2,000."

Mr. BRECKINRIDGE. Has that been certified by the Committee on Elections? If the committee has certified it under the law the Committee on Appropriations will accept it.

Mr. BROWN. Let the amendment be again read.

The amendment was again reported.

Mr. BROWN. Mr. Chairman, the Committee on Elections allowed Mr. Williams and Mr. SETTLE each \$2,000 at the last session of Congress. Their respective claims were put into the bill at the last session of Congress—the deficiency bill, I suppose. This matter has not been before the Committee on Elections.

Mr. DOCKERY. Then I reserve the point of order upon it.

Mr. BROWN. The truth of the matter is this: The expenses in this contest were very great, and it was thought by many gentlemen that there should be an allowance of this amount in excess of the amount already paid. But we all know that Congress is restricted to \$2,000 in cases of this sort.

Mr. BRECKINRIDGE. Has the \$2,000 been allowed already?

Mr. BROWN. Yes, sir.

Mr. BRECKINRIDGE. This, then, would make the total allowance in this case \$4,000 to each of the parties?

Mr. BROWN. Yes.

Mr. BRECKINRIDGE. Then, of course, Mr. Chairman, there is a question of order here.

Mr. SETTLE. Will the gentleman from Kentucky permit me a moment before submitting the point of order?

There are, if the Chair will permit me, a number of precedents where the full amount of the expense incurred in a contested-election case has been allowed by this body, notably in the Fifty-first Congress in the case of General Post.

Mr. BRECKINRIDGE. Which I did all I could to beat.

Mr. SETTLE. I am fully aware of the fact that if the point of order is insisted upon it must be sustained. I only desire to state to the committee the facts connected with my expenses in this contest.

There was a contest before every tribunal in the State having jurisdiction of any phase of the case, in the various counties comprising the district, and before the board of canvassers, entailing a cost of approximately \$1,000 to me. After all of that the notice of contest was served, depositions were taken in five counties of the district at the same time, requiring the retention of lawyers

at each place, and a large number of witnesses, much greater than in any contest before the present Congress or any other that I have known of in this country. This entailed from the date of the service of the notice until the conclusion of the argument before the Committee on Elections on my part an expense of between \$4,500 and \$5,000, not counting the cost before the local boards and the State boards, which of course would not be a branch of the expense to be taken into consideration in the contest here.

It is with a view of reimbursing at least a part of this that the amendment is offered; and it is that statement only I desired to make to the committee, hoping the gentleman from Kentucky will not insist on the point of order under the circumstances.

Mr. COX. Do I understand that \$2,000 has been already paid for this contest?

Mr. SETTLE. Yes, sir.

Mr. COX. And this is an extra \$2,000?

Mr. SETTLE. Yes.

Mr. CANNON of Illinois. I wish before the gentleman from Kentucky submits the point of order that he will yield to me for a few moments.

Mr. BRECKINRIDGE. I always yield to the gentleman with pleasure. I will reserve the point of order for the moment.

Mr. CANNON of Illinois. I want to say a word touching this amendment. Prior to 1879 or 1880 there was no limitation upon allowances to contestants in Congress. Under the law prior to that time, on the recommendation in the main of the Committee on Elections, Congress gave what was thought to be fairly due to reimburse contestants their expenses.

And, as I conceive, this was a wise policy. Our object ought to be to see that the voters are represented, and if fraud or mistake intervene it is along the line of the right of the citizen in a representative government that the fullest scope should be given to make known the will of the majority.

So much for the policy of the appropriation and the practice of the Government up to 1879 or 1880. During that session, under the lead of General Atkins, of Texas, a provision was enacted upon an appropriation bill that in no case should over \$2,000 be allowed, and it has been the law from that time to this. There are some cases, however, where it is perfectly evident that that is no proper allowance. I recollect that within two years after the enactment of the law there was a case that came from Pennsylvania, where the expenses were properly so great that the appropriation to each of the parties to the contest was over \$9,000. Later on substantially the same thing, perhaps in less degree, happened in the State of Ohio. I recollect that in the Fifty-first Congress my colleague, General Post, now dead, who had been allowed the \$2,000, had actually expended, as I recollect, between \$6,000 and \$7,000; and, notwithstanding the law, and notwithstanding it was subject to a point of order, the House, on consideration, voted to reimburse him.

Mr. BRECKINRIDGE. My colleague will recollect, however, that in that special case the rule was enforced in the House, and then the provision was put on in the Senate, and the committee of conference agreed to it.

Mr. CANNON of Illinois. Well, the House agreed to it.

Mr. BRECKINRIDGE. It was originally decided adversely in the House upon the ground I take to-day.

Mr. CANNON of Illinois. As the amendment came in from the Senate, it was not subject to a point of order in the House. Now, I could wish, if it were proper to wish, that the House, after discussion from the Committee on Elections, and full knowledge touching this matter, might have the privilege of voting whether or no it was a meritorious case, and so meritorious that the member should be reimbursed over and above the \$2,000.

Mr. COX. Will the gentleman yield to me for one moment?

Mr. CANNON of Illinois. In a moment. I am not claiming that it is not subject to the point of order, but I am giving a little history of this legislation, and perhaps it may be considered in the shape of an appeal, after the gentleman from Indiana [Mr. Brown] has made his statement, that the House may have an opportunity to do justice in this matter, the law to the contrary notwithstanding.

Mr. COX. One word, if you please. There is a statute upon the books that in these contested-election cases the amount allowed shall not exceed the sum of \$2,000.

Mr. CANNON of Illinois. Oh, certainly.

Mr. COX. Now, how are you going to change that law in a special case here, and allow the additional sum of \$2,000, without new legislation?

Mr. CANNON of Illinois. Well, I will say to my friend that there is no trouble about that. We have full power to appropriate, and do appropriate, in fifty cases on this bill, where there is no law authorizing the appropriation. We give a month's extra pay to the employees of this House. We give here and there and yonder without any provision of law, and with full power in the premises.

That is all I want to say.

Mr. BRECKINRIDGE. Mr. Chairman, I desire simply to say that I believe the law is a good law. Before that law was passed there were various ugly scandals about this very thing. Whenever Congress ceases to obey that law and goes into a computation of expenses the door is instantly opened by temptation to all sorts of expenses that are not proper. Therefore, in the Fifty-first Congress I did all I could to prevent the precedent in the case of General Post, of whom I was very fond, and who was a very noble and excellent gentleman, and I must insist upon the point of order now.

Mr. McDOWELL. Is it not too late to make the point of order after the matter has been discussed?

The CHAIRMAN. The gentleman first reserved the point of order.

Mr. McDOWELL. Not until after it was discussed.

The CHAIRMAN. The Chair understood him to reserve the point of order.

Mr. McDOWELL. He reserved no point of order until the matter had been discussed.

The CHAIRMAN. The gentleman from Kentucky [Mr. BRECKINRIDGE] and the gentleman from Missouri [Mr. DOCKERY] of the Committee on Appropriations, both reserved the point of order.

Mr. McDOWELL. But it had been discussed.

The CHAIRMAN. The Chair will overrule that point, and direct the Clerk to read the provision of the Digest relating to matters of this kind.

The Clerk read as follows:

Hereafter no contestee or contestant for a seat in the House of Representatives shall be paid exceeding \$2,000 for expenses in election contests; and before any sum whatever shall be paid to a contestant or contestee for expenses of election contest he shall file with the clerk of the Committee on Elections a full and detailed account of his expenses, accompanied by the vouchers and receipts for each item, which account and vouchers shall be sworn to by the party presenting the same.

The CHAIRMAN. The Chair will hold that the amendment is subject to the point of order.

Mr. OUTHWAITE. Mr. Chairman, I present an amendment.

The Clerk read as follows:

After line 14 on page 49, insert the following:

"To pay John B. Conklin, messenger, for extra services as clerk in the disbursing office, \$300."

Mr. SAYERS. I raise the point of order upon that.

Mr. OUTHWAITE. First as to the point of order, I would like to hear what the chairman of the Committee on Appropriations has to say.

Mr. SAYERS. I want the gentleman to explain his amendment.

Mr. OUTHWAITE. I will make this statement, Mr. Chairman. It is well known to the committee that by virtue of the provision of law for clerks to members a large number of new accounts were necessarily begun and conducted during this Congress—over 300 new accounts—that is the accounts for clerks to members. This gentleman is a messenger in the library. He was called upon by the disbursing clerk to assist in making up these accounts. He did assist in making up these accounts and in keeping these accounts. Two other gentlemen also, in the Clerk's office I believe, were called upon to assist in the same manner.

In the last deficiency bill these gentlemen were each allowed \$300 for their extra services. This gentleman, Mr. Conklin, has performed quite as much service in that direction as the other gentlemen who have already received \$300. I send up to the Clerk's desk and ask to have read a letter in this connection from the Clerk of the House to the chairman of the Committee on Appropriations. I maintain, Mr. Chairman, before that letter is read, that this is for the prosecution of a work already in progress; that it was necessary to have some one to perform this extra duty; that no one was appointed or provided for by Congress to perform this duty; that the disbursing clerk exercised his discretion in calling to his assistance these other gentlemen.

Mr. BRECKINRIDGE. Right there. Is not that a mistake? Was not the disbursing clerk necessarily the person by whom this work should have been done?

Mr. OUTHWAITE. The disbursing clerk could not perform it all. It was impossible for him to do so. It was necessary for him to have this assistance, and they not only were not able to do it at night, but were also sometimes compelled to work on Sundays to get up these accounts. Now, I ask that the letter be read by the Clerk.

Mr. SAYERS. I desire to state my point of order.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,  
Washington, D. C., February 5, 1895.

MY DEAR SIR: I take pleasure in commending to your consideration the work that has been performed by J. R. Conklin, who, as a clerk in the disbursing office, has been very faithful in the discharge of his duties. He is there early and late, night after night, Sunday after Sunday. In fact, has been continual almost in the performance of the heavy duties that have been laid upon the disbursing office by reason of the long-continued session of Congress and the additional work that has been brought to that office by reason

of the clerk-hire resolution which became a law at the beginning of this Congress. I think an extra allowance of \$300 to him is reasonable and deserved.  
Very respectfully, yours,

JAMES KERR.

Hon. JOSEPH D. SAYERS,  
Chairman Committee on Appropriations,  
House of Representatives.

Mr. SAYERS. Mr. Chairman, at the last session it was not claimed that this gentleman was entitled to any extra pay or had rendered any extra service; but it was claimed for the two clerks that they had performed extra service. They claimed for themselves, and so did the Clerk of the House, that they were the ones who rendered extra service.

Mr. OUTHWAITE. Oh, no.

Mr. SAYERS. The reason given by the gentleman from Ohio in showing that the amendment is in order is that it is for the "construction of a work already in progress."

Mr. OUTHWAITE. I did not say "construction." I said for the "prosecution of a work already in progress."

Mr. SAYERS. The "prosecution of work already in progress." That is absolutely untenable in my opinion. If the ruling that was made with reference to the construction of ships and the increase of the naval force should be available to the amendment, then there is no limit or restriction upon the action of this committee upon any appropriation bill that may be presented for consideration. If this man be really entitled to extra compensation, I would prefer to withdraw the point of order rather than to have it overruled upon such a ground as that stated by the gentleman from Ohio.

Mr. OUTHWAITE. Well, withdraw your point of order, then.

Mr. SAYERS. I will withdraw it if the gentleman will withdraw his statement of the ground on which he supports the amendment.

Mr. OUTHWAITE. I am just a little bit surprised at the course of argument taken by the gentleman, for it seems to reflect upon the good faith of this proposition, in that he intimates that because this gentleman's claim was not presented at the last session of this Congress it has no validity. Now, let me say that the letter indorsing the claims of the other two gentlemen did not pretend to state that they were the only two who had been engaged in this labor. It did not pretend to state that they had done all this extra labor. It was simply a letter similar to that which was read from the Clerk's desk—that these two gentlemen had performed extra labor, labor performed at night, labor performed on Sunday, in the prosecution of this work in making up these 300 accounts. Suppose the whole amount is allowed. It is \$3 for each account. Three dollars for each account during the whole Congress. That is all.

Now, I wish to say in this connection, because the gentleman's remarks would seem to indicate that there is something suspicious about this not having been presented sooner—

Mr. SAYERS. Oh, no; I did not intend any such intimation.

Mr. OUTHWAITE. I desire to say that this gentleman is not a constituent of mine and I was not aware of his having done this labor. It was brought to my notice first, not by him, but by another gentleman in the employ of the House, who called my attention to the fact that two others had received extra compensation at the last session of Congress, but that no one had seen fit to present a claim for Mr. John Conklin, who had performed equal services. It is, therefore, upon the ground of doing equal and exact justice to this gentleman that I ask the chairman of the committee to withdraw his point of order.

Mr. SAYERS. Well, if you will withdraw the—

Mr. OUTHWAITE. Oh, I will withdraw my reasons if you will withdraw your point of order. [Laughter.]

Mr. SAYERS. Upon that condition I withdraw the point of order.

Mr. REILLY. Mr. Chairman, I desire to offer an amendment to the amendment of the gentleman from Ohio.

The amendment to the amendment was read, as follows:

Add to the amendment the following:

"To pay J. Frank Snyder, disbursing clerk, and Thomas B. Kalbfus, assistant disbursing clerk, for extra services rendered, \$500 each."

Mr. OUTHWAITE. Mr. Chairman, I desire to oppose that as an amendment to my amendment. The gentlemen there named are the two who received \$300 each during the last session of Congress for this work, and now the gentleman from Pennsylvania comes in and attempts to attach to the amendment which I have offered another proposition to pay these two gentlemen \$500 each.

Mr. REILLY. I will say to my friend that I offer this upon my own responsibility.

Mr. OUTHWAITE. Yes; but those two gentlemen received \$300 each at the last session.

Mr. REILLY. I am aware of that, and I was waiting for an opportunity to offer this amendment on its merits at the proper place.

Mr. OUTHWAITE. Then why not let my proposition be dealt with upon its merits and offer yours separately?

Mr. REILLY. Well, your amendment comes in at the proper



place, and I submit that my amendment to it is entirely fair and proper. This proposition originated in the shape of a resolution, which was introduced and referred to the Committee on Accounts. That committee thoroughly investigated the matter and made a favorable report to the Committee on Appropriations, recommending this allowance; but the Committee on Appropriations, for some reason, have not seen proper to include it in their bill, although I do not understand that they antagonize it. Now, I ask to have read in this connection the report of the Committee on Accounts, and also a letter from the Clerk of the House.

The documents were read, as follows:

In re resolution to pay J. Frank Snyder, disbursing clerk, and Thomas B. Kalbfus, assistant disbursing clerk, \$500 each for extra services.

COMMITTEE ON ACCOUNTS, HOUSE OF REPRESENTATIVES,  
Washington, D. C., January 25, 1895.

GENTLEMEN: The Committee on Accounts, to whom was referred the accompanying resolution, offered by Mr. REILLY, to pay Mr. J. Frank Snyder, disbursing clerk, and Thomas B. Kalbfus, assistant disbursing clerk, \$500 each for extra services rendered—

After due investigation and proper consideration this committee is of the opinion that this allowance should be made and respectfully recommend that provision be made for its payment.

Attached petition and letter of Hon. James Kerr, Clerk House of Representatives.

H. W. RUSK, Chairman.

To the honorable COMMITTEE ON APPROPRIATIONS.

CLERK'S OFFICE, HOUSE OF REPRESENTATIVES,  
Washington, D. C., January 26, 1895.

SIRS: I desire to recommend the allowance and payment of \$500 to each of the above employees for extra services rendered by them in their respective positions during the present session.

The disbursements of the House have increased during the last and present fiscal year, and have brought additional labor and added greater responsibilities upon the disbursing clerk and assistant disbursing clerk, for which their respective salaries are not, in my judgment, an adequate compensation.

These gentlemen have, by their attention to the duties of the office, in every way protected the best interests of the Government and at the same time have most efficiently discharged all the duties imposed upon them from time to time in such manner as to make them in justice and equity entitled to the full amount they each claim, and I recommend and ask that it be allowed.

Respectfully,

JAMES KERR,  
Clerk House of Representatives.

To the COMMITTEE ON ACCOUNTS,  
House of Representatives.

[Fifty-third Congress, third session.]

CONGRESS OF THE UNITED STATES,  
IN THE HOUSE OF REPRESENTATIVES, January 23, 1895.

Mr. REILLY submitted the following, which was referred to the Committee on Accounts:

"Resolved, That the Clerk of the House be directed to pay out of the contingent fund of the House to J. Frank Snyder, disbursing clerk, and Thomas B. Kalbfus, assistant disbursing clerk, for extra services rendered, \$500 each; in all, \$1,000."

Attest:

JAMES KERR, Clerk.  
By T. O. TOWLES, Chief Clerk.

Mr. REILLY. In addition to what has been said, Mr. Chairman, I wish to remind this House that since the act was passed authorizing the employment of clerks to members the labors of these accounting clerks have greatly increased. Furthermore, we all know that under the law clerks in Government employ are not obliged to work more than eight hours a day. All the points which have been presented by the gentleman from Ohio apply to my amendment. These gentlemen have also been obliged to work extra hours and on Sundays, and if they worked only eight hours a day, according to law, it would necessitate the employment by this House of several additional clerks. It is true that these two gentlemen were paid \$300 apiece in the last session of Congress upon the report of the Committee on Appropriations; but even if the allowance I now ask for is made it will only make their compensation equal to that of the officials who do the same kind of work in the other branch of Congress.

Mr. WISE. Do you say that these gentlemen got an increase last year?

Mr. REILLY. I say that the Committee on Appropriations allowed them \$300 each last year; but that was not the amount they asked for, and did not put them on an equality with the employees doing the same kind of work in the other branch of Congress.

Mr. WISE. But they did get an increase at the last session.

Mr. REILLY. They were allowed \$300 apiece extra.

Mr. WISE. Then why do you come in here again now and ask for another increase for them?

Mr. REILLY. Because these extra services have been rendered and these gentlemen are entitled to the compensation. The Committee on Accounts have investigated the matter and reported upon it favorably, and the Clerk of the House, who is responsible for their work, recommends this allowance. I will say to my friend from Ohio [Mr. OUTHWAITE] that I have no disposition in the world to prejudice or interfere in any way in the world with the chances for favorable action on the amendment that he offers. On the contrary, I am willing to vote for it, and will do so, because from my own knowledge I think these claims are entirely meritorious.

Mr. OUTHWAITE. The proper way to do is to allow each proposition to stand on its own merits, and not attempt to make an amendment in behalf of a messenger who is receiving only \$1,200 while doing clerical work carry a proposition in favor of two gentlemen, one of whom is receiving \$2,200 and the other \$2,500.

Mr. REILLY. I hope the gentleman will not state the question in that way. I have no such purpose. I would be glad to see the gentleman's amendment adopted as well as my own.

Mr. OUTHWAITE. Then withdraw your amendment, and let each proposition stand on its own merits.

Mr. REILLY. Will not my amendment be subject to a point of order, if offered separately? I will ask unanimous consent that I may be permitted to offer my amendment separately.

Mr. WISE. I object.

Mr. BRECKINRIDGE. Mr. Chairman, if the Committee of the Whole will do me the favor to listen, I wish to make a statement about this proposition and other matters of similar character. The subcommittee charged with the preparation of the deficiency bill had before them probably eighty or ninety claims of various officers of the House, for compensation for extra work of various kinds. We also had before us communications from the Committee on Accounts endorsing many of these claims, and in some cases similar communications from various officers like the Sergeant-at-Arms, the Clerk, and the Doorkeeper. The subcommittee thought that as the Committee on Accounts is a privileged committee and can come in at any time and submit to the House as single propositions any of these claims, to be decided on their merits and paid out of the contingent fund, our committee ought not to be made the dumping ground of the claims of these different officers for various allowances.

In the second place, we thought it was not a good precedent to establish that at the close of the Congress when we give usually an extra month's salary to the various employees of the House, particular officers should be making claims for extra services. But on the other hand there are gentlemen connected with the House who do perform extra work—whom it is necessary for the proper transaction of public business that we should sometimes call on for very severe and exacting labor—performed at odd times, sometimes at a late hour of the night, sometimes on Sundays and in various other ways. In such cases, the committee thought, some extra compensation ought to be allowed. Of course the committee could only decide these questions on the testimony before them. Therefore, while they rejected a majority of these claims they allowed certain of them.

Having made this general statement, I wish to make a specific statement about these particular gentlemen, the two disbursing officers. The committee believed that there had been put upon them a considerable amount of extra work. About 350 additional accounts which were not anticipated when the salaries of these gentlemen were fixed have been opened and extra services rendered in connection with those accounts. Therefore we thought some extra payment should be made, and at the last session we provided for paying to the disbursing clerk and the assistant disbursing clerk \$300 each. Some members of the committee—and I am frank to say that I was one—thought that we ought to pay these gentlemen something for this session, but we were met by several considerations. The subcommittee on deficiencies is simply an appropriating committee.

The subcommittee on the legislative bill have before them the question of fixing salaries; and as the duties of these clerks had been going on for some time, and the committee on the legislative bill had not seen fit to raise the salaries of these gentlemen, and as the legislative bill had met the approval of the House without any such increase, we thought that we ought not to put ourselves in the attitude of reversing pro tanto the action of the legislative committee and of the House with reference to the salaries of these particular officers.

For myself, while I think that Mr. Conklin ought to be paid something, I do not think he ought to be paid as much as these other gentlemen, because while he accepted service as a messenger his work has actually been pleasanter than that of a messenger, and some consideration is to be given to this fact. I think that these two disbursing clerks ought each to be paid about \$200 extra, and that for Mr. Conklin \$300 for his entire extra services during this Congress would be ample pay. I therefore move to amend the amendment of the gentleman from Pennsylvania by striking out the word "five" and inserting the word "two."

Mr. REILLY. I have no objection to that amendment, and will accept it.

Mr. DOCKERY. Mr. Chairman, it seems to me that each one of these propositions ought to stand on its own merits, if they have any, and that the proposition of the gentleman from Pennsylvania ought not to be offered as an amendment to that presented by the gentleman from Ohio. If this amendment is to prevail it would seem that an amendment should be presented adding \$500 to the salary of every one of the 306 employees of this House. It

is not fair to make these selections. If the salaries fixed by law are not ample, there should be a general revision of the salary list; but certain gentlemen of the 306 employed by the House should not be selected for special favors.

Mr. SAYERS. My colleague on the committee will allow me to suggest also that there is now an amendment pending to give all the officers and employees of the House an extra month's salary. And that was intended to cover all these deficiencies.

Mr. DOCKERY. That is true. As the gentleman says, there is an amendment pending, and although I am opposed to it, it will doubtless pass Congress at this session, allowing each one of our 306 employees an extra month's pay.

Mr. REILLY. Does not the gentleman from Missouri know that the disbursing clerks of the House have very much extra labor to perform—more than they have ever had before?

Mr. DOCKERY. They have rendered just this extra service: They have opened up accounts with 360 members, which consist of a debit of one item and a charge of one item, and they also send to each member one printed voucher, receive a receipt from the member, and issue one draft in payment.

Mr. REILLY. But that is each month, and this involves an expenditure of over \$300,000—

Mr. SAYERS. I suggest also that these gentlemen were compensated for this extra service at the first session of this Congress at the rate of \$300 for the year.

Mr. DOCKERY. Certainly, as suggested by my colleague on the committee, they have already been compensated for it.

Now, with reference to the proposition of the gentleman from Pennsylvania, let me say that the subcommittee in charge of the legislative bill considered it and unanimously decided against it. The Clerk of the House submitted in his estimates, as he submits from time to time in cases here, increases from \$2,500, which the law now gives, and \$3,000, respectively, in these two cases, to \$3,000 and \$2,500, and the subcommittee in charge of that bill unanimously disapproved of his recommendation. The House approved the recommendations of the Committee on Appropriations; and it seems that we have fully reached the point where we should stop these profligate increases of salaries of House employees.

Mr. CANNON of Illinois. Mr. Chairman, I only want to make a single remark for the purpose of giving notice. We have had now two hours, almost, of wrangling, taking up the time of the House about an increase in the pay of certain employees of the House here that we know, or that some of us know, and I think it will last the day out and bids fair to take up a part of to-morrow, and then will come up a provision to give a month's extra pay; and after finishing this all up, taking at least a day of time to give extra pay to the employees we happen to know or come in contact with, we have but begun. When the next Congress organizes, the most of this force, some, not all, will come in one way or another to claim other extra allowances. Now, it has always been so for twenty years to my certain knowledge—sometimes one day, sometimes two days taken up in this kind of squabble.

In my judgment—and I am not saying it to antagonize anybody's pets particularly at this time—the employees of the House of Representatives are the best-paid employees in this Government anywhere, for the service performed, except the employees of the Senate.

Mr. DOCKERY. That is true.

Mr. CANNON of Illinois. Further than that, I want to say that if the salaries ought to be increased to cover the month's extra pay and other increases ought to be made, then we should take a day and revise them, changing the law, and then call a halt on attempts to increase salaries by appropriation over the provision made by law; and if I can get the cooperation of members, as this Congress is soon to expire and the place that knows it now is to know it no more forever, when the new Congress organizes—if I can get their cooperation—I want to give notice that our employees, so far as I am concerned, will be paid the legal salaries, and if they are not getting enough we will increase them by a general law, and then get rid of this everlasting scrambling, in which not infrequently the persistent, clever fellow gets more than he ought to get, while the meritorious, hard-working fellow, if he happens to be modest, gets nothing.

Mr. OUTHWAITE. Now, Mr. Chairman, the amendment I have offered is in the interest of a hard-working fellow, in the interest of a man who is not a pet of mine, who is not here by my selection and does not come from my district. He has no claims on me whatever, nor have I on him. He is receiving a salary inadequate to the duties he is called upon to perform. He is on the roll as a messenger and is receiving that salary. But because of his skill and ability he was called in by the disbursing clerk to assist in the matter of keeping the accounts. He did this; he assisted daily, and assisted at all times. He assisted in this work at night, and assisted upon other days on which the work is not usually required for members. He did quite as much work as either of the other gentlemen did, the one getting \$3,200

and the other getting \$2,500, that now appear to want him and his amendment to carry them through the House.

I ask that a vote be taken on the merits of the amendment I have offered.

The CHAIRMAN. The question is on agreeing to the amendment as modified by the gentleman from Pennsylvania to the amendment of the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. REILLY) there were—ayes 29, noes 73.

So the amendment to the amendment was rejected.

The question recurring on the amendment of Mr. OUTHWAITE, it was adopted; there being on a division—ayes 83, noes 39.

Mr. COBB of Missouri. I offer the amendment I send to the desk.

The Clerk read as follows:

Insert after line 14, page 40:

"To pay Thomas M. Rogers for services rendered as acting clerk to the Committee on Railways and Canals, from March 24, 1894, to May 17, 1894, inclusive, the difference in salary between that of clerk to a Congressman and a session clerk to a committee, \$149.50."

Mr. BRECKINRIDGE. I reserve the point of order on that amendment.

Mr. COBB of Missouri. This is simply the difference between the pay of a Congressman's clerk and that of a committee clerk for the time Mr. Rogers was acting clerk of the committee and before he was appointed as clerk.

Mr. BRECKINRIDGE. I suggest to the gentleman that he withdraw the amendment. We shall have to rise very soon, and he can put it in later, which will give us an opportunity to look into it.

Mr. COBB of Missouri. It is unanimously reported from the Committee on Accounts.

Mr. BRECKINRIDGE. Leave it pending, with the point of order pending.

Mr. COBB of Missouri. It is all right. The Committee on Railways and Canals certify to the fact of his services.

The CHAIRMAN. Is the point of order insisted upon?

Mr. BRECKINRIDGE. I am perfectly willing that it be passed over, with the point of order pending.

Mr. SPRINGER. Let it be passed over, with the point of order waived.

Mr. BRECKINRIDGE. I will not waive the point of order.

Mr. COBB of Missouri. Then I would rather have a vote upon it now.

The CHAIRMAN. If the point of order is insisted upon at this time, the Chair will have to decide that the amendment is not in order.

Mr. BRECKINRIDGE. Let it go over.

Mr. COBB of Missouri. I will let it go over, Mr. Chairman.

Mr. BRECKINRIDGE. With the point of order pending.

The Clerk, proceeding with the reading of the bill, read as follows:

To pay D. S. Porter as extra compensation for services rendered as assistant clerk to the Committee on Pensions during the Fifty-third Congress, \$500.

Mr. MARTIN. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 40, between lines 21 and 22, insert the following: "To pay F. F. Dennis for extra services rendered as assistant clerk to the Committee on Invalid Pensions, on detail from the Pension Office, during the third session of the Fifty-third Congress, the sum of \$200."

Mr. BRECKINRIDGE. I reserve the point of order against that amendment.

Mr. MARTIN of Indiana. Mr. Chairman, the gentleman from Kentucky wishes this matter to go over until to-morrow.

Mr. BRECKINRIDGE. Let it go over with the point of order pending.

The CHAIRMAN. Is there objection to the request that the matter go over?

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

To pay G. W. Pratt, assistant Journal clerk, for extra services rendered during the Fifty-second and Fifty-third Congress, \$500.

Mr. SPERRY. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After the word "dollars," in line 25, page 40, insert the following:

"To pay R. A. Rosenbaum, F. F. Perkins, and George Zerby \$100 each, for extra services rendered during the Fifty-third Congress in the folding room of the House of Representatives."

Mr. BRECKINRIDGE. I reserve the point of order. Let it go over.

There was no objection.

Mr. BRETZ. I offer the following amendment.

The Clerk read as follows:

To pay Richard H. Dalton, for extra services rendered in the folding room, \$300.



Mr. BRECKINRIDGE. I will say to the gentleman that if he will withdraw that the committee will offer it. I am authorized by the subcommittee to offer it.

Mr. BRETZ. Why not let it be offered now?

Mr. SAYERS. I will reserve the point of order on it, then.

Mr. BRETZ. I will withdraw it, Mr. Chairman, with the understanding that I shall have the right to offer it if it is not offered by the committee hereafter.

Mr. BROWN. The gentleman from Kentucky [Mr. BRECKINRIDGE] has just stated that he would offer it; that the committee had considered it.

The Clerk, proceeding with the reading of the bill, read as follows:

To pay George L. Browning and P. E. Cox \$300 each for extra services rendered in the folding room; in all, \$600.

Mr. IKIRT. I desire to offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After line 24, page 50, insert the following:

"To pay John H. Hogan the difference between the pay of a laborer and that of a messenger in the House post-office during the sessions of the Fifty-third Congress, \$300.73."

Mr. BRECKINRIDGE. I reserve the point of order on that. Let it go over.

Mr. IKIRT. I will let it go over. I think the gentleman will withdraw the point when he understands the case.

Mr. BRECKINRIDGE. It is understood that the point of order is pending.

Mr. SPRINGER. On page 50 of the bill I see the following words:

To pay the following, which have been audited and recommended by the Committee on Accounts, namely:

I desire to know where that list ends.

Mr. LIVINGSTON. At the bottom of page 51.

The Clerk, proceeding with the reading of the bill, read as follows:

To pay M. M. Robinson for services rendered as assistant to the Sergeant-at-Arms, \$100.

Mr. BERRY. I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

Amend line 9, page 51, as follows: Strike out "\$100," and insert "\$300."

Mr. SAYERS. I reserve the point of order on that.

Mr. BERRY. I do not think this is subject to the point of order.

Mr. SAYERS. I will reserve the point of order.

Mr. BERRY. The last Congress allowed this gentleman \$300. It is not one of those cases that are hidden away in committee rooms or the library, but this is Mr. Robinson, an employee of the House, who is right here before us, an employee assisting the Sergeant-at-Arms, who is detailed from another roll, at \$900 a year. We all know him. He has kept our pairs and done work on this floor for which \$100 a month is not excessive pay. He does twice as much work as many of those who get \$2,200 a year. He has been in the service of this House for seven or eight years as assistant to the Sergeant-at-Arms, and this claim is recommended by the Committee on Accounts, and it ought to be allowed.

This is a matter that we can all see for ourselves daily. We are associated with him daily as an officer of this House. His pay is not sufficient; it is a meager and insufficient salary; and there is no reason why he should not be allowed an additional \$300. I ask the committee to act upon it.

Mr. SAYERS. If the gentleman insists upon immediate consideration I will insist upon the point of order. There is no law or resolution of the House authorizing the appropriation.

Mr. BERRY. I do not like to let this thing go over, but on the urgent request of so many gentlemen I will consent to it. [Laughter.]

Mr. BRECKINRIDGE. I offer an amendment containing a series of additional items.

The Clerk read as follows:

On page 51, after line 23, insert the following:

"To pay Howard Gill for services as acting assistant foreman of the folding room, from August 29 to December 3, 1894, inclusive, \$240.

"To pay Howard Wiltberger for services rendered in the folding room from August 29 to December 3, 1894, inclusive, \$240.

"To pay J. H. Van Buren, assistant index clerk of the House, his salary from October 1 to November 23, 1894, inclusive, and from November 4 to December 3, 1894, inclusive, at \$3 per day, \$534.

"To pay George B. Parsons, enrolling clerk, and John Kelley, assistant enrolling clerk, for extra services, \$200 each; in all, \$400.

"To pay Richard H. Dalton for extra services rendered in the folding room, \$300.

"To reimburse Walter H. French for moneys actually paid by him for clerical hire in rearranging the files of the House, including the consolidation of the papers in the reports of the Southern Claims Commission and the papers in the Indian depredation cases, and relettering the file boxes from the Forty-fourth to the Fifty-second Congress, inclusive, \$750.

"To pay Peter J. McDonald the difference between his salary as folder and that of acting assistant foreman of the folding room, at \$1,300 per annum, from January 20, 1894, to January 20, 1895, inclusive, \$300."

Mr. SPRINGER. Would it be in order to add an additional item to this?

Mr. DOCKERY. Do I understand that is offered by the committee?

Mr. BRECKINRIDGE. Yes; on an order made by the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

Mr. DINGLEY. One moment. I want to know if these items have been approved by the committee.

Mr. BRECKINRIDGE. They have.

Mr. SAYERS. If any point of order is to be raised, the point of order ought to be reserved on that at once.

Mr. DINGLEY. I had not heard of any action of the committee on that list.

Mr. DOCKERY. I want to suggest to the gentleman that in justice to certain employees of the House who have not pressed their claims, and in view of the fact that it is said that all the employees are to get an extra month's pay, it is unfair, grossly unfair, to select for special recognition these persons mentioned in this amendment and other amendments that have been offered. I simply desire to protest, and protest most earnestly, against this policy of discrimination.

Mr. LIVINGSTON. I reserve the point of order upon this matter.

Mr. SPRINGER. It is too late.

The CHAIRMAN. The gentleman from Texas raised the point of order.

Mr. SPRINGER. But it is too late; debate had occurred. I desire to offer an amendment, as an additional paragraph, to the amendment offered by the gentleman from Kentucky.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding after line 23, on page 51, as a separate paragraph, the following:

"To pay John W. Almarode, the father of Ernest Almarode, deceased, late an employee of the House of Representatives, a sum equal to six months of the salary being paid to him at the time of his death, and also to pay to him the amount of the expenses of the last illness and funeral of said Ernest Almarode, said expenses not to exceed \$250, in all not to exceed \$700."

The CHAIRMAN. The Chair would hardly consider this amendment germane to the proposition of the gentleman from Kentucky.

Mr. BRECKINRIDGE. I move, in view of the fact that the House has to take a recess at 5 o'clock, that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TARSNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8892, and had come to no resolution thereon.

KANSAS CITY, PITTSBURG AND GULF RAILROAD COMPANY.

Mr. TARSNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8900) to amend section 9 of an act entitled "An act to authorize the Kansas City, Pittsburg and Gulf Railroad Company to construct and operate a railroad, telegraph, and telephone line through the Indian Territory, and for other purposes."

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOPKINS of Illinois. Mr. Speaker, I hope some explanation will be given by the gentleman. My information is that there is but very little of the Territory that has not been taken up by these rights of way that have already been granted in the Territory.

Mr. TARSNEY. Mr. Speaker, this is simply an act to amend one section of an act that was passed two years ago, giving a right of way for the construction of a trunk line from Kansas City to Shreveport, La. Since that right was granted, the road has been constructed from Kansas City to the point where its line is to enter the Indian Territory, more than 250 miles. The original charter would require them to complete their road through the Indian Territory this year. The company desire to complete their road south of the Territory, through Texas, Arkansas, and Louisiana, so as to get the benefit of local traffic while they are building through the dead portion of the Indian Territory. It merely extends the right one year.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. TARSNEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOURLY OF MEETING.

Mr. BRECKINRIDGE. Mr. Speaker, I ask unanimous consent that the hour of meeting to-morrow may be changed so that the House may meet at 11 o'clock. There is a special order for eulogies

on the late Senator Vance at 2 o'clock. I make this request so that it will give us a greater length of time before the special order is reached. We desire to get this bill through as rapidly as possible.

Mr. PAYNE. I have no objection to meeting at 11 o'clock if those who are in charge of the business of the House deem it necessary; but it seems to me that the order might be made to meet at that hour for the remainder of the session. The objection to making it 11 o'clock from time to time is that members do not understand it and do not get here until 12 o'clock.

Mr. SAYERS. Mr. Speaker, we desire an exception in this instance, because we are anxious that this bill shall get to the Senate to-morrow, and that will complete the appropriation bills.

Mr. BRECKINRIDGE. I would be glad, Mr. Speaker, if the gentleman from New York would not complicate the general question of the hour of meeting with my request for an early meeting to-morrow. His proposition can be taken up by the Committee on Rules.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky that the House meet to-morrow at 11 a. m.? There was no objection, and it was so ordered.

#### DEEP-WATER WAYS BETWEEN THE OCEAN AND THE GREAT LAKES.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution authorizing a preliminary inquiry concerning deep-water ways between the ocean and the Great Lakes and providing commissioners therefor.

The joint resolution was read, as follows:

*Resolved, etc., That the President of the United States is authorized to appoint, immediately after the passage of this joint resolution, three persons, who shall have power to meet and confer with any similar committee which may be appointed by the Government of Great Britain, or of the Dominion of Canada, and who shall make inquiry and report whether it is feasible to build such canals as shall enable vessels engaged in ocean commerce to pass to and fro between the Great Lakes and the Atlantic Ocean, with an adequate and controllable supply of water for continual use; where such canals can be most conveniently located, the probable cost of the same, with estimates in detail; and if any part of the same should be built in the territory of Canada, what regulations or treaty arrangements will be necessary between the United States and Great Britain to preserve the free use of such canal to the people of this country at all times; and all necessary facts and considerations relating to the construction and future use of deep-water channels between the Great Lakes and the Atlantic Ocean. The persons so appointed shall serve without compensation in any form, but they shall be paid their actual traveling and other necessary expenses, not exceeding in all \$10,000, for which purpose the said sum of \$10,000, or so much thereof as may be necessary, is hereby appropriated.*

The President may, in his discretion, detail as one of such persons an officer of the Engineer Corps of the Army.

Mr. SAYERS. I will ask the gentleman whether that matter has been before any committee of the House?

Mr. HAUGEN. It was referred to the Committee on Interstate and Foreign Commerce of the House and received the unanimous approval of that committee. The appropriation, as the gentleman will see, is very small—only about what it would cost, on an average, to build 80 rods of railroad.

The SPEAKER. Is there objection to the request for the present consideration of this resolution?

Mr. SAYERS. I object.

#### COLLISIONS AT SEA.

Mr. TRACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2783) to postpone the enforcement of the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

The bill was read, as follows:

Whereas the President, in accord with the proposition of Great Britain to enforce on March 1, 1895, the revised international regulations for preventing collisions at sea, and on the representations of that Government that those regulations had received the general approval of the several foreign maritime powers, pursuant to section 3 of the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea," issued on July 13, 1894, his proclamation fixing March 1, 1895, as the time when the provisions of said act, as amended, embodying said revised international regulations shall take effect; and

Whereas the Government of Great Britain has withdrawn from the position, communicated to this Government on April 25, 1894, that no time should be lost in carrying those regulations into effect, and on January 10, 1895, announced to this Government that the Government of Great Britain now finds it impossible until Parliament has been consulted to fix a date for bringing the regulations into force, and earnestly requests this Government to consent to a temporary postponement of the enforcement of said regulations; and

Whereas it is desirable that the revised international regulations for preventing collisions at sea shall be put into force simultaneously by the maritime powers: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said act of March 19, 1890, take effect not on March 1, 1895, but at a subsequent time, to be fixed by the President by proclamation issued for that purpose.*

Mr. DURBOROW. Mr. Speaker, I will ask the gentleman whether this has been referred to a committee?

Mr. TRACEY. Yes, sir; and unanimously reported.

Mr. DURBOROW. From what committee?

Mr. TRACEY. The Committee on the Merchant Marine and Fisheries.

The SPEAKER. Is there objection to considering this bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. TRACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

On motion of Mr. TRACEY, members of the committee and others desiring to print remarks on the bill in the RECORD obtained leave to do so.

ANNIE M. GREENE.

Mr. MARTIN of Indiana. Mr. Speaker, I desire to submit a conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 305) granting a pension to Annie M. Greene, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: Strike out the word "twelve" and insert the word "ten;" and the House agree to the same.

A. N. MARTIN,  
M. J. MCETTRICK,  
*Managers on the part of the House.*  
JOHN M. PALMER,  
J. H. GALLINGER,  
W. A. PEPPER,  
*Managers on the part of the Senate.*

The statement of the House conferees was read, as follows:

#### STATEMENT.

[Fifty-third Congress, third session.]

In the case of the bill (S. 305) granting a pension to Annie M. Greene, now in conference between the two Houses, the managers on the part of the House submit to the House the following statement of the differences between the two Houses, viz: As the bill passed the Senate it granted a pension of \$12 per month for the beneficiary as dependent and invalid daughter of the deceased soldier. Under the facts stated in the report of the Senate Pensions Committee, the soldier does not appear to have died as the result of his army service, and therefore if pensioned at all, the beneficiary ought, as it seemed to the House, to be placed on the pension roll under the act of June 27, 1890, and therefore the House amended the bill accordingly, the effect of which would be to pension the beneficiary at the rate of \$10 per month—and the amendment recommended by the conference committee's report will specifically give effect exactly according to the import of the House amendment—being a virtual agreement to the House amendment.

A. N. MARTIN,  
M. J. MCETTRICK,  
*Managers on the part of the House.*

The conference report was adopted.

On motion of Mr. MARTIN of Indiana, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

MRS. EVALYN N. VAN VLIET.

Mr. MARTIN of Indiana. Mr. Speaker, I desire to present another conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 684) for the relief of Mrs. Evalyn N. Van Vliet, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

The Senate recedes from its disagreement to the amendment of the House and agrees to the same with an amendment. Strike out the word "thirty," in line 4, and insert the word "twenty-five;" and the House agree to the same.

A. N. MARTIN,  
GEO. B. FIELDER,  
G. D. MEIKLEJOHN,  
*Managers on the part of the House.*  
JOHN M. PALMER,  
J. H. GALLINGER,  
JOS. R. HAWLEY,  
*Managers on the part of the Senate.*

The statement of the managers on the part of the House was read, as follows:

#### STATEMENT.

[Fifty-third Congress, third session.]

The managers on behalf of the House as to the bill (S. 684) to grant a pension to Mrs. Evalyn N. Van Vliet, now in conference between the two Houses, make the following statement, viz:

The Senate bill fixed the rate of pension at \$30 per month; the House amended it so as to pension her subject to the provisions and limitations of the pension law, which would have been equivalent to \$25 per month, and the amendment agreed on by the managers on behalf of both Houses fixes that amount specifically, being an actual agreement by the Senate to the amendment of the House.

A. N. MARTIN,  
GEO. B. FIELDER,  
G. D. MEIKLEJOHN.

The conference report was adopted.

On motion of Mr. MARTIN of Indiana, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

MATHEW S. PRIEST.

Mr. PEARSON. Mr. Speaker, I ask unanimous consent for the present consideration of House bill 1314, for the relief of Mathew S. Priest.

The bill was read.

The SPEAKER. Is there objection to the request for the present consideration of this bill?



Mr. SAYERS. I ask consent that this may go over until tomorrow. I am not willing to object, but I would like an opportunity to examine this case.

The SPEAKER. Without objection it can go over, subject to the right to object.

There was no objection.

BRIDGES ACROSS THE EMORY AND CLINCH RIVERS.

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 8659) was read.

The amendments recommended by the Committee on Interstate and Foreign Commerce were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. PATTERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. WASHINGTON, by unanimous consent, obtained leave of absence for this day on account of sickness.

WITHDRAWAL OF PAPERS.

Mr. WADSWORTH, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the claim of Catherine Childs.

RECESS.

The hour of 5 o'clock having arrived, the House, under the rule, took a recess until 8 p. m., the Speaker announcing that at the evening session the duties of the Chair would be performed by Mr. DOCKERY.

#### EVENING SESSION.

The recess having expired, the House, at 8 o'clock p. m., was called to order by Mr. DOCKERY as Speaker pro tempore.

ORDER OF BUSINESS.

Mr. MARTIN of Indiana. Mr. Speaker, I move that the House resolve itself into Committee of the Whole to consider bills on the Private Calendar, under the rule.

The question was taken; and on a division (demanded by Mr. TALBERT of South Carolina) there were—ayes 33, noes 0.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BRETZ in the chair.

Mr. MARTIN of Indiana. Mr. Chairman, I ask unanimous consent that, beginning where we left off on Friday night last, the roll be now called and that each member present be allowed to call up one bill introduced by himself or one bill coming from the Senate originating in the State from which the member comes.

Mr. TALBERT of South Carolina. Mr. Chairman, while I do not propose to interpose objection to the request, still it seems to me that this is rather an irregular way to proceed. I have noticed that on several nights past when we proceeded in that way gentlemen would call up a bill at the request of someone else, not their own bills; and I have also observed that as soon as gentlemen got their bills through they immediately took their cloaks and hats and left the Hall. Now, it seems to me that they ought to stay, at least, and help others. They have shown considerable selfishness in the matter, and for that reason I do not think this rule ought to obtain. I, however, merely throw out the suggestion, for I do not desire to object. The committee can exercise its own judgment in the matter.

The CHAIRMAN. The Chair would suggest to the gentleman that an inquiry or a point of order would reach his objection in case any gentleman undertakes to call up a bill not within the agreement.

The gentleman from Indiana asks unanimous consent that the committee proceed to call the roll, beginning where we left off on Friday night last, which was at the name of Mr. EVERETT, and that each member present be permitted to call up a bill introduced by himself or one coming from the Senate and originating in the State which he represents. Is there objection?

Mr. BRODERICK. I do not wish to object, but on last Friday night I was absent from the House on account of sickness when my name was called. I have a bill here, one which passed the Senate, introduced by one of our Senators for the benefit of a constituent of mine, and I will ask consent to call that bill up. My absence at the last meeting was on account of sickness.

Mr. TALBERT of South Carolina. I shall not object, provided that every gentleman, after he gets his bill through, will stay and help the rest of us to get ours through.

The CHAIRMAN. The Chair, of course, has no power to compel members to remain.

Mr. TALBERT of South Carolina. Of course I understand that, Mr. Chairman, and I do not mean to undertake to control the

Chair, but I merely throw out the suggestion for the benefit of members of the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. PEARSON. I do not want to pose in the light of an objector to granting unanimous consent to anybody, but some of us have attended most every Friday night session for the last four years and have been unfortunate enough not to be able, when their names are reached, to get a bill through the House. I am one of that class, and while I do not object to the order now asked, I shall object to unanimous consent being given to any member until after the alphabet has been called through.

Mr. GROUT. Mr. Chairman—

The CHAIRMAN. Is there objection to the request? Does the gentleman from Vermont object?

Mr. GROUT. I will state, if the Chairman will allow me a moment, I do not want to object to the request, but I do wish to say that at the request of persons interested in a bill to grant a pension to Martha Custis Carter, granddaughter of Martha Washington and widow of Rear-Admiral Carter, lately deceased, I came up here to urge the consideration of that bill when my name shall be called—

Mr. HAYES. Well, nobody will object to it.

Mr. GROUT. Very well, if they will not I shall be content not to object to the request asked by the gentleman from Indiana. But the order the gentleman asks will exclude me, because the beneficiary in this bill is not from my State, and I can not call it up unless I practice a silent fraud on the House. There is eminent propriety, and I do not suppose anyone will object to my calling it up on this, Washington's birthday.

Mr. HAINES. There is a gentleman from Massachusetts here who will be able to call it up.

The CHAIRMAN. The Chair will again submit the request. Is there objection?

There was no objection.

Mr. BRODERICK. I ask unanimous consent now before the roll is called to take up a Senate bill for the reason I have already stated. I was sick on Friday night last, and necessarily absent.

Mr. PEARSON. I must object, Mr. Chairman.

The CHAIRMAN. The Clerk will call the roll.

The name of Mr. FIELDER was called.

Mr. BRODERICK. If the gentleman from New Jersey will yield just a moment I want to call up a Senate bill—

Mr. FIELDER. I should be very glad to give way to my friend. I know he represents a case of merit.

Mr. BRODERICK. It will take but a few minutes.

The CHAIRMAN. But unless the gentleman from Ohio withdraws his objection the Chair can not recognize the gentleman.

Mr. BRODERICK. If there is serious objection I will withdraw the bill. [Cries of "Regular order!"]

The CHAIRMAN. Objection is made. The Clerk will call the roll.

JOHN C. DULL.

Mr. FIELDER. Mr. Chairman, I call up for present consideration the bill (S. 1535) to correct the naval history of John C. Dull.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy be authorized and directed to correct the naval history of John C. Dull, who, while yet a minor, was enlisted as a landsman in the United States ship *Aetna* for service during the war with Mexico, so as to relieve him from the charge of desertion, dated June 3, 1845, and that said John C. Dull be given an honorable discharge from that date.

The report (by Mr. TYLER) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 1535) to correct the naval history of John C. Dull, having in a prior Congress submitted a favorable report on a bill of similar import (H. R. 4796, House Report 1473, first session Fifty-second Congress), adopt the said report and recommend the passage of the Senate bill.

[House Report No. 1473, Fifty-second Congress, first session.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 4796) to correct the naval history of John C. Dull, having considered the same, beg leave to report:

It appears from the evidence that Dull enlisted in the Navy January 13, 1847, at the age of 18 years, as a landsman, for three years; that he served on board the United States steamers *Ontario*, *Franklin*, and *Aetna*, and that while serving on the last-named vessel, on the 3d day of June, 1848, he failed to report for duty before the sailing of his ship, and thereby became chargeable with desertion, for which he was deprived of all pay and allowances then due him and "dishonored for all his services during the war."

In his letter to the Secretary of the Navy, dated December 9, 1891, Dull states, in explanation of his conduct, that he was led astray, during temporary excitement, by persons older than himself, and that he was wholly unconscious of committing any serious injury to the Government. He further states in this letter that he "would never have made a complaint, perhaps, of the harshness of this punishment had he not met with a severe accident in 1866, by which he lost all the fingers of both hands, rendering him incapable of manual labor in his advancing years."

Under these circumstances and (as stated by the Secretary of the Navy in his letter of March 11, 1892, herewith appended) "in view of the fact that Dull was a minor at the time of his enlistment and of his desertion, and that prior to the date of his desertion hostilities had ceased and the treaty of peace between Mexico and the United States had been concluded and ratified," the committee report favorably on the bill and recommend that it do pass.

NAVY DEPARTMENT, Washington, March 11, 1892.

SIR: I have the honor to acknowledge the receipt of the letter from the Committee on Naval Affairs of the House of Representatives, inclosing H. R. bill No. 4790, "to correct the naval history of John C. Dull," and requesting the opinion of this Department as to the merits of the proposed legislation.

It appears from an examination of the records of the Bureau of Navigation, Navy Department, and in the office of the Fourth Auditor of the Treasury, that Dull enlisted in the Navy January 18, 1847, at the age of 18 years, as a landsman, for three years; that he served on board the United States steamships *Ontario*, *Franklin*, and *Etna*, and that he deserted from the latter-named vessel off Frontera, Mexico, June 3, 1848.

In view of the fact that Dull was a minor at the time of his enlistment and of his desertion, and that prior to the date of his desertion hostilities had ceased, and the treaty of peace between Mexico and the United States had been concluded and ratified, the Department perceives no objection to the favorable action by Congress upon the bill to correct his naval history.

Very respectfully,

HON. HILARY A. HERBERT,  
Chairman Committee on Naval Affairs, House of Representatives.

B. F. TRACY, Secretary of the Navy.

WASHINGTON, D. C., December 9, 1891.

SIR: Your humble petitioner, John C. Dull, age 62 years, residing in Washington City, respectfully submits the following statement of facts:

In the year 1847, being then a minor, and working at my trade of blacksmith, I enlisted in the United States steamer *Etna* as a landsman for during the war with Mexico. I served in said capacity until the 3d day of June, 1848, after the treaty of peace between the United States and the Republic of Mexico had been duly ratified, and being led astray, during temporary excitement, by persons older than myself, and wholly unconscious of committing any serious injury to the Government in whose service I had volunteered, I failed to report for duty before the ship sailed from Tabasco. For this infraction of the rules of discipline, which I have ever since regretted, the serious charge of desertion was entered against me, by which I was deprived of my pay and allowances then due and dishonored for all my service during the war.

I would never have made a complaint, perhaps, of the harshness of this punishment had I not met with a severe accident in 1866, by which I lost all the fingers of both hands, rendering me incapable of manual labor in my advancing years, and I have submitted an application to the honorable Commissioner of Pensions to grant me the allowance awarded to the soldiers and sailors who served in the war with Mexico. The Commissioner, on December 1, 1891, rejected my application on the ground that I "was not honorably discharged, but deserted the service June 3, 1848, and the mark of desertion has not been removed."

I therefore humbly petition the honorable Secretary of the Navy, in view of the circumstances related, to grant me an honorable discharge to date from June 3, 1848.

And your petitioner will ever pray, etc.  
Very respectfully,

JOHN C. DULL.

THE SECRETARY OF THE NAVY.

Mr. JONES. I hope the gentleman who is in charge of this bill will make some statement in reference to it. He is probably aware that the President has recently vetoed a bill of this character. In reading that veto I observe the President says that this authority exercised by Congress to remove the charge of desertion is one of rather doubtful character, and that when the power is exercised he thinks the beneficiary should not be given a pension such as is enjoyed by soldiers who served during the entire time of their enlistment. Inasmuch as one bill of this character passed by us has been vetoed on that ground, I should like the gentleman to state why this bill has any peculiar merits beyond other bills of this class.

Mr. FIELDER. I will say that Mr. Dull was a minor at the time of his enlistment. Receiving a furlough from his vessel, he went ashore, and being a very young man he was inveigled into a series of little indiscretions, so that when he was ready to report again to his vessel she had left her moorings, and he was unable to reach her. For this reason he was returned as a deserter.

He does not seek this correction of his record with any reference to an application for pension, although he cites the fact that in 1866, by a series of accidents, he lost the fingers of both hands. He is at present a man of some 67 years of age. He does not expect to enjoy this life very much longer, and being a patriotic citizen of the United States, he naturally desires before he dies that his record may be cleared so that he may leave an honorable name to his children. On this ground and this ground only I base my support of this application, and I do hope that in view of the age of the applicant and the peculiar circumstances the bill will receive favorable consideration.

Mr. BAKER of New Hampshire. Will the gentleman explain why this "patriotic gentleman" happened to wait forty-seven years before seeking relief from this charge?

Mr. FIELDER. Well, I never asked him that question. His action in this respect was doubtless due to some consideration of his own. As I have stated, he is now a man of advanced years—a man of good moral habits; and his object in seeking the passage of this bill, in view of the short time that he has to live, is that he desires to hand down to his children a clear record. The service in connection with which he is charged with being a deserter was during the Mexican war, of which I know nothing. But I do believe that this claim is just.

Mr. BAKER of New Hampshire. It was nearly thirty years ago that he lost his fingers.

Mr. FIELDER. Yes; and during the intervening time he has eked out a very comfortable living. He is not in impoverished circumstances. He earns his own support and has a comfortable

inheritance. He does not seek the passage of this bill with reference to any application for pension.

Mr. BALDWIN. If this application is not made with any reference to pension, I should like to know why the applicant states in this report that he would not have taken this action but for the fact of his having maimed his hands.

Mr. FIELDER. At that time I believe he did make application for pension, which he now withdraws.

Mr. BALDWIN. I think the case had better be put fairly and squarely before the Committee of the Whole. This man desires his record corrected with the view to securing a pension.

Mr. FIELDER. No, sir.

Mr. BALDWIN. Well, I think we can put no other construction upon the case; and it seems to me it would be best to put the matter in that shape.

Mr. JONES. Let the bill be amended.

Mr. FIELDER. Gentlemen can amend the bill if they like; but I feel justified in saying that the applicant for the passage of this bill does not seek it for the purpose of securing a pension.

Mr. HAINES. Mr. Chairman, I have been advised, correctly or incorrectly, that there is a disposition on the part of one or more of the Representatives on this floor to object to any bill that may come before the committee this evening, whether it be meritorious or otherwise. Therefore, I have asked and received recognition from the Chair. I favor this bill (without going into any discussion of its merits) for the reason that it has been passed upon by the regularly authorized Pensions Committee. I have served upon the Committee on Invalid Pensions, and I know that the gentlemen composing that committee have been very careful to investigate thoroughly every bill brought before them, and the passage of any bill by that committee is a sufficient guaranty to satisfy me that it is worthy of consideration and passage by this Committee of the Whole and by the House. I favor the passage of this bill, as I shall all others which may be brought here upon a favorable report of the Committee on Invalid Pensions.

A MEMBER. This bill is not from the Committee on Invalid Pensions.

Mr. HAINES. I have the floor at present, and I do not know that I shall be recognized later. I wish to complete my statement in relation to the matter now under consideration.

Mr. Chairman, having been elected a member of the House of Representatives, early in 1893 I called up claim No. 23334, the pension claim of Jeremiah Whitbeck, of my district, and I asked for a statement of that claim. On January 6, 1893, I was notified that it was in the hands of a special examiner. I waited long and patiently until I was asked concerning it by the people interested. I again inquired the status of the claim; and on April 13 of the same year I was again notified that it was in the hands of a special examiner. I again called it up on July 1, 1893, and was notified that it was still in the hands of a special examiner.

On October 20 it went to a special examiner in Sullivan County. I do not know the reason why. Again, later, the notice received was that it awaited letters of inquiry. Later, I was informed that more information was required, and later that it must go before an examining board. Later, I was told that a new declaration must be filed; again, that a medical examination was necessary; then that further testimony was required, and again it was referred to the medical bureau. Then it went to a board of surgeons to await additional information. Then it went to the board of surgeons again, to determine the rate of pension, and so on until February 4, 1895, it went to a special examination in Minnesota. That is one of the claims that I have been requested to facilitate, and yet this, as other like claims, is not settled.

Mr. LOCKWOOD. Is that the case under consideration now?

Mr. HAINES. No; it is not the case under consideration at the present time. I am only stating the reasons why I favor this or any other bill brought before this committee after having passed the Committee on Invalid Pensions or any other committee of the House, because I believe in the integrity and honor of those people who represent their constituents here upon these committees. When I was a member of that committee I was careful, and so is every member of that committee, to determine each claim upon its merits.

The case that I mention has been before the Pension Commissioner for years, and still, knowing it to be a claim that must sooner or later receive recognition, the Pension Department does not want evidently to place an extra expense upon this Administration. That is about the truth of the case.

Mr. PAGE. Has it not been rejected yet?

Mr. HAINES. It has never been rejected. If it was rejected, why then that would settle the matter; but they do not reject it. They hold on and hold on. That man is either entitled to a pension or he is not entitled to a pension. I want it settled one way or the other, and I can not get it settled.

Mr. HAYES. Nobody will get anything settled if the gentleman keeps on talking.

Mr. HAINES. I only wish to talk for a few minutes. Going



up into my district three months ago I was very happy to take to a man named Martin P. Hoy, who was in the county house in Columbia County, N. Y., a pension certificate. I knew it would gladden his heart, for he had waited long years for that pension. Putting it in my pocket, I intended to deliver the certificate personally to this poor man, who was being supported by our county. I had occasion to go there to attend the funeral of a Masonic brother, and I went to Ghent to deliver this pension, when I was surprised to find that the poor man, tired of waiting for his pension, had hanged himself.

Mr. HAYES. If they were granting pensions to dead men, what are you complaining about?

Mr. HAINES. It came too late. They are making these men wait too long in cases where they are legitimately entitled to pensions, and I am not one of that class that ask the people who are entitled to pensions to wait any longer. I do not belong to that party, thank God, that asks that. I do not belong to the party of the gentleman from Virginia, or of the gentleman from Alabama, or of those men who object always to these claims that are brought forward here. I claim to be a Democrat, and a New York Democrat, but not of that class of Democracy. [Applause.] The reason that I speak to-night upon this subject is that day before yesterday I called up a bill (H. R. 5877) for the relief of a man named Michael Gaul, living in my district.

Mr. MARTIN of Indiana. Mr. Chairman, I am very sorry—and I speak with all deference to my friend from New York—I am very sorry to raise a point of order on this line of discussion. It is not germane to the subject under consideration at all.

Mr. TUCKER. I do not think the gentleman is right about that.

The CHAIRMAN. The Chair is inclined to think that the point of order is well taken, and hopes the gentleman from New York will confine himself to the bill under consideration. The gentleman from New York will proceed in order.

Mr. HAINES. I think I can proceed in order, Mr. Chairman, and I do not intend to delay any of the bills here.

A MEMBER. You are doing it by talking.

Mr. HAINES. That is what I am here for, to talk. [Laughter.] This bill that I called up day before yesterday (H. R. 5877) was objected to by the gentleman from Alabama [Mr. STALLINGS]. I will only take the time of the committee for a few moments, as they are listening so attentively to my remarks, for which I thank them, to state that this constituent of mine entered the Navy and served four years, reenlisted and served three years, and was honorably discharged. He appeals to me, as his Representative, to get a charge of desertion removed, for after the third enlistment he indulged too freely and went home.

Mr. CURTIS of New York. He could not live in your district, then.

Mr. HAINES. It is something unusual there, I will acknowledge. He got drunk and went home, and now he asks that that charge be removed, stating that he never had any bounty, any back pay, but that he has three girls and two boys, and on account of his children he wants that charge removed, without asking anything else from the Government, directly or indirectly. Still that bill was objected to.

And, as I stated in the beginning, I have in the past and I shall in the future, so long as I am honored by the people I represent, vote for any bill passed by the Pension Committee of this House. [Applause.]

Mr. JONES. Mr. Chairman, I want to ask the gentleman whether or not he would consent to an amendment to this bill. I do not exactly remember the language of the bill now, but it seems to me that the usual provision, that the soldier shall receive no bounty or back pay, is not in this bill. I understand, of course, the gentleman will not object to that amendment, as it is the usual amendment put on by the committee. I want to ask the gentleman, as this applicant is in comfortable circumstances, whether he will not consent that the amendment shall also be made that he shall receive no pension by reason of the passage of this act.

Mr. FIELDER. I will make no objection whatever to the suggestion of the gentleman; but I do think the gentleman from Virginia would take my word for it.

Mr. JONES. Will the gentleman accept that as an amendment?

Mr. FIELDER. I accept the amendment, if the gentleman from Virginia insists upon it.

Mr. JONES. I move to amend by inserting the following proviso:

*Provided, That no bounty, back pay, or pension shall be paid by virtue of the passage of this act.*

The CHAIRMAN. The Clerk will report the amendment.

The amendment was read, as follows:

*Provided, That no bounty, back pay, or pension shall be paid by virtue of the passage of this act.*

Mr. BAKER of New Hampshire. As I understood the sugges-

tion of the gentleman from Virginia, it did not include pension, but simply bounty and back pay. I shall object to this amendment.

Mr. JONES. I included the word "pension," because the gentleman having charge of the bill said that the party did not want a pension, and he had no objection to the amendment.

Mr. HULL. In all the bills reported by the Committee on Military Affairs removing the charge of desertion we put in the words:

*Provided, No pay or emolument shall become due by virtue of the passage of this act.*

I think that is sufficient.

Mr. JONES. My amendment included the word "pension" also.

The CHAIRMAN. The question is on the amendment.

Mr. BAKER of New Hampshire. How does the amendment read?

The Clerk read as follows:

*Provided, That no bounty, back pay, or pension shall be paid by virtue of the passage of this act.*

Mr. BAKER of New Hampshire. I move to strike out the words "or pension."

The question was taken on the amendment to the amendment; and the Chairman announced that the ayes seemed to have it.

Mr. JONES. Division.

The committee divided; and there were—ayes 41, noes 3.

So the amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The CHAIRMAN. The question is on laying aside the bill as amended with a favorable recommendation.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. JONES. Division.

The committee divided; and there were—ayes 58, noes 1.

So the bill was ordered to be laid aside with a favorable recommendation.

MICHAEL RYAN.

Mr. FLETCHER (when his name was called). Mr. Chairman, I desire to have considered the bill (H. R. 8391) for the relief of Michael Ryan.

The bill was read, as follows:

*Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke the order dishonorably discharging Private Michael Ryan, Company I, Fifth Regiment United States Infantry, on September 20, 1865, and to issue to him an honorable discharge from the military service of the United States as of that date.*

Mr. FLETCHER. I ask that the report be read.

Mr. MARTIN of Indiana. I reserve the point of order on the bill.

Mr. DOCKERY. This is not a case of desertion.

Mr. MARTIN of Indiana. This is not a bill for the removal of the charge of desertion.

Mr. DOCKERY. This is a court-martial case, and is not in order at this time.

The CHAIRMAN. The Chair will be glad to hear the gentleman from Minnesota upon the point of order.

Mr. FLETCHER. Mr. Chairman, I am not aware that this bill is not entirely in order. I supposed the bill was in order. I talked with the gentleman from Pennsylvania [Mr. MAHON] with respect to the bill, and he was of the opinion that it was in order.

Mr. DOCKERY. Mr. Chairman, that bill is not in order; and discussion on that point only delays the transaction of other business.

The CHAIRMAN. The Chair will cause the rule to be read.

The Clerk proceeded to read the rule.

Mr. FLETCHER. I will withdraw the bill, as there seems to be some objection, and I do not wish to interpose any obstacle in the way of the transaction of business.

The CHAIRMAN. The Chair is of opinion that the committee has no jurisdiction to deal with the case.

ALEXANDER M. LAUGHLIN.

Mr. FUNK (when his name was called). Mr. Chairman, I desire to call up the bill (H. R. 8884) granting a pension to Alexander M. Laughlin.

The bill was read, as follows:

*Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander M. Laughlin, who was a private in the company of Capt. George B. Willis, Fortieth Regiment, Fourth Brigade, First Division of the Illinois State Militia, and who served as such in the Indian war of 1832, known as the Black Hawk war, and pay to him a pension at the rate of \$8 per month.*

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. MOSES) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8884) granting a pension to Alexander M. Laughlin, have considered the same and respectfully report as follows:

The claimant was a private in Capt. George B. Willis's company, Fortieth Regiment, Fourth Brigade, First Division of Illinois Volunteers, in the Black Hawk war. The rolls of the company, which are on file with your commit-

tee, fail to show the exact date of his enlistment, but this presumably took place on May 21, 1862, as nearly all of the other members of the company enlisted on that day. He was mustered out with the company on June 18, 1862.

Although, as stated above, the exact date of enlistment is not shown by the rolls, it is fair to presume that, like the majority of the company, he served twenty-nine days—just one day short of the time required to give title to pension under the Indian-war act of July 27, 1862.

Mr. Laughlin is now 79 years old and in straitened circumstances, and unable to do anything toward earning a support.

The passage of the bill is respectfully recommended, with an amendment fixing the rate of pension at \$12 per month, so as to conform to the provisions of an act passed by the House at this session and now on Senate Calendar.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MARIA T. KARGÉ.

Mr. GARDNER (when his name was called). Mr. Chairman, I call up the bill (S. 1230) for the relief of Maria T. Kargé.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Maria T. Kargé, widow of Joseph Kargé, colonel Second Regiment New Jersey Cavalry, at the rate of \$30 per month.

The report (by Mr. FIELDER) was read, as follows:

The Committee on Invalid Pensions have considered the bill (S. 1230) to pension Maria T. Kargé, and submit the following report:

This bill passed the Senate March 15, 1894, the following facts being shown in the report of the committee.

The beneficiary, Maria T. Kargé, is the widow of Joseph Kargé, late colonel Second New Jersey Cavalry. She is 74 years of age, without property, and dependent on others for support.

The late Colonel Kargé was a most gallant and meritorious officer, as will be seen from the subjoined letter of the Record and Pension Office of the War Department. He was a native of Poland, and took part in the revolutionary movement in Europe in 1848. He entered the Union Army in 1861 and was mustered out in 1865. He was one of our most efficient foreign officers, and was many times trusted with special duties, which he discharged with signal credit and ability. At the battle of Rappahannock Station, Va., August 20, 1862, he was wounded while in action with his command. For this wound he was pensioned. He fell dead of heart disease December 27, 1892, while crossing the ferry from Jersey City to New York. The medical records fail to state the diagnosis of his case or his disposition at the time of his last admission to the regimental hospital, May 30, 1865, and it is therefore impracticable to prove the origin in the service of the complaint of which he died to the satisfaction of the Pension Bureau.

The records of the War Department show that Joseph Kargé was mustered in as lieutenant-colonel First New Jersey Cavalry October 18, 1861; August 31, 1862, absent, wounded, in hospital, Washington, D. C.; received gunshot wound left thigh August 19, 1862; resigned December 22, 1862; was mustered in as colonel Second New Jersey Cavalry September 25, 1863; mustered out November 1, 1865.

The records of the Pension Bureau show that he was pensioned at \$30 per month for gunshot wound of left thigh, and died December 27, 1892, from syncope from valvular disease of heart.

It is also stated that he was appointed first lieutenant Eighth United States Cavalry July 18, 1867, and mustered out January 1, 1871.

The widow has applied for pension both under the general law and under the act of June 27, 1890, and both claims are pending, awaiting evidence called for February 1, 1894, as to prior marriage of the claimant and death of her former husband.

The proof shows that she is without property or income, and it is reasonably certain that a pension of \$8 per month will be allowed her under the act of June 27, 1890; and while his death from heart disease may not be traceable to his military service, in view of all the circumstances the committee report the bill back and recommend its passage.

Mr. MARTIN of Indiana. Mr. Chairman, while it is true that this bill is reported from the Committee on Invalid Pensions, I can hardly understand why a favorable report is made in this case. I can not now recollect of the case being up, and must appeal to the gentleman on the committee who seems to have made the report [Mr. FIELDER]. Here is a widow that has applied, and her claim is pending both under the general law and under the act of June 27, 1890.

Mr. GARDNER. Since the data on which this report was based have been obtained the pension has been granted by the Pension Bureau at the rate of \$8 per month. It is not now pending. As a matter of fact, the certificate has been issued.

Mr. MARTIN of Indiana. Now, Mr. Chairman, accepting that statement as true—

Mr. GARDNER. That is the fact.

Mr. MARTIN of Indiana. I know it is true. I do not mean to question it in the way my language would perhaps imply. But accepting that statement as true, here is a pension granted under the act of June 27, 1890, an act which expressly states in terms that no discrimination shall be made on account of rank. Now, what reason does there appear here in this case for the granting an increase from eight to thirty dollars per month? Would the reasons given here for an increase from eight to thirty dollars per month be sufficient were it the case of a widow of a private soldier or a second lieutenant?

Mr. GARDNER. If I may answer that question right here, I will say that if a private soldier or a second lieutenant had performed as valuable services as those of Colonel Kargé, she would be entitled to such a pension at the hands of this House.

Mr. MARTIN of Indiana. I do not want to take up more time than I can avoid, for time is precious; but here is a general law. Under the general law, where death is the result of army service

the widow of a second lieutenant is entitled to a pension of \$15 a month, the widow of a first lieutenant \$17 a month, of a captain \$20 a month, of a major \$25, and of a colonel and all ranks above that \$30 per month.

Under the act of June 27, 1890, regardless of the question of rank, the widow is entitled, it dependent upon her own labor, to but \$8 per month. Now, I have called the attention of the committee to this bill, and with all respect to the gentleman who has made the favorable report on the bill, and I have no recollection of it myself, it seems to me that the Committee of the Whole should not pass this bill. If you do you will find that you have set a precedent which will come to you in the next Congress and in succeeding Congresses and will plague you to the very uttermost.

Mr. GARDNER. Mr. Chairman, if my memory is not at fault this bill is precisely in line with one recently passed by this committee and by the House in the case of the widow of Samuel F. Starr, reported favorably by the Committee on Invalid Pensions and favored by the gentleman from Indiana [Mr. MARTIN]. That was a case where the death of the soldier at 81 years of age could not be traced to his military service. So is this. That was the case of a colonel who had performed most gallant and meritorious services. So is this. That was the case of an old soldier who had left a widow of more than three-score and ten. So is this. In so far as I am aware the cases are wholly parallel. Now, I do not advance this as a reason why the Committee of the Whole ought to vote to lay this bill aside with a favorable recommendation, but I do advance it as what seems to me a conclusive reason why the chairman of the Committee on Invalid Pensions should not oppose it.

One word further as to the merits of this bill, though I do not know that anything more need be said than is set forth in the report. Colonel Kargé entered the Army in 1861 as lieutenant-colonel of a New Jersey cavalry regiment. He performed most meritorious services and was grievously wounded. He resigned. Recovering, he reenlisted and was mustered in as colonel of a cavalry regiment, and so served until the end of the war. Because of his services and because of the nature of his wounds, he was pensioned by the Department at the rate of \$30 per month. A year or two ago he fell dead. His widow is now more than seventy-four years old. She was past seventy-four when the data on which the report is made came to the committee, and so much time passes in getting these bills advanced that I do not know how much older she may be now.

Mr. HERMANN. What are her circumstances?

Mr. GARDNER. Her circumstances are those, I may say, of extreme poverty. Colonel Kargé was not a native of this country. He came here poor. He was a scholar, a professor in Princeton College after the war, and this bill is pressed by nobody, perhaps, with as much earnestness as by the faculty of Princeton. Living there a scholastic life, he accumulated nothing. He died without estate. He left a widow who must be now 75 years of age, with nothing to depend upon but the \$3 a month granted her by the Pension Bureau.

Mr. FIELDER. And that only six months ago.

Mr. HERMANN. Are her relatives in needy circumstances?

Mr. GARDNER. Her relatives, I believe, are in needy circumstances where they live, and they are not in this country.

Mr. Chairman, I am asked why, being the widow of a colonel who was wounded, this lady is not entitled to \$30 a month under the law. I understand the reason to be this, that the man's death of heart disease two years ago can not be shown to be the result of his wound, and therefore his widow can only be pensioned under the act of 1890.

Mr. HERMANN. Has she any children to support her?

Mr. GARDNER. She has none that I am aware of.

Mr. FIELDER. Mr. Chairman, I will state that she has one son, who lives abroad and never has been in this country except as a visitor.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with the recommendation that it do pass.

Mr. JONES. Mr. Chairman, I understand the gentleman from New Jersey [Mr. GARDNER] to say that there are precedents for this bill. I have in my hand a report made by the Committee on Invalid Pensions upon the application of the widow of a gentleman who served as colonel and who, when he was mustered out, was a brigadier-general and was retired as a brigadier-general. This is an adverse report and it is the unanimous report of the Committee on Pensions, and I desire to read the last paragraph of it to this body:

This lady is now receiving a pension two and a half times as large as that of a private's widow, and your committee are unable to see any reason why further discrimination should be made in her favor. This committee has invariably of late years refused to report favorably bills of this character, increasing the pension of widows because of the high rank of their husbands, believing it to be personal or class legislation of a very unwise character. Your committee therefore recommend that this bill do lie on the table.

Mr. FIELDER. What case is that?



Mr. JONES. This is the case of Alice K. Potter. Mr. APSLEY submitted the report, and it is the unanimous report of the Committee on Invalid Pensions, in which they say that the committee has invariably of late years refused to report bills of this character. Now, Mr. Chairman, it does seem to me that this is the true doctrine. It does seem to me that if this has been the invariable policy of the committee—

Mr. LACEY. Let me call the attention of the gentleman to the fact that in the pending case the widow of the officer is drawing only \$8 a month, while in the case reported by Mr. APSLEY, from which the gentleman has just read, the widow was drawing \$30 a month, and the pending bill is a proposition to increase the pension of \$8 a month to \$30 a month, the same amount that Mrs. Potter was drawing.

Mr. JONES. I understand that. The application in the case from which I have read was to grant a pension of \$50 a month to the widow of a general. The pending bill is a proposition to grant \$30 a month to the widow of a colonel.

Mr. LACEY. He was a brevet major-general also.

Mr. JONES. I am simply reading the reasons of the committee and their conclusions. They say that this application proposes to give the widow about two and a half times as much as she was receiving. The application now under consideration is to give the widow nearly four times as much as she receives. But the committee say that their reason for reporting adversely the bill to which I have referred is that they failed to see any reason why a distinction should be made between the widow of an officer and the widow of a private. They state that position broadly; they make no exception. And this is a unanimous report. Even my friend from South Dakota [Mr. PICKLER] is supposed to have voted for the report. And the report states that it has been the invariable course of the committee in late years to make no distinction of this sort between the widows of private soldiers and the widows of officers.

Mr. HAYES. Is not that report based upon the idea that the committee would not give the widow by special act more than she would have received under the general law, provided the husband had died from injuries incurred in army service?

Mr. JONES. No, sir; not at all.

Mr. HAYES. I think that is the distinction.

Mr. JONES. Not at all. I will read the language of the report:

This committee has invariably of late years refused to report favorably bills of this character, increasing the pension of widows because of the high rank of their husbands, believing it to be personal or class legislation of a very unwelcome character.

Mr. HAYES. The gentleman fails to apprehend correctly the idea of the committee. They were unwilling to increase the pension of the widow beyond what she would receive if her husband had died of injuries incurred in the military service. They do not object to bills (because they have continually reported such bills) bringing up the pension to what it would have been if the husband had died by reason of his army service.

Mr. JONES. The gentleman is no doubt correct in saying that the committee has repeatedly reported such bills as he mentions. But in this case the committee did not make such a report, and they say they have invariably refused to do so.

Mr. HAYES. The gentleman does not get the correct meaning of the language used by the committee. What they mean is that they will not, because the applicant is an officer or the widow of an officer, increase the pension beyond what the law would give provided the disability or death had resulted from injuries received in the Army. They do not mean that they would not give an officer's widow more than they would the widow of a common soldier.

Mr. JONES. That question does not arise in this case at all. The report is a very short one, and I have read nearly everything that it contains. They base the report upon the broad ground I have stated.

Mr. HAYES. The gentleman mistakes the meaning of the committee.

Mr. JONES. I know that the committee in taking this ground is a little inconsistent. Some of the members of the committee who favor bills of the character now before us were probably absent when this report was adopted or did not understand exactly its effect. Still, the report comes before the House as a unanimous report.

Mr. HAYES. In the case to which that report refers the pension under the law would have been \$30; and the effort was to increase it to \$50 on the ground that the applicant was the widow of an officer. The committee decided that they were opposed to any such proposition.

Mr. JONES. This lady is now receiving the very highest pension that can be given under the law; and the gentleman who has charge of this bill says that he thinks it ought to be increased on account of the services or rank of her husband.

Mr. HAYES. Increased up to the amount which it would be if the soldier had died by reason of his army service.

Mr. JONES. I simply wanted to read this report so that gentlemen of the Committee of the Whole might understand the views of the committee on this subject.

The question being taken on laying the bill aside to be reported to the House with a favorable recommendation, it was agreed to; there being, on a division (called for by Mr. JONES)—ayes 53, noes 7.

MARY TUTTLE.

Mr. GRIFFIN of Wisconsin (when his name was called). I desire to call up for present consideration the bill (H. R. 5616) granting a pension to Mary Tuttle.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Mary Tuttle, formerly widow of Joseph Lester, late of Sixth Battery, Wisconsin Light Artillery, and to cause to be paid to her a pension at the rate of \$12 per month.

The report (by Mr. MARTIN) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 5616) granting a pension to Mary Tuttle, and submit the following report:

The petitioner was formerly the widow of Joseph Lester, who served in Sixth Independent Battery Wisconsin Light Artillery, from September 23, 1861, to October 10, 1864, and died April 21, 1883, from disease of lungs. In June, 1883, a pension was allowed to his widow, the petitioner, at \$8 per month from the date of his death until her remarriage to Albert Tuttle November 3, 1885, the total amount paid her being \$330.47. It appears that this was her third marriage, and that this third husband died February 6, 1891. The following statement appears in the Senate report of June 27, 1892, Fifty-second Congress:

"Mrs. Tuttle was the wife of John N. Thomas, who was a private in Company K, Twenty-third Regiment Wisconsin Volunteers, who died in the service December 16, 1862. In October, 1864, she married Joseph Lester, who belonged to the Sixth Wisconsin Battery. Lester died April 21, 1883. She applied for a pension, but there was long delay, and, being entirely dependent, she married Albert Tuttle in November, 1885. After her marriage to Tuttle she received an allowance of pension due her on her application as widow, and February 6, 1891, Tuttle died. She is three times a widow, twice the widow of soldiers. At the present time she is infirm with age and very poor."

The purpose of this bill is to place her on the pension rolls now as widow of Lester at \$12 per month.

Your committee recommend that the bill do pass after being amended by inserting, after the word "roll," in line 4, the words "subject to the limitations and provisions of the pension laws."

The amendment reported by the committee, as stated in the concluding paragraph of the report, was agreed to.

Mr. TALBERT of South Carolina. I should like to have the gentleman from Wisconsin make some statement of this case.

Mr. GRIFFIN of Wisconsin. Mr. Chairman, I do not know that I can by any further statement give any information beyond that embraced in the report. The chief question, as I apprehend, involved in this case is one of precedent; and I believe that the Committee on Invalid Pensions, which has been so careful, particularly with reference to the establishment of improper precedents, would not have reported unanimously in favor of this bill unless the precedents were such as to warrant such a report. This woman was twice the widow of soldiers; and I would ask the gentleman from South Carolina how many soldiers he would have a woman bury before he thinks she is entitled to a pension? [Laughter.]

Mr. TALBERT of South Carolina. Has she been married three times?

Mr. GRIFFIN of Wisconsin. Yes.

Mr. TALBERT of South Carolina. Was the last husband a soldier?

Mr. GRIFFIN of Wisconsin. No; he was a civilian, and died about four years ago. This lady is poor; is 64 years of age. She has no relatives younger or older than she is upon whom she may depend for her support. If the third marriage amounts to anything it cancels, according to the general law, the claim which she had upon the Government on account of her widowhood of one soldier. And, Mr. Chairman, I hope to live long enough to raise my voice in the next Congress against the unconstitutional, unnatural, and unjustifiable provision of law which assails, through the legislation of Congress passed years ago, the inalienable right of these widows to their pensions by depriving a woman who may have been the widow of a soldier of her pension if she marries again. It is unjustifiable, and is not founded on any natural law, any reason, or any logic.

Now, it may be that one claim of this woman has been canceled as against the Government; but the second claim still remains unsatisfied, and I ask the committee on that claim to lay the bill aside with a favorable recommendation.

Mr. TALBERT of South Carolina. Mr. Chairman, I do not propose to make any captious objection to the passage of this or any other pension claim, but I do think if the pension law is worth anything at all it is a law that we should obey under any and all circumstances. The law under which we are acting to-night expressly says that when a widow remarries she forfeits all rights she may have had under the pension laws; and the fact that this Congress or any other Congress has given pensions to widows in like cases to this is no reason or justification why this practice should be continued or that we should continue to violate the law and the Constitution. Hence I say I hope that the Committee of the Whole will refuse to pass this bill and that thereby we will

establish a precedent, or else stop the precedents that have heretofore been established, so as to prevent the recurrence of such unjustifiable pensions in the future.

I move that this bill be laid aside with the recommendation that it be reported to the House to lie on the table.

Mr. PAGE. I would like to ask the gentleman from South Carolina a question.

Mr. TALBERT of South Carolina. Certainly.

Mr. PAGE. I want to ask the gentleman if he does not think that a woman who is patriotic enough to marry two or three veteran soldiers ought to have at least one chance for a pension? [Laughter and applause.]

Mr. GRIFFIN of Wisconsin. I wish to extend to the gentleman from Rhode Island my thanks, and the thanks of the committee are evidently with him also for his inquiry.

Mr. TALBERT of South Carolina. I will answer the gentleman's inquiry.

Mr. PAGE. I hope the gentleman will.

Mr. TALBERT of South Carolina. The patriotism of the lady is not in question at all here. The right that this lady has under the laws of the country to a pension is the only question that we are called upon to decide; and I can find any number of ladies in my district, and other districts throughout the country, who have married four or five times [laughter] and yet to-day are poor and dependent; and you need not stand here and plead poverty as an excuse for granting pensions. If you do I can go into my district and find numbers of women and children at the very point of starvation. I can bring them up by brigades and get pensions for them under that rule, if that is to be the standard.

But, Mr. Chairman, that is not the question. The question presented here is not one of patriotism, nor a question of poverty, but of right under the law we have sworn to support as members of this honorable body; and I submit that this lady, as she is, if she had buried a hundred soldiers and a hundred civilians would not be entitled to a pension under the law of the land; and I propose to stand by the law and not by the patriotism or the poverty of this, that, or the other claimant. I hope the committee will not pass favorably upon the bill.

Mr. PAGE. I am obliged to the gentleman from South Carolina for his answer, and I wish to state to him that if any of the ladies in his district who have married four or five soldiers petition for pension while I am in Congress I will cheerfully vote for it.

The CHAIRMAN. The gentleman from South Carolina moves to lay the bill aside with the recommendation that it be reported to the House to lie on the table. That question takes precedence of the question to report favorably.

The question was taken; and on a division (demanded by Mr. TALBERT of South Carolina) there were—ayes 10, noes 45.

Mr. JONES. No quorum.

The CHAIRMAN. The Chair will appoint the gentleman from South Carolina, Mr. TALBERT, and the gentleman from Wisconsin, Mr. GRIFFIN, as tellers.

Mr. GRIFFIN of Wisconsin. With the consent of the gentleman from Virginia, under the circumstances, I withdraw the bill.

Mr. JONES. Then I withdraw the point of no quorum.

The CHAIRMAN. The bill is withdrawn, and the Clerk will proceed with the calling of the roll.

#### MARTHA CUSTIS CARTER.

Mr. GROUT (when his name was called). Mr. Chairman, I call up the bill (S. 328) granting a pension to Martha Custis Carter, widow of the late Rear-Admiral S. P. Carter.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Martha Custis Carter, widow of the late Rear-Admiral S. P. Carter, on the pension roll, subject to the provisions and limitations of the pension laws, and pay her a pension at the rate of \$75 per month, from and after the passage of this act.

The Committee on Invalid Pensions recommended the following amendment:

In lines 7 and 8, strike out the words "seventy-five" and insert the word "thirty."

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. STALLINGS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 328) granting a pension to Martha Custis Carter, have considered the same and report:

A similar bill was introduced in the House, and, having been considered by your committee, the same was reported back to the House with the recommendation that it be amended so as to fix the rating at \$30 per month, and that as so amended the bill do pass. This bill (H. R. 4794) is now on the House Calendar, and the report thereon is Report No. 1540.

Mrs. Carter is now receiving a pension of \$8 per month under the Mexican war act of January 29, 1887. She endeavored to establish a claim under the general laws, but being unable to furnish the technical proof required to show that Admiral Carter's death resulted from causes originating during his active service, her application was rejected.

Your committee recommend that the Senate bill herewith be amended so as to fix the same rating as that recommended in the House bill, i. e., \$30 per month; also that the title be changed so as to read: "A bill granting an increase of pension to Mrs. Martha Custis Carter," etc., and that as so amended this bill be substituted for the House bill and passed.

Mr. JONES. I understand there is a Senate report on this bill, and I should like to have it read in my time.

The CHAIRMAN. The Chair is informed by the Clerk that the report is not at the desk.

Mr. GROUT. I have a copy of the Senate report, made by Senator PALMER. If the gentleman from Virginia [Mr. JONES] will give his attention for a moment, I will say that this Senate report is somewhat long. It is the report on the bill as it passed the Senate, providing a pension of \$75 a month. The House having previously reported a bill at \$30, the House committee propose an amendment to this Senate bill reducing the amount to \$30 a month.

Mr. JONES. So I understand. I am very anxious to hear the Senate report, because I want to hear something about the services of the late Rear-Admiral Carter.

The Senate report (by Mr. PALMER) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 328) granting a pension to Mrs. Martha Custis Carter, have examined the same and report:

Your committee find that Rear-Admiral Samuel Powhatan Carter bore a highly honorable record in both the Army and Navy, of which the following is a synopsis:

Samuel Powhatan Carter, Tennessee, midshipman, United States Navy, February 14, 1840; passed midshipman, July 11, 1846; master, September 12, 1854; lieutenant, April 18, 1855; lieutenant-commander, July 10, 1862; brigadier-general volunteers, May 1, 1863; brevet major-general volunteers, March 13, 1865, for gallant and meritorious service during the war; honorably mustered out of volunteer service January 15, 1866; commander, United States Navy, June 25, 1865; captain, October 25, 1870; commodore, November 13, 1878; retired August 9, 1881; retired with rank of rear-admiral May 6, 1882.

We also find that a similar bill had been introduced in the Fifty-second Congress, first session, and was carefully considered by the Committee on Pensions of the Senate, and a report was made thereon by Senator DAVIS, then chairman of the committee, which is hereto appended as follows, which your committee endorse and herewith make a part of this report:

"The bill to grant a pension to Martha Custis Carter, the widow of the late Admiral S. P. Carter, is supported by most meritorious considerations.

"Admiral Carter was appointed a midshipman in the Navy February 1, 1840, and remained in constant service, having meanwhile risen to the rank of lieutenant, until July 9, 1861, when he was detailed to special duty at the War Department. This was done at his instance, in order that he might be enabled to transfer his service from the ocean to the land and to enable him to raise troops in his native State of Tennessee in defense of the Union. In this he was successful, and was commissioned as a colonel in the Army.

"He was promoted from grade to grade until he attained the rank of major-general, in which rank he served until the conclusion of the war. He thereupon resumed his position in the Navy, and from grade to grade rose to the position of rear-admiral on the retired list, May 6, 1882, and died intestate on the 26th day of May, 1891, leaving his widow little or no property.

"Services so distinguished and various should receive the fullest recognition, and the committee accordingly recommend the passage of the bill."

Your committee therefore recommend the passage of the bill as amended, by inserting in line 7, after the word "of" and before the word "dollars," the words "seventy-five;" so as to read "\$75 per month."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

#### MARIAN C. GURNEY.

Mr. HAINER of Nebraska (when his name was called). Mr. Chairman, I call up the bill (H. R. 5560) granting a pension to Marian C. Gurney.

The bill was read, as follows:

*Be enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of \$12 per month, the name of Marian C. Gurney, the indigent widow of James W. Gurney, late a captain of Company E, One hundred and twenty-seventh Regiment New York Volunteer Infantry, who was wounded at the battle of Antietam, Md., on September 7, 1862, and from the effects of which wound he died on or about May 18, 1876.

The Committee on Invalid Pensions recommended the adoption of the amendments set forth in the report.

The CHAIRMAN. The Clerk will read the report.

The report (by Mr. MEIKLEJOHN) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 5560) granting a pension to Marian C. Gurney, and submit the following report:

The claimant is the widow of James W. Gurney, who was captain of Company E, One hundred and twenty-seventh New York Volunteers, from September 8, 1862, to October 23, 1864; her marriage to him is shown by the original marriage certificate to have occurred June 17, 1873, and the fact is also shown by testimony of several witnesses as is also the fact that she has no means of support but her own labor at the washtub, and that she has not remarried since the soldier's death.

The soldier never applied for pension. It is alleged that he was wounded at Antietam, but of this there is no satisfactory proof.

The widow can not secure a pension under the general laws, for the reason that she is unable to prove positively that the soldier is dead, much less to prove that his death was due to his military service. There is abundant circumstantial evidence, as set forth more fully in the Senate Report No. 1063, tending to show that the soldier died about May 18, 1876, while on his way from Michigan to join his family in Nebraska. His family relations were pleasant; he has not been heard of for about eighteen years, and, in short, the evidence at hand leaves no logical conclusion but that he died in 1876.

In view of these facts, it seems clearly proper that the widow should be pensioned under the act of June 27, 1890, but not under the rates provided for cases where the soldier's death is clearly shown to be a result of his military service.

Your committee therefore recommend that the bill do pass after being amended by striking out the words "at the rate of \$12 per month," in lines 4 and 5, and inserting in lieu thereof the words "subject to the provisions and limitations of the act approved June 27, 1890," and by striking out all of the bill after the word "infantry," in line 8.

Mr. JONES. Mr. Chairman, this report refers to a Senate re-



port, which sets forth the circumstances of this man's disappearance, and I hope that will be read.

The CHAIRMAN. Has the gentleman a copy of the Senate report?

Mr. HAINER of Nebraska. Mr. Chairman, I have not the Senate report which is referred to in the report already read, but I have the Senate report adopted this year, which incorporates that Senate report, and I send it to the Clerk's desk. I will, however, suggest that this is the same case which I canvassed with my friend from Virginia [Mr. JONES], and the Senate report is rather long. It introduces no new fact, other than has already been stated, and I trust the gentleman will not take up the time of the committee by asking that it be again read.

Mr. JONES. I do not think that the time is at all wasted in giving the House that information. I think it is just as little as we can do, if these cases are not discussed, to have the meager facts given in the reports. I understand from this report that this man disappeared. This woman does not know whether she is a widow or not. She does not know whether this man is living or dead, and she can not, of course, trace his death to the wounds which she knows he received in the war. It does seem to me that the circumstances ought to be set forth with sufficient clearness for this committee to be able to judge whether or not the man is really dead, or whether they are simply separated. I should like to have the Senate report read.

Mr. CURTIS of New York. Does the gentleman think that the Senate report sets forth the facts in the case any more succinctly or concisely than the gentleman himself has stated them?

Mr. JONES. It sets forth the facts much more fully. I do not understand my friend from Nebraska to state the facts.

Mr. CURTIS of New York. But my friend from Virginia has already stated that the man disappeared. Eighteen years have elapsed. That is the only question, and that is known to the committee. I should think the gentleman would be willing to take a vote on that.

Mr. JONES. We should like to know the circumstances, whether they were living together or not.

Mr. CURTIS of New York. But they did live together. Why not let a vote be taken?

Mr. JONES. It will not do any harm to have the report read.

Mr. HAINER of Nebraska. Mr. Chairman, as this bill has already passed the Senate, I ask, with the consent of my friend from Virginia [Mr. JONES], to move an amendment substituting the Senate bill, which is now on the Speaker's desk, in place of the House bill.

Mr. JONES. What is the difference in the bill?

Mr. HAINER of Nebraska. There is no difference.

Mr. MARTIN of Indiana. If the Senate bill is upon the Speaker's table, I suggest that the gentleman ask unanimous consent that the Senate bill be substituted for the House bill, so that we may consider it rather than the House bill, and then have the Senate report read.

Mr. HAINER of Nebraska. That is my motion.

Mr. JONES. I would like to ask whether that can be done in Committee of the Whole?

The CHAIRMAN. The Chair desires to ask the gentleman from Nebraska where the Senate bill is?

Mr. HAINER of Nebraska. The Senate bill is on the Speaker's table. Now I move to substitute the Senate bill for the House bill.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to substitute the Senate bill for the House bill and that the Committee of the Whole to-night act upon the Senate bill instead of the House bill. Is there objection? (After a pause.) The Chair hears none.

The title of the Senate bill was read, as follows:

A bill (S. 2539) granting a pension to Marian C. Gurney.

The CHAIRMAN. The Clerk will now read the Senate report.

The Clerk proceeded to read the Senate report.

The CHAIRMAN. The Chair is informed that the Senate report is precisely in the language of the House report, which has been read once.

Mr. JONES. Mr. Chairman, I noticed when the House report was being read reference was made to the Senate report for a fuller statement.

Mr. HAINER of Nebraska. The variation is in the small type. If the Clerk will read the small type in the report of the Senate the gentleman will find the new matter.

The CHAIRMAN. The Clerk then, without reading the entire report, will read the additional facts.

The Clerk read as follows:

The following is a copy of the report made by Mr. Paddock, from the Committee on Pensions, made to the Senate in the Fifty-second Congress, first session, to accompany S. 3265:

The Committee on Pensions, to whom was referred the bill (S. 2535) granting a pension to Marian C. Gurney, have examined the same and report:

Claimant is the widow of James W. Gurney, late a captain of Company E, One hundred and twenty-seventh Regiment New York Volunteer Infantry.

The soldier was wounded in action at the battle of Antietam, Md., September 7, 1862, and is said to have died from the effects of the above-mentioned wound on or about May 18, 1876.

It appears from the evidence in the case that the widow is in destitute circumstances and dependent upon her own exertions for the support of herself and children.

Claimant states under oath that the late soldier was teaching school at Coldwater, Mich., in the year 1870; that a little while before the close of the school term a party of friends decided to leave Michigan and settle in Nebraska, and that her late husband had also decided to make his home in the State of Nebraska, but owing to the fact that his school had not as yet closed for the season, he sent her and the children with the party of friends to Nebraska, intending to follow in a few weeks; that soon after reaching Nebraska she received a card stating that her husband was very ill; that she was prostrated by a high fever and remained unconscious and helpless for a long time; that during her illness above referred to another card came announcing the death of her husband; that as soon as she was able after her recovery from sickness she made diligent and persistent efforts to ascertain the circumstances attending her husband's death, but has never been able to obtain full and satisfactory information; that she has not heard from him since the spring of 1876, and that she firmly believes that he died on or about May 18, 1876.

Mrs. Caroline Niles, formerly of Coldwater, Mich., now a resident of Nebraska, testifies that she knew Mr. and Mrs. Gurney as husband and wife, living together in happy relations, at Coldwater, Mich.; that she has personal knowledge that claimant's statements respecting the death of her husband are true in every particular.

In affidavit executed July 8, 1892, Hon. J. E. Hill, treasurer of the State of Nebraska, testifies that he has known claimant since 1860 and believes her to be a lady in whose word the utmost confidence may be placed. Mr. John A. Forbes, of Beatrice, Nebr., a gentleman of high standing, states that claimant is a person of the highest integrity and is justly entitled to a pension on account of the service and disability of her late husband.

Under similar circumstances a person not heard from within seven years would be presumed to be dead. Nothing has been heard from this soldier within the past sixteen years. It is, therefore, reasonable to conclude that he is now numbered among the dead, and that claimant as his lawful widow has a pensionable status. She has exhausted all of her sources of information respecting his death, and as he was not a pensioner during his lifetime, nor has anybody else drawn a pension on account of his service, and admitting that his death was brought about by no fault of his, the issuing of a pension certificate to claimant would be an act of simple justice to herself and children. As her needs are pressing, the allowance of her pension should not be delayed a day longer than is absolutely necessary.

The facts seem to warrant favorable action, and your committee therefore recommend the passage of the bill with the following proviso as an amendment:

Amend by adding, after the word "Infantry," in line 8, the following: "Provided, That if it shall at any time be ascertained that said James W. Gurney is living, then the pension herein granted shall cease to be paid to said widow."

The CHAIRMAN. The Chair desires to state in reference to the action of the committee a few moments ago in substituting the Senate bill for the House bill, that in the opinion of the Chair that action was without authority for this reason: The Senate bill reported from the Senate is upon the Speaker's table and has not yet been presented to the House; and therefore this committee has no jurisdiction of that bill. Without objection the action substituting the Senate bill for the House bill will be vacated. [After a pause.] The Chair hears no objection. The committee will act upon the House bill; and the Chair will suggest to the gentleman from Nebraska that if this bill is laid aside with a favorable recommendation he can substitute the Senate bill for the House bill when the bill is properly before the House.

Mr. HAINER of Nebraska. I wish, however, Mr. Chairman, to offer this amendment or proviso, which was engrafted in the Senate, so as to make it in all its terms correspond with the Senate bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding the following proviso after the word "Infantry," in line 8:

"Provided, That if it shall at any time be ascertained that said James W. Gurney is living, then the pension herein granted shall cease to be paid to said widow."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

MICHAEL GAUL.

Mr. HAINES (when his name was called). I wish to call up the bill (H. R. 5877) for the relief of Michael Gaul. I think this committee has jurisdiction over this bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and hereby is, authorized and directed to correct the record of Michael Gaul by removing the charge of desertion which now stands against him on the records of the Navy Department, and to issue to him a certificate of honorable discharge from the United States Marine Corps.

The CHAIRMAN. The Clerk will report the bill.

Mr. HAINES. It has been suggested that the words "or pension" be inserted in the bill.

Mr. MARTIN of Indiana. I desire to make a parliamentary inquiry. From what committee does this come?

Mr. HAINES. From the Committee on Naval Affairs.

Mr. MARTIN of Indiana. Then I make the point of order that we have no jurisdiction of it to-night.

Mr. JONES. This is a bill for the removal of the charge of desertion, as I understand; and the rule, as I read it, is:

That the evening session shall be devoted to the consideration of private bills reported from the Committee on Pensions and the Committee on Invalid Pensions, to bills for the removal of political disabilities, and bills removing charges of desertion only.

It does not confine the committee to bills reported from the Committee on Military Affairs.

Mr. MARTIN of Indiana. I am mistaken; I withdraw the point.

The CHAIRMAN. The Chair thinks the bill is properly before the committee. The Clerk will now read the report.

Mr. HAINES. I may say, in all fairness to the gentleman who has raised objection to this bill, that I desire to offer an amendment that is marked in pencil upon the bill.

The Clerk read as follows:

After the word "bounty," in line 9, insert the words "or pension."

Mr. JONES. Has the report been read? If it has not, I would like the gentleman from New York to make a statement in regard to the bill.

Mr. HAINES. I hope the gentleman will withdraw that request.

Mr. JONES. I will say to my friend that I am not raising any objection; but this is a bill to remove the charge of desertion, and I think the House ought to have some information upon which to act.

Mr. BAKER of New Hampshire. I think the shortest way is to have the report read.

The report (by Mr. MEYER) was read, as follows:

The Committee on Naval Affairs have considered the bill (H. R. 5877) for the relief of Michael Gaul, and submit the following report:

The purpose of this bill is to remove the charge of desertion against Michael Gaul, who was a sailor in the United States Marine Corps and Navy.

The records of the Navy Department show that he enlisted in the Marine Corps October 26, 1861, and was honorably discharged November 8, 1865; enlisted in the Navy December 17, 1866, as first-class fireman, and was honorably discharged April 23, 1870; enlisted again in the Marine Corps January 25, 1871, and deserted February 16, 1871, and the Navy Department has no authority under the general law to remove this charge.

The petitioner states, in explanation of this charge of desertion, that he was on a spree with some of his old shipmates, and when he became sober he regretted what he had done, but his health not being good he returned to his home and never returned to duty; that he wishes the charge of desertion removed for the sake of his family; that he had one brother killed in the war and another who served through the war; that he never received any bounty or prize money.

There is on file, an original number of a newspaper, the Hogo News, dated September 24, 1868, containing a letter from an officer of the United States steamer *Iroquois* describing the rescue from drowning of a Japanese (whose boat had capsized) by the united efforts of William Hawkins and Michael Gaul, at the imminent peril of their own lives.

The petitioner states that William Hawkins, above referred to, assaulted a comrade with a razor and subsequently deserted from the *Iroquois*, but was reinstated in his rank as a petty officer by the President because of his assistance in rescuing the Japanese.

Your committee recommend that the bill do pass after being amended by adding the words:

"Provided, That no arrears of pay or bounty shall be allowed to the said Michael Gaul by this act."

The amendment of Mr. HAINES to the amendment recommended by the committee was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

IDA C. MARTIN.

Mr. HARRIS (when his name was called). Mr. Chairman, I call up Senate bill No. 2032, to grant a pension to Ida C. Martin. The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Ida C. Martin, widow of John A. Martin, who was colonel of the Eighth Kansas Regiment of Kansas Infantry Volunteers in the war of the rebellion.

Mr. HARRIS. Mr. Chairman, I will simply state that this lady has never received any pension whatever, and the object of this bill is to put her upon the pension roll under the provisions of the general law. She has four young children. She is without income, and she is the widow of one of the most gallant soldiers of Kansas sent to the war.

The report (by Mr. LACEY) was read, as follows:

The Committee on Invalid Pensions have considered the bill (S. 2032) to pension Ida C. Martin, and submit the following report:

This bill proposes to pension at \$50 the widow of John A. Martin, who was colonel of the Eighth Kansas Infantry, and subsequently was governor of Kansas, manager of the National Home for Disabled Volunteer Soldiers, and commissioner of the Centennial Exposition. The claim was rejected by the Pension Bureau because of the claimant's inability to prove that the soldier's death was chargeable to his military service.

This bill passed the Senate August 10, 1894, and the Senate report, No. 640, contains the following:

"It appears from an examination of the papers that Colonel Martin enlisted on the 27th day of October, 1861, was honorably discharged November 15, 1864, and died October 2, 1890. During the campaign of 1864 he was much exposed to severe physical trials by reason of inclement weather, long marches, hard fighting, and insufficient food. By reason of these exposures and hardships he was taken down with scurvy, and with lung and throat disease, which finally resulted in his retirement from the Army after a period of more than three years' hard and faithful service.

"It appears further that the disease he contracted while in the service affected his lungs, his throat, and his skin so seriously that persons who had known him ever since that time and had been familiar with his habits readily connected his coughing and cutaneous eruptions, which were frequently exhibited afterwards, and all along during his lifetime, with his army troubles.

"After his retirement from the Army, and when he became acquainted with the lady whom he afterwards married, and who is now his widow, the claimant in this case, she frequently observed eruptions on his face and neck, accompanied by a short hacking cough, and upon calling his attention to these

matters he always attributed them to his exposure and disease during the war. Her memory upon this point is clear and her statement is explicit.

"It appears further from her testimony, and from that of several witnesses, including their family physician and his partner, that after their marriage her husband frequently told her and others that his coughing and his throat troubles and his cutaneous affection had originated in his exposures during the period of his army service.

"It is shown by the sworn statement of Mrs. Martin that Colonel Martin often said that he did not expect that he would ever be relieved from the effects of the disease which he contracted during the war; and it appears that during his last sickness he spoke several times of his disease having originated while he was in the Army."

A number of affidavits are also printed in full in the Senate report referred to.

There is record evidence of scurvy and intermittent fever in 1864.

Your committee recommend the passage of the bill, amended by striking out all after the word "rebellion," in line 7, and all of line 8, and inserting in lieu thereof the words "subject to the provisions and limitations of the general pension laws."

Mr. JONES. Mr. Chairman, I understand from the reading of the report that the claimant married this soldier after the war.

Mr. HARRIS. I believe that is true.

Mr. JONES. Can the gentleman state how long after the war she married him?

Mr. HARRIS. I think my colleague [Mr. BRODERICK] can give you the exact facts.

Mr. BRODERICK. Mr. Chairman, I probably have a more detailed knowledge of this case than my colleague who called the bill up. It is true that this lady married the deceased officer after the war. Colonel Martin served more than three years in the Army. He went in early and was in active service during the entire period. He was discharged on account of disability contracted from exposure the last year of the war. He never applied for a pension. He was the editor and proprietor of a newspaper, and while he lived he was able to earn a livelihood in that way, although he had frequent sick spells, and it was understood by all his neighbors that they were the result of disease contracted in the Army.

Nevertheless, as I have said, being able to earn a living, he never applied for a pension. He died in 1889. His widow heretofore has never applied for a pension. At the time of his death she was left with six children, five of them under sixteen, and four of them are still under the age of sixteen. She has very limited means apart from her homestead. The paper was controlled by the administrator of the estate for some time, and was then traded for encumbered town property which is yielding no income. The Senate passed a bill granting a pension of \$50 a month, but it has been amended by the House committee so as to provide that this lady shall be pensioned under the general law.

Mr. JONES. The gentleman has not yet answered the question I propounded as to the time when this lady married Colonel Martin.

Mr. BRODERICK. She married him after the war.

Mr. JONES. I gathered from the report that it was after the war, but how long after the war?

Mr. BRODERICK. Three or four years, I think.

Mr. JONES. Then of course she did not share any of his privations during the war. Now, if this bill should pass, those four children who are under sixteen years of age would also draw pensions, would they not?

Mr. BRODERICK. That may be.

Mr. JONES. So that the effect of the passage of this bill would be not only to give this lady a pension of \$30 a month, but also to give those children pensions.

Mr. BRODERICK. Until they are sixteen.

Mr. JONES. What are the ages of the children now?

Mr. BRODERICK. The fourth one is nearly sixteen; the youngest is about six. As I have already said, the widow has never received any pension.

Mr. JONES. Now, if it is so well understood in that community that the soldier died from disease contracted in the service, how does it happen that the widow can not establish her claim at the Pension Bureau?

Mr. BRODERICK. I am glad the gentleman called my attention to that point. The records show that Colonel Martin was in the hospital while in the service and was treated for scurvy and lung trouble, and he died of lung trouble. The army surgeon who treated him there is dead, and one of the physicians who treated him three or four years after he came out of the Army is also dead, so that his treatment from the time he first contracted the disease up to the time of his death can not be traced continuously and established by regular proof. Only for that the widow could have had a pension under the general law.

Mr. JONES. And this bill proposes to give her how much?

Mr. BRODERICK. Just what she would get under the general law, \$30 a month.

Mr. JONES. The husband's rank was what?

Mr. BRODERICK. He was a colonel. When he enlisted he was made lieutenant-colonel. He was soon promoted to be colonel for gallant services, and in the latter part of his service he commanded a brigade, and was a brevet brigadier-general at the time



of his discharge. There are gentlemen here, I believe, who served with him in the Army.

Mr. FIELDER. Mr. Chairman, I would state that I knew Colonel Martin very well in the war and after the war. I understood that there had been a false statement or intimation made about his habits after the war, and I want to state here, very frankly, that he was my guest several times at banquets in my city, and on several occasions when opportunity was offered (and I was the party who offered the indulgence) Colonel Martin refrained absolutely from taking any liquor whatever. I want to say further that Colonel Martin was as good a soldier as ever lived or ever served in the Army, and his disease, I believe, was contracted in the service.

Mr. JONES. Do I understand the gentleman to say that it has been suggested that this soldier's death resulted from his habits?

Mr. FIELDER. I understood the insinuation had been made.

Mr. JONES. Where?

Mr. FIELDER. It was made in my presence.

Mr. JONES. Before the committee?

Mr. FIELDER. Not before the committee. Some years ago.

Mr. JONES. Not in connection with this application?

Mr. FIELDER. No; not in connection with this application. But the insinuation having been made, I want to refute any statement that this gentleman's habits were of such a nature as would be calculated to hasten his death. On the contrary, in my estimation, a more exemplary man never lived.

The question being taken on the amendment, it was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

CARRIE H. GREENE.

Mr. CLARKE of Alabama (when the name of Mr. HARRISON was called). At the request of my colleague [Mr. HARRISON], who is absent, I ask unanimous consent to call up a bill introduced by him—the bill (H. R. 8690) for the relief of Carrie H. Greene.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to call up a bill for his colleague [Mr. HARRISON], who is absent. Is there objection? The Chair hears none.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Carrie H. Greene, of Lee County, Ala., widow of John W. Greene, late member of Captain Jones's company of Georgia Volunteers, Indian war of 1836, subject to all of the conditions of the act of July 27, 1892, except the provision of the said act requiring the soldier to have rendered thirty days' actual service against hostile Indians, which provision is hereby waived in her behalf. This pension to date from the 29th day of October, 1893.

The report (by Mr. STALLINGS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8690) granting a pension to Carrie H. Greene, have considered the same and respectfully submit the following report:

The claimant is the widow of John W. Greene, late a private in Capt. S. A. H. Jones's company of Georgia Volunteers in the Creek Indian war of 1836. The soldier in his lifetime made application for a pension under the Indian-war act of July 27, 1892, and the records showing that, including fifteen days' travel, he served forty-two days in said war, his claim was allowed and he remained on the roll until his death on October 29, 1893.

This widow, the beneficiary, then made application under the act referred to, but the fifteen days' travel included in the soldier's case was not allowed in her claim by the Department, and her application was rejected on the ground of insufficient service. The reason for this was that, subsequent to the allowance of the soldier's claim, departmental decisions in what are known as the "Blazer and Bailey" cases declined to accept time consumed in travel to and from the rendezvous of the organization at the time of enlistment and discharge.

As stated above, it is conceded in the soldier's case by the Department that, including the fifteen days' travel referred to above, the period of his service was twelve days more than is required to give title under the general act granting pensions to Indian-war veterans and their widows.

Mrs. Greene was married to the soldier in 1856. She is now well advanced in years, an invalid, and wholly unable to do anything toward earning a support; and the pension carried by the bill is greatly needed to provide her a comfortable maintenance.

The passage of the bill is respectfully recommended with amendment striking out all after the word "behalf," in line 12; also with an amendment changing the title of the bill so as to read: "A bill granting a pension to Carrie H. Greene."

The amendment reported by the committee to strike out at the end of the bill the words "the pension to date from the 29th day of October, 1893," was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

ELIZABETH L. MARKHAM.

Mr. HAYES (when his name was called). I call up the bill (H. R. 7671) granting a pension to Elizabeth L. Markham.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth L. Markham, widow of Rufus A. Markham, late of Company G, Fiftieth Regiment Pennsylvania Infantry, and pay her a pension of \$12 per month.

The amendment reported by the committee was read, as follows:

Strike out the word "twelve," in line 8, and insert in lieu thereof the word "eight," and add at the end of the bill the words, "Provided, That pension under this act shall cease in case it be shown that said soldier is alive."

Mr. HAYES. If it be acceptable to the committee, I think I can state this case in less time than it will take to read the report; and upon the statement of the case I think there will be no objection to it. This lady is a neighbor of mine, and the facts are within my own knowledge. The only reason she has not been granted a pension at the Pension Office is that she has not been able to show, in accordance with the rules and requirements of the Bureau, the death of her husband. He has been absent and not heard from for more than twelve years. The relations between her and her husband were entirely pleasant. He left about twelve years ago to go to Chicago to obtain work. He immediately dropped out of sight and has never been heard from since. There is practically no question about his death. That fact is accepted by his family and everyone else. The amendment provides that if he should hereafter prove to be alive this pension shall cease.

Mr. JONES. I think we had better hear the report.

Mr. HAYES. I have stated all there is in it. This man is not drawing any pension; the records show that. His wife's application for pension was rejected at the Department simply for the reason I have stated.

Mr. JONES. I accept the gentleman's statement, though I think as a general rule reports ought to be read.

Mr. MARTIN of Indiana. I ask that the report be printed in the RECORD.

There was no objection.

The report (by Mr. LACEY) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7671) granting a pension to Elizabeth L. Markham, having examined and considered the same, submit the following report:

Mrs. Markham was the wife of Rufus A. Markham, Company G, Fiftieth Regiment Pennsylvania Infantry, in which he served as fifth sergeant, having been appointed to that position in 1862, while serving in the regiment in which regiment he so continued to serve until honorably discharged in 1865. They were married September 17, 1859. Mr. Markham never made any application for pension, although it is claimed by his family that he was entitled to a pension by reason of the breaking down of his health in the service.

Mrs. Markham made application for pension in the Department under the law of 1890, and although she has shown everything to entitle her to a pension under that act, except absolute proof of the death of the soldier, her husband, her claim has been rejected on the ground of failure to show that fact, but the affidavits in the Department show that over twelve years ago he left his home for the purpose of securing some employment and that he has never been heard from since.

It is represented that his relations with his family were pleasant and that he was so situated and surrounded that there is no reason to believe that he would not have made his whereabouts known and returned if alive, and his family implicitly believe that he is dead, and to so presume is entirely in accord not only with the general principles of law upon this subject, but with the precedents of this committee. Hon. W. I. HAYES states personally that he is well acquainted with Mrs. Markham, and that he knows of the disappearance as above stated, and that he has been absent and his whereabouts unknown for about twelve years, and the common belief and report is that the soldier is dead.

Your committee therefore recommend that the bill do pass after being amended by striking out the word "twelve," in line 8, and inserting in lieu thereof the word "eight," also by adding at the close of the bill the words, "Provided, That pension under this act shall cease in case it be shown that said soldier is alive."

The amendment reported by the committee was agreed to.

The bill as amended was laid aside to be reported favorably to the House.

WILLIAMSON DURLEY.

Mr. HENDERSON of Illinois (when his name was called). I call up the bill (H. R. 8888) granting a pension to Williamson Durley.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Williamson Durley, who was a private in the company of Capt. George B. Willis, Fortieth Regiment, Fourth Brigade, First Division of the Illinois State Militia, and who served as such in the Indian war of 1832, known as the Black Hawk war, and pay to him a pension at the rate of \$8 per month.

The report (by Mr. MOSES) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8888) granting a pension to Williamson Durley, have considered the same and respectfully report as follows:

The claimant, Williamson Durley, swears that in June, 1831, he enlisted in Captain Campbell's company of Illinois Volunteers in the Black Hawk war, and served therein for a period of about thirty-one days; and, further, that in 1832 he again enlisted, under Capt. George B. Willis, and served for a period of nineteen days. A record of the claimant's service in Captain Campbell's company has not been obtained by your committee, but a certified copy of the rolls of Captain Willis's company is on file, and shows the nineteen days' service alleged by the claimant in that organization.

Mr. Durley is now 86 years old, and unable to do anything toward earning a support.

The passage of the bill is respectfully recommended, with an amendment fixing the rate of pension at \$12 per month, so as to conform to the ratings allowed pensioners under the general Indian-war act by a bill which passed the House at this session and is now on the Senate Calendar.

The amendment reported by the committee to strike out "eight" and insert "twelve," so as to make the rate of pension \$12 per month, was read and agreed to.

The bill as amended was laid aside to be reported favorably to the House.

## JOSEPHINE FOOTE FAIRFAX.

Mr. HENRY (when his name was called). Mr. Chairman, I call up for present consideration the bill (S. 1530) granting a pension to Josephine Foote Fairfax.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine Foote Fairfax, widow of the late Rear-Admiral Donald MacNeil Fairfax, of the United States Navy, at the rate of \$100 per month.

The report (by Mr. PICKLER) was read as follows:

The Committee on Invalid Pensions have considered the bill (S. 1530) to pension Josephine Foote Fairfax, at \$100 per month, and submit the following report:

This bill (S. 1530) passed the Senate on July 28, 1894. The Senate report makes the following statement:

"The applicant is the widow of the late Rear-Admiral Donald MacNeil Fairfax, of the United States Navy, and the daughter of Rear-Admiral Andrew Hull Foote. Both these officers served with great distinction, and their careers reflect credit to a remarkable degree upon the American Navy.

"Rear-Admiral Foote was born in Connecticut September 12, 1800. He was a son of United States Senator S. A. Foote, of that State. Entering the Navy as a midshipman in 1822, he saw active service almost immediately under the elder Porter in breaking up the piratical haunts in the West Indies. He became lieutenant in 1830.

"During the years 1849, 1850, and 1851, while in command of the *Perry*, he did effective service in the suppression of the African slave trade. While commanding the *Plymouth* in China in 1854, protecting American property during hostilities between Great Britain and China, he was fired upon by the forts on Canton River. An apology being refused he attacked the forts, carrying them by storm. At the outbreak of the war of the rebellion he was selected to command the flotilla forming on the western waters. His conduct in connection with this and similar subsequent duty was so conspicuously fine that in June, 1862, he received the thanks of Congress and was made a rear-admiral. In June, 1863, he was selected to succeed Rear-Admiral Du Pont in command of the fleet off Charleston; but while on his way to assume this command he died in New York, June 26, 1863.

"Rear-Admiral Fairfax was born in Virginia March 10, 1821, and appointed midshipman in the Navy August 12, 1837. During the Mexican war he served on the California station and took part in the capture of Mazatlan and Lower California. At the outbreak of the war he had been promoted through successive grades to lieutenant, and was serving as executive officer of the *San Jacinto*. The boarding of the British mail packet *Trent*, and the taking therefrom Mason and Slidell and their secretaries, Eustis and MacFarland, was directed in person by Lieutenant Fairfax, a most delicate and important event.

"In May, 1862, he was ordered to command the *Cuyaga*, reporting to Admiral Farragut, off New Orleans. In January, 1863, he was ordered north to command the monitor *Nantuxet*, just built at South Boston. He was afterwards transferred to the *Montauk*, and participated in all the principal operations before Charleston. He was commissioned as rear-admiral July 11, 1864, and in the following year was placed on the retired list, having been forty-four years in active service, twenty-four years of which were spent at sea. He died at Hagerstown, Md., January 10, 1894."

In addition to this, your committee have the following evidence before them:

The clerk to the county commissioners at Hagerstown, Md., certifies under seal that Mrs. Josephine Fairfax is assessed for real and personal property to the amount of \$4,300. Mr. Buchanan Schley, of Hagerstown, writes that of this \$4,000 is for real estate, namely, her house, and \$300 for furniture.

Dr. A. S. Mason, Buchanan Schley, and J. C. Lane testify that Mr. Fairfax died in January, 1894, leaving no estate at all; that his widow's means are so limited as to be wholly insufficient for the support of herself and three unmarried daughters, who are dependent upon her, one of whom is in delicate health. The house in which she lives, and which she owns, is assessed at \$4,300.

Your committee is advised that the petitioner married the deceased officer about ten years before his death.

Your committee recommend that the bill be amended by striking out the words "one hundred," in line 8, and inserting in lieu thereof the word "thirty," and that as so amended the bill do pass.

The CHAIRMAN. The question is on the amendment recommended by the committee.

The amendment was agreed to.

Mr. MARTIN of Indiana. Mr. Chairman, I want to call the attention of the committee to this phase of the pending question: This lady was a widow and married Rear-Admiral Fairfax about ten years ago. The daughters to whom reference is made in the report here are not his children, and of course I mean no reflection upon the lady. No word that I say should be construed as a reflection upon her in anywise whatever. But she was not his wife during the time of his naval service. She married him some two or three years, not more than that, before he was placed upon the retired list. She is reported as having property which is assessed in value at \$4,300, and is drawing no pension.

There is no pretense, as I understand it, that the death of this officer was due to his naval services. There is no allegation or claim that his death was due in any way, even remotely, to that service; and if in any statement I now make I am at all incorrect I shall be very much obliged to any gentleman to correct me. I want to lay before the House the matter in its exact form, to show that this is simply a service pension and nothing more; where the husband of the recipient did not die as a result of the service rendered to his country. I believe this is a class of bills that ought not to be passed, although in saying that I say it with the very deepest regret that I can express.

But I feel it to be my duty to lay these facts before the committee to show that this is a service pension pure and simple.

Mr. McKAIG. Mr. Chairman, I would like to state to the committee that all the facts detailed by the chairman of the Committee on Invalid Pensions were presented in full before the Com-

mittee on Invalid Pensions when this case was examined, and were in possession of the committee when the report was made. They had full and fair knowledge of the fact that this lady was not the wife of Admiral Fairfax at the time of his services. He served the United States Government for over forty-four years. After his active service had terminated he was placed upon the retired list and went into the district that I have the honor to represent on this floor, making his residence in the city of Hagerstown; and I believe it was there he met this lady who became his wife. She is the daughter of Admiral Foote, a man who has performed for his country most gallant and meritorious services. She was a widow when he married her, and was his wife for ten years before his death.

He was on the retired list about four years previous to his death. The children the gentleman from Indiana speaks of are the children of her first husband. One of the young ladies is quite a delicate invalid, who has to make her own living and assist her mother as far as she is able by doing fancy work. The other daughter teaches school.

Mrs. Fairfax has no means or income at all. The property she has is assessed at \$4,000, real estate, and \$300 in household furniture; all of the property being inside of the limits of the town of Hagerstown, and is heavily taxed.

Mr. MAHON. May I ask who presented this bill?

Mr. McKAIG. This is a Senate bill. I would not have had it called up by another gentleman, except that it is a Senate bill, and my colleague, under the order adopted to-night, called it up.

Mr. HICKS. This pension is for the widow?

Mr. McKAIG. Yes; for the widow of Admiral Fairfax.

Mr. HERMANN. What is the amount?

Mr. McKAIG. It was originally \$100, but it has been cut down to \$30 by an amendment in committee.

Mr. HERMANN. She would be entitled to that under the general law.

Mr. McKAIG. She would be entitled to a pension of \$30 provided the officer had died in line of duty.

Mr. HERMANN. And she has no income?

Mr. McKAIG. None at all.

Mr. HERMANN. Then let us vote.

Mr. McKAIG. The real estate is taxed heavily and she gets nothing in the shape of revenue from it. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on laying aside the bill with a favorable recommendation.

Mr. JONES. Mr. Chairman, I would like to accommodate my friend from Oregon and other gentlemen by voting at once on this bill, but it seems to me that this is a matter that should be very carefully considered before the vote is taken.

I know I can not add anything to what has been said so ably and forcibly by the chairman of the Committee on Invalid Pensions, but I want to call the attention of the House to one fact in this connection, and that is that at a previous session of the House we refused in Committee of the Whole to pass just such a bill. We voted down a bill to pension the widow of an officer, the widow having married the officer long after the war, but there having been no children as the result of the marriage. In that case it was shown to the House that the officer had rendered over forty years' service to the Government, and it was claimed that his services had been longer and more meritorious than those of any other that could possibly come before the House.

That matter was fully discussed. A vote was had in the Committee of the Whole, and the Committee of the Whole voted that bill down. Now, here is precisely a case of that character, and I hope that that committee will not undertake to adopt a precedent of this sort.

This bill came from the Senate at \$100 a month. There is not a gentleman here who does not know that when these large bills are amended and cut down in the House they go back to the Senate, and there is a conference committee appointed, and gentlemen know that the Senate, as we have seen to-day, insist either upon retaining the figure fixed by that body or they compromise the matter by fixing an intermediate sum.

Mr. MARTIN of Indiana. Will the gentleman indicate the case to-day?

Mr. DOCKERY. They receded in those cases to-day.

Mr. JONES. I thought the Senate had insisted in the cases to-day.

Mr. MARTIN of Indiana. In both cases reported to-day the Senate receded.

Mr. JONES. The gentleman may be correct about the cases to-day, but there have been cases in the last day or two, and I know of a case now pending, in which that question has arisen. Gentlemen insist that they can not control these bills after they get back to the Senate, and that the Senators having charge of them insist upon these large pensions.

Mr. McKAIG. I will guarantee that nothing will be asked beyond the \$30 in this case.



Mr. JONES. I will accept the gentleman's statement, but I want to say here that recently a bill was passed, and that statement was made to me by a member of this House, but the bill went to the conference committee, and that gentleman was not a member of that conference committee. What has been the result of it I do not know. But I was informed by a gentleman who was on the committee that no protest had been made, and that the Senate insisted upon its amendment, and the gentleman was powerless to prevent it.

Mr. HERMANN. Let us vote on this one.

Mr. JONES. I am tired of that sort of thing, so far as I am concerned.

Several MEMBERS. We are all tired.

Mr. JONES. I know you are tired, but your fatigue goes to the extent of desiring to get these bills off the Calendar as rapidly as possible, so that you may call up others in which you are interested. I do not look at it from that standpoint.

I think that each one of these bills ought to be carefully considered. I do not think this bill ought to be passed. I think it is a very bad precedent to establish; but if it is passed, I am glad that I have the assurance of my friend from Maryland that it will not be increased to more than this amount, and that that sum will be accepted, and that he will see that it is not raised. I shall, however, vote against the bill and oppose it under any circumstances, but I am glad that the gentleman has given us that assurance.

The CHAIRMAN. The question is on laying aside the amended bill with a favorable recommendation.

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. JONES demanded a division.

The committee divided; and there were—ayes 37, noes 5.

Accordingly the bill was laid aside to be reported to the House with the recommendation that as amended it do pass.

DAVID H. SEXTON.

Mr. HERMANN (when his name was called). Mr. Chairman, I call up the bill (H. R. 5301) granting a pension to David H. Sexton for services in Oregon Indian wars.

Mr. JONES. I understand now why the gentleman wanted a vote on the bill which was just under consideration. [Laughter.]

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, directed to place on the pension roll of the Government the name of David H. Sexton, of Capt. Robert Williams's Company E, Second Regiment Oregon Volunteers, for meritorious service, and for wounds received by hostile Indians, in the Oregon Indian war of 1855 and 1856 in Oregon, then a Territory, and allow him a pension at the rate of \$25 per month.

The Committee on Pensions recommended the amendment set forth in the report.

The report (by Mr. TAWNEY) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 5301) granting a pension to David H. Sexton, have considered the same and respectfully report as follows:

The records of the Second Auditor's Office, Treasury Department, show that David H. Sexton was enrolled August 21, 1853, as a private in Captain Owens's Company, Colonel Lane's Oregon Volunteers, Rogue River Indian war, and that he was discharged with the company September 14, 1853.

He also served in Company E, Second Regiment Oregon Volunteers, commanded by Capt. R. L. Williams and Hugh O'Neill, from November 13, 1855, to February 1, 1856. This last service is a matter of record in the office of the Third Auditor of the Treasury.

Mr. Sexton swears that while in his last service he participated in four engagements with the Indians, and that in the battle of Battle Bar, on Rogue River, November 23, 1855, the bones of his left leg were shattered by a rifle shot, causing permanent lameness of the leg. He further declares that he is 66 years old, in feeble health, and without property of any productive value. He resides at Lucky Queen, Josephine County, Oreg.

Abram Cole, a citizen of the above-named county and State, testifies that he was a member of the same company and regiment with claimant, and fully corroborates, from personal knowledge, all of the latter's allegations respecting the receipt of a wound, and his age, disability, and dependence.

The existence of the wound is also testified to by Dr. W. F. Kremer, who states that there is a cicatrized wound upon the lower third of the left leg and an indentation in the tibia, indicating clearly that when the wound was received the tibia was badly fractured. The doctor also testifies that the beneficiary is feeble from the effects of rheumatism.

In view of the circumstances, your committee recommend the passage of the bill, amended, however, by striking out the word "twenty-five," in line 10, and inserting in lieu thereof the word "twelve;" so as to allow a pension of \$12 per month.

Mr. JONES. I hope the gentleman from Oregon [Mr. HERMANN] is not so anxious for a vote that he will fail to make a statement about this bill. I understand this man was not in the service of the United States.

Mr. HERMANN. He was in the Territorial service. At that time Oregon was a Territory, and he was one of the volunteers under the Territorial government. He is on the muster roll, now of record in the War Department.

Mr. JONES. Has he ever applied for a pension?

Mr. HERMANN. He has never applied for a pension, and could not get it if he did, because there is no law pensioning the old Indian war survivors after 1843.

Mr. JONES. Does not the gentleman think this is one of those cases that ought to be covered by general legislation?

Mr. HERMANN. I do think there ought to be a general law covering these cases, but I also think that this bill ought to pass. I do not wish to detain the committee, because we have only a few minutes remaining. I know this man. He is old and in poverty. He has a lame leg, which was shattered by a rifle ball fired by an Indian at the battle of Battle Bar, Rogue River, November 23, 1855. One of his comrades who was present by his side at the time saw him fall to the ground as the effect of the shot. There is testimony which amply establishes the fact. A physician also testifies. There are a good many precedents for legislation of this kind.

The amendment recommended by the committee was agreed to. The bill as amended was ordered to be laid aside to be reported to the House with the recommendation that it do pass.

MARY JANE LYNN.

Mr. HICKS (when his name was called). Mr. Chairman, I call up for consideration the bill (H. R. 6565) granting a pension to Mary Jane Lynn.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll the name of Mary Jane Lynn, the daughter of John R. Lynn, who served as a private soldier from the State of Pennsylvania under General Wayne in the war of the Revolution, and allow the said Mary Jane Lynn a pension at the rate of \$12 per month.

Mr. DOCKERY. I understand this lady is 76 years old, and is the daughter of a Revolutionary soldier.

Mr. HICKS. That is right.

The report (by Mr. LUCAS) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6565) granting a pension to Mary Jane Lynn, and appropriating money therefor, having had the same under consideration, submit the following report:

Mary Jane Lynn, the applicant, is now over seventy-six years of age, and resides in the city of Altoona, Pa. She was born in Union County, Pa., November 23, 1817, and is the only surviving child of John R. Lynn and Jane Lynn. John R. Lynn, her father, enlisted as a private in Captain Gill's company of Colonel Moylan's regiment of Pennsylvania volunteers in 1780, to serve during the war, and resided at the time of his enlistment at Lancaster, Pa., and was honorably discharged from service.

At the age of 45 years he was granted a pension as a Revolutionary veteran, his application being dated April 6, 1818. He died in Union County, Pa., September 23, 1847, and left to survive him a widow and the applicant, who continued to reside with her mother until her mother's death in 1854. Miss Lynn, the applicant, is a maiden lady, and is in indigent circumstances, and has made her living as a seamstress. She is now of such an age and is so infirm that she is unable to follow her employment, and is dependent to a very large degree upon her friends (she having no relatives) for support.

All the facts relative to the service of the soldier are shown in the papers on file at the Pension Bureau; and Hon. J. D. HICKS, the gentleman who introduced the bill in the House, certifies from personal knowledge to the relationship, age, and dependence of the beneficiary.

There are several precedents for the proposed legislation, and in the light of the claimant's necessities circumstances, your committee believe that the small pension proposed in the bill should be allowed to her. The passage of the bill is, therefore, recommended.

The bill was ordered to be laid aside with a favorable recommendation.

ASA HALL.

Mr. HOOKER of New York (when his name was called). Mr. Chairman, I call up for consideration the bill (H. R. 8178) to correct the military record of Asa Hall.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, directed and empowered to remove the charge of desertion standing against the name of Asa Hall, late a private of Capt. James Houser's company, United States Artillery, and to grant unto the said Asa Hall a certificate of honorable discharge from said service.

Mr. HOOKER of New York. Mr. Chairman, I desire to make a short statement, as I have to catch a train in a few minutes. The facts are briefly these: A bill passed the House granting a pension to the widow of this soldier at the rate of \$12 per month as the widow of a soldier of the war of 1812. The bill went to the Senate, and they refused to report it from the Committee on Pensions for the reason that it appeared that the soldier was borne on the rolls as a deserter. The record shows, however, that he was in the service two years, and only fourteen days' service was necessary to entitle his widow to a pension. The committee thought that that service was sufficient. And inasmuch as the records of the War Department were very inaccurate as to service in the war of 1812, they thought the claim should be allowed for a pension of \$12 a month. This bill is simply to correct the record, so that this widow can get a pension. She is now 84 years of age, and in destitute circumstances.

The bill was ordered to be laid aside with a favorable recommendation.

CHARLES E. JONES.

Mr. HUDSON (when his name was called). Mr. Chairman, I ask for the present consideration of the bill (S. 2351) granting a pension to Charles E. Jones.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Jones, late photographer for the Eleventh Pennsylvania Cavalry Volunteers, said pension to be at the rate of \$30 per month.

The amendment recommended by the committee was read, as follows:

In line 8 strike out the words "of \$30 per month" and insert the following: "proportionate to the degree of disability from gunshot wound of the back and results."

The report (by Mr. MARTIN of Indiana) is as follows:

The Committee on Invalid Pensions have considered the bill (S. 3351) to pension Charles E. Jones, and submit the following report:

This bill passed the Senate January 24, 1895, and fixes the rate of pension at \$30 per month.

The petitioner, Charles E. Jones, was not a soldier. He was a civilian, who accompanied the Eleventh Regiment Pennsylvania Cavalry as a photographer. It is shown by the evidence that on one occasion, while taking a photograph of Longstreet's fortifications, under orders of Gen. John Peck, he received a gunshot wound across the small of the back from one of Longstreet's sharpshooters.

The petitioner has since become almost totally blind, and it is claimed that this is a result of the wound referred to, but it is not shown to the satisfaction of the committee that the present condition is chargeable to said wound.

The policy of the committee has been well defined in cases of this kind, namely, to report bills to pension civil employees and nonenlisted men only for wounds or injuries received in battle.

It does not appear that this man was wounded in battle, but the testimony does show that he was acting under orders and received the wound at the hands of the enemy. Your committee therefore favor pensioning him for this gunshot wound and its direct results only, and therefore recommend that the bill do pass after being amended as follows:

Strike out the words "of \$30 per month," in line 8, and insert in lieu thereof the words "proportionate to the degree of disability from gunshot wound of the back and results."

The amendment recommended by the committee was agreed to.

Mr. JONES. Mr. Chairman, I understand this is not a bill to pension a soldier at all. This bill is to pension a photographer who was with the Army, and he does not claim to have been a soldier, unless I am mistaken about it. I would like to hear a statement concerning the bill. I certainly will object most strenuously to pensioning photographers.

Mr. HUDSON. Mr. Chairman, I think the inquiry of the gentleman from Virginia is perfectly proper. However, I will state that this is a Senate bill, that it passed the Senate without objection, was unanimously reported by the Senate Committee on Pensions, came to this House, and was unanimously reported by the Committee on Pensions of this House. This man was with the command of Gen. John A. Peck, who commanded a portion of the troops of Pennsylvania. He had been in company with the Army, and he was directed to go and take a photograph of General Longstreet's position for the use of the Army. He went to take that photograph, and while doing so was shot across the back and his back was broken. He is to-day helpless and blind.

The amendment recommended by the committee was agreed to.

The question was taken on ordering the bill as amended to be laid aside with a favorable recommendation, and the Chairman announced that the ayes seemed to have it.

Mr. JONES. Division.

The committee divided; and there were—ayes 27, noes 1.

So the bill was ordered to be laid aside with a favorable recommendation.

Mr. MARTIN of Indiana. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. DOCKERY having resumed the chair as Speaker pro tempore, Mr. BRETZ, Chairman of the Committee of the Whole, reported that that committee had had under consideration sundry bills on the private calendar and had directed him to report the same to the House with various recommendations.

Mr. MARTIN of Indiana. Mr. Chairman, I ask unanimous consent that the previous question be considered as ordered on each of the bills reported by the Committee of the Whole to the House to-night, with the right of fifteen minutes' debate on each side, subject to the right of way of revenue and general appropriation bills.

There was no objection, and it was so ordered.

The SPEAKER pro tempore. The hour of 10.30 having arrived, the House stands adjourned until 11 o'clock a. m. to-morrow.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MARTIN of Indiana, from the Committee on Invalid Pensions: A bill (S. 2491) granting a pension to Mary A. Hall. (Report No. 1912.)

Also, a bill (S. 2671), with an amendment, granting an increase of pension to Florence W. Buskirk. (Report No. 1914.)

By Mr. BUNN, from the Committee on Claims: A bill (H. R. 8668) for the relief of George F. Horton. (Report No. 1915.)

By Mr. CAMPBELL, from the same committee: A bill (H. R. 3671) for the relief of George Rushburger. (Report No. 1916.)

#### ADVERSE REPORT.

Under clause 2 of Rule XIII, Mr. LOUD, from the Committee on Claims, reported adversely the bill (H. R. 7738) to appropriate a certain sum for the purchase of eight acres of land for the benefit of Portage Lake harbor of refuge, Manistee County, Mich.; which, with the accompanying report (No. 1917), was ordered to be printed and laid on the table.

#### PUBLIC BILLS AND MEMORIALS.

Under clause 3 of Rule XXII, a bill and a memorial of the following titles were introduced, and severally referred as follows:

By Mr. DOCKERY: A bill (H. R. 8939) to abolish the office of Solicitor of Internal Revenue, and for other purposes—to the Joint Commission of Congress to Inquire into the Status of Laws Organizing the Executive Departments.

By Mr. HARTMAN: A memorial of the joint assembly of Montana, asking for the setting aside of a portion of the Fort Shaw Military Reservation for school purposes—to the Committee on the Public Lands.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented, and referred as follows:

By Mr. CLARKE of Alabama: A bill (H. R. 8940) to increase the pension of John T. Walton, of Marengo County, Ala.—to the Committee on Pensions.

By Mr. SPRINGER: A bill (H. R. 8941) for the relief of Benjamin J. Kilbourn—to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS of Pennsylvania: Memorial of the Manufacturers' Club of Philadelphia, for legislation to enlarge the tariff so as to produce sufficient revenue for the needs of the Government—to the Committee on Ways and Means.

By Mr. BELL of Colorado: Petition of Progress Assembly, No. 399, Knights of Labor, Durango, Colo., praying for the free coinage of silver and against bond issues, etc.—to the Committee on Coinage, Weights, and Measures.

Also, protest of Progress Assembly, No. 399, Knights of Labor, Durango, Colo., against any further suspension of the mining assessment law—to the Committee on Mines and Mining.

Also, petitions of Junior Order of United American Mechanics, of Creede, and of citizens of Pueblo, Colo., praying that the right of franchise be granted only to bona fide citizens of the United States—to the Committee on the Judiciary.

By Mr. GRIFFIN of Michigan: Resolutions of the Chamber of Commerce of Detroit, in favor of hydrographic service for Detroit—to the Committee on Naval Affairs.

By Mr. HARMER: Resolution adopted at a meeting of 140 citizens of Tacony and 75 of Harrowgate, Philadelphia, Pa., in favor of maintaining civil and religious liberty by absolute separation of church and state, and in favor of an amendment to the Constitution of the United States against the use of the property or credit of the United States or any State, or any money raised by taxation, for maintaining any institution wholly or in part under sectarian or ecclesiastical control—to the Committee on the Judiciary.

Also, preamble and resolution adopted at a meeting of 140 citizens of Tacony, Philadelphia, and 75 of Harrowgate, Philadelphia, Pa., setting forth that in a number of States the right of franchise is granted to aliens after a residence of from four to five months to one year, and, that the rights of the legal citizens may not be abridged, petitioning that Congress shall adopt a joint resolution proposing an amendment to the Constitution of the United States that no State shall grant the right of franchise to any person in violation of the law of the United States—to the Committee on the Judiciary.

By Mr. HENDERSON of Iowa: Resolutions of the Manufacturers' Club of Philadelphia, denouncing the recent gold-bond transaction of the Government—to the Committee on Ways and Means.

By Mr. McCLEARY of Minnesota: Resolutions of the Minne-



sota Academy of Natural Sciences, favoring special postal rates for science specimens exchanged by collectors—to the Committee on the Post-Office and Post-Roads.

By Mr. MAGUIRE: Petition of the Chamber of Commerce of San Francisco, Cal., urging the laying of the Hawaiian cable—to the Committee on Interstate and Foreign Commerce.

Also, petition of residents of Los Angeles, Cal., against imposing a tax upon the funds of mutual life and accident insurance companies—to the Committee on Ways and Means.

By Mr. PENCE: Petition against exempting mining claims from annual assessment work—to the Committee on Mines and Mining.

By Mr. RICHARDS: Petition of citizens of Mount Eaton, Ohio, against sectarian appropriations—to the Committee on the Judiciary.

By Mr. RICHARDSON of Michigan: Petition of W. R. McMurray and 25 others, citizens of Ada, Kent County, Mich., for the passage of the bill to give the States full control over the manufacture and sale of oleomargarine and other imitations of butter—to the Committee on Agriculture.

By Mr. SCRANTON: Petition of Cigar Makers' Union No. 295, of Scranton, Pa., in favor of House bill 5603—to the Committee on Merchant Marine and Fisheries.

By Mr. WOOLMER: Petition of 74 citizens of Oberlin, Pa., praying for a constitutional amendment providing that neither Congress nor any State shall pass any law respecting an establishment of religion—to the Committee on the Judiciary.

## SENATE.

SATURDAY, February 23, 1895.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. QUAY, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

### CREDENTIALS.

Mr. BLANCHARD presented the credentials of DONELSON CAFERY, chosen by the legislature of the State of Louisiana a Senator from that State for the term commencing March 4, 1895. The credentials were read and ordered to be filed.

### EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the 20th instant, a copy of the report of Dr. Sheldon Jackson upon the work of introducing reindeer in Alaska in 1894; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 14th instant calling for an estimate of the return from the internal-revenue taxes upon distilled spirits, etc., a report of the Commissioner of Internal Revenue upon the subject; which, with the accompanying paper, was referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, in response to a resolution of the 15th instant, calling for a statement of the number of acres of land now owned by the Union and Central Pacific railroads, which are a part of the lands granted to those railroads by the United States, etc., transmitting a report of the Commissioner of the General Land Office containing the information desired; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. JAMES KERR, its Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills:

A bill (S. 305) granting a pension to Annie M. Greene; and

A bill (S. 694) for the relief of Mrs. Evalyn N. Van Vliet.

The message also announced that the House had passed the bill (S. 2783) to postpone the enforcement of the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 8659) to authorize the construction of bridges

across the Emory and the Clinch rivers, in the State of Tennessee; and

A bill (H. R. 8900) to amend section 9 of an act entitled "An act to authorize the Kansas City, Pittsburg and Gulf Railroad Company to construct and operate a railroad, telegraph, and telephone line through the Indian Territory, and for other purposes."

### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 5711) to authorize the adoption of children in the District of Columbia; and it was thereupon signed by the Vice-President.

### FORT HAYS MILITARY RESERVATION, KANS.

The VICE-PRESIDENT. The Chair presents a concurrent resolution of the legislature of the State of Kansas, which will be printed in the RECORD and referred to the Committee on Public Lands.

Mr. MARTIN. I should like very much to have the concurrent resolution read, and I also ask leave to introduce a bill in connection with it, that it may be referred with the concurrent resolution.

The VICE-PRESIDENT. The concurrent resolution will be read.

The memorial was read and referred to the Committee on Public Lands, as follows:

House concurrent resolution No. 20. By Mr. Schlyer.

Whereas the experience of the settlers upon the plains of western Kansas, covering a period of more than twenty years, has demonstrated conclusively that agriculture can not be pursued with profit, under existing natural conditions, and that artificial means and methods must be substituted therefor; and

Whereas the tests and experiments required to determine the fitness of new methods applicable to these higher altitudes and limited rainfall can not be made at the Agricultural College of the State; and

Whereas the Fort Hays Military Reservation, at an altitude of 2,000 feet above sea level, contains a valuable body of native timber that should be preserved to posterity, and the land of said reservation is admirably adapted for such experiments in agriculture as are required in the premises; and

Whereas the buildings upon said military reservation, formerly used as residences for officers and their families, barracks for troops, storehouses, etc., are large and commodious, but can not be moved without destruction of their value, but in their position are of great value, and could be used with little additional repairs for the purpose of a branch of the State Normal School; and

Whereas the location of a branch of the State Normal School at this place would be central and convenient for the whole of the north half of the State; and

Whereas the said military reservation has long since been abandoned by the United States Government as a military post: Now, therefore, be it

Resolved by the house of representatives of the State of Kansas (the senate concurring therein), That our Senators and Representatives in Congress are hereby requested to secure the passage of an act of Congress donating the said Fort Hays Military Reservation to the State of Kansas for the following public purposes:

First. For a western branch of the Kansas Agricultural College.

Second. For a western branch of the Kansas State Normal Institute.

Third. For a public park.

Resolved, further, That the secretary of state be, and he is hereby, instructed to transmit a copy of these resolutions to the President of the United States Senate, the Speaker of the House of Representatives, and to each Senator and Representative in Congress from the State of Kansas.

### STATE OF KANSAS, Office of the Secretary of State:

I, W. E. Edwards, secretary of state of the State of Kansas, do hereby certify that the following and annexed is a true and correct copy of the original instrument of writing filed in my office February 18, 1895.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kans., this 19th day of February, 1895.

[SEAL.]

W. E. EDWARDS,

Secretary of State.

Mr. MARTIN introduced a bill (S. 2799) granting to the State of Kansas the abandoned Fort Hays Military Reservation in said State for the purpose of establishing western branches of the Kansas Agricultural College and of the Kansas State Normal Institute thereon, and for a public park; which was read twice by its title, and referred to the Committee on Public Lands.

### NEW MEXICO MOUNTED VOLUNTEERS.

Mr. MITCHELL of Wisconsin. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 962) for the relief of Capt. Ceran St. Vrain's company of New Mexico Mounted Volunteers, to report it favorably without amendment. The bill has the unanimous approval of the committee. I do not think there can be any possible objection to it, and I ask unanimous consent for its present consideration.

Mr. HALE. If the bill is to take any time I must notify the Senator that at a quarter past 11 I shall insist upon the agreement that was made yesterday being carried out.

Mr. MITCHELL of Wisconsin. I do not think it will take any time.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## COMMITTEE ON FINANCE.

Mr. VOORHEES. I am authorized unanimously by the Committee on Finance to report a resolution. I ask for its immediate consideration.

The VICE-PRESIDENT. The resolution will be read for information.

The Secretary read the resolution, as follows:

*Resolved*, That the Committee on Finance be, and they are hereby, authorized and directed, by subcommittee or otherwise, to ascertain in every practicable way, and to report from time to time to the Senate the effect of the tariff and internal-revenue laws upon imports and exports, the growth, production, development, and prices of agricultural and manufactured articles at home and abroad; and upon wages, domestic and foreign; and they are also authorized to submit to the Senate such statistics and data concerning loans and currency as they may deem of importance to the Senate; and for these purposes they are empowered to sit by subcommittee or otherwise during the recess and sessions of the Senate at such times and places as they may deem advisable, and to employ a stenographer and such clerical and other assistance as may be necessary, the expenses of said investigations and reports to be paid from the contingent fund of the Senate.

Mr. HALE. The resolution goes to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. VOORHEES. Not necessarily.

Mr. HALE. Under the rule.

Mr. MANDERSON. Under the rule it must be referred to that committee.

Mr. VOORHEES. Let it be referred, then. I want to make simply one observation. It is the same work that has been on hand for ten years. It is just a continuation of the work, and involves little if any expense at all. I wish to make this statement in connection with the resolution.

The VICE-PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

## INTERNATIONAL MONETARY CONFERENCE.

Mr. WOLCOTT. Mr. President, I submit an amendment intended to be proposed to the sundry civil appropriation bill, which I ask to have read. In this connection I will state that I recognize the agreement that at a quarter after 11 we are to take up the bridge bill. I shall not trespass two minutes upon that time in the few words I feel it necessary for me to say in explanation of the amendment, and I ask that the clock shall not point fifteen minutes until after I am through. I ask to have the amendment read.

Mr. HALE. If the Senator keeps to that promise I for one will not interpose at that time.

Mr. WOLCOTT. I will do that.

Mr. HALE. But promptly when he is through and the action taken I shall insist that the agreement be carried out. I must do that. I am trying to get business done.

The VICE-PRESIDENT. The amendment submitted by the Senator from Colorado will be read.

The Secretary read the amendment, as follows:

*Amendment intended to be introduced to the sundry civil appropriation bill.*

Whenever the President of the United States, upon invitation of the Government of Germany or Great Britain or any of the Governments of Europe or otherwise, shall determine that this Government should be represented at any international or other conference to be held with a view to secure internationally a fixity of relative value between gold and silver as money by means of a common ratio between those metals, with free mintage at such ratio, he shall be authorized to request the attendance of the commissioners to be appointed as hereinafter provided, to attend such conference on behalf of the United States.

The number of such commissioners shall be nine. The President of the United States shall appoint, by and with the consent of the Senate, three of said commissioners prior to the adjournment of this Congress; the other six members of said commission shall be a joint committee of this Congress, three of said committee to be members of the Senate and three of the House of Representatives. If after the adjournment of this Congress there shall be any vacancies in said commission so appointed, by death, resignation, or otherwise, such vacancies shall be filled by appointment by the President.

For the compensation of said commissioners and for all reasonable expenses connected therewith, to be approved by the Secretary of State, including the proportion to be paid by the United States of the joint expenses of such conference, the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated. If such commissioners shall not be called upon to serve, no compensation shall be allowed them.

Mr. WOLCOTT. Mr. President, it was with much hesitancy, after discussion with others interested in the subject, that this amendment was introduced. The chief embarrassment arose from the fact that it might be construed abroad as indicating an undue desire on the part of this country that other countries should enter into some agreement for international bimetalism. But inasmuch as nine full months are to elapse between the adjournment of this Congress and the meeting of the next, and inasmuch as the President of the United States, if he should be called upon to act with other nations in some conference looking to an international agreement respecting gold and silver, would be powerless to act other than by the appointment of commissioners, and would be unable to clothe them with the proper authority and funds for the representation of this Government in such pro-

ceedings and in its share of the expenses, etc., it seemed wise to introduce this amendment.

It is entirely satisfactory, I think, to those bimetalists who vote for bimetalism. It should be equally satisfactory to that devoted band of bimetalists here who talk for us and vote against us, and who look with ravished eyes for English approval before they register their votes.

The method of appointment may at first seem somewhat peculiar, but it is not so. The President of the United States is to appoint three of these commissioners. He would naturally appoint one-third, or thereabouts, among civilians, men outside of public life. The last commission and all others have been largely and properly represented by members of the two Houses of Congress. It occurred to us that the Congress of the United States was best fitted to name its membership in that body. Every member of this body knows that our thoughts instinctively turn to the Senators who should represent us in any international conference, men who have spent nearly a generation in the study of the great financial questions of the world, and who have illumined them with their thought and utterances, and whose presence in any international conference would be hailed with satisfaction by metallists all over the world. For these reasons it seemed best that the Congress of the United States should name its membership.

Mr. President, the Senate, by a decisive majority the other day, declared its opinion that bimetalism by the United States should at once be inaugurated. There was disinclination to imperil the great appropriation bills, and possibly bring about an extra session, by insistence at this time on consideration of a free-coinage measure, with the knowledge that nothing could be practically accomplished in the way of legislation at this time and under existing circumstances; but this body did record its solemn conviction that, amid the suffering, the poverty, and the paralysis of business which have overtaken this land, the way out was not by waiting for the tardy and uncertain action of European countries, not by the abandonment of silver and the adoption of gold monometallism, but by a return to the principles laid down by our Constitution, and to the financial policy which brought this country prosperity for nearly a century.

We are for the establishment of bimetalism by the United States alone. If other countries will join us so much the better. The amendment gives this country an opportunity to act in concert with other nations, if that cooperation shall be tendered us. I ask that the amendment be referred to the Committee on Finance.

Mr. HALE. Let the Senate understand. Does not the Senator intend in the end that the amendment shall be submitted to the Committee on Appropriations?

Mr. WOLCOTT. Oh, certainly; it must go there.

Mr. HALE. Then I suggest to the Senator and to the Committee on Finance that there should be no delay whatever, as the appropriation bill to which it would properly belong, if any, may be considered at any time by the Senate as soon as the pending appropriation bill is through.

Mr. WOLCOTT. I appreciate that suggestion.

The VICE-PRESIDENT. The amendment will be referred to the Committee on Finance.

## PUBLIC BUILDING AT CHICAGO, ILL.

Mr. VEST. I desire to submit a report from the Committee on Public Buildings and Grounds.

Mr. HALE. I must ask for the enforcement of the agreement entered into yesterday.

Mr. VEST. I will state to the Senator from Maine that we passed a bill the other day for the erection of a public building at Chicago. There is a mistake of one word. Unfortunately it has been signed by the President. I should like to pass a bill this morning of about five lines changing one word, the word "lowest" to "highest."

The VICE-PRESIDENT. Is there objection?

Mr. VEST. It will lead to no debate whatever.

Mr. HALE. I have been trying to get the agreement that was deliberately entered into by everybody yesterday enforced, and I am appealed to in a dozen different directions.

The VICE-PRESIDENT. If there is objection to the request of the Senator from Missouri the joint resolution will, under the agreement, be laid before the Senate.

Mr. VEST. Do I understand the Senator from Maine to object to a mere formal report of this kind?

Mr. HALE. I am appealed to in half a dozen cases. Let the Senator from Missouri go on. After that I shall insist on the agreement being carried out.

Mr. VEST. I am directed by the Committee on Public Buildings and Grounds to report a bill, and ask for its present consideration.

The bill (S. 2798) to amend an act entitled "An act to provide



for the erection of a Government building at Chicago, Ill.," approved February 13, 1895, was read the first time by its title and the second time at length, as follows:

*Be it enacted, etc.* That the word "lowest," in line 11 of the act to which this act is amendatory, be changed to the word "highest," so that the original act shall provide as follows: "And the Secretary of the Treasury is authorized to contract with the highest and best bidder, after reasonable notice by advertisement in two or more newspapers published in the city of Chicago, for the sale of the present building as hereinafore described and the removal of the same from the site where it is now located."

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### DELAWARE RIVER BRIDGE.

The VICE-PRESIDENT (at 11 o'clock and 21 minutes a. m.). Under the agreement made yesterday the Senate proceeds to the consideration of the motion of the Senator from New Jersey [Mr. McPHERSON] to reconsider the vote by which the joint resolution (S. R. 133) directing the Secretary of War to make an examination of the bridge to be constructed over the Delaware River between the States of New Jersey and Pennsylvania was passed.

Mr. FRYE. Mr. President, I have not the remotest interest in the action which the Senate shall take on this joint resolution, but the Committee on Commerce in the matter of bridges have always exercised the utmost care. I do not know of a single instance in which their judgment has been subsequently overruled. The Senator from Missouri [Mr. VEST] has been chairman for a great many years of the bridge committee, so called. Every bridge bill referred to our committee is referred to that subcommittee and thorough investigation is always had.

Now, take the case at bar. In 1894 the Pennsylvania and New Jersey Railroad Company had a bill introduced for the construction of a bridge with terminals at Philadelphia and at Camden. It was referred to the Committee on Commerce. That committee referred it to the Secretary of War. The Secretary of War referred it to Major Raymond, one of the ablest officers in the Engineer Corps, who is stationed at Philadelphia. He has been there for five years, and understands the navigation of that harbor just as thoroughly as I understand this Senate Chamber and its seats. No man can understand better than he the requirements of that harbor. The bill was referred to him. He reported that if a bridge was to be constructed over the Delaware River at the points indicated it must be 150 feet high, and a single suspension span; and it was utterly impracticable for the railroad companies to build any such bridge. He reported further that the harbor of Philadelphia extended between two points, Eli Point, I think it is, and Fishers Point; that a bridge could be constructed at Fishers Point, or just above it, and it would not to any material extent interfere with navigation, because above Fishers Point there really is little or no navigation, the depth of water being only about 15 feet.

Mr. QUAY rose.

Mr. FRYE. I will state what the navigation is before the Senator interrupts me.

Mr. QUAY. The Senator from Maine is entirely mistaken. As high up as the city of Burlington, 16 miles above this proposed bridge, there are 30 feet of water. There are one or two shoal places, I think, in the bed of the river, where the depth of water is reduced from 13 to 20 feet, but with a very little improvement a depth of 35 feet can be carried from the bridge up to Burlington, 16 miles; and 25 feet is the ordinary depth carried in the harbor at Baltimore for the ocean steamers.

Mr. FRYE. If there is one point where it is only 13 feet, then no vessels can now use that river drawing more than 12 feet of water.

Mr. QUAY. It is 13 feet at low water.

Mr. FRYE. As a matter of fact, there are no vessels going up the Delaware River above Fishers Point under sail. No vessel goes up there that does not go in tow. There is no vessel that requires a height of bridge of over 15 feet that is not under tow. As a further matter of fact, in the river at that point there are a few summer steamers that run on excursions. As a matter of fact there, too, the railroad corporations made an arrangement with those small river steamers by which they should telescope their smokestacks, and they would place the bridge, instead of 40 feet, at 50 feet above the water.

Mr. QUAY rose.

Mr. FRYE. As the Senator is to reply to me, will he be kind enough to allow me to go on?

Mr. QUAY. I rose just to correct one error in the Senator's statement. There is a daily line of steamers from the city of Baltimore, through the Chesapeake and Delaware Canal, up the Delaware, and through the Raritan Canal, to New York.

Mr. FRYE. I am coming to that further on. I say Major

Raymond reported in favor of a bridge above Fishers Point, with a span of 500 feet, with a draw of 135 feet, with a height of 40 feet, and with other spans not less than 300 feet. That report came to the committee. The committee reported favorably the bill to construct the bridge at that point. Immediately these two railroad companies entered upon its construction. They prepared their plans and specifications, and submitted them to the Secretary of War. He approved them; and Congress enacted into law the right of those companies to build this bridge of 40 feet height, with 500 feet span, 125 feet draw, and spans of not less than 300 feet outside. That is to-day the law.

Immediately on its becoming a law the railroad companies commenced to build the bridge; they made their contracts for structural iron, and all that sort of thing. They have, I understand, over 800 men at work on that bridge to-day, on either side. Now comes in a proposition from the Traffic League of Philadelphia that that work shall be suspended; that another commission shall be appointed, and that that commission shall determine whether or not the plans and specifications of this bridge, all prepared under the law, all approved by the Secretary of War, shall be changed. Suppose there are commissioners appointed who would recommend a change; they can not change the law. The law must stand until the next meeting of Congress, nearly a year from now; and the work on this bridge must be hung up. But I have not the slightest fear of that. No commission of engineers will make any change there.

Mr. QUAY. Then there can be no objection to the joint resolution.

Mr. FRYE. The joint resolution suspends work on the bridge for the present until the commission reports. That is the objection to it.

Mr. QUAY. The joint resolution can be amended so as to provide that the commission shall make a report within two weeks.

Mr. FRYE. Will the Senator who has the reply to me be kind enough to make his reply afterwards? Ordinarily I do not object to any interruption, but we are going to vote at 12 o'clock.

Mr. President, the plans and specifications of this bridge were over there in Major Raymond's office for six months. The harbor commissioners for the harbor of Philadelphia are in constant communication with Major Raymond. The Maritime Association is in constant communication with Major Raymond; they have access to his office and his plans. There was not an intelligent man in Philadelphia who did not know that this bridge was to be built at Fishers Point; there is not one who did not have an opportunity to know just exactly how it was to be built, and yet Major Raymond says no man in Philadelphia ever made the slightest complaint to him about this bridge during that entire time, and no question was ever raised about it by the men who understand the navigation of that harbor better than anybody else possibly can. Now, the Traffic League—what it is I do not know—

Mr. QUAY. I will tell the Senator it is the Trades League.

Mr. FRYE. The Trades League, is it?

Mr. QUAY. Yes, and I might give the Senator further information if he would permit me to interrupt him.

Mr. FRYE. I will hear the Senator after I get through. I do not wish for the information now.

The Trades League sent in their statement of complaint to the Secretary of War and asked to be heard. The Secretary of War heard them all they desired to be heard at the time, and informed them that he had no power whatever in the premises, that the bridge was being built under a law of Congress, and that he had no power to repeal any such law; and he sent the complaints to Major Raymond, the officer in charge, who, I say, is one of the best officers in the corps, and has been in Philadelphia for five years. Major Raymond made reply to it, which I have received, taking the charges one after the other, and I propose to read what he says in part.

The construction of a railroad bridge across the Delaware at or near the point established by the act is, I believe, considered by all to be highly desirable for the best interests of the city of Philadelphia. With reference to this point I have never heard a dissenting voice. Even the Trades League admits this. The construction of a single-span suspension or cantilever bridge high enough to permit the passage of masted vessels would not be justified by the traffic and would not be undertaken. If a bridge is to be constructed it must have piers in the river; and since the cost and difficulty of obtaining suitable grades prohibit an elevation great enough to pass all masted vessels, it must have a draw. I believe these points will not be disputed.

With these assumptions the main points to be considered were the location, clearance, width of channel and side spans, and width and location of the drawspan. These were to be determined with a view to the best interests of commerce, including the traffic across the bridge as well as that upon the waterway. It was fully recognized that the construction of any pier bridge over any navigable channel must to some extent be an obstruction to water navigation, and that a fair and reasonable adjustment must be made between the interests of land and water transportation. A brief statement of the character and extent of the navigation interests of this part of the Delaware River is therefore necessary.

As is well known to the Department, the physical character of the channel of the Delaware River changes at a point not far from Fishers Point. Below this point the normal channel depth at mean low water has been deter-

ained to be about 20 feet. Above it this depth is not greater than about 15 feet, and it steadily decreases as the river is ascended.

This is from an engineer who knows every inch of the river as well as he knows the way to his house.

Surveys and numerous investigations made by this office during the past ten years have shown that this upper part of the river can probably never be made of much more importance as a route of commerce than it is at the present time. The physical harbor of Philadelphia has, therefore, been considered to end at this point, and this is the upper limit of the existing projects for the improvement of Philadelphia Harbor and the Delaware River.

Then he goes on and explains how he located it, and he explains still further that, after the location and after the law of Congress establishing a bridge 40 feet high, with a span of 500 feet, the railroad companies themselves, for the purpose of not being compelled to open the draw more frequently than could be helped by them—because it is a nuisance to open a draw—made an arrangement with the steamboat men that they would increase the height of that bridge to 50 feet, and they did that without any law at all. They made it 50 feet instead of 40 feet, and then made an arrangement with the steamboat men to telescope their smoke funnels so as to go under the bridge, instead of compelling the railroad companies to open the draw.

Let me say right here that the Harlem River has twenty times the navigation there is on the Delaware River above Fishers Point, or that there ever will be, and yet the Committee on Commerce never reported in favor of the building of a bridge over 26 feet high over the Harlem River, and there is not a bridge upon the Harlem River over 26 feet high, and this bridge will be 50 feet high. They did increase the span from 500 to 540 feet, and they increased the draw from 125 to 129½ feet.

Major Raymond takes up seriatim the complaints made by the Trades League. He says:

I will not attempt a thorough analysis of the remarkable pamphlet of the Trades League, but will simply invite attention to a few prominent points, upon which I will comment as they are stated.

The introduction to the resolutions of the board of directors, adopted January 10, 1895, contains the following direct or implied statements:

1. That the height adopted for the bridge is insufficient for the free passage of large numbers of steamboats and other craft now using the river.

This is not true, if we leave out of consideration vessels which could not pass if the bridge were raised to 70 feet.

2. That the United States Government is now expending large sums of money in bettering and deepening the channel in the vicinity of the proposed bridge.

This implies either that the bridge will interfere with the improvement, or that the Government is engaged in the improvement of the river above the bridge so that it will accommodate a heavier traffic. Neither is true.

3. That the passage of vessels through a draw is often aggravated by certain causes which lead to sailing vessels missing the draw at first trial.

This implies that vessels will sail through the draw. As before stated, vessels of sufficient size to use the draw do not sail on this part of the river, but are always towed.

4. That riparian property above the bridge will be injured in value and unfitted for commercial purposes by the construction of the bridge.

However this may be, the value of riparian property can not be seriously influenced by a question of elevation which affects merely the convenience of passage of a very small number of vessels.

5. That the cost of raising the bridge to 70 feet would be insignificant as compared with the damages inflicted upon the commerce of the river and the losses in other values.

In my opinion, the cost would be very large and the benefit would be very small.

6. That "the right of the people of this city, of this State, of New Jersey, and of the whole country to full enjoyment of all the natural advantages of a great river is incontestable."

If this were true, no bridge which in the slightest degree obstructed navigation could be built over any navigable river. In this particular case it means (if it means anything) that a small number of steamboat men have an incontestable right to compel all the rest of the people to travel over inconvenient or dangerous grades in order to save them from a trifling inconvenience.

I have already remarked upon the letter of the committee, so far as concerns its request for the organization of a Board of Engineers to revise the action of Congress. It only remains for me to invite attention to the two disingenuous comparisons with which it is concluded.

The first is a comparison of the requirements for the proposed bridge over the North River at New York with those for the bridge over the Delaware at Philadelphia.

Now, this committee seriously undertakes in this paper to compare the requirements of navigation in the erection of a bridge over North River to the Delaware River above Fishers Point. There is no more comparison which can be instituted between them than can be between the navigation of the Mississippi River and the navigation down here of Rock Creek—not a bit more. I do not understand it at all. I did insist that there should not be a pier in the North River—there is no doubt about that—but the Senate overruled me and voted that there might be a pier in the North River, but there is the commerce of the whole world in the North River and not a few small vessels, an occasional sailing vessel, passing up, drawing 13 or 14 feet of water. It is utterly absurd to make such a comparison. I am not certain that if New York had the cholera Philadelphia would not insist upon having it also, in order not to be outstripped by New York. [Laughter.]

Mr. QUAY. Did not the Senator from Maine two weeks before the report of that bill to the Senate vote for the reporting of a bill for the building of a bridge between Philadelphia and Camden with an elevation of 150 feet above high water?

Mr. FRYE. Yes; but that was down in Philadelphia Harbor, where the whole commerce of the harbor is, not up at Fishers Point, where there is no commerce of any account.

Mr. QUAY. The bridge was not located by the bill, but it was to be located under the direction of the Secretary of War.

Mr. FRYE. But the first bill provided that the bridge should be located between the terminals in Philadelphia and Camden, and the engineer found it would be right across the present harbor improvements at Philadelphia. The Senator will bear me witness that I have never been laggard in voting for appropriations in favor of improving the harbor of Philadelphia. I have done everything in my power toward that end. I presume now, because I oppose this project of the Trades League, that all I have tried to do before for Philadelphia Harbor will be forgotten and I shall be censured because a yacht club, with a yacht house 20 miles below this point, sends a petition here for the improvement of the navigation of the Delaware River above Fishers Point, and against the bridge.

Mr. QUAY. Not at all, Mr. President, but—

Mr. FRYE. I have not got through, if the Senator will allow me.

Major Raymond says further about the North River:

The writers of this letter well knew when they made this comparison that the two cases are utterly incomparable. They knew that one was the case of a bridge across the most important roadstead in the country, over a great anchorage as well as a great thoroughfare, where physical as well as commercial conditions absolutely prohibited the construction of a bridge with piers and a draw; while the other was a case of a bridge near the upper limit of a harbor, crossing no anchorage and covering relatively unimportant traffic, where the conditions required a drawbridge with piers in the river. Nevertheless, they do not hesitate to make the comparison; and in another part of the pamphlet they publish extracts from the proceedings of the Senate with reference to the North River bridge, printing some of the remarks of a distinguished Senator in full-faced type, in order to intensify the false impression they desire to create.

The other comparison is a still more serious misrepresentation, because it involves the garbling of official records. They invite attention to the fact that on April 2, 1894, a bill (S. 1843) was presented to the Senate proposing a bridge across the Delaware at Philadelphia—

Here comes the Senator's point—

and it was returned to the Senate from the Committee on Commerce with the following amendment:

"Provided, That no piers or other structures shall be constructed within the waterway of the Delaware River between the established pier-head lines: And provided further, That the bridge shall have a clear height of 150 feet above mean high water."

They further state that on April 26, 1894, a wholly new and very different bill was presented "providing for a bridge across the Delaware at Philadelphia, and with a height of only 10 feet, and for five piers between the pier-head lines." (The italics are the committee's.)

The obvious intention of this comparison was to convey the impression that these two cases were exactly similar except in the requirements for the bridges; and for this purpose it was necessary to suppress the fact that the first bill authorized the construction of a bridge between the cities of Philadelphia and Camden, thus requiring it to cross the most important part of the harbor, while the second required the bridge to be located above the foot of Roxborough street and the shore end of the Fishers Point dike.

In my report of April 6, 1894, on the bill (S. 1843) authorizing the construction of a bridge between the cities of Philadelphia and Camden, I pointed out that such a bridge would necessarily cross the harbor within the limits of the Government improvement, and stated that the construction of a pier in this part of the harbor at any point between the established pier-head lines would form an obstruction to navigation and greatly interfere with the maintenance of the channel. The amendment presented by the Committee on Commerce was adopted upon my recommendation. The bridge site required by the other bill is considerably more than 3 miles farther up the river, and, as I have already explained, at a point where the physical and commercial interests are entirely different.

These two deliberate misrepresentations should suffice to stamp the whole pamphlet with its true character. Of course the writers did not suppose that the Department could be deceived by such methods; their object was simply to create a false impression upon an unsuspecting public through the medium of a letter to the Secretary of War, which they did not hesitate to print and circulate before it had received a reply.

This is the reply of Major Raymond, who has been in charge of that harbor for five years, and who is more intimate with it than any man living in Philadelphia, and has a better judgment about the necessities of the navigation up and down the river and the necessities of traffic over and across the river. I can certainly add nothing to that, and I conclude by saying, as I commenced, that it is a matter in which I have not the remotest interest. I care not what the Senate does in relation to it, but it seems to me that an intelligent vote of the Senate, after hearing this communication of Major Raymond, will not justify the stopping of the work on that bridge.

Mr. QUAY. Mr. President, the Senator from Maine has stated that he has no interest in this question, and I take it for granted he has not. It seems from his remarks that he is merely representing Major Raymond and the railroad corporations, who are interested in the construction of this bridge. I have the very deepest interest in this question. I stand here for my constituency, the people of Philadelphia, and for the request they have made to the Senate. No matter whether the report of Major Raymond be true or not, it is not unreasonable that the requests which have been made by the business people of Philadelphia should be granted.

The entire issue involved is an issue between the business peo-



ple of Philadelphia and the river towns on the Delaware River to the head of tide water and Major Raymond, and the question to be determined is whether or not the report of Major Raymond was ill advised and ill considered. They ask for a board of review from the War Department. Traversing the finding of Major Raymond, they ask for a determination whether or not their statement as contained in the pamphlet read by the Senator from Maine or the report of an officer of the Engineer Corps is correct, so that Major Raymond's statement, for the purpose of this discussion, goes as waste paper.

In April, 1894, the Senate entertained, on report from the Committee on Commerce, two bills for the construction of bridges between the Pennsylvania and New Jersey sides of the Delaware River at or about the city of Philadelphia. One was limited to the cities of Camden and Philadelphia in its termini, the exact location to be determined by the Secretary of War. The other was located also with one terminus on the east shore of the city of Philadelphia and one on the western shore, a little north of the city of Camden.

The first bill was reported here April 12, as I have said, by the Senator from Missouri. It provided for an elevation of 150 feet. Two weeks afterwards the other bridge bill was reported, providing for an elevation of only 40 feet. The first bill was never considered, I presume, because the requisite capital did not appear to back it. The second was supported by a powerful corporation, a corporation which had been very beneficent in its operations in Pennsylvania and New Jersey, and which was abundantly able to carry out the design of Congress. That bill was passed. It went to the Committee on Commerce on the 26th of April, and it went to the War Department the same day; it went from there to Major Raymond, at Philadelphia, on the next day, and on the evening of that day his report was in the mail on its return path to the War Department—the report the Senator from Maine has read here. Major Raymond displayed great acumen and energy. His investigation was not protracted. Of course the distinguished Secretary of War acted promptly and properly upon the report of his officer, the fairness of which is disputed. The bill was finally passed.

The bill which passed the Senate, as Senators will remember, was one providing absolutely for an elevation of 40 feet only. It was thought at that time—I know not how the impression came—that the board of port wardens of the city of Philadelphia entertained or exercised some jurisdiction over the construction of the bridge. Applications were made to them for an indorsement of the plans, and the business people of Philadelphia prepared to go there for a hearing. On the 8th of January last the city solicitor, a distinguished member of the bar, who has since been elevated by a great majority to the office of chief magistrate of that city, delivered an opinion that the board of port wardens of Philadelphia had no jurisdiction in the case. His opinion was undoubtedly correct.

The railroad company at once proceeded to the construction of the bridge, and the Trades League and the business people of Pennsylvania commenced a movement in the direction of this Senate. Meanwhile, the corporation had broken ground for the construction of the approaches to the bridge, and that was all. There was nothing done toward the erection of the bridge proper. Of course, the work was practically abandoned during the late severe weather, but they have employed a number of men—I know not how many—up to within three or four weeks past. There is no question about that.

I introduced, at the request of a number of business organizations, and the request of gentlemen of the very highest respectability, of Mr. John H. Converse, the vice-president of the Manufacturers' Club of Philadelphia, and the president, I think, of the Baldwin Locomotive Works, who send their locomotives all over the world; also of the gentlemen of the Trades League, the Produce Exchange, and others, the joint resolution which is now the subject of controversy. It provides merely that the business people located along the Delaware River shall have a day in court on this question, which they have lost, not entirely, but largely, I think, because of the confusion in the public mind in Philadelphia between the two bridge bills which were reported to the Senate in April, 1894, and partly from their impression that the board of port wardens of the city of Philadelphia would be able to control the elevation of this bridge. All that is asked of the Senate is that these persons shall be heard. They traverse, as I said, the entire finding of Major Raymond, which the Senator from Maine has read in support of his opposition and upon which he absolutely relies. The question to be tried out, which we ask to have tried out by this commission, is whether the report is true or not which is offered in evidence here.

The joint resolution was passed without opposition. The Senator from New Jersey [Mr. McPHERSON] moved the next day after its passage to reconsider it, stating that he would withdraw his motion and dispose of the question on the next day; but it has been suspended here since. The Secretary of War having

exhausted his original authority, having approved the original plan of the bridge, a joint resolution in the nature of a law is required to give him power to reopen the question and to give these people a hearing, and unless it is passed, and passed to-day, it will very certainly not become a law during this Congress. The situation is analogous to that presented in relation to the legislation required the other day by the proclamation of the President in relation to the question of lights and signals at sea.

I believe, Mr. President, this is about all I have to say. I wish to have read what these gentlemen have stated, and I will state who they are. I will then send the papers to the Secretary's desk, and ask to have read first the preamble and resolutions of the Trades League of Philadelphia, of which the Senator from Maine and Major Raymond have spoken somewhat contemptuously. That league is composed of 1,700 business firms, and is one of the strongest business organizations in the world. I also ask to have read the resolutions of the Manufacturers' Club—all Republicans, at least, are fully acquainted with that organization—which is composed of 700 business firms; the Commercial Exchange of Philadelphia, which is composed of 400; the Philadelphia Produce Exchange, of 150 business firms, and the Hardware Merchants and Manufacturers' Association, composed of 75 business firms. In addition to those, I have from the State of New Jersey resolutions of the Board of Trade of the city of Trenton, the capital city of New Jersey; the city of Burlington, practically at the head of tide-water navigation; the resolutions of the common council of the city of Beverly, N. J., a little below, and the preambles and resolutions passed by the boroughs of Riverton and Palmyra, N. J., and Bristol, Pa.

I send these memorials and statements to the Secretary's desk to be read, and after they have been read I shall move to lay the motion of the Senator from New Jersey on the table.

Mr. McPHERSON. I wish to say only a word by way of addition to what I said yesterday.

I hold in my hand some resolutions passed by commercial organizations, clubs, etc., of the city of Philadelphia and of towns and cities along the Delaware River in the State of New Jersey. This is the first time that my attention has been called to this matter. In fact, it is the first time that any resolutions or notice of any action taken by any New Jersey cities have been placed in my hands.

It seems that the Trenton Board of Trade on May 24, 1894, addressed a protest to the Secretary of War, and also another like protest on January 10, 1895. Nowhere does it appear that these protests were sent to Senators in this body, but they were forwarded to the Secretary of War, and therefore never came to my attention or into my hands. I remember, however, that I was absent from the Senate by reason of illness, and if sent to me they escaped my attention. There is one by the mayor and city council of Burlington, N. J., one by the common council of Beverly, N. J., one by the mayor and council of the borough of Riverton, N. J., one by the township committee of the township of Palmyra, N. J., and one from the burgess and council of the borough of Bristol, Pa., none of which have I seen before this morning.

The statement made by the Board of Trade of the city of Trenton is as to the insufficiency of the elevation of the bridge; that it might prove a serious obstacle to navigation, particularly if the proposed ship canal across New Jersey should become an accomplished fact.

Mr. President, if I had seen these protests on the part of the people of New Jersey I certainly should have entered no motion to reconsider the vote by which the joint resolution of the Senator from Pennsylvania was passed; but, as I say, these papers were directed to the Secretary of War, and have only now come into my hands.

But the argument of the Board of Trade of the city of Trenton is not a very good one as they make it, because there is another bridge at Arthur Kill, which will become a part of this great waterway. The Congress of the United States passed an act in 1886 authorizing the construction of a bridge across the Arthur Kill, which, as I say, must become a part of this great ship canal. The span-opening there is less than that of the proposed bridge on the Delaware; the height of the bridge is the same, while the channel spans are even narrower. So that in reality that bridge will have to be changed also to give any additional advantage to the proposed canal.

Mr. President, if it be true that the commerce of the Delaware River at this point is of sufficient importance that it is necessary that a higher bridge should be constructed there, then it nowhere appears in any of the statistics of the commerce of the Delaware. The commerce of the Arthur Kill is ten times greater than that of the Delaware River at this particular point. I read over the reports last night, which had been sent to me by some gentlemen in Pennsylvania, which go to show that above a certain point in the river, where there are shoals which may easily be dredged out, the depth of the water is from 25 to 30 feet, and that when

dredged would enable vessels of a larger draft to go up the river. I made the motion to reconsider the fugitive resolution of the Senator from Pennsylvania at the request of some citizens of New Jersey in the absence of some members of the committee who were familiar with the whole subject, and I was not. As I before stated, I have never seen or had knowledge of any protest upon the part of the cities and towns on the bank of the Delaware until I had made the motion to reconsider the vote.

Mr. QUAY. Mr. President, I desire merely to say, which I omitted in my previous remarks, that we are not asking for an elevation of 150 feet for the proposed bridge. The only question involved between the people of Philadelphia and the corporations is whether the elevation shall be 50 or 70 feet, a question of a rise of 20 feet.

Mr. McPHERSON. If there is any special reason why the bridge should be raised higher it is one that does not appear in any of the reports of the Chief of Engineers, they having been approved by the Secretary of War. The bridge is now under construction, and it seems to be of sufficient height and width to accommodate the commerce of the river.

Mr. QUAY. I should like, if the Senate will indulge me, to have the petitions read. I suppose it will not occupy more than a few minutes.

Mr. HALE. Let them be printed.

Mr. FRYE. It will take some time. I read nearly all of them in Major Raymond's report.

Mr. QUAY. The Senator from Maine did not read the petitions.

Mr. FRYE. It will take a long while to read them.

Mr. HALE. Let them be printed.

Mr. QUAY. Then I renew my motion to lay on the table.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Pennsylvania to lay on the table the motion of the Senator from New Jersey to reconsider.

Mr. QUAY. Did I understand from the remarks of the Senator from New Jersey that he is ready to withdraw his motion to reconsider?

Mr. McPHERSON. No, sir. The motion has been made and is in the possession of the Senate for action after the statement of the Senator from Maine [Mr. FRYE] and the statement of the Senator from Pennsylvania [Mr. QUAY]. I stated that if I had been put in possession of the papers which came to me from those towns in the State of New Jersey, I do not think I would have entered the motion. But still at the same time I do not see that in the statements made they make a very clear case that the bridge is not of sufficient height and the span of sufficient width.

Mr. HALE. Let us have the regular order.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Pennsylvania to lay on the table the motion of the Senator from New Jersey to reconsider.

Mr. FRYE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. DUBOIS (when his name was called). I am paired with the Senator from New Jersey [Mr. SMITH].

Mr. HANSBROUGH (when his name was called). I am paired with the junior Senator from Illinois [Mr. PALMER].

Mr. PASCO (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD]. In his absence I withhold my vote.

Mr. ROACH (when his name was called). I am paired with the Senator from California [Mr. PERKINS]. If he were present I should vote "yea."

Mr. WILSON of Iowa (when his name was called). I am paired with the Senator from Georgia [Mr. GORDON]. I do not see him present, and withhold my vote.

The roll call was concluded.

Mr. GALLINGER (after having voted in the affirmative). I ask if the junior Senator from Texas [Mr. MILLS] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. GALLINGER. I am paired with the junior Senator from Texas [Mr. MILLS], but will transfer my pair to the Senator from Nevada [Mr. JONES] and let my vote stand.

Mr. DANIEL. I beg leave to state that I am paired with the Senator from Washington [Mr. SQUIRE].

The result was announced—yeas 37, nays 10; as follows:

## YEAS—37.

Aldrich,	Gorman,	Martin,	Ransom,
Allan,	Hawley,	Morgan,	Sherman,
Allison,	Hill,	Morrill,	Turpie,
Bate,	Huntton,	Murphy,	Vest,
Blackburn,	Kyle,	Peffer,	Walsh,
Cameron,	Lindsay,	Platt,	Washburn,
Carey,	Lodge,	Power,	Wolcott,
Clark,	McLaurin,	Proctor,	
Davis,	McMillan,	Pugh,	
Gallinger,	Manderson,	Quay,	

## NAYS—10.

Chandler,	Frye,	Harris,	Teller,
Dixon,	George,	McPherson,	
Faulkner,	Hale,	Mitchell of Wis.	

## NOT VOTING—41.

Berry,	Daniel,	Jones of Nev.	Smith,
Blanchard,	Dolph,	Mantle,	Squire,
Brice,	Dubois,	Mills,	Stewart,
Burrows,	Gibson,	Mitchell of Oreg.	Vilas,
Butler,	Gordon,	Palmer,	Voorhees,
Caffery,	Gray,	Pasco,	White,
Call,	Hansbrough,	Perkins,	Wilson of Iowa,
Camden,	Higgins,	Pettigrew,	Wilson of Wash.
Cockrell,	Hoar,	Pritchard,	
Coke,	Irby,	Roach,	
Cullom,	Jones of Ark.	Shoup,	

So the motion to reconsider was laid on the table.

The VICE-PRESIDENT. The joint resolution stands passed.

Mr. QUAY. I ask that the papers to which I referred be printed in the RECORD.

There being no objection, the papers were ordered to be printed, as follows:

List of resolutions of commercial organizations and clubs, also cities and towns on Delaware River, in opposition to projected bridge across the Delaware River between the city of Philadelphia and New Jersey with insufficient height above mean high water and inadequate width of draw, etc.: Preamble and resolution of the Trades League of Philadelphia; preamble and resolution of Manufacturers' Club of Philadelphia; preamble and resolution of Commercial Exchange of Philadelphia; preamble and resolution of Philadelphia Produce Manufacturers' Association; preamble and resolution of Philadelphia Yacht Club; preamble and resolution of Corinthian Yacht Club; preamble and resolution of Trenton Board of Trade, May 24, 1894; preamble and resolution of Trenton Board of Trade, January 10, 1895; preamble and resolution of mayor and city council of Burlington, N. J., February 5, 1895; preamble and resolution of common council of Beverly, N. J., February 15, 1895; preamble and resolution of mayor and council of borough of Riverton, N. J., January 20, 1895; preamble and resolution of township committee of township of Palmyra, N. J., January 20, 1895; preamble and resolution of burgess and council of borough of Bristol, Pa., January 23, 1895.

## THE TRADES LEAGUE OF PHILADELPHIA.

(Resolutions adopted January 10, 1895.)

Whereas a bridge across the Delaware River, between Philadelphia and New Jersey, is to be constructed by the Pennsylvania and New Jersey Railroad Company; and

Whereas the present plans for the bridge provide that it shall be but 50 feet above mean high water; and

Whereas this height is insufficient for the free passage of steamboats and other craft which even now in large numbers use that part of the river; and

Whereas it is but reasonable to expect that the traffic in the upper Delaware will in the near future increase, not only as to volume, but also as to the size of the craft employed—the Delaware River being an important link in the chain of water communication between the Southern and the Eastern States, via the Chesapeake and Delaware and Delaware and Raritan canals; and

Whereas the United States Government is now expending large sums of money in bettering and deepening the channel in vicinity of the proposed bridge; and

Whereas the bridge will be a public bridge, the use of which may, and doubtless will, be extended in the future to admit much greater and more varied traffic than now exists; and

Whereas the passage of vessels through a draw is, from the nature of the operation, attended with delay, often aggravated by unpropitious weather, or other causes, which lead to sailing vessels missing the draw at first trial; and

Whereas the use of a drawbridge is necessarily embarrassing and hurtful to the traffic passing through the draw, as it is also detrimental to the interests passing over the bridge, by interfering with the swift and regular movement of trains, thus increasing the peril of accidents; and

Whereas there are above the site of the bridge 5½ miles of deep-water river front within the city of Philadelphia, and at least 15 miles more of such river front beyond the city's limits upon the Pennsylvania side alone, all of which, at small cost, may be made available for the expanding commerce and manufacturing interests of Philadelphia; and

Whereas the erection of a low bridge must inevitably deteriorate the value of such river-front property and unfit it for the purposes above stated; and

Whereas the cost of elevating the bridge to a minimum height of 70 feet above mean high water would be insignificant as compared with the damages inflicted upon the commerce of the river and the loss in value to the upper river front, as well as upon the thriving towns of the upper Delaware, and upon the railroad company itself; and

Whereas the right of the people of this city, of this State, of New Jersey, and of the whole country to full enjoyment of all the natural advantages of a great navigable river is incontestable, be it, and by the Trades League of Philadelphia it is, hereby

Resolved, That the Trades League of Philadelphia protests against various features in connection with the construction of the proposed bridge, and particularly against any bridge having a less clearance than 70 feet above mean high water.

Resolved, That the Trades League invites the cooperation of kindred commercial organizations of Pennsylvania and New Jersey to unite in this movement.

Resolved, That a special committee of seven be appointed by the chair to take charge of this subject and present this protest to the Secretary of War.

PHILADELPHIA, January 15, 1895.

SIR: The Trades League of Philadelphia, a commercial organization with a membership of over 1,700 firms, individuals, or corporations, begs to submit to you, inclosed (a), certain resolutions adopted unanimously at the monthly meeting of the board of directors of the Trades League on January 10, 1895, respecting a proposed bridge over the Delaware River to connect Philadelphia and New Jersey, which the Pennsylvania and New Jersey Railroad contemplate erecting under authority of S. 1950.

We now respectfully ask that you will fix a time for receiving and hearing a committee representing commercial interests of Philadelphia, Pennsylvania, and New Jersey, to the end that such committee may present to you facts and figures in support of a request that you will provide for the organization and the meeting at Philadelphia of a board of United States expert engineers to which this highly important matter of the construction of a bridge over one of the largest navigable streams in the country may be referred. We are confident that to such a board facts can be presented which



will show that great and irreparable injury to commercial and other interests of magnitude would be done by the erection of the bridge in accordance with the plans that have been approved by the War Department.

No action upon the part of the commercial interests involved in the preservation from hurt of this natural and national highway has heretofore been taken because of the confidence entertained that all the interests thus menaced would be protected by the judicious action of the board of wardens of the port of Philadelphia or by the board of harbor commissioners. But you will perceive upon examination of the accompanying report (b) from the said board of wardens, under date of January 8, 1895, that the board has discovered, to the surprise of the community, that it has been declared to have no jurisdiction over the matter. Hence the necessity for action by our organization in bringing the subject to your attention, as per inclosed resolutions (a), which were adopted on the 10th instant, only two days after the report of the board of wardens (b). It has thus become necessary that there should be recourse to the authority by law vested in you for the prevention of the infliction of a great wrong upon the large body of American citizens whose right to free and unobstructed use of Delaware River is threatened with restriction and obstruction, absolutely without any need for such injury, by the contemplated action of the Pennsylvania and New Jersey Railroad Company.

Much has been said of late, in the public prints and elsewhere, of the necessity that the great natural highways, the rivers, shall not be obstructed by bridges. The report, for example, upon the proposed North River bridge has made clear the fact that the attempt of a private corporation to invade and to injure an important natural channel of commerce belonging, in fact, to the people of the whole country should not be permitted to have success.

With respect to the proposed bridge over the Delaware, the public mind, rarely closely fixed upon such matters in their earlier stages of promotion, has been confused by the variety of legislation presented from time to time or finally procured in the interest of bridge enterprises to cross the Delaware at Philadelphia. These have included in 1894:

1. National legislation (three, if not four bills).
2. Legislation by the State of New Jersey.
3. A charter from State of New Jersey.
4. A charter from State of Pennsylvania.
5. An ordinance from the council of Philadelphia.

Thus it has been difficult for the people to follow or clearly to discern the purpose of all the movements toward a conclusion which menaces their interests in a serious manner. This may be argued as a reason of weight why the whole matter shall be heard and examined by an expert commission composed of engineers United States Army before damage shall be done beyond probability of repair.

The board of engineers having in charge the task of considering plans for a new bridge over the North River at New York required that the structure should have a height of 150 feet clear above mean high water, with no pier or other obstruction in the river, and a single length of span of 4,100 feet between the pier head lines. The plans for the bridge over the Delaware at Philadelphia propose an extreme height of only 50 feet with four piers within a distance across the stream of 865 feet. In the deep-water channel at the draw, where there is nearly 35 feet depth at low water, there are to be located within a distance of 355 feet piers aggregating 100 feet in width. The mere statement of such a case, contrasted with the facts relating to the bridge over the North River, surely will impress you strongly with the necessity that steps shall be taken to check this attempt to injure the navigation of the upper Delaware.

We invite your attention to the fact that between April 2 and June 14, 1894, an unusual number of bills relating to a bridge across the Delaware at Philadelphia were introduced to the Senate or House at Washington. On April 2 Senator QUAY presented a bill (S. 1843) proposing such a bridge, and this on April 12 was returned to the Senate by Senator VIST, of Committee on Commerce, with amendments. "Provided, That no piers or other structures shall be constructed within the waterway of the Delaware River between the established pier head lines; And provided further, That the bridge shall have a clear height of 150 feet above mean high water."

On April 25 Senator CAMDEN presented a wholly new and very different bill, providing for a bridge across the Delaware at Philadelphia, and with a height of only 40 feet, and for five piers between the pier-head lines.

As the necessity for prompt action in this matter for the correction of an impending wrong, which will be forever beyond correction if the bridge shall be built as is now proposed, will be as apparent to you as it is to us, we would respectfully urge you to grant the request for a hearing for the committee at your earliest convenience.

We are, respectfully, yours,

WM. W. FOULKROD, President.  
J. N. FITZGERALD, Secretary.  
WALTER WOOD, Chairman Committee.

Hon. DANIEL S. LAMONT,  
Secretary of War, Washington, D. C.

#### THE COMMERCIAL EXCHANGE OF PHILADELPHIA, Philadelphia, January 23, 1895.

At a meeting of the board of directors of the Commercial Exchange, held January 22, 1895, the following preambles and resolution were unanimously adopted:

Whereas permission has been obtained and plans have been prepared by the Pennsylvania and New Jersey Railroad Company for the construction of a drawbridge across the Delaware River at Philadelphia, which plans provide for a least height of only 50 feet above mean high water; and

Whereas the spanning of the Delaware at Philadelphia by a bridge at so low an elevation as that aforesaid would create a serious impediment to the free navigation of a national waterway and tend to interfere especially with the natural growth of the commerce of the city of Philadelphia and contiguous territory; and

Whereas the legislation granting the right to construct the proposed bridge has been obtained without a sufficient opportunity having been accorded to the mercantile and commercial interests affected to be heard in regard to the project: Therefore,

Be it resolved, That the Commercial Exchange of Philadelphia respectfully petition the Secretary of War to appoint a commission of expert engineers at an early date to hear testimony on the subject and to determine if the interests of the community do not require that the proposed bridge should be built at a materially greater elevation above the water than is contemplated and authorized in the present plans.

E. L. ROGERS, President.  
O. ROSS SMITH, Secretary.

#### PHILADELPHIA PRODUCE EXCHANGE, Philadelphia, January 23, 1895.

The following preambles and resolution were unanimously adopted by the board of directors of the Produce Exchange of Philadelphia at its meeting to-day, and copies of same, bearing the signature of the president, duly sealed, were to be forwarded to Hon. Daniel Lamont, Secretary of War:

Whereas the Pennsylvania and New Jersey Railroad Company contem-

plates the erection of a drawbridge across the Delaware River, the proposed elevation of which, being not more than 50 feet above mean high water, would be insufficient to permit the free navigation of an important national waterway, and would therefore impede the natural growth of the commerce of Philadelphia and the territory contiguous thereto; and

Whereas the legislation granting the right to erect the proposed bridge had been secured before proper public realization of its effect upon business interests had evoked serious objection to the movement: It is

Resolved, That the directors of the Philadelphia Produce Exchange unite with the Trades League and other commercial organizations in an appeal to the Secretary of War to appoint a committee of expert engineers to hear testimony and decide if the interests of the community do not require that the bridge should have a greater elevation above the mean high level of the channel than that contemplated by the present plans.

WM. S. EMLEY, President.  
HOWARD AUSTIN, Secretary.

#### MANUFACTURERS' CLUB OF PHILADELPHIA.

At the monthly meeting of the Manufacturers' Club held on January 21, 1895, the following preambles and resolutions relative to the proposed bridge across the Delaware River between Philadelphia and New Jersey were unanimously adopted and committee appointed to present the same to the Secretary of War:

Whereas the plans for the construction of a proposed bridge over the Delaware River at Philadelphia provide that the greatest height of the structure above mean high water shall be but 50 feet; and

Whereas it is believed that this elevation is not sufficiently great to permit the safe and free navigation of a stream which is an important natural and national highway belonging to the whole body of the American people; and

Whereas as public attention has but recently been directed to this important matter, justice would appear to require that a hearing shall be given to other interests than those represented in the bridge project before a structure which will permanently affect the commerce of the Delaware River shall be erected: Be it, and by the Manufacturers' Club of Philadelphia it is

Resolved, That the Secretary of War be respectfully but urgently requested to have appointed a committee of expert military engineers to examine the matter, to take testimony, and to determine if the plans for the bridge should not be changed so as to require the further elevation of the structure.

Resolved, That the subject be referred to the committee on commerce and transportation with instructions to present these resolutions to the Secretary of War, and to take such other action as may be deemed necessary in the premises.

WM. S. STOCKTON,  
Assistant Secretary.

PHILADELPHIA, PA., January 24, 1895.

SIR: Herewith I beg to inclose a copy of preambles and resolutions unanimously passed on the 21st instant by the Manufacturers' Club of this city with respect to the proposed construction of a drawbridge across the Delaware River at Philadelphia.

I trust the reasonableness of the request embodied in these resolutions (which have been dictated solely in the spirit of fair play toward all) will commend itself to your judgment, and that you will see your way to take the needful action to avert what, if consummated, would be a grave, though perhaps unintentional, injustice to the commercial interests of the Delaware River. The bridge in question will, if constructed, be the first between the ocean and the head of tide water to span this national waterway. Not only is it just and reasonable that so important a project as this (which, I repeat, has for its object the erection of the first bridge across the Delaware between the ocean and tide water) should not be undertaken until after the public has been granted ample opportunity to be heard pro and con, but the neglect of such precaution would create what in the future might prove to be a most dangerous precedent.

I might mention that the local authorities, the harbor commissioners of Philadelphia and the port wardens, who had been looked to to exercise a supervisory control, have recently declared their lack of jurisdiction in the premises; hence the appeal to you.

A committee of the Manufacturers' Club purpose waiting upon you in person on the 26th instant by appointment with a copy of the resolutions herewith inclosed.

Yours, respectfully,

JOHN H. CONVERSE,  
Vice-President.

Hon. DANIEL S. LAMONT,  
Secretary of War, Washington, D. C.

Protest of Trenton (N. J.) Board of Trade against a bridge of insufficient elevation.

On May 24, 1894, the following resolution was unanimously passed by the Trenton Board of Trade, and a copy sent to the Secretary of War and to each of the New Jersey members of Congress:

Whereas application to Congress has been made by certain parties for authority to construct a railroad bridge across the Delaware River between Camden and Philadelphia; and

Whereas the construction of said bridge, unless built at a sufficient elevation, might prove a serious obstacle to navigation, particularly if the proposed ship canal across New Jersey should become an accomplished fact: Therefore, be it

Resolved, That the Board of Trade, while heartily approving, in a general way, the idea of a railroad bridge at the location specified, does most emphatically protest against permission being granted for the construction of any style of a bridge that might in anywise obstruct or interfere with the free navigation of the Delaware River by vessels of the largest size.

Resolved, That a copy of the above be transmitted to the New Jersey members of Congress.

#### Resolution of Board of Trade of Trenton, N. J.

TRENTON, N. J., January 10, 1895.

At a meeting of the Board of Trade of Trenton, N. J., held on the 3d instant, the following was unanimously adopted:

Whereas the plans for the new railroad bridge at or near Philadelphia, seem to indicate that there will be only a clearance of some 60 feet above high water for the passage of vessels under the same: Therefore,

Resolved, That in the opinion of this Board of Trade the clearance should be at least 70 feet above high-water mark for the needed free passage of many of the water craft at that point.

Very respectfully,

WM. W. STELLE, Secretary.

The above has been sent to the Secretary of War.

Preambles and resolutions passed by the city of Burlington, N. J., February 5, 1895, and copy of same sent to Secretary of War.

Whereas the Pennsylvania and New Jersey Railroad Company contemplate the construction of a drawbridge over the Delaware River at Philadelphia, in accordance with authority granted under a recent act of Congress; and

Whereas the prosperity of the city of Burlington is vitally connected with the maintenance of the unobstructed navigation of the upper Delaware, which is a competitive means of transportation of the greatest benefit to this community: Therefore,

Resolved, That the mayor and city councils of Burlington earnestly and respectfully petition the Secretary of War to appoint a commission of expert engineers who shall hear testimony and provide that the aforesaid drawbridge shall be constructed at sufficient height above the water to permit the free and unhampered passage of the upriver traffic, and so preserve to the public their rightful advantage in this national waterway.

#### Resolution of common council of city of Beverly, N. J.

Whereas the authority has been given to the Pennsylvania and New Jersey Railroad Company to build a drawbridge at Philadelphia across the Delaware River, which, unless constructed at a sufficient height above the surface of the water, will seriously impede the movement of craft plying between the towns along the upper Delaware and points below the location of the proposed drawbridge: Therefore,

Resolved, That the mayor and city council of Beverly respectfully petition the Secretary of War to appoint a commission of expert United States engineers to hear testimony from all the interests concerned and decide upon the clearance above the water which would be fair and equitable to all.

The above resolution was adopted by the common council of the city of Beverly at a meeting held February 15, 1895.

Attest:

ELLWOOD P. RODMAN, City Clerk.

Preambles and resolution passed by the borough of Riverton, N. J., January 29, 1895, and copy of same sent to the Secretary of War.

Whereas the citizens of Riverton, realizing the advantages accruing from a free competitive water route, are deeply interested in the preservation of the unobstructed navigation of the upper Delaware River for both passenger and freight craft of the largest practicable size; and

Whereas it is apparent that the proposed drawbridge of the Pennsylvania and New Jersey Railroad Company across the Delaware at Philadelphia will prove a serious impediment to the free passage of the upriver traffic unless the bridge is constructed at a considerably greater height above the water than now contemplated: Therefore,

Resolved, That the mayor and councils of the borough of Riverton respectfully petition the Secretary of War to appoint at an early date a commission of United States engineers to hear testimony and decide whether or not an equitable regard for the rights of the people does not require that the bridge in question, if built, should be elevated above the height now provided for in the plans.

EDWARD H. OGDEN, Mayor.  
E. C. STOUTINGTON, Clerk.

Preambles and resolution passed by the township of Palmyra, January 29, 1895, and copy of same sent to the Secretary of War.

Whereas permission has been given and plans drawn by the Pennsylvania and New Jersey Railroad Company for the erection of a drawbridge across the Delaware River at Philadelphia; and

Whereas the said drawbridge, if not constructed at a greater height above the water than is specified in the present plans, will materially interfere with the free navigation of the river above Philadelphia, and so tend to the detriment of this and neighboring communities: Therefore,

Resolved, That the township committee of the township of Palmyra respectfully urge upon the Secretary of War the importance of appointing a commission of expert engineers to decide upon the proper height at which the aforesaid bridge should be built without infringement upon the rights of any of the interests concerned.

R. L. TEMPLE, Chairman.  
F. L. SMITH, Clerk.

#### BOROUGH OF BRISTOL.

Whereas the Pennsylvania and New Jersey Railroad Company has been granted authority to construct a drawbridge across the Delaware River at Philadelphia, the plans for which provide for a height of only 50 feet above mean high water; and

Whereas a bridge at so low an altitude would prove a needless obstruction of the most serious character to the free navigation of the upper Delaware River and tend to restrict the growth of the commercial interests of Bristol and adjacent river towns, whose traffic is largely river borne; and

Whereas it is of vital importance to the prosperity of these towns and the extensive country tributary to them that the freest possible navigation of the Delaware River be preserved: Therefore

Resolved, That the burgess and council of the borough of Bristol respectfully petition the Secretary of War to appoint a commission of expert engineers to hear testimony from the various interests affected by the erection of the proposed bridge, with a view of granting justice to all and preventing a great wrong being wrought to the communities situated on the shores of this national waterway.

Attest:  
[SEAL.]

THOMAS B. HARKINS, Burgess.

J. WESLEY WRIGHT, Clerk.

BRISTOL, PA., January 23, 1895.

I certify that the above was unanimously adopted at a regular meeting of the burgess and council of Bristol Borough, held this date.

J. WESLEY WRIGHT, Clerk.

JANUARY 15, 1895.

Whereas the Hardware Merchants and Manufacturers' Association of Philadelphia has full sympathy with the action of representative commercial organizations of Philadelphia—such as the Trades League, the Manufacturers' Club, and the Commercial Exchange—in their protest against the construction of the proposed drawbridge of the Pennsylvania and New Jersey Railroad Company across the Delaware River at Philadelphia, at the low clearance above the water, contemplated in the present plans: Therefore

Resolved, That the Hardware Merchants and Manufacturers' Association of Philadelphia, in the interests of fair play and justice to all, hereby unites with the commercial bodies aforesaid, in respectfully petitioning the Secretary of War to provide for the sitting of a Board of United States Engineers at

Philadelphia, to receive testimony on this important subject, and to afford an opportunity for a full and free consideration of the question in all its bearings.

W. N. SUPPLEE, President.  
T. JAMES FERNLEY, Secretary.

Resolution of the Corinthian Yacht Club of Philadelphia at the second general meeting on February 14, 1895.

Whereas authority has been given by Congress to the Pennsylvania and New Jersey Railroad Company to construct a drawbridge (with six piers between shore and shore) across the water of the Delaware River at Philadelphia; and

Whereas the plans for the said bridge contemplate a height of only 50 feet above mean high water, and a width of but 125 feet for the drawspan; and Whereas the erection of the bridge at so low an altitude above the water, and with so narrow a drawspan, would prove an obstruction to the free passage of a large number of the pleasure yachts, which now include in their sailing course the beautiful portions of the Delaware River above the site of the proposed bridge, and would accordingly curtail seriously a legitimate and healthful recreation: Therefore,

Resolved, That the Corinthian Yacht Club of Philadelphia earnestly petition the Secretary of War to appoint at an early date a commission of expert engineers to review the plans of the projected bridge and allow to all parties interested an opportunity to present their views.

EDGAR T. SCOTT, Commodore.  
ADDISON F. BANCROFT, Secretary.

CUSTOM-HOUSE, COLLECTOR'S OFFICE,  
Trenton, N. J., January 14, 1895.

SIR: I write you concerning the new bridge across the Delaware River, above Philadelphia, Pa. The measurements, as they have been given to me, give only an average height of 50 feet above high-water mark. I think this would be a great mistake, and seriously interfere with navigation. This bridge, in my judgment, should be at least from 70 to 75 feet above high-water mark. Having had over fifty years' experience on the river, would be very sorry to see navigation obstructed by this bridge.

Respectfully, yours,

JOHN A. WILSON, Collector.

HON. SECRETARY OF WAR,  
Washington, D. C.

The resolutions in protest against present plans of bridge across Delaware River to be built by Pennsylvania and New Jersey Railroad Company, as adopted by the Philadelphia Yacht Club at their annual meeting, held February 6, 1895, are as follows:

Resolved, That the Philadelphia Yacht Club condemn the plan of the proposed bridge of the Pennsylvania and New Jersey Railroad Company across the Delaware River from Bridesburg, Pa., to Fishers Point, N. J., because of the insufficient height of the structure (50 feet) above the water. There are few yachts owned in this city that could pass thereunder without striking their topmasts, but many which could not, at a height of 50 feet, and the use of the draw for yachts would be wholly impracticable. All yachtsmen and owners of vessels know that the draw of a railroad bridge is of little value to sail craft. Tenders of draws of railroad bridges, either in obedience to orders of the superior officers (who generally act in that respect as if they owned the river, or think they do, or have the same opinion themselves) suit their own sweet will in the opening of the draws, and no time is in their opinion too long for vessels, and especially yachts, to wait. This has been the experience of yachtsmen and vessel owners everywhere, and we have no reason to believe that the present proposed structure across the Delaware will be managed differently.

The officials of the Pennsylvania and New Jersey Railroad Company and the United States engineers, with little or no consideration for the interests of vessel owners, or even for the welfare of the city, have approved the plan herein condemned.

This fact should have little weight with the authorities at Washington or with the people, for some of these same United States engineers have approved the dumping of earth, etc. (taken from the islands opposite the city), into the harbor of the leading Philadelphia yacht club, between Little Tincum Island and the mainland, without the consent of the riparian owners, when they knew, or should have known, if they were competent, that the same earth, etc., would soon wash (as a large portion, if not the most of it, has washed) into the ship channel below.

It is not true that the location of the bridge will not interfere with the class of craft that navigate this part of the river. Hundreds of freight vessels and yachts pass this point annually.

We believe that the only proper way to do justice to all interests in the location and construction of this bridge is to submit it to a commission of competent persons to take testimony and to fully consider all the interests that will probably be affected.

The Philadelphia Yacht Club, believing that the location of the proposed bridge at a height of 50 feet would be an irreparable injury to the rights of owners of vessels and yachts, earnestly request our Congressmen to do all in their power to secure the appointment of the commission referred to so that the interests of the city and vessel owners generally may be protected.

Resolved, That a copy of these resolutions be sent to the Secretary of War, Gen. Thomas L. Casey, and to each of our Senators and city Congressmen.

FRANCIS SHUNK BROWN, Commodore.  
J. G. RAMSDELL, Secretary.

#### HOUSE BILLS REFERRED.

The bill (H. R. 8659) to authorize the construction of bridges across the Emory and Clinch rivers, in the State of Tennessee, was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 8900) to amend section 9 of an act entitled "An act to authorize the Kansas City, Pittsburg and Gulf Railroad Company to construct and operate a railroad, telegraph, and telephone line through the Indian Territory, and for other purposes," was read twice by its title, and referred to the Committee on Territories.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Choctaw Nation of Indians relative to the claim against the United States on account of the lands of the Wichita Reservation, and praying that they may be allowed to plead their cause before the Court of



Claims and the Supreme Court of the United States; which was ordered to lie on the table.

Mr. DUBOIS presented a concurrent resolution of the legislature of the State of Idaho; which was read, and ordered to lie on the table, as follows:

[House concurrent resolution No. 8. By Johnson.]

Concurrent resolution against the passage of the pooling bill.

Whereas there is a bill now pending before the Senate of the United States, commonly known as the "pooling bill," the object of which is to enable all the railroad companies in the United States to organize themselves into a gigantic trust, controlling the transportation business of the whole country, and thus place the commerce of the nation, and the employment and wages of nearly 1,000,000 laboring men, at the mercy of a vast corporate monopoly, controlling more than eleven hundred millions of capital: and

Whereas we believe that the effect of the passage of said "pooling bill" can not be otherwise than disastrous to the people, and tend to still further prostrate them beneath the iron heel of corporate greed and rapacity: Therefore,

Be it resolved by the house of representatives of the State of Idaho (the senate concurring herein), First. That our Senators be, and they are hereby, instructed and earnestly requested to vote against and use every effort possible to prevent the passage of the said pooling bill.

Second. That a copy of this preamble and resolution be immediately forwarded to our Senators.

Approved February 9, A. D. 1895.

W. J. MCCONNELL, Governor.

EXECUTIVE DEPARTMENT, Secretary's Office, State of Idaho.

I, Isaac W. Garrett, secretary of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house concurrent resolution No. 8, which was filed in this office the 9th day of February, A. D. 1895, and admitted to record.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State. Done at Boise City, the capital of Idaho, this 9th day of February, A. D. 1895.

[SEAL]

I. W. GARRETT, Secretary of State.

Mr. SHERMAN presented a petition of 40 citizens of Ironton, Ohio, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which was referred to the Committee on the Judiciary.

He also presented a petition of 40 citizens of McCutchenville, Ohio, and a petition of 125 citizens of Dayton, Ohio, praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

Mr. VEST presented the petition of N. Porter and sundry other citizens of the State of Washington, praying for the enactment of legislation providing for the free coinage of silver; which was referred to the Committee on Finance.

Mr. GEORGE presented a memorial of 40 citizens of Senatobia, Miss., ministers of the Baptist Church, remonstrating against the submission by Congress to the several States of a joint resolution amendatory of the Constitution of the United States in respect to the Christian religion; which was referred to the Committee on the Judiciary.

Mr. CAMERON presented petitions of 108 citizens of Pittsburg, of 43 citizens of Mercersburg, of 40 citizens of Irwin, and of 70 citizens of Pleasantville, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

He also presented a petition of 43 citizens of Mercersburg, Pa., and a petition of 70 citizens of Pleasantville, Pa., praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

Mr. GIBSON. I present the memorial of J. W. Albaugh, of Washington, D. C., remonstrating against the adoption of the proposed amendment in the sundry civil appropriation bill condemning certain property in the city of Washington, D. C., known as the "Blaine lot."

I move that the memorial lie on the table, and that it be printed.

The motion was agreed to.

Mr. LINDSAY presented a petition of sundry citizens of Hodgenville, Ky., praying that an appropriation be made for the erection of a monument at the birthplace of Abraham Lincoln; which was referred to the Committee on the Library.

#### REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 8880) to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River, reported it without amendment.

Mr. PASCO, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5005) to remove the charge of desertion from the record of William Albin, late of Company D, Thirty-fourth Regiment Indiana Volunteers, reported it with an amendment, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 2441) for the relief of the heirs of

the late Col. Israel C. Woodruff, reported it with an amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred an amendment submitted by himself on the 23d instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. 2720) to amend section 1 of chapter 398 of the laws of 1882, entitled "An act to provide for deductions from the gross tonnage of vessels of the United States," reported it with amendments.

Mr. FRYE. On the 21st instant I reported, from the Committee on Commerce, an amendment intended to be proposed to the naval appropriation bill. The purpose of the amendment is to promote the efficiency of the Revenue-Cutter Service. I now submit a statement of fact, in the nature of a report, which I ask may be referred to the Committee on Appropriations, to accompany the amendment heretofore reported by me and referred to that committee.

The VICE-PRESIDENT. It will be so ordered in the absence of objection.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 8057) to incorporate the East Washington Belt Line Railway Company, reported it with an amendment.

Mr. GORMAN, from the Committee on Commerce, to whom was referred the bill (S. 2721) to amend the river and harbor act of August 7, 1894, providing for improving the outer harbor of Brunswick, Ga., reported it with amendments.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred an amendment submitted by Mr. GALLINGER on the 23d instant, intended to be proposed to the naval appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 8127) to provide increase of pension to Hosea Brown, of the war of 1812, to report it with an amendment, and submit a report thereon. This soldier is 103 years old, and the bill will have to go to the House, having been amended by the committee.

Mr. COCKRELL. Let it go over. On Tuesday night all such measures will be considered.

Mr. GALLINGER. It is very kind of the Senator if he promises that.

Mr. COCKRELL. We have already set aside Tuesday night for the consideration of unobjected bills.

Mr. GALLINGER. All right.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

#### COMMITTEE ON PACIFIC RAILROADS.

Mr. CAMDEN. From the Committee to Audit and Control the Contingent Expenses of the Senate I report favorably a resolution, for which I ask present consideration.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The resolution will be stated.

The SECRETARY. A resolution submitted by Mr. MORGAN on the 22d instant, instructing the Committee on Pacific Railroads to continue during the coming recess of Congress the investigations authorized by the resolution of October 13, 1893, into the condition of the bond-aided Pacific railway companies.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. CHANDLER. I object.

The PRESIDING OFFICER. Objection is made, and the resolution will be placed on the Calendar.

#### DISCARDED HEATING APPARATUS.

Mr. CAMDEN. I report from the Committee to Audit and Control the Contingent Expenses of the Senate a resolution for which I ask immediate consideration.

The Secretary read the resolution, as follows:

Resolved, That the Sergeant-at-Arms of the Senate is hereby authorized and directed to turn over to the Architect of the Capitol any portion of the heating apparatus lately discarded at the Maltby Building, that may be useful in the Botanical Garden.

Mr. CAMDEN. I will explain that the resolution simply grants permission for the transfer to the Botanical Garden of a boiler that is not in use. I ask for the immediate consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to.

#### BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 2800) to grant a township of land to the State of Alabama for the use of the Alabama State Normal College; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PUGH introduced a bill (S. 2801) to increase the pension of John T. Walton, of Marengo County, Ala.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BERRY introduced a bill (S. 2802) to approve a compromise and settlement between the United States and the State of Arkansas; which was read twice by its title.

Mr. BERRY. I move that the bill be referred to the Committee on Public Lands, with the accompanying paper, which is an agreement between the Secretary of the Interior and the Secretary of the Treasury and the governor of Arkansas in regard to a debt under a law that was passed.

The motion was agreed to.

Mr. BERRY. I also move that the agreement, together with the report of the representatives of the Treasury Department and the Interior Department, be printed as a separate document.

The motion was agreed to.

Mr. LINDSAY introduced a joint resolution (S. R. 139) authorizing the Secretary of War to deliver condemned cannon to citizens' general committee on the twenty-ninth national encampment, Grand Army of the Republic, to be held at Louisville, September, 1895; which was read twice by its title, and referred to the Committee on Military Affairs.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. SQUIRE submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DUBOIS submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HUNTON submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. BLANCHARD submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

#### WITHDRAWAL OF PAPERS.

On motion of Mr. PEPPER, it was

*Ordered*, That James L. White, agent for the Home for Aged and Infirm Colored Persons, be permitted to withdraw from the files of the Senate, under the rules thereof, all the petitions and memorials filed in the Fifty-second and Fifty-third Congresses in behalf of the measures to provide for the erection of a national home for aged and infirm colored persons.

#### REPORT ON CONDITION OF COTTON INDUSTRY.

Mr. GEORGE. I present the report of the Committee on Agriculture and Forestry on the condition of cotton growers in the United States, the present prices of cotton, and the remedy; and on cotton consumption and production. At the same time I submit a resolution, which I ask may be read and referred to the Committee on Printing.

The resolution was read, and referred to the Committee on Printing, as follows:

*Resolved*, That there be printed 5,500 copies of the report of the Committee on Agriculture and Forestry on cotton, this day submitted; of which 500 shall be for the use of the said committee, 200 for the State Department, and 200 for the Bureau of Statistics, and 2,000 for the Senate, and 2,600 for the House of Representatives.

#### REMISSION OF TIME PENALTIES.

Mr. CAMERON submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Navy be directed to transmit forthwith to the Senate copies of all correspondence and reports on file in relation to the remission of the time penalties on the United States vessels *Yorktown*, *Baltimore*, *Philadelphia*, and *Newark*.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. JAMES KERR, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 8237) for the relief of William W. Buckley, late first lieutenant, One hundred and ninety-fourth Regiment Ohio Volunteers.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 2377) to amend "An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels," approved August 7, 1882, and also to amend section 4414, Title LII of the Revised Statutes, "Regulation of steam vessels;" agreed to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WISE, Mr. MALLORY, and Mr. STORER managers at the conference on the part of the House.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House

had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 5218) to amend the Articles for the Government of the Navy;

A bill (H. R. 5224) for the relief of James Stewart; and

A joint resolution (H. Res. 227) authorizing the Secretary of the Navy to donate to the Oregon State Soldiers' Home at Roseburg, Oreg., certain cannon, etc.

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 21st instant approved and signed the act (S. 2589) granting cannon to the Historical Museum, Des Moines, Iowa.

#### MEXICAN FREE ZONE.

Mr. HARRIS. A day or two since the joint resolution (H. Res. 277) in reference to the Free Zone along the northern frontier of Mexico and adjacent to the United States was passed by the Senate. In the light of certain suggestions which have just come to me, I wish to enter a motion to reconsider the vote by which the joint resolution was passed. For the present I will let the motion simply be entered, because the committee desires to investigate the matter a little further.

Mr. ALLISON. I understand the joint resolution has already been signed by the presiding officers of the two Houses. If so, it seems to me some further action should be taken.

Mr. HARRIS. If the joint resolution has been signed by the presiding officers of the two Houses and has gone to the President, I connect with my motion a motion to request the President to return the joint resolution.

Mr. ALLISON. I think that would be wise, as I understand that is the situation.

The VICE-PRESIDENT. The motion of the Senator from Tennessee will be entered.

Mr. HARRIS subsequently said: I submit a resolution asking the House to return a joint resolution now in the hands of the Committee on Enrolled Bills of the House. I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the House of Representatives be requested to return to the Senate the engrossed joint resolution (H. Res. 277) in reference to the Free Zone along the northern frontier of Mexico and adjacent to the United States.

#### INDIAN APPROPRIATION BILL.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, being the Indian appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes.

Mr. KYLE. I offer an amendment which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from South Dakota will be read.

The SECRETARY. Add to the bill the following as an additional section:

SEC. — That the term "Indian," wherever it occurs in any law of the United States or any treaty of the United States with any nation or tribe of Indians, shall be held to mean and include not only all Indians of the mixed blood, of whatever degree, whenever such mixed-blood Indians, at the time of the passage of any such law or ratification of any such treaty, lived and maintained tribal relations with and were recognized members of any tribe of Indians which was interested in or affected by any such law or treaty; and such Indians of the mixed bloods shall be entitled to all the rights and privileges under the law the same as Indians of the full blood.

Mr. PETTIGREW. I wish to reserve the point of order against the amendment. I do not care to cut off my colleague from stating his position, but I reserve the point of order.

Mr. KYLE. Do I understand the point of order is raised by my colleague before I can make my remarks?

Mr. PETTIGREW. I simply reserve the point of order for the purpose of not cutting the Senator off from making his remarks.

Mr. KYLE. Mr. President, the amendment which I have offered is one of vital importance to the people of my State. It affects the interests of the Indians in the whole Northwest. We know that during the past one hundred years it has been the custom of white traders to visit the Indian tribes and marry Indian women, to become incorporated with the tribe, and to raise Indian families. That practice has been pursued to such an extent that there are to-day thousands and thousands of mixed-blood Indians in the United States. I think it is safe to say that in my State one-fourth of the twenty-five or thirty thousand Indians are those of mixed blood; that is, the children of Indian mothers and white fathers.

Now, it so happens that in the year 1891 a question arose as to the right of a certain Indian woman, a Mrs. Jane Waldron, to take an allotment in the Sioux Reservation of South Dakota. The question, after being considered by the Commissioner of Indian Affairs, was referred by him to the Assistant Attorney-General,



then Mr. Shields. Mr. Shields was asked to pass upon two questions. The first was whether Mrs. Waldron, being a mixed-blood Indian, was entitled to annuities; and second, whether she was entitled to take an allotment. Upon these questions he presents quite an elaborate decision. I will quote one or two paragraphs from the opinion touching upon the question of mixed-bloods. He says:

It is insisted, however, that Mrs. Waldron is not an Indian, and therefore is not entitled to an allotment within said reservation.

Her father, as we know, was a white man who went upon the reservation in 1855, and has continued to live among the Indians from that time to this, being incorporated with the Sioux tribe, according to the treaty of 1868.

It seems but proper that this question as to the status of one of these claimants under said law should be first disposed of. The Commissioner of Indian Affairs seems to have taken it for granted that Mrs. Waldron is an Indian within the meaning of the law in question.

Then Mr. Shields quotes various decisions of the Supreme Court and other courts relative to the status of mixed-blood Indians. He sums that up in the following sentence:

(1) The members of the various nations and tribes of Indians, although living within the geographical limits of the United States, are not by birth citizens thereof; and (2) These people constitute separate and distinct, though dependent nations, and their individual members are freemen.

Then, as relating to the case of Mrs. Waldron, he makes this remark:

The status of the parents of Mrs. Waldron's mother is not sufficiently shown to justify a positive conclusion thereon, but for the purposes of this opinion she may be considered an Indian. We have then to determine, whether—and here is the question—

the child of a white man, a citizen of the United States, and an Indian woman, his wife, is an Indian within the purview of the act of March 2, 1890.

Then he quotes this decision as supporting the position which he has taken:

In the case of *Ex parte Reynolds* (5 Dill, 394), the question, Who is an Indian? was presented and quite fully discussed. It was concluded that, the Indians being free persons, the common-law rule, that the offspring of free persons follows the condition of the father, prevails in determining the status of the offspring of a white man, a citizen of the United States, and an Indian woman.

Commenting upon this matter as to the rights of Mrs. Waldron with regard to receiving annuities and an allotment under the severalty act, he says:

Under the rule laid down in the decisions cited, which rule is, in my opinion, a sound one and applicable to the case under consideration, Mrs. Waldron was born a citizen of the United States. Her claim that she is an Indian by virtue of being born of an Indian mother can not be allowed. There is no allegation that she has taken steps to renounce her allegiance to the United States or to assume the rights and duties of a citizen of any other nation, tribe, or people.

Now, Mr. President, a question is presented here for our decision. It is whether the child of a white father and an Indian mother is an Indian within the meaning of the law. As we know, these white men take up residence with an Indian tribe, marry Indian women, and become members of the tribe either by recognition or adoption or by provision of the various Indian treaties. They are practically members of the Indian tribe. At the same time they occupy a dual relation. They are at once citizens of the United States and incorporated members of the Indian tribe, and their children born to them in wedlock also preserve this dual relation as regards their tribal rights and their citizenship. The children, the mixed-blood Indian sons and daughters, are at the same time incorporated members of the Indian tribes and citizens of the United States. Mr. Shields goes on to say:

The conclusion that Mrs. Waldron is not an Indian carries with it the answer to both questions propounded by the Commissioner of Indian Affairs. In reply to the first question—

That is, whether she was entitled to annuities—

I would say Mrs. Waldron was not, at the date of the act of March 2, 1890, entitled to receive rations and annuities at the Cheyenne River Agency. This also disposes of the second question, which is hypothetical, dependent upon the first question being answered favorably to Mrs. Waldron's claim.

That is, that she was not entitled to take an allotment under the severalty act.

Mr. President, I submit that this decision of Mr. Shields, ready for promulgation upon November 27, 1891, is in direct violation of the customs and usages along this line for the past one hundred years. It is an old principle of common law known to every Senator upon this floor—*partus sequitur ventrem*—that the child follows the mother. It was true among the colored race in the South with reference to the offspring of a colored woman and a white man. It is true in all barbarous nations. It is true as relates to the Indian tribes of the United States. To-day the Indians of mixed blood in the United States are recognized as members of the Indian tribes and are known as Indians. There never has been a violation of that rule in United States law during our history.

Now, the question is whether that status as existing heretofore in the United States shall be allowed to remain. The provisions of my amendment are that the status heretofore adopted shall remain, and that no such decision as that prepared by Mr. Shields shall be promulgated to disturb the rights of mixed-blood Indians.

Mr. MORGAN. Can the Senator from South Dakota tell me whether the Secretary of the Interior or the Attorney-General of the United States affirmed that decision?

Mr. KYLE. I will come to that point in a moment.

The laws of the United States, as I have said, have always regarded those men as Indians. They have regarded them as Indians in making treaty stipulations with tribes in different portions of the United States. It was true when the commission of the United States went to Wyoming to make the famous treaty of 1868 with the Sioux Nation. Those men to whom I have referred, half-breeds, the sons of white fathers, not only helped to prepare the treaty but assisted in getting the Indians of the various tribes to sign the treaty. It was stipulated in the act of 1868, proclaimed February 24, 1869:

No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same.

I submit the fact that in all the treaty stipulations made with the Indian tribes in the West they have included not only the Indians of full blood but the Indians of mixed blood in order to make the necessary three-fourths to comply with the provisions of the treaty from which I have read. That was also done with reference to the treaty made with the Sioux Nation in South Dakota in 1869. It was the case two years ago with reference to the Yankton Sioux treaty, by which the Sioux sold or ceded to the United States a portion of their land. In order to make up the necessary three-fourths to comply with the provisions of the treaty they had to include and they did include not only the Indians of full blood but the Indians of mixed blood as well.

The United States has not only recognized this principle in this way, but it has gone further. It has during the past few years and since the passage of the Dawes severalty act sent a number of agents to the Indian reservations of the United States. These men have allotted lands to whom? Not only to the full-bloods, but in every case have allotted lands to the mixed-blood Indians—the children of Indian mothers and white fathers.

This is a recognition of the old principle which has been enforced since the foundation of the Government that the Indians of mixed blood are entitled to all the rights and privileges as regards annuities and allotments the same as Indians of the full blood. That is all I wish to accomplish by this amendment; simply to confirm what has heretofore been enforced during all the periods of the history of our country.

Mr. President, I feel confident that if a decision such as we have here presented before us by Mr. Shields is promulgated it will invalidate not only all the treaties made by the United States where these mixed-bloods were counted as necessary to make the necessary signatures, but will also invalidate many of the laws relating to Indian tribes of the United States.

Now, in reference to the question raised by the Senator from Alabama [Mr. MORGAN], I will state that when the present Secretary of the Interior came into office he found the decision of Mr. Shields ready for promulgation. He withheld it, however, I believe, and referred the question at issue to the Attorney-General, Mr. Olney, for his decision. Mr. Olney has given quite an elaborate opinion, one particular section of which I shall read; and I believe that in all such cases the opinion of the Attorney-General overrides the opinion of the assistant:

It will be noticed that the act under consideration was dependent for its validity upon the consent of the Indians. (Sec. 23.) In other words, it was substantially a treaty with the Sioux Nation, acts in this form having taken the place of the ancient Indian treaty since the latter was prohibited by act of Congress in 1871. By the agreement confirmed in this act the Sioux Nation gave up a large amount of territory, and the rights conferred on the nation or on individuals were in consideration thereof. The persons entitled to such rights are the persons who, at the time of the agreement, constituted the Sioux Nation and were lawful members thereof. The question, therefore, whether any particular person is or is not an Indian, within the meaning of this agreement, is to be determined, in my opinion, not by the common law, but by the laws or usages of the tribe. (See *Western Cherokee Indians vs. United States*, 27 Ct. Cls., 1, 54; *United States vs. Old Settlers*, 148 U. S., 427, 470.)

That is in direct line with the features of the amendment which I have proposed, which are these:

That the term "Indian," wherever it occurs in any law of the United States or any treaty of the United States with any nation or tribe of Indians, shall be held to mean and include not only all Indians of the full blood, but also all Indians of the mixed blood, of whatever degree, whenever such mixed-blood Indians, at the time of the passage of any such law or ratification of any such treaty, lived and maintained tribal relations with and were recognized members of any tribe of Indians which was interested in or affected by any such law or treaty; and such Indians of the mixed-blood shall be entitled to all the rights and privileges under the law the same as Indians of the full blood.

What I have said with reference to the recognition by the United States of these mixed-blood Indians is also true with reference to the recognition of the Indians themselves as to the rights of the mixed-bloods. I have been upon the reservation a great deal during the past twenty years. It has been my privilege to be a pioneer in the West nearly all of my life. I am perhaps as well acquainted with the customs and usages of the Indians as almost

any member upon this floor. I have talked with the Indian chiefs regarding the particular custom of the induction of white men into the Indian tribes. These men are unanimous in saying that "the white men were accustomed as traders to come among us and ask the privilege of taking an Indian wife and becoming members of the Indian tribe." They would come and present their request to the chief in most instances and state their desire. The chief would then call a few of the leading men around him and state the desire of the white man. If this was agreed to, they would have in many instances what was called a "brave dance" and a feast, and by that the man was known to be incorporated into the tribe, and, as was stated to me, he was entitled to all the rights and privileges of Indians of the full blood from that time forth.

It has been the custom of all United States Indian agent for the past fifty years in dispensing the annuities to the Indians to regard Indians of the mixed blood exactly the same as if they had been Indians of the full blood. When the United States Government came under recent laws to make the allotments of land in severalty to Indians they gave the Indians of mixed blood exactly the same privileges they did Indians of the full blood, because the Indians themselves declared that "these men were adopted into our tribe by our usages and our customs, and they are furthermore incorporated with us by the treaty provisions."

Mr. President, if this matter be not settled it will be the cause of a great deal of disturbance among the half-breed or mixed-blood Indians of the United States. The very fact that this decision of Mr. Shields was ready for promulgation three or four years ago created a great uneasiness among those who had taken their land in severalty, and who were trying to make for themselves homes upon the Western prairies.

I have here petitions and bundles of letters almost innumerable from half-breeds in Montana, Wyoming, North and South Dakota, Wisconsin, the State of New York, and the country generally, asking that Congress shall pass a law fixing the status of the mixed-bloods and not place the allotments they have taken in jeopardy. I might read, but I shall not take the time except to refer to just a few letters, one from a prominent mixed-blood Indian of the Yankton Reservation in my own State, which will express about the general sentiment of all these men:

I will embrace the opportunity hereby presented to offer on the part of myself and that of all other "mixed-blood Indians," residents of this place, the hearty thanks you justly deserve in championing our cause. We appreciate the kindly interest you take in us, and assure you that your efforts on behalf of the mixed bloods will not be forgotten. The late decision of the Department of Indian Affairs, affecting the rights of the class of people known as the mixed-blood Indians, is one of vast import to us, and unless some speedy action is taken in the matter we will be made to suffer unjustly a great wrong for which we were not responsible. The status of the mixed bloods has never been questioned before, it being mutually conceded by both the white and the red men, and by rulings of the Indian Office, that we were Indians. But now it would seem that we are Indians only when we show a willingness to sign the treaties proposed to the Indians for the cession of their reservations, or any portion thereof; and white people when the reservations are open to settlement and the settlers want our allotments. Our signatures are as good as any full-blood Indian's when signed in receipt of supplies issued to Indians or to a treaty, but the moment we claim the right to allotments of land as Indians the whole country is up in arms and we are assailed on all sides; then it is that we are white people, but if we wish to use the right of franchise we are told that we are Indians. What are we, and where do we stand? If we are white people the treaty with the Sioux in 1889 and that with the Yankton tribe in 1892, by which were ceded to the Government several millions of acres of land, are null and void, for the necessary majority could never have been obtained without the mixed-bloods who signed. The Indians have a perfect right to, and will at no distant day, take the necessary steps to dispossess the settlers who are now holding land on the said ceded land, unless the mixed-bloods are decided to be Indians. I would like very much a copy of your bill, or any bill affecting the mixed-bloods; also a copy of the treaty with this tribe now pending action of Congress.

Very respectfully,

C. H. BONNIN.

Also the following:

SISSETON AGENCY, S. DAK., January 19, 1894.

DEAR SIR: I see by the papers that the honorable Secretary of the Interior has affirmed a decision made a few years ago relative to the rights of mixed-bloods to take lands as Indians under the severalty bill, and I write you in regard to the matter, as I would like to know if the decision will affect those of us holding lands here, we having taken 100 acres each under a treaty concluded March 3, 1891. There are on the rolls of this agency about 1,350 people, and something over a third of this number are mixed-bloods. By a treaty concluded February 19, 1897, this reservation was set apart for a certain number of Sisseton and Wahpeton Indians and mixed-bloods as a permanent home in consideration of services rendered during and just after the Sioux outbreak in Minnesota in 1862; but many of the Indians have been led to believe that all mixed-blood Indians here will lose their rights to annuity payments and lands. Many of the Indians and mixed-blood Indians have lived on their farms for the past twenty years, and have quite an amount of improvements on them. Some have held patents for the same time. It would be a great injustice to apply a decision of that nature here and deprive the mixed-blood Indians of their homes and the lands they have been improving for so long. Can there be nothing done that will insure to the mixed-blood Indians here their homes, or will the land all be thrown open to settlement?

The treaty by which all vacant lands of this reservation were ceded to the Government was made by the aid of mixed-blood Indians, as I find that 64 out of 209 signers were mixed-blood Indians, while it required 180 to make the necessary majority.

Very respectfully, yours, etc.,

J. R. BROWN.

Hon. JAMES H. KYLE,  
United States Senate, Washington, D. C.

ROSEBUD INDIAN AGENCY, S. DAK., January 5, 1895.

DEAR SIR: I have been connected with the Indian service in positions of trust and responsibility since 1873, and nearly eleven years of this period as licensed trader at this agency. I am included in that class called "squaw men," a term originated by exasperated thieving Indian agents, who found these men—who could see, read, and write—an obstacle to their successful thieving operations.

It has always been claimed by the Sioux that all their treaties were signed through the persuasion of the squaw men and mixed-bloods; and if you will refer to pages 19, 93, and 173 of the printed report of the Crook commission you will observe that the white men and mixed-bloods were virtually given credit for the acceptance of that agreement, and their rights were admitted. All white men, whether legally married in 1868 or 1889, were "incorporated into the tribe;" and I have heard such authorities on Indian laws as Judges Shannon and Edmunds so decide; and I have a certificate from the Interior Department to land under the treaty of 1868, although I was not married until 1873, and the later authorities of the Interior Department, in a letter to Agent Wright here, confirmed the rights of men married subsequent to 1868. All of us signed the last treaty, and by referring to page 118 of this same report you will read that Swift Bear, the recognized head chief and successor to Spotted Tail, called upon me to make a speech, which request was made because I was recognized as an adopted or incorporated member of the tribe, and it is known and can be easily proved that following my speech the Indians commenced signing the treaty, and that I called for and accompanied to the table those who first signed.

See section 21, latter part, of the act of March 2, 1889, and you will perceive that where the term "Indian" is used in the foregoing sections it is clearly admitted that it covers "mixed-blood Indians," and acknowledges their right to land under that treaty.

The question of the rights of the white men married to Indian women and of their offspring has been a vexed one and has perplexed the authorities for many years, and it would seem no more than right that some humane law should be enacted to protect these men and their children, and therefore the settlers whose claims to land under the new treaty seem to be invalidated by this Waldron decision.

Yours, very truly,

C. P. JORDAN.

Hon. J. H. KYLE,  
United States Senator.

In other words, the general sentiment of these men seems to be that in case they are not recognized as being Indians in the eyes of the law, then the treaty made in 1889 by the Sioux Nation with the United States by which millions of acres of their land were given to the United States shall be declared null and void and they shall take steps to dispossess the white settlers who have gone upon that reservation.

Mr. President, I do not understand why there can be a point of order raised against this amendment. It does not formulate a general law. It does not change existing law. It merely interprets and confirms and determines the status of the present law that has been in force for the past one hundred years in the United States. That is all there is of it. If the point of order is to be raised against an amendment like this the same point of order will lie against one-half of the amendments that have been made to the pending Indian appropriation bill during the past few days.

I can not see the objection of my colleague to this amendment. I consulted, before drawing it, with some of the best-informed men upon the floor as regards Indian matters, the Senator from Wisconsin [Mr. VILAS], the Senator from Colorado [Mr. TELLER], the Senator from Minnesota [Mr. DAVIS], who has lived on the northern frontier for the past twenty-five or thirty years; I do not know how long. In fact, the amendment as I have presented it was practically drawn by the Senator from Minnesota [Mr. DAVIS], and he is capable of giving it the proper legal phraseology.

I hope, Mr. President, that my colleague will withdraw the point of order he has made, because he knows, as I know, that the Indians of the mixed blood in our own State, who comprise, as I said, about one-fourth of the Indians of the State, are rising up in arms and asking that this matter shall be settled; and I know he does not wish to place in jeopardy the rights and the claims of the mixed-blood Indians who have taken their allotments during the past.

Mr. COCKRELL. I wish to suggest to the Senator from South Dakota an amendment to his amendment to carry out exactly the object expressed by the Attorney-General. I suggest that he make it read "recognized as members by such nation or tribe."

Mr. KYLE. Very well.

Mr. HANSBROUGH. Let the amendment offered by the Senator from Missouri be stated.

Mr. COCKRELL. Let the amendment be read as it will stand with my amendment.

The SECRETARY. The amendment as modified will read:

That the term "Indian," wherever it occurs in any law of the United States, or any treaty of the United States with any nation or tribe of Indians, shall be held to mean and include not only all Indians of the full blood, but also all Indians of the mixed blood, of whatever degree, whenever such mixed-blood Indians, at the time of the passage of any such law or ratification of any such treaty, lived and maintained tribal relations with and were recognized as members of any such tribe of Indians by such nation or tribe which was interested in or affected by any such law or treaty, and such Indians of the mixed blood shall be entitled to all the rights and privileges under the law the same as Indians of the full blood.

Mr. KYLE. Mr. President, there is only one other question in connection with this matter. During the past few years a large number of mixed-bloods went to surrounding States and made homes; but as soon as the law was passed giving allotments to



Indians they were willing to return and take up their place with the tribe and claim the same privileges as the tribe. They were looked upon by many of the white settlers as being interlopers and having no right to the privileges of the full-blood Indians. In regard to that I will say in closing that I think the amendment as drawn and as moved by the Senator from Missouri completely covers that point. I will read that particular phraseology:

Whenever such mixed-blood Indians, at the time of the passage of any such law or ratification of any such treaty, lived and maintained tribal relations with and were recognized as members of any such tribe of Indians by such nation or tribe which was interested in or affected by any such law or treaty.

In other words, it brings us exactly to the position laid down by the Attorney-General, which I think is good law, that the status of mixed-blood Indians is to be determined, as he says here, "not by the common law, but by the laws and by the usages of the tribe."

I hope that the Senate will allow this amendment to go upon the bill in order to quiet the status of the mixed-bloods in South Dakota and the adjoining States.

Mr. HANSBROUGH. Mr. President, I am very much afraid that the enactment of this proposed amendment into law will greatly complicate the Indian question along the boundary line between the United States and Canada. I have in mind one tribe of Indians in the State of North Dakota that would be seriously affected. I refer to the Chippewa Indians, located at Turtle Mountain. Ten years ago there were less than 800 of those Indians. Since then, year by year, the Government has appropriated money for the care and maintenance of those Indians to prevent them from starving, and every time the Government has sent its bounty to that region it has resulted simply in drawing Canadian half-bloods to that section. I believe the enactment of this amendment into law would simply result in bringing every half-blood Indian in the Dominion of Canada to the State of North Dakota, and every one of them would claim that he belonged originally and belongs now to the tribe.

Mr. KYLE. May I ask the Senator from North Dakota a question there?

Mr. HANSBROUGH. Certainly.

Mr. KYLE. Is it not true that the law as it now stands provides exactly for what this amendment covers?

Mr. HANSBROUGH. There is a question in regard to that.

Mr. KYLE. Is it not true that the Government to-day allots lands in severalty to all Indians upon the reservations in North Dakota as well as South Dakota where the Indians are recognized as members of the tribe according to the laws and usages of the tribe and are incorporated with it?

Mr. HANSBROUGH. That has been the intention of the Interior Department with reference to the management and government of the Indians in the Northwestern States.

Mr. KYLE. Then the amendment does not change the principles of the law at all.

Mr. HANSBROUGH. But, sir, that has not been the result. It is very difficult to distinguish between a full-blood Indian and a half-breed. They have a way of coming into this country and attempting at least to acquire land. The result I know has always been to increase the number of half-breeds coming to this country from the Dominion of Canada, until the little band of Turtle Mountain Indians, as I have said, which amounted to 800 ten years ago, now amounts to 2,500, and the Government is called on year by year to maintain them. Anything that further recognizes the half-breed Indians who come to this country from Canada will simply increase the amount that will be required to be appropriated from year to year to care for the Indians.

Mr. PLATT. Mr. President, I wish to make an inquiry of the Senator from South Dakota. Do I understand him to state that the Attorney-General has decided differently from the Assistant Attorney-General in the Interior Department? I understood the Senator to state that the decision of the Attorney-General was in consonance with this proposed amendment. If that be true, what is the necessity of our doing anything about it at the present time?

Mr. KYLE. I will state that the opinion of the Attorney-General hardly amounts to a decision upon this particular point. It takes up the question as to who is an Indian and does not decide it, but says that the laws and usages of the tribe must determine that question. He leaves it right there.

Mr. PLATT. Is not that the best way to leave it?

Mr. KYLE. That is the best way to leave it, I think, myself, and I want to confirm that principle in the law, so that in the future there shall be no dispute in regard to it.

Mr. HANSBROUGH. The Senator refers to the laws and usages of the tribe. As a matter of fact the laws and usages of the tribe of the Chippewa Indians in the Turtle Mountain region have become the laws and usages of the half-breeds who have come over there and simply overwhelmed them. From 800 pure-blood Indians ten years ago they have increased by the acquisition of half-breeds from Canada to 2,500. The half-bloods are in power in the execution of "laws and usages."

Mr. KYLE. Were the people who were brought over from Canada members of the tribe?

Mr. HANSBROUGH. Not at all; but they have come there steadily and claimed tribal relations, and have been recognized perforce by the native Indians.

Mr. KYLE. There is something in the usages of that tribe to determine whether those Indians are members of the tribe or not. If they are not the Interior Department can cut them off.

Mr. PETTIGREW. This is a very broad and important question. In the State of South Dakota there are a very large number of mixed-blood Indians of all degrees who have taken lands in severalty upon reservations and lands upon ceded portions of reservations and are citizens of the United States. If this provision is enacted into law a white man who has only one-sixteenth Indian blood in his veins, or an eighth—

Mr. PLATT. Or a sixty-fourth.

Mr. PETTIGREW. Or a sixty-fourth, or any Indian blood whatever, can hold those lands exempt from taxation, from alienation, and from incumbrance for twenty-five years, thus forcing upon the people of South Dakota the necessity of furnishing a government without receiving any taxes whatever from those people. I am willing to give everyone lands; I am willing to confirm to these people the title in the lands which they have occupied; but I am unwilling to make them Indians by law and provide that the lands shall not be taxed for twenty-five years, and thus compel the people of the counties where they are located and the people of the State of South Dakota to furnish them a government and protection under the law when they are just as much to-day citizens of the United States as any other inhabitants of that State.

In the very case cited by my colleague, the Waldron case, Mr. Van Meter is a full citizen of the United States. He married a half-breed Santee-Sioux Indian woman back in 1858. When I went to Dakota he was living in the village of Vermillion and was one of the officers of the town. He had an addition to the town and was engaged in business. His children were born there and became unquestionably citizens of the United States. They had the advantage of the public school. They did not learn the Indian language, but the English language, and spoke the English language, and speak it to-day as well as anyone. You could not tell that they had Indian blood in their veins. One of the girls married Waldron, a full citizen of the United States. When the Sioux treaty was made opening up a portion of the land to settlement Waldron and his wife moved upon a half section of land adjoining the village of Fort Pierre, on the west side of the Missouri River, and she claimed that she was an Indian and entitled to that land under the law and could occupy it for twenty-five years without taxation. The Department has held that she is not an Indian, and this proposed legislation is for the purpose of curing her title.

Mr. KYLE. Will my colleague allow me to give the exact fact as to the date?

Mr. PETTIGREW. When I get through my colleague can reply.

Mr. KYLE. The date is all I wish to refer to.

Mr. PETTIGREW. I am willing that Mrs. Waldron should have the land, I am willing any half-breed should have the land, but I am not willing that we shall declare them Indians and allow them exemption from taxation for the next twenty-five years. It is an unusual burden to place upon the people of South Dakota, and one that I must resist as long as I am able to resist it. Along the Bad River several hundred half-breed Indians have taken their allotments. In fact, the whole Van Meter family is there. They have taken the water and they have great herds of cattle. I can see no reason in the world why they for twenty-five years should be exempt from taxation. Along the Cheyenne River there is another settlement. Mr. Du Pre has a herd of 15,000 cattle and a numerous family of half-breed children. They have occupied the water supply along that river for 10 or 12 miles. Shall they be exempt from taxation for the next twenty-five years? That is what this amendment proposes to do.

Mr. ALLEN. Will the Senator from South Dakota permit me to make a suggestion? Did we not pass at the last session of Congress a law authorizing the Secretary of the Interior to take from the funds of the Indians what would be a fair and equitable tax and pay it into the different county treasuries of South Dakota, Nebraska, and other States?

Mr. PETTIGREW. I will say to the Senator that such a bill was considered by the Committee on Indian Affairs and reported favorably to the Senate. It is on the Calendar, and has not been passed by either House of Congress.

Mr. ALLEN. My recollection is that it became a law.

Mr. PETTIGREW. It ought to be passed. But is the United States ready to say that these white people are Indians and that they shall hold their lands and the Government shall pay the taxes even if that bill did pass? Of course that would relieve the burden

from the people of South Dakota and take the money out of the Treasury of the United States. Further, this amendment was introduced as a separate bill and referred to the Committee on Indian Affairs, and the Committee on Indian Affairs refused to report it back favorably to the Senate.

Mr. KYLE. I do not think that is true. I think the Committee on Indian Affairs have not yet acted upon the question. I think they will report it favorably when they get to it, but they have not yet considered it.

Mr. PETTIGREW. The Committee on Indian Affairs, of which I am a member, voted upon this question and decided not to report it favorably.

Mr. ALLEN. Let me correct the Senator from South Dakota. The Committee on Indian Affairs did not vote upon it at all. I was present, and the bill was referred to me as a subcommittee. I made a favorable report upon it.

Mr. PETTIGREW. I will take the statement of the Senator, and say, then, that the Committee on Indian Affairs refused to report the amendment favorably.

Mr. ALLEN. No; that is not correct.

Mr. PETTIGREW. I insist that it is correct. The Senator can reply to me after I get through if he chooses to do so.

Mr. ALLEN. I was not present at the time, and for that reason it was not acted upon.

Mr. PETTIGREW. I was present and that was the decision of the committee. The committee refused to report it favorably.

Now, this question is one of too great importance to be disposed of on an appropriation bill. I am willing that it shall be taken up next winter by the Committee on Indian Affairs. If the questions with regard to alienation are properly guarded and protected I am perfectly willing to confirm the title of the mixed-bloods to the lands which they occupy, and to provide also that in the future all mixed-bloods of whatever degree may take land and acquire title thereto, subject, however, to the laws of taxation which apply to other property. I would also allow these people to sell or encumber their lands the same as other citizens. It seems to me no other course can fairly be pursued in this connection.

Mr. KYLE. Mr. President, my colleague seems to be laboring under a very great misapprehension. He seems to think that the amendment is granting to all half-breeds something that they do not already possess. These half-breed Indians have the privilege of taking their allotments, and by the present laws of the United States they are as Indians exempt from taxation. The pending amendment proposes to grant them no immunity from taxation.

Mr. PETTIGREW. I wish to say to my colleague that if they are specially protected now this proposed legislation is very unnecessary.

Mr. KYLE. I have tried to make the argument clear all the way through this morning that we must confirm by statutory act of the United States that which has been the custom of the United States for the past hundred years. That is all. The question of the taxation of these half-breed Indians has nothing whatever to do with the question under consideration. I will take up the question next year, or any other time, as to whether half-breed Indians shall pay taxes or not.

I think a great number of these squaw men should be taxed, and the half-breeds who have large herds of cattle I think ought also to be taxed; but I know this to be true, that the larger part of the half-breeds to-day in the United States are not able to pay taxes; and to impose such a burden upon them would destroy the effect of the law providing that those persons should take their lands in severalty, looking forward to the time when they should have established homes. I say the question of taxation has nothing whatever to do with this bill, as those people are already exempt from taxation.

As to Mr. Van Meter, my colleague has said that he knew him first as a resident of Vermillion, S. Dak., where he was keeping a store or livery stable of some kind, and educating his family. I have a letter from Mrs. Waldron, in which she states:

KIND SIR:

FORT PIERRE, S. DAK., February 5, 1895.

My father has been in this Indian country since 1855. When he first came it was to a military post here, when he was in the employ of General Harney, and his name appears on the pay rolls of the Quartermaster's Office. In the year 1858 he married my mother and located at a point on the Vermillion River where the town of Vermillion now stands. He did not leave the Indian country, but it became ceded land as the Government opened it up about him.

In other words, he located there when that was Indian land; he did not leave the Indian country; he was an Indian living among the Indians. When they became ceded lands he remained there and educated his family among the whites.

In 1879 he moved west, and has been on this particular reservation since 1881. He is one of the men incorporated into the Sioux tribe of Indians according to the treaty of April 20, 1868, so that his offspring surely ought to be recognized as Indians.

Very respectfully,

JANE E. WALDRON.

Hon. JAMES H. KYLE, Washington, D. C.

In other words, Mr. Van Meter left the town of Vermillion in 1879, and in 1881 became a resident upon the Sioux Reservation, where he now is, and has had his family there with him since that time. Since 1881 he and all the members of his family have received annuities from the Government, and when the law of 1890 was passed granting to these people the privilege of taking lands he and his family, according to the provisions of that law, took their allotments, and they are now holding them; and the question is, whether they are going to lose them or not in consideration of any ruling of the Interior Department.

Mr. ALLISON. I should like to hear the amendment read.

The VICE-PRESIDENT. The amendment will be read.

The SECRETARY. It is proposed, after line 9 on page 10, to insert:

That the term "Indian," wherever it occurs in any law of the United States or any treaty of the United States with any nation or tribe of Indians, shall be held to mean and include not only all Indians of the full blood, but also all Indians of the mixed blood, of whatever degree, whenever such mixed-blood Indians at the time of the passage of any such law or ratification of any such treaty lived and maintained tribal relations with and were recognized as members of any such tribe of Indians by such nation or tribe which was interested in or affected by any such law or treaty, and such Indians of the mixed bloods shall be entitled to all the rights and privileges under the law the same as Indians of the full blood.

Mr. ALLISON and Mr. HIGGINS addressed the Chair.

The VICE-PRESIDENT. The Chair has recognized the Senator from Iowa.

Mr. ALLISON. I will yield to the Senator from Delaware; then I wish to make a point of order on the amendment.

Mr. HIGGINS. Mr. President, I feel like saying a word on this subject, as it was brought to my attention in the course of an investigation which was conducted by the late Senator from Kansas, Mr. Perkins, and myself in the Indian Territory about two years ago.

We went to Muscogee, in the Creek Nation, and to Tahlequah, and the refrain of my remarks was that I wanted to find an Indian; that they were all whites, whilst all of them were so-called Indians. You could not see a yellow Indian nor a red Indian; no full-bloods were to be found anywhere about; but everybody was an Indian to take part in the property or lands owned in the Cherokee Nation or the Creek Nation, and to take part in any distribution of money to be paid by the United States for the Cherokee Strip. They were included as the beneficiaries in every thing which was to be given.

This nation is generous, and means to be generous, to the Indians, but by that, I know, the people understand and mean the Indian aborigines, not the half-bloods, not the quarter-bloods, not the eighth-bloods, not those in whom you can not observe the physical admixture—to use the old legal term of slavery days—of Indian blood. This is growing to be a vast abuse. By intermarriages you may in that way virtually, to use a phrase, eradicate Indians as Indians, and yet you will have all the Western country full of white people, but clinging to whatever is to come from the Government on the ground that they are Indians.

It seems to me one of the ways of getting rid of the Indian question is just this of intermarriage, and the gradual fading out of the Indian blood; the whole quality and character of the aborigine disappears, they lose all of the traditions of the race; there is no longer any occasion to maintain the tribal relations, and there is then every reason why they shall go and take their place as white people do everywhere. Such a sweeping amendment as this offered by the Senator from South Dakota means just the opposite of this. It would perpetuate this mischief and wrong.

Mr. ALLISON. I make the point of order on this amendment, that it is legislation of the most general character upon an appropriation bill.

Mr. HALE. Let us have that question decided.

Mr. KYLE. Is the question debatable, Mr. President?

Mr. SHERMAN and others. No.

The VICE-PRESIDENT. The point of order is not debatable, but the Chair will hear the Senator, with the consent of the Senate, if he desires to make a suggestion upon the subject.

Mr. KYLE. Just a word. During the absence of the Senator from Iowa from the Chamber I explained that point somewhat fully. I have stated that the provisions of this amendment do not change existing law and are not in the line of general legislation, but merely confirm and determine what has already been the law of the United States for the past hundred years. Therefore I do not think the point of order will lie against the amendment.

The VICE-PRESIDENT. The point of order having been made by the Senator from Iowa [Mr. ALLISON] that the amendment is general legislation upon a general appropriation bill, the Chair is compelled under the rule of the Senate to sustain the point of order.

Mr. KYLE. I shall not press the matter further, though I am very sorry indeed that my colleague has taken the position he has.

I now desire to offer an amendment which will occupy but a moment, and to which I think there will be no objection. At the end of line 16, on page 83 of the bill, I move to insert what I send to the desk.



The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of line 16, on page 83, it is proposed to insert:

*And provided further, That all stock cattle and horses purchased under contract or otherwise for Indians on all reservations shall be of the best grade obtainable, and all male animals shall be of thoroughbred stock.*

Mr. KYLE. That merely provides that in contracts for cattle and horses to Indians good stock shall be furnished. At present horses and Indian ponies are being furnished to the Indians for drawing the plow, and the Indians are raising a breed of cattle which are utterly useless when they go to market.

Mr. MITCHELL of Wisconsin. The words "full-blooded" should be used instead of "thoroughbred."

Mr. KYLE. Very well. I will modify the amendment in that way.

The VICE-PRESIDENT. The amendment as modified will be stated.

The SECRETARY. On page 83, at the end of line 16, it is proposed to insert:

*And provided further, That all stock cattle and horses purchased under contract or otherwise for Indians on all reservations shall be of the best grade obtainable, and all male animals shall be of full-blooded stock.*

Mr. HALE. It seems to me it would be literally impossible in purchasing supplies for the Indians that they should be of full-blooded stock. I raise the point of order that the amendment is new legislation. I think the amendment ought to be beaten on its merits, but I want to dispose of it as soon as possible.

Mr. KYLE. I do not understand the criticism of the Senator.

Mr. HALE. Does the Senator believe that in all the great range of purchases for Indian tribes upon reservations it would be a possibility to confine the purchase to full-blooded stock?

Mr. KYLE. Oh, no. The Senator did not understand the amendment. The ordinary herd are to be of what we call a good grade, but the male animals shall be what we call thoroughbreds or full blooded.

Mr. HALE. Would not that apply to most of the purchases of what are known as steers?

Mr. KYLE. We do not purchase steers for stock cattle for the Indians. Cows are furnished to them.

Mr. HALE. Then the amendment will simply apply to the purchases of stock and not of supplies.

Mr. KYLE. To stock cattle running upon the range.

Mr. HALE. It does not apply to the general subject of purchases for the Indian reservations for food?

Mr. KYLE. Not at all.

Mr. HALE. As the amendment was read it looked as if it applied to such purchases. Let the amendment be read again.

The VICE-PRESIDENT. The amendment will be again stated.

The Secretary read the amendment proposed by Mr. KYLE as modified.

Mr. HALE. I think the words "stock cattle" there limit the operations of the amendment.

Mr. KYLE. Yes.

The VICE-PRESIDENT. The question is on the amendment of the Senator from South Dakota.

The amendment was agreed to.

Mr. MANDERSON. I offer an amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 72, after line 15, it is proposed to insert:

To pay, out of any money in the Treasury not otherwise appropriated, to the Indiana Miami Indians residing in the State of Indiana or elsewhere, the sum of \$48,538.38, which said sum of money was by the United States taken from their tribal funds, against their protest, and in violation of the treaty of 1854, and paid to other persons not entitled to it; which facts have been found and determined by the Court of Claims, in Congressional case No. 8255, and reported to Congress, which sums shall be immediately available: *Provided*, however, That before the payment of any part of said sum to said Indians there shall be deducted and paid to the attorney at record in the Court of Claims, employed by said Indians under an agreement heretofore approved by the Secretary of the Interior and the Commissioner of Indian Affairs, the sum so approved by the Secretary and Commissioner, not exceeding 10 per cent of said amount: *And provided further*, That said sum shall be paid to the Indians entitled to receive the same by a special agent appointed by the Secretary of the Interior, and shall be distributed to said Indians under such rules and regulations as the Secretary of the Interior may prescribe.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska.

Mr. COCKRELL. On what page is that?

Mr. MANDERSON. On page 72, after line 15. I think that perhaps is the best place in the bill for it to come in, as it follows the numerous amendments submitted by the Committee on Appropriations, and is immediately before the provisions for the support of schools.

Mr. President, I offer this amendment by the warrant and under the authority of the Committee on Indian Affairs, and on the special request of the Senator from Indiana [Mr. TURPIE], who, unfortunately, is unable to be present.

Mr. COCKRELL. Has the amendment been reported favorably by the Committee on Indian Affairs?

Mr. MANDERSON. It has been reported favorably, and was referred to the Committee on Appropriations, but probably too late for that committee to give it consideration.

The facts in the matter are these: Many years ago the greatest tribe of Indians in this country was the Miami tribe, inhabiting parts of Ohio and Indiana. The Indiana portion of the tribe, by the treaty made with them, removed or took steps looking to the removal of the entire tribe west of the Mississippi River. There was no compulsion upon them, and that portion of the tribe remained in the State of Indiana. Afterwards they stipulated to assign or to surrender to the Government another portion of their lands and received in lieu thereof a large tract of land in the State of Kansas, where many of them live even until this day. Those who remained in the State of Indiana had a fund in the Treasury from which they received certain annuities which were paid under a treaty made to 302 members of the Miami tribe.

The 302 members were to receive these annuities, which were arranged for by a treaty made between the United States Government and the Miami tribe, and these annuities were to be paid to these 302 Indians and none others. Afterwards, without any approval by the Indians and in violation of the treaty stipulation, some 68 additional persons, half-breeds, I think, most of them, were added to this number, and money was paid to them to the extent of the amount provided for in this amendment. After some years, the matter being referred by the Indian Department to the Attorney-General, he gave it as his opinion that they were not entitled to any part of this money; that it had been paid in violation of the treaty rights of the Miami Indians. They have been trying for many years to recover this sum, and at last Congress sent them, under the Bowman Act, to the Court of Claims. I have here the finding of the Court of Claims, in which they find the facts which I have here narrated, and wind up as follows:

These 68 persons so placed upon the Indiana Miami roll in January, 1886, and the others afterwards added, were not embraced in the corrected list of 302 persons agreed upon by the Miamis of Indiana and the Commissioner of Indian Affairs in June, 1854, nor were they the descendants of any of the 302 persons who alone by the terms of said treaty were to share in the annuities and other moneys of the Indiana Miamis.

The moneys so paid from 1886 to 1887 to said 68 persons, and the others afterwards added, were taken from the funds then in the possession of the United States, belonging to the Indiana Miamis, and were a part of their proportion of the installments due them under the treaties of November 23, 1854, and of June 5, 1854, and also interest at the rate of 5 per cent per annum on the sum of \$21,257.36, held in trust for the Miamis of Indiana under the amendment of the treaty of 1854.

The aggregate amount paid to the persons so added to the Indiana Miami roll to the period when their names were stricken from the roll under an opinion of the Attorney-General was \$48,538.38.

The claim by these people was not only for this sum, which thus wrongfully had been diverted from their use, but for the interest which had accumulated since 1887 upon that amount, and the amendment which is proposed to the bill by the Senator from Indiana provided for the payment of that interest, which would be largely in excess of the principal sum. The Committee on Indian Affairs had determined that they would not establish the precedent of paying interest upon this class of claims, but that it was right and just that the finding of the Court of Claims should be carried out as to the principal. The Committee on Indian Affairs also carefully guarded the attorney's fee, limiting it to 10 per cent of the amount, which, it seems to me, is a fair compensation for this lengthy litigation in the Department and in the Court of Claims, and it also provides how the amount shall be paid, under rules and regulations prescribed by the Interior Department.

I would say that there was no dissenting voice in the Committee on Indian Affairs as to the righteousness of this amendment, and I hope it will prevail.

The VICE-PRESIDENT. The question is on the adoption of the amendment.

The amendment was agreed to.

Mr. COCKRELL. Will the Senator from Nebraska please have the decision of the Court of Claims from which he has quoted printed in the RECORD, and also ask to have it printed as a separate document?

Mr. MANDERSON. I ask permission to have printed in the RECORD the finding of the Court of Claims as part of my remarks, and also that it be printed as a document.

The VICE-PRESIDENT. It will be so ordered in the absence of objection.

The paper referred to is as follows:

[Court of Claims. No. 9255 Congressional. The Indiana Miami Indians vs. The United States.]  
FINDINGS OF FACT.

This case having been heard by the court, the court, upon the evidence and after considering the briefs and arguments of counsel on both sides, finds the facts as follows:

# I.

On the 6th day of November, 1838, by treaty of that date, the Miami tribe of Indians, then living in Indiana, ceded to the United States, for a money consideration, a portion of their lands in Indiana, looking to the eventual removal of the tribe to the country west of the Mississippi River.

## II.

On the 28th day of November, 1840, the Miami tribe of Indians entered into another treaty by which they ceded to the United States their remaining lands in Indiana, and the United States stipulated to assign them a large tract of country in the then Territory of Kansas, to which they agreed to remove within five years.

## III.

In compliance with the treaty of 1840, most of the Miami tribe of Indians removed to Kansas in the year 1846, but a large number of the tribe had special permission under the treaties of 1838 and 1840, and joint resolutions of Congress passed in March, 1845 (6 Stat., 942), and in May, 1850 (9 Stat., 806), to remain in Indiana. They did not therefore emigrate with the tribe, but remained in Indiana and adjacent States, and the annuities due the tribe were divided; one part being distributed among the Western Miamis or those who resided in Kansas, and the other part distributed among the Miamis of Indiana.

## IV.

On the 5th day of June, 1854, both branches of the Miami tribe of Indians entered into another treaty with the United States (10 Stat., 1093). In the same month and year the Commissioner of Indian Affairs, in consultation with the head men of the Indiana portion of the tribe, revised and corrected the list of those remaining in Indiana and who were entitled to a distribution of the fund to be paid to the Indiana Miamis, which constituted a list of 302 persons. At the time of the ratification of said treaty (August 4, 1854) an amendment of the treaty was made for the benefit alone of the Miamis of Indiana, which amendment, after reciting the disposition to be made of that portion of the money to be paid to them, provided:

"That no persons other than those embraced in the corrected list agreed upon by the Miamis of Indiana, in the presence of the Commissioner of Indian Affairs, in June, 1854, comprising 302 names as Miami Indians of Indiana, and the increase of the families of the persons embraced in said corrected list shall be recipients of the payments, annuities, commutation moneys, and interest hereby stipulated to be paid to the Miami Indians of Indiana, unless other persons shall be added to said list by the consent of the said Miami Indians of Indiana, obtained in council according to the custom of Miami tribe of Indians."

## V.

Under the provisions of the said treaty of 1854, payments were made annually to the Western Miamis and to the Miamis of Indiana, until 1858, when, under an act of Congress passed on the 12th day of June, of that year, the Secretary of the Interior took \$15,629.27 from the funds set apart by treaty for the Indiana Miamis, without their consent and against their earnest protest, and paid the same to 68 persons, none of whom were a part of the 302 Miamis named in the amendment to the treaty of 1854, or the descendants of any of said 302 persons.

## VI.

These 68 persons were then placed upon the pay roll of the Indiana Miamis (to which roll others were afterwards added) and they received additional annuities from the Indiana Miami funds, amounting to \$22,890.11, until their names were stricken from said roll under an opinion of the Attorney-General dated September 20, 1867.

## VII.

These 68 persons so placed upon the Indiana Miami roll in January, 1859, and the others afterwards added were not embraced in the corrected list of 302 persons agreed upon by the Miamis of Indiana and the Commissioner of Indian Affairs in June, 1854, nor were they the descendants of any of the 302 persons who alone, by the terms of said treaty, were to share in the annuities and other moneys of the Indiana Miamis.

## VIII.

The money so paid from 1859 to 1867 to said 68 persons, and the others afterwards added, were taken from the funds then in the possession of the United States belonging to the Indiana Miamis, and were a part of their proportion of the installments due them under the treaties of November 23, 1840, and of June 5, 1854, and also interest at the rate of 5 per cent per annum on the sum of \$21,257.86 held in trust for the Miamis of Indiana under the amendment of the treaty of 1854.

## IX.

The aggregate amount paid to the persons so added to the Indiana Miami roll to the period when their names were stricken from the roll, under an opinion of the Attorney-General was \$43,528.33.

A true copy of the findings of the court, filed February 11, 1895.

Test this 11th day of February, A. D. 1895.

[SEAL.]

JOHN RANDOLPH,  
Assistant Clerk, Court of Claims.

Mr. JONES of Arkansas. Mr. President—

Mr. PETTIGREW. If the Senator will allow me one moment I wish to have disposed of an amendment which has been considered by the Committee on Indian Affairs and about which I think there will be no discussion. I should like to offer it while the chairman of the committee is present.

Mr. JONES of Arkansas. Very well.

Mr. PETTIGREW. I offer the amendment which I send to the desk, and ask to have read.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of page 32 it is proposed to insert:

For compensating the Indians of the Crow Creek Reservation for loss sustained by those Indians in receiving less land per capita in their diminished reservation than is received by the Indians occupying other diminished reservations, the amount to be added to the share of the permanent fund of the said Crow Creek Indians and to draw interest at the rate of 5 per cent per annum, \$187,000. The Secretary of the Interior may, in his discretion, pay to said Indians \$50,000 of said sum in cash.

Mr. PETTIGREW. I will simply say that this is the last of the promises made by General Crook and the other commissioners when the Sioux treaty was signed. A bill for this purpose has passed the Senate, I think, at every session but the last during the last five years; this item has been two or three times upon appropriation bills and not agreed to by the House of Representatives. It is now recommended by the Interior Department and also by the Committee on Indian Affairs.

Mr. COCKRELL. This amendment came to the Committee on Appropriations too late for consideration before the bill was reported. After the bill was reported my attention was called to

the amendment by the Senator from South Dakota, and I addressed a communication to the Interior Department asking their views in regard to it. In reply I received this telephone message:

FEBRUARY 16, 1895.

Senator COCKRELL:

The Commissioner of Indian Affairs is reporting favorably on the amendment, and it will be up in a few minutes.

SECRETARY OF INTERIOR.

Here is the report which was sent, addressed to the Senator from South Dakota, and I ask that it may be read, and I should also like to have it printed as a separate document, so that we may have it.

The VICE-PRESIDENT. It will be so ordered in the absence of objection.

The paper referred to is as follows:

## DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs, Washington, February 16, 1895.

SIR: I have received by your informal reference an amendment proposed to be introduced by you to the pending Indian appropriation bill as follows:

"For compensating the Indians of the Crow Creek Reservation for loss sustained by those Indians in receiving less land per capita in their diminished reservation than is received by the Indians occupying other diminished reservations, the amount to be added to the share of the permanent funds of the said Crow Creek Indians and to draw interest at the rate of 5 per cent per annum, \$187,000. The Secretary of the Interior may, in his discretion, pay to said Indians \$50,000 of said sum in cash."

You desire to know whether this Office recommends the legislation proposed.

In reply I have to state that this Office has repeatedly urged the payment of the Crow Creek Reservation Indians for loss sustained by them in receiving less land per capita in their diminished reservation, etc., as provided in the proposed amendment.

The only new feature is the proposition authorizing the Secretary of the Interior, in his discretion, to pay \$50,000 of said sum in cash to said Indians.

I see no objection to the proposed cash payment, and I recommend the adoption of the amendment as above quoted.

Very respectfully,

D. M. BROWNING, Commissioner.

Hon. R. F. PETTIGREW,

United States Senate.

(Through the Secretary of the Interior.)

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from South Dakota.

The amendment was agreed to.

Mr. JONES of Arkansas. On page 44, at the end of line 17, I move to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 44, after line 17, it is proposed to insert:

The Secretary of the Treasury is hereby authorized and directed to reimburse, out of any unexpended balance of appropriation for the support and civilization of Indians in Arizona and New Mexico for the fiscal year 1894, Capt. John L. Bullis for expenditures made by him from his own private funds for the Indian service while acting United States Indian agent at San Carlos Agency, Ariz., upon the furnishing of proper vouchers to the amount of \$1,437.50.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Arkansas.

The amendment was agreed to.

Mr. COCKRELL subsequently said: In connection with the amendment which has just been adopted at the instance of the Senator from Arkansas [Mr. JONES], I move that the letters which I send to the desk may be printed as a separate document. I hope they will be printed as quickly as possible.

The motion was agreed to.

## EXECUTIVE SESSION.

Mr. BLACKBURN. I move that the Senate proceed for a few minutes to the consideration of executive business, and I am sure that there is not a Senator in the Chamber who would not vote for it if he knew the purpose I have in making this motion.

The VICE-PRESIDENT. The question is on the motion of the Senator from Kentucky that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

## INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes.

Mr. JONES of Arkansas. On page 55, line 24, after the word "necessary," I move to insert "to be immediately available." It is an omission.

The SECRETARY. After the word "necessary," in line 24, page 55, insert "to be immediately available;" so as to read:

For the survey of the lands in the Indian Territory, \$400,000, or so much thereof as may be necessary, to be immediately available.

The amendment was agreed to.

Mr. JONES of Arkansas. On page 47, after the word "miscellaneous" in line 3, I move to insert what I send to the desk.



The SECRETARY. After the word "miscellaneous," in line 3, page 47, insert:

That the Muscogee or Creek Nation be, and hereby is, authorized to sell, transfer, and assign \$600,000 of indebtedness of the United States of America, together with the interest thereon, agreed to be paid to the said nation and appropriated by an act of Congress entitled "An act to ratify and confirm an agreement with the Muscogee Nation of Indians in the Indian Territory, and for other purposes," approved March 1, 1889, to enable said nation to make a per capita payment to the Creek people, and to liquidate the Creek national indebtedness; and the principal sum, \$600,000, shall be payable January 1, 1905, and the interest thereon, as in said act provided, shall be paid to the assignees of said indebtedness or their transferees: *Provided*, That the Secretary of the Treasury is authorized and directed to make such payments when due.

Mr. JONES of Arkansas. I desire to modify the amendment by striking out the words "and five;" so as to read "and the principal sum, \$600,000, shall be payable January 1, 1900."

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The amendment as modified will be agreed to, if there be no objection.

Mr. ALLEN. I desire to object to the amendment.

Mr. JONES of Arkansas. The amendment is offered in pursuance of an act of the council of the Creek Nation, asking that they may be allowed now to realize out of the funds which they have in the Treasury of the United States \$600,000, to be distributed among their people. They say that owing to a failure of crops last year their people are in a condition where they need the money.

When the proposition was brought forward I offered a proposed amendment in the Senate, which was referred to the Committee on Indian Affairs, and the opinion of the Indian Office was taken on the question. I hold in my hand a letter from Assistant Secretary Sims, returning a letter from the Commissioner of Indian Affairs, stating that they would recommend the passage of the act amended as suggested. The amendment as read at the Clerk's desk is as it came from the Indian Office, suggesting that the payment should not take place earlier than 1905. I presume the idea of the Indian Office in suggesting that the period of payment should be postponed for ten years was that the debt could be sold at a higher price and the Indians could realize a larger amount of money out of it.

Submitting the matter to the consideration of some members of the Committee on Appropriations and other members of the Senate the suggestion was made that the payment should not be postponed longer than the year 1900. In compliance with that suggestion, I have proposed to amend the proposition as it was submitted by the Commissioner of Indian Affairs so that it shall be payable not earlier than 1900. The request of the Creek Nation is that they shall be allowed to take \$600,000 of their own funds, of which they have between \$2,000,000 and \$2,500,000 in the Treasury, and distribute it among their people now at a time when they say there is great need among their people. This is the case as I understand it.

Mr. ALLEN. The amendment has not been before the Committee on Indian Affairs, I understand.

Mr. JONES of Arkansas. It has been before the Committee on Indian Affairs and favorably reported.

Mr. ALLEN. When did that occur?

Mr. JONES of Arkansas. I can not give the Senator the date, but I can send to the committee and find out.

Mr. ALLEN. However, I desire to make the objection that the amendment is general legislation proposed upon an appropriation bill.

Mr. JONES of Arkansas. I do not see how a proposition of this kind can be considered general legislation. It relates only to the private affairs of the Creek Nation, and is, it seems to me, a matter of humanity, allowing those people to realize on this sum.

I will say, in further explanation to the Senator from Nebraska, as I presume he does not propose to enter a captious objection, that this is just what was done with the Cherokees a year or two ago in allowing them to realize on certain funds that the Government owed them. It is put in exactly the same condition, I understand; and it is a matter of no concern to the Government of the United States as to whether the money shall be paid to the assignees of the Creek Nation or to the nation itself. If they ought to have this money no harm could come to the Government of the United States from permitting them to have it that I can see. It is only a question of propriety as to whether the Creeks should or should not have it. I have in my hand a copy of the act of the council, properly certified, and sent by the Indian Office, declaring that their people want the money, and it seems to me they ought to be allowed to use their own funds.

Mr. ALLEN. I simply want to call the attention of the Chair to the fact that less than an hour ago the then occupant of the chair held that an amendment precisely the same as this was general legislation and ruled it out. I desire to make the same point of order upon this amendment, and I call the attention of the Chair to that precedent.

The PRESIDING OFFICER. The Chair in this particular case will submit the question of order to the Senate. Is the amendment submitted by the Senator from Arkansas in order? [Putting the question.] The ayes seem to have it. The ayes have it. The amendment is before the Senate, and the question is on agreeing to it.

Mr. CHANDLER. I ask to have the amendment read again. The Secretary again read the amendment.

Mr. CHANDLER. I understand that the amendment merely allows them to borrow money on the strength of the existing Government promise.

Mr. JONES of Arkansas. Yes, sir.

Mr. CHANDLER. I ask the Senator when the principal sum will be due according to the existing law?

Mr. JONES of Arkansas. It is payable to these people at the discretion of the Government.

Mr. CHANDLER. And the amendment fixes a date when the principal is payable?

Mr. JONES of Arkansas. So much of it as these people propose to transfer—\$600,000.

Mr. ALDRICH. As I understand the matter, this money is nominally in the Treasury of the United States.

Mr. JONES of Arkansas. That is the fact.

Mr. COCKRELL. It is a trust fund.

Mr. JONES of Arkansas. It is a trust fund.

Mr. ALDRICH. But it is not really there, I suppose. How is it proposed to pay the \$600,000?

Mr. JONES of Arkansas. These people propose to assign their claim on the Government for the money and to realize the money by selling it, as the Cherokees two or three years ago sold the fund that was due them. The assignees of the Creek people will become the payees of the Government instead of the Creek people; that is all. It leaves the condition so far as the Treasury is concerned just as it is now, except that it is to be paid in five years.

Mr. ALDRICH. Will they issue bonds or certificates of indebtedness, or what?

Mr. JONES of Arkansas. Not at all; nothing of the kind.

Mr. ALDRICH. They must issue something. The Creek Nation must issue some kind of an obligation.

Mr. JONES of Arkansas. Yes. In the case of the Cherokees certificates of indebtedness were issued by the Government.

Mr. ALLEN. I should like to ask the Senator in what form these Indians have their funds.

Mr. JONES of Arkansas. It is deposited to their credit in the Treasury.

Mr. ALLEN. In money?

Mr. JONES of Arkansas. It is money due them, upon which the Government is paying them interest.

Mr. ALLEN. Why authorize them to make a loan? Why not authorize the Secretary of the Treasury to pay over to them a certain amount?

Mr. JONES of Arkansas. From the fact that the money is not in the Treasury. There has been difficulty in paying the current expenses of the Government, and to make such an appropriation would simply be to send the Creeks to the Treasury, where the appropriation could not be paid. They have not asked that the money shall be paid to them, but simply ask that they may be allowed to negotiate a part of the debt that is due to them from the Government and realize on it.

Mr. ALLEN. What rate of interest will they have to pay?

Mr. JONES of Arkansas. I think the Government pays 5 per cent on this fund.

Mr. ALLEN. But what rate of interest will the Indians have to pay?

Mr. JONES of Arkansas. They will pay no interest. They will simply assign this part of the fund and realize the money for it.

Mr. ALLEN. What does the Senator mean, then, by saying that they will negotiate the debt that is due to them?

Mr. JONES of Arkansas. The Government owes these people two and a half million dollars. They want an act of Congress to authorize them to assign \$600,000 of their claim to certain assignees, and that the Government shall pay that \$600,000 to their assignees instead of to them. The assignees will pay them the money.

Mr. ALLEN. I should like to ask the Senator on what terms the Indians will make this assignment. Is there any arrangement, any contract, or anything by which certain parties are to have the assignment made to them?

Mr. JONES of Arkansas. They have had no authority to make any such arrangement, but they are asking for authority to make it now. The Cherokees disposed of theirs at par, as I remember. I do not think there is any doubt that the Creek Nation sufficiently understand their interests not to sell this debt for anything less than par. I have no idea that there will be any difficulty about that.

Mr. ALLEN. I think there ought to be some safeguards placed about this matter.

Mr. JONES of Arkansas. I have no objection to the words being put in that they shall not be sold at less than par.

Mr. ALLEN. I do not see why the Government should not be required to pay over a specific sum of money, making an appropriation to cover it.

Mr. JONES of Arkansas. The chief difficulty is that it has not the money.

Mr. ALLEN. I wish to call the attention of the Senator to the fact that we are issuing bonds at any time and there is not the slightest trouble about it. Bonds have been issued within the last month, and there will not be the slightest difficulty about issuing bonds whenever and as often as there may seem to be a demand for them. If we can issue bonds and can authorize J. Pierpont Morgan and his associates in New York to make \$10,000,000 in the course of a day or two out of them, it strikes me that we ought to be able to issue bonds enough to permit these Indians to have the money direct from the Treasury without being compelled to go into the market and discount their paper and pay a premium, of course, to the white men.

The Indian is the legitimate subject of prey. If he can escape from the Congress of the United States he ought to consider himself very fortunate indeed. The Indian tribe that can run the gantlet of both branches of Congress and come out with anything in their pockets are a very fortunate set of men indeed. I believe there ought to be some guard placed around this provision. Here this paper is to go out to be placed in the hands of these Indians at a discount. I do not know whether there is any gentleman down in that part of the country with surplus money who wants to invest in this credit or not. There ought to be safeguards at least placed around the amendment by which the Indians would not be permitted to sell the credit for less than par, because I understand the distinguished Senator from Arkansas to state that the rate of interest which the Government pays is 5 per cent. If the bonds of this nation are as good to-day as they were fifteen or twenty days ago there is a lot of money to be made in the transaction. Why does not the distinguished Senator from Arkansas hedge in the right of these Indians by his amendment?

Mr. JONES of Arkansas. I suggest that the words "at not less than par" shall be inserted after the word "assign," in the amendment.

The PRESIDING OFFICER. The amendment will be modified at the request of the Senator from Arkansas.

Mr. ALLEN. I should like to ask the Senator from Arkansas why we can not authorize the payment of this money. He says we have no money in the Treasury. This is a small sum for this nation. Why, for instance, can we not authorize the issuance of bonds at the rate of 3½ per cent for the purpose of making good this payment to these Indians? Does that meet the approval of the Senator from Arkansas?

Mr. JONES of Arkansas. The suggestion I have made in the amendment is in compliance with the request of the council of the Creek Nation. They state that their people need this money. If we should undertake to issue a bond here for any purpose the Senator from Nebraska knows perfectly well the sort of debate it would provoke, and the impossibility of doing anything with it. After submitting their request to the executive department, I submitted the proposition which comes from the Indian Office, guarded, it seems to me, in every reasonable way, that they may be allowed to assign their claim against the Government and realize the money on it.

Mr. BATE. I did not hear the reasons given. I should like to have the Senator from Arkansas state the necessity which requires this assignment to be made.

Mr. JONES of Arkansas. The Cherokee council adopted an act, which I hold in my hand, in which they say that owing to the failure of crops in their country last year their people need the immediate use of \$600,000 out of the two and a half million dollars which they have to their credit in the Treasury of the United States; that they wish to distribute it among their people; and that they owe certain debts upon which they are paying interest, and which they would like to pay with this money. The request of the council was sent here; it was submitted to the Indian Office; it was favorably reported on by the Commissioner of Indian Affairs, and by the Assistant Secretary of the Interior, and it seems to me it is regular in every way. The proposition is simply to allow these Indians to use their own money in their own way for their own benefit.

Mr. BATE. Not for the purpose of speculation?

Mr. JONES of Arkansas. Not at all.

Mr. BATE. Nor for anyone to make money out of it?

Mr. JONES of Arkansas. Not at all. It is to be distributed per capita.

Mr. ALLEN. The Senator from Arkansas says any attempt to issue bonds would provoke a discussion in this Chamber which would be endless. It may be true that it would provoke discussion, as it has provoked discussion in days past. I suppose if we

are to put on a loose-jointed amendment to this bill, permitting these Indians to sell their credit, which is at par, or more than par according to the present financial status of bonds and stocks, and a lot of white men down in that country or in some other portion of the country get hold of the Indians and rob them of their money, as doubtless they will do, no one is to protest or to indulge in any discussion on that subject. The Indian is the legitimate prey of whoever may deal with him. In my judgment it would be much better for us even to have some lengthy discussion here on the subject of the issuance of bonds or an attempt to borrow money in some form and pay off a portion of this indebtedness, than to turn these defenseless wards of the nation over to the harpy hands of those who have no interest in them whatever, except to take from them that which they have.

Mr. ALDRICH. If the United States owe the Creek Nation any money they ought to pay it; that is, if the Creek Nation desire to be paid any portion of it, and the Government ought to pay it directly and not indirectly. I am afraid of the successive steps in regard to this matter. I remember that we became obligated in some form to the Cherokee Nation a few years ago to the extent of six or seven million dollars. The first thing anybody knew an amendment was placed upon an appropriation bill by which Government 4 per cent bonds were issued to parties who had obtained the loan or the indebtedness in some form or other. Four per cent bonds of the United States were issued at par.

This amendment proposes to continue a 5 per cent indebtedness of the United States at not less than par. There has been much criticism in this Chamber, and very properly, that a sale of United States bonds was made upon a 3½ per cent basis. This proposes to issue bonds substantially or certificates of indebtedness of the United States upon a 5 per cent basis for somebody's benefit.

I agree with much that has been said by the Senator from Nebraska [Mr. ALLEN] on this subject. If we are to have a twenty-two-million-dollar surplus, as the Secretary of the Treasury suggests that we shall have in the next fiscal year, and if we owe the Creek Nation \$600,000, let us make an appropriation and pay them, and not oblige the Creek Nation to go into the market and borrow money upon their certificates of indebtedness, which after a while will be certain to be changed by some act of Congress into a certificate of indebtedness or bonds of the United States for the benefit of third parties and not for the benefit of the Indians themselves. I ask the Senator from Arkansas, if we are to pay these people, to make an appropriation out of the Treasury of the United States and pay them directly, and not keep this thing going for an indefinite length of time for the benefit of third parties.

Mr. CHANDLER. I desire to deal justly with this question. The Government owes these Indians \$600,000. The Senator from Arkansas proposes that it shall be payable in the year 1900 at the existing rate of interest that has been promised, which he says is 5 per cent.

Mr. JONES of Arkansas. That is my impression.

Mr. CHANDLER. Thereupon the Indians propose to borrow that money on the strength of this Government promise. It will be a six-hundred-thousand-dollar 5 per cent Government loan, payable in 1900. In answer to the remarks of the Senator from Rhode Island, the suggestion is that it is not to be presumed that the Indians will give away these bonds or sell them for any less than they are worth.

Mr. ALDRICH. If the Senator is familiar with the Cherokee transaction, by which certain parties in New York bought the indebtedness and afterwards secured bonds of the United States, substantially bonds of the United States, at par, I wish he would state that to the Senate in order that we may know what is likely to happen in this case.

Mr. CHANDLER. I think in that case the promises were sold at par. I think it was 4 per cent bonds which were sold at par, or possibly a little above par.

Mr. ALDRICH. The parties who bought the loan secured United States 4 per cent bonds at par; but what did they pay the Cherokee Nation for those certificates?

Mr. CHANDLER. They paid the Cherokee Nation, I have no doubt, par for the bonds. The only question would be whether—

Mr. ALDRICH. My impression is that they did not pay them par. I have some knowledge of the transaction.

Mr. CHANDLER. The Senator appealed to my knowledge of the transaction and I gave it to him; and now he wishes to substitute his own for mine, to which, of course, there can be no objection. As I remember, the Indians in that case received par for a 4 per cent loan. Now, in this case, here is a 5 per cent six-hundred-thousand-dollar loan or promise to pay by the United States, and it is made payable in 1900. Though I think there is some danger in the subject, as the Senator from Rhode Island seems to think, I take it for granted that the Indians will get the full value of that promise. They are not going, so far as we have any reason to believe (if they are the Senator from Arkansas will tell us of it), to negotiate the \$600,000 through the same syndicate which bought



the Government loan; and so far as I am aware the name of Mr. Francis Lynde Stetson has not been and will not be connected with this transaction.

Because the Government loan has been disposed of in this way by the authorities controlling the Government of the United States, it does not follow that the same improvident parties will negotiate this loan for these Indians. It is fair to presume that these Indians will, in selling this six-hundred-thousand-dollar 5 per cent loan of the United States, get the largest price for it; that they will sell it prudently and judiciously; and in all probability they will call for bids and get the highest market value. I admit, in response to the suggestion of the Senator from Rhode Island, that if there is any danger that these Creek Indians are not going to manage their business any better than the Treasury Department manages its business we ought not to grant this authority. But assuming that they know what they are about, and if they are going to borrow money on these securities that they will get the highest price for them, I do not see any particular harm in giving them the opportunity.

Mr. KYLE. Will the Senator from New Hampshire allow me to interrupt him just there? I wish he would explain the matter in regard to the Cherokees a little more fully. I have heard it stated (I do not know whether it is true or not) that the Cherokees in the seven-million-dollar loan did not realize over about 75 per cent of it themselves.

Mr. CHANDLER. I am confident that that is a mistake. The bonds were negotiated through R. T. Wilson & Co., and I am quite certain they received par for the bonds. I am sure they did.

Mr. ALDRICH. I do not think so.

Mr. KYLE. In the first instance they contracted to pay a certain percentage of the amount to some attorneys, I believe.

Mr. CHANDLER. If the Senator will allow me, that is another thing altogether. I have a pamphlet in my hand which shows that it cost the Chickasaw and Choctaw Indians \$692,000 for counsel fees; but afterwards, when they undertook to negotiate in the market the Government loan, they got par, and I am inclined to think a little more, as I have no doubt these Indians will get par or more for this loan.

Mr. KYLE. May I ask the Senator who are of counsel in this case?

Mr. CHANDLER. I shall have to refer the Senator to the Senator from Arkansas, who offered this amendment.

Mr. JONES of Arkansas. The Senator from South Dakota doubtless knows that the complaint which was made here of a large fee being paid to certain Chickasaws and Choctaws for a prosecution of a claim here is what was alluded to. It has no relation to the negotiation of the Creek loan, and I have no idea that there are any attorneys connected with this transaction. I have a copy of the act of the Creek council, in which they make the statement I have just given. If there are any attorneys connected with it, or if there is anything connected with it that is not perfectly straight, I do not know. I do believe that those people ask for this money because their people need it. I have stated the facts fairly to the Senate. If Senators are not willing to let these people do what they please with their own money and think they in their wisdom can manage it better I am perfectly willing for the Senate to take action as it chooses. I have stated all I know about it, and am perfectly willing for the Senate to dispose of the amendment in whatever way it chooses. I am disposed myself to carry out what seems to be the request and wish of the constituted authorities of the Creek Nation. They are an intelligent people, capable of taking care of their own business, and any man who supposes that they can be hoodwinked underestimates the intelligence of the Creek Nation.

Mr. ALDRICH. The United States are paying 5 per cent upon this trust fund, I take it, because the Creek Nation is a ward of the United States and for no other reason. Certainly the United States could borrow money, even in the present condition of credit, at less than 5 per cent interest. Whenever we stop paying 5 per cent upon this loan for the benefit of the Creek Nation I do not see any reason why we should continue to pay it for the benefit of third parties who may buy the certificates, because if we have no surplus money in the Treasury the Government of the United States can certainly borrow money at less than 5 per cent even on a loan continuing to the year 1900. I think it is quite time we should stop this kind of transactions. I will move to amend the amendment of the Senator from Arkansas, so that this shall be made an appropriation of \$600,000 from the Treasury. I am quite willing to vote for it in that way, but I am not willing to vote for the amendment as it stands.

Mr. JONES of Arkansas. Does the Senator reflect that we may be depriving these people of the use of this money by his amendment? If this money is appropriated and there is no money in the Treasury to pay it out, how can the Creeks get their money?

Mr. ALDRICH. But there is money in the Treasury to pay it, and there will always be money in the Treasury to pay it. Mr. Cleveland says we have a "comfortable surplus" of \$63,000,000,

and the Secretary of the Treasury said the other day we had \$95,000,000 surplus. I see no reason why we should not pay the \$600,000.

Mr. JONES of Arkansas. The Indians would rather have the money if they could get it; but I should regret very much to see such action taken here as would prevent these people from getting the money at a time when they are very much in need of it.

Mr. ALDRICH. We ought either to pay the money or authorize the Secretary of the Treasury to borrow it. We ought to pay it directly out of the Treasury, because the money is there, or else let the Secretary of the Treasury borrow it at less than 5 per cent on the credit of the United States and pay these people.

Mr. MORGAN. When I was a boy I lived for several years among this Indian tribe. I know a good deal of their habits at that time and I think I know a good deal about them now. At that time they were very fond of silver money, silver half dollars. They sold one of the most beautiful countries in the world for silver half dollars. I have seen tables 10 feet long, 3½ feet across, stacked up five dollars deep with silver half dollars, as much as a table could hold, in payment to these Indians for their reservations in Alabama. They could use silver half dollars in the Creek country without any sort of difficulty at all. They could buy all the corn and grain and everything that they want, meat and what not, with silver half dollars. If the amendment proposed by the Senator from Rhode Island should prevail I shall offer an additional amendment that a part of the seigniorage of silver in the Treasury shall be coined for the benefit and advantage of these people into silver half dollars and that that money shall be paid in that way to them. They would prize it very much indeed.

Mr. TELLER. They would rather have it than any other money.

Mr. MORGAN. I do not know but that I am primitive enough and Indian enough in my instincts and tastes to applaud them for their preference for that kind of money. It is good legal tender, you know, for \$5 in a sum, and it ought to be legal tender for any amount of money under our system of laws. But it is good for \$5. We have the surplus bullion lying there, and if these Indians are really in want of food, as I have no doubt many of them are, we have the finest opportunity in the world, without giving offense to the Senator from Ohio [Mr. SHERMAN], a doctrinaire upon this subject, by coining a little of the silver in the Treasury to pay this debt to the amount of five or six hundred thousand dollars. I do not think we will break Wall street by doing that, or that we would lower the standard of our credit in Wall street or in London. I know we would not lower it in the Indian country, inasmuch as the money is going there to be spent, or ought to go there to be spent, and ought not to go into the hands of speculators who will carry it into Wall street and presently come back upon us with a gold demand for it. I think we had better just resolve this question now by the expedient suggested by the Senator from Rhode Island and my amendment to it, which as a bimetalist I am sure he would be very glad to accept.

Mr. ALDRICH. It makes no difference to me in what money they are paid. I should dislike to make the Creek Nation accept money which the Senator from Alabama would not accept himself.

Mr. MORGAN. I would accept it. I wish I could have a million dollars of it.

Mr. ALDRICH. I do not think there ought to be any discrimination as to the kind of money in which this appropriation shall be paid.

Mr. MORGAN. More than that, if I had a debt against the Senator from Rhode Island and if he were to come and tender me these silver half dollars I would be obliged to accept them.

Mr. ALDRICH. He would be very wise to accept them.

Mr. MORGAN. I would probably be very wise also, but I would be patriotic.

Mr. CHANDLER. Would the Senator from Alabama say if the \$600,000 was due him from the Government he would take it in silver half dollars?

Mr. MORGAN. Oh, yes; very cheerfully.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Rhode Island [Mr. ALDRICH] to the amendment of the Senator from Arkansas [Mr. JONES]. The amendment to the amendment will be stated.

The Secretary read as follows:

To enable the Secretary of the Treasury to pay the Creek Nation a portion of the fund now held by the United States in accordance with the provisions of the act of Congress entitled "An act to ratify and confirm an agreement with the Muscogee Nation of Indians in the Indian Territory, and for other purposes," approved March 1, 1889, \$600,000.

Mr. CAILL. Mr. President, I should be very glad to vote for this amendment if the matter had undergone careful consideration. It seems to me that we are the guardians of the Indians. They are our wards, and some supervision should be had over them. If this amendment could pass without any consideration, with such amendments as have been placed upon it, I should not

be disposed to say anything in regard to it. It seems to me, however, that in all cases of appropriations for the Indian Department the question should be considered as to the capacity of the Indians to take care of themselves, as to the character of the payment to be made and the necessity for it, whether or not a trust fund should be continued, as has been the policy of the Government always, and annuities paid, or whether the whole amount of money should be distributed to them; whether the money paid to them should go into the hands of liquor dealers, speculators, and others of that class of people. These are questions which ought to be investigated and carefully considered.

It seems to me the question is, Has that been done in this case? If it has been, and these Indians are entirely capable of taking care of themselves, if it is time to abandon the policy of holding them as wards, if it is time to pay to them whatever the Government owes to them, then it is proper that this amendment should pass; but otherwise it is not.

Mr. KYLE. The Senator who has charge of the bill seems to oppose the amendment, and I think, therefore, the Senator from Arkansas should withdraw it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Rhode Island [Mr. ALDRICH] to the amendment of the Senator from Arkansas [Mr. JONES]. [Putting the question.] The 'ayes' appear to have it.

Mr. KYLE. I call for the yeas and nays.

Mr. ALDRICH. I hope the Senator from South Dakota will withdraw the call for the yeas and nays, and let my amendment be adopted.

Mr. QUAY. I ask that the amendment be again read.

The PRESIDING OFFICER. The amendment as proposed to be amended will be read.

The Secretary read as follows:

To enable the Secretary of the Treasury to pay the Creek Nation a portion of the fund now held by the United States, in accordance with the provisions of the act of Congress entitled "An act to ratify and confirm an agreement with the Muscogee Nation of Indians in the Indian Territory, and for other purposes," approved March 1, 1889, §600,000.

Mr. KYLE. I called for the yeas and nays on a misunderstanding. I thought we were voting on the proposition of the Senator from Arkansas, and therefore I withdraw my demand for the yeas and nays.

The PRESIDING OFFICER. The Chair is of the opinion that upon the viva voce vote the ayes have it; and therefore the amendment to the amendment is agreed to. The question recurs on the amendment of the Senator from Arkansas as amended on the motion of the Senator from Rhode Island.

Mr. JONES of Arkansas. I do not think there is any part of my amendment left. The amendment of the Senator from Rhode Island was substituted for my amendment, as I understand.

Mr. ALDRICH. That is right.

Mr. JONES of Arkansas. The Senator from Rhode Island can take charge of the amendment now and put it in any shape he chooses.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Arkansas as amended on the motion of the Senator from Rhode Island.

The amendment as amended was agreed to.

Mr. MORGAN. I move to amend the amendment as adopted by the Senate—

Mr. ALDRICH. Too late.

Mr. MORGAN. By adding this proviso:

Provided, That for this purpose the Secretary of the Treasury shall coin the silver bullion in the Treasury.

The PRESIDING OFFICER. The Senator can not amend the amendment now, as it has already been adopted by the Senate.

Mr. MORGAN. At the time I suggested my amendment it would have been an amendment in the third degree, and therefore out of order.

Mr. ALDRICH. I suggest to the Senator from Alabama that he add a proviso at the end of the bill making all the appropriations in the bill payable in silver half dollars.

Mr. MORGAN. I will accept the Senator's suggestion whenever he is ready to vote for it. I know he is not.

Mr. TELLER. I will enter a motion to reconsider the vote by which the amendment as amended was agreed to.

Mr. CHANDLER. It will be perfectly in order for the Senator from Alabama to move to add his amendment to the clause, as the committee amendments are finished. The Senator simply moves to add another paragraph, a very vicious paragraph, I think, but still it is in order.

The PRESIDING OFFICER. The Chair is of opinion that there is no difficulty in the Senator from Alabama moving to add the words to the paragraph which has just been adopted.

Mr. TELLER. Then I will withdraw my motion to reconsider.

Mr. MORGAN. I will move to add these words:

And the same shall be paid from the silver coin in the Treasury.

I see that the Chair does not comprehend the point I made about this matter.

The PRESIDING OFFICER. The Chair rules that the Senator can move to add anything to any portion of the bill which does not conflict with the action of the Senate already taken.

Mr. ALDRICH. I make the point of order on the amendment that it is general legislation and changes existing law.

Mr. MORGAN. I thought the Senator from Rhode Island probably would reverse his wheel before we got very far into this subject. The amendment I propose is not any more general legislation than that which the Senate has just put on the bill, and whenever there is general legislation put on the bill I have a right to move to amend that as much as I have to move to amend special legislation.

The PRESIDING OFFICER. The point of order is made on the amendment, and the Chair will submit the point to the Senate, as he did on the former occasion.

Mr. CHANDLER. Let the amendment proposed by the Senator from Alabama be read.

Mr. MORGAN. I should like first to hear the amendment of the Senator from Arkansas as amended read.

The PRESIDING OFFICER. The Secretary will read the amendment as adopted.

The Secretary read as follows:

To enable the Secretary of the Treasury to pay the Creek Nation a portion of the fund now held by the United States, in accordance with the provisions of the act of Congress entitled "An act to ratify and confirm an agreement with the Muscogee Nation of Indians in the Indian Territory, and for other purposes," approved March 1, 1889, §600,000.

Mr. MORGAN. That is the amendment as it has been amended.

The PRESIDING OFFICER. That is the amendment as adopted by the Senate.

Mr. MORGAN. I move to add these words:

And the same shall be paid in silver coin.

The PRESIDING OFFICER. The amendment of the Senator from Alabama will be stated.

The SECRETARY. At the end of the amendment just adopted, it is proposed to add:

And the same shall be paid in silver coin.

Mr. ALDRICH. I will withdraw my point of order, and move to amend the amendment by adding:

Or in such other lawful money of the United States as said Creek Nation shall desire.

Mr. HILL. We ought not to make any distinction in the statutes we pass between the different forms of currency of the United States. It strikes me that the amendment as proposed makes such a discrimination.

Mr. KYLE. The Indians are all silver men and they will be glad to get silver.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Rhode Island to the amendment of the Senator from Alabama.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Alabama as amended on the motion of the Senator from Rhode Island. [Putting the question.] The yeas appear to have it.

Mr. TELLER. I ask that the vote be again taken.

The PRESIDING OFFICER. The Chair will again put the question on the amendment of the Senator from Alabama as amended on motion of the Senator from Rhode Island.

Mr. HANSBROUGH. Let the amendment be read as it stands.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. It is proposed to add at the end of the amendment just adopted the following:

And the same shall be paid in silver coin, or such other lawful money of the United States as the Creek Nation shall desire.

The PRESIDING OFFICER. The question is on the amendment as amended. [Putting the question.] The yeas seem to have it.

Mr. CHANDLER. I ask for a division.

The question being put, there were, on a division—ayes 13, noes 5.

The PRESIDING OFFICER. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Aldrich,	Davis,	Hunton,	Power,
Allison,	Dixon,	Jones of Ark.	Pugh,
Bate,	Faulkner,	Kyle,	Quay,
Berry,	Frye,	Lindsay,	Ransom,
Blackburn,	Gallinger,	Lodge,	Roach,
Blanchard,	George,	McLaurin,	Sherman,
Burrows,	Gordon,	Manderson,	Smith,
Caffery,	Gorman,	Mantle,	Squire,
Call,	Gray,	Michell of Oreg.	Teller,
Chandler,	Hale,	Morgan,	Vest,
Clark,	Hansbrough,	Morrill,	Vilas,
Cockrell,	Hawley,	Peffer,	Washburn,
Coke,	Higgins,	Pettigrew,	Wolcott,
Daniel,	Hill,	Platt,	



The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present. The question recurs on the amendment of the Senator from Alabama as amended on the motion of the Senator from Rhode Island.

Mr. COCKRELL. Let the vote be taken viva voce again.

The PRESIDING OFFICER. Is the demand for the division withdrawn by the Senator from New Hampshire?

Mr. CHANDLER. Yes, sir.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama as amended on the motion of the Senator from Rhode Island.

The amendment as amended was agreed to.

Mr. JONES of Arkansas. I now offer an amendment to be inserted on page 72, after line 15. I will state in a word the substance of the amendment. It is a proposition to allow the loyal Creek Indians to bring suit against the United States and against their own nation for the value of certain property taken from them during the late war. A considerable number of Creek Indians enlisted in the Federal Army and others became refugees from the Creek country. In 1866 the Government of the United States made a treaty with them, in which the Government agreed to ascertain the value of the property taken from them, and to pay them certain sums of money. The language of the treaty has been construed by the Government, I believe, to limit this liability to \$100,000. The value of the property taken from these Indians was ascertained by an agent of the Government to be somewhere near \$2,000,000. One hundred thousand dollars was paid upon that claim.

The Creek Indians contend that the Government is liable, or, if the Government is not liable, the Creek Nation is liable to them for their property taken during the war. This amendment is simply a proposition to authorize these people to bring a suit against the Government and against their own nation to set up and assert their claims in court.

The PRESIDING OFFICER. The amendment of the Senator from Arkansas will be stated.

The SECRETARY. After line 15, on page 72, it is proposed to insert:

To authorize the loyal Creek Indians, Indian Territory, to bring suit in the Court of Claims for damages committed upon their property.

That the loyal Creek Indians now residing in the Indian Territory may, through and in the name of their duly selected and consolidated delegates and agents, as shown by the records of the Interior Department, institute, within ninety days after the passage of this act, but not thereafter, against the United States and the Muscogee (Creek) Nation of Indians, in the Court of Claims and prosecute to final decision any suit that may be necessary to settle their claim for property taken and lost, as provided by the eighteenth article of the treaty between the United States and the Creek and Seminole tribes of Indians, proclaimed August 28, 1856, and as provided in the third and fourth articles of the treaty between the United States and said Creek Indians, proclaimed the 11th of August, 1866, and upon the awards made in pursuance to said treaties by the agents of the United States and approved by the Commissioner of Indian Affairs and the Secretary of the Interior.

SEC. 2. That such suit shall be by petition in the nature of a bill in equity, and shall be conducted and determined in all respects according to the rules and principles of equity practice and jurisprudence in the other courts of the United States; and for the purposes of this act the Court of Claims is hereby invested with the jurisdiction and powers exercised by courts of equity so far as may be necessary to give full relief in such suit; and it may consider all questions involved de novo, and pass upon the same as original questions under the several treaties aforesaid, or acts of Congress, irrespective of any award or awards heretofore made, regardless of any acts or decisions of any Department of the Government affecting the claim or claims sued on; and shall pass upon all claims, or cross claims, or counter claims proposed or asserted by either party, so as to adjudicate all matters of dispute arising therein completely, and do what justice and equity require as between the parties: *Provided*, That no allowance shall be made for interest, and nothing in this act shall be construed as a confession of any indebtedness on the part of the United States for or on account of such claim or claims. All papers and records in any Executive Department of the Government, as well as any that are before Congress, touching or bearing upon such claim or claims, may be filed in said court, and shall be given such consideration and weight by the court as in its judgment they may be entitled to in such suit; and in addition thereto the parties may take other testimony they may desire under rules and regulations to be prescribed by the court. Notice of such suit shall be executed by delivery of a true copy thereof with a copy of the petition, to the Attorney-General and to the principal chief of the Muscogee (Creek) Nation of Indians, whose duty it shall be, respectively for and in behalf of the United States and said nation, to demur to or answer the petition therein within thirty days after the service of such process upon them, unless the court shall, for good cause shown, grant further time for filing the same; and such suit when ready for hearing shall be advanced on the docket, and either party may take an appeal from the final decree in such cause to the Supreme Court of the United States within sixty days after the rendition of such decree, and the Supreme Court is hereby vested with full jurisdiction to hear and determine such suit on appeal in the same manner and with the same effect as in cases of appeal in equity causes to that court from other courts of the United States, and such cause on appeal shall be advanced on the docket of the Supreme Court.

SEC. 3. That should judgment be rendered in favor of the petitioners upon the trial of the cause provided for in this act, the court shall fix the compensation for the attorney of record for his services in the prosecution of said suit, not exceeding 10 per cent of such judgment, which shall be a part of the judgment of the court.

Mr. COCKRELL. That being too important an amendment to be considered now, I make the point of order that it is legislation pure and simple.

The PRESIDING OFFICER. The Chair is of opinion that the amendment is obnoxious to the fourth clause of the sixteenth rule respecting appropriation bills, and therefore not in order.

Mr. JONES of Arkansas. I move, on page 72, after line 15, to insert what I send to the desk.

The PRESIDING OFFICER. The amendment will be stated. The SECRETARY. After line 15, on page 72, it is proposed to insert:

That section 2130 of the Revised Statutes of the United States, as amended by the act of July 23, 1892 (27 Statutes, 290), be, and the same is hereby, extended over and made applicable to the town and town site of Miami, in the Indian Territory; and the United States courts of said Territory shall have full jurisdiction thereof.

Mr. JONES of Arkansas. The amendment is suggested by the Indian Office, and the letter of the Commissioner of Indian Affairs states—I do not know how it can be true—as follows:

At the informal suggestion of the chairman of the Committee on Indian Affairs of the House of Representatives, I have the honor to report that in view of the numerous statements contained in the correspondence of this office with parties in the Indian Territory, to the effect that whisky and other intoxicating beverages are freely used on the town site of Miami, in the Indian Territory, I deem it desirable that the following, which it is proposed to add as an amendment to the Indian appropriation bill, now pending in the Senate, should be adopted:

Then follows the amendment which has just been read at the desk. The Commissioner continues:

The fact that so much whisky is introduced upon this town site has made it easy for the Indians of the Quapaw Agency to obtain intoxicating beverages, which it is very desirable they should be protected against.

I have the honor to recommend that a copy of this report be transmitted to the chairman of the Committee on Indian Affairs of the Senate for his information, with the request that the proposed amendment be incorporated in the bill.

Mr. PLATT. The reason for that amendment is this: We passed an act which enabled some parties to acquire title to certain lands in the Quapaw Agency for town-site purposes. It is supposed that thereby we took that land out from the Indian country. It has been so decided by a judge in Kansas. I think it is very doubtful whether we did or not, but since that decision, everybody who so desires goes there and sells liquor at will.

Mr. JONES of Arkansas. At any rate, if the impression of the Senator from Connecticut and my impression is correct, that the law is still in force in the Miami Township, it can do no harm to pass this amendment and declare that such is the law, as it has been the law all along.

Mr. PLATT. None at all.

Mr. CALL. I have no objection to the amendment, but it seems to me that it ought to be in different form. This way of extending a statute by reference to it, without enacting the words of the statute, it occurs to me is a very bad practice. We have to go back and examine the statute referred to to find out what it is. It is much better to put it in terms in the amendment itself; but I shall make no objection to the amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Arkansas.

The amendment was agreed to.

Mr. VEST. On page 7 of the bill, I move to strike out all after line 16 down to the end of line 5, on page 8.

The PRESIDING OFFICER. The amendment submitted by the Senator from Missouri will be stated.

The SECRETARY. After line 16, on page 7, it is proposed to strike out the following:

For pay of one superintendent of Indian schools, \$3,000.

For pay of one secretary to the superintendent of Indian schools, to be employed by him, \$1,000.

For necessary traveling expenses of one superintendent of Indian schools, and his secretary when necessary, including telegraphing and incidental expenses of inspection and investigation, \$1,500: *Provided*, That he shall be allowed \$3 per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare: *And provided*, That he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior.

Mr. VEST. Mr. President, I have no knowledge or information as to what person holds the position of superintendent of Indian schools at this time or to what political party he belongs. I am therefore innocent of any personality in the matter; but I have been of the opinion for some years that this position was entirely unnecessary, and I know that the purposes for which it was originally created have been accomplished or abandoned.

Now, to show the facility with which these offices are multiplied by acts of Congress, I call the attention of the Senate to the clause in the Indian appropriation act of 1882, which created this office. The Senate will see that it was created for specific purposes only:

The President is authorized to appoint a person to inspect all Indian schools, who is hereby required to report a plan for carrying into effect, in the most economical and efficient manner, all existing treaty stipulations for the education of Indians, with careful estimates of the cost thereof; also a plan and estimates for educating all Indian youths for whom no such provision now exists, and estimates of what sums can be saved from existing expenditures for Indian support by the adoption of such plan, whose compensation shall not exceed \$3,000, which sum is hereby appropriated for that purpose, and also a further sum of \$1,500 for his necessary traveling expenses.

The PRESIDING OFFICER. The Chair will state to the Senator from Missouri that the amendment submitted by him is not in order as in Committee of the Whole. It would be in order in

the Senate, as the Senate, as in Committee of the Whole, has already adopted an amendment to the paragraph.

Mr. COCKRELL. Let it be considered as open.

The PRESIDING OFFICER. By unanimous consent, the paragraph as amended will be considered as open. The Chair hears no objection, and that is the order.

Mr. VEST. It is very evident that the purposes for which the office was created have either been accomplished or abandoned. This officer is not now required to report any plan for the education of Indian children, and he is simply and purely an inspector. The Commissioner of Indian Affairs already has five inspectors who can go to the Indian schools, and it is within my personal knowledge, for I was for some years a member of the Committee on Indian Affairs, that those inspectors perform the duties of going to the Indian schools and making a report in regard to their condition. It will be seen by subsequent statutes that all pretense that this officer is anything else than an ordinary inspector has been abandoned. It will be found that in 1886, four years after the position was created, the inspector was simply regarded as an ordinary inspector, and received \$4,000, as was provided in that law, and \$1,000 for his traveling expenses. In 1890 it was reduced to \$3,000, and \$1,500 for traveling expenses.

Now, this officer is, to a large extent, independent of the Commissioner of Indian Affairs. He is at the head of a minor bureau. I see by the amendments that he is to have a secretary, and the secretary's expenses are to be paid in going around through the country, together with the inspector. Why can not the Commissioner of Indian Affairs, who has absolute control of all Indian matters, detail an inspector or send one of his five inspectors to investigate these schools? Or, if it is necessary, give him another inspector, so as to make the number six. Why should we have a superintendent of Indian schools under a Commissioner of Indian Affairs, an imperium in imperio, with additional expense, and from year to year with increasing cost? There is no necessity, in my judgment, for any such position, and I therefore make this motion.

Mr. PLATT. I hope the amendment will not be agreed to. I regard the office of superintendent of Indian schools as a very important office. I think if the Senator from Missouri will take the report of the superintendent of Indian schools and read it he will be satisfied that it is not a sinecure by any means and that it is not an unimportant work which he is doing.

With regard to the secretary, I will state that it was appropriated for in the bill last year, but for some reason it was left out in the other House. The committee has simply restored it. It is not the creation of a new office at all. It is an office that existed last year. I do not wish to take up time in discussing the matter, but if any Senator will take the report of the superintendent of Indian schools and read it, I think he will be entirely satisfied that that officer is doing good work.

The Senator from Missouri said he does not know who the official is. The office was formerly held by Mr. Dorchester, but upon the incoming of the present Administration a gentleman by the name of Heilman, from Indiana, I believe, was appointed. The Senator from Indiana [Mr. TURPIE] assured me at the time of his appointment that Mr. Heilman was perhaps as good a man for the place as could be found in the United States. All that I know of his work since that time justifies what the Senator from Indiana said with reference to him.

Mr. VEST. Will the Senator from Connecticut tell us why an inspector could not perform those duties?

Mr. PLATT. Because the superintendent has the general supervision of the entire matter of education at the Indian schools of the country, and an inspector can not do it. An inspector can be sent here or there upon special work, but the superintendent is given a higher duty than any inspector is called upon to perform.

Mr. VEST. The act which created the office of Commissioner of Indian Affairs, as will be found by reference to the Revised Statutes, expressly gives the Commissioner of Indian Affairs control and supervision of all matters affecting the Indians, including education. As I have shown here the office of superintendent of Indian schools was originally created for a specific purpose, and that purpose has either been accomplished or abandoned. This is nothing but an inspectorship with increased salary, and now he is furnished with a secretary.

I have read those reports. I know Mr. Dorchester's reports. They were adopted by the Commissioner of Indian Affairs, and then the report of the Commissioner of Indian Affairs was incorporated in the report of the Secretary of the Interior and transmitted by the President to Congress. But that does not at all affect what I have said, to the effect that this is simply an inspectorship, with certain duties put upon the inspector by the Commissioner of Indian Affairs and not by the statute. It is now provided by the amendment, as it was in 1890 and 1886, that the Commissioner of Indian Affairs shall assign such duties to this officer, the superintendent of Indian schools, as he sees

proper. He does the same thing as to other inspectors. It is an entirely unnecessary office.

#### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. JAMES KERR, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 305) granting a pension to Annie M. Greene;

A bill (S. 684) for the relief of Mrs. Evalyn N. Van Vliet;

A bill (S. 2783) to postpone the enforcement of the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea;" and

A bill (H. R. 6323) to amend the Articles for the Government of the Navy relative to punishment on conviction by court-martial.

#### SURVEYOR OF DISTRICT OF COLUMBIA.

Mr. PROCTOR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 444) making the surveyor of the District of Columbia a salaried officer, and to provide for more efficient service in the surveyor's office, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same with the following amendments:

In line 5 of section 1, page 1, after the words "shall be," insert "appointed by the Commissioners of the District of Columbia for a term of four years, unless sooner removed for cause, and shall be;" and the Senate agree to the same.

In line 6 of section 1, page 1, after the word "the" where it first occurs in said line, insert "said;" and the Senate agree to the same.

In lines 6 and 7 of section 1, page 1, strike out "of the District of Columbia;" and the Senate agree to the same.

In line 4 of section 2, page 2, after the words "per annum," insert "and such employees as may in the judgment of the Commissioners of the District of Columbia be required for the surveyor's office and operations, at an aggregate expense of not exceeding \$4,000 in any one year." Amend the proposed amendment by striking out "\$4,000" and insert "\$5,200" in lieu thereof; and the Senate agree to the same.

In section 2, page 2, strike out all after the words "per annum," in line 6, down to and including line 13; and the Senate agree to the same.

In line 3 of section 4, page 2, strike out the word "cities" and insert in lieu thereof the word "city;" and the Senate agree to the same.

In line 4 of section 4, page 2, strike out the words "and Georgetown;" and the Senate agree to the same.

In line 5 of section 4, page 2, strike out "cities" and insert in lieu thereof the word "city;" and the Senate agree to the same.

In line 11 of section 5, page 3, after the word "Columbia," insert "and all records, plats, plans, and other papers or documents now existing or hereafter made or secured by the office of the said surveyor shall be delivered by each surveyor to his successor in office." Amend by inserting after the word "office," "and no plat or survey of land shall be recorded in the office of the surveyor of the District of Columbia except it be certified to as correct by the surveyor of the said District;" and the Senate agree to the same.

In section 3, page 3, strike out all after the word "laws," in line 1, down to and including line 4, and insert in lieu thereof the following: "Inconsistent with the provisions of this act are hereby repealed;" and the Senate agree to the same.

REDFIELD PROCTOR,

CHAS. J. FAULKNER,

H. C. HANSBROUGH,

Managers on the part of the Senate.

J. E. COBB,

G. W. COOPER,

J. A. T. HULL,

Managers on the part of the House.

Mr. GORMAN. I trust we shall have some explanation of the conference report. I should judge from hearing the report read that there was a large increase of salaries to employees of the District of Columbia. We ought to have some explanation of it.

Mr. PROCTOR. The important amendment agreed to is in section 3. The bill as it passed the Senate provided for a surveyor at a salary of \$3,000, an assistant surveyor at a salary of \$1,800, and a draftsman, a computer, a clerk, two rod men, two chain men, aggregating, besides the salaries of the surveyor and the assistant surveyor, \$7,340. The other House struck out all of those special officials except the surveyor and assistant, and inserted in lieu thereof a provision authorizing the Commissioners to employ necessary assistants outside of the first two officers at an expense of not exceeding \$4,000 in place of the \$7,340 that was in the bill as it passed the Senate.

Mr. GORMAN. I should like to ask if we have made provision for the payment of those officers for the current fiscal year.

Mr. PROCTOR. No provision has been made. It was my purpose to ask that an amendment be made to the legislative bill, providing the proposed act became a law in season. If not, of course it will be a deficiency. The fees, according to the statement of the Commissioners, and I have no doubt it is correct, will considerably more than pay the expenses of the officials.

Mr. GORMAN. Will the fees be applicable without some legislation, I ask the Senator from Vermont?

Mr. PROCTOR. The fees are not applicable without legislation.

Mr. GORMAN. I will say to the Senator that the conference report on the District of Columbia appropriation bill where these items would probably go is already pending in the Senate. The appropriation bill has reached a stage where it would be impossible,



in my judgment, to put on it a provision of this kind. Therefore, I suggest to the Senator whether it is not wise for him to let the report be printed and see if we can not come to an agreement to insert a provision in this bill as to the pay of these officers. It would require a very radical change of existing law to make provision for their compensation during the next fiscal year, and it ought not to be mixed up with the sundry civil or any other bill except the District of Columbia appropriation bill.

Mr. PROCTOR. Providing that the fees may be used for this purpose?

Mr. GORMAN. During the next fiscal year.

Mr. COCKRELL. Just make an ordinary appropriation for it, like the others.

Mr. PROCTOR. The sum, as the report now stands, is precisely \$10,000—\$4,800 for the surveyor and his assistant, and \$5,200 for such other assistants as the Commissioners may think necessary.

Mr. GORMAN. I suggest that the Senator, as was suggested yesterday about the conference report on the District of Columbia bill, have the report printed, and we can take it up Monday.

Mr. PROCTOR. Very well.

The VICE-PRESIDENT. Without objection it will be so ordered.

#### AMENDMENT OF INTERSTATE-COMMERCE ACT.

Mr. BUTLER. Mr. President, I now move that the pending appropriation bill be laid aside informally and that the Senate proceed to the consideration of the bill (H. R. 7273) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

Mr. KYLE. Mr. President—

The VICE-PRESIDENT. The Chair will state the motion. The Senator from South Carolina moves that the Senate now proceed to the consideration of the bill indicated by him.

Mr. BUTLER. And that the regular order be informally laid aside.

Mr. ALDRICH. That can not be done.

Mr. FRYE. That would require unanimous consent.

Mr. ALDRICH. That is not in order.

The VICE-PRESIDENT. The Chair has stated the parliamentary motion.

Mr. HARRIS. I suggest to the Senator from South Carolina that his motion in effect is to proceed to the consideration of a bill. I am inclined to think that it would be wiser policy for him to wait until the Indian appropriation bill shall be passed, if it is ever passed, which I doubt; but if ever, that he make his motion when that bill is passed.

Mr. BUTLER. Mr. President—

Mr. HALE. I make the point of order that the motion is not debatable.

The VICE-PRESIDENT. The Chair sustains the point of order. The motion is not debatable.

Mr. BUTLER. Then I move to strike out the last clause in the bill pending before the Senate.

The VICE-PRESIDENT. The Chair will state to the Senator that a motion is pending.

Mr. PETTIGREW. On that motion I demand the yeas and nays.

The VICE-PRESIDENT. The question is on the motion of the Senator from South Carolina that the Senate proceed to the consideration of the bill which he has indicated, on which the yeas and nays are demanded.

Mr. GEORGE. Mr. President—

Mr. HALE. I make the point of order that the motion is not debatable.

Mr. GEORGE. I move to amend the motion by striking out the bill mentioned and inserting the bill (H. R. 4600) to establish a uniform system of bankruptcy.

The VICE-PRESIDENT. The Chair must hold that the motion of the Senator from Mississippi is not in order. The vote must be first taken on the motion of the Senator from South Carolina.

Mr. GEORGE. I will take an appeal from the decision of the Chair.

Mr. HALE. I move to lay the appeal on the table.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine to lay on the table the appeal of the Senator from Mississippi.

Mr. GEORGE. Can a motion be made to lay my appeal on the table until after I have surrendered the floor?

Mr. HALE. The Chair has entertained the motion.

The VICE-PRESIDENT. The Chair did not hear the inquiry of the Senator from Mississippi.

Mr. GEORGE. I suggest that I had not surrendered the floor. The Senator from Maine can not make the motion until I have surrendered the floor.

Mr. GRAY. The Chair had recognized the Senator from Maine.

Mr. GEORGE. I took an appeal. That appeal is debatable, and I was going to proceed to debate that question.

Mr. HALE. After a motion had been made to lay it on the table it is not debatable.

Mr. GEORGE. But the Senator could not make the motion when I had the floor.

The VICE-PRESIDENT. The Chair did not intend to take the Senator from Mississippi from the floor, but the question is not debatable.

Mr. GEORGE. The appeal is debatable.

The VICE-PRESIDENT. The appeal is not debatable. The motion is made to lay the appeal on the table.

Mr. HALE. I call for the regular order.

Mr. GEORGE. That motion was made before I surrendered the floor. The Senator from Maine had no right to make the motion while I occupied the floor.

Mr. HALE. I call for the regular order.

The VICE-PRESIDENT. The Chair must state that the pending motion is that of the Senator from Maine to lay on the table the appeal of the Senator from Mississippi.

The motion to lay the appeal on the table was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from South Carolina [Mr. BUTLER].

Mr. BUTLER. Mr. President—

Mr. GORMAN. Regular order.

Mr. BUTLER. I call for the yeas and nays on my motion. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BURROWS (when his name was called). I am paired with the junior Senator from Maryland [Mr. GIBSON].

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. If he were here I should vote "nay."

Mr. GORDON (when his name was called). I am paired with the junior Senator from Iowa [Mr. WILSON].

Mr. HANSBROUGH (when his name was called). I am paired with the junior Senator from Illinois [Mr. PALMER]. Were he present I should vote "nay."

Mr. MITCHELL of Wisconsin (when his name was called). Has the Senator from Wyoming [Mr. CAREY] voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. MITCHELL of Wisconsin. If he were present I should vote "yea."

Mr. ROACH (when his name was called). I am paired with the Senator from California [Mr. PERKINS]. If he were present I should vote "nay."

The roll call was concluded.

Mr. GALLINGER. I am paired with the junior Senator from Texas [Mr. MILLS], who is not in his seat. I suggest to the Senator from Wisconsin [Mr. MITCHELL] that we transfer our pairs, so that the Senator from Texas [Mr. MILLS] will stand paired with the Senator from Wyoming [Mr. CAREY] on this question, and that will enable us to vote.

Mr. MITCHELL of Wisconsin. Very well; that is satisfactory.

Mr. GALLINGER. I vote "yea."

Mr. MITCHELL of Wisconsin. I vote "yea."

Mr. LODGE. My colleague [Mr. HOAR] is absent from the Senate. I desire to announce that he is paired with the Senator from Alabama [Mr. PUGH].

Mr. ROACH. I am informed that if the Senator from California [Mr. PERKINS] were present he would vote "nay." As I would vote the same way, I will record my vote. I vote "nay."

Mr. GALLINGER (after having voted in the affirmative). Since making the transfer of the pairs I notice that the Senator from Wyoming [Mr. CAREY] has come into the Chamber. The transfer will be annulled and I will stand paired with the junior Senator from Texas [Mr. MILLS]. I withdraw my vote.

Mr. PUGH (after having voted in the negative). I have a pair with the Senator from Massachusetts [Mr. HOAR], which, I understand, has been announced. I take it for granted—it having been announced by his colleague—that if present the Senator from Massachusetts would vote "yea." If that be true, I withdraw my vote.

Mr. ALDRICH. The remark of the Senator from Alabama was not understood on this side of the Chamber.

Mr. PUGH. If there is anyone who is authorized to state that the senior Senator from Massachusetts would vote "yea" if present, I withdraw my vote. I have a general pair with him.

Mr. ALDRICH. I do not think he would; but I am not certain.

Mr. PUGH. That is the reason why I required some statement to the contrary.

Mr. GALLINGER. It strikes me that the pair ought to be observed. I shall take the liberty of voting on the other side and break my pair if the Senator from Alabama breaks his.

Mr. DUBOIS. I wish to announce that my colleague [Mr. SNOUP] is paired with the Senator from California [Mr. WHITE]. If my colleague were present he would vote "nay." The Senator from California would vote "nay" if present.

Mr. PUGH. I will transfer my pair to the Senator from California [Mr. WHITE] and let my vote stand.

Mr. HANSBROUGH. I transfer my pair with the junior Senator from Illinois [Mr. PALMER] to the absent Senator from Idaho [Mr. SHoup], and will vote. I vote "nay."

The result was announced—yeas 24, nays 42; as follows:

## YEAS—24.

Blanchard,	Daniel,	Lindsay,	Proctor,
Butler,	Faulkner,	Lodge,	Quay,
Caffery,	Gray,	McPherson,	Ransom,
Camden,	Harris,	Manderson,	Squire,
Cameron,	Higgins,	Mitchell of Wis.	Walsh,
Carey,	Hunton,	Murphy,	Wolcott.

## NAYS—42.

Aldrich,	Dixon,	McLaurin,	Pugh,
Allen,	Dubois,	McMillan,	Roach,
Allison,	Frye,	Mantle,	Sherman,
Bate,	George,	Mitchell of Oreg.	Smith,
Berry,	Gorman,	Morgan,	Teller,
Blackburn,	Hale,	Morrill,	Turpie,
Call,	Hansbrough,	Pasco,	Vest,
Chandler,	Hawley,	Peffer,	Vilas,
Clark,	Hill,	Pettigrew,	Washburn.
Cockrell,	Jones of Ark.	Platt,	
Davis,	Kyle,	Power,	

## NOT VOTING—22.

Brice,	Gibson,	Mills,	Voorhees,
Burrows,	Gordon,	Palmer,	White,
Coke,	Hoar,	Perkins,	Wilson of Iowa,
Cullom,	Irby,	Pritchard,	Wilson of Wash.
Dolph,	Jones of Nev.	Shoup,	
Gallinger,	Martin,	Stewart,	

So the motion was not agreed to.

Mr. BUTLER. May I inquire what is the question before the Senate?

Mr. COCKRELL. The Indian appropriation bill.

The VICE-PRESIDENT. The Senate resumes consideration of the Indian appropriation bill; and the pending question is on the amendment proposed by the Senator from Missouri [Mr. VEST] to the bill.

Mr. BUTLER. Then I propose to address a few remarks upon the Indian appropriation bill. I believe that is in order now.

I think, perhaps, sir, it is due to myself that I should make a statement to the Senate. The bill known as the pooling bill was passed through the Committee on Interstate Commerce, introduced there by the Senator from Maryland [Mr. GORMAN], and, as I understood, supported by him cordially and by a very decided majority of that committee. As chairman I was charged with the duty of presenting it to the Senate and asking for the action of this body on it. I have from time to time made an effort to get the bill up. It is one in which the entire business of the country is very deeply and profoundly interested, as I am informed. Beyond that I have no interest in it. That effort has been obstructed by dilatory proceedings, by having it antagonized with appropriation bills, and by various methods, Mr. President, which, I submit, in a bill of this kind, are not fair and just to the public or to this body.

Yesterday (I do not think I am violating any confidence when I refer to it) the committee charged with the order of business—certainly on this side of the Chamber charged with the order of business—had a meeting and decided that at 3 o'clock to-day the bill would be taken up for consideration and would be considered until disposed of in one form or another. I immediately discovered that there was put on foot a movement to delay the discussion of the Indian appropriation bill and to run that discussion beyond the hour designated by that committee. The opponents of the so-called pooling bill have succeeded in doing that. I have simply discharged my duty.

I want to say in connection with the discharge of that duty that a great many intimations have been made here and elsewhere, notably by the Senator from New Hampshire [Mr. CHANDLER], that this is a great eleven-billion combination to oppress the people. Let me say that there never has been a bill presented in this body in which the great majority, the masses of the people of this country, are more interested than in this measure. We have complained since the organization of the Interstate Commerce Commission in 1887 that that Commission did not have power enough to deal with the corporations in the interests of the people. This bill enlarges the powers of the Interstate Commerce Commission, and in its operation upon railroads is, in my judgment, extremely drastic. As I stated in the remarks I made the other day, one of the effects will be, in my judgment, if it should become a law, to prevent the large trusts and combines and monopolies of this country from taking the railroads and the people by the throat, as they have them to-day.

Mr. WOLCOTT. Will the Senator from South Carolina allow me to ask him a question at this stage?

Mr. BUTLER. With pleasure.

Mr. WOLCOTT. I realize perfectly as a member of the committee the earnest and unselfish character of his work, but inas-

much as from three-fourths to nine-tenths of the railroad stocks and bonds in the United States are held in New England and New York, and inasmuch as more than four-fifths of the representation from that section is opposed to taking up the pooling bill, I suggest to the Senator that he is relieved from much further responsibility respecting it.

Mr. BUTLER. If that opposition will develop itself and exercise its influence upon this body I have nothing more to say; but all I ask, and what I think I have a right to ask, is that the Senate shall act upon this bill, favorably or unfavorably; and to me personally it would make no difference what the action of the Senate might be.

But I am told, and I have good reason for believing, that there are certain monopolies in this country who have been getting the benefit of the repeal of the pooling clause, the fifth section of the act of 1887, who are themselves opposing the bill, because they have, as I said, the railroads by the throat and they have the country by the throat in deriving special privileges, preferential rates, rebates, making them rich, and everybody else, including railroads, poor. That, sir, is my reason for what appears to be persistency upon my part to get action by this body.

I have been told that there is a very decided majority of this body in favor of the bill. I have no personal knowledge of that fact, because I have made no special inquiry in regard to it; but I am reminded of the eloquent appeal made by the Senator from Maryland [Mr. GORMAN] the other day when opposing a change of the rules, in which he said with great truth and force that any measure which had a majority of this body generally had action by the body. I have seen, sir, for ten days or two weeks, methods adopted on this floor to defeat the consideration of the bill. The Senator from South Dakota [Mr. PETTIGREW] asserted yesterday that he did not intend to permit the consideration of this bill by this body if he could prevent it.

I have felt it due to myself, as chairman of that committee and as being in charge of the bill, to make this statement, and I give notice here and now that I intend, if I can, to have consideration of it fairly, frankly, and fully. If the Senate votes it down, I say to you, Mr. President, and to the Senate, I have no further concern with it; but I do insist that it is entitled to fair consideration at least. Other bills have been brought in here pending the consideration of the appropriation bills, notably the bill by my friend the Senator from Arkansas [Mr. JONES], which occupied twenty-four hours of the time of the Senate, and not one word was said about imperiling the appropriation bills.

Mr. HALE. And it was then withdrawn.

Mr. BUTLER. It was then withdrawn. Give me twenty-four hours, I say to the Senator from Maine, and if I can not pass the bill in that time I will withdraw it.

Mr. HALE. Let me say a word to the Senator. Of course the Senator has the privilege every lawyer has, after he has lost his case, of scolding the jury. The Senator has had a fair day in court. The question was whether the Senate in the present exigency would vote to take up his bill, thereby practically confiscating, it may be, the rest of the time. The Senator knows there has been no tactics resorted to to defeat the bill. The appropriation bills must necessarily be passed or we will be left with some one or more of them upon our hands and an extra session, which nobody wants, will be called. All that the Committee on Appropriations is doing, all that the Senate is doing in sustaining that committee, is in keeping strictly to the business of passing those bills. If the Senator with the bill which he has so much at heart has let it drag along until this exigency has arisen he ought not to complain of the Senate nor of anybody else. All that we are seeking is to do the necessary business, and his bill is necessarily crowded out.

I do not think that the Senator will get any opportunity when the Senate will vote to take up his bill, because everybody understands, with the determined opposition that there is to it, that he can not pass it in twenty-four hours, nor forty-eight hours, nor seventy-two hours, nor ninety-six hours, nor in the rest of the session; and none with the exception of a few are in favor of confiscating the time for the benefit of the pooling bill.

Mr. BUTLER. Mr. President, that is the same plea we heard ten days or two weeks ago.

Mr. HALE. It is growing more imperative.

Mr. BUTLER. The Senator from Maine is repeating precisely what he said when I attempted to get the floor when the diplomatic and consular appropriation bill and the Post-Office appropriation bill were up and which the Senator knows have passed this body, one of them passing it in three hours.

Mr. HALE. The plea and the reasons for it are growing more imperative every day. We are getting nearer the end of the session.

Mr. WOLCOTT. Will the Senator from Maine permit me to ask him a question? I ask him if he is not aware that scores and scores of Senators on this side of the Chamber have been requested to speak upon amendments to appropriation bills in which they



did not have the slightest interest and upon which they would not otherwise have spoken, for the sole and unconcealed reason that they might consume time and prevent the consideration of the pooling bill?

Mr. HALE. I will answer the Senator directly. I not only do not know of any such instance, but I know in my case I have sought early and late, and it may be in season and out of season, to prevent needless debate upon the provisions of appropriation bills, because, Mr. President, as surely as we stand here, with all the expedition that the human mind and human wit can give us, with limited debate upon appropriation bills, and with the five-minute debate, which I hope will be adopted upon amendments to the bill, I think we shall find ourselves crowded in passing those bills. So I say to the Senator I know of no such thing as he has mentioned.

Mr. WOLCOTT. Of course the Senator from Maine knows, as I know, that I have not made the slightest personal reference to him.

Mr. HALE. The Senator put the question to me, and I had to answer it.

Mr. BUTLER. I am not making charges against anybody. I am perfectly satisfied with the action of the Senate so far as I am personally concerned. I am making no complaint about it, and I am not scolding anybody. I am simply adverting to well-known and conceded facts, which the Senator himself can not deny. Personally I make no charges against him of indulging in any dilatory methods or proceedings; but yesterday, when it was announced that the committee on the order of business of this body had decided on 3 o'clock to-day as the time when the bill in my charge should be taken up, what did we see in this body? The Indian appropriation bill was proceeding. We could have concluded it in two hours. Instead of that we had an executive session, and then an adjournment very much earlier than usual.

Mr. President, that may deceive some people, but does not deceive me, and is not going to deceive anybody here. It was plainly announced that the object of that delay was to prevent the consideration of the bill in my charge. It was also announced, and there was no concealment about it, when the consular and diplomatic and the Post-Office appropriation bills were being considered, that the debate would be strung out; and I think about ten days were occupied in the discussion of those two bills when I was making an effort to get up the bill in my charge.

All I ask is that the Senate take a vote on the bill. If the Senate votes it down, that will be the end of it; and if it passes it, that will be the end of it.

Mr. HALE. Let me say to the Senator that he can not get a vote on his bill until the Senate votes to take it up. He has to proceed by the regular process.

Mr. BUTLER. That is what I wanted to do.

Mr. HALE. The Senator has to proceed under the rules. He has tried it just now, and has been beaten. He can not get a vote on his bill until he can get the Senate to take it up, and he will find every hour and every day the difficulty of securing a vote to take up his bill will increase, and he will never be as strong as he is to-day.

Mr. BUTLER. Will the Senator vote to take it up after the appropriation bill is disposed of?

Mr. HALE. I will not.

Mr. BUTLER. Of course not.

Mr. HALE. I will not until I am sure we can see our way to the end of the session in disposing of appropriation bills.

Mr. BUTLER. And yet we saw the Senator sitting perfectly quiet when the bill of the Senator from Arkansas [Mr. JONES] was being discussed the other night until 9 o'clock, with not one word of protest against it. I have, however, no complaint to make of it. I was in favor of that bill; but not one word of protest was made by the Senator from Maine or any other Senator as to the consumption of time.

Mr. HALE. I protested then, as I did to-day, by voting against the bill of the Senator from Arkansas. That bill seemed to represent the sentiment of the Senate, inasmuch as the Senate voted to take it up, and it involved a great question which lies at the bottom of the financial controversy, a deeper, a wider, a larger, and a nobler question than this, and when the Senator from Arkansas saw what the effect would be if he determined upon keeping that bill before the Senate, instead of insisting upon it he gracefully withdrew it, as he always does in such cases. He did not complain of the Senate because the disposition was to consider appropriation bills, as the Senator from South Carolina does, but he yielded to that motion and at once the bill went out of the way.

Mr. BUTLER. If the Senator from Maine will permit me to get the bill in my charge taken up, and if I find that it can not pass, I suppose the Senator from Arkansas may exceed me in grace, but certainly he will not exceed me in candor in withdrawing the bill.

Mr. HALE. When the Senator from South Carolina can get a

majority to take his bill up, as the Senator from Arkansas did, then the Senator from South Carolina will be entitled to consideration.

Mr. BUTLER. The Senator from Arkansas was not at the disadvantage that some members of the Appropriations Committee opposed an appropriation bill to his motion, as the Senator from Maine and other Senators are doing and have done to the bill in my charge.

Mr. PEPPER. Will the Senator allow me to make a suggestion?

Mr. BUTLER. Certainly.

Mr. PEPPER. I know the Senator from South Carolina has been very hard pressed to secure a hearing for his bill, and unavoidably that situation has prevailed for many days; but the Senator has worked faithfully and worked arduously and continuously to perform his part of the work of getting the bill before the Senate.

The suggestion I wish to make is, that it may be some relief to the Senator to know that he can not get the bill passed in twenty days. I can assure the Senator that I know personally at least twelve members of the Senate who are determined to fight that bill to the uttermost. I myself am prepared to occupy at least one full day in continuous discussion of it. [Laughter.]

Mr. BUTLER. In other words, Mr. President, the Senator from Kansas has had the frankness to do what many other Senators have not had the frankness to do, to state that he and 11 others will filibuster against a bill where there is a majority in favor of it. That, I understand, to be the position of the Senator.

Mr. KYLE. Mr. President—

Mr. BUTLER. One moment.

What I should like to do would be to give the Senator from Kansas and the other 11 Senators an opportunity to filibuster for a while, and let us see just how far they will go in carrying out this filibustering programme, which the Senator has so frankly admitted is in store for this bill.

Mr. PEPPER. I have no idea of filibustering.

Mr. BUTLER. Of course not!

Mr. PEPPER. I will say to the Senator, however, with perfect frankness, we will talk his bill to death, if we can not kill it in any other way. [Laughter.]

Mr. BUTLER. That is another form of filibustering.

Mr. KYLE. The Senator from California [Mr. WHITE], who was obliged to go to New York yesterday evening, told me if the bill came up he wanted me to notify the members of the Senate that he would return this evening, and that he had a five days' speech to deliver against the bill of the Senator from South Carolina.

Mr. BUTLER. I doubt very much whether he could stand out as long as the Senator from Nebraska [Mr. ALLEN]; but still I felt that it was my duty to make this statement. If the Senator from California, the Senator from South Dakota, the Senator from Kansas, and the Senator from Nebraska have made up their minds to perpetuate monopolies and trusts in this country by filibustering, they must take the responsibility.

Mr. ALLEN. If the Senator will permit me, I desire to contribute my portion to this entertainment, by saying that I shall take my full portion of time if his bill comes up.

Mr. BUTLER. I think it quite unnecessary for the Senator to state that, because he always takes his full portion, and a good deal that is not his full portion. [Laughter.]

Mr. GORMAN. Mr. President, I know the Senate will indulge me for a moment after the very remarkable statement of the distinguished Senator from South Carolina [Mr. BUTLER] who has made a formidable assault upon me—

Mr. BUTLER. Not at all.

Mr. GORMAN. Entirely unexpected and uncalled for by any relations between that Senator and myself, and unjustified by any action of mine in relation to this bill. The Senator began his remarks by alluding to the fact that I had introduced a bill to permit pooling.

Mr. BUTLER. That is true.

Mr. GORMAN. Yes, Mr. President, it is true, and my opinion upon that question is as well known to the Senate as my opinion upon any other question. I think a fair and moderate bill permitting pooling is right, and in the interest of the people and in the interest of the railroad companies. I introduced a bill, as I introduced hundreds of bills, providing, as it did, for permitting pooling, but I was not committed to that bill in any of its provisions, except the general idea. It was referred to the Committee on Interstate Commerce, of which the distinguished Senator is chairman, and of which I am a member, in the early part of this Congress; it was discussed in committee and considered in all of its details. Nobody knows better than the distinguished Senator from South Carolina that I offered and sustained amendments, which I considered vital to the bill, and without which I could not support it.

That bill was considered carefully and for a long time, but no

report whatever was made upon it, and no conclusion was ever reached by the Committee on Interstate Commerce until the 22d of January of this year. Then, when the bill came to the Senate, the Senator from South Carolina knows as well as I do that it was a bill which had passed the House of Representatives, and differed in its provisions from the one which he and I had considered as members of the Committee on Interstate Commerce, and that that bill was not satisfactory, except to a bare majority of the committee. The Senator also knows that the distinguished Senator from New Hampshire [Mr. CHANDLER], I, and other members of the committee, insisted that the bill must be amended, but it was said by the majority that not an "i" should be dotted or a "t" crossed, and it was determined to report the bill.

I have been out of the Chamber much of the time in the Committee on Appropriations, but I know of no effort having been made to take that bill up at any time until to-day. The Senator tried to get the floor a few days ago to do it, but beyond that I personally know of no motion to take the bill up.

Mr. President, the Senator singles me out for a reason perfectly well known. The Senators on this side of the Chamber have honored me by selecting me as the chairman of their caucus, and early in the session, before this bill was reported, before it had passed the House of Representatives, the Democrats in caucus determined what measures should be considered and the order in which they were to be considered, and, as their organ, I have endeavored faithfully to carry out that decree. It was one which was satisfactory to both sides of the Chamber, as we always confer about such matters.

The bills to be considered were in the order in which I name them: First, the Nicaraguan Canal bill; second, any financial measure which might come from the Committee on Finance—

Mr. PASCO. Was not the bankruptcy bill second?

Mr. GORMAN. No; I have the resolutions in my pocket, and can read them if any Senator desires it. Then came the bankruptcy bill; the appropriation bills, of course, always and over everything, and then the bill to admit two new States into the Union.

Mr. President, we have faithfully endeavored to carry out that order, until it came to the question which was thrust on us, not by any member of this body, but because of the exigency in the country and the special message of the President of the United States, detailing what he believed to be necessary for the honor and interest of the Government. That message created a discussion here and everywhere. It consumed one whole week, yes, ten days, of the time of this session, ten precious days which I struggled to have devoted to the consideration of appropriation bills, so that this measure of the Senator from South Carolina and other measures might have the fair consideration of the body. This delay grew out of that message, and probably because of it the distinguished Senator from Arkansas [Mr. JONES], a member of the Committee on Finance, sought a few days ago to bring up what was known as the silver bill, and the honorable Senator from South Carolina endeavored to get the floor, I take it for granted, for the purpose of bringing up his bill.

I rose in my place as a member of the Committee on Appropriations, the honorable chairman of the committee not being in the Chamber at the time, and I protested against the consideration of that bill or any other bill except an appropriation bill. I raised the question of order, and you, Mr. President [the Vice-President in the chair], decided in my favor that it was a privileged motion which I then made to proceed to the consideration of an appropriation bill. That proposition was voted down by a majority of 3, as I now recall it. Every member of the Appropriations Committee stood paralyzed by that vote, and twenty-four hours were consumed in the discussion of the silver bill. At the first moment we could reach a vote we moved to take up the Indian appropriation bill, and we have pressed that bill from that time to this.

I want to say, Mr. President, that amongst the best personal friends I have are great railroad magnates. They have been here pressing me, as they have been pressing every other Senator; I have been deluged with telegrams here and at my home; and there have been more men interested in getting up the great measure known as the pooling bill than any other which has been before Congress. They have begged; they have pleaded; some of them have even intimated threats; and my answer to them has been, as it is to anybody here or elsewhere, that in the present condition of affairs, with only seven or eight days of the session left, the time having been used in considering other matters for which I am not responsible, I would oppose any power in the United States, or any personal appeal to take up any measure in the Senate in preference to the bills which are necessary to conduct the Government.

I say, Mr. President, to the distinguished Senator from South Carolina, with whom I have been on more than intimate terms, whom I have regarded almost as a brother, who was kind to me when I entered this body—and that friendship has grown—that no pique of his, no desire of his, no desire of any other man will

make meswerve from a duty which has been imposed upon me by the Democrats in this Chamber; and if every Democrat in the Chamber were to appeal to me to put this Government in jeopardy by the failure of an appropriation bill in order to pass any other measure I should resist that appeal.

That is all I desire to say, Mr. President.

Mr. CHANDLER. Mr. President—

Mr. BUTLER. I simply desire to state, if the Senator from New Hampshire will pardon me—

Mr. CHANDLER. Certainly.

Mr. BUTLER. That the Senator from Maryland is entirely mistaken if he supposes that I intended by any remark I made to make an assault upon him.

Mr. GORMAN. That is satisfactory.

Mr. BUTLER. Nothing could be further from my purpose. I simply stated what I believed to be, what I know to be, the facts in connection with this bill. I simply stated that the Senator from Maryland had introduced the bill—

Mr. GORMAN. Introduced a bill.

Mr. BUTLER. Well, introduced a pooling bill. He does not deny that, of course, and will not deny it.

Mr. GORMAN. Of course not.

Mr. BUTLER. I simply stated that I understood him to be in favor of that pooling bill.

Mr. GORMAN. Not as it is.

Mr. BUTLER. The Senator says, "Not as it is." He knows perfectly well, as do all the members of the Interstate Commerce Committee, that the bill he introduced was considered from time to time, and was thought to be imperfect, and when the House of Representatives passed the bill, which is now before the Senate, by such a large majority, after full discussion, and it came here to the Committee on Interstate Commerce, it was there concluded, as I thought wisely, that we had better take the bill as it came from the other House, because it made a great many modifications in the bill introduced by the Senator from Maryland, gave very much larger powers to the Interstate Commerce Commission than his bill did, and I supposed that he and every member of the committee, with perhaps two exceptions, were in favor of it.

The Senator from Maryland did offer two amendments, which I say to him, if I have the right to do it, I will accept on behalf of the Committee on Interstate Commerce. Those amendments were not adopted. The Senator can not forget that at the first meeting of the Committee on Interstate Commerce the Senator from Illinois [Mr. CULLOM] was absent, and it was thought, out of deference to him, that we should take no final action until he returned. Meantime a letter was sent from that Senator, under and by virtue of which we had the right to proceed with the consideration of the bill. At the next meeting it was stated that the Senator from New Hampshire [Mr. CHANDLER] was absent, and probably out of deference to him we should defer action for one week more. The Senator from New Hampshire came, and offered an amendment, and, if my memory serves me correctly, asked for another meeting of the committee; which was granted.

So we went, Mr. President, and the bill was reported to the Senate on the 22d of January, as the Senator from Maryland has stated. If my memory serves me correctly I then gave notice that I should call it up at an early day, and I think that this is about the fourth or fifth time I have asked the Senate to consider the bill. I have availed myself of every opportunity which I could fairly and without intruding upon the business of the Senate to ask it to consider it. Finally, as I stated, the committee of which the Senator is chairman had a meeting yesterday and designated to-day at 3 o'clock for the bill to be called up. Therefore I called it up. That is the only explanation I have to give in regard to the action of the Democratic caucus.

The Nicaraguan Canal bill was out of the way, and I understood my friend from Mississippi [Mr. GEORGE] to give up his bill.

Mr. GEORGE. Mr. President—

Mr. BUTLER. I am in favor of his bill, and told him at the time that I should not antagonize it.

Mr. GEORGE. I have given up the bankruptcy bill to this extent, and no more. I am determined to press it before the Senate at any time when I think I can get consideration for it.

Mr. BUTLER. I stated to the Senator when I first made the motion in the morning hour, so as not to antagonize his bill, that I should not antagonize him, and I have not done so. I have simply availed myself of every opportunity which presented itself to press the measure.

The Senator from Maryland speaks of my having been piqued. The Senator does me great injustice when he supposes that I am piqued about it. I am simply discharging my duty, as he is discharging his.

Mr. GORMAN. I withdraw that word, Mr. President.

Mr. BUTLER. I must say I have been disappointed, but not piqued. I have no more interest in the bill than anyone else, per-



haps, except that I am charged with the management of it on the floor of the Senate.

After this explanation, I shall let the matter go; but I give notice now, notwithstanding the threat of the Senator from Kansas [Mr. PEPPER] and the Senator from South Dakota [Mr. KYLE], that I shall call it up when the pending appropriation bill is concluded.

Mr. CHANDLER. Mr. President, it seems to me that it would be well to discuss a bill of this great importance without undertaking to impute motives to Senators upon this floor. It certainly is a great public question, and every Senator is presumed to act from motives of public duty. If motives are to be imputed, it is open to observation that those imputations will come from both sides, and a debate upon a great public question may degenerate into personalities. I do not propose to enter upon that field, unless my own motives are impugned. I ascribe motives of the highest character to the Senator from South Carolina.

Mr. BUTLER. Mr. President, does the Senator intimate that I have made any imputation upon his motives?

Mr. CHANDLER. I do not, Mr. President; but I have noticed that there has been very little said in debate so far about the merits of the bill. If the Senator will tell me what shape the debate has taken, then I shall take heed of his admonition.

As for the Senator from South Carolina himself, I believe he has taken this subject up as chairman of the Committee on Interstate Commerce, to which position he was duly assigned at the beginning of this session, with a disposition to do exactly what is right. The Senator has reported the bill to the Senate, and with that zeal which always characterizes him, he has endeavored to secure action upon it. He has done that, so far as I know and believe, from the very best of motives. The Senator is about to leave the Senate, and naturally desires to finish every duty which has been assigned to him, and I, for one, take occasion to bear my testimony, if it will do the Senator any good, to the fact that he always has endeavored to judge every question which has arisen and come before him for decision as a Senator ought to judge it; and certainly, Mr. President, when we part with the Senator from South Carolina, we shall part with as courteous and as genial a gentleman as has ever occupied a seat upon the floor of this Senate.

So also the distinguished Senator from Colorado [Mr. WOLCOTT] is not to have motives ascribed to him other than those of public duty. He performs his duty as a Senator according to the light which is given to him. [Laughter.] He is free in his criticisms of other Senators, but never harsh or ungentle; and I have no doubt that he is just as anxious that this bill shall pass the Senate in the interest of the money lenders and stock and bond owners of my section of New England as he is that a silver free-coinage bill shall pass in the interest of his own section. The Senator knows no bounds in his patriotism, no bounds in his love of country; and equally before him stand Colorado and New England.

So, Mr. President, we are all patriots, we are all public-spirited citizens, and we all of us undoubtedly deal with every question which comes before us from the best of motives, in the best of spirit, always seeking only the public good.

Mr. President, if the Senator from South Carolina and the Senator from Colorado stand there, as we know they stand and always have stood and always will stand, will they be kind enough to concede that the Senator from Maryland and I may stand there also?

I take occasion to say—and I shall be brief, because I do not wish to incur even the suspicion of the gentle Senator from South Carolina that I am prolonging the business of the session—a few words about this bill.

It has been before Congress during the whole of the present session; it passed the House of Representatives on the 11th day of December last, came to this body, and was referred to the Committee on Interstate Commerce of the Senate, which was reorganized, I may incidentally remark, at the beginning of this Congress, very thoroughly and radically reorganized; I do not say for any purpose, because I have disclaimed any intention of imputing motives to anybody, but it was thoroughly reorganized, and this bill came before the committee in December last for consideration. It is a House bill. If it passes this body as it came from the other House we must take it in all its length and breadth exactly as it met the approval of the House committee and the House of Representatives. One trouble about dealing with the bill fairly, justly, and becomingly as Senators of the United States is that we were told in the beginning that it must be passed exactly as it came from the other House. Not a "t" was to be crossed or an "i" dotted. The railroads differed about the bill when it was pending in the House of Representatives. One of the great railroad lines of the country demanded certain amendments to that part of the bill which gives additional powers to the Interstate Commerce Commission, but that great railroad organization withdrew its objection. The bill passed the House, and the position of the railroad managers to-day is that as they have agreed upon the bill, therefore it must pass the Senate of the United States exactly as it came from the House of Representatives.

Every amendment proposed in the Senate committee was voted down, inexorably voted down by the majority of the committee, including the distinguished chairman of the committee, and we were told that we must take the bill in *hac litera* just exactly as it had suited the railroads of the company finally to frame it; we must pass it through this body whether or not we were willing to pass it in that shape, or whether or not we wanted to amend it.

Mr. BUTLER. May I interrupt the Senator from New Hampshire?

Mr. CHANDLER. I am always delighted to be interrupted by the Senator from South Carolina.

Mr. BUTLER. Are we to understand that the Senator would intimate by the statement he has just made that the amendments were voted down at the instance of the railroads of this country, when he has just been so eloquently disclaiming any purpose to impute motives to gentlemen and Senators?

Mr. CHANDLER. I have disclaimed any such intention, and I have imputed no motives. I have said we were told we must take the bill exactly as it came from the House of Representatives. I will ask the Senator from South Carolina whether or not that is true.

Mr. BUTLER. I will tell the Senator from New Hampshire very frankly that I thought the bill had better pass as it came from the other House. I did not say the Senate should take it in that form. I merely gave my individual opinion.

Mr. CHANDLER. I imputed no motives. I said we were told that we must take this bill exactly as it came from the other House; and in proof of that is the fact that every amendment proposed was voted down. The Senator from South Carolina voted against every amendment. I disclaim any idea that the Senator acted from anything except a sense of public duty. Have I made my disclaimer sufficient to satisfy the Senator?

Mr. BUTLER. Entirely so.

Mr. CHANDLER. If not, I will try to begin again, for there is no end of good things I could say of the Senator from South Carolina if the present session were long enough to enable me to say them. [Laughter.]

Here is the trouble about the bill. I do not believe the first section of the bill, as it is written and as we are told to take it, will pass either the present Congress or any other Congress. The language of the bill is:

That it shall be unlawful for different and competing common carriers subject to the provisions of this act to enter into any contract, agreement, or arrangement for the division or apportionment among themselves or with other carriers of the whole or any portion of their traffic, or any of their gross or net earnings.

The bill is very cunningly drafted. It starts with a negative, and a negative in legislation usually seems to be harmless unless it is followed by a very deadly affirmative, as is the case with this bill.

That it shall be unlawful for different and competing common carriers subject to the provisions of this act to enter into any contract, agreement, or arrangement for the division or apportionment among themselves or with other carriers of the whole or any portion of their traffic, or any of their gross or net earnings: \* \* \* *Provided, however,* That under the following conditions it shall be lawful for such common carriers to enter into such contracts, agreements, or arrangements.

Let us transpose the sentence. Let us make it read exactly in the form as it reads in effect, and then see what it is.

That it shall be lawful for different and competing common carriers, subject to the provisions of this act, to enter into any contract, agreement, or arrangement for the division or apportionment among themselves, or with other carriers, of the whole or any portion of their traffic or any of their gross or net earnings.

The proposed legislation is vicious in form. It starts in with a prohibition that attracts the eye, and it ends with a license, and that license is as broad as the prohibition. The Senator from South Carolina will not deny that. So the bill which the Senator from South Carolina wants us to take down without any change in the closing hours of the present session is exactly the same as if it read in the way I have just placed it before the Senate.

The proposed section of the statute is exactly what I described it to be in the remarks which I submitted to the Senate on the 29th day of January. It is an authority to all the railroads of this country to form one partnership, and I defy any Senator to dispute the validity and soundness of that proposition. The railroads of this country are all different and competing roads, are they not?

Mr. BUTLER. Mostly.

Mr. CHANDLER. "It shall be lawful or unlawful," it makes no difference which of the words you use here, "for different and competing common carriers." Those are all the railroads of the country. They are all different, they are all competing with each other, and here is a proposition that all the different and competing railroads, that is to say, all the railroads of the country, may make an agreement for the apportionment of the whole or any portion of their traffic or any of their gross or net earnings.

That proposition in all its length and breadth, I repeat, is not going to be adopted by the present Congress or by any succeeding

Congress. It is the abolition of competition by an act of Congress. It authorizes all the railroads of this country to put the whole of their net earnings in one common pool. It authorizes them to make a managing committee for all their earnings. It authorizes them to pay out of their gross or net earnings all the sums of money they choose to appropriate for that purpose in order to corrupt the legislatures of the States, the National Legislature, and every avenue of public life, if they choose to so expend it. When they have used the gross or net earnings for the purpose of destroying public virtue, for the purpose of controlling all the functions of government in State and in nation, then, and not till then, the managing committee of this great partnership will be under obligations to divide the net earnings among the various roads in accordance with the percentages which shall have been agreed upon in the pooling contract.

All this is in justification of what the Senator from South Carolina was pleased to call the lurid headlines of my remarks on January 20, in which I said that authority was given for a great eleven-billion-dollar railroad partnership in this country. The authority is given; the authority is in the act; there is no escape from the power that is given to the railroads; and the only defense which the Senator from South Carolina made the other day, the only defense which any advocate of the bill can make, is that although the power is given to unite in one partnership all the railroads of the country those railroads do not intend to make any such partnership agreement.

When the Senator from South Carolina undertook to prove that no such intention existed in the minds of the railroad managers of the country, the only authority he was able to give was the opinion of Mr. George R. Blanchard, an able expert on the subject, who said the intention of the railroads was only to make certain east and west bound pools. If that is all that is intended, if all that the railroads of the country want to-day is to make certain limited and specific pooling contracts, why, in Heaven's name, do they not ask Congress for power to do exactly what they want to do, and no more? Why do they come here and ask the House of Representatives and the Senate to blot out the fifth section of the interstate-commerce act, which prohibits different and competing railroads from pooling, and to allow all the railroads of the country, without any limitation whatever as to the extent of territory or the number of contracting railroads, to enter into one partnership?

Mr. President, if the railroads of the country want carefully prepared and limited provisions for special pooling contracts, and that is all they want, then they ought to submit a bill telling us exactly what they want, and if Congress consents to those provisions, and the interests of the people do not appear to suffer thereby, then one act can be passed and another act can be passed until it can be finally ascertained and determined whether or not unlimited pooling contracts can safely be allowed. But for the railroads in the country to come in here and demand the right to form themselves into one great overwhelming partnership is as preposterous as it would be for them to ask to be allowed to name the President of the United States and the Senators and the members of the House of Representatives.

Mr. FRYE. I wish to ask the Senator from New Hampshire whether he feels justified in saying that the words "the different and competing railroads" mean all of the railroads of the country? Are not the two words connected by the word "and," and must not the railroads be different and competing? Does the Senator feel justified in saying that when the word "different" is used it includes every railroad in the United States? I certainly do not so understand it.

Mr. CHANDLER. I do feel justified in saying it. I have given the bill careful study, as it was my duty to do, with a view to seeing whether it was a safe bill to pass and would protect the people of this country; and I came to the conclusion that if the bill passes in its present form there is absolutely no limit to railroad consolidation in this country. When the Senator from Maine shall have studied the bill as carefully as I have, he, being a much better lawyer than I am, will come to the same conclusion.

The most remarkable feature of the bill I have yet to allude to. The bill is ten times worse than a bill to repeal the fifth section of the interstate-commerce act, which absolutely prohibits pooling, and to leave no law whatever upon the national statute books. If we repeal that section absolutely and the railroads undertake to make pooling contracts, then of course they are subject to the laws of the States and the laws of the United States, if there are any, against trusts. If a combination of corporations to control the prices of transportation is illegal under the laws of the country, the railroads, the fifth section of the act being repealed, may be pursued in the States and under national law. They may be compelled to dissolve their trust and each to perform the public functions that belong to it, and by the aid of State law and national law, by the aid of proceedings in State courts and Federal courts, such agreements to abolish competition may be broken down by the courts under the laws as they exist. But if the bill passes

State control over pooling contracts and railroad trusts is absolutely gone. I read this provision:

*Provided, however, That under the following conditions it shall be lawful for such common carriers to enter into such contracts, agreements, or arrangements enforceable between the parties thereto.*

There is a national mandate; there is a declaration in pursuance of the authority given to the National Government to regulate commerce between foreign countries and the several States; there is a national mandate put upon the Federal statute book which says that these trusts that agree to abolish competition among the railroads in the country are legal. They are affirmatively legalized by the power of the National Government. I do not think any lawyer or any Senator will undertake to dispute the force of that language. Merely repeal the fifth section of the act, and the States and the nation can pursue trusts which agree to abolish competition.

With this bill upon the statute books, however, pooling contracts may be made, and they are made "enforceable" by express declaration of national law. When one of these corporations or any combination of these corporations is brought into a State court and an attempt is made to punish it for entering into a trust to abolish competition, it will set up the provisions of the national law made in pursuance of the clause in the United States Constitution, about the meaning of which there is no doubt, and it will claim that beyond all doubt and question and in spite of State law and State action the pooling contract is enforceable between the parties thereto.

This is a most remarkable provision. I do not think the like of it is to be found anywhere, either in State or Federal legislation. It is common in State and national legislation to say that it shall be lawful to make such and such contracts, but where can any Senator point out a statute which undertakes to give statutory validity to a contract—a provision of legislation which says that a contract shall be "enforceable between the parties thereto?" If any Senator ever saw a provision of that kind in any law, State or national, I hope to be informed concerning it, for I never yet have seen such a provision; I never yet have heard of such a provision.

Mr. President, I shall not proceed further with the discussion of the question of pooling contracts upon the Indian appropriation bill. I have called attention to this great, this ineradicable defect in the bill. If the railroads of the country want authority to make limited pooling contracts let them say so; but let them not come to Congress in the closing hours of the session and demand that because they want to make limited pooling contracts, guarded pooling contracts, special pooling contracts, the Congress of the United States shall pass a law giving them the authority which is described in my remarks of the 20th of January, and is not exaggerated in those remarks. As I stated in the lurid headlines to which the Senator from South Carolina [Mr. BUTLER] has taken exception, it is an authority to create an eleven-thousand-million-dollar railroad partnership. It provides that all railway competition shall be abolished by act of Congress; it does not give adequate control over those contracts to the Interstate Commerce Commission, and it authorizes this stupendous partnership to fix not only the rates of fares and freights over 170,461 miles of railroad, but also to fix the wages of 873,602 railway workmen.

Mr. President, I repeat my prediction that neither in this Congress nor in any other Congress will a bill, which absolutely and totally strikes down the fifth section of the interstate-commerce act, pass in any such language as the very first words in the bill which the Senator from South Carolina is so anxious to have passed before his term of service in the Senate shall end.

Mr. WOLCOTT. Mr. President, I do not intend to spend a moment's time in answering the argument of the Senator from New Hampshire [Mr. CHANDLER] as to the merits of the pooling bill. The Senator from Maine [Mr. HALE] rose, and with earnestness said the only reason why the bill should be carried over and not considered at this time was because it was the patriotic duty of every Senator to give his undivided time to the appropriation bills. The Senator from New Hampshire voted against taking up this measure, and followed that vote by occupying the floor of the Senate for some time on the Indian appropriation bill to deliver an argument on the subject of the pooling bill. The Senator from New Hampshire was probably bursting with a speech on this subject as he is with a speech on every other subject that comes before the Senate in any way.

I merely propose to refer very briefly to the personal remarks of the Senator from New Hampshire. He seems to have brought into his speech a certain quality of personal reference which was uncalled for. The Senator from South Carolina [Mr. BUTLER] can perhaps endure the fulsome flattery of the Senator from New Hampshire. I only hope it will not injure the Senator from South Carolina at his home, to which he is shortly to depart, and where both Senators are known. As for myself, I shrink greatly from any passage at arms with the Senator from New Hampshire. Ever since his somewhat dramatic reconciliation with his col-



league, the little squirts of venom which used to be concentrated have been distributed generally around the Chamber, and all of us have received a little of it from time to time.

I knew what an immense stock the Senator from New Hampshire carries on hand, and I shrink very greatly from any sort of response to the ironical suggestions he made as to the motives that might be imputed to Senators. What motives might be imputed to me I do not care a farthing for. Nothing the Senator from New Hampshire could say in the way of the imputation of a motive would affect me in the slightest possible degree; but he did say I did my duty according to the lights that were given me. That is unfortunately true, and I desire for a moment to call the attention of the Senate to the character of light that has been given me.

I have kept track for the last few days of the number of times the Senator from New Hampshire has addressed the Senate in these closing days when he says it is so essential that we shall pass the appropriation bills or else we shall have an extra session. On the 20th he spoke 23 times, on the 19th he spoke 13 times, on the 18th he spoke 10 times, on the 16th he spoke 11 times, on the 14th he spoke 17 times, and on the 15th of the month he addressed the Chair 37 times. [Laughter.] I have not kept account of the last two days. I can listen to the Senator from New Hampshire, but it makes me sick to read the RECORD and count it up. The Senate must excuse me if in dealing with public questions I am somewhat clouded by the frequency with which the Senator from New Hampshire addresses the Chair on every conceivable topic.

I do not care to go into the merits of this measure. If the people in the sections of the country where the railroad properties are owned do not care to protect them, if the representatives of those sections find it consonant with their duty to vote against taking up and discussing the bill, I am sure I do not care. We have the railroads. The existence of the provision prohibiting pooling has worked incalculable injury to the city where I live. Our people would be glad to see it removed, but if the Senators from New England and the Eastern States do not care to raise the question in the Senate at this time those of us who live in the West can well be content.

Mr. BUTLER. Mr. President, I have no desire whatever to prolong the debate, and shall not now occupy any considerable length of time.

The Senator from New Hampshire [Mr. CHANDLER] has referred to imputing motives to Senators. I think my associates on this floor will acquit me in the long term I have served here of indulging in that style of debate; and if there is anything in my remarks to-day which would justify such an imputation I shall withdraw it very promptly. But I wish to remind the Senator from New Hampshire that he has occasionally referred to a railroad lobby around the Capitol in the interest of the bill, and has said that the railroads want this and want that and want the other. I desire to say in reply to that statement that no lobby has any terrors for an honest man. For myself I have always encouraged information upon any great public question from that source or any other; and I have in regard to this bill been very glad to receive suggestions from American citizens interested in the railroad transportation of this country.

But the Senator from New Hampshire and other Senators who have spoken on this bill and other measures appear to proceed upon the assumption that every man in this country connected with railroads is a thief, and the moment he takes employment under a railroad corporation he then and there renounces his devotion to his country, his patriotism, his interest in the welfare of his country. That, sir, has got to be a common imputation upon eight hundred and odd thousand American citizens engaged to-day in railroad transportation. I repudiate and denounce it as a calumny and slander upon as good men as there are within the confines of this country. I happen to know a good many of them. I say here and now that they are the equals of the Senator from New Hampshire or any other Senator upon this floor in all that goes to make up true American citizenship—as honorable men, as true patriots as can be found in this country or any other.

These constant imputations upon railroad lobbyists have no terrors for me and I say have no terrors for any honest man, Mr. President. The railroad people of this country have a right, it is their duty, to appear before the Senate and Congress and present in respectful terms, as they have done as far as I know, what they want Congress to do in their behalf. I can say for myself, if I may be pardoned for a personal reference, that I am under no obligation to the railroads of this country; but I do not intend to permit these constant flings at as good men as can be found in the Senate or anywhere else. They have a right, sir, to come here and present their claims. I say now I am under obligations to them or to any other body of American citizens who have claims or rights to present to this body or to this Congress for bringing me any information in their power.

When the Senator talks about impugning the motives of Senators, let him remember that he has on repeated occasions spoken

of the railroad lobby around these halls. They have, as I said, no terrors for me. For one, Mr. President, I protest against this wholesale and unqualified denunciation of honest American citizens coming to this body and asking for what they want, and doing it respectfully and in an intelligent way.

So much, sir, I felt that I ought to say in reply to the observations of the Senator from New Hampshire and some other Senators. If the occasion should present itself, as I trust it will, I can expose, I think, the absolute fallacy of the argument of the Senator from New Hampshire to-day, how untenable it is, how far from the real facts are the propositions which he submits.

But, sir, I shall not delay the Senate further. I desired the opportunity to say this much. If, as I stated awhile ago, the occasion presents itself I shall attempt to reply, and I think I can successfully reply, to the criticisms which the Senator from New Hampshire has made on the bill.

#### INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8470) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes.

Mr. COCKRELL. I should be exceedingly gratified if the Senate would dispose of the bill this evening and enable me to call up the sundry civil appropriation bill, making that the unfinished business. Then the Senator from Wisconsin [Mr. VILAS] desires some memorial services on a deceased member, after which the Senate will adjourn.

Mr. HALE. Let us have the five-minute rule.

Mr. COCKRELL. I hope we can have the five-minute rule applied until the bill is disposed of. As soon as it is disposed of I shall move to take up the sundry civil appropriation bill, and then yield the floor to the Senator from Wisconsin.

Mr. HALE. That is right.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none. The question is on the amendment proposed by the Senator from Missouri [Mr. VEST].

The amendment was rejected.

Mr. PETTIGREW. I offer an amendment. In line 11, page 73, after the word "cease," I move to insert the following:

For the purchase of such school buildings and furniture as may be for sale belonging to parties with whom the Government has heretofore made contracts for the education of Indian children, said school property when purchased to be used for Government school purposes, \$100,000, or so much thereof as may be necessary in the discretion of the Secretary of the Interior.

Mr. COCKRELL. I hope that the Senator from South Dakota will not insist on quite so much as that. We conferred fully with the Commissioner of Indian Affairs. He says that under the existing law he has authority to purchase, and with the increase of the appropriation made by the House there will be no necessity for any additional provision for the purchase of buildings.

Mr. PETTIGREW. I wish to state that we are going to abandon 20 per cent of the contract schools. We shall have some schools vacant that have been used for that purpose. The Government takes the Indian children away from those schools and will have no buildings to put them in. Therefore it is certainly necessary that we should purchase the buildings. It is a matter of honor that we should do so. I am certain, after looking the bill over, that money enough is not provided to purchase the schools which are being abandoned. I do not think that an appropriation of \$100,000 is excessive for the purpose.

Mr. ALLEN. I should like to ask the Senator from South Dakota what safeguard is drawn around this amendment? How are we to ascertain what this property is worth?

Mr. PETTIGREW. That is for the Secretary of the Interior to ascertain; and the matter is in his discretion, anyway. He need not use the \$100,000 unless he finds that he can do it to advantage.

Mr. ALLEN. I desire to make the point of order on the amendment that it has not been submitted to any standing committee and is legislation, nor does it come under any estimate made by the Department.

The VICE-PRESIDENT. The point of order is made against the pending amendment. The Chair is compelled to sustain the point of order.

Mr. PETTIGREW. I think the point of order is undoubtedly well taken. I offer the following amendment. At the end of line 20, page 81, I move to insert:

That the Commissioner of Indian Affairs shall employ Indian girls as assistant matrons and Indian boys as farmers and industrial teachers in all Indian schools when it is possible to do so.

Mr. ALLEN. I suggest to the Senator that the word "possible" be changed to "practicable."

Mr. PETTIGREW. I have no objection to that. I prefer the amendment as it is, however, but still I shall not insist on the word "possible."

Mr. COCKRELL. "Practicable" is much better.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

Mr. PETTIGREW. I will state my object in offering the amendment. In the first place, we educate a good many boys and girls excessively, and they go back to the reservations with nothing to do. In the second place, under the present Administration there has grown up a practice of filling these places for political purposes. In many cases matrons are sent from the South who are utterly incompetent, who know nothing about the Indian service, and are unfit to fill these positions, while there are Indian girls abundantly capable of filling the places who are seeking them, and they are refused.

Mr. COCKRELL. Let the question be put on the amendment.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from South Dakota as modified.

The amendment as modified was agreed to.

Mr. JONES of Arkansas. At the suggestion of the Secretary of the Interior I move, on page 72, line 19, after the word "buildings," to insert the words "including the expenses of advertising for bids for the erection of such buildings."

The amendment was agreed to.

Mr. HILL. I offer an amendment to come in at the bottom of page 28, at the end of line 24. I move to insert:

That the Secretary of the Interior be, and he hereby is, authorized and directed to negotiate with and purchase from the Ogden Land Company, so called, its successors, assigns, or legal representatives, all right, title, or interest of said company in and to the lands within the Cattaraugus and Alleghany Indian reservations in the State of New York, at a price not exceeding \$5 per acre, for which purpose a sum sufficient is hereby appropriated, out of any money in the Treasury not otherwise appropriated, payment to be made to said company, its successors, assigns, or legal representatives, upon the execution of a proper deed or deeds of conveyance to the United States of all right, title, and interest of said company in and to the lands aforesaid.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New York.

Mr. HILL. Mr. President, I have not consumed the time of the Senate in discussing the pending bill or any other bill during the consideration of this appropriation bill. I desire the attention of the Senate for a very few moments while I briefly explain this amendment.

The amendment relates to the Allegany and Cattaraugus Indians in the State of New York. There is another tribe of Indians in our State—the Tammany tribe—which has given us considerable trouble and concern in the past, but I do not call the attention of the Senate to them now. [Laughter.]

A year ago this amendment was proposed. The Appropriations Committee of the Senate did not think it ought then to be adopted, but kindly consented that there might be placed in the appropriation act the clause which I will now read:

That the Secretary of the Interior be, and hereby is, authorized to make a thorough investigation of the facts touching the so-called Ogden Land Company, its organization, when and by whom formed, its continued existence or organization to this date, its capital stock, number of shares, amount or face value, where and by whom held, its liabilities and assets, and the original history of the alleged claim of said company to any of the lands of the Seneca Nation of Indians in the State of New York, and any and all evidences of title; and also the condition of said Indians, their progress in civilization and fitness for citizenship, their number and system of government, and the propriety of allotting their lands in severalty, and to make to Congress a full report with such suggestions and recommendations as he may deem proper in view of all the facts ascertained.

That was placed in the appropriation act a year ago instead of the amendment which I now offer. The Secretary of the Interior in pursuance of that authority proceeded to make an investigation of this question, and I hold in my hand an elaborate report from the Secretary of the Interior in which, in substance, he recommends the adoption of this amendment giving elaborately the reasons which influenced that action.

This Ogden Land Company, an old organization existing away back in 1790, has a claim upon these lands. I do not intend to enter into any elaborate argument to show its precise nature. It is fully discussed in this report. It is held in one view of the case that they have a fee subject to the right of the Indians to occupy; and in another view of the case it is held that they have simply the right of preemption, a right to purchase. No matter which contention is right, it has a claim which has been sustained by the courts. It stands there as a barrier to the distribution of this land, to a change of the tribal relations and the improvements which the people of the State of New York want to make in that Indian country. It is a strip of 40 miles right in the heart of the State of New York.

The people of that State desire a change, and the first condition precedent to a change is that this title must be eliminated. Now it is proposed to pay them \$5 per acre for this title in order to eliminate it so that it can be followed subsequently by legislation. The original amendment was \$10. It was reduced to \$5.

The amendment is recommended as I said, by the Secretary of the Interior. The matter has been presented to the Committee on Indian Affairs of the Senate, and that committee has recommended this amendment. The Committee on Appropriations do not seem to think in the interest of economy that it ought to be

adopted now. Mr. President, I think it ought. We have complied with the suggestions contained in the last appropriation act. The proper Department of this Government has investigated it. That Department has made its report. That report is here. The Committee on Indian Affairs especially charged with it has recommended it; and in the interests of the State of New York and of the entire section of western New York the amendment ought to be adopted. If I should take an hour, Mr. President, I could not make it more clear than I have endeavored to make it.

Mr. COCKRELL. I make the point of order on the amendment. This is too important a question to be considered now, involving hundreds of thousands of dollars and the title of the Indians who have been living upon the land for a hundred years. I do not think it would be just or right that this legislation should be put in the bill. I do not agree at all with the Secretary of the Interior as to the right. It is only a preemption right that they claim. That is the most that is claimed, I understand; and this legislation, and it is going further than we have gone on any appropriation bill. It ought to be disposed of in a separate measure. These Indians have been living there, as I said, for a century, they and their ancestors, and they are bitterly opposed to this provision. I do not think it ought to be put in here.

Mr. HILL. It is not simply a question as to what the Indians desire. That is a question which we can decide at some other time. This is simply a question as to what the people of the State of New York desire and what are the best interests of that section of the country. This is a preliminary step, giving authority to the Secretary of the Interior to make this contract.

Now, upon the point of order, the Senator from Missouri says that he differs with the Secretary of the Interior. He has not given the subject that consideration which the Department of the Government has given it. He has not given it that consideration which the Committee on Indian Affairs has given it.

I do not understand that the amendment is subject to any point of order. It comes from a Department. It is recommended by a Department. In the second place, it is recommended by the standing committee of the Senate that has the matter peculiarly in charge.

Therefore I trust that the Senate, which has been very liberal in regard to this question, will not at this time thus summarily dispose of the amendment.

The VICE-PRESIDENT. What is the point of order made by the Senator from Missouri?

Mr. COCKRELL. The point of order is that it is general legislation upon an appropriation bill.

Mr. PETTIGREW. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Dakota address himself to the question pending?

Mr. PETTIGREW. I do; to the pending amendment.

Mr. PLATT. To the point of order?

Mr. PETTIGREW. Not to the point of order.

The VICE-PRESIDENT. The point of order is made against the amendment proposed by the Senator from New York that it is general legislation upon a general appropriation bill. The Chair is compelled to sustain the point of order.

Mr. PLATT. I wish, on page 2, line 7, to amend by inserting before the word "Cheyenne" the words "Forest City, formerly the."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. Insert before "Cheyenne," in line 7, page 2, "Forest City, formerly the;" so as to read:

At the Forest City, formerly the Cheyenne River Agency, S. Dak., \$1,700.

Mr. PLATT. That is the way it has been in former appropriation acts.

The amendment was agreed to.

Mr. SQUIRE. On page 48, beginning in line 14, in the appropriation for continuing the work of the Puyallup Indian Commission, I move to strike out the words:

To be reimbursed to the United States out of the proceeds of the sale of the agency tract and allotted lands, as provided in said act, to be immediately available.

Mr. President, I will briefly state the reasons for moving this amendment. I have no desire to go into any general discussion of the Puyallup Indian Reservation matter at this time. We discussed the subject quite fully at the last session of Congress, I think, and it was determined to keep the commission there which was appointed in accordance with the provisions of the act of March 3, 1893. This commission consists of three citizens appointed from different States of the Union, and they have been engaged since the 21st day of November, 1893, according to the report of the Commissioner of Indian Affairs.

There has been a great deal of exaggeration as to the value of the lands belonging to the Puyallup tribe, the greater part of which lands have been allotted in severalty. The appraisement is being done by the commission for the purpose of offering the property for sale, and the point to which I wish to call the attention of the Senate is that the amount of \$14,000 which in the present terms



of this bill is to be appropriated for the purpose of defraying the expenses of the commission is to be reimbursed to the United States out of the proceeds of the sale of the agency tract and allotted lands.

I think this is unfair toward the Indians. They have not as yet received anything out of any sales, and as soon as any sales take place this money is to be paid to the United States to reimburse it for the expense of the commission, which commission has not been agreeable to the Indians. They do not regard it as essential or valuable to them. There is a difference of opinion about that. I am only speaking as to the opinions of the Indians themselves.

The Puyallup Indians are a very intelligent tribe. There are but very few of them. They read and write and make contracts, and as has been explained hitherto, they are pretty well able to take care of themselves as business men. There are but few of them, perhaps less than a hundred adults. They have some valuable property adjoining the city of Tacoma, and they could, a few years ago, have sold a portion of it, much less than one-half, for a large sum of money, \$700,000, enough to make every one of those adult Indians well off to-day. If they could have availed themselves under the law and under the treaty with the tribe of the opportunity, and could have received the money which was proposed to be paid by persons who desired to purchase the land, they would have been individually well off, and still have retained much the larger part of the tract. But there was objection to that, and it was feared that the Indians might be overreached, that they might lose a portion or a large part of their property by improvident trade with white men. There has been a great deal said by people, East and West, on the subject of taking care of these Indians. The point to which I want to draw attention is that there has been an agency there—

The VICE-PRESIDENT. The Senator's time has expired.

Mr. SQUIRE. I should like permission to speak a moment longer. I shall occupy attention for but a moment; and it is very seldom that I attempt to occupy the attention of the Senate.

The VICE-PRESIDENT. The Chair hears no objection, and the Senator from Washington will proceed.

Mr. SQUIRE. I believe it is wrong to saddle this commission upon these Indians against their will, against their protest, and make them pay for it. That is the point. I believe the United States should bear the expense of the commission itself. Of course it is paying the expenses now, but in accordance with the terms of the act it is proposed that all this expense ultimately shall be charged up to the Indians. I claim that the land is not worth what it has been appraised at in former years.

Mr. COCKRELL. Certainly it is not now.

Mr. SQUIRE. It is not worth that money; and when they come to sell it is not going to sell for any such big figure. I do not believe it is right to take the money from these Indians when the sales are made and apply it to the payment of the expenses of the commission.

If these lands were to be sold now, quite an important share of the proceeds would have to go to the Government to reimburse it for the expense of the commission; and this expense is being steadily augmented.

The commission has been thrust upon Indians who are able to take care of themselves. It is either a fact, or it is not, that they are able to take care of themselves. There is evidence on that point that they are; and I believe people are pretty well satisfied of that fact. Else, why does the Government abolish the agency? I have to-day a communication from the Bureau of Indian Affairs, in which it is stated that the agent has been relieved and the agency abolished. Of course, unless these Indians were able to take care of themselves that agent would not have been relieved, and that agency would not have been abolished. I do not quite understand how to reconcile the statement of the Commissioner with two other provisions in this bill, unless the items have been taken out of it which appear on page 4 and on page 46. I see at the foot of page 4 the following:

At the Puyallup (consolidated) Agency, Wash., \$1,000.

That is for the pay of the Indian agent. Again, I see on page 46, commencing at line 19:

Washington: For general incidental expenses of the Indian service, including traveling expenses of agents at seven agencies, and support and civilization of Indians at Colville and Puyallup agencies, and for pay of employees, \$14,000.

It seems, unless these items are taken out of the bill, some appropriation has been made for the agency, and yet the Commissioner of Indian Affairs states in a communication, which I have before referred to, that the agency has been abolished and the agent has been relieved.

I quote his exact language:

The commission is all the more important because the agent has been relieved and the agency abolished.

I might perhaps cite for the information of the Senate some other items which the Commissioner has stated in his communication to me to-day, and which I submit to the chairman of the

Committee on Indian Affairs for his consideration. He asked me whether there had been any report from this commission. I will read what the Commissioner of Indian Affairs says as to the work of the commission. He states as follows:

They have appraised the school tract, surveyed it into lots, blocks, streets, avenues, etc. The Secretary of the Interior has approved the appraising and ordered the sale of lots to go on. There is a vast amount of work to go on in that direction. Besides that, they have just reported a good many tracts that the allottees are desiring to sell, and that is before this Office now, and when the appraisement of these allotments is approved they will have to sell those allotted tracts and have to make deeds of conveyance for those tracts and have to get orders and decrees of the court in the case of orphan and minor children, and they have reported that it will take until next December to do all this work, and, on the whole, this Office was rather surprised to know that they could complete the work by that time, and of course very much gratified.

In the light of this communication, looking at it fairly on all sides, I think that the commission should be retained until next December, although it seems very strange that they have not been able to complete the entire work since the 21st day of November, 1893, when they went to this agency under the direction of the Interior Department. It seems, however, they have made progress; they have made the appraisements and the selections, and the sales have been ordered to proceed. But why saddle this expense annually onto these Indians? It is a thing that they do not want. They aver that they are able to get along without it, and yet I do not feel like taking snap judgment upon the commission.

I think it is well now to let it go until next December, in accordance with the terms of the communication from the Indian Bureau, and let us relieve the Indians from this expense, especially if the agency has been abolished, because there has hitherto been a large amount of money expended for the maintenance of the agent which will be saved to the Government in future if the agency is abolished, and I venture to ask the chairman of the committee to accept this amendment.

Certainly it is not right to keep along this commission indefinitely at the ultimate expense of the Indians. That would be to force an expensive administration upon them and to gradually eat up their substance. I am sure this would not be thought of unless there were an exaggerated estimate of the value of the property involved. These Indians are now needing money. They are really "land poor." Whether this amendment be adopted or not, I feel it my duty to present these pertinent facts to the Senate for its information preparatory to some future action which may be fair to all parties—fair to the Indians, fair to the commission, which ought to promptly conclude its labors, and fair toward the people of Tacoma and of Pierce County, in the State of Washington.

Mr. COCKRELL. Let us have a vote on the amendment.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Washington.

The amendment was rejected.

Mr. HILL. A few minutes ago I proposed an amendment, which was very summarily disposed of on an objection made by the chairman of the Appropriations Committee. This bill is full of similar provisions inserted at the instance of the Appropriations Committee of the Senate, and so far as I am concerned, while I have not sought or endeavored to interfere with the discretion imposed upon that committee, I propose to insist upon fair play in the Senate; and I give notice that I shall insist hereafter on any appropriation bill that amendments shall be considered as we proceed with the bill, and that an amendment offered by any Senator may be considered at the same time.

This is necessary, it seems to me, because Senators sit here and allow the committee amendments to be passed upon in the first instance, without any objection and without raising any questions or points of order; and after those amendments are all disposed of in that way, when a Senator who does not belong to the Committee on Appropriations offers an amendment which does not seem to meet with the approval of the committee he is met with an objection, when it is too late to eliminate from the bill other provisions standing exactly upon the same footing.

This bill, as I have examined it, contains numerous provisions the object of which is the allotment of lands in severalty. They may be worded somewhat differently from the way my amendment was, because they start off with an appropriation and then proceed to legislate. My amendment was not general legislation as it has been defined here over and over again. It may have been local legislation, it may have related to a particular tribe of Indians in a particular section of the country, but it did not propose to change any statute; it did not apply to the whole country, and it was not general legislation, but simply local legislation, and of itself contained an appropriation. It provided for carrying out the provisions of the amendment just the same as a dozen other amendments provide in this bill.

Mr. President, so far as I am concerned I propose to have the rules administered impartially, and I want my amendments to be placed upon the same footing as the amendments of the committee or the amendments which other Senators here propose. The ques-

tion as to whether an amendment offered by an individual Senator is or is not in order on an appropriation bill should not depend upon whether it is submitted to the Senate or decided by the presiding officer.

Mr. President, of course I represent but a small constituency interested in this question. One-tenth, I think, of the people of the United States live in my State; I claim no superior rights on that account, but I do insist upon it that all amendments of like character should be treated alike, and that this bill should not be placed full of amendments which relate to the same subject-matter, and when the Committee on Appropriations propose to place amendments upon the bill our mouths should substantially be closed until all the committee amendments have been adopted, and when Senators propose their respective amendments they must run the gantlet of objection because their amendments happen to be, as it is said, general legislation.

Mr. President, general legislation must apply to the whole country; it must affect some existing statute; it must change some existing statute. A mere local appropriation for some particular purpose, and then a designation of how that appropriation shall be used, is not general legislation, as it ever has been here construed.

Mr. CALL. Will the Senator from New York allow me to suggest to him that we have agreed to proceed under the five-minute rule, and that he will have an opportunity of renewing his amendment when the bill is reported to the Senate? I therefore hope we shall proceed with the consideration of the bill.

Mr. HILL. I do not desire to proceed if there are further amendments to be offered. There is no objection to going on with the bill, and I will make my remarks hereafter.

Mr. POWER. I offer the following amendment, which I think is on the desk of the Secretary, to come in on page 80, after line 20:

For purchase of "Holy Family" school buildings, situated in the Blackfeet Reservation, and St. Ignatius mission school, Jocko Reservation, Mont., and their conversion into Government schools, \$50,000, or so much thereof as may be necessary.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Montana.

Mr. ALLEN. Mr. President—

Mr. POWER. If the Senator will allow me a moment, I wish to make a brief statement as to the Indian schools in Montana. There are eight reservations in Montana, and one-eighth of all the Indian children in the country are in Montana.

In answer to a telegram I sent to the agent, inquiring how many children of school age there were on the Blackfeet Reservation, and what facilities there were for educating them, the agent says:

Five hundred children of school age, Blackfeet Reservation. One hundred and thirty attend Government school and 130 contract school.

The buildings of the Holy Family school there can provide for 125 children more, and that is all that can be taken care of on that reservation.

At the Jocko Reservation there is only one school, St. Ignatius mission school. There are no other facilities for educating those children except at that school.

Now that it seems to be the policy of the Government to take control of the Indian education, which is satisfactory to those in control of the schools in Montana, I want sufficient money appropriated for the purchase of the school buildings.

Mr. CALL. I desire to make the point of order on that amendment, the reason being that such an appropriation is not estimated for, there is no recommendation for it from the head of a Department, and that it is an increase of the appropriation.

Mr. POWER. I would ask the Senator in charge of the bill how it is proposed to take care of the children at those two agencies?

Mr. CALL. That is a matter intrusted to the Secretary of the Interior. He can rent buildings, if necessary, as there is money appropriated for that purpose. My point of order is that there is no estimate for this appropriation; it is not recommended by the head of a Department; it interferes with the general policy already established in the bill; and it increases the amount of the appropriation.

Mr. POWER. I will ask the Senator another question. I ask how much money is set aside for the purchase of school buildings as the bill stands?

Mr. CALL. If the Senator will turn over to that provision in the bill he will see.

Mr. POWER. I have turned to it.

Mr. CALL. The Senator has only to read it to ascertain the amount.

Mr. POWER. I can not see that any money is set aside for that purpose, and even the \$40,000 which was set aside, as I understand, has been stricken out by the Senate. Is not that so?

Mr. GALLINGER. While the Senator from Florida is looking for his data, I should like to ask the Senator from Montana a question. I understood him to say that there were not sufficient accommodations for the children on those reservations at the present time?

Mr. POWER. Yes, sir.

Mr. GALLINGER. Then, how are you going to add to the accommodations by buying a couple of school buildings?

Mr. POWER. If the Indian children are expected to go to school the Government will require school buildings for this purpose.

Mr. GALLINGER. They have the school buildings now to be found there, but they are insufficient, and the Senator proposes simply to buy school buildings which now exist to educate those children.

Mr. POWER. The bill originally had a special appropriation for both of the schools mentioned in the amendment. The appropriation for those schools has been stricken out, and as the Senator and others want a different governmental policy in regard to schools, and as the people of Montana and those in charge of those schools are satisfied for that policy to be adopted, they request that those school buildings be purchased, and that is the object of the amendment.

Mr. GALLINGER. But supposing the Government prefers to rent the buildings and keep the children in them, will not that answer the same purpose?

Mr. POWER. But suppose the societies which own the buildings do not want to rent them, but would like to sell?

Mr. CALL. I will say to the Senator from Montana that on page 73 of the bill it is provided:

For support of Indian day and industrial schools, and for other educational purposes, including the purchase, lease, repair, and construction of school buildings, not hereinafter provided for.

Mr. POWER. What is the amount appropriated?

Mr. CALL. One million one hundred and sixty-four thousand three hundred and fifty dollars.

Mr. POWER. That is all provided for in the estimates for education, and not one dollar for the purchase of buildings.

Mr. CALL. It includes, by express terms, the purchase, leasing, repairing, and construction of school buildings.

Mr. POWER. There is not one dollar appropriated for the purchase of buildings; it is all for the education of the Indian children.

I wish to submit for publication with my remarks a letter to the Commissioner of Indian Affairs, dated February 7, and his answer, pertaining to the management of schools in Montana. I ask to have this correspondence printed in the RECORD to show to those who have charge of educating the Indians in Montana that after reading the explanation of the Senators in charge of the bill and the speeches of those opposing, that no provision is made for the continuing of the education of the Indian children in Montana outside of the arrangement heretofore carried on.

The letter of the honorable Commissioner satisfies me that the Indian children of Montana will be provided for.

The VICE-PRESIDENT. Without objection it will be so ordered.

The letters referred to are as follows:

FEBRUARY 7, 1895.

DEAR SIR: Your favor of the 6th, furnishing information relative to Indian schools in Montana, received.

I see that there are on the Blackfeet Reservation Indian children, schoolage, 487; present school capacity, Government, 125; contract, 135; 250 in all; average attendance both schools, 220; leaving nearly 50 per cent of the children unprovided for.

Introduced the inclosed amendment asking that the foregoing shall not apply to any Indian schools or contract schools in Montana, referring to the 20 per cent deduction. You can see that these schools, particularly Blackfeet Reservation, should be increased in place of decreased.

Can you stand by this amendment? If not, how do you propose to take care of the children for the coming year at Blackfeet Agency? This will apply to all the agencies in Montana, Flathead Agency particularly, whose children are all educated by contract schools.

Will you kindly let me know what you propose to do for the coming year? If the 20 per cent deduction is allowed in the bill for contract schools, how do you propose to make up for the 20 per cent deduction?

The Committee on Appropriations tell me that it will not apply to the Montana Indian schools for the coming year; that is, the 20 per cent will not be deducted from each school, but where schools are not needed in other parts of the country they may be cut out.

I would like to know fully what the intentions of the Department are going to be before the bill comes up in the Senate.

Yours, respectfully,

T. C. POWER.

Hon. D. M. BROWNING,  
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs, Washington, D. C., February 8, 1895.

SIR: I am in receipt of your inquiry of yesterday as to the policy of the Office in regard to the reduction of aid to contract schools (as proposed in the pending Indian appropriation bill) at points where school facilities of all kinds are inadequate for the school population.

In reply, you are informed that the proposed 30 per cent reduction is not intended to apply to every school, but to contract schools as a whole. The reduction will therefore be made where it can be done to the best advantage, the intention being not to deprive any child of a chance of schooling. If the Government has unused facilities, or can provide additional accommodations, or can put children in public schools, those will be the points at which aid to contract schools will be reduced. As I said in my annual report, contracts are to be declined or reduced wherever it can be done without depriving children of school privileges, and only in such cases. With the law enacted as now proposed it is not probable that it will be practicable to make any reduction during the coming year in Montana contract schools except by accepting one school which the contractors propose to turn over to the Government. Other



reductions can be made only as the Government provides additional school accommodations, which will require considerable time. The aim of the Office is and will be to give every child a chance for an education.

As stated above, negotiations are in progress for the transfer of one Montana contract school to the Government, and other negotiations of that sort are likely to follow. Where private parties have established educational "plants" upon Indian reservations and wish to dispose of them to the Government the Office will be ready to purchase them at reasonable rates, the arrangement being advantageous to both parties, the Government obtaining school property all ready for use and the persons selling the same being relieved of large expenditures which can be diverted to other uses.

Yours, respectfully,

D. M. BROWNING, Commissioner.

Hon. T. C. POWER,  
United States Senate.

Mr. CALL. I have read the language of the bill, and I must insist on the point of order.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. MARTIN. I offer an amendment, which I send to the desk.

The VICE-PRESIDENT. The amendment proposed by the Senator from Kansas will be stated.

The SECRETARY. On page 72, after line 4, it is proposed to insert:

That section 2130 of the Revised Statutes of the United States, as amended by act of July 23, 1882, be, and the same is hereby, extended over and made applicable to the town and town site of Miami, in the Indian Territory, and the United States courts of said Territory shall have full jurisdiction thereof.

Mr. PLATT. Has not that amendment been adopted once today?

Mr. CALL. I so understand.

Mr. PLATT. Some amendment of that kind has been adopted.

Mr. MARTIN. I did not know of that.

Mr. COCKRELL. Such an amendment was agreed to.

The VICE-PRESIDENT. The Chair is advised that an amendment similar to the one offered by the Senator from Kansas has been agreed to.

Mr. PLATT. Practically the same amendment as that which the Senator from Kansas desires has been adopted.

Mr. MARTIN. Then I withdraw the amendment.

In line 18, on page 4, in the appropriation for the salary of the Indian agent "at the Pottawatomie and Great Nemaha Agency, Kans., \$1,200," I move to strike out "200" and insert "500."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, line 18, before the word "hundred," it is proposed to strike out "two" and insert "five;" so as to read:

At the Pottawatomie and Great Nemaha Agency, Kans., \$1,500.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Kansas. [Putting the question.] The yeas seem to have it.

Mr. MARTIN. I trust that the amendment will be agreed to. The agent there has charge of two different agencies.

Mr. COCKRELL. I hope the amendment will not be agreed to. We have refused to increase the salaries of the Indian agents. If we increase one we shall have to increase all.

Mr. MARTIN. Mr. President, it does not follow simply because other agencies will have to be increased that this one should not be increased. This agent has charge of a part of two tribes of Indians. They are some 60 or 70 miles apart. There are no railroads to and from these different localities and there are three Indian schools of which he has charge and to which he has to give attention. There are 150 or 200 children in those three schools, and there are some twelve or fifteen hundred Indians under his jurisdiction at these agencies.

He is compelled by the Government of the United States to give a bond of \$40,000, and yet he gets only the pitiful sum of \$1,200 salary. Curiously enough, the Government also allows to the collector at the agency the same compensation precisely which it allows the agent. The collector has no responsibility, is not charged with any duties except those of a subordinate nature. He gives no bond, but the agent, who gives a bond for the performance of the entire work and service incumbent upon him by virtue of his agency, gets only the same compensation the collector receives.

I do not care whether it is unjust to other agents or not that their salaries are not increased. The question is, ought the salary of the agent at this place be increased? I submit to the fair judgment of the Senate that simply because the salary of other agents ought to be increased, or simply because other agents ought to be regulated by some system different from what they are is no kind of argument why the salary of the agent referred to ought not to be increased; and I hope the Senate will agree that it shall be done.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from Kansas.

The amendment was rejected.

Mr. PETTIGREW. I offer an amendment on page 9, at the end of line 5, after the word "farming," to insert "within the State or Territory where such agency is located;" so as to read:

And no person shall be employed as such farmer or stockman who has not been at least five years immediately previous to such employment practi-

cally engaged in the occupation of farming within the State or Territory where such agency is located.

So that the Indians will actually have practical farmers employed. A practical farmer who has been engaged in the business of raising oranges in Florida is not a practical farmer to raise corn and wheat in South Dakota.

Mr. CALL. I am compelled to raise the point of order on that amendment. It changes existing law and is general legislation.

Mr. PETTIGREW. Mr. President, if that rule were to apply to this amendment it would apply to every modification of the bill whatever.

Mr. KYLE. So I have contended all day.

Mr. CALL. The Senator's amendment provides that appointments shall not be made outside the limits of the State or Territory.

Mr. PETTIGREW. It is also an amendment of a committee amendment, and clearly in order.

Mr. CALL. It changes the law by saying that no farmer or agent shall be appointed except from the State or Territory in which the agency is located.

Mr. PLATT. Not an agent.

Mr. PETTIGREW. Oh, no; only a farmer.

Mr. CALL. There is no such law as that.

The VICE-PRESIDENT. The Chair overrules the point of order made by the Senator from Florida. The question is on the amendment proposed by the Senator from South Dakota.

The amendment was agreed to.

Mr. PETTIGREW. I now offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert after line 5, on page 31, the following:

For twenty-sixth of 30 installments for clothing in place of the articles, as per treaty of April 29, 1868, \$125,000, to be paid to said Indians in cash, and divided among the members of the tribe per capita.

Mr. COCKRELL. What is the object of that amendment?

Mr. PETTIGREW. I have moved that as a substitute for lines 1, 2, 3, 4, and 5 of the bill, on page 31.

Mr. President, we have heretofore expended this money in the purchase of clothing for these Indians and it has created great dissatisfaction among them, so much so that they protest against the further purchase by the Government of such clothing, and ask that the money may be paid to them and that they may make their own purchases. Well they may protest against the Government making these purchases. Under our treaty with those people we agreed to furnish them good woolen clothing, and the Department no longer pretends to purchase woolen clothing, but purchases duck of the coarsest kind, suits worth about a dollar and a half apiece, and undertakes to satisfy these people with them. The result is that the Indians do not wear the clothing, but swap it off for what they can get, and do the best they can to clothe themselves. We expend large sums of this money for the purchase of blankets so miserable and wretched that I never saw a Sioux Indian wear one of them.

The blankets are so miserable and wretched that the Indians trade them off for what they can get, and purchase decent blankets from some trader. This has been the practice of the Government with those people for twenty years.

During the last Administration we purchased our blankets of John Dobson, of Philadelphia. We advertised for all-wool blankets. The advertisement stated that sealed proposals, indorsed "Proposal for blankets," addressed to the Commissioner of Indian Affairs, Washington, D. C., would be received until a certain time for 16,000 pairs of blankets, giving the size. They were to be all-wool, indigo-blue, mackinac blankets. Under that advertisement the contractor furnished blankets that would not hold together if hung up cornerwise; and here are some of the samples. This [exhibiting] was the warp—African wool or hair, shoddy, and some real wool; stronger than the filling. Here [exhibiting] is the filling—African wool or hair, shoddy, with a little wool, some cotton.

Instead of being dyed with indigo the blankets are dyed with logwood. If dyed with indigo it would cost \$1.50 a pair to dye them. Dyed with logwood, it costs 25 cents a pair. Yet an indigo-dyed, all-wool blanket is what is called for in the advertisement. Nevertheless, the blankets I have described are the ones which are furnished year after year. Whenever an Indian undertakes to wear one, if it rains the blanket creaks, and, even as black as he is and as smoked as he is, the blanket will make him look worse. You can not force a Sioux Indian to wear one of them. They will not use the blankets on their horses because of their filthy character and rotten condition.

The VICE-PRESIDENT. The Senator's time has expired.

Mr. CALL. Let the amendment be read.

The Secretary again read the amendment.

Mr. PETTIGREW. I understand I will be allowed five minutes more if I move to strike out the last word.

Mr. COCKRELL. On the Senator's own amendment?

Mr. PETTIGREW. I understand so; and that is the custom of the Senate.

Mr. COCKRELL. That is certainly an evasion of the rule.

Mr. PETTIGREW. If it is an evasion of the rule I withdraw the suggestion.

Mr. COCKRELL. Has the Senator consumed five minutes?

Mr. PETTIGREW. I do not know. I certainly am not through.

The VICE-PRESIDENT. The Senator from South Dakota had spoken five minutes. The Chair so announced.

Mr. COCKRELL. Then I make the point of order on the amendment that it not only proposes general legislation, but upon its face is a repudiation and violation of the treaty.

Mr. PETTIGREW. We violate the treaty when we buy such stuff as we furnish those Indians. Every year we make a contract to furnish woolen goods, and we furnish ducking. We make a contract to furnish woolen blankets, and furnish shoddy and hair. It is done at every session of Congress, and when it is attempted to be remedied the point of order is raised that it violates the treaty.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. CALL. I desire to make a verbal amendment. An amendment was adopted at the end of line 11, page 71, providing for the pay of the delegates of the Otoe and Missouri tribes now here \$150 each for their traveling expenses in coming here and going home. I propose to add to it the words "to be immediately available."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was agreed to.

Mr. PETTIGREW. I move to strike out all after the word "aforesaid," in line 11, page 35, down to and including line 25 on page 36.

I will state that an amendment for this purpose was submitted to the Senate, referred to the Committee on Indian Affairs, and this portion of it was stricken out by the committee. When the bill came from the other House it had the entire provision in it. Therefore the Committee on Appropriations left it in, and I did not discover it earlier. I will state exactly what the point is.

Under the provisions of a treaty made in 1851 we agreed to pay in the future the balance of the money due the scouts who served in the war in Minnesota. There are about eight installments due. This provision appropriates the whole of it at once, so that it can be distributed among those scouts. The matter which I propose to strike out undertakes to say who shall receive the money. I propose to leave that question with the Secretary of the Interior. I do not believe the person who drew the bill can tell who ought to go on the rolls, and I do not think we ought to undertake to say. The bill was introduced without any such intention, but was drawn for some purpose. I do not know what that purpose was.

Now, what I wish to do is simply to leave the rolls to be made up by the Secretary of the Interior. I wish merely to appropriate the money for those scouts, designating them, and then let the Secretary of the Interior determine who they are, and not undertake to do it by an act of Congress.

It looks to me as though there was some design, some purpose, in the present provision. I know there has been some complaint in the past that these rolls were not accurate, and the provision now in the bill proposes to fix those rolls so that no change can be made even if injustice has been done. It seems to me there can be no objection to the amendment.

Mr. COCKRELL. We submitted the matter to the Commissioner of Indian Affairs, and he reported to us that he saw no objection to it. We saw that a similar amendment had been submitted to the Committee on Indian Affairs. But I have no objection to the matter objected to going out of the bill. I do not know whether it is right or not.

Mr. PETTIGREW. The Committee on Indian Affairs did report to strike it out.

Mr. COCKRELL. So far as I remember, it was not reported to us in that way.

Mr. PETTIGREW. It was so reported, undoubtedly, but the Committee on Appropriations left the provision as they found it in the bill as it came from the other House.

Mr. COCKRELL. Yes. We consulted the Commissioner of Indian Affairs, and he said it was all right.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from South Dakota [Mr. PETTIGREW]. The amendment was agreed to.

Mr. PETTIGREW. I have one further amendment to offer. On page 75, line 13, after the word "dollars," I move to insert:

Completing sewerage and plumbing, \$1,000.

I wish to state in this connection that the work at Flandreau, S. Dak., has already been done. I have here a letter from the superintendent of that school, in which he says that through some misunderstanding he had the work done and now has no money

to pay for it. I submitted the matter to the Commissioner of Indian Affairs, and he says he has no objection.

Mr. CALL. We accept the amendment.

The amendment was agreed to.

Mr. PLATT. The total in line 14 should be changed from \$28,500 to \$29,500.

The VICE-PRESIDENT. That amendment is agreed to if there be no objection.

Mr. PETTIGREW. I simply wish to state that I regret being unable to complete at this time my remarks with regard to the character of the clothing furnished the Indians, and I will finish them on the sundry civil appropriation bill.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. LODGE. I desire to reserve one amendment for a vote in the Senate. I refer to the amendment to strike out, on page 73, in line 7, after the word "ninety-five," down to and including the word "cease" in line 10. It is an amendment relating to contract schools.

Mr. GALLINGER rose.

The VICE-PRESIDENT. If no other amendment is reserved, the Chair will put the question on concurring in the rest of the amendments made as in Committee of the Whole.

Mr. GALLINGER. The amendment the Senator from Massachusetts has reserved is the one I rose to ask to have reserved.

The amendments were concurred in.

The VICE-PRESIDENT. The amendment reserved by the Senator from Massachusetts will be stated.

The SECRETARY. The Senate, as in Committee of the Whole, struck out, on page 73, line 7, after the word "ninety-five," down to and including the word "cease," in line 11, as follows:

And each succeeding year he shall proportionately so reduce the amount thus used that at the end of five years from the date on which this act goes into effect all contracts for such education shall cease.

Mr. PETTIGREW. It seems to me that in the Senate as in Committee of the Whole we had a roll call on that amendment, and the committee was sustained by a very large majority.

Mr. GALLINGER. We are going to have another.

Mr. PETTIGREW. It will probably disclose the want of a quorum.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

Mr. CALL. I offer the amendment which I send to the desk.

The SECRETARY. On page 60, at the end of line 5, insert:

Provided, That such judgment shall not be binding on Congress, but only advisory and of persuasive force.

Mr. CALL. Mr. President, I do not propose to detain the Senate. A few days ago, when the bill was in Committee of the Whole, I pointed out that this provision could not confer jurisdiction upon a court of the United States, that it was and could only be advisory. The judicial power has its bounds and its limits. I stated that a treaty or an agreement made by Congress between the United States and a foreign nation or any other power recognized as such is not the proper subject of judicial power. I shall not enlarge upon that subject, but I will ask to publish for my own justification of that most clear and manifest proposition (which the Senator from Arkansas treated very lightly because he did not understand it) the decision of the Supreme Court of the United States upon that subject. I will only ask leave to insert in the RECORD a few brief extracts from the decision of the Supreme Court in *The United States vs. Ferreira*, in the thirteenth volume of Howard's Reports.

The VICE-PRESIDENT. It will be so ordered if there be no objection.

The matter referred to is as follows:

The act of 23d of March, 1792, required the circuit courts of the United States to examine into the claims of the officers and soldiers and seamen of the Revolution to the pensions granted to invalids by that act, and to determine the amount of pay that would be equivalent to the disability incurred, and to certify their opinion to the Secretary of War. And it authorized the Secretary, when he had cause to suspect imposition or mistake, to withhold the pension allowed by the court, and to report the case to Congress at its next session. The authority was given to the circuit courts; and a question arose whether the power conferred was a judicial one which the circuit courts as such could constitutionally exercise.

The question was not decided in the Supreme Court in the case above mentioned, but the opinions of the judges of the circuit courts for the districts of New York, Pennsylvania, and North Carolina are all given in a note to the case by the reporter.

The judges in the New York circuit, composed of Chief Justice Jay, Justice Cushing, and Duane, district judge, held that the power could not be exercised by them as a court. But in consideration of the meritorious and benevolent object of the law they agreed to construe the power as conferred on them individually as commissioners, and to adjourn the court over from time to time, so as to enable them to perform the duty in the character of commissioners and out of court.

The judges of the Pennsylvania circuit, consisting of Wilson and Blair, justices of the supreme court, and Peters, district judge, refused to execute it altogether, upon the ground that it was conferred on them as a court, and was not a judicial power when subject to the revision of the Secretary of War and Congress.



The judges of the circuit court of North Carolina, composed of Iredell, justice of the supreme court, and Sitgreaves, district judge, were of opinion that the court could not execute it as a judicial power; and held it under advisement whether they might not construe the act as an appointment of the judges personally as commissioners, and perform the duty in the character of commissioners out of court, as had been agreed on by the judges of the New York circuit.

A question might arise whether commissioners appointed to adjust these claims are not officers of the United States within the meaning of the Constitution. The duties to be performed are entirely alien to the legitimate functions of a judge or court of justice, and have no analogy to the general or special powers ordinarily and legally conferred on judges or courts to secure the due administration of the laws. And if they are to be regarded as officers, holding office under the Government, the power of appointment is in the President, by and with the advice and consent of the Senate; and Congress could not by law designate the persons to fill these offices.

And if this be the construction of the Constitution, then, as the judge designated could not act in a judicial character as a court, nor as a commissioner, because he was not appointed by the President, everything that has been done under the acts of 1823 and 1834 and 1849 would be void, and the payments heretofore made might be recovered back by the United States.

But this question has not been made; nor does it arise in the case. It could rise only in a suit by the United States to recover back the money. And as the case does not present it and the parties interested are not before the court, and these laws have for so many years been acted on as valid and constitutional, we do not think it proper to express an opinion upon it. In the case at bar, the power of the judge to decide in the first instance is assumed on both sides, and the controversy has turned upon the power of the Secretary to revise it; and it is in this aspect of the case that it has been considered by the court in the foregoing opinion.

The appeal must be dismissed for want of jurisdiction.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Florida. [Putting the question.] The ayes seem to have it. The ayes have it.

Mr. JONES of Arkansas. I demand the yeas and nays.

Several SENATORS. "No!" "No!"

Mr. JONES of Arkansas. I can not agree to render the decision of the Supreme Court an absolute nullity by a proposition of this kind.

Mr. CALL. The Senator from Arkansas does not understand the case at all. He knows nothing about it. The Supreme Court of the United States has decided and all lawyers understand that the judicial power of the United States extends only to cases in law and equity and not to a case between two sovereign and independent nations nor to a case between the United States and an Indian tribe. That is clear; and I cite the case of *The United States vs. Ferreira*, in the thirteenth volume of Howard's Reports, where this point is expressly decided by the Supreme Court, and it is declared that they can not and will not take jurisdiction of such a case.

Mr. JONES of Arkansas. I will agree that this amendment may go over for a vote on Monday next.

Mr. VOORHEES. Without debate?

Mr. JONES of Arkansas. Without debate, to be considered on Monday with a full Senate. I do not want to delay action to-night.

Mr. HARRIS. Does the Senator from Arkansas propose to prolong the consideration of this bill, that has been here for one week, and ought to have been disposed of in one day?

Mr. JONES of Arkansas. I am perfectly willing to have a vote taken on this question Monday, but I can not agree that the provision shall be inserted without a vote of the Senate upon it.

The VICE-PRESIDENT. The Chair will ask if there is objection to the request of the Senator from Arkansas?

Mr. COCKRELL. I hope we can decide it now.

The VICE-PRESIDENT. The Chair has submitted the question to the Senate.

Mr. COCKRELL. Let it be submitted to the Senate again.

Mr. JONES of Arkansas. This question has already been decided once or twice by the Senate, and I shall insist on the yeas and nays.

Mr. CALL. The Senator from Arkansas does not know anything about the case. I will withdraw the amendment. The Supreme Court has decided it, and all the laws that Congress can pass will not induce the court to take jurisdiction of it.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. CHANDLER. I move to strike out the clauses in the bill from line 17, on page 48, down to and including line 8, on page 60. I make that motion for the purpose of inquiring what the present provision is of the amendments in relation to the rate to the Wichita and affiliated bands per acre for their land. The objection I made to the clause as it stood was that the original House provision purported to give a dollar and a quarter an acre to the Wichita Indians in fulfillment of the agreement made with them, and yet subjected that dollar and a quarter an acre to the chances of a suit in the Court of Claims brought by the Choctaw and Chickasaw nations.

Mr. JONES of Arkansas. On what page is that?

Mr. CHANDLER. The clause on page 54, granting the dollar and a quarter an acre. I understood the Senator from Missouri had moved some new amendment there.

Mr. JONES of Arkansas. There was an amendment made to that paragraph.

Mr. PLATT. Let the Secretary read the amendment that was adopted.

Mr. CHANDLER. I will take the statement of the Senator from Arkansas.

Mr. JONES of Arkansas. There was an amendment providing that the total amount to be paid to these Indians for the extinguishment of the Indian title should be a dollar and a quarter an acre, and that the question as to how much of the dollar and a quarter should go to the Wichitas on the one hand and to the Choctaws and Chickasaws on the other should be submitted to the court to be determined in the suit.

Mr. CHANDLER. I do not think that it is wise to undertake to fulfill this promise to these Indians—

Mr. COCKRELL. There is no promise. This is in strict accordance with the terms of the agreement.

Mr. JONES of Arkansas. I think it is in strict compliance with the agreement.

Mr. CHANDLER. No; article 5 says that they shall have more compensation; that Congress shall determine it. Now, to have Congress abdicate its function under the agreement and go through the form of allowing a dollar and a quarter an acre and then put the Wichitas to fighting in a lawsuit with the Choctaws and Chickasaws for their money, it seems to me is a mistake. I will not take the time of the Senate; I will withdraw the motion, in the hope that the conference committee will consider the point that we ought not to execute a solemn agreement with the Wichitas by saying we give them a dollar and a quarter an acre and then only give to them such portion of it as the Choctaws and Chickasaws may not get away from them.

The VICE-PRESIDENT. The amendment is withdrawn. The bill is in the Senate and still open to amendment.

Mr. HILL. At the end of page 28 I move to insert:

To enable the Secretary of the Interior to negotiate with and purchase from the Ogden Land Company, which negotiation and purchase the said Secretary is hereby authorized and directed to make on behalf of the Indians upon the Cattaraugus and Allegany Indian reservations for all the right, title, or interest of said company in and to the lands within the Cattaraugus and Allegany Indian reservations in the State of New York, at a price not exceeding \$5 per acre, the sum of \$300,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, or so much of said sum as may be necessary; such payment to be made to said company, its successors, assigns, or legal representatives, upon the execution of a proper deed or deeds of conveyance to the United States of all right, title, and interest of said company in and to the lands aforesaid.

The Secretary of the Interior may, under such rules and regulations as he may prescribe, obtain consent of said Indians to said purchase.

Mr. BLANCHARD. I should like to ask the Senator from New York if the amendment contains the limit of \$5?

Mr. HILL. Yes, sir; it contains the limit of \$5. The form of the amendment is now precisely like all the appropriations for similar purposes contained in the bill. On page 63 there is a provision which starts off in this way:

To enable the President to cause, under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians."

Then it proceeds on several pages to prescribe in regard to the allotment of those lands to the Indians.

Mr. STEWART. I should like to inquire of the Senator if that is the provision that was agreed upon and reported by the Committee on Indian Affairs?

Mr. HILL. It is. I have worded it a little different in order to correspond with the general style here, stating the appropriation first; that is all.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from New York.

Mr. PETTIGREW. I should like to hear the amendment read.

The Secretary read the amendment.

Mr. COCKRELL. The difference between this and the other amendments which have already been put in the bill is that they are required to be reported back to Congress for confirmation. I presume that these Indians, having lived with their ancestors for a century in the State of New York and in contact with the intelligent citizens of the Senator's great State, have intelligence enough probably, in connection with the Secretary of the Interior, to protect their own interests in the matter. Therefore, I shall not make the point of order, as it is liable to be made, that it should be submitted to Congress for action before it becomes final.

Mr. STEWART. It is safe in this case. It will be investigated thoroughly.

Mr. PETTIGREW. I offer an amendment to the amendment of the Senator from New York. I move to add at the end of the amendment:

Provided, No money or property belonging to said Indians shall be expended or used for this purpose without their consent.

The VICE-PRESIDENT. Is the amendment to the amendment accepted?

Mr. HILL. I do not think that is a proper amendment to be placed on the provision. It simply authorizes a negotiation and a contract to be made. The subsequent reimbursement of the

United States from the Indians is a matter of course for subsequent legislation.

Mr. PETTIGREW. I shall be forced to make a point of order unless my amendment is accepted. I have on my desk—but under the five-minute rule I am not permitted to present them—not only protests from these people against this whole business, but a resolution passed by their council and signed by their chief head men; and they have been here with regard to the matter. I supposed it was disposed of before.

I must protest against this being done unless the Indians consent to it. These Indians say to me that they care nothing about this Ogden Land Company title. I do not care to discuss the question because I do not want to oppose the Senator from New York, but my amendment is entirely reasonable and fair, and unless he can accept it I must object to the whole business in justice to these people.

Mr. HILL. The Senator did not see fit, although a member of the Committee on Indian Affairs, to make any such suggestion at the time the amendment was considered by the committee. It is not a question simply as to what the Indians themselves want. It is a question of public policy to be observed. Perhaps they should pay some portion of these sums from the large funds which they have in their hands. That is a question which I prefer to leave to subsequent legislation of Congress. Why should we legislate upon that question here? It seems to me that is the proper way to leave it.

The amendment simply provides that we shall make in behalf of the Indians this contract and purchase. The Government appropriates the money. As to what portion, if any, the Government should pay, we expect the whole of it to be reimbursed from the Indians. They can not simply set themselves up and say they do not wish to be disturbed. Above and beyond all this is the great question of public policy as to what should be done with these Indians.

The leaders of these Indians of course will object to this provision. They always object to it. Their very rule depends upon the maintenance of their tribal relations, and they never want them disturbed, because they are the bosses and they do not wish to be disturbed. I think we can take care of all this in subsequent legislation.

Mr. STEWART. I understand this is simply a proposition to buy outstanding title.

Mr. HILL. That is it.

Mr. STEWART. Which runs as long as the tribal relation obtains.

Mr. HILL. That is all.

Mr. STEWART. The United States takes the title. Then the United States will stand in the position of this outside company to deal fairly with the Indians. If the Indians have nothing to say about the purchase of it they can sell it to anybody else they please, with a view ultimately of settling it up, because it is a long strip of country there and a great inconvenience. The legal title stands outside of the company and the Government can not deal with the question at all. The object is to purchase the outstanding title and have it in the Government so that we can deal fairly with the Indians. I think the Government can be trusted to settle with the Indians afterwards.

Mr. PETTIGREW. In the first place, in the Allegany Reservation there are only 7 acres per capita of fertile land. The rest of the land runs into the mountains, and is assessed in the State of New York at \$3 an acre, and valued at not exceeding \$4 an acre. The Indians say that the lands can be divided among them in severalty without purchasing the Ogden Land Company's title, and that they are perfectly satisfied that it shall be done when the time comes, and that all the Ogden Land Company have under heaven is the first right to purchase either of the tribe or of the individuals if they divide it in severalty. Then, if the Ogden Land Company do not choose to purchase it, they can sell to other people. So this does not stand in the way of allotting that land in severalty to these people and obliterating this so-called government of theirs and wiping out the reservation.

I believe all the Ogden Land Company can be bought out for \$75,000. I believe they can be bought out for \$50,000. If this amendment goes through we will pay \$5 an acre; and if we propose to do it without consulting those people we ought to pay it out of the Treasury of the United States. There is not any question about it. Unless my amendment is accepted I shall make the point of order against the amendment.

Mr. HILL. The Senator from South Dakota seems to have more information about this matter than anybody else. If he is sincere in his statement that he thinks this outstanding title is worth only fifty or seventy-five thousand dollars he does injustice to his conscience by voting a much larger sum, as he did vote in committee to give the \$5 per acre. The company wanted \$10 per acre, and the committee very properly, I think, limited it to five.

I am not the representative of the company and care nothing about it, but the citizens of my State, sir, find this Indian reser-

vation in western New York, covering 40 miles of some of the best portions of our land. What it is assessed for to the Indians amounts to nothing. It is worth from forty to fifty and sixty dollars an acre; and it stands there as a block to civilization, ruled by a lot of these leaders, who, of course, want to keep up the tribal relations. Now, Mr. President, we must yield to-night, I suppose, to the Senator who moves this amendment to the amendment. There seems to be no other way. I hope the committee of conference will take care of it and strike that out. I do not think there is anything in the point of order. I am satisfied there is nothing in it, but we want to get home; it is Saturday evening. So let the amendment to the amendment go in.

The VICE-PRESIDENT. The amendment of the Senator from South Dakota is accepted. The question is on the amendment of the Senator from New York as amended by the Senator from South Dakota.

The amendment as amended was agreed to.

Mr. PETTIGREW. I now present the paper to which I referred, a memorial of the Seneca Nation of New York Indians, remonstrating against the adoption of the proposed amendment to the Indian appropriation bill providing for the purchase from the so-called Ogden Land Company all right, title, or interest to lands within the Cattaraugus and Allegany Indian reservations in the State of New York. I ask that it be printed as a document.

The VICE-PRESIDENT. Without objection, it is so ordered. The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. COCKRELL. I move that the Senate proceed to the consideration of the bill (H. R. 8518) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes.

The motion was agreed to.

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole.

#### DEATH OF FREDERICK DOUGLASS.

Mr. PETTIGREW. I wish to offer a resolution and have it read for information. I shall ask unanimous consent for its immediate consideration. If it is to be passed at all it must be passed now.

The resolution was read, as follows:

Whereas in the person of the late Frederick Douglass death has borne away one of our most illustrious fellow-citizens, who served his country long, faithfully, and honorably as citizen, diplomat, and statesman: Therefore, *Be it resolved*, That out of respect to his memory his remains be permitted to lie in state in the rotunda of the National Capitol between the hours of 10 a. m. and 4 p. m. on to-morrow.

Mr. GORMAN. Let the resolution go over.

The VICE-PRESIDENT. The resolution goes over.

#### MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE SHAW.

Mr. VILAS. Mr. President, I ask that the resolutions recently received from the House of Representatives in reference to the death of Hon. George B. Shaw, late a Representative from Wisconsin, be laid before the Senate.

The PRESIDING OFFICER (Mr. KYLE in the chair). The resolutions of the House of Representatives will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, January 13, 1896.

*Resolved*, That the House has heard with profound sorrow of the death of Hon. George B. Shaw, late a Representative from the State of Wisconsin.

*Resolved*, That as a mark of respect to the memory of the deceased the business of the House be now suspended, that his associates may be able to pay proper tribute to his high character and distinguished service.

*Resolved*, That as an additional mark of respect the House shall at the conclusion of these ceremonies adjourn.

*Resolved*, That the Clerk communicate these resolutions to the Senate.

Mr. VILAS. Mr. President, I offer the resolutions which I send to the desk, and ask for their immediate consideration.

The PRESIDING OFFICER. The resolutions will be read.

The Secretary read the resolutions, as follows:

*Resolved*, That the Senate has heard with sincere sorrow the announcement of the death of the Hon. George B. Shaw, lately a Representative from the State of Wisconsin.

*Resolved*, That the business of the Senate be now suspended in order that suitable tribute may be paid to his character and memory.

The resolutions were considered by unanimous consent, and unanimously agreed to.

Mr. VILAS. Mr. President, on the 27th of last August, as the long and trying second session of this Congress was drawing to its close, George B. Shaw, the esteemed Representative of the Seventh Wisconsin district, was called from the ranks of living men. Not long before, while at his post of duty, apparently in the full strength of mid-manhood, handsome in person, robust, vigorous, active, with every sign of promise for long and happy life about him, he had been stricken with a disorder which proved in its course to be mortal. During the weary weeks of the hot summer



some subtle and malignant influence assailed and pervaded his system with deadly fever, and although, when fully discerned and realized, he hurried with instinctive yearning to his home, it was too late for a successful resistance.

The invigorating Northern airs, the assiduous care of family and friends, the best medical skill, all were unavailing to stay the progress of disease; he slowly sank to his final change, and from the arms of loving and beloved wife and children, from a circle of attached and cherished friends, from a community with which he had been one from boyhood, from station, success, and bright promise in life, the relentless summoner took him to open the life which begins in death.

He is sincerely mourned by the people of his city, by his many associates in the affairs with which he was connected, by all who knew him. The concourse of his fellow-men at the impressive and imposing obsequies, when his remains were consigned to earth, a throng unprecedented in the city of his residence, well attested the esteem and regard he had won in life, the sorrow his loss spread wide.

In the House of Representatives suitable and appropriate eulogies have been pronounced, and the resolutions of that body were a few days since laid before us. It is befitting, sir, that we suspend for a time the labors which devolve upon the Senate to contemplate—though necessity compels but briefly—the life and character of him who was but a short while since our esteemed associate and fellow-servant in these halls of public duty.

Though not born there, Mr. Shaw was essentially a Wisconsin man, his breeding, education, and all developing associations having been there enjoyed; for he was little more than two years of age when brought with his father's family to the city—then but a mere hamlet—of Eau Claire, where he lived and died. His birthplace was in New York, at Alma, in the county of Allegany; the day of his birth, the 12th of March, 1854.

He was the second son of Daniel Shaw, one of those enterprising, hardy, and long-headed sons of Maine, who penetrated at an early day the forests of northern Wisconsin, and by foresight, industry, and shrewd business sense assisted to distribute their benefits to the Southern and Western prairies and gathered fortunes in the trade.

Eau Claire was in 1856, when Daniel Shaw removed there, a remote settlement in the southern borders of the great woods which spread in almost continuous mass from the waters of Lake Huron over upper Michigan, Wisconsin, and Minnesota. I happened, four years after that date, in the summer of 1860, to be able to see it in its infancy, a business errand taking me there, and it then required a three-days' journey from Madison, the State capital. It was then and still more is now an interesting and beautiful place. The waters of the Chippewa and Eau Claire rivers, descending through long reaches of the dark forests, unite in the center of the town and divide it into three parts or "sides," each of which has come to be the seat of active business and pleasant homes.

In the early days of Mr. Shaw's boyhood it was as charming and picturesque a village as one could wish to see. The hunter, the woodsman, the Indian, with all their natural accompaniments so attractive to the eye and charming to the imagination of hardy youth, were at every hand, in the streets and all the places where affairs went on. Wild honey, venison, the meat of the bear, and game fowls were frequent viands of the table, and the speech of men in social converse turned constantly on adventures in the forest in pursuit of enticing sports or the wild and arduous business prosecuted in lumbering camps and upon the turbulent streams where the logs and rafts were "driven" to civilized use.

No railroad then ran nearer than a hundred and fifty miles, and trade communication was mainly by the Chippewa River, a stream descending to the Mississippi, but uncertain and somewhat perilous for navigation, at times raging with floods and again exposing its sand bars and shoals in summer's droughts.

The business of lumbering dominated every other, but it was a business which demanded of its managers the best qualities of manhood; requiring extensive knowledge both of the deep and distant forests above, with their available waters, and of the markets of the world below; requiring intelligent and shrewd judgment to foresee conditions and conduct operations, with the courage, skill, and manly qualities to govern to profitable advantage the irregular and somewhat wild human elements by which affairs must be carried on. Thus Eau Claire was a town of hope and promise, of activity and enterprise, by force of its location and natural industry; and, though not in easy communication with the outside world, still, not like many secluded towns, self-contained, dull, and plodding, but in sympathetic touch with affairs at large, and responding swiftly and intelligently to all favorable conditions in the developing South and West.

It was to have been expected of such a situation and circumstances that not only would there follow a thriving and prosperous community, where numbers would find gainful service and happy homes, but that there would be men conspicuous for leadership among men, fit to govern business affairs of magnitude, of strong

individuality, vigorous personality, keen, clear-sighted, and successful; marked not more by resultant riches than by the characteristics of manhood that attract and control; and so it has been with that stirring, busy, rising town.

No community of equal numbers can surpass her in men of mark and character; few such match her. And among them Daniel Shaw, the father of the late Representative, held high place during life. Beginning with but moderate means he became one among the leading lumbermen, with extensive business relations, and enjoyed general respect and esteem for force of character, abilities, and excellence; one of those citizens whom the community come to regard as the anchorages of its order and prosperity.

Rooted in such circumstances, the character and acquirements of George Shaw grew naturally in keeping with them. The vocation of his father, with its captivations to an enterprising spirit, engaged his early aspirations; his associations with men fixed and confirmed the tendency; and the death of his father while he was yet in early manhood devolved upon him, of necessity, a great share of the government of the lumber-manufacturing business of which the estate was chiefly composed.

His education did not break through this environment, but answered to it. So far as the schools entered into it, his instruction was, as I understand, limited to such opportunities as were afforded by the public provision of Eau Claire—a good graded-school system—and by the more excellent schools at Chicago, whither he was sent for a time. But he enjoyed other sources of education which, if not regular, educating to certificates and diplomas, are exceedingly effective to draw forth and develop the natural gifts and intellectual strength of man for the practical utilities of life.

From early boyhood he had frequent companionship with a class of men in whom manliness rules as a passion—the men who penetrate the recesses of the forest world to sustain privations, to encounter perils, to endure isolation and often long solitude, in order to reach and possess the place of an industry in itself laborious, exacting, and wearing; the soldiers of the wilderness, the pioneer corps of civilization. Dwellers in towns, unfamiliar with these men and drawing conclusions from incidents of habit or individual eccentricities, often speak of them shudderingly as if little better than savages.

This fancy sticks in the bark of a rough exterior; rough as the trunk of the oak is rough, because cold and heat, storm and wind, all the wild elements play upon it. But within is the heart of oak; inspired and stout with courage, fortitude, will, devotion, intelligence, steadfast serenity of purpose, contempt of meanness, humanity, tenderness; the native nobility which will polish like the diamond, and which unpolished the wise man knows for the "gem of purest ray serene."

In occasional intercourse with such men George Shaw had education of character if not of intellect; educating and invigorating the native tendencies with which he was endowed, repressing and subduing, perhaps, some, if ever he had them, of the depravities of inclination which have punished man since his fall. And this education stood him in good stead while life lasted, as it would have done for a life doubly long; winning friends, esteem, confidence, and help; the guerdon of manly excellence and genial fellowship.

But other instruction, more intellectual in kind, came to him in the business counting room, in correspondence, in his reading, and in his intercourse with the best social circles, where he was ever welcome. He gave much study to what are called the practical sciences, or to the arts which growth of scientific knowledge has created. Especially he pursued the study of electricity until he obtained a recognized standing as an electrician.

So it came that, though not in the tone of higher scholarship, yet with clarity and often with force and feeling, Mr. Shaw was capable of excellent and agreeable expression, by tongue and pen; was intelligent in the affairs of the time, and ready in all the intercourse of life; going his way as an active, useful, and competent man of business, a citizen of recognized standing and rising promise, and a gentleman of certain acceptability in social companionship.

His business life was by no means confined to his inherited avocation. He shared in many of the undertakings of his city, occupying places of trust and managing well the affairs of various local corporations. While not great in affairs, or reaching to great accomplishments, he enjoyed a good standing and was accounted worthy of praise for his address, conciliatory temper, upright management, and the general success of his undertakings.

His geniality of temperament and love of companionship, together with the peculiar imaginative faculty which dwells on the ideas of chivalry, engaged him with great zest in the work of the order of the Knights of Pythias, and he devoted great labor during many years to the advancement of that organization, in which his success was deservedly conspicuous. He was of recognized value to the fraternity, pushing its growth, increasing its usefulness, perfecting its laws and methods, and became universally known and honored by its devotees.

During many years he enjoyed prominent positions in its higher

councils, gradually rising in service and consideration until the estimation of his companions culminated in the bestowal of the highest honors possible in their gift. While yet but 36 years of age he was chosen supreme chancellor of the order, the head of their supreme lodge of the world, and during two years enjoyed in that capacity the respect, confidence, and obedience of all its disciples in every quarter of the globe to which its membership extends.

I am advised by those competent to speak of it that his service in that high station was reckoned of signal excellence and gave his name honored illustration in the annals of the order. He retired from that dignity upon his election to the Fifty-third Congress, but both retained active interest in its affairs and enjoyed the highest esteem of its members until the hour of his death; and none beyond his hearthstone's compass more profoundly mourn him now.

It was natural to such a man to feel the obligations of citizenship as compelling him to share in all the work which in a free government devolves upon the good and useful men of society. He could not be silent or passive when help to the common interest might come from his counsel or efforts. And he never was, but he always bore his part as he conceived it, zealously, sometimes aggressively, but without rancor. He was ambitious, loving distinction; but apparently because he both loved to be doing and rejoiced in the kind regard of his fellow-men. He was thus early engaged in local political struggles and the possession of political preferment.

He entered the common council of Eau Claire at but 23 years of age, and so approved his service as to receive continuing election for eleven years. He was twice chosen to the mayoralty of his town, in the years 1888 and 1890. In 1884 he was one of the delegates of his party to the national Republican convention which, at Chicago, placed in nomination Blaine and Logan. His honorable aspiration had been for some years directed toward the representation of his district in Congress, and in 1893 his party bestowed the honor of nomination upon him, which was ratified by the people.

He came here in the prime of manhood, in the fullness of vigor, animated by generous hopes and with a reasonable expectation of added honors to his career and name. A first-term service rarely develops the qualities of an able man or authorizes special prophecy for his future. Mr. Shaw's course and conduct during the brief period he was here bore no conspicuous mark, but were satisfactory to his associates in the House and his party at home. He was unanimously renominated and his election was a foregone certainty, when death cut him untimely off.

He had won, I believe I may speak with confidence, the personal esteem of the members on both sides, and with many a warm and affectionate regard. What or how great would have been his Congressional career must remain a matter of opinion. But it is certain it would have been faithful to his principles and honorable in his personal conduct.

In political associations he was a Republican, and always a steady, zealous, and ardent adherent of his party. Notwithstanding he never, so far as I know, qualified in the least his active efforts for his party's success, but, as was natural to his character, was constant and untiring to promote that object, he aroused comparatively small personal antagonism among political opponents. This was due in part to recognition of the fact that whatever cause he espoused he must be zealous in, and still more to his agreeable and kindly manners and the general absence of personal ill will, and largely also to the many associations he had in affairs nonpolitical with his fellows, especially through the Pythian order I have mentioned.

Mr. Shaw was of an unusually pleasing personality. Of fine, full habit, somewhat above medium height, with open, engaging countenance, animated, vivacious, sympathetic, the first impression was always winning, and continued intercourse only added to the effect. Not magnetic and commanding, but genial and companionable, his manners attracted and engaged and won him always the feeling of good fellowship. Frank, direct, affable, and true, he was a man fitted for the intercourse of friends, sure to have them in numbers, and to please continually. He was rewarded abundantly with the best and most satisfying gifts of life, the love of those within the circle of love, the warm, cordial, friendship pressing about that circle on every hand.

By the desolate hearthstone which till the sad event of his loss was so happy, upon which we may not intrude but to offer our tender and sincere sympathy, a stricken widow and two children, a lad of 10, a daughter of 5 years, lament their affliction. May they find the consolation and peace which no word of man can bestow.

Mr. President, how many times has man's yearning cried out to pierce the inscrutable mystery of death. We can not approach in thought, much less in years, the sharp brink over which life falls so utterly beyond our ken without that look, eager, straining, intense, which never sees!

Why goes first the vigorous man, equipped with experience, wisdom, and power, in the very beginning of the years of achievement, while lingering and helpless age totters slowly to its rest? Why break off the loveliest buds while the yellow leaf clings shivering, with sear and withered hold? Alas, how little we know; how small we are! How impressive is our utter dependence! How surely it bids us trust confidently in the Maker of heaven and earth, and turns us back with new consecration to contemplate here on earth the full measure of our knowledge, our power, and our duties, with assurance that to act well our part is all the liberty of man, and in that doing all his hope save that alone which is vouchsafed by Heaven.

Mr. BLANCHARD. Mr. President, my acquaintance with George B. Shaw had not been lengthy, nor was it intimate. But it was pleasant and cordial. It began with the organization of the House of Representatives of the present Congress. We were then both members of that body. Prior to that time I had never met him. His home was in the far Northwest, mine in the far Southwest. But he was a man it was not difficult to learn to know and to esteem, when brought in contact with. There were no barriers of cold reserve to cross to reach his hand and heart; no prejudices of partisanship or sectionalism to overcome; no formality which avoided direct approach; no semblance of distrust holding him aloof from his fellow-men. His nature was warm, earnest, mellow, sympathetic.

It grew upon you, and it drew from you instinctively the homage of trust, esteem, admiration, friendship. He possessed to a great degree what the French phrase "bonhomie" so well describes. He loved his fellow-man and wanted to be loved in turn by them. He believed that life was too short to be wasted, or soured, or embittered by developing resentments, or worrying over them. His face was ever toward the sunshine of life. He loved to look on the bright side; he liked not its shadows or clouds; he shunned the austere and the somber.

He moved always in the open and sought the sunlight and fresh air of daily existence. He looked for the good in men; liked to bring out there better qualities in them and to keep back and cover the evil. The shades and shadows of character he would pull a veil over, but would turn a calcium light on that which commended men to the esteem and respect of their fellows.

He despised to harbor suspicions; was above little, petty, mean traits and actions. He was the opposite of the cunning, the sly, the intriguing. He was cast in a bigger mold. He liked to take a man's hand in a strong grip and look him full in the eye in open, hearty sincerity.

He was such a man as little children love and instinctively trust.

A stranger, Mr. President, though he might be to you, you would not ask that he be vouched for once you looked into his honest, open, deceitless face, and met the frank sincerity of his straight, manly gaze. His face, manner, look were his bond, so full of the truthful, the real, the honest were they.

He had the rare magnetism that accompanies, or rather issues from, the confident, hearty, cordial, buoyant nature such as his.

He was a man that men liked to have about them. He was congenial. He made things brighter, more cheerful, where he was. He had life, humor, good nature, the milk of human kindness. He always did his full part, and a little more, toward improving every occasion where he was present, in the way of making things pleasant and agreeable. It was part of his nature; he did it instinctively; it required no effort. He possessed the social art; it was born with him, and he required no training to make him pleasing to others. His accomplishments in this line were bestowed by the bountiful hand of Nature. Nature's magic wand touched him and he stood forth among his associates "a prince of good fellows."

He had ease and charm of manner, affability, a pleasing personality, a generous nature, a big heart, a ready wit.

He was possessed of the spirit of great fairness, and had such consideration for the views of others, even though opposed radically to them, that he always secured the respect and esteem of his antagonists. His disposition was to be conciliatory. He possessed rare tact and diplomacy. He had persuasion, knew how to manage, was a born organizer.

He had an enterprising, inquiring mind; liked to study, to explore, to find out for himself. He had a faculty for mastering large affairs.

He was progressive and public-spirited, full of life and energy, hope and accomplishment. He looked ahead and went ahead, and carried good humor, freshness, joyousness with him.

With him whatever was worth doing was not only worth doing well, but joyously, heartily, pleasantly, good-humoredly—not complainingly, grumblingly, petulantly, ill temperedly.

I did not know him, Mr. President, in the home life, but can well imagine that there his amiable qualities shone with special



refulgence. He must have been the idol of father and mother, of brothers and sisters, and later of wife and children.

Such men as he, Mr. President, are additions to the world. The world is better and brighter because he lived in it.

In the great and mystical Beyond, to which his soul has flown, may he meet the reward of the righteous and of the just.

May the decree of Deity, sitting in merciful judgment on the earthly career of men, in his case be recorded thus: "Well done, good and faithful servant; enter thou into the joy of thy Lord."

**Mr. GALLINGER.** Mr. President, my acquaintance with the late George B. Shaw was not that of intimacy or close friendship. I knew him as we know most men in public life, casually rather than intimately. He impressed me as a man of strong convictions, high purposes, and unusual business capacity. He was a type of the men who stand as a conservative balance against the influence of the scholars, the lawyers, and the doctrinaires of political life. He was essentially a business man. He did things. To him theories were subordinate to practical results. He analyzed and tested everything by a strong and subtle common sense.

Others might indulge in speculation; he preferred to know. The touchstone of fact meant more to him than the labyrinths and mysteries of dream life. His intellectual alchemy was that of truth, knowledge, and experience. He preferred fact to fancy, and lived not in the clouds, but in the consciousness and enjoyment of the real, everyday things of life.

The senior Senator from Wisconsin and the Senator from Louisiana, who knew our deceased friend better than I knew him, have given vivid and eloquent sketches of his career, which was one of rare credit and honor. As private citizen, as manager of great business interests, as mayor of his city, as the official head of a great fraternal order, and as a Representative of his people in the Congress of the United States, Mr. Shaw displayed a high order of talent, and acquitted himself with signal ability and success. But at the very zenith of his triumph he was cut down, and we meet to-day to pay our tribute to his virtues and his memory.

Mr. President, human life at best is a mystery both profound and insoluble. We begin our earthly career with a cry and end it with a groan, and as Jeremy Taylor points out:

He that lives most happily, his life is checkered with black and white, and his days are not all sunshine, but some are cloudy and gloomy, and there is a worm at the root of all his joy that soon eats out the sap and heart of it, and the gourd in whose shade he now so much pleases himself by to-morrow will be withered and gone.

And this same good man points us to a better land, where, he says:

We shall be freed from this earthly and clothed with a heavenly and glorified body.

Concerning this better land Jeremy Taylor says:

At this distance we can not make any likely guesses or conjectures at the glory of that future state. Men make very imperfect descriptions of countries or cities that never were there themselves nor saw the places with their own eyes. It is not for any mortal creature to make a map of that Canaan that lies above. It is to all us that live here on the hither side of death an unknown country and an undiscovered land.

It may be some heavenly pilgrim that, with his holy thoughts and ardent desires, is continually traveling thitherward, arrives sometimes near the borders of the promised land and the suburbs of the new Jerusalem, and gets upon the top of Pisgah, and there he has an imperfect prospect of a brave country that lies a far way off, but he can not tell how to describe it; and all that he hath to say to satisfy the curious inquirer is only this: "If he would know the glories of it he must go and see it."

We may use figures and metaphors and allegories, and tell you of fruitful meads, and spacious fields, and winding rivers, and purling brooks, and chanting birds, and shady groves, and pleasant gardens, and lovely bowers, and noble seats, and stately palaces, and goodly people, and excellent laws, and sweet societies; but this is to frame little comparisons to please our childish fancies, and just such discourses as a blind man would make concerning colors; so do we talk of those things we never saw, and disparage the state while we would recommend it.

Indeed, it requires some saint or angel from heaven to discourse upon the subject; and yet that would not do either; for though they might be able to speak something of it, yet we should want ears to hear it. Neither can those things be declared but in the language of heaven, which would be little understood by us, the poor inhabitants of this lower world; they are, indeed, things too great to be brought within the compass of words. St. Paul, when he had been rapt up into the third heaven, saw "things unlawful, or impossible to be uttered;" and "eye hath not seen, nor ear heard, nor can it enter into the heart of man to conceive, what God hath prepared for them that love Him."

Mr. President, in these days of agnosticism and unbelief it is refreshing to turn back to the simple faith of the early writers on Christian themes. Surely this can not be the end of human aspirations and growth. Beyond this uncertain and unsatisfactory existence there must be a world free from the disappointments, the sorrows, and the pains of earthly life. At any rate I prefer to believe that and to feel that our friend who has gone to that bourne from whence no traveler returns is to-day happy in the wider vision and a larger interpretation of God's plans and purposes than is possible to us who are left behind. For him "life's

fitful fever is ended;" and well may we adopt the words of one of America's tenderest and sweetest poets, and say:

When this farce of life is o'er,  
Are we fretted any more?  
Do they rest, I'd like to know,  
Under grass or under snow,  
Who have gone that quiet way  
You and I must go some day?  
If they do it seems to me  
Happy were it thus to be  
Sleeping where the blackberries grow,  
And the bramble roses blow,  
And the sunshine pours its gold  
On mossy rock and woodland old,  
While gentle winds and clouds of fleeces  
And rippling waters whisper—Peace!  
Vain the fancy; nothing dies;  
Falling water falls to rise;  
Round and round the atoms fly;  
Turf and stone and sea and sky,  
Vapor drop and blood of man,  
In the inexorable plan.  
All is motion; nothing dies;  
Mystery of mysteries.

**Mr. MITCHELL** of Wisconsin. Mr. President, when George B. Shaw's head, after weeks of suffering, drooped in death upon his breast—a head filled but a short time before with thoughts of domestic happiness and of high public endeavor—a bright intellect went out, a genial spirit vanished from among us.

I was not one of Mr. Shaw's intimates. An occasional meeting on the streets—a cordial "How d'ye do?"—simply a glint of sunshine as I went my way—was the extent of my personal acquaintance with him. Nevertheless, I had come under his kindly influence, and I can sincerely say that I grieve to think that never again will he grasp me by the hand and greet me with his accustomed warmth.

Mr. Shaw's conspicuous traits of character were public spirit and a sympathetic humanity. Of the first, the city of Eau Claire stands a perpetual witness; to the last, the mighty order of the Knights of Pythias to a man will testify.

From early childhood Mr. Shaw had his home in the city of Eau Claire. All the energy of his maturer years was devoted to her well-being. Railroads, lighting, sanitation of the city—all things felt his quickening touch. Here his impress will remain indelibly.

Mr. Shaw joined the Knights of Pythias some twenty years ago. Under their banner, bearing the inscription "Friendship, charity, benevolence," he served right loyally from that time to the day of his death. His activity brought rapid promotion. In 1890 he was elected, by acclamation, supreme chancellor. At the Shaw memorial services of the order many were the expressions of sorrow. One of Wisconsin's most eloquent sons then said:

Standing beside his vacant chair, draped in sables and laden with the sweet emblems of everlasting hope, the gift of cherished friends, I cry to him beyond the tides of the shoreless sea to bless this hour devoted to his memory. He was great in all that makes true manhood. He was strong, but gentle; proud, but not arrogant; just, but merciful. He had all the grace of womanhood, but no one I have ever known was a more manly man.

As a representative of Wisconsin it became my duty to attend the funeral of our friend. To me it was an affecting scene. There stood his devoted wife under a stress of grief too strong for tears; his fair-faced children, all unconscious of their loss; a multitude of mourners gathered from far and near crowding the cemetery to its outer verge, while solemnly filed by a band of brother Pythians, dropping each one into his open grave a sprig of evergreen, symbol of that love which lives beyond the tomb.

On a wooded height, looking down upon a tranquil lake, with the waters of the Eau Claire shimmering in the distance, he laid him down to pleasant dreams.

Earth, that all too soon has bound him,  
Gently wrap his clay;  
Linger lovingly around him,  
Light of dying day.

Mr. President, as a further mark of respect to the memory of our friend, Mr. Shaw, I move that the Senate adjourn.

The motion was unanimously agreed to; and (at 6 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, February 25, 1895, at 11 o'clock a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate February 23, 1895.*

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Matt W. Ransom, of North Carolina, to be envoy extraordinary and minister plenipotentiary of the United States to Mexico, vice Isaac P. Gray, deceased.

POSTMASTERS.

Mary I. Van Horne, to be postmaster at Muscatine, in the county of Muscatine and State of Iowa, in the place of George W. Van Horne, deceased.

Hamilton Eaton, to be postmaster at Barnesville, in the county of Belmont and State of Ohio, in the place of W. Howard Anderson, whose commission expired January 19, 1895.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 23, 1895.*

##### ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Matt W. Ransom, of North Carolina, to be envoy extraordinary and minister plenipotentiary of the United States to Mexico.

##### MINISTER RESIDENT AND CONSUL-GENERAL.

William H. Heard, of Pennsylvania, to be minister resident and consul-general of the United States to Liberia.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, February 23, 1895.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of yesterday was read and approved.

##### CORE SOUND, NORTH CAROLINA.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, with letter of the Chief of Engineers, report of a preliminary examination of Core Sound, North Carolina; which was referred to the Committee on Rivers and Harbors.

##### WITHERBY & GAFFNEY.

The SPEAKER also laid before the House a bill (H. R. 4507) for the relief of Witherby & Gaffney, with amendments of the Senate. Mr. CHICKERING. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. SAYERS. Let us have some explanation of this, Mr. Speaker.

The SPEAKER. The Clerk will report the Senate amendments. The Clerk proceeded to read the Senate amendments.

Mr. BRECKINRIDGE (during the reading). Mr. Speaker, is this a privileged matter?

The SPEAKER. This is a House bill with Senate amendments. The Chair has not examined the amendments and does not know whether they require consideration in Committee of the Whole or not. The Senate have struck out all after the enacting clause of the House bill and inserted another bill.

Mr. BRECKINRIDGE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it. Mr. BRECKINRIDGE. If this is a privileged matter, of course I have nothing to say; but if not, I would like to call for the regular order.

Mr. CHICKERING. This will take but a moment. Mr. SAYERS. It will take more than a moment to dispose of this.

Mr. BRECKINRIDGE. I suggest that the gentleman let the bill lie on the Speaker's table until Monday morning.

Mr. CHICKERING. I am willing to agree that the bill shall lie on the Speaker's table, without prejudice, until Monday.

The SPEAKER. In the mean time the Chair will examine it.

##### GOVERNMENT OF THE NAVY.

The SPEAKER also laid before the House a bill (H. R. 6323) to amend the Articles for the Government of the Navy relative to the punishment on conviction by court-martial, with an amendment, as follows:

Line 5, strike out "64" and insert "63;" so as to make it read "article 63."

Mr. GEISSENHAINER. Mr. Speaker, I move that the Senate amendment be concurred in.

Mr. SAYERS. What is this?

Mr. GEISSENHAINER. Simply the correction of a number. The amendment was concurred in.

##### WILLIAM W. BUCKLEY.

The SPEAKER also laid before the House a bill (H. R. 8237) for the relief of William W. Buckley, late first lieutenant of the Ninety-fourth Regiment Ohio Volunteers, with amendments of the Senate thereto, as follows:

Line 3, strike out "Secretary of War" and insert "President of the United States."

Line 4, strike out "and directed."

Line 7, after the word "to," insert "direct the Secretary of War to."

Mr. OUTHWAITE. I move to concur in the amendments of the Senate.

The amendments were concurred in.

##### SECTION 4400, TITLE LII, REVISED STATUTES.

The SPEAKER also laid before the House a bill (H. R. 2377) to amend "An act to amend section 4400 of Title LII of the Revised Statutes of the United States, concerning the regulation of steam vessels," approved August 7, 1882; and also to amend section 4414, Title LII, of the Revised Statutes, "Regulation of steam vessels," with amendments of the Senate thereto, and a request for a conference on the disagreeing votes of the two Houses.

The Senate amendments were read.

Mr. WISE. Mr. Speaker, I move that the House nonconcur in the amendments of the Senate and agree to a conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. WISE, Mr. MALLORY, and Mr. STORER.

##### BATTERY PARK, BURLINGTON, VT.

The SPEAKER also laid before the House a joint resolution (S. R. 138) authorizing the Secretary of the Navy to deliver unserviceable or condemned cannon to the mayor of Burlington, Vt., to be used in decorating Battery Park.

Mr. POWERS. Mr. Speaker, I ask for the consideration of that joint resolution.

Mr. BRECKINRIDGE. Will not the gentleman let it go over until Monday?

Mr. POWERS. It will take but a moment to dispose of it.

Mr. BRECKINRIDGE. Well, Mr. Speaker, there are several other matters that are pressed for consideration, and while I hate to seem ungracious, I desire to be impartial.

Mr. POWERS. I assure the gentleman that this will not take half the time that we will if we quarrel over it. [Laughter.] I ask that the joint resolution be read, and I think there will be no objection to it.

The SPEAKER. It can be read only by unanimous consent. Is there objection to the request of the gentleman from Vermont that this joint resolution be now read?

Mr. BRECKINRIDGE. Mr. Speaker, I hate to object, but we have so little time this morning for the consideration of the pending appropriation bill—

Mr. POWERS. Then, Mr. Speaker, I ask that the joint resolution lie on the Speaker's table until Monday, retaining its position. There was no objection, and it was so ordered.

##### THE LATE SENATOR VANCE.

Mr. HENDERSON of North Carolina. Mr. Speaker, I ask unanimous consent that the time for the memorial services set for 2 o'clock be postponed until 3 p. m., unless the deficiency bill shall be sooner disposed of.

There was no objection, and it was so ordered.

##### COMMITTEE REPORTS.

Mr. BRECKINRIDGE. Mr. Speaker, I ask unanimous consent that gentlemen having reports to present be allowed to hand them to the Clerk.

There was no objection, and it was so ordered.

##### RELIEF OF MATHEW S. PRIEST.

Mr. PEARSON. Mr. Speaker, I rise to a parliamentary inquiry. When the House took a recess yesterday we were considering a bill that I desire to have disposed of, the bill (H. R. 1314) for the relief of Mathew S. Priest, and I wish to inquire what will be its status if the House now proceeds to other business.

Mr. SAYERS. Mr. Speaker, I ask unanimous consent that the status of the bill referred to by the gentleman from Ohio [Mr. PEARSON] may be for Monday the same as it is this morning.

There was no objection, and it was so ordered.

##### NATIONAL GAS AND ELECTRIC LIGHT COMPANY.

Mr. ALDRICH. Mr. Speaker, I ask unanimous consent to file the views of the minority on the bill (H. R. 7310) to incorporate the National Gas and Electric Light, Heat, and Power Company of the District of Columbia.

There was no objection, and it was so ordered.

##### GENERAL DEFICIENCY BILL.

Mr. BRECKINRIDGE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of the general deficiency bill.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole (Mr. TARNSEY in the chair).

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the general deficiency bill, and the Clerk will proceed with the reading of the bill.



Mr. SPRINGER. There was an amendment pending when the committee rose—

The CHAIRMAN. There were several amendments pending, which the Chair understands went over by consent.

Mr. BYNUM. I wish to offer an amendment to follow line 28 on page 51, in the appropriation for the Government Printing Office.

The CHAIRMAN. That part of the bill has not yet been reached.

Mr. SPRINGER. I call up the pending amendment. Let us dispose of them in their order.

Mr. BRECKINRIDGE. I ask the Clerk to read the pending amendments offered by the committee.

The Clerk read as follows:

On page 51, after line 23, insert:

"To pay Howard Gill for services as acting assistant foreman of the folding room from August 29 to December 3, 1894, inclusive, \$240."

"To pay Howard Wiltberger for services rendered in the folding room from August 29 to December 3, inclusive, \$240."

Mr. BRECKINRIDGE. There are several other paragraphs to the amendment, offered by instructions of the committee on yesterday; but as these two stand on a somewhat different footing from the rest I ask that the question be taken upon them first.

This, I will state, is not additional pay, but is payment for work already done.

The CHAIRMAN. The question is on agreeing to the amendment just read.

Mr. DOCKERY. Will the gentleman from Kentucky please explain this amendment?

Mr. BRECKINRIDGE. These are cases where during the vacation the Doorkeeper came to the committee and asked that certain work might be done which was necessary in his department and that some provision be made to pay for it. It was found that the work was necessary, and hence this amendment is proposed to be inserted here to compensate for it. It is not additional compensation in any sense of the word, but payment for work for which these parties would get no pay in the event of the failure of this amendment.

Mr. SPRINGER. Was this favorably reported upon by the Committee on Accounts?

Mr. BRECKINRIDGE. Yes; and asked for by the Doorkeeper. I was instructed by the subcommittee to offer the amendment in connection with others, and now ask a vote upon it separately, as it stands upon a different footing from the other paragraphs of the amendment.

Mr. DINGLEY. Is there anyone left whose salary has not been increased or proposed to be increased? Have any of them escaped the attention of the committee?

Mr. BRECKINRIDGE. A great many have not been increased. I think the committee have rejected forty or fifty claims, and have allowed but a few.

Mr. DINGLEY. It seems that about everybody has been included.

Mr. BRECKINRIDGE. Not at all. The number of infants slaughtered by Herod is much greater than the number that escaped. [Laughter.]

The question being taken, the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next paragraph of the amendment.

The Clerk read as follows:

To pay J. H. Van Buren, assistant index clerk of the House, his salary from October 1 to November 28, 1894, inclusive, and from November 4 to December 3, 1895, inclusive, at \$9 per day, \$534.

Mr. BRECKINRIDGE. I ask a separate vote on that amendment also, for the reason that it stands on a different footing from the others.

Mr. DOCKERY. Will the gentleman please explain the case?

Mr. BRECKINRIDGE. The case is simply this: Under the law the assistant index clerk is ordered to do certain work which must be done after the adjournment of Congress. The work has been done in accordance with the law, but his salary ends with the session. So this is pay for work which he has already done and will do in March after the adjournment of this Congress, which otherwise could not and would not be paid for.

Mr. CANNON of Illinois. This is a session employee?

Mr. BRECKINRIDGE. Yes; a session employee, but ordered to get out the index under the law, which takes three months and which extends beyond the termination of the short session. This is compensation for the work that he is required to do after the session terminates. By a mistake in the appropriation bill his compensation ends at the close of the session, although the work extends beyond it. This is not extra pay, but compensation for work actually done.

Mr. BERRY. Let me ask the gentleman from Kentucky why it is that action is not taken on the various amendments offered

yesterday afternoon? There are others just as meritorious as these.

Mr. BRECKINRIDGE. If the gentleman will permit me, I called for the reading of the amendments in their order, and they are to be taken up in that way.

Mr. BAKER of New Hampshire. Is this employee paid by the year or the day?

Mr. BRECKINRIDGE. He is paid up to the last of the session; but under the law he must complete his work after the session terminates. He makes up the index, which is completed after the close of the session.

Mr. BAKER of New Hampshire. And has no other pay?

Mr. BRECKINRIDGE. None whatever. It is, as I have said, for work actually done.

The question being taken, the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment. The Clerk read as follows:

To pay George B. Parsons, enrolling clerk, and John Kelley, assistant enrolling clerk, for extra services, \$300 each; in all, \$600.

Mr. BRECKINRIDGE. I am frank to state that this is additional pay. These are the clerks employed in the enrolling room, and the chairman of the Committee on Enrolled Bills, the gentleman from Ohio [Mr. PEARSON], has stated to the committee that they had to do this work probably on Sunday, frequently at night, and possibly at the tail end of the session they would have to be up all night. It is worthy of mention that there has not been a single mistake in the enrollments this session. I yield the floor to the gentleman from Ohio.

Mr. CANNON of Illinois. What is their pay now?

Mr. PEARSON. One gets \$2,250 and the other \$2,000. The Senate clerks doing the same work get \$2,500 and \$2,290 respectively.

Mr. CANNON of Illinois. Do these clerks perform as much duty now as before the enrollment was by printing?

Mr. PEARSON. They do.

Mr. CANNON of Illinois. Then what is the good of printing the enrollment?

Mr. PEARSON. If the gentleman will allow me, I will state that the clerks here specified are enrolling clerks, but not clerks to the Committee on Enrolled Bills.

It is their duty to prepare these bills for printing. It is their duty, after a bill has passed the Senate, to prepare it for printing.

Mr. CANNON of Illinois. If the gentleman will allow me to get at the fact, does either of these gentlemen practice law or medicine now?

Mr. PEARSON. No, sir; not to my knowledge.

Mr. BRECKINRIDGE. I move that the committee rise for a moment, for the purpose of swearing in a Representative-elect.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TARSNEY, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the general deficiency bill, and had come to no resolution thereon.

#### SWEARING IN OF A MEMBER.

The SPEAKER. The Clerk will read the following certificate of election.

The Clerk read as follows:

We, the undersigned return judges Fifteenth Congressional district of Pennsylvania, composed of the counties of Bradford, Susquehanna, Wayne, and Wyoming, appointed by the courts of common pleas of our respective counties, on Thursday, the 21st day of February, A. D. 1895, being the second day after the special election held in said district, held on Tuesday, the 19th day of February, A. D. 1895, for the purpose of electing a member of Congress from said district to fill the vacancy in the Fifty-third Congress caused by the death of Hon. M. B. Wright, to compute the returns of said election, do hereby certify, that we have attended to our duties at the time and place fixed by law, and after carefully adding together and computing the returns of votes as certified to us from the respective counties, it appeared that for member of Congress for the Fifteenth district of Pennsylvania, to fill the vacancy in the Fifty-third Congress caused by the death of M. B. Wright, Edwin J. Jorden had thirteen thousand four hundred and forty-five (13,445), Rhamanthus M. Stocker had six thousand six hundred and ninety (6,690) votes, Charles P. Shaw had seven hundred and twenty-eight (728) votes, Henry M. Champlain had ninety-three (93) votes, and that Edwin J. Jorden, having received a majority of the votes cast for said office, was duly elected to the same.

In testimony whereof, we have hereunto set our hands and seals this 22d day of February, A. D. 1895.

JOHN KUHBACH. [SEAL.]  
F. H. GOOTBAUGH. [SEAL.]  
HENRY T. GREY. [SEAL.]  
WM. D. B. ANCEIF. [SEAL.]

The SPEAKER. This is not a certificate from the governor of Pennsylvania.

Mr. DALZELL. I presume this certificate has been sent because of lack of time for the governor's certificate to arrive. There is no doubt about the election, and I ask unanimous consent that the oath be administered to Mr. Jorden.

The SPEAKER. If there be no objection, the gentleman will be sworn in.

The oath of office was then administered to Mr. Jorden.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 2798) to amend an act entitled "An act to provide for the erection of a Government building at Chicago, Ill.," approved February 30, 1895; in which the concurrence of the House was requested.

The message also announced that the Senate had passed the following resolution:

*Resolved*, That the Secretary be directed to request the House of Representatives to return to the Senate the engrossed joint resolution (H. Res. 277) in reference to the Free Zone along the northern frontier of Mexico and adjacent to the United States.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 962) for the relief of Capt. Ceran St. Vrain's Company of New Mexico Mounted Volunteers.

The message also announced that the Senate had passed joint resolution (S. R. 133) directing the Secretary of War to make an examination of the bridge to be constructed over the Delaware River between the States of New Jersey and Pennsylvania; in which the concurrence of the House was requested.

#### REPORTS OF COMMITTEES.

The following reports of committees were handed in at the Clerk's desk, referred to their appropriate Calendars, and otherwise disposed of as indicated below:

##### AMERICAN REGISTER FOR THE STEAMER KAHULUI.

Mr. FITZHIAN, from the Committee on Merchant Marine and Fisheries, reported back favorably the bill (H. R. 8771) to provide an American register for the steamer *Kahului*; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

##### PACIFIC RAILROADS.

Mr. REILLY, from the Committee on the Pacific Railroads, reported back in lieu of House bill 7798 a bill (H. R. 8943) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and for other purposes," approved July 1, 1862, and to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act; and to provide for the settlement of claims growing out of the issue of bonds to aid in the construction of certain railroads, and to secure to the United States payment of all indebtedness of certain companies therein mentioned; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

##### VIEWS OF THE MINORITY.

Mr. ALDRICH submitted the views of the minority of the Committee on the District of Columbia on the bill (H. R. 7310) to incorporate the National Gas and Electric Light, Heat, and Power Company of the District of Columbia; which were ordered to be printed.

##### LAND-GRANT RAILROADS.

Mr. CAMINETTI, from the Committee on the Public Lands, reported back favorably House concurrent resolution to suspend action on all selections filed by land-grant railroads for land situated in the State of California until January 1, 1896; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

#### MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On February 20, 1895:

An act (H. R. 6792) to disapprove the treaty heretofore made with the Southern Ute Indians to be removed to the Territory of Utah, and providing for settling them down in severalty where they may so elect and are qualified, and to settle all those not electing to take lands in severalty on the west 40 miles of present reservation and in portions of New Mexico, and for other purposes, and to carry out the provisions of the treaty with said Indians June 15, 1880;

An act (H. R. 7731) for the relief of certain Winnebago Indians in Minnesota;

An act (H. R. 27) to increase the limit of cost for the erection of a public building at Paterson, N. J.;

An act (H. R. 155) to erect a public building at Pottsville, Pa.;

An act (H. R. 116) for the erection of a public building at Brockton, Mass.;

An act (H. R. 4283) to provide for the purchase of a site and the erection of a public building thereon in the city of Cumberland, Md.;

An act (H. R. 2337) for the erection of a public building at Newport, Ky.;

An act (H. R. 109) to provide for the purchase of a site and the erection of a public building thereon at South Omaha, in the State of Nebraska;

Joint resolution (H. Res. 140) to confirm the enlargement of the Red Cliff Indian Reservation, in the State of Wisconsin, made in 1863, and for the allotment of the same; and

Joint resolution (H. Res. 252) relative to the British Guiana-Venezuela boundary dispute.

On February 21, 1895:

An act (H. R. 6076) to repeal the special acts granting a pension to Louisa M. Sippell;

An act (H. R. 5642) granting a pension to Elizabeth Brower, a hospital nurse during the war of the rebellion;

An act (H. R. 6985) granting a pension to William Armstrong;

An act (H. R. 7602) to pension Mary R. Williams;

An act (H. R. 7359) to pension Samuel F. Tenant;

An act (H. R. 6974) to pension Mrs. Mary L. Clark;

An act (H. R. 6433) granting an increase of pension to Julia Weeks; and

Joint resolution (H. Res. 273) extending from March 1, 1895, to the 15th day of April, 1895, the time for making returns of incomes for the year 1894, and for other purposes.

On February 22, 1895:

An act (H. R. 3988) granting a pension to Marrilla Parsons, of Detroit, Mich.;

An act (H. R. 862) granting a pension to Pauline M. Pooler;

An act (H. R. 5377) granting a pension to Richard Knight; and

An act (H. R. 6131) to grant a pension to Sarah E. Roebuck.

#### ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (H. R. 5218) to amend the Articles for the Government of the Navy;

A bill (H. R. 5234) for the relief of James Stewart;

A bill (H. R. 6323) to amend the Articles for the Government of the Navy relative to punishment on conviction by court-martial;

A bill (S. 305) granting a pension to Annie M. Greene;

A bill (S. 684) for the relief of Mrs. Evalyn N. Van Vliet;

A bill (S. 2733) to postpone the enforcement of the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea;" and

A joint resolution (H. Res. 227) authorizing the Secretary of the Navy to donate to the Oregon State Soldiers' Home, at Roseburg, Oreg., certain cannon, etc.

#### GENERAL DEFICIENCY APPROPRIATION BILL.

On motion of Mr. BRECKINRIDGE, the House again resolved itself into the Committee of the Whole on the state of the Union for the further consideration of the general deficiency appropriation bill, with Mr. TARSNEY in the chair.

The CHAIRMAN. The Clerk will again report the pending amendment.

The Clerk read as follows:

To pay George B. Parsons, enrolling clerk, and John Kelley, assistant enrolling clerk, for extra services, \$200 each.

Mr. BRECKINRIDGE. I yield to the gentleman from Ohio.

Mr. PEARSON. I simply desire to say for these men that they are not from the State of Ohio. I knew nothing about them personally until I became chairman of the Committee on Enrolled Bills. They are not in any way connected with the Committee on Enrolled Bills. They are the enrolling clerks, and I want to say for them that they are very efficient officers, and that they are required to work at night frequently, required to work on Sundays, in order to expedite the business of this House. I have no interest whatever in the matter, except a desire to see simple justice done to these very efficient employees.

Mr. DINGLEY. I have no desire to antagonize this particular increase of compensation, especially after the large number of increases already made, but it does seem to me as if this practice, increasing in this Congress to an extent that we have never before seen, has gone about far enough. We fix a salary for each of these officials. They know what their duty is and what their salary is to be when they accept their positions. This practice of taking it for granted that compensation is expected to be increased—for it is becoming a general idea until now nearly every employee of the House feels that he is not used quite right if his salary is not increased in some way—it seems to me is an objection-



able one. I have no desire to antagonize this amendment, because it is undoubtedly even more meritorious than some that have already been provided; but I desire for one to enter my protest against this policy, which seems to be increasing.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. BAKER of New Hampshire) there were—ayes 80, noes 22.

Accordingly the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

To pay Richard H. Dalton, for extra services rendered in the folding room, \$300.

Mr. DOCKERY. Mr. Chairman, let us have some explanation of this.

Mr. BRECKINRIDGE. Mr. Chairman, in the folding room there are books kept, exactly as a bank account is kept, with each of the 360 Members and Delegates, showing their receipt of documents. One of these accounts is kept by Mr. George L. Brown, one by Mr. P. E. Cox, and one by Mr. Dalton. They have to be here during the whole of the recess, because books are taken out during vacation as well as any other time, and the House has for five sessions, I believe, paid extra compensation to two of the men. Mr. Dalton was left out because we were not aware of his being one of them, and this is simply offered upon the certificate of the Doorkeeper and of the Committee on Accounts, and the subcommittee have thought it just to put him in with the other two men who have done the same work.

Mr. BAKER of New Hampshire. Has this clerk any more to do than a bookkeeper of a bank would have to do with 356 active depositors?

Mr. BRECKINRIDGE. I would say to the gentleman that these are very troublesome accounts. If the gentleman has ever gone and looked at the workings of that department he will have observed that the books are continually coming in and being sent out. The clerk has to attend at all times—during the vacation and also during the session; and these are very troublesome accounts.

Mr. BAKER of New Hampshire. It seems to me that it is very plain bookkeeping.

Mr. SIMPSON. Is this for the performance of service after the adjournment?

Mr. BRECKINRIDGE. That would not be a fair statement of it. It is because they have to do service during the whole year. They are paid for work done during the session and during the vacation. The Committee on Accounts feel that this extra compensation ought to be given; and we examined the matter and have agreed with them.

Mr. SIMPSON. Are they paid by the year or by the session?

Mr. BRECKINRIDGE. The clerks doing this work are paid \$100 a month; but this gentleman is only a messenger, and has been specially detailed to that work. These are the facts.

The amendment was agreed to.

The Clerk read as follows:

To reimburse Walter H. French for moneys actually paid by him for clerical hire in rearranging the files of the House, including the consolidation of the papers in the reports of the Southern Claims Commission and the papers in the Indian depredation cases, and relettering the file boxes from the Forty-fourth to the Fifty-second Congress, inclusive, \$750.

Mr. DINGLEY. I reserve the point of order on that amendment. This matter has gone far enough.

Mr. BRECKINRIDGE. I do not know whether this is subject to the point of order; but the gentleman will reserve it, and allow me to state the facts. I would like the gentleman from Massachusetts [Mr. O'NEIL] to give his attention. The facts in this matter, as reported to the committee, are that Mr. French, the file clerk, having gone in there, he found everything in confusion, so that he could hardly find anything, as everything was in disorder.

Mr. DINGLEY. What place is that?

Mr. BRECKINRIDGE. That is the office of the file clerk. He went to work and rearranged the entire files from the Forty-fourth Congress down to the present time. He put everything in order, so that you can go there and he can put his hands on anything you want. This is a matter of great value, because there are a great many papers from the committees that are placed in his charge, and a great many of them it was difficult to find before this rearrangement.

Mr. DINGLEY. Then I understand this money was paid out for services?

Mr. BRECKINRIDGE. This is for money he actually paid out. He does not get a cent of it himself, I am assured; but it only repays him money that he has actually paid out.

Mr. DINGLEY. Then I withdraw the point of order, because that is on an entirely different basis from the others.

The amendment was agreed to.

The Clerk read as follows:

To pay Peter J. McDonald the difference between his salary as folder and that of acting assistant foreman of the folding room, at \$1,300 per annum, from January 20, 1894, to January 20, 1895, inclusive, \$300.

Mr. DOCKERY. I reserve the point of order on that.

Mr. BRECKINRIDGE. The gentleman will please reserve his point a moment, and let me make a statement. Mr. McDonald is a folder, or a clerk in charge of what is known as the annex to the folding room. He is acting assistant foreman in the annex. For the work that he has done they have been in the habit of paying a gentleman engaged in the building here the amount that is asked for him. The House has heretofore made this increase. He now receives \$900, but everyone else who has done the same work that he has been doing has received \$1,300; and this gives him the difference between his salary as a folder and that of assistant foreman. The committee have examined it. The Doorkeeper has asked for it, and it was not put in the original report of the committee because we were not personally familiar with the facts. I hope the gentleman from Missouri will withdraw the point of order.

Mr. DOCKERY. As all of the others have gone through, I will withdraw the point of order, and give notice that I will ask for a separate vote in the House on these amendments, as it seems to be impossible to defeat them in the committee.

Mr. PAYNE. Would it not be better to make a general increase of salary of about 10 per cent on all these included in these amendments?

Mr. DOCKERY. I think it would be justice to the others.

Mr. GROUT. And quite an economy in time.

Mr. DOCKERY. Yes. This proceeding is simply without precedent.

Mr. McETRICK. This is not an increase, as the gentlemen doing the same services have always had this extra allowance given to them.

Mr. DOCKERY. During the twelve years I have been a member of this House I have never known of such wholesale increases of salaries of House employees. I recognize the fact, as stated by the gentleman from Kentucky, that there are a few cases that are really meritorious. With reference to Mr. French, the amendment in his favor was, perhaps, meritorious. However, I want to notify the committee that I shall ask a separate vote on these increases of salaries in the House.

Mr. McETRICK. This is not an increase of salary. It is the regular salary.

The amendment was agreed to.

Mr. BRECKINRIDGE. I ask that the other pending amendments be recurred to. There are other amendments pending, Mr. Chairman, offered last night, and which, at my request, went over until to-day.

The CHAIRMAN. The Clerk will now report the pending amendments.

Mr. SPRINGER. The one I offered was as an additional paragraph to the one offered by the gentleman from Kentucky.

The CHAIRMAN. That will be reached in its regular order.

Mr. BRECKINRIDGE. I would be glad to have these other amendments disposed of.

The next amendment was read, as follows:

Insert after line 14, page 49, the following:

"To pay Thomas M. Rogers for services rendered as acting clerk of the Committee on Railways and Canals from March 24, 1894, to May 17, 1894, inclusive, the difference in salary between that of clerk to a Congressman and session clerk of a committee, \$149.50."

Mr. SAYERS. I raise a point of order on the amendment.

Mr. BRECKINRIDGE. This is one of the cases that the committee examined into, and we think this extra amount ought not to be allowed. It is a case where a gentleman rendered service as clerk to a member until his committee was given a clerk, and then he rendered service as clerk to the committee.

Mr. COBB of Missouri. He acted as clerk of the committee up to the time the committee was allowed a clerk. He rendered the service, and this is to pay him for the time between his actually entering upon the service and his formal appointment as clerk.

Mr. SAYERS. I insist on the point of order.

Mr. BRECKINRIDGE. This would seem to be simply an attempt to pay this man as clerk to the committee for a period prior to the time when the House had allowed the committee a clerk.

The CHAIRMAN. The Chair understands that there is no law authorizing this allowance, and therefore sustains the point of order.

The Clerk read the next amendment, as follows:

Between lines 21 and 22, on page 49, insert the following:

"To pay T. F. Dennis for extra services rendered as assistant clerk of the Committee on Invalid Pensions on detail from the Pension Office during the third session of the Fifty-third Congress the sum of \$200."

Mr. SAYERS. I raise a point of order on the amendment.

Mr. MARTIN of Indiana. I ask the gentleman to withhold the point for a few moments.

Mr. SAYERS. Certainly.

Mr. MARTIN of Indiana. I send to the Clerk's desk to be read a resolution unanimously adopted by the Committee on Invalid Pensions; and I invite the careful attention of members of the House to this resolution.

The Clerk read as follows:

*Resolved by the Committee on Invalid Pensions, That the Committee on Appropriations be requested to place in the general deficiency bill the following item, to wit:*

"To pay T. F. Dennis for extra services rendered as assistant clerk to the Committee on Invalid Pensions during the third session of the Fifty-third Congress the sum of \$200."

Mr. MARTIN of Indiana. I suppose there is no member of the House of Representatives who is not acquainted with the nature and character of the services rendered by the gentleman in whose behalf I have offered this amendment. He is not one of my constituents.

Mr. DINGLEY. As I understand, he is a clerk in the classified service who is detailed to assist the Committee on Invalid Pensions.

Mr. MARTIN of Indiana. Yes, sir.

Mr. DINGLEY. A fourth-class clerk?

Mr. DOCKERY. He is receiving \$2,000.

Mr. DINGLEY. He does not belong, then, to the classified service.

Mr. MARTIN of Indiana. He receives \$2,000 a year.

Mr. DINGLEY. That takes him out of the classified service.

Mr. PAYNE. As I understand, he served during the first and second sessions of this Congress.

Mr. MARTIN of Indiana. Yes, sir.

Mr. PAYNE. How much additional did he receive for his services during those sessions?

Mr. MARTIN of Indiana. Five hundred dollars for the first and second sessions.

Now, Mr. Chairman, I think no member of this House who has had any business to do in connection with the Committee on Invalid Pensions can fail to know personally the amount of extra services rendered by this clerk. He is not an employee of this House. If the resolution granting a month's extra pay to employees of the House should pass it will not benefit him in the least. He has attended the sessions of this House night after night, and his services are invaluable.

Mr. LACEY. He has listened to all these Friday night speeches!

Mr. MARTIN of Indiana. He has attended all the Friday night meetings of the House. In addition to that, let me say he has kept a record of every one of the 1,230 private pension bills introduced by members of the House and the 72 private pension bills coming from the Senate. As a result of his labors we have now a complete record of the facts in connection with each bill. These have been put into a bound volume, which will be found of invaluable service to Congress in the future. Inasmuch as it has been the custom for years and years to make an allowance to the clerk thus detailed from the Pension Office, we ought not to draw the line now on this clerk.

Mr. BROWN. Has he been required to perform any duty at the Pension Office during his detail for service in connection with the committee?

Mr. MARTIN of Indiana. No, sir.

Mr. BROWN. And he has still drawn his \$2,000 a year?

Mr. CANNON of Illinois. Mr. Chairman, in Holy Writ we sometimes read passages which are consoling and sometimes passages which are not so consoling. We read, for instance, "Ask, and it shall be given you;" "Knock, and it shall be opened unto you." Those passages are literal with reference to employees of this House. Every employee here is to receive a month's extra salary under a resolution which we shall adopt a little later on, and which in former Congresses, commencing in a Democratic Congress, was held in order time and again by the Chairman of the Committee of the Whole. These little matters in the main that are coming in here now are something extra in addition to the month's salary so far as the House employees are concerned.

Mr. MARTIN of Indiana rose.

Mr. CANNON of Illinois. I am coming to the case in which the gentleman from Indiana is interested.

Now, in this particular case the person interested is a clerk in the Pension Office, who has done duty as assistant clerk to the Committee on Invalid Pensions. I have no doubt he is a valuable man. But when we come to vote the extra month's salary it is not going to benefit him. So he can quote, unless this allowance of \$200 goes through for him, that other passage of Scripture, which, if I recollect aright, runs in this way: In the last days "Two women shall be grinding at the mill; the one shall be taken, and the other left." This man is liable to be "left" unless he gets in now. [Laughter.] That is all I want to say.

Mr. MARTIN of Indiana. I am addressing myself now to the Chair and also particularly to the gentleman from Texas, I ask that gentleman to withdraw his point of order, because there have been allowances made here for extra services to employees of this House, and this man is not an employee of the House. There have

been thousands of questions put to this clerk by members of this House, upon many of which it was impossible for me at the time to give information, and this clerk has given the information when I could not. Let me say, in addition, that the qualifications of this clerk are of so high an order that he is really an expert.

I want to remind the gentleman from Illinois [Mr. CANNON] that the same sort of allowance here proposed was made in the Fifty-first Congress to another gentleman who was detailed from the Pension Office for similar service. An allowance of the same kind was made again in the Fifty-second Congress, and if there be any good reason why it should not be made now for services which are so valuable I should like to know that reason.

Mr. SAYERS. I insist on my point of order.

The CHAIRMAN. The point of order is sustained.

The next amendment was read, as follows:

After line 24, page 50, insert:

"To pay John H. Hogan the difference between the pay of a laborer and that of a messenger in the House post-office, during the sessions of the Fifty-third Congress, \$300.73."

Mr. SAYERS. I make a point of order on the amendment.

The CHAIRMAN. Will the gentleman state the point of order?

Mr. SAYERS. That there is no law, and no resolution of the House, authorizing the appropriation.

The CHAIRMAN. The point of order is sustained.

The next amendment was read, as follows:

After the word "dollars," line 25, page 49, insert the following:

"To pay R. A. Rosenbaum, P. F. Perkins, and George Zerby the sum of \$100 each for extra services rendered during the Fifty-third Congress in the folding room, House of Representatives."

Mr. SAYERS. I make a point of order on the amendment.

The CHAIRMAN. The point of order is sustained.

The next amendment was read, as follows:

Page 48, line 8, insert the following:

"Senate and House of Representatives: To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1895, including the Capitol police and Official Reporters of the Senate and House, for extra services during the Fifty-third Congress, a sum equal to one month's pay, at the compensation then paid them by law, the same to be made immediately available."

Mr. SAYERS. I desire to offer an amendment to the amendment.

Mr. SPRINGER. I understood that this amendment was reserved until the bill should be completed. I desire to offer an amendment.

Mr. SAYERS. I am on the floor now to offer an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER], as the Chair understands, raises the point that this amendment by agreement was passed over until the rest of the bill should be completed.

Mr. SAYERS. I did not so understand.

Mr. BRECKINRIDGE. My understanding was that the amendment should be taken up at the completion of these paragraphs with reference to the House of Representatives.

Mr. SPRINGER. They are not completed yet. I do not want to be precluded from my right to offer an amendment.

Mr. SAYERS. Mr. Chairman, I move to amend by adding the proviso that no one for whom a special appropriation is made in this act shall be entitled to an extra month's pay.

Mr. SPRINGER. The gentleman ought to modify that, because some of the special appropriations made in the bill may be less than a month's pay.

Mr. TRACEY. Mr. Chairman, I hope the gentleman will not press that amendment. The appropriation has been made by previous Congresses on these occasions in the form in which I have presented it, without any such proviso, and I do not think the proviso ought to be added in this case.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Add to the amendment of Mr. TRACEY the following proviso:

"Provided, That no one for whom a special appropriation is made in this act shall be entitled to this extra pay."

Mr. BYNUM. Mr. Chairman, I suggest that the gentleman ought to modify that, so as to apply only where a special appropriation is made for extra services.

Mr. SAYERS. I will accept the suggestion. Make it read: "a special appropriation for extra services."

Mr. SPRINGER. As I suggested before, the gentleman ought to modify his amendment further, because some of these special appropriations may be less than a month's pay, and he does not want to treat any of the employees unfairly in this matter.

Mr. SAYERS. I desire to do exactly what is involved in the amendment I have offered.

Mr. SPRINGER. The gentleman might modify it so as to say that where the special appropriation is less than a month's pay the amount shall be deducted from the month's pay and the balance allowed.

Mr. SAYERS. No, sir. I ask the Clerk to report the amendment as it will stand as modified.



The Clerk read as follows:

Add the following proviso:

"Provided, That no one for whom a special appropriation for extra services is made in this act shall be entitled to this extra pay."

Mr. GROSVENOR. Mr. Chairman, I suggest that the amendment of the gentleman from New York as it will stand when amended by this proviso be now read.

The Clerk read as follows:

Page 48, line 8, insert the following:

"Senate and House of Representatives: To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1895, including the Capitol police and Official Reporters of the Senate and House, for extra services during the Fifty-third Congress, a sum equal to one month's pay, at the compensation then paid them by law, the same to be made immediately available: *Provided*, That no one for whom a special appropriation for extra services is made in this act shall be entitled to this extra pay."

Mr. HENDERSON of Iowa. Mr. Chairman, I understand that in making up the pay rolls under these extra month's pay allowances, the seven watchmen and the outside police are not included. That fact has just been brought to my attention by two of them. I do not know the men, but it seems to me that if this allowance is to be made these outside watchmen and policemen ought to be included, and I ask that the amendment be amended so as to include them after the Capitol police. I offer that amendment. I think there will be no objection to it.

The amendment was read, as follows:

After the words "Capitol police," insert the words "and seven watchmen."

Mr. RICHARDSON of Tennessee. Mr. Chairman, I will ask the gentleman whether the persons included in his amendment are employees either of the House or of the Senate.

Mr. HENDERSON of Iowa. They are the outside watchmen.

Mr. RICHARDSON of Tennessee. I understand that they are not employees of either the House or the Senate.

Mr. BRECKINRIDGE. They are employees of the Interior Department.

Mr. HENDERSON of Iowa. I know nothing about that except what was stated to me outside the door.

Mr. BRECKINRIDGE. They are employees of the Interior Department; not of either the House or the Senate.

Mr. HENDERSON of Iowa. Well, if the gentleman knows that, I will withdraw the amendment.

Mr. TRACEY. Mr. Chairman, the amendment which I offered giving the employees of the House and the Senate an extra month's pay has been adopted in a number of appropriation bills on previous occasions, and the pay has been allowed irrespective of any sums that may have been paid to individuals for extra work. I see no reason why a departure from that practice should be made in this case, or why my amendment should not be adopted in the form in which it has been adopted in years past.

Mr. BYNUM. Mr. Chairman, it is a well-known fact that the employees of this House will change at the beginning of the next session of Congress. An amendment will then unquestionably be offered and adopted to give them an extra month's pay, upon the ground that they will be required to come here from their homes before the new Congress is organized, and will be obliged to go home shortly afterwards. While an appropriation like the pending one has been made at the close of some sessions of Congress, it does occur to me that it is a wasteful extravagance to appropriate two months' extra pay in a single year, and I therefore believe that this amendment ought to be voted down now, and that the appropriation, if it is to be made, ought to be made at the beginning of the next Congress. Another thing, Mr. Chairman, the Capitol police, who are included in this appropriation, do not stand upon the same footing as the employees of the House.

They are annual employees of the Government, are here constantly, and are not put to the extra expense of coming here and going away at the end of every session of Congress. That class of employees ought not to be included in this amendment, even if it is meritorious as to the remainder. Therefore that portion of the amendment, even if the remainder should pass, should be stricken out.

Mr. RICHARDSON of Tennessee. The question I want to ask the gentleman is this: If his objection is good as against the session employees? They will not be here at the opening of the next Congress.

Mr. BYNUM. That is true. The session employees are the only ones really that ought to have this appropriation.

Mr. COX. For what reason should anybody have it?

Mr. TRACEY. While this allowance was made in the extra session, it was not made in the long session, so it was not given twice in one year.

Mr. SPRINGER. What is the pending question?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. SAYERS] to the original amendment.

Mr. SPRINGER. Let it be read, please.

The amendment was again read, as follows:

*Provided*, That no one for whom a special appropriation for extra services is made in this act shall be entitled to this extra month's pay.

Mr. SPRINGER. There are some appropriations that are only for \$100, for extra services, and if this passes those employees will be deprived of a whole month's extra compensation, which would be more. I do not think this amendment is well digested. I am willing that there should be a credit of the amount, but I think the amendment ought to be voted down.

Mr. OUTHWAITE. It strikes me that this new proposition ought not to pass. This committee has been considering claims for extra services, and it has passed upon some of those claims. It has passed upon them after mature consideration. It has found that there was something in each claim that justified taking the person outside of the ordinary monthly appropriation for all employees of the House. In one instance that I called to the attention of the House the gentleman is upon the rolls as a messenger, but has been doing duty as a disbursing clerk, and doing extra duty, and therefore this committee, by a very large majority, concluded that he was entitled to have that amount, over and above his pay, and certainly over and above this proposition for an extra month's pay. We have never heretofore had this proposition come in. Now, because there happens at this time to be perhaps half a dozen more claims than heretofore, all resting upon merit, all standing before this committee upon statements of fact showing that the gentlemen were entitled to it, we should not go so far as to say, after we have voted that these gentlemen are entitled to extra compensation for extra labor, that they shall not have the extra compensation which is given to the whole body of employees of this House. Therefore I am opposed to this amendment to the amendment.

Mr. COX. I desire to make but one inquiry with regard to this matter. You have gone through a series of amendments here to add expense to the Government for compensation for extra work performed. Now, the next proposition you make is to add additional compensation for the employees of the House, whether there was any work performed or not. All I desire to say about it is that when I see these employees in the House duly compensated for their labor, I enter my protest against the paying of another dollar more.

The CHAIRMAN. The question is upon the amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Add the following proviso:

"Provided, That no one for whom a special appropriation for extra services is made in this act shall be entitled to this extra month's pay."

The amendment to the amendment was rejected.

Mr. LIVINGSTON. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Insert after the word "House" the following, in line 3 of the amendment: "Including the session clerks to Representatives in Congress."

Mr. LIVINGSTON. Mr. Chairman, that is an amendment—

Mr. BRECKINRIDGE. I reserve a point of order against that.

Mr. LIVINGSTON. It is too late. I addressed the Chair. This is an amendment to the amendment, and it is proposed—

Mr. BRECKINRIDGE. I have made a point of order.

Mr. LIVINGSTON. Will the Chair entertain the point of order?

The CHAIRMAN. The Chair will entertain the point of order.

Mr. LIVINGSTON. I want to be heard upon it.

The CHAIRMAN. The Chair is ready to decide it now.

Mr. LIVINGSTON. I wish to be heard upon the point of order.

The CHAIRMAN. The Chair does not wish to hear argument on it; it is so manifestly out of order.

Mr. LIVINGSTON. I want to be heard, anyway.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LIVINGSTON. Then I appeal from the ruling of the Chair. If the Chair will not hear argument on the question of order when I have asked to be heard, I am compelled to take this course.

Mr. BRECKINRIDGE. As the amendment of the gentleman is drawn nobody could get a cent under it anyway. It would be entirely nugatory.

Mr. REED. Then let us pass it. [Laughter.] That would be a good solution of the question. There is a resolution at last that seems reasonable; the only sensible question presented.

Mr. BRECKINRIDGE. The argument of the gentleman from Maine may be good on the merits of the proposition, but does not go, however, to the point of order.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. LIVINGSTON. Mr. Chairman, I should like to have order on the floor for a few moments while I discuss the appeal.

The amendment I have offered is simply this: To provide that the session clerks of members shall have an extra month's salary

with all of the other employees of the House and Senate. Now, for what purpose is the amendment offered? It is to enable the members of the Fifty-third Congress to distribute their pro rata share of more than a million of documents to be thrown on their hands within the next thirty days, and notice has been already given to us that they must be taken by the members of the Fifty-third Congress before the Fifty-fourth Congress organizes, or we will lose the documents altogether.

There is a resolution giving the employees of Congress an extra month's pay. Everybody connected with the House is to get it. And now the point of order is made that this amendment I have offered is not provided for by law.

Mr. Chairman, I want to submit this fact, and it is far above the ruling of a Chairman or a Speaker, or any rule that the House itself can make; it is a constitutional provision. You will find it on page 2, Article I, of the Constitution:

The House of Representatives shall choose a Speaker and other officers, and have the sole power of impeachment.

There is no law existing for fixing the salary of the employees of this House. There never was such a law. It is always fixed by the Appropriations Committee or the Committee of the Whole on an appropriation bill, and this House has the sole power to fix the salary of its own officers and employees at any time and at all times. There is no law either for or against it, and if the point of order is good to the amendment to the amendment it is good to the original amendment itself, and it will stand good against three-fourths of the entire bill to-day.

Now, it is a question whether the members of the Fifty-third Congress, before their time expires and when they are entitled to these documents, will take them and send them out to their constituents or not. There is nothing in the law to compel you to take them. It is for you to determine. But some provision should be made for distributing these valuable documents. There is nothing in the law to compel you to give an extra month's pay to the clerks, but there is nothing to forbid it, either, and no gentleman on this floor will dare cite a law either fixing the salaries of employees or authorizing it to be done.

Mr. TAWNEY. Will the gentleman allow me to ask him a question?

Mr. LIVINGSTON. Certainly.

Mr. TAWNEY. If these documents are not distributed by May 1, by members of the present House of Representatives, by whom will they be distributed?

Mr. LIVINGSTON. If they are not distributed by the members of this Congress in a given time, they will be credited to the members of the Fifty-fourth Congress.

Mr. OUTHWAITE. The time, however, is the organization of the Fifty-fourth Congress, which may not be until December, not May 1.

Mr. LIVINGSTON. Yes; but here comes the trouble: We are likely to have an extra session, and within thirty days. We are likely to have it at least in sixty days. That being the case, we would lose the entire pro rata share of the documents and get nothing.

I am ready now to vote on the appeal; let members vote as they please.

Mr. BYNUM. Mr. Chairman, with the merits of the proposition pending to the bill I have nothing to do; I am opposed to it; but there is, it seems to me, a distinction to be drawn between an amendment to an amendment which is not in order and an amendment to the bill which would be entirely out of order.

Now, the original amendment, to which the gentleman in charge offered his amendment, is not in order under the rules; and therefore I maintain that if there is any science in parliamentary law or any reason or logic in it, it does not lie within the mouth of a member to raise a point of order against an amendment to the amendment because it is obnoxious to the rules of the House. If the amendment itself is not in order it is beyond the power of the committee to limit amendments to it because as original propositions they might not be in order. I insist the committee have waived the question of order to the original amendment; that any amendment to the same which is germane is in order. The committee can not first admit an improper amendment and then prevent its being perfected or amended by insisting upon the application and enforcement of the rules. You can add appropriations without limit and amendments without regard to the ordinary rules, because they stand on all fours with the provision sought to be made by the original amendment.

Now, an amendment—

Mr. OUTHWAITE. Will the gentleman permit a question?

Mr. BYNUM. In a moment I will. An amendment to an amendment which is out of order, the original amendment being in order, is, of course, obnoxious to the point of order, because you could convert an amendment which was in order into an amendment out of order by adding amendments which would make the original amendment obnoxious to the rules, but to an amendment not in order in the committee the objection does not

attach, and can not be raised, as it is within the power of the committee to pass upon any question which is germane to a pending proposition.

Mr. MOSES. Then a free-coinage bill could be added as an amendment.

Mr. TRACEY. That has been ruled out before.

Mr. OUTHWAITE. The answers to that proposition are two. First, that the original proposition is in order, and has been held in order time and again by this House and by the committees of this House.

Mr. ALLEN. What is the distinction between the original proposition and the amendment?

Mr. BRECKINRIDGE. There are no such clerks as members' clerks.

Mr. OUTHWAITE. Furthermore, no point of order was made to the original proposition, and it is just the same in the parliamentary status as if no point of order could have been made.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. LIVINGSTON. Division.

The committee divided; and there were—ayes 68, noes 45.

Mr. HICKS. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The Chair will appoint the gentleman from Kentucky, Mr. BRECKINRIDGE, and the gentleman from Pennsylvania, Mr. HICKS, to act as tellers.

The committee again divided; and the tellers reported—ayes 87, noes 94.

The CHAIRMAN. So the decision of the Chair is not sustained. The question is on the adoption of the amendment offered by the gentleman from Georgia [Mr. LIVINGSTON] to the amendment offered by the gentleman from New York [Mr. TRACEY].

Mr. LIVINGSTON. I desire to correct the language of that resolution.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Insert after the word "House," in line 5 of the amendment, "including clerks to members of the House of Representatives in Congress."

Mr. SPRINGER. I make the point of order that there is so much confusion we can not hear a word of what the Clerk is reading.

Mr. McMILLIN. Let us have the amendment read again, after there is order.

The CHAIRMAN. Conversation must cease on the floor.

The amendment as proposed to be amended was again reported.

Mr. TRACEY. The vote which has just been taken was on the question as to whether this amendment can be voted upon.

The CHAIRMAN. The question was upon an appeal from the decision of the Chair, in which the decision of the Chair was overruled by the committee declaring that this amendment was in order.

Mr. PENDLETON of West Virginia. What is the question before the committee?

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. BRECKINRIDGE. I ask for order. We can not hear.

The CHAIRMAN. The Clerk will again report the amendment to the amendment.

The Clerk read as follows:

In line 5, after the word "House," insert the following: "including clerks to members of the House of Representatives in Congress," so as to read—

Mr. OUTHWAITE. We do not want to know how it is to read. Let us vote on the amendment.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I would like to understand what the amendment to the amendment is. I ask that the Clerk may continue to read.

The amendment and the amendment to the amendment were again reported.

Mr. OUTHWAITE. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. OUTHWAITE. I ask that the Clerk state the amendment that we are to vote upon, which is the amendment to the amendment.

The CHAIRMAN. The Clerk will again report the amendment to the amendment.

The amendment to the amendment was again reported.

The CHAIRMAN. The question is on the adoption of the amendment to the amendment.

Mr. SAYERS. Mr. Chairman, I wish to say a word. [Cries of "Vote!"] The object of that amendment, if I understand it correctly, is to pay a month's salary to clerks to members of this House.

Several MEMBERS. That is so.



Mr. SAYERS. That is correct, gentlemen say. Now, there are members of this House that do not pay out \$25 a month for clerical services.

Several MEMBERS. Who are they?

Mr. SAYERS. There are several of them.

Mr. WALKER and others. Name one.

Mr. SAYERS. The gentlemen are here and can name themselves. I saw it stated in a paper that the gentleman from Georgia [Mr. TURNER] had paid out only a few dollars for services, and then I understand that the gentleman from Georgia [Mr. BLACK] has only paid out a few dollars.

Mr. WALKER. Then they need not take it if they do not want it.

Mr. LIVINGSTON. Mr. Chairman, that amendment means simply this, and the gentleman from Texas has not stated the purpose at all. It is not to compensate Mr. BLACK, Mr. TURNER, Mr. Jones, or Mr. Smith. It is to give them a month's salary for their clerks when this House adjourns. I stated distinctly on the floor that the purpose of it was to enable the members of the Fifty-third Congress to distribute the immense amount and number of documents that will be apportioned to them under the new régime, and this is the only way by which they can get those documents.

There is another point that I want to bring to the attention of the committee. The amendment to the amendment controls in the Senate as well as in the House, and it will be an immense saving there if this amendment shall be adopted. They have been paying out money largely, and, as we think, very extravagantly at the Senate end, for this kind of work, but if this amendment is adopted it will bind them to the same rule that we are bound by at this end of the Capitol.

Mr. SIMPSON. Does this propose to pay the clerks \$100 a month, or simply what members actually expend for clerk hire during the month?

Mr. LIVINGSTON. This amendment provides not \$100 nor \$50 nor any specific sum, but "a month's pay." Therefore, if a gentleman has been paying out \$25 a month for that purpose, he can take \$25.

Mr. ALLEN. And if he does not want it he need not take anything.

Mr. LIVINGSTON. Or, as the gentleman from Mississippi suggests, if he does not want it, he need not take anything. This amendment neither increases nor decreases the amount that the member takes per month for clerk hire. It has nothing to do with the amount. It simply means that he can claim one month's more pay, but it neither increases nor decreases the amount.

Mr. RICHARDSON of Tennessee. Does not the gentleman's amendment give one month's full pay, whether the member certifies that he has paid or agreed to pay the amount for that month or not?

Mr. LIVINGSTON. It does not. The member must certify to it the same as to any other month's pay.

Mr. RICHARDSON of Tennessee. Suppose the member pays only \$25 a month for clerical hire?

Mr. LIVINGSTON. Then he gets but \$25.

Mr. RICHARDSON of Tennessee. Does the amendment read that way?

Mr. LIVINGSTON. I think it does, but you can amend it if you want it clearer. The amendment operates under the existing law, but I am willing to add a provision that the same shall be certified by the member.

Mr. DOCKERY. Mr. Chairman, I ask that the amendment of the gentleman from Georgia be reported in my time.

The Clerk read as follows:

Insert after the word "House," in line 5 of the amendment of the gentleman from New York [Mr. TRACEY], the following: "Including clerks to members of the House of Representatives in Congress."

Mr. DOCKERY. Now, Mr. Chairman, I want to make this point, that under that amendment not a single dollar can be paid, or will be allowed to be paid by the Comptroller of the Treasury, to a member's clerk. The law does not recognize the clerks to members. It recognizes the members themselves—

Mr. LIVINGSTON. We will take care of that. If that is your view you ought to be in favor of the amendment.

Mr. SAYERS. Mr. Chairman, I call the gentleman from Georgia to order. He has no right to interfere with the gentleman from Missouri.

Mr. LIVINGSTON. The gentleman from Texas has no right to interfere either. [Laughter.]

Mr. DOCKERY. Mr. Chairman, I repeat that the law deals only with the member. It authorizes the member to receive a hundred dollars for clerical service provided he certifies that he has paid or agreed to pay \$100 for the month. Under that law the clerk to a member can not get \$100 a month unless the member himself becomes the disbursing officer for the amount. This amendment, therefore, can not be effective unless it be so amended as to read that the members shall each be paid \$100 extra, to be given

to their clerks as an extra month's pay. Now, I ask members on both sides of this House whether they are willing to go on the record as voting for an amendment of that kind, which will put into their pockets as disbursing officers \$100 a month for extra clerical hire; because if we are not, the clerks can not get the money in any other way.

Mr. Chairman, this is a mere gratuity which imposes a tax on the Treasury of about \$35,000, without any warrant or excuse either in law or in equity. Many gentlemen, I believe, will vote for it under the idea that if adopted it will kill the proposition of the gentleman from New York [Mr. TRACEY], and if it should have that effect I do not know that I should lose very much sleep. [Laughter.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I voted against the amendment giving members annual clerks because I did not think that annual clerks were necessary for the transaction of the business of the House. I regarded the clerks to members as employees of the House of Representatives for the purpose of attending to the public business, and not to the private business of members. The same reason that led me to cast that vote leads me now to vote for an extra month's pay for these clerks to members for the purpose of carrying on the business of the House during the next month. Whether by law or not, in some way the custom has grown up of giving the employees of the House a month's extra pay. These clerks to members, if they have any *raison d'être* at all, have it in the fact that they serve the House of Representatives, and not in the fact that they serve individual members. Here is the new printing bill with a vast amount of documents to be sent to our constituents. As an individual member of this House I know that I can not possibly close up my business with my constituents in less than another month's time and that I will need the services of a clerk. If I get through with him in half a month I will certify to a half a month's pay. If I get through in ten days I will certify to ten days; if I am obliged to employ a clerk the whole month I will certify for a month's pay.

Several MEMBERS. That is right.

Mr. WILLIAMS of Mississippi. The gentleman from Georgia has modified his amendment, I understand, by adding the words "the amount paid out to be certified by members as under existing law." This removes the objection stated by the gentleman from Missouri [Mr. DOCKERY], and I see no substantial reason, founded on fact or theory, against the amendment.

Mr. Chairman, I say with pride that I do not stand here as one of the men who have put their fingers out to take money from the public Treasury wherever possible. I have sought to be guided by public not by individual interests. I say that if there is any reason at all for members having clerks it is to serve the House of Representatives as an entirety, not to serve each member as an individual. The House of Representatives as an entirety needs this service, and by analogy these men are employees of the House and should receive the same privileges as other employees. [Cries of "Vote!" "Vote!"]

Mr. WILLIAMS of Illinois. Mr. Chairman, this appeal seems to be made and pressed in behalf of the clerks of members of this House. Those clerks are under no obligation to work one day after this session closes; and what is done by them after the close of the session will be done to assist men in many cases who are no longer members of the House, but simply private citizens.

A MEMBER. Some of them.

Another MEMBER. A majority of them.

Mr. WILLIAMS of Illinois. Now, if we want to do this work, and if we want clerks to assist us, I say we ought to employ these clerks out of our own money; for, sir, they are not clerks of this House; they are simply clerks to members of Congress. The Congressional term expires on the 4th of March; and many who are now members have not been reelected; so that there is no ground for claiming that they are any longer entitled to clerks to be paid by the people of the United States. This is a work that we should do ourselves, and if we want assistance in it we should be willing to pay for the performance of work which is to assist us in sending out these documents—arrears of work that we have not performed during the session. I say this proposition can not be placed upon the ground that these clerks are employees of the House. The object of the original proposition allowing these clerical services was to enable members to be here while the House is in session, attending to the business of legislation. But after a term of Congress has closed this reason no longer exists.

Mr. TRACEY. I wish to call the attention of members to the fact that if the amendment to the amendment be carried this whole proposition will be reported to the House and voted upon as an entirety; and we all know how much difficulty there is in getting in a full House a vote in favor of such an expenditure. If the amendment to the amendment be adopted I very much fear that when the question is taken in the House the entire amendment will be lost.

Mr. SAYERS. Will the gentleman tell us why the amendment will be lost?

Mr. TRACEY. Because there will be a larger attendance than there is at present; that is one reason. [Laughter.] I hope, therefore, Mr. Chairman, that the amendment as originally offered by me will be adopted without change, and that the amendment to the amendment will be rejected.

Mr. BRECKINRIDGE. I now call for a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Georgia [Mr. LIVINGSTON] to the amendment of the gentleman from New York [Mr. TRACEY].

Mr. HULL. I understand that the amendment of the gentleman from Georgia has been modified. I ask that it be read.

The Clerk read the modified amendment of Mr. LIVINGSTON, as follows:

Insert after the word "House," in line 5 of the amendment offered by Mr. TRACEY, the following:

"Including clerks to members of the House of Representatives now in Congress, to be certified to by members as now prescribed by law."

The question being taken on agreeing to the amendment of Mr. LIVINGSTON to the amendment, there were—ayes 97, noes 73.

Mr. BRECKINRIDGE. I call for tellers.

Tellers were ordered; and Mr. BRECKINRIDGE and Mr. LIVINGSTON were appointed.

The committee again divided; and the tellers reported—ayes 111, noes 70.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from New York [Mr. TRACEY] as amended.

The question being taken, the amendment as amended was agreed to, there being on a division (called for by Mr. DOCKERY and others)—ayes 93, noes 61.

Mr. DOCKERY. I give notice that I shall call the yeas and nays on this amendment in the House.

Mr. SAYERS. I am afraid they will not give them to us.

The Clerk read the next amendment, as follows:

On page 51, amend by striking out, in line 9, the words "one hundred dollars" and inserting "three hundred dollars;" so as to read: "To pay M. M. Robinson for services rendered as assistant to the Sergeant-at-Arms, \$300."

Mr. GROSVENOR. Mr. Chairman, is this pending as an amendment to the bill?

The CHAIRMAN. It is.

Mr. SAYERS. I object to the adoption of the amendment. The extra services claimed to have been rendered by this man, and for which the extra allowance granted in the bill is to be increased from \$100 to \$300 at this short session of Congress, can not be shown; and besides this additional allowance he will receive the extra month's pay.

Mr. GROSVENOR. Mr. Chairman, when I was taken off the floor by the impetuosity of the chairman of the Committee on Appropriations [laughter] I was about to address myself to the remarks of the gentleman from Missouri [Mr. DOCKERY].

I recognize, Mr. Chairman, the honesty of the gentlemen who are specially ordained and "consecrated" to care for the Treasury of the United States, and I am free to confess that when a man feels that special "consecration" absolutely stealing upon him I always look upon him as something that ought to be exempt even from my own assaults. [Laughter.]

But what I want to say to the gentleman from Missouri, and to the Committee on Appropriations, is this: We have rules for the governance of the House, rules of procedure well recognized on this floor, one of which is that when this bill, now under consideration, gets into the House of Representatives from the Committee of the Whole there may be a yea-and-nay vote on any item which has been added to it in the committee. It is, therefore, hardly consonant, it seems to me, with the dignity of this committee, for any gentleman, when a most decisive vote has already been taken, as there has been taken on the proposition to which the gentleman from Missouri refers, when that vote has been taken viva voce and then by tellers, and carried by an overwhelming majority, to menace the House, as though he had some special potency and authority directly environing him, with a vote in the House of Representatives. Why, anybody, the smallest member of this House, can make that demand. It does not take a man who is specially "consecrated" to secure that privilege in the House. [Laughter.] He does not even have to be a member of the Committee on Appropriations to enable him to shake his fist at the members of this House and say, "I am going to put you on record." [Laughter.] Is there anybody here who is afraid to go on record in support of his own acts?

Mr. DOCKERY. Apparently there were several the other day on other propositions.

Mr. GROSVENOR. I know that on some amendments heretofore gentlemen have seen fit to demand a record vote, as, for instance, the greater Navy. It strikes me, however, that on that occasion, if I remember correctly, the "consecrated" end of that contest came out rather the worse for it. [Laughter and applause.]

Let us go forward, then, with the business of this House in a

businesslike way, and let everybody take care of himself on this and other questions and preserve his own record in the House of Representatives without menace from his fellow-members. [Applause.]

Mr. BERRY. Mr. Chairman, the amendment now before the House proposes to increase the compensation of the Assistant Sergeant-at-Arms, who is detailed from a roll carrying a salary of \$900 a year, to the very inconsiderable sum of \$1,200 a year. He is not hidden away in a committee room in the basement of this Capitol, where he may work or not as suits his own convenience or the necessities of the case. He is not in any quiet little nook, but is provided over there with a desk in the actual presence of the House, where every member of the House can see him during the entire sessions of the House and know the character of the work he does.

He sits at that desk day in and day out and assists the Sergeant-at-Arms of this body, keeping the pairs of the members and performing other duties of like character, that are really essential to the convenience of this body; and I do not think that there is a reasonable man on the floor of the House, outside of the Committee on Appropriations, who will not agree that he is entitled to a compensation of at least \$100 a month.

I do not concede that the Committee on Appropriations own the Treasury of the United States. I know they stand here as the representatives of the Democratic party and try all they can to hold down the appropriations, but when I point out a man who is performing such work, a man who is doing perhaps as much work as any member of Congress does on the floor of the House, and in the face of the fact that last year in consequence of this additional work he was given \$300 extra, and they object now to giving him \$100 a month, after his eight years' experience, it does seem to me to be a little unreasonable and unjust to raise the question of the propriety of the proposed action and seek to prevent the committee from voting upon it.

Mr. OUTHWAITE. What was the original salary?

Mr. BERRY. Nine hundred dollars. He asks now only the salary of a messenger, the salary that we pay to the clerks of the members of this body. He sits here day after day performing all of the duties of the deputy of the Sergeant-at-Arms, and I appeal to the members of this committee, who know the duties he performs, to say whether this is more than a fair compensation. We have been voting away hundreds of millions of dollars in this Congress. I saw an appropriation the other day carrying some twenty-one or twenty-two millions, providing for the construction of three new battle ships and a certain number of torpedo boats, and I went so far as to vote for it myself; and yet when you come to pay a man for the duties performed here, duties that everybody sees and recognizes, objection is made. Now, I do not know what these men employed in the committee rooms do. I understand, though, that some of the committees meet once after the organization of the House and elect their clerk, who draws his salary for the session of Congress, and perhaps the committee never has another session. [Here the hammer fell.]

Mr. DOCKERY. Mr. Chairman, I am not surprised that the gentleman from Ohio [Mr. GROSVENOR] manifests some degree of pleasure in the fact that the total appropriations of this Congress seem to be dangerously near the billion-dollar limit. Since I have been on this side of the Chamber [the Republican side], and I frequently visit here—

Mr. GROSVENOR. I notice the gentleman has improved very much since he has done so.

Mr. DOCKERY. That may be; but since I have been on this side of the House I have heard suggestions from one or two gentlemen which seem to indicate a great deal of pleasure because the Committee of the Whole has uniformly sustained propositions increasing appropriations.

Mr. Chairman, this is not the first time since I have been connected with this body when the Committee of the Whole has been found supporting lavish appropriations. I remember very well the closing days of the Fifty-first Congress, when the gentleman from Illinois [Mr. CANNON], then chairman of the Committee on Appropriations, appealed to his own side of the House to stay their riotous and relentless assaults on the Treasury. It was on the occasion of the consideration of the bill for the erection of the Philadelphia mint—

A MEMBER. Did it do any good?

Mr. DOCKERY. No; but he warned the Republican side of the House that if they continued to vote for augmenting and unnecessary appropriations, the expenditures of that Congress would exceed the billion-dollar limit, and the country would hold the Republican party to a strict accountability.

The warnings of the gentleman from Illinois [Mr. CANNON] were then unheeded by the Republican party. It remains to be seen whether the repeated warnings to the Democratic side of this House shall be disregarded and the Democratic party meet a like disaster with the one which overtook the Republican party in the election following the Fifty-first Congress.



I also desire to say, Mr. Chairman, that if a reasonable degree of judicious economy is observed this Congress can make ample appropriations for every branch of the public service and keep the total of the appropriations below the billion-dollar limit. If, however, lavish appropriations are to continue, if the House confirms the action of the Committee of the Whole, then this Congress as the result of the improvident action of a Democratic House and a Democratic Senate will take its place with the billion-dollar Congresses which have preceded.

I want to say further, in reply to the suggestions of the gentleman from Ohio, that I have no greater responsibility on this floor as a Representative than he has, but I shall not be deterred from the discharge of what I understand to be my official duties in respect to appropriations by the taunts of the Republican side or by sneers from Democrats who may privately ridicule economy here but who proclaim it on the "stump" when they appeal to the people. [Applause.]

Mr. BRECKINRIDGE. Now, Mr. Chairman, I ask for a vote on this proposition.

Mr. GROSVENOR. It seems to me that the gentleman from Missouri [Mr. DOCKERY] occupies a most unenviable position when he undertakes to lecture the House either on the Democratic side or on the Republican side. Only a few days ago the gentleman's Administration—the Administration for which he voted and behind which he stands, the Administration which he has voted to uphold and support in every issue that has been made upon the floor of this House—startled this country and startled the world by notifying Congress and notifying the people of the world that it had made a loan and issued bonds of the Government and put into the pockets of a foreign syndicate, inside of the first twenty-four hours after the conclusion of the contract, not less than \$10,000,000 of the money of the people of the United States. And not only that, but they sold a bond of the United States Government at 104 that to-day is worth 116 to 120.

Several MEMBERS. One hundred and twenty.

Mr. GROSVENOR. And that is rapidly mounting to 120.

Mr. SNODGRASS. Worth it now.

Mr. SPRINGER. Will the gentleman allow me to ask him a question?

Mr. GROSVENOR. Yes.

Mr. SPRINGER. Did not Mr. Secretary Sherman sell a 4 per cent bond at par which afterwards reached a premium of 126?

Mr. GROSVENOR. I am wonderfully glad the gentleman made that statement; and now will he listen to the answer?

Mr. SPRINGER. Yes.

Mr. GROSVENOR. Twelve years after the close of a great war Mr. Secretary Sherman borrowed the money to bring about resumption. He borrowed it upon a bond which sold at par.

Mr. SPRINGER. At 4 per cent.

Mr. GROSVENOR. At 4 per cent interest, payable in "coin," and he put it into the contract that before that syndicate should have one dollar the people of the United States should have thirty days to subscribe to that loan, and take it all if they wanted it. [Applause on the Republican side.] And so rapidly, under a Republican Administration, did the credit of this Government rise that it is true that twelve years afterwards that bond became worth 120. But here is a bond, issued thirty years after the war, issued by a nation that had just been borrowing money at 2½ per cent, and this bond is sold at 104, and inside of twenty-four hours there is a profit of \$10,000,000 put into the pockets of a foreign syndicate, and a miserable scheme brought in here to change our whole system, and to substitute "gold" for "coin," and in that way to depreciate our outstanding obligations more than \$30,000,000 in a day.

Mr. CURTIS of Kansas. And it was a secret sale at that.

Mr. GROSVENOR. And it was a secret sale, and the money that is hoarded in the banks and savings institutions and everywhere throughout this country waiting and anxious for investment at 3 per cent was denied a participation in the profits.

That is the loan the gentleman is called upon to defend. The contrast is so great that no man could ask a better position to take than the position taken by Mr. Secretary Sherman.

And that is not all of it. Mr. Secretary Sherman put into the contract a provision that whenever the Treasury of the United States saw that a better loan could be made than that he reserved to the Government the right to put an end to that contract, and the Government did put an end to that contract. The contract entered into by the present Administration binds this Government until next October to give to that syndicate an option upon every bond that the United States shall issue. Look on this picture, then on that. I add an editorial from the Philadelphia Press of to-day:

SHERMAN AND CARLISLE.

A more deadly parallel for Secretary Carlisle could not have been suggested than has been urged by the New York Evening Post in declaring that Secretary Sherman's issue of bonds for the gold reserve before the resumption of specie payments in 1879 was open to the same objections as are made against Secretary Carlisle's costly contract now. Quoting Secretary Sher-

man's criticism in the Senate, the Post says: "If it is 'faulty and improvident' to sell a 3½ bond at 104, with the prospect of seeing it quoted at 118, what is it to sell a 4 per cent bond at 100 only to have it quoted in a few years at 138?"

This is nonsense. Secretary Sherman made his contract for gold with the Rothschilds after an open issue of bonds had failed. Secretary Carlisle made no attempt to sell on the open market. The 4 per cent bond rose while it was being placed on the market, but the advance was extended over weeks and months and never reached a fraction of the gap which separates Secretary Carlisle's bond price, 104, and the open market price, 116. The 4 per cent bonds sold by Secretary Sherman in 1878 at 100 reached 138 in eight years—in 1886. The bonds sold by Secretary Carlisle at 104 have reached 118 in two weeks.

Secretary Sherman carried out his refunding twelve years after the war, when the United States had outstanding a bonded debt thrice the size of that outstanding to-day and all but a fraction of it at 6 per cent interest. The population of the country was barely two-thirds of what it is to-day. The wealth of the country was \$20,000,000,000 less. Secretary Sherman reduced the rate of interest paid by the Government one-third. Secretary Carlisle has increased it one-half and more. The appreciation of the bonds which Secretary Sherman sold took place over a term of years in the hands of investors and improved the credit of the United States. The appreciation of the bonds Secretary Carlisle has sold has taken place in a fortnight in the hands of the purchasing syndicate and has improved their profits.

No one blames Secretary Carlisle for selling bonds. It was his duty to protect the gold reserve. But he is open to blame for selling the bonds at 104 when the public of bankers was ready to take the same bonds at 112 and the public of investors at 116, and no defense of this action has yet been offered.

[Here the hammer fell.]

Mr. BRECKINRIDGE. I ask that a vote be taken.

Mr. SPRINGER. I should like to have time to reply to the gentleman from Ohio. He has dragged into the debate something entirely foreign to it.

The CHAIRMAN. Debate on the amendment is limited.

Mr. SPRINGER. Mr. Chairman—

Mr. BRECKINRIDGE. I hope the gentleman will defer his remarks until a later time.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois.

Mr. SPRINGER. Mr. Chairman—

Mr. BRECKINRIDGE. I ask for a vote upon the amendment. If the gentleman from Illinois is to proceed, I ask that the debate close in five minutes.

The CHAIRMAN. Does the gentleman raise the point that debate on this amendment has been exhausted?

Mr. BRECKINRIDGE. Yes, sir.

The CHAIRMAN. Then the Chair will sustain that point.

Mr. BRECKINRIDGE. Let us have a vote on the amendment.

The question was taken; and the amendment was agreed to.

The CHAIRMAN. There is still another pending amendment to dispose of.

The Clerk read as follows:

Amend by adding after line 23, on page 51, as a separate paragraph, the following:

"To pay to John W. Almarode, the father of Ernest Almarode, deceased, late an employee of the House of Representatives, a sum equal to six months of the salary being paid to him at the time of his death, and also to pay to him the amount of the expenses of the last illness and funeral of said Ernest Almarode, said expenses not to exceed \$250, in all not to exceed \$700."

Mr. BRECKINRIDGE. I reserve the point of order on that amendment.

Mr. SPRINGER. I desire to be heard upon that, if the gentleman will reserve his point of order.

Mr. BRECKINRIDGE. I will leave it pending until the gentleman can make a statement.

Mr. SPRINGER. Mr. Chairman, on the 2d day of March, 1893, next to the last day before the preceding Congress adjourned, the Committee on Accounts of the House of Representatives reported this resolution:

Resolved, That the Clerk of the House of Representatives be directed to pay out of the contingent fund of the House to John W. Almarode, the father of Ernest Almarode, deceased, late an employee of the House of Representatives, a sum equal to six months of the salary being paid to him at the time of his death; and that the Clerk be further directed to pay to the father of said Ernest Almarode out of the contingent fund of the House the expenses of his last illness and funeral, said expenses not to exceed \$250.

The Committee on Accounts, to whom was referred the accompanying resolution, submitted by Mr. SPRINGER, of Illinois, have had the same under consideration and respectfully report that Ernest Almarode was employed as a page in the House of Representatives, and while filling that position died. It has been the custom for years past to allow to the families of the deceased in such cases six months' salary and funeral expenses; and your committee see no reason why it should not be allowed in this case. They therefore recommend the passage of the resolution.

That was the day before the last Congress adjourned, and it was too late in that Congress to bring the matter up. The point of order was made that it required consideration in the Committee of the Whole House, and the business was so pressing at that time that on a motion that the House resolve itself into Committee of the Whole to consider it the yeas were 57 and the nays 62, so that the House refused to consider it at that time. That refusal, no doubt, was owing to the fact that the session was drawing to a close, only one day remaining for the House to consider its business. Now, this having been recommended by the Committee on Accounts, it comes here as a deficiency. I want to say to the members of this House that this is the only case since I have been a member of this House where a similar resolution has not been passed. It is the case of a page whose parents reside in

this city and who was appointed a page of this House on my recommendation. Near the close of last Congress he sickened and died; and I ask, as a matter of justice to the parents of this page, to have the same done by him as has been done in five or six cases in this Congress and in other cases in preceding Congresses so far as I can remember; and especially when our Chaplain died, during the last Congress, we allowed his widow not only this, but a whole year's salary in addition. I ask the gentleman from Kentucky to withdraw the point of order; the account having been audited by the Committee on Accounts and it being in the nature of a deficiency, it comes under the head in this bill with all other accounts that have been audited by the Committee on Accounts. There is no other means by which this can be paid except on this deficiency bill.

Mr. BRECKINRIDGE. I have nothing to say. I will leave the question of order with the Chair.

The CHAIRMAN. As the gentleman insists, the Chair will be compelled to sustain the point of order.

Mr. SPRINGER. I want the gentleman to withdraw the point of order on this ground. This account has been audited by the Committee on Accounts; and it does not lie, because it is expressly a case in that part of the bill which is devoted to the payment of accounts which have been audited and recommended by the Committee on Accounts. This has been audited by the Committee on Accounts and recommended by the Committee on Accounts; and, therefore, it is properly before the committee for consideration. If it is not allowed here there is no place where it can be allowed.

I appeal to the gentleman from Kentucky, and to this House, not to make a discrimination against one of the pages in a matter which has been allowed in all other cases.

Mr. BRECKINRIDGE. I have no discretion in the matter. I represent the committee, and at a meeting of the committee I was instructed to raise the point of order on all matters which came within it. If this is not subject to the point of order, then that ends the matter.

Mr. SPRINGER. I ask the gentleman to withdraw the point of order.

Mr. BRECKINRIDGE. It seemed to us that this was a claim that ought to have been paid out of the contingent fund of the House, the Committee on Accounts having approved it; and it ought not to be put in the deficiency bill.

Mr. SPRINGER. This is the reason why that can not be done. It differs from any other application of the same kind which would be made to the Committee on Accounts in this: They will say that it did not occur during this Congress, and therefore it can not be paid out of the contingent fund of this Congress. Hence, it is a deficiency belonging to the last Congress, and it ought to be paid under this bill. If the gentleman insists upon the Chair ruling it out the committee will have made an unjust discrimination, and the only one that has been made by this House since I have been a member.

Mr. MOSES. The gentleman is mistaken about that. I remember that in the Fifty-second Congress two cases were cut out.

Mr. BRECKINRIDGE. Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The Chair has no discretion in this matter. This account is clearly not authorized by law and it is new legislation. The Chair must sustain the point of order.

Mr. SPRINGER. Then I ask consent to offer it as a separate proposition.

Mr. SAYERS and Mr. SNODGRASS objected.

Mr. SPRINGER. I appeal to the House to allow this just claim to be adjudicated here. It is a matter which everybody knows comes within the rule of the House. I appeal for justice in this case. [Cries of "Regular order!"] I appeal from the decision of the Chair.

Mr. SNODGRASS. Too late.

Mr. SPRINGER. I admit, Mr. Chairman, that the appeal comes too late, because I had asked consent to offer the matter as a separate proposition. I will not, therefore, take an appeal, but I want to remind this House that the gentlemen who have deprived this family of this allowance have done a great injustice.

Mr. HATCH. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 51, after line 23, insert the following:

"To pay E. L. Phillips, chief page, for extra services as Department messenger from September 25 to October 24, 1893, \$90.67."

Mr. HATCH. I ask that the communications from the Doorkeeper and the Committee on Accounts, which I send to the desk, be read in connection with the amendment.

The communications were read, as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,  
Washington, D. C., —, 1894.

DEAR SIR: I respectfully state that by direction of the Doorkeeper, in addition to my regular duties I acted in the place of Col. C. W. Coombs, Department messenger, during the period from September 25 to October 24, 1893, he being absent on account of sickness, as shown in the accompanying statement of the Doorkeeper, and I request that I be paid the difference be-

tween the salary received by me, \$300 per annum, and that of the Department messenger, at \$2,000 per annum, for the period mentioned, it being the sum of \$90.67.

Very respectfully,

E. L. PHILLIPS,  
Chief Page House of Representatives.

HON. HARRY WELLS RUSK,  
Chairman Committee on Accounts.

OFFICE DOORKEEPER,  
HOUSE OF REPRESENTATIVES, UNITED STATES,  
Washington, D. C., August 7, 1894.

I hereby certify that E. L. Phillips performed the duties of Department messenger from September 25 to October 24, 1893, during the absence of Colonel Coombs, the Department messenger, on account of sickness.

Very respectfully,

A. B. HURT,  
Doorkeeper House of Representatives.

COMMITTEE ON ACCOUNTS, HOUSE OF REPRESENTATIVES,  
Washington, D. C., December 30, 1894.

GENTLEMEN: The Committee on Accounts have duly considered the attached petition of E. L. Phillips, chief page House of Representatives, for services rendered as messenger during the illness of Col. C. W. Coombs, Department messenger, amount claimed being \$90.67, and would respectfully recommend that provision be made for its payment in the general deficiency bill.

By order of the committee.

H. W. RUSK, Chairman.

To the honorable COMMITTEE ON APPROPRIATIONS,  
House of Representatives.

Mr. SAYERS. Mr. Chairman, I make the point of order on the amendment.

Mr. HATCH. These letters have been read in my time as part of my remarks, and it is too late to make the point of order on the amendment. The gentleman from Texas has had the papers in this case before him.

Mr. SAYERS. I never read them.

Mr. HATCH. Well, they went before your committee.

Mr. BRECKINRIDGE. Mr. Chairman, I think I can explain this matter in a word. The messenger who goes from the House to the Departments was sick and absent. This young man is the chief page, for which service he receives a certain amount of pay. He did the work of Mr. Coombs, the Department messenger, during the absence of that gentleman, and he now asks to be allowed the difference between his own salary and the salary of the Department messenger for the period named in the amendment. The committee did not feel authorized to include it because there were so many other applications.

The amendment of Mr. HATCH was adopted.

Mr. SCRANTON. Mr. Chairman, I ask unanimous consent to return to page 48, where I desire to offer an amendment.

Mr. BRECKINRIDGE. I hope there will be no objection to that.

There was no objection.

Mr. SCRANTON. I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 48, after line 12, insert:

"For stationery for members of the House of Representatives, \$125."

Mr. BRECKINRIDGE. That amendment ought to be adopted. A Representative from Pennsylvania was sworn in this morning, after all the estimates have been made, so that there is no appropriation out of which this stationery can be purchased. It is properly a deficiency that has to be provided for, and the necessity for it arose only since the House met to-day.

The amendment was agreed to.

Mr. SHELL. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 51, line 23, insert the following:

"To pay F. C. Shell for services rendered as clerk to the Committee on Ventilation and Acoustics from January 1, 1894, during the second and third sessions of the Fifty-third Congress, \$400."

Mr. BRECKINRIDGE. Mr. Chairman, I stated to the gentleman yesterday that I would not object to that, but since then the committee has had a meeting and I have been directed to make the point of order against the amendment.

Mr. SHELL. Mr. Chairman, the Committee on Ventilation and Acoustics have directed me to present this amendment as a simple act of justice to the young man who has served as clerk to that committee for several months past. The Committee on Accounts have unanimously approved the account, and I think every member of the Committee on Ventilation and Acoustics joins in the recommendation. The services have been rendered, and I think the compensation asked for is not half the amount that the young man is really entitled to.

Mr. DINGLEY. Has that committee a per diem clerk?

Mr. SHELL. No, sir. This young man is the only clerk the committee has.

Mr. DINGLEY. That is all right.

Mr. BRECKINRIDGE. I am bound to make the point of order, Mr. Chairman.



Mr. BYNUM. Has this clerk received anything as clerk to a member?

Mr. SHELL. He has.

Mr. BYNUM. He has received \$100 a month?

Mr. SHELL. Yes, sir.

Mr. BYNUM. And if he had been clerk to the committee the chairman of the committee would not have had a private clerk?

Mr. SHELL. That, I suppose, is correct.

Mr. WALKER. Mr. Chairman, in arranging for committee clerks at the beginning of the session no clerk was allowed to the Committee on Ventilation and Acoustics, because ordinarily little work has been done by that committee; but there were such complaints coming from all over the House that the committee were obliged to take some action, and this young man has done the work of clerk to the committee.

Mr. BRECKINRIDGE. Mr. Chairman, I know the facts, and this young man seems to be entitled to some compensation; but the House positively refused to give this committee a clerk, and under the direction I have received from the Committee on Appropriations I do not see my way clear to withdraw the point of order.

The CHAIRMAN. The Chair would inquire of the gentleman from South Carolina whether there is any law or any resolution of the House authorizing the employment and payment of this clerk?

Mr. SHELL. I think the precedent has been abundantly set here during yesterday in paying for similar services.

The CHAIRMAN. The gentleman will bear in mind that the point of order was not made in those cases. The Chair must sustain the point of order.

Mr. SHELL. I appeal from the decision of the Chair.

Mr. SAYERS. I desire to say a word on the appeal.

Mr. BRETZ. So do I. Mr. Chairman, a month or two ago a resolution passed this House authorizing a subcommittee of the Committee on Public Buildings and Grounds to meet with the Committee on Ventilation and Acoustics for the purpose of making some investigation into the sanitary condition of this House. I happened to be one of the members detailed for that purpose.

The CHAIRMAN. The Chair does not understand that there is any question before the committee.

Mr. SHELL. I gave notice of an appeal from the decision of the Chair.

The CHAIRMAN. The Chair was not aware of it.

Mr. SHELL. I insist on the appeal.

The CHAIRMAN. If the gentleman states that he made the appeal in time—

Mr. SHELL. Oh, yes.

The CHAIRMAN. The Chair accepts the statement of the gentleman, of course.

Mr. BRETZ. I want to say—

The CHAIRMAN. The Chair understands that the gentleman from Indiana [Mr. BRETZ] is addressing himself to the question of the appeal.

Mr. BRETZ. Yes, sir. Mr. Chairman, since my assignment to this duty I have been meeting with the committee regularly. There have been something like fifteen or twenty meetings. On the occasion of every meeting this young man has attended and performed all the duties of a regular clerk of the committee. To my certain knowledge he was requested time after time by members of the committee to go to different parts of the Capitol for the purpose of gathering information that the committee desired. He did this work on all occasions when requested. He received no pay, and I think he ought in justice to be paid the difference between the amount which he drew as clerk to a member and the compensation of a regular committee clerk. I think his services entitle him to that compensation. They were valuable services which were rendered for the benefit of the committee and this House. I think the appeal ought to be sustained.

Mr. BROWN. For what reason?

Mr. BRETZ. For the reason that this young man has simply earned all that he is asking for. I have no interest in this matter. I do not know anything about the young man except as I have met him in connection with the work of the committee.

Mr. MORSE. I should like to ask the gentleman what has come of the meetings of this joint committee?

Mr. BRETZ. I will say to the gentleman that the committee had a meeting this morning; and we are going to have more meetings.

Mr. MORSE. I hope there will be more meetings, and that something will come of them.

Mr. HICKS. Mr. Chairman, I desire to be heard a moment on this point. This is a very meritorious case, and I hope gentlemen of the House will pay attention to the statement of its merits. As the occupant of the chair will recollect, for some two months past a subcommittee of the Committee on Public Buildings and Grounds has been meeting with the Committee on Ventilation and Acoustics, in accordance with an order of this House, and as the gentleman from Indiana [Mr. BRETZ] has stated, we have had some

twenty or more meetings; and at those meetings this young man, Mr. Shell, has performed all the duties of clerk to the committee, and they have been onerous, varied, and exacting. We have met almost every other day. This young man has faithfully waited upon the committee, by notifying the members and keeping a record of our proceedings, and performing many other duties incident to the labors of a committee clerk. Up to this time no provision has been made to give him any compensation.

The gentleman from Kentucky [Mr. BRECKINRIDGE] was spoken to on this subject, and it was agreed yesterday that no point of order should be raised in this case on account of the special merit attaching to the services of this young man. I am surprised, therefore, that a point of order should be raised now, after what transpired yesterday. It was agreed that this young man should receive a fair compensation for his services, for which no provision has yet been made. It would be very unjust if he should be denied any compensation. I trust the gentleman from Kentucky will withdraw the point of order.

Mr. BRECKINRIDGE. Allow me to explain my attitude in reference to this matter. As gentlemen interested in this claim understand, it was before the subcommittee that prepared this bill and was rejected. The gentleman from Massachusetts [Mr. WALKER] came before us and made a statement, a perfectly clear statement; statements were made by others; but the claim was finally rejected because we thought that as the House had refused to give this committee a clerk it would not be right for us to come in and ask an allowance of this kind on our bill. Besides, we did not think from the testimony before us that this young man is entitled to the full amount of the difference between his salary as clerk of a member and the salary of a committee clerk. But I did say to the gentleman that personally I favored the payment of something to this young man for the services he had rendered. I understood an agreement was made at \$500 with some member of the subcommittee, and I said, in view of that understanding, that I would be willing, if necessary, to allow \$400.

Yesterday afternoon, when so many amendments were offered, when every gentleman on the floor seemed to have somebody—an officer of the House—in view and to speak for, the subcommittee had a meeting after the adjournment, and I was directed to reserve points of order. I am acting, therefore, now simply as the representative of the subcommittee. I would be perfectly willing to pay this young man some reasonable compensation for his services—

Mr. HICKS. If the gentleman will permit me, at the time the House of Representatives refused to give a clerk to this committee there was no special business before it; but the House itself, as the gentleman knows, by a resolution adopted, imposed a lot of extra work on the Committee on Ventilation and Acoustics, and it was impossible for the chairman of that committee to attend to the duties devolving upon him without the assistance of a clerk. He therefore called in his own clerk and employed him in that service. Now, certainly the House, after putting this extra work on the committee, will not refuse to pay the young man who was necessarily employed for the additional service rendered. The amount is reasonable, and, in view of the understanding which was reached in reference to this matter when it was talked over, I hope that the gentleman from Kentucky will withdraw the point he has made and see that the agreement is lived up to.

Mr. SAYERS. The gentleman from Pennsylvania does not refer to me as agreeing to anything?

Mr. HICKS. I will say for the gentleman from Texas, that when I went to him he referred me to the gentleman from Kentucky [Mr. BRECKINRIDGE], with the understanding that any arrangement I could make with him would not receive his disapproval.

Mr. STOCKDALE. I rise to a question of order.

Mr. HICKS. I want to be fair in the matter, and my only purpose, in the statement I have made, is to show that this young man who performed this work ought to be paid, and it was understood that he should be paid.

Mr. WALKER. Mr. Chairman—

Mr. STOCKDALE. I want to say a word on this question of order.

Mr. WALKER. I am a member of the committee, and have been trying for the last ten minutes to get the floor.

The CHAIRMAN. The Chair will recognize the gentleman hereafter; but the gentleman from Mississippi rises to a question of order, and will state it.

Mr. STOCKDALE. I want to know something of the legal proposition involved here in the appeal. That I understand to be the question before the committee, and not a discussion of the merits of the proposition.

The CHAIRMAN. The gentleman from Mississippi makes the point of order that gentlemen discussing this matter must confine themselves to the question of appeal.

Mr. HICKS. Mr. Chairman, the matter is now a question on the merits of the case. A decision was made on the point of order

and an appeal taken, and now the House has a right to know the facts on which the appeal is based. Personally I have no interest in the matter; all I want is justice done to this young man.

Mr. BRECKINRIDGE (to Mr. HICKS). What does the gentleman ask in this proposition?

Mr. HICKS. Four hundred dollars.

Mr. BRECKINRIDGE. The gentleman made the impression on my mind—I will not say he said so in so many words, for I was very busy at the time when he came and leaned over my desk and talked to me; but the impression was made upon my mind that the proposition here was \$500, and that that amount ought to be given. I declined that and said I was not willing to yield to it. Afterwards I was asked if I would agree to \$400, with the understanding that an arrangement had been made with other members of the subcommittee at \$400. I said yes, if that is satisfactory. I subsequently understood that I was laboring under a misapprehension or a mistake—

Mr. HICKS. I gave the gentleman no misinformation and said nothing that could cause such a misunderstanding.

Mr. BRECKINRIDGE. I do not mean to say that the gentleman did, but as I have said I was very busy at the time and the impression made upon me was that \$500 had been agreed to by some members of the subcommittee.

Mr. SAYERS. I did not agree to anything.

Mr. BRECKINRIDGE. After that conversation, however, as I have said, the subcommittee had a meeting and directed me to raise points of order.

Mr. HICKS. Mr. Chairman, I desire the House to understand exactly the facts here. It would certainly be unfair as well as unjust, if the House, under the circumstances, would refuse to pay this young man a fair equivalent for the services he has rendered. He rendered these services faithfully and carefully. The House ordered the work to be done, and the committee of course could not do it without the service of a clerk. If the services are worth only \$300, pay it; but I should prefer that he receive \$400, which amount Colonel BRECKINRIDGE said he would agree to.

Mr. WALKER. I want to appeal to the gentleman in charge of this bill to see if I can not arrange this question of order. I understand that there are 14 clerks provided for in our appropriations that have not been assigned. Now, if no clerk was assigned to this committee, for it was supposed it would have no practical duties to perform—but if the appropriation is made for 14 clerks, why can not the money be paid out of the appropriations for the other clerks not assigned and withdraw the point of order? That is the condition now. We do not ask even for the making up of the difference that this clerk ought to get between the pay of a member's clerk and the pay of a regular clerk to the committee. We ask only \$400, and I hope the gentleman from Kentucky will withdraw the point of order.

Mr. BRECKINRIDGE. I will say this: I feel that a misapprehension has existed for which I may possibly have been partly to blame, although I take this gratuitously upon myself, and will withdraw the point of order, and move to insert \$300 instead of \$400 in the amendment.

Mr. SHELL. I will accept that.

The CHAIRMAN (Mr. REILLY). The Chair would say that he has grave doubts as to whether the point of order was well taken, because under the act of 1894 provision was made for clerks to twenty-six of the committees of the House; but later, by action of the House, on a resolution to assign them, the House refused to concur in the resolution. So the Chair has some grave doubt in his mind whether, there being in existence this law authorizing the employment of clerks, the amendment would not be properly in order. But, in harmony with the rulings of the gentleman presiding in Committee of the Whole, the Chair felt bound to sustain the point of order.

The question now is on the amendment of the gentleman from Kentucky to the pending amendment, to strike out "four hundred" and insert "three hundred."

Mr. MORSE. Mr. Chairman—

The CHAIRMAN. The gentleman from Massachusetts [Mr. MORSE] is recognized.

Mr. MORSE. Mr. Chairman, I would vote for this appropriation or the expenses of the Committee on Acoustics and Ventilation with a good deal better grace if I could see some results; and see that something had come of the joint meetings of that committee with the subcommittee of the Committee on Public Buildings and Grounds.

Mr. Chairman, the mortality and sickness among the members of Congress is appalling—fourteen members of the Fifty-first Congress died and a similar number of the Fifty-second. Eleven members of this Congress have died, and four members of the Pennsylvania delegation alone.

Mr. Chairman, we have mortuary honors to some deceased member almost every week, and twice this week, Thursday afternoon and again this afternoon. The serious illness of members of Congress is appalling. Mr. Chairman, there must be some cause for

this in the conditions which surround us here. What is it? I believe it is the smoke and vile, filthy air we have to breathe in this Chamber, and I want the Committee on Ventilation and Acoustics to hurry up and invent some way to get fresh air in this Hall except through a spittoon, which is the use made of the floor ventilators at present. Why, Mr. Chairman, it is only a difference in degrees of filth in all parts of this building. If there is anything in the germ theory of disease, then it is easy for us to get diphtheria, catarrh, and consumption out of these ventilators into which the members expectorate.

Mr. BRETZ. I should like to state to the gentleman that the committee is now almost ready to make its report.

Mr. WALKER. And sitting every day.

Mr. BRETZ. And sitting every day, and we will make that report next week, as soon as we can get the facts together.

Mr. MORSE. Mr. Chairman, one word more and I have done. This is the only hall in the United States I ever heard of where they took in fresh air through a spittoon. Why, Mr. Chairman, this place smells like a barroom to me every time I go out and come in.

A MEMBER. How do you know? [Laughter.]

Mr. MORSE. Gentlemen think I do not know how a barroom smells. I do, for I have walked by them and smelled them from the outside. [Laughter.]

By all means let the Committee on Ventilation and Acoustics secure, if possible, some improved method of ventilating this Hall at once.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment to the amendment, offered by the gentleman from Kentucky. The Clerk will report the amendment and the amendment to the amendment.

The Clerk read as follows:

On page 51, at the end of line 23, insert:

"To pay F. C. Shell, for services rendered as clerk to the Committee on Ventilation and Acoustics, from January 4, 1894, during the second and third sessions of the Fifty-third Congress, \$400."

The amendment to the amendment was read, as follows:

Strike out the word "four" and insert the word "three."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BYNUM. I desire to offer an amendment which I send to the Clerk's desk. The amendment should properly, in an orderly arrangement of the bill, come in on page 48, at line 12, instead of at the end of the paragraph, and I ask unanimous consent that it be considered as offered at that point.

Mr. DINGLEY. Let it be reported first.

Mr. DE ARMOND. Let the amendment be read. I wish to make a point of order on it.

The CHAIRMAN. The amendment will first be reported, subject to the point of order.

The Clerk read as follows:

That the Speaker of the House of Representatives is hereby directed to certify, and the Sergeant-at-Arms to pay, the Representatives the amounts respectively deducted and withheld from their monthly payments of salary on account of absence.

Mr. BRECKINRIDGE. I reserve a point of order upon that.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that this be considered as offered at line 12, page 48.

Mr. BYNUM. I am willing that the point of order shall be reserved, but let it be considered as offered at that place.

Mr. BRECKINRIDGE. I have no objection to that.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. BLACK. I object.

Mr. BRECKINRIDGE. This is simply a question as to where the amendment shall come in. It does not affect the merits of it at all.

Mr. BLACK. Then I withdraw the objection.

The CHAIRMAN. The amendment, then, will be considered as offered to come in after line 12, on page 48, and the point of order is reserved on it.

Mr. BRECKINRIDGE. It is absolutely clear that we can not get through this bill by 3 o'clock. There is another matter pending. I suggest that this remain pending, and let the Clerk read the bill through as to all matters about which there is no dispute.

Mr. BYNUM. I am perfectly willing to let this be pending until all the bill has been read.

Mr. BRECKINRIDGE. With the point of order pending.

The CHAIRMAN. The gentleman asks unanimous consent that the reading of the bill may proceed to its conclusion, and that the amendment offered by the gentleman from Indiana may be considered as pending. Is there objection?

There was no objection.

Mr. BRECKINRIDGE. I ask unanimous consent now that the Clerk be authorized to change the footings in the bill to correspond with the changes that have been necessitated by the various amendments that have been made.

The CHAIRMAN. The gentleman from Kentucky asks unani-



mous consent that the Clerk be authorized to correct the computations or footings, showing the totals of the amounts appropriated in the bill. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

To enable the Public Printer to comply with the provisions of the law granting thirty days' annual leave to the employees of the Government Printing Office, \$50,000, or so much thereof as may be necessary.

Mr. BRECKINRIDGE. I want to offer an amendment to come in after line 23, page 52.

The Clerk read as follows:

On page 52, at the end of line 23, after the word "necessary," insert the following:

"And the Public Printer is authorized to pay pro rata leave of absence to any former employees of the Government Printing Office who have during the present fiscal year resigned, died, or otherwise severed his or her connection with the office, notwithstanding the fact that thirty days' leave of absence, with pay, may have been granted to such employee during the fiscal year on account of service rendered in a previous fiscal year.

"Hereafter the Public Printer is authorized to pay pro rata leave of absence out of any appropriations for leaves of absence to employees of the Government Printing Office in any fiscal year, notwithstanding the fact that thirty days' leave of absence, with pay, may have been granted to such employee in that fiscal year on account of service rendered in a previous fiscal year."

Mr. BRECKINRIDGE. I desire simply to have printed in the RECORD a letter from the Public Printer showing the necessity for this amendment.

Mr. DINGLEY. I reserve the point of order for the moment. I do not understand what is to be accomplished by this.

Mr. BRECKINRIDGE. This is exactly the same thing that we agreed to in a former bill. It is for the purpose of allowing the Public Printer to pay for such parts of a year as were in another year. He has not the right to do that now.

Mr. DINGLEY. That is right.

Mr. SAYERS. If the leaves had been granted in the same year he could pay it.

The amendment was agreed to.

The letter above referred to is as follows:

OFFICE OF THE PUBLIC PRINTER,  
Washington, D. C., February 18, 1895.

DEAR SIR: I desire to call your attention to the fact that section 23 of Public Act No. 15, "An act providing for the public printing and binding, and the distribution of public documents," as approved January 12 last, in these words, "The employees of the Government Printing Office, whether employed by the piece or otherwise, shall be allowed leave of absence with pay, to the extent of not exceeding thirty days for one fiscal year," repealed that portion of Public Act No. 90, approved June 19, 1894, which reads as follows:

"Hereafter the Public Printer is authorized to pay pro rata leave of absence out of any appropriation for leaves of absence to employees of the Government Printing Office in any fiscal year, notwithstanding the fact that thirty days' leave of absence, with pay, may have been granted to such employees in that fiscal year on account of service rendered in the previous fiscal year."

I ask that you reenact the repealed section to the extent that I may be permitted to settle the pro rata leave account found to be due any employee of this office who may have severed his or her connection with the office by death, resignation, or otherwise, at any time, notwithstanding the fact that such parties may have received thirty days' leave of absence during the fiscal year for a prior year's service.

Under authority of statute, employees are credited with the leave earned by service in the office, and it is just, at the time of severing their connection with the office, that their claims should be met and their book account balanced.

Without statutory authority I seek, Congress will be asked at intervals, as in the past, for deficiency appropriations for this purpose. No additional appropriations will be needed, as the sum of \$50,000, as placed in the deficiency bill by your committee for leaves of absence, will be sufficient, in my judgment, to discharge all such obligations, including regular leaves of the present fiscal year.

Respectfully,

HON. JOSEPH D. SAYERS,  
House of Representatives.

TH. E. BENEDICT, Public Printer.

The Clerk read as follows:

#### JUDGMENTS IN INDIAN DEPREDAATION CLAIMS.

For payment of the judgment of the Court of Claims in favor of John S. Friend for \$807, after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this act, and such deductions shall be made according to the discretion of Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian service.

Mr. BAILEY. Mr. Chairman, I desire to offer an amendment there.

The Clerk read as follows:

On pages 53 and 54 strike out all of lines 24 and 25 and lines 1 to 15, inclusive, and insert in lieu thereof:

"For payment of judgments of the Court of Claims in Indian depredation cases in the order in which they are certified to Congress in Senate Executive Document No. 7, parts 1 and 2, Nos. 82 and 123, and Senate Miscellaneous Document No. 249 of the Fifty-third Congress, second session, and House Executive Document No. 143 and Senate Executive Document No. 86 of this session, \$200,000 or so much thereof as may be necessary to pay and discharge

such judgments as have been rendered against the United States, after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, entitled 'An act to provide for the adjustment and payment of claims arising from Indian depredations,' shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian service: *Provided*, That no one of the said judgments shall be paid until the Attorney-General shall have certified to the Secretary of the Treasury that he has caused to be examined the evidence heretofore presented to the Court of Claims in support of said judgment and such other pertinent evidence as he shall be able to procure as to whether fraud, wrong, or injustice has been done to the United States or whether exorbitant sums have been allowed, and finds upon such evidence no grounds sufficient in his opinion to support a new trial of said case; or until there shall have been filed with said Secretary a duly certified transcript of the proceedings of the Court of Claims denying the motion made by the Attorney-General for a new trial in any one of said judgments: *Provided further*, That any and all judgments included in said documents which the present Attorney-General has already examined, and is willing to certify under the provisions of this act, and any and all judgments rendered during his term of office which he shall be willing to certify under the provisions of this act may be certified notwithstanding the order of payment herein specified."

Mr. CANNON of Illinois. I desire to ask a question there.

Mr. DINGLEY. I reserve the question of order against that amendment.

Mr. CANNON of Illinois. I rise to make an inquiry. Is this a proposition to strike out lines 23 and 24, on page 53, and to line 15, on page 54, under the head of "Indian depredations?"

Mr. BRECKINRIDGE. It strikes out that section and puts this amendment under the head of "Indian depredation claims."

Mr. BAILEY. I have conferred with the gentleman from Kentucky in charge of the bill, and also with the chairman of the Committee on Appropriations, and they both agree that this is a just and proper amendment. If the gentleman from Maine will permit me to anticipate the point of order, I would suggest to him—

Mr. DINGLEY. I simply reserved it until I could hear what it was.

Mr. BAILEY. I would suggest to him that this is in exact accordance with the present law, which, indeed, would require double this appropriation.

Mr. SAYERS. I will explain to the gentleman from Maine and to the gentleman from Illinois. They will probably remember that at the last session, when the general deficiency bill was up, there was a controversy between the gentleman from Oregon [Mr. HERMANN] and myself and others in regard to the adoption of an amendment looking to the payment of judgments that had already been rendered. Inasmuch as it had been rumored that many of those judgments had been obtained by collusion or through inadvertence and inattention on the part of the officers of the Government, we finally agreed to an appropriation with that clause attached, which is the law now. My colleague from Texas [Mr. BAILEY] and also the gentleman from Oregon [Mr. HERMANN] have spoken to me on the subject at this session, and I have agreed that if the same provision should be made in this bill I would agree to an appropriation, leaving still about three hundred and fifty or four hundred thousand dollars of these judgments unprovided for. But inasmuch as those judgments are being investigated, and probably will have been fully investigated and reported upon by the time Congress next meets, I thought it only right that the appropriation should be allowed.

Mr. HERMANN. What amount does the gentleman mean?

Mr. SAYERS. Two hundred thousand dollars.

Mr. DINGLEY. Are these judgments certified to Congress within the time provided by law?

Mr. SAYERS. They were certified to the last Congress.

Mr. DINGLEY. And the proviso preserves all rights?

Mr. SAYERS. Yes. It is identically the same that was put in the last general deficiency bill.

Mr. DINGLEY. I withdraw the point of order.

Mr. BRECKINRIDGE. I desire to ask unanimous consent to put in the RECORD a letter from the Attorney-General giving a list of judgments that have been certified since the last list was sent down.

Mr. HERMANN. It is a list of judgments as to which no payments have yet been made. I understand.

Mr. BRECKINRIDGE. Yes, sir.

The letter is as follows:

DEPARTMENT OF JUSTICE,  
Washington, D. C., February 21, 1895.

SIR: I have to acknowledge the receipt of your telegram of this date requesting a list of all judgments in Indian depredation claims to which the United States have no further defense or against which the United States can take no further steps, and in reply to transmit herewith a list of all such judgments rendered since August 23, 1894.

All judgments rendered prior to that date have heretofore been reported to Congress, and were appropriated for, provisionally, by an act approved on that day; and the cases which have been certified to the Secretary of the Treasury for payment under that act were reported to Congress, as therein provided, on January 19, 1895, and may be found in House Executive Document No. 245 of the present session.

The final judgments for which no appropriation has been made are as follows:

In whose favor rendered.	Amount claimed.	Amount of judgment.	Date of judgment.
James Wilcox	\$10,315.00	\$3,825.00	Dec. 24, 1894.
Wyllis K. Morris	125.00	125.00	Do.
James M. Whitmore, administrator	30,290.00	22,370.00	Do.
Faustin Vigil	425.00	240.00	Jan. 23, 1895.
Juan Montes Vigil, administrator	300.00	100.00	Feb. 4, 1895.
Teodora Trujillo de Gomes, administratrix	500.00	100.00	Do.
William Carl, jr.	625.00	360.00	Do.
Antonio A. Vigil and José C. Vigil, administrators	825.00	575.00	Feb. 11, 1895.
George W. Thompson and Lonny Horn, surviving partners	2,580.00	2,445.00	Feb. 15, 1895.

Respectfully,

RICHARD OLNEY,  
Attorney-General.

Hon. W. C. P. BRECKINRIDGE,  
House of Representatives.

Mr. CANNON of Illinois. This amendment appropriates how much?

Mr. BAILEY. Two hundred thousand dollars.

Mr. CANNON of Illinois. Two hundred thousand dollars with all these safeguards, to pay judgments that are certified by the Attorney-General as the law provides. It seems to me that that is proper, but I want to ask the gentleman from Texas whether it is not true that there are about \$300,000 or more of these claims in the same position?

Mr. BAILEY. Hardly \$300,000, though there is quite a number of judgments; but this amendment stipulates that the judgments shall be paid in their order. I believe that it would be right and proper to appropriate a sum sufficient to pay all of these judgments under the safeguards provided in this amendment.

Mr. CANNON of Illinois. But the safeguard is now in the bill, is it not?

Mr. BAILEY. Yes, sir. This amendment contains it.

Mr. CANNON of Illinois. Then why not increase this amount to three or four or five hundred thousand, because, as this provides that the judgments shall be paid in the order in which they are rendered, you make fish of one and fowl of another.

Mr. SAYERS. I suggest to the gentleman from Illinois that it is very probable that of these judgments, aggregating about \$750,000, all will not have to be paid, so that there is no necessity for appropriating the full amount now.

Mr. BAILEY. I will say frankly to the gentleman from Illinois that I would vote to appropriate every dollar that is necessary to pay any judgment, but we have agreed now to take two hundred thousand.

Mr. CANNON of Illinois. I will ask my friend, for he has investigated the matter, does he believe that there will be certified under this provision, between now and the 1st of December, \$300,000 of these judgments?

Mr. BAILEY. I do not. I say so because the Attorney-General has filed motions for new trials in a great many cases, and does not seem to be disposed to press a determination of those motions.

Mr. CANNON of Illinois. You think, then, that the \$200,000 will pay the judgments for the coming fiscal year?

Mr. BAILEY. I think it will.

Mr. HERMANN. I am glad that the gentleman from Texas has made that qualification—that the Attorney-General does not seem to be disposed to try those motions for new trials.

Mr. BAILEY. I think it is a just criticism.

Mr. HERMANN. It is, and I am ready to unite with the gentleman in the criticism.

The amendment was adopted.

The Clerk resumed the reading of the bill.

Mr. O'NEILL of Missouri. I offer an amendment to come in after line 4, page 58.

Mr. BRECKINRIDGE. I reserve a point of order on the amendment.

The Clerk read the amendment, as follows:

After line 4, page 58, insert the following:

"To pay Bate Martin \$77.80, the amount allowed by the Third Auditor of the Treasury Department, under the act of July 4, 1864."

Mr. CANNON of Illinois. What is this about?

Mr. O'NEILL of Missouri. It is a claim allowed by the Treasury Department, and certified—

Mr. CANNON of Illinois. What for?

Mr. O'NEILL of Missouri. For supplies furnished during the war.

Mr. CANNON of Illinois. Where?

Mr. O'NEILL of Missouri. Near Pilot Knob, Mo. They were furnished to Gen. Thomas C. Fletcher's troops. His adjutant neglected to furnish a voucher at the time, the proof being afterwards furnished. It was allowed by the Treasury Department,

and is embraced in the report made by the Secretary of the Treasury April 30, 1892.

Mr. CANNON of Illinois. Has the gentleman that report?

Mr. BRECKINRIDGE. This is a very small claim, but it properly belongs in what is known as the "4th of July bill;" it would be entirely proper in that bill, but it is not proper on this.

Mr. SAYERS. I trust the gentleman from Missouri will not insist on this amendment. He knows that every time this proposition has come up in the committee it has been defeated.

Mr. O'NEILL of Missouri. I do not think, upon a small matter like this, any quibble should be raised in regard to the committee to which it should be referred, and thereby prevent exact justice from being accomplished. This claim has waited a long time. It has been certified to by the Treasury Department as a proper account, and why not allow it? The only objection seems to be that it is almost too small a matter to be brought before Congress.

A MEMBER. How much?

Mr. O'NEILL of Missouri. Seventy-seven dollars and eighty cents.

A MEMBER. Why not pay it out of your own pocket?

Mr. O'NEILL of Missouri. I would do so if there were not a surplus in the Treasury. [Laughter.] I hope that the amendment will be adopted.

Mr. SIMPSON. Is this claim payable in "coin?"—Will silver be accepted?

Mr. O'NEILL of Missouri. This is a deficiency and has been certified to by the proper officer of the Government. How can it be subject to a point of order?

Mr. SAYERS. If we admit this, there are several hundred thousand dollars of claims of the same kind yet to be paid.

Mr. BRECKINRIDGE. Very much more than that—millions.

Mr. O'NEILL of Missouri. I do not see how this claim stands on different footing from the Indian depredation claims which the gentlemen of the Committee on Appropriations have just allowed to be put on this bill, amounting to several hundred thousand dollars. This House is sometimes very generous; it ought to be just.

Mr. SIMPSON. Will this claimant take his pay in silver?

Mr. O'NEILL of Missouri. He will take anything he can get. Yes; he will take silver.

Mr. SIMPSON. Then I am for your proposition. [Laughter.]

The CHAIRMAN. Will the gentleman from Kentucky please state the grounds on which he raises the point of order?

Mr. BRECKINRIDGE. The ground of objection is that this is a claim which, whatever may be its merits, should go under the rules of the House to the Committee on Claims, and is not proper as an appropriation upon a deficiency bill. There are claims amounting to millions and millions of dollars which have been audited by particular officers and which remain unpaid, but which do not belong to a deficiency bill and would not be proper on such a bill.

Mr. STONE of Kentucky. Allow me to correct my colleague. The gentleman speaks of these claims amounting to "millions." There are only about \$2,200 of them.

Mr. BRECKINRIDGE. What class of claims does the gentleman refer to?

Mr. STONE of Kentucky. "Fourth of July claims," which have been allowed.

Mr. BRECKINRIDGE. I do not confine my remarks to "4th of July claims;" I am referring generally to claims against the Government which have been passed by the auditing officers. There are over \$100,000 of such claims for barracks and supplies—

Mr. STONE of Kentucky. They are not claims like this.

Mr. BRECKINRIDGE. They may not be like this in a strict sense of the term; but they are like this in the sense that they are claims and not deficiencies. That is the point.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. BRECKINRIDGE] insist that the payment of this claim is not authorized by existing law—

Mr. BRECKINRIDGE. I know nothing about that.

The CHAIRMAN. Or that the allowance of this claim would change existing law?

Mr. BRECKINRIDGE. I do not know anything about that.

Mr. SAYERS. I suggest that this is merely a claim; such matters have always been treated simply as claims—

The CHAIRMAN. That is not the point.

Mr. SAYERS. And they have no place on a deficiency bill.

The CHAIRMAN. A claim might have a right to be placed on a deficiency bill if it were a claim accruing against the Government under existing law in force at the time it accrued.

Mr. BRECKINRIDGE. This is not a deficiency under the rules of the House. This is a claim and should go to the Committee on Claims. The Committee on Appropriations would have no jurisdiction of such a claim. If we should attempt to take it up, it would be rejected by the committee, not because it necessarily lacks merit as a claim, but because it does not come within our



jurisdiction. Such claims are never sent to our committee. Certain claims are sent to the Committee on Claims; certain claims to the Committee on War Claims; certain claims to the Committee on Private Land Claims; certain claims to the Committee on Invalid Pensions; certain claims to the Committee on Pensions; certain claims to the Committee on Foreign Affairs; and so on.

Now, under the rules of the House each bill carries its own appropriations; and a deficiency bill is only for those things which are really deficiencies. This is not a deficiency in any sense of the word.

Mr. O'NEILL of Missouri. Will the gentleman yield for a question?

Mr. BRECKINRIDGE. Certainly.

Mr. O'NEILL of Missouri. What is the difference between these claims and claims certified from the Second Auditor's Office?

Mr. BRECKINRIDGE. Because they are sent down, under the law, to the Committee on Appropriations.

Mr. O'NEILL of Missouri. But I mean as an exact matter of justice, what is the difference?

Mr. BRECKINRIDGE. It is a matter of law; the rules provide for it. Certain claims are sent to our committee, under the rules, to make provision for them.

Mr. DINGLEY. They are deficiencies for current expenditures.

Mr. BRECKINRIDGE. Yes, as my colleague suggests, they are deficiencies for the current expenditures of the Government. They are certified under certain acts of Congress and sent to our Committee on Appropriations, and then we have jurisdiction. Of the others we have not jurisdiction. The whole question is simply this: Can you turn this bill into a general claims bill and put on it every claim or gratuity which it may be alleged the Government of the United States owes?

Mr. O'NEILL of Missouri. Permit me a moment.

This matter comes to the House from the Treasury Department, certified by the Secretary of the Treasury, and is embraced in a small lot of claims sent on the 13th of April, 1892, in reference to which the Auditor states that "they are in pursuance of the second section of the act of June 16, 1871, and include claims examined and allowed under the provisions of the act of July 4, 1864." Now, after this claim has been considered and approved by the Department, recognized as a just claim, I do not see why it should stand upon a different footing from the claims to which the gentleman from Kentucky refers. It looks strange to me, after the House has voted thousands and thousands of dollars as a gratuity, providing for large payments, that the moment a claimant comes here with an honest claim, allowed by the proper Department, the point of order is made against it.

Mr. SIMPSON. And after voting twenty-three millions for battle ships.

A MEMBER. The gentleman from Missouri voted for that himself. [Laughter.]

The CHAIRMAN. The Chair is unable to determine what particular rule this amendment is obnoxious to—

Mr. O'NEILL of Missouri. There is no particular rule.

The CHAIRMAN. And not being clear as to the existence of such rule, and none having been pointed out—

Mr. O'NEILL of Missouri. None can be pointed out.

Mr. SAYERS. If the Chair will allow me a moment, this comes under what are known as the 4th of July claims. You may take the history of our deficiency bills for ten or fifteen years, certainly eight years to my personal knowledge, and you will find that this class of claims has always been sent to the Committee on War Claims under the rules of the House and has never been appropriated for on a general deficiency bill. They are never sent to the Committee on Appropriations and there has never been a single one of them allowed as a part of this bill. We have uniformly had rulings of Chairmen of Committee of the Whole when the bill has been under consideration against this very proposition.

The CHAIRMAN. Can the gentleman cite the Chair to such a ruling?

Mr. SAYERS. I think I can, if the Chair will allow a little time. I think I can find where there was a ruling against this very claim, and it was held out of order.

Mr. CANNON of Illinois. I call the attention of the Chair to this fact: That there is nothing in this Congress to give any committee, under its rules, any jurisdiction in this matter without reference to when or where it originated.

This seems to be an executive document forwarded in 1892. I presume it had a proper reference in the Fifty-first Congress, but there is nothing in the President's message or any other document from any other Department or any certificate that gives any committee jurisdiction. Perhaps it has been paid. Perchance the Auditor has reversed himself; I do not know. I merely suggest this for the consideration of the Chair.

The CHAIRMAN. If there be no objection this matter will be temporarily passed over.

Mr. SAYERS. It has, I believe, been ruled on heretofore. The

gentleman himself, if I recollect aright, has tried to get it upon the bill before now.

Mr. HOOKER of Mississippi. But it might have been ruled out on wrong grounds. Give him another chance.

The CHAIRMAN. The matter will be passed over for the present, and the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

CLAIMS REPORTED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, \$1,531.61.  
For subsistence of the Army, \$224.58.  
For regular supplies, Quartermaster's Department, \$113.70.  
For incidental expenses, Quartermaster's Department, \$2,058.73.  
For transportation of the Army and its supplies, \$1,139.37.

Mr. RUSSELL of Connecticut. I offer the amendment I send to the desk.

The Clerk read as follows:

On page 59, after line 17, insert:  
"For payment on account of transportation of the Army for 1881 and prior years, the following numbered Treasury settlements, heretofore allowed and certified by the proper accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund, and enumerated and described in Executive Documents Nos. 55 and 153, Forty-eighth Congress, first and second sessions, and House Miscellaneous Document No. 56, Fifty-third Congress, third session, namely: Nos. 174, 161, 176, 331, 162, 210, 333, 332, 543, 544, 701, 711, 805, 944, 1206, 1536, 1538, 1715, 990—amounting to the sum of \$37,313.44."

Mr. BRECKINRIDGE. I make the point of order against that amendment. Those are rejected claims.

Mr. RUSSELL of Connecticut. If it is the pleasure of the gentleman that the remainder of the bill be read, I am willing to let this amendment go over.

Mr. BAKER of New Hampshire. I wish to discuss the point of order when it is taken up. I wish simply to say to the gentleman from Kentucky, now, that they are not disallowed claims.

Mr. BRECKINRIDGE. I thought they were claims that had been rejected by Mr. Maynard and Mr. Blackburn, after having been once allowed, some of them, by Mr. Upton.

Mr. BAKER of New Hampshire. They have been allowed by Mr. Upton. They were disallowed by Mr. Maynard, but they have been reallocated since by Mr. Mansur. They were never rejected, in the proper sense. There was a review. They have been reviewed again and allowed by Mr. Mansur, the present assistant.

Mr. BRECKINRIDGE. Let them go over, and we will examine them between now and Monday. Let the point of order be reserved.

The CHAIRMAN. The Clerk will read.

The Clerk, proceeding with the reading of the bill, read as follows:

CLAIMS REPORTED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For horses for cavalry and artillery, \$521.43.  
Mr. BAKER of New Hampshire. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Between lines 21 and 22, on page 59, insert the following:  
"For barracks and quarters, \$39,592.62."

Mr. BRECKINRIDGE. I reserve the point of order.

Mr. BAKER of New Hampshire. I should like to inquire of the gentleman why that item has been omitted.

Mr. BRECKINRIDGE. Has the gentleman examined the report of the committee?

Mr. BAKER of New Hampshire. I have not.

Mr. BRECKINRIDGE. I suggest to the gentleman that he read the report of the committee.

Mr. SAYERS. I think he will then withdraw his amendment.

Mr. BAKER of New Hampshire. Let this go over the same as the others, with the point of order reserved.

The CHAIRMAN. If there be no objection, the amendment will lie over temporarily.

Mr. BRECKINRIDGE. Mr. Chairman, there is a question raised by the gentleman from Georgia [Mr. LIVINGSTON] which we might take up and dispose of before 3 o'clock. I see the gentleman from Georgia is here. There is a question of order pending.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 48, after line 8, insert:  
"To pay the claims of Charles Morgan, C. B. Payne, and the Southern Steamship Company, audited and reported to the Forty-sixth Congress; the claims of Charles Morgan and M. C. Mordecai, audited and reported to the Forty-eighth Congress; being for allowance for one month's extra pay as United States mail contractors, \$17,510.63, or so much thereof as may be necessary."

Mr. LIVINGSTON. I want to ask if there is a point of order pending on that amendment?

Mr. SAYERS. There is.

Mr. LIVINGSTON. I understood that the gentleman from Missouri [Mr. HATCH], who was in the chair yesterday at the time this amendment was offered, overruled the point of order.

Mr. SAYERS. Not at all; he did not overrule it.

Mr. LIVINGSTON. I will let the RECORD decide that.

The CHAIRMAN. The Clerk will read the RECORD.

Mr. BRECKINRIDGE. While that is being looked up, I desire to ask unanimous consent to put into the RECORD a letter from Mr. Carroll D. Wright giving fuller information about the census matter concerning which the gentleman from Ohio [Mr. HEPBURN] questioned me yesterday.

The CHAIRMAN. If there be no objection, the letter will be inserted in the RECORD.

There was no objection.

The letter is as follows:

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,  
Washington, February 23, 1895.

MY DEAR SIR: I note that an inquiry was made yesterday as to the publication of the final reports of the Eleventh Census.

The whole number of final volumes is 25. This number does not include the Compendium or Abstract. Of the 25 final volumes, 5 have already been issued; 3 will be issued in a very few days; 10 more are nearly ready, and have been out of the control of the Census for a long time. There are but a few pages more to go to the printer. I see no reason why the whole 25 volumes should not be out during the present calendar year, which will close the Census publications nearly three years earlier than they were closed for the Tenth Census. In addition to the final volumes already issued, parts 1 and 2 of the Compendium are out, while the third is waiting for final results in a few directions. Nearly all of the material facts of the census have long been before the public in the form of bulletins, so the final volumes cause no delay in the publication of such information.

I send you these memoranda in case further inquiries should be made relative to the completion of the census.

I am, very respectfully,

CARROLL D. WRIGHT,  
Commissioner of Labor in Charge.

HON. W. C. P. BRECKINRIDGE,  
Committee on Appropriations, House of Representatives.

Mr. SAYERS. I ask for the reading of the RECORD, to show what was done yesterday when the amendment referred to by the gentleman from Georgia [Mr. LIVINGSTON] was offered.

The CHAIRMAN. The Clerk will read the RECORD on the point involved.

The Clerk read as follows:

Mr. LIVINGSTON. I offer an amendment on page 48, after line 8.

The Clerk read as follows:

"On page 48, after line 8, insert:

"To pay the claims of Charles Morgan, C. B. Payne, and the Southern Steamship Company, audited and reported to the Forty-sixth Congress; the claims of Charles Morgan and M. C. Mordecai, audited and reported to the Forty-eighth Congress; being for allowance for one month's extra pay as United States mail contractors, \$17,510.83, or so much thereof as may be necessary."

Mr. BRECKINRIDGE. While I am in favor of paying these claims, if subject to the point of order I feel it my duty to make the point of order.

Mr. SAYERS. I am opposed to paying these claims.

Mr. LIVINGSTON. Mr. Chairman, I want to hear the gentleman on the point of order. I want to know where it is.

Mr. DINGLEY. Has the amendment been read?

Mr. DOCKERY. Reserve every point of order.

Mr. BRECKINRIDGE. I make the point of order that there is no law under which they can be paid.

Mr. LIVINGSTON. Why, in answer to that, Mr. Chairman, I have the law here.

Mr. DINGLEY. Is the point of order reserved? I have not heard it read.

The CHAIRMAN. The gentleman from Kentucky makes the point of order.

Mr. DOCKERY. I make the point of order under clause 2 of Rule XXI. I want to make every point of order that may be made.

Mr. LIVINGSTON. I understand that these gentlemen are catching at a straw. I will show them what it is before I get through.

Mr. LIVINGSTON. There is no necessity for reading the whole of that. Go to the conclusion, where it was carried over.

Mr. SAYERS. If the Clerk will turn to page 2576, in the first column, he will find where the gentleman from Georgia said:

I will consent that this shall go over until the other parts of the bill are acted upon.

Mr. DOCKERY. With the point of order pending.

Mr. LIVINGSTON. The point of order made against the amendment was upon the ground that there was no law authorizing the payment of these claims. I regret that the present occupant was not in the chair when the argument was made and the letters read from the Auditor. I refer the Chair most respectfully to those letters, in which the Auditor most distinctly states that under the act of 1878, in the Revised Statutes, these claims were audited and sent to the House.

The act of 1874, Mr. Chairman, in substance was this, that when these unpaid claims were left over for the length of two years the money was covered back into the Treasury. The act of 1878 amended the act of 1874 to the extent that these claims unpaid that had been covered back into the Treasury need not be reappropriated for, but certified directly to the House for payment; and the Auditor, whose letters are now on the desk and which I had read, states emphatically under the law of 1878 these claims have been certified to the House; and I refer the Chair to the act of 1878 and the Auditor's letters to show that there is not only a law but a positive law. In the first place, the Revised Statutes state that the Postmaster-General shall have power when he discontinues a contract at his own will, for any cause whatever, to give a month's extra pay to the contractor. He discontinued these contracts. He granted the month's pay; the money was appropriated; but before being paid, under the act of 1874, it lapsed and went into the Treasury. Now, the act of 1878 takes it out, and from that year down, in the Forty-sixth, the Forty-seventh, and the

Forty-eighth Congresses, these claims have been certified to by the Auditor and sent to this House.

I desire to say further, Mr. Chairman, they are not only in conformity with law but expressly in conformity with the usage of the Postmaster-General for more than thirty years under the law.

More than that. The letter of the Auditor states emphatically that these are the only four claims of this class unpaid and unsettled, and that they are in conformity with the law; and he expressly shows in his letter that there is no legal hindrance or let against the payment of these claims. They are legally and properly just under the law.

Mr. DOCKERY. Will the gentleman in this connection have read the letter of the Auditor of February 13, 1895? The letter that was read was the first letter, and I believe the gentleman has addressed a subsequent communication to the Auditor. I wish he would have the second letter read.

Mr. LIVINGSTON. I have another letter; I will have it read. It is a letter addressed to me on June 12, 1894.

Mr. DOCKERY. That was read before.

Mr. LIVINGSTON. Here is the letter you want read. The letter that you want read has been read. Here is a former letter. I will have that read also if you wish it.

Mr. DOCKERY. The letter I refer to is the letter of February 13, 1895.

Mr. LIVINGSTON. That has been read.

The CHAIRMAN. The letter of June 12 was read yesterday.

Mr. LIVINGSTON. Here is the letter of June 12.

The CHAIRMAN. It was read.

Mr. DOCKERY. If I am not mistaken, and I spoke to the Auditor—

Mr. LIVINGSTON. I have no objection to this letter being read, and we will put them all in. Here is the letter. Let that be read first. That is what the gentleman wants.

The Clerk read as follows:

OFFICE OF AUDITOR FOR THE POST-OFFICE DEPARTMENT,  
Washington, D. C., February 13, 1895.

SIR: I have the honor to invite your attention to a letter from this Office (copy inclosed) addressed to you June 12, 1894, relative to certain ante-bellum claims. In making answer in that letter to your inquiry whether or not "these claims have been paid in whole or in part by the Confederate States," the fact that the evidence on file in this Office of the payment or nonpayment by the Confederate States Government is incomplete was inadvertently omitted.

As this fact of incomplete records has subsequently been considered and reported on by this office in the case of other ante-bellum claims, and as this class of claims seem to stand upon the same footing as to merit, it is believed that the same information should be furnished you in the cases reported upon in said letter of June 12, 1894, as has been furnished other claims of like character.

Very respectfully,

GEO. A. HOWARD, Auditor.

HON. L. F. LIVINGSTON,  
House of Representatives, Washington, D. C.

Mr. DOCKERY. Now, Mr. Chairman, I understand the gentleman in charge of the bill desires, under some arrangement, to move that the committee rise; so that we will let this matter go over.

Mr. BRECKINRIDGE. There will be eulogies on the late Senator Vance at 3 o'clock, and as we can not conclude this argument by 3 o'clock I move now that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TARSNEY, from the Committee of the Whole, reported that they had had under consideration a bill (H. R. 8892), the general deficiency bill, and had come to no resolution thereon.

Mr. BRECKINRIDGE. Mr. Speaker, I ask unanimous consent that, for the purpose of proceeding with the consideration of the general deficiency bill, the House meet at 11 o'clock on Monday.

There was no objection, and it was so ordered.

Mr. BRECKINRIDGE. I ask unanimous consent that such gentlemen as have spoken or may desire to speak upon the matters embraced in the bill may have permission to extend their remarks in the RECORD.

There was no objection, and it was so ordered.

THE LATE SENATOR VANCE.

The SPEAKER. The Clerk will report the special order.

The Clerk read as follows:

Resolved, That Saturday, the 23d day of February next, beginning at 3 o'clock p. m., be set apart for eulogies on the life and services of the late Zebulon B. Vance, late a Senator from the State of North Carolina.

Mr. HENDERSON of North Carolina. Mr. Speaker, I offer the resolutions which I send to the desk.

The resolutions were read, as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for tribute to the memory of Hon. Zebulon B. Vance, late a Senator from the State of North Carolina.

Resolved, That as a further mark of respect to the memory of the deceased and in recognition of his eminent ability and illustrious public services, the House, at the conclusion of these memorial services, shall adjourn.



*Resolved, That the Clerk communicate these resolutions to the Senate.*  
*Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.*

The resolutions were adopted.

Mr. HENDERSON of North Carolina. Mr. Speaker, Zebulon Baird Vance was born in Buncombe County, N. C., May 13, 1830, and died in the city of Washington, D. C., April 14, 1894, being almost 64 years old. He received a thorough English education. He first entered Washington College, Tennessee, and afterwards went to the University of North Carolina, where he remained one year; studied law and was admitted to the bar in January, 1853, commencing the practice at Asheville, the county site of his native county. In the same year he was elected county attorney of Buncombe County; was elected a member of the State house of commons in 1854; was elected a Representative to the Thirty-fifth Congress in 1858 as a State Rights American, succeeding to the vacancy created by the resignation of the Hon. Thomas L. Clingman upon the latter's election to the United States Senate; was also a Representative in the Thirty-sixth Congress.

His service in Congress began December 7, 1858, and ended March 3, 1861. He entered the Confederate army as captain in May, 1861, and became colonel of the Twenty-sixth Regiment North Carolina Infantry, in August, 1861. He was elected governor of North Carolina in August, 1862, and reelected in August, 1864. At the close of the war he was arrested by a company of Federal troops and confined in the Old Capitol Prison for a few weeks. Shortly after the war he removed to Charlotte and entered upon the active practice of the law; was elected to the United States Senate in November, 1870, but, being denied admission upon the ground that his political disabilities had not been removed, he resigned in January, 1872. In the same year he was again the Democratic nominee for United States Senator, but was not elected by the general assembly; was elected governor of North Carolina for the third time in 1876, and in January, 1879, was elected to the United States Senate; was reelected in January, 1885, and again reelected in January, 1891. He died in peace and in the full possession of all his faculties, at his residence in the city of Washington, 1627 Massachusetts avenue, on April 14, 1894.

Of him it may be said as King David said unto his servants when announcing the death of Abner:

There is . . . a great man fallen . . . in Israel.

He was indeed great intellectually and morally, and I do not believe there was ever a time during the whole period of his career when he was not conscious of his own great powers and qualities; but he was entirely free from any peculiar egotism or individual self-esteem. He was one of the most lovable of men, and if he was never at a loss to hold decided opinions of his own and to express them clearly and courageously he always did so with humility and modesty. He had a giant's strength, but the softness, simplicity, and heart of a child. At school and at college he was recognized by teachers and students alike as one who had the promise of a brilliant future.

He was a ready, humorous, and fluent speaker, and a bright and witty conversationalist; and before he left college he acquired a reputation for genius and originality. His popularity everywhere and at all times was a matter of course and something phenomenal, in school, in college, in the legislature, in the army, as governor of the State, as a private citizen, and in Congress. Like the Chevalier Bayard, he may be said to have been, in most phases of his character, a man "without fear and without reproach." Before the war began in 1861 he had served one term in the State legislature and two terms in the United States House of Representatives, and in both of these assemblies he achieved distinction and took high rank. Although a strong believer in State rights he did not originally favor the withdrawal of the Southern States from the Union.

When war was inevitable he cast his lot with his State and went to the front in defense of the people of North Carolina and of the Southern States; and the Confederate States never had a more faithful or loyal friend and supporter. It was not his fortune to serve long in the army, but he was a brave officer and soldier, and at the battle of Newbern he displayed skill and capacity as an officer and was conspicuous for his gallantry and courageous conduct on the field, and for services in that battle he was highly commended by his superiors in command.

During the four years of the war—the times that tried men's souls—he was equal to every occasion and emergency. Until he was elected governor of the State in 1862 he served in the field, sharing all the privations of the soldiers of his command with the same endurance, courage, and patience which pertained to the lot of the private soldier and with an alacrity and hopefulness born of true devotion to the Confederate cause. As governor of the State he showed himself at his best, and no American Commonwealth during the exciting and troublous period of the war had a wiser, more successful, or more capable executive. He built up and husbanded in a remarkable and most skillful way all the resources of the State. No State furnished as many soldiers in pro-

portion to population to the Confederate cause as North Carolina, and no soldiers of any State were better, braver, or more patriotic.

Governor Vance was a splendid organizer. His blockade runners enabled him to export cotton and other products of the State to Liverpool and other European ports and to receive in exchange many necessary supplies for the use of the soldiers and people of North Carolina. There was dire distress in the State. Not only was there suffering among the soldiers, but starvation threatened many a household at home. The widows and orphans were provided for, and, as far as was possible, all who were in distress. Governor Vance did everything in his power to make comfortable provision for the Federal prisoners confined at Salisbury. In every county in the State relief committees were organized to help and succor the poor and needy. The noble women of North Carolina, with patriotic devotion and genuine enthusiasm, responded to his every appeal. They ministered to the necessities of the sick and suffering, the wounded and dying. They clothed and fed the soldiers of the army and the destitute at home. If doing good is the great way of enriching character, how great must their reward be! Their works do follow them! These good and lovely women did not expect payment in this world for their deeds of kindness and charity. Their citizenship and reward is in heaven beyond the skies! "Heaven-born charity," it has been beautifully said, "is the sovereign antidote for all the ills of womanhood."

At the close of the war the name of Vance was very dear to the people of North Carolina, and their love and esteem for him continued to the very last. Men, women, and children all admired and revered him, and the people of the State gave the most genuine proofs of their attachment and love for him. In 1876 they elected him governor for the third time, and the general assembly four times elected him United States Senator. I had the honor and privilege, as a member of the State senate, to vote for Governor Vance for United States Senator at the time of his election by the general assembly in January, 1879.

If Senator Vance was not distinguished as a lawyer, it was because he did not practice long enough to build up a great reputation, but he was certainly an accomplished forensic speaker and a splendid advocate at the bar. Until after he entered the Senate he had no reputation as a student. His Senatorial career commenced March 4, 1879, and thereafter he became a constant and faithful student of the tariff, of finance, and other economic questions, and he wrote and spoke much on all these subjects. He was a good writer and a charming speaker. On the hustings he had few equals anywhere, and in the Senate he was always heard with attention and respect. He was a great debater, and had an easy command of the English language. At times he was eloquent, and he was always humorous, instructive, and entertaining. He had an interesting and inexhaustible fund of anecdote, and when he could not demolish his antagonist by argument he effectively turned upon him the weapons of irony, invective, and ridicule. He did not indulge in the flowers of oratory, but very few men excelled him in accuracy of speech or in strength of expression.

His Senatorial colleagues admired and esteemed him greatly; and the tributes recently paid to his memory in the other House are marvels of eloquence and accuracy of judgment, and indicate a very keen insight into his character. Senator BLACKBURN, of Kentucky, said that "never in all his life did he hear the virtues, the merits, and worth of a man more eloquently portrayed, more fairly and truthfully put" than by Senator RANSOM in the Senate. Senator Vance was a statesman of spotless integrity, and no country ever had a truer patriot. He was the friend of education, religion, and learning. Among his contemporaries he held a foremost rank in fame and merit. He was ever the friend of the people, especially the humble, the needy, and the oppressed.

Like Daniel Webster, he believed the Government of the United States to be the people's Government, made for the people, made by the people, and answerable to the people. And I say it reverently, "The common people heard him gladly." And while it may be truthfully said of him, as has been said of another great man, that "he was absolutely without fear, as he was above self-seeking and corruption," it must nevertheless be admitted that Senator Vance was sometimes timid when he found the wishes of any large number of his constituents to be in opposition to his own views. He was loath to oppose a great popular movement. He thought the popular judgment to be oftener right than wrong. He therefore deferred to the wishes of the people until he was convinced that they were wrong. He considered it the duty of every public man to endeavor "to keep in touch with the people." We have a great country, but who made it great but the people? Trained and reared in another school of politics, Senator Vance became by choice, study, and conviction, before he reached the middle of life, a Jeffersonian Democrat, and thenceforward he adhered to and upheld with ever-increasing sincerity and devotion what he believed to be the ancient creeds and true principles of the Democratic party.

He knew he was not, and he did not believe any man was, great

enough to be above his party. He loved the applause of the public and he was sincerely grateful for the honors that the people showered upon him. If it be true—and who doubts it?—that—

The heavenliest lot that earthly natures know  
Is to be affluent in gratitude—

he had indeed that blessing, for no man appreciated more or felt any more thankful for the favors of the people than himself. And that is one reason why his memory is so fragrant and his name so full of good cheer to the people of his State, who loved him so well. Their memory and meditation of him shall indeed be sweet!

Senator Vance was truthful and sincere, open and candid to friend and foe alike. He knew full well that the people in trusting him did so because they had the utmost faith and confidence in his integrity and uprightness, and because they knew that the principles which guided him in his conduct through life would make him be to them a sincere and trustworthy counselor and friend. I can not find words better fitted to describe Senator Vance's character than in the following extract from the writings of Dean Stanley:

Give us a man, young or old, high or low, on whom we know we can thoroughly depend—who will stand firm when others fall—the friend, faithful and true; the adviser, honest and fearless; the adversary, just and chivalrous.

Senator Vance was twice married. When a young man he was united in holy matrimony to Miss Harriet Newell Espey, of North Carolina, a lady of many intellectual gifts, of intense religious faith and convictions, a lovely Christian character, devoutly given to all good works. They lived very happily together. Her influence over her husband was remarkable and permanent. They had four children; all sons, three of whom are still living. Her name is written in the book of life!

Senator Vance had an abiding faith and a genuine belief in the truths of the Christian religion, but he was not the slave of education or prejudice. His views allowed for a wide latitude of theological opinion and individual liberty and tolerance. It is hard to admit the world inside a sacred precinct of the heart. The little tender traits of beauty, which we can not always expect the world to appreciate, are usually kept back and withheld. I had a conversation with him a number of years ago in regard to some controverted points of Christian faith and practice. He told me that he thought all Christians of whatever name were agreed upon the essential articles and creeds, and that too much stress was laid upon their theological differences, many of which were either unimportant, immaterial, or at least not vital. He impressed me at the time as one who had universal charity and tolerance toward those differing from him in religious opinions. He would have been perfectly consistent in saying of all faithful Christian people:

They are brothers and comrades; they stand side by side.  
Their faith and their hope is the same.

It is reported that he once said to a dear friend of his: You believe in the doctrine of falling from grace but never fall, while I do not believe in that doctrine and am always falling.

One of the most popular and brilliant lectures he ever wrote was upon "The Scattered Nation"—God's ancient and chosen people. He delivered it many times; and I suppose that no other Christian man in America was ever as much loved and admired by the children of Israel as Senator Vance. They gave him their heart, their confidence and friendship, and he had an ever-ready welcome to their homes. The name of Vance is exceedingly precious to every Jew and is a household word in every Jewish circle in the United States.

Senator Vance was not without his faults. He was subject to human infirmities and frailties, for there is no man, not a just man upon earth, that doeth good and sinneth not, but this is no reason why his friends should not praise his goodness and virtues and seek to follow his good example.

"Whatsoever a man soweth, that shall he also reap."

"If he sows poppies, he will get gaudy flowers; but what will he do when the harvest comes and he is hungry for bread?"

Senator Vance was married, in June, 1890, to Mrs. Florence Steele Martin, of Kentucky, a lady of rare personal attractions, elegant in manners, lively and brilliant in conversation, exceedingly graceful, attractive, and intelligent, with literary talents and tastes of a high order; a refined, devoutly religious, and highly cultured woman. She was to her husband not only a devoted, dutiful wife, but a faithful friend and companion. She was the solace and comfort of his declining years. One of the best women I ever knew—she is now at rest—once told me that to know Mrs. Vance intimately and to associate with her often in her own home was equal to a liberal education.

Comparisons are said to be odious, and I will not undertake to say that Senator Vance was greater than any of his contemporaries. History will do him justice and will faithfully portray his character and life's work. His name will assuredly fill an enviable space on the historic page of his State and country. His character was unique and original. He was a man of genius, with extraordinary abilities and talents. In many respects he was without a peer. No man ever lived who was nearer and dearer to

the hearts of the people of North Carolina. He was taken away at the very moment when his State and his country needed him most, and when he might have been expected to enter upon a greatly enlarged sphere of usefulness and honor. Mr. Gladstone had been elected to Parliament before Senator Vance was born, and that great statesman is still living in the full possession of all his powers and influence. What a reminder of the shortness, variability, and uncertainty of human life! None of us can be made to realize this sufficiently. We are constantly reminded, and especially on these solemn occasions, that "man that is born of a woman hath a short time to live, and is full of misery," and that "in the midst of life we are in death."

Great men die, the land mourns, and for a short time death is a reality to us, but we go on in our course as if we expected an exception to be made in some way in our own favor. Friends die, and, in a certain sense, we realize the hollowness of all things earthly, but we unconsciously ask ourselves whether a time shall really come when in a few years at most we ourselves must join the innumerable hosts of those who live beyond the grave. Knowing our own littleness and weakness, the shortness of life and the certainty of death, it needs no argument and requires no effort for us to conclude that the greatest man who ever lived on earth is in comparison with God as a "vain shadow," and that "every man living is altogether vanity." A great French preacher once expressed this feeling when preaching the funeral sermon over "the Grand Monarch of France." Looking round the church, which was draped in black for the solemn occasion, and then down on the corpse which was lying in state, Massillon commenced his sermon in these words: "God alone is great." Eternity, then, must be our final refuge and resting place.

O Great Eternity!  
Our little life is but a gust  
Which bends the branches of thy tree,  
And trails its blossoms in the dust.

We must therefore learn to labor now, in this transitory life, before all our days are gone, bearing and forbearing, doing and suffering, for when a "few years are come," after life's short journey is over and we bring our years to an end, we "shall sleep a perpetual sleep, and not wake" again in this world.

Death! the unknown sea of rest! Who knows what hidden harmonies lie there to wrap us in softness, in eternal peace; and in death, not sooner or otherwise, all the hot longings of the soul are to be satisfied and stilled.

God alone can satisfy the desires and aspirations of the human heart. True greatness, then, is the eternal reward given for a life of moral and spiritual excellence.

"Oh, God," says Augustine, "Thou hast made the heart of man for Thyself, and it is restless until it rests in Thee."

Senator Vance received countless tokens of good will in his life from all sorts and conditions of men. Nearly everyone who knew him spoke well of him, and his friends rejoiced to have it so. And that it should have been so does honor to those who gave him honor. Neither he nor his friends knew, however, how deep-seated and universal was the love and admiration for him of the people of his native State until after death had laid its hand upon him. The news of his decease was received everywhere throughout the State of North Carolina with the most heartfelt expressions of sorrow and sympathy. The whole population, without distinction of party, race, or sect, vied with each other in their expressions of regret for his death and in showing respect for his memory. Women and children shed tears, and strong men wept. His loss is an irreparable one to his family, his party, and his State, and his name will ever be remembered with gratitude and honor by the people of his State, whom he served so well. Zebulon Baird Vance has departed hence in peace.

All undaunted he died  
In the might of his pride.

May we not humbly hope and believe that he is now in that unseen world, "where the spirits and souls of the faithful, after they are delivered from the burden of the flesh, are in joy and felicity?"

The Lord grant unto him that he may find mercy of the Lord in the last great day! And give unto him eternal rest, and let light perpetual shine upon him!

Mr. HENDERSON of Iowa. Mr. Speaker, as one who was in the Union Army, standing by the grave of one who was in the Confederate army, I approach a new experience, but not with any hesitation or feelings other than my best judgment and my whole heart can commend, and I bear witness to-day to the character of a departed statesman, and, though brief and limited my acquaintance, I can truthfully say, a respected and honored friend.

I find pleasure, as I study the life of the departed statesman, in calling attention to his wonderful power, as his keen vision swept over the horizon when he stood in 1861 contemplating the future of his country. He was a strong and ardent lover of this Union, and here let me quote a distinguished witness. His own colleague, Senator RANSOM, speaking of him in another place after his death said:

He had always been opposed to the secession of the Southern States, did everything possible to avert it, and was one of the very last Southern men to declare his love and devotion to the Union.



I will not content myself with this single witness, but will quote also, on the same theme, the venerable and exalted statesman, Senator MORRILL. They served together on this floor, and Senator MORRILL says:

In an era when our whole country appeared to be rumbling with invisible earthquakes and hissing with the oratorical skyrockets of secession, he served for four years, or until 1861, and, so far as I remember, contributed nothing to our, or to the national, unpleasantness.

I will quote still another distinguished witness on this subject. The venerable Senator SHERMAN says:

There can be no doubt that at the beginning of the civil war Governor Vance was conspicuous at home, as well as here, as an ardent outspoken Union man, but he also loved his State and his people among whom he had been born and bred, and when they were swept away by the torrent of opinion in the belief that it was their duty to secede from the Union, he went with them.

Looking over this record and speaking to-day by his fresh-made grave, I would not occupy the mean position of being generous; I only ask for light and manliness to be just. This man came of revolutionary blood. The inspiration that followed the flag of Washington never ceased to permeate his great and mighty heart, and in 1861 he stood like a bulwark against the waves that were beating against his country. Who will rise and criticise him when he yielded to the press of public opinion that was around him?

He can not be a just man who will not fairly interpret the mental conditions then existing throughout the South, and he would be an unwise and an unjust one who would condemn the impetuous youth who finally yielded to the wave of sentiment and enrolled himself under the flag of secession. But through that whole experience—for he was captain, colonel, and governor of his State during that period—he not only proved himself to be brave and able, but his big heart never ceased to throb for his fellow-man.

Qualified witnesses tell us that when Union prisoners were suffering in Salisbury, this war governor of North Carolina appealed to the Southern Confederacy to send relief to those prisoners, and when that appeal was unheard he turned to the citizens of his own State and asked North Carolina to come to their aid. At the close of the war, that wonderful war, Secretary Stanton sent orders to the general commanding North Carolina to arrest Governor Vance and bring him to Washington with all his papers. It was done. Copybooks containing every letter he had written as governor during the war were spread before the great Stanton, one whose heart did not quiver when duty called him to be severe. The record was examined, and here is the testimony which I present upon the authority of Senator BLACKBURN:

When he did read that record and saw what this man had done, how persistent his efforts had been to ameliorate the condition of the Federal prisoners and to assuage the horrors of war, that great Secretary said to him: "Upon your record you stand acquitted; you are at liberty to go where you please."

It is an honor to point, with a few brief words, this lesson to my fellow-countrymen. He had that greatness which can not be dimmed by any clouds or any revolutions.

He was a great orator. But, Mr. Speaker, his greatest oratorical power spoke through his gentle and noble life. In his pathway as a public man and as a citizen he delivered orations which, in House or Senate, his lips never equalled. As an orator he had the wonderful gift of making everything that he spoke of so plain and simple that all around him understood every thought. He did not send his thoughts above the masses who listened to him. He had the genius of Lincoln in that regard, of simplifying. And so it was in his life and conduct with his fellow-men. He was so approachable that he was constantly in close contact with the masses and drew the inspirations which alone can come from what Mr. Lincoln called "the common people." No man feared to approach Senator Vance with his troubles or his joys or his ambitions, and he listened to them all so attentively and kindly that he arrived at the full status of the man's mind and affairs, and was thus equipped to serve him.

Promotion never warped his genius or destroyed his power. Ah! how often do we see a man in private life free and easy with his fellow-man, stopping to speak with the man carrying the dinner-pail or with the humblest citizen, laughing and talking and shaking hands as one of the people, and then, when subsequently promoted to power, he buttons up his coat, wears a "heaven-erected face," as Burns would put it, and fancies that God has dropped a peculiar ointment upon him to lift him and make him better than his fellow-men.

These men fail in their usefulness in public life. They do not hear the heart-beat or the sigh of sorrow. This distinguished man never made that mistake. In his every-day walks of life he was as simple as a Senator as he was a private citizen or a member of his State legislature.

He was a wit. He carried that sharp and dangerous blade; but he seldom unsheathed it, indulging rather in the warm glow of humor, which turns even enemies into friends.

I met him first, to take his hand, when we were attending a meeting of the Sons of the Revolution in this city. And when he sat down after describing and eloquently touching on some of the scenes of the past, he sat down with me as his brother and his friend. The thought flashed through my mind, if this was a Confederate soldier, the Confederacy is truly gone and we are sure of a permanent, loved, and indissoluble Union.

He was brave, honest, kind, true; and above all, he was faithful to his friends. He did not accept the hard toil and devotion of

friends and then, when elevated to power, seek to dicker with his enemies at the expense of his friends. He was true to friendship, and at the same time true to his highest duty as a public man.

Weighted, not with years, but with many honors, cares, and duties well done, he has passed away. No noble heart rejoices over this grave; but sorrow springs up in every generous soul because this great and good man has passed from our midst.

Mr. HOOKER of Mississippi. It was my privilege, and my honor too, to call Senator Vance my friend and to know him with a great deal of intimacy, springing up during our Congressional services. And while I have not written an address for this occasion I was gratified when one of the members of the North Carolina delegation came to me and said they desired that I should say something on this occasion.

It has become a thing almost to be regretted that eulogies upon members of the Congress of the United States, whether they belong to the Senate or the House, are not delivered immediately after the demise of the member; but as they are designed rather for posterity than for ourselves, and to put upon record a lasting impression of the opinions of those who have served with the deceased, and to commit to the printing press the power of perpetuating that record forever, it is probably not altogether improper that some time and some reflection should be given to what is to be said. So, as I am prompted rather by my heart than my head to speak on this occasion in memory of the friend whom I so honored while he lived, and whom the country so honored while he lived, I must apologize for the want of that thorough presentation of Senator Vance's historical record which will come more appropriately from the members from his own loved State of North Carolina.

Senator Vance was born in Buncombe County, N. C., on the 13th of May, 1830. He was born in a region of country marked for its geographical beauty, its magnificence, and its sublimity. It borders upon my own native State of South Carolina; and of all the mountain scenery of our country, whether in the Blue Ridge or the Alleghanies or the Rockies or the Sierra Nevada looking out upon the Pacific, there is no sublimer scenery in our land than that in the midst of which Zebulon B. Vance was born. I have always held to the idea that men partake somewhat of the region of country in which their eyes first look upon the light; and those of us who have seen that beautiful country and stood in its valleys with carpets made by the hand of the Master and have looked up into those lofty mountains, sometimes glassed in sunshine, sometimes covered with shadow, and sometimes the home of the storm god, will cease to wonder that a land so favored by nature should have produced heroes among her men and heroines among her women.

It is of all favored portions of our country probably the grandest and most beautiful. And it was here, amidst that rural population, that Vance was reared and he took his first impressions. He grew up amongst a simple-hearted Scotch and Irish ancestry, who coming to this country found the quiet nooks of the mountains analogous to their own native soil, and therefore made in that region their settlement. He grew up with that wonderful veneration for the Divinity which belongs to those Scotch-Irish people. Simple in their habits, unostentatious in their manners, they grew up amidst those mountains, cherishing the virtues of the country from which they came and lending a hand promptly in the Revolutionary war to give permanency to the liberties of their people. When that war closed a material development as remarkable as that of the countries from which they came marked the regions of North Carolina in which his revolutionary ancestry lived.

Senator Vance was early distinguished in the history of his own State, being elected twice to its legislature and twice to this House before the war, and after the war he was elected to the Senate of the United States in 1870. He came here at that time; but, unfortunately for him, what were called his "civil disabilities" had not been removed by an act of Congress of the United States, and he was therefore denied admission to his seat as a Senator. He returned to the State of North Carolina, and thinking it probable that he might not be admitted to his seat, he resigned his commission as a United States Senator in 1873, and went back to live among the people whom he loved so well and who were so delighted to honor him. But it was not the fate of such a man, with such a mind and heart, to be left to follow the quiet walks of private life.

He was soon returned again to the Senate of the United States, his civil disabilities having been in the mean time removed, and was admitted to the Senate. When he took his position in that body as a Senator there were giants there—men of great minds, of long and large experience. Yet this gifted son of North Carolina took his place from the first in the front rank of the debaters of that great debating body of the world. His distinguished abilities being promptly recognized, he was assigned to important committees; and he performed his Senatorial functions in such a way as to challenge the admiration of his associates on all sides of that Chamber.

It was gratifying to me, in looking over the record of his obsequies in that body, to find that it was not alone from his own people that he received words of commendation. His gifted colleague, that man of splendid talent and magnificent oratory, that cavalier of the South, whether on the field of battle or in the halls of Congress—his gifted colleague, Senator RANSOM, said one thing of him which almost summarized the history of his life. In delivering the eulogy upon his gifted colleague, Senator RANSOM said:

He was bold, brave, open, candid, and without reserve. He desired all the world to know his opinions and positions, and never hesitated to avow them.

Alongside of him sat that able and venerable Senator from Vermont, JUSTIN S. MORRILL, the oldest surviving Senator of the United States when I first came to Congress, and the oldest living Senator now. His tribute was magnificent. Side by side with him there sat that splendid statesman of intellect and thorough knowledge of political questions, of astute powers of investigation, who himself has made a great name for himself, JOHN SHERMAN, the senior Senator from Ohio, who delivered a eulogy on that occasion of which any man or any State might well be proud. I mention these, Mr. Speaker, because of the differences of political opinion existing between them and the deceased Senator.

Senator Vance was again elected to the Senate of the United States, as I have said, and died while occupying the honored position to which his people delighted to assign him. It has been remarked by my distinguished friend from Iowa [Mr. HENDERSON], who has just addressed the House in commemoration of Senator Vance, that he was a Union man at the outbreak of the war and was opposed to the secession of the States. That, Mr. Speaker, is true. He took his position in the early discussions of this question side by side with such men as William L. Sharkey, of my own State, who opposed secession because he believed that the differences between the States could be better settled by arbitration, by prudence, by judgment, and by forbearance rather than by resorting to the last great final arbiter among men, the sword. And he defended that position with an earnestness and zeal and truthfulness—for he always avowed what he thought fearlessly—that the remedies of the Southern States and the Southern people were within the Union and under the Constitution. But when his State of North Carolina seceded from the Union, believing his duty was to go with her, with that patriotism and devotion to his people which always characterized him, he at once raised a company of troops, was elected as captain, and within a short time afterwards was chosen colonel of the Twenty-sixth Regiment of North Carolina troops. On every field of battle where he was present he earned for himself the reputation not only of a sagacious, intelligent, and brave soldier, but the character of one who knew how to care for the troops under his command.

But he was a man of too large ability in civil life to be permitted to spend his time during the war in battle; and it was during the war that he was elected governor of his own State of North Carolina, and reelected a second time while the war was still progressing; and it was in this capacity that his great executive ability and wonderful devotion to the troops that entered the service of the Confederacy became manifested. When he had called again and again upon the Confederate Government for arms and supplies, food and clothing to supply the troops that he had called out in the field from his own State, and by his own proclamations, and found he could not rely upon them to furnish those things so necessary for their comfort, he equipped a small fleet of vessels, sent them down the river, out into the ocean and to the River Clyde, and there procured a suitable outfit for the Confederate troops from the State of North Carolina.

That flotilla of small vessels came back, and, successfully running the blockade of the Federal ships, not only provided for the wants of the North Carolina troops, but many of the other troops in the service of the Confederacy, thus showing that he felt it to be his duty, after he called the men into active service, to see that they were not only properly armed and equipped, but properly fed and clothed as well.

It was in this capacity, Mr. Speaker, that he won for himself the title which has been yielded to no other man in the history of the Confederacy, that he was the "war governor" of the State of North Carolina, and not only the war governor of that State, but the great war governor of the South. He served in this capacity three times, and was thence transferred to the Senate of the United States, as I have already said. When any question came up for discussion in that body, and usually no question referring to the subject of taxation and the tariff laws was presented that he did not speak upon, he evinced a clearness of thought, a soundness of judgment, and a thoroughness of investigation that challenged admiration on all sides of the Chamber.

His character was distinguished from the very start in his public life, and it is a remarkable fact that there was no error at any time committed by him that the historian can point to in his career as a governor, as a Senator, as a soldier, or as a citizen. As a governor he was without a peer; as a citizen no one stood higher than he; and as a soldier he won great fame and honor on the battlefield. But it was in the walks of private life that

the character of the man shone most brightly. First he was wedded to a lady of his own State, and his children survive him to receive the rich heritage of the high reputation of character and honor won for himself in every avocation of life.

After the death of his first wife, in later life he married a lady with whom the citizens of Washington and people who come here from every portion of the country are not unfamiliar. She was the solace of his life from the time of his marriage until he passed away. She has been the ornament of the society in which he dwelt and moved during his lifetime. She, too, survives him. But in all the acts he has done, whether in the field or as the executive of the State of North Carolina or as the well-equipped Senator from one of the sovereign States of the Union, coming as its ambassador to the halls of Congress to speak its sentiments, whatever position he filled, he has won fame, honor, and the good will of all men who held rank with him. Justly may his State and family be proud of the heritage they have received from his hands. In no position did he fail to discharge his duty to his country, to his fellow-citizens, and to the God whom he revered.

It is said that one of the most remarkable discourses he ever delivered was in a lecture where he paid a wonderful tribute to that great nation of Israelites, who in modern times it has been the custom to speak of in such terms of disparagement. Speaking of the scattered nations he depicts that great nation that had Isaiah for its poet and the Maccabees for generals. He might well have said of it that there were no people more remarkable than that wonderful nation.

He delivered many other lectures, and at last, in the Senate of the United States, he consecrated his services to his country by leaving in every speech that he made specimens of oratory, of humor, of wit. He seldom indulged in sarcasm, because he had too much heart for it, but he has left prominently upon the records of the Senate specimens of oratory, of humor, of wit, that will make him rank with the greatest men of the olden times. He will take his position in line with the great men from his own State—and they have been great—from the earliest days. He will take his position side by side with that venerable trio that passed away long ago, of whom we are in the habit of speaking when the Senate is named, Calhoun, Clay, and Webster. He will take his position as one of the great orators and statesmen of the land in which he lived.

From his earliest service to his country, when he was first put into public position as governor, from the time he was first attorney of one of the districts of the State of North Carolina, down to the time when he finally closed his eyes, every act of his life, every thought of his mind, every conception of his heart, was for his country and his whole country. He might well be pardoned if, in the closing hours of his life, looking back to the memorable events in which he had been so prominent an actor, he had imitated the modesty of the great poet of the olden days who, when he contemplated the wonderful epic of his own production, exclaimed in his closing lines, as Vance could have exclaimed in his closing hours:

*Jamque opus exegi, quod nec Jovis ira, nec ignis,  
Nec poterit ferrum, nec edax abolere vetustas.*

Mr. DANIELS. Mr. Speaker, I take part with the gentlemen who have been assigned to express their tribute of regard for the life and memory of this distinguished man from the circumstance that I was one of those who were selected on the part of the House to carry his remains to their last and final resting place. During my early life, however, my attention had been called to the character and career of Mr. Vance. He soon rose upon the political and national horizon so high as to attract the attention and respect of the country. A public career was before him which was improved by his abilities and his fidelity to his country's interests that continued him in public life and the service of his State. He soon became known to the Union and to all the localities in which patriotism and ability were held in respect and esteem; and he was known to be a man who in all the walks of public life certainly fulfilled the expectations of his State and of his country.

But one period arose which subjected him in any respect to criticism, and that has been referred to upon this occasion by other gentlemen addressing the House. That was the part which he took in the conflict that was brought on between the people of the different sections of the country in their struggle, either for the maintenance, as it finally turned out, or the overthrow of the system of human slavery. It was considered, in a large section of the country, to be entirely incompatible with the free system of our Government, while on the other hand it was regarded and maintained as a peculiar institution of the other section. But it had become oppressive there, as well as the subject of condemnation from other portions of the land, and it was one of those developments which it has been the fate of humanity to settle only by the arbitrament of arms. The knot was to be cut by the sword, and by no other means whatever. Negotiations and compromise had come to an end, and therefore this conflict was brought about by the apparent force of circumstances.



The system was placed in the balances, and the deceased Senator took the side of his own section, and manfully and fearlessly maintained what he believed to be right. But in this conflict this institution was extinguished, and has disappeared from the face of the country, and from its identity with its prominent institutions, and at this time we have reached certainly a point where the mantle of oblivion should be spread over the act, and the lives and the conduct of those persons who, under the impulse of their own localities, took part in this serious and deadly conflict. The result has been an advantage to the country, to the section even in which this institution had existed and became oppressive, and now all the States and all the population of the States are in a condition to march forward in the progress of industrial success, of intellectual accomplishment, and of the highest patriotism that may be known to free and independent citizens.

This man under all circumstances where he was employed on behalf of the public, whether in one capacity or another, fulfilled entirely the expectations that were entertained of him, and as such certainly was not only entitled to, but has generally received the commendation and approval of the people of the United States, whether in his own locality, or in others where his renown had extended, and his character was esteemed and respected.

But it is not in reference to his public character that I desire so much to call the attention of the House upon this occasion as it is to the private character of the man. Although I had not a personal acquaintance with the deceased Senator, yet from the circumstances that occurred during the transit of his remains from here to the place of his burial, evidences were presented from the population of the State of which he was a member that indicated the high esteem in which his private character and his private virtues were held by the communities through which his remains were taken.

I may say here, Mr. Speaker, that while the public men of our country and other countries may be commended, may be approved and extolled by general expressions of sentiment as to their public career and the discharge of their public duties, there is no greater evidence of the worth and character of the individual than that which is secured from the expressions of respect and regard by the masses of the people. When this man's remains were taken to the capital of his State and laid there in the statehouse for the observation of the people of that city, they not only assembled and passed in silent respect the bier where these remains laid, but in addition to that the poor and lowly, the masses, especially, were greatly among the throng that passed by the remains upon this occasion; and from the silent evidences of sorrow, respect, and regret that those persons gave as they passed by the remains of this distinguished man it was apparent that his hold on the mind and affections of the common people had reached through the community.

They were the persons who passed silently by, indicating the great sorrow and the great attachment that had grown up in their hearts from the life and experience that they had had of this man and of his qualities and his conduct as a prominent man and member of their State. It was a tribute that could not be otherwise given to any public person than from a deep sense that had impressed itself upon the minds of these people of his virtues, of his forbearance, of his assistance to the lowly and laboring classes of the community. It was not only among the masses of the white people that these tributes of respect and these tributes of feeling were given to him, but among the black people as well. All seemed to cherish and revere him as their friend; as a person upon whom they had depended, and from whom they had received assistance.

It was a gratifying circumstance to see these evidences of feeling and of sympathy upon the part of these people, the "plain people," as Mr. Lincoln designated them, flowing out upon this occasion for the memory of a man who had been so long in their service and the service of their State.

When the remains were taken from this place toward the city where they were to be consigned to the tomb, they remained upon the cars of the railway at Durham for the period of an hour, and during the time the train remained there this class of people again thronged the train and passed through for the purpose of paying tribute to the man for whom they entertained this great degree of respect; and the crowd was so large that it seemed as though all the working classes of that town and city had gathered together to render the deceased this tribute of their sincerity and of their great respect.

When, in the progress of the journey, the train passed through Greensboro, the same manifestations of feeling and respect from the masses of the people were again renewed, and while the train remained there those people, although in the evening time of the day, thronged about the platform and passed through the car for the purpose of taking a last look at the man whom they had lived to admire, to respect, and to love.

We passed from there to the city where his residence had been; and there he was laid before the people in the same condition of state. There he received the attention, the commendation, the respect, and the love of the individuals composing those classes of the community, as he had at the other places through which the remains had been taken. When the time arrived to take him to the beautiful cemetery adjacent to the city of Asheville, where his

remains were to be laid in quietude, he was followed by this class of people, as well as by the intelligent, the business, and the wealthy of that city, to the cemetery upon the hillside where he was laid in the tomb.

These evidences of respect, these evidences of attention, these tributes and marks of affection on the part of these people, show what the character of this man had been during his life. They show what he had earned in the way of commendation from the people of his own locality, as well as generally from the people of the United States. He was taken to this spot and there buried, with these people surrounding him, giving him the last evidences of respect and affection that they were capable of giving him, and there he was left to sleep in the slope of this beautiful cemetery, almost at the foot of which was the river that flowed from the mountains down to the sea. He has passed, as this river passed, to the ocean of eternity, and there his remains were left in the hope, of course, on the part of all, in the promise of a final and blissful resurrection.

But these attributes which were exhibited in the manifestations of the people could not but impress every person with the conviction that he was a man who, in his life, in his conduct, in his relations to others, had secured the approval not only of the wealthy, the intelligent, the prosperous members of the community, but also that he was upon a line of entire affinity with the working people, the poor people of the locality where he lived and of his great State, and that they entertained for him a deep measure of respect and affection, as indicated by the expressions of sorrow that attended his demise. It was an honor to his memory, an honor to the man, an honor to the State, a manifestation that could not have originated from any other source than the grandeur, the sincerity, and the kindness of his character, and these evidences will, no doubt, long live, to characterize, to preserve, and to secure his memory in the minds and hearts of all classes of the people of his State as well as of the country at large.

Mr. WHEELER of Alabama. Mr. Speaker, Senator Vance, probably more than any other man of this generation, possessed qualities which peculiarly fitted him for a public servant in a Republic like ours. He combined great ability, profound learning, intuitive knowledge of human nature, and an ability to present his views with great power and clearness. In any attitude or position in life, Senator Vance would have been a leader and would have achieved great distinction. His character seems to have abounded in those qualities which people of all classes and conditions love and admire.

He was honest and sincere in every phase and interpretation of those words. He was generous in all his dealings. To the weak he was tender and magnanimous. His whole life was an exemplification of love and devotion to the people whom he served. To this was largely due the bounteous outpouring of love from his people to their idolized leader.

At the age of 24 Senator Vance became distinguished as a member of the legislature of North Carolina; at 26 he was prominent as an eloquent and able Representative in the Congress of the United States. At 31 he had organized one of the finest regiments in the Confederate army, had become greatly distinguished as its leader, and had received the highest commendation for his coolness, courage, and soldierly conduct in battle. A year later, when but 33 years of age, he was elected governor of North Carolina, and in 1864 was reelected to that exalted position. His administration of affairs as chief executive of his State earned for him the approval, support, and confidence of the people. He perfected arrangements by which the resources of the State were availed of to clothe, feed, and care for the soldiers in the field, and at the same time to give protection to their families and their homes.

I first met Senator Vance in April, 1865. It was inevitable that the next day the Federal army under General Sherman would occupy the State capital. It is a historical fact, that appalled as they were by the strength of the Federal army, and the inability of the Confederates to resist the overpowering forces under General Sherman, many prominent men advised that North Carolina should make the best possible terms with the Federal Government.

Senator Vance was too great a man to be led from his plain line of duty into negotiations of such a character, and he determined that the honor and best interests of North Carolina and her brave soldiers, who had won imperishable renown, demanded that she should share the fate of her sister Southern States. Preferring, in case he fell into the hands of the Federals, to be in the attitude of a military rather than a political prisoner, and desiring to remain as close to his capital as possible, and to obtain the earliest information as to the condition of the Confederates as well as the movements of the Federal army, Governor Vance was appointed an aide-de-camp upon my staff, with the rank of colonel, and for some days I had the honor and pleasure of an intimate association with this distinguished war governor. I was forcibly impressed with his wisdom and foresight. Surrounded as we were by what seemed to most people inextricable uncertainties, Governor Vance appeared to fully comprehend our future.

His distinguished career since the war is fully known to our

country. Few Southern Senators have been so fortunate in exercising influences for the benefit of the States they represent as Senator Vance.

I shall leave it to those of his own State to speak more in detail of the career of this eminent man. The exalted position which he held for more than the third of a century places him high in rank as a man of national usefulness and prominence.

He enjoyed the respect of the entire country. The brave soldiers he so gallantly led love and admire him for his courage in battle, the hearts of the people of his State go out with feelings of love and gratitude for the fidelity with which he executed the trusts confided to him, and the people of the South will always honor and revere his memory.

By the side of the ever-running streams and the eternal hills of the historic State of North Carolina, the State which gave him birth and lavished honors upon him, the mortal remains of Senator Vance have been laid to rest.

Mr. BLAND. Mr. Speaker, I wish in a few words, to add my testimony to the great merits of our departed statesman, Senator Vance.

He was a member of the Senate; I a member of the House. Yet we were frequently thrown together, both socially and officially. I was, probably, brought closer to him because like myself he believed that the restoration of the free coinage of silver was necessary to the financial welfare of the country. Bimetallism had no abler advocate in either House of Congress than Senator Vance.

In the coming battles for this cause we will miss his wise counsels and deplore the loss of his eloquent pleas for the success of this great issue.

When I understood that Senator Vance had the floor in the Senate on the silver question I always took pleasure in going over to hear him.

His eloquent words in opposition to the repeal of the purchasing clause of the Sherman law rang out in warning against the repeal, and his prophecies that the promised prosperity consequent on the repeal would never come, but on the contrary predicted that the country would suffer on account of such legislation, have proven to be true.

Senator Vance was one of the most striking personages in public life. There was a magnetic charm about his smiling face. His evident good nature, coupled with his strength of character, at once photographed itself upon the memory.

I can see him now as he appeared in all the strength and power of a great man, for he was truly great.

In debate he was strong and forceful. Always in earnest, intensely sincere, yet withal he had a pleasing manner, so that while vanquishing his opponents he awoke no spirit of revenge.

Mr. Speaker, if Death sought from among us a man who in all his nature was a sympathizer and friend of struggling humanity, if the fell Destroyer was determined to strike down one of the most conspicuous champions and ablest defenders of the interest of the plain people, then, indeed, was the doom of Senator Vance inevitable. But Death spares no man, however great and useful he may be. Truly life is but a span. When we live out our allotted "three-score and ten" we look back to the days of childhood, youth, and mature age; we compress all these years of joy and sorrow, of success and failure, in a moment of intense thought. Yea, the mind goes back through the dim vista of ages past. We see the peoples who for thousands of years have come and gone. We confuse and confound until all mankind since the world began appear as our contemporaries. Dying, we join them as youthful companions in eternity.

Death is the great commoner. He lays the heads of the great and powerful as low as the humblest. But death can not rob the great Senator of his just renown. His memory will live. His life and character will be pointed to as an example of what honesty and energy may accomplish.

His name and fame are secure.

As we love and revere his memory, so also we trust his spirit is at peace with his God.

Mr. McMILLIN. Mr. Speaker, one of the strongest and best beloved sons of the Southland and patriots of the whole land is gone. We come to-day to place in the records of this House our humble tribute to his many virtues.

Senator Vance was born in 1830, in North Carolina, and finished his education, so far as schools were concerned, about the time he reached manhood. But his period of study did not end here, for to the day of his death he was not only a thoughtful man, but devoted much time to studying the writings and sayings of others.

One of the British essayists has defined genius to be the possession in combination of "a quick perception, a strong understanding, and a high sense of the ludicrous." All of these our deceased friend possessed in a very high degree. In truth, he was a very rare and remarkable combination. He possessed native brilliancy without it diminishing his disposition to study; he had the finest

wit and humor without impairing his reputation for serious thought and stern action. These were used only as aids in impressing solemn truths and serious matters. His speeches, both written and extemporary, abound in humorous thought, witty expression, and in anecdote; but I defy the most careful critic of his public utterances to point to any of these ever used except to illustrate a weighty matter.

From his first entrance into public life to the close of his long and eventful career the most signal success marked the course of this wonderful man. For a third of a century he participated in the great conflicts of our intense American life. Step by step, and with remarkable rapidity, he rose from station to station till he had served his State as its attorney, in its legislature, in its army, and the House of Representatives here, as its governor, and as its four-times-elected United States Senator. He saw the slavery question rise and culminate. He saw the Union divided and our whole people rush to the tented field, and was a participant in the mightiest civil war of all the ages. So prominent was he as Congressman, as officer in the Army of Virginia, as war governor, as Senator, then as governor in the trying period that succeeded our war, that it would be no exaggeration to say that he was one of those upon whom all eyes were fixed. Yet it can be truly said that never for an hour, never for a moment, either North or South, was his courage, his honesty, his patriotism, or his self-sacrificing devotion to principle questioned.

Nor were his admirable qualities confined to the field of public duty. He was as lovable in his home life as he was admirable in public station. I know now and knew before he wed her the noble woman who stood by his deathbed at the last sad hour. And I know that whilst his country suffered much by his departure, his sweet and hospitable home can never again be lighted as his genial smile illumined it.

Mr. Speaker, Senator Vance not only had the virtues I have enumerated, but he loved the God who gave him being, with his "whole soul, mind, and strength," and yielded himself to His service. He was able to pass through the valley of the shadow of death with the same freedom from fear that had characterized his journey through life. The blaze of Christianity illumined his way, and no fear caused him to falter when he came to "tread the wine press alone."

Sir, honored by his great State as few men ever are, loved by all who knew him, respected and admired by the people of all the States, he has been taken from the country he loved so much and served so well. From the shores of the Atlantic to the summit of North Carolina's beautiful mountains there is not a patriotic son or daughter of the glorious North State whose heart is not bowed down with grief on account of their and our country's loss. His whole people, whether residing on mountain or in valley, in mansion, in cottage, or in cabin, feel that they have lost a great champion, and the country a great defender.

May the God whom he loved and served bless the family left to mourn him, and inspire those of us who survive him with that love of country and devotion to duty and principle which are shining characteristics of his glorious life.

Mr. SPRINGER. Mr. Speaker, I will not speak of all the positions of honor held by the distinguished Senator whose memory we are commemorating on this occasion, nor of all his great virtues. Others better acquainted with his long and honorable career than I am have already given the details of his life work, and have recounted the many acts of his illustrious and eventful history. He served as a member of this House in two Congresses before the war, was three times governor of his State, and was four times elected a Senator in Congress, but was not seated under his first election. He died in the middle of his third term of Senatorial service. He held many offices of honor and trust in his State, and served for a short time in the Confederate army. In all the positions held by him he acquitted himself with marked distinction.

He was a man of commanding presence. In any assembly or company of people he would have been "the observed of all observers" on account of his fine physique, his dignified bearing, and his intellectual features. I did not know him in his youth, but in his maturer years he was in appearance an ideal governor, a model Senator.

He was of a most cheerful disposition. One could not come into his presence without feeling a sense of cheerfulness at once. It was impossible to be with him without forgetting all cares and vexations of life. He possessed an inexhaustible fund of information on all public questions, and never was at a loss to emphasize his narrations of personal and historical reminiscences with amusing anecdotes. He possessed in a high degree a sense of humor, and enjoyed telling and listening to others tell amusing incidents in everyday life. Few persons whom I have known could tell a story in a better vein of humor or in a manner more impressive than he could do. In this respect he was very much like Abraham Lincoln. They both made their popular addresses exceedingly attractive to their hearers by an occasional humorous illustration, which never failed to call forth demonstrations of applause and



to rivet the attention of the audience upon the more solid and instructive portions of their discourses.

Senator Vance enjoyed in a most remarkable degree the affections of the people of his State, and in fact of the whole country. He was a gentleman of the old school, honorable and just in all the relations of life. His integrity was far above all suspicion, and he maintained at all times a steadfast adherence to his convictions, and upheld the right regardless of consequences. He was a statesman in the broadest sense, a devoted friend of the common people, and a fearless advocate of the equal rights of all before the law.

He so lived during this mortal life that he approached the life to come with calm resignation, and even cheerfulness in anticipation of a brighter and better existence beyond the tomb. And why not?

There is no death! What seems so is transition;  
This life of mortal breath  
Is but a suburb of the life elysian.

Our departed friend so regarded it and did not fear the change. His death is an irreparable loss to his family, to his State, and to his country. But their loss was his gain. He sleeps the sleep of the just and will receive the reward of the faithful servant.

Mr. SWANSON. Mr. Speaker, I do not rise to deliver a studied or elaborate eulogy upon the distinguished Senator. That has been so well and eloquently done that I can add nothing to what has been said. I only rise to place upon his grave in behalf of myself and people a modest chaplet of love and esteem.

The people of no section heard with more profound regret and sorrow the death of the late distinguished Senator from North Carolina than those whom I have the honor to represent upon this floor. No people loved him more than we loved him; none admired him more than we admired him; none have experienced more than we his kind offices and generous aid. When to subserve partisan purposes the Senate of the United States, by a pretended investigation, inaugurated by a recreant Senator from Virginia, sought to blacken the fair name and asperse the character of the good people of Danville and my district, we found in Senator Vance our brave champion and our valiant defender. That gratitude which is the richest and rarest flower that sheds its perfume on the human heart will ever insure him our highest regard; encircle his name with garlands of deepest love and devotion. We feel toward him that deep personal affection and pride which animate the people of his own State. I wish I had the power this afternoon of voicing the tender love and admiration that my people entertain for this man. I wish my power of speech was commensurate with and could do full justice to his splendid qualities of mind and heart.

Senator Vance was a man whom to know was both to love and to admire. Affable, joyous, warm-hearted, kind, and generous, he was "the very schoolboy of the heart." He possessed a genial flow of spirits, a witchery of wit and humor that was irresistible. His presence was sunshine. Vance always impressed me like the great State he represented. North Carolina is largely composed of rich, broad, fertile fields and plains, and is decorated here and there with a wild picturesqueness and beauty of scenery unsurpassed. So with her great son; he was endowed with a strong, broad, masculine mind and heart, sparkling with all the fascinations of wit and humor and glittering with all the condescensions of eloquence, pathos, and genius.

Mr. Speaker, the greatest of all English novelists, in his masterpiece, *Vanity Fair*, has truly said that the world is a looking-glass and casts back to each man the reflection of his own face. If he smiles upon the world it smiles upon him. If he frowns upon it, it frowns upon him. If he hates it, it hates him. If he loves it, it loves him. How profoundly is this truth illustrated in the magnificent career of the late distinguished Senator. He smiled upon the world with a tender smile, and it received him with open, loving arms. He loved humanity and the world, and he died the idol of his people. He trusted the people, and with implicit confidence his people, in their hours of trial and gloom, placed with loving faith their hands in his and followed his leadership and guidance to sunshine and prosperity.

His people showered upon him every trust, every honor which it was in their power to bestow. What a splendid career does his life present. Prosecuting attorney of his county at 22; member of the legislature at 24; Representative in the United States Congress at 28; a brave, distinguished soldier at 31; elected governor of his State at 32, to guide her through the storms and tempests of war; reelected at 34 with the reputation as the most distinguished and efficient of all the noted war governors. In 1870 elected to the United States Senate, but was refused admission. He returned to his State and successfully engaged in the practice of law until 1876, when, by the universal call of his party, he again offered for governor, and in the memorable campaign of that year redeemed his State from the corrupt and miserable government which reconstruction had placed upon her. In 1878 he was elected to the United States Senate, and from that time to his death he served

as one of the most beloved, talented, and distinguished members of that body.

Few public men, few statesmen have experienced a life so crowded with great and grave responsibilities, so resplendent with success and honors. His public career, extending from prosecuting attorney to United States Senator, each year exhibited a broadening in reputation, in power, and usefulness.

Mr. Speaker, Carlyle, in his splendid essay on Voltaire, has truly said that the life of every man is as the wellspring of a stream, whose small beginnings are indeed plain to all, whose ultimate course and destination, as it winds through the expanse of infinite years, only the Omniscient can discern. Will it mingle with the neighboring rivulets as a tributary or receive them as their sovereign? Is it to be a nameless brook, and will its tiny waters among millions of other brooks and rills increase the current of some world-famed river? Or is it to be itself a Rhine, a Danube, an Amazon, whose goings forth are to the uttermost land, its floods an everlasting boundary line on the globe itself, the bulwark and highway of whole kingdoms and continents.

As to which a man's life shall be—whether a tiny stream or a magnificent river—depends largely upon one's talents, but more than all, his own efforts and ambition. Vance, possessed of high qualities of mind and splendid talents, aspiring and ambitious, chose to make and did make the stream of his life, as it ran with its pure waters to the great eternal ocean, a large and majestic river, known far and wide, fertilizing broad fields, enriching States, and carrying on its bosom rich treasures for his country and mankind.

Mr. CARUTH. Mr. Speaker, scarcely had the echo of the last gun of our fratricidal war died out in the land, hardly had the smoke risen from the last battle plain, blood-smeared Bellona had but just fled and white-winged Peace returned from her banishment to reign in her stead, when it entered the patriotic minds of some of the residents of the city of my home to bring together on Kentucky soil representative men of the North and of the South, who had so recently doffed the blue or the gray, to mingle together, to "shake hands across the bloody chasm," and to renew their vows of allegiance to the Union of the States under the victorious Stars and Stripes.

It was appropriate that such a gathering should be held on Kentucky soil, for that State stood on the border land, tried to avert the threatened conflict, spoke the words of conciliation and of peace. Her efforts were useless, her voice was unheeded, and from her blue-grass fields and her mountain fastnesses her brave sons rushed to the aid of the cause they had loved. Eighty thousand of her people enlisted on either side in that deadly conflict. Principle divided her people, dissension entered every household and separated father and son and brother and brother. She loved the Union as she loved the South. What better mediator for peace than she? What hand could more appropriately reach forth to bring together in peaceful unity the men of the North and the South than the hand of Kentucky?

Animated by a desire to accomplish this great work, the patriotic people of Louisville brought to their hospitable homes representative men of the North, men of importance and influence in the South. In this notable gathering who could more appropriately mingle than Hon. Zebulon B. Vance, of North Carolina? A lover of his country, his influence had been exerted, his eloquent voice had been raised against the dismemberment of the Union, and it was only after his efforts failed that he, with the greatest reluctance and the deepest sorrow, followed his beloved North Carolina into the Southern Confederacy. It is needless to say that on the occasion referred to no voice pleaded with more potent eloquence for the restoration of the Union on the principles of the Constitution than that of Governor Vance. Although I knew this dignified man by reputation it was not until this occasion that I had the pleasure of personally meeting him, and from that time I admired and respected him. I was destined, however, to know him better, not only from the official intercourse which a member of the House necessarily has with a member of the Senate, but because also it was to Kentucky and to the county of my home that Governor Vance afterwards came to select his life companion. It was a fortunate selection for him, for she was one of the fairest, brightest, most gifted daughters of Kentucky. She became indeed his helpmate—a wife devoted to her husband.

Ever on the watch to borrow  
Mirth of his mirth, and sorrow of his sorrow

From the fact of this union, Kentucky has claimed a deep interest in this distinguished man, and watched his career with affectionate pride. In the hour of mourning, sorrowing over the affliction which has come to the heart and home of her gifted daughter, Kentucky claims the right to mingle her tears with those of bereaved North Carolina.

What could I say of Zebulon B. Vance that all America does not know? Shall I speak of his patriotism? His devotion to his country and his State is part of the history of the trying period of the civil war. Reluctantly he left this House to enter the army of his native State, and became a colonel in the Confederate army.

ice. He laid down the sword to assume executive control of the affairs of his State. He was North Carolina's war governor, sustained throughout this fierce conflict the supremacy of the civil over the military law, and when the end came his voice was raised in behalf of peace and a restored Union. All this the world knows.

Shall I speak of him as a statesman? Do not all the people of the United States know the story of his work in the halls of legislation in behalf of his State and his country? Twice a Representative in this House, thrice governor of his native State, four times chosen Senator. Whose civic career is more distinguished than this?

Shall I speak of him as an orator? What words of mine could do justice to his fame? He was, indeed, gifted with eloquence. On the hustings his voice rang out with persuasive power and molded "the thoughts of many into one," and in the legislative halls "listening senates hung upon his tongue." In modern times there has appeared in the Republic no more thoroughly equipped or better prepared debater and orator than Zebulon B. Vance.

Shall I speak of him as a man? Those who knew him best have borne the strongest testimony to his worth. Born in the Old North State, with his ashes buried in her soil, North Carolina says to the world: "He was my beloved son; I twice sent him to the National House of Representatives. I then made him my governor, and four times I elected him a Senator in Congress. Never did I before so honor one of my citizens; he was always true, always worthy. I honored myself in honoring him."

Let me borrow in this connection the very eloquent language of his colleague, Senator RANSOM, who, in speaking of him on a similar occasion to this in the Senate, said:

What Tell was to Switzerland, what Bruce was to Scotland, what William of Orange was to Holland, I had almost said what Moses was to Israel, Vance was to North Carolina. I can give you but a faint idea of the deep, fervid, exalted sentiment which our people cherished for their greatest tribune. He was of them. He was one of them. He was with them. His thoughts, his feelings, his words were theirs. He was their shepherd, their champion, their friend, their guide, blood of their blood, great, good, noble, true, human like they were in all respects, no better, but wiser, abler, with higher knowledge and profounder learning.

Nor was this unsurpassed devotion unreasonable or without just foundation. For more than the third of a century, for upward of thirty years, in peace and in war, in prosperity and in adversity, in joy and in sorrow, he had stood by them like a brother—a defender, a preserver, a deliverer. He was their martyr and had suffered for their acts. He was their shield and had protected them from evil and from peril. He had been with them—he had been with them and their sons and brothers on the march—by the camp fires, in the burning light of battle; beside the wounded and the dying; in their darkest hours, amid hunger and cold and famine and pestilences, his watchful care had brought them comfort and shelter and protection.

In defeat, amid tumult, amid ruin, humiliation, and the loss of all they had, he had been their adviser, he had guided them through the wilderness of their woes and brought them safely back to their rights and all their hopes. He had been to them like the north star to the storm-tossed and despairing mariner. He had been greater than Ulysses to the Greeks. He had preserved their priceless honor, had saved their homes, and was the defender of their liberties. He was their benefactor. Every object around them reminded them of his care, every memory recalled, every thought suggested his usefulness and their gratitude.

The labors of his useful, brilliant life are over, the triumphs of earth are ended in death, but the memory of his deeds, the story of his career, will not only live in history, but tradition will hand them down from sire to son to the remotest generations of our people. His fame is immortal.

Mr. BRYAN. Mr. Speaker, we are called upon on these occasions to speak of the virtues of many different types of men. Sometimes one is taken from us who has spent the most of his days in private business and has come to these Halls to crown with public honors a busy life. Sometimes we are called to mourn a man taken from us in the very beginning of his career, and consider what he might have accomplished had he lived. But it is seldom that, in either of these Halls, we find a man whose life was so completely given to public service as was the life of Senator Vance. He began his public career when he was a young man, barely of age, and he was a public servant from that time, almost without a pause, until his earthly life was ended. In the history of our country I think we shall find few men as remarkable. When a man is elected once or twice and disappears, we may attribute his success to circumstances; but when a man begins, as Mr. Vance began, a young man, and retains the confidence of those whom he served for a generation, we must conclude that his success is due to something more than chance or accident.

Senator Vance was "a leader among men." Few in our day or in our history even have better earned that designation than Zebulon Vance. He was a leader among men—and naturally so. He had those characteristics which could not fail to make him a leader, not self-appointed, but chosen by common consent. He was a wise man. He was able to estimate causes and calculate effects. He was able to foresee what would come to pass, because he understood men—that is necessary in a leader. We rely upon the infinite because we are finite. We feel the limitations of our own knowledge and we long to find someone who knows more and can see farther than we. Among men, we naturally turn to the one who can foresee events, as a child turns to a parent for advice. It was not the experience of age which he possessed, it was a sort of

intuitive judgment, an instinct for truth, that made him see in advance what others only found out afterwards.

It has been mentioned here to-day that when the late civil war was about to break out, he was able to survey the whole ground and to see what would be the necessary result, and that he told his people what that result would be. He did this, too, when a young man, a man younger than any of us who are on this floor to-day, and time proved his wisdom. So, coming on down, as each new crisis arose, as each new force began its work upon society, he seemed to be able to calculate what was coming, and every time his judgment was justified by events his hold upon popular confidence increased.

When the Fifty-third Congress was convened in extra session in August, 1893, no man in this country more clearly foresaw the course of events and more clearly predicted the results of the proposed financial policy. He talked with his associates; he wrote to his people; he told them just what the effect would be upon the party with which he was identified and whose name he loved.

Not only was he a wise man but he was a courageous man. And that is a characteristic, too, that is essential in the man who is to be a leader of men. He had the courage to assume responsibility. He shirked no duty. What he believed he said, and he was willing to stand or fall by the correctness of his conclusions. Jefferson, in speaking of some man, said that he had not learned the sublime truth that a bold, unequivocal virtue is the best handmaid even unto ambition. Zebulon Vance had learned that sublime truth. He knew that a bold unequivocal virtue is the best handmaid unto ambition, and that, while trimming one's sails to catch a passing breeze may help temporarily, there is nothing which is permanently of aid to a public man except standing by his convictions. I have no doubt he had ambition; but from what I have been able to read and learn of him it was an ambition which is laudable, an ambition which every man in this country may well possess, an ambition to do his duty everywhere, an ambition to deserve well, to have what he deserved and nothing more.

He had more than wisdom and courage; he had that without which wisdom and courage would have been of no avail. He loved the people whom he would lead. And it was no condescending love, either. It was no stooping down to someone beneath him. He really believed in the equality of men and that those among whom he associated were his brethren. He shared their hopes, their aims, and their ambitions. He felt their woes and he knew their joys. He was one of them, and the people loved him because they knew that he loved them. They trusted him because they knew that he trusted them. And in building upon the affections of the people he built upon the only sure foundation.

It has been said that the most sincere tribute that can be paid to a man is that which is paid at his grave. Some may fear a man while he lives, and therefore show him attention; or others may want to court his favor. When we see apparent friendship for the great we do not always know what motive may be behind it. But when a man is dead and is impotent longer to injure or to aid, when men gather around his grave and manifest their love, then we know that their affection is disinterested. And I believe it can be said that no man in this country ever enjoyed the sincere affection of a larger proportion of the people whom he served than Mr. Vance.

But he was not only a leader of men, he was an orator of great influence. Not that on dress parade he was the best man to put up for a public speech, but he was one of the great orators because he possessed two of the characteristics of the orator; he knew what he was talking about when he talked, and he believed what he said. He who believes what he says will move others; and he who knows what he is talking about will convince others. Not only did he impart knowledge surcharged with earnestness, but he possessed rare ability in making the truth pleasant to receive.

He was a statesman as well as a leader of men and an orator. As a statesman he was devoted to his work. As a statesman he was prepared to make every sacrifice for which his position called. As a statesman he was ready to give to every call that conscientious response which duty required. As a statesman he was peculiarly honest. There is nothing in the life of Mr. Vance that I prize more than the fact that with all his ability, with all his knowledge, with all his influence, no person can say that he ever sold his influence, his ability, or his support for money. No person can say that on any occasion he ever surrendered the interests of the people as he understood those interests for hope of gain.

Sometimes people speak sneeringly of legislators. Sometimes they speak as if there were no such thing as honesty among legislators. Some people talk as if every man has his price, as if all that is necessary is to offer enough money and the influence of any man who is serving in official position can be purchased. I do not believe that the worst enemy that Mr. Vance ever had would



say of him that any amount of money, however great, could have purchased his vote, his voice, or his influence. And that a man with his commanding ability, whose official life began at the very dawn of manhood and continued through all the conspicuous positions within the gift of his countrymen, should successfully resist all pecuniary temptations and die poor is, I think, one of the proudest of his achievements.

Mr. Speaker, there are things in this life more valuable than money. The wise man said three thousand years ago, "A good name is rather to be chosen than great riches, and loving favor rather than silver and gold." We struggle, we sacrifice, and we toil in order to leave to our children a fortune; but I believe that Senator Vance has left to his widow and to his children a greater, a more valuable heritage than he could possibly have left had he given to them all the money which one man ever accumulated in this world. When he left to them a name untarnished, when he left to them a reputation such as he earned and bore, he left to them that which no wealth can purchase and that which no one who possesses it would part with for money. I am not skilled in the use of obituary adjectives, and did not rise to give a review of his life, but I beg to place on record my tribute of profound respect for a public servant who at the close of his career was able to say to the people for whom he toiled, "I have lived in your presence for a lifetime; I have received all my honors at your hands; I stand before you without fear that anyone can charge against me an official wrong." I say, to such a man I pay my tribute of respect.

Mr. WARNER. Mr. Speaker, it has fallen to others, sir, to speak of Senator Vance from the standpoint of long association and intimate personal acquaintance. In the brief tribute which I shall pay to his memory I shall speak rather for those who watched his career from afar, and who had learned to trust in him as one of the standard bearers of the cause in which as private citizens they cast their ballots year after year.

It was in the troublous days of reconstruction, sir, that we of the North first knew him. We then heard of him as one of those extraordinary young men of whom North Carolina has had so many. District attorney of his county as soon as he became of age; elected member of his State house of commons before his term as district attorney was over; elected to Congress at 26, and kept there until he entered the Confederate army; made colonel at 31, in three months after his enlistment, and elected governor of his State a year later, at the age of 33; sent to the Senate in 1870, but refused admission there, we had learned to consider Governor Vance as the incarnation of North Carolina and North Carolina as the State of Governor Vance; and we were confirmed in this when, after being elected a third time governor, he was again sent to the Senate, this time taking his seat.

And it was but a short time, sir, before we began to know him as one of the chosen few upon whom we could always depend to fight the fight and keep the faith of the great national party he so long and so well served. We of the North counted every year more and more on Senator Vance, and every year we found our faith better justified.

And when, in 1890, as the great Senator from Kentucky was stricken with mortal illness, we saw Senator Vance, worn and suffering, taking his place in the thickest of the fight, he became thenceforth our rock of reliance; and not merely in the old North State of the South but throughout the North we gloried in his pluck and prayed for his health.

Such, sir, was the confidence, such were the fears with which we were inspired when, but a little more than a year ago, we anxiously awaited his return to the place where he was so sorely missed. The crisis was at hand of the long struggle in which he had so long fought. If there was any man who had earned the right to lead the battle in the Senate, if there was one upon whom his party and his country had specially counted, that man was Senator Vance.

But death claimed him.

I shall not attempt, sir, to find consolation for his loss. In the crisis in which it occurred, in view of the long balance and dubious issue of the events in which we needed his aid, and lacked it, we can only bow to what must be. He was stricken down just when his arm was most needed; we lost his aid just when it would have availed us most; and the coranach of Duncan found its echo in our hearts:

He is gone on the mountain,  
He is lost to the forest,  
Like a summer-dried fountain,  
When our need was the sorest.

He died too soon—not for himself, for fame had already written full the record of his busy life, but for his State, his country, and his party, that he had served so long and so well in field and in council; as a soldier, without fear; as a statesman, without variableness or shadow of turning; as a man among men, whose presence warmed and cheered every fellow-mortal whom he touched.

Mr. BUNN. Mr. Speaker, in that sweetest and tenderest, the sublimest, and most beautiful love tragedy that was ever written—the thrilling, the heart-moving, the soul-electrifying play of Romeo and Juliet—Mercutio, the wit of that play, is made to say, when he had received a fatal wound in his breast by the hand of Tybalt, "Tis not so deep as a well, nor so wide as a church door; but 'tis enough, 'twill serve."

And so the wound of bereavement which has been made in the hearts of his countrymen by that cruel danger, Death, which removed from time to immortality the spirit of the lamented Vance, is deeper than the soundless depths of old Ocean and broader than the whole Christian Church, and it will remain there until the last ripple in the river of Time has been mingled with the waves in the ocean of Eternity.

And now, Mr. Speaker, in coming to pay my humble but sincere and heart-nursed tribute to transcendent worth and exalted greatness and loftiest excellence, I feel the poverty of human expression and the weakness of strongest language, for words, however expressive and graphic, are at best but poorest vehicles for the transmission of those feelings, when the heart is swept by the rushing billows of grief that sweep o'er the ocean of an overwhelming bereavement. And so, my tongue is in the coffin of Vance, and I can only bow my head and weep o'er the memories of him who is now sleeping where the myrtles grow and the daisies peep.

But, Mr. Speaker, I must attempt a tribute to his worth and express my grief at the loss which our country has sustained in his untimely death. I say untimely, for he went down in the hour of his greatest usefulness, when his magnificently equipped mental forces were most admirably trained and drilled and disciplined and in fullest and strongest vigor. But he went down like the blazing meteor, more brilliant and dazzling and resplendent in its downward coruscations than when in pristine glory and unsullied radiance it first glistened in the firmament with planets; for our grandly panoplied Senator was ascending into the zenith of his glory; his last service was the most brilliant, his last speeches his greatest and his best, and will crown his career with a halo of renown that will never lose the richness of its effulgence or the brilliancy of its beaming.

Yes; he died when his mind was in the noontide of its richest brilliancy and his power in the very summer of its lushest vigor. He passed away when his splendid abilities were in greatest demand and when his sage counsels were most needed. And his loss is irreparable, for he was a true patriot and a broad-gauged statesman, and being so thoroughly versed in the affairs of government his sagacious counsels and ripe experience were indeed most needed in this trying ordeal of our political history. His death at such a time did indeed produce a shock that was felt all over the country, for while we all knew that he was in feeble health and was perhaps nearing that glorious sunset whose gorgeous beauties are but the undimmed reflections of celestial splendor, yet his death was so sudden that we could scarcely realize that the brawny-brained statesman had ended his last debate, and that listening Senators would never more hang with rapt attention upon the wholesome words that fell from his eloquent tongue.

Senator Vance was perhaps the most many-sided and admirably rounded public man of this century. He was not only a man of magnificent ability and richest intellectual resources, but he was a speaker of rarest eloquence and the most thrilling and electrifying oratory. His stirring appeals were as sweeping as the winds when forests are rended and as resistless as the billows of the sea when navies are stranded. He was, indeed, a grand, powerful, intellectual giant, and on the stump the most admirably fortified men of this age dreaded the sweep of his logic, the vigor of his eloquence, the fiery outbursts of his dramatic oratory, and the withering fires of his burning invective.

In the fields of literary culture and classic research he was indeed superb, for his speeches, while containing golden nuggets of ripest wisdom, sparkled with gems of richest humor and glistened with the auroral lights of the finest poetic fancy. Thousands have been charmed and enchanted with the richly blooming flowers of his poetic gardens and lulled and soothed by the rhythmic flow of his gracefully winding current of mellifluous rhetoric. All of his speeches were forceful in their presentation of truth and facts, noble in their ethical teachings of duty to country, luscious with the mellowest fruitage of lofty patriotism, opulent with the gems of successfully garnered wisdom, kingly in the imperial sweep of their royal eloquence, and regal in the magnificent drapery of the most ornate diction. They will prove monuments to the fame of Senator Vance more lasting than marble, for on the adamantine and invulnerable surface of their imperishable worth, unequalled merit, superb splendor, and magnificent beauty, the corroding and devastating moth of decay will never fix a fang.

And the people loved him because his big, generous, sympathetic heart was always responsive to every touch of sorrow and distress, and ever ready to vibrate with tenderest strains of solace and commiseration; and so when the sad news of his death was sent on

the quivering bosom of the electric current throughout his native State it opened the floodgates to the briniest waters in the stream of human bereavement, for all felt that one of North Carolina's truest and noblest and grandest sons had been stricken down like a flower in fullest bloom and beauty. And those who followed that funeral train as it took him to his last resting place in the mountains, and witnessed the spontaneous demonstrations of grief that gushed from the loyal hearts of the old and the young, the high and the low, the rich and the poor, must have realized that the depth of love and fervor of devotion felt and shown for him was never before manifested for any other man in the history of my State.

And the people loved him, too, because he was true to them. In season and out of season his voice was ever ready to uphold their interests and defend their rights. He was in touch with them, and they could always hear the beating of his great heart and listen to the music of its throbbings and from its inspiring strains find solace for the ills of the present and hope in the promises of the future. And so he became their idol, and they followed him most blindly. And he never deceived or misled them, for his life was as an open book and its pages could be read by all. And on those pages there were no blurs or blots or blemishes; all pure and bright and stainless and flawless.

He was the soul of honor, the very embodiment of honesty. He had the courage of his convictions, and everybody knew how and where he stood, for he was free and bold in the expression of his views and opinions. And yet, bold and aggressive as he was in political combat, his heart was tender and sympathetic, and in all of his dealings with the weak and defenseless he was the very personification of womanly tenderness and forbearance; and no one could surpass him in those gentle amenities which give such a charm to manhood and such a glorious light to true greatness.

These are some of the virtues which emblazon his character and which will shine forever in that fadeless and imperishable coronet that will crown the lustrous brow of the illustrious Vance.

But, alas! this stately oak, the very monarch in the forest of humanity, with all of its widespreading and luxuriant branches of intellectual adornment, bathing in the glad, warm sunlight of affectionate esteem and idolatrous admiration, has been stricken down by the inevitable bolt of death, and he now sleeps in the peaceful hush of the quiet grave. But men may stalk across the stage of existence and make reputation as bright and as radiant as the blush of a dewdrop under the trembling kiss of a morning sunbeam, but never will the brilliancy of his reputation be surpassed by mortal man, and never will his name hold a second place on the tablet that recites the glories of intellectual splendor; and though he has gone from us forever, yet he has left behind him an example and an influence and a memory that will prove a blessing to his country and a benediction to his people, for their radiant light will blaze for our guidance the glorious path of patriotic duty he so nobly trod and encourage us to live like him who has gone to his God.

Yes; he has left behind a radiant stream of effulgent glory. Like the brilliant sun, which sinks behind the distant hilltops and leaves behind a golden stream of gorgeous splendors, making the whole western horizon seem as if the most opulent dye pots in the studio of the angels had been upset and had leaked through upon the clouds thus giving them the tintings of celestial glories, so his sun of existence has sunk behind the hilltops of death and left behind a stream of memories that will never fade from the tablets of our hearts. Unlike the glories of the setting sun, which soon lose their gorgeous colorings in the bosom of darkness, his resplendent virtues will not lose their brilliancy in the shadows of death's dark night, for they were dug from mines of richest and purest ore, and bright in glory's jeweled throne they will shine forever more.

On Fame's eternal camping ground  
His silent tent is spread,  
And glory guards with solemn round  
The bivouac of our dead.

Mr. ALEXANDER. Mr. Speaker, comparatively few great men have had such a checkered career as the late Senator Zebulon B. Vance. I will give only so much of his history as will show that during the changing conditions of society he was always the trusted leader of his people. He was born May 13, 1830, in Buncombe County, N. C. His early life was uneventful, not differing from that of the friends of his boyhood.

His educational advantages were not the best, but fairly good. He was admitted to practice law in the county courts in December, 1851, elected county solicitor for Buncombe County in May, 1852, and admitted to practice in the superior courts in August, 1853. He was elected to the house of commons of North Carolina in 1856, and to the United States Congress in 1858, and reelected in 1860. During this period he was an ardent Whig, and devoted to the Union. In 1861 he resigned his seat in Congress, and volunteered in the service of North Carolina and the Confederate States to fight as a soldier, actuated by the same spirit that prompted his fellow-citizens to engage in the war. They had to fight upon one

side or the other, and preferred to cast their lot with the Southern States. He was elected captain of his company, and soon after was elected colonel of the Twenty-sixth North Carolina Regiment. He served with distinction in the battles of Newbern, N. C., the seven days before Richmond, and Malvern Hill.

In August, 1862, the people of North Carolina recalled him from the tented field and placed him in the governor's chair, and it was here that he exhibited that great executive ability that made him so well known through the Confederate States as the great war governor. His foresight in buying the *Advance*, a ship that repeatedly ran the blockade at Wilmington, N. C., freighted with blankets, clothing, boots, and shoes for the North Carolina soldiers and many articles of necessity for the people of the State, rendered him the idol of the soldier as well as the citizen at home. Again, in August, 1864, he was elected governor, and the closing days of the Confederacy further demonstrated the greatness of his executive ability.

After the surrender of the Confederate armies, in May, 1865, he was arrested by the military forces of the United States and brought to the city of Washington, D. C., and imprisoned in the Old Capitol. Some time afterwards he was released on parole, and permitted to return to North Carolina. He moved with his family to Charlotte, N. C., and commenced the practice of law, and proved himself to be one of the ablest advocates that bar has ever had. The national Republican party controlling the National Government during the period of reconstruction disfranchised a sufficient number of white people to give the newly organized Republican party, composed chiefly of carpetbaggers and negroes, control of the State.

The white people, believing that their civilization was threatened, united under the name of the Conservative Democratic party and in 1870 redeemed the State. Though the late Senator Vance was still disfranchised, his wise counsel aided materially in securing that great victory. The legislature, recognizing the valuable service he had rendered, elected him to the United States Senate; but his disabilities not having been removed by Congress, he was not permitted to take his seat. In 1872 he was defeated for the same office by the friends of ex-Senator Merrimon combining with the Republicans. In 1876, after the greatest political contest that has ever occurred in the State, he was elected governor for the third time by a flattering vote.

In 1879 he was again elected to the United States Senate, reelected in 1885, and again in 1891. His death occurred in April, 1894. I think I but state the truth in saying that at the time of his death he had a greater hold upon the affections of the people of North Carolina than at any time during his life. A leader of the Whigs or Unionists, one of the great leaders of the Confederacy, and after reconstruction a great leader of the Democracy, as attested by being reelected governor and four times United States Senator, is a record that proves—

Act well your part, there all the honor lies.

In my opinion, the great secret of his success was his intense earnestness and great ability in carrying out the principles contended for. He never wavered or faltered in a fight. He guarded the interests of the people so well that their confidence in his integrity and honesty was unbounded. They knew that he would never—

Crook the pregnant hinges of the knee  
Where thrift may follow fawning.

Few public men were so fortunate as to have so few personal enemies. Kind, generous, and sympathetic, gifted with a rare fund of wit and humor, he gained the friendship of nearly every one with whom he came in contact. Having been in feeble health for many months, his death was not unexpected. Yet his death came at a time when his people most needed his wise counsel to pilot them through the political trouble then distracting the State. Others have told how the sad news of his death was received by his people, and the great sorrow exhibited by them as his colleagues carried his bier to the capital of his State, and thence to Asheville, and placed it in a sepulcher near his kindred and friends. North Carolina has lost her brightest jewel, and her people have seen their "guide star" struck from the political firmament.

Mr. BRANCH. Mr. Speaker, during my four years of service in the House the occasions have been frequent in either hall of Congress when solemn services like these are held to pay the last act of respectful duty to the memory of some departed member. These occurrences can but warn us of the precarious tenure by which we hold to the fleeting things of time and teach the impressive lesson of instability of human life. It is a happy thing for a country, Mr. Speaker, when the lives of its public men can be thrown freely open to the world and challenge its closest scrutiny with a consciousness upon the part of the friendly critic that there is no blot to be concealed and no glaring fault which a love of truth forbids him to deny and his own sense of right scarcely allows him to palliate.

Of all public men I have known there are none whose lives



teach more impressively the great moral of the strength which public virtue gives than that of Zebulon Baird Vance. Here at least is a public man in whose life there can be found no mean or equivocating action, none of a departure from the self-imposed restraints of a lofty sense of honor; none in which either the fear of man, the seductions of ambition, or the allurements of pecuniary advancement could tempt to a deed which would destroy his own self-respect or the respect of others for him. He knew how to inspire a people with a just confidence in the soundness of his judgment and integrity of his purpose, so as to be looked to as a safe depository of trust and confidence.

His popularity was not the result of those factious aids which give to demagogues and political tricksters an existence, but was the natural consequence of his exalted qualities of both head and heart. Under such circumstances it is not surprising that each step in the political career of such a man should have been crowned with public honors. Amid all the fluctuations of public sentiment, amid all the changes of party, tried in times of war as well as peace, he was found pursuing the path of duty by the light of principle, and dying, he has left behind him a life of consistency and public virtue upon which the patriot may ponder with pleasure, and from which the mere aspirant for worldly honor may draw an instructive lesson.

His life is a true illustration that the line of duty is alike the path of safety and the way to honor. During a long and eventful period a very large portion of his life was spent in the public service; for near half a century he devoted his energies and his talents to the performance of public duties, always performing his trust with fidelity and ability, and never failing to command the confidence, admiration, and gratitude of an enlightened constituency. How happy now the reflections of those who loved him most, that there is not an act of his public life which can be referred to but to his honor; not a suspicion that could mar the purity and luster of his escutcheon. The remembrance of the life and work of such a man should always be an inspiration to those who are to assume the duties he so well in his time performed.

Perhaps, Mr. Speaker, one of the highest encomiums ever passed on a man in public life, said John Quincy Adams, is that of an historian, eminent for his profound acquaintance with mankind, who, in painting a great character by a single line, says, "He was just equal to all the duties of the highest offices which he attained and never above them." The possession of this rare political virtue was preeminently exemplified throughout the career of Zebulon B. Vance, who laid down his work without one stain upon his record, leaving as a priceless heritage to his family and his country a name synonymous with honesty and incorruptibility.

It is a privilege and a sad pleasure, Mr. Speaker, to lay garlands upon the tomb of the honored dead in whose memory these ceremonies are held to-day. I shall not attempt to give a review or sketch of his eventful life, nor recite the many important incidents that mark his long, distinguished public career. Colleagues of mine who have preceded me have with admirable precision of detail, and in eloquent graceful terms of unexaggerated eulogy, spoken of Zebulon B. Vance, who has left upon the historic annals of his State and country lasting and imperishable evidences of his statesmanship and patriotism.

He was a brave, generous, magnanimous man; every pulsation of his warm unselfish heart was kindness and love for his fellow-man. The good of his State, the glory of her people, the honor and welfare of his country was the polar star ever guiding him. His thoughts were of his State and her people. He saw her wide-extending fields of cotton and grain, her mines, her quarries, her factories, the hum of her wheels of industry, the songs of her workingmen—these his thoughts. He knew the privations, the trials, the struggles of his people. To make the burden lighter, their hearts happier, were thoughts that concerned him most, and while, Mr. Speaker, the addresses on this occasion can add nothing to the future happiness of the dead, can not augment the fame which his social virtues and his public career have earned, they tell the world that a republic can be grateful to those who have done her service, and that the citizens of a republic can appreciate the gentle qualities which give dignity and honor to a statesman's life and insure peace and consolation to a Christian's death.

A great man has fallen; it is fit we mourn him, indulging the hope that the light of his example may long continue to illuminate the paths of the future Representatives of the State which honored and loved him as the swiftest in the race of ambition to serve her, the strongest in the strife for her supremacy, a State which now holds his remains and will ever cherish his memory.

Mr. BOWER of North Carolina. Mr. Speaker, all that panegyric can bestow has been accorded to him whose distinguished life and melancholy death we to-day commemorate. The tongue of the orator, the pen of the historian, and, what would have been more to the illustrious dead, the love-inspired eloquence of his immediate fellow-citizens have proclaimed and recorded his distinguished deeds and exalted station. In the presence of his stu-

pendous merit common adulation blushes into silence, and genuine appreciation would be mute. Discarding fulsome flattery, it may truthfully be said of him that he was the greatest of all North Carolinians. If asked in what respect greatest, let each honest admirer answer for himself according to what his own ideal of true greatness may be, for his greatness was full-measured and many-sided. If called upon to name the principal trait or talent that gave him such distinction, his friends would be widely apart in their views. On what rests his solid and enduring fame?

The world has laughed and has been refreshed from the fountain of his quaint and inimitable humor. His anecdotes and sallies of wit are quoted in almost every household in his native State. In every family there yet lives some one to relate and recount his wonderful achievements upon the hustings; how this opponent was foiled; how that was overthrown by the keen thrust of apt and witty illustration. Perhaps he was best known as a humorist, and yet I may venture to suggest that his humor was only an incident and an instrumentality to more substantial qualities. As a ready and an agreeable debater he had few equals and no superiors. He grappled with a comprehension broad and accurate the most abstruse political questions of his day, and it may be said that he never discussed such a question without at once elucidating and simplifying it. Under his manipulation the intricate questions of revenue and tariff legislation were brought within easy scope of ordinary intelligence and understanding. He never shot above the heads of his audience and never below. Whether addressing a grave and dignified Senate or speaking face to face with the sturdy yeomanry of his State, whose arms had borne him so often to victory and never to defeat, he was the same easy, forcible, and convincing orator. He never discussed a question that he did not thoroughly understand, and hence never failed to be interesting and instructive.

His public life was preeminently eventful and successful. Scarcely had he attained his majority when he was clothed with responsible judicial office. At the age of 27 he had the honor of a seat in this Hall, defeating a gentleman of great prominence in his State and changing the political complexion of the district from which he hailed. For a new and young member his standing in Congress was highly creditable. This was just prior to the civil war, and when that memorable struggle came on, though only 30 years of age, the eyes of his people were turned to him for guidance and leadership. Up to the time when his State seceded from the Union he had been an ardent Union man, but when the bond that united North Carolina with the other States had been severed he hesitated no longer, but threw himself with all his soul into the contest which he had hoped to see averted, but which when inevitable received his hearty and unflinching support.

When the tocsin of war was sounded he was promptly at the front, and as colonel of the Twenty-sixth Regiment of North Carolina Volunteers, as gallant a troop as ever marched to battle, he gave promise of as much distinction in arms as afterwards awaited him in the civic field. But it was as the "war governor" of North Carolina that he reached the acme in the esteem and affection of his people. He was in every pulsation and fiber truly Southern, and in the rôle of governor at this critical period he showed forth to great advantage those splendid qualities of head and heart that make the ruler immortal and command the unalloyed pride and gratitude of the governed. Those who lead in times of greatest gloom and trial are those around whose memory cluster the most tender affections of an appreciative people.

In the dark days of 1864 and 1865 he was the beacon light of hope and consolation, and when the sun of the Confederacy went out in the final eclipse he appeared as the first and brightest star in the new and upper firmament. It is not necessary to trace his career from the days of reconstruction to the close of his life. It is written upon every imperishable page that records the history of his State and nation. How he spurned the pelf of power and the lust and greed of office, "choosing rather to suffer affliction" with his people "than to enjoy the pleasures of sin for a season," how he drank the drugs of political humiliation and again tasted the sweets of political redemption, "these things are known and read of all" his countrymen.

In the magnificent structure of his life and character a few of the salient features may be noted. And first and most prominent was the inborn rugged honesty that characterized his life from its beginning to its close. And when I speak of honesty I do not mean it in its narrow, restricted sense of meeting one's pecuniary obligations, though in this sense it may be remarked he lived an honest man and died a poor one. But I use the term in its broader acceptance, involving perfect candor and fairness in all his personal and political relations and dealings with his fellow-man. As a Representative he never deceived nor attempted to deceive his constituency. However embarrassing the strait or pressing the emergency, he "hewed to the line." He was no trimmer. He pursued no devious ways, but sought his object with courageous rectitude in a straightforward, manly way. And yet, while he did not court, he did not spurn public sentiment.

The secret of his great political strength and success was the

grace with which he responded to a popular demand when no inconsistency or sacrifice of principle was involved. Another element in his composition was his intense patriotism and ardent love for the people of his State. He loved North Carolina with the fervor of a first love. Her tall mountains and beetling crags, her deep ravines and undulating valleys, her green fields, her babbling brooks, her bounding rivers caught the enraptured fancy of his youth and held with unbroken charm the ripe and mellowed heart of the man. To him no atmosphere so rare and bracing, no landscape so witching, no sky so blue as hers. No wonder the tired and wasted body in the throes of its impending dissolution should have sought the scenes of its early association and imbibed fresh vigor and renewed hope in every breath wafted from the misty mountain tops of his birthland.

His solicitude for the welfare of his people knew no limitation or cessation. In every crucial period in his life he had taken them into his innermost sympathy and confidence. In the ante bellum days of his budding greatness, at the twilight, and again at the midnight, of war's dread carnival, in the succeeding period of material depression and gloom, in victory and defeat, he was ever of them and with them. Through all the vicissitudes incident to a most eventful and thrilling public life he maintained his hold upon the popular heart as only a true patriot and matchless commoner could have done. As the solemn tidings of his death swept over the State every true North Carolinian felt as if a star of the first magnitude had suddenly been blotted from the heavens, and the State had somehow grown commonplace and dull. He has gone from our sight forever, and we shall not see his like again.

[Mr. WOODARD addressed the House. See Appendix.]

Mr. CRAWFORD. Mr. Speaker, we pause to-day to pay a tribute of respect to the memory of the late Senator Vance—to drop a tear, as it were, on his grave. Eulogy, at this time and place, can but imperfectly outline the character and public service of the dead patriot and statesman. It must be left to the historian to review and analyze the great life work of the peerless and incomparable Vance and give him his true place in his country's history.

Zebulon Baird Vance was born in Buncombe County, N. C., May 13, 1830, in the district which I have the honor to represent. He was not surrounded by the luxuries of wealth, but the ordinary comforts of life, and it may be said that his greatest heritage was a poverty that gave him an opportunity to build his own fortune—and he built as a master builder. Nature endowed him with a double portion of the essential elements of true greatness and cast his lot among the beautiful and picturesque Alleghanies, in the very heart of the "Land of the Sky," in the shadow, as it were, of Mount Mitchell, Pisgah, and a score of other peaks whose summits pierce the clouds 6,000 feet above the sea. That portion of North Carolina was then comparatively an isolated spot, where the busy ways of trade had not been learned, and where the tireless march of progress had scarcely trod—

A solitude  
Of vast extent, untouched by hand of art;  
Where Nature sowed herself  
And reaped her crops.

To him these mountains were an inspiration; upon their grandeur his soul feasted, and his young life was filled with a love and admiration for the beautiful and sublime in nature. The fountain of his aspiration was fed by nature herself, and from her open book he learned his most valuable lessons. The breeze that winged its way from mountain cavern, the sunbeam that frolicked with the leafy forest, the flower that smiled upon the grassy dell, the brook that lisped its never-ending song, all had a message for him, and in them and beyond them all he saw and realized the power, the wisdom, and the goodness of God.

The intellectual faculties of young Vance were aided by an indomitable will power, and he seized every opportunity within his grasp for acquiring an education. After attending the best schools of the community he took a course at Washington College, Tennessee, and subsequently a select course, including law, at the University of North Carolina. He located in Asheville to practice his profession, and at the age of twenty-two he was prosecuting attorney of Buncombe County; at twenty-four he was a member of the legislature, and at twenty-eight he was elected to Congress to fill the unexpired term of Thomas L. Clingman, who had been appointed to the Senate. The district had been largely Democratic, and the party had for a candidate a strong exponent in W. W. Avery. But, contrary to all expectation, the Whigs carried it, electing Vance by a handsome majority—the youngest man North Carolina ever sent to Congress. He was again elected in 1860 over Col. David Coleman.

His term in the House was brief, but he made for himself a national reputation, and by his faithful and efficient services he endeared himself more than ever to the people of his State. He was a strong Union man and opposed secession with all the ardor of his vigorous nature, but surrendered his judgment to the wisdom of his sovereign State when she withdrew from the Union.

He resigned his seat in Congress, came home, organized a company, and went to the seat of war. In a few months he was made colonel of the Twenty-sixth North Carolina, and participated in the "seven days' fight" around Richmond. In 1862, while in the field, he was elected governor over Col. William Johnson.

His administration was more aggressive than that of any other governor of the seceded States, and he was known as the "war governor of the South." Under his administration North Carolina mustered and sent to the war more men than any other State of the Confederacy—more than one-sixth of the whole number enlisted. He was quick to realize that the State could not equip and maintain her soldiers in the field without the aid of foreign commerce, therefore he purchased a splendid steamer in the Clyde, and successfully ran the blockade, exchanging cotton for arms, ammunition, and clothing for the soldiers, and salt and other domestic articles for the people at home.

The popularity of Governor Vance was unbounded. His wise policy and successful administration met the approval of the people generally, and in 1864 he was again elected by a large majority over W. W. Holden.

Mr. Speaker, fate had decreed against the dissolution of the Union, the resources of the South were finally exhausted, and the Confederacy collapsed. The leading officials were arrested and imprisoned. Governor Vance was brought to this city and confined in the Old Capitol, but after a few months was released. He returned home, located in Charlotte, and resumed the practice of law. But never for a moment did he lose sight of the political situation. During the dark days of reconstruction no man did so much to make the harsh and unwise policy of the Federal Administration odious as Zebulon B. Vance. While others hesitated and faltered, he struck straight from the shoulder with his keen Damascus blade, and never failed to leave a gaping wound. He hurled his thunderbolts against the carpetbag régime with the precision of Jove.

I believe that when the historian comes to review the long and illustrious services of Senator Vance to his State, it will be recorded that the period of reconstruction furnished the brightest star in his crown of fame. That period when the South was in a formative state, passing from the old to the new order of things; when local self-government was overthrown, and the people were under the iron heel of oppression; when his beloved State had been stricken by the devastating hand of war, and carrion vultures were flocking to feed upon its emaciated form; then it was he rose with the strength of young Hercules, and from one end of the State to the other he attacked these hordes of despoilers with a boldness and power that were irresistible, and rallied the patriotic and conservative people to his support and overturned their rule of riot and ruin. Wise and wholesome laws were enacted, the right of local self-government was restored to the bona fide citizens, and no State in the Union with like advantages has made greater progress, and no people have been more wisely, honestly, and economically governed than the people of North Carolina. These results are largely attributable to Senator Vance, for he was in close touch with the masses and had great influence in molding public sentiment and in shaping political policies. He was the idol of the people, and they trusted him with implicit confidence and loved him as they loved no other man. They delighted to honor him and bestowed upon him their choicest gifts.

Mr. Speaker, the issues of the war brought about a political revolution and made friends of former antagonists. Upon these issues the Whig party went to pieces and Senator Vance became a Democrat and opposed the Republican party with greater zeal than he had opposed the Democratic party when he was a Whig. He was as true to the principles of Democracy as the needle to the pole, and at the hands of the Democratic party received his greatest honors. He was elected to the United States Senate in 1870, but was not allowed to take his seat on account of political disabilities incurred during the war.

In 1876 he was nominated for governor, and the Republicans nominated Judge Settle, their best and ablest man. Their joint campaign was the most memorable in the history of the State, and is fresh in the minds of all who heard it. It was a battle of the giants—Greek meeting Greek. They were both in the prime of life, and both were splendid specimens of physical manhood. The discussion was masterly and on a high plane. Zeb Vance, as he was familiarly called, was a household word, though I had never seen him until the day of the speaking at Waynesville. But few days of my life are as clearly photographed on my mind as that, and the scope of no debate so well remembered. The people turned out *en masse*, and the discussion took place in the grove at the Baptist church, Vance leading off. I remember the first words he uttered, and to the closing sentence he held me spellbound. Never before had I heard such an outburst of wit, humor, and eloquence. His great speech, combined with his fine physique and stately bearing, made him at once my ideal statesman, and such he remained through life. The Democrats carried the State, electing Vance by a majority of over 13,000.

After serving two years as governor, he was elected to the



Senate, and took his seat March 18, 1879, and was reelected in 1885, and again in 1891. To undertake to review his course in the Senate would be to give a résumé of the important legislation of that body since he has been a member. He entered the Senate at the age of forty-nine, with an experience of twenty-five years in public affairs and a national reputation which put him at once in the front rank of American Senators. For a number of years he had been a leading member of the Finance Committee, and devoted most of his time to the tariff and financial questions, and had much to do with the legislation along these lines. He led the fight of the minority against the McKinley bill and demonstrated that he had thoroughly mastered the subject in detail.

It was the ambition of his life to live to see the tariff reformed in the interest of the people and silver restored to its constitutional place as a money metal of the country. For these results he labored in season and out of season. Often he met successfully in debate the champions of the protective tariff, and the gold standard. He had but few equals and no superiors in debate. His nature was pugnacious and combative, but his sword was never drawn except in defense of the people's rights, and when drawn was never sheathed until the right prevailed. But he was a generous, manly opponent, sincere and honest, and never resorted to a temporizing expedient to gain advantage over his antagonist.

Mr. Speaker, Senator Vance was a student, and by too close application his health was gradually undermined, and before he was aware he was rapidly approaching the grave. The last speech he made was on September 1, 1893, against the unconditional repeal of the Sherman law. With prophetic wisdom he predicted that there would be no legislation favorable to silver if not had at the time the Sherman law was repealed. This was one of the greatest speeches of his life, and he spoke with his old-time vigor. When he had concluded, I congratulated him, saying, "Governor, you seem to be yourself again," and he replied, "By no means; I am thoroughly exhausted." And the great statesman and patriot stepped out of the Senate and the doors closed behind him forever.

For some time he had realized that an insidious malady was sapping his vitals, and with a hope of relief he sought the sights and scenes of lands beyond the seas. Perhaps the deep, heaving billow or the cheery whisper of the wavelets; perhaps the soft caress of ocean's briny breath—perhaps these might lend a balm to heal him. He spent several months in Europe, visiting famous health resorts, but returned home without realizing his hopes. He resumed his duties in the Senate, but soon it became necessary for him again to abandon his work, and he retired, as he had often done, to the sweet seclusion of his mountain home in North Carolina, to enjoy the companionship of tree and bird and brook, where he could lay his head upon the bosom of the solitude and feel the refreshing influence of nature's heart throbs. This seemed to give him a new lease on life, and he returned to attend the extra session of Congress, in the summer of 1893, with his health apparently restored. But his laborious work as chairman of the Committee on Privileges and Elections, the long, tedious struggle over the repeal of the Sherman law, and the worry and disappointment over offices for his friends, completely prostrated him.

Still hoping that the coveted panacea might be found, he went to Florida; but alas! he grew worse, returned to his home in Washington, and after lingering a few weeks died on the night of the 14th of April, 1894. He could no longer flee from death. The sands in the hourglass had refused to flow; the gateway to another world was reached and life vanished like a rainbow on a summer's morning. His was a painless death. The angel poised in contemplative silence above the ebbing and flowing tide, and seeing the weary waves roll heavily against the shore, reached down and laid a gentle hand upon the flood—and he was dead.

The climax of his life was heralded by a glorious sunset, while the night drew on as gently as the summer's gloaming, and brightly gleamed the halo that crowned his earthly career as he fell Death's captive on the threshold of the night. Too soon it seemed the autumn of his life drew swiftly on; too soon the hungry breath of ill-timed winter sought to steal away the glories of his ripening years, and his spirit, like a swift-winged bird of passage, took its flight to brighter and more genial climes.

When the message was flashed along the electric wires, "Senator Vance is dead," the heart of every North Carolinian was sad; for all realized that his death was not only a great and irreparable loss to the State, but to each individual a personal bereavement, for every man, rich and poor alike, could say, "He was my friend."

The remains of the dead Senator were escorted to a last resting place among his native mountains in North Carolina, the dearest place to him in all the world. Among these mountains he was born, among them he spent his young manhood, to them he resorted for recuperation in his failing years, and there he desired to sleep while the ages roll on.

The body lay in state in the capitol at Raleigh for several hours, and hundreds came sorrowfully to take the last earthly view of their own loved Vance. The whole State was as a stricken house-

hold. The stations between Raleigh and Asheville were thronged with people, hoping that they might have an opportunity once more to see the face of their true friend and trusted leader. Asheville was reached in the early morning of the 18th. The city was draped in mourning, and a sorrowing multitude that came from far and near stood about the streets waiting to pay the last tribute of love and respect to him who was returning home after the conflicts of life were ended. The air was pleasant and the morning sun shined brightly, but soon the sky drew a veil of somber clouds about its face, the mountains grew dark and gloomy, and as we stooped with tender hands and bleeding hearts to give him to the tomb, the very elements seemed to see our grief and dropped with us their tears.

He sleeps in beautiful Riverside, and the rolling French Broad that soothed his childhood slumbers will ever sing to his moldering ashes. Sleep on!

There is no death! The stars go down  
To rise upon some other shore;  
And bright in heaven's jeweled crown  
They shine forevermore.

Mr. BUNN. Mr. Speaker, on behalf of several gentlemen who desire to add their tribute to the memory of the distinguished deceased, I ask unanimous consent that those who desire to do so may be permitted to publish remarks in the RECORD.

The SPEAKER pro tempore (Mr. TRACEY). Without objection that order will be made.

There was no objection.

Mr. BUNN. I now ask, Mr. Speaker, that under the resolution already adopted, the House be declared adjourned as a further mark of respect to the memory of the deceased.

Mr. MURRAY. Mr. Speaker, before adjournment I ask unanimous consent to introduce—

Mr. BUNN. It is not in order, Mr. Speaker, to entertain a request for unanimous consent. The House stands adjourned at the close of these exercises by the resolution already adopted.

Mr. MURRAY. I understand that; but I ask unanimous consent. Does the gentleman object?

The SPEAKER pro tempore. The Chair will state to the gentleman from South Carolina that the order having been made, and the resolution adopted, it would not be in order now to recognize the gentleman for any change in the programme. That is the custom of the House.

Mr. MURRAY. Even by unanimous consent?

The SPEAKER pro tempore. Even by unanimous consent.

And then, in accordance with the resolutions already adopted, the Speaker pro tempore (at 5 o'clock and 18 minutes p. m.) declared the House adjourned until Monday at 11 o'clock a. m.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. HENDERSON of North Carolina, from the Committee on the Post-Office and Post-Roads: A bill (H. R. 8677) for the relief of F. M. Vandling, postmaster at Scranton, Pa. (Report No. 1920.)

Also, a bill (S. 2503) for the relief of James Curran. (Report No. 1921.)

By Mr. SWANSON, from the Committee on the Post-Office and Post-Roads: A bill (H. R. 8431) for the relief of Irwin Tucker, postmaster at Newport News, Va. (Report No. 1922.)

#### PUBLIC BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced, and severally referred as follows:

By Mr. HUDSON: A bill (H. R. 8942) granting Fort Hays Reservation to the State of Kansas for educational purposes—to the Committee on the Public Lands.

By Mr. NEILL: A bill (H. R. 8944) to approve a compromise and settlement between the United States and the State of Arkansas—to the Committee on the Public Lands.

By Mr. GROUT: A joint resolution (H. Res. 283) authorizing the Secretary of the Navy to deliver condemned cannon to the Soldiers' Home for the State of Vermont, located at Bennington, Vt.—to the Committee on Naval Affairs.

By Mr. FITHIAN: A resolution condemning the action of the President in sending troops to Chicago to suppress the riots in that city—to the Committee on Interstate and Foreign Commerce.

By Mr. SPRINGER: A resolution to pay six months' salary and the funeral expenses of Ernest Almarode—to the Committee on Accounts.

By Mr. CRISP (by request): A resolution of the legislature of Kansas, asking the donation of the Fort Hays Military Reservation to the State of Kansas for public purposes—to the Committee on Military Affairs.

By Mr. DOOLITTLE: A memorial (No. 13) of the legislature

of the State of Washington, protesting against change in the present system of public-land surveys—to the Committee on the Public Lands.

Also, a memorial (No. 6) of the legislature of the State of Washington, setting forth the need of the removal of the log jams that impede navigation in the Skagit River, in that State, and asking an appropriation therefor—to the Committee on Rivers and Harbors.

By Mr. HARRIS: Concurrent resolution (No. 20) of the Kansas legislature, asking that the Fort Hays Military Reservation be donated to the State of Kansas for certain purposes—to the Committee on Military Affairs.

By Mr. HUDSON: A joint resolution of the State legislature of Kansas, asking Congress for the donation of the Fort Hays Military Reservation—to the Committee on the Public Lands.

By Mr. BRODERICK: A memorial of the legislature of the State of Kansas in favor of donating the Fort Hays Military Reservation to said State for a western branch of the State Agricultural College, for a western branch of the Kansas State Normal Institute, and for a public park—to the Committee on the Public Lands.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. HARE: A bill (H. R. 8945) for the relief of Anderson H. Ash—to the Committee on Claims.

By Mr. JOHNSON of Ohio: A bill (H. R. 8946) to increase the pension of the widow of the late Rene E. de Russy, colonel of Corps of Engineers and brevet brigadier-general United States Army—to the Committee on Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 8947) for the relief of the estate of Eliza J. Rudder, late of Jackson County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 8948) for the relief of the estate of Gabriel M. Smith, late of Jackson County, Ala.—to the Committee on War Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABCOCK: Papers to accompany House bill 8749—to the Committee on the District of Columbia.

By Mr. CATCHINGS: Memorials from the citizens of Greenwood and Belzonia, Miss., urging a compensating bounty to the sugar producers of the United States for the year 1894—to the Committee on Ways and Means.

By Mr. COUSINS: Petition of Division 53, Order of Railway Conductors, of Cedar Rapids, Iowa, favoring House bill 8556—to the Committee on Labor.

By Mr. DURBOROW: Petition of the Shipmasters' Association of the Great Lakes, to establish branch hydrographic offices at the principal lake ports—to the Committee on Naval Affairs.

By Mr. HARMER: Resolution adopted at a meeting of 286 citizens of Philadelphia, Pa., in favor of maintaining civil and religious liberty by absolute separation of church and state, and in favor of an amendment to the Constitution of the United States against the use of the property or credit of the United States or any State, or any money raised by taxation, for maintaining any institution wholly or in part under sectarian or ecclesiastical control—to the Committee on the Judiciary.

By Mr. HICKS: Resolution and petition of 101 citizens of Hollidaysburg, Pa., for a constitutional amendment prohibiting the granting of the right of franchise to persons not citizens of the United States—to the Committee on the Judiciary.

Also, petition and resolution of the Manufacturers' Club of Philadelphia, Pa., relating to our present situation as a people and directing Congress to the cause of same and praying for relief—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: Resolutions of citizens of Pitman, Cherry Landing, and Port Norris, N. J., against granting the right of franchise to persons not citizens of the United States—to the Committee on the Judiciary.

Also, resolutions of citizens of Leesburg, Port Norris, Pitman, and Camden, N. J., against appropriating public money and in favor of a law prohibiting an establishment of religion—to the Committee on the Judiciary.

By Mr. PAGE: Petition of B. W. Foster and 164 soldiers of Rhode Island, asking for legislation by Congress to prevent the taking away of pensions from soldiers who are members of the State Home in Rhode Island by State officials—to the Committee on Military Affairs.

By Mr. CHARLES W. STONE: Resolutions of a meeting of citizens of Pleasantville, Pa., in favor of an amendment to the Constitution of the United States prohibiting any legislation for sectarian purposes, or appropriations—to the Committee on the Judiciary.

Also, resolutions of a meeting of citizens of Pleasantville, Pa., in favor of an amendment to the Constitution of the United States prohibiting any State from granting the right of franchise to any person not a citizen of the United States—to the Committee on the Judiciary.

By Mr. WHEELER of Alabama: Petition of Tom M. Edwards and other letter carriers for pay due for overtime in carrying mail at Birmingham, Ala.—to the Committee on Appropriations.

Also, petition of Robert Kent, of Lawrence County, Ala., for \$1,167.50 worth of property taken by United States Army—to the Committee on War Claims.

By Mr. WRIGHT: Petition of C. B. Prescott and 31 others, of Holyoke, Mass., in favor of a compensating bounty to the sugar producers of the United States for the year 1894—to the Committee on Ways and Means.

#### SENATE.

MONDAY, February 25, 1895.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

On motion of Mr. CHANDLER, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 1314) for the relief of Mathew S. Priest.

The message also announced that the House had passed the following joint resolutions:

A joint resolution (S. R. 109) to fill the vacancies in the Board of Regents of the Smithsonian Institution;

A joint resolution (S. R. 117) granting permission for the erection of a bronze statue in Washington, D. C., in honor of the late Prof. Samuel D. Gross, M. D., LL. D., D. C. L.; and

A joint resolution (S. R. 138) authorizing the Secretary of the Navy to deliver unserviceable or condemned cannon to the mayor of Burlington, Vt., to be used in decorating Battery Park.

The message further communicated to the Senate the resolutions of the House of Representatives commemorative of the life and character of the Hon. Zebulon B. Vance, late a Senator from the State of North Carolina.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of sundry citizens of Oklahoma Territory, remonstrating against the adoption of the so-called MARTIN "sooner" amendment to the pending sundry civil appropriation bill; which was ordered to lie on the table.

Mr. LODGE presented the petition of Francis H. Appleton and 31 other citizens of Boston, Mass., praying for the passage of House bill No. 8135, to promote the efficiency of the militia; which was referred to the Committee on Military Affairs.

Mr. QUAY presented petitions of 130 citizens of Jeannette, of 74 citizens of Gordon, of 60 citizens of Adams, of 63 citizens of Cambridgeboro, of 40 citizens of Fredonia, of 70 citizens of Princeton, of 117 citizens of Taylor, of 286 citizens of Philadelphia, and of 60 citizens of Pulaski, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which were referred to the Committee on the Judiciary.

He also presented petitions of 60 citizens of Adams, of 130 citizens of Jeannette, of 63 citizens of Cambridgeboro, of 40 citizens of Fredonia, of 74 citizens of Gordon, of 100 citizens of Volant, and of 60 citizens of Pulaski, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which were referred to the Committee on the Judiciary.

#### AMENDMENT OF REVENUE ACT.

Mr. VOORHEES. I present a communication from the Secretary of the Treasury, transmitting certain suggestions for amendments to the present tariff law. I move that the communication be printed in the RECORD and as a document, and that it be referred to the Committee on Finance, so that it will be before us at our regular meeting to-morrow.

The communication was referred to the Committee on Finance, ordered to be printed as a document and to be printed in the RECORD, as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., February 23, 1895.

SIR: I have the honor to inclose herewith certain suggestions for amendments to the present tariff law. These amendments are designed to make more clear the intention of Congress, and to lessen the chances of litigation, by removing the ambiguity now existing in the various paragraphs herein after enumerated.



Most of these suggestions originate with General Appraiser Sharretta, a few having been added by this Department, and all are transmitted for the consideration of your committee.

The paragraphs of the act of August 23, 1894, sought to be amended by the suggestions referred to, are as follows: 44, 48, \*70, 88, 93, 124, 210, \*217, 218, 234, 248, 263, 265, 266, 268, 276, 308, 321, 323, 338, 361, \*401, 410, 431, 443, \*467, \*491, \*542, 585.

The suggestions emanating from this Department are marked with an asterisk.

Respectfully, yours,

J. G. CARLISLE, Secretary.

Hon. D. W. VOORHEES,  
Chairman Finance Committee, United States Senate.

#### REPORTS OF COMMITTEES.

Mr. ALLEN, from the Committee on Public Lands, to whom was referred the bill (S. 1433) to open to settlement and provide for the disposal of the public lands of Fort McPherson Military Reservation, in the State of Nebraska, and for other purposes, reported it with amendments.

He also, from the same committee, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FRYE, from the Committee on Foreign Relations, to whom was referred the bill (H. R. 5580) to protect the insignia and the name of the Red Cross, reported it with amendments.

Mr. MITCHELL, of Oregon, from the Committee on Claims, to whom was referred an amendment submitted by Mr. QUAY on the 22d instant, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations; which was agreed to.

Mr. BATE, from the Committee on Military Affairs, to whom was referred an amendment submitted by Mr. PETTIGREW on the 19th instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. PLATT, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PASCO, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 377) for the relief of Robert C. Murphy;

A bill (H. R. 561) for the relief of John and Sarah Griffin; and

A bill (H. R. 526) for the relief of Joseph Haxthausen.

Mr. VILAS, from the Committee on Public Lands, to whom was referred the bill (S. 2767) to quiet title to certain lands in persons who purchased the same in good faith, without notice, and for a valuable consideration, and to enable the Government to issue patents on such lands, reported it without amendment.

Mr. BERRY, from the Committee on Public Lands, to whom was referred the bill (S. 2802) to approve a compromise and settlement between the United States and the State of Arkansas, reported it with an amendment.

Mr. PEPPER, from the Committee on Claims, to whom was referred the bill (S. 2756) for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased, reported it without amendment, and submitted a report thereon.

Mr. BRICE. I am directed by the Committee on Interstate Commerce to report back without recommendation the bill (S. 1344) to secure aerial navigation. I also submit a written report in connection therewith, which I ask may be printed.

The VICE-PRESIDENT. The bill will be placed on the Calendar. The report will be printed under the rule.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. HUNTON submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. BUTLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KYLE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. WHITE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

#### LIEUT. F. C. ROCKENBACH.

Mr. DANIEL introduced a joint resolution (S. R. 140) authorizing Second Lieut. F. C. Rockenbach, of the Tenth Cavalry, United States Army, to accept the position of commandant of cadets at the Virginia Military Academy, at Lexington, Va.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BATE subsequently reported the joint resolution without amendment from the Committee on Military Affairs, and it was placed on the Calendar.

#### LIEUT. COL. J. MADISON CUTTS.

Mr. GALLINGER. Mr. President, I rise to make a request to which I trust the Senator from Missouri [Mr. COCKRELL], a member of the Committee on Military Affairs, will give attention.

On the 26th day of January I asked unanimous consent to call from the Calendar the bill (S. 399) for the relief of Bvt. Lieut. Col. J. Madison Cutts. There was no objection, the bill was passed, and went to the other House. Since that time, in a very irregular and, as I think, improper way a so-called minority report, seriously reflecting upon the military record of the claimant, was injected into the RECORD before the majority report had been made to the House. I understand that the bill has since then been reported favorably by the House committee, but the only chance to get action upon it will be under a suspension of the rules.

I now wish to ask, in justice to myself, in justice to the Senate, as well as in justice to this soldier, the privilege of having printed in the RECORD the report of the Senate Committee on Military Affairs, which report adopts the report of General BLACK, of the House of Representatives, and also an argument in behalf of the bill, which contains certain official documents relating to the case.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The report referred to is as follows:

Mr. PALMER, from the Committee on Military Affairs, submitted the following report, to accompany bill S. 399:

The Committee on Military Affairs, to which was referred the bill (S. 399) for the relief of Bvt. Lieut. Col. J. Madison Cutts, have had the same under consideration, and beg leave to report that the committee have considered the bill and recommend its passage.

The military history of this officer is voluminous. Without repeating the facts, the committee beg leave to refer to a report made by the Military Committee of the House of Representatives in connection with the House bill No. 2556, which is adopted, and presents a very clear and succinct statement of the facts which entitle this officer to the favorable consideration of the Senate.

Mr. BLACK of Illinois, from the Committee on Military Affairs, submitted the following report, to accompany bill H. R. 2556:

The Committee on Military Affairs, to whom was referred the bill (H. R. 2556) for the relief of Bvt. Lieut. Col. J. Madison Cutts, submit the following report:

This bill has now for the third time, in a third successive Congress, received the careful and thorough consideration of the House Committee on Military Affairs.

The committee adopt the report of the committee of the Fifty-second Congress, which also includes that of the Fifty-first Congress, as follows:

[House Report No. 2118, Fifty-second Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 2130) for the relief of Bvt. Lieut. Col. J. Madison Cutts, submit the following report:

An examination of the evidence accompanying this report shows that many of the most distinguished soldiers, living and dead, have with a great unanimity described his services as imbued with patriotic ardor of a high order, varied, faithful, unwearied, valuable, arduous, and often hazardous, and so distinguished as to be the recipient of a triple medal of honor from the Congress of the United States.

The commendations come from the brigade, division, and corps commanders of the Ninth Army Corps, on the staff of which he served as aid-de-camp, judge-advocate, and frequently assistant adjutant-general.

They are confirmed by his brigade, division, and corps commanders of the Fifth Army Corps, in which he served as acting field officer, second in command, and in command of his regiment. They are repeated from personal knowledge by commanders of other corps and by distinguished staff officers of the Army of the Potomac, on the staff of which army he himself served as aid-de-camp and judge-advocate. They come from soldiers who have served with great distinction as chiefs of the general staff corps of the Army, as adjutant, inspector, quartermaster, and commissary generals of the Army of the United States; and the entire record of this soldier has been carefully reviewed by distinguished commanders of Western armies, by Major-General Rosecrans, who commanded the Army of the Cumberland, and by Major-General Schofield, now commanding the Army, and who was Secretary of War at the date of this officer's resignation, and was and now is officially familiar with all attending circumstances connected therewith.

It has been made perfectly evident to the committee that the officer's career in the line, field, and staff of the Army was of great distinction and that his services were of a high order of merit and usefulness, and were eminent, brilliant, and worthy the highest consideration—eminent and worthy of the highest consideration in the belief of General Getty and General Schriver, and meritorious, gallant, and brilliant in the belief of General Rosecrans. The committee have therefore felt compelled to give the bill far more than usual consideration—careful, thorough, and even prolonged investigation.

The committee adopt the unanimous report made in the Fifty-first Congress upon a similar bill which passed the House of Representatives by the recognition of the Speaker unanimously and without objection on February 28, 1891.

[House Report No. 3343, Fifty-first Congress, second session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 7490) for the relief of Bvt. Lieut. Col. J. Madison Cutts, respectfully report as follows:

We find from the evidence, and careful examination of his record, as certified by the War Department, that this soldier, then a young lawyer, was one of the earliest of those who patriotically enlisted for the defense of the Union.

After serving as a private soldier in the First Rhode Island Volunteers (three months' service) he was commissioned by President Lincoln, at the request of Hon. Stephen A. Douglas, made shortly before his death, as captain of the Eleventh United States Infantry.

After organizing as mastering and disbursing officer Rhode Island troops, cavalry, artillery, and infantry, he was ordered to report for duty on the staff of Major-General Burnside, and served on that general's staff as aid-de-camp, judge-advocate, and in other staff capacities in his successive com-

mands of the Department of North Carolina, the Ninth Army Corps, the right wing of the Army of the Potomac, the Army of the Potomac, and the Department of the Ohio. During that period he was present in the battles of South Mountain, Antietam, and Fredericksburg, in which his services were of a very high order of distinction.

He thereafter served with his regiment at the Mine Run campaign of General Meade and in the many battles of General Grant's campaign of the Wilderness, and was acting field officer, and thereafter commanded his regiment at General Grant's headquarters, City Point, Va., and at General Meade's headquarters, and in the battle of Fort Steadman, Va. His final service was in Louisiana, as commander of the post at Shreveport, La., with subposts at Marshall and Jefferson, Tex.

His services as a soldier were very varied, arduous, unremitted, often extremely hazardous, and involving great responsibilities, and he was at all times noted for ability and fidelity to duty and for conspicuous and distinguished acts of gallantry on many battlefields until, after rallying his regiment, which had been broken by a devastating artillery fire in front of Petersburg, Va., June 18, 1864, he himself fell, as was at that time supposed, mortally wounded, while advancing in front of his regiment in the line of battle which he had reformed.

He then incurred a disability, in the performance of a specific act of great gallantry, sufficient to have entitled him to be at once retired as captain. A little more than two years afterwards he could have been retired under the act of Congress of July 26, 1866, with the rank of his command when wounded—that of a field officer.

Although often urged and advised to avail himself of the provisions of that act, he had no desire to become a charge upon the country he had helped to save, and remained in the service, although seriously disabled, hoping still to be of service to his country.

He resigned June 19, 1868, under circumstances of great personal distress, and after having been tried by a court-martial on two sets of charges, which seem to have originated largely from personal difficulties with one of his officers.

At the time of his resignation Colonel Cutts believed that the court-martial had sentenced him to dismissal, but was entirely ignorant of the fact that the court had unanimously recommended, not mitigation or leniency, but the entire and absolute remission of the sentence, thus, while rendering a technical or pro forma judgment, themselves declaring that in view of all the circumstances the accused was not strictly amenable to their sentence.

This fact, by reason of his resignation, was not known to Colonel Cutts until May, 1890, and has only lately been officially certified by the Secretary of War to your committee.

His career since his resignation has been one of long-continued useful and honorable effort in civil and professional life. The committee believe it highly to his honor that, after marrying and having 11 children, 7 of whom are now living, he has forborne to press his claim and appeal for relief until no longer able, by reason of disability, the result of his wounds and exposures in the service, to bear the cares, anxieties, and wants of his large family.

In view of his long-continued and distinguished services, entitling him in a marked degree to the gratitude of his country, the committee recommend that he be honorably restored to the status he held when wounded, and accordingly report favorably the bill for his retirement in the Army with the rank of captain.

In justice to the soldier, and in support of their action, your committee append the statements of the many distinguished soldiers, living and dead, who were his friends, immediate associates, and comrades in arms.

#### APPENDIX.

Captain Cutts rendered efficient services as mustering and disbursing officer in organizing Rhode Island troops, for which he was personally thanked by the governor of that State.

Maj. Gen. William Sprague, late governor of Rhode Island, writes: "COLONEL: Say from me that your early action, the earliest who stirred, becoming the forlorn hope, against the organized South, entitles you to great consideration. More than that, your more than interested relations South would have restrained you had you not been more than ordinarily imbued with patriotic ardor. Besides, were you not the brother-in-law of Stephen A. Douglas? Your services were of a high order here, and I unite fully with all who certify to your services, with equally praiseworthy ones under my official eye."

The statements of Maj. Gens. Samuel D. Sturgis, J. D. Cox, John F. Hart, and Hugh Ewing, Henry J. Hunt, and William B. Franklin fully cover the period of his staff services.

Says General Sturgis: "I was well acquainted with Colonel Cutts during the campaign in Maryland in 1862, and can not speak in terms too high of the valuable, arduous, and often hazardous services which he rendered at the battles of South Mountain and Antietam. My personal acquaintance with Colonel Cutts included also his services at the battle of Fredericksburg, Va., in the fall of 1862, where his services were well understood by the army corps (Ninth) to which we both belonged."

"I believe it may be safely said of Colonel Cutts that there are few officers of his rank and opportunities who have done so much and received so little in return."

Writes Gen. J. D. Cox: "I take pleasure in stating that during the years 1862 and 1863 I was well acquainted with the military standing of Col. (then Captain) J. Madison Cutts, who was then serving on the staff of Major-General Burnside, commanding the right wing of the Army of the Potomac. This brought me in constant intercourse with the gentlemen of General Burnside's staff, and I know that Captain Cutts was among the most energetic, brave, and intelligent of the officers in that service. He sought active field service as acting aid, and was found wherever severe duty was to be done."

Says General Hunt: "I knew and esteemed Colonel Cutts during the late war, whilst he was serving on the staff of General Burnside, commanding the Army of the Potomac, my own headquarters being with those of General Burnside."

"He bore the character of an active, intelligent, and efficient officer, not only during that time but in the previous campaign in Maryland, when General McClellan commanded that Army."

"After he joined his regiment I did not personally see so much of him, but his services were always well spoken of until he was disabled by a severe wound received in one of the assaults on Petersburg in June, 1864."

Writes General Hartranft: "I was well acquainted with Col. J. M. Cutts during his services with the Army of the Potomac and up to the time of his disabling wound in front of Petersburg, June, 1864."

"He was distinguished for bravery and unswerving fidelity to duty, and I cheerfully testify to the very high regard in which he was held by his comrades and his superior officers. On the staff of Major-General Burnside and

with his regiment he fully met every requirement of a gallant soldier and true patriot."

Says Gen. Hugh Ewing:

"The troops which I commanded were led to their position in line of battle at Antietam by Colonel Cutts, and the soldierly skill, coolness, and bright courage displayed by him that day won from me the highest admiration."

"He displayed on that field the noble qualities that go to make up the brilliant soldier, and I do not recall a single other officer during the entire course of the war that so quickly and profoundly impressed me."

"What more can I say? He was a bright light on the field of battle, cheering up the duller spirits, and by such service long continued as few rendered or could render, he secured the gratitude of the soldier and earned the lasting gratitude of the Republic."

Writes General Franklin:

"I well remember the fact that you were with me at the first battle of Fredericksburg, December 13, 1862, as a member of the staff of General Burnside, the commanding general, I being at the time the commander of the Left Grand Division. The service that you then rendered was brave, able, and efficient, and deserved honorable recognition by the authorities, although I have never heard that you received it. As our paths led in different directions after that time, I can not speak positively of your service afterwards; but I know that it was honorable and distinguished, and that you were severely wounded in action, and were entitled to have been placed on the retired list had you applied to be so placed. I do not think that under the circumstances you ought to be considered as having lost your right to such a position now, and sincerely hope that you will be successful in your efforts to have your merits recognized by the action of Congress, for which you ask."

Says Maj. Gen. Rufus Ingalls, chief quartermaster of the armies operating against Richmond:

"This certifies that I have personally known Col. J. Madison Cutts, captain, Eleventh Infantry, for years, running back before he entered the Army. I saw much of him while he served in the Army of the Potomac on General Burnside's staff, and with his regiment. I saw him at City Point when dangerously wounded in battle on the 18th of June, 1864, and sent him to Washington for treatment. He is a man of fine education, and had a robust constitution before his hard and dangerous service, but is now enfeebled from the effects of this service and wounds. As a soldier he stood high with all who served with him. No one questioned his ability, patriotism, and bravery. He served faithfully, and is deserving of his country now in his day of need." In the early days of his recovery, while still confined to his bed, Captain Cutts was cheered and strengthened by a letter written by General Griffin, his division commander, to Mrs. Griffin, and by her brought to him to read.

Writes General Griffin:

"I asked General Ayres to-day how Captain Cutts was getting, and he replied he understood he was out of danger, and added he had made his mark as a gallant officer in this campaign."

"I doubt whether any officer of the regulars has been so specially gallant and attentive to duty as Captain Cutts, and it was a subject of universal remark before he was wounded or thought he was going to die; still, it would not have surprised any one who had known his father."

Writes General Ayres, his brigade commander:

"My knowledge of Colonel Cutts dates back to his army service. He joined my command in 1864, and was with it in that long series of battles commencing with the Wilderness, through that, Spotsylvania Court-House, the North Anna, Cold Harbor, and the crossing of the James, to the front of Petersburg, when, in the assault on that place, June 18, he was severely wounded and carried from the field."

"His good conduct was marked in all those battles, and in some of the severest his gallantry was conspicuous. He was a soldier who deserves well of his country."

And again, in a separate paper, General Ayres, writing from personal knowledge, as an eyewitness of the circumstances under which Colonel Cutts was wounded, says:

"I have the honor to state, from personal knowledge, that Bvt. Lieut. Col. J. Madison Cutts, late captain, Eleventh Infantry, was second in command of his regiment (and acting field officer) on the 18th of June, 1864."

"In the engagement in front of Petersburg, Va., on that day a spherical case shot burst in front of the regiment, killing 7 men and wounding 23 others. Of course, confusion in the regiment followed. Colonel Cutts stepped to the front and straightened out the line. While doing so he was severely wounded and carried from the field. His conduct was, as on former occasions, conspicuous and gallant."

It now remains to refer to the statement of that most distinguished and skillful surgeon, Dr. Basil Norris, United States Army, who attended Colonel Cutts while wounded. He writes:

"Capt. J. M. Cutts, Eleventh United States Infantry, was wounded on the 18th of June, 1864, in front of Petersburg, Va., while acting as field officer, and, as I have been informed, advancing in line of battle in front of his regiment."

"He was conveyed to Washington, where he arrived June 20, 1864, and placed under my treatment, and continued under my care until September following. His wound was a gunshot wound (rifle ball) of left side. The ball entered between the eighth and ninth ribs on a line below the axilla, fractured the ninth rib, penetrated the lung, and made its exit between the ninth and tenth ribs at a point about 1 inch from the spinal column."

"Captain Cutts was brevetted lieutenant-colonel for gallant and distinguished services in that campaign of the Army of the Potomac, having previously rendered conspicuous services in the preceding campaigns of the same army."

"His wound created a permanent disability, which then, and ever since, would have entitled him, had he requested while in the service, to be placed on the retired list."

"He never made such application, but before his wounds were entirely healed rejoined his regiment and sought opportunities for further service and distinction."

"He resigned in 1868, and now, with a large family, after a long interval of honorable exertion, he finds himself no longer able to contend against his increasing disabilities incurred in the line of duty and in battle."

Informed, as I am, that Colonel Cutts will apply to Congress to be placed on the retired list of the Army, I would respectfully say that such recognition of his services and sufferings would only be in accordance with the custom of service in the Regular Army in like cases, and that I believe he abundantly merits such consideration."

Colonel Cutts was twice brevetted for gallant and distinguished services. He was recommended for the colonelcy of one of the regiments of General Hancock's veteran corps. Although strongly commended by his brigade, division, corps, and army commanders, Generals Ayres, Griffin, Warren, and Meade, and although his detail was requested by General Hancock in person, it was declined and refused by the Secretary of War, because he decided that the veteran corps was designed to bring back into the service those that were out of it, and he therefore would not order the detail of an officer already in the Army."

The indorsement of that distinguished soldier, Maj. Gen. G. K. Warren, the commander of the Fifth Army Corps, with reference to Captain Cutts's pro-



motion to the colonelcy of a veteran corps regiment, followed the recommendations of his brigade and division commanders, Generals Ayres and Griffin, and was as follows:

"HEADQUARTERS FIFTH ARMY CORPS, August 24, 1864.

"I could add nothing to the recommendations above, which I fully indorse. I hope such faithful service and suffering will not go unrewarded."

Writes Maj. Gen. Edward Ferrero:

"It affords me great pleasure to recommend Col. J. M. Cutts, having known him personally while connected with the Ninth Army Corps. A brave and accomplished officer, whose faithful services during the late war entitle him to the kind consideration of his fellow-men in general. I sincerely hope that his wishes to be retired will meet with the approval of the Senate and House."

Writes Maj. Gen. and ex-President R. B. Hayes:

"During the Antietam campaign I served in the same corps with Colonel Cutts, and have sufficient information of his services throughout the war to be well assured that it was of decided merit."

"I am confident that he deserves the relief that Congress is asked to afford, and I trust sincerely that it will be granted."

Testifies Brig. Gen. David B. McKibben:

"It affords me great pleasure to add my testimony to your gallantry on the field of battle and to your high soldierly character when we served together in the Army of the Potomac. The records of the War Department show this. All your brother officers were witnesses of it. Such being the case, a generous country will not refuse its aid, only asked for when broken down by wounds and disease incurred battling for its existence."

"I sincerely wish you success, and I have not the slightest doubt you will achieve it. No one has a better claim and few as richly deserve of their country."

Writes Maj. Gen. Orlando B. Willcox, now governor of Soldiers' Home:

"I have read the abstract of your service in the Army with great interest, and cheerfully add my testimony to the mass of evidence to your distinguished services during our acquaintance in the war of the rebellion."

"I remember your activity and great usefulness in the fights at South Mountain and Antietam, particularly where, as aid-de-camp to General Burnside, you contributed so much to success, and I may safely say that no staff officer habitually exposed himself to danger in carrying orders and gaining intelligence more than yourself."

"In my humble judgment you are richly deserving retirement, with the rank of captain at least."

Testifies Maj. Gen. George W. Getty:

"I fully concur in all that has been said in your behalf."

"During the Maryland campaign, which resulted in the battles of South Mountain and Antietam, I was the chief of artillery of the right wing of the Army of the Potomac. You rendered most efficient aid to me in selecting positions for the artillery, and subsequently in conducting the batteries to the positions selected."

"In the Virginia campaign, under Major-General Burnside, your services were active and dangerous in carrying orders and gaining intelligence of the movements of General Lee's army. No staff officer on General Burnside's staff rendered more efficient or valuable services than yourself."

"Your services during the war were eminent and honorable, deserving the highest consideration."

"I do most sincerely hope that Congress, as a simple act of justice, will grant the relief you ask."

Since the above report was made much valuable and additional evidence has been laid before the Fifty-second Congress. This evidence is all embraced in its proper connections in the argument made before the committee. The entire argument which has so fully satisfied and convinced the committee has elicited evidences of equal approbation and conviction from the most distinguished sources, from some of which we quote:

WASHINGTON, January 21, 1892.

DEAR COLONEL CUTTS: I have received your letter of this date, and have no hesitation in stating with pleasure that the argument in support of the Congressional bill for your relief is candid, soldier-like, fair, just, and honorable. I can not doubt that it will convince all who may be called on to act in the case, and I trust that they will meet the wishes of yourself and the friends who desire the success which you richly deserve.

Truly, your friend,

ED. SCHRIVER,

Inspector-General U. S. A., Retired.

GRAND RAPIDS, MICH., May 25, 1892.

DEAR COLONEL: I have read your argument, and you make a very able one. The report of the committee in the Fifty-first Congress speaks for itself. You deserve to succeed.

Yours, truly,

B. M. CUTCHEON,

Chairman Military Committee,  
House of Representatives, Fifty-first Congress.

Col. J. MADISON CUTTS.

[From Maj. Gen. Amos Beckwith, Commissary-General United States Army, retired, president of the New Orleans court-martial.]

DEAR COLONEL: I have read over your argument in the matter of the bill for your relief. I can not see wherein you can better the presentation of the case. I hope the committee may take a sensible and favorable view of your case, and make such a recommendation as will carry the bill through.

PRESIDENT'S ROOM, BROWN UNIVERSITY,  
Providence, R. I., May 21, 1892.

MY DEAR COLONEL CUTTS: I do not see but that you have prepared your argument with admirable candor, taste, and force. I can not but hope and think that you will win. So hope all your friends here.

Yours,

E. BENJ. ANDREWS.

[From ex-President R. B. Hayes.]

SPIEGEL GROVE, Fremont, Ohio, May 19, 1892.

MY DEAR COLONEL: I have read with interest your full and convincing argument in behalf of relief by act of Congress. It will, I trust, persuade the authorities to grant what you ask. Nothing can give full compensation for what you have suffered, but the honorable military record you have fairly won can and should be restored to you.

Sincerely,

RUTHERFORD B. HAYES.

[From Maj. Gen. Rufus Ingalls, Quartermaster-General United States Army, retired.]

NEW YORK CITY, June 5, 1892.

MY DEAR MADISON: I have read your argument very carefully and see nothing to add to it.

The fact is, your record is perfectly glorious, and I trust Congress will so

decide promptly. At this late day, after having suffered so much through flagrant injustice, nothing can possibly be too good for you.

Very sincerely,

RUFUS INGALLS.

[From Gen. Edwin S. Osborne, chairman of the Subcommittee House Committee on Military Affairs, which unanimously reported the bill in the Fifty-first Congress.]

MY DEAR COLONEL: I became much interested in your case early in the Fifty-first Congress, and was sadly disappointed that the case was so long delayed in the Senate as to prevent justice being rendered in some slight degree to you by that Congress.

I have read the brief of your argument with much satisfaction and sincerely hope the deserved result for good so long delayed may be shortly reached, and the great injury done you after these long years of sorrow and suffering may be forgotten and that your future may be rich with many blessings.

Your services to the country on the battlefield were grand and glorious and you deserve that reward your splendid efforts demand.

The circumstances surrounding your resignation from the Army were fully understood by the Military Committee of the Fifty-first Congress, and it never was regarded in the slightest degree as an objection to granting the relief you so justly are entitled to receive.

Congress should restore to you all the rights and honors you certainly were entitled to before these sad experiences, though had man overtaken your career, and surely the wounds that carried you down on that hard day, 18th June, 1864, in the front at Petersburg, should not be forgotten.

You deserve well of your country, and it will be small return for periled life to give you the brevet rank of brigadier-general and place you upon the retired list as captain.

I sincerely trust that justice may be permitted for yourself and your children.

I am, dear colonel, with kind regards, your obedient servant,

EDWIN S. OSBORNE.

[From Major-General Commanding the Army.]

HEADQUARTERS OF THE ARMY,  
Washington, D. C., February 20, 1892.

MY DEAR COLONEL: I am sure the steps you have taken will secure to your case fair and deliberate consideration, and I doubt not ultimate success. Yours, very truly,

J. M. SCHOFIELD.

EXECUTIVE OFFICE,  
Lansing, Mich., May 25, 1892.

MY DEAR COLONEL: Yours of 22d with inclosed "argument" received. I hope the bill for your relief will become a law. The argument seems conclusive that the act would be only justice to you.

I am, very truly, yours,

EDWIN B. WINANS.

Col. J. MADISON CUTTS,  
Washington, D. C.

The committee have fully considered the courts-martial records and all the circumstances of great distress, anxiety, misapprehension, and entire misunderstanding which led to and attended this officer's resignation from the service after the machinery of courts-martial had been put in motion by bad and malicious men for their own purposes of revenge totally disconnected from the good of the service, and during the exciting period of reconstruction, when this officer at a culminating period of honorable usefulness was faithfully and intelligently exercising all his powers and facilities for the welfare and best interests of his country in an important and difficult command with the most beneficent results.

The committee concur fully with the surviving members of the New Orleans court-martial, which, at the time, unknown to this officer, unanimously recommended not mitigation, but the entire, absolute, and unqualified remission of their gravest sentence, as now expressed by Maj. Gen. Beckwith, the president of that court, that "this most valuable officer should be restored to the service, where he rightfully belongs," and only regret that, in accordance with all the recent precedents in cases of retirement, this can only be done by placing him on the retired list with the rank of captain, that being his actual rank at the date of his resignation, to date from the passage of this act, and without back pay, although in 1866, under then existing law, and two years before his resignation, he had the undoubted right to be retired as field officer, the rank of his command when wounded.

The Committee of the Fifty-third Congress do not consider it necessary to republish the argument of the case which was made an appendix to the report of the committee of the Fifty-second House, but they do desire to comment upon this case as being a precedent of great value, going very far to affirm and establish fundamental principles of importance to the Army and Navy in the administration of military justice.

It is much to the honor of this soldier that, during a long life since his resignation in 1868, his career has been one of active usefulness and honorable distinction in civil life; that he has never despaired of the justice of his country, and through a long contest, which almost invariably attends Congressional legislation, covering a large field of inquiry, he has borne himself gallantly, at all times displaying a chivalric spirit, the same courage and fortitude which he exhibited on many battlefields, and always insisting upon the most severe and critical examination of his entire record as a soldier, and finally has obtained the concurring judgment, with but few intervening days, in the same month and year of the Committees on Military Affairs in both Houses of Congress, which both he and his many friends throughout the entire country may well be justified in believing to be a final and conclusive judgment.

It is a clear violation of the laws, usages, and customs governing armies to continue an officer in the discharge of important duties and hold over his head any charge, and a still greater violation to make the prosecution of that charge depend upon his acceptance or nonacceptance of any conditions whatever.

Where an officer of tried ability, experience, and distinction exercises his best judgment in the performance of his duties a very careful inquiry should be made before subjecting him to the odium of a court-martial arising out of that performance of duty, or upon facts incidentally or accidentally connected.

The objects sought by the Articles of War, by the discipline, rules, and customs of the service, and of trials by courts-martial, are not to gratify private and personal resentments, or to accomplish private ends, but to maintain and secure, by the proper punishment of offenses and delinquencies, the dignity, order, good conduct, character, reputation, and discipline of the Army. The ends of justice should, therefore, never be perverted, or its administration strained, by the admixture of private animosities or personal resentments.

Where a court-martial, after a long and harassing trial, unanimously recommends, not mitigation or clemency, but the absolute and unqualified re-

mission of an entire sentence, thus conclusively demonstrating that in view of all the circumstances the accused is not a proper subject for punishment he should not for a moment be kept in ignorance of that judgment of his peers, since it is clear that no reviewing authority would ever disregard such a recommendation.

Experience in this and other cases has shown that in the hurry, agitation and confusion of times of war or of civil excitement injustice is often done not always apparent on the face of the record, or the usual summary announcements of general courts-martial orders, and that a very careful inquiry into motives and circumstances by a proper board or otherwise is often necessary in order that justice shall be secured to deserving soldiers.

The truth of these propositions has been fully demonstrated in this case. The publication of the entire record of this soldier by the House Committee on Military Affairs, Fifty-second Congress, having enabled him to obtain the judgments of many of the most distinguished officers, both upon the active and retired list of the Army, from some of whom we quote—preceding them with a semi-judicial opinion of the chief justice of the great State of Ohio—and it is here to be noted that each has given his separate opinion in varying language unknown to the other, and yet with entire general concurrence, thus constituting a board of review of the highest character.

SUPREME COURT OF OHIO, CONSULTATION ROOM.  
Columbus February 10, 1894.

MY DEAR MADISON: I have received your very kind letter of the 8th instant. It is to be earnestly wished by every lover of justice and every admirer of noble and patriotic service for our country in its darkest hour that this Congress will not end without passing the bill pending for your relief. It is not necessary to repeat what I have several times written you, that upon careful review of the evidence at the courts-martial in your case, and with reliable information as to the causes that unjustly inspired the proceedings, you should, in my opinion, have all and more than you ask at the hands of Congress.

I am gratified by your kind expressions in reference to myself. It is true you left the profession of the law, of which you would have become an ornament had you continued in the struggle (which is the lot of all who woo the jealous mistress), yet no one can find fault with your having made the sacrifice for the sake of your country.

With my best wishes, and I will say prayers, for your success in the matter which must now fill so large a space in your mind and heart and soul, I am, ever and sincerely,

Your friend,

F. J. DICKMAN.

Bvt. Maj. Gen. August V. Kautz, brigadier-general, United States Army, retired, a very high authority on the laws, usages, and customs which govern the Army, responded as follows:

TACOMA, WASH., February 4, 1893.

DEAR SIR: Not until now have I been able to read the reports of House Military Committee of the Fifty-second Congress, which enables me to answer the interrogatories of your letter of the 30th of December, 1892.

The customs and usages of the service were violated in allowing you to be continued in the performance of important duties after an alleged offense for which you were subsequently tried, as shown in the proceedings of the Cincinnati court-martial of 1863 in your case.

The Braman court-martial case does not show any treatment of enlisted men by you that could not reasonably have been excused by the circumstances and the practice of the service at that time.

The Peterson court-martial and the recommendation of the members show that they regarded you as a gallant and chivalrous officer, seeking to protect the country under your command against what you had reason to believe the dishonest schemes of Peterson.

I concur fully in the findings of the committees, and do not see how Congress can justly fail, except by default, to grant your petition. Trusting that when I shall have the opportunity of meeting you in person you will be in the enjoyment of your just dues, with your name again upon the Army list, I am,

Yours, very respectfully,

AUGUST V. KAUTZ,

Brig. Gen. Retired, Bvt. Maj. Gen. U. S. A.

Maj. Gen. Amos Beckwith, who was president of the New Orleans court-martial which tried both the Peterson and the Braman cases, with the full printed records before him, responds:

ST. LOUIS, MO., January 4, 1894.

MY DEAR COLONEL CUTTS: You are fortunately favored with a committee of able, historic men who are perfectly familiar with military affairs and acquainted with the customs and courtesies of the military service. They will at once perceive that injustice was done you in concealing or withholding from you the nature of the sentence of the New Orleans court.

I vividly recall all the incidents of this court-martial and recognize the recommendation of the court. In fact, it was written by myself.

Surely the time is at hand when you will secure your restoration so long delayed, so justly due.

Your obedient servant,

AMOS BECKWITH,

Brevet Major-General, United States Army.

General Otis, lately appointed brigadier-general United States Army, writes:

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,  
Vancouver Barracks, Wash., February 26, 1894.

MY DEAR COLONEL: I have carefully read the report which you sent me. I do not know anything of the great majority of facts presented and discussed, and have now ascertained them for the first time, but concerning you I know this much:

I became acquainted with you at the Cambridge Law School in 1859 and 1860. You were a very close student, and established a reputation for application and ability. I next saw you in the Wilderness on the 7th of May, 1864, when you were with your regiment, and from that date to the 18th day of June, when you were severely wounded in front of Petersburg, Va., I saw you very frequently, as I was continuously an active member of the brigade in which you were serving.

On June 18 I commanded that brigade, and recollect most distinctly the circumstances under which you received your wound.

In that terrible campaign, from May 5 until Petersburg was reached, you bore yourself most gallantly and won the admiration and respect of all with whom you were associated. For your services in that campaign alone your country is greatly indebted, and I shall be very glad to see you suitably rewarded.

Very truly, yours,

E. S. OTIS,

Brigadier-General, United States Army.

WASHINGTON, D. C., December 27, 1893.

DEAR COLONEL: I regard the report of the Military Committee as a thorough vindication of your record as a soldier and of your claim to the gratitude of your country.

With the compliments of the season, I am,  
Yours, truly,

E. A. CARR,  
Brigadier-General, U. S. Army, Retired Brevet Major-General.

GOVERNOR'S OFFICE, UNITED STATES SOLDIERS' HOME,  
Washington, D. C., December 30, 1893.

DEAR COLONEL: I have carefully read your papers submitted to the Military Committee of the House of Representatives and regard the argument as most convincing. The recommendation of the six officers, all of high character, members of the court, could not possibly have been disregarded by any reviewing authority, and will, I trust, be equally respected by our Senate and House of Representatives.

Very respectfully,

D. S. STANLEY,  
Brigadier-General, Retired, Brevet Major-General.

HEADQUARTERS DEPARTMENT OF THE EAST,  
Governors Island, N. Y., January 17, 1894.

MY DEAR COLONEL: Surely the country can afford to remember the grand stand and solid work of the "Little Giant" and not less your own phenomenal gallantry and self-denying service.

Very truly, yours,

O. O. HOWARD,  
Major-General, United States Army.

From Maj. Gen. Alex. S. Webb, ex-chief of staff, Army of the Potomac, and now president of the College of the City of New York:

OYSTER BAY, LONG ISLAND, N. Y., October 11, 1893.

MY DEAR COLONEL: I was in agony when your letter and report of Committee on Military Affairs came to me here. I have an attack of my old enemy.

Your vindication is complete. Of course, I read every word, and will read more.

I remain, truly yours,

ALEX. S. WEBB.

From Bvt. Maj. Gen. D. H. Rucker, ex-Quartermaster-General United States Army, brigadier-general retired:

WASHINGTON, February 3, 1894.

DEAR COLONEL: I have received and read the report of the Military Committee, House of Representatives, sent me with your note of the 31st January last.

Your very distinguished services in the Army during the war of the rebellion are very clearly and forcibly set forth therein and should, I think, be convincing to all impartial readers.

I hope that your brilliant career as an officer during the war may receive consideration and that you may be successful in your effort to be placed on the retired list of the Army.

Truly, yours,

D. H. RUCKER.

Maj. Gen. Fitz-John Porter responds:

119 WEST FORTY-SEVENTH STREET,

New York, December 24, 1893.

DEAR COLONEL: I have read with pleasure and interest the report of the House committee on your appeal, which you have kindly sent me.

I am sorry your bill did not pass and become law when first before Congress, but I do not doubt it will pass in your present appeal.

Wishing you relief, comfort, and happiness, and the same to your family, believe me,

Yours, truly,

F. J. PORTER.

Colonel Cutts, writing to Lieut. Col. John B. Parke, asking if he remembered delivering to him in person the order to advance on June 18, 1864, received the following reply:

COLUMBUS BARRACKS, OHIO,  
DEPOT GENERAL RECRUITING SERVICE,  
UNITED STATES ARMY,  
December 25, 1893.

MY DEAR COLONEL: Your favor of December 21, 1893, at hand with inclosed report. I can not recollect about my giving you the orders on the field on the 18th of June, 1864, but I will state that from the time we crossed the Rapidan River up to the time you were wounded I saw you in command of your regiment, the Eleventh Infantry, and knew personally that you were always in the front. In several of the battles of the Wilderness and on the first day's fighting at that place you had charge of the skirmish line, I being on it, and held it all day long.

Hoping you may be successful, I remain,

Very truly, yours,

JOHN B. PARKE,

Lieutenant-Colonel, Second Infantry, Commanding Depot.

From Rear-Admiral Daniel Ammen, United States Navy (retired):

AMMENDALE, MD., November 19, 1893.

MY DEAR COLONEL: Your note of the 14th came duly to hand and later the Congressional report was received, which I have examined with interest.

I am quite sure that an examination of the abundant testimony covering every part of your army career entitles you to the consideration of your claims in an eminent degree, and I shall hope to see your wishes fulfilled.

Very truly, yours,

DAN'L AMMEN.

From Gen. L. A. Grant, ex-Assistant Secretary of War:

WASHINGTON, D. C., January 18, 1894.

MY DEAR COLONEL: I have yours of yesterday, and have read with interest the report of the committee of the House, Fifty-second Congress, first session.

There seems to me but one conclusion. Your record and the great value of your military services are fully established, and you deserve well of your country.

Very truly, yours,

L. A. GRANT.

The committee report the bill back without amendment and recommend its passage.



IN THE MATTER OF THE BILL FOR THE RELIEF OF CAPT. AND BVT. LIEUT.  
COL. J. MADISON CUTTS.

Argument submitted to the Committee on Military Affairs, House of Representatives, Fifty-second Congress, April 25, 1892.

Mr. Chairman and gentlemen of the committee, on the 6th of December, 1890, I was for the first and only time able to obtain an adequate hearing upon the bill then pending in the Fifty-first Congress for my relief.

On that day I was heard in person before a subcommittee of five members of the House Committee on Military Affairs, consisting of General Osborne, of Pennsylvania; Mr. Spooner, of Rhode Island; Mr. Lansing, of New York; General Spinola, of New York, and Mr. Lanham, of Texas. This subcommittee unanimously reported favorably. Mr. Spooner, of Rhode Island, was directed to prepare the report, which, after being read, considered in detail, and amended in the full committee, was unanimously presented to the House on the 22d day of December, 1890, and the bill thereafter, February 28, 1891, as unanimously passed the House, too late in the session, the last of that Congress, to permit my obtaining the final and concurring action of the Senate. A petition signed by the governors of Indiana, Rhode Island, Ohio, Illinois, Michigan, Maine, Massachusetts, New Hampshire, and Vermont, and by ex-President Rutherford B. Hayes, Maj. Gen. Daniel Butterfield, Orlando B. Wilcox, W. S. Rosecrans, and Capt. John Palmer, commander-in-chief Grand Army of the Republic, has been presented to the Fifty-second Congress praying the passage of the bill to retire me as captain and for such future recognition by brevet rank of my services in the line, field, and staff of the Army "as may in your judgment give fitting expression to the gratitude of the nation."

A bill differing in some particulars from that passed by the House, Fifty-first Congress, is now before you.

I am thus compelled to renew the argument previously made, with some additions rendered necessary by very important additional evidence, by the fact that since the expiration of the Fifty-first Congress I have for the first time been able to fully examine certain courts-martial records, and have very recently been furnished with officially certified copies which I cheerfully and most gladly hold at the service of the committee.

I here beg each member of the committee to read carefully the report made in the last House, more especially because it fully sets forth the evidence upon which the committee acted, which, together with a large amount of most important additional evidence since received, I shall have occasion to refer to in this argument. I shall thus, to a very great extent, be saved the necessity of detail and a discussion which must, of inevitable necessity, be of considerable length on account of its absolutely necessary proofs and illustrations, will yet be made as short as possible.

Mr. Chairman, before the battle of Fredericksburg I had earned in the Ninth Army Corps and the Army of the Potomac an honorable reputation, which, if it was not distinguished as that of a soldier without fear or reproach, was certainly that of an officer whose patriotism was above suspicion, and whose devotion to duty was "constant and unwearied," to use the language of General Burnside.

During the battle of Fredericksburg, after exhausting my own horses I procured a fresh mount from Gen. Rufus Ingalls to carry a communication to General Franklin. Returning, horse and rider jaded and worn, I had occasion to speak a few words of censure to certain junior officers of General Burnside's staff, and riding past them, reported to that general, then holding a council of war, upon the condition and position of General Franklin's forces, the "Left Grand Division of the Army of the Potomac."

When I concluded, and, with diagram of General Franklin's line of battle in my hand, made by myself on the battlefield, had answered a few questions, General Burnside said to me, with great warmth and earnestness, thrice repeating himself, "Thank you, captain! Thank you, captain! Thank you, captain!"

I left the council room, and going downstairs I spoke to another member of the staff about the matter which had elicited my censure, which he said he also had observed, but yielding to his earnest and almost pathetic appeal, I determined to keep silent. I have kept silent ever since.

From that time, while there was distance and reserve, there were no personal quarrels; but I had incurred the hostility and concealed or suppressed enmity of certain officers, junior to myself, almost at the very moment of time when I had rendered services which had earned me the thrice-repeated thanks of the general commanding the Army of the Potomac, and as a consequence the gratitude of my country. (See the evidence of General Franklin, hereafter quoted.)

Under then existing law I was entitled to have been made major and judge-advocate of the Army, but, although I continuously performed the duties of judge-advocate, I did not receive the appointment, promotion, pay, and rank of a major of cavalry, to which I was then entitled by long previous services.

Between the battle of Fredericksburg and the "mud march" the chief of staff came to me and directed me to prepare, quietly and unobserved, to accompany the general commanding. I did so, and we proceeded, unattended even by our orderlies, to meet President Lincoln at Belle Plain. The President did not come. We met General Halleck in his stead.

Returning, riding late at night, our conversation came to be directed to the matter of my appointment as judge-advocate, and General Burnside said to me, "Captain, I have as much confidence in you as in any member of my staff, and I do not know but that I have more. I can at any time have you made major and judge-advocate, but I am seeking to give you much higher promotion."

Shortly afterwards a very important court-martial was convened in Washington, and I was detailed as its judge-advocate. General Burnside was a little later relieved from command of the Army of the Potomac. I joined him as he passed through Washington, and proceeded with him to Cincinnati, Ohio, where I was at once assigned to duty as judge-advocate of the Department of the Ohio, embracing the five great States of Ohio, Indiana, Illinois, Michigan, and Kentucky, still only with my rank as captain, General Burnside again assuring me "that he was seeking to give me much higher promotion, if circumstances developed as he expected, and that he had already had some conversation with the Secretary of War upon the subject."

I may here be permitted to state that although I knew I was the only officer of General Burnside's personal staff whom General Hooker would gladly have retained, and had at this time close and very intimate friendship with many of the most cultivated and distinguished officers of the Army of the Potomac, which it grieved me to sever, I yet chose to remain loyal to my chief and to continue attached to his fortunes, while he himself was suffering from severe criticisms, disappointments, and vexation of spirit.

I here quote the following letter, filed in evidence, from Gen. Joseph Dickinson, the most intimate friend of General Hooker, his assistant adjutant throughout the whole of his career and his chief of staff on the field of Chancellorsville.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,  
Washington, D. C., April 27, 1891.

MY DEAR COLONEL: I sincerely regret that the bill for your retirement, which passed the House in so honorable and gratifying a manner, failed to be reached for the final action of the Senate.

I have read the report of the House committee with pleasure and interest, and I am sure that no one who served with you would question the justice of its conclusions.

I knew you well during the South Mountain, Antietam, and Fredericksburg campaigns and battles. Your valuable services, which then earned you a distinguished reputation as a soldier, were afterwards supplemented by equally conspicuous services in the campaign of the Wilderness.

No one at all familiar with the history of the Army of the Potomac would hesitate to accept as conclusive the testimony of the many distinguished officers whose statements in your behalf are set forth in the report of your committee.

It was always a matter of surprise to me that you were not commissioned as major and judge-advocate of the Army of the Potomac in 1862. Had you been so appointed, under the law authorizing a judge-advocate for each separate army, you would have belonged permanently to that army, and of course, unless otherwise ordered by the War Department, would have remained behind with General Hooker when General Burnside was relieved.

Had you, even as it was, requested to have been transferred to General Hooker's staff, I have every reason to believe that your wish would have been gratified, and that General Hooker would have made you his judge-advocate.

I know that he would have been glad to have retained you in the Army of the Potomac, and on his staff, because of your experience and reputation as an officer and many warm and mutual friendships and soldierly ties which commended you to his esteem as they then did and always will to mine.

I hope you will not relax your efforts, which I trust will soon be crowned with deserved success.

Very truly and sincerely, your friend,

JOS. DICKINSON.

I now beg leave to invite the most careful attention and rigid scrutiny of the facts now to be recited and a close observance and comparison of dates. April 18, 1863, General Burnside issued his celebrated General Orders, No. 38, at Cincinnati, headquarters Department of the Ohio.

As judge-advocate of the department, it became my duty to take cognizance of all arrests made under this order, to prepare the cases for trial, and to see that courts-martial and military commissions were duly organized for that purpose.

Dismissing from General Burnside, both as to the necessity and legality of that order, I determined by the careful and judicious selection of cases which most pressing demanded trial, and by promptly dismissing such as were not sustained by evidence, to avoid any flagrant violation of the laws and Constitution of my country.

A court-martial and military commission were immediately organized at Cincinnati. By this court and commission 10 cases selected by me with great care and a most painful sense of responsibility were tried previous to the arrest and trial of Mr. Vandaligham.

On the night of the 4th of May, 1863, Mr. Vandaligham was arrested. His arrest was made without my knowledge that it was intended, and I knew nothing about it until the next morning, when Burnside, before either of us had risen from our beds, sent for me and, placing a copy of a newspaper containing a report of Vandaligham's speech in my hands, directed me to draw up the charges against him and prepare for his immediate trial. I pronounced the arrest illegal and advised against the trial on the ground that it would create needless excitement and ill feeling in the department, and be productive of great injury to the cause and service of the Government. He angrily said that he would be responsible for the policy, and that as long as I was his judge-advocate it was my duty to do what he ordered me to do. I obeyed orders. As a soldier I could not have done otherwise.

The trial commenced May 6, and on its conclusion I hurried to Washington to attend my father in his last illness. Returning I renewed my opposition and continued my protests against Order No. 38.

On the 16th day of June, 1863, after some discussion between us, again terminating quite angrily on his part and on mine, concluding with a request that he would allow me to prepare an order embodying my views, to which he assented, I submitted a general order and urged its adoption and immediate publication in lieu of General Orders No. 38. His reply was that he would not issue it, as he was expecting a reply from the President relative to his request to be allowed to declare martial law throughout the department, which, if acquiesced in, no such order as mine would be necessary.

It will at once be observed by every lawyer, jurist, and statesman that he here admitted the justice, legality, and constitutionality of my contention, which all along had been that General Order No. 38 was in effect a declaration of martial law, which he had no right to declare and which was not authorized by the condition either of the Department or the country, and that no commanding general had the right to declare martial law except under overpowering necessity and in the immediate scene of operating and contending forces and warfare.

President Lincoln never gave General Burnside his consent to a declaration of martial law, and I have reason to believe and to know that he and his Secretary of War concurred with me in their beliefs.

On the 20th day of June I again urged the immediate publication of the order I had prepared. General Burnside's answer again was that he was still waiting the President's reply. After that time I had little personal or official communication with General Burnside.

Now, during all this time, from the date of his assumption of command to June 22, 1863, I had no knowledge of any storm brewing about my head. Not a single word from any human being, or the slightest intimation from any source, had reached me that any charge involving any scandal was being held over me for punishment.

If anything had occurred to the great scandal and injury of the service, and this took place April 10, 1863, certainly between April 10 and June 22, more than two entire months having elapsed, during all of which time I was in the continuous performance of the most responsible, arduous, and exacting duties, it must have become publicly known, or else the inevitable conclusion is that there was no great public scandal.

Something certainly did occur on the 18th day of June, and on the 21st and 22d, as fully set forth in General Orders, No. 33d, War Department, Adjutant-General's Office, October 8, 1863.

That occurrence was simply this: That one of the officers whom I had re-proved at Fredericksburg grossly insulted me by occupying my desk off-daily assigned to me for my official use, and receiving a sharp reply from me to a remark made by him, challenged me to fight a duel.

I declined for the reason that I did not consider him a foe worthy of my steel, for reasons which abundantly appeared in the course of my trial, and, above all, that I did not consider in any event that a proper method of displaying courage, and did not intend, as the officer of the staff charged with the duty of enforcing military law, propose myself to violate the Articles of War with deliberate intent.

It was then, and only then, when the sender of the challenge, the bearer, and myself were all three placed in arrest, that an occurrence which had happened on April 10, 1863, was for the first time brought to my attention with official emphasis, when a copy of the charges was handed to me.

This occurrence was unearthed by malice, and although the head and front of my offending was as I pleaded it, and was so found by the court, it was used, or attempted to be used, in the most cruel and treacherous manner for

my destruction, and I became then and for a long time afterwards an almost infinite sufferer.

The court having no mercy for me leniently, complacently, if not complacently themselves, proceeded in the most flagrant manner to violate one of the Articles of War, and in open defiance of its mandatory and peremptory direction, found the sender of the challenge "guilty," and yet only sentenced him to be reprimanded, while the article of war, without leaving the slightest discretion, absolutely prescribes only one punishment, that of dismissal, and then, continuing, found the bearer of the challenge "not guilty," a result which clearly could have been reached only after some adroit subterfuge on his part, while they singled me out as the only victim and sacrifice.

The President, as soon as the cases could receive his attention, promptly restored me to duty, and practically reversed the judgment of the court by dismissing the sender of the challenge from the service. I to receive a reprimand.

When I afterwards saw the President he treated me with the greatest kindness and the most marked consideration, and did administer to me a mild reprimand. He advised me to forget the incident and not permit it to affect my future career, and concluded by saying: "I have done worse things myself, but nobody was ever mean enough to tell about them." It is here to be said that the offense was one known as the "concupiscence of the eyes." I had in a moment of temptation simply sought to look upon a person of the opposite sex when I should not have done so, and there was no further sin, and absolutely no aggravation and no scandal.

Mr. Chairman, the President restored me to duty for gallant conduct in battle.

Did the record of my services at that time and up to that date justify this action? Should it not have shielded me from the gross wrong and injustice done me and the ingratitude of Burnside? Let us examine that record with the assistance of General Burnside himself.

Says General Burnside in his report of the operations of the "right wing, Army of the Potomac, September 7-19, 1862:"

"To Brigadier-Generals Cox, Wilcox, and Sturgis: I desire to express my obligations for the prompt and efficient manner in which all my orders were executed."

Again—

"The battery commanders are deserving of special mention for the efficient service rendered by them during the day. I beg to call attention of the general commanding to the valuable services rendered by Lieutenant-Colonel Getty, chief of artillery, who posted the batteries."

"To my personal staff I am under renewed obligations for their constant and unwearying efforts and their faithfulness and courage exhibited in the various duties required of them. They are as follows:

"J. M. CUTTS,  
"Captain, Aide-de-Camp."

It thus becomes immediately important to know what Generals Cox, Wilcox, Sturgis, Getty, Ewing, and Hartranft, all of whom were under fire with Captain Cutts, thought of his services at South Mountain and Antietam, and I may here also properly include their testimony and that of other distinguished soldiers as to the battle of Fredericksburg, all of which is quoted in the House report.

Writes Maj. Gen. J. D. Cox, who, after the death of General Reno at South Mountain, commanded the Ninth Army Corps at Antietam:

"I take pleasure in stating that during the years 1862 and 1863 I was well acquainted with the military standing of Col. (then Capt.) J. Madison Cutts, who was then serving on the staff of Major-General Burnside, commanding the right wing of the Army of the Potomac. This brought me in constant intercourse with the gentlemen of General Burnside's staff, and I know that Captain Cutts was among the most energetic, brave, and intelligent of the officers in that service. He sought active field service as acting aid, and was found wherever severe duty was to be done."

Writes Maj. Gen. Orlando B. Wilcox, now governor of the Soldiers' Home, and brigadier-general, United States Army, retired:

"I have read the abstract of your service in the Army with great interest, and cheerfully add my testimony to the mass of evidence to your distinguished services during our acquaintance in the war of the rebellion."

"I remember your activity and great usefulness in the fights at South Mountain and Antietam, particularly where, as aid-de-camp to General Burnside, you contributed so much to success, and I may safely say that no staff officer habitually exposed himself to danger in carrying orders and gaining intelligence more than yourself."

"In my humble judgment you are richly deserving retirement, with the rank of captain, at least."

Says Major-General Sturgis, who commanded a division of the Ninth Army Corps at South Mountain and Antietam, and afterwards the corps:

"I was well acquainted with Colonel Cutts during the campaign in Maryland in 1862, and can not speak in terms too high of the valuable, arduous, and often hazardous services which he rendered at the battles of South Mountain and Antietam. My personal acquaintance with Colonel Cutts included also his services at the battle of Fredericksburg, Va., in the fall of 1862, where his services were well understood by the Army Corps (Ninth) to which we both belonged."

"I believe it may be safely said of Colonel Cutts that there are few officers of his rank and opportunities who have done so much and received so little in return."

Testifies Maj. Gen. George W. Getty, now colonel, United States Army, retired:

"I fully concur in all that has been said in your behalf."

"During the Maryland campaign, which resulted in the battles of South Mountain and Antietam, I was the chief of artillery of the right wing of the Army of the Potomac. You rendered most efficient aid to me in selecting positions for the artillery, and subsequently in conducting the batteries to the positions selected."

"In the Virginia campaign under Major-General Burnside your services were active and dangerous in carrying orders and gaining intelligence of the movements of General Lee's army. No staff officer on General Burnside's staff rendered more efficient or valuable services than yourself."

"Your services during the war were eminent and honorable, deserving the highest consideration."

"I do most sincerely hope that Congress, as a simple act of justice, will grant the relief you ask."

Writes Major-General Hartranft, who commanded a division of the Ninth Corps and the corps itself, and was afterwards governor of Pennsylvania:

"I was well acquainted with Col. J. M. Cutts during his services with the Army of the Potomac and up to the time of his disabling wound in front of Petersburg, June, 1864."

"He was distinguished for bravery and unswerving fidelity to duty, and I cheerfully testify to the very high regard in which he was held by his comrades and his superior officers. On the staff of Major-General Burnside and with his regiment he fully met every requirement of a gallant soldier and true patriot."

Hon. Whitelaw Reid, ex-United States minister to France, in his history of "Ohio in the War; Her Statesmen, Her Generals, and Her Soldiers," in his sketch of Maj. Gen. Hugh Ewing, a brother-in-law of General Sherman, says:

"At the battle of Antietam he commanded a brigade at the extreme left, which, according to General Burnside's report, after General Rodman had been driven back, 'by a change of front to rear on his right flank saved the left from being driven completely in.' In General Cox's order issued after this battle Colonel Ewing was favorably mentioned 'for energy and skillful bravery.'"

Certainly what General Ewing says of Captain Cutts, and with especial reference to his services on this same battlefield, is entitled to great weight with Congress and the country.

Says Gen. Hugh Ewing:

"The troops which I commanded were led to their position in line of battle at Antietam by Colonel Cutts, and the soldierly skill, coolness, and bright courage displayed by him that day won from me the highest admiration."

"He displayed on that field the noble qualities that go to make up the brilliant soldier, and I do not recall a single other officer during the entire course of the war that so quickly and profoundly impressed me."

"What more can I say? He was a bright light on the field of battle, cheering up the duller spirits, and by such service long continued as few rendered or could render, he secured the gratitude of the soldier and earned the lasting gratitude of the Republic."

Writes another of Ohio's distinguished soldiers and one of the most distinguished citizens of the Republic, Maj. Gen. and Ex-President R. B. Hayes:

"During the Antietam campaign I served in the same corps with Colonel Cutts and have sufficient information of his services throughout the war to be well assured that it was of decided merit."

"I am confident that he deserves the relief that Congress is asked to afford, and I trust sincerely that it will be granted."

Writes Maj. Gen. Edward Ferrero, of New York, who commanded a brigade and a division of the Ninth Corps:

"It affords me great pleasure to recommend Col. J. M. Cutts, having known him personally while connected with the Ninth Army Corps. A brave and accomplished officer, whose faithful services during the late war entitle him to the kind consideration of his fellow-men in general. I sincerely hope that his wishes to be retired will meet with the approval of the Senate and House."

Says Major-General Hunt, chief artillery, Army of the Potomac:

"I knew Colonel Cutts during the late war, whilst he was serving on the staff of General Burnside, commanding the Army of the Potomac, my own headquarters being with those of General Burnside."

"He bore the character of an active, intelligent, and efficient officer, not only during that time, but in the previous campaign in Maryland, when General McClellan commanded that army."

"After he joined his regiment I did not personally see so much of him, but his services were always well spoken of until he was disabled by a severe wound received in one of the assaults on Petersburg in June, 1864."

Testifies Maj. Gen. William B. Franklin:

"I well remember the fact that you were with me at the first battle of Fredericksburg, December 13, 1862, as a member of the staff of General Burnside, the commanding general, I being at the time the commander of the left grand division. The service that you then rendered was brave, able, and efficient, and deserved honorable recognition by the authorities, although I have never heard that you received it. As our paths led in different directions after that time, I can not speak positively of your service afterwards; but I know that it was honorable and distinguished, and that you were severely wounded in action and were entitled to have been placed on the retired list had you applied to be so placed. I do not think that, under the circumstances, you ought to be considered as having lost your right to such a position now, and sincerely hope that you will be successful in your efforts to have your merits recognized by the action of Congress, for which you ask."

Says Maj. Gen. Rufus Ingalls, chief quartermaster of the armies operating against Richmond:

"This certifies that I have personally known Col. J. Madison Cutts, captain Eleventh Infantry, for years, running back before he entered the Army. I saw much of him while he served in the Army of the Potomac on General Burnside's staff, and with his regiment. I saw him at City Point when dangerously wounded in battle on the 18th of June, 1864, and sent him to Washington for treatment. He is a man of fine education, and had a robust constitution before his hard and dangerous service, but is now enfeebled from the effects of this service and wounds. As a soldier he stood high with all who served with him. No one questioned his ability, patriotism, and bravery. He served faithfully, and is deserving of his country now in his day of need."

I can not close the testimony on this part of my case without quoting the evidence of one to whose magnificent and inspiring elan, while he was the youthful war governor of Rhode Island, that State and the entire country owes a debt of gratitude which can not be obscured or obliterated by his own subsequent misfortunes, or entirely forgotten until ingratitude ceases to be the basest of crimes.

Maj. Gen. William Sprague, late governor of Rhode Island, writes:

"COLONEL: Say from me that your early action, the earliest who stirred, becoming the forlorn hope, against the organized South, entitle you to great consideration. More than that, your more than interested relations South would have restrained you had you not been more than ordinarily imbued with patriotic ardor. Besides, were you not the brother-in-law of Stephen A. Douglas? Your services were of a high order here, and I unite fully with all who certify to your services, with equally praiseworthy ones under my official eye."

Mr. Chairman, may I not reasonably expect your prompt and unanimous decision that the facts in my case abundantly authorize the President to restore me to duty?

Immediately an equally important question arises. Was the President's action justified by the results? Gentlemen of the committee, it is of a strange order of Divine Providence that while on the 18th day of June, 1863, one Captain Hutton picked a quarrel with me which led to his own final discomfiture, while it returned to his regiment, with a sad and sorrowing countenance and almost a broken heart, one who before that time had been a "happy warrior," the man of sorrows, precisely to a day, one year afterwards, on the 18th day of June, 1864, fell, as was supposed, mortally wounded, a universally acknowledged "hero of the Republic." All this not great for a day and heroic for an hour, but after the most conspicuous and distinguished services in a long series of battles, and in the very act of tendering specific, conspicuous, distinguished, and successful services of that kind which are the pride and glory of a soldier, and are in all nations recognized by the highest and noblest rewards and praises.

Is not this absolutely true? See the evidence of my brigade and division commanders, quoted in the report as follows:

"In the early days of his recovery, while still confined to his bed, Captain



Cutts was cheered and strengthened by a letter written by General Griffin, his division commander, to Mrs. Griffin, and by her brought to him to read.

"Writes General Griffin:

"I asked General Ayres to-day how Captain Cutts was getting, and he replied he understood he was out of danger, and added he had made his mark as a gallant officer this campaign.

"I doubt whether any officer of the regulars has been so specially gallant and attentive to duty as Captain Cutts, and it was a subject of universal remark before he was wounded or thought he was going to die; still, it would not have surprised anyone who had known his father."

"Writes General Ayres, his brigade commander:

"My knowledge of Colonel Cutts dates back to his army service. He joined my command in 1864 and was with it in that long series of battles commencing with the Wilderness, through that, Spotsylvania Court-House, the North Anna, Cold Harbor, and the crossing of the James, to the front of Petersburg, when, in the assault on that place, June 18, he was severely wounded and carried from the field.

"His good conduct was marked in all those battles, and in some of the severest his gallantry was conspicuous. He was a soldier who deserves well of his country."

"And again, in a separate paper, General Ayres, writing from personal knowledge, as an eyewitness of the circumstances under which Colonel Cutts was wounded, says:

"I have the honor to state from personal knowledge that Bvt. Lieut. Col. J. Madison Cutts, late captain Eleventh Infantry, was second in command of his regiment (and acting field officer) on the 18th of June, 1864.

"In the engagement in front of Petersburg, Va., on that day, a spherical-case shot burst in front of the regiment, killing seven men and wounding 23 others. Of course, confusion in the regiment followed. Colonel Cutts stepped to the front and straightened out the line. While doing so he was severely wounded and carried from the field. His conduct was as on former occasions, conspicuous and gallant."

Have I not conclusively shown, Mr. Chairman, that however distinguished a soldier I may have been in the Ninth Army Corps, I was even more distinguished in the celebrated Fifth Corps, Army of the Potomac?

The House report, Fifty-first Congress, covering this period of my services, the Wilderness campaign of 1864, includes the following facts and evidence:

"Colonel Cutts was twice brevetted for gallant and distinguished services. He was recommended for the colonelcy of one of the regiments of General Hancock's Veteran Corps. Although strongly commended by his brigade, division, corps, and army commanders, Generals Ayres, Griffin, Warren, and Meade, and although his detail was requested by General Hancock in person, it was declined and refused by the Secretary of War, because he decided that the veteran corps was designed to bring back into the service those that were out of it, and he therefore would not order the detail of an officer already in the Army."

"The indorsement of that distinguished soldier, Maj. Gen. G. K. Warren, the commander of the Fifth Army Corps, with reference to Captain Cutts's promotion to the colonelcy of a veteran corps regiment, followed the recommendations of his brigade and division commanders, Generals Ayres and Griffin, and was as follows:

"HEADQUARTERS FIFTH ARMY CORPS, August 24, 1864.

"I could add nothing to the recommendations above, which I fully indorse, I hope such faithful service and suffering will not go unrewarded."

I here quote the evidence of a dearly beloved comrade and friend, who fought side by side with me in the Wilderness campaign, both of us captains and exercising the same commands as acting field officers.

Testifies Brig. Gen. David B. McKibben:

"It affords me great pleasure to add my testimony to your gallantry on the field of battle and to your high soldierly character when we served together in the Army of the Potomac. The records of the War Department show this. All your brother officers were witnesses of it. Such being the case, a generous country will not refuse its aid, only asked for when broken down by wounds and disease incurred battling for its existence."

"I sincerely wish you success, and I have not the slightest doubt you will achieve it. No one has a better claim and few as richly deserve of their country."

With equal pleasure and pride I here refer to the following testimony of another gallant and distinguished commander of the Fifth Army Corps, who was General Hooker's chief of staff at Chancellorsville, remained with General Meade as his chief of staff at Gettysburg, and is now the president of the Society of the Army of the Potomac. He writes as follows:

"616 FIFTH AVENUE, NEW YORK, April 13, 1891.

"MY DEAR COLONEL: I regret to learn that Congress did not pass the bill putting you on the retired list as captain. I hope it will yet be done. I recall your presence with the Army of the Potomac, and your coming to me with orders from General Burnside while I commanded the Fifth Corps in the battle of Fredericksburg, and your self-possession and courage under a terrible fire at the time I was with General Humphreys during the attack of his division. I recall also your activity in a general way during the war, and I know that you deserve this consideration and justly should have it."

"I hope another Congress will give it you."

"I am, very truly, yours,

"DANIEL BUTTERFIELD."

It was only after hearing of my services in the Fifth Corps, and knowing that I had received two brevets, that, possibly realizing the great wrong that had been done a most loyal and devoted staff officer, General Burnside wrote me the following letter:

PROVIDENCE, R. I., February 15, 1865.

COLONEL: Allow me to congratulate you upon the honorable mention made of your services during the late campaign in Virginia. Notwithstanding the course pursued by me, I have always felt the greatest interest in your success and welfare. I congratulate you upon the reward given for your distinguished services.

A. E. BURNSIDE, Major-General.

Bvt. Lieut. Col. J. M. CUTTS.

Certainly, Mr. Chairman, that court-martial record is entirely disposed of now and forever. Surely that man does not live, citizen or soldier, so ungenerous and unjust as to say or intimate that it can in any possible way be for a moment held or entertained as an objection to my being placed on the retired list of the Army by a tardy act of justice on the part of the Congress of the United States.

And now, Mr. Chairman, having incontestably, and I trust gallantly, won this portion of the battlefield, I mass all my forces and direct all my guns in another direction.

Upon the arrival of my regiment, the Twentieth United States Infantry, from Richmond, Va., at New Orleans, La., in January, 1867, I expected, as the senior captain, to be stationed at the regimental headquarters, Baton Rouge, La. Lieutenant-Colonel Watkins came to me and informed me that he had been requested by General Sheridan to select his most experienced officer to send to Shreveport with three companies, and that the general had told him that section of country was in a very bad condition and that the services of a

competent officer were much needed, and that as I had the largest and most varied experience of any captain of the regiment, especially so as a staff and administrative officer, he had been compelled to designate me.

Suppressing my disappointment, I went cheerfully forward to the duty assigned me, and, having first personally superintended the dispatch of the other companies to their posts, I, with three companies, the last to leave the levee, departed, via the Mississippi and Red rivers, for Shreveport, La.

The Eightieth United States Colored Infantry was then garrisoning that portion of Louisiana and neighboring parts of Texas. Its term of service had expired and the regiment was awaiting muster out. All discipline had either relaxed, had never existed, or been entirely abandoned, and the complaints of the communities of Shreveport, La., Marshall and Jefferson, Tex., and surrounding country were universal. The disorganized colored troops were subjects of alarm and discontent, and they left behind them, both officers and men, a very bad and odious reputation.

As soon as possible, by calling in their detachments and relieving them at Marshall and Jefferson, Tex., and wherever else was necessary, with troops of my own command, I sent them down to New Orleans to be mustered out.

Immediately I gave the closest attention to the discipline of my own command, and gave strict and peremptory orders that the men should be kept in their camps until their posts were thoroughly policed, reconstructed where necessary, and put in perfect condition. I was determined that none of the odium attached to the colored troops should ever by reflection soil the honor of my command.

When they came to observe the marked contrast, kindly and friendly relations with the people were soon established, their confidence and respect gained, quiet and good order restored, and my command accomplished its mission.

Those who are familiar with the early period of reconstruction will at once perceive that I had no time for idleness and dissipation, and that as the officers under my command, even my post adjutant and quartermaster, were absolutely without experience of the kind required, every detail of command demanded and received my most constant personal attention and supervision.

I took an active and studious interest in all questions affecting the welfare of that people and came into relations of friendship with all their leading citizens, who soon began to look upon me as a friend and adviser.

I do not believe that any commanding officer or any body of troops in any part of the South during the entire period of reconstruction ever possessed in a higher degree the respect and confidence of the people among whom they were stationed. It is a source of calm content and happiness for me to know that in every just and honorable sense I justified the confidence reposed in me, as both implied and expressed by my selection for the command, which, if not the largest, was certainly the most difficult and the most important in the Fifth Military District, and by reason of its great distance from department headquarters and the want of rapid and reliable means of communication—there were no railroads and the telegraph was irregular—was, in fact, an entirely independent and isolated command, imposing upon me the greatest care, diligence, watchfulness, and frequently the gravest responsibilities.

The limits of this argument will not permit me to include here abundant contemporaneous public and official documentary and other proofs and illustrations. It is enough to say that I was soon called to put the reconstruction laws in operation. Under them I was compelled to exercise important powers, and was responsible for the peace and good government of that section of country, of which I was in substance military governor.

The present useful and distinguished member of Congress from the Shreveport (La.) district, now chairman of the Committee on Rivers and Harbors, was then a young student at Alexandria, La. In November, 1890, I inclosed him a copy of so much of this argument I then had prepared for the House committee as contained the statements just made as to the character and results of my command in Louisiana and Texas, requesting that he would make careful inquiry and make such indorsement as he saw fit upon the paper. He returned it to me with the following indorsement:

"SHREVEPORT, LA., November 12, 1890.

"I was not living in Shreveport during the time J. Madison Cutts was commandant of the post there in the year 1867; but inquiry among substantial citizens who were resident there at the time enables me to say that the within statement is substantially correct. I am informed that his official conduct was marked by fairness, justice, and moderation."

"N. C. BLANCHARD,

"M. C., Fourth Louisiana District."

I have since had an opportunity to send the same statement, with Mr. BLANCHARD's indorsement, to a distinguished citizen who was a citizen of Shreveport and residing there while I was in command, but who now is the managing editor of the Galveston and Dallas (Tex.) News. His indorsement is as follows:

"GALVESTON, TEX., June 4, 1891.

"I take pleasure in indorsing the within. I was a resident of Shreveport during the period named, and can personally testify to the splendid conduct of J. Madison Cutts in coming to the relief of the people of my section of country during the troublous times of the reconstruction period."

"R. G. LOWE,

"Managing Editor Galveston News."

How, then, Mr. Chairman, did it happen that on the 17th day of July, 1867 I was placed in arrest, relieved from arrest September 4, 1867, but thereafter suspended from command, and in January until near the end of May, 1868, was under trial before the same court-martial at New Orleans on two sets of charges, and afterwards, in great distress and in entire ignorance of the final action of the court, resigned from the service June 19, 1868?

Was it wholly or in part my own fault, or was there malice and bad blood, misconception, misrepresentation, and misunderstanding of facts on the part of others, and hasty and ill-advised action?

In the last days of June, 1867, in compliance with regulations, I inspected my entire command—the ports of Shreveport, La., Marshall and Jefferson, Tex. I had also to investigate and report upon the local administration of justice and trials by jury in Jefferson, Tex., and neighboring parts of Texas.

While I was at Jefferson the deputy collector of United States internal revenue informed me that he had been approached by a man named Peterson, who had proposed that he should unite with him in defrauding the revenues of the Government. He told me that said Peterson had assured him it was a safe transaction; that he was intimate with General Mower, and that all the officers of the Army and internal-revenue officers, including E. A. Rollins, then Commissioner of Internal Revenue, from Shreveport to Washington, were connected and associated with him.

Satisfied of the character and personal integrity of Captain Fowler, who was my informant, I assured him that nothing of the kind could be attempted, still less accomplished, within the limits of my command, and I immediately took the responsibility of arresting the said Peterson, and directed that he should be sent by the earliest boat to New Orleans under guard. It must be here noted that I had no commissioned officer who could be spared to send with him.

There was a delay in Peterson's departure, otherwise I would have had no further personal connection with him. During this delay I completed my inspection at Jefferson, which involved some important matters of detail connected with the health and comfort of the troops. I also met Judge Mabry and the leading members of the bar, and thoroughly investigated the administration of local justice and the jury question, then agitating the State of Texas, and was ready to return to Shreveport immediately.

I had not expected to be on the same boat with Peterson. But it so happened. The departure of the boat was delayed by a storm, during which time many of the lawyers and other citizens I had met were on the boat, and some of them had come down in compliment to me to see me off.

I had not intended to hold any intercourse whatever with Peterson. I considered that for the time I was entirely off duty. I had just completed a most laborious amount of duty. It was shown on my trial that during the whole time I had refused the social courtesies usually implied among gentlemen in a drink; had been a guest at a dinner party, drinking with the hostess only one glass of champagne, remarking at the time that I supposed I could do so, as I had performed all my duties and was "off duty." On the boat during the storm, with the gentlemen who were detained aboard, I indulged in the social intercourse common and almost universal in that country, and drank whisky, almost the only obtainable drink, with some of the gentlemen I had met.

When he saw I was somewhat affected with liquor, Petersen seized an early opportunity and made a most offensive allusion to the fact that I had once been court-martialed at Cincinnati, and he threatened that when he arrived at New Orleans he would be released, and would have me put in arrest, and that his arrest would cost me my shoulder straps, which he would capture.

This assault upon my character as a man and my honor as a soldier violently angered me, and I treated him in the manner about as found by the subsequent court-martial, but not as he himself alleged when he arrived at New Orleans, as will most clearly be seen by considering and examining the findings of that court.

When the boat arrived the next day at Shreveport I was entirely free from the influence of liquor, took the prisoner out to my headquarters, regretted that under violent provocation I had in anyway misused him. He apologized for his own insolence to me and expressed himself gratified with his subsequent treatment. But I did not release him from arrest, but sent him, under guard, to New Orleans. It is almost morally certain that had he been released he would never have preferred charges of any description against me.

Upon his arrival in New Orleans he was at once released, and I was soon afterwards placed in arrest. The record of the subsequent court-martial shows that I then entertained a very firm and decided opinion as to what I judged a very summary proceeding, and that opinion was soon afterwards expressed officially in very emphatic language, which I then believed to be true and do now believe to be true, but which was not intended to be disrespectful to my district commander, and which the court found contained no "false accusations."

I beg leave here to refer to my "inspection report" and accompanying letter of advice, dated June 30, 1867, and also to a report made by me, dated July 5, 1867, upon the administration of justice and the jury system as containing conclusive evidence of the large amount of important service and duty I was then at that very instant of time performing with the greatest and most conscientious fidelity to duty. These papers can be furnished if desired from the War Department. "Records of discontinued commands."

In my letter of advice transmitting my inspection report for the month of June, 1867, I was able with the strictest and most honorable regard for exactness to speak of my command as follows:

"With the exceptions indicated the arms, accoutrements, clothing, camp and garrison equipage of the entire command are in the most perfect condition."

"In conclusion I have the honor to report that the conduct of the troops has been excellent. There have been no enlisted men in confinement at either of the above posts for a long time. The objects for which they have been stationed in this country have been so fully attained as to induce me to recommend them to the commendation of the commanding general."

"The registration has been conducted with entire success. All classes of citizens have been secure in their lives and property to an extent heretofore unheard of in this portion of the country. Such rare and occasional outrages as anyway come within the power of the military forces of the country to prevent or punish have been promptly met, acted upon, and reported from these headquarters, and the action taken approved."

"Though unable entirely to control sentiments or opinions, no unlawful acts have been permitted to go unnoticed, and the influence of this command has been exerted to promote good feeling, to accelerate an improved and improving tone of political sentiment, and to illustrate by character, conduct, example, and act that the power of the Government is not to be used for oppression, nor for malice, nor for revenge, either public or private, but for the peace, harmony, and happiness of the entire country."

How, Mr. Chairman, were results so useful and honorable achieved? I can not give a better answer than by quoting what were uniformly my instructions to the officers under my command as addressed in writing to the commanding officer of the post at Jefferson, Tex., June 1, 1867:

"It is much to be desired that you should cultivate the acquaintance of the most prominent and able citizens, bring the evils complained of to their attention, and induce them to use their utmost exertions to correct them."

"I need not repeat my verbal instructions to keep your command at all times in a high state of discipline and efficiency. I mainly rely upon the moral effects which would thence result to restrain evil-disposed persons from the commission of acts which endanger the welfare of the country, and to induce a favorable and satisfactory condition of public sentiment throughout the limits of your post."

About this time, Mr. Chairman, June 21, 1867, there was published in the Shreveport and New Orleans papers a card of thanks from the officers and passengers of the steamer *Live Oak* addressed to me, for my successful aid in rescuing that steamer and her cargo from destruction. The editor of the *Cado Gazette* in publishing the card commented upon it editorially as follows:

"We publish in another column a card from the officers of the steamer *Live Oak*, and also one from the passengers, tendering their thanks to Colonel Cutts, commanding at Shreveport, for his prompt, honorable, and kind action in relieving that steamer from her perilous position on the 20th instant."

"Such officers as Colonel Cutts sent among the people of the South will do more for reconstruction and good will than all other measures combined."

Mr. Chairman, I am here compelled to refer to other incidents of my career which were made subject-matter of court-martial before the same court-martial which tried the Peterson charges.

In Shreveport, La., from February to July, 1867, I was an excessively over-worked man. I had been severely wounded, and no doubt ought to have gone on the retired list, as I was advised at the time, and as I could have done any time after I was wounded, June, 1864, and after the passage of the act of July 26, 1860, with the rank of a field officer, that having been the rank of command when wounded. I was in 1867 in an unhealthy, malarial country, unaccustomed to its climatic influences, and was often subject to great debility. My wound was through the left lung. I was advised to have recourse to stimu-

lants, but abstained as bravely as I could. Sometimes I drank whisky and quinine.

This was the universal habit and custom of the people there. No man who does that either from choice or a supposed or real necessity can safely say that he may not at some unguarded moment do so to excess, with results largely dependent upon his physical condition.

Arriving at Shreveport in January, it was not until March 1, 1867, that I could realize the results of constant and incessant labors, not unmixed with care, and permit myself to seek any relaxation. February 27, in my ambulance I went with Rev. Father Pierre to make his annual visit to his most remote parishioners. The distance was great, the weather bad, and the roads very rough, and I returned March 1 thoroughly exhausted and worn out. This journey was not entirely one of relaxation. I desired to familiarize myself with the people and country I was then practically governing, and whose happiness and welfare often depended largely upon my action.

On the night of March 1, 1867, after I had in person attended tattoo roll call, and my entire command was asleep, I not having previously touched a single drop of liquor, after conversing for some time with Dr. Brayman, I asked him for a stimulant to enable me to sleep soundly and recuperate. He gave me some whisky, and I afterwards drank a great deal more. His quarters were next my own. Two hours after I had retired and was sleeping profoundly a fire broke out in his quarters. He thought it necessary to drag me out of my quarters, and thus I was made to appear in my night shirt, and did all I could under the circumstances. There were no ladies in the command, not a woman in camp. It was shown in evidence that I ought not to have been disturbed.

The next morning I placed Dr. Brayman in arrest. The fire had occurred in his quarters. Here he himself was the only witness. But I believed it to have been the result of his own carelessness, against which I and others had previously and repeatedly cautioned him. I soon afterwards released him from arrest.

Near my camp "over and under the hill" was a rude shanty inhabited by colored women of bad repute, relics of the Eightieth United States Colored Infantry. I had strictly, under penalty of severe punishment, forbidden the soldiers of my command to go there.

On the 8th of March, 1867, some of these women, stripped almost entirely naked, came running to my camp saying that some of my soldiers had destroyed or were destroying their shanty and were maltreating them. A guard was sent out to arrest the offenders, and Corporal Garland and Private Wright were arrested and brought before me. Both were drunk, violent, unruly, noisy, disrespectful, and insubordinate. Incensed beyond measure, I tore off the corporal's chevrons and reduced him to the ranks, and struck and knocked him down, and as they continued ungovernable I directed them to be bucked and gagged, and afterwards that water be thrown over them. Although I had often known such punishment inflicted in much less severe cases, this was the first and only time I had ever inflicted it in any command of mine.

It was proved on my trial that I immediately ordered the entire command to be paraded to witness the punishment of these men; that I appeared before the company and explained, and stated the gravity of their disgraceful offense, stating that it was the first and only time in my life when I had been sufficiently incensed to strike an enlisted man, and I hoped it would be the last.

This incident saved my command from after demoralization, insubordination, and disgrace. No officer or soldier of my command ever for a moment thought that I had inflicted cruel, unusual, or unnecessary punishment, or bore myself otherwise than became a brave, determined, and fearless officer. In striking the corporal I broke the metacarpal bone of the third finger of my right hand, which was immediately set by Dr. Brayman.

Dr. Brayman continued at the post and a member of my mess until nearly the end of the month, when he resigned. He preferred no charges against me while in the service, and never intimated such intention, and left the post on the most friendly terms, expressing to myself and to others the kindest regards and the highest respect for me, amounting to fulsome praise and admiration. He returned to Massachusetts and after a long interval of time wrote me for a certificate which would enable him to recover from the Government the value of a box of medical instruments, his own private property, lost in the fire of March 1.

I refused the certificate, still continuing of the belief that the fire had been the result of his own carelessness. This was the belief of the command. My knowledge of the man was such that I did not even reply to his letter requesting the certificate. With my belief I could not honorably have given it, and he knew it.

He thereafter took a long time to shape his ends and develop his malicious purposes, and on the 10th day of July, 1867, wrote from Brighton, Mass., a most infamous and abusive letter to the Hon. Charles Sumner, which on that day he duly swore to and executed in the form of an affidavit before a justice of the peace. This letter was received by Senator Sumner and referred by him to the War Department on or about July 15, 1867. The affidavit contained charges against me growing out of the fire of March 1, and my punishment of the enlisted men March 8, 1867. He in addition denounced my loyalty and called me "an unmitigated scoundrel."

Thus Dr. Brayman had allowed more than four full months to elapse before he carried his unfriendly purpose into effect and before he realized that his sense of duty required him to do so. The dates also suggest the certainty beyond mere probability that, hearing I was in arrest on other grounds and on Peterson's account, the courage of his convictions became strengthened, and he determined that his opportunity to do me evil had arrived.

I was tried on the charges thus originated, but it is morally and absolutely certain that had I granted the certificate in question, thus furnishing hush money, these charges would never have been preferred. No one who reads the certified copy of the record in that court-martial can arrive at any other conclusion.

For the findings and sentence of the court-martial on the Braman charges reference is made to General Order No. 26, Fifth Military district, New Orleans, La., May 3, 1868.

The limits of an argument before Congress will not permit me to enter into elaborate detailed discussion of the Peterson and Brayman charges, and my trial upon them. Both are matters of record and must speak for themselves, subject at all times to a proper and just review of both facts and law.

I must, however, be permitted to declare my firm belief that an analysis or even cursory reading of both sets of charges and specifications and findings, aided by the full records and the evidence, will show that while they had color of fact and of truth sufficient to enable any evil disposed or vicious man, guided by ill will or personal animosity, to make me the subject of a court-martial, they were much and grossly exaggerated under the influence of deliberate premeditated malice and bad blood. I go further and say that this was evidently the opinion uppermost and dominant in the minds and belief of the members of that court-martial, although, unhappily, I did not know this to be true at the time, and only knew it long years afterwards, when in May, 1890, I learned of the unanimous recommendation of the court in the Peterson case, and received very recently the statements of the surviving members of the court, which will soon be quoted in evidence. As a complete and conclusive demonstration of the truth of this contention, let us consider for a moment the first of the Peterson charges:

"Conduct unbecoming an officer and a gentleman."



To this charge there were eight specifications, all of them loaded down with venom of the most poisonous description. The court found me—

- Of the first specification: "Guilty, except the words without sufficient authority, unlawfully, and willfully."
- Of the second specification: "Not guilty."
- Of the third specification: "Guilty" with exception.
- Of the fourth specification: "Not guilty."
- Of the fifth specification: "Not guilty."
- Of the sixth specification: "Guilty, in part."
- Of the seventh specification: "Not guilty."
- Of the eighth specification: "Not guilty."

Thus, the court found that I did arrest Peterson with sufficient authority and lawfully. They could not possibly have attached any criminality to that act, but must, on the contrary, have sustained me.

The court absolutely acquitted me of all the averments of fact contained in five specifications and did not sustain a single one of the eight specifications entire and without any important exceptions, and, as a consequence, did not find me guilty of the charge, but guilty of a minor charge.

Was there no self-evident exaggeration and malice here? There can be but one possible answer.

Could the court have failed to believe that there was malice, exaggeration, and absolute unmitigated falsehood? The findings conclusively answer—they must have so believed, and could not by any possibility have believed otherwise. Above all, their unanimous recommendation, not for clemency or mitigation of their sentence, but its absolute and entire remission shows that in view of all the circumstances as shown in evidence they sustained my character and reputation as an officer and did not consider me a proper subject for punishment. Had I known this at the time, I would to-day have been a full colonel in the Army high up on the list or else long since on the retired list.

Mr. Chairman, as illustrative of the vast difference between Colonel Cutts and Dr. Brayman, which I trust has already been made sufficiently apparent, I here quote a letter of the Rev. Father Pierre, a pious, self-sacrificing Catholic priest, who afterwards died at his post of duty attending the sick in a yellow fever scourge. It was with him that I made the journey in February, 1867. This letter is quoted from the record of my trial.

SHREVEPORT, January 2, 1868.

MY DEAR COLONEL: In answer to your request to me to inform you what was my opinion as to the relations existing between Dr. Brayman and yourself, so far as my intercourse with both was concerned, it affords me great pleasure to be able to assure you that the forenamed gentleman spoke always of you in the highest possible terms, such as "I am proud of my colonel; he is a very clever man;" also, "I believe he is an honor to the United States Army," and the like.

This has been his uniform language to me previous to his leaving your post, and this a few days before his departure. Besides, as you well remember, I have been frequently at your quarters, where you also invited him and always showed him great kindness.

I conclude, my dear colonel, by wishing you a prompt return to Shreveport, where the community will welcome you warmly and affectionately, because by your uniform conduct whilst in our midst you have always conducted yourself as a gentleman and true soldier should.

Come back soon, therefore, to the many friends you leave behind, in the number of whom I hope you will permit me to subscribe myself affectionately and respectfully, yours,

I. PIERRE, P.

Mr. Chairman, as demonstrating wherein Colonel Cutts differed from Peterson, it may be said:

1. That the one was a distinguished officer who arrested the other for a contemplated and well-planned conspiracy and an attempt to defraud the Government of the United States, and had previously been engaged in the cotton frauds and spoliations.

2. That my subordinate officers, other civilian officers of the Government, and the people of that entire country approved the arrest; that the then United States district attorney at New Orleans and many distinguished lawyers not only justified the arrest but believed I would have culpably failed in my duty had I not made it.

3. That Gen. Lorenzo Thomas, the Adjutant-General of the Army, a soldier of three wars and of great experience, believed from inquiry made on the spot that I had acted wisely, and telegraphed to General Sheridan as follows:

SHREVEPORT, LA., August 8, 1867.

Maj. Gen. P. H. SHERIDAN,

Commanding Fifth Military District, New Orleans, La.:

Please relieve Colonel Cutts from arrest and reinstate him in his command. He is a capable and good officer who, if he is in error at all, has had in view only the best interests of the Government. Order him to New Orleans to communicate in person with you. You will be perfectly satisfied with his explanation.

L. THOMAS,  
Adjutant-General United States Army.

4. Col. D. B. CULBERSON, a distinguished lawyer of Texas, now chairman of the Judiciary Committee, House of Representatives, testified as follows on the trial of Colonel Cutts:

Q. (By defense.) State to the court the reputation of one B. H. Peterson in that community (Jefferson, Tex.), and what your means of knowledge are.

A. His general character is bad. I do not know him personally, but I have personal knowledge of his operations and transactions in eastern Texas since the surrender of the Confederate army.

Q. (By defense.) Is your knowledge of his reputation derived from your knowledge of his transactions?

A. It is, mainly.

Q. (By defense.) What was the nature of the transactions you refer to?

A. The transactions I have referred to arose mainly from cotton operations in that country by which he had caused cotton to be seized as Government cotton on fabricated claims, and then in some instances he would have the cotton released on payment to him of a sum of money charged as fees. In other cases he would buy the cotton thus embarrassed at prices far below its value. He would frequently receive cotton for securing military orders for the seizure of cotton for certain parties claiming it for other parties.

Q. (By defense.) Have you any personal knowledge of cases where the proof was clear that he so operated?

A. Yes, sir.

Q. Did you have any professional connection as counsel in any way in matters connected with his arrest by Colonel Cutts in June, 1867?

A. I did after his arrest, but not before.

Q. (By defense.) Have you formed any opinion as to the legality or necessity of his arrest by Colonel Cutts? If so, state that opinion.

A. I think, under the circumstances, the arrest was necessary. I could not speak as to the legality, as opinions differ.

Q. (By defense.) Did the circumstances authorize an arrest to be held for further examination?

A. I think they did.

Q. (By defense.) Have you any knowledge that at the time of Peterson's

arrest he was actually engaged in a fraud upon the revenue of the Government?

The witness declined to answer this question, as the information communicated to him came from clients.

The accused declined to press the question, as matter of courtesy, the witness having pleaded this privilege.

Mr. Chairman, for all of the above distinct and clear affirmations reference is made to the full court-martial record.

Mr. Chairman, the result of the Peterson charges was never made known to me, and I never had the slightest knowledge of the findings of the court until long afterward, as is hereinafter stated. Of course silence or nonpromulgation of the findings and sentence led me to infer that the sentence was dismissal, and that the record had gone to Washington for the final action of the President. In that event I did not dream, because of the action of the court in the Braman case, that they had made any recommendation.

I arrived at Baton Rouge worn out by a very long and protracted trial, preceded by a long suspension from command, all together inflicting upon me great distress and anxiety, which had lasted from July, 1867, to nearly the end of May, 1868, all of which was punishment a thousandfold too great for the unhappy and entirely accidental circumstances which had given Brayman and Peterson opportunities to have me court-martialed and to take cowardly advantage of me. In addition, I had passed through a season of overwork and of yellow fever at Shreveport, and my strength and health were greatly impaired.

Dr. Brayman had been reappointed, and, doubtless never expecting to meet me again, was at Baton Rouge on duty at the headquarters of my regiment. His presence almost maddened me. Sickness, excessive heat, great physical and mental prostration led me for one entire day of my life to drink to the greatest possible excess. I was also under the influence of large doses of quinine. I absolutely for one day lost and forgot myself—lost all self-control and was crazed beyond the control of others.

It was thus that on the 25th day of May, 1868, I became amenable to charges which were preferred against me on the following day by General Sykes. As soon as I was informed or was able to understand what had happened I made every possible apology for what had occurred in an hour and day of entire oblivion and frenzy. Except temporary frenzy or insanity, there was no defense. I resigned, and my resignation was accepted to date June 19, 1868.

Shortly after I resigned and after I had left the post the same Dr. Brayman, as if to indulge in some natural propensity, wrote a letter, which seemed to be his favorite method to accomplish the ruin of others, impugning the character for honesty of Second Lieut. William McGee, Twentieth Infantry, then serving at Baton Rouge. Lieutenant McGee was known as the "drummer boy of Chickamauga." He had been appointed as a protégé of Gen. George H. Thomas and Governor Marcus L. Ward, of New Jersey, and wore a medal of honor from the Congress for leading a charge while a drummer at the battle of Chickamauga. McGee went to Brayman's quarters much as I did, but with a far different result. He confronted him and upbraided him. Pistols were drawn, and Brayman was killed.

Of the dead I shall say no more.

Mr. Chairman, until April, 1890, when I had the opportunity to examine the War Department return, dated March 23, 1890, to the call for information in the matter of the bill for my retirement, I never knew what the findings of the court-martial in the Peterson charges were. The War Department return made no mention whatever of any recommendation by the court; a most essential and important omission.

It was not until Saturday, May 24, 1890, that having occasion to deliver in person a communication to the Secretary of State, being in the War Department building, I thought I would go and examine the full records of the New Orleans courts-martial. This I was not permitted to do, but I asked a few questions, to answer which the chief clerk of the acting Judge Advocate-General sent for the records themselves.

Moved by some instinct, which must have been a heavenly inspiration, not expecting an affirmative reply, because I had always thought that the sentence in the Brayman case was not justified, but was cruelly wrong, I said to him, "Please look at the end of the record in the Peterson case and see if there was any recommendation by the court." He did so, and said to me, "Yes; there is."

My surprise could not have been greater if a shell had exploded in the room. For the moment I was overcome.

I was then shown the recommendation. It reads as follows:

"The undersigned recommend the remission of the sentence.  
"AMOS BECKWITH,  
"Brevet Major-General, U. S. A.  
"W. W. LOWE,  
"Major, Sixth Cavalry, Brevet Brigadier-General.  
"W. M. GRAHAM,  
"Captain, First Artillery, Brevet Brigadier-General.  
"A. D. NELSON,  
"Major, First Infantry, Brevet Colonel.  
"W. T. GENTRY,  
"Captain, Seventeenth Infantry, Brevet Colonel, U. S. A.  
"A. E. HOOKER,  
"Captain, Ninth United States Cavalry."

This recommendation was subsequently certified by the Secretary of War to the House committee, and was unanimous.

Thus, after twenty-two long years of some fortitude and honorable efforts in civil life, I for the first time and only by accident learned that my brother officers, gallant and distinguished soldiers, representing all arms of the service, had nobly stood by my side, while I, in sorrow and bitterness, had supposed that they had abandoned me, they, on the contrary, deciding that while they gave a technical or pro-forma verdict, the meaning of which is perfectly well understood throughout the entire Army and Navy of the United States, they were of opinion that I was not a fit or deserving subject for punishment, and had recommended not the merciful and lenient mitigation but the absolute and unqualified remission of their entire sentence.

Had I possessed the slightest intimation of this action of the court, what occurred May 25, 1868, would not have happened, and most clearly I would not have resigned. It certainly was a very great calamity and a great pity that I had not the slightest intimation from any source of this action of the court. My resignation was tendered under an entire misapprehension and under circumstances of the greatest possible distress. Is there, gentlemen of the committee, anything in my entire record which any patriotic, noble-minded, or gallant citizen or soldier or which my entire and now happily reunited country needs to remember against me? On which stands the balance in a just, honorable, and equitable account?

I have submitted my entire case with full detail, as embraced in this entire argument, to my former regimental commander, who was General Wool's assistant adjutant-general in Mexico, captain of artillery, adjutant-general under Governor Seymour of the State of New York, then lieutenant-colonel of my regiment, and later General McDowell's chief of staff and Inspector-General of the Army, and received from him the following reply:

WASHINGTON, September 12, 1891.

DEAR COLONEL CUTTS: I lose no time in acknowledging receipt of your polite letter with inclosed report in your case of the Committee on Military Affairs of the House of Representatives.

I need not assure you that the contents of both are very gratifying to me as the testimonials of distinguished brother officers named in the report, deserved as they are, must be to you.

I think you are justly entitled to a brevet for your eminent services in the Maryland and Virginia campaigns in 1862, and trust that the authorities, even at this late day, may recognize your right thereto.

Not doubting that the bill passed by the House of Representatives for your restoration will be favorably acted on by the Senate, and thus restore to you a commission relinquished long since through a misapprehension, I remain, with best wishes for your success,

Most truly, your friend,

ED. SCHRIVER,

I have made the same submission of all the questions involved in my case to General Rosecrans, reading to him nearly the whole of my argument and large portions of the court-martial records, and the following is his reply:

WASHINGTON, D. C., November 3, 1891.

MY DEAR COLONEL: You very kindly handed me a copy of the report in your case (H. R. Report No. 3343, Fifty-first Congress, second session, accompanying H. R. 7490) made by the Committee on Military Affairs of the House of Representatives, requesting that having exercised high command I would give the impression made by the recital of facts therein set forth concerning your behavior and services in the late war.

I have carefully read the report. I concur in the conclusion therein reached.

Your record of meritorious, gallant, and brilliant services on staff, in line, and on numerous battlefields, attested by wounds sustained, by medals received, and by a cloud of gallant Union generals, living and dead, would outweigh numerous mistakes, any one of them greater than those embodied in the allegations before the Burnside or the New Orleans courts-martial.

President Lincoln's action on the Burnside court-martial sentence, restoring you to duty, showed that, in his judgment, at most you had done nothing to stain a soldier's honor.

The unanimous recommendation of the New Orleans court-martial amply testifies to its judgment that the combined circumstances called for an absolute remission of the entire sentence.

Trusting that Congress may do you justice, I remain,

Your friend,

W. S. ROSECRANS.

Mr. Chairman, the delay in the final passage of a bill for my relief has given me an opportunity to demonstrate conclusively that in this argument I have done no violence to the actual disposition and intentions of the New Orleans courts-martial.

I communicated with the president of the court-martial asking him to give me any information in his power. In reply, he chose to take official action and inclosed me the following paper, which embraces the testimony of all the members of that court-martial who are now living:

HEADQUARTERS FIFTH UNITED STATES ARTILLERY,  
Presidio of San Francisco, Cal., August 6, 1891.

To whom it may concern:

I take pleasure in commending the petition of Col. Madison Cutts to the favorable consideration of the proper authorities.

I was a member of the court-martial which tried Colonel Cutts some twenty-three years since, and my recollection of the case is that while the court felt that an example was necessary in the proper performance of their duties, yet they were also sufficiently impressed with the conviction that there existed extenuating circumstances in the case to prompt the members to a unanimous recommendation to clemency.

I, for one, should be glad to learn that Colonel Cutts is to derive some benefit from that recommendation, even though it be at this late day.

Respectfully submitted,

WM. M. GRAHAM,  
Colonel Fifth Artillery, Brevet Brigadier General, U. S. A.,  
Commanding Regiment.

[Indorsement.]

I was president of the court-martial within referred to before which Colonel Cutts was tried. In passing the sentence upon this officer, it certainly was not the intention of the court to throw him out of the service, and hence the unanimous recommendation of the court that the sentence imposed be remitted. If Colonel Cutts had not sent in his resignation, he would now be in the service, and I sincerely hope that such action may be taken as will restore this most valuable officer of the service where he rightly belongs.

A. BECKWITH,  
Colonel and Brevet Major-General, United States Army, Retired.

Mr. Chairman, I have also submitted my entire case to the General Commanding the Army, who was Secretary of War at the date of my resignation, and had full and perfect knowledge, officially, of all the facts. He has with great cordiality authorized me to quote the following letters, which explain themselves, addressed to me during the pendency of this bill, and he has further authorized and almost directed me to say to the committee from him, that in awarding me the medal of honor he himself first made a personal and thorough examination of my entire record as a soldier.

WASHINGTON, D. C., March 17, 1890.

MY DEAR COLONEL: I have read the record of your military services and the recommendations of the many distinguished officers under whom you served, and I sincerely hope Congress will give you the place on the retired list which you have so well merited. Your honest struggle to support yourself and your family in civil life increases your title to this consideration.

Very truly, yours,

J. M. SCHOFIELD.

HEADQUARTERS OF THE ARMY,  
Washington, April 29, 1891.

MY DEAR COLONEL: In reply to your letter of yesterday I take pleasure in informing you that the medal of honor was awarded you very promptly after the receipt of your last communication on the subject, and the medal is now in the hands of the engraver, and will be sent to you as soon as the suitable engraving is placed upon it.

Doubtless you ought to have been informed of the action of the War Department when it was taken, but I suppose, to save clerical labor, the habit is to send the medal with the information that it has been granted.

Regretting that you have been kept in any suspense in this regard, and hoping that the medal when it comes will serve all the desires of your heart in that respect,

I am, sincerely, your friend,

J. M. SCHOFIELD.

Col. J. MADISON CUTTS.

Mr. Chairman, the Congress of the United States, by an act approved July 12, 1862, authorized the President of the United States to cause "medals of honor" to be prepared with suitable emblematic devices, and to direct that the same be presented in the name of Congress to such noncommissioned officers and privates as "shall most distinguish themselves by their gallantry in action, and other soldierlike qualities, during the present insurrection."

By an act approved March 3, 1863, this law was extended so as to include commissioned officers.

The Confederate States passed a similar law October 13, 1862, and a General Order No. 131, adjutant and inspector general's office, Richmond, Va., dated October 3, 1863, directed:

(1) That the names of all those who have been or may hereafter be reported as worthy of this distinction be inscribed in a roll of honor to be preserved in the adjutant and inspector general's office, for reference in all future time for those who have deserved well of their country as having best displayed their courage and devotion on the field of battle.

(2) That the roll of honor, so far as now made up, be appended to this order and read at the head of every regiment in the service of the Confederate States, at the first dress parade after its receipt, and be published in at least one newspaper in each State.

Gentlemen of the committee: The medal awarded me was not for a single occasion; it is a triple medal of honor, and is inscribed as follows:

"The Congress to Capt. James M. Cutts, Eleventh Infantry, for gallantry at Wilderness, Spottsylvania, and Petersburg, 1864."

I had previously during the war received the brevet of major and lieutenant-colonel for gallant and distinguished services. The medal of honor adds far more than a third brevet, and is regarded among all soldiers as outranking any brevet or any number of brevets. Need I say that highly as I value it I shall even more dearly prize it if by your unanimous action on the bill before you you confirm my title to the thanks and gratitude of my country.

Mr. Chairman, the committee of the last House found that I fell June 18, 1864, in front of Petersburg, supposed to be mortally wounded, while advancing in front of my regiment in the line of battle which I had reformed, and they added:

"He then incurred a disability, in the performance of a specific act of great gallantry, sufficient to have entitled him to be at once retired as captain. A little more than two years afterwards he could have been retired under the act of Congress of July 20, 1860, with the rank of his command when wounded, that of a field officer."

"Although often urged and advised to avail himself of the provisions of that act, he had no desire to become a charge upon the country he had helped to save, and remained in the service, although seriously disabled, hoping still to be of service to his country."

I am now drawing a pension for total disability, which in the case of a captain is \$20 per month. I here quote the evidence of that most distinguished and skillful surgeon, Dr. Basil Norris, United States Army, who attended me while wounded, and to whose constant care and attention at my home in Washington, after my wounds had been pronounced by surgeons in the field fatal, I owe my recovery. He conclusively establishes the fact that I had the legal right to be retired long before the date of the New Orleans courts-martial—while in the service and long before I resigned.

He testifies as follows:

"Capt. J. M. Cutts, Eleventh United States Infantry, was wounded on the 18th of June, 1864, in front of Petersburg, Va., while acting as field officer, and, as I have been informed, advancing in line of battle in front of his regiment."

"He was conveyed to Washington, where he arrived June 20, 1864, and placed under my treatment, and continued under my care until September following. His wound was a gunshot wound (rifle ball) of left side. The ball entered between the eighth and ninth ribs on a line below the axilla, fractured the ninth rib, penetrated the lung, and made its exit between the ninth and tenth ribs at a point about 1 inch from the spinal column."

"Captain Cutts was brevetted lieutenant-colonel for gallant and distinguished services in that campaign of the Army of the Potomac, having previously rendered conspicuous services in the preceding campaigns of the same army."

"His wound created a permanent disability, which then, and ever since, would have entitled him, had he requested while in the service, to be placed on the retired list."

"He never made such application, but before his wounds were entirely healed rejoined his regiment and sought opportunities for further service and distinction."

"He resigned in 1868, and now, with a large family, after a long interval of honorable exertion, he finds himself no longer able to contend against his increasing disabilities incurred in the line of duty and in battle."

"Informed, as I am, that Colonel Cutts will apply to Congress to be placed on the retired list of the Army, I would respectfully say that such recognition of his services and sufferings would only be in accordance with the custom of service in the Regular Army in like cases, and that I believe he abundantly merits such consideration."

The committee say of me in their report:

"His career since his resignation has been one of long-continued, useful, and honorable effort in civil and professional life. The committee believe it highly to his honor that after marrying and having eleven children, seven of whom are now living, he has foreborne to press his claim and appeal for relief, until no longer able by reason of disability, the result of his wounds and exposures in the service, to bear the cares, anxieties, and wants of his large family."

"In view of his long-continued and distinguished services, entitling him in a marked degree to the gratitude of his country, the committee recommend that he be honorably restored to the status he held when wounded, and accordingly report favorably the bill for his retirement in the Army, with the rank of captain."

The number of my children, by the birth of a son March 5, 1892, is now eight.

Mr. Chairman, the retirement of an officer of the Regular Army for wounds, disabilities, or length of service is simply a form of pension which is one of the legal conditions or elements of his service in the Army, and Congress, if it deems me worthy of retirement, can hardly decide to restore me to the status I held when I resigned without duly considering the arrears, if any such can properly be granted to me. The bill is subject to amendment in this or any other particular. Strongly opposed, as I have always been until necessity came upon me, to any thought of asking of my country pecuniary compensation for disabilities contracted in its service, I do so now only because my dearest friends have insisted that in the interest of my wife and very large number of children it is my duty to present the question for your consideration.

Mr. Chairman, I have strictly endeavored to confine myself in my argument to the recital of facts, which I have endeavored to accompany with proper and, as I trust and believe, unimpeachable, unanswerable, and conclusive evidence.

In passing upon the bill before you it is within your power to decide that the general tenor of my existence, both in the Army and in civil life, shall be weighed and considered, and thus weighed is found to be patriotic, self-sacrificing, and full of honorable efforts. You can decide without doing violence to truth and justice, and on the weight of overwhelming evidence, that my services to my country were conspicuous, long-continued, and distinguished, rising fully to the dignity and very high honor of entitling me to the gratitude of the nation.

It will not strain your authority to decide that a debt of national gratitude is not obliterated or forgotten because the benefactor meets with disaster or



misfortune, with sickness and sorrow, still less when he falls a victim and a sacrifice to malice.

You can forever silence the tongue of slander, confuse and confound assassins of character, while, in great degree, near the close of his life, restoring to a soldier his peace of mind and happiness, giving back to him his sword and his commission, surrendered only under circumstances of great distress and under an entire and most cruel misapprehension, and enabling him, by granting the relief he asks, to respond to the cares and still remaining duties of life, which now, by reason of honorable wounds received in battle, creating a total disability, overtax his strength and powers of endurance.

Measuring sedately every word I say, I deliberately declare that if after my death any surviving friend, taking note of my departure, shall wish to be my eulogist, let him not say only that I earned the gratitude of my country on many battlefields, but let him examine the full official records of my New Orleans courts-martial and find, as he inevitably must, that in the stormy, exciting, and perilous days of reconstruction I was a conscientious soldier, devoted to the fullest and most faithful performance of every duty, and that I consulted fearlessly and with singleness of aim the honor, welfare, and best interests of my entire country; and let him add that I was not a professional but a citizen soldier, who, on more than one important occasion, brought to the service of his country the learning and attainments of a lawyer who always sought to be a wise counselor and an earnest advocate.

Gentlemen of the committee, take the case and upon full consideration, make such a decision as your consciences shall approve and dictate. Pass the bill entire as it has been introduced, or amend it as your sense of honor and justice shall dictate, but halt nor hesitate short of full justice, and do not deny to me an honorable measure of fame resting on its only true and enduring foundations thereof—conscientious adherence at all times and in all places to what I believed to be right and self-sacrificing devotion to the best interests of my country, so far as God gave me the power to judge correctly, and a patriotic love of my entire country.

Respectfully submitted.

J. MADISON CUTTS.

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 23d instant approved and signed the act (S. 2783) to postpone the enforcement of the act of August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea."

#### SUNDRY CIVIL APPROPRIATION BILL.

Mr. COCKRELL. I ask the Senate to proceed to the consideration of the sundry civil appropriation bill. I desire to state that we have now on the Calendar—

Mr. HOAR. Let the assent be first obtained.

Mr. COCKRELL. Very well.

The VICE-PRESIDENT. The Chair was about submitting to the Senate the request. Is there objection to the request of the Senator from Missouri?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8518) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. COCKRELL. I ask that the amendments of the Committee on Appropriations may be considered and acted upon as they are reached in the reading of the bill, and that after the reading is concluded other amendments may be considered.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. COCKRELL. I wish to state to the Senate that we have upon the Calendar the sundry civil appropriation bill and the legislative, executive, and judicial appropriation bill. The naval appropriation bill will be reported to-morrow or next day. The general deficiency appropriation bill has not yet passed the other House, but it will probably be here to-day. We shall have all these bills before the Senate for disposition just as rapidly as the Senate can dispose of them. Now, this is a long bill, with a good many amendments and other provisions that will be debated, and I hope it will be the pleasure of the Senate at about 6 o'clock this evening to take a recess until 8 o'clock, and then meet and continue in session until 10 or 11 o'clock.

Mr. HALE. Can not the Senator get an agreement now that that shall be done?

Mr. COCKRELL. I ask unanimous consent, then, that at 6 o'clock this evening we shall take a recess until 8 o'clock, and then that we continue in session until 10 or 11 o'clock.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Missouri?

Mr. CHANDLER. I do not object, but I give notice that this evening I shall object to the consideration of anything except the appropriation bill.

Mr. COCKRELL. That will be the specific measure to be considered, as a matter of course. I shall not give way to anything else.

Mr. CHANDLER. With that understanding, I make no objection.

Mr. MANDERSON. I think the request ought to be delayed until there is a full attendance of the Senate. We have a very slim number here.

Mr. HALE. But they ought to be here.

Mr. MANDERSON. We have consented to take up the appropriation bill, ignoring morning business, and this is a bill so important that it ought not to be disposed of—

Mr. HALE. I hope the Senator will not object.

Mr. MANDERSON. Let the request be made later in the day, when more Senators are here. I do not think it is exactly fair to what is practically a majority of the Senate that a consent agreement should be now made. There may be others who will desire to interpose an objection or to make a compromise. Let the request be delayed until later.

The VICE-PRESIDENT. There is objection to the request of the Senator from Missouri.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GORMAN. I ask that the sundry civil appropriation bill be temporarily laid aside and that the Senate take up the conference report on the bill (H. R. 8388) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1896, and for other purposes.

The VICE-PRESIDENT. Is there objection? The Chair hears none. The conference report will be read.

Mr. GORMAN. The conference report has been read, or at least printed in the RECORD. I suggest that it is not necessary to read it. I will explain what it contains.

Mr. SHERMAN. I should like to have an explanation made by the Senator from Maryland, so that we may understand what the report contains.

Mr. GORMAN. I will make an explanation of the report.

The conferees have agreed on all the items of the bill in disagreement between the two Houses except four amendments of the Senate, to which I shall presently call attention. The principal amendments receded from by the Senate conferees are the following:

Extension of highways.....	\$12,500.00
Work on streets as per schedule.....	18,000.00
Assessment and permit work.....	25,000.00
Sewers.....	78,118.00
County roads.....	30,000.00
Sweeping streets.....	4,000.00
Parking commission.....	4,000.00
Harbor boat.....	25,000.00
School buildings.....	127,500.00
Telegraph and telephone service.....	7,380.00
Emergency fund.....	7,000.00
Support of convicts.....	5,000.00
Charities.....	8,000.00
Miscellaneous amounts.....	14,330.00

Total receded from by Senate conferees..... 365,808.00

Amount appropriated by the bill as it passed the House of Representatives..... 5,262,107.25

Increase by Senate, net..... 741,144.00

Amount as passed by the Senate..... 6,133,251.25

The House conferees agree to Senate increases to the amount of..... 539,536.00

Total of bill as agreed to..... 5,730,643.25

Senate conferees recede from..... 265,808.00

Amounts disagreed to and still open..... 46,000.00

Amount of estimates for 1896..... 7,217,934.25

Amount of law for 1895..... 5,545,678.57

Mr. SHERMAN. What I want to know is what has been done with the smallpox-hospital provision.

Mr. GORMAN. I will come to that in a moment. That is one of the items that is disagreed to. The first of the four disagreements on which the conferees have been unable to agree is the amendment providing \$8,500 for the police and firemen's relief fund. This is objected to by the conferees on the part of the House as being an innovation, notwithstanding the fact that since 1861 this relief fund has been granted by act of Congress and provision made for its payment, fixing the amount which shall be given to each of the disabled firemen and their wives and minor children in the case of death. It is an appropriation that has been constantly made, or a fund that has been created.

It has been depleted only because of the immense increase in the number of policemen and firemen in the District. It is a provision such as is made in every city of 100,000 inhabitants in the United States. The amount here provided is much smaller than in cities of 100,000, and is nearly one-half less than in Baltimore, Philadelphia, and other great cities that compare with Washington. Yet it is objected to on the other side upon the mistaken idea that it is a civil pension fund, when there is absolutely nothing in the idea.

I do not want to detain the Senate, but I could give a list of all the cities that pay such a fund. The practice is universal, and the amendment ought to be adhered to. It is a matter that does not affect the Treasury of the United States a penny. The fund, as we inserted the provision in the bill, comes from the fines imposed in the police court, collected from the vicious, and the bad, and the unfortunate, if you please, and not a dollar of it comes out of the Treasury. As Congress, in legislating upon this matter, is practically the common council of the city, the Senate conferees can not understand how there can be an objection from any quarter when the authorities of the District have all agreed to it, so far as we know, and are very anxious to have it sustained.

In the matter of the enforcement of the scarlet-fever act and the

purchase of antitoxine an amendment was inserted in the Senate, which was discussed here very thoroughly, making provision for some place where the clothing could be fumigated and provided for without destroying the effects of the poor people who happen to have one of these contagious diseases. As I stated to the Senate before, this city is absolutely without facilities for that purpose. The authorities were compelled, during the terrible scourge that swept over this city, instead of destroying the infected clothing, etc., to take it to the steam heating establishments that are used for cleaning carpets and practically confiscate a room, hoping to relieve it afterwards by some process, and yet run the danger of having the disease spread all over the city. Yet the other House refuses to make the moderate appropriation of \$6,000 for such a place and for machinery for that purpose.

Connected with this was the provision for antitoxine, a matter that has been discussed in the Senate. Its use has become general, and it is now recognized as a specific against many contagious diseases, some carrying it so far as to make it a specific even against smallpox itself as being better than vaccination. Yet while the whole amount is to come out of the revenues of the District, and not a dollar out of the Treasury, that amendment is objected to; and with it a provision which the Senate inserted prohibiting any hospital for infectious diseases within 800 feet of other property or other houses. The House conferees object to that also.

Mr. HARRIS. What is the amount of the appropriation for antitoxine?

Mr. SHERMAN. I ask the Senator whether the 300-foot provision has been retained?

Mr. GORMAN. No; that is all in the amendment that is left pending. It has not been retained. It is objected to by the House conferees. It is one and the same amendment, and is still open for further conference. The Senate conferees insisted upon retaining it in the bill. In answer to the Senator from Tennessee I will state that \$20,000 is the amount.

Another provision in disagreement is the appropriation for a smallpox hospital. Congress required the District Commissioners to locate and fix a hospital for smallpox patients. We have a shed which is a disgrace to humanity down here on the east of the jail on a lot of 50 or 60 acres, out of the way of everybody. There it is now, with the jail and the workhouse on one end of the lot.

By the amendment adopted in the Senate we appropriated \$25,000 to erect a sufficient hospital there with four wards, and on the plans and estimate of Dr. Billings, who is an authority upon this subject, and also upon the estimate of the very intelligent young gentleman who is now the health officer of the District and has gone into the matter very thoroughly. We considered it absolutely necessary in every respect that a building should be erected. Men of prominence in the last six months have been confined in that building, which was not fit to be inhabited by anybody, particularly when suffering with such a disease, with no facilities to keep the patients, some of whom escaped and spread the disease elsewhere. Yet it is said that we shall not have a place here to confine smallpox patients, but that they had better be put out in tents; that they had better be sent across into Virginia or Maryland.

The Senate conferees have told the conferees on the other side that under no circumstances would we recede from either of these amendments without a vote of this body, and I trust the Senate will be as unanimous now as it was two weeks ago in insisting upon that provision. If the Treasury of the United States is in such a condition that we can not make the paltry appropriation of \$40,000 or \$50,000 in a case of this sort, while it would be unjust to the District of Columbia, I have no doubt it would agree that every dollar of the amount should come from the District treasury, although that burden ought not to be imposed upon it. The Senate conferees would not recede without a direct vote of the Senate and fail to have provision made in the cases I have named.

These are the principal items in the bill which are not agreed to. The Senator from Tennessee, I think, asked me a day or two since, when the bill was up, as to the construction of the waterworks, which is an important matter. The Senate conferees have agreed to make the appropriation as provided for in the bill as it came from the House for the immediate construction of the dam at the Great Falls, raising it 1 or 2 feet, the work to be done under the officer in charge of the waterworks, with General Casey assigned as consulting engineer. The reason for that was explained to the Senate. Both General Casey and Colonel Elliot, who are familiar with this matter, will retire within a short time.

General Casey is more familiar with it probably than any other man who lives to-day. His experience has been from the day of General Meigs down to the present, and we have associated him as the consulting engineer. To get the water from the reservoirs in Georgetown, to ascertain whether the tunnel can not be used, and whether the reservoir at the Soldiers' Home can be used with

the dam in its present condition, we have made provision for a thorough inspection by these officers, Colonel Casey being the consulting engineer, and they are to report to Congress, together with a report as to what, if anything, is necessary to strengthen the conduit from the Great Falls to Georgetown. They are to report to Congress whether, in their opinion, the tunnel from Georgetown over to the Soldiers' Home can be utilized, and what is the most feasible and the best way to bring an additional supply of water into the city.

Mr. HARRIS. The provision does not, then, provide for the adoption of mains or other methods of conducting the water to the reservoir at the Soldiers' Home?

Mr. GORMAN. It requires them, in the event they find the tunnel can not be utilized within a reasonable cost, to report how many mains, if any, are required, and what character of mains; but they are only to report to Congress.

Mr. HARRIS. I will state the object of my inquiry. I think we ought to utilize that reservoir and conduct the water there by some method. If the tunnel can not be used some other method, it seems to me, is absolutely necessary to reach that point.

Mr. GORMAN. We think this provision is ample, and will give Congress all the facts to act upon at the next session.

There is one other matter to which I desire to call the attention of the Senate. It is the public schools in the District of Columbia. The conferees have stricken out \$127,500 of the amount appropriated by the Senate. One hundred thousand dollars of that amount is the business high school. The other reductions, amounting to only \$27,500, are in the appropriations for the common schools, but the provisions have been so adjusted as to provide for every school building that the Senate voted for, reducing the cost in three or four cases, and leaving out only the appropriation for the repair of the Wallach School building east of the Capitol. As the bill stands, agreed to by the conference, appropriations are made for every primary school the Senate voted for, leaving out the business high school.

I trust that the report may be adopted, and that the Senate will further insist upon the amendments disagreed to by the House conferees.

Mr. SHERMAN. Mr. President, I do not intend to oppose the motion of the Senator from Maryland, but I wish to express a strong conviction I have, which I have been forming now for ten or twelve years after a close and careful watch, I may say, of the course of appropriations for the District of Columbia.

I think it is abnormal and indefensible to refer the appropriations for the District of Columbia to the Committee on Appropriations of this body, not that I have any complaint to make of the members of that committee, because they are among the ablest members of this body, and endeavor to do their duty according to the lights they have, as well as they can, but it is ridiculous to suppose that the Committee on Appropriations, charged with all the expenses of a Government like ours, \$400,000,000 a year, can be considered as the best committee to act upon the affairs of the District of Columbia. We have a committee on the District of Columbia composed of able and experienced Senators, many of them especially interested in the District of Columbia, living near by, as the Senator from Maryland [Mr. GIBSON] and the Senator from Virginia [Mr. HUNTON], and the Senators most interested in the affairs of the District being on that committee.

These appropriations ought to be passed upon by the committee that is in touch with the people, whom the people could approach. Many leading citizens of Washington who know that I feel a deep interest in the growth and progress of this city, have often spoken to me about this matter. Their communication is entirely with the Committee on the District of Columbia; they are familiar with the members of that committee; they go to that committee freely and make their complaints, either of want of appropriations, neglect to care for their interests, or on any other matter connected with the District of Columbia.

I hope that at the next session of Congress, without any division whatever, without any contest, the appropriation bill for the District of Columbia will be referred to that committee. I wish to say, with no disparagement to the honorable Senator from Maryland or the members of the Committee on Appropriations, that they have enough to do, and more than enough to do, without being burdened with a purely local matter, which affects the interests of the people in this District, who are in constant communication with the Committee on the District of Columbia, and have no opportunity practically to approach the Committee on Appropriations except at a time when that committee is necessarily crowded with much more important bills than the bill making appropriations for the District of Columbia. Compared with the great appropriation bills that are provided for by the Committee on Appropriations, the appropriations for the District of Columbia are less than 1 per cent of the amount, and yet the people of this District are deeply interested in those appropriations. Suppose that a legislature not at all connected with the subject should undertake to prescribe how much money should be ex-



pended at the State capital for a road or a highway or anything else.

It is impossible for the Committee on Appropriations to give the attention in detail that is required for such a bill. I trust that at the next session of Congress, without any disparagement at all to the Committee on Appropriations, the District of Columbia appropriation bill will be referred to the District Committee, so that the people of the District can go to those they are accustomed to deal with and talk to and confer with them about the affairs of the District of Columbia.

I have been a close watcher, an interested watcher, I may say, in the course of the appropriations for this District. I do think that it would be an act of wisdom on the part of the Committee on Appropriations to say that they are not possessed of the local information to deal with this bill, and that it should properly be referred to the committee that is especially charged with the very subjects-matter embraced in the bill.

This is all I wish to say. I do not care to interfere with the recommendation of our conferees. I could not understand all the details given by the Senator from Maryland, but it was because the Senate was a little noisy. However, I am perfectly willing to take their recommendations in regard to what should be done with this bill. I should like to know from the Senator, however, distinctly, whether it is proposed to locate any of the hospitals up near Seventh street on the road north. What provision is made on that subject?

Mr. GORMAN. The District Commissioners, by authority of law, as the Senator understands, purchased a lot to erect a hospital for contagious diseases north of the Capitol, near Seventh street.

Mr. SHERMAN. Do they propose to erect a hospital there for such diseases?

Mr. GORMAN. That unquestionably was the intention of the Commissioners. The Senate put in a provision making an appropriation for a hospital for smallpox down near the jail, east of the Capitol, and also inserted a provision requiring that no hospital for other contagious diseases should be within 300 feet of any other house. That whole matter is still in conference. We could not come to an agreement with the House conferees.

Mr. SHERMAN. I will express the hope that the Senator from Maryland and our other conferees will refuse definitely to locate any kind of a hospital that would injuriously affect the Garfield Hospital, or affect the immediate neighborhood where the hospital is proposed to be located. I believe it was a hasty, ill-considered, almost covert movement to buy a lot in a particular place there, knowing that all the people living in that region are very much opposed to it. Many of them have come to me about it. I trust that that will be remedied. If such a building is necessary, let it be located in some part of the city that is not so rapidly growing. The great body of the population of Washington is now extending north, occupying in part the very region that has been selected. The great population of the city will necessarily extend northward, and not so much eastward or southward. The whole tendency is toward the northwest, and therefore no hospital that would prevent the growth of that portion of the city ought to be allowed in that region.

Mr. GALLINGER. Mr. President, I listened with great interest to the statement made by the distinguished Senator from Maryland regarding the differences between the two Houses on certain very important matters embraced in the District of Columbia appropriation bill. I rise simply for the purpose of saying that I trust the Senate will unanimously stand by their committee in a demand, so far as a demand can be made, to have these items remain in the bill.

For one I am very strongly in favor of the so-called pension fund for the police department. I shall not stop to argue it. I believe that it is but just, right, and proper, and that it would be a very great hardship to these men, whose lives are exposed every hour of every day, to have the beneficent provision that they have heretofore enjoyed taken from them.

Mr. President, regarding these hospitals, I have been interested in and sometimes disgusted with the discussions which have taken place in Congress concerning the location of a hospital for the treatment of epidemic diseases. First, we had a controversy here over the bill establishing a hospital for the treatment of epidemic diseases, and then immediately the contest as regarded its location commenced all over the District. The people in one section and the people in another section were unwilling that the hospital should be located anywhere near property that they own. I have listened to the Senator from Ohio [Mr. SHERMAN] this morning, who told us that the hospital ought not to be located in a certain portion of the city. It reminds me, Mr. President, of Artemus Ward. He was willing that the boil should be on the other fellow. [Laughter.] He did not want it on himself. So, in reference to this matter the inhabitants of one section of the District are very willing that this hospital shall be located in some other section, and the inhabitants of that section want it located somewhere else.

I trust that the provision in the bill for this hospital will be re-

tained, and that a hospital may be located in some place without any particular reference to the preferences or advantages which may accrue to any individual citizen of the District.

In my opinion, having some knowledge on this matter, it is absurd to say that such a hospital should be 400 feet on all sides from any private property. It would take several acres of land to surround that building. I have not made the calculation, but I venture to say that I am correct when I say that several acres of land will be required for the building if there is an open space of 400 feet on each of its four sides.

I hope the Senate conferees will insist on keeping the provision in the bill for a smallpox hospital. It is a shame and a disgrace, Mr. President, to this great city that we have not to-day a proper place where smallpox patients can be treated. I know of no other city in the American Union—I doubt if there is another city in the civilized world—of the wealth, culture, and population of the city of Washington, which has not better facilities for the treatment of smallpox patients than we have in the capital city of this great nation.

As to the matter of antitoxine, I made some good-natured observations concerning it when the matter was up the other day. I have my own opinions about it. They are purely speculative, and I did not insist they were well founded; but as a medical man I ventured to suggest some doubts as to the efficacy of this mode of treatment of diphtheria. Since that time I have been discussed somewhat in the medical journals and in the great newspapers of the country, and I have received a large number of letters from physicians and others concerning the matter. There is an honest difference of opinion on this subject; medical journals are divided in opinion; the newspapers are divided; the physicians are divided; and the people are divided. The newspapers, however, did me a great injustice when they telegraphed all over this country that I opposed that appropriation. I did nothing of the kind. I said I would vote for it and I did vote for it. There is a very small part of the appropriation to be used for the propagation of antitoxine, and, as the Senator from Maryland [Mr. GORMAN] has well said, that appropriation contemplates the establishment of a disinfecting plant, and it contemplates other things which relate to the health of the citizens of the District of Columbia.

I trust our conferees will do all they can to keep that provision in the bill and to keep every provision in the bill which relates to the welfare, the health, and the protection of the lives of the men, women, and children in the District of Columbia. I hope there will be a unanimous vote by the Senate, and that our conferees will not yield those points unless they are absolutely compelled to do so.

Mr. PEPPER. I wish to call the attention of the Senator from Maryland to amendments numbered 85, 87, and 89. I ask the Senator and the Senate to except from this report those three proposed amendments. I shall occupy the time very briefly in regard to those amendments.

In the Senate, after a very laborious effort, we succeeded in having the wages of the van drivers and ambulance drivers in the District of Columbia increased to at least the fair living wages of \$600 a year. That is lower than any other city in the country pays for similar work, so far as I have been able to ascertain. I had a list of such wages paid in a large number of cities, but I have it not here now. Attention was called to it during our discussion in the Senate. The conference committee have agreed to reduce \$600 a year to \$480 in each of those separate amendments. I ask, without saying a word further, that when the Senate comes to vote upon it these three amendments may be excepted when we request a conference, and that they be restored, if possible.

Mr. HARRIS. Mr. President, from the standpoint of chairman of the Committee on the District of Columbia, in which position I have given somewhat careful attention to District affairs, I desire so say that the managers of the conference on the part of the Senate upon this bill have been extremely liberal in the concessions which they have made to the other branch of Congress. They have been somewhat more liberal than my sense of duty would have permitted me to have been if I had been upon that conference.

In respect to the open questions—and I shall not go into details with regard to them—I do not see how it is possible for the managers of the conference on the part of the Senate to make concessions in respect to any one of the points that are still in controversy between the two Houses, and I hope the Senate will, by unanimous vote, further insist upon those amendments, and I hope that the managers of the conference on the part of the Senate will carry out the will of the Senate so expressed.

I shall not consume further time.

Mr. ALLISON. Mr. President, the committee of conference on the part of the Senate in dealing with the District appropriation bill may have been, as the Senator from Tennessee states, more liberal in their concessions made to the House conferees than they ought to have been, but no one knows better than the Senator from

Tennessee that in dealing with items in an appropriation bill it is necessary to make concessions, and to make such concessions as will secure in the end the passage of the bill.

Mr. HARRIS. If the Senator will allow me, it is due to myself to say that I in no sense intended to censure the committee. For the very reasons which the Senator states, I know we have to give and take. I did not intend any uncharitable or unkind criticisms, but I did intend to emphasize an honest opinion which I entertain.

Mr. ALLISON. I know that the Senate Committee on Appropriations made considerable additions to this bill as it came to us from the other House, making them in the belief that the expenditures proposed by us were necessary expenditures in this District.

I would say to the Senator from Ohio [Mr. SHERMAN], who has taken this occasion to impliedly censure the Committee on Appropriations for its want of knowledge and for its want of consideration of these bills, that I think, so far as the Committee on Appropriations is concerned, it has given in the past, and especially has it given to this bill, the utmost possible care as to the items in the bill for the protection of the District and commensurate with the growth of the District.

We must bear in mind here that one-half of the amount to be expended under all these appropriations is taken from the Treasury of the United States, and that it is a matter of interest, not locally alone, but of interest to all the people of the United States, that all these appropriations should be considered in the light of the fact that we pay one-half of the expenditures of the District. I have not criticized, and I do not now criticize, that adjustment. It is an adjustment which has prevailed for a great many years; and while I perhaps will admit that the Committee on Appropriations, in dealing with these bills, does not deal with them in a local sense, it does not deal with them according to the wishes of this individual or that individual who may have property in this District to be benefited by special local improvements.

We deal with those questions in a larger and better sense, for the protection not only of those who have special property here, but we deal with them in the sense of promoting the interests of the people who dwell in this District by and large, whether they own property or do not own property. So, while I may agree with the Senator when we come to again consider the question of who shall have charge of these appropriations, I shall not intrude upon the pressing hours now before us, in view of the closing days of the session, to discuss the question of the competency or incompetency of the Committee on Appropriations.

Mr. CHANDLER. I desire to ask the Senator from Maryland whether, as to the items upon which the conference committee have agreed, there has been incorporated any new legislation not connected directly and necessarily with the legislation about which the Houses differ.

Mr. GORMAN. Not a single word or line has been added to the bill by the conference report. We have changed, as a matter of course, as I explained to the Senate, the phraseology in relation to some of the questions which have been dealt with, but no new items have been inserted.

Mr. CHANDLER. Mr. President, I am very glad to learn that fact. When the income-tax-return bill was before the Senate, I discovered, or thought I discovered, that an item had been introduced into the conference report which had no relation whatever to any matter of difference between the two Houses. I was told by the Senator from Missouri [Mr. VEST] that what I stated was not true, and by the Senator from Iowa [Mr. ALLISON], in somewhat gentler phrase, that I was mistaken. I have made careful investigation of the history of that subject, and am prepared to show at some length that what I stated was exactly and literally correct and that it was the Senator from Missouri and the Senator from Iowa who were mistaken, and not I. I shall not, however, detain the Senate to enter upon that discussion at this time, because I wish to expedite the public business. I shall endeavor to do so, if time affords, when some other conference report is before the Senate.

The VICE-PRESIDENT. The question is on concurring in the conference report.

The report was concurred in.

Mr. GORMAN. Let it be included in the motion that the Senate further insists on its amendments disagreed to by the House of Representatives, and asks for a further conference.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. GORMAN, Mr. COCKRELL, and Mr. ALLISON were appointed.

Mr. QUAY. Mr. President, I desire to present some morning business.

Mr. PLATT. Regular order, Mr. President.

The VICE-PRESIDENT. The regular order is the sundry civil appropriation bill.

#### SURVEYOR OF DISTRICT OF COLUMBIA.

Mr. PROCTOR. I ask to withdraw a conference report on the bill (S. 444) making the surveyor of the District of Columbia a salaried officer, and to provide for more efficient service in the surveyor's office, for the sake of correcting a clerical error. Reference was made to line 4 of one of the amendments, which should have been line 6. I submit the report with the error corrected, and move its adoption.

The VICE-PRESIDENT. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 444) making the surveyor of the District of Columbia a salaried officer, and to provide for more efficient service in the surveyor's office, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same with the following amendments:

In line 5 of section 1, page 1, after the words "shall be," insert "appointed by the Commissioners of the District of Columbia for a term of four years, unless sooner removed for cause, and shall be;" and the Senate agree to the same.

In line 6 of section 1, page 1, after the word "the" where it first occurs in said line, insert "said;" and the Senate agree to the same.

In lines 6 and 7 of section 1, page 1, strike out "of the District of Columbia;" and the Senate agree to the same.

In line 4 of section 3, page 2, after the words "per annum," insert "and such employees as may in the judgment of the Commissioners of the District of Columbia be required for the surveyor's office and operations, at an aggregate expense of not exceeding \$4,000 in any one year." Amend the proposed amendment by striking out "\$4,000" and insert "\$5,200" in lieu thereof; and the Senate agree to the same.

In section 3, page 2, strike out all after the words "per annum," in line 4, down to and including line 13; and the Senate agree to the same.

In line 3 of section 4, page 2, strike out the word "cities" and insert in lieu thereof the word "city;" and the Senate agree to the same.

In line 4 of section 4, page 2, strike out the words "and Georgetown;" and the Senate agree to the same.

In line 5 of section 4, page 2, strike out "cities" and insert in lieu thereof the word "city;" and the Senate agree to the same.

In line 11 of section 5, page 3, after the word "Columbia," insert "and all records, plats, plans, and other papers or documents now existing or hereafter made or secured by the office of the said surveyor shall be delivered by each surveyor to his successor in office." Amend by inserting after the word "office," "and no plat or survey of land shall be recorded in the office of the surveyor of the District of Columbia except it be certified to as correct by the surveyor of the said District;" and the Senate agree to the same.

In section 8, page 3, strike out all after the word "laws," in line 1, down to and including line 4, and insert in lieu thereof the following: "Inconsistent with the provisions of this act are hereby repealed;" and the Senate agree to the same.

REDFIELD PROCTOR,

CHAS. J. FAULKNER,

H. C. HANSBROUGH,

Managers on the part of the Senate.

J. E. COBB,

G. W. COOPER,

J. A. T. HULL,

Managers on the part of the House.

The VICE-PRESIDENT. The question is on concurring in the report.

The report was concurred in.

#### SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as its Committee of the Whole, resumed the consideration of the bill (H. R. 8518) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 2, after line 5, to insert:

For the public building at Charleston, S. C.: For completion of building, \$40,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 7, to insert:

In order to provide accommodations for the Government officials in the city of Chicago now occupying the present building, during the erection of the proposed new building, the Secretary of the Treasury is hereby authorized to accept for use temporarily any site that may be offered for such use free of cost and rent and to erect thereon a temporary building, and the sum of \$300,000 is hereby appropriated, to be immediately available, of which amount the sum of \$27,000, or so much thereof as may be necessary, may be used for the rental of buildings for one year; said temporary building to be so erected shall be removed by the Government when said new building is completed and ready for use.

The amendment was agreed to.

The next amendment was, on page 2, after line 20, to insert:

In pursuance of the act of Congress entitled "An act to provide for the erection of a Government building at Chicago, Ill.," approved February 2, 1895, the sum of \$400,000 is hereby appropriated for the commencement and continuation of the building, of which amount the sum of \$90,000 is hereby authorized to be expended by the Secretary of the Treasury to employ temporarily draftsmen and skilled service, which may be necessary in the preparation of plans and specifications for the said building, this amount to be exclusive of any moneys that he may be authorized to expend for the services of engineers, draftsmen, and other persons employed in the preparation of plans and specifications for any other public buildings.

The amendment was agreed to.



The next amendment was, on page 3, after line 10, to insert:

For the public building at Fort Dodge, Iowa: For completion of three additional rooms in said building and placing additional dormers in the roof, \$1,500, in addition to the balance of the appropriation now available.

The amendment was agreed to.

The next amendment was, on page 4, after line 8, to insert:

For court-house and post-office at Meridian, Miss.: The Secretary of the Treasury is hereby authorized, if in his discretion he thinks it to the public interest to do so, to exchange the site formerly purchased for said building and now owned by the United States for another and more suitable site: *Provided*, That the exchange can be effected without cost to the United States.

The amendment was agreed to.

The next amendment was, on page 5, after line 23, to insert:

For public building at Richmond, Ky.: For an additional amount for the completion of building, \$25,000.

The amendment was agreed to.

The next amendment was, on page 6, line 3, after the word "dollars," to strike out:

*Provided*, That before any work is done upon this building or contract let therefor, a board of three engineer officers of the Army shall be detailed by the Secretary of War to carefully examine the nature of the subsoil and bed of foundation of the site that has been purchased for such building at San Francisco, and whether the character of the same is proper for said building, and report to the Secretary of the Treasury on or before the 1st day of July, 1895, the results of their examination, together with an estimate of what will be the cost of making a foundation for said building, and if, in their opinion, the construction of said building should be proceeded with on said site. The Secretary of the Treasury is hereby authorized to proceed with the construction of the building, and to enter into contracts for any part or the whole thereof, within the limit of cost fixed by law; the expenses of the board, and of their investigations, not to exceed \$3,000, to be paid out of the appropriations made for the erection of said building.

And insert:

*Provided*, That before any work is done upon this building or contract let therefor, the Secretary of the Treasury shall cause to be carefully examined the nature of the subsoil and bed of foundation of the site that has been purchased for such building at San Francisco, and whether the character of the same is proper for said building, before the 1st day of July, 1895, and what will be the cost of making a foundation for said building, and whether the construction of said building should be proceeded with on said site; and the Secretary of War, upon the request of the Secretary of the Treasury, may detail one or more engineer officers of the Army to make such examination. If the Secretary of the Treasury shall determine that said building should be erected on said site, he is hereby authorized to proceed with the construction of the building, and to enter into contracts for any part or the whole thereof, within the limit of cost fixed by law; the expenses of such examination and investigation, not to exceed \$3,000, to be paid out of the appropriations made for the erection of said building."

Mr. PERKINS. Before this amendment is adopted I ask the Committee on Appropriations to make it mandatory upon the Secretary of the Treasury to have detailed engineer officers of the Army for the purpose of making the examination. Therefore, I move, in line 6, to strike out the words "may detail one or more," and insert in lieu thereof "shall detail three engineer officers."

Mr. COCKRELL. I hope the Senator will not insist upon all of them being army officers. Let it be mandatory upon the Secretary of War, and not a request, that he shall detail one or more. He may not want so many.

Mr. PERKINS. The reason I desire to have the detail made from the Corps of Army Engineers is that the Secretary of the Treasury has already detailed two special agents to make an examination of this lot. It is presumable that they were appointed by reason of their political qualifications, rather than of their scientific knowledge of the proper foundation upon which a public building of the Government should be erected. Therefore, to save the President from the importunities of those who desire to make a pleasure trip to the Pacific Coast, I desire that the army officers who are there now, located in San Francisco, who have the confidence of the Government, the confidence of the people, and all who have business with them, be detailed for this purpose. I am satisfied to reduce the number to one or two if the Committee on Appropriations insist upon it, but it will be more satisfactory to our people to name three, and we have half a dozen or more army officers of the Engineer Corps stationed there. I hope the committee will accept the amendment.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The amendment will be stated.

The SECRETARY. In line 6, on page 2, it is proposed to strike out "may" and insert "shall," and in the same line to strike out the words "one or more" and insert "three."

Mr. COCKRELL. Say "two or more."

Mr. PERKINS. "Two or more." I will accept that.

The PRESIDING OFFICER. The amendment will be again stated.

The SECRETARY. In line 6, of the committee's amendment, it is proposed to strike out before the word "detail" the word "may" and insert "shall," and in the same line after the word "detail" to strike out "one" and insert "two;" so as to read:

And the Secretary of War, upon the request of the Secretary of the Treasury, shall detail two or more engineer officers of the Army to make such examination.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, beginning at the top of page 8, to strike out:

The engineer officer of the Army or Navy detailed to act as superintendent of the State, War, and Navy building shall also be superintendent of the said post-office building in the city of Washington, when completed, under the direction of the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, who are hereby constituted a commission for the purposes of the care and supervision of said building; said officer shall have charge of said building and of all the engines, machinery, water supply, heating, lighting, and ventilating apparatus, all elevators and fixtures therein, and all necessary repairs and alterations thereof, as well as the direction and control of such force of engineers, watchmen, laborers, and others as may be engaged about the building or the apparatus under his supervision; of the cleaning of the corridors and water-closets, of the approaches, sidewalks, lawns, courtyards, and areas of the building, and of all rooms in the subbasement which contain the boilers and other machinery, or so much of said rooms as may be indispensable to the proper performance of his duties as herein provided; and the said superintendent, before the completion of said building, shall submit estimates in detail for the salaries of all necessary employees and other expenses for maintaining said building.

The commission herein created for the care and supervision of said building shall, before the completion thereof, determine and report to Congress, first, what space therein shall be used by the Washington City post-office, and what bureaus and offices of their respective Departments occupying rented buildings shall be moved into and accommodated in said building, and what space shall be allotted to each; second, what bureaus and offices of their respective Departments occupying public buildings shall be removed, because of overcrowding or otherwise, into said building.

The amendment was agreed to.

The next amendment was, on page 9, after line 10, to insert:

To enable the Secretary of the Treasury to repair the roof of the governor's building in Alaska, \$500.

The amendment was agreed to.

The next amendment was, on page 9, after line 13, to insert:

To enable the Secretary of the Treasury to select, designate, and procure, by purchase or otherwise, suitable sites, and to commence the construction of public buildings thereon, in the city of Cheyenne, the capital of Wyoming; in Boise City, the capital of Idaho; in the city of Helena, the capital of Montana, and in the city of Annapolis, the capital of Maryland, \$75,000. Each of said sites shall contain at least 16,000 square feet of ground, and shall leave an open space around the building to be erected thereon, including streets and alleys, of at least 40 feet; neither of said sites shall cost in excess of \$20,000; and neither of said buildings, each of which shall be fireproof, shall cost, including the site, in excess of \$120,000.

Mr. KYLE. I should like to know whether the amendment referring to public buildings in four Northwestern States has been approved by some committee of the Senate. May I ask the Senator from Wyoming?

Mr. CAREY. The amendment has been reported favorably, with the exception of Annapolis. I do not know whether there has been a favorable report in that case, but as to the others the proposition has not only been reported favorably, but bills for that purpose have passed the Senate.

Mr. KYLE. There is only one question in regard to the amendment. It provides for the purchase of a site for a building in each of those Western towns at a cost not to exceed \$20,000. I know the matter has been under consideration; we have talked about a public building in my own city, and the committee thought it was nothing more than fair and right that the town should contribute the ground for the building. The ground is worth nothing, so to speak, in those Western towns. A whole square can be obtained for a couple hundred dollars. In most places they are willing to give the ground. Here \$20,000 is proposed to be appropriated for the site.

Mr. CAREY. It says neither of the sites shall cost in excess of \$20,000. It is supposed that it will cost about \$15,000 to get a suitable site in the capital city of my own State.

Mr. HALE. Does the Senator from South Dakota, in the statement he has made, refer to a site for a building at the capital of his State?

Mr. KYLE. I venture to say that in the capital of my State a site would be given for a public building, if they could have one to-day.

Mr. HALE. This provision merely carries out the rule that has been adopted heretofore, to give a public building to the capital of each State. These four cities are capitals of different States.

Mr. KYLE. I understand that, but the ground is not very valuable in those western towns.

Mr. CAREY. The amendment does not compel the payment of \$20,000 for the site. That is the maximum amount.

Mr. BLANCHARD. As a member of the Committee on Public Buildings and Grounds I wish to say that favorable action by that committee was taken on bills relating to the construction of public buildings at the three places first named, but I have no recollection of any action having been taken on a bill or an amendment proposing a public building at Annapolis, Md. I desire to ask the chairman of the Committee on Appropriations if a bill for the erection of a public building there has previously passed Congress or has an amendment proposing such a building been considered by the Committee on Public Buildings and Grounds of the Senate.

Mr. COCKRELL. Not so far as I remember.

Mr. BLANCHARD. I see the Senator from Maryland [Mr. GORMAN] is now present, and I will ask him.

I will state to the Senator from Maryland that the Senator from

Tennessee that in dealing with items in an appropriation bill it is necessary to make concessions, and to make such concessions as will secure in the end the passage of the bill.

Mr. HARRIS. If the Senator will allow me, it is due to myself to say that I in no sense intended to censure the committee. For the very reasons which the Senator states, I know we have to give and take. I did not intend any uncharitable or unkind criticisms, but I did intend to emphasize an honest opinion which I entertain.

Mr. ALLISON. I know that the Senate Committee on Appropriations made considerable additions to this bill as it came to us from the other House, making them in the belief that the expenditures proposed by us were necessary expenditures in this District.

I would say to the Senator from Ohio [Mr. SHERMAN], who has taken this occasion to impliedly censure the Committee on Appropriations for its want of knowledge and for its want of consideration of these bills, that I think, so far as the Committee on Appropriations is concerned, it has given in the past, and especially has it given to this bill, the utmost possible care as to the items in the bill for the protection of the District and commensurate with the growth of the District.

We must bear in mind here that one-half of the amount to be expended under all these appropriations is taken from the Treasury of the United States, and that it is a matter of interest, not locally alone, but of interest to all the people of the United States, that all these appropriations should be considered in the light of the fact that we pay one-half of the expenditures of the District. I have not criticised, and I do not now criticize, that adjustment. It is an adjustment which has prevailed for a great many years; and while I perhaps will admit that the Committee on Appropriations, in dealing with these bills, does not deal with them in a local sense, it does not deal with them according to the wishes of this individual or that individual who may have property in this District to be benefited by special local improvements.

We deal with those questions in a larger and better sense, for the protection not only of those who have special property here, but we deal with them in the sense of promoting the interests of the people who dwell in this District by and large, whether they own property or do not own property. So, while I may agree with the Senator when we come to again consider the question of who shall have charge of these appropriations, I shall not intrude upon the pressing hours now before us, in view of the closing days of the session, to discuss the question of the competency or incompetency of the Committee on Appropriations.

Mr. CHANDLER. I desire to ask the Senator from Maryland whether, as to the items upon which the conference committee have agreed, there has been incorporated any new legislation not connected directly and necessarily with the legislation about which the Houses differ.

Mr. GORMAN. Not a single word or line has been added to the bill by the conference report. We have changed, as a matter of course, as I explained to the Senate, the phraseology in relation to some of the questions which have been dealt with, but no new items have been inserted.

Mr. CHANDLER. Mr. President, I am very glad to learn that fact. When the income-tax-return bill was before the Senate, I discovered, or thought I discovered, that an item had been introduced into the conference report which had no relation whatever to any matter of difference between the two Houses. I was told by the Senator from Missouri [Mr. VEST] that what I stated was not true, and by the Senator from Iowa [Mr. ALLISON], in somewhat gentler phrase, that I was mistaken. I have made careful investigation of the history of that subject, and am prepared to show at some length that what I stated was exactly and literally correct and that it was the Senator from Missouri and the Senator from Iowa who were mistaken, and not I. I shall not, however, detain the Senate to enter upon that discussion at this time, because I wish to expedite the public business. I shall endeavor to do so, if time affords, when some other conference report is before the Senate.

The VICE-PRESIDENT. The question is on concurring in the conference report.

The report was concurred in.

Mr. GORMAN. Let it be included in the motion that the Senate further insists on its amendments disagreed to by the House of Representatives, and asks for a further conference.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. GORMAN, Mr. COCKRELL, and Mr. ALLISON were appointed.

Mr. QUAY. Mr. President, I desire to present some morning business.

Mr. PLATT. Regular order, Mr. President.

The VICE-PRESIDENT. The regular order is the sundry civil appropriation bill.

#### SURVEYOR OF DISTRICT OF COLUMBIA.

Mr. PROCTOR. I ask to withdraw a conference report on the bill (S. 444) making the surveyor of the District of Columbia a salaried officer, and to provide for more efficient service in the surveyor's office, for the sake of correcting a clerical error. Reference was made to line 4 of one of the amendments, which should have been line 6. I submit the report with the error corrected, and move its adoption.

The VICE-PRESIDENT. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 444) making the surveyor of the District of Columbia a salaried officer, and to provide for more efficient service in the surveyor's office, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same with the following amendments:

In line 5 of section 1, page 1, after the words "shall be," insert "appointed by the Commissioners of the District of Columbia for a term of four years, unless sooner removed for cause, and shall be;" and the Senate agree to the same.

In line 6 of section 1, page 1, after the word "the" where it first occurs in said line, insert "said;" and the Senate agree to the same.

In lines 6 and 7 of section 1, page 1, strike out "of the District of Columbia;" and the Senate agree to the same.

In line 4 of section 3, page 2, after the words "per annum," insert "and such employees as may in the judgment of the Commissioners of the District of Columbia be required for the surveyor's office and operations, at an aggregate expense of not exceeding \$4,000 in any one year." Amend the proposed amendment by striking out "\$4,000" and insert "\$5,200" in lieu thereof; and the Senate agree to the same.

In section 3, page 2, strike out all after the words "per annum," in line 4, down to and including line 13; and the Senate agree to the same.

In line 3 of section 4, page 2, strike out the word "cities" and insert in lieu thereof the word "city;" and the Senate agree to the same.

In line 4 of section 4, page 2, strike out the words "and Georgetown;" and the Senate agree to the same.

In line 5 of section 4, page 2, strike out "cities" and insert in lieu thereof the word "city;" and the Senate agree to the same.

In line 11 of section 5, page 3, after the word "Columbia," insert "and all records, plats, plans, and other papers or documents now existing or hereafter made or secured by the office of the said surveyor shall be delivered by each surveyor to his successor in office." Amend by inserting after the word "office," "and no plat or survey of land shall be recorded in the office of the surveyor of the District of Columbia except it be certified to as correct by the surveyor of the said District;" and the Senate agree to the same.

In section 8, page 3, strike out all after the word "laws," in line 1, down to and including line 4, and insert in lieu thereof the following: "Inconsistent with the provisions of this act are hereby repealed;" and the Senate agree to the same.

REDFIELD PROCTOR,  
CHAS. J. FAULKNER,  
H. C. HANSBROUGH,  
*Managers on the part of the Senate.*  
J. E. COBB,  
G. W. COOPER,  
J. A. T. HULL,  
*Managers on the part of the House.*

The VICE-PRESIDENT. The question is on concurring in the report.

The report was concurred in.

#### SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8518) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 2, after line 5, to insert:

For the public building at Charleston, S. C.: For completion of building, \$40,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 7, to insert:

In order to provide accommodations for the Government officials in the city of Chicago now occupying the present building, during the erection of the proposed new building, the Secretary of the Treasury is hereby authorized to accept for use temporarily any site that may be offered for such use free of cost and rent and to erect thereon a temporary building, and the sum of \$200,000 is hereby appropriated, to be immediately available, of which amount the sum of \$27,000, or so much thereof as may be necessary, may be used for the rental of buildings for one year; said temporary building to be so erected shall be removed by the Government when said new building is completed and ready for use.

The amendment was agreed to.

The next amendment was, on page 2, after line 20, to insert:

In pursuance of the act of Congress entitled "An act to provide for the erection of a Government building at Chicago, Ill.," approved February 2, 1895, the sum of \$400,000 is hereby appropriated for the commencement and continuation of the building, of which amount the sum of \$30,000 is hereby authorized to be expended by the Secretary of the Treasury to employ temporarily draftsmen and skilled service, which may be necessary in the preparation of plans and specifications for the said building, this amount to be exclusive of any moneys that he may be authorized to expend for the services of engineers, draftsmen, and other persons employed in the preparation of plans and specifications for any other public buildings.

The amendment was agreed to.



The next amendment was, on page 3, after line 10, to insert:

For the public building at Fort Dodge, Iowa: For completion of three additional rooms in said building and placing additional dormers in the roof, \$1,500, in addition to the balance of the appropriation now available.

The amendment was agreed to.

The next amendment was, on page 4, after line 8, to insert:

For court-house and post-office at Meridian, Miss.: The Secretary of the Treasury is hereby authorized, if in his discretion he thinks it to the public interest to do so, to exchange the site formerly purchased for said building and now owned by the United States for another and more suitable site: *Provided*, That the exchange can be effected without cost to the United States.

The amendment was agreed to.

The next amendment was, on page 5, after line 23, to insert:

For public building at Richmond, Ky.: For an additional amount for the completion of building, \$25,000.

The amendment was agreed to.

The next amendment was, on page 6, line 3, after the word "dollars," to strike out:

*Provided*, That before any work is done upon this building or contract let therefor, a board of three engineer officers of the Army shall be detailed by the Secretary of War to carefully examine the nature of the subsoil and bed of foundation of the site that has been purchased for such building at San Francisco, and whether the character of the same is proper for said building, and report to the Secretary of the Treasury on or before the 1st day of July, 1895, the results of their examination, together with an estimate of what will be the cost of making a foundation for said building, and if, in their opinion, the construction of said building should be proceeded with on said site. The Secretary of the Treasury is hereby authorized to proceed with the construction of the building, and to enter into contracts for any part or the whole thereof, within the limit of cost fixed by law; the expenses of the board, and of their investigations, not to exceed \$3,000, to be paid out of the appropriations made for the erection of said building.

And insert:

*Provided*, That before any work is done upon this building or contract let therefor, the Secretary of the Treasury shall cause to be carefully examined the nature of the subsoil and bed of foundation of the site that has been purchased for such building at San Francisco, and whether the character of the same is proper for said building, before the 1st day of July, 1895, and what will be the cost of making a foundation for said building, and whether the construction of said building should be proceeded with on said site; and the Secretary of War, upon the request of the Secretary of the Treasury, may detail one or more engineer officers of the Army to make such examination. If the Secretary of the Treasury shall determine that said building should be erected on said site, he is hereby authorized to proceed with the construction of the building, and to enter into contracts for any part or the whole thereof, within the limit of cost fixed by law; the expenses of such examination and investigation, not to exceed \$3,000, to be paid out of the appropriations made for the erection of said building."

Mr. PERKINS. Before this amendment is adopted I ask the Committee on Appropriations to make it mandatory upon the Secretary of the Treasury to have detailed engineer officers of the Army for the purpose of making the examination. Therefore, I move, in line 6, to strike out the words "may detail one or more," and insert in lieu thereof "shall detail three engineer officers."

Mr. COCKRELL. I hope the Senator will not insist upon all of them being army officers. Let it be mandatory upon the Secretary of War, and not a request, that he shall detail one or more. He may not want so many.

Mr. PERKINS. The reason I desire to have the detail made from the Corps of Army Engineers is that the Secretary of the Treasury has already detailed two special agents to make an examination of this lot. It is presumable that they were appointed by reason of their political qualifications, rather than of their scientific knowledge of the proper foundation upon which a public building of the Government should be erected. Therefore, to save the President from the importunities of those who desire to make a pleasure trip to the Pacific Coast, I desire that the army officers who are there now, located in San Francisco, who have the confidence of the Government, the confidence of the people, and all who have business with them, be detailed for this purpose. I am satisfied to reduce the number to one or two if the Committee on Appropriations insist upon it, but it will be more satisfactory to our people to name three, and we have half a dozen or more army officers of the Engineer Corps stationed there. I hope the committee will accept the amendment.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The amendment will be stated.

The SECRETARY. In line 6, on page 2, it is proposed to strike out "may" and insert "shall," and in the same line to strike out the words "one or more" and insert "three."

Mr. COCKRELL. Say "two or more."

Mr. PERKINS. "Two or more." I will accept that.

The PRESIDING OFFICER. The amendment will be again stated.

The SECRETARY. In line 6, of the committee's amendment, it is proposed to strike out before the word "detail" the word "may" and insert "shall," and in the same line after the word "detail" to strike out "one" and insert "two;" so as to read:

And the Secretary of War, upon the request of the Secretary of the Treasury, shall detail two or more engineer officers of the Army to make such examination.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, beginning at the top of page 8, to strike out:

The engineer officer of the Army or Navy detailed to act as superintendent of the State, War, and Navy building shall also be superintendent of the said post-office building in the city of Washington, when completed, under the direction of the Secretary of the Treasury, the Secretary of the Interior, and the Postmaster-General, who are hereby constituted a commission for the purposes of the care and supervision of said building; said officer shall have charge of said building and of all the engines, machinery, water supply, heating, lighting, and ventilating apparatus, all elevators and fixtures therein, and all necessary repairs and alterations thereof, as well as the direction and control of such force of engineers, watchmen, laborers, and others as may be engaged about the building or the apparatus under his supervision; of the cleaning of the corridors and water-closets, of the approaches, sidewalks, lawns, courtyards, and areas of the building, and of all rooms in the subbasement which contain the boilers and other machinery, or so much of said rooms as may be indispensable to the proper performance of his duties as herein provided; and the said superintendent, before the completion of said building, shall submit estimates in detail for the salaries of all necessary employees and other expenses for maintaining said building.

The commission herein created for the care and supervision of said building shall, before the completion thereof, determine and report to Congress, first, what space therein shall be used by the Washington City post-office, and what bureaus and offices of their respective Departments occupying rented buildings shall be moved into and accommodated in said building, and what space shall be allotted to each; second, what bureaus and offices of their respective Departments occupying public buildings shall be removed, because of overcrowding or otherwise, into said building.

The amendment was agreed to.

The next amendment was, on page 9, after line 10, to insert:

To enable the Secretary of the Treasury to repair the roof of the governor's building in Alaska, \$500.

The amendment was agreed to.

The next amendment was, on page 9, after line 13, to insert:

To enable the Secretary of the Treasury to select, designate, and procure, by purchase or otherwise, suitable sites, and to commence the construction of public buildings thereon, in the city of Cheyenne, the capital of Wyoming; in Boise City, the capital of Idaho; in the city of Helena, the capital of Montana, and in the city of Annapolis, the capital of Maryland, \$75,000. Each of said sites shall contain at least 16,000 square feet of ground, and shall leave an open space around the building to be erected thereon, including streets and alleys, of at least 40 feet; neither of said sites shall cost in excess of \$20,000; and neither of said buildings, each of which shall be fireproof, shall cost, including the site, in excess of \$120,000.

Mr. KYLE. I should like to know whether the amendment referring to public buildings in four Northwestern States has been approved by some committee of the Senate. May I ask the Senator from Wyoming?

Mr. CAREY. The amendment has been reported favorably, with the exception of Annapolis. I do not know whether there has been a favorable report in that case, but as to the others the proposition has not only been reported favorably, but bills for that purpose have passed the Senate.

Mr. KYLE. There is only one question in regard to the amendment. It provides for the purchase of a site for a building in each of those Western towns at a cost not to exceed \$20,000. I know the matter has been under consideration; we have talked about a public building in my own city, and the committee thought it was nothing more than fair and right that the town should contribute the ground for the building. The ground is worth nothing, so to speak, in those Western towns. A whole square can be obtained for a couple hundred dollars. In most places they are willing to give the ground. Here \$20,000 is proposed to be appropriated for the site.

Mr. CAREY. It says neither of the sites shall cost in excess of \$20,000. It is supposed that it will cost about \$15,000 to get a suitable site in the capital city of my own State.

Mr. HALE. Does the Senator from South Dakota, in the statement he has made, refer to a site for a building at the capital of his State?

Mr. KYLE. I venture to say that in the capital of my State a site would be given for a public building, if they could have one to-day.

Mr. HALE. This provision merely carries out the rule that has been adopted heretofore, to give a public building to the capital of each State. These four cities are capitals of different States.

Mr. KYLE. I understand that, but the ground is not very valuable in those western towns.

Mr. CAREY. The amendment does not compel the payment of \$20,000 for the site. That is the maximum amount.

Mr. BLANCHARD. As a member of the Committee on Public Buildings and Grounds I wish to say that favorable action by that committee was taken on bills relating to the construction of public buildings at the three places first named, but I have no recollection of any action having been taken on a bill or an amendment proposing a public building at Annapolis, Md. I desire to ask the chairman of the Committee on Appropriations if a bill for the erection of a public building there has previously passed Congress or has an amendment proposing such a building been considered by the Committee on Public Buildings and Grounds of the Senate.

Mr. COCKRELL. Not so far as I remember.

Mr. BLANCHARD. I see the Senator from Maryland [Mr. GORMAN] is now present, and I will ask him.

I will state to the Senator from Maryland that the Senator from

South Dakota [Mr. KYLE] called attention to the amendment beginning on line 14 of page 9 of the bill, relating to the acquisition of sites for public buildings at the capital of Wyoming, the capital of Idaho, the capital of Montana, and the capital of Maryland. He asked if any previous action had been taken by the Committee on Public Buildings and Grounds relating to the construction of public buildings at those several places. I stated, as a member of the Committee on Public Buildings and Grounds, that I recollected that action had been taken with reference to the first three, but I did not recollect that action had been taken in reference to the construction of a public building at Annapolis. Thereupon I asked the chairman of the Committee on Appropriations if a bill had ever passed Congress authorizing the construction of a public building at Annapolis, and he said he knew of none. Is it a fact that a bill has or has not passed?

Mr. GORMAN. Yes, such a bill has been passed, but not at this session. I think the Senate has twice passed a bill for a public building at the capital of Maryland. I wish to say a few words to the Senator from Louisiana, if he will permit me to interrupt him, on this point.

Mr. BLANCHARD. Certainly.

Mr. GORMAN. For the second time a provision has come into an appropriation bill for a public building in the capital of the State of Maryland. At the last session of Congress a similar provision was inserted in an appropriation bill in the Senate. Maryland is the only State of the original thirteen States in which there is no public building for post-office and other purposes. We have adopted a rule of providing public buildings for capital cities, and it has been done in every State in the Union except the ones stated in the bill. I therefore inserted Annapolis. That is all there is of it.

Mr. BLANCHARD. I understand it is a fact—I ask the Senator from Maryland whether it is or not—that no bill has passed Congress authorizing the erection of a public building at Annapolis, in Maryland.

Mr. GORMAN. Not at the present session.

Mr. BLANCHARD. I ask the Senator if any bill has been passed by Congress at any time authorizing the construction of a public building at Annapolis?

Mr. GORMAN. Yes; twice.

Mr. VEST. We reported the bill. I think it was in the last session or the session before that. I wish to say to the Senator from Louisiana—

Mr. BLANCHARD. Just allow me a moment. Was that bill passed?

Mr. VEST. Not at the present session.

Mr. BLANCHARD. I mean at the last session.

Mr. VEST. Either the last session or the session previous to that.

Mr. BLANCHARD. Is the appropriation for that building placed in the pending bill pursuant to that authorization?

Mr. VEST. Not that I know of.

Mr. GORMAN. No, sir.

Mr. VEST. It does not come from the Committee on Public Buildings and Grounds, but I wish to say to the Senator from Louisiana that the rule adopted by the Committee on Public Buildings and Grounds, which was the rule when I went upon the committee sixteen years ago, was that every State in the Union should have at its capital a Federal building. Maryland is to-day the only one of the States, I think, that has not either a public building or legislation looking to that result.

Mr. BLANCHARD. That may be, and I am not challenging the policy of the erection of public buildings at State capitals. But I find here an appropriation for a public building at Annapolis, Md., which has not heretofore been authorized by act of Congress, or by act of the Senate, or one of its committees. That appears to be the fact.

My desire was merely to call attention to it because if there is any feature of new legislation or general legislation in the bill the proposition now under discussion is one. It is not my purpose to object to it at all, but to call the attention of the Senate to the fact. I wish merely to emphasize the fact now, because as we proceed in the consideration of the pending bill it may become pertinent.

Mr. GORMAN. All of these four States of the Union are on identically the same footing. There is no law providing for the construction of any one of these buildings, and Annapolis has been put in only because of the rule that has been adopted, to give each one of the States a public building. I state frankly to the Senate that there is no law authorizing it, and if the Senator from Louisiana, under the circumstances, desires to strike out Annapolis, I shall be very glad to have it stricken out. Indeed, upon second thought, I will do now as I did at the last session of Congress, I will ask the chairman of the Committee on Appropriations to modify the amendment by striking out Annapolis.

Mr. BLANCHARD. I do not desire to strike it out and have made no such motion or suggestion.

Mr. CALL. I object.

Mr. GORMAN. No, sir. I ask that it be done.

Mr. CALL. I object.

Mr. COCKRELL. I move to strike out the words "and in the city of Annapolis, Md."

Mr. WOLCOTT. I ask the Senator from Maryland why he asks for the withdrawal of an amendment which seems to be a very worthy one.

Mr. GORMAN. I prefer that the matter should come up on its own merits hereafter. I desire it in that way. I trust Annapolis will be stricken out.

Mr. DUBOIS. I wish it distinctly understood that so far as the Western States are concerned, they have no desire to have the Senator from Maryland strike out Annapolis.

Mr. COCKRELL. That is understood perfectly.

Mr. GORMAN. I trust it will be done, nevertheless.

Mr. ALLEN. I hope the Senator from Maryland will not do that.

Mr. GORMAN. I ask the Senate to strike out the provision as to Annapolis.

The PRESIDING OFFICER. The amendment of the Senator from Missouri [Mr. COCKRELL] to the committee amendment will be stated.

The SECRETARY. On page 9, line 19, after the word "Montana," it is proposed to strike out "and in the city of Annapolis, the capital of Maryland."

Mr. MORRILL rose.

Mr. COCKRELL. I insist that those words shall go out. The Senator from Maryland wishes it, and it is right.

Mr. MORRILL. I believe Annapolis is the only capital city of any State that has not a public building in it. I hope, therefore, that the amendment to the amendment will not be submitted to by the Senate, and that they will retain in the bill the provision as to Annapolis.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The question is on agreeing to the amendment of the Senator from Missouri to the amendment of the committee.

Mr. GORMAN. I trust the Senate will gratify me in this matter. There is a reason why I desire to have Annapolis stricken out at this time. There is a different reason which applies to this case and does not apply to the others. It occurred to me only this moment.

Mr. CHANDLER. I wish to call attention to the fact that there is a great Naval Academy in Annapolis, a great Government institution. Annapolis is not only the capital of the State, but it is the headquarters of one of the great military schools in this country, and it is preeminently fit and proper that that city should have a public building. I do not know what reason the Senator from Maryland has—

Mr. GORMAN. I will state the reason frankly. I trust the Senate will gratify me in this matter. I only remembered the reason just now. It had entirely escaped me.

Six years ago we passed a separate bill providing for the construction of a public building at Annapolis, and it received a pocket veto by the President of the United States. I do not care now, upon reflection, to have this appropriation go into an appropriation bill. I therefore ask the Senate to strike it out.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. COCKRELL. After the word "Montana," in line 19, I move to strike out "seventy-five" and insert "fifty-six;" so as to read "\$56,000."

The amendment to the amendment was agreed to.

Mr. KYLE. Following the word "dollars," in line 20, I move to insert:

And in the city of Pierre, the capital of South Dakota: *Provided*, That the said site shall not cost more than \$5,000.

Mr. COCKRELL. I should like to ask the Senator from South Dakota whether there is a public building in Pierre?

Mr. KYLE. No. There are there a United States land office, a United States court, and a post-office and there is no public building.

Mr. COCKRELL. Is there no public building of any kind there?

Mr. KYLE. No, sir.

Mr. COCKRELL. I am very much astonished that the Senator from South Dakota has not brought the matter to the attention of the Senate before.

Mr. KYLE. I had a bill up last year, and it passed the Senate; but it was not acted upon by the other House.

Mr. COCKRELL. It was stated here that those three States were the only Western States that did not have a public building at the capital.

Mr. KYLE. That is not true. North Dakota has no public building at its capital, either. I am willing to have the amendment adopted with the proviso which I have stated:

*Provided*, That the said site shall not cost more than \$5,000.



I am sure that in South Dakota, and I think in North Dakota, a site can be obtained for \$5,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota [Mr. KYLE] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. WILSON of Washington. I should like to offer an amendment. On page 9, line 19, after the word "Montana," I move to insert "and in the city of Olympia, the capital of Washington, \$20,000."

Mr. COCKRELL. Is there no public building at Olympia?

Mr. WILSON of Washington. I will state that there is no public building at Olympia. My colleague [Mr. SQUIRE] has offered an amendment for a public building at Olympia, but he is unavoidably detained from the Chamber. We have a United States land office, a surveyor-general's office there—

Mr. COCKRELL. Is a United States court held there?

Mr. WILSON of Washington. No United States court is held there.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington [Mr. WILSON] to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. KYLE. I now move, in line 24, page 9, to strike out the word "twenty" and insert "five;" so as to read:

And neither of said sites shall cost in excess of \$5,000.

I wish to emphasize the remark I made a moment ago as to these Western towns, the capitals of the States included, that land there is very cheap indeed. I know that in almost all our towns the people are willing to donate land in order to get a public building. I submit that in almost every case a site can be procured for \$5,000, if the Government is compelled to pay for it at all. Therefore I do not wish to have a statute enacted providing that the site shall not cost in excess of \$20,000, because, of course, the property owners will charge all they can get.

Mr. BLANCHARD. I do not think the amendment of the Senator from South Dakota ought to be adopted. The question of the cost of sites for the proposed public buildings at the capitals of these Western States was fully discussed and considered by the Committee on Public Buildings and Grounds of the Senate. I thought then \$20,000 was a large sum, but it was stated that at some of those places an eligible site could not likely be obtained for a less sum.

The Senate will observe that the language of the amendment does not require, of course, that the sum of \$20,000 shall be paid for each of the sites, but merely mentions the sum of \$20,000 as the maximum limit of cost of the site. If the amendment proposed by the Senator from South Dakota be adopted, I fear it will have the effect of preventing the early commencement of the public buildings at those Western capitals, because difficulty may be encountered in securing eligible sites at some of those places for the sum of \$5,000.

Mr. KYLE. Will the Senator from Louisiana allow me at this point? Does the Senator from Louisiana know the value of land in some of these Western towns?

Mr. BLANCHARD. I do not. I have never visited those cities.

Mr. KYLE. I will say to the Senator from Louisiana that between now and Saturday night I think I can get a pocketful of deeds for sites free of charge.

Mr. BLANCHARD. That may be, and it will be all the more to the advantage of the Government if that be done. But it is likely the Senator from South Dakota is mistaken. I have secured appropriations for several public buildings in Louisiana, and know that in country towns the same rule obtains that prevails in the larger cities when the acquisition of a site is sought for the erection of a public building. Whenever the Government wants a piece of property for Government purposes that property at once is worth one-third more than private individuals can purchase it for, and as a rule the Government is compelled to pay more than the actual cash value of ground it needs for its purposes. I believe that public buildings should be erected in those Western capitals, and I believe that if the Senate adopts the amendment limiting the cost of the sites to the small sum of \$5,000 it will have the effect of preventing the acquisition in the early future of eligible sites for the public buildings. I venture the prediction that if the amendment be adopted the acquisition of some of the sites will be suspended waiting further legislation by Congress enlarging the limit.

I think the question which the Senator from South Dakota put to me in reference to the cost of land in those Western capitals can be better answered by the gentlemen who represent those States upon the floor of the Senate.

Mr. CAREY. I think the difficulty in this case with reference to sites is that neither the Senator from South Dakota [Mr. KYLE] nor the Senator from Louisiana [Mr. BLANCHARD] have read the amendment. It provides for the purchase of the sites and the commencement of the construction of buildings. It was not expected that in Boise City a site would cost \$20,000, nor was it expected

that a site in the capital city of my State would cost \$20,000. We expected to have a little left with which to commence the construction of the building. It is the old story with reference to this amendment. The Committee on Public Buildings and Grounds agreed that these three States which had not within their boundaries a public building over which the flag of the United States floated each day should have a public building. The rule they laid down only applied to the States of Wyoming, Montana, and Idaho. The State of Washington has a public building. The State of South Dakota has a public building, and the State of North Dakota has a public building, but here are three new States which have no public buildings. It so happens that the principal cities in those new States were the capital cities. The Committee on Appropriations found that they had a precedent for originating on an appropriation bill legislation for public buildings for capital cities, and in that way I suppose Annapolis was placed in the amendment. But Annapolis has been ruled out because there has been no report made in its favor.

I say to the Senators from the other States that if their amendments remain on the bill they will prevent three sister States, young States, which have not public buildings, from obtaining public buildings at the present session of Congress. I know that that is true, because I was assured by the Committee on Appropriations of the other House of Congress at the last session that if the amendment for the three new States was placed upon the pending bill at this session it would be permitted to remain. Such a provision was on the bill at the last session, but it was stricken out. We all, in those Western States, have some pride about public buildings. My young State has erected a capital building, and has paid for it. It cost about a half million dollars. They have done their part. The city of Cheyenne is the principal town in that State, and the receipts of the post-office and the rents that are paid out by the Government justify the construction of a public building there. Senators from other States may weigh the bill down so that we will not obtain our public building. I ask them in this case to be a little considerate of us, as South Dakota and the State of Washington have both been supplied with creditable public buildings.

Mr. WOLCOTT. May I ask the Senator from Wyoming a question before he sits down, referring to a suggestion made by the Senator from Louisiana, that as soon as there was talk of the construction of a public building the price of real estate appreciated in the place where the land was to be bought? The proposed appropriation is only \$56,000 for the purchase of the land and the commencement of the construction of three public buildings. I ask the Senator if it is not a fact that in the case of every public building that has ever been constructed in the West, three-fourths, or four-fifths, or nine-tenths of the value of the land is not invariably raised by private subscription? Is it not a fact that the Government gets the land for its public buildings usually at from 10 to 15 cents on the dollar of its value?

Mr. CAREY. The question of the Senator from Colorado can be answered only one way. If this provision passes without an appropriation for the purchase of a site in my own town, I know that one man by the name of J. M. CAREY will have to contribute two or three thousand dollars. We can not obtain a suitable site for less than fifteen or twenty thousand dollars.

Mr. BLANCHARD. The amendment of the Senator from South Dakota is to reduce the maximum limit of cost of the sites from \$20,000 to \$5,000. I oppose the amendment on the ground that the maximum limit of cost, \$20,000, should be left as it is, in order to give the Secretary of the Treasury more latitude in the way of securing an eligible site.

I ask the Senator from Wyoming if, in his opinion, it will be possible in the capital city of his State to secure for \$5,000 an eligible site for the public building which has been authorized there.

Mr. CAREY. It will not be possible.

Mr. BLANCHARD. I will state further, if the Senator from Wyoming will allow me, that the amendment does limit the cost of the site to \$20,000, and—

Mr. CAREY. I will tell the Senator from Louisiana why that limitation was put in the amendment. It was to prevent one town from getting all the money.

Mr. BLANCHARD. I am a member of the Committee on Public Buildings and Grounds, and I know why it was put in. I was merely defending the action of the committee in recommending that the cost of the sites shall not exceed \$20,000. I am opposing now, in the interest of the construction of these buildings and in the interest of the Government, the reduction of that amount to \$5,000.

Mr. DUBOIS. Mr. President, it is a well-recognized precedent; it has been recognized ever since I have been here, at any rate, in late years, that when any Senators, by careful attention to the interests of their constituency, have gone to the proper committee and procured a favorable recommendation of a bill, when any other Senator desired similar legislation and attempted to ingraft it on that bill he went to the Senators who had done the work and

asked them if it would jeopardize the passage of their bill, and if they said it would, I have never known an instance when a Senator did not decline to put his amendment on their bill.

I take no credit to myself for having these three Western States put in the bill. The chief credit is due to the Senator from Wyoming [Mr. CAREY]. He has worked steadily for two or three years for this legislation. The Senator from Montana [Mr. POWER] has also been earnest and constant in his endeavors to secure these public buildings. At the last session of Congress we received from the Committee on Public Buildings and Grounds a favorable report for three buildings. We had it put in the appropriation bill at the last session. It was weighted down with other measures and beaten. At the present session we have not only secured the favorable report of the Committee on Public Buildings and Grounds, but have passed through the Senate a bill for the erection of public buildings in these three Western States.

Neither one of the gentlemen now offering amendments has been before the Committee on Public Buildings and Grounds or before the Committee on Appropriations. They have done no work at all; and now after ours is almost completed they ask that their States be admitted, knowing full well, as they ought to know, that it defeats us.

There are several reasons why we should have public buildings. There is not one in our States. We have at these capitals the United States court, the United States land offices, the surveyor-general's office, marshal's office, district attorney's office, and the offices of the collector of internal revenue and Weather Bureau, besides the post-office. There is not a public building in the State, and it would be a saving to the Government in the matter of rental to erect these. I think it is unfair, now, after we have done this work, after we have gone to the Committee on Appropriations and convinced them that \$20,000 was not too much and that these buildings ought to be put in our capital towns, that Senators who know nothing about it, who have paid no attention to it, should come in here and antagonize not only our appropriation of \$20,000, but ask that they themselves be taken care of, when they have done nothing whatever in regard to it.

Mr. KYLE. The Senator from Idaho is mistaken in that statement. I wish to say that we have done just about as much work as the Senator from Idaho or the Senator from Montana. For the past five years I have been endeavoring to get a public building at the capital of my own State, and I have had it reported on favorably by the Committee on Public Buildings and Grounds. The bill has passed the Senate heretofore, but it failed to get through the other House. The Senator is mistaken when he says we have not worked. I know the Senator from Idaho has worked to get his measure through. We have also worked to get ours through; and it is just as deserving in our State as in the other States.

Mr. DUBOIS. Has the Senator been before the Committee on Appropriations and labored with them in regard to his State?

Mr. KYLE. I have got in a good deal of work before the Committee on Appropriations, but I am sorry to say that I have not been as successful as some members from the Northwest.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Dakota [Mr. KYLE] to strike out "twenty," before "thousand," and insert "five," in line 24.

The amendment to the amendment was rejected.

Mr. HANSBROUGH. I move to insert after the word "Wyoming," in line 17, page 9, the words:

In the city of Bismarck, the capital of North Dakota.

I will state in this connection that the city of Bismarck contains between five and six thousand population. Besides being the capital of the State, there are located there a United States land office and the United States Weather Bureau. A term of the United States court is held there once or twice a year. I will state further that a bill has passed the Senate on two occasions locating a public building at the city of Bismarck, but it has failed to pass the other body. For that reason I offer the amendment.

Mr. KYLE. Will the Senator from North Dakota allow as a modification of his amendment the addition of the following proviso?

*Provided, That the cost of the site shall not exceed \$5,000.*

Mr. HANSBROUGH. I could not hear the Senator.

Mr. KYLE. In my amendment making provision for South Dakota there was the proviso, "*Provided, That said site shall not cost to exceed \$5,000.*" Will the Senator allow such a modification of his amendment in reference to North Dakota?

Mr. HANSBROUGH. I think a site suitable for the location of a public building can not be had in the city of Bismarck for \$5,000.

Mr. KYLE. I wish merely to state that I know the city of Bismarck; I know the State of North Dakota; and I know that a suitable site can be had there for \$5,000.

Mr. HANSBROUGH. Then if that is the case the Senator knows more about my own State than I do. I do not believe he knows it.

Mr. VEST. Mr. President, I am astonished at these amendments, and for the reason which I must state frankly. The matter of public buildings at the capitals of these new States was fully considered by the Committee on Public Buildings and Grounds. As a matter of course those of us who did not reside in those States and did not represent them deferred largely to the Senators from those States, respectively. The amendments adopted this morning on the report of the Committee on Appropriations represent the result of the deliberations of the Committee on Public Buildings and Grounds. That committee heard each of the Senators who chose to appear there and incorporated in their recommendation to the Committee on Appropriations the provisions that come from that committee to the Senate.

I am not a member of the Committee on Appropriations but I want to state distinctly, as my opinion, to the Senators from the Northwestern States that in loading on these additional amendments they will defeat all the appropriation. That will be the end of it. If they choose to take that risk let them try it.

Mr. DUBOIS. I wish to ask the Senator from Missouri what we can do about it?

Mr. VEST. I do not know what the Senator can do. As chairman of the Committee on Public Buildings and Grounds I did what I conceived to be my duty in the matter. I have no explanation or apologies to make, but I want the Senators to understand now that putting on this accumulation of appropriations will result in increasing the appropriations for public buildings to such an extent that none of those States will get the appropriations to which I think they are entitled.

Mr. WILSON of Washington. Mr. President, replying to the Senator from Idaho [Mr. DUBOIS], I think he will do me the justice to remember that I had no opportunity in this body to present the claim of the capital of the State I in part represent for a public building at that place. My colleague, the senior Senator, presented an amendment looking to an appropriation for a public building at that place, and I had intended to leave the matter entirely with him. I regret that a sense of duty, after the distinguished Senator from South Dakota had called up an amendment for Bismarck and had it passed, constrained me, in the unavoidable absence of the senior Senator from Washington, to offer an amendment for an appropriation at the capital of the State of Washington.

I desire also to state that in the last Congress an amendment was placed on the sundry civil appropriation bill not only for the three sites appropriated for in this bill, but for the city of Spokane, in the State of Washington. This amendment is the same except that one of the large cities in my State was stricken out. We have at Spokane a United States court and land office, and the postal receipts are greater than the receipts of all the Presidential post-offices of the State of Wyoming. In Seattle we have over \$100,000 of postal receipts, and there is no public building either at that place or in the city of Tacoma.

However, if it is going to embarrass the Senator from Idaho and the Senator from Wyoming, and if my friend, the Senator from South Dakota, is willing to withdraw the amendment for an appropriation looking to the purchase of a site in Bismarck, I shall be only too glad myself to withdraw the amendment looking to an appropriation for a public building at Olympia. I do not wish at this early stage to do anything that will embarrass the Senators from those States.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from North Dakota to the amendment of the Committee on Appropriations.

Mr. HANSBROUGH. In view of the fact that the Senators from Wyoming and Idaho have, as I know, labored long and ardently in favor of the establishment of a public building in their States, and in view of the further fact that there is a public building located in the State of North Dakota and that they have none in their States, if the Senator from South Dakota [Mr. KYLE] will withdraw his amendment I will agree to withdraw mine.

Mr. KYLE. My amendment is in the bill. It was voted on and adopted with a provision that the site shall not cost over \$5,000, which is embraced in none of the other amendments. Therefore I think I am entitled to have my amendment retained.

The PRESIDING OFFICER. The question is on the amendment of the Senator from North Dakota to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 10, after line 2, to insert:

That permission be, and the same is hereby, granted to the mayor and city council of Baltimore to erect on the lot or parcel of ground in the city of Baltimore described as follows: Beginning for the same on the corner formed by the intersection of the west side of North street and the south side of Lexington street and running thence south, binding on the west side of North street 112 feet; thence west parallel with the south side of Lexington street



70 feet; thence north parallel with the west side of North street 112 feet to the south side of Lexington street, and thence east, binding thereon 70 feet, to the place of beginning, a two-story brick building, to be used by the State of Maryland for the purpose of holding therein the sessions of the State courts within said city, for a period not to exceed five years from the time said building shall be begun, and that during said period concurrent jurisdiction, so far as the same may be necessary, be, and the same is hereby, ceded to the State of Maryland for said purpose, so that the sessions of the said courts in said building, upon said lot, may be during said period fully legalized: *Provided, however,* That the mayor and city council of Baltimore will enter into a contract with the United States of America, to be approved by the Secretary of the Treasury before the erection of said building shall be begun, that within three months after the expiration of the said period of five years the said building shall be entirely torn down and the materials thereof removed, and the said lot restored to the same condition in which it now is, and in default thereof that the said building may be removed and the lot restored to its present condition by the United States at the expense of the municipality of Baltimore.

The amendment was agreed to.

Mr. MANDERSON. I offer at this time an amendment to come in at the end of the amendment first agreed to. While it is true that it is not an amendment to a committee amendment, I think perhaps the Senator in charge of the bill will be glad to have it made at this time rather than later.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Insert after line 7, page 11:

To enable the Secretary of the Treasury to select, designate, and procure, by purchase or otherwise, a suitable site and commence the construction of a public building provided by law to be erected at South Omaha, in the State of Nebraska, the sum of \$250,000; and if the said site shall be obtained by purchase, the cost thereof shall not exceed the sum of \$10,000.

Mr. MANDERSON. I will state that this amendment is to carry out a provision of existing law, the bill providing for the erection of a public building at South Omaha having passed both Houses and been approved by the President.

Mr. COCKRELL. What was the limit in the law?

Mr. MANDERSON. One hundred thousand dollars.

Mr. COCKRELL. Had not the Senator better authorize a contract?

Mr. MANDERSON. Contracting for the whole amount?

Mr. COCKRELL. I suggest that that is a better way.

Mr. MANDERSON. I will withdraw the amendment for the present.

Mr. COCKRELL. Let it read "And the Secretary is authorized to contract for the completion of the building within the limits prescribed by the law."

Mr. MANDERSON. I will so modify the amendment and present it again.

The PRESIDING OFFICER. The amendment is withdrawn.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8388) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1896, and for other purposes, further insisted upon its disagreement to the amendments of the Senate numbered 91, 114, 115, and 116, upon which the committee were unable to agree; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILLIAMS of Illinois, Mr. DOCKERY and Mr. HENDERSON of Iowa managers at the conference on the part of the House.

The message also returned to the Senate, in compliance with its request, the joint resolution (H. Res. 277) in reference to the free zone along the northern frontier of Mexico and adjacent to the United States.

#### MEXICAN FREE ZONE.

Mr. HARRIS. May I be indulged a second to ask the Chair to lay before the Senate a joint resolution which has been returned by the House of Representatives in reference to the free zone along the northern frontier of Mexico. I simply desire to have it referred to the Committee on Finance, which meets to-morrow.

The PRESIDING OFFICER. The Chair lays before the Senate a joint resolution returned by the House of Representatives in compliance with the request of the Senate, the title of which will be stated.

The SECRETARY. A joint resolution (H. Res. 277) in reference to the free zone along the northern frontier of Mexico and adjacent to the United States.

Mr. HARRIS. I ask the Senate to reconsider the vote by which that joint resolution was passed, and the vote by which it was ordered to a third reading, and that it be referred to the Committee on Finance.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Tennessee? The Chair hears none, and it is so ordered.

#### SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8518) making appropriations for sundry

civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes.

The reading of the bill was resumed. The next amendment of Committee on Appropriations was, on page 11, after line 7, to insert:

For the purchase of all the right, title, and interest of Harriet Stanwood Blaine to the premises in the city of Washington, D. C., known and described as lot numbered 9, and the north 24 feet 6 inches front of lot numbered 8 by the full depth of said lot in square numbered 221, said premises being hereby appropriated for the use of the United States, the sum of \$150,000; which sum shall be paid by the Secretary of the Treasury to Harriet Stanwood Blaine, her legal representatives or assigns, upon the execution and delivery by her of a proper deed to be approved by the Attorney-General conveying her title to said lot, subject to a ninety-nine-year lease thereof executed by her to one Paul D. Connor, to the United States. And the Secretary of the Treasury is hereby authorized to acquire by purchase or condemnation the interest of said lessee, his legal representatives and assigns, in said premises; and in the event that no agreement can be made with the said lessee as to the compensation to be paid him, the Attorney-General, on behalf of the United States, or the lessee, his legal representatives and assigns, may, within three months, commence a proceeding by petition in the supreme court of the District of Columbia, and have the amount of the compensation which the United States shall pay said lessee fixed and determined; and the Secretary of the Treasury shall pay the amount agreed upon by said Secretary, or the amount so fixed and ascertained by the supreme court of the District of Columbia, as compensation for the interest of said lessee, out of any moneys not otherwise appropriated.

Mr. GEORGE. My attention has been called to the peculiar wording of this amendment. It seems to establish a new rule for the acquisition of property by the United States. It only provides for a quitclaim title to this property by Mrs. Blaine. I would take it that the Congress of the United States desire, when they make a purchase of property, to have a perfect and complete title to that property. With a view of carrying out that idea, I propose an amendment to the amendment of the committee. I move to strike out in line 8 all after the words "for the purchase of" and line 9 and line 10; so as to read:

For the purchase of lot No. 9, and the north 24 feet 6 inches front of lot No. 8, by the full depth of said lot, in square No. 221, in the city of Washington, said premises being hereby appropriated for the use of the United States, the sum of \$150,000; which sum shall be paid by the Secretary of the Treasury to Harriet Stanwood Blaine, her legal representatives or assigns, upon the execution and delivery by her of a proper deed to be approved by the Attorney-General.

I also move to insert in lieu of the word "her" in line 19, the words "a complete and perfect title;" so that the provision as I propose to amend it shall provide for the purchase of this land at the sum of \$150,000 upon Mrs. Blaine executing a deed to be approved by the Attorney-General conveying a complete and perfect title to the United States instead of merely conveying her title, whatever it may be.

Mr. MILLS. Suppose she refuses to make a deed, then what? I ask my friend from Mississippi to answer that question.

The PRESIDING OFFICER. The amendment of the Senator from Mississippi to the amendment of the committee will be read.

The SECRETARY. In line 8, page 11, after the words "purchase of," strike out "all the right, title, and interest of Harriet Stanwood Blaine to the premises in the city of Washington, D. C., known and described as;" after the word "twenty-one," in line 13, insert "in the city of Washington;" after the word "conveying" in line 19, strike out the word "her" and insert the words "a complete and perfect title;" so as to read:

For the purchase of lot numbered 9, and the north 24 feet 6 inches front of lot numbered 8 by the full depth of said lot in square numbered 221, in the city of Washington, said premises being hereby appropriated for the use of the United States, the sum of \$150,000; which sum shall be paid by the Secretary of the Treasury to Harriet Stanwood Blaine, her legal representatives or assigns, upon the execution and delivery by her of a proper deed, to be approved by the Attorney-General, conveying a complete and perfect title to said lot, subject to a ninety-nine-year lease thereof executed by her to one Paul D. Connor, to the United States.

Mr. MILLS. I asked the Senator from Mississippi a question which I should like for him to answer. Suppose Mrs. Blaine refuses to deliver the deed, then what are we to do about acquiring title to the lot?

Mr. GEORGE. There is no provision in the amendment as prepared by the Committee on Appropriations for a condemnation of the property, and therefore I have made no provision on that subject. I have endeavored merely to perfect that part of the amendment which referred to a voluntary sale by Mrs. Blaine.

Mr. GRAY. In answer to the Senator from Texas I will state that it would be very easy to amend the clause beginning in line 24. It reads:

And in the event that no agreement can be made with the said lessee as to the compensation—

Then proceedings in condemnation shall take place. Let it read:

And in the event that no agreement can be made with the said Harriet Stanwood Blaine or the said lessee.

Mr. GEORGE. That amendment does not affect the amendment which I have offered.

Mr. ALLEN. I wish to call the attention of the Senator from Mississippi to the language in line 18, "upon the execution and delivery by her." It should read "by her or them."

Mr. GEORGE. I think the words "or them" should be added.

Mr. GRAY. That phrase ought to be inserted.

Mr. ALLEN. Then I suggest that the words "or them" be added.

The PRESIDING OFFICER. The amendment submitted by the Senator from Mississippi to the amendment of the committee will be modified by the insertion of the words "or them" after the word "her," in line 18.

Mr. PALMER. Mr. President, I would not think of interesting myself in this amendment if it were not that some constituents of mine are interested in the lessee. They do not want to have the lessee part with the lease, and in representing them I oppose the amendment. We are all familiar with the present condition of that property, and know that it has been leased by its present owner for the term of ninety-nine years. The lessee is about to erect a theater upon it, and he does not want to part with his right to do so. However, I would not have opposed the amendment even for that reason if I could see any possible necessity for the acquisition of this property.

So far as I know there is no public necessity for its acquisition. I have heard it said that it is not desirable to erect a theater so near the Executive Mansion and so near the Department of Justice. I am not able to appreciate the force of that sort of reasoning. The distance from the Executive Mansion is very considerable, and the Department of Justice, I think, would be benefited by a slight infusion of mirth and good feeling. That Department is the temporary official home of old lawyers, who might as well be allowed to amuse themselves as anybody else.

I repeat, seriously, what is the public necessity for securing this property? If it is intended as a mere extension of Lafayette Park it is unnecessary; and the sort of sentimentality that would protect the Executive Mansion from proximity to a theater or would protect the Department of Justice from the contagion of a theater has no force in my mind.

I am not sufficiently acquainted with the rules of this body to know whether the amendment is in order or not. I raise the point of order against this amendment.

Mr. GRAY. Mr. President, as I had the honor of introducing this amendment and having it referred to the Committee on Public Buildings and Grounds, by which committee it was reported favorably and referred to the Committee on Appropriations, and now appears upon the report of that committee in the bill as a committee amendment, it is proper that I should say a single word.

I do not think that anyone who has taken the pains within the last two weeks to walk around that vicinage and observe the relative position of the buildings now owned and occupied for the purposes of the United States Government and a public park can adduce a single argument or reason for the passage of this amendment.

The public reasons, it seems to me, which should control the Senate in acting upon the amendment are absolutely overwhelming. Historically, that portion of this capital city has become dedicated to the uses of the Government and to those features of the capital city which most adorn and embellish it. The Executive Mansion, with its surrounding grounds; that beautiful Treasury Department, the most beautiful work of architecture in the city; right opposite, the Department of Justice, which soon must give place to a larger, a better, and a more fitting building; Lafayette Park, with all its associations of history and of sentiment, seem to have dedicated that corner, if not that entire square, to the public uses of the United States. We have recently embellished the corner of Lafayette Park, opposite the ground which is now proposed to be appropriated, with a beautiful allegorical and historical monument which all admire, and which adds to the beauty of that park.

I am not one of those, Mr. President, who are disposed to discard sentiment in dealing with the matter of building up this capital. There is sentiment connected with it, and the more sentiment which is connected with it, I think, the better for the country and the better for us who have to perform in our time legislative trusts here. It would be a desecration almost to have a building, such as is proposed to be built upon that square, erected, and that ground foreclosed for public use for all future time except at an immense outlay of money.

I do not mean to say that the mere building of a theater anywhere is a public nuisance; but it is a building which exnecessitate brings about it and in connection with it associations and matters which will be not only offensive to the tastes and to the sentiment of the people of this city and to the people of this country, but will materially interfere with the future development of the public buildings of this capital city.

Mr. President, I have no prejudices against theaters. They perform a most important function in our civilization; they contribute as much as anything not only to the gayety of nations, but to the gayety of individuals, and to the innocent mirth and enjoyment of the population of every city, and are almost a necessity; but that is not the question. If a building for a different purpose was to

be erected there, my reasons against it would be the same. They are, that if we build an expensive structure on property there to be acquired, we must in the future pay a much larger sum of money; and that it must be acquired for public uses I think will be apparent to anyone who examines it and simply looks at the surroundings of that place.

There is the Department of Justice and the Court of Claims, with all their valuable records, crowded into that inadequate building; so crowded that, I was told by one of the officers of that Department, they had been obliged to put lately 14 or 15 clerks in the law library in order to accommodate them. So that when that library is used by the Assistant Attorneys-General and the Solicitor-General they have to move around among the alcoves where the clerks are who have their desks there, and who are performing the duties they are required to perform in that Department. That is a work which in the near future must be done in order to accommodate that great Department and the Court of Claims, which must always exist, and always be an important judicial department.

Not only that—I do not know how that is—but the members of the Committee on Public Buildings and Grounds have told me that in the near future it is inevitable that a new State Department must be built. The present quarters of the State Department are needed by the War and Navy Departments, and no place, it seems to me, would be so appropriate and so convenient for the building of the State Department as right in that vicinity. I think eventually, as time goes on, that whole square will be appropriated to public uses, and it is merely a matter of business forecast to obtain the title of this property now, before a million dollars' worth of bricks and mortar have been erected upon it, for which at some day we shall have to pay.

It is a matter of clear prudence and forecast to lay our hands upon it now, doing no injustice to anybody, no injustice to the owner of the lot, and no injustice to the owners of the lease. It may be a disappointment to these worthy gentlemen not to carry out the plans they have formed, but that is no more than they must submit to, as everybody must submit to, where a public need interposes. We can not make a public necessity subordinate to the wishes of those who are interested in this theater. Because these gentlemen propose to build a temple to the muses is no reason why the public necessity should be subordinated to their purposes. It is a private interest, which must give way, as in all such cases, to a public interest, just compensation, of course, being made to them. Nothing is unsatisfied, except perhaps their wish to build in that particular place. I do not know that we have arrived at the point where any private individual, for however worthy an object, can settle down upon any portion of this city and say that this Government shall not lay its hands upon him. I have no disposition for any other reason to interfere with it, but I do not think that I or any other Senator should be prevented from performing what I consider, or he considers, to be a public duty in obtaining for this Government a most important local advantage, by the mere private interests which are sought now to be interposed.

Mr. PALMER. Mr. President—

The PRESIDING OFFICER. The Chair inquires of the Senator from Illinois if he was properly understood to make a point of order against this appropriation?

Mr. PALMER. I do make the point of order.

The PRESIDING OFFICER. The Chair will submit the point of order to the Senate, on which the Senator from Illinois is recognized.

Mr. VEST. Mr. President—

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. VEST. I ask pardon. I did not know the Senator from Illinois desired to take the floor.

Mr. PALMER. I yield to the Senator from Missouri.

Mr. VEST. Mr. President, I simply want to call the attention of the Senate to the very plain facts in regard to this matter, and I think it proper that I should submit what I have to say now in advance of the action of the Senate upon the point of order raised by the Senator from Illinois, because it is the experience of all of us who have served any length of time in this body that we generally declare in order what we propose to enact. It is important, therefore, that the facts should be known now.

Eleven years ago I advocated the purchase of what is known as the Blaine mansion, the historic building which is included in this amendment. We then had an option upon it for \$65,000, with a fee-simple title, clear of all incumbrances and of all doubt. I pressed this proposition upon the Committee on Public Buildings and Grounds in order that we should have a suitable location for the Supreme Court building, in connection with the Attorney-General's Office, and for a law library. We could have obtained it then at \$65,000. It is now proposed that the Government shall pay \$180,000.



This is a fair illustration of the advance of real estate in the city of Washington and what was lost to the Government by our non-action at that time. It is perfectly useless to indulge in reminiscences; I am aware of that; and it is equally as useless to say that the price now demanded for the property is too much. In my judgment that property is worth about \$100,000, and that would be a large price for it. But we have waited until complications have arisen and the property has passed into the hands of other parties. Mr. Blaine was not the owner of the property at the time of which I speak. A lessee has acquired a lease for ninety-nine years from Mrs. Blaine; he has torn down the building; and Congress is confronted with the alternative of allowing a theater to be erected there in front of Lafayette Square, in sight of the Executive Mansion, and just across the street from the Treasury building, and to the injury of all property which is already owned by the United States. The actuary's estimate of Mrs. Blaine's interest in the ninety-nine years' lease at the rental she is to receive is \$175,000—

Mr. BERRY. Will the Senator permit me to ask him a question?

Mr. VEST. Certainly.

Mr. BERRY. Does the amendment contemplate that we shall pay Mrs. Blaine \$150,000, and then pay to the lessees whatever they have paid?

Mr. VEST. Yes; it does.

Mr. BERRY. How much is that supposed to be?

Mr. VEST. Thirty thousand dollars, I understand to be what the gentleman, Mr. Connor, the ostensible party who has this lease, estimates what he has expended and what the lease would be worth to him.

Now, let us look at the proposition squarely and see what side of it we shall take. If this amendment is voted down the theater will be erected, and we shall have fronting Lafayette Square and across from the Executive Mansion an ordinary theater, with all the accompaniments of such an institution, which it is not necessary for me to name. Besides that, we shall have on the corner—I might say, of all the property we now own the best in the city of Washington, known as the old Freedman's Bureau bank building, which we purchased at \$250,000—this theater, obstructing the light to the building which must be erected there for the use of the Attorney-General's Department, for the present building is utterly unsuitable both as to size and construction; and, as a matter of course, the property there will be injured for all time to come by the erection of that theater.

My friend in front of me [Mr. MORGAN] suggests the danger from fire. As a matter of course, if we erect a public building there, the 40-foot fire limit, which we have as to all public buildings, must be preserved; but still we shall have this theater, and we know what that means. It is a question for the representatives of the people to determine as to whether a theater should be erected there in front of Lafayette Square, in that vicinity to the White House, and in immediate proximity to the property already owned by the Government, for which, as I have said, we paid \$250,000 twelve years ago, and it was the best purchase in the way of real estate that this Government has ever made.

Mr. President, I shall support the amendment, knowing that the price is too great, but it is all we can do. If we do not adopt it now that theater will be erected; and when there, and we undertake, if we ever do, to condemn that same property, we shall pay not \$180,000, but possibly \$500,000 for it. We have already delayed, and we are now paying three times as much for the property as we could have obtained it for eleven years ago. A further delay means additional expense, unless we come to the conclusion that that theater ought to be erected there and that the United States Government is not interested in preventing its erection.

For myself, I consider it an outrage, and have always thought so, that the Government should not have owned the property known as the Blaine mansion, as it squares out our holding and makes the Government property run up evenly to the alley, which separates this property from that which is immediately north of it. It ought to have been purchased years ago, and we are now obliged to pay this amount, which I consider much too large, by reason of the delay which we deliberately adopted.

The present building for the Department of Justice is inadequate, badly constructed, and must be removed. It is a mere question of time when we must utilize the property which we own there, now the most beautiful lot in the city of Washington.

Mr. HARRIS. Will this property front on Fifteen-and-a-half street, facing Lafayette Square, and then run clear back as far east as the alley owned by the Government and the vacant lot?

Mr. VEST. Yes; it runs right up to the east line. If the Government of the United States own this property we shall then have a compact and properly proportioned piece of real estate, fronting upon Pennsylvania avenue on the one side and fronting on Lafayette Square on another, running to the alley upon the east. As it is, the Blaine property comes in and cuts out one corner, I might say, of the Government holding; and upon that it is proposed to

erect this theater, with all the accompaniments of a theater, which I need not particularize.

Mr. GEORGE. Mr. President, I simply desire to make one remark, so that the Senate may understand what it is doing.

The proposition of the amendment is to pay \$150,000 for the remainder of this property after the expiration of the lease for ninety-nine years. It will be a good while before we can get any use of the property under the purchase.

Mr. PALMER. The Senator from Missouri [Mr. VEST] intimates that the question of order will be of no possible consequence, and, as I believe the opinion of a parliamentarian of his experience ought to govern my conduct, I withdraw the point of order.

The PRESIDING OFFICER. The point of order is withdrawn; and the question recurs on the amendment to the amendment submitted by the Senator from Mississippi [Mr. GEORGE].

Mr. PALMER. Mr. President, I have a protest in my hand signed by the party interested in this property, which I ask may be read at the desk.

The PRESIDING OFFICER. Without objection, the paper will be read.

Mr. MANDERSON. I have corrected the amendment I offered a moment ago, and I should like, before the vote is taken on the pending amendment, to have it acted upon.

The PRESIDING OFFICER. Does the Senator from Nebraska desire the amendment to be read now?

Mr. MANDERSON. I should like to have the amendment read now. It is to come in at the end of page 11, after line 7.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 11, after line 7, it is proposed to insert:

To enable the Secretary of the Treasury to select, designate, and procure, by purchase or otherwise, a suitable site, and commence the construction of the public building provided by law to be erected at South Omaha, in the State of Nebraska, the sum of \$25,000; and if the said site shall be obtained by purchase, the cost thereof shall not exceed the sum of \$10,000; and the Secretary of the Treasury is authorized to contract for the erection of the entire building, its cost not to exceed the sum of \$100,000.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Nebraska.

The amendment was agreed to.

Mr. GEORGE. What became of the amendment I offered, Mr. President?

The PRESIDING OFFICER. It is still pending.

Mr. GEORGE. I desire—

The PRESIDING OFFICER. The Chair will suggest to the Senator from Missouri that the Senator from Illinois has asked for the reading of a document in connection with the pending amendment, which will now be read.

The Secretary read as follows:

To the Senate and House of Representatives:

I desire to enter a protest against the adoption of the item in the sundry civil appropriation bill to seize the lot known as the "Blaine" lot, which was leased by Mrs. Blaine to Paul D. Connor and subsequently assigned by Connor to me for a term of ninety-nine years at the yearly rental of \$5,000 for the first thirty-nine years and \$8,000 for each of the remaining sixty years.

Immediately upon the execution of the lease and its assignment I raised the necessary money to build an opera house and secured attractions for the next season, among others, five leading European troupes, and have expended large sums of money in prosecution of the enterprise.

I have contracted with Wood & Lovell, the most eminent theatrical architects in the world, to construct a building which shall be absolutely fireproof, and fireproof because no combustible material is to enter into its construction either upon the stage or the auditorium. A building provided with exits that will admit of the largest audiences leaving inside of two minutes, a building artistic and classic in its exterior and interior, a building superior in architectural beauty to anything now on Lafayette Square, and in all probability superior to anything that will be constructed by the Government in the near future.

I respectfully protest against any legislation for the arbitrary interference with my vested rights.

First. Because there does not exist any need or demand, or any reasonable probability of any need or demand for said property for the uses of the Government.

Second. Because the condemnation will entail a very large expenditure by the Government which in the depleted condition of its Treasury would be improvident.

Third. Because the erection of the building would give employment to at least 100 men for the next nine months, with food to their families (and with the great want and poverty now existing in Washington among the laboring classes this opportunity for employment should not be taken from them), and after completion employment to at least 50 men.

Fourth. That the Government should not interfere with any legal enterprise or business, unless there is an absolute need of the property for the immediate uses and purposes of the Government.

Fifth. Because it has not been the custom or policy of the Government to acquire property for possible future needs.

Sixth. Because the building now occupied by the Department of Justice (and marked on city plat lot 4) is more than ample for its present needs and there are now a large number of rooms unused and unoccupied; and because there are vacant lots adjoining (marked on plat Nos. 5, 6, and 7) belonging to the Government, containing nearly 15,000 square feet, sufficient to erect a building upon more than double the size of the present building.

Seventh. Because there is an alleyway (shown on city plat) 25 feet wide between the present building of the Department of Justice and the Blaine lot, and because the building proposed to be erected thereon, and for which permission has been given by the Commissioners of the District of Columbia under the authority of Congress upon plans submitted, showing the proposed

building absolutely fireproof, and far superior in this respect to the present Department of Justice building, all questions of danger to the Department of Justice building from fire are therefore eliminated.

Eighth. Because, in the preparation of the plans of the proposed building, due regard was had to the location of windows, the style and character of architecture, the avoidance of unsightly blank walls and of windows overlooking those of the Department of Justice building, everything having been duly considered and the greatest care exercised to avoid making the building objectionable in the slightest degree.

I respectfully suggest that there has been created by the action of Congress an almost universal demand for an opera-house in the city of Washington which would be artistic and modern in design, fireproof in construction, and safe in its exits, and with first-class acoustics.

I respectfully ask to be allowed to proceed in the erection of a building which, in the matter of safety, would be in advance and in elegance equal to any theater in this country; and will be so constructed that if at any time hereafter the Government should desire to acquire it there would be nothing to be done to render it available for offices except the insertion of some floors, which could be done at a moderate cost, as nothing in the building now being built would have to be eliminated except the galleries, which are so built that they can be easily detached from the outside frame of the building.

If by the action of Congress I am not allowed to build this opera house so as to enable me to carry out my contract with attractions I will be injured in credit and caused financial loss far in excess of any damages I can reasonably hope to obtain by any award of condemnation. I respectfully state that for years the Blaine property has been on the market and repeatedly offered to the Government, who as repeatedly refused to purchase it upon the ground that it had no use for it, and that not until the purpose of building this opera house was announced, and the buildings heretofore erected upon the property removed, was there any pretense that the Government wanted or needed the property. The exercise of the right of eminent domain on the part of the Government is an unwarranted interference with my rights and against which I am helpless and without adequate remedy, unless Congress protects me, as they are in duty bound to do if there is to be equality for all before the law.

I am, very respectfully,

J. W. ALBAUGH.

WASHINGTON, D. C., February 22, 1895.

Mr. PALMER. Mr. President, this statement on the part of this lessee presents all that can be said in opposition to this appropriation, and it presents it from a standpoint of an interested and at the same time a practical man.

I concede that the Federal Government has the power to deprive this man of his property and defeat his just expectations; I concede that we may anticipate a possible necessity for the acquisition of this property for public purposes; but there is no power which belongs to this Government or to a State government more subject to abuse than that of eminent domain. I conceive that unless this property, or any property which is sought to be taken for public uses, is actually demanded for public uses, to take it by the exercise of the right of eminent domain is pure despotism and has no justification.

Of course the courts and legislatures have never found a limit to the exercise of this power. It is like the police powers of the State. It does not admit of exact limitation, and the courts rarely allow the question of necessity for the property to be raised, it being in the nature of a political question. But surely the Senate will realize that unless this property is actually needed for public purposes the citizen ought not to be deprived of his property and the advantages he promises himself by his enterprise.

I have seen a plan of the proposed building, and although I am no architect myself, and am scarcely able to anticipate what the building will be from the architectural drawing, yet this will be a building of taste and beauty. I understand it will be an ornament to the city. The statement is made that that building, if it is hereafter required for public uses, can be easily converted to those uses by a slight alteration in the building itself. If the Government should hereafter be required to take the property for public uses, if it becomes necessary, it will take the property in a condition for public uses. It will not be, as I understand the statement of the protestant, to take the property and destroy it, as is often done; but it will be useful to the public. It can be converted into use for any rational and reasonable purpose by slight alteration.

Mr. President, one word in reply to the Senator from Missouri. He speaks of the acquisition of the property in the future and mentions the fact that it could have been acquired years ago for \$65,000. It was not acquired then because it was not needed, and if acquired it would not have been used probably until this day. But if you attach to it the interest on the cost you will find, as is always the case, that when a man buys that for which he has no use he makes a bad bargain, and that when an individual needs property and is able to pay for it he pays no more than it is worth. If the Government requires this property twenty years hence it will pay its value and no more.

Mr. McPHERSON. Will the Senator from Illinois please inform me as to the dimensions of the property and its frontage?

Mr. PALMER. I have not the figures before me. I have a diagram which has been printed and laid upon the table of all Senators, I presume, giving an exact description of the property, with the plan of the building proposed, and showing its relation to the adjoining property. I will say to the Senator from New Jersey that the information he seeks can be furnished very easily.

But the public necessities or wants of the public, its real wants and its imaginary wants, when presented in opposition to the

claim of a citizen, ought to be carefully and deliberately considered. I know of nothing more offensive than that a citizen who owns property which he values, or who is engaged in an enterprise, should suddenly find himself interrupted and his plans thwarted; and unless there is some clear and distinct public necessity for it it ought never to be done.

Now, what are the facts here? Senators tell us that at some time or other, under some real or imaginary conditions which may exist hereafter, the United States will need this property. It is that imaginary necessity which is asserted and opposed to the real necessities of a citizen who is about to engage in an enterprise which he supposes will result in producing profit to him. Ought that imaginary necessity to be asserted against the real necessities and real purposes and plans of a citizen? Why should it be? I do not contest the question of the price of the property to be paid to the owner of the fee. That is a matter for those who better understand the value of the property than I do. I am insisting that the lessee shall not be deprived of his rights on account of imaginary necessities, necessities that scarcely admit of definition.

The Senator from Delaware says that hereafter we will need further accommodations for the Court of Claims and the Attorney-General's Office. I understand that those wants may be distinctly met by the use of property which the Government now owns. But without regarding that I complain of the lack of exactness. I protest that this enterprising citizen who has acquired a lease to this property which has been accessible to the United States for years, and who now has a distinct plan for its use, who has made all his arrangements, who has invested large sums of money or has entered into contract which will involve large expenditures, who has a real, substantial interest—I protest that he ought not to be compelled to surrender those interests to any imaginary want of the Government. That is the question. That is when the rights of the citizen are simply sacrificed to the paramount authority of the Government. I concede the value and the importance of the right of eminent domain, but I protest that this is a tyrannical and arbitrary exercise of that power.

Mr. ALLISON. Mr. President, the amendment was sent to the Committee on Appropriations from the Committee on Public Buildings and Grounds in somewhat different form from that in which it is presented here, but in substance recommending the acquisition of the property. I differ with the Senator from Illinois [Mr. PALMER] in his suggestion that this acquisition on the part of the Government is one looking to the shadowy future as to its occupation. The circumstances that surround this property are peculiar. In the first place, the Government of the United States owns a large plot of ground on the corner of Pennsylvania avenue and Fifteen-and-a-half street or Madison place. That property was acquired some years ago by purchase. Upon it is a brick structure now occupied by the Department of Justice; but a large portion of it is vacant ground. There lies immediately north of it the tract of land involved in the proposed acquisition. Immediately north of this tract of land is an alley. So if the Government shall acquire this property it will own to the alley, which will enable it to erect such a structure as it may desire to erect and have an open space with which no one can interfere.

In the construction of public buildings we have uniformly provided that adjoining it there shall be either an open street or a vacant space of at least 40 feet, in order to minimize the danger of destruction of Government property by fire. If the property sought to be purchased or acquired shall have placed upon it a building, the effect of it practically will be to destroy 40 feet of the property which the Government now owns. So, in erecting a structure for Government uses upon property now owned by the Government we shall practically be confined to a comparatively small tract of ground. When my attention was called to the matter it seemed to me that the Government had the alternative of acquiring this property or depreciating and practically destroying the property which it now has. If the property is acquired it will be an easy thing to erect a structure upon this ground that will be of utility and advantage to the Government of the United States. That such a structure is required will appear from the fact that we are paying a rental of \$140,000 per annum for property in this city for Government uses, because of the scarcity of public buildings. That being so, I was willing and am willing to purchase this ground, although it may eventually or at this time cost a little more, perhaps considerably more, than it would have cost a year ago.

My recollection is that the Committee on Appropriations, some years ago, when it was suggested that a public building should be erected upon this ground, put a proposition in one of the appropriation bills to purchase this property for \$95,000. But it was finally struck out in conference. If we do not make this purchase now there will be a costly building erected for private uses and purposes, and properly so, and if in two or three or five years we shall desire to utilize the property we now have, it will be found that it is impossible to do so without acquiring this property.



Then we would be required to pay a very much larger sum, I am sure, than we are to be required to pay now, because then added to the value of the lessor of this property will be added the cost of the structure which is about to be erected. It seemed to me on every ground that this was a wise thing to do; and manifestly if we do it we must do it substantially in the way here proposed, because the interest of the owner of this property has been practically fixed by the rental value for ninety-nine years.

So, Mr. President, I regard it as a necessary thing for the Government at this time to utilize what we have and to save a larger sum in the future.

Mr. HALE. Mr. President, whatever the Senate does with this proposition, either voting it in or striking it entirely out, the amendment proposed by the Senator from Mississippi is not for a moment to be thought of. The owner of this property, Mrs. Blaine, is not seeking to sell it to the Government. She is not proposing to give a good guaranty warranty deed. She is proposing nothing. I do not know that the owner, Mrs. Blaine, could give a guaranty warranty deed such as the Senator from Mississippi desires that the Government shall have. She has not in any way indicated that she can.

Mr. GEORGE. If the Senator from Maine will allow me, I do not propose that she shall guarantee against the lease which she has made for ninety-nine years, but against everybody else.

Mr. HALE. I do not mean that, Mr. President. I take into account the exception that is made subject to the lease, but aside from that the owner of this property is not urging it upon the Government. She is not proposing to sell it to the Government. She is not declaring that she can give a warranty deed, a good, valid deed, such a deed as is covered by the proposition of the Senator from Mississippi. If the owner was seeking to unload upon the Government it might be proper to say that the owner should give such a deed, but the interest that the owner of this land, Mrs. Blaine, has is just as clearly definable and appraisable as a note that is offered at the bank for the regular rates of discount of a long Government bond or a long annuity.

She has a lease which she has given in which she was not called upon to give covenants for warranty, but simply a lease of the property conveying what she had in it for ninety-nine years. For thirty-nine years she gets \$5,000 per year; for the remaining sixty years she gets \$6,000 a year. When that was done as a business transaction it defined her interest in the property just as clearly as though it were an annuity. The Senator from Missouri has said that, estimated by an actuary, it amounts to more than \$150,000. The attitude of the owner is simply this—and that is why the clause was drawn, in conjunction and in consultation with her attorney, to protect her—that if the Government should decide, for the reasons given by the Senator from Missouri, the Senator from Iowa, and other Senators, to take this property, she is willing, on giving all the title she has, to take \$150,000 and give up this valuable property that she has by virtue of the lease.

Mr. GRAY. May I interrupt the Senator from Maine a moment?

Mr. HALE. Yes; I am glad to have the Senator interrupt me.

Mr. GRAY. I merely wish to remark in the line with what the Senator is saying that there is nothing in the amendment, of course, that compels the United States to consummate this purchase from Mrs. Blaine if the Attorney-General should conclude that the title was not a satisfactory one.

Mr. HALE. Of course not. Mrs. Blaine does not want to be put in the condition of condemnation, for the reason that she has a definable interest.

Mr. GRAY. I am not speaking of condemnation. I say there is nothing in the amendment of the committee to preclude the United States if perchance the title was not satisfactory to the United States.

Mr. HALE. That suggestion is pertinent, because this would happen if the amendment to the amendment carries. Mrs. Blaine says: "I do not propose to give such a title to anybody; it may be I can not do it." She declines to proceed further, and the whole proceeding fails. If Congress chooses that this whole proceeding shall fail, then the owner of the property is simply referred to the lease, a copy of which I have here, which is very clear and distinct and gives, as I have said, \$5,000 for thirty-nine years and \$6,000 for the remaining sixty years. That is all there is about it. If you put in the amendment proposed by the Senator from Mississippi the whole thing is destroyed. I would not advise the owner of this property, Mrs. Blaine, under any circumstances to give a guaranty warranty title against everything under the sun. I do not know that she can do it.

Mr. VEST. Will the Senator state whether he has any reason to think that Mrs. Blaine can not give such a deed?

Mr. HALE. I have no reason to believe that there are any incumbrances upon the property that in any way will affect any interest that takes it hereafter; and yet as a lawyer, if she were my client, I would not advise her to give to anybody any such deed. Rather than that I would fall back upon the lease, which does not

require any such guaranty and provides her with \$5,000 a year for thirty-nine years and \$6,000 a year after that time without being called upon to guarantee the title.

Mr. VEST. Does she acquire her title by devise?

Mr. HALE. She acquires it directly by devise from her late husband.

Mr. VEST. By will?

Mr. HALE. Yes, by will.

Mr. VEST. All the facts ought to go before the Senate, and I wish to state now that I was informed (I have never had occasion to examine it either as a Senator or as a lawyer) that some years ago when Mr. Blaine made this purchase there was an incumbrance upon the title. Some heir was an infant, the title in the heir had not been conveyed, and Mr. Blaine, who was then, I believe, Secretary of State, declined to pay the purchase money until that cloud was removed. I never looked into the details, as I have stated, but I heard the title had been made perfect. If his will is uncontested, as a matter of course the title of Mr. Blaine passed to his widow.

Mr. WHITE. Will the Senator from Maine allow me to ask him a question? I should like to get a little information.

Mr. HALE. Certainly.

Mr. WHITE. Does the Senator from Maine know whether the title of this property is clearly and absolutely vested in Mrs. Blaine? It appears to me that we ought to deal with this matter as we would if we were buying the property ourselves. We ought to know that the title is correct, and not buy upon the hypothesis that it is valid.

Mr. HALE. Undoubtedly the property is vested in Mrs. Blaine by the last will of her husband, the late Mr. Blaine. It is a good title. It is a good and sufficient title to justify the purchase. There was some such incident as the Senator from Missouri has referred to, where there was a very small fractional interest which was outside, in the case of some person who by minority or disability could not act in conveying the property. Mr. Blaine thought it worth while to purchase the property, considering that of no practical account, as I do not. I would not have advised Mr. Blaine on any price to guarantee the title to the Government if he had been living, nor would I advise Mrs. Blaine, all the more, as I repeat, that she has now a most valuable, clearly defined, and estimable property in the lease. Therefore I say the amendment of the Senator from Mississippi is not to be thought of unless you propose to vote out the whole thing.

Mr. GEORGE. Mr. President, I think the Senate will vote under a misapprehension of the true state of the case if they take the statement of the Senator from Maine as he represented it. In the first place, in my amendment there is no proposition for a guaranty or warranty title. It is a proposition simply that instead of buying Mrs. Blaine's title, whatever it may be, the Attorney-General shall look into the title and only purchase when he can purchase a complete title. Now, bear that in mind.

There is not a single suggestion that Mrs. Blaine shall make any warranty, but there is a provision, necessary for the protection of the United States, that the Attorney-General shall not buy property to which the vendor has no title. I do not think that any complaint can be made to that.

There is another view of this case to which I desire to call the attention of the Senate; and what is it? Mrs. Blaine, under the amendment, is only to convey by deed her title to the property subject to a lease made to a third party. Under that lease she gets \$5,000 a year, I understand, for thirty-nine years and \$6,000 a year for the remainder of the ninety-nine years. Under the amendment she surrenders no right and no title to any claim she has under that lease. So if the amendment is adopted the attitude of the case in law will be exactly this: That we give Mrs. Blaine \$150,000 for the reversion after the expiration of a term of ninety-nine years of this property, allowing her to retain all the rights, all the privileges, all the advantages which are secured to her by this lease of ninety-nine years.

Mr. GRAY. Does not the rent follow the reversion?

Mr. GEORGE. Not unless it is granted.

Mr. GRAY. It used to be considered so when I was a practicing attorney.

Mr. GEORGE. Not unless it is granted. But if that were true, as a general proposition of law, is it excepted out of this amendment? "Upon the execution and delivery by her of a proper deed to be approved by the Attorney-General conveying her title to said lot, subject to a ninety-nine year lease thereof." That reserves to her every right and every privilege which is secured to her by the lease. In other words, here is a carefully prepared amendment to the bill by which Mrs. Blaine is to receive \$150,000 for the reversion after ninety-nine years, and expressly reserving to her all the rights and privileges that she has under this lease. That is exactly the legal attitude of the case.

Now, Mr. President, I wish to submit one other thought. When we pay this \$150,000 we have but commenced our troubles about paying for the property. Here comes the lessee, Mr. Albaugh, pro-

testing against it, saying he has made large contracts for the erection of a very expensive building. Now, what are we going to do when we force him to violate his contract with those parties? Are we going to pay damages to him for it? That is exactly what we would have to do, sir. So I take it that when we go to the condemnation proceedings, after paying \$150,000, Mr. Albaugh will bring before the jury his contracts and agreements with those parties and insist upon compensation, which he will be entitled to receive.

Mr. VEST. If the Senator from Mississippi will permit me, I am informed by members of the Committee on Appropriations that Mr. Albaugh states the whole amount of damages to which he would be entitled under condemnation proceedings at \$30,000.

Mr. GEORGE. Then suppose we put in the bill here "not exceeding the sum of \$30,000."

Mr. VEST. I do not know about that.

Mr. GEORGE. I will state that under the agreement there is a probability of the damages of Mr. Albaugh running up to hundreds of thousands of dollars.

Mr. GALLINGER. If the Senator from Mississippi will permit me, I will state that my information, which may not be very accurate, is (and I have talked with Mr. Albaugh himself) that his claim will be very largely in excess of \$30,000, and may be as large as the purchase money that is proposed to be paid to Mrs. Blaine. He has made contracts, as I shall endeavor to show hereafter, not only for the construction of this building, but with theatrical and operatic troupes, and he will have to settle with them.

Mr. GEORGE. That shows upon what a doubtful and extravagant sea we are about to launch our bark.

Mr. PALMER. Will the Senator from Mississippi allow me?

Mr. GEORGE. I will yield in a minute. In the first place, I want the Senate to remember as a proposition of law that the language is "subject to a ninety-nine year lease thereof executed by her to one Paul D. Connor;" and after you have paid Mrs. Blaine the \$150,000, she is entitled to have carried out with Mr. Connor every single stipulation contained in that lease, her \$6,000 a year for so many years, and her \$5,000 a year for so many years. I predict that if we go into this matter and make this contract it will not cost the Government less than \$1,000,000.

Mr. PALMER. I will now ask the Senator from Mississippi the question which I proposed to ask him before. I ask the Senator whether the bill contemplates anything more than a quitclaim deed from Mrs. Blaine?

Mr. GEORGE. Without the amendment which I have offered it means nothing but a quitclaim deed, as I have stated before.

Mr. MORRILL. Mr. President, I merely desire to say that I am in favor of the acquisition of these lots, but not in favor of doing anything that will diminish the value of the property of Mrs. Blaine. If she has made a good bargain she is entitled to it. So far as the Congress of the United States is concerned, we have made a sufficient amount in the value of the property we have already purchased near it to compensate for paying a high price for any addition. The Freedman's Bank and the additional land that was purchased with it, not quite as much as the acquisition of Mrs. Blaine's property, was paid for by the United States Government at a price of \$250,000. Unquestionably, it is worth a great deal more now.

There is only one point upon which I wish to protest, and that is the idea suggested by the Senator from Missouri that we shall want it for the purpose of a Supreme Court building. I think he will alone enjoy the idea of placing the Supreme Court, a coordinate branch of the Government, on the corner of one of our streets. We have a sufficient demand for it in many other cases, as was suggested by the Senator from Iowa. Unquestionably the State, War, and Navy Departments now need all the accommodations there are in that building; and when we provide any accommodations for the Supreme Court I trust that we shall do it in a decent manner, and give them a position that shall be commensurate with that body as a coordinate branch of the Government.

Mr. GRAY. Mr. President, I do not wish to prolong the consideration of this amendment, but I merely rise to reply to a vein of criticism that my friend from Illinois [Mr. PALMER] fell into in regard to the purpose of this amendment. I wish to repeat what I said before, that I do not think anyone who has visited those premises and looked at the vicinage, who has observed the position of the Department of Justice, the situation of Lafayette Square, the Executive Mansion, and the Treasury Department, will fail to be convinced that there is not an imaginary, but a real need that the United States should own this property, and that they should not be foreclosed from owning it by the erection of such a structure as is contemplated by the lessees from Mrs. Blaine.

Those who favor this amendment do not intend to do any injury or wrong to the lessees. They can not be wronged, for under the Constitution of the United States they are protected by that provision which provides that private property shall not be taken for public use except upon just compensation. All that we do is per-

haps to disappoint Mr. Albaugh or Mr. Connor, whoever the lessee is, of the fulfillment of his expectations, and it is the first time that I have ever heard that the wishes, capricious or otherwise, of a citizen of a State or of the United States should be set up as an obstacle to the acquisition by the Government of property that was needed for public use. Mr. Albaugh or Mr. Connor will, if this amendment passes, have to give way, as every other private citizen has to give way, in order that the paramount interests of the public may be subserved.

I merely wish to say that it seems to me it does not require any argument to show that this is not a wanton or capricious attempt on the part of anyone to acquire for the United States this title, but it is to accommodate a real, pressing, and present need of the Government of the United States.

Mr. MITCHELL of Oregon. May I ask the Senator from Delaware a question?

Mr. GEORGE. Will the Senator from Delaware allow me to ask him one question?

Mr. GRAY. Certainly.

Mr. GEORGE. If Mr. Albaugh has made valid contracts with other parties for the erection of this building and he by this action of the Government is prevented from carrying them out, what remedy and what rights have the other parties and against whom?

Mr. GRAY. They have not any.

Mr. GEORGE. All right, then.

Mr. GRAY. It is only another instance in which private interests must give way to public interests. It seems to me that if Mr. Albaugh and Mr. Connor occupy the position in which they are sought to be put they are asserting a claim that is arrogant as opposed to the interests of the United States, and for the first time in the history of this Government, to settle down upon a piece of property and say that no public interest must be considered as opposed to the private interest that they suppose themselves to represent. They are not helpless, as they state themselves to be in their memorial. They are protected by the Constitution of the United States. No right is sought to be taken from them if the Congress of the United States shall decide that this is a public need and one that must be responded to by appropriate legislation.

Mr. MITCHELL of Oregon. I have been out of the Chamber during the discussion of this amendment, and perhaps the question which I wish to ask has already been answered. The amendment, I understand, provides for an appropriation of \$150,000 for the purpose of purchasing certain property for the use of the United States. The amendment, so far as I am able to comprehend it, does not disclose the use to which this property is to be put. I wish to inquire what is the purpose? Is it for the purpose of providing buildings and grounds for the Department of Justice, or does it include a provision for the Supreme Court of the United States; or what is the purpose?

Mr. GRAY. I do not know that it is necessary to state the precise purpose, but I think it is apparent to all, and it might be so stated. It is for the purpose of public buildings of the United States for the use of the Government of the United States.

Mr. MITCHELL of Oregon. I may be entirely wrong about it, but it does seem to me if we make an appropriation of \$150,000 for the purpose of either purchasing by private contract or by condemnation certain property for the use of the United States we ought to be advised as to what particular use the property is to be put. Why is it desirable? For what purpose? Is it for the purpose of a building for the Department of Justice, or is it for the purpose of providing for a site for a building for the Supreme Court of the United States, all of which I think very necessary to be provided for, or what is the purpose?

It seems to me that we are called upon to vote blindly upon this proposition, called upon to vote away \$150,000 for the purpose of purchasing certain property, which, it is said, is for the use of the United States, but for what particular use, for what particular purpose, we do not know.

Mr. HALE. I wish to say, Mr. President, that, whatever may have been the views of the Committee on Public Buildings and Grounds, I do not suppose they have decided to what purpose the Government should put this property, whether to erect a building for the Department of Justice or for the State Department, or whatever Department it may be. We have got so much property there now that this lot is necessary, and the uses to which it will be put by the Government will be settled hereafter. I do not think anyone will be prepared now—I know I am not for one—to say that the property should be used for one thing or another. Some day or other the Government will erect a fine building on that corner; but I do not think the Senator himself would say today for what purpose the property ought to be used.

Mr. MITCHELL of Oregon. I am decidedly in favor of making provision for a site for a suitable and proper building for the Supreme Court of the United States, but I have very grave doubts, and I presume the committee would have doubts, as to whether that would be a proper place on which to locate a building for the Supreme Court of the United States.



Mr. ALLISON. If the Senator from Oregon will look at the map he will see that the property alluded to is a plat of ground which is naturally attached to a part of the piece of property which the Government already owns. We are only proposing to take the part of a prudent owner in acquiring this additional property in order to beautify the property we now have. That is all.

Mr. MITCHELL of Oregon. I wanted to find out, if I could, what was the purpose of the committee. It looked rather singular to me that it was proposed to appropriate \$150,000 to buy this property for the use of the United States without disclosing for what particular purpose it was to be used. So far as this amendment is concerned, it discloses the fact that the United States owns no property contiguous to that which it is proposed to purchase. That does not appear from the amendment, although it does appear from the statement of the Senator from Iowa [Mr. ALLISON]. That being so, there may be good reasons—and I am not disposed to combat them if it is a proper thing to be done—why this property should be bought; but for the committee to simply come in with an amendment to the sundry civil appropriation bill, proposing to appropriate \$150,000 to buy certain property which is described, and which is not described as being contiguous to any property now owned by the United States, which states that it is for the use of the United States, but does not state for what purpose the United States requires it, seems to me to be rather vague and unsatisfactory.

Mr. WHITE. I desire to offer an amendment, which I ask may be stated at the desk. It is designed to meet one of the objections urged by the Senator from Mississippi [Mr. GEORGE].

The PRESIDING OFFICER (Mr. PASCO in the chair). The amendment to the amendment will be stated.

The SECRETARY. On page 11, line 21, in the amendment reported by the Committee on Appropriations, after the words "United States," it is proposed to insert:

And also conveying the rent, issues, and profits of said property from the date of said purchase.

Mr. GEORGE. That is a very proper amendment, and is similar to one I have just drawn.

Mr. HALE. I do not think that amendment is needed. I think that is included as a matter of course, but I can, on glancing at it for a moment, see no objection whatever to it.

Mr. GALLINGER. Mr. President, I am not vain enough to suppose that any word I can say against the amendment reported by the Committee on Appropriations will result in its rejection, because I take it that it is already arranged that the amendment shall be voted into this bill so far as the Senate is concerned, but being opposed to the amendment I will take the liberty of briefly stating my reasons for opposing it, and in so doing will give a little sketch of the history of this particular piece of property.

The Blaine mansion was bought by Mr. Blaine in 1890, as I understand, for \$65,000. It contains less than 10,000 square feet of ground, being 67.9 feet front and 145 feet deep. An alley 25 feet wide runs between it and the Department of Justice on the west line of that building.

I have been told, and I presume that my information is correct, that on the death of Mr. Blaine, two years ago, his widow endeavored to sell the property, on which Mr. Blaine had spent about \$20,000 in addition to the original purchase money, making it cost then, as it stood, \$85,000.

I noticed that the sign of Fitch, Fox & Brown, real-estate dealers, was planted in the front yard, where it remained until the lease was made in December last, and I am also informed that Mrs. Blaine never received in the two years it stood idle any offer for the purchase or lease of that property.

I understand that prior to its purchase by Mr. Blaine its then owner, a Mr. Stoughton, of Philadelphia, offered it to the Government for \$65,000. I believe it was also offered to the Senate Committee on Public Buildings and Grounds, of which the Senator from Missouri [Mr. VEST] is chairman, for the same amount, but its purchase was declined.

This house being idle, as well as Mrs. Blaine's Dupont Circle house, and failing to sell the property, she leased the Lafayette Square house for ninety-nine years at an average rental of \$5,700 per annum, the lessee putting up a deposit of \$30,000 as security to provide for the reconstruction of the house he was allowed to tear down unless he at once constructed a fireproof opera house covering the entire lot, which house was to revert to the heirs or assigns of Mrs. Blaine at the expiration of the lease.

The lessee, Mr. John W. Albaugh, of Baltimore, put the building of an opera house under contract to Wood & Lovell, of Chicago, last December, and made contracts for various dramatic troupes for the season of 1895-96 and 1897-98, and has agreed to furnish a fireproof opera house, seating 1,800 people, ready for occupancy on the 23d day of September next, at which date an operatic company is already engaged to open the house. The Blaine mansion and outbuildings were leveled to the ground by the contractor,

and the very next day a bill was introduced into the Senate for the purchase of the property by the Government.

The damages to Mr. Albaugh, it strikes me—and I have some information on the subject—will be very largely in excess of the amount stated by the Senator from Missouri, because if Mr. Albaugh is compelled to abandon his project he must settle with his contractors, and he must settle with the troupes he has already engaged, or else his reputation as a business man and a manager will be destroyed. Reputation is valuable capital to any man, and especially to a man like Mr. Albaugh, who is said never to have broken his word in thirty years of business and professional experience.

I agree with the contention that, when the public necessities require it, private interests must give way to public interests. The Government can practically confiscate private property; but, after all, my feeling of justice and right compels me to say that I have a great deal of sympathy for the man who leased this property when the Government would not purchase it, and who is now going to be dispossessed by the action of Congress, if this amendment becomes a law.

My impression is, and I have talked with some experts on this question, that expert testimony will show that, to enable Mr. Albaugh to settle with his contractors and indemnify the troupes with which he has made contracts, it will take a sum as large as that which is proposed to be paid to Mrs. Blaine for this property. So the Government will be fortunate, in my judgment, if it gets out of this business at a cost of \$300,000, or \$30 a square foot for that piece of property, which was offered to the Government for about \$6 a foot, and declined time after time.

Let us look, Mr. President, a little further. The Corcoran Art Gallery property, with a fireproof building covering nearly the entire ground, having a frontage of 107 feet, with a depth of 160 feet, making over 17,000 square feet in all, or nearly twice the amount of land in the Blaine property, is in the market, and can be bought, with the building, for less than \$300,000.

I have heard a great deal of talk about erecting a magnificent building, and have read a great deal about it, for the Department of Justice in the city of Washington. It has been proposed to put it on the ground opposite the present magnificent Library Building. The three squares of ground north of the present Library Building have been talked of for that purpose, and when the streets there are closed, whenever those three squares are acquired, so as to make the same area as the Library building site, it will give an area of over 400,000 square feet, or forty times as much as there is in the so-called Blaine lot, and all of that property, I understand, can be purchased for about \$700,000. The Library building site cost \$565,000.

I have observed that the Senate Committee on Public Buildings and Grounds have previous to this Congress reported in favor of the purchase of that ground for the purpose of constructing a building for the Department of Justice, in which is to be located, in addition to the Attorney-General's Office, the Supreme Court of the United States, the court of appeals, the Court of Claims, the Interstate Commerce Commission the law library now in the Capitol building, a set of the United States Government publications, and the publications of the various States, so that there will be one place in the United States where the publications of the Federal Government and the various States can be found under one roof for the use of lawyers and others coming to the capital. I believe that building will be erected, sooner or later, whether we buy this property or not.

Mr. MORRILL. I will say to my friend from New Hampshire that there is an amendment pending for that purpose in this bill.

Mr. GALLINGER. Precisely. Hence the contention that this property is to be bought because we wish to enlarge the present building for the Department of Justice falls to the ground. No such purpose, I apprehend, is contemplated. There is a vague and shadowy and gauzy feeling in the mind of somebody that some time in the dim and distant future the Government may want this property for some purpose or other. Nothing practical has yet come to this project for the reason that the Treasury has been short of money, and I believe the Senator from Vermont [Mr. MORRILL] who has just addressed the Senate on this subject, and others who are interested in this project, while an amendment will be offered to this bill looking to the acquirement of this property, do not expect to get it this year, but will wait another year, or until such time as the Library building is completed, and then ask for the purchase of this most desirable tract for this most desirable purpose.

Mr. President, as a member of the Committee on the District of Columbia, I have contended in season and out of season that the places of amusement in this city should be made absolutely safe for the men, women, and children who go there to be amused. We have made some improvements in that direction, but I say here to-day that investigations which I have recently made have fully satisfied me that there is not in the city of Washington a place of public amusement which is safe against a great calamity

which may overtake, and will overtake, this community sooner or later.

Mr. Albaugh leased this property in good faith, has pulled down the buildings, and made his contracts. He has now a force of men at work preparing the ground for the construction of an iron fireproof opera house, which will be modern in all its appointments, and which will, for the first time in the history of Washington, give the people of this great city, as well as the nonresidents who are temporarily here, a place of amusement where they can safely take their families of an evening.

Mr. President, some Senators talk about the accessories which will surround a building of this kind. It must not be forgotten that every detail, so far as the building is concerned, is under the control and direction of the Commissioners of the District of Columbia, and I do not apprehend that in the constructing of an opera house in that part of the city the Commissioners will fail to see that every precaution is taken to abate anything and everything which could possibly become a nuisance to the people residing in that part of the city or to the people of the District of Columbia in general.

I said in the beginning, Mr. President, and I will repeat it, that I am not vain enough to suppose that any words of mine will lead to a rejection of this amendment; but having, after careful consideration, felt it my duty to vote against the amendment, I have felt it also my duty, in these few moments, to give my reasons for voting against it. I wish that it might be rejected, as I regard the amendment as unnecessary and mischievous, but have little hope that my views will prevail.

Mr. McLAURIN. Mr. President, I have but one suggestion to make with reference to this amendment. It seems to me that it is not a good business transaction for the Government of the United States. If I understand the Senator from Maine [Mr. HALE] Mrs. Blaine, the would-be vendor in this contract, is not willing to make a warranty title, she is not willing to warrant the conveyance she makes to the United States Government. If I understand the Senator from New Hampshire [Mr. GALLINGER], in the ninety-nine-year lease which she has made to Paul D. Connor, and which he has subleased to Albaugh, there is a provision that the remainder shall go to her heirs. If that be true, then she has no title or interest in this property except the right to the rents, issues, and profits for the next ninety-nine years. So if the Government of the United States acquires her title—and that is all which is provided for in the amendment—the Government of the United States will only have a lease of ninety-nine years after the property shall have been condemned, the interest which Albaugh has in it, and for which he has paid the sum of \$30,000 or \$100,000, or whatever it may be as being the value of his interest in the lease.

It does not seem to me that it is good policy for the Government of the United States to acquire any real estate, unless it acquires a fee-simple title. It does occur to me that in a transaction of this kind, where the Government is not to receive a warranty title, where it is only to receive a quitclaim title of some person, I do not know whom, there ought to be by the Department of Justice an examination and investigation of the title, and the judgment of that Department should be passed upon the question of what kind of title the United States is getting. It seems to me that before Congress shall vote an appropriation of money that much ought to be done. Surely, I would not make such an arrangement if it was my own private property; surely I would not expend \$150,000 for the purchase of a quitclaim, or any other kind of title, unless I had investigated it or employed my attorney to investigate and pronounce upon the title I was acquiring.

Mr. President, I wish to call attention to another provision of this amendment, and I ask Senators to examine it, and that is, the amendment leaves no option with the Secretary of the Treasury, the Department of Justice, or anybody else, as to what shall be done under this section if it ever becomes a law. It will then be his duty to pay the \$150,000 for whatever title Mrs. Blaine has, or whatever interest she may have in the title to this land. If it is a ninety-nine-year lease for the rents, profits, and issues for ninety-nine years, \$150,000 will have to be paid by the Government. If she has no interest at all in it, neither the Department of Justice nor the Department of the Treasury can raise any question of her right to receive this \$150,000, because that will have then become a law, and she will be entitled to receive it upon her executing a deed conveying whatever title and interest she has in this property. Let us see how the amendment reads:

Which sum shall be paid by the Secretary of the Treasury to Harriet Stanwood Blaine, her legal representatives or assigns, upon the execution and delivery by her of a proper deed to be approved by the Attorney-General—

Not the title to be approved, but the deed to be approved—conveying her title to said lot, subject to a ninety-nine-year lease thereof executed by her to one Paul D. Connor, to the United States.

Upon her executing a deed, which deed, not the title, is to be approved by the Attorney-General, it is the duty then of the Government to pay her \$150,000. It does seem to me that a careful

drawing of this provision ought to have left out all after the word "lot," in line 20, and before the word "and," in line 21. If it provides for the conveyance of her title, and her title only, then it is not only subject to a ninety-nine-year lease, but subject to any other claim in equity or any other conveyance that she may have made. If this is done, it would be subject to the remainder, which would go to her heirs, because she has conveyed that away. If the Senator from New Hampshire is correct in his statement of his belief of what this lease contains, she has conveyed everything away, except her right to the rents, issues, and profits for the next ninety-nine years.

The PRESIDING OFFICER (Mr. BERRY in the chair). The question is on the amendment offered by the Senator from Mississippi [Mr. GEORGE] to the amendment of the committee. [Putting the question.] The yeas seem to have it.

Mr. McLAURIN. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. McLAURIN (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. DIXON], but I transfer that pair to the Senator from South Carolina [Mr. IRBY], and vote "yea."

Mr. PALMER (when his name was called). As the Senator from North Dakota [Mr. HANSBROUGH], with whom I am paired, is not present, I withhold my vote.

Mr. PASCO (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD]. In his absence I withhold my vote.

The roll call was concluded.

Mr. WASHBURN. I am paired on this vote with the Senator from Washington [Mr. WILSON]. If he were present I should vote "nay."

Mr. GIBSON. On this question I am paired with the junior Senator from Michigan [Mr. BURROWS] and therefore withhold my vote.

Mr. COKE. I am paired with the Senator from Oregon [Mr. DOLPH]. Not knowing how he would vote if present, I withhold my vote.

Mr. McLAURIN (after having voted in the affirmative). I announced a transfer of my pair with the junior Senator from Rhode Island [Mr. DIXON] to the Senator from South Carolina [Mr. IRBY]. The Senator from South Carolina having since entered the Chamber and voted I withdraw my vote.

Mr. MORRILL (after having voted in the negative). I ask if the Senator from Tennessee [Mr. HARRIS] has voted.

The PRESIDING OFFICER. He has not voted.

Mr. MORRILL. Then I withdraw my vote, as I am paired with that Senator.

Mr. McLAURIN. I transfer my pair with the Senator from Rhode Island [Mr. DIXON] to the Senator from Arkansas [Mr. JONES] and will let my vote in the affirmative stand.

The result was announced—yeas 22, nays 29; as follows:

YEAS—22.			
Bate,	Irby,	Mills,	Roach,
Berry,	Kyle,	Mitchell of Ore.	Squire,
Call,	Lindsay,	Peffer,	Walsh,
Gallinger,	McLaurin,	Perkins,	White,
George,	Mantle,	Platt,	
Hunton,	Martin,	Pugh,	
NAYS—29.			
Aldrich,	Dubois,	McMillan,	Teller,
Allison,	Frye,	McPherson,	Vest,
Blackburn,	Gorman,	Manderson,	Vilas,
Blanchard,	Gray,	Murphy,	Voorhees,
Brisco,	Hale,	Proctor,	Wolcott,
Cameron,	Hawley,	Quay,	
Chandler,	Hill,	Ransom,	
Cockrell,	Lodge,	Smith,	
NOT VOTING—37.			
Allen,	Davis,	Jones of Ark.	Sherman,
Burrows,	Dixon,	Jones of Nev.	Shoup,
Butler,	Dolph,	Mitchell of Wis.	Stewart,
Caffery,	Faulkner,	Morgan,	Turpie,
Camden,	Gibson,	Morrill,	Washburn,
Carey,	Gordon,	Palmer,	Wilson of Iowa,
Clark,	Hansbrough,	Pasco,	Wilson of Wash.
Coke,	Harris,	Pettigrow,	
Callom,	Higgins,	Power,	
Daniel,	Hoar,	Pritchard,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California [Mr. WHITE] to the committee amendment, which will be read.

The SECRETARY. After the words "United States," in line 21 of the committee amendment, insert:

And also conveying the rent, issues, and profits of said property—

Mr. HALE. I suggest that we insert right there "under said lease."

The SECRETARY—  
under said lease, from the date of said purchase.



Mr. HALE. That is right. There is no objection to that amendment.

The amendment to the amendment was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4507) for the relief of Witherby & Gaffney, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 444) making the surveyor of the District of Columbia a salaried officer, and to provide for more efficient service in the surveyor's office.

#### WITHERBY & GAFFNEY.

Mr. PASCO. I ask that the action of the House of Representatives on the bill for the relief of Witherby & Gaffney may be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives on the bill (H. R. 4507) for the relief of Witherby & Gaffney, agreeing to the amendment of the Senate, with amendments.

The first amendment of the House of Representatives was, in line 30 of the first amendment, after the word "aforesaid," to insert:

*Provided, That in no event shall a sum exceeding \$5,414.28 be allowed against the Government.*

The next amendment was, in line 35 of the first amendment, after the word "appropriated," to insert "not exceeding \$5,414.28."

Mr. PASCO. The amendments do not essentially change the bill. They are proper amendments, and I ask the Senate to concur in them.

The amendments were concurred in.

#### POST-OFFICE APPROPRIATION BILL.

Mr. BLACKBURN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8272) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896, having met, after full and free conference have agreed to recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 4, and agree to the same.

On the amendment of the Senate numbered 3 the committee of conference have been unable to agree.

JO. C. S. BLACKBURN,  
A. P. GORMAN,  
*Managers on the part of the Senate.*  
JOHN S. HENDERSON,  
EDW. J. DUNPHY,  
E. F. LOUD,  
*Managers on the part of the House.*

The report was concurred in.

Mr. BLACKBURN. I move that the Senate insist upon its amendment and ask for a further conference with the House of Representatives. There is only one amendment upon which the conferees have not agreed.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. BLACKBURN, Mr. GORMAN, and Mr. CULLOM were appointed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOLMAN, Mr. ALLEN, and Mr. PICKLER managers at the conference on the part of the House.

#### INDIAN APPROPRIATION BILL.

Mr. COCKRELL. I ask the Chair to lay before the Senate the action of the House of Representatives on the Indian appropriation bill.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives on the bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes, disagreeing to the amendments of the Senate and requesting a conference with the Senate on the disagreeing votes of the two Houses on the bill and amendments.

Mr. COCKRELL. I move that the Senate insist upon its amendments and accede to the request for a conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate; and Mr. CALL, Mr. COCKRELL, and Mr. TELLER were appointed.

#### PROPOSED EVENING SESSION.

Mr. COCKRELL. While the Senate is quite full, I desire to state that about 6 o'clock this evening I shall hope that the Senate will take a recess until 8 o'clock, and then continue in session until 10 or 11 considering the pending bill.

Mr. BLACKBURN. And nothing else.

Mr. COCKRELL. And nothing else.

Mr. GALLINGER. I suggest to the Senator from Missouri to make the recess from 5 or half past 5.

Mr. BLACKBURN (to Mr. COCKRELL). Make it from half past 5 o'clock.

Mr. COCKRELL. Six o'clock.

Mr. GALLINGER. That gives us a very short time.

Mr. HALE. Say half past 5 o'clock.

Mr. COCKRELL. About that time.

Mr. HALE. That is better.

#### SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8518) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes.

Mr. PALMER. The amendment proposed by the Senator from Mississippi [Mr. GEORGE] to the amendment having been rejected, I beg to know if I am now giving the proper construction to the amendment:

Which sum shall be paid by the Secretary of the Treasury to Harriet Stanwood Blaine, her legal representatives or assigns, upon the execution and delivery by her of a proper deed to be approved by the Attorney-General conveying her title to said lot.

I ask now if any Senator is prepared, if the Committee on Appropriations or any other committee of this body is prepared to say that the title of Mrs. Blaine to this property is absolutely perfect? By the terms of the amendment all that she can be required to do is to execute a quitclaim deed, as we say in Illinois. The amendment provides that she shall, by a proper deed, convey her title to the United States. Unnecessarily, I think, the very important duty has been delegated to the Attorney-General of inquiring whether her quitclaim deed is in proper form—a duty that might be delegated, I think, to any fairly respectable notary public or justice of the peace. But the Attorney-General is not charged with the duty of investigating her title. We are paying here \$150,000 for the quitclaim deed of Mrs. Blaine to this property.

I ask the question, is any Senator prepared to say that her title is perfect? I think in all the bills that we have passed in relation to the acquisition of property by the United States for the construction of public buildings it is provided that the sufficiency of the title shall be determined by the Attorney-General. In this case we walk by faith. We do not propose to delegate to any person the duty of passing upon the title. One hundred and fifty thousand dollars of the money of the United States Government is proposed by the amendment to be given for the quitclaim deed of Mrs. Blaine. I ask if there is a Senator here who will consent in his own proper person to buy property in that way? Is this \$150,000 of so much less consequence than the acquisition of a site for a public building in any of the minor towns in any of the States of the Union?

I have said all I desire to say in regard to the condemnation, but I observe that my friend from Delaware [Mr. GRAY] is present, to whose remarks I shall reply briefly. The Senator from Delaware has the reputation of being, as he is in fact, a distinguished lawyer. He has had occasion often, no doubt, to proceed or prepare proceedings, or examine proceedings for condemnation in the courts of his own State, perhaps in the Federal courts also. I ask that Senator this question, he may answer it if he pleases: Did any lawyer ever prepare a petition for the condemnation of property for public purposes without stating in the bill or petition what the purpose was? I have had very considerable connection with condemnation proceedings in Illinois, and I have always supposed it to be necessary that the distinct and exact public purpose for which property is taken shall be stated. How much it may be contested I am not prepared to say, but I venture to say that no lawyer in this body ever prepared a petition or bill for the condemnation of property for public use without having stated what that use was.

I submit to the Senate and the lawyers of the Senate, if any Senator here was about to prepare, under the pending bill, a petition to a court in the District, what purpose would he indicate as being that for which the Government seeks to acquire the property? Would he say for a Supreme Court building; for the extension of the Department of Justice; or would he state that it was desired or sought to be acquired because it was thought that the theater would be offensive to the President, or that a theater would be

injurious to the neighborhood? What would it be? There would be a negative condemnation there—condemned because the owner would employ it for some improper purpose. That seems to me to be the statement of this argument. It is not that the property is needed now, but the public purpose for which this amendment is proposed is because the property may be used offensively to some interest of the public.

Of course, Mr. President, I am deploring the necessity of this attempt to condemn the interests of this lessee. I do not know what the rule of damages would be in such a case. I do not know how to determine the value of the lease. It has been suggested by the Senator from New Hampshire that contracts have been made. I do not know whether that would come within any just rule of condemnation or not. I know what the friends of this measure may define as being of public use. The phrase "public use" is rather negative than otherwise. It is to preserve it from private use, or an improper private use. I say what these purposes are for which these men must give up their rights I do not know.

Mr. MITCHELL of Oregon. May I suggest to the Senator from Illinois, in addition (because I agree fully with what the Senator has been saying as far as I am concerned), that in order to condemn this property it is necessary in the complaint to state not only that the property is desired for public use, but the particular use for which it is desired must be stated. Then if the court hold that that statement designates a public use, that is an issue that is not traversible, but in order to make it an issue that is not traversible it must be stated.

Mr. PALMER. I understand the law to be well settled that where the proper authority has determined upon the appropriation of private property, that is not traversible.

Mr. MITCHELL of Oregon. It is not traversible.

Mr. PALMER. But I understand it must be stated, because the court must proceed without a jury. It is not a question for the jury, but the court must, from the bill or complaint, determine whether the use is public or not.

I wish to submit gravely to the Senator from Delaware if, as a lawyer, he were to-day the Attorney-General of the United States (and he deserves a much better place, for I should much prefer seeing him a judge rather than the Attorney-General), and if he were to undertake to prepare a petition to show the particular use the judge might pass upon, what would he say?

Mr. GRAY. I do not know that the point of the criticism of the Senator from Illinois is just, but I would suggest that the explanation made by the Senator from Iowa [Mr. ALLISON] a while ago would seem to come within the four corners of a good reason why this language is sufficient for a proceeding in condemnation. The Senator from Iowa has stated that the Government of the United States already owns the vacant corner adjacent to the Department of Justice, and that this lot separates it from a public alley some 50 or 60 feet away; and that unless the Government of the United States owns the property that is now in question it will practically diminish the area of available building space already owned by the United States, because it is a policy pursued invariably, so far as I know, in regard to buildings of the United States in other places than the city of Washington, that there is required to be at least 40 feet space all around a public building, that it may be protected from the risks of fire and may have that area in which to protect itself from encroachment otherwise. So unless we can describe as a public use the acquisition of land that will increase the holding, we have already for the purpose of giving us this required area a public use worthy of consideration. It would seem that the United States is more hampered and handicapped in this matter than we have here supposed it to be, and that from reading the language of the memorial by the lessee, it is the United States that is helpless and not this lessee.

Mr. PALMER. Mr. President, the United States is not helpless, but the public use must be first determined by law. It may be said arguendo that this property would be convenient for many purposes, but until this Legislature has declared the legal necessity either in express terms or by some necessary implication, no condemnation can take place. I venture to say as a matter of law that no proceeding for the condemnation of the rights of this lessee is possible upon the existing state of the law. Why condemn his interest?

Mr. GRAY. Will the Senator from Illinois allow me?

Mr. PALMER. With great pleasure.

Mr. GRAY. Admitting the force, as I did a while ago, of the criticism in some respects, although I do not think a court would adjudge the petition void or incompetent by reason of not more specifically stating the use, I do think that there ought to be a specific statement of public use; and I propose to insert as an amendment, in line 15, after the word "dollars" and before the word "which," the following:

For the erection of the buildings for the Department of Justice or for the transaction of other public business of the United States.

Mr. PALMER. I am not prepared to say whether that would bring the case within the established legal rules or not.

Mr. HALE. It reads in line 13, "said premises being hereby appropriated for the use of the United States for such buildings." That is a direct designation of the use to which it shall be put, without describing the particular building. I think that will cover the point.

Mr. PALMER. I am not prepared at this moment to determine whether that would be a sufficient designation by the legislative authority of a public use. But that is not the purpose for which I took the floor originally. I insist, as a wise, precautionary measure, that some investigation of this title should be had. I had hoped that the proper committee had given the matter some attention, and that some member of the committee could say we are buying a fee-simple title when we buy something subject to the lease. I felt no embarrassment about the provision being subject to the lease.

Mr. HALE. The Senator and the Senate may as well understand that the only flaw upon the title is a technical flaw that can not be removed, if it exists at all. It is a small fractional part, represented by an elderly person who is insane, who has no power of removing it. Mr. Blaine bought with the knowledge of that, not believing that it was significant in the purchase. But if the amendment to the amendment, which requires an absolute unqualified title is put through and the matter is submitted to the Attorney-General, he will undoubtedly decide that it is not a perfect title. While it is good enough and complete enough, and there never will be any trouble, there never will be any risk, it will not, under the practice of the Attorney-General's Department, be decided to be what is called a perfect title. The Senate may as well understand that if the amendment is left in that way it is the end of the whole proposition.

Mr. FRYE. I ask my colleague if that was not inspected by the lessee?

Mr. HALE. Fully, completely, both by Mr. Blaine when he bought and by the lessee, and it was not considered, although it technically exists, as of any account in fixing the value of the land.

Mr. LINDSAY. I will ask the Senator from Maine if Mr. Blaine received a warranty deed?

Mr. HALE. He did not get this that I speak of. Nobody could give this title; nobody could make it.

Mr. LINDSAY. Did the vendor to Mr. Blaine convey the entire property and did he warrant the title to Mr. Blaine?

Mr. HALE. No; there was this nominal, and only nominal, flaw.

Mr. WHITE. Will the Senator from Maine allow me to ask him a question? If the Senator has examined the deed from the grantor of Mr. Blaine, did the deed simply purport to transfer the right, title, and interest of the vendor, or did it purport to convey the title to the specific property?

Mr. HALE. I have not examined it lately. I think it gives a warranty deed with the exception of that small interest which stands in this disabled person.

Mr. WHITE. Then it would appear that there is an actual exception of an interest; that is, that there is upon the face of the Blaine deed an exception of an interest.

Mr. HALE. The title carries the reversionary interest whenever that falls in. That is all complete. But during the life of that person the interest of that person can not be conveyed by anyone.

Mr. STEWART. Such a condition would not prevent the United States from getting a good title. Proceedings can be had and the court can take care of any title that may be out.

Mr. HALE. If necessary that can be done afterwards. Of course it is not a real obstruction.

Mr. STEWART. Where there is public necessity to have the property for public use, no matter how the title is situated, the court can make a perfect title.

Mr. PALMER. I supposed we were making just compensation. The Senator's proposition is that the United States may hereafter perfect its title by condemnation proceedings.

Mr. STEWART. They can do it in this proceeding. They can condemn this particular property and close out every interest.

Mr. PALMER. The amendment does not so provide.

Mr. STEWART. They can provide for it; and that is usual.

Mr. PALMER. But this person, whose name has not been mentioned, but whose condition has been described, would be entitled to compensation for whatever his or her interest may be; and that would be a sum to be paid in addition to the \$150,000. I grant if the public use is declared it operates for all time, and that the public right is paramount to every species of title or interest; but here we are to get Mrs. Blaine's title. We may perfect that title by proceedings against others, but we pay her \$150,000, a sum which the Senator from Missouri says is too much. We may get title by buying of other people, by condemnation proceedings. How much would it cost to extinguish this other title? I repeat that none of us would engage in an operation the twentieth part of the importance of this without assuring ourselves by all the appropriate means of the absolute perfectness of the title.

In respect to the amendment proposed by the Senator from



Delaware, making some formal declaration of a public use, I have not yet examined that amendment and am not prepared to express an opinion as to whether it is proper.

Mr. GRAY. I offer that amendment.

Mr. HALE. Let us see where it comes in.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "dollars," line 15, page 11, insert:

For the erection of buildings for the Department of Justice, or for the transaction of other public business of the United States.

Mr. WHITE. Mr. President, I think it is obvious—it is at least obvious to me—that this property ought to be acquired by the United States. I judge that from an inspection of the ground. But I differ somewhat with reference to the procedure to be employed and the details suggested for carrying out the plan. Under ordinary circumstances it seems to me that the way a business man would act in this affair would be to provide for a condemnation suit, making all parties in interest defendants or respondents, as the case may be; to bring them into court and force them to set up their respective titles and then apportion the money to be paid, taking as a basis the absolute fee of the whole estate. Of course the lessee can not expect to get more money than is paid to the owner of the fee. On the other hand, the owner of the fee ought not to get more for her title than the entire value of the whole estate.

It appears that the objection to the amendment suggested by the Senator from Mississippi is that if we submit this matter to the scrutiny of a lawyer he will report that the title is not perfect; and it appears that the imperfection consists in the fact that there is a portion of the title vested in some other person. How much we are not informed.

Mr. President, it appears to me that this is a most slipshod manner of purchasing or attempting to purchase real estate. Certainly we would not in our private affairs proceed in such a way. There is not a Senator upon this floor who knows, or if he knows he has not told us, how much of this title is in an uncertain condition. We are told that it is a small interest. How small? How great? What appears small to the Senator from Maine may seem very great to me, or vice versa. At least we ought to know what we are buying. If we are getting a good title to three-fourths, or five-sixths, or nineteen-twentieths of this estate, all right. Then we should provide for the Government proceeding to condemn the balance.

I am in favor of acquiring title to this property, but I am not in favor of proceeding in such a way as to leave an interest entirely apart from these proceedings vested in some individual and concerning which there may be trouble hereafter. No lawyer would advise a client to do such a thing as that. Is there any Senator here used to passing upon titles to realty who would say to his client, "Why, John Jones has some interest in this property, but I have heard from Bill Smith that the interest is a small one; go ahead, and probably you will never be annoyed hereafter; and if you are annoyed I am assured by a friend of mine around the corner that the annoyance will be of a small character?"

Mr. HALE. Let me remind the Senator again that in the last four years two very shrewd transactions were conducted and this property was examined into, and it was not considered that this technical incumbrance was of any account or abated in any degree from the value paid for the property. It is not a vague, conjectural thing, as the Senator indicates, that may swamp almost the entire value of the property or embarrass the Government. When Mr. Blaine bought he went into it thoroughly. He found there was this technical defect, and only technical, that could not be removed, and he never paid a dollar less for the property because of it. Nobody ever will.

When the contract was made with the present owner, Mrs. Blaine, for the lease upon which the parties bought and proposed to put a valuable property, they examined into it very thoroughly and found that while it was there existing and could not be removed it amounted to nothing. It was not estimated at all; it did not reduce the value. If the Government takes it it will never be troubled; there will never be any necessity of any proceeding; but it is right and proper that I should have stated there is this defect, which amounts to nothing as a barrier.

Mr. VOORHEES. Let me ask the Senator from Maine a question. Has this flaw in the title ever prevented a sale between private parties or any transaction in regard to this property between private parties heretofore?

Mr. HALE. Not in the least. Whoever has investigated it has found it has faded away and has not been considered as worth a moment's consideration, although it does stand there and will stand for the few remaining years of the life of this person, an old woman. I do not even know the exact proportionate part. It is very small, so small that it has never cut a figure.

Mr. WHITE. If the Senator from Maine could guarantee that this insane lady would remain so (and it seems that it is a chronic case) and that there would be no guardian appointed, perhaps we

might rest in security; but I suggest that the mere fact that the owner of the property is not mentally competent would not make the average person feel secure in his estate if proceedings might be taken to a probate or surrogate court to have an inquiry instituted and redeem or recover the fractional part of an estate which she owns.

Mr. HALE. All the other parties to whom this lady's interest would descend have joined; the title is all closed up; it is only dependent upon that short life; and, as I have said, it does not cut any figure really. Of course, if Senators want to defeat this proposition and throw it off entirely, and do not think we ought to buy this property, they can take one reason or another for opposing it, and if it is thrown out then the present owner, Mrs. Blaine, will be thrown back to her lease. But it may as well be understood that if this is insisted upon no Attorney-General will certify that it is technically a complete and perfect title.

Mr. WHITE. I desire to say to the Senator from Maine that I am not antagonizing this purchase. I am in favor of it and expect to vote for it; but I am trying to make the matter as nearly perfect as practicable. In other words, I would dislike very much to be a party to a transaction which would result in the Government of the United States afterwards ascertaining that it had not obtained the absolute title to property for which it had paid the full value, the generous value. For that reason I have made these suggestions.

Let us grant even that the Attorney-General can not report that the title is perfect; at least he can tell us how much we have. No one here can do that. We know that the interest is small, because other parties have bought, but it is a purchase upon faith, which ought never to be advised by any intelligent lawyer. We are here paying for it, because some one else has done certain things in reference to the real estate, and for that reason I believe we are acting improvidently.

I suggested some time ago an amendment which was practically adopted, which removed the objection that was raised by the Senator from Mississippi concerning the rental value of the estate. I believe the purchase will prove a good one for the United States. If we ascertain that there is an outstanding interest in somebody there is no provision made by the amendment for condemnation proceedings. If we adopt the amendment we will provide that the lessee's interest may be condemned, whatever that may be. I think it would be greatly over \$30,000, but that is not by any means determinative with me of the merit of the proposition. There is no provision made here for the acquisition of anything save Mrs. Blaine's title and the lessee's title.

Mr. WOLCOTT. It seems to me the suggestions of the Senator from California, while they sound important, are really rather trifling. Here are some individuals who have time and again negotiated with each other for the purchase of this property; people who could not condemn under the law. They were not corporations who acquire the right to avail themselves of the exercise of the right of eminent domain. The title was good enough for them, and they have bought just as if there were no question of a leasehold interest or anything else. This property, we will say, was still owned by Mrs. Blaine as it was immediately after Mr. Blaine's death, and if the Government wanted to buy it as an addition to the ground which might be eventually needed for the Attorney-General's Office, we would not be haggling over the terms of the title. If it was a title good enough for these other people it will be good enough for us. There is not a railroad corporation or any institution in the country that can exercise the right of eminent domain that does not again and again avail itself of just such titles.

The Senator from California would suggest that this is the last time we can ever exercise the right of eminent domain. I do not suppose he seriously intends for us to believe that if there is some small outstanding title left in this property the Government is liable to be ousted of its title, for I suppose there will be future sessions after this and after he and I have passed out of Congress, and if it is necessary to exercise further the right of the Government a law can be passed for that purpose.

It may be true, possibly it is true that this is not the cleanest and best title we could wish it to be. There are very few titles in cities of any age that are exactly what we would like them to be. But this has been good enough for very intelligent and clever people to rest purchases and sales upon.

Mr. STEWART. For sixty years.

Mr. WOLCOTT. I do not think it looks well in us if we really favor the purchase of this property to try to find some way out of it by imaginary obstacles which do not seem to have any practical existence in deterring people from dealing with the property.

Mr. VOORHEES. Will the Senator from Colorado allow me to make a single suggestion? Certainly the Government has just as much power to condemn for public use the title or interest of an insane person as anybody else.

Mr. WHITE. There is no doubt of it.

Mr. VOORHEES. They can come into court and be made parties and the transaction closed as to her just as well as to the rest.

Mr. WOLCOTT. That is correct.

Mr. VOORHEES. If one-half of this property was owned by an insane person, let alone a mere fraction, it is just as easily dealt with as the rest of the title. I see no difficulty about this matter. The government that wants property exercises its right of eminent domain and takes it. It does not make any difference whether the party is in condition to trade, compos or non compos, the government takes care of her interest in the whole transaction and takes the whole title, whatever it is. That is the way out of this. If the provision is not in shape to carry out that idea it should be put in shape, and there is very little trouble in doing it.

Mr. WHITE. Mr. President, I do not dispute the proposition laid down by the Senator from Indiana. Of course it is familiar learning, if it can be called learning at all, that the interest of an insane person may be condemned in appropriate proceedings. Nor do I think that the Senator from Colorado could have understood me to say that this was the last chance to obtain such a title as the insane person might have. I made no such statement. My criticism upon this provision is that there is no arrangement made or suggested for the acquisition of this outstanding title. I suggest an amendment which will meet my views, because notwithstanding the remarks lately made I am in favor of the amendment and expect to vote for it whether I get my amendment to it adopted or not.

Mr. HALE. Let us see what the Senator proposes.

Mr. WHITE. After the word "premises," in line 24, page 11, I propose to insert:

Or any outstanding interest in the premises that may not be included in or transferred by a deed as aforesaid from the said Harriet Stanwood Blaine.

Mr. HALE. That is all right.

Mr. WHITE. In other words, this amendment confers the direct authority upon the officers of the Government if they find that there is any outstanding interest to proceed and to condemn it. If it is of a trivial value there will be a trivial recovery.

Mr. HALE. There is no objection to that amendment to the amendment. Let it be adopted.

Mr. LINDSAY. Mr. President, we have this case here. So far as Mrs. Blaine is concerned it is to be a matter of bargain and sale. Mrs. Blaine is to be paid the full value of the property, and we are told that whilst there is a technical defect in her title it is so infinitesimal that it does not depreciate the value of the property at all. Yet we are asked to pay the full purchase price in cash, and the vendee is to take the chances of the outstanding title rather than the vendor.

Mr. WOLCOTT. Will the Senator from Kentucky allow me to make a suggestion to him?

Mr. LINDSAY. Certainly.

Mr. WOLCOTT. I have not heard anybody, except the Senator from Missouri, who gave a general estimate of values, say that Mrs. Blaine was to be paid the full value of the property nor do I think it is a fact. I think the Senator from Kentucky should understand, if he does not already, that Mrs. Blaine does not want to sell her interest in this property. She is not here to sell the property. She prefers to be let alone, so far as she personally is concerned. She is not here as a suitor to Congress to pay her any sum for this property. She is secured in an annuity on the property paying her \$5,000 a year. The value of that annuity running for ninety-nine years is said by actuaries to amount to \$175,000. That is her position. We are not an eleemosynary institution for the benefit of Mrs. Blaine. That is not the purpose or the object of this amendment.

Mr. LINDSAY. I have not yet heard it disputed that \$150,000 is the full market value of this property.

Mr. HALE. That is disputed.

Mr. GRAY. By the computation of an actuary.

Mr. HALE. The value not of the entire property, but of the owner's property, not the lease. The value of Mrs. Blaine's property can be computed by an actuary as the value of any annuity can be computed, and it amounts to many thousands of dollars more than the sum fixed here, saying nothing of the right that the lessees have beyond that. Nobody can claim that the value of that property having been fixed by a fair trade it would ever be estimated to be less than \$150,000 or considerably more than that amount. So I say it is disputed that this property is not worth \$150,000. It has proved to be worth a great deal more than that.

Mr. LINDSAY. I think I may safely say that during the last five years it could have been bought for much less than \$150,000.

Mr. GALLINGER. If the Senator will permit me, it has been on the market for two years at a very much less price, and has not found a taker.

Mr. LINDSAY. The point I want to make is that here seems to be a case of bargain and sale—and I will show it is not before I am through with it—in which the vendee pays the money and undertakes to risk the defect in the title, and the vendor receives the money and declines to warrant the title. If this property has been sold time and again, and this outstanding defect has been

regarded as infinitesimal, I want to know whether, in each case, the vendee has taken the risk and the vendor has declined to warrant, or is the United States to be the first vendee that undertakes to risk the outstanding title and to accept a deed that does not contain a warranty.

Mr. WOLCOTT. The vendee has not accepted.

Mr. LINDSAY. The lessee has accepted a lease, and the Government of the United States now proposes to buy a new title subject to the lease, and to take the chance, without a warranty title, that this outstanding defect amounts to nothing. This presents another very curious phase. This amendment does not show that Mrs. Blaine has agreed to sell, but it puts the Government at her mercy, to buy at her will if she chooses to sell, without any guaranty whatever that she will sell in case the Government chooses to buy. Why this unilateral agreement which binds the Government and leaves the vendor of the property absolutely free to sell, or not to sell, at her option?

Why has not a commission been appointed to negotiate with Mrs. Blaine and ascertain what she is willing to do? Why has not a contract, which binds Mrs. Blaine as well as this amendment binds the Government, been entered into, so that we shall deal evenhanded with the vendor of this property? Why should the Government be bound and the vendee left absolutely free? I take it that Mrs. Blaine has not agreed to sell, and I take it that she will not agree to sell. This lease was made to Albaugh for an express purpose, and his intentions were known to Mrs. Blaine at the time the lease was made. It can not be that she intends voluntarily to enter into an arrangement with the Government whereby the Government will be able to defeat the very purpose for which the lease was made.

Mr. HALE. Let me say there to the Senator that, so far as the uses of the property were concerned, it was not known at the time of the lease what was contemplated to be done with the property by the lessee; the project for a theater had not then been mooted; other things had been suggested, but not that. So that is an answer to what the Senator says about any purpose at the time of the lease to devote this land to the building of a theater.

As to whether Mrs. Blaine is willing to sell the property and of the desirability of negotiating and making a contract with her, I will say to the Senator that this amount was fixed by the committee because there had been full conference with Mrs. Blaine and her attorneys, and she has stated, as I have stated before, and as the Senator from Colorado stated, that she was not pushing this matter, but was willing to take this amount of \$150,000, and deed the property to the Government for that. So there is no need for negotiations; it is plain sailing, and the Senate ought to understand it. It is desirable to take this property at a fair rate, and the Government will get it and get the deed and get the remainder by condemnation. There need be no question about title. Mrs. Blaine's interest is different from any other interest, and ought not to be put into condemnation. It is clearly estimated, and that is why the committee have taken this process for acquiring the property.

Mr. LINDSAY. It was known at the time the lease was made that Albaugh was a theater man, and the public prints for the last twelve months—

Mr. HALE. Albaugh did not get into this transaction at the time. The lease runs to Paul D. Connor, and the talk was that the property was to be used for another purpose. Albaugh had nothing to do with it. He came on later. I never heard of Albaugh at that time, nor did anybody else. The talk was that the property was to be for some other structure, perhaps an apartment house, or something of that kind. The theater project came in afterwards.

Mr. LINDSAY. I can not speak from personal knowledge of any of those things, but it is a notorious fact that the public press has been full during the last year of statements in regard to Albaugh's attempt to secure property in the city upon which to build a theater.

Mr. HALE. Not this property.

Mr. LINDSAY. Not this particular property; but as soon as Albaugh came into the case and became the beneficiary of this lease it was announced that the property would be used for theatrical purposes. But that is immaterial.

The Senator says that Mrs. Blaine is willing to sell. She has made no contract to sell and she can change her mind to-morrow. Even if she had put her agreement in writing to sell it would not have bound her, because nobody representing the Government had the right to contract with her. So the Government agrees to buy and makes it the imperative duty of the Secretary of the Treasury to purchase and to pay, and it leaves Mrs. Blaine perfectly free to sell or not to sell.

Now, we come to the question of condemnation. Whilst I raise no question of the power of the Government to condemn any and all property which may be necessary for public use, I do deny the power of the Government to take the property of the citizen against his will, even for just compensation, merely upon the sup-



position that five years hence, or ten years hence, the Government may want to use the property for a public purpose. The statement made by the Senator from Delaware [Mr. GRAY], that the propriety of a present condemnation was apparent because five years hence the property would be worth much more, is the very reason we should not condemn at the present time. The Government may take property when it needs it, but if property is likely to enhance in value during the time the Government does not need it the citizen is entitled to the benefit of that enhancement and not the Government, and any attempt of the Government to intervene to take the property in advance of the public necessity for the use of it is an arbitrary exercise of power which the Congress of the United States ought not to countenance, and which the Constitution does not countenance or contemplate.

This is not merely the right of this man to have his interest in the realty paid for; but if he has made lawful contracts looking to a future use and those contracts are valuable he is entitled to be paid for them also, and if the deprivation of his power to control this property results in his violation of contracts which he may be required to answer in damages, the Government must pay him for that injury as well as for the value of the property. So, if Mrs. Blaine's interest in this property is worth \$150,000, the interest of this man in the lease can not be worth less, as it is to run for ninety-nine years.

I hold to this: If this be a present use let us declare what that use is, and the amendment offered by the Senator from Delaware that at some time some public building may be, or will be, put upon the property, is not a sufficient designation of the public use to which it is to be put. If there be a present necessity for this property let us declare what the use is to be, and let us condemn the interest of all those with whom we can not agree.

Mr. PUGH. Will the Senator allow me a moment?

The PRESIDING OFFICER (Mr. BUTLER in the chair). Does the Senator from Kentucky yield to the Senator from Alabama?

Mr. LINDSAY. Yes, sir.

Mr. PUGH. Mr. President, I am in favor of acquiring this property for public use, either by the exercise of the power of purchase or by a proceeding in the courts to condemn it to the public use. If it becomes necessary, as I am satisfied it will, to perfect this title and to get the fee for which the Government pays, it will be necessary to institute proceedings in court. It is indispensably necessary to give the court jurisdiction of that subject-matter that the person who has the title shall be named and that the character of the title shall be specified in the proceedings for the purpose of enabling the court to ascertain its value or for a jury to ascertain it upon evidence; and if the bill of proceeding to condemn does not disclose the character of the title sought to be condemned, how can the court proceed to have the value of it ascertained upon evidence?

Then, again, the court would have no jurisdiction at all, its action would be coram non iudice and void, unless the public use was specifically stated in the bill. You could not give the court jurisdiction to condemn unless you stated specifically the public use for which it was condemned.

I agree with the Senator that the specification in the amendment offered by the Senator from Delaware is wholly insufficient to give jurisdiction to the court to condemn this for a general, possible, future, contingent public use. You have to specify the use in order to give jurisdiction to the court.

Mr. VEST. Mr. President, all this talk about condemnation, so far as the interests of Mrs. Blaine are concerned, amounts to nothing, and we are fighting windmills in regard to that matter. Mrs. Blaine, through her attorney, agrees to take \$150,000 for her interest, and the only question before us is, what is that interest? That is the whole of it. This amendment, which is not the amendment proposed by the Committee on Public Buildings and Grounds, but one drawn by Mrs. Blaine's attorney, changes the nature of the proceeding as to her interest. The original amendment provided for acquiring her interest by purchase or condemnation; but her attorney struck out "upon condemnation" and put in the simple sale of her interest, whether it was one thing or another, and it amounts simply to a quitclaim conveyance. I do not think any lawyer will doubt that.

Mr. McLAURIN. Will the Senator from Missouri allow me to ask him a question?

Mr. VEST. Certainly.

Mr. McLAURIN. Is it denied, as stated by the Senator from New Hampshire [Mr. GALLINGER], that Mrs. Blaine in the lease to Paul D. Connor conveyed the remainder to her heirs?

Mr. VEST. I never examined that lease critically. I glanced over it, and saw it was in the ordinary form in which leases are drawn in the District of Columbia.

Mr. McLAURIN. If that is true, then would the Government get anything more than the rents, profits, and issues for ninety-nine years, or anything more than the interest Mrs. Blaine has in this property for ninety-nine years?

Mr. VEST. I am not prepared to say that it would. But I was

about to go on, when interrupted, to say that—for I am not in any sense responsible for this amendment, and it is not the one which passed through our Committee on Public Buildings and Grounds—I propose to strike out in line 8 of the amendment of the committee the words "all the right, title, and interest of" and insert "fee simple from;" and, then, in line 9, after the name "Blaine," to insert "and all others interested;" so as to read:

For the purchase of a fee-simple title from Harriet Stanwood Blaine, and all others interested, to the premises in the city of Washington.

Then follows the description.

For the sum of \$150,000.

Then in lines 16 and 17 I move to strike out certain words and insert "upon the execution and delivery by the owners of said property of a deed to be approved by the Attorney-General, conveying title in fee to said property to the United States Government."

It seems to me unnecessary to worry ourselves about condemnation proceedings as to Mrs. Blaine's interest.

Mr. LINDSAY. Those words are not in the amendment.

Mr. VEST. I propose to insert them.

Mr. LINDSAY. The Senator from Maine says that if those words be put in Mrs. Blaine will not convey.

Mr. VEST. Then the United States will not purchase, and that will be the end of it.

Mr. LINDSAY. That is what I wanted to ask.

Mr. VEST. As a matter of course we do not propose to pay Mrs. Blaine \$150,000 for a quitclaim.

Mr. LINDSAY. That is exactly what you get and nothing else.

Mr. VEST. This is a fair and reasonable construction of the meaning of the contract, because Mrs. Blaine in the lease she has made claims that she is the fee-simple owner; and if she could lease the property she has a right to convey it, and she ought not to make any objection to conveying in fee what she has leased, claiming to be the fee-simple owner.

I said before very frankly, and I repeat it now, that \$100,000 is not only a reasonable, but a large price for this whole property, including the interest of these lessees, whoever they may be. I state here on the authority of the Senator from Maryland [Mr. GORMAN], who is a member of the Appropriations Committee and of the subcommittee having this matter in charge, that the lessees estimate their interest, if the transaction was stopped now, at \$30,000. Some gentleman has sent me a paper stating that Mr. Albaugh would not give up his interest for \$30,000 nor \$130,000. That is absurd. The whole property at \$100,000 would be well sold; and for us to pay Mrs. Blaine \$150,000, and then go into a condemnation proceeding, and have Mr. Albaugh or Mr. Connor, or whoever are the lessees, to prove up \$100,000 in this kind of contingent damages, of which the Senator from Kentucky [Mr. LINDSAY] speaks, would be robbery, and hardly under the forms of law.

Mr. FRYE. Does the Senator from Missouri think that \$150,000 is any too much for Mrs. Blaine to receive for the surrender of her rights there?

Mr. VEST. Yes, I do think so.

Mr. FRYE. And I say the actuaries make it \$175,000, and they do that counting interest at 4 per cent; and for the next fifty years the Senator knows interest in this county will not be 4 per cent, and it will not be 3 per cent, for as a country grows larger and richer the interest always goes down; it is inevitable. I believe Mrs. Blaine's interest is worth \$200,000 to-day.

Mr. VEST. If Mrs. Blaine should take \$150,000 for her interest, whether more or less, at 4 per cent, it would be \$6,000 a year interest, and under this lease I have heard it estimated that her income would be about \$5,000 a year.

Mr. FRYE. It would be \$4,500 a year.

Mr. VEST. It would average \$5,000 a year.

Mr. FRYE. But the Senator understands Mrs. Blaine on the \$150,000 would be obliged to pay taxes, whilst under this agreement she would pay no taxes whatever.

Mr. VEST. That makes a difference, as a matter of course.

Mr. FRYE. Then, again, I should like to ask the Senator how he is going to get a fee-simple title from the insane woman who has been referred to?

Mr. VEST. That can be very easily done. There can be a guardian ad litem appointed to answer in any proceeding upon the part of this insane person, and title can be vested in that way just as well as by a conveyance in fee from an insane person.

Mr. FRYE. If the Senator will permit me, he forgets another thing. In estimating Mrs. Blaine's interest the whole property reverts at the end of ninety-nine years to the family.

Mr. VEST. It makes no difference whether there is a reversion or not; unless the United States Government gets title in fee it is robbery to pay this amount of money, \$150,000 down, for a quitclaim, and then, in addition, to go into a court in this District with every jury against the Government. We have had our experience in regard to condemnation proceedings here. I was on the subcommittee on the bill to locate the post-office property on

Pennsylvania avenue, which we were compelled to have, and we were offered that property by the owners at five and six dollars a foot, but the very minute they found the United States wanted it they would not take \$12 nor \$15 a foot for it. You could bring in the real estate men here and they would swear that was a reasonable price for the property. If you should to-morrow want any piece of property in this District it would go up immediately treble and quadruple, and a jury would find against you because it is the Government of the United States, and there is no limitation to the amount of money that you can take out of the Treasury if you can get it.

Mr. SQUIRE. I would ask the Senator from Missouri if he knows, or, if he is not prepared to state, perhaps the Senator from Maine or some other Senator may be, as to whether it is true or not that Mrs. Blaine is unwilling that this property shall be disposed of and pass to the Government, and if the arrangements which have been made with Mr. Albaugh can be changed.

I have heard statements which are very contradictory upon that subject. The first statement I heard was that Mrs. Blaine was very much opposed to it, as it is very much against her interests; and for that reason I was urged to vote against this proposition. I have learned to-day from a Senator on this floor that she is not averse to the obtaining of this property by the Government in accordance with the terms to the amendment to this bill.

Mr. VEST. I do not know anything about Mrs. Blaine's wishes or opinions, but I have been informed—in fact it has been stated on the floor—that this amendment was brought to the Committee on Appropriations by Mrs. Blaine's lawyer, and brought there by her friend, the Senator from Maine, and he has stated here that she was willing to take \$150,000. Now, I wish to say once for all for myself—and then I shall be done with the matter—I was willing to support, as chairman of the Committee on Public Buildings and Grounds, the original amendment, which provides for obtaining a fee-simple title of Mrs. Blaine, and of everybody else, by the condemnation or purchase of this property. I have never had but one opinion about the matter, and that was that it ought to belong to the Government of the United States.

As to this talk about not being able to condemn property without specifying that it was to be used for a post-office or for some specific public building, I do not think that is the law. If the Government of the United States is prepared to go into court and say it wants property for its own purposes, for public buildings, that is sufficient, that is a public use, and we are not bound to file a bill of particulars in advance as to what the Government will do with it. We have a right to exercise eminent domain for the great purposes of carrying on the Government for the people of this country.

Eleven years ago I pleaded with the Committee on Public Buildings and Grounds to buy this property at \$65,000—not a quitclaim, but a fee simple. It was offered to us then with a warranty deed for \$65,000, but the majority of the committee, for fear that the Supreme Court building would be put there, instead of being put opposite this Capitol on the square just east of us, voted down my proposition, and now we are asked, at the lowest calculation, \$180,000—\$150,000 for a quitclaim deed, and an estimate of \$30,000 for the damages which will come to Mr. Albaugh or Mr. Connor, or the other gentlemen interested. I am willing to pay \$180,000, which is nearly twice, in my judgment, the amount the property is worth, in order to acquire it, rather than to see a theater put there in that particular locality, and the property of the Government, which it already owns, where the Attorney-General's Office has been located, rendered almost worthless; but I am not willing to pay this large price for a quitclaim deed, and then go into a nebulous and uncertain litigation, with what I know of juries in this District in condemnation cases, in order to obtain the rights of this lessee.

Mr. WHITE. Mr. President, I desire to ask the Senator from Missouri, the chairman of the Committee on Public Buildings and Grounds, whether at present the status of this matter is such that he thinks it would be better to proceed to condemn the entire interest of all parties, so that we might know just exactly what we should have to pay? I understand that the present appearance of the matter is such that, in his judgment, there is risk that the Government may have to expend two or three times more than the property is worth. I should like to know exactly whether the committee is in favor of the amendment as it now stands, with the information we have before us?

Mr. VEST. Every member of the committee is acting for himself on this new amendment. I was authorized to report the other amendment, which provided for the condemnation of all interests; but this is a very different proposition, and, of course, I can answer for no one but myself.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Delaware [Mr. GRAY] to the amendment of the committee.

Mr. FRYE. Let the amendment be again stated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "dollars," in line 15, on page 11, it is proposed to insert:

For the erection of buildings for the Department of Justice or for the transaction of other public business of the United States.

Mr. HALE. I thought that had been adopted.

The PRESIDING OFFICER. It has not been adopted. The question is on the amendment.

The amendment was agreed to.

Mr. HALE. Now, let us have a vote on the amendment of the Senator from California [Mr. WHITE].

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from California [Mr. WHITE], which will be stated.

The SECRETARY. After the word "premises," in line 24 of the amendment, it is proposed to insert:

Or any outstanding interest in the premises, which may not be included in or transferred by a deed as aforesaid, from the said Harriet Stanwood Blaine.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. VEST. I move, in line 8, to strike out the words "all the right, title, and interest of," and to insert "a fee-simple title from," so as to read:

For the purchase of a fee-simple title from Harriet Stanwood Blaine.

Mr. HALE. That is precisely what the Senate has already voted upon, and voted down.

Mr. VEST. Let us have the question of order decided. I do not think the Senate has voted that amendment down.

Mr. HALE. It has been voted down once.

Mr. VEST. That amendment has not been offered in these words.

Mr. HALE. Not this amendment, but substantially that proposition. Let us have a vote on it, however. I shall not take up the time of the Senate.

Mr. LINDSAY and Mr. GEORGE called for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GIBSON (when his name was called). I again announce my pair with the junior Senator from Michigan [Mr. BURROWS], and therefore withhold my vote.

Mr. PASCO (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD]. In his absence I withhold my vote.

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. CALL]. If he were present I should vote "nay."

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP]. If he were present I should vote "yea."

The roll call was concluded.

Mr. COKE. I am paired with the Senator from Oregon [Mr. DOLPH]. I do not know how he would vote, and I therefore withhold my vote.

Mr. CAFFERY. I am paired with the Senator from Montana [Mr. POWER].

Mr. CAREY. I desire to inquire whether the junior Senator from Wisconsin [Mr. MITCHELL] has voted.

The PRESIDING OFFICER. He has not voted.

Mr. CAREY. I withhold my vote, as I am paired with the junior Senator from Wisconsin [Mr. MITCHELL] and do not know how he would vote.

Mr. GALLINGER. The junior Senator from New Jersey [Mr. SMITH] was called from the Chamber a few moments ago and asked me to pair with him, saying he was in favor of the general proposition. I presume if he were present he would vote "nay" on this amendment and I should vote "yea."

Mr. BLACKBURN. I desire to inquire whether the senior Senator from Nebraska [Mr. MANDERSON] has voted.

The PRESIDING OFFICER. He has not voted.

Mr. BLACKBURN. I am paired with the senior Senator from Nebraska [Mr. MANDERSON] and withhold my vote in his absence.

Mr. HANSBROUGH. I am paired with the Senator from Illinois [Mr. PALMER].

Mr. BLACKBURN. I am assured that if the senior Senator from Nebraska [Mr. MANDERSON] were present he would vote "nay." Therefore I will vote. I vote "nay."

The result was announced—yeas 27, nays 27; as follows:

#### YEAS—27.

Bate,	Jones of Ark.	Morgan,	Stewart,
Berry,	Kyle,	Palmer,	Turpie,
Cullom,	Lindsay,	Peffer,	Vest,
Faulkner,	McLaurin,	Perkins,	Voorhees,
George,	Martin,	Platt,	Walsh,
Harris,	Mills,	Pugh,	Washburn,
Hunton,	Mitchell of Oreg.	Rosch,	



## NAYS—27.

Allen,	Clark,	Gorman,	Morrill,
Allison,	Cockrell,	Gray,	Murphy,
Blackburn,	Daniel,	Hale,	Quay,
Blanchard,	Davis,	Hawley,	Teller,
Brice,	Dixon,	Hill,	Wilson of Wash.
Butler,	Dubois,	Lodge,	Wolcott.
Cameron,	Frye,	McMillan,	

## NOT VOTING—34.

Aldrich,	Gallinger,	Manderson,	Sherman,
Burrows,	Gibson,	Mantle,	Shoup,
Caffery,	Gordon,	Mitchell of Wis.	Smith,
Call,	Hansbrough,	Pasco,	Squire,
Camden,	Higgins,	Pettigrew,	Vilas,
Carey,	Hoar,	Power,	White,
Chandler,	Irby,	Pritchard,	Wilson of Iowa.
Coke,	Jones of Nev.	Proctor,	
Dolph,	McPherson,	Ransom,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

Mr. WHITE. I offer a substitute for the committee amendment.

The SECRETARY. It is proposed to strike out all from and including line 8, page 11, down to and including line 10, on page 12, and insert:

That the Secretary of the Treasury is authorized and directed to acquire by condemnation, in the same manner and in the method provided for the condemnation of certain real estate in the city of Washington by sections 8, 4, 5, and 6 of the "Act to authorize the acquisition of certain parcels of real estate embraced in square No. 323 of the city of Washington to provide an eligible site for the city post-office," approved June 25, 1890, the following parcels of real estate in the city of Washington, District of Columbia, namely: All of lot 9 in square 221, and part of lot 8 in said square adjoining said lot 9, said parcels of land being what is known as the James G. Blaine premises, situated on Lafayette Square, in the city of Washington aforesaid; and for this purpose a sum sufficient is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. WHITE. I desire simply to state that the substitute which I propose is the original amendment suggested by the Senator from Delaware [Mr. GRAY]. It proposes to condemn the interest of everybody in the property without in advance providing for the payment of any specific sum to any part owner.

Mr. HALE. I hope the amendment of the Senator from California will be voted down. We had much better do nothing. There could be nothing more unjust than that, with the clearly definable interest which Mrs. Blaine has, she should be put to the mercy of a jury. I do not believe there are many Senators here who desire to do that. I hope the amendment will be voted down. It would be better to do nothing.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from California [Mr. WHITE] to the amendment of the committee.

Mr. HALE and Mr. VEST called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CAREY (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. MITCHELL]. Not knowing how he would vote I withhold my vote.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. GIBSON (when his name was called). I am paired with the junior Senator from Michigan [Mr. BURROWS].

Mr. PERKINS (when his name was called). I am paired with the Senator from North Dakota [Mr. ROACH]. Not knowing how he would vote upon this amendment I withhold my vote.

Mr. PETTIGREW (when his name was called). I am paired with the junior Senator from West Virginia [Mr. CAMDEN]. If he were present I should vote "nay."

Mr. PROCTOR (when his name was called). I am paired with the Senator from Florida [Mr. CALL].

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP]. Were he present I should vote "yea."

The roll call was concluded.

Mr. GALLINGER. I am paired with the junior Senator from New Jersey [Mr. SMITH]. If he were present he would vote "nay," probably, and I should vote "yea."

The result was announced—yeas 23, nays 32; as follows;

## YEAS—23.

Bate,	Hill,	Mills,	Turpie,
Berry,	Hunter,	Mitchell of Oreg.	Vest,
Caffery,	Jones of Ark.	Morgan,	Vilas,
Faulkner,	Kyle,	Peffer,	Voorhees,
George,	McLaurin,	Pugh,	Walsh.
Harris,	Martin,	Stewart,	

## NAYS—32.

Aldrich,	Cockrell,	Hale,	Platt,
Allen,	Cullom,	Hansbrough,	Power,
Allison,	Daniel,	Hawley,	Quay,
Blanchard,	Davis,	Lodge,	Ransom,
Brice,	Dixon,	McMillan,	Squire,
Butler,	Dubois,	Mantle,	Washburn,
Cameron,	Frye,	Morrill,	Wilson of Wash.
Clark,	Gray,	Murphy,	Wolcott.

## NOT VOTING—33.

Blackburn,	Gibson,	Manderson,	Sherman,
Burrows,	Gordon,	Mitchell of Wis.	Shoup,
Call,	Gorman,	Palmer,	Smith,
Camden,	Higgins,	Pasco,	Teller,
Carey,	Hoar,	Perkins,	White,
Chandler,	Irby,	Pettigrew,	Wilson of Iowa.
Coke,	Jones of Nev.	Pritchard,	
Dolph,	Lindsay,	Proctor,	
Gallinger,	McPherson,	Roach,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

Mr. BERRY. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAREY (when his name was called). I am paired with the junior Senator from Wisconsin [Mr. MITCHELL], and therefore withhold my vote.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. GALLINGER (when his name was called). I am paired on this question with the junior Senator from New Jersey [Mr. SMITH]. If he were present he would vote "yea" and I should vote "nay."

Mr. GIBSON (when his name was called). I am paired with the junior Senator from Michigan [Mr. BURROWS]. In his absence I withhold my vote.

Mr. PASCO (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD]. If he were present I should vote "nay."

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Dakota [Mr. ROACH].

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP].

The roll call was concluded.

Mr. HANSBROUGH. I am paired with the junior Senator from Illinois [Mr. PALMER].

The result was announced—yeas 31, nays 25; as follows:

## YEAS—31.

Aldrich,	Cockrell,	Lodge,	Ransom,
Allen,	Daniel,	McMillan,	Squire,
Allison,	Davis,	Mantle,	Teller,
Blanchard,	Dixon,	Morrill,	Vilas,
Brice,	Gorman,	Murphy,	Voorhees,
Butler,	Gray,	Power,	Wilson of Wash.
Cameron,	Hale,	Proctor,	Wolcott.
Clark,	Hawley,	Quay,	

## NAYS—25.

Bate,	Harris,	Mills,	Turpie,
Berry,	Hunter,	Mitchell of Oreg.	Vest,
Caffery,	Jones of Ark.	Morgan,	Walsh,
Call,	Kyle,	Peffer,	Washburn.
Cullom,	Lindsay,	Platt,	
Faulkner,	McLaurin,	Pugh,	
George,	Martin,	Stewart,	

## NOT VOTING—32.

Blackburn,	Frye,	Irby,	Pettigrew,
Burrows,	Gallinger,	Jones of Nev.	Pritchard,
Camden,	Gibson,	McPherson,	Roach,
Carey,	Gordon,	Manderson,	Sherman,
Chandler,	Hansbrough,	Mitchell of Wis.	Shoup,
Coke,	Higgins,	Palmer,	Smith,
Dolph,	Hill,	Pasco,	White,
Dubois,	Hoar,	Perkins,	Wilson of Iowa.

So the amendment as amended was agreed to.

Mr. CAREY. I offer two amendments to the pending bill, which I ask may be printed.

The PRESIDING OFFICER. It is so ordered.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6870) for the relief of James Phelan, internal-revenue collector at Detroit, Mich.;

A bill (H. R. 8391) for the relief of Michael Ryan;

A bill (H. R. 8882) to authorize the construction of a bridge across the Illinois River, at or near the town of Hennepin; and

A bill (H. R. 8884) granting a pension to Alexander M. Laughlin.

## ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 8237) for the relief of William H. Buckley, late first lieutenant One hundred and ninety-fourth Regiment Ohio Volunteers; and it was thereupon signed by the Vice-President.

## HOUSE BILLS REFERRED.

The bill (H. R. 6870) for the relief of James Phelan, internal-revenue collector at Detroit, Mich., was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 8391) for the relief of Michael Ryan was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 8882) to authorize the construction of a bridge across the Illinois River at or near the town of Hennepin was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 8884) granting a pension to Alexander M. Laughlin was read twice by its title, and referred to the Committee on Pensions.

#### SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8518) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 12, line 15, before the word "thousand," to strike out "ten" and insert "fifty;" so as to read:

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, post-offices, marine hospitals, quarantine stations, and other public buildings under the control of the Treasury Department, \$250,000.

The amendment was agreed to.

The next amendment was, on page 13, line 19, after the word "dollars," to insert:

For artesian well, water and sewer connections, \$1,200; in all, \$5,400;

So as to make the clause read:

For quarantine station, Reedy Island, Delaware River: For improvement of grounds to protect from overflow, \$4,200; for artesian well, water and sewer connections, \$1,200; in all, \$5,400.

The amendment was agreed to.

The next amendment was, on page 13, line 24, after the word "dollars," to insert:

For barracks for cabin passengers, \$2,500; in all, \$6,500;

So as to make the clause read:

For quarantine station, Delaware Breakwater, Delaware: For naphtha launch for boarding vessels, \$4,000; for barracks for cabin passengers, \$2,500; in all, \$6,500.

The amendment was agreed to.

The next amendment was, on page 14, line 26, after the word "dollars," to insert:

But of this amount not exceeding \$3,000 may be expended for personal services of mechanics employed from time to time for casual repairs only.

So as to make the clause read:

Vaults, safes, and locks for public buildings: For vaults, safes, and locks, and repairs to the same, for all public buildings under control of the Treasury Department, exclusive of personal services, except for work done by contract, \$40,000; but of this amount not exceeding \$3,000 may be expended for personal services of mechanics employed from time to time for casual repairs only.

The amendment was agreed to.

The next amendment was, on page 15, after line 20, to insert:

Spectacle Island range lights, Massachusetts: For establishing range lights on Spectacle Island, Boston Harbor, Massachusetts, \$9,350.

The amendment was agreed to.

The next amendment was, on page 16, after line 3, to insert:

Kennebec River lights, Maine: For the establishment on Kennebec River, Maine, of a light, range lights, and fog signal at or near Doubling Point; a light at Ames Ledge; a light at or near the southwest point of Perkins Island; a light at or near Squirrel Point, and a day beacon on or near Ram Island; and for sites for same, not to exceed in all \$17,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 10, to insert:

Plum Beach light and fog-signal station, Rhode Island: For establishing a light and fog-signal station at or near Plum Beach, Narragansett Bay, Rhode Island, \$25,000, and the total cost of establishing such light and fog-signal station complete, under a contract which is hereby authorized therefor, shall not exceed \$30,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 21, to insert:

Lower Cedar Point light station, Potomac River, Maryland: For reestablishing Lower Cedar Point light station, Potomac River, Maryland, \$75,000.

The amendment was agreed to.

Mr. COCKRELL. After line 25, page 16, I desire to offer an amendment coming from the committee. It is to rebuild a light-house which was washed away by the last ice flow.

The PRESIDING OFFICER (Mr. BUTLER in the chair). The amendment will be stated.

The SECRETARY. Add after the amendment just adopted, line 25, page 16:

Smiths Point light-house, Chesapeake Bay, Maryland: For reestablishing the light-house at Smiths Point, Chesapeake Bay, Maryland, recently carried away by the ice, \$80,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was on page 16, after line 25, to insert:

Maumee range-light station, Ohio: For establishing a new beacon at each end of the range, to form a range both outward and inward in the line of the channel in Maumee Bay, Lake Erie, Ohio, \$30,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 17, to insert:

Detroit River lights, Michigan: For the completion of the lighting of the north and south ends of Grassy Island, Detroit River, Michigan, \$9,700.

The amendment was agreed to.

The next amendment was, on page 17, after line 20, to insert:

Eagle Harbor, Lake Superior, Michigan: For fog signal at Eagle Harbor, Lake Superior, Michigan, \$5,000.

The amendment was agreed to.

Mr. WASHBURN. I offer an amendment to come in at the end of line 23, page 17.

Mr. COCKRELL. The understanding was that we were to run through with the committee amendments unless it was an amendment to an amendment.

Mr. WASHBURN. It is an amendment I intended to submit to the committee. It was reported by the Committee on Commerce favorably.

Mr. COCKRELL. Let us go through with the committee amendments before we commence the consideration of individual amendments.

Mr. WASHBURN. All right.

The next amendment of the Committee on Appropriations was, on page 17, after line 23, to insert:

Grand Marais harbor of refuge, Lake Superior, Michigan: For a light and bell at the Grand Marais harbor of refuge, now completed, on Lake Superior, Michigan, \$15,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 3, to insert:

Tibbetts Point light station, Lake Ontario and St. Lawrence River, New York: For constructing and equipping, complete for service, a fog signal, \$4,300.

The amendment was agreed to.

The reading of the bill was continued to line 17, on page 19.

Mr. COCKRELL. In lines 15 and 16, on page 19, there is a mistake. I move to strike out the words "the north end of;" so as to read:

For establishing a light and fog-signal station on North Manitou Island, Lake Michigan, Michigan, \$20,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 20, after line 11, to insert:

Tenders for the Light-House Service: For constructing, equipping, and outfitting two new steam tenders for buoyage, supply, and inspection purposes in the Light-House Service, at a cost not to exceed \$75,000 each, \$150,000, to be immediately available; and the Light-House Board is authorized to employ temporarily at Washington three draftsmen, to be paid at current rates, to prepare the plans for the light-house vessels herein provided for; such draftsmen to be paid from the appropriation for building said vessels; such employment to cease and determine on or before the date when the plans for such vessels being finished, proposals for building said vessels are invited by advertisement.

Mr. COCKRELL. I move to strike out, in lines 13 and 14, the words "buoyage, supply, and inspection purposes in;" so as to read:

For constructing, equipping, and outfitting two new steam tenders for the Light-House Service.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was continued. The next amendment of the Committee on Appropriations was, on page 21, line 16, to increase the total of appropriations for "repairs of light-houses" from \$490,000 to \$500,000.

The amendment was agreed to.

The next amendment was, on page 21, line 21, to increase the appropriation for salaries of keepers of light-houses from \$890,000 to \$700,000.

The amendment was agreed to.

The next amendment was, on page 21, line 26, to increase the total of the appropriation for expenses of light vessels from \$275,000 to \$300,000.

The amendment was agreed to.

The next amendment was, on page 22, line 2, after the word "buoys," to insert "of any and all kinds," and in line 5, before the word "thousand," to strike out "three hundred and ninety" and insert "four hundred and twenty-five;" so as to make the clause read:

Expenses of buoyage: For expenses of establishing, replacing, and maintaining buoys of any and all kinds, spindles, and day beacons, and for incidental expenses relating thereto, \$425,000.

The amendment was agreed to.

The next amendment was, on page 23, line 13, to increase the appropriation for inspecting lights from \$3,000 to \$4,000.

The amendment was agreed to.

The next amendment was, on page 23, line 16, before the word "hundred," to strike out "five" and insert "six;" so as to make the clause read:

For one superintendent for the coasts of Maine and New Hampshire, \$1,000.

The amendment was agreed to.

The next amendment was, on page 23, line 18, before the word



"hundred," to strike out "five" and insert "six;" so as to make the clause read:

For one superintendent for the coast of Massachusetts, \$1,000.

The amendment was agreed to.

The next amendment was, on page 23, line 20, before the word "hundred," to strike out "eight" and insert "six;" so as to make the clause read:

For one superintendent for the coasts of Rhode Island and Long Island, \$1,000.

The amendment was agreed to.

The next amendment was, on page 23, line 24, before the word "hundred," to strike out "eight" and insert "six;" so as to make the clause read:

For one superintendent for the coast of New Jersey, \$1,000.

The amendment was agreed to.

The next amendment was, on page 23, line 26, before the word "hundred," to strike out "five" and insert "six;" so as to make the clause read:

For one superintendent for the coasts of Delaware, Maryland, and Virginia, \$1,000.

The amendment was agreed to.

The next amendment was, on page 24, line 2, before the word "hundred," to strike out "eight" and insert "six;" so as to make the clause read:

For one superintendent of the coasts of Virginia and North Carolina, \$1,000.

The amendment was agreed to.

The next amendment was, on page 24, line 5, before the word "hundred," to strike out "five" and insert "six;" so as to make the clause read:

For one superintendent for the life-saving stations and for the houses of refuge on the coasts of South Carolina, Georgia, and Florida, \$1,000.

The amendment was agreed to.

The next amendment was, on page 24, line 8, before the word "hundred," to strike out "eight" and insert "six;" so as to make the clause read:

For one superintendent for the life-saving and lifeboat stations on the coast of the Gulf of Mexico, \$1,000.

The amendment was agreed to.

The next amendment was, on page 24, line 11, before the word "hundred," to strike out "eight" and insert "six;" so as to make the clause read:

For one superintendent for the life-saving and lifeboat stations on the coasts of Lakes Ontario and Erie, \$1,000.

The amendment was agreed to.

The next amendment was, on page 24, line 14, before the word "hundred," to strike out "eight" and insert "six;" so as to make the clause read:

For one superintendent for the life-saving and lifeboat stations on the coasts of Lakes Huron and Superior, \$1,000.

The amendment was agreed to.

The next amendment was, on page 24, line 17, before the word "hundred," to strike out "eight" and insert "six;" so as to make the clause read:

For one superintendent for the life-saving and lifeboat stations on the coast of Lake Michigan, \$1,000.

The amendment was agreed to.

The next amendment was, on page 24, line 20, before the word "hundred," to strike out "eight" and insert "six;" and in line 21, before the word "hundred," to strike out "twenty-one thousand six" and insert "twenty thousand four;" so as to make the clause read:

For one superintendent for the life-saving and lifeboat stations on the coasts of Washington, Oregon, and California, \$1,000; in all, \$20,400.

The amendment was agreed to.

The reading of the bill was continued to line 6, on page 26.

Mr. FRYE. I wish to call the attention of the Senator who has the bill in charge to the aggregate for life-saving stations and lifeboat stations, \$35,000, in line 5, page 26. There have been three bills passed since that time, and become a law, one for a life-saving station on the coast of Massachusetts, and bills for two lifeboat stations, amounting, all three of them, to \$8,000. The bills have passed both branches of Congress and been approved by the President, and I should like to increase that appropriation to the amount of \$8,000.

Mr. COCKRELL. Let the amendment be made. I see no objection to it if those bills have been passed.

Mr. FRYE. They were not estimated for, because the bills had not then become a law.

Mr. COCKRELL. I understand.

Mr. LODGE. I have here—I will not detain the Senate to read it—a telegram from the Superintendent of the Life-Saving Service stating that that amount of money will be needed in addition to the appropriation estimated for on account of the passage of these additional bills.

Mr. COCKRELL. Making \$43,000.

Mr. FRYE. Making \$43,000.

The PRESIDING OFFICER. Does the Senator from Missouri consent that the amendment may come in now?

Mr. COCKRELL. Let it be made now.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 5, page 26, strike out "\$35,000" and insert "43,000;" so as to make the clause read:

For establishing new life-saving stations and lifeboat stations on the sea and lake coasts of the United States, authorized by law, \$43,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 27, after line 12, to insert:

For constructing a revenue steamer of the first class, under the direction of the Secretary of the Treasury, for service on the Pacific coast, \$75,000; and the Secretary of the Treasury is hereby authorized to contract for building said vessel at a total cost not to exceed \$175,000.

Mr. SQUIRE. Mr. President, I wish to say one word in regard to this amendment. I submitted an amendment intended to be proposed by me, and it was printed, providing for an appropriation of \$200,000 for this revenue steamer. I see that the committee have adopted the idea, but have not given the full amount. They have provided for a vessel to cost \$175,000, of which only \$75,000 is at present appropriated.

It may be that the facts justify this change, but I was informed by the Secretary of the Treasury that he desires a vessel to cost \$200,000. I ask that there be read from the desk a letter from the chief of the division of the Revenue-Cutter Service, which will explain this subject in detail.

The PRESIDING OFFICER. Does the Chair understand the Senator from Missouri to insist that the committee amendments shall be first acted upon?

Mr. COCKRELL. But this is a committee amendment and it is proper for the Senator from Washington to offer an amendment to it. He wants the amount of the amendment increased, and such an amendment is perfectly legitimate at this time.

The PRESIDING OFFICER. The Secretary will read the letter as requested.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
Washington, D. C., February 19, 1895.

SIR: In compliance with your verbal request of yesterday, I respectfully submit the following statement, showing number of steamers of the Revenue-Cutter Service now stationed at ports on the Pacific coast of the United States:

*Volcott*, 199 tons, at San Diego, Cal.  
*Rush*, 308 tons, at San Francisco, Cal.  
*Bear*, 708 tons at San Francisco, Cal. (On duty in the Bering Sea and Arctic Ocean eight months of the year.)  
*Corwin*, 213 tons, at Astoria, Oreg.  
*Grant*, 216 tons, at Port Townsend, Wash.

In addition to the steamer *Bear* the steamers *Rush* and *Corwin* are withdrawn each summer from the stations named for duty in the Bering Sea and other waters of Alaska for the protection of fur seal and other interests of the Government in that Territory. Of the five vessels above named the *Bear*, *Rush*, and *Corwin* only are suitable for duty at sea, and the latter is too small for the work required of her or for general patrol duty.

The weather and sea on the coasts of northern California, Oregon, Washington, and the island of Vancouver are probably as severe and rough as can be found in the known world, and vessels expected to patrol these coasts should be as staunch and powerful as can be constructed.

As authorized by section 1536, Revised Statutes, the Atlantic coast, from Eastport, Me., to Charleston, S. C., is patrolled during the four winter months of December, January, February, and March by seven revenue steamers stationed within those limits, for the purpose of assisting disabled or distressed merchant vessels. Under section 2730, Revised Statutes, revenue cutters on the Great Lakes are specially charged with aiding vessels in distress. During the fiscal year ending June 30, 1894, seventy distressed vessels, which with their cargoes were valued at \$1,700,105, and having on board 658 persons, were assisted by this fleet, and during the ten fiscal years last past 1,918 vessels, which with their cargoes were valued at \$30,235,823, and having on board 18,634 persons, have been assisted, and within this time 577 have been taken out of the water and saved from drowning.

No regular patrol service for relief purposes has ever been inaugurated on the Pacific Coast because of the lack of suitable vessels to engage in it and the demand for the services of such vessels as have been available for the protection of the revenue and the interests of the Government in Alaska.

During the present winter the Department has been called upon several times to send the cutters in search of missing vessels off the Northwest coast, viz, *Ivanhoe*, *Montserrat*, and *Keeweenaw*, and has responded to the best of its ability with the vessels available, but with more efficient and powerful steamers better service can be rendered.

The Northwest coast is sadly in need of an efficient steam cutter, and I sincerely trust that the amendment proposed by you to the sundry civil bill, making the necessary appropriation, may receive favorable consideration by the Senate.

Respectfully, yours,

L. G. SHEPARD,  
Chief of Division Revenue-Cutter Service.

Approved:

C. A. HAMLIN, Acting Secretary.

Hon. WATSON C. SQUIRE, United States Senate.

Mr. SQUIRE. I now ask to have read a letter addressed to the chairman of the Committee on Appropriations by the Secretary of the Treasury approving the amendment as intended to be submitted by me to the Senate.

The PRESIDING OFFICER. The letter will be read.

The Secretary read as follows:

TREASURY DEPARTMENT, January 30, 1896.

SIR: I have the honor to acknowledge the receipt from the Senate Committee on Appropriations of an amendment to House bill No. 5818 "making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes," as follows: "For constructing a revenue steamer of the first class, under the direction of the Secretary of the Treasury, for service on the Pacific Coast, \$200,000," and my views are requested as to the necessity for said revenue vessel.

In reply, I have the honor to state that the revenue cutters at present on duty on the Pacific Coast were built many years ago, and are of an age when vessels require frequent repairs and they should, as soon as practicable, be replaced with new vessels of more modern type and machinery, to insure greater efficiency; also that under an act of Congress approved March 2, 1889, the Department has dispatched each summer to Bering Sea at least three of these vessels, thereby leaving the stations to which they are regularly assigned for the protection of revenue unprotected, and the collectors of customs without adequate means of enforcing and carrying out the customs laws and regulations. In addition to this, the condition of affairs in Alaska at the present time is such as to require a revenue cutter to be stationed permanently in the waters of that Territory. This will still further reduce the number of vessels available for duty on the coasts of Washington, Oregon, and California.

It is proper to add that during the present winter the Department has, in the interests of humanity, several times sent vessels of the Revenue-Cutter Service, stationed on the Pacific Coast, to search for missing vessels of the merchant marine. In order to perform said duty in an efficient manner the service should be provided with able vessels.

I therefore urgently recommend that the proposed amendment, which is herewith returned, receive favorable consideration.

Respectfully yours,

J. G. CARLISLE, Secretary.

HON. FRANCIS M. COCKRELL, United States Senator,

Chairman Committee on Appropriations,

United States Senate.

Mr. SQUIRE. Mr. President, I do not intend to add many words; but it seems that the amendment intended to be proposed by myself was approved by the Department and the reasons are fully given. It appears that there is at the present time no patrol vessel in the Revenue-Cutter Service on the Pacific Coast, while there are seven vessels performing a corresponding duty on the Atlantic coast.

Mr. COCKRELL. We have put in the bill a provision for the vessel. That is all you want, is it not?

Mr. SQUIRE. I am grateful to the committee for the action they have taken, and I shall be content with it if they can give good reasons for reducing the amount below that estimated by the Secretary of the Treasury.

Mr. COCKRELL. The last appropriation contained a provision for constructing a revenue steamer of the first class under the direction of the Secretary of the Treasury for service on the New England coast, \$75,000; limit of cost, \$175,000; and another one on the Great Lakes. We were told that they can build them much cheaper than they could even last year, and that they will build first-class vessels at \$175,000.

Mr. SQUIRE. And due allowance made for the difference in the kind of sea and the kind of weather?

Mr. COCKRELL. Oh, yes.

Mr. SQUIRE. And the kind of vessel needed for the Pacific coast?

Mr. WHITE. I was about to ask the Senator from Missouri whether it may not be that the construction of a vessel on the Pacific coast—

Mr. COCKRELL. It applies to all of them. The light vessels that cost \$100,000, they said, if we gave them three or four of them, they would build now for \$70,000, and the reduction of cost is in the same proportion wherever a vessel can be built. They are only too anxious to get employment. I have not a bit of doubt but that they can get a contract. We give them authority to contract for a vessel at \$175,000 that two years ago would have cost \$200,000 or \$225,000.

Mr. WHITE. My inquiry is simply whether the committee had taken into consideration the fact that the vessels heretofore built, as stated, were constructed upon this coast, where possibly it may be practicable to construct them at less expense?

Mr. COCKRELL. I think so.

Mr. WHITE. I presume that fact has been considered.

Mr. COCKRELL. I think there will be no trouble about it.

Mr. WHITE. I will state that the Assistant Secretary of the Treasury, who had been upon the Pacific Coast and had examined this matter, made a statement to me similar to that contained in the writing placed before the Senate by the Senator from Washington, and he informed me—

Mr. COCKRELL. That was the estimate; and you see that no stress is put on the \$200,000. It is the vessel they want.

Mr. SQUIRE. May I ask the chairman one other question? Why is it that the amount appropriated now is only \$75,000 out of the total amount of \$175,000 that the vessel is to cost?

Mr. COCKRELL. That has been the universal rule in constructing all these vessels. It takes them some time to make the plans and specifications.

Mr. SQUIRE. With the explanation of the committee I am satisfied to let the matter go, if the Senator from California is.

Mr. PERKINS. I should like to ask the committee, in estimat-

ing \$175,000 for this steam revenue cutter what tonnage they estimated and what speed?

Mr. COCKRELL. We took just whatever the Secretary of the Treasury estimated. The Secretary of the Treasury put in an estimate simply the way it has been estimated before, not taking into account the reduced cost. All the estimates were made in the same way.

Mr. PERKINS. Steam vessels, like houses, can be built for almost any price. The Treasury Department, I think, recommended \$200,000 to be appropriated for building a suitable revenue cutter for the Pacific Coast. I have consulted with many nautical men, those who are in the revenue service on the Pacific Coast, and all agree that the vessel should not be less than 800 tons net, and if she was 1,000 or 1,200 tons so much the better, and that she should be able to attain a speed of 15 knots per hour. Such a vessel, and I speak advisedly, constructed in accordance with the bureau of construction under the rules of the Lloyds, would cost at least \$200,000.

There is a necessity for such a revenue cutter upon the Pacific Coast. I heartily indorse all that was well said in the letter of the Secretary of the Treasury to the committee upon this subject-matter. We require a revenue cutter for the Pacific Coast that will steam 15 knots an hour if necessity requires it, and one capable of taking in tow a vessel that may be in distress and also of housing and comfortably caring for the crews of distressed vessels that may be wrecked upon the coast or disabled upon the ocean.

I wish to give my testimony, too, in favor of the many gallant deeds and good services that the revenue cutters have done to the merchant marine of the Pacific Coast. They have rescued hundreds and hundreds of shipwrecked sailors. In the summer months, as the Secretary of the Treasury states, the whole Alaska coast is dependent upon the revenue service for patrol duty as well as for the rescue of whalers and sealers who have been shipwrecked there. During the past four months the revenue cutters on the Pacific Coast have been sent out cruising three and four weeks for disabled or overdue vessels.

Only two months since one of these cutters returned from a cruise after one of the cheap vessels built upon the lakes, referred to by my friend from Missouri. The steamship *Keeweenaw*, a sister ship built upon the lakes, loaded with coal at Nanaimo, passed by Cape Flattery out into the ocean and has never since been heard of. It was the same way with the *Montserrat*, another steamship, which went down with all on board. A few months since the ship *Ivanhoe* sailed out of Puget Sound loaded with coal and carrying a number of passengers. She went down and not a soul has been heard from. But these cutters plying on the coast brought some of the wreckage which gave evidence of the fate that had befallen them.

We do not want any such revenue cutter like the *Keeweenaw* that can be built for \$150,000 or \$175,000, but we want a good, staunch, steel vessel, capable of withstanding the storms and waves of the Pacific Ocean. While we do not have the cold and sleet and storms that prevail upon the Atlantic, yet by reason of the great velocity of the winds that prevail upon the Northwest coast, and by reason of the tides and currents formed by those from the Japanese Sea and by promontories and capes projecting out into the ocean, we do have very heavy seas and very heavy storms. In order to have these cutters render the merchants service that has been of so much value to us it is necessary that they should have the proper vessels by which to perform the service. The three revenue cutters that we now have there are about 300 tons, with an indicated horsepower of about 300, wholly inadequate even to perform the duty which is assigned to them upon their stations in protecting the coast from smugglers and properly protecting the revenue service of our country.

I shall not weary the Senate, but I could cite instance after instance by the score of the great service and the great benefit to the merchant marine which the revenue cutters, even inadequate as they are, have rendered to us on the Pacific coast. I shall not weary the Senate by talking this bill to death, but I wish the committee would, of its own motion, agree to make the amount of this appropriation \$200,000 instead of \$175,000. The amount appropriated for this year is sufficient, and the coming Congress will make up the remainder for the completion of this cutter, which is so greatly desired in the interest of commerce on our coast. I hope the committee will accept the amendment, and agree to the recommendation made by the Secretary of the Treasury.

Mr. SQUIRE. Mr. President, for the sake of testing the sense of the Senate, I move to strike out "\$175,000" and insert "\$200,000" in lines 17 and 18.

The PRESIDING OFFICER. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. In line 17, on page 27, before the word "thousand," in the amendment of the committee, it is proposed to strike out "one hundred and seventy-five" and insert "two hundred;" so as to read:

For constructing a revenue steamer of the first class, under the direction



of the Secretary of the Treasury, for service on the Pacific coast, \$75,000; and the Secretary of the Treasury is hereby authorized to contract for building said vessel at a total cost not to exceed \$200,000.

Mr. GORMAN. I hope the Senator from Washington will not press that motion. The importance of having this revenue steamer on the Pacific Coast is perfectly well understood. The Assistant Secretary of the Treasury has stated—

Mr. COCKRELL. This is not estimated for regularly, and as a matter of course there will be determined opposition to it.

Mr. GORMAN. I would say to the Senator from California that after the establishment of the great works at San Francisco, with the reduction in the cost of materials, etc., it has been demonstrated that a vessel can be built for \$175,000 now of the capacity of 700 tons, which would have cost three years ago, \$225,000, with greater speed than any vessel now in the service on the coast. That has grown out of the additional facilities there and the decreased cost of material.

I want to say to the Senator that in the matter of constructing vessels for the Navy of about that class, for service in the Pacific Ocean, the cost of \$250,000 has been reduced to \$200,000; and I will say to the Senator that, in my opinion, because of the extravagance of the amount asked for, he will put in jeopardy the whole appropriation, which is absolutely necessary. The Senator will find, I think, on inquiry at the Department, that if a vessel is constructed with strength and without all the furbelows, which are not necessary on such a vessel, we shall get a better vessel than we could three years ago for \$225,000. I hope the amendment will not be adopted.

Mr. PERKINS. Such a vessel as we want—I speak advisedly, and I know whereof I speak—one of the speed and tonnage which is necessary for this service, will cost \$200,000. We want a vessel which can make a speed of 15 knots an hour, and the Senator from Maryland understands as well as anyone on this floor that it is speed in a steamship which costs. While we could build a vessel for the figure he has named which would steam 12 knots per hour, perhaps even for less than \$175,000, yes, for \$150,000, we want one which is capable of developing 1,000 horsepower or 1,500 horsepower, one that is capable of driving through the water with a speed equal to that of our steamships now plying on the Pacific Coast. I know that a steel ship of 1,000 tons which will develop sufficient horsepower to drive her 15 knots an hour can not be built and properly equipped for \$175,000.

I hope that the proposed amendment will prevail and that \$200,000 will be appropriated for the construction of this revenue cutter.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Washington [Mr. SQUIRE].

Mr. SQUIRE. Mr. President, I simply wish to add one word. I believe that the amount appropriated ought to be \$200,000. I have not any doubt in my mind about that, but I shall be very glad to get \$175,000, rather than not get anything.

Mr. CHANDLER. May I ask the Senator from Maryland what the Secretary of the Treasury in his letter of recommendation says?

Mr. COCKRELL. The Department has made no estimate. It has sent letters here mentioning \$200,000, putting no stress upon it, but putting a decided stress upon the necessity of a vessel there. We have given exactly the amount we gave for the construction of a vessel on the Atlantic coast and upon the Gulf, and that vessel was constructed. We have appropriated for the completion of it here, and it is a suitable and strong vessel. A similar one can be constructed now cheaper than it could then, and we appropriated for this purpose \$175,000.

Mr. CHANDLER. The Senator from Missouri is quite right probably about a vessel for use upon the Atlantic coast, but there is a great deal to what the Senator from California has said about the Pacific Coast, to the effect that there ought to be a larger vessel there, a more expensive vessel; and if the Secretary of the Treasury says in this letter that \$200,000 is necessary for that purpose, I suggest to Senators in charge of the bill that they allow that amount to go in. If in conference it appears that \$175,000 is all that is needed, the amount can be reduced; but it does seem to me, as the Senators from the Pacific Coast, with the exception of the Senator from Oregon [Mr. MITCHELL], have satisfied themselves that this vessel ought to be built, that we ought to vote upon it, and, for one, I believe that the committee ought to accept the sum of \$200,000.

Mr. MITCHELL of Oregon. Mr. President, I should prefer that the Senator from New Hampshire would permit the Senator from Oregon to speak for himself. I have been myself long since satisfied as to the necessity of this appropriation, and I never was more fully satisfied than I am now. I believe that the amount appropriated ought to be \$200,000.

Mr. CHANDLER. I thought the Senator would make that speech, and it was the only thing which was necessary to convince me, to make me strongly convinced, that the committee ought to take the larger sum at this time, because they can not enlarge an appropriation in conference whereas they can reduce it.

Mr. SQUIRE. Mr. President, I wish to say one word more and then I shall not take up the time of the Senate. I merely wish to relate one important incident that happened recently. A vessel from the port of Seattle for the port of San Francisco had for one of her passengers a gentleman who had recently been the minister of the United States at Bolivia, the lamented Mr. Frederick J. Grant. This vessel went out of the Straits of Fuca and encountered a storm. She was eventually lost, as we believe; but there was an effort made—and I endeavored to secure the assistance of the Treasury Department in making that effort—to ascertain whether that vessel had been lost upon the island of Vancouver or anywhere upon the coast of Washington or Oregon; as to whether there could be found any vestiges on shore or any wreck or flotsam on sea, or any possibilities of rescue existed. We induced the Treasury Department to send out one or two revenue cutters which were there on duty in Puget Sound or its vicinity, but it took some time to get those cutters ready for sea.

When they went out into the ocean they were only able to stay out a few hours, when they were compelled to return to the Straits of Fuca. Finally a vessel was sent from San Francisco, but she did not leave for ten days or two weeks, or perhaps a longer time after the vessel to which I refer, the ill-fated *Ivanhoe*, had probably been lost.

It seems to me there is an object lesson for us, and it is one of the reasons why this subject has come up and been prominent in the minds of people on the Pacific Coast. This is not the only instance of this kind—I mean the distress of vessels or their loss when assistance might have been rendered—but it is the most recent one, and the fact that such a notable person was on board gave a good deal of publicity to it and interested the people in this subject.

The mariners of that coast and the ship-owning people are well satisfied, and they are persistent in their representations that the revenue-cutter service on that coast, so far as the vessels are concerned, is far below the standard of efficiency which should prevail; that these revenue cutters there are a very inferior order of vessels, with inferior machinery, inferior in sailing qualities, and in everything which should make up a proper standard for such a vessel. They are of old patterns, obsolete, practically useless, and now it is believed the Government ought to have a proper revenue cutter, not simply to run into Puget Sound and the Golden Gate and perform service around some port of entry in detecting smugglers, but largely for the sake of patrolling that coast and aiding merchant vessels in distress.

You have heard read from the desk the letter of the chief of the division of the Revenue-Cutter Service of the Treasury Department, and you have learned the number of vessels which have been saved and the number of lives which have been rescued through this instrumentality, and the number of millions of dollars saved (about \$40,000,000) in the last ten years alone in the preservation of the merchant marine of this country directly through the assistance rendered to vessels in distress by United States revenue cutters.

Now, it seems we do need such a vessel for the Pacific coast. Why not build the best? We have no "patrol" whatever by revenue cutters on the Pacific Coast, and why not build a vessel that will be serviceable, and one that may do duty not only as to the ports and coast of the States on the Pacific but that may go to the remote waters of Alaska? We have very important relations with the Territory of Alaska; they are growing every year, and we are sending three revenue cutters there every year, and they are not efficient either in power or speed for the service required of them. Let us have one first-rate vessel, a better vessel than any yet furnished for this kind of service. The nature of the seafaring interests peculiar to that coast demands it.

I hope that my original amendment providing the sum of \$200,000 will prevail.

Mr. PERKINS. Mr. President, one word more. I desire to appeal to the committee and to remind them of this fact, which has doubtless escaped their attention and thought. The proposed cutter must do service for 25,000 miles of shore line in our Alaska Territory.

There has been no coal developed in Alaska thus far which we have been able to utilize on any of our vessels. This cutter must carry coal for the round trip or she must be supplied by the sailing vessels or steam vessels carrying the coal as a tender to that vessel. When the *Corwin* and the *Bear*, two cutters now on the coast, rescued the wrecked sailors, they had on board of that cutter 100 sailors, and there was hardly standing room for them in the accommodations that the cutter *Corwin* had at that time. The officers and crew were not only inconvenienced, but they all suffered together in the cause of humanity until another vessel could be overtaken, and the shipwrecked sailors could be distributed between them.

We should have a cutter large enough to accommodate shipwrecked sailors or passengers taken from a disabled vessel; we should have a cutter, if we are going to build one, of sufficient

power to make speed, and of sufficient power to tow a disabled passenger vessel if found in distress, as vessels are frequently found. The only question, therefore, between the committee and those of us who see the necessity for having a proper cutter is \$25,000. I therefore again appeal to the committee to accept the amendment, and if the Secretary of the Treasury, in his discretion, finds that he can build a proper vessel for less money, he certainly can do so, and the money will remain in the Treasury. I earnestly appeal to the committee, and ask them to make this a committee amendment, and appropriate the sum which has been recommended by the Department.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Washington [Mr. SQUIRE] to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment as amended.

Mr. FRYE. I ask the Senator in charge of the bill to allow this one item to be passed until to-morrow morning immediately after again commencing action on the bill. I desire then to offer an amendment to this item.

Mr. ALDRICH. What item?

Mr. FRYE. The building of a revenue vessel on the Pacific Coast.

Mr. GORMAN. Very well. Let us go on with the other amendments.

Mr. COCKRELL. Let the amendment referred to by the Senator from Maine be reserved until the first thing to-morrow morning.

The PRESIDING OFFICER. It will be so ordered, in the absence of objection.

Mr. PLATT. I am instructed by the Committee on Indian Affairs to report an amendment to the pending bill, which I ask may be printed and referred to the Committee on Appropriations.

The PRESIDING OFFICER. That order will be made in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 27, line 26, after the word "Treasury," to insert:

*Provided, That hereafter no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired;*

So as to make the clause read:

For labor and expenses of engraving and printing: For salaries of all necessary clerks and employees, other than plate printers and plate printers' assistants, \$420,000, to be expended under the direction of the Secretary of the Treasury: *Provided, That hereafter no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired.*

The amendment was agreed to.

The next amendment was, on page 28, line 10, after the word "Treasury," to strike out:

*Provided, That no part of the appropriations made by this and the preceding paragraph shall be used for printing gold certificates, and that so much of section 12 of the act approved July 13, 1882, entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes," as authorizes and directs the Secretary of the Treasury to receive deposits of gold coin with the Treasurer or assistant treasurers of the United States, and to issue certificates thereon, be, and the same is hereby, repealed, and all such certificates hereafter received into the Treasury shall be canceled: And provided further, That from and after July 1, 1895, gold certificates shall not be receivable for customs, taxes, or other dues to the United States, and shall not be counted as part of the lawful reserve of any national banking association.*

And insert:

*Provided, That hereafter no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired.*

So as to make the clause read:

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, at \$1.25 a day each, when employed, \$330,000, to be expended under the direction of the Secretary of the Treasury: *Provided, That hereafter no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired.*

The amendment was agreed to.

The next amendment was, on page 30, line 19, after the word "harbor," to insert "and the approaches to;" and in line 22, before the word "thousand," to strike out "eighteen" and insert "twenty-four;" so as to make the clause read:

For survey of unfinished portions of the Atlantic coast from Maine to Florida, including Portsmouth Harbor and Piscataqua River; Hudson River to Troy; Charleston bar and entrance, South Carolina, and necessary resurveys, including Boston Harbor, and the approaches to New Bedford Harbor, Buzzards Bay; the bar and entrance to St. Simons Sound, and Savannah River bay, \$24,000.

The amendment was agreed to.

The next amendment was, on page 31, line 16, after the word "continuing," to insert: "The researches in physical hydrography relating to harbors and bars, including computations and plottings, and for;" so as to make the clause read:

For continuing the researches in physical hydrography relating to harbors and bars, including computations and plottings, and for tidal and current observations on the Atlantic, Gulf, and Pacific coasts, \$5,000.

The amendment was agreed to.

The next amendment was, on page 31, after line 19, to strike out:

For establishment of a self-registering tide gauge at Reedy Island, on the Delaware River, \$700.

The amendment was agreed to.

The next amendment was, on page 31, line 24, after the word "examination," to insert "and including the employment of such pilots and nautical experts as may be necessary;" so as to make the clause read:

For examination of reported dangers on the Atlantic, Gulf, and Pacific coasts, and to continue the compilation of the Coast Pilot, and to make special hydrographic examinations and including the employment of such pilots and nautical experts as may be necessary for the same, \$3,000.

The amendment was agreed to.

The next amendment was, on page 32, line 15, after the word "positions," to strike out "including telegraphic connections with Montreal;" so as to make the clause read:

For determinations of geographical positions and to continue gravity observations, \$2,500.

The amendment was agreed to.

The next amendment was, on page 32, line 18, after the word "for," to strike out "completing" and insert "continuing;" so as to make the clause read:

For continuing the transcontinental geodetic work on the line between the Atlantic and Pacific oceans, \$13,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 33, line 19, to increase the total appropriation for field expenses from "\$110,500" to "\$115,800."

Mr. COCKRELL. It is suggested that there is a necessity for an executive session, and I will move an executive session with the understanding that as soon as all the executive business we have to do is transacted, the Senate will take a recess until 8 o'clock this evening.

The VICE-PRESIDENT. Does the Senator move that the Senate take a recess?

Mr. COCKRELL. No; that is the understanding.

#### ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled joint resolutions; and they were thereupon signed by the Vice-President:

A joint resolution (S. R. 109) to fill vacancies in the Board of Regents of the Smithsonian Institution;

A joint resolution (S. R. 117) granting permission for the erection of a bronze statue in Washington, D. C., in honor of the late Prof. Samuel D. Gross, M. D., LL. D., D. C. L.; and

A joint resolution (S. R. 138) authorizing the Secretary of the Navy to deliver unserviceable or condemned cannon to the mayor of Burlington, Vt., to be used in decorating Battery Park.

#### EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened, and, on motion of Mr. GORMAN (at 6 o'clock p. m.), the Senate took a recess until 8 o'clock p. m.

#### EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (H. R. 8892) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1895, and for prior years, and for other purposes; in which it requested the concurrence of the Senate.

#### FORT HAYS MILITARY RESERVATION, KANS.

Mr. MARTIN, from the Committee on Public Lands, to whom was referred the bill (S. 2799) granting to the State of Kansas the abandoned Fort Hays Military Reservation in said State for the purpose of establishing western branches of the Kansas Agricultural College and of the Kansas State Normal Institute thereon, and for a public park, reported it without amendment.

#### CLAIMS AGAINST NICARAGUA.

Mr. HAWLEY, from the Select Committee to Inquire into all Claims of Citizens of the United States against the Government of Nicaragua, to whom was referred the following resolution, submitted by himself on the 10th instant, reported it without amendment:

*Resolved, That the Senate having declared there is no jurisdiction to present the claims of citizens of the United States against the Republic of Nicaragua, and said claims having been long delayed, it is respectfully submitted to the President that the same be called to the attention of the Government of Nicaragua for proper adjustment and settlement.*



The VICE-PRESIDENT. The resolution will be placed on the Calendar.

#### EMPLOYEES AT MALTBY BUILDING.

Mr. LINDSAY submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized to continue the present session employees at the Maltby Building, authorized under resolution of July 26, 1893, during the coming recess of Congress.

#### HOUSE BILL REFERRED.

The bill (H. R. 8892) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1895, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

#### SUNDRY CIVIL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8518) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes.

The VICE-PRESIDENT. The reading of the bill will be proceeded with.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 34, line 4, for pay of assistants employed in the field or office in the Coast and Geodetic Survey to strike out:

For one assistant, \$4,000;  
For one assistant, \$3,500;  
For three assistants, at \$3,000 each;  
For three assistants, at \$2,500 each;  
For seven assistants, at \$2,200 each;  
For seven assistants, at \$2,000 each;  
For three assistants, at \$1,800 each;  
For three assistants, at \$1,600 each;  
For two assistants, at \$1,400 each;  
For four assistants, at \$1,200 each;  
For aids temporarily employed at a salary not greater than \$900 per annum each, \$3,600; in all, \$79,500.

#### And insert:

For two assistants, at \$4,000 each;  
For one assistant, \$3,500;  
For four assistants, at \$3,000 each;  
For four assistants, at \$2,500 each;  
For eight assistants, at \$2,200 each;  
For eight assistants, at \$2,000 each;  
For four assistants, at \$1,800 each;  
For four assistants, at \$1,600 each;  
For three assistants, at \$1,400 each;  
For four assistants, at \$1,200 each;  
For aids temporarily employed at a salary not greater than \$900 per annum each, \$3,600; in all, \$98,300.

Mr. McLAURIN. Mr. President, I hope the amendment will not be adopted by the Senate, and that the committee will reconsider and withdraw the amendment. The Superintendent of the Coast and Geodetic Survey, when the pending bill was before the House committee, wrote a letter which I will read:

UNITED STATES COAST AND GEODETIC SURVEY,  
Washington, D. C., January 2, 1895.

MY DEAR SIR: I have the honor to inclose you herewith the requisite number and salaries of assistants of the Coast and Geodetic Survey upon the basis of an appropriation for 1896 of similar character and amount to that of 1895.

At present there are 10 divisions in the office force. By distributing the work of 4 of these divisions among the rest the number has been reduced from 10 to 7, so that only 7 assistants will be required for the office force.

The reduced appropriations will necessarily reduce the number of assistants in the field from 32 to 27, so that the entire force of assistants in both office and field will be reduced from 42 to 34.

There will be sufficient for all the work appropriated for, and with this reduced appropriation the Coast Survey will not be hampered by such reduction of its assistants.

Yours, very respectfully,

W. W. DUFFIELD,

Superintendent United States Coast and Geodetic Survey.

On the basis of that the appropriations were reported by the House committee and passed by the House that are proposed to be stricken out by the committee of the Senate. Since that time General Duffield, the Superintendent of the Coast and Geodetic Survey, has written me the following letter:

TREASURY DEPARTMENT,  
OFFICE OF THE COAST AND GEODETIC SURVEY,  
Washington, D. C., February 20, 1895.

MY DEAR SIR: Agreeably to the direction of Hon. JOSEPH D. SAYERS, chairman of the House Appropriation Committee, and having in view the House appropriation for 1896, I have after careful examination reduced the number of assistants of the Coast and Geodetic Survey from 40 to 34.

Since then I have reviewed this estimate and find it to be satisfactory as to its correctness.

Some of the work done by these gentlemen during former years has now been completed, and therefore 34 assistants are amply sufficient for the House appropriation of 1896. If the Senate, however, sees fit to retain the original number of assistants (42) in order to provide for those whose declining years have unfitted them for active duty in the field, it will be equivalent to placing them on the retired list.

Yours, very respectfully,

W. W. DUFFIELD, Superintendent.

Hon. A. J. McLAURIN,  
United States Senate Chamber, Washington, D. C.

After that statement by the Superintendent, who was not before the committee, and I do not know whether he was invited to appear before the committee or not, the Committee on Appropriations has raised the number of assistants eight, and raised the appropriation \$18,800, while it reduced the appropriation for the salary of the Superintendent \$1,000. There is a statute providing for the salary of the Superintendent, making it \$6,000 a year. The appropriation lacks \$1,000 of being as much as the sum fixed by the statute as his salary.

Mr. HUNTON. Is the salary of the Superintendent of the Coast and Geodetic Survey provided for in the sundry civil bill? My recollection is it is in the legislative, executive, and judicial appropriation bill.

Mr. GORMAN. No; it is in this bill.

Mr. McLAURIN. The provision is in the pending bill.

Mr. HUNTON. Not for the Superintendent's salary?

Mr. McLAURIN. Yes, sir; as the Senator will see in lines 24 and 25, on page 33. It says, "For Superintendent, \$5,000."

The assistant superintendent was, I understand, before the Committee on Appropriations, the Superintendent not having been before them, and the estimate of the Superintendent has been disregarded by the committee. The assistant superintendent was before the committee in 1895, and stated as follows:

The nature of the services is such that necessarily a very large part of the amount appropriated is expended for pay of employees, and if we compare the number of men in the normal force and their aggregate pay with the amount to be expended in the execution of the work, this is very evident. I have frequently considered the matter, and I know that if the normal force was scaled one-third in numbers, and the office force one-tenth, and the aggregate of the appropriations kept at the present figures, under a new distribution, more work could be done.

Then the question was propounded to him:

Q. That is, you think it can bear a reduction of 30 per cent or more, and not impair its efficiency?

A. I think so.

That was the statement of the assistant superintendent in 1895. The assistant superintendent, I understand, was before this committee and made these estimates different from the estimates which are made by the Superintendent. If this amendment is adopted by the Senate, unintentionally, I am satisfied, on the part of the committee, it is a slap in the face to General Duffield, the Superintendent of the Coast and Geodetic Survey. I do not think he merits it. I beg the indulgence of the Senate while I read an extract from Appleton's Encyclopedia of American Biography as to who General Duffield is. Under the head of "William Ward Duffield" it says:

Soldier, born in Carlisle, Pa., November, 1823, was graduated at Columbia College, New York, 1841.

He served in the Mexican war; was wounded at Cerro Gordo 18th of April, 1847, and also at Contreras August 20, 1847, while acting adjutant of the Second Tennessee Infantry and on Gen. Gideon J. Pillow's staff. After the close of the war he became a civil engineer. He was a resident engineer on the Hudson River Railroad 1851; chief engineer of the Oakland and Ottawa Railroad, Michigan, and located that line from Pontiac to Grand Haven; chief engineer of the Central Military Tract Railroad, Illinois, in 1854 (now part of the Chicago, Burlington and Quincy Railroad), and built that line from Detroit to Port Huron.

Served as lieutenant-colonel of the Fourth Michigan Infantry in 1861, and was in the first battle of Bull Run. On the 10th of September, 1861, was appointed colonel of the Ninth Michigan Infantry.

He joined General Sherman at Louisville, Ky., and was sent by him to occupy and fortify the pass through Muldraugh Hill, West Point, Ky., on the 22d of January, 1862. He was appointed by General Buell commander of the Twenty-third Brigade, Army of the Cumberland, April 22, 1863, and brigadier-general and president of the Examining Board, under the act of Congress to test the efficiency of volunteer officers, May 2, 1862. He overtook the Confederate forces at Lebanon, under Col. John Morgan, and captured the place after a sharp battle.

He was assigned by General Buell to command all the forces in Kentucky May 8, 1862, and was relieved from this post September 10. He rejoined the Fourteenth Corps, Army of the Cumberland, under General Thomas, and served with it until the battle of Murfreesboro, where he was disabled by two severe wounds and captured. Unable to take the field at the time required by the act of Congress, he resigned and was appointed chief engineer of the Hudson River Railroad. He was employed in 1869 to survey the lands in Colorado; in 1871-72 was chief engineer of the Kentucky Union Railroad, and located that line from Paris to Hazard. He was elected to the Michigan State senate in 1880, and in 1882 was employed in surveying Government land in Dakota. In 1885 he was reappointed chief engineer of the Kentucky Union Railroad. He has published School of Brigade and Evolutions of the Line.

Without any solicitation on his part he was appointed Superintendent of the Coast and Geodetic Survey and confirmed by the Senate. I have read this extract to show his efficiency, his competency, and to show that he is—

Mr. ALLISON. I desire to correct the Senator from Mississippi. The Superintendent of the Coast Survey is not confirmed by the Senate.

Mr. McLAURIN. General Duffield was confirmed by the Senate.

Mr. ALLISON. It is an appointment which is not confirmed by the Senate according to the statute. That is all I know.

Mr. McLAURIN. General Duffield was confirmed by the Senate to my certain knowledge.

Mr. ALLISON. As Superintendent of the Coast Survey?

Mr. McLAURIN. As Superintendent of the Coast and Geodetic Survey.

Mr. HUNTON. Oh, yes; I think that is true beyond any doubt.  
Mr. ALLISON. Then I stand corrected. My impression was that that officer was not confirmed by the Senate.

Mr. McLAURIN. Whether the law requires it or not I do not know and I do not pretend to say.

Mr. ALLISON. I stand corrected.

Mr. McLAURIN. The estimate made by General Duffield reduced the expenses \$18,800, and a saving to the Government of that much would be effected. His salary has been reduced \$1,000 in order, I suppose, to raise the appropriation \$18,800.

Mr. HUNTON. I desire to say a word or two, sir, in the same line that has been followed by the Senator from Mississippi [Mr. McLAURIN]. I know General Duffield well, as you, Mr. President, know I do, and I do not know a more accomplished gentleman than he is. He is all that my friend from Mississippi described him to be. Why it is that the Appropriations Committee proposes to cut down the salary of the Superintendent of the Coast and Geodetic Survey \$1,000 the moment General Duffield enters upon the duties of Superintendent is more than I can explain.

The Coast and Geodetic Survey was established long ago; I think as early as some time in the forties. I am not certain about that, but I am certain that it was in existence as early as the 3d of March, 1853. In the very act establishing the office of Superintendent of the Coast and Geodetic Survey the salary of the Superintendent was fixed at \$6,000 a year. From that day to this there has been no Superintendent of that office who has received a dollar less than \$6,000 per annum. I will guarantee that that office has had no more efficient and accomplished gentleman at its head than General Duffield. The office was created by an act of Congress, and it forms section 4689 of the Revised Statutes. By that statute the compensation of the Superintendent of the Coast and Geodetic Survey is fixed at \$6,000 per annum, and the proposed reduction to \$5,000 per annum is in contravention of the statute to which I have referred.

Mr. HARRIS. Will the Senator from Virginia allow me to suggest to him that the Committee on Appropriations has done nothing in respect to the salary of General Duffield. The bill comes to us from the other House with an appropriation of \$5,000. If that is to be changed, it can only be done by an amendment in the Senate.

Mr. HUNTON. Then I move to amend the amendment by striking out "\$5,000" and inserting "\$6,000."

Mr. HARRIS. That amendment is not now in order.

Mr. COCKRELL. That is not in order.

The VICE-PRESIDENT. The Chair will entertain the amendment at the proper time.

Mr. HUNTON. I believe it is understood that the committee amendments are to be acted upon first.

Mr. HARRIS. That is right.

The VICE-PRESIDENT. That is correct.

Mr. HUNTON. Then I shall not detain the Senate longer now, but will move the amendment after the committee amendments have been acted upon.

Mr. COCKRELL. We have simply restored the salaries of the present fiscal year according to the estimates.

Mr. HUNTON. Do I understand the chairman of the committee to say that the estimate for this officer's salary is \$5,000 a year?

Mr. COCKRELL. No; I am not talking about that question. That is not at issue at all.

Mr. HUNTON. All right.

Mr. HAWLEY. Mr. President, I have always taken great interest in this branch of the Government, as I think all who make any inquiry or examination into its history and usefulness will do.

I was disposed to vote for whatever liberal appropriation was made while I was in the other House, and I have done the same since I have been in the Senate. I had occasion during the war to serve nearly all the while along the coast, and I had reason to be grateful to the Survey for a week or two, or three or four weeks, when we crawled about over the islands along the southern coast by the aid of the Coast Survey, the coast guards at night, and the maps of the Survey.

The work of the Survey is not done. It never will be done. They have in the last three or four years been resurveying Long Island Sound, which was surveyed about forty years ago. The old survey was found to be erroneous and defective. There is not a scientific branch of the Government more creditable to us than that department, and as a rule it has had exceedingly capable men, men of scientific attainments and great executive and practical value, at its head. That is especially true of Professor Mendenhall, who has just left the department, to the great regret of all who knew him and his usefulness there. He has gone to a place more congenial, I suppose, and perhaps to higher rank and salary. The Senator from Iowa [Mr. ALLISON] calls my attention to the great, world-wide reputation of Professor Peirce, who used to be chief of it—a great astronomer. There are others, eminent in science, both here and in Europe.

Now there comes to the command of it a gentleman whom I do

not know at all, but I find him saying that he has reviewed his estimate and finds it satisfactory as to its correctness. That is the reduction he made.

Some of the work done by these gentlemen during former years has now been completed—

As I said, the work of the Survey never will be done—

and therefore, 34 assistants are amply sufficient for the House appropriation of 1896. If the Senate, however, sees fit to retain the original number of assistants, 42—

This is very fresh writing—

In order to provide for those whose declining years have unfitted them for active duty in the field, it will be equivalent to placing them on the retired list.

I do not quite enjoy the courtesy of that reflection upon the Senate. It comes from a gentleman who himself will shortly be 72 years old, and who has never had any experience in Coast-Survey work, according to the record which has been read. He had a very honorable record elsewhere and was wounded in two wars, but I do not think it was well for him, being a trifle older than I am, to reflect upon men of special acquirements and great value, and to say that if they are kept in the service it will be equivalent to putting them upon the retired list. I am willing to abide by the Committee on Appropriations in this matter.

Mr. LINDSAY. Mr. President, I gather from the remarks of the Senator from Connecticut [Mr. HAWLEY] that the offense of General Duffield is that he has recommended a reduction of the expenses of the Coast and Geodetic Survey by discontinuing certain offices filled by men whose service he regards as not required to carry out the purposes of the law. I do not think that is at all presuming upon his position to lecture or advise the Senate. He is presumed to be acquainted with the details and the necessities of the Bureau.

Mr. COCKRELL. Will the Senator from Kentucky permit me to read one line on that question from Mr. Duffield himself?

Mr. LINDSAY. Yes, sir.

Mr. COCKRELL. He says:

Not being sufficiently familiar with the personnel of the office force, I can not reduce it advisably. Such reduction might lop off a valuable clerk and retain one of little or no value. But, being well satisfied that this force also needs reduction, I suggest (if the committee deem it advisable) the following amendment, to be added after "Pay of office force," at the foot of page 230, Book of Estimates:

"Provided, That the Secretary of the Treasury may, upon the recommendation of the Superintendent of the Coast Survey, at any time abolish any position or reduce the salary of any position herein provided for under the office force that he may deem advisable."

He says he does not know anything about it.

Mr. LINDSAY. The committee, instead of accepting General Duffield's suggestion and leaving experience to enable him and the Secretary of the Treasury to reduce expenses, proposes peremptorily to restore all the officers that the other House discontinued and fixes their salaries. In other words, the recommendations of the chief of the Bureau are absolutely disregarded, and I take it there is no member of the committee who is able to say of his own knowledge that the services of any of these men are requisite.

Yet it is a little singular that nobody's salary is proposed to be reduced now except General Duffield's. It is true that it is not done by the action of the committee of the Senate. The reduction was made by the bill as it came here from the other House, but coupled with that reduction was the discontinuance of all these offices. Now the Senate restores the offices, provides pay for these men whose services are said to be unnecessary, and leaves the Superintendent's salary reduced. The result of all of which is to say to the heads of Bureaus, "Whenever you undertake to suggest a reduction of expenses the reduction in your own case will be made, but the salary of everybody else will be left as it was."

Mr. HAWLEY. I think it is rather to say that the probability is that 88 men are wiser than one, and we think there is work enough for those men to do.

Mr. WHITE. Mr. President, I think the adoption of the amendment referred to, made by the Committee on Appropriations and proposed here, is essential. As soon as it was suggested by the other House that the reduction referred should be made, the most vigorous protests were forwarded to my colleague and myself, not from the persons themselves interested, but from all the mercantile interests of the Coast, the Board of Trade and the Chamber of Commerce of San Francisco especially.

All the shipping interests were most irritated at the idea that these parties should be withdrawn from the public service. If it is important, in order to prevent the wrecking of ships, that those engaged in maritime enterprises should know where some rocks and shoals are, if it is important to have the ordinary functions of a coast survey carried out, the reduction proposed by the other House would have been utterly destructive. My friend from Kentucky [Mr. LINDSAY] perhaps does not appreciate the necessity, because it has not been called to his attention. When the head of the Bureau himself did not know where reductions should be made, certainly it was time to call a halt.

Now, the persons to whom I refer are perfectly cognizant of



the character of the work that is being done. The Coast Survey has recently performed a most important labor, surveying the southern line of the Alaskan boundary along the British possessions. It is constantly engaged upon work on the Coast. If it were necessary to go into this matter in detail, my colleague [Mr. PERKINS], who is necessarily absent this evening, has a great deal of information upon the subject, because he is personally very familiar with it, which might be offered to the Senate. But until someone who knows can show us the specific reductions which can be made without detriment to the public service, it is certainly poor policy to attempt a reduction when we do not know where to begin and where to stop.

I regard the service performed by the Coast Survey upon the Western coast of this country as absolutely essential to the public safety; and in so far as concerns that portion of mercantile enterprise which is carried on through the rivers and oceans, I do not believe any change that could have been proposed in existing laws would so soon have evoked a vigorous and spontaneous expression from men of business, who draw no salaries in this matter, but who recognize the essential character of the work done by the parties who have heretofore received the support of the Government. There is no one better known in connection with this work than Professor Davidson. He is an authority all over the country, and yet this foolish, ill-advised reduction would have absolutely excluded him from employment. It was part of the programme, as I know.

Mr. COCKRELL. I feel very sorry for General Duffield. He got himself into the condition that bureau chiefs very often do when they go before the House Committee on Appropriations with great reforms. They recommend reforms in certain lines. Some of their suggestions are taken; some of them are not taken. I think it is not improper to say that a certain amount was fixed for the office force, and General Duffield was requested to go off and make an estimate of how that force should be arranged to come within the amount which had been fixed. Mr. Duffield says:

MY DEAR SIR: I have the honor to inclose you herewith the requisite number and salaries of assistants of the Coast and Geodetic Survey upon the basis of an appropriation for 1896 of similar character and amount to that of 1895.

At present there are 10 divisions in the office force. By distributing the work of 4 of these divisions among the rest the number has been reduced from 10 to 7, so that only 7 assistants will be required for the office force.

The reduced appropriations will necessarily reduce the number of assistants in the field from 32 to 27, so that the entire force of assistants in both office and field will be reduced from 42 to 34.

These will be sufficient for all the work.

Then he makes the estimate here. I understand he was required to fix it at a certain amount. Now, let me say to the Senator that when they were making up these estimates to be submitted to Congress after having been approved by the Secretary of the Treasury, they estimated just as we have put it in the bill. Whether Mr. Duffield sent in those estimates or not I do not know. I do not remember when he took charge of the office.

Mr. McLAURIN. Will the Senator allow me to ask him a question?

Mr. COCKRELL. Certainly.

Mr. McLAURIN. Was General Duffield ever before the Committee on Appropriations?

Mr. COCKRELL. He was requested to send any statement he had to make in regard to it.

Mr. McLAURIN. Was his assistant before the committee?

Mr. COCKRELL. One of his assistants was.

Mr. McLAURIN. Was he invited before the committee?

Mr. COCKRELL. He was not. We have put in the bill the exact estimate.

Mr. McLAURIN. Is the committee amendment made upon the estimate of the Superintendent or the assistant?

Mr. COCKRELL. The committee amendment is made up upon the estimates of the Superintendent of the Coast and Geodetic Survey, as submitted to Congress by the Secretary of the Treasury, and the items are just as they were in the last appropriation act.

Mr. FRYE. What is the trouble, then?

Mr. COCKRELL. Last year we made a reduction of a very large number in the Coast and Geodetic Survey, a larger number than those familiar with the service believed it could stand without materially crippling its efficiency. We then provided that—

The Secretary of the Treasury shall reduce the number or compensation, or both, of said office force, so as to make the whole of said compensation equal to the sum of \$135,000 for the fiscal year 1896: *Provided*, That nothing herein shall be construed to affect the civil-service rules in so far as now applicable to the Coast and Geodetic Survey; and he shall submit estimates in detail for the said office force, as reorganized hereunder, in his annual estimates to Congress for the fiscal year 1896. And the Secretary of the Treasury shall examine and report to the next Congress, at its first session, what reduction can be made in the number and salaries of the employees of the Coast and Geodetic Survey without serious detriment to the service.

Under that law and those provisions we restore it and leave it to the Secretary of the Treasury to report at the beginning of the next session what greater reduction can be made than we made last year.

Mr. McLAURIN. Mr. President, I take it for granted that the

Superintendent of the Coast and Geodetic Survey is a competent and efficient officer; that he understands the business to which he was appointed, and understood it when he was appointed to that office. It occurs to me that it is very strange, when that officer has made an estimate of the appropriations that ought to be made for the assistants necessary to conduct the office, to have the Senate raise that appropriation \$18,800; and that is exactly what this amendment proposes to do.

I want to enter my protest against it. I do enter my protest against it. If it is true that this is an economical Administration, if it is true that this is an economical Senate, if it is true that the Senate only proposes to expend that which is necessary, then it seems to me that we ought not to raise the estimate made by the Superintendent of the Coast and Geodetic Survey \$18,800, or any other sum, but we ought to make such an appropriation as he has asked.

Mr. HAWLEY. If this be an economic Administration, to use the language of the Senator from Mississippi, we are safe in following the recommendations of the Secretary of the Treasury. The committee has done that exactly.

Mr. ALLISON. Mr. President, I wish to say only a few words on this subject. I did not hear the letter read by the Senator from Mississippi, purporting to come from the Superintendent of the Coast and Geodetic Survey, but I understood from what little I did hear that the Superintendent of the Coast Survey criticises the present schedule of salaries as found in the bill as reported by the committee. Am I correct in that regard?

Mr. McLAURIN. The Senator has the letter before him.

Mr. ALLISON. Then I will read it.

Mr. PLATT. What is the date?

Mr. ALLISON. February 20.

Mr. PLATT. The bill was reported February 18. It was written after the bill was reported.

Mr. ALLISON. It was written after the bill was reported. He says:

I have after careful examination reduced the number of assistants of the Coast and Geodetic Survey from 42 to 34.

Mr. President, this careful examination of the Superintendent only dispensed with the services of Mr. Davidson, who for many years has had charge of the important work of the survey on the Pacific coast. The Committee on Appropriations, in examining the bill as it came to us from the other House, saw in the very first item under this head a reduction by forcing this valuable and important officer, who is engaged in this very important work, out of his place and by making no provision for his salary. In going on and looking over the details we found three or four others similarly situated and known to members of the Committee on Appropriations. We found from the Book of Estimates that the Secretary of the Treasury, who is the responsible officer for the Survey, and in whose Department the Survey exists, sent to us estimates of appropriation in accordance with the appropriations of last year.

I submit that it does not lie in the pathway of a gentleman so eminent as General Duffield, in private communications to committees of this House or the other, to override the omnipotent power of the Secretary of the Treasury as respects these questions and present these recommendations in the privacy of committee rooms without the assent and indorsement in writing of the Secretary of the Treasury. I submit to the Senator from Mississippi that the person responsible for the Coast Survey and for its organization has never intimated to the Committee on Appropriations of the Senate that he could under any circumstances dispense with the officers for whom we appropriated last year and for whom he has estimated this year.

Mr. President, there is a history connected with these reductions that has not yet been disclosed in this Chamber, a history which will connect not the Superintendent of the Coast Survey but other people employed there with this attempted reorganization, without the knowledge of the Secretary of the Treasury and without any reference made by him to either House of Congress on the subject.

Therefore, I submit that it is not just to this service or to those who have been employed in it for many years, and who are men of the highest skill in the scientific work of the Survey, to thus cut them down without a hearing from their superior officer, the Secretary of the Treasury.

Mr. PLATT. May I ask the Senator from Iowa one question before he sits down? I find that the salary of the Superintendent has been reduced \$1,000 by the other House. I want to inquire whether the Superintendent recommended the reduction of his own salary when he was recommending the reduction of the salary of his assistant?

Mr. HAWLEY. He recommended the dismissal of his assistant.

Mr. ALLISON. I have no evidence, except the letter which appears here, that the Superintendent of the Coast Survey recommended the reductions.

Mr. COCKRELL. It will be found in the hearings before the House committee, on page 193. I will state to the Senator that he did not recommend the reduction of his own salary, but it is put specifically at \$6,000. But all the other salaries are cut down.

Mr. McLAURIN. I will ask the Senator from Connecticut who has just taken his seat if he knows of any assistant or any officer the reduction of whose salary he recommended?

Mr. HAWLEY. He recommended to send them all away entirely.

Mr. McLAURIN. Though he did not recommend the reduction of the salary of any officer.

Mr. ALLISON. I wish to say in response to the Senator from Connecticut that personally for myself I do not believe it is wise to reduce the compensation of the Superintendent of the Coast Survey. I think a highly scientific person fitted for this place deserves the salary now authorized by the statute.

Mr. STEWART. I have had the honor of an acquaintance with Professor Davidson for many years and have been familiar with his work on the Pacific Coast. I regard him as no ordinary man. He is a scientist whose ability is recognized throughout the world. He has a world-wide reputation. He has done great service to the Government and is still in full vigor. I do not believe that he would lose by a comparison with any officer who has done like service for the Government. In other words, I believe that he is at the head as a scientific, useful, and important officer. I would hate to see him cut down without knowing the reason why, for I do not believe there is any person in the service who could take his place and do as good service to the Government.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 40, line 21, after the words "United States," to strike out:

A report in detail of the expenses on account of the National Zoological Park shall be made to Congress at the beginning of each regular session. And of the sum hereby appropriated \$5,000 shall be used toward the construction of a road from the Holt mansion entrance (on Adams Mill road) into the park to connect with the roads now in existence, including a bridge across Rock Creek.

So as to make the clause read:

National Zoological Park: For continuing the construction of roads, walks, bridges, water supply, sewerage, and drainage; and for grading, planting, and otherwise improving the grounds; erecting, and repairing buildings and inclosures for animals; and for administrative purposes, care, subsistence, and transportation of animals, including salaries or compensation of all necessary employees, and general incidental expenses not otherwise provided for, \$55,000, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Mr. COCKRELL. I desire to have the amendment of the committee to strike out the first part of the amendment which has been read agreed to, that portion referring to the report, because that is the law already, and the same thing was in the bill which passed last year, preceded by the word "hereafter." The second part of the amendment I desire to have disagreed to—that is, the part beginning "and of the sum hereby appropriated," and ending with the words "bridge across Rock Creek." I desire that part of the language retained as it came from the House of Representatives. The amendment was proposed under a misapprehension.

The VICE-PRESIDENT. The amendment will be divided as requested by the Senator from Missouri. The first division of the amendment will be read.

The SECRETARY. After the words "United States," in line 21, on page 40, it is proposed to strike out:

A report in detail of the expenses on account of the National Zoological Park shall be made to Congress at the beginning of each regular session.

The VICE-PRESIDENT. The question is on striking out the words which have been read.

The amendment was agreed to.

The VICE-PRESIDENT. The second amendment will now be stated.

The SECRETARY. After the word "session," in line 24, on page 40, the Committee on Appropriations reported to strike out:

And of the sum hereby appropriated \$5,000 shall be used toward the construction of a road from the Holt mansion entrance (on Adams Mill road) into the park to connect with the roads now in existence, including a bridge across Rock Creek.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 49, line 12, to increase the appropriation for "propagation of food fishes" from \$91,250 to \$108,750.

The amendment was agreed to.

The next amendment was, on page 50, after line 12, to insert:

For investigation and report respecting the advisability of establishing a fish-hatching station at some suitable point in the State of New Hampshire, \$500, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 50, after line 21, to strike out:

For all other necessary expenditures, to enable the Commission to properly carry out the objects of the "Act to regulate commerce," including expenditures for counsel employed with the approval of the Attorney-General to give effect to the provisions of said act and all acts and amendments supplementary thereto, \$184,000.

And insert:

For all other necessary expenditures, to enable the Commission to give effect to the provisions of the "Act to regulate commerce," and all acts and amendments supplementary thereto, \$184,000, of which sum not exceeding \$20,000 may be expended in the employment of counsel.

The amendment was agreed to.

The next amendment was, on page 52, line 4, after the word "of," to insert "the said act of August 5, 1892, as amended by;" in line 14, after the word "said," to insert "sundry civil act to carry out;" and in the same line, after the word "three," to insert "as amended;" so as to make the clause read:

That the Bureau of Engraving and Printing, under the supervision of the Secretary of the Treasury, be authorized to print upon the blank diplomas authorized by section 3 of the said act of August 5, 1892, as amended by the act of March 3, 1893, making appropriations for the sundry civil expenses of the Government for the fiscal year 1894, the names of the persons to whom the diplomas are to be awarded by the World's Columbian Commission, and the language of the awards as furnished by the committee on awards of the World's Columbian Commission; and the expense thereof shall be paid from the appropriation of \$105,000 contained in said sundry civil act to carry out section 3 as amended, which appropriation is hereby made available for such purpose until expended.

The amendment was agreed to.

The next amendment was, on page 52, line 19, to increase the appropriation for "Paper and stamps" from "\$60,000" to "\$65,000."

The amendment was agreed to.

The next amendment was, on page 53, line 14, before the word "thousand," to strike out "fifty" and insert "sixty;" and in the same line, after the word "dollars," to strike out "to be immediately available;" so as to make the clause read:

Transportation of silver coin: For transportation of silver coin, including fractional silver coin, by registered mail or otherwise, \$60,000; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

The amendment was agreed to.

The next amendment was, on page 54, line 3, before the word "silver," to insert "uncurrent fractional," and in line 4, before the word "silver," to insert "fractional," so as to make the clause read:

Recoinage of uncurrent fractional silver coins: For recoinage of the uncurrent fractional silver coins in the Treasury, to be expended under the direction of the Secretary of the Treasury, \$100,000.

The amendment was agreed to.

The next amendment was, on page 54, line 20, to increase the appropriation for "Distinctive paper for United States securities" from "\$60,000" to "\$68,000."

The amendment was agreed to.

The next amendment was, on page 55, line 5, to increase the appropriation for "Expenses of national currency" from "\$10,000" to "\$19,000."

Mr. COCKRELL. There are three amendments to go in the portion of the bill which is being read. On line 5, page 56, after the word "Columbia," I move to insert "including the buildings at Chicago."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 56, line 5, after the word "Columbia," it is proposed to insert "including the buildings at Chicago;" so as to read:

Pay of assistant custodians and janitors: For pay of assistant custodians and janitors, including all personal services in connection with the care of all public buildings under control of the Treasury Department outside of the District of Columbia, including the buildings at Chicago, \$775,000.

Mr. COCKRELL. That may be necessary in view of the addition which has been made.

The amendment was agreed to.

Mr. COCKRELL. In line 18, on page 56, after the word "hospitals," I move to insert the words "the buildings at Chicago."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 56, line 18, after the word "hospitals," it is proposed to insert "the buildings at Chicago;" so as to read:

Furniture and repairs of furniture: For furniture and repairs of same and carpets for all public buildings, marine hospitals, the buildings at Chicago included, under the control of the Treasury Department, and for furniture, carpets, chandeliers, and gas fixtures for new buildings, exclusive of personal services, except for work done by contract, \$180,000.

The amendment was agreed to.

Mr. COCKRELL. On page 57, line 9, after the word "hospitals," I move to insert the words "the buildings at Chicago."

The VICE-PRESIDENT. The amendment will be stated.



The SECRETARY. On page 57, line 9, after the word "hospitals," it is proposed to insert "the buildings at Chicago;" so as to read:

Fuel, lights, and water for public buildings: For fuel, lights, water, electric current for light and power purposes, electric-light plants, including repairs thereto, in such buildings as may be designated by the Secretary of the Treasury, electric-light wiring, and miscellaneous items required for the use of the janitors, firemen, or engineers, in the proper care of the buildings, furniture, and heating apparatus, exclusive of personal services, for all public buildings, marine hospitals, the buildings at Chicago included, under the control of the Treasury Department, inclusive of new buildings, \$875,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 58, line 7, after the word "laws," to insert:

Including \$4,000 to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section 4718 of the Revised Statutes.

So as to make the clause read:

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign Governments, as well as the coins of the United States and of foreign Governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, including \$4,000 to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section 4718 of the Revised Statutes, and for no other purpose whatever, \$80,000.

Mr. PLATT. I should like to inquire of the chairman of the committee what is the necessity, if any, for this proposed amendment?

Mr. COCKRELL. That is the usual appropriation. We simply restore what the law has been.

Mr. PLATT. The law has been so?

Mr. COCKRELL. Yes.

Mr. PLATT. It strikes me it would be quite as well to expend \$4,000 to see why reimbursement for burial expenses has not been allowed. I make no objection, however, to the amendment if it is the usual provision.

Mr. GALLINGER. I ask the Senator from Missouri if that provision has been in former laws?

Mr. COCKRELL. It has been.

Mr. GALLINGER. That is all right, then. It was left out of this bill by the House of Representatives I suppose?

Mr. COCKRELL. It was left out by the House of Representatives.

The VICE-PRESIDENT. The question is on the amendment of the committee, which has been read.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 60, line 9, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to make the clause read:

Enforcement of alien contract-labor laws: For the enforcement of alien contract-labor laws and to prevent the immigration of convicts, lunatics, idiots, and persons liable to become a public charge from foreign contiguous territory, \$75,000.

The amendment was agreed to.

The next amendment was, on page 61, line 12, after the word "dollars," to insert:

And the Secretary of the Treasury is hereby authorized to order investigations and reports by the inspector for the salmon fisheries in Alaska of the alleged taking and destruction of the eggs of game wild fowl in said Territory, as well also as to the alleged wanton destruction of game birds, deer, fox, and other animals, and also the advisability of adopting suitable regulations as to close seasons as in his judgment may be necessary to prevent such destruction in future.

The amendment was agreed to.

The next amendment was, on page 62, after line 11, to insert:

Payments on account of the Ford Theater disaster: For payment to the heirs and legal representatives of those who were killed by reason of the falling of the Ford Theater building on the 9th day of June, 1893, the sum of \$115,000, of which sum there shall be paid to the legal or personal representatives of each of the following persons the sum of \$5,000: George Q. Allen, George Michael Arnold, Samuel P. Banes, John Bussius, John E. Chapin, Jeremiah Daly, Joseph R. Fagan, Joseph Barker Gage, David Clark Jordan, Justus Boyd Jones, Frederick B. Loftus, J. Hirst McFall, Otto F. W. Meder, Howard S. Miller, Benjamin Franklin Miller, Burrows Nelson, Emanuel G. Shull, Frank M. Williams, Alfred L. Ames, Arthur Napoleon Girault, Michael T. Mulleday, George W. Roby, and Charles Best Sayers: *Provided*, That where the deceased died leaving a widow but no children the \$5,000 shall be paid her; where the deceased left a widow and children, the widow shall receive one-half and the children shall share alike; and where the deceased was unmarried, the sum shall be paid to the legal heirs.

Mr. HARRIS. Mr. President, I simply wish to notify the chairman of the Committee on Appropriations that my colleague on the Special Committee on the Ford's Theater Disaster [Mr. MANDERSON] has two amendments which he will ask leave hereafter to offer, not being present now. I ask that the right might be reserved to him to do so.

Mr. COCKRELL. He shall have the right to offer the amendments.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The

question is on the amendment of the committee, which has been read.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 63, after line 8, to insert:

Payment to executors of Francis Wharton: To pay the executors of Francis Wharton, being balance due his estate for services rendered in preparing the Diplomatic Correspondence of the American Revolution, under a joint resolution of Congress approved August 13, 1888, providing for the printing of a supplement of Wharton's Digest of International Law, \$7,500.

The amendment was agreed to.

The next amendment was, on page 63, after line 16, to insert:

The Secretary of the Treasury shall prescribe regulations for the sampling and assaying of lead ores imported into the United States, and such regulations shall provide that the method of sampling and assaying such ores shall be the same as that usually adopted for commercial purposes by public sampling works in the United States; and he is authorized to incur the necessary expense out of the appropriation for the collection of the revenue from customs: *Provided*, That no part of the expense herein authorized and directed shall be incurred for the erection of sampling works by the United States.

The amendment was agreed to.

The next amendment was, on page 64, after line 3, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to furnish Gen. James D. McBride, on his written requests from time to time as may be required, impressions on lithographic transfer paper, from the following engravings: The signers of the Declaration of Independence and portraits of the Presidents of the United States; and that the said McBride be, and he is hereby, authorized and permitted to print the vignette of the signers of the Declaration of Independence in connection with his historical publication (which he is now ready to issue) entitled "Important Periods in the History of the United States," and also to print said portraits in a group under the following title: "The Portraits of the Presidents of the United States." *Provided*, That nothing herein contained shall be construed as authorizing the said McBride to print, or cause to be printed, copies of said engravings in any other manner than hereinbefore specified; and the cost and expense thereof shall be paid by said McBride.

The amendment was agreed to.

The next amendment was, on page 64, after line 21, to insert:

That the act entitled "An act to authorize and provide for the distribution of useless papers in the Executive Departments," approved February 16, 1890, be, and the same is hereby, amended so as to include in its provisions any accumulation of files of papers of a like character therein described now or hereafter in the various public buildings under the control of the several Executive Departments of the Government.

The amendment was agreed to.

Mr. ALLISON. At this point the Senator from Kentucky [Mr. BLACKBURN], on behalf of the committee, has an amendment which he intends to propose relating to the bounty on sugar. The Senator from Kentucky is obliged to be absent during a portion of this evening, and I ask that the amendment may be passed over until to-morrow, as I think it may lead to some debate.

Mr. COCKRELL. It is to come in on page 65, at the end of line 5.

Mr. ALLISON. At the end of line 5. I ask that it may be passed over.

The PRESIDING OFFICER. If there be no objection the request of the Senator from Iowa will be agreed to. The Chair hears none, and it is so ordered.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 66, line 1, after the word "force," to insert:

*Provided*, That the Secretary of the Treasury may use not exceeding \$900 of such unexpended balance for the experimental investigation of the treatment and prevention of smallpox in the laboratory of the Marine-Hospital Service.

So as to make the clause read:

#### PREVENTION OF EPIDEMICS.

The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera, yellow fever, smallpox, or Chinese plague or black death, to use the unexpended balance of the sums appropriated and reappropriated by the sundry civil appropriation acts approved March 3, 1893, and August 13, 1894, or so much thereof as may be necessary, in aid of State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same; and in such emergency in the execution of any quarantine laws which may be then in force: *Provided*, That the Secretary of the Treasury may use not exceeding \$900 of such unexpended balance for the experimental investigation of the treatment and prevention of smallpox in the laboratory of the Marine-Hospital Service.

Mr. COCKRELL. I move to add to the amendment the words "to be immediately available."

The amendment to the amendment was agreed to.

Mr. HARRIS. I desire to ask the chairman of the committee in charge of the bill what is the amount of the unexpended balance of the contingent appropriation to guard against these diseases?

Mr. COCKRELL. About \$500,000—between four and five hundred thousand dollars.

Mr. HARRIS. It is quite enough, if it is that amount. It is a larger sum than I supposed.

Mr. COCKRELL. Oh, yes; it is an enormous amount.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The next amendment was, on page 66, after line 14, to insert:

To provide flags for the east and west fronts of the center of the Capitol, to be hoisted daily under the direction of the Capitol police board, \$100, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 66, after line 18, to insert:

For continuing the work of cleaning and repairing works of art in the Capitol, including the repairing of frames, \$1,500.

The amendment was agreed to.

The next amendment was, on page 66, after line 21, to insert:

Senate wing of the Capitol: For repaving subbasement floor, rebuilding horizontal smoke flue from boilers to stack, and repairing and rearranging the Senate legislative electric bells service, repairing and enlarging hot well under boiler room and other work appertaining to same, to be expended under the direction of the Architect of the Capitol, \$3,580.

The amendment was agreed to.

The next amendment was, on page 67, after line 9, to insert:

For repairs and improvements to steam fire engine and Senate and House stables, \$500.

The amendment was agreed to.

The next amendment was, in the provision for "lighting the Capitol and grounds," on page 67, line 12, after the word "grounds," to strike out:

For lighting the Capitol and grounds about the same, including the Botanic Garden, and the Senate and House stables; for gas and electric lighting; pay of superintendent of meters, lamp-lighters, gas fitters, and for materials for gas and electric lighting, and for general repairs, \$24,000.

The Architect of the Capitol, with the approval of the Committee on Rules of the Senate and House of Representatives, is hereby authorized to arrange for not exceeding one year with any existing electric lighting company in the city of Washington to furnish electric current for the Capitol building at a rate not to exceed 10 cents per 1,000 watt hours, lamp renewals included; and the Architect of the Capitol is also authorized to grant permission to said electric lighting company to lay an underground conduit through the Capitol grounds in order to connect its supply mains with the Capitol building with a view to furnishing current to the electric lights in said building, no expense to be chargeable to the Government for laying such conduit or mains; any injury to the grounds or appurtenances caused thereby to be repaired by the said company.

And insert:

For purchase of the electric-lighting plant in the Senate wing, \$10,000; for repairs and extension of the same to meet the present requirements of the service, \$10,000; and the Architect of the Capitol is hereby directed to have the electric plant, wiring, and fixtures put in place during the ensuing recess of Congress, under the direction of the Committee on Rules, in accordance with the plan adopted by said committee; for lighting the Capitol and grounds about the same, including the Botanic Garden and the Senate and House stables; for gas and electric lighting, pay of superintendent of meters, lamp-lighters, gas fitters, and for materials and labor for gas and electric lighting, and for general repairs, \$24,000; in all, \$44,000. The Architect of the Capitol, with the approval of the Committee on Rules of the Senate and House of Representatives, is hereby authorized to arrange, for not exceeding one year, with any existing electric lighting company in the city of Washington to furnish electric current for the Capitol building at a rate not to exceed one-half a cent per hour of burning of a nominal 16-candle-power incandescent lamp, or an equivalent thereof; and the Architect of the Capitol is also authorized to grant permission to said electric lighting company to lay an underground conduit through the Capitol grounds in order to connect its supply mains with the Capitol building with a view to furnishing current to the electric lights in said building, no expense to be chargeable to the Government for laying such conduit or mains; any injury to the grounds or appurtenances caused thereby to be repaired by the said company.

The amendment was agreed to.

The next amendment was, on page 70, line 10, before the word "thousand," to strike out "ninety" and insert "sixty," and in line 12, after the word "be," to insert "selected under the civil-service law, rules, and regulations, and shall be;" so as to make the clause read:

Depredations on public timber, protecting public lands, and settlement of claims for swamp lands and swamp-land indemnity: To meet the expenses of protecting timber on the public lands and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, \$60,000: *Provided*, That agents and others employed under this appropriation shall be selected under the civil-service law, rules, and regulations, and shall be allowed per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence, at a rate not exceeding \$3 per day each and actual necessary expenses for transportation.

Mr. BERRY. I move to strike out "sixty" and insert "one hundred and twenty;" so as to read "\$120,000."

Mr. COCKRELL. Let the paragraph be passed over. The Senator from Arkansas can offer his amendment, and then let the matter be passed over until to-morrow.

Mr. BERRY. Why not dispose of it now?

Mr. BATE. There are one or two Senators who are interested in the matter, I will say to the Senator from Arkansas, who would like to be present when it is considered. If this clause can be passed over without losing its rights I have no objection.

Mr. COCKRELL. It will not lose its rights.

The PRESIDING OFFICER. If there be no objection, the clause on page 70, from line 3 to line 17, inclusive, will be passed over. The Chair hears none.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 71, line 11, before

the word "thousand," to strike out "one hundred and seventy-five" and insert "three hundred;" so as to read:

#### SURVEYING THE PUBLIC LANDS.

For surveys and resurveys of public lands, \$300,000, at rates not exceeding \$3 per linear mile for standard and meander lines, \$7 for township, and \$5 for section lines.

Mr. DUBOIS. I move to strike out "three hundred" and insert "four hundred;" so as to read "\$400,000." The Senate is entirely familiar with the argument which the representatives of the Western States make in regard to the survey of Western lands.

Mr. COCKRELL. Let the paragraph be passed over for to-night, and be reserved.

Mr. DUBOIS. Very well.

The PRESIDING OFFICER. If there be no objection, the provision on page 71, from line 10 to line 13, inclusive, will be passed over. The Chair hears none, and it is so ordered.

The reading of the bill was resumed. The next amendment was, on page 72, line 16, after the word "exceeding," to insert "\$15,000 may be expended for resurveys, and not exceeding;" so as to read:

And of the sum hereby appropriated not exceeding \$15,000 may be expended for resurveys, and not exceeding \$40,000 may be expended for examination of public surveys in the several surveying districts in order to test the accuracy of the work in the field, and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and for examinations of surveys heretofore made and reported to be defective or fraudulent.

The amendment was agreed to.

The next amendment was, on page 73, after line 3, to insert:

For the survey of the public lands lying within the limits of land grants made by Congress to aid in the construction of railroads, and the selection therein of such lands as are granted therefor, to enable the Secretary of the Interior to carry out the provisions of section 1 of the act of March 3, 1867, entitled "An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads, and for the forfeiture of unearned lands, and for other purposes," being chapter 576 of volume 24 of the Statutes at Large, page 556, the sum of \$125,000 is hereby appropriated and made a continuing appropriation for the survey of lands within the limits of railroad land grants, and any money which shall be expended of such appropriation and reimbursed and paid into the Treasury is hereby reappropriated, and said sum shall remain a continuing appropriation, and so often as any part of the same shall, after being expended, be reimbursed by any railroad company as hereinafter provided, the same shall be again available for the purposes aforesaid: *Provided*, That any portion of said sum expended for surveying such lands shall be reimbursed by the respective companies or parties in interest for whose benefit the lands are granted, according to the provisions of the act of July 15, 1870, chapter 223, volume 16, pages 305 and 306, and act of July 31, 1876, chapter 246 of volume 19, page 121 of the Statutes at Large, requiring "that before any lands granted to any railroad company shall be conveyed to such company or any persons entitled thereto under any of the acts incorporating or relating to said company, unless said company is excepted by law from the payment of such cost, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or persons in interest;" *And provided further*, That whenever there shall have been reimbursed and paid into the Treasury of the United States, by the respective companies or parties in interest, any part of said appropriation expended for surveys within such grants, there shall be immediately available, out of any money in the Treasury not otherwise appropriated, an amount equal to the amount so reimbursed, and the same shall be available for the survey of the public lands lying within the limits of the railroad land grants made by Congress, until all of said lands shall have been surveyed: *Provided*, That nothing herein contained shall be construed to prevent the use, within the limits of any railroad land grant made by Congress, of any part of any regular appropriation for surveying the public lands: *Provided*, That no part of the foregoing money shall be used for any land embraced in any grant to the State of Florida: *And provided further*, That the provisions of law requiring reimbursements to be made to the United States by railroad corporations claiming such grants, shall apply equally to the successors of such railroad corporations acquiring title to their lands and other property, under decree of foreclosure of any mortgage authorized by Congress. This paragraph shall be in lieu of the provision in the sundry civil appropriation act approved August 13, 1894, providing for the survey of such lands.

Mr. COCKRELL. I suggest to insert at the end of the paragraph a comma and the words:

and the Secretary of the Interior shall report to each regular session of Congress the results of his action under these provisions.

Mr. ALDRICH. I hope the chairman of the committee will explain what the purpose of this amendment is and how it changes existing law.

Mr. COCKRELL. This is simply a repetition of the act of last session, carrying it out more specifically and amending a defect that was discovered in it. We then appropriated \$125,000 for the survey of lands within the railroad limits and provided that, as a matter of course, the railroad companies had to pay one-half. We intended it to be a regular permanent fund that might be used from year to year and from time to time as the railroad companies paid in, but the Treasury Department has decided that when the railroad companies paid in \$50,000 for the surveys and the United States had expended that amount the money was not reappropriated. As soon as \$125,000 was expended that amount would be in the Treasury on the part of the railroad companies, but there would be nothing there on the part of the Government to pay one-half of the expense. We have simply made the \$125,000 available all the time, one-half of it coming from the railroad companies and the other half from the Treasury, and that was the intention of the provision.

Mr. ALDRICH. Can the Senator from Missouri tell me, with-



out very much trouble, what is the area of lands now held by the land-grant railroads?

Mr. COCKRELL. Oh, millions upon millions of acres. I do not know.

Mr. ALDRICH. That have not been surveyed?

Mr. COCKRELL. Millions upon millions of acres that have not been surveyed.

Mr. DUBOIS. I will state to the Senator from Rhode Island that all through the State of Wyoming, for instance, there are unsurveyed public lands on both sides of the tracks. It is so in Washington and Idaho, and also along the Union Pacific, the Central Pacific, and the Northern Pacific as well.

Mr. SQUIRE. This paragraph, on page 75, is of very great importance also in reference to the use of the money for surveys within the limits of railroad land grants. I understand that the First Comptroller of the Treasury decided that no part of the \$375,000 appropriated under the act of August 5, 1893, "for surveys and resurveys of public lands" could be used for the survey of public lands within the land grants.

Mr. COCKRELL. It is all arranged satisfactorily.

Mr. SQUIRE. It is specifically provided for by an appropriation of \$125,000 made in the same act. This seems to be a very important paragraph. I have a letter from the surveyor-general of the State of Washington urging that a provision to this effect be enacted, and I think the reasons he gives are very conclusive. It is a very important matter. The proviso on page 75 of the bill reads:

*Provided, That nothing herein contained shall be construed to prevent the use, within the limits of any railroad land grant made by Congress, of any part of any regular appropriation for surveying public lands.*

It is very important otherwise. They would not survey any of the railroad lands within the limits of the grants.

Mr. DUBOIS. I will say to the Senator from Washington that that is fully provided for in this amendment.

Mr. SQUIRE. The surveyor-general of Washington says that one-half of all the applications for surveys of public lands are within the limits of the railroad grants. His letter is as follows:

DEPARTMENT OF THE INTERIOR,  
OFFICE OF UNITED STATES SURVEYOR-GENERAL  
FOR THE STATE OF WASHINGTON,  
Olympia, January 11, 1895.

DEAR SIR: I want to call your attention to a matter of very vital importance to a great number of settlers on unsurveyed public lands lying within the limits of the railroad grants in this State.

The sundry civil appropriation act of August 18, 1894, appropriates \$250,000 for public surveys.

Of this sum to the State of Washington is apportioned the sum of \$39,000.

In the letter of instructions from the honorable Commissioner of the General Land Office, dated December 7, 1894, I am directed to award contracts to this amount in lands situated outside of the limits of the land grants made by Congress to aid in the construction of railroads.

The sundry civil appropriation act of August 18, 1894, makes provision for surveys within the limits of railroad land grants, as follows:

"For the survey of the public lands lying within the limits of land grants made by Congress to aid in the construction of railroads, and the selection therein of such lands as are granted therefor, to enable the Secretary of the Interior to carry out the provisions of section 1 of the act of March 3, 1867, entitled 'An act to provide for the adjustment of land grants made by Congress to aid in the construction of and for the forfeiture of unearned land, and for other purposes,' being chapter 376 of volume 34 of the Statutes at Large, page 656, the sum of \$125,000, which was appropriated therefor by the act approved August 5, 1892, entitled 'An act making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1893, and for other purposes,' is hereby reappropriated and continued, and any money which shall have been expended out of such appropriation and reimbursed and paid into the Treasury, is hereby reappropriated; and the said sum shall remain a continuing appropriation, and so often as any part of the same shall, after being expended, be reimbursed by any railroad company, as hereinafter provided, the same shall be then available for the purposes aforesaid: *Provided, That any portion of said sum expended for surveying such lands shall be reimbursed by the respective companies or parties in interest for whose benefit the lands are granted, according to the provisions of the act of July 15, 1870, chapter 283, volume 16, pages 305 and 306, and act July 31, 1876, chapter 246 of volume 19, page 121, of the Statutes at Large, requiring 'that before the lands granted to any railroad company shall be conveyed to such company or any persons entitled thereto under any of the acts incorporating or related to said company, unless said company is excepted by law from the payment of such costs, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same, by the said company or persons in interest:'* *Provided, That no part of the foregoing moneys shall be used for any land embraced in any grant to the State of Florida.*"

The First Comptroller of the Treasury on August 22, 1892, decided that no part of the appropriation of \$375,000 appropriated by the act of August 5, 1892, "for surveys and resurveys of public lands" could be used for the survey of public lands within the land grants, as the survey of lands within such grants was specifically provided for by the appropriation of \$125,000 made in the same act.

I am informed by the honorable Commissioner that under date of October 17, 1894, he requested a decision by the Comptroller of the Treasury as to whether the reappropriation of the said sum of \$125,000, and making the same a continuing appropriation, should be regarded as specifically providing for surveys within railroad grants to the exclusion of the regular appropriation. Under date of November 7, 1894, the Comptroller replied as follows:

"The original appropriation of \$125,000 made in the act of August 5, 1892, and which by the provision of the above clause of the sundry civil appropriation act of August 18, 1894, has been reappropriated and continued, was considered by Mr. Matthews, when First Comptroller of the Treasury.

"He held that it was the intention of Congress that that appropriation should be exclusively used for the survey of the public lands lying within the limits of railroad grants, and consequently, that the regular appropriation for the survey of the public lands was not available for the purpose of surveying any of the public lands lying within the limits of railroad land grants.

"I see no reason why the construction placed upon the original appropriation should not be applied to the present appropriation, although by its terms the appropriation is now made continuous.

"It is true, as explained by you, that as the railroads are only entitled to alternate sections, or one-half of the land covered by the survey paid for out of said appropriation, when the amount paid for the cost of the surveys of the land selected by the railroads are reimbursed, only one-half of the total cost of the surveys made under said appropriation will be available for future surveys, and that, therefore, in process of time the appropriation would become exhausted.

"That fact can not change the construction which should be placed upon the appropriation. It may be and is probably true that Congress in enacting this provision did not realize that only one-half of the appropriation would be reimbursed by the railroads, and probably presumed that the entire sum of \$125,000 would again become available for the purpose of surveying other lands after having once been used for similar purpose.

"But if so, their failure to understand the effect of the clause in question would not authorize the Comptroller to change the intention which Congress seemed to have had in making one appropriation for survey of public lands within the limits of land grants and another appropriation for the survey of the public lands generally, and which latter appropriation has been construed to relate to the survey of the public lands other than those specially provided for in the appropriation for the surveys of the public lands lying within the limits of railroad grants.

"My answer to your question, therefore, is that the continuing appropriation for the survey of the public lands lying within the limits of railroad land grants operates to prevent the use, within the limits of railroad land grants, of the regular appropriation for surveys of the public lands."

In view of this construction of the law by the Comptroller I am instructed to take due care that in awarding contracts to be paid for out of the \$39,000 apportioned this State, the lands fall without the railroad land grants.

Of the \$125,000 originally appropriated by the act of August 5, 1892 (and which by the act of August 18, 1894, has been reappropriated and continued), for the survey of public lands within land-grant limits, this State was apportioned the sum of \$19,000 for surveys for the fiscal year ending June 30, 1893. Contracts were entered into and approved for the full amount. Had these surveys been executed, the notes turned in and platted and accepted, the Northern Pacific Railway selected all lands which they were entitled to, and reimbursed the Government there would be now available only the sum of \$9,500 which could be used for future surveys, under the act of August 18, 1894, for lands within the railroad land-grant limits.

As a matter of fact, however, with the exception of a contract of \$35.23, none of the surveys to be paid for out of this apportionment have been accepted.

You will therefore see that we have practically no funds available for surveys in said limits for this year. I do not suppose this State is behind any other of the States or Territories in the matter of delayed surveys, and consequently I venture to say the amount of money available out of this reappropriation of \$125,000 (which, by the way, could not be greater than \$62,500 for the whole United States in case every survey had been accepted and the railroads had reimbursed their cost of their proportion of lands) is insignificant, too small to take into consideration.

This office has on file petitions from bona fide settlers aggregating a total cost of over \$90,000, estimating the cost of surveying in this State at the former maximum rates (some of these in the eastern part of the State of course can be surveyed for less than the high rates).

I roughly estimate that we can have surveyed 40 per cent of land petitioned for. Fully one-half of the petitions for surveys on file are from settlers living within the railroad land-grant limits.

I do not presume for an instant to think that it was the intention of the members of the Committee on Appropriations when the clause in the act of August 18, 1894, reappropriating the \$125,000, and making it a continuing appropriation would be so construed, to really retard the survey of the public lands.

The intention clearly was that the sum of \$189,000 (act deducts from the \$250,000 appropriated \$45,000 for examinations and \$16,000 for certain resurveys in Nebraska, leaving \$189,000 to be apportioned to the several surveying districts) should be used for surveying the public lands by the different surveyors-general, under the direction of the Commissioner of the General Land Office, wherever in his judgment he saw it most needed. In the reappropriation of the \$125,000 in the same act it clearly was intended that whenever the railroads reimbursed the Government such funds should become immediately available for surveys within the railroad limits, as it is only just to restrict this fund there, as the roads pay for their own surveys.

As a large part of the most available land for settlement in this State lies within the limits of the railroad land grants, you will at once see that an unjust discrimination is made against settlers within said limits, as a very inadequate sum (this year almost nothing) will be available for the surveys for such.

This, too, will be the case with other States governed by like conditions, and the Senators and Representatives of such will doubtless readily join in having this at once corrected.

Very respectfully,  
WM. P. WATSON,  
United States Surveyor-General, Washington.

HON. WATSON C. SQUIRE,  
United States Senate, Washington, D. C.

The PRESIDING OFFICER. The Secretary will read the words proposed by the chairman of the committee as an amendment to the amendment.

The SECRETARY. Add after the word "lands," at the end of line 17, page 75:

And the Secretary of the Interior shall report to each regular session of Congress what has been done under the foregoing provision.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 76, after line 2, to strike out:

For the purpose of a survey and segregation of the coal fields on the San Carlos Indian Reservation in Arizona, \$5,000.

The amendment was agreed to.

The next amendment was, on page 76, after line 11, to insert:

To pay Edwin H. Van Antwerp and Charles H. Bates, United States deputy surveyors, for surveying the west boundary of the Pine Ridge Indian Reservation, as per contract with the Commissioner of the General Land Office, \$461.21.

The amendment was agreed to.

The next amendment was, on page 76, after line 16, to insert:

That the governor of the State of Wyoming, subject to the approval of the Secretary of the Interior, is hereby empowered and authorized to select and enter of the public lands contained within the boundaries of the abandoned Fort McKinney Military Reservation, in Johnson County, State of Wyoming, not exceeding in all two sections, on which are situated the buildings heretofore used for military purposes; that the lands so selected and entered, with the buildings thereon, are hereby granted and donated to the State of Wyoming: *Provided*, That the entry and selection of lands under the provisions of this act shall be construed as being in part satisfaction of the grant of lands to the State of Wyoming for charitable, educational, penal, and reformatory institutions under the provisions of section 11 of the act of Congress of July 10, A. D. 1890.

The amendment was agreed to.

The next amendment was, on page 77, after line 7, to insert:

That the lands in the Fort Rice Military Reservation, in the State of North Dakota, except such tracts as may be occupied by bona fide settlers, may be selected at any time within one year after the passage of this act by the State of North Dakota as a part of the lands granted to the State under the provisions of an act to provide for the admission of North Dakota into the Union, approved February 23, 1889, subject to the approval of the Secretary of the Interior; and when said lands are selected as herein provided the Secretary of the Interior shall cause patents to be issued to the said State of North Dakota: *Provided*, That if the State of North Dakota shall select said lands such selections shall embrace any land in said reservation except those hereby reserved on account of settlement, the amount so selected not to exceed the amount of land granted to said State by the said act of admission.

The amendment was agreed to.

The next amendment was, on page 77, after line 23, to insert:

That any citizen of the United States, or any association of citizens of the United States, or any ditch or water company, under rules and regulations prescribed by the Secretary of the Interior, and with his approval, shall have the right to purchase lands suitable for reservoir purposes, not to exceed one quarter section of unoccupied public lands not reserved for public use, at the price of \$2.50 per acre: *Provided*, That when lands so purchased are within a mining district such lands shall be considered mineral lands, and the patent to such lands shall not authorize the purchaser to extract mineral therefrom, but all such mineral shall be reserved to the United States, which reservation shall be inserted in such patent.

The amendment was agreed to.

Mr. COCKRELL. At this point I submit an amendment that would be subject as a matter of course to a point of order, but the Interior Department seems anxious to have it placed in the bill, and it is perfectly right and just. If there is no objection to it I ask that it be inserted.

Mr. ALLISON. Where does the Senator propose to insert the amendment?

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Add after line 11, page 78—

That hereafter timber-culture claimants shall not be required, in making final proof, to appear at the land office to which said proof is to be presented, or before an officer designated by the act of May 20, 1890, within the county in which the land is situated; but such claimant may have his or her personal evidence taken by a clerk of any court of record of the United States or of any State or Territory, under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. ALDRICH. Would not that allow a person in New York to enter a claim for timber lands?

Mr. COCKRELL. No; it is simply to make proof when they are absent, to make affidavit before a certain officer instead of having to go to the land office near the timber-culture claim. It is recommended by the Secretary of the Interior and by the Committee on Public Lands, and is simply to facilitate the transaction of business.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 80, line 4, before the word "thousand," to strike out "fifteen" and insert "twenty;" so as to make the clause read:

For the preparation of the report of the mineral resources of the United States, \$20,000.

The amendment was agreed to.

The next amendment was, on page 80, line 7, before the word "thousand," to strike out "two" and insert "three;" so as to make the clause read:

For the purchase of necessary books for the Library, and the payment for the transmission of public documents through the Smithsonian exchange, \$3,000.

The amendment was agreed to.

The next amendment was, on page 80, line 9, before the word "thousand," to strike out "sixty-one" and insert "sixty-five," and in same line, after the word "dollars," to insert "and the Director of the Geological Survey, with the approval of the Secretary of the Interior, is authorized to sell copies of such maps at cost and 10 per cent added;"

So as to make the clause read:

For engraving and printing the geological maps of the United States, \$65,000; and the Director of the Geological Survey, with the approval of the Secretary of the Interior, is authorized to sell copies of such maps at cost and 10 per cent added.

Mr. COCKRELL. I move to strike out "such" and insert "topographical" at the end of line 11, and after the word "maps," in line 12, to insert "with text;" so as to read:

And the Director of the Geological Survey, with the approval of the Secretary of the Interior, is authorized to sell copies of topographical maps with text at cost and 10 per cent added.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SQUIRE. I desire to offer an amendment to come in after the amendment of the committee on page 80, at the end of line 12. I move to add:

For an investigation of the coal and gold resources of Alaska, \$5,000.

If there is likely to be any discussion upon it I ask that it may go over until to-morrow.

Mr. COCKRELL. Let it simply be reserved. It is not an amendment to the amendment. It is a new proposition to be offered at any time the Senator desires when we get through with the committee amendments.

Mr. SQUIRE. I only want to get it in in order.

Mr. COCKRELL. It will be in order at any time.

The PRESIDING OFFICER. Only committee amendments are now in order.

Mr. SQUIRE. I wish to present it so that it will not be ruled out on the ground that it is not in order.

Mr. COCKRELL. It will not be on the ground simply that it was not offered at the proper time. I do not know whether it will be in order at any time or not. That will be another question.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 80, line 16, before the word "sections," to strike out "semiarid" and insert "semiarid," and in line 17, before the word "dollars," to strike out "twelve thousand five hundred" and insert "twenty-five thousand;" so as to make the clause read:

For gauging the streams and determining the water supply of the United States, including the investigation of underground currents and artesian wells in arid and semi arid sections, \$25,000.

The amendment was agreed to.

The next amendment was, on page 80, line 21, to increase the total appropriation for the United States Geological Survey from \$417,600 to \$440,100.

The amendment was agreed to.

The next amendment was, on page 81, after line 22, to insert:

For additional accommodations for the insane, \$25,000.

The amendment was agreed to.

The next amendment was, on page 83, after line 7, to insert:

For the construction and completion on the Howard University grounds, District of Columbia, of a suitable brick building for its use in giving practical instruction to its students in mechanics arts, \$15,000.

The amendment was agreed to.

The next amendment was, on page 84, after line 23, to insert:

For renewing the superstructure of the Rock Island Bridge at Rock Island, Ill., including alterations of the masonry thereof and repairs thereto for a double track, \$100,000.

The amendment was agreed to.

The next amendment was, on page 85, after line 2, to insert:

That the Secretary of War be, and he is hereby, authorized and directed to cause to be renewed and changed to a double track the superstructure of the Rock Island Bridge at Rock Island, Ill., and to make all necessary alterations of the masonry work thereof and repairs thereto, as recommended by the Chief of Ordnance: *Provided, however*, That the total cost of such renewal, alterations, and repairs shall not exceed the sum of \$490,000, and authority to contract for the whole work is hereby given: *Provided further*, That before any money is expended by the Government for such renewal, alterations, and repairs, the Chicago, Rock Island and Pacific Railway Company shall secure to the United States, to the satisfaction of the Secretary of War, 60 per cent of the cost of such renewal, alterations, and repairs, to be paid by said railway company upon the request of the Secretary of War as said work progresses: *Provided also*, That said railway company is to bear the entire cost of the sleepers and rails put down upon said bridge, and the United States shall bear the entire cost of the wagon road on said bridge: *Provided further*, That the Secretary of War may sell so much of the old superstructure of said bridge as is not required in such renewal and repairs to the highest bidder, the net proceeds of the sale to be turned into the Treasury of the United States, and one-half thereof shall be paid to said railway company: *Provided further*, That such portion of the old superstructure of said bridge as the Ordnance Department may require to replace an unserviceable bridge across the Rock Island water-power canal may be retained by the Secretary of War for such purpose at a fair valuation, which valuation shall not exceed the price per pound obtained for the remainder of the bridge, and one-half of this valuation shall be paid to said railway company.

The amendment was agreed to.

The next amendment was, on page 88, line 8, after the word "dollars," to insert:

And the officer in charge of public buildings and grounds shall authorize the use of a portion of the ground within the circle south of the Executive Mansion for a children's playground, under regulations to be prescribed by him.

So as to make the clause read:

For improvement of grounds north and south of Executive Mansion, \$5,000; and the officer in charge of public buildings and grounds shall authorize the use of a portion of the ground within the circle south of the Executive Mansion for a children's playground, under regulations to be prescribed by him.

The amendment was agreed to.

The next amendment was, on page 89, line 3, before the word "repair," to strike out "construction and," and in line 4, before the word "high," to strike out "repair of" and insert "and;" so as to make the clause read:

For repair of post-and-chain fences and high iron fences and constructing stone coping about reservations, \$1,500.

The amendment was agreed to.



The next amendment was, on page 91, line 13, after the word "dollars," to insert "and 50 cents;" so as to make the clause read:

Lighting the Executive Mansion and public grounds: For gas, pay of lamp-lighters, gasfitters, and laborers; purchase, erection, and repair of lamps and lamp-posts; purchase of matches, and for repairs of all kinds; fuel and lights for office, office stable, watchmen's lodges, and for the greenhouses at the nursery, \$14,000: *Provided*, That for each 6-foot burner not connected with a meter in the lamps on the public grounds no more than \$20.50 shall be paid per lamp for gas, including lighting, cleaning, and keeping in repair the lamps, under any expenditure provided for in this act; and said lamps shall burn not less than three thousand hours per annum; and authority is hereby given to substitute other illuminating material for the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose: *Provided*, That before any expenditures are made from the appropriations herein provided for, the contracting gas company shall equip each lamp with a self-regulating burner and tip, so combined and adjusted as to secure under all ordinary variations of pressure and density a consumption of 6 cubic feet of gas per hour.

The amendment was agreed to.

The next amendment was, on page 92, line 2, before the word "cents," to strike out "thirty" and insert "forty;" and in line 3, after the word "night," to strike out "\$766.50" and insert "\$1,022;" so as to make the clause read:

For electric lights for three hundred and sixty-five nights from seven posts, at 40 cents per light per night, \$1,022.

The amendment was agreed to.

The next amendment was, on page 92, after line 10, to insert:

For changing route of pipe line that supplies the Capitol, incasing a portion of it in concrete, and uncovering and examining the entire line, \$10,000.

The amendment was agreed to.

Mr. COCKRELL. After line 12, page 93, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 93, after line 12, it is proposed to insert:

Statue of Gen. W. T. Sherman: For the completion of the equestrian statue of Gen. William Tecumseh Sherman, \$30,000: *Provided*, That said statue shall not be erected on the Capitol grounds.

The amendment was agreed to.

Mr. ALLISON. In the discussion upon the item in reference to the Coast Survey, I stated to the Senator from Mississippi [Mr. McLAURIN] that I thought General Duffield could not have been confirmed by the Senate, my recollection then being that that officer was appointed by the Secretary of the Treasury. That was the law until 1889, when, in the sundry civil act of that year, there was a requirement that that officer should be appointed by the President, by and with the advice and consent of the Senate. So Professor Mendenhall and General Duffield were appointed in the manner stated by the Senator from Mississippi.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 93, line 16, before the word "hundred," to strike out "two" and insert "three;" so as to make the clause read:

For the construction of buildings at and the enlargement of such military posts as in the judgment of the Secretary of War may be necessary, \$300,000.

The amendment was agreed to.

The next amendment was, on page 93, after line 24, to strike out:

Said post to be established only after a thorough official examination of all the sites that may be offered to the United States for the purpose above mentioned, such examination to be made by a board of five army officers to be selected by the Secretary of War outside of the military district in which such post is to be established; and said board shall report its findings in all matters to the Secretary of War, who may approve or reject.

The amendment was agreed to.

Mr. ROACH. I do not wish to interrupt the reading of the bill at this time, but I desire to give notice of an amendment in line 24, on page 93, which I shall offer hereafter.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 94, line 8, after the word "improvement," to insert "and protection;" in line 9, after the word "improvement," to insert "and protection;" in line 12, before the word "thousand," to strike out "thirty" and insert "forty;" and in the same line, after the word "dollars," to insert "of which not more than \$1,800 may be expended for the compensation of scouts employed in the protection of said park;" so as to make the clause read:

Improvement and protection of the Yellowstone National Park: For the improvement and protection of the Yellowstone National Park, to be expended by and under the direction of the Secretary of War, \$40,000, of which not more than \$1,800 may be expended for the compensation of scouts employed in the protection of said park.

The amendment was agreed to.

The next amendment was, on page 94, after line 18, to insert:

To reimburse John W. Meldrum amount paid for completion of building authorized to be erected in said park by section 9 of the foregoing act, \$385.75.

The amendment was agreed to.

The next amendment was, on page 94, after line 22, to insert:

For furniture and fixtures for said building, \$300.

The amendment was agreed to.

The next amendment was, on page 95, line 7, after the word

"law," to insert "sites for monuments in Lookout Valley, not to exceed \$300 in all;" so as to make the clause read:

Chickamauga and Chattanooga National Park: To enable the Secretary of War to complete the establishment of the Chickamauga and Chattanooga National Military Park in accordance with existing laws, including road work, memorial gateway and designs therefor, maps, surveys, iron and bronze tablets, gun carriages, land the purchase of which has heretofore been authorized by law, sites for monuments in Lookout Valley, not to exceed \$300 in all, foundations for State monuments, compensation of two civilian commissioners and their assistant in historical work, labor, clerical and other assistance, and office expenses; in all, \$75,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 95, after line 13, to insert:

Shiloh National Military Park: The commissioners appointed under the act of Congress approved December 27, 1894, to have charge, under the Secretary of War, of the affairs of the Shiloh National Military Park, shall have their office at Pittsburg Landing, Tenn., or at such other point convenient to the battlefield of Shiloh, Tenn., as the Secretary of War may direct; and the limit of cost of all the lands to be embraced in the said park is hereby fixed at not to exceed \$30,000.

The amendment was agreed to.

The next amendment was, on page 95, after line 23, to insert:

Military reservation on Mackinac Island, Michigan: The Secretary of War is hereby authorized, on the application of the governor of Michigan, to turn over to the State of Michigan, for use as a State park, and for no other purpose, the military reservation and buildings and the lands of the national park on Mackinac Island, Michigan.

Mr. HAWLEY. I will suggest that measures of this kind ought to go through the proper channel, the Committee on Military Affairs. We have been in the habit, in many cases, of granting the use of old military stations to the municipal and State authorities for public parks, providing that the Secretary of War might take possession of them whenever, in his judgment, the public necessities required.

Mr. COCKRELL. The public necessities never will require that this reservation be taken. It was entirely abandoned many years ago and was made a national park, and the Secretary of War wants to get rid of it.

Mr. HAWLEY. Very well.

Mr. COCKRELL. We simply propose to donate it to the State of Michigan if that State will take it, and turn loose the few guards who are there.

Mr. HAWLEY. Very good. I have no objection to the amendment.

Mr. BERRY. Mr. President—

Mr. COCKRELL. The amendment came from the Committee on Public Lands.

Mr. BERRY. I was going to state that the Senator from Michigan [Mr. McMILLAN] brought the matter to me, and I told him at the time that I thought it would have been proper to have referred it to the Committee on Military Affairs, inasmuch as the reservation had not been turned over to the Interior Department. He insisted, however, that I should address a letter to the Secretary of War on the subject, which I did, and the Secretary of War entirely approved it. I reported the amendment by order of the Committee on Public Lands, by reason of the fact that the Senator from Michigan, who was interested in the question, requested me to do so.

Mr. HAWLEY. I wish to inquire of the chairman of the Committee on Appropriations or of the Senator from Arkansas whether the Government has been desiring in any way to make use of those buildings or of any part of the land?

Mr. COCKRELL. No.

Mr. BERRY. I understand not. The Secretary of War said the land would not be used longer for military purposes, and the officer in charge there recommended that the property be turned over.

Mr. HAWLEY. It has been a park, I understand.

Mr. COCKRELL. It has been a park ever since 1872 or 1873.

Mr. BERRY. It has been a park for some time. I do not remember the exact time.

Mr. BURROWS. Since 1873.

Mr. HAWLEY. Then what is the necessity for again dedicating it? I see it has been a national park. Is that it?

Mr. COCKRELL. Certainly, it is a national park, and now we propose to give it to the State of Michigan, if that State will accept it.

I wish to offer a proviso to come in at that point, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "Michigan," in the amendment of the committee, on line 4, page 96, it is proposed to insert:

*Provided*, That whenever the State ceases to use the land for the purpose aforesaid it shall revert to the United States.

Mr. BURROWS. There is no objection to that.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. COCKRELL. Immediately following that amendment I offer the amendment which I send to the desk, which has been reported by the Committee on Military Affairs.

The PRESIDING OFFICER. The amendment will be stated.

**THE SECRETARY.** After line 4, on page 96, it is proposed to insert:

For extending and improving the Fort Wayne Military Reservation by grading the grounds, filling in the marsh along the river front, and protecting the same by a riprap of stone; for restoring the ground and constructing drains, \$40,000.

**THE PRESIDING OFFICER.** The question is on the amendment submitted by the Senator from Missouri.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 98, line 2, in the clause making appropriations for improving the Mississippi River, after the word "estimate," to insert:

And so much thereof as may be necessary, not to exceed \$1,000, may, in the discretion of the Secretary of War, be expended in the improvement of the channel to the harbor of Bay City, Wis., at the head of Lake Pepin.

The amendment was agreed to.

The next amendment was, on page 98, line 16, before the word "thousand," to strike out "two hundred and sixty" and insert "three hundred and fifty;" so as to make the clause read:

For harbor of refuge at Point Judith, B. I.: Continuing improvement, \$350,000.

The amendment was agreed to.

The next amendment was, on page 99, after line 12, to insert:

Provided, That \$40,000 thereof shall be expended, under the direction of the Secretary of War, for the extension of the improvements for the protection of the banks of the Missouri River in front of Sioux City and on the Iowa side of the river.

So as to make the clause read:

Under Missouri River Commission: For improving Missouri River from its mouth to Sioux City, Iowa, including salaries, clerical, office, traveling, and miscellaneous expenses of the Missouri River Commission, surveys, permanent bench marks and gauges, \$750,000: *Provided*, That \$40,000 thereof shall be expended, under the direction of the Secretary of War, for the extension of the improvements for the protection of the banks of the Missouri River in front of Sioux City and on the Iowa side of the river.

The amendment was agreed to.

The next amendment was, on page 99, after line 17, to insert:

That the Secretary of War be, and he is hereby, authorized and directed to expend, from the appropriation of \$5,000 "For dredging Salmon Bay and improvement of the waterway connecting the waters of Puget Sound, at Salmon Bay, with lakes Union and Washington, by enlarging the said waterway into a ship canal, with the necessary locks and appliances in connection therewith," made by the "Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," received by the President August 7, 1894, the sum of \$5,000 in making a definite survey and location of said improvement, and in preparing a cadastral map, showing each piece of property required to be deeded to the United States or from which a release is required, with its metes and bounds.

The amendment was agreed to.

The next amendment was, on page 100, after line 8, to insert:

That the Secretary of War, in his discretion, is hereby directed to use and expend in dredging and deepening the channel of the Sabine River in Texas, at and across the bar at the mouth of said river in Sabine Lake, a sum not exceeding \$4,000, to be taken from an appropriation made at the second session of the Fifty-third Congress of the United States, amounting to \$275,000, for "Improving harbor at Sabine Pass, Texas: Continuing improvement," by the act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."

The amendment was agreed to.

**MR. COCKRELL.** After line 20, on page 100, I move to insert what I send to the desk.

**THE PRESIDING OFFICER.** The amendment will be stated.

**THE SECRETARY.** After line 20, on page 100, it is proposed to insert:

Harbor of refuge at Woods Holl, Mass.: For repair of the stone pier or breakwater constituting a harbor of refuge at Woods Holl, damaged by the storm of January 26, 1895, and for repairing, so far as may be necessary, the wooden wharf upon said breakwater, \$5,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 100, after line 20, to strike out:

The foregoing appropriations for work on rivers and harbors shall be immediately available.

The amendment was agreed to.

**MR. PLATT.** I should like to inquire of the Senator from Missouri whether all these appropriations for the improvements of rivers and harbors are now under contract, or whether there is any new work provided for by these appropriations.

**MR. COCKRELL.** There is no new work except the stone pier at Woods Holl, and things of that kind.

**MR. PLATT.** That is for repairs.

**MR. COCKRELL.** The others are all under the contract system.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 104, line 1, after the word "disabilities," to insert "to be disbursed under the direction of the Secretary of War;" so as to make the clause read:

Appliances for disabled soldiers: For furnishing surgical appliances to persons disabled in the military or naval service of the United States, and not entitled to artificial limbs or trusses for the same disabilities, to be disbursed under the direction of the Secretary of War, \$2,000.

The next amendment was, on page 104, line 13, before the word "penitentiaries," to insert "State;" and in line 15, after the word "dollars," to strike out "to be expended in the current support of military convicts;" so as to make the clause read:

Expenses of military convicts: For payment of costs and charges of State penitentiaries for the care, clothing, maintenance, and medical attendance of United States military convicts confined in them, \$3,000.

The amendment was agreed to.

The next amendment was, on page 106, line 5, after the word "tug," to strike out "to be purchased or constructed, ten" and insert "heretofore authorized by law, twelve;" so as to make the clause read:

For pay of crew and maintenance of one steam tug heretofore authorized by law, \$12,000.

The amendment was agreed to.

The next amendment was, on page 106, after line 7, to insert:

For purchase or construction of one steam tug, \$45,000, or so much thereof as may be necessary;

The amendment was agreed to.

The next amendment was, on page 106, line 10, before the word "thousand," to strike out "forty-three" and insert "ninety;" so as to read:

In all, \$90,000.

The amendment was agreed to.

The next amendment was, on page 110, after line 2, to insert:

For construction of a headquarters building, \$10,000.

The amendment was agreed to.

The next amendment was, on page 110, line 8, before the word "thousand," to strike out "seventy-eight" and insert "eighty-eight;" so as to make the clause read:

In all, \$288,850.

The amendment was agreed to.

The next amendment was, on page 111, after line 22, to insert:

For additional barracks, \$25,000.

The amendment was agreed to.

The next amendment was, on page 112, line 1, before the word "thousand," to strike out "sixty" and insert "eighty-five;" so as to read:

In all, \$285,100.

The amendment was agreed to.

The next amendment was, on page 116, line 4, before the word "thousand," to strike out "four hundred and seventy-nine" and insert "five hundred and fourteen;" so as to read:

In all, \$2,514,846.

The next amendment was, on page 120, after line 23, to insert:

The proper accounting officers of the Treasury are hereby authorized and directed to settle the accounts of D. T. Guyton, United States marshal for the northern district of Mississippi, for the amounts paid by him to special deputies, who failed to take the oath of office required by section 782 of the Revised Statutes, in the same manner such settlements would have been made had such deputies complied with the provisions of said section.

The amendment was agreed to.

The next amendment was, on page 122, line 5, after the word "grounds," to insert "as now marked and designated;" so as to read:

The Military Prison at Fort Leavenworth, Kansas, including all the buildings, grounds as now marked and designated, and other property connected therewith, is hereby transferred from the Department of War to the Department of Justice.

The amendment was agreed to.

The next amendment was, on page 122, in line 23, after the word "act," to insert "entitled 'An act for the erection of United States prisons and for the imprisonment of United States prisoners and, for other purposes.'"

The amendment was agreed to.

The next amendment was, on page 123, line 15, after the word "Reservation," to insert an additional proviso, as follows:

Provided, That the Secretary of War is hereby authorized and directed to transfer on or before September 30, 1895, such prisoners as may then be serving unexpired sentences of confinement at the military prison, for purely military offenses, to such military posts as he may designate for that purpose; and the commanding officers of the posts to which such military prisoners are transferred shall have care and custody of the said prisoners and shall perform the duties now required of the commandant of the military prison under sections 1352 to 1361, inclusive, of the Revised Statutes. And the military prisoners so transferred, or who may hereafter be confined at hard labor at military posts, shall be governed by such regulations affecting their discipline, management, and control as may be prepared by the Secretary of War and published in general orders to the Army.

**MR. ALLISON.** Before we pass from this amendment, I wish to state that the whole system of transferring the military prison at Fort Leavenworth from the Army to the Department of Justice and placing it under the control of the Attorney-General is in my judgment unwise. It involves a great many considerations which I think ought not to appear on an appropriation bill. The amendment just read is a necessary one, if the scheme is to be carried out, and it will be seen that the amendment transfers the military prisoners now at Fort Leavenworth to the several Army posts of the United States, where they are to be treated as prisoners and are to be confined as provided by the sections alluded to in the bill.

I believe military prisoners convicted and sentenced for a period of one or two or three years ought to have a prison under the control of the Secretary of War and the Army. Such a prison we now have at Fort Leavenworth and have had for many years, and the amend-



ment proposes now to transfer the whole conduct of the prison to the Attorney-General, providing for civilian wardens, etc., and in effect it segregates from the property at Fort Leavenworth now belonging to the Army 1,000 acres of land, which are to be put under the control of the Attorney-General.

I do not for myself propose to make any amendment, because the Committee on Appropriations have approved the whole scheme and plan, and it is recommended by the Secretary of War, and I believe it is approved by the Attorney-General. But I think two or three years will disclose that this is a mistake both for the Department of Justice and for the Army.

Mr. PEPPER. I ask that the amendment may be passed over until we have a full Senate.

Mr. HAWLEY. I ought to say that in my judgment the entire provision pertaining to the abandonment of the military prison and the sending of the prisoners to army posts should be stricken out, beginning with line 4, on page 122, down to and including line 6, on page 124.

Mr. COCKRELL. Let all of it be reserved.

Mr. HAWLEY. It is all reserved.

Mr. CHANDLER. I suggest that by reserving the amendment it can all be stricken out in the Senate if it is desirable.

Mr. COCKRELL. Let all the amendments relating to military prisons contained on pages 122, 123, and 124 be passed over.

Mr. HAWLEY. All that relates to military prisons.

The PRESIDING OFFICER. The Chair understands that from line 4, on page 122, down to and including line 6, on page 124, is reserved.

Mr. COCKRELL. That is right.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 125, after line 3, to insert:

Jail building at Guthrie, Okla.: For purchase of the building and ground now used and occupied as a jail at Guthrie, Oklahoma Territory, \$5,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 126, line 5, after the word "dollars," to strike out:

*Provided, That hereafter the estimates for miscellaneous expenses of the Supreme Court of the United States shall be submitted in detail as to salaries paid thereunder, and for all other objects.*

Mr. CHANDLER. I ask the chairman of the Committee on Appropriations if there is any real objection to the clause as it was inserted in the other House. I desire to know whether there can be any objection to having those estimates submitted in detail.

Mr. COCKRELL. We thought it was hardly right for us to tell a coordinate branch of the Government exactly how everything should be done, as to what they want, and all that.

Mr. ALLISON. The proviso relates to miscellaneous expenses.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 126, line 21, after the word "work," to insert:

And of the statements required to be prepared by said act of October 19, 1888, there shall be printed, after the close of each regular session of Congress, the usual number of copies;

So as to make the clause read:

Statement of appropriations: For preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements showing appropriations made, new offices created, offices the salaries of which have been omitted, increased, or reduced, together with a chronological history of the regular appropriation bills passed during the third session of the Fifty-third Congress, as required by the act approved October 19, 1888, §1,200, to be paid to the persons designated by the chairmen of said committees to do said work. And of the statements required to be prepared by said act of October 19, 1888, there shall be printed, after the close of each regular session of Congress, the usual number of copies.

The amendment was agreed to.

The next amendment was, at the top of page 127 to insert:

The Secretary of the Senate is authorized to make requisition upon the Public Printer for the binding for the Senate library of such books as he may deem necessary, at a cost not to exceed two hundred dollars per year.

The amendment was agreed to.

The next amendment was, on page 127, after line 4, to insert:

For rent of warehouse for the storage of public documents formerly in the Maltby Building, \$1,800.

The amendment was agreed to.

The next amendment was, on page 127, after line 7, to insert:

For 2,000 galvanized-iron file holders for the Senate document room, \$380.

The amendment was agreed to.

The next amendment was, on page 127, after line 10, to insert:

For repairs of Maltby Building, \$2,000.

The amendment was agreed to.

The next amendment was, on page 127, after line 11, to insert:

For pay of E. T. Cressy for preparing a catalogue of the books contained in the Senate library under the direction of Anson G. McCook, former Secretary of the Senate, \$1,000.

The amendment was agreed to.

The next amendment was, on page 127, after line 15, to insert:

To pay for the work done in preparing and completing the document index of the Fifty-third Congress, by Alonso W. Church, \$1,000.

The amendment was agreed to.

The next amendment was, on page 128, line 1, after the word "list," to insert:

*Provided, That the officer in charge be, and he is hereby, authorized to construct, with the moneys appropriated for the said building, a tunnel, with suitable conveying apparatus for the rapid transmission of books, papers, and messages, between the said Library building and the Capitol, the terminal of said apparatus in the Capitol to occupy the room in rear of that now occupied by the House Committee on Enrolled Bills.*

So as to make the clause read:

#### BUILDING FOR THE LIBRARY OF CONGRESS.

For continuing the construction of the building for the Library of Congress, and for each and every purpose connected with the same, \$900,000: *Provided, That while the officer in charge of said building is engaged upon works of construction confided to him by authority of Congress, his pay and allowances shall be the same as for officers of his grade on the active list: Provided, That the officer in charge be, and he is hereby, authorized to construct, with the moneys appropriated for the said building, a tunnel, with suitable conveying apparatus for the rapid transmission of books, papers, and messages, between the said Library building and the Capitol, the terminal of said apparatus in the Capitol to occupy the room in the rear of that now occupied by the House Committee on Enrolled Bills.*

The amendment was agreed to.

The next amendment was, on page 129, line 1, after the word "for," to insert "rents and," and in line 4, before the word "dollars," to strike out "five hundred and fifty thousand" and insert "nine hundred and twenty-eight thousand three hundred and twenty," so as to make the clause read:

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employees, for labor (by the day, piece, or contract), and for rents and all the necessary materials which may be needed in the prosecution of the work, \$2,928,320; and from the said sum hereby appropriated printing and binding shall be done by the Public Printer to the amounts following, respectively, namely:

Mr. CHANDLER. It seems to me the amendment should be passed over until the details of the expenditure are passed upon.

Mr. COCKRELL. This amendment will follow the others. I ask that it may be passed over. It is the total only, but it is at the beginning. It will follow the amendments on the same subject that come after it. If the others are agreed to, it will stay in. If not, it will have to be modified.

The PRESIDING OFFICER. The amendment will be passed over.

Mr. PETTIGREW. I submit an amendment, which I intend to propose to the pending appropriation bill. I move that it be referred to the Committee on Commerce and ordered to be printed.

The motion was agreed to.

Mr. PASCO. I submit an amendment intended to be proposed by me to the pending bill. I move that it be referred to the Committee on Appropriations and printed.

The motion was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, on page 129, line 18, after the word "dollars," to insert the following proviso:

*Provided, That hereafter the Secretary of State be, and he is hereby, authorized to print of each issue of consular reports an edition not exceeding 7,000 copies.*

So as to make the clause read:

For the State Department, \$13,000: *Provided, That hereafter the Secretary of State be, and he is hereby, authorized to print of each issue of consular reports an edition not exceeding 7,000 copies.*

The amendment was agreed to.

The next amendment was, on page 130, line 19, after the word "Director," to insert "and for printing advance copies of papers on economic resources;" in line 20, before the word "thousand," to strike out "five" and insert "seven," and in the same line, after the word "dollars," to insert the following proviso:

*Provided, That hereafter the report of the mineral resources of the United States shall be issued as a part of the report of the Director of the Geological Survey, and printed for each preceding calendar year as soon as compiled and transmitted for publication, and that the separate chapters on any given mineral product, such as iron, coal, building stone, and so forth, shall be printed as rapidly as transmitted for publication; that a pamphlet edition of any chapter shall be printed for distribution on the request of the Director of the Geological Survey, approved by Secretary of the Interior, the size of the edition to be controlled by the importance of the mineral treated; that hereafter papers for the Director's annual report that are of a strictly economic character shall be issued in pamphlet form, in the manner as prescribed above for the report on the mineral resources; that the entire cost of paper, printing, and binding of all the above provided for pamphlets shall not exceed two thousand dollars;*

So as to make the clause read:

For engraving the illustrations necessary for the report of the Director, and for printing advance copies of papers on economic resources, \$7,000: *Provided, That hereafter the report of the mineral resources of the United States shall be issued as a part of the report of the Director of the Geological Survey, and printed for each preceding calendar year as soon as compiled and transmitted for publication, and that the separate chapters on any given mineral product, such as iron, coal, building stone, etc., shall be printed as rapidly as transmitted for publication; that a pamphlet edition of any chapter shall be printed for distribution on the request of the Director of the Geological Survey, approved by the Secretary of the Interior, the size of the edition to be controlled by the importance of the mineral treated; that hereafter papers for the Director's annual report that are of a strictly economic character shall be issued in pamphlet form, in the same manner as prescribed above for the report on the mineral resources; that the entire cost of paper, printing, and binding of all of the above provided for pamphlets shall not exceed \$2,000.*

The amendment was agreed to.

The next amendment was, on page 131, line 16, after the word "dollars," to insert the following proviso:

*Provided*, That hereafter 3,000 copies of the monographs and bulletins of the Geological Survey shall be published for scientific exchanges and for sale at the cost of paper, printing, and binding, and 10 per cent thereof added.

The amendment was agreed to.

The next amendment was, on page 132, line 15, after the word "expended," to insert the following proviso:

*Provided*, That so much as may be necessary for printing and binding the annual report of the Secretary of Agriculture, as required by the act approved January 12, 1895, shall be immediately available and shall not be included in said allotments.

The amendment was agreed to.

The next amendment was, on page 132, after line 20, to strike out:

For printing and binding the annual report of the Secretary of Agriculture, as required by the act approved January 12, 1895, \$300,000, or so much thereof as may be necessary.

Mr. COCKRELL. I wish the Senate to disagree to that amendment. The clause from line 21 to line 24 should remain. There are two sets of reports to be provided for. I have a letter from the Secretary of Agriculture in regard to it. The report of 1894 is on hand, and therefore this provision has to remain in the bill.

The amendment was rejected.

The next amendment was at the top of page 133, to strike out—

For printing and binding 75,000 copies of special report on Diseases of the Horse, as required by the act approved January 12, 1895, \$44,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 133, after line 5, to strike out:

For a complete set of the official records of the Union and Confederate armies for each Senator and Member of the present Congress not already entitled by law to receive the same, as required by the act approved January 12, 1895, \$25,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 133, after line 11, to strike out:

That nothing in the second provision of section 99 of the act providing for the public printing and binding and the distribution of public documents, approved January 12, 1895, shall be held to contravene the orders of either House of Congress authorizing printing for the use of committees, as to the number of copies or otherwise.

The amendment was agreed to.

The next amendment was, on page 133, after line 53, to strike out:

To enable the Public Printer during the fiscal year ending June 30, 1895, to comply with the provisions of the joint resolution approved February 6, 1883, for the removal and storage of certain property of the Government mentioned therein, \$7,320.

The amendment was agreed to.

The next amendment was, on page 134, line 14, after the word "office," to insert "except for the two Houses of Congress, their committees and officers;" so as to make the clause read:

That all appropriations made and to be made for the fiscal years 1895 and 1896, in so far as the same are affected by the provisions of the act providing for the public printing and binding and the distribution of public documents, approved January 12, 1895, and which are not expressly appropriated under the Government Printing Office, except for the two Houses of Congress, their committees, and officers, shall be considered as so appropriated and available thereunder, to the extent that the same may be required or contemplated by the said act.

The amendment was agreed to.

The next amendment was, on page 135, after line 6, to insert:

The Public Printer, under section 37 of the "Act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, may, at the request of any Senator, Representative, or Delegate in Congress, print on envelopes authorized to be furnished, in addition to the words therein named, the name of the Senator, Representative, or Delegate, and State, the date, and the topic or subject-matter, not exceeding twelve words.

The amendment was agreed to.

The next amendment was, on page 135, after line 15, to insert:

That nothing in the act entitled "An act providing for the public printing and binding and the distribution of public documents," approved January 12, 1895, shall prevent the stereotyping, printing, and distribution of the Supplement to the Revised Statutes as authorized by the act of February 27, 1893, chapter 167.

The amendment was agreed to.

The next amendment was, on page 135, after line 23, to insert:

Government Printing Office building: For the construction by the Chief of Engineers of a fireproof building upon the lot belonging to the United States now occupied by the stables of the Government Printing Office, according to the plan and specifications of Col. John M. Wilson, of the Engineer Corps, submitted to Gen. Thomas L. Casey, Chief of Engineers, December 17, 1894, and approved by him, \$121,121.90, to be immediately available and until the completion of said work.

The amendment was agreed to.

The next amendment was, on page 136, after line 9, to insert:

The appropriation of \$75,000 made by the sundry civil appropriation act, approved August 18, 1894, for the repair of the Government Printing Office, to provide fire escapes, and to put the building in a safe and secure condition, shall be available until the completion of the work.

The amendment was agreed to.

Mr. COCKRELL. We have now reached the proposed section 2. I rose to move that the Senate adjourn.

Mr. BATE. I desire to say that at some suitable time during the consideration of the pending bill I shall offer an amendment known as the Tennessee Centennial Exposition appropriation.

Mr. COCKRELL. There will be ample opportunity for that amendment hereafter.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE LISLE.

Mr. LINDSAY. I desire to give notice that on Friday next, March 1, I shall call up the resolutions of the other House on the death

of the Hon. Marcus C. Lisle, late a Representative from the State of Kentucky.

Mr. DANIEL. There is a joint resolution which was reported favorably to-day by the Senator from Tennessee [Mr. BATE] from the Committee on Military Affairs—

Mr. COCKRELL. There was an express understanding, distinctly stated, when I asked for a night session, that no such business should be transacted. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Missouri moves that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 56 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 26, 1895, at 11 o'clock a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate February 25, 1895.*

##### UNITED STATES CIRCUIT JUDGE.

John W. Showalter, of Illinois, to be United States circuit judge for the seventh judicial circuit, as provided by act approved February 8, 1895.

##### UNITED STATES DISTRICT JUDGE.

Olin Wellborn, of California, to be United States district judge for the southern district of California, vice Erskine M. Ross, appointed circuit judge.

##### COLLECTOR OF INTERNAL REVENUE.

Edmund A. Bigler, of Pennsylvania, to be collector of internal revenue for the Twenty-third district of Pennsylvania, in place of Edward P. Kearns, removed.

##### POSTMASTERS.

William B. Brotherton, to be postmaster at Milford, in the county of New Haven and State of Connecticut, in the place of Roger S. Baldwin, whose commission will expire February 28, 1895.

Bettie S. Moore, to be postmaster at Cynthiana, in the county of Harrison and State of Kentucky, in the place of Mattie D. Todd, whose commission expired January 8, 1895.

John E. Blake, to be postmaster at North Easton, in the county of Bristol and State of Massachusetts, in the place of Henry P. Waite, whose commission expired January 19, 1895.

Frank E. Briggs, to be postmaster at Turners Falls, in the county of Franklin and State of Massachusetts, in the place of Benjamin W. Mayo, whose commission expired February 14, 1895.

Justin W. Clayton, to be postmaster at Athol, in the county of Worcester and State of Massachusetts, in the place of Arthur C. Longley, whose commission expired February 14, 1895.

G. Eugene Fisher, to be postmaster at North Attleboro, in the county of Bristol and State of Massachusetts, in the place of Randolph Knapp, whose commission expired September 9, 1894.

Arthur F. Nutting, to be postmaster at Northampton, in the county of Hampshire and State of Massachusetts, in the place of Louis L. Campbell, whose commission expired September 27, 1894.

John S. Thompson, to be postmaster at Reading, in the county of Berks and State of Pennsylvania, in the place of Prince R. Stetson, whose commission will expire March 3, 1895.

George W. Wales, to be postmaster at Randolph, in the county of Norfolk and State of Massachusetts, in the place of Minot W. Baker, whose commission expired April 19, 1894.

Jenness D. Wheeler, to be postmaster at Randolph, in the county of Orange and State of Vermont, in the place of Charles H. Montgomery, whose commission expired February 24, 1895.

##### PROMOTIONS IN THE ARMY.

Maj. Theodore Schwan, assistant adjutant-general, to be assistant adjutant-general, with the rank of lieutenant-colonel, February 19, 1895, vice Martin, deceased.

Second Lieut. Samuel John Bayard Schindel, Third Artillery, to be second lieutenant of infantry, February 25, 1895, with rank from June 12, 1894, vice Gardner, Sixteenth Infantry, transferred to artillery.

Second Lieut. Rogers Finch Gardner, Sixteenth Infantry, to be second lieutenant of artillery, February 25, 1895, with rank from June 12, 1894, vice Schindel, Third Artillery, transferred to infantry.

In accordance with the provisions of the act of Congress approved February 27, 1890, entitled "An act to authorize the President to confer brevet rank on officers of the United States Army for gallant services in Indian campaigns," I nominate the officers herein named for appointment by brevet, in the Army of the United States, to rank from February 27, 1890:

##### *To be lieutenant-colonel by brevet.*

Maj. Thaddeus Harlan Stanton, paymaster (now colonel, assistant paymaster-general), for gallant service in action against Indians under Crazy Horse, on the Powder River, Montana, March 17, 1876.

Capt. Samuel Storow Sumner, Fifth Cavalry, brevet major, United States Army (now lieutenant-colonel, Sixth Cavalry), for gallant service in action against Indians at Summit Springs, Colo., July 11, 1869.

##### *To be major by brevet.*

Capt. George Hall Burton, Twenty-first Infantry (now colonel, inspector-general), for gallant service in action against Indians in



the Lava Beds, California, January 17, 1873, and at the Clearwater, Idaho, July 11 and 12, 1877.

Capt. John Morrison Hamilton, Fifth Cavalry (now major, First Cavalry), for gallant service in action January 16, 1873, against Tonto Apache Indians in the foothills of the Tortilla Mountains, Arizona, in connection with gallant conduct in the closing campaign against those Indians.

First Lieut. Melville Carey Wilkinson, Third Infantry, brevet captain, United States Army (now captain, Third Infantry), for gallant service in action against Indians at the Clearwater, Idaho, July 11 and 12, 1877, and at Kamiah, Idaho, July 13, 1877.

Capt. Edward Miles Heyl, Ninth Cavalry (late colonel, inspector-general, since deceased), for gallant service in action against Indians at the Rio Pecos, Texas, June 7, 1869, the Salt Fork of the Brazos River, Texas, September 16, 1869, and at the South Fork of the Llano River, Texas, November 24, 1869, in which last-named action he was severely wounded.

*To be captain by brevet.*

First Lieut. George William Baird, Fifth Infantry (now major, paymaster), for gallant service in action against Indians at Red River, Texas, August 30, 1874, and at Bear Paw Mountain, Montana, September 30, 1877, in which last-named action he was severely wounded.

First Lieut. Edward Mortimer Hayes, Fifth Cavalry (now major, Seventh Cavalry), for gallant service in action against Indians at Beaver Creek, Kans., October 25 and 26, 1868.

First Lieut. William Richardson Hall, assistant surgeon (now major, surgeon), for gallant service in action against Indians in attending to his professional duties under fire at the Clearwater, Idaho, July 11 and 12, 1877.

First Lieut. Frederick Henry Ernst Ebstein, Twenty-first Infantry (now captain, Twenty-first Infantry), for gallant service in action against Indians at Cottonwood Ranch, Idaho, July 4, 1877; Camas Meadows, Idaho, August 20, 1877, and at the Umatilla Agency, Oreg., July 13, 1878.

First Lieut. Wilber Elliott Wilder, Fourth Cavalry (now captain, Fourth Cavalry), for gallant service in action against Indians, inclusive of the rescue while under heavy fire of an enlisted man who was severely wounded at Horse-Shoe Canyon, New Mexico, April 23, 1882.

*To be first lieutenant by brevet.*

Second Lieut. William Curtis Forbush, Fifth Cavalry (now captain, Fifth Cavalry), for gallant service in action against Indians at Beaver Creek, Kans., October 25 and 26, 1868.

Second Lieut. Robert Powell Page Wainwright, First Cavalry (now captain, First Cavalry), for gallant service in action against Indians at the Umatilla Agency, Oreg., July 13, 1878.

Second Lieut. Guy Howard, Twelfth Infantry (now captain, assistant quartermaster), for gallant service in action against Indians at Camas Meadows, Idaho, August 20, 1877.

### CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 23, 1895.*

#### CONSUL.

William Crichton, of West Virginia, to be secretary of legation of the United States at Brazil.

#### REGISTER OF THE LAND OFFICE.

Thomas A. Dunlavy, of Fisher, Minn., to be register of the land office at Crookston, Minn.

#### POSTMASTERS.

Richard Gleeson, to be postmaster at Antwerp, in the county of Jefferson and State of New York.

James S. Kissane, to be postmaster at Chateaugay, in the county of Franklin and State of New York.

John H. Mealey, to be postmaster at Greenwich, in the county of Washington and State of New York.

Jacob M. Winder, to be postmaster at Bristol, in the county of Bucks and State of Pennsylvania.

*Executive nominations confirmed by the Senate February 25, 1895.*

#### PROMOTION IN THE NAVY.

Assistant Engineer John C. Leonard, to be a passed assistant engineer in the Navy.

#### APPOINTMENTS IN THE NAVY.

Assistant Engineer John T. Myers, to be a second lieutenant in the Marine Corps.

Second Lieut. Walter Ball, United States Marine Corps, to be an assistant engineer in the Navy.

#### CONSULS.

Samuel W. Thome, of Pennsylvania, to be consul of the United States at Asuncion, Paraguay.

William W. Masterson, of Kentucky, to be consul of the United States at Aden, Arabia.

Fred. Ellison, of Indiana, to be consul of the United States at Belize, British Honduras.

#### POSTMASTERS.

Louis A. Dickinson, to be postmaster at Fremont, in the county of Sandusky and State of Ohio.

Solomon S. Metzger, to be postmaster at Bedford, in the county of Bedford and State of Pennsylvania.

F. J. Smedley, to be postmaster at North East, in the county of Erie and State of Pennsylvania.

Samuel E. Fleming, to be postmaster at Huntingdon, in the county of Huntingdon and State of Pennsylvania.

F. G. Edmiston, to be postmaster at Crockett, in the county of Houston and State of Texas.

James F. Charlesworth, to be postmaster at St. Clairsville, in the county of Belmont and State of Ohio.

John H. Hicock, to be postmaster at Flint, in the county of Genesee and State of Michigan.

James R. Holcombe, to be postmaster at Gothenburg, in the county of Dawson and State of Nebraska.

John E. Kelly, to be postmaster at Dundee, in the county of Kane and State of Illinois.

Arthur L. Morse, to be postmaster at Atkinson, in the county of Holt and State of Nebraska.

Sallie Howard, to be postmaster at Tuskegee, in the county of Macon and State of Alabama.

Charles G. Kress, to be postmaster at Lewiston, in the county of Nez Perces and State of Idaho.

Mary F. Holland, to be postmaster at Friend, in the county of Saline and State of Nebraska.

Martin J. Conley, to be postmaster at Warren, in the county of Bristol and State of Rhode Island.

George W. Marshall, to be postmaster at Swampscott, in the county of Essex and State of Massachusetts.

George E. Bryant, to be postmaster at Baldwinville, in the county of Worcester and State of Massachusetts.

Houston D. McCabe, to be postmaster at St. Johns, Michigan.

### HOUSE OF REPRESENTATIVES.

*MONDAY, February 25, 1895.*

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. E. B. BAGBY.

The Journal of the proceedings of Saturday was read and approved.

#### VETO MESSAGE—SOCIETY OF AMERICAN FLORISTS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Agriculture, and ordered to be printed:

*To the House of Representatives:*

I return herewith without approval House bill No. 5740, entitled "An act incorporating the Society of American Florists."

No sufficient reason is apparent for the incorporation of this organization under Federal laws. There is not the least difficulty in the way of the accomplishment under State laws by the incorporators named in the bill of every purpose which can legitimately belong to their corporate existence. The creation of such a corporation by a special act of Congress establishes a vexatious and troublesome precedent.

There appears to be no limit in the bill to the value of the real and personal property which the proposed corporation may hold if acquired by donation or bequest. The limit of \$50,000 applies only to property acquired by purchase.

A conclusive objection to the bill is found in the fact that it fails to carry out the purposes and objects of those interested in its passage. The promoters of the bill are florists who undoubtedly seek to advance floriculture. The declared object of the proposed incorporation is, however, stated in the bill to be "the elevation and advancement of horticulture in all its branches, to increase and diffuse the knowledge thereof, and for kindred purposes in the interest of horticulture."

It is entirely clear that the interests of florists would be badly served by a corporation confined to the furtherance of garden culture.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 23, 1895.

#### VETO MESSAGE—OKLAHOMA AND PACIFIC RAILWAY COMPANY.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Indian Affairs, and ordered to be printed:

*To the House of Representatives:*

I return herewith without approval House bill No. 8165, entitled "An act authorizing the Kansas City, Oklahoma and Pacific Railway Company to construct and operate a railway through Indian reservations in the Indian Territory and the Territories of Oklahoma and New Mexico, and for other purposes."

This bill contains concessions more comprehensive and sweeping than any ever presented for my approval, and it seems to me the rights and interests of the Indians and the Government are the least protected.

The route apparently desired, though passing through or into one State and three Territories, is described as indefinitely as possible, and does not seem to be subject to the approval in its entirety of the Secretary of the Interior or any other governmental agency having relation to the interest involved.

There is no provision for obtaining the consent of the Indians through whose territory and reservations the railroad may be located.

Though it is proposed to build the railroad through Territories having local courts convenient to their inhabitants, all controversies that may arise out of the location and building of the road are by the provisions of the bill to be passed upon by the United States circuit and district courts for the district of Kansas, "and such other courts as may be authorized by Congress."

The bill provides that "the civil jurisdiction of said courts is hereby extended within the limits of said Indian reservations without distinction as to citizenship of the parties, so far as may be necessary to carry out the provisions of this act." This provision permits the subordination of the jurisdiction of Indian courts, which we are bound by treaty to protect, to the "provisions of this act" and to the interests and preferences of the railroad company for whose benefit the bill under consideration is intended.

A plan of appraisal is provided for in the bill in case an agreement can not be reached as to the amount of compensation to be paid for the taking of lands held by individual occupants according to the laws, customs, and usages of any of the Indian nations or tribes, or by allotment or agreement with the Indians. It is, however, further provided that in case either party is dissatisfied with the award of the referees to be appointed an appeal may be taken to the district court held at Wichita, Kans., no matter where on the proposed route of the road the controversy may originate. If upon the hearing of said appeal the judgment of the court shall be for the same sum as the award of the referees, the costs shall be adjudged against the appellant, and if said judgment shall be for a smaller sum the cost shall be adjudged against the party claiming damages. It does not seem to me that the interests of an Indian occupant or allottee is properly regarded when he is obliged, if dissatisfied with an award for the taking of his land, to go to the district court of Kansas for redress, at the risk of incurring costs and expenses that may not only exceed the award originally made to him, but leave him in debt.

It is probable that there are other valid objections to this bill. I have only attempted to suggest enough to justify my action in disapproving it. In constructing legislation of this description it should not be forgotten that the rights and interests of the Indians are important in every view and should be scrupulously protected.

EXECUTIVE MANSION, February 25, 1895.

GROVER CLEVELAND.

#### VETO MESSAGE—HIRAM R. RHEA.

The SPEAKER also laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I return herewith without approval House bill No. 4058, entitled "An act granting a pension to Hiram R. Rhea and repealing an act approved March 3, 1871."

The person named in the title of this bill was pensioned under the provisions of a private act passed March 3, 1871. In 1893 a letter from the Commissioner of Pensions was presented to Congress exhibiting facts which established in a most satisfactory manner that the claim for pension allowed by said special act was a barefaced and impudent fraud, supported by deliberate perjury. This letter appears to be the moving cause of the passage of the bill now before me. Payment of pension under the fraudulent act has been suspended since January 28, 1893, and since that time no information has been received from the fraudulent pensioner.

The circumstances developed called for the repeal of the law of 1871 placing him upon the pension roll. This is accomplished in the second section of the bill under consideration, which section I would be glad to approve. This repeal, however, is accompanied by a provision in the first section of the bill directing the Secretary of the Interior to place upon the pension roll this identical fraudulent pensioner under a certificate numbered precisely the same as that heretofore issued to him "at a rate proportionate to the degree of disability from such gunshot wounds as may be shown to the satisfaction of said Secretary to have been received at the hands of Confederate soldiers or sympathizers while said Rhea was attempting to cooperate with the Union forces," etc.

Inasmuch as the letter of the Commissioner of Pensions to which reference has been made, and which forms part of the committee's report on this bill is the basis of this repealing provision, and inasmuch as this letter furnishes evidence that the pensioner was, when injured, a very disreputable member of a band of armed rebels and was wounded by Union soldiers, I can not understand why the same bill, which for this reason purges the pension rolls of his name, should in the same breath undo this work and direct his name to be rewritten on the rolls.

If the facts before Congress justify the repeal of the law under which this man fraudulently received a pension for nearly twenty-two years they certainly do not justify the provision directing his name to be put on the rolls again with a view to further examination of his case or for any other purpose.

GROVER CLEVELAND.

EXECUTIVE MANSION, February 23, 1895.

Mr. MARTIN of Indiana. Mr. Speaker, I ask consent that that message, with the accompanying papers, be allowed to remain on the table for the present.

There was no objection.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with amendments the bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes; in which the concurrence of the House was requested.

#### WITHERBY & GAFFNEY.

The SPEAKER laid before the House the bill (H. R. 4507) for the relief of Witherby & Gaffney, with a Senate amendment.

The Senate amendment was read.

Mr. CHICKERING. Mr. Speaker, I move that the House concur in the amendment of the Senate with the following additional amendments, which I ask the Clerk to report.

The Clerk read as follows:

In line 20, after the word "aforesaid," insert the following: "Provided, That in no event shall an amount exceeding \$5,414.28 be allowed against the Government."

In line 33, after the word "appropriated," insert the following: "Not exceeding \$5,414.28."

The amendments to the amendment were agreed to.

The amendment of the Senate as amended was agreed to.

On motion of Mr. CHICKERING, a motion to reconsider the last vote was laid on the table.

#### SENATE RESOLUTIONS REFERRED.

The SPEAKER laid before the House the following joint reso-

lutions of the Senate; which were severally read a first and second time, ordered to be printed, and referred to the committees named below:

Joint resolution (S. R. 133) directing the Secretary of War to make an examination of the bridge to be constructed over the Delaware River, between the States of New Jersey and Pennsylvania—to the Committee on Interstate and Foreign Commerce.

Joint resolution (S. R. 134) calling on the President to take such measures as he may deem necessary to consummate the agreement between the Governments of Spain and the United States for the relief of Antonio Maximo Mora, a naturalized citizen of the United States—to the Committee on Foreign Affairs.

#### DONATION OF CANNON TO CITY OF BURLINGTON, VT.

The SPEAKER laid before the House the joint resolution (S. R. 138) authorizing the Secretary of the Navy to deliver unserviceable or condemned cannon to the mayor of Burlington, Vt., to be used in decorating Battery Park.

Mr. POWERS. Mr. Speaker, I ask for the present consideration of this joint resolution.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to deliver to the mayor of the city of Burlington, Vt., four pieces of unserviceable or condemned cannon and one hundred cannon balls, for use in decorating Battery Park, in said city, where soldiers and sailors of the war of 1812 were buried: Provided, That the same can be spared without detriment to the service, and that no expense is thereby incurred by the Government.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The joint resolution was ordered to a third reading; and being read a third time, was agreed to.

On motion of Mr. POWERS, a motion to reconsider the last vote was laid on the table.

#### RETURN OF A JOINT RESOLUTION TO THE SENATE.

The SPEAKER laid before the House the following Senate resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the engrossed joint resolution (H. Res. 277) in reference to the free zone along the northern frontier of Mexico and adjacent to the United States.

The SPEAKER. Without objection, this request of the Senate will be complied with, and the bill will be returned to the Senate in accordance with the request.

There was no objection.

#### ROBERT BRIGHAM.

Mr. SIBLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7000) for the relief of Robert Brigham, late postmaster at Franklin, Pa.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Robert Brigham, late postmaster at Franklin, Pa., the sum of \$2,666.93, out of any money in the Treasury not otherwise appropriated, the same being amount lost through the failure of Venango National Bank, where such money was deposited by order of the Postmaster-General.

Mr. SAYERS. I should like to have some explanation of this bill. We want to know when this loss occurred.

The SPEAKER. Without objection, the gentleman can make a short explanation.

Mr. SIBLEY. Mr. Speaker, Mr. Robert Brigham was appointed postmaster by President Lincoln, at a time when the post-office at Franklin was a fourth-class post-office. Inside of a very few months, on account of the discovery and development of the petroleum fields of that Commonwealth, this post-office became the second or third office in the amount of business transacted in the State of Pennsylvania. Mr. Brigham, at his own expense, fitted up the office and put in boxes. At that time Mr. C. B. Culver, of the firm of Culver, Penn & Co., was a Representative in Congress. Another banker, Mr. Blakeley, was the bondsman of Mr. Brigham. Mr. Culver secured an order or presented an order to Mr. Brigham from the Postmaster-General, which Major McDowell, a member of the present House from Pennsylvania, who was at that time a clerk in the office, saw and read, directing him to transfer his account from the bank of Mr. Blakeley, who was his bondsman, to the bank of Mr. Culver. Very soon thereafter Mr. Culver failed, the national bank failed, and Mr. Brigham lost his money. A fire which occurred afterwards destroyed all the fixtures that he had put in at his own expense. Mr. Brigham's bill was originally for \$7,000.

Mr. McDowell, Mr. STONE, and myself agreed, all being residents of the town, that the money he had deposited under the order of the Postmaster-General should be paid to him and that we would unite in asking the House to reimburse him. This bill passed the Senate, but it failed to obtain consideration in the House. It has been before Congress for twenty years. It is another "Denman" case. This is a very small portion of the amount of money he lost. He went in there in affluent circumstances and was almost pauperized.



Mr. SAYERS. Has the bill been reported by a committee of the House?

Mr. SIBLEY. It has been very fully examined by the subcommittee, and also reported on favorably by the full Committee of Claims. The gentleman from Kansas [Mr. HUDSON] was in charge of it; and it has also been examined by the gentleman from Tennessee [Mr. COX]. I regret exceedingly that Mr. McDOWELL is not in his place this morning. He has been here every morning for a week for the purpose of explaining this bill to members of the House should it be called up, he having been chief clerk in the office at the time and being familiar with all the circumstances, as is also Governor STONE, who represents the district in which this claimant lives.

Mr. SAYERS. Mr. Speaker, I will have to object to the consideration of that bill.

The SPEAKER. Objection is made.

BYRON COTTON.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8818) to increase the pension of Byron Cotton.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior is directed and empowered to place upon the pension roll the name of Byron Cotton, late of Company A, Twenty-fourth Iowa Infantry Volunteers, at the rate of \$12 a month in lieu of the pension he is now receiving.

The amendment recommended by the committee was read, as follows:

In line 6, after the word "of," strike out the words "seventy-two" and insert the words "thirty-six;" so as to read, "at the rate of \$36 per month."

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

Mr. JONES. Mr. Speaker, I would like to ask if this bill has been considered in the Committee of the Whole at a Friday night session?

Mr. LACEY. They called the roll on last Friday night and came within one of my name. It has not been considered in Committee of the Whole.

Mr. JONES. I will have to object.

Mr. LACEY. I move to suspend the rules and pass the bill.

The SPEAKER. The Chair can not recognize the gentleman for that purpose. It is not in order to-day, anyway.

JAMES PHELAN.

Mr. GRIFFIN of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6870) for the relief of James Phelan, internal-revenue collector at Detroit, Mich.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James Phelan, United States collector of internal revenue at Detroit, Mich., out of any moneys in the Treasury not otherwise appropriated, the sum of \$300.05, the amount stolen from the vault in the internal-revenue office on the night of April 13, 1894.

Mr. SAYERS. I would like to have an explanation of that bill.

Mr. GRIFFIN of Michigan. I ask that the report be read.

The report (by Mr. RICHARDS) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 6870) for the relief of James Phelan, respectfully report:

James Phelan was appointed collector of internal revenue for the first district of Michigan and assumed possession of the office the 1st of December, 1893. The evidence in the case consists of the testimony of the collector, his immediate predecessor in office, the chief deputy collector, a deputy collector, and the cashier, the three latter of whom had for a number of years held the position under the former incumbent, and also two detectives and other persons, and clearly shows the following facts:

The internal-revenue office is and has been for some years located on the second floor of the Tribune building, Detroit, in which a night watchman was employed. During the night of the 13th of April, 1894, the internal-revenue office was broken into by burglars and \$300.05 was stolen from the vault, entrance having been made through a window of an office of a cotenant occupying the rear part of the first floor of the same building.

Upon discovery of the burglary on the morning of the 14th of April the police authorities were summoned and a thorough investigation made. It was found that the door leading from the hall into the office had been forced open; that a piece of the door casing had been cut away large enough to permit the entrance of an instrument that was used in forcing the door; holes had been drilled through the handles and combinations of the outer and inner doors of the vault.

Some years prior the depository banks of Detroit closed at 4 o'clock in the afternoon, and very little, if any, money remained in the vault in the collector's office overnight. In more recent years the depository banks have closed at 3 o'clock, while the regulations of the Commissioner of Internal Revenue require the collector to keep his office open for the transaction of business until 4 o'clock. During these latter years arrangements have been made with the leading tobacco and cigar manufacturers and brewers to make their purchases of stamps early in the day, but the testimony of Mr. Wheeler, chief deputy collector, and Cook, a deputy collector, both of whom have been in the office for several years, shows that it had been the invariable rule not to refuse the sale of stamps up to 4 o'clock, and that the money received from taxpayers between 3 and 4 o'clock, as well as that received by mail between those hours, was deposited in the vault for safe-keeping, and treated as part of the collections of the following day and so afterwards deposited. The testimony of Lendley, the cashier, shows that on the 13th of April the sums received between these hours by him aggregated the precise sum stolen, and a detailed statement of the items and from whom they were received is given. These sums were placed by him in the vault about 4.10 p. m. on the 13th day of April last, and the inner and outer doors of the vault were then carefully and securely locked.

The committee find that no negligence or lack of care is attributable to the collector or his office force or agents; that the loss to the Government was promptly made good by the collector on the morning of the 14th of April, and

recommend the passage of the bill which is introduced to reimburse the collector for the amount thus paid by him.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MICHAEL RYAN.

Mr. FLETCHER. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 8391) for the relief of Michael Ryan.

The bill was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized and directed to revoke the order dishonorably discharging Private Michael Ryan, Company I, Fifth Regiment United States Infantry, on September 20, 1865, and to issue to him an honorable discharge from the military service of the United States as of that date.

Mr. FLETCHER. I ask that the report be read.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. SAYERS and Mr. WELLS. Let the report be read.

The report (by Mr. CURTIS of New York) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8391) for the relief of Michael Ryan, have had the same under consideration, and recommend that the bill do pass.

This soldier served the United States Army from 1857 to 1865. The facts in this case are fully set forth in a letter directed to Hon. LOREN FLETCHER, a member of this Congress, from Hon. William Lochren, Commissioner of Pensions, concerning Senate bill 2510, identical with the House bill, which letter is herewith appended and made a part of this report. The committee have examined the proceedings of the court-martial which tried Private Ryan, and to which reference is made in the aforesaid letter, and find that the facts as proven at the trial are correctly set forth by the Commissioner of Pensions.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,  
Washington, February 7, 1895.

MY DEAR SIR: I am quite desirous, as I have stated to you, for the passage of the bill (S. 2510) for the relief of Michael Ryan, late private Company I, Fifth Regiment United States Infantry. It will be an act of justice to a deserving soldier and good citizen of our State, and constituent of your own, with whom you have, as I believe, some personal acquaintance.

Michael Ryan, when a youth and before the late war, enlisted in that company and regiment. At the end of his first term of service, September 20, 1863, he at once reenlisted for another term of three years, and served faithfully and with credit through the entire war. In the summer of 1865 the regiment was sent to New Mexico, and while stationed at Fort Sumner, near the end of his second term of enlistment, he was one night included in a detail to guard artillery upon the parade ground. Where the detail was formed some old arms were piled, among which he observed an old Colt's revolver, which he picked up and put in his blouse pocket.

The act was noticed by a noncommissioned officer, who, finding that he had put the revolver in his pocket, arrested him and preferred a charge against him of theft of property of the United States. Upon this charge he was tried by court-martial, convened August 17, 1865, and found guilty, notwithstanding his statement that he took up the pistol with the intention of keeping it during that night on guard, and notwithstanding the fact that the first lieutenant of his company testified, "I have known Private Ryan since some time in July, 1862, and have always considered him a very good soldier; never have known him to be accused of theft until the present occasion." He was sentenced to be kept at hard labor in charge of the guard for the remainder of his term of enlistment, and to be then dishonorably discharged, with forfeiture of all pay and allowances, except the just dues to the laundress and sutler. This sentence was approved September 2, 1865, eighteen days before the expiration of his second term of enlistment.

Mr. Ryan has related the matter to me several times, and I have examined the original record of the court-martial in the office of the Judge-Advocate-General, and have a copy of the same, kindly furnished me by that officer, which I will transmit if desired. But there is no question as to the simple facts as I have briefly stated them. The only matter in doubt is the intent with which he picked up the old revolver and put it in his pocket, when going out at night on guard, whether from curiosity to examine and return it in the morning, or to keep it. Had he been at that place—not going on guard—and picked it up and examined it from curiosity and laid it down, nothing wrong could be charged. It was not an infantry arm with which he was familiar, and he might have had some curiosity to examine it. Going out on guard for the night, whence he would return to the same place, his statement is by no means incredible—that he took it with him intending to return it.

But even if at the end of two terms of faithful service, including the whole period of the war, on seeing this old pistol he formed the purpose of taking it as a souvenir of his service, it seems to me a venial offense, no more than numberless good soldiers did, and that the sentence of dishonorable discharge, in view of his military service and good character as a soldier, was cruel and undeserved. The other parts of the sentence were much more than adequate punishment.

Mr. Ryan has been my neighbor ever since the war. He is an honest, respectable man, who has the warm regard of all who know him. For nearly twenty years he has been a member of our city police, and I know that all of our citizens who have had anything to do with our municipal government would commend him in the highest terms.

As age is approaching and children and grandchildren are growing up about him, he feels keenly the disgrace and, as he thinks, injustice of resting under the stain of a dishonorable discharge from his military service, so long extended and creditably performed. If I can interest you in this matter, so as to secure what I think is but tardy justice, I shall be extremely gratified.

Very sincerely, yours,

WM. LOCHREN.

HON. LOREN FLETCHER,  
House of Representatives.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

MATHEW S. PRIEST.

The SPEAKER. The gentleman from Ohio [Mr. PEARSON] has a matter which went over by consent last Friday. The Clerk

will again report the bill. Objection was made and it went over subject to be called up again.

The Clerk read as follows:

A bill (H. R. 1314) for the relief of Mathew S. Priest.

*Be it enacted, etc.*, That the sum of \$600 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to compensate Mathew S. Priest for services rendered by him for the Government of the United States from the 16th day of March to the 27th day of August, 1863, as engineer of the steamers *Silver Wave* and *Moderator*, in passing the batteries of Vicksburg, Warrenton, and Grand Gulf, and for repairing steamers.

SEC. 2. That the sum hereby appropriated is made immediately available.

The Senate amendments were read, as follows:

In line 3 strike out "six hundred" and insert "three hundred and seventy-five." In line 8 strike out "twenty-seventh" and insert "seventeenth." Strike out section 2.

Mr. REED. I would like to know what this is all about. The only word I could hear, and I listened carefully, was "available," which makes me think it had some reference to the Treasury of the United States. [Laughter.]

The SPEAKER. The Clerk will report the bill as it will read when amended.

The Clerk read as follows:

*Be it enacted, etc.*, That the sum of \$375 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to compensate Mathew S. Priest for services rendered by him for the Government of the United States from the 16th day of March to the 17th day of August, 1863, as engineer of the steamers *Silver Wave* and *Moderator*, in passing the batteries of Vicksburg, Warrenton, and Grand Gulf, and for repairing steamers.

Mr. REED. I hope somebody will explain the bill. I understand there is \$300 and some "silverware" and a couple of steamboats involved. That is about all I could get out of the reading.

Mr. PEARSON. Mr. Speaker, the beneficiary of this bill was a private soldier in the Thirteenth Ohio Volunteer Infantry, and was one of a detachment made by order of General Grant to do special service on board of the steamers *Silver Wave* and *Moderator* in running by the forts at Vicksburg and Grand Gulf. He served in such detachment as an engineer from March, 1863, until September, 1863, as shown by the affidavits of four of his comrades and one officer, and the records of the War Department. The men and officers engaged in this service were authorized by special order from General Grant to be paid by the Quartermaster-General's Department. An order was made to pay these men for this duty, as appears by the records of the War Department. The records also show that the others were paid, and that this man never has been paid. A bill passed at the last session of this House giving him \$600, and was sent to Senate and was there amended giving him \$375; and I move that we agree to the Senate amendment.

Mr. REED. Why was he not paid?

Mr. PEARSON. I do not know why, but it turns out that he never was paid. He has been knocking at the doors of Congress for quite a long while, but he never has been paid. I move that the House concur in the Senate amendments.

The motion was agreed to.

On motion of Mr. PEARSON, a motion to reconsider the vote by which the Senate amendments were concurred in was laid on the table.

#### BRIDGE ACROSS THE ILLINOIS RIVER AT HENNEPIN.

Mr. HENDERSON of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of House bill No. 8883 to authorize the construction of a bridge across the Illinois River at or near the town of Hennepin.

The bill was read. The amendments recommended by the Committee on Interstate and Foreign Commerce were concurred in.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HENDERSON of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### REGENTS OF THE SMITHSONIAN INSTITUTION.

Mr. BARTLETT. Mr. Speaker, I ask unanimous consent for the consideration of the joint resolution (S. R. 109) to fill vacancies in the Board of Regents of the Smithsonian Institution.

The joint resolution was read, as follows:

*Resolved by the Senate and House of Representatives, etc.*, That the vacancy in the Board of Regents of the Smithsonian Institution other than members of Congress, caused by the death of James C. Welling, of the city of Washington, be filled by the appointment of Gardiner G. Hubbard, a citizen of Washington, of the District of Columbia.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BARTLETT, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

#### ALEXANDER M. LAUGHLIN.

Mr. FUNK. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8884) granting a pension to Alexander M. Laughlin.

The bill was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Alexander M. Laughlin, who was a private in the company of Capt. George B. Willis, Fortieth Regiment, Fourth Brigade, First Division of the Illinois State Militia, and who served as such in the Indian war of 1832, known as the Black Hawk war, and pay to him a pension at the rate of \$3 per month.

Mr. JONES. Mr. Speaker, I hope the report in that case will be read.

The report (by Mr. MOSES) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 8884) granting pension to Alexander M. Laughlin, have considered the same and respectfully report as follows:

The claimant was a private in Capt. George B. Willis's company, Fortieth Regiment, Fourth Brigade, First Division of Illinois Volunteers, in the Black Hawk war. The rolls of the company, which are on file with your committee, fail to show the exact date of his enlistment, but this presumably took place on May 21, 1832, as nearly all of the other members of the company enlisted on that day. He was mustered out with the company on June 18, 1832.

Although, as stated above, the exact date of enlistment is not shown by the rolls, it is fair to presume that, like the majority of the company, he served twenty-nine days, just one day short of the time required to give title to pension under the Indian war act of July 27, 1892.

Mr. Laughlin is now 79 years old and in straitened circumstances and unable to do anything toward earning a support.

The passage of the bill is respectfully recommended, with an amendment fixing the rate of pension at \$12 per month so as to conform to the provisions of an act passed by the House at this session and now on Senate Calendar.

The amendment recommended by the committee in the last paragraph of the report was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### DR. SAMUEL D. GROSS.

Mr. CLARKE of Alabama. Mr. Speaker, I ask unanimous consent for the consideration of the joint resolution (S. R. 117) granting permission for the erection of a bronze statue in Washington, D. C., in honor of the late Prof. Samuel D. Gross, M. D., LL. D., D. C. L.

The joint resolution was read, as follows:

Joint resolution granting permission for the erection of a bronze statue in Washington, D. C., in honor of the late Prof. Samuel D. Gross, M. D., LL. D., D. C. L.

Whereas the physicians and surgeons of the United States of America have raised a fund for the erection of a bronze statue to the memory of Samuel D. Gross, M. D., LL. D., D. C. L., late professor of surgery in the Jefferson Medical College of Philadelphia, whose labors in the cause of his profession as surgeon and as author have caused his name to be respected in the civilized world as one of the benefactors of his race and have added luster to the entire medical profession of the United States; Therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.* That permission be, and the same is hereby, granted to the American Surgical Association and the Alumni Association of the Jefferson Medical College to erect said statue in such place in the city of Washington, D. C., as shall be designated by the Superintendent of Public Buildings and Grounds. And the sum of \$1,500, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the erection of a pedestal upon which to place the said statue.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

There was no objection.

The joint resolution was ordered to a third reading; and it was accordingly read the third time.

Mr. HITT. Can the gentleman state where this statue is to be placed?

Mr. CLARKE of Alabama. That is to be under the direction of the Superintendent of Public Buildings and Grounds.

Mr. HITT. But where is the statue going to be put?

Mr. CLARKE of Alabama. I do not know.

Mr. HITT. That is a pretty serious question, but I will not object.

The joint resolution was passed.

On motion of Mr. CLARKE of Alabama, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8398) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1896, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 444) making the surveyor of the District of Columbia a salaried officer, and to provide for more efficient service in the surveyor's office.

#### ORDER OF BUSINESS.

Mr. BRECKINRIDGE. Mr. Speaker, I ask for the regular order.



## INDIAN APPROPRIATION BILL.

The SPEAKER. Pending the demand for the regular order the Chair lays before the House the Indian appropriation bill.

Mr. HOLMAN. Mr. Speaker, there is a considerable number of amendments made by the Senate, and as it is quite late in the session I ask unanimous consent that the amendments of the Senate be nonconcurrent in and a conference asked for.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. DANIELS. Mr. Speaker, there is one provision that has been added by the Senate which, it strikes me, should receive the attention of the House. It is in reference to the Indian lands in western New York. I should like to have an opportunity of presenting that matter to the House.

The SPEAKER. The gentleman from New York objects to the unanimous consent asked for, that the amendments of the Senate be nonconcurrent in.

Mr. DANIELS. No, Mr. Speaker, I do not object to the non-concurrence, but I desire to move to reject one of the Senate amendments.

The SPEAKER. The request of the gentleman from Indiana is that all the Senate amendments be nonconcurrent in.

Mr. DANIELS. Very well.

The SPEAKER. Is there objection to the request of the gentleman from Indiana, that the House nonconcur in the amendments of the Senate, and ask for a conference?

There was no objection, and it was so ordered.

The SPEAKER appointed as conferees on the part of the House Mr. HOLMAN, Mr. ALLEN, and Mr. PICKLER.

## ORDER OF BUSINESS.

Mr. BRECKINRIDGE. Mr. Speaker, this is the day set apart under the rule for business reported from the Committee on the District of Columbia; but by agreement with the chairman of that committee, I will ask that, if it is agreeable to the House, next Thursday be substituted.

Mr. DINGLEY. Mr. Speaker, before that consent is given I should like to hear from the chairman of the Committee on Appropriations as to the propriety of setting apart Thursday for this business, in view of the condition of the appropriation bills.

Mr. SAYERS. I have no objection to setting apart Thursday for the business of the Committee on the District of Columbia, provided that it shall not conflict with the consideration of any general appropriation bill.

Mr. DINGLEY. Let that reservation be made.

Mr. HEARD. Mr. Speaker, if I may be indulged a moment, I will say that the considerations which moved me to make the agreement with the gentleman from Kentucky are, first, the importance of getting the deficiency bill to the Senate as soon as possible; and, secondly, the fact that on Tuesday night the Senate is to devote a session to the consideration of bills on its Calendar with the understanding that the time will be given largely to bills relating to the District of Columbia. On Wednesday our committee holds its regular weekly meeting, and we shall then have an opportunity to consider the work done by the Senate on Tuesday night and to bring it before the House for consideration on Thursday.

The SPEAKER. Is there objection to the request that Thursday next be set apart for the consideration of the business of the District of Columbia, subject to general appropriation bills?

Mr. BYNUM. Mr. Speaker, I think it should be subject to all privileged legislation. Otherwise I must object.

I do not believe in setting apart a day for the exclusive use of the Committee of the District of Columbia at this late state of the session when important matters of public legislation may need to be considered.

Mr. McMILLIN. I suggest to the gentleman who is in charge of the District business, and also to the gentleman from Kentucky [Mr. BRECKINRIDGE], that we might set apart to-morrow for District business. I realize the force of what the gentleman from Indiana [Mr. BYNUM] suggests, that on Thursday next we may have great exigencies upon us.

Mr. HEARD. I will repeat to my friend from Tennessee what I have just stated to the House, that to-morrow will not suit our committee nearly so well as Thursday next, for the reason that we want an opportunity to consider on Wednesday the District business which may be done by the Senate to-morrow night.

Mr. McMILLIN. I am not going to object; I simply suggest that I always notice that the last three days of the session are very important; and the House will need the time much worse on Thursday for general business than to-morrow.

Mr. HEARD. To-morrow at 2 o'clock is set apart for eulogies.

Mr. McMILLIN. Then, say Wednesday.

Mr. HEARD. If Wednesday be fixed we shall not have an opportunity to consider in committee on Wednesday the work done by the Senate to-morrow night.

Mr. McMILLIN. I am only making these suggestions for the benefit of the gentleman himself, because if the experience of the

past may be used in judging of the future, the last three days of the session can not be occupied by anything except the public business.

Mr. HEARD. Of course we are willing to trust the matter to the action and disposition of the House at the time, as we do now.

The SPEAKER. The Chair understands that if this change be made, the District business will be considered on Thursday next, subject to the same rules as on Monday. Privileged matters, of course, may come in.

Mr. SAYERS. I suggest that possibly an appropriation bill might be returned to the House from the Senate on that day, and before we could get it into conference it might be necessary to have some discussion and action in the House. Therefore, I prefer that the conditions of this order if made should be broader than merely to provide that conference reports may be considered.

The SPEAKER. The Chair thinks there can be no trouble in the matter. During the last six days of the session a motion to suspend the rules is always in order, and that motion could be invoked, with the concurrence of the Chair, to insure the consideration of appropriation bills and the sending them to conference.

Mr. SAYERS. I submit to the better judgment of the Chair.

The SPEAKER. Is there objection, then, to assigning Thursday next instead of to-day for District business, subject to the same conditions that the rules prescribe for Monday, and subject also to conference reports and privileged matters?

A MEMBER. The District business will be on the same footing then as to-day.

The SPEAKER. On the same footing.

Mr. DINGLEY. Before this order is made it is well we should bear in mind that we are coming very near to the end of the session, and by Thursday next certain appropriation bills will be returned to the House with Senate amendments. Now, I wish it to be understood that such bills may be brought before the House, even though they may not have reached the stage of conference, for the purpose of concurring or nonconcurring in Senate amendments.

The SPEAKER. The Chair understands that this order if made will be subject to appropriation bills.

Mr. DINGLEY. That is satisfactory.

The SPEAKER. That is understood.

Mr. HEARD. It is.

Mr. RYAN. I desire to object unless to-morrow be set apart for the consideration of bills reported by the Committee on Labor.

Subsequently—

Mr. RYAN withdrew his objection.

The SPEAKER. Is there further objection to substituting Thursday for to-day, under the limitations stated, for District business, subject to appropriation bills and privileged matters? The Chair hears none.

## PACIFIC RAILROADS.

Mr. SNODGRASS, by unanimous consent, submitted, with the draft of a proposed bill, the views of a minority of the Committee on the Pacific Railroads upon the bill (H. R. 8943) reported by Mr. REILLY; which were ordered to be printed.

## ORDER OF BUSINESS.

Mr. BRECKINRIDGE. I ask unanimous consent that the call of committees may be dispensed with for to-day and that gentlemen having reports to make may be permitted to file them with the Clerk.

There was no objection.

## REPORTS OF COMMITTEES.

The following reports of committees were handed in at the Clerk's desk, referred to their appropriate Calendars, and otherwise disposed of as indicated below:

## APPOINTMENT OF COMMISSION TO MAKE SURVEY OF SHIP CANAL.

Mr. RYAN, from the Committee on Railways and Canals, reported back favorably with amendments joint resolution (H. Res. 271) for the appointment of a commission to make survey of a ship canal from the southern shore of Lake Michigan to the waters of the Wabash River; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

## CONGRESSIONAL PARTICIPATION IN THE DEDICATION OF CHICKAMAUGA AND CHATTANOOGA NATIONAL MILITARY PARK.

Mr. WHEELER of Alabama, from the joint committee to prepare and report upon a plan for participating in the dedication of the Chickamauga and Chattanooga National Military Park, reported a resolution providing for Congressional participation in the dedication of said park; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

## MEDICAL CORPS OF THE NAVY.

Mr. MEYER, from the Committee on Naval Affairs, reported adversely upon certain petitions relating to the Medical Corps of

the Navy; which were laid on the table, and the report ordered to be printed.

#### DEFICIENCY BILL.

On motion of Mr. BRECKINRIDGE, the House resolved itself into Committee of the Whole on the state of the Union (Mr. TARSNEY in the chair) and resumed the consideration of the bill (H. R. 8892) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1895, and for prior years, and for other purposes.

The CHAIRMAN. When the committee rose on Saturday last the reading of the bill had been concluded; but several matters had been reserved subject to points of order.

Mr. CANNON of Illinois. I wish to put an inquiry to the gentleman from Kentucky [Mr. BRECKINRIDGE]. It is now 12 o'clock, the House is full, and there are a great many matters of detail, but of no great public interest, which will occupy some time in connection with this bill. Is it the disposition of the gentleman to wait until late in the day to move the amendment in regard to the Bering Sea award?

Mr. BRECKINRIDGE. I thought of calling that up as soon as these questions of order are disposed of.

Mr. LIVINGSTON. Mr. Chairman, in a letter of June 12, 1894, from the Auditor of the Treasury, which I sent to the desk the other day to be read, there appears this clause:

There can be no question as to the legality of these claims, based as they are upon the orders of the Postmaster-General, issued under authority vested in him by the terms of the contract, and in view of the fact that the Supreme Court—

I ask the special attention of the Chairman to this—has decided that the suspension of contracts for service in the Confederate States carries with it a month's extra pay, as if the service were discontinued. (Wallace, 8, page 38.)

I desire to read that decision.

But first I want to read that clause in the contract which is the basis of the claim:

It is hereby stipulated and agreed, among other things, that the Postmaster-General may discontinue or curtail the service, in whole or in part, in order to place on the route a greater degree of service, or whenever the public service requires such discontinuance or curtailment or from any other cause, he allowing one month's extra pay on account of service dispensed with.

Now, with reference to that provision the Supreme Court have rendered a decision, which is quoted in 8 Wallace, page 38, from which I read the following words:

Contractors for carrying the mail in Southern States are entitled to one month's pay, in pursuance of their contracts, and on the Postmaster-General ordering the service to be discontinued in consequence of the civil war.

There is a direct ruling of the Supreme Court.

Again, Mr. Chairman, in House Executive Document No. 153, the Secretary of the Treasury, through the Auditor, reports these four identical claims that are included in the amendment under the law to the House. These claims are reported under the act of 1874, and I desire to read a clause from that act:

That the Secretary of the Treasury shall, at the commencement of each session of Congress, report the amount due each claimant, where claims have been allowed in whole or in part, to the Speaker of the House of Representatives and the Presiding Officer of the Senate, who shall lay the same before their respective Houses for consideration; and hereafter all estimates of appropriations, and estimates of deficiencies in appropriations, intended for the consideration and seeking the action of any of the committees of Congress, shall be transmitted to Congress through the Secretary of the Treasury and in no other manner, and the said Secretary shall first cause the same to be properly classified, compiled, indexed, and printed, under the supervision of the chief of the division of warrants, estimates, and appropriations of his Department.

That was the act of 1874. Now, the act of 1878 repealed one clause of the act of 1874, which required all these sums of money, after a lapse of three years, to be covered back into the Treasury; but the act of 1878, under which these claims are certified by the Auditor to the House, reads this way (Revised Statutes of 1877 and 1879, page 130):

That so much of section 5 of the act approved June 20, 1874, as directs the Secretary of the Treasury at the beginning of each session to report to Congress, with his annual estimates, any balances of appropriations for specific objects affected by said section, that may need to be reappropriated, be and the same is hereby repealed; and it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider—

What—

the justice and validity of all claims under the appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of the act of 1874. And the Secretary of the Treasury shall report the amount due each claimant at the commencement of each session to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration: *Provided*, That nothing in this act shall be construed to authorize reexamination and payment of any claim or account which has been once examined and rejected.

Now, Mr. Chairman, there are two claims in this class, based on the same law, based on the same contract with the Postmaster-General, covered by the same Supreme Court decision, that have been paid by the direct action of this House. I refer to the claim of John D. Adams, private act October 8, 1888 (see Revised Statutes, volume 25, page 1124), and that of Mr. Kendee (see act of February 20, 1891, Revised Statutes, volume 26, page 1304).

Now, I think I have done my duty when I have shown the Chair that the law of 1874 and the law of 1878 specifically required provision to be made for such claims; and in view of the fact that the Supreme Court have decided in the most emphatic manner that such contractors are entitled to this payment, and after the Auditor has sent the four accounts, certified to this House over his signature, I think I have covered the ground and shown that this amendment comes strictly within the rules and is not subject to the objection raised. How can the point of order be raised against the amendment when it is in accordance with the law, and in accordance with the decision of the Supreme Court? I submit, Mr. Chairman, the matter to your discretion and judgment.

The CHAIRMAN. Before the gentleman closes, the Chair would like to know whether it is claimed that in any appropriation bill heretofore passed these items were provided for or their payment directed?

Mr. LIVINGSTON. Now, Mr. Chairman, in making a statement in answer to that question, I hope my friend [Mr. DINGLEY], if I make a mistake, will correct me for he is thoroughly conversant with the facts. My understanding is that these claims have been presented to the Committee on Appropriations—these four claims that I now present to the House.

Mr. DINGLEY. Has any one of them ever been allowed by the Committee on Appropriations and placed in a deficiency bill?

Mr. LIVINGSTON. No, sir.

Mr. DINGLEY. Have they not been presented as private claims and sent to the Committee on Claims and reported to the House and passed?

Mr. LIVINGSTON. I do not know that these four claims have ever been before this House at all. I think my friend and colleague on the committee, the gentleman from Maine [Mr. DINGLEY], can answer that question.

Mr. DINGLEY. I think two of these claims were presented as private bills and referred to the Committee on Claims, and the bill subsequently passed.

The CHAIRMAN. It is absolutely impossible for the Chair to hear one word of what gentlemen are saying.

Mr. LIVINGSTON. I ask that the Sergeant-at-Arms be requested to stop conversation in the rear of the Hall.

The CHAIRMAN. The Sergeant-at-Arms will exercise his authority to preserve order in the Hall of the House.

Mr. LIVINGSTON. I stated that two of these claims had been presented as private bills, and passed upon by Congress. I gave the Chair the dates of the acts; but the four bills that were presented in this amendment have never been before Congress.

Mr. DOCKERY. I think one of them has.

Mr. LIVINGSTON. My colleague [Mr. DOCKERY] thinks that one of them has. To my knowledge they have not been. It must have been prior to my connection with the House of Representatives.

But, Mr. Chairman, they have never been in an appropriation bill. They have never been passed upon; they have never come outside of the Committee on Appropriations. I want to say, Mr. Chairman, that I think I have submitted all the facts touching the question of the point of order, under Rule XXI. If my colleague on the committee, who has made the point of order, intends to spring any new point on me, after covering this question of law, why, I hope he will be candid enough to say so, and give me an opportunity to reply.

Mr. DOCKERY. I shall "spring" all the points I have to "spring" at this time.

Mr. Chairman, an amendment to a deficiency bill to be in order must comply with these conditions: It must be a deficiency under a statute which authorized the amount to be paid, but which has not been paid because of the inadequacy of the appropriation. Now, let me illustrate. The law gives to the Postmaster-General express authority to pay so much per car for the transportation of mails. It authorizes him to contract and pay that liability; but the appropriation for the liability may not be adequate. There may be an inadequacy of appropriation, and in such a case a deficiency item for that service would be in order on this bill. Now, what is this case before us? I do not recall the exact terms of the amendment, and I will call for its reading again.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again read, as follows:

On page 43, after line 8, insert:

"To pay the claims of Charles Morgan, C. B. Payne, and the Southern Steamship Company, audited and reported to the Forty-sixth Congress; the claims of Charles Morgan and M. C. Mordecai, audited and reported to the Forty-eighth Congress; being for allowance for one month's extra pay as United States mail contractors, \$17,510.83, or so much thereof as may be necessary."

Mr. DOCKERY. One of these claims, if not all of them, was transmitted to the Forty-seventh Congress at its first session in House Executive Document No. 26, in compliance with section 4 of the act of June 14, 1878, and two of the claims, it seems from the reading of the amendment, were reported to the Forty-eighth



Congress under the same act. Now, what is that act? That act provides—

That it shall be the duty of the several accounting officers of the Treasury to continue to receive, examine, and consider the justice and validity of all claims under appropriations, the balances of which have been stated or carried to the surplus fund under the provisions of said section, that may be brought before them in five years, and the Secretary of the Treasury shall report the amount due each claimant at the commencement of each session to the Speaker of the House of Representatives—

For what purpose?—

who shall lay the same before Congress for consideration.

That is the language of the statute. Now, then, a claim audited under that section comes to Congress for consideration. How? If it is a claim under the Bowman Act it is referred, under the rules, to the Committee on War Claims. If it is any other kind of an audited claim for which no appropriation has been made it is referred to the appropriate committee.

Congress considers each claim under the rules of the House. Claims that appear on a deficiency bill must be claims authorized by law and authorized to be paid, but which can not be paid because of insufficient appropriations.

Now, this particular claim of M. C. Mordecai is very familiar to gentlemen who have served here for a number of years. It was presented in the Fiftieth Congress, when I was presiding over the Committee of the Whole as Chairman on the deficiency bill. After examination there, in which the statute of June 14, 1878, had been cited, after the order of the Postmaster-General had been read, I decided:

The Chair is not without doubt about this, but, in view of the hasty examination he has been permitted to make, and in light of the discussion, sustains the point of order.

The claim on that occasion was presented by the gentleman from South Carolina, Mr. Dibble. At the second session of the same Congress, when the present Speaker of the House was presiding in the Committee of the Whole as Chairman, the claim was presented by the gentleman from Maryland, Mr. RAYNER, and the present Speaker, then Chairman of the Committee of the Whole, after hearing the discussion, made this decision:

The Chair will be compelled to hold, unless the gentleman can cite some statute law authorizing the expenditure, that the point of order is well taken.

Mr. RAYNER. The only law I can cite, Mr. Chairman, is the action on this claim by the Court of Claims—

By the way, let me say this claim was sent to the Court of Claims, and the decision of that court was that it was barred by the statutes of limitation.

The only law I can cite, Mr. Chairman, is the action on this claim by the Court of Claims, to which I have called attention—the allowance of the Auditor of the Treasury of the claim—

The fact which has been emphasized by the gentleman from Georgia—

and the statement on the part of the Postmaster-General that the claim should be paid.

Both of which facts have just been emphasized and called to the attention of the House by the gentleman from Georgia.

Now, then, after further discussion, the Speaker, then Chairman of the Committee of the Whole, again states:

The Chair does not understand that because a claim is just and has been allowed by the Department, it is therefore necessarily authorized by law. The Chair understands the rule to mean that on a general appropriation bill no amendment shall be in order except, in the language of the rule, for expenditures "previously authorized by law." The attention of the Chair has not been called to any law authorizing this expenditure, and he therefore sustains the point of order.

Again, this claim was presented in the Fifty-first Congress. No point of order, it appears, was raised against it—I refer to the Mordecai claim; but, on a vote in the Committee of the Whole, it was rejected, I believe, by yeas 77, nays 51. So that this claim, Mr. Chairman, has "bobbed up serenely" almost every Congress during the last ten years. Now, I do not know that I desire to add anything, Mr. Chairman. There is another phase of the question, but I will forbear until the Chair has decided, inasmuch as that trenches on the merits of the question.

Mr. LIVINGSTON. Now, Mr. Chairman, in reply to the gentleman just a moment. I will admit everything the gentleman has said. He says that the Chairman of the Committee of the Whole sustained the point of order because Mr. RAYNER, in the one case, and some other gentleman in another case, failed to bring the attention of the Chairman of the Committee of the Whole to any law authorizing the payment.

Now, Mr. Chairman, I have done that this morning; done it abundantly, as the Chairman well knows. I have shown not only the contract between the Postmaster-General and these parties, but I have shown that the act of 1874 authorized it. I have shown that the amended act of 1878 authorized it; and I have shown that the Auditor, under the act of 1878, has again sent the accounts to this House.

And now, Mr. Chairman, about a different matter; and I ask the attention of the Chair just for a moment as to what was done by the Committee on Appropriations in these four claims. The gentleman in charge of the bill [Mr. BRECKINRIDGE] will corrob-

orate me in what I am about to say. The subcommittee intended to take up these claims in the subcommittee. It was before us on the table to be disposed of; but in adjourning on the morning we finished the bill, in the hurry, the appropriation for the Nashville centennial having absorbed all the time, we both forgot it; and it was merely an oversight and not intentional. Had it not been for that fact, had we not forgot it on the morning when the bill was considered, we would have disposed of it in the subcommittee either one way or the other. It was before the committee, Mr. Chairman. It was sent there by the Speaker of the House. The gentleman has referred to but one claim, the Mordecai claim. If the Chair thinks the Mordecai claim ought to be ruled out I am willing that it should go out; but I do not want the other three ruled out because of any decision the Chair may make on the Mordecai claim.

Mr. BRECKINRIDGE. Mr. Chairman, I understand that the conference committee on the District of Columbia appropriation bill is ready to report, and I therefore move that the committee rise for the purpose of having that report submitted to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. TARSNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8892 and had come to no resolution thereon.

#### DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. WILLIAMS of Illinois. Mr. Speaker, I desire to call up the conference report on the District of Columbia appropriation bill.

The SPEAKER. The Clerk will read the statement and that will probably be sufficient.

[For text of conference report see proceedings of Senate.]

The statement of the House conferees was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8388) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1896, and for other purposes, submit the following written statement in explanation of the effect of the action recommended on each of the amendments of the Senate in the accompanying conference report, namely:

On amendment numbered 1: Appropriates for two assistant secretaries to the Commissioners, at \$1,000 each, as proposed by the Senate instead of one, at \$1,000, as proposed by the House.

On amendments numbered 2 and 3: Appropriates for one laborer, at \$365 per annum, as proposed by the Senate, instead of at \$314, as proposed by the House.

On amendments numbered 4 and 5: Appropriates for one additional assistant inspector of buildings, at \$1,000, instead of two, as proposed by the Senate.

On amendments numbered 6, 7, and 8: Appropriates for an additional clerk, at \$1,400, and for a messenger and driver for the board of assistant assessors, at \$600, in the assessor's office, as proposed by the Senate.

On amendments numbered 9 and 10: Strikes out the provision for a deputy collector of taxes, at \$2,000, proposed by the Senate.

On amendment numbered 11: Strikes out the provision proposed by the Senate for a deputy coroner, at \$1,400 per annum.

On amendments numbered 12, 13, and 14: Appropriates \$75 additional for hire of laborers for cleaning markets, as proposed by the Senate.

On amendments numbered 15, 16, and 17: Increases the salary of the assistant superintendent of parking from \$700 to \$800, as proposed by the Senate, and strikes out the provision proposed by the Senate for an assistant superintendent of sewers at \$1,500.

On amendment numbered 18: Authorizes the Commissioners to grant thirty days' leave of absence to not exceeding 30 regular employees, paid out of general appropriations, as proposed by the Senate.

On amendment numbered 19: Appropriates \$800, as proposed by the Senate, for horse feed and shoeing for the board of assistant assessors.

On amendments numbered 20, 21, and 22: Appropriates \$1,000 as proposed by the House, instead of \$800 as proposed by the Senate, for general expenses of the coroner's office.

On amendment numbered 23: Reduces the penalty on delinquent taxes from 2 per cent per month to 1 per cent per month, as proposed by the Senate.

On amendment numbered 24: Appropriates \$2,500, instead of \$1,270 as proposed by the House and \$4,250 as proposed by the Senate, for special repairs to market houses.

On amendments numbered 25, 26, and 27: Appropriates \$12,500, instead of \$6,000 as proposed by the House and \$25,000 as proposed by the Senate, for preparing the plan for the extension of a permanent system of highways, with authority to pay so much of the sum appropriated as may be necessary, instead of \$10,000 as proposed by the Senate, to Frederick Law Olmsted or other eminent landscape architect, for the preparation of plans in part for said work.

On amendments numbered 28, 29, and 30: Appropriates \$150,000 as proposed by the House, instead of \$175,000 as proposed by the Senate, for assessment and permit work, with authority to use not exceeding \$14,000 for widening the roadway of G street NW. from Tenth street to Fourteenth street.

On amendments numbered 31, 32, 33, 34, 35, 36, and 37: Appropriates \$12,000, instead of \$100,000 as proposed by the House and \$160,000 as proposed by the Senate, for work on streets and avenues, and \$2,500, as proposed by the Senate, for paving Eleventh street between East Capitol street and Massachusetts avenue.

On amendment numbered 38: Makes the appropriations for streets and avenues, and for construction of county roads, immediately available.

On amendments numbered 39, 40, 41, and 42: Appropriates \$40,000 as proposed by the House, instead of \$65,000 as proposed by the Senate, for relief sewers and replacing obstructed sewers; \$10,000, instead of \$34,000 as proposed by the House and \$30,536 as proposed by the Senate, for suburban sewers; \$30,000, instead of \$37,332 as proposed by the Senate, for the Brookland sewer; \$10,000 for the Konesaw avenue sewer; \$40,000, instead of \$75,000 as proposed by the Senate, for the Rock Creek and B street intercepting sewer; and authorizes contracts to be made for the construction of the Eckington Valley, Brookland, Konesaw avenue, and Rock Creek and B street intercepting sewers, as proposed by the Senate.

On amendment numbered 43: Authorizes the authorities to omit the circle

hitherto required to be located at or near Morris street, as proposed by the Senate.

On amendments numbered 44, 45, 46, 47, 48, 49, 50, 51, 52, and 53, relating to the construction of county roads: Appropriates \$18,000 as proposed by the Senate, instead of \$3,000 as proposed by the House, for paving First street extended; \$5,000 as proposed by the Senate, for grading and regulating Sherman avenue; \$4,000, instead of \$12,000 as proposed by the Senate, for grading and regulating Kenesaw avenue; \$6,000, instead of \$10,000 as proposed by the Senate, to extend Thirty-seventh street between Back street and Tennytown road; \$8,000, instead of \$12,000 as proposed by the Senate, for paving Florida avenue, and \$5,000 for paving Twenty-second street from Massachusetts avenue to R street; strikes out the appropriations of \$9,000 proposed by the Senate for grading and regulating Pennsylvania avenue extended, and \$5,000 for paving Michigan avenue; and authorizes, as proposed by the Senate, the use of \$9,000, heretofore appropriated, for grading and graveling Albemarle street, to be used on such portions of said street, and of Thirty-eighth street, as have been or may be dedicated to the District of Columbia.

On amendments numbered 54 and 55: Appropriates \$146,000, instead of \$139,000 as proposed by the House and \$150,000 as proposed by the Senate, for sprinkling, sweeping, and cleaning streets and alleys, and strikes out the provision proposed by the Senate, limiting the amount to be expended on suburban streets to \$1,000.

On amendment numbered 56: Appropriates \$19,000, instead of \$15,000 as proposed by the House and \$23,000 as proposed by the Senate, for the parking commission.

On amendment numbered 57: Appropriates \$142,000 as proposed by the Senate, instead of \$145,000 as proposed by the House, for gas lighting, and limits the price per street lamp to \$30.50 as proposed by the Senate, instead of \$30 as proposed by the House.

On amendment numbered 58: Appropriates \$17,600 as proposed by the Senate, instead of \$54,000 as proposed by the House, for electric lighting, and limits the price per light per night to 40 cents as proposed by the Senate, instead of 38 cents as proposed by the House.

On amendment numbered 59: Strikes out the appropriation of \$25,000, proposed by the Senate, for a new harbor boat.

On amendments numbered 60 and 61: Appropriates \$10,000, as proposed by the House instead of \$11,500 as proposed by the Senate, for construction and repair of bridges.

On amendment numbered 62: Appropriates \$3,500, as proposed by the Senate, for a survey, plan, and estimate of cost for the construction of a bridge from the foot of South Capitol street across the Eastern Branch of the Potomac River.

On amendments numbered 63 and 64: Requires that the work of the improvement of the receiving reservoir of the Washington Aqueduct shall be done and completed under Col. George H. Elliot notwithstanding his retirement, as proposed by the Senate, and makes the appropriation for clearing out the conduit immediately available.

On amendment numbered 65: Provides for raising the height of the dam at Great Falls, as proposed by the House, and authorizes the use of \$25,000 of the appropriation for increasing the water supply for testing the tunnel conduit, as proposed by the Senate, and provides, as proposed by the Senate, for the preparation of a plan to be submitted to Congress upon the feasibility and propriety of completing the tunnel conduit as now projected, and the new reservoir.

On amendments numbered 66 and 67: Appropriates \$900, as proposed by the Senate, for a janitor for the Miner School building.

On amendments numbered 68 and 69: Appropriates \$2,500, as proposed by the Senate, for rent of additional accommodations for schools, and makes a verbal correction in the text of the bill.

On amendments numbered 70, 71, 72, 73, 74, 75, 76, 77, 78, and 79: Appropriates \$28,500 for eight additional new school buildings, instead of \$216,000 for ten additional new school buildings, as proposed by the Senate.

On amendment numbered 80: Strikes out the provision proposed by the Senate, making immediately available appropriations for new school buildings.

On amendment numbered 81: Strikes out the appropriation of \$1,000 proposed by the Senate, for expense of a special examination and report upon the present school system of the District.

On amendments numbered 82, 83, 84, 85, 86, 87, 88, 89, and 90, relating to the Metropolitan police: Authorizes, as proposed by the Senate, an additional lieutenant at \$1,500, six additional privates at \$900 each, and four additional privates at \$1,080 each; fixes the compensation of the van driver, ambulance driver, and drivers of patrol wagons at \$480 each, instead of \$600 each, as proposed by the Senate, and the salaries of two assistant ambulance drivers at \$480 each, instead of \$500 each, as proposed by the Senate.

On amendments numbered 91, 92, and 94: Appropriates \$2,080, as proposed by the House instead of \$2,300 as proposed by the Senate, for rent of police headquarters, and \$2,300, as proposed by the Senate for fuel for the police department, instead of \$1,800 as proposed by the House.

On amendments numbered 95, 96, 97, 98, 99, and 100: Makes the appropriations for additional fire-engine buildings and fire apparatus immediately available, as proposed by the Senate, and appropriates \$25,000, as proposed by the Senate, for a new site, building, and furniture for a truck house in the vicinity of New Jersey avenue, M and N streets northwest, and authorizes the use of an unexpended balance of \$2,500 for an engine house in Northeast Washington, to be used in inclosing, grading, and paving lot of the chemical engine house in Mount Pleasant.

On amendments numbered 101 and 102: Appropriates \$600 each for three telephone operators, as proposed by the House, instead of at \$720, as proposed by the Senate.

On amendments numbered 103 and 104: Strikes out authority proposed by the Senate to purchase telephones, and appropriates \$11,000, instead of \$9,000 as proposed by the House and \$15,000 as proposed by the Senate, for general supplies for telegraph and telephone service.

On amendments numbered 105 and 106: Appropriates \$7,000, instead of \$5,000 as proposed by the House and \$10,000 as proposed by the Senate, for extension of the police-patrol and fire-alarm telegraph service to the suburbs.

On amendments numbered 107 and 108: Strikes out the appropriation of \$300 for an assistant chemist in the health department, proposed by the Senate.

On amendments numbered 109, 110, 111, 112, and 113: Makes the text of the appropriation for the collection and removal of garbage as proposed by the Senate, except that the Commissioners are authorized to make new contracts on and after the passage of the act, and that in the discretion of the Commissioners the appropriations made by the act may be available for the purposes of paying for the increased service until new contracts shall be entered into and the contractors are ready to execute the same.

On amendments numbered 117 and 118: Appropriates \$6,000 as proposed by the Senate, instead of \$5,000 as proposed by the House, for witness fees in the police court.

On amendments numbered 119, 120, and 121: Appropriates \$4,000, instead of \$3,000 as proposed by the House and \$6,000 as proposed by the Senate, to pay William Stone Abern for services in compiling the District laws and preparing same for publication, and provides for the distribution of said compilation as proposed by the Senate.

On amendment numbered 122: Appropriates \$8,000, instead of \$5,000 as proposed by the House and \$15,000 as proposed by the Senate, for the emergency fund.

On amendment numbered 123: Appropriates \$40,000, instead of \$35,000 as proposed by the House and \$45,000 as proposed by the Senate, for support of convicts.

On amendments numbered 124 and 125: Provides that the appropriations for employees of the court-house of the District and the warden of the jail shall be expended under the direction of the Attorney-General.

On amendments numbered 126 and 127: Makes a verbal correction in the text of the bill, and appropriates \$15,000 as proposed by the Senate, instead of \$12,000 as proposed by the House, for the Central Dispensary and Emergency Hospital.

On amendments numbered 128 and 129: Appropriates \$30,000, as proposed by the House, for the Columbia Hospital for Women, instead of \$22,000 as proposed by the Senate, and \$5,000, as proposed by the Senate, for heating apparatus and furnishing the new building for the hospital.

On amendment numbered 130: Appropriates \$3,500, instead of \$8,000 as proposed by the House and \$9,000 as proposed by the Senate, for the Homeopathic Hospital.

On amendments numbered 131 and 132: Appropriates \$16,000, instead of \$15,000 as proposed by the House and \$17,000 as proposed by the Senate, for salaries of employees of the Women's Hospital and Asylum.

On amendment numbered 133: Appropriates \$1,000, as proposed by the Senate, for the Young Women's Christian Home.

On amendments numbered 134 and 135: Appropriates \$9,000, as proposed by the House, for the Industrial Home School, instead of \$13,400 as proposed by the Senate, and strikes out the provision proposed by the Senate changing the corporate character of said institution.

On amendment numbered 136: Appropriates for salary of agent of the Board of Children's Guardians \$1,600, instead of \$1,500 as proposed by the House and \$1,800 as proposed by the Senate.

On amendments numbered 137, 138, and 139: Appropriates for salary of superintendent of the water department at \$1,800, instead of \$1,600 as proposed by the House and \$2,000 as proposed by the Senate, and strikes out the increase proposed by the Senate of \$300 in the salary of the timekeeper.

The committee of conference have been unable to agree on the following amendments of the Senate, namely:

On amendment numbered 91, authorizing the application, annually, of \$4,000 to the police relief fund and \$2,500 to the firemen's relief fund out of the receipts from fines in the police court.

On amendment numbered 114, striking out the appropriation of \$4,000 proposed by the House to prevent the spread of scarlet fever and diphtheria, and on amendment numbered 115, appropriating \$20,000 for the above object and also for the propagation of diphtheria antitoxine and the establishment of a bacteriological laboratory and a disinfecting service.

On amendment numbered 116, appropriating \$30,000 for the erection and equipment of a smallpox hospital.

The Senate, by its amendments, added \$750,344 to the bill. Of this sum the conference committee recommend that the Senate recede from \$385,808, and that the House agree to \$364,536, leaving \$46,000 involved in the amendments upon which the conferees have been unable to agree.

J. R. WILLIAMS,  
ALEX. M. DOCKERY,  
D. B. HENDERSON,

Managers on the part of the House.

The SPEAKER. This is a partial agreement.

Mr. WILLIAMS of Illinois. Mr. Speaker, I move the adoption of the report.

The conference report was adopted.

On motion of Mr. WILLIAMS of Illinois, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

The SPEAKER. The Clerk will now report the amendments that are still in controversy between the two Houses.

The Senate amendments numbered 91, 114, 115, and 116 were read.

On motion of Mr. WILLIAMS of Illinois, the House insisted upon the amendments severally, and agreed to a conference on the disagreeing votes of the two Houses.

The SPEAKER appointed as conferees on the part of the House Mr. WILLIAMS of Illinois, Mr. DOCKERY, and Mr. HENDERSON of Iowa.

SURVEYOR OF THE DISTRICT OF COLUMBIA.

Mr. COBB of Alabama. Mr. Speaker, I desire to present a conference report.

The report was read.

[For conference report see Senate proceedings.]

The SPEAKER. The statement of the House conferees will be read.

The Clerk read as follows:

#### STATEMENT.

The only change in the bill as it passed the House is an increase of \$1,200 in expenses for the surveyor's office. The House appropriated \$4,000, the conferees agree to \$5,200.

Also, to add to House amendment to section 5 the words, "and no plat or survey of land shall be recorded in the office of the surveyor of the District of Columbia except it be certified to as correct by the surveyor of said District."

The Senate agrees to all other House amendments.

J. E. COBB,  
G. W. COOPER,  
J. A. T. HULL,

Conferees on part of the House.

The conference report was adopted.

On motion of Mr. COBB of Alabama, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

#### GENERAL DEFICIENCY BILL.

Mr. BRECKINRIDGE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for further consideration of the general deficiency bill.

The motion was agreed to.



The House accordingly resolved itself into Committee of the Whole, Mr. TARSNEY in the chair.

The CHAIRMAN. The Chair is ready to rule upon the pending point of order. It is conceded that all the items in the pending amendment are kindred in character, growing out of the same or like transactions, and standing upon an equal footing. The parties named in this amendment were contractors with the Government for carrying the mails at the breaking out of the late civil war. Prior to that time a statute existed which authorized the Postmaster-General to suspend contracts for carrying the mails, and providing that upon such suspension the contractors should be entitled to one month's extra pay. The contracts with the claimants in this case were suspended by the Postmaster-General, and the claim arises in each case for the extra month's pay resulting from such suspension.

In 1874 a statute was enacted directly bearing upon these matters, providing for their examination by the Treasury Department and for their being reported to Congress for consideration. A statute similar in its provisions was enacted in 1878. If this was a bill providing directly for the relief of these claimants, and not a proposition to amend an appropriation bill, the Chair would then, as a member of the House, have to consider the merits and justice of the claims; but the only question for the Chair to consider now is the question whether this is the proper remedy for the claimants to seek.

In view of the fact that this proceeding is not new; in view of what is conceded here, that one at least of these claims has been presented on former occasions for the consideration of the House under conditions exactly similar to those under which the amendment is now presented—that is, offered as amendment to a general deficiency bill and the point of order raised that it was not germane to such a bill; in view of the fact that at the first session of the Fiftieth Congress, when the claim was first presented, these points were elaborately argued, and the gentleman then presiding over the Committee of the Whole, the gentleman from Missouri [Mr. DOCKERY], having carefully reviewed the authorities and arguments, held that the amendment was not in order; in view of the fact that at the next session, the last session of the Fiftieth Congress, the same claim appeared again, was again offered as an amendment to the general deficiency bill, the point of order was again raised against it that it was not germane to that bill, and the then occupant of the chair, the present Speaker of this House, concurred in the ruling previously made by the gentleman from Missouri, holding that the matter was not germane and was not in order upon a general deficiency bill; in view of these facts, and in view of the further fact that no precedent has been cited contrary to these, the present occupant of the chair would not feel warranted, no matter what his own personal conviction might be, in disturbing this line of unbroken precedents; and he therefore sustains the point of order.

Mr. BRECKINRIDGE. I now call for the reading of the next amendment; that in relation to the Bering Sea awards.

The Clerk read as follows:

After line 9, on page 2, insert:

"Bering Sea damages: For the payment to the Government of Great Britain under the agreement reached by exchange of notes of August 21, 1894, in full satisfaction of all demands for damages against the United States growing out of the controversy between the two Governments as to the fur seals in Bering Sea under the award and findings of the Tribunal of Arbitration at Paris, \$425,000."

The CHAIRMAN. The present occupant of the chair was not presiding at the time this matter was brought up on Saturday, and will be glad to know whether there is a point of order pending.

Mr. BRECKINRIDGE. There is not. Mr. Chairman, when general debate on this bill was dispensed with there was an agreement between the gentleman from Illinois [Mr. CANNON] and myself, assented to by the Committee of the Whole, that when one or two particular questions should be reached times should be given for discussion in the nature of general debate. I now ask the gentleman from Illinois whether we can agree to dispose of this question with half an hour's debate on each side.

Mr. CANNON of Illinois. After consultation with my associates I find I can not agree to less than an hour on each side.

Mr. BRECKINRIDGE. Very well.

Mr. DINGLEY. It is very likely I shall desire to occupy ten or fifteen minutes.

Mr. CANNON of Illinois. My colleague on the committee had not notified me of his desire for time. I may be able to yield him a part of the hour which will, I presume, be under my control; and perhaps the gentleman from Kentucky, after consultation, will be willing to yield him a part of his time.

Mr. BRECKINRIDGE. I suggest that the gentleman from Illinois give the gentleman from Maine five minutes of his time and I give him five minutes of mine.

Mr. CANNON of Illinois. I shall give him what I can, but I should like to have it understood that if necessary the gentleman from Maine may have ten minutes outside of the two hours.

Mr. BRECKINRIDGE. Very well. Mr. Chairman, we have

agreed, if the Committee of the Whole will sustain the agreement, that there be an hour for debate on each side of this question, the gentleman from Illinois controlling one side and I the other, with the understanding that if the gentleman from Maine should need ten minutes in addition to the time which may be yielded him by the gentleman from Illinois and myself, he shall be allowed ten minutes in addition to the two hours.

Mr. SPRINGER. Which side is the gentleman from Maine on?

Mr. BRECKINRIDGE. I hope he is on my side; but I do not know. He generally wants to be on the right side.

Mr. MCCREARY of Kentucky. Does the gentleman from Maine desire to advocate or oppose the amendment?

Mr. DINGLEY. I desire to submit some views touching the general question, without perhaps expressing any particular opinion as to what should be done in this exigency.

The CHAIRMAN. The gentleman from Kentucky asks that the general debate on this question be limited to two hours, one hour to be controlled by himself, the other by the gentleman from Illinois, and that the gentleman from Maine have ten minutes additional if he desires. Is there objection?

There was no objection.

Mr. BRECKINRIDGE. Mr. Chairman, I shall be glad to have the attention of the committee in this matter, for it is a matter of importance, and whatever the committee decides to-day will probably be final, for if the House refuses to accept this amendment it is probable that the President will at once proceed to agree to a settlement by a mixed commission. Its history is this: As the result of the dispute about the fur seals in the Bering Sea an arbitration was entered into with the Kingdom of Great Britain, an arbitration which submitted to the decision of the arbitrators five questions. I ask the Clerk to read the questions which were submitted.

The Clerk read as follows:

#### ARTICLE VI.

In deciding the matters submitted to the arbitrators, it is agreed that the following five points shall be submitted to them, in order that their award shall embrace a distinct decision upon each of said five points, to wit:

1. What exclusive jurisdiction in the sea now known as the Bering Sea, and what exclusive rights in the seal fisheries therein, did Russia assert and exercise prior and up to the time of the cession of Alaska to the United States?

2. How far were these claims of jurisdiction as to seal fisheries recognized and conceded by Great Britain?

3. Was the body of water now known as the Bering Sea included in the phrase "Pacific Ocean" as used in the treaty of 1825 between Great Britain and Russia; and what rights, if any, in the Bering Sea were held and exclusively exercised by Russia after said treaty?

4. Did not all the rights of Russia as to jurisdiction, and as to the seal fisheries in Bering Sea east of the water boundary, in the treaty between the United States and Russia of the 30th March, 1867, pass unimpaired to the United States under that treaty?

5. Has the United States any right, and if so, what right of protection or property in the fur seals frequenting the islands of the United States in Bering Sea when such seals are found outside the ordinary 3-mile limit?

Mr. BRECKINRIDGE. Every one of those points was decided against the United States, and each of them except one was decided by the unanimous vote of the arbitrators, except one of our arbitrators, Hon. Mr. MORGAN, Senator from Alabama, and on that single proposition our representatives were alone. Under that decision the right of Great Britain to damages was settled. There is no question, therefore, that we are to pay something. It has been adjudicated that we are to pay damages. The simple question is now as to the assessment of those damages. The arbitrators went, under the convention, one step further and decided as a matter of fact that 18 ships had been seized or warned out of the Bering Sea by American ships, and that these 18 ships sailed under British flags. It was left open to us to litigate the question, if we chose to do so, as to whether some of those vessels were owned by American citizens. In that state of the case the British minister filed claims to the amount of \$542,000. After negotiation the Government of the United States entered into an agreement with Great Britain to pay \$425,000 in full satisfaction. This amendment proposes to confirm that agreement and to pay that sum of money.

It is objected that this is a larger sum than ought to be paid, because a certain amount of these damages are consequential damages—are for the estimated catch of seals subsequent to the time of the seizure. And it is alleged that for such damages, consequential damages, it was settled by the Alabama award we are not responsible. But, Mr. Chairman, there is no analogy between the facts on which the Alabama award was based and the Bering Sea award. Here the United States seized men, lawfully engaged in a legitimate business, imprisoning many of them and destroying their property. In the other case the Government of Great Britain, by negligence or otherwise, allowed certain armed cruisers, hostile to the United States, to escape from their ports. In the one case it was a direct act of the Government; in the other an indirect act. And there is a marked difference between these alleged consequential damages and those claimed before the Geneva Tribunal.

But in the particular case before us we agreed to a rule of damages, and that was the rule we agreed upon.

Mr. HEPBURN. May I ask the gentleman who made that agreement?

Mr. BRECKINRIDGE. Which agreement?

Mr. HEPBURN. The agreement to which you have just referred.

Mr. BRECKINRIDGE. To pay \$425,000?

Mr. HEPBURN. Yes. You say that according to a rule of damages; and that this is the rule agreed upon. Now, who made that agreement?

Mr. BRECKINRIDGE. That was made by the Government of the United States under Mr. Harrison's Administration in the convention—

Mr. HEPBURN. But what particular officer?

Mr. BRECKINRIDGE. Mr. Blaine, then Secretary of State, in a convention agreed with Sir Julian Pauncefote.

Mr. CANNON of Illinois. As this is the gist of the controversy, is the gentleman from Kentucky prepared to furnish to the committee any provision of such agreement or any authority by which we have settled the rule for the estimation of such damages? In other words, where does the gentleman ascertain that the arbitrators had the authority to settle the damages?

Mr. BRECKINRIDGE. I am totally unable to hear the gentleman from Illinois.

Mr. CANNON of Illinois. The gentleman stated that the United States Government had agreed to the rule, or the principle, by which the damages should be settled. Now, I ask him where he gets that authority?

Mr. BRECKINRIDGE. From the convention signed by James G. Blaine on the 18th day of April, 1892, on the part of the United States Government, and Sir Julian Pauncefote, on the part of the British Government, the fifth article of which I will have inserted in my remarks; but you can turn to it on page 10 of the proclamation issued by Mr. Harrison and signed by Benjamin Harrison as Chief Executive of the United States on the 9th day of May, 1892.

Mr. HITT (to Mr. CANNON of Illinois). The fifth article of the *modus vivendi*.

Mr. BRECKINRIDGE. By which the rule laid down for the assessment of damages pending the arbitration was the estimated value of the catch between what was really caught and what was afterwards to be determined upon as a proper catch under the agreement to prevent the destruction of the seals. But I will print the article with my remarks.

The article is as follows:

If the result of the arbitration be to affirm the right of British sealers to take seals in Bering Sea within the bounds claimed by the United States, under its purchase from Russia, then compensation shall be made by the United States to Great Britain (for the use of her subjects) for abstaining from the exercise of that right during the pendency of the arbitration upon the basis of such a regulated and limited catch or catches as in the opinion of the arbitrators might have been taken without an undue diminution of the seal herds; and, on the other hand, if the result of the arbitration shall be to deny the right of British sealers to take seals within the said waters, then compensation shall be made by Great Britain to the United States (for itself, its citizens, and its vessels) for this agreement to limit the island catch to 7,500 a season, upon the basis of the difference between this number and such larger catch as in the opinion of the arbitrators might have been taken without an undue diminution of the seal herds.

The amount awarded, if any, in either case shall be such as under all the circumstances is just and equitable, and shall be promptly paid.

Mr. CANNON of Illinois. But what I want to get at now is the actual difference between us on this question.

I will ask the gentleman from Kentucky if he has had his attention called to page 162 of Senate Document No. 67, third session of the Fifty-third Congress, in which it was expressly agreed between those representing the British Government and the American Government—

Mr. BRECKINRIDGE. I was coming to that.

Mr. CANNON of Illinois. That there was no claim for damages under the *modus vivendi*.

Mr. BRECKINRIDGE. I am coming to that, and if I do not make the statement fully and accurately before I conclude I hope I will be corrected by my colleague [Mr. CANNON of Illinois], or the gentleman from Maine [Mr. DINGLEY], or the gentleman from Illinois [Mr. HITT].

Under that agreement either party had the right to offer proof both as to damages prior to the date of the convention and damages committed pending the arbitration. This provision now before us applies to the second class; that is to say, to damages committed pending the arbitration.

By agreement between the agent of the United States, Mr. Foster, and the representatives of Great Britain, the claim for damages pending the arbitration was withdrawn, and no award was made on that account. But either party had the right to have the arbitrators settle questions of fact as to matters prior to the arbitration; and they had to settle as a matter of fact the seizure of some twenty vessels for which claims were alleged.

Mr. HITT. The actual number of vessels is eighteen. There

were twenty claims, it is true, but there were two vessels for which claim was made twice.

Mr. BRECKINRIDGE. However, the list is given.

Mr. HITT. That is correct; twenty claims, but two being claims for the same vessels, so that there are really only eighteen.

Mr. McCREARY of Kentucky. That is correct.

Mr. BRECKINRIDGE. These vessels sailed under the British flag and were seized outside of the 3-mile limit, which covered the jurisdiction of the American Government. It was, however, expressly understood that the citizenship of the owners of the vessels and the actual damage done should be left open for litigation and settlement between the two contracting powers. So that the only question left by the arbitrators is the assessment of damages.

I believe that I have stated the general case exactly. If not I will gladly be corrected. The British minister filed claims amounting to \$542,000, reserving the privilege of filing additional claims, and proposed to have them settled by a convention of arbitrators. Of these claims, it is alleged that a certain amount, somewhat in doubt, but I believe somewhere about \$300,000, was for what is called consequential damages.

Upon none of these claims has interest been added. So that we were in this condition: There was a judgment against us, with nothing left but the assessment of damages. There were claims of \$542,000, with interest from 1886 and various other dates, up to 1889, I believe none later than 1890, so that the average time would be about the beginning of January, 1888, and the right to file additional claims of any amount.

Among these claims were many for false imprisonment and these are still open to additional claims. The sum that was agreed upon is \$425,000. If we admit that this \$300,000 is a disputed claim, and that there are no new claims to be added, it would stand that we owe about \$227,000, practically undisputed, on which we have to calculate interest at seven years at 4 or 6 per cent; and when to the amount so found we add the half of the amount in dispute, it makes it, either at 4 or at 6 per cent, a larger sum than the sum agreed upon.

If judgment is obtained against us, under what seems to me to be a rule we can not well escape, it will be, with interest, over three-quarters of a million dollars, for if we admitted through Mr. Blaine that it is a proper rule by which damages should be assessed, a rule that we then admitted, and, representing a great Government desiring to do justice and not to higgly upon small matters, I do not see now how we can raise that question over again. We admitted, through the Secretary of State and the President of the United States, that this was the rule when we had a chance to win. It will hardly be becoming in us, now that we have lost, to say that was not the proper rule; that "it was a good rule when we thought we were going to win and you were to pay us money, but it is a bad rule when we have lost and we are to pay you the money."

This will be a humiliating position in which to put our Government, and for one I will not assume the responsibility of putting my country in such a position, nor will I be a party thereto. Let others do this if they so please, and to have such judgment made by arbitrators, and having arbitrators, will cost us not less than \$150,000, perhaps more, in addition. This Paris arbitration cost us \$224,000, and when we add the items together, the claims that are beyond doubt just against us, a fair compromise as to the part that is in dispute, the interest on the debts due, the expense of the arbitration, we shall get off by this payment by a very much smaller sum than in any other way. And, in addition to that, we settle at once a matter that is a sore.

It seems to me that it is not a bad bargain. And upon broader grounds, when we come to settle what we owe, when the money is to go to persons who have been wronged by us—because, whatever the law may be in our judgment, we have submitted it to the arbitrament of this tribunal and that question has been decided, that we have wronged these people—it does not become us to whine about it. It does not become us to go down to the tavern and denounce the judge, as litigants sometimes do who lose and have no appeal. Our duty and our pleasure ought to be in a spirit of international courtesy and general fairness, having reached a conclusion that is not in itself a very bad one, to settle this matter and wipe it off the books and remove it as a matter of disagreement between Great Britain and this nation. That seems to me to be the best solution of the question.

I reserve the balance of my time.

Mr. CANNON of Illinois. I should be glad to be reminded by the Chair when I have occupied fifteen minutes.

As to \$425,000, the amount sought to be appropriated for the payment of damages in the amendment under an agreement between our Secretary of State and the British Government, I am not concerned for the amount involved, unless its payment reverses a principle that has been established heretofore. But, recollecting the proximity of the magnificent territory known as British America and Canada and her coast line, and that great



commercial nation, Great Britain, and our growing population and commerce—recollecting all this, it becomes important in the payment of damages, whether the amount be \$1 or \$425,000 or \$4,000,000, to inquire as to the basis upon which we pay such damages.

We can get along if we vote the money out of the Treasury after having been overreached as to the amount of damages; but we can not get along if we, upon a record submitted to the House and Senate by the State Department, pay the damages contrary to the well-settled principles of international law in the assessment of damages.

All understand that a treaty was made submitting questions of difference between Great Britain and the United States touching the Bering Sea to arbitration. The arbitrators met at Paris, fully considered the question, and, as the gentleman from Kentucky says, found substantially every point that was submitted against the United States. Well, that is pretty nearly true, so that I will not stop to criticize.

The question of the assessment of damages, or of the citizenship of the claimants, was not submitted under the treaty nor determined in the award. It is so expressly stated. I hold in my hand Senate Executive Document transmitted by the Secretary of State February 11, 1895, which contains matters necessary to enable the House to understand the facts touching our liability for damages in the premises.

Now, here is what the arbitrators said, nothing more and nothing less, touching damages—well, I thought I could turn to the exact words.

Mr. HITT. I have the exact words. (Reading):

1. That the several searches and seizures, whether of ships or goods, and the several arrests of masters and crews, respectively mentioned in the schedule to the British case, pages 1 to 60, inclusive, were made by the authority of the United States Government. The questions as to the value of the said vessels or their contents, or either of them and the question as to whether the vessels mentioned in the schedule to the British case, or any of them, were wholly or in part the actual property of citizens of the United States, have been withdrawn from and have not been considered by the tribunal.

That is the tribunal.

Mr. CANNON of Illinois. Yes.

Mr. HITT (reading):

It being understood that it is open to the United States to raise these questions or any of them, if they think fit, in any future negotiations as to the liability of the United States Government to pay the amounts mentioned in the schedule to the British case.

Mr. CANNON of Illinois. That is the extract, and I thank the gentleman for reading it.

Now, then, the only matters that were found in that award were that there were 18 vessels that the United States seized or warned out of Bering Sea, and that the claim was that they were owned by British subjects. The seizure and warning out were acknowledged; the damages and the citizenship were contested and in no way settled. That is all there is of it. Ah, but says the gentleman from Kentucky, there was an agreement by the modus of 1892 that made us liable for speculative damages. I call attention to this same executive document, on page 162, by which it appears that before the tribunal Sir Charles Russell upon the one hand and Mr. Phelps upon the other agreed that all questions of damages under the modus of 1892 were mutually waived and that was solemnly entered of record.

I will not take time to read it. I can see that the gentleman from Kentucky, in the hasty reading of this large document, did not notice the mutual waiver of the two Governments. Now, that is all I want to say about that.

What are the facts? Just a minute. I find in this document, House Executive Document No. 132, third session Fifty-third Congress (and it is also in the Senate document), a statement given of the claims that I have been talking about. The larger part of the damages claimed is for "expected catch," "estimated catch," of seals and all that kind of thing. Damages that are speculative, uncertain—how much? I have the statement here, which was carefully prepared from all the documents. The British claims amount to \$542,000; speculative damages, \$283,000, leaving the only damages claimed we are subject to pay, \$358,000, provided we concede that every vessel was owned by British subjects.

Mr. DALZELL. How much is that?

Mr. CANNON of Illinois. Two hundred and fifty-eight thousand. I hold in my hand a copy of the Geneva award made after the close of our civil war, when we made our treaty with Great Britain. We submitted there certain questions touching the matters of difference between the two countries, including the amount of damages sustained by the United States. Gentlemen recollect about it. Let me read an extract from the award:

And whereas prospective damages can not properly be made subject of compensation, inasmuch as they depend in their nature upon future and uncertain contingencies, the tribunal is unanimously of opinion that there is no ground for awarding to the United States any sum by way of indemnity under this head.

We grumbled, but we did not get the damages, notwithstanding that the prospective damages, if allowed, would have amounted

to many millions of dollars; but the principle of law was settled against us. We submitted. Now we have to pay damages for seizing British sealing vessels in Bering Sea. We can not be called upon to pay prospective damages.

Mr. HOOKER of Mississippi. Will the gentleman state, for the information of the House, the exact amount of the actual damages found by the arbitrators, and the amount of the speculative damages?

Mr. CANNON of Illinois. Not a cent. That never was submitted to them. The only question that was submitted to them—and it so stated time and time again—was this: Did the United States seize or exclude those 18 vessels? That is all. After we were cast in this arbitration the British minister appealed to our Secretary of State for the appointment of a commission to settle the damages, and our Secretary of State, so far as appears upon the face of the documents, promptly said: "I will give you \$425,000, subject to appropriation by Congress;" and, Mr. Chairman, if I did not fear that it would offend the fine sense of diplomatic propriety of the distinguished chairman of the Committee on Foreign Affairs, I would say that the British minister and the British Government jumped at the proposition like a duck for a June bug. [Laughter.]

Mr. SAYERS. Will the gentleman tell the committee whether he favors this appropriation, or is opposed to it?

Mr. CANNON of Illinois. I am against it. I do not want to pay one dollar or one cent of it until the amount of actual (not prospective) damages is ascertained.

Mr. McCREARY of Kentucky. I understand the gentleman to say that he is opposed to paying \$425,000, or one dollar of it?

Mr. CANNON of Illinois. Yes; I am at this time.

Mr. McCREARY of Kentucky. Then I desire to ask the gentleman how we are to get around paying damages under the treaty and agreement by which we submitted certain questions to arbitration?

Mr. CANNON of Illinois. Oh, Mr. Chairman, see how plain a story shall put that question down.

Mr. McCREARY of Kentucky. I would like to have an answer to it.

Mr. CANNON of Illinois. I will answer you, and it will take but a minute to do it. There is no admission anywhere by the United States Government that any single one of these 18 vessels was owned by British subjects. On the contrary, our agent, Mr. Foster, when the award was transmitted to the Secretary of State, transmitted a letter (to be found on page 164 of the Senate executive document) setting out the facts.

What were the facts? That there was proof in the counter case, taken by our district attorney and otherwise, and especially in executive documents, that the great majority of these vessels were owned by American citizens and not by British subjects. I have the counter case here, but I will not take time to read it. I will say, however, that the most that can be fairly conceded, as to the amount of damages we should pay, as we can gather from the imperfect evidence, would be \$81,000, and if we add interest, it would amount only to \$103,000, and it is not at all certain that claimants are entitled to that much.

It took a searching resolution from the Senate before we could get these papers, and now that we have them why is it, I ask, that Mr. Foster's statement of facts was not considered by the Secretary of State? Why is it that the counterclaim and the award which set out the facts touching the findings were ignored?

Mr. TERRY. Did the arbitrators award any damages at all against the United States?

Mr. CANNON of Illinois. Not a cent. They had no power to do it. Ah, but says the gentleman from Kentucky—and he is forced to that position—they were entitled to damages under the agreement of 1892. That is not correct. I have already called attention to that point.

Mr. COX. As I understand, the questions as to damages were expressly reserved, and afterwards the negotiations resulted in a liability on the part of the United States to pay \$425,000.

Mr. CANNON of Illinois. That is Secretary Gresham's agreement with Great Britain, subject to appropriation by Congress; but there is no treaty, there is no law, there is no agreement, there is nothing that legally or morally binds the United States to pay one cent of those prospective damages.

Mr. DOLLIVER. How did the Secretary compute the actual damages?

Mr. CANNON of Illinois. How did he compute them? On that he is silent as the grave. He said to Great Britain, "I will give you a lump sum," and that lump sum, as I have shown and can show, is substantially \$200,000 more than they were entitled to recover unless we should concede them speculative damages, saying nothing about the open question as to the ownership of the vessels. Now, the largest claimant is a man named Cooper, who lives on the Pacific Coast, a blacksmith, I believe, a brother-in-law of Warren, an American citizen, who had these vessels. He gave a man named Boscowits a mortgage on them. Boscowits

claims to be an American citizen. Cooper comes in and swears that he bought the whole outfit for \$1, and says that he has no interest in it and does not know what it is all about; that he paid no attention to it. Cooper is a British subject, and I say that in my judgment we can not afford to make this appropriation and establish this precedent.

Mr. COX. How is the amount of \$425,000 arrived at?

Mr. CANNON of Illinois. In the claim for these 18 vessels the damages are put at \$542,000. The United States admitted, and that was all there was power to admit under the submission, that those vessels were either seized or warned out.

Now, the damage claimed, the great majority of it "estimated catch" and purely speculative, amounts to more than the other damages, and the Secretary of State agrees, subject to appropriation by Congress, to pay this lump sum of \$425,000.

Mr. COX. Now, there is the point. Where is the basis of his agreement?

Mr. CANNON of Illinois. Oh, my dear friend, "ask me something easy." When you come to hunt for a basis for the policy touching our foreign affairs you must find some more industrious man than I am or those I know of. I do not believe the Secretary of State himself can answer your question. [Laughter.] That is all I desire to say at present.

Mr. BRECKINRIDGE. I yield five minutes to the gentleman from Mississippi [Mr. HOOKER].

Mr. HOOKER of Mississippi. Mr. Chairman, I have listened to the arguments made in opposition to the recommendation of the Secretary of State that this appropriation of \$425,000 be inserted in this bill as settlement of the matters in controversy which were considered by the arbitrators appointed on the part of the Government of the United States and the arbitrators on the part of the British Government. They found that there had been as many as 18 vessels seized in the Bering Sea, outside of the 3-mile limit, in which the jurisdiction of the United States attached; and they found further that the claim which had been set up at one time by our then Secretary of State that the Bering Sea was a mare clausum, as it is termed in the law, and that when the purchase was made by the United States of this territory containing the seals and the adjacent waters it embraced this sea—it found that that claim was not well founded.

We had an arbitration, the arbitrators being appointed on the one side by the President of the United States, under the advice of of the then Secretary of State, the late distinguished James G. Blaine, and on the other side by the home Government of Great Britain. The question was submitted to them whether or not there had been any damages committed by the United States upon the vessels and property of citizens of Great Britain. The arbitrators found the fact—and it is conceded by the gentleman from Illinois [Mr. CANNON], and will not be denied by anybody, because the reports to this House and the Senate establish it beyond question—that under the instructions from our Government our cruisers seized in the Bering Sea 18 vessels, of all which the captains and crews were claimed to be British subjects. It is true that while the arbitration was going on it was agreed between the arbitrators negotiating for both the Government of the United States and the Government of Great Britain that they would leave out of consideration the question of the value of the contents of the vessels and the question of the value of the catch which they were prevented from making.

Now, it was claimed by the British Government that these vessels and their contents were worth \$542,000, leaving out what is called consequential damages and speculative damages, amounting to nearly \$300,000 more, which it was agreed between the arbitrators should not be considered, they confining themselves to the ascertainment of the facts as to how many vessels were captured or warned out of the Bering Sea and the question what was the value of those vessels and what was their ownership.

Mr. TERRY. What became of the vessels?

Mr. HOOKER of Mississippi. They were captured or warned out.

Mr. TERRY. Were they turned over to their owners afterwards?

Mr. BRECKINRIDGE. Some were seized and some were simply warned out.

Mr. TERRY. Were any finally retained by the United States?

Mr. HITT. A part of them were taken into Pitcairn and condemned under admiralty proceedings.

Mr. HOOKER of Mississippi. Yes; a part of them were condemned in the admiralty courts; those that were warned off, as a matter of course, simply obeyed the warning and ceased their depredations.

Now, the difference between the Alabama case alluded to by the gentleman from Illinois and this case is that the Alabama tribunal considered with reference to matters that had already been accomplished, which were, as the French say, *un fait accompli*. The thing was settled up, as to that.

[Here the hammer fell.]

Mr. BRECKINRIDGE. I yield to the gentleman two minutes more.

Mr. HOOKER of Mississippi. The tribunal said with reference to that, "We will ascertain what were the actual damages, but we will not go into the question of speculative damages." Now, the difference between the Alabama case and this case in that respect is that these vessels were equipped in Canadian waters and were sent to the Bering Sea to prosecute the seizure of the seals. A large expense had been incurred by the owners of the vessels in equipping them, fitting them up, and sailing them to the Bering Sea. It was a question, therefore, as to what amount of damages was sustained by these people who were then prosecuting what was conceded by both parties to the arbitration to be a lawful act; and if it was a lawful act the necessary consequence was that the Government of the United States was responsible for whatever damages accrued.

Now, it is conceded that if you should establish another commission—the former commission having cost the United States, as I am reminded by my friend from Kentucky, \$240,000—if you propose now the appointment of another commission under the agreement that the question of damages and the question of ownership shall be considered, and if that commission should consider alone the question of the actual value of the vessels condemned by the admiralty courts and the actual injuries sustained by the captains and crews of those vessels, many of whom were imprisoned by the decrees of the courts of the United States and suffered imprisonment for a long while—if all these questions are to be considered, it is not improbable that the damages will amount to a million dollars.

I ask, then, has not the present Secretary of State, Mr. Gresham, acted wisely and well, considering the extent of the findings of the arbitrators and the admitted liability of the United States for the damages; that after this consideration he could succeed in having accepted \$425,000 to cover the whole claim rather than again to open up the enormous expense involved in the proceedings of a commission, with the possible result of a largely increased award against the Government of the United States, and especially in view of the fact that we admit for damages the United States Government is liable?

[Here the hammer fell.]

Mr. CANNON of Illinois. I yield ten minutes to the gentleman from Iowa [Mr. HENDERSON].

Mr. HENDERSON of Iowa. Mr. Chairman, let us distinctly understand what the claim is that is involved in this discussion. The first claim put in by the British Government, representing these shipowners, was for the sum of \$439,171. Subsequently they filed an amended claim bringing the amount up to \$542,169.26. The Secretary of State, not having any hint or request from the British Government, made a proposition to settle the question of damages by the payment of \$425,000, and that, too, in face of the fact that the original treaty provided a way for arriving at the damages, if any, which the Government of the United States would be liable for. Ignoring that treaty providing for such a commission, this proposition to pay \$425,000 was made by the representative of our Government to the British Government, and we were not allowed to sleep over night before it was accepted, and the United States Government was congratulated on the prompt settlement of the matter.

Mr. Chairman, one of the very best equipped men in regard to foreign questions in this or perhaps in any other country is the Hon. John W. Foster, who was our attorney or counsel in connection with this Bering Sea matter. After the action of the commission at Paris he felt it to be his duty to write to his Government and say that of the \$439,171 claimed by the British Government there was \$357,353 wholly without any basis of right or any legal claim against the Federal Government, leaving only open to discussion, on the claim presented by the British Government itself, the sum of \$81,818; and yet, in the face of this declaration by a representative of our Government, our chosen counsel, and one whom foreign governments send for to shed the light of his large knowledge of international law on their diplomatic questions, the sum of \$425,000 is coolly offered to the British Government in settlement of the claim.

One thing must not be forgotten in this connection. No United States citizen is entitled to one dollar of damages; but yet Mr. Foster tells his Government, in the discharge of his duty, that 10 of the ships for which damages are claimed were owned in whole or in part, and mostly in whole, by citizens of the United States sailing under the British flag and engaged in this sealing business.

For one, Mr. Chairman, I want a commission to probe this whole question to the bottom before we dump half a million dollars, most of it to go into the pockets of citizens of our own country sneaking under the British flag to raid the Bering Sea.

But let us look for a moment at the nature of their prospective claims. This is a most extraordinary collection. Here is a vessel, for instance, claimed to be worth \$4,000 under the British statement, where the claim for prospective damages, that is the catch



of seals that they hoped to have obtained if they had been allowed to toy with the seal, is \$16,667. A mighty good investment for a \$4,000 vessel to bring such wonderful dividends in its operation in a very short period. Here is another ship worth \$6,000, and put in for prospective damages for seals they hoped to catch at the same sum, \$16,667. Another, again for \$4,000, claiming the same amount. And here is one ship, the *Sayward*, puts in a nice little claim for attorney's fees and court expenses of \$62,847.12. And so on. Here is another vessel estimated to be worth \$8,000, and they claim over \$17,000 prospective damages; another worth \$12,000, where they claim \$24,750; another one worth \$7,000, for which they ask \$15,000, and so on to the end of the list.

Now, this is not a matter to turn on the mere question of dollars and cents. We are not in such a hurry in these times of a depressed Treasury as to justify us in dumping a half million dollars into British pockets and to certain American citizens sailing under the British flag, especially in view of the fact that we have thousands of our own American citizens whose claims have been pending in the Departments for years, many in judgment, which have not been paid, and who have been knocking at the doors of Congress for long and weary years to get their pay. I say in such a condition we ought not to be in any such hurry to dump this \$425,000 into the coffers of Great Britain, especially when we have high authority for the statement that the claims, the bulk of them, are unwarranted and unjust. In the Geneva award the rule was adjudicated against us, but Great Britain now wants to turn the rule that we could not get the benefit of into her own favor, and we are asked to take a run and jump over a ten-rail stake-and-rider fence to pay this amount at the first summons from them!

Let us have the commission provided for in the treaty. Let us probe this matter to the bottom, and if we have any English-Americans trying to filch money out of our pockets by way of England, let us put them on the rack and find out where they belong. [Applause.] I can not comprehend the reason for this haste. Why, the Treasury must be more plathoric than is shown by any glowing statement that has yet been made in respect to it. They do not know what to do with the money when they are thus anxious to benefit Great Britain and sneaking Americans.

Now, I have kindly feelings toward Great Britain, and yet I am not so hopelessly in love with her that I will forget my first duty to my own fireside in this country. She always looks out for number one, and she knows how to do it, too, but, for God's sake, let us teach the British lion that the American eagle knows something, too, and is not in a hurry to vacate her perch where she belongs.

Not one good argument has been offered in committee by the State Department or on the floor of this House why we should not follow the course indicated in the treaty and have a commission to thoroughly probe and test these questions. That is all that I have time to say, for I want my friend from Illinois [Mr. HITT], who is still more familiar with this question, to have time to speak upon this important matter.

Mr. CANNON of Illinois. I hope the gentleman from Kentucky will occupy some time now. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] has twenty-five minutes remaining.

Mr. BRECKINRIDGE. I yield ten minutes to the gentleman from Kentucky [Mr. McCREARY].

Mr. McCREARY of Kentucky. Mr. Chairman, in the brief time allowed me I can not discuss this important amendment as fully as I desire. The amendment is very important. It provides for the payment to the Government of Great Britain, according to the agreement reached by the exchange of notes of August 21, 1894, in full satisfaction of all demands for damages against the United States growing out of the controversy between the two Governments as to the fur seals in Bering Sea under the award and findings of the Tribunal of Arbitration at Paris, \$425,000.

We are confronted with two propositions. We must accept one or the other, under a treaty obligation. We have either to agree to pay the lump sum of \$425,000, the amount agreed upon by Sir Julian Pauncefote, the British ambassador, and the honorable Secretary of State, Mr. Gresham, or refer the matters in dispute to a joint commission.

I have no hesitation in saying at the outstart that I am in favor of paying the sum of \$425,000. I regret that we have been placed in an attitude where we have to pay this amount; but the gentlemen on the other side of this House can not claim that we caused the existing situation. It grows out of the arbitration agreed to by the last Republican Administration—Mr. Blaine on one side and the British ambassador on the other. Now, let us look briefly at the situation. In 1867 the United States Government acquired the Territory of Alaska by paying the sum of \$7,200,000. When we acquired Alaska we acquired also the Pribilof Islands, called St. Paul and St. George, where were seal rookeries. In 1870, a little over two years after we acquired Alaska, we leased our property for a large amount of money; so that from 1870 down to 1890 we realized nearly one-half the amount paid for Alaska.

In 1886 Canadian intrusion began, and from 1886 it grew worse, and thousands of seals were slaughtered illegally and without authority. It was believed to be proper, in the Administration of Mr. Harrison, that these questions should be submitted to arbitration, and a treaty was made providing for arbitration. The arbitrators were two gentlemen appointed by the President of the United States, two appointed by Her Britannic Majesty, one by the President of the French Republic, one by the King of Italy, and one by the King of Sweden and Norway. The arbitrators were in session for months, and five important points were submitted to them, on each of which they rendered a distinct decision, and each decision was against the United States. As the gentleman from Maine [Mr. DINGLEY] well said, the Paris arbitration was a flat failure, so far as the United States were concerned. I now read from the award of the Paris Tribunal of Arbitration to show why damages are claimed against the United States:

And whereas by article 8 of the said treaty, after reciting that the high contracting parties had found themselves unable to agree upon a reference which should include the question of the liability of each for the injuries alleged to have been sustained by the other, or by its citizens, in connection with the claims presented and urged by it, and that "they were solicitous that this subordinate question should not interrupt or longer delay the submission and determination of the main questions," the high contracting parties agreed that "either of them might submit to the arbitrators any question of fact involved in said claims and ask for a finding thereon, the question of the liability of either Government upon the facts found to be the subject of further negotiation."

It has been ascertained, according to the report of the Secretary of State, which I now have before me, and which he furnishes this House, with a memorandum of additions and amendments made since the original presentation of the list of British claims for compensation for the seizure of British sealing vessels in the Bering Sea, that 18 British vessels were seized. The whole amount of the claim, as set forth in this report, is \$542,169.26. But after negotiations between Sir Julian Pauncefote and the Secretary of State it was agreed that Great Britain should receive \$425,000 in full satisfaction of all demands for damages against the United States growing out of the controversy between the two Governments as to fur seals in Bering Sea under the award and findings of the Paris Tribunal.

So that now we must determine whether we will send this to a joint commission or whether we will pay this lump sum, as it is called, of \$425,000. Mr. Chairman, we all know the history of joint commissions. When these matters are referred to a joint commission the commissioners will have to be appointed and paid a large annual salary; witnesses will have to be summoned; lengthy investigations will be made; the United States will have to be represented by attorneys, and, in my opinion, if a joint commission is appointed to adjust and settle the damages the amount paid by the United States will be nearer \$800,000 than \$425,000.

Mr. BRECKINRIDGE. Perhaps a million.

Mr. McCREARY of Kentucky. My friend on my right says perhaps a million, and I agree with him. The arbitrators in Paris refused to specify how much should be paid by the United States, but declare that the amount of money must be settled by mutual agreement between the United States and Great Britain, or by the decision of a joint commission.

Mr. Chairman, if there is a joint commission there will be claims for the seizure of 18 British sealing schooners in the open waters of Bering Sea and the confiscation of their cargoes of seal skins.

There will be claims of many British sealing schooners which were warned out of Bering Sea as soon as our cruisers could get there and do so after the publication of the first *modus vivendi*, of June 15, 1891.

There will be claims also of officers and crews who were captured with their vessels in 1886 and 1887 and sent to Sitka.

These last-named claims were not considered by the British ambassador and the Secretary of State in the settlement agreed upon by them, and they will be shut out if Congress will accept the recommendation of the President and Secretary of State, and settle all demands for damages by appropriating \$425,000.

I believe the members of this House who have examined this important amendment to the general deficiency bill now under consideration and the reasons which have caused it to be offered will agree with me that it is to the interest of our Government to ratify the settlement which has been made and pay \$425,000 to the British Government. There should be immediate action. There should be no postponement until next session, as has been suggested. Promptness in the payment of the claims as agreed to will be in the line of economy, justice, and honor.

[Here the hammer fell.]

Mr. CANNON of Illinois. I yield twenty minutes to my colleague [Mr. HITT].

Mr. HITT. Mr. Chairman, the appropriation asked for here, of \$425,000 for damages to British subjects who were prevented from catching seals in Bering Sea, to be paid to Great Britain, and by that Government to be paid over to claimants, is in part for grossly exaggerated claims, in part for a mass of fiction, pure fiction of imaginary seal catches added to these exaggerated

claims, and in part for outright frauds, pretended claims of British subjects, but really belonging to American citizens, who should be punished for violating their country's laws, not paid. That is in brief the nature of these claims. The whole amount of the claims added together is \$542,000. The President has proposed to pay \$425,000 to settle them in a lump sum, without examination. That would give every claimant four-fifths of all his claim—a vast sum to pay for fictions and frauds! The men who were conducting these Bering Sea seal-fishing ventures, instead of being, as both gentlemen who have advocated this amendment have stated, "engaged in a lawful occupation" were, in fact, as to more than half these claims, American citizens unlawfully engaged in transgressing an act of Congress which prohibited sealing in Bering Sea—a law absolutely binding upon them. We may be liable for actual damages to a British subject since the decision of the Paris Tribunal of Arbitration that we have no jurisdiction outside of the 3-mile limit, if we seize or warn him off from sealing there; but not so with Americans, for they are subject to our law, and we had a law forbidding sealing in those waters. Instead of being entitled to money they should have been arrested and fined. They are only entitled to punishment. They should go, not to the Treasury, but to jail.

What are these claims? There were 18 ships went to catch seals in Bering Sea, which it is agreed on both sides were seized or warned off by the United States cruisers. They are all claimed to have been owned by British subjects. Claims for two other ships have been added since, making 20 in all. As a matter of truth, 10 of these ships were owned by Americans. The real owners knew if they sent those ships into Bering Sea it was a violation of the laws of Congress forbidding seal fishing there, and these laws were the laws of their country, from whose penalties they could not escape if known. So these owners put forward Canadians, British subjects, to conduct the work. How did they do it? Take one, the first one, Boscowitz. A man named Joseph Boscowitz, a rich man, an American citizen, as he stated to our Consul Myers at Victoria and Mr. T. T. Williams in San Francisco, made a partnership with a Captain Warren, a British subject, who was skilled in this business or craft, and lent him money to pay for his half of the vessels and ventures. So that Warren, who had no capital, was only nominally interested as half owner. The loans were secured to Boscowitz by mortgage on the vessels.

He lent Warren money at such a high rate of interest that it took all the profits, leaving Warren nothing for the work. Then Warren became insolvent and Boscowitz closed down on him with his mortgages. But Boscowitz did not want the ships back in his own name. What then happened? They got a blacksmith named Thomas H. Cooper, a British subject living in San Francisco, a brother-in-law of Warren, to go up to Victoria, and when the sheriff sold off the whole fleet on the mortgages this blacksmith bought it all in for \$1, and immediately executed mortgages on the ships at high figures to Boscowitz, and he has thus been the real owner. Boscowitz and Warren were there when this man Cooper bought the ships. The man did not even know the number or names of the ships when he gave his testimony.

He testified that he did not pay the dollar, but told Warren to pay it for him; and he signed all the papers and mortgages presented to him by Boscowitz.

Now, then, this man, Thomas H. Cooper, appears among the claimants as an injured British subject, demanding \$225,000 damages for the seizure of these ships which really belonged to Boscowitz. That is the way our Government is proposed to be plundered for a law-breaking American citizen. When you vote this and it is handed over to Sir Julian Pauncefote, whose action is purely ministerial and functional, is it to go, to the amount of four-fifths of \$225,000, to Thomas H. Cooper, the British subject who served as the man of straw in this fraud, and who testifies that he has no interest whatever in it?

He appears in the list as the claimant for and owner of the *Grace*, for which \$38,142.57 is claimed; the *Anna Beck*, a steamer schooner, for which the claim is \$27,863.04; the *Dolphin*, \$40,201.50, and the *Sayward*, \$118,957.12. There is a marvel, that little ship *Sayward*, with its wonderful bill—a soaring stretch of imagination distancing all rivalry. She was registered by the owners at the customs office in Victoria as having not quite 60 tons. At \$59.72 valuation per ton her actual value was \$3,647.50. On that narrow basis this vast inflation of all sorts of multiplied and fictitious items is piled up into a claim for \$118,000, apparently to go to Thomas H. Cooper, who swears that he had nothing to do with it at all, except to lend his name to this American Boscowitz in order to carry on a fraud, violate our laws, and deplete our Treasury by a claim sent around in this way through the British Government.

Mr. COX. Have you that testimony?

Mr. HITT. I have Mr. Cooper's evidence here. Do you want to hear it?

Mr. COX. I would like to hear it.

Mr. HITT. It is long, and I will not read all of it.

My name is Thomas Cooper; age, 56; residence, northeast corner of Laurel and Sacramento streets, San Francisco; occupation, blacksmith; resident of San Francisco thirty-three years.

Q. Are you an American citizen?

A. No, sir.

Q. You have been the owner of several vessels which have been engaged in sealing?

A. Yes, sir; they are in my name, I presume.

Q. What were the vessels of which you were the owner?

A. To tell you the truth I know very little about them. They were sold at sheriff's sale up there and I bought them for \$1. I was advised to do so by Captain Warren.

Q. Up where?

A. Up in Victoria.

Q. What were the names of the vessels?

A. I really could not tell. There was the *Sayward*, and one was called the *Thornton*.

[Laughter.]

The man did not know the names of his own vessels!

Mr. McCREARY of Kentucky. What is the gentleman reading from?

Mr. HITT. I am reading from the Counter case of the United States, page 321 of the proceedings before the Tribunal of Arbitration at Paris.

Q. Can you give the names of the other vessels?

A. I can not give the names.

Q. Would you know them if they were repeated to you?

A. Yes, sir; I would—know—some—of them.

[Laughter.]

This is the claimant for \$225,000! He thinks he would know the names of some of his vessels. [Laughter.]

Q. The *Anna Beck*?

A. Yes, sir.

Q. The *Dolphin*?

A. Yes, sir.

Q. The *Grace* or *Gracey*?

A. Yes, sir; I think so.

[Laughter.]

That was the best knowledge that this British subject, whose property has suffered such injury at our hands, had of his two hundred and twenty-five thousand dollar fleet!

Q. Will you state how you came to purchase these vessels?

A. By the advice of my brother-in-law, Captain Warren. He was to manage them. He had my power of attorney to manage them, and he knows all about them.

Q. And you paid \$1 for them?

A. No, sir; I paid \$1 for the whole lot.

Q. For the whole lot?

A. I think so.

Mr. HUDSON. Was this man a British subject?

Mr. HITT. He was a British subject. That is why they were put in his name, in order to facilitate this fraud.

Q. How many vessels did you purchase for \$1?

A. I can not tell you; I bought them all.

[Laughter.]

This man bought a fleet, and did not even know the number of vessels in it! Just before that he was asked:

Q. When you made the purchase they were sold under the mortgage?

A. I believe so.

Q. Who held the mortgage?

A. A man by the name of Boscowitz.

This man Boscowitz was an American citizen. All of the witnesses testify that he is a well-known American citizen.

He is the real owner of the vessels.

Q. Did you buy these vessels for yourself?

A. I was advised to buy them by Captain Warren and he was to manage them, and I have paid very little attention to them.

Q. Did you pay the dollar?

A. Yes, sir; I authorized him to do it. I was not there.

[Laughter.]

Q. Subsequent to the purchase of these vessels did Boscowitz hold a mortgage on them?

A. I believe so.

Q. For the full value?

A. I could not tell you that. I really do not know whether it was a dollar or a million dollars.

[Laughter.]

Q. Did you give the mortgage to him?

A. I believe I renewed the mortgage. I know I signed a lot of papers. I was so little interested that I do not know what I signed exactly. They were both there, and they told me it was a matter of form and I would not be troubled any more.

Q. You did just as they directed you to do?

A. Exactly.

Q. You had no interest in them whatever?

A. No, sir; none.

Q. You have no interest in the vessels now?

A. No, sir.

Q. None at all?

A. Only they are in my name, and I was told to keep them in my name.

Q. You have never paid any money for the management of those vessels?

A. No, sir.

Q. Did you ever receive any remuneration from the earnings of those vessels?

A. No, sir.

Q. Have you ever been called upon to advance any money?

A. No, sir.

Q. And do you now claim any interest in those vessels?

A. No, sir.

Q. Who was the holder of the mortgage?

A. It must have been Boscowitz.



Q. Was there any arrangement that you know of between Mr. Warren and Mr. Boscowitz as to these vessels?

A. I do not know the least thing about it in that respect. I simply signed the papers.

Q. Do you know anything about a claim being put in for you against the Government of the United States?

A. No, sir.

Mr. COX. How did those vessels happen to be sold at sheriff's sale?

Mr. HITT. I have explained that. Boscowitz went into a pretended partnership with Warren, who had no money. He lent Warren the money to take his share in the partnership, and charged him such high interest that Warren became insolvent and was sold out. Then, when Warren was sold out, this man Cooper was brought on to buy the vessels in, and after he bought them in he mortgaged them for more than they were worth to Boscowitz, who thus held them still.

Mr. COX. Is this man Cooper a claimant?

Mr. HITT. He is the claimant. He is the British lion that is roaring at us—this man who paid \$1 for a fleet of vessels, or rather let someone else pay it for him. [Laughter.] Now, Mr. Chairman, this affidavit is long, and I can not read it all; but I have read enough to show its character. This British subject told the truth right through. He admitted that he was a mere man of straw, and that Boscowitz, who is an American citizen, owned the whole fleet, had been operating the vessels all summer, and had taken him into the business in order that he might with impunity violate our laws, escape punishment, and lay the foundation for a fraudulent claim, which he hoped to get through the State Department, though probably at the time he did not think that it would ever come for criticism before Congress.

Mr. HUNTER. Who were the commission that allowed this claim?

Mr. HITT. It never has been allowed.

Mr. HUNTER. Who audited it?

Mr. HITT. It never has been audited. It has simply been presented with others to our Government. These claims were presented before the Paris Tribunal but no action taken, withdrawn, and last summer presented to our Government here, in all \$542,000. The President directed the Secretary of State to offer a lump sum of \$425,000, or four-fifths of all claimed. The lump sum is so near the whole amount of this exorbitant claim that the State Department seems to have been making a desperate effort to maintain the parity between claims and payments. [Laughter.]

The whole amount claimed is \$542,000, of which, according to the best information and according to the testimony, Americans are the real parties in interest for \$360,000. I ask gentlemen to bear in mind those figures. I repeat it, the testimony which has been printed in the appendix to the counter case of the United States, and will be found in the printed papers which were before the Paris Tribunal of Arbitration, shows that of the \$542,000 Americans have \$360,000. A. J. Bechtel was the real owner of the big claim for the *Carolina*, \$24,313, and the two claims for the *Pathfinder*, for which claim was made in the name of Munsio & Carne, amounting altogether to \$55,000. He is an American citizen, residing in San Francisco. Then there is A. Frank, who was a partner of Gutman, and his claim was put in Gutman's name; but Gutman has been long dead, and A. Frank really owns it. Their relations were like those of Boscowitz and Warren, which I have just explained. The same game was played in this case as in the others.

Mr. TAYLOR of Indiana. When was the arbitration authorized?

Mr. HITT. There has been no arbitration on this matter; this is simply a claim which has been presented. The *Black Diamond* was a similar case—a claim in the name of Gutman, a British subject, but A. Frank is the real party in interest. Then comes his claim for the *Alfred Adams*, \$20,433. That ship comes in again as the *Lily* under an alias like a thief and makes a second claim for \$17,185. That makes over \$55,000 for Frank. Foot them all up and they make \$360,000 which will go to American citizens out of \$542,000. If this passes they will all get from the State Department, through the British Government, their ratio or four-fifths of their claims. That would leave \$182,000 claimed by persons who have not been shown thus far to be other than British claimants.

Now, as to the character of these claims, what are they? The great mass is substantially made up of claims for seal skins that they did not catch, for earnings they did not earn, for probable or estimated catch. I mentioned that ship *Sayward*, her true value, \$2,647.50; probable catch, \$19,250, and then a long list of swelling details and enormous sums for this little tub, making a claim of \$118,957.12. "But one-half pennyworth of bread to this intolerable deal of sack." [Laughter.]

Mr. COX. Has the gentleman made an analysis showing what portion of the claims under this bill are the claims of American citizens assuming to sail as British subjects?

Mr. HITT. This bill does not distinguish them. But if \$425,000 is paid they will all receive their proportion pro rata. The

proportion of the Americans would be as 360 to 542, and the proportion of the British would be as 182 to 542.

But the claim itself is bad, is exaggerated, is inflated with elements that ought to be wholly rejected. It is wrong; it is rotten.

Mr. TAYLOR of Indiana. All of it?

Mr. HITT. No; there is a just claim at bottom for the real values actually lost by genuine British claimants. I will state the facts fairly. Estimated or prospective earnings ought not to be paid. Over twenty years ago we tried to establish such a claim against the British in the Alabama claims dispute for our ships destroyed. We were beaten and the law was settled. A claim for probable earnings and all that class of speculative damages was argued on our behalf at great length before the Geneva Tribunal, which decided the Alabama claims; and the general doctrine of international law which had been declared in our Supreme Court by Justice Story long before was then announced to the whole world by the highest tribunal of international law that ever sat—a court of nations. And they decided against us. They declared that though a ship was burned to the water's edge just as she was starting upon a whaling cruise the owners should receive nothing but the value of the ship, not the value of the catch—not a cent for that.

The impressive words of that decision have already been read in this debate, but they are so weighty and so brief that I may be allowed to read them once more. They are found in the last edition of Wheaton, they are found in every work on international law published since 1872, as the doctrine which by the consensus of mankind is now the rule of right, of public law, and international justice. I will not read the words of Justice Story and of Sedgwick's Measure of Damages, and will read only the language of the august Geneva Tribunal when they decided against us at the time we made a claim similar to that made here by the British:

Whereas prospective earnings can not properly be made the subject of compensation inasmuch as they depend in their nature upon future and uncertain contingencies, the tribunal is unanimously of opinion that there is no ground for awarding to the United States any sum by way of indemnity under this head.

That referred to vessels destroyed by corsairs—British ships—during our war.

The parallel with the present case is complete. It is England that here presents the claim, as it was the United States that presented the case there. The uncertainty of a voyage in the cloudy and perilous seas of the boisterous Northwest is full as great as in a whaling cruise. But the principle is settled. Such claims are wholly inadmissible, and that is all there is of it.

Now, what do you suppose is the proportion of these estimated catch items in the claims? My colleague [Mr. CANNON] stated it in general terms. I have the accurate amounts here. Out of the \$499,161.48 of claims filed first at Paris, and set out fully in the large blue book printed by the British Government, \$357,353 is for "estimated catch"—that is, for the catch which they did not catch! Adding all the claims that have been brought in since, making up the \$542,000 of present claims, I find it is \$377,000 that is estimated catch. This is more than three-fourths of the whole. The claim of ships for what they did not catch is three times as great as for all loss actually suffered, taking their losses at their own extravagant figures. Take the \$377,000 claimed for estimated catch out of the \$542,000, and there is but \$165,000 of damages for real losses to British and pretended British claims, and those losses are greatly exaggerated.

Mr. BRECKINRIDGE. I think the gentleman is mistaken in stating the amount.

Mr. HITT. I am pretty certain I am not mistaken. I have the book before me.

Mr. BRECKINRIDGE. I have examined it carefully.

Mr. HITT. On page 162 of the President's answer to the Senate of February 11, being Executive Document No. 67, there is the computation as reported by the agent of the United States to the Secretary of State, and I have read the figures from that very careful report of ex-Secretary Foster.

Mr. BRECKINRIDGE. But I think if the gentleman will examine the documents on which the claims are based, he will find the amount is \$300,000 instead of \$377,000.

Mr. HITT. The documents, if carefully examined, read the same way with the same result. What we have before us in Executive Document 132 is a reprint, as is most of Executive Document 67, of documents submitted to the Arbitration Tribunal.

Mr. BRECKINRIDGE. I will not interrupt the gentleman further.

Mr. HITT. I do not think there can be a variation as to the facts there. I am satisfied that the amount I have stated is correct.

I do not know that it would be well to go through all the details of these claims. The time, in fact, would not permit it. But the claims are remarkable, also, in ingenious exaggeration of detailed losses. Ships worth two or three thousand dollars each

have appended to them for attorneys' and counsel fees an item of \$1,250. They must be high-priced lawyers out there, charging such sums as that in the case of a tub; though it certainly, Mr. Chairman, required a good deal of skill to have made up the claims in this shape.

Then, again, vessels worth three to five thousand dollars are put down at \$8,000, \$10,000, or \$12,000 for the ships themselves, besides all the other items which are equally inflated. On page 338 of the counter case of the United States are some interesting examples. The *Carolena*, value claimed for the ship proper, \$4,000; real value, \$1,905.06. The *Thornton*, value claimed, \$6,000; tonnage claimed, 78 tons; actual registered tons shown at the custom-house at Victoria, 29.36; real value, \$2,258.37. The *Onward*, value claimed, \$4,000; real value, \$1,497.76. *W. P. Sayward*, tons claimed, 135½; actual registered tons, 59.79; value claimed, \$6,000; real value, \$2,647.50. The *Grace*, tons claimed, 182; value claimed, \$12,000; actual tons registered, 76.87; real value, \$5,068.03. The *Dolphin*, tons claimed, 174; tons actually registered, 60.10; value claimed, \$12,000; real value, \$4,144.49. The *Ada*, value claimed, \$7,000; real value, \$3,401.05.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON of Illinois. I yield the remainder of the time to which I am entitled, five minutes, to the gentleman from Illinois.

Mr. HITT. I shall hurry through, Mr. Chairman, and be as brief as possible in my remarks.

The point claimed by the gentleman from Kentucky, who opened this debate, that under the *modus vivendi* agreed upon between the two Governments in 1892, we were bound for these claims for estimated catch is a mistake. A *modus vivendi*, as gentlemen know, is simply a provisional agreement. It was then agreed, by article 5, in view of the Arbitration Tribunal, which was soon to meet at Paris, that if the decision as to our jurisdiction over Bering Sea went in our favor and against the British Government, they should pay us the difference between 7,500 seals per annum, to which we were to restrict our killing on the Pribilof Islands, and the catch we might have taken without undue diminution of the seal herds had it not been for this outside sealing. Our ordinary killing before the slaughter by the Canadian poachers had been 100,000 annually.

By that temporary arrangement, if the decision turned out to be that we had a right to the seals to the exclusion of others in Bering Sea, the British were to pay for the difference between the 7,500 and what we might have taken in the regular sealing season if there had been no disturbance by pelagic sealing. On the other hand, if the decision of the tribunal was against us, and affirmed the right of British sealers to take seals in Bering Sea, we were to pay for the difference in the catch actually made and the catch that might have been made without undue diminution of the herds; to pay Great Britain for abstaining from the exercise of that right during the pendency of arbitration, upon the basis of such a regulated or limited catch or catches as in the opinion of the arbitrators might have been taken without an undue diminution of the seal herds.

It was an agreement, almost in the shape of a bet, made between the two Governments as to the result of the Arbitration Tribunal. But before the decision came on, and while the tribunal was sitting, both sides agreed to abandon this agreement and contingent for estimated-catch claim; and on the 31st of May Sir Charles Russell rose and announced that Great Britain would not ask the tribunal for any finding for damages upon and under article 5 of the convention or *modus vivendi* of April 18, 1892; and Mr. Edward J. Phelps, on the part of the American Government, rose and said that the United States Government would not on its behalf ask the tribunal for any finding for damages upon and under article 5 of the convention or *modus vivendi* of April 18, 1892.

That is the article with the speculative damages in it for the winning side; something nearly in the nature of a bet between the parties as to the result of the decision of the tribunal. That is set forth fully on pages 162 and 163 of the Senate Executive Document No. 67 to which I have referred, where Sir Charles Russell announces:

Although I think it might be argued that this tribunal is required by Article V to give damages—

And I hope the gentleman when he comes to close this discussion will reply to this—

on the basis of a limited catch or catches—

That is this very thing—

which might have been taken in Bering Sea—in all the circumstances of the case Great Britain does not desire to press that view upon the tribunal, and, therefore, will ask for no finding for damages upon and under that fifth article of the *modus vivendi*. Both the United States and Great Britain have abandoned any claim for damages under that head.

That answers all the gentleman has said as to our being bound by the *modus vivendi*. The value of the ships in this list is greatly exaggerated, as I have stated.

When a ship was caught it was taken to Sitka. There it was

appraised, and in every case except two the owners declared that the appraised value was exorbitant and they would not give bond for the amount. I have here the letter of Mr. Bayard to Mr. West, the British minister, in reference to that matter, notifying him September 27, 1888, that these men would not give bond because the ships *Grace*, *Dolphin*, *Anna Beck*, and *Ada* were appraised beyond their value. And yet that appraisement was far below, in some cases, one-third of what they claim now.

Again, they charge double for the price of guns, small boats, rifles, etc. Here is the testimony of experts upon that point, showing that there is exaggeration everywhere. For supplies 100 per cent excess has been charged in many cases, and wherever the details are given the prices are shown to be exaggerated. As far as the Americans are concerned, to whom a part of this award would go, instead of receiving payment they ought to be punished for their action. It is all a fraud as to them. And yet in the face of these facts this amount has been offered by the State Department. But, Mr. Chairman, we are not to be frightened by the threats of the expense of a commission to settle this if we do not make this appropriation, and the cost of lawyers and the presentation of more claims.

We are not now in the position of a nervous State Department. The pretense that we had better accept this than run the risk of having the amount greatly enlarged has no weight, for the reason that no more claims can be presented now. That is plain from the words of the British ambassador. Let me read to you. When these claims were presented, June 7, 1894, to the State Department, Sir Julian Pauncefote said this included all British claims for compensation for the seizure of British sealing vessels in Bering Sea:

I have now the honor to transmit herewith, by direction of Her Majesty's secretary of state for foreign affairs, a complete list and summary of those claims, together with memoranda of the additions and amendments made since their original presentation. The whole of the claims, excepting that of the *Henrietta* and that of the *Black Diamond* (1886), were laid before the Tribunal of Arbitration.

Do not say now that a commission appointed would have to face a million dollars of new claims. The word of an honorable minister is there, and he is acting in a disinterested ministerial capacity.

One single word as to the expense of that commission. This last commission was the most splendid in its appointments and the longest in its existence, and the most elaborate and dignified that ever sat, and they did not consume the amount appropriated for them by more than \$35,000, and the Department had to divide it up among their pets who were there arguing the case. Only \$194,223 was really spent and the rest was given away to the amount of \$30,000, and even then the heart of the Washington lobby was made sick by having over \$5,000 of that appropriation turned back into the Treasury, unable to be expended.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRECKINRIDGE. I yield to the gentleman two minutes.

Mr. HITT. From some familiarity with the State Department and its surroundings in the past, I know that Washington is a place where claims breed like microbes. They are worse than bacilli in their facility of multiplication, and claims commissions have been microbe killers. When I was connected with that Department there was a commission appointed which had presented to it \$370,000,000—think of that vast sum—of Mexican claims. That commission rejected, extinguished, and wiped out 97½ per cent of that sum; and if we call a commission here, as was proposed by Sir Julian Pauncefote, and name respectable, able men, one from each side and the third chosen by them, to go to San Francisco, where the real claims are, they will ferret them out at a cost of perhaps \$15,000, and we will then probably pay about \$50,000, which is about what is due. [Applause.]

The CHAIRMAN. The gentleman from Maine [Mr. DINGLEY] is recognized for ten minutes.

Mr. DINGLEY. Mr. Chairman, it must be confessed that the present situation in which we have been placed by the Bering Sea award is an extremely disagreeable one. It is, it seems to me, a choice between two admitted evils. We have been brought to this situation by the facts which have been so well stated by the gentleman from Illinois [Mr. HITT]. We seized in Bering Sea in the seasons of 1886, 1887, 1889, and 1890 eighteen pelagic sealers flying the British flag, with ostensible Canadian ownership. We seized these vessels on the contention that Bering Sea was *mare clausum* and not an open sea, and on the further contention that the seals which were accustomed to herd upon the seal islands during each season were the property of the United States. In consequence of these contentions we submitted to arbitration by a body known as the Paris Tribunal all of the questions involved; first, as to whether or not Bering Sea was an open sea and the seals herding upon the seal islands were the property of the United States, with the provision also that in case of these questions being adjudicated in either direction, then the victorious side might present to this tribunal any facts bearing on the seizures, have



them reported upon, the liability, in view of those facts, to be determined by subsequent negotiations.

The tribunal, sitting at Paris in the spring and summer of 1893, determined the two substantial questions against us. First, they determined that Bering Sea was an open sea, and that the United States had no jurisdiction beyond 3 miles from the coast line. Secondly, they decided that the seals herding on the seal islands were not the property of the United States. The two substantial contentions on which the United States rested its claim were therefore decided against this Government.

The tribunal then proceeded to hear and report certain facts that were presented, these facts being that certain vessels floating the British flag, and claiming Canadian ownership, had been seized by the United States, 18 in number. There were really 21 seizures, but 18 different vessels. The only fact that was determined by this tribunal was that these vessels were seized in the open sea. The necessary inference from the facts, although not specifically determined by the tribunal, is that the United States is responsible in damages for the seizure of these vessels.

The tribunal expressly stated that it left open entirely the question as to ownership of these vessels, leaving that to be considered by subsequent negotiations. They of course did not determine as to the liability of our Government for the seizure of these 18 vessels, beyond what could be shown to have British ownership. So far as there was American ownership there was no liability resting against this Government.

Now, that was the state of facts presented to the State Department when it took up this case. After considering it they found that there had been presented claims as damages by the Canadians bills for \$542,000, without including interest. This, however, did not include all the damages that may be presented, for there remain the claims of 30 persons arrested or detained by the officers of our Government in the course of these seizures. But in these claims for damages there is found a claim for \$375,000 or thereabouts for the expected catch, not actual catch that had taken place at the time of the seizures, but prospective catches, estimated catches, and those estimated catches figure to the extent of \$375,000, leaving about \$175,000 as actual claimed damages.

Now, I believe with my friend from Illinois [Mr. HITT] that this claim for prospective damages ought to have no standing in any tribunal that may adjudicate this case, but I will not say surely that it will not have a standing in the commission that will be formed to adjudicate this matter. I remember that we had the Halifax Tribunal, where we submitted the question of damages to a commission, one member of which was chosen by ourselves, one by the British Government, and the third, the umpire, to be chosen precisely as the umpire of the prospective commission in this case is to be nominated, from one of the foreign Governments, making him practically the commissioner who decides the damages in these claims.

Now, in the case of the Halifax award we all believed that there never would be a cent of damages awarded against us. But the Belgian umpire made an award of \$5,000,000 against the United States, and we were obliged to pay it.

Mr. BRECKINRIDGE. Does the gentleman remember how much of it was consequential damages?

Mr. DINGLEY. Nearly all of it; the prospective value of the inshore fisheries.

Mr. BRECKINRIDGE. I wanted to bring that out, and intended to do so in my closing argument.

Mr. DINGLEY. We have felt outraged about that award ever since.

Mr. CANNON of Illinois. Will the gentleman permit me to make a single suggestion?

Mr. DINGLEY. Yes, sir.

Mr. CANNON of Illinois. It is that this sum of money can not be appropriated except by Congress; and I do not believe the American Congress will ever make an appropriation for the payment of speculative damages.

Mr. DINGLEY. Well, Mr. Chairman, that may be. We did make an appropriation of \$5,000,000 to pay the Halifax award when the verdict went against us.

What troubles me in this case is the fact that we have to choose between two admitted evils. Now, I have no doubt at all that the award of \$425,000 is an excessive one.

Mr. HITT. There is no parallel between this and the Halifax award, as it was subsequently proved that the speculative damages as awarded were all obtained through perjury.

Mr. DINGLEY. I agree with you entirely in this matter. Now, what I wanted to call the attention of the committee to was that it is a choice between two evils. I admit that \$425,000 is three times the actual damages sustained by those pelagic sealers; and I think, too, with the gentleman from Illinois, that it will be found, if the facts can be brought out, that more than three-fourths of the ownership of the vessels flying the British flag would prove to be American. I believe the offer made by the Sec-

retary of State is excessive. I believe that a much smaller sum would have been accepted to close up the matter. But yet I am brought face to face with this alternative, and that is the alternative of the submission of this question to another umpire, who will be chosen by a foreign Government; and what will come out of that alternative I am unable to say.

Mr. BRECKINRIDGE. Mr. Chairman, what the gentleman from Maine has said covers so much of what I intended to say in closing the argument that I do not know that it is necessary to add anything. We are presented with the alternative, as he has suggested, that we have to pay something. It is a pure question of what we shall pay and how we shall pay. The gentleman from Illinois is entirely correct in saying that claims are bred and grow rapidly and to great strength and size whenever we have a foreign dispute. We see it here. They have grown, and will grow enormously if we put them off, and give full opportunity and unlimited temptation.

I confess, Mr. Chairman, that I do not look with any degree of alarm upon what seems to grieve the hearts of the gentlemen from Illinois and the gentleman from Iowa [Mr. HENDERSON], that some of this money may go into the pockets of American citizens. As between American citizens and Englishmen, if somebody has to get it, I would stand by with some pious resignation and see it go into the pockets of an American rather than into the pockets of an Englishman. When this appropriation is voted down it will only give better opportunity for an illegal Canadian claimant to go before a commission and, on testimony taken at a long distance from here, obtain claims which he can not obtain if this sum of money is given. This \$425,000 puts a stop to any further perjury or inflation of claims, and of course is obnoxious to those who hope for fees, salaries, commissions, and illegitimate claims. Unintentionally the gentlemen are making these improper gains possible.

Mr. LIVINGSTON. Will the gentleman yield to me for a question?

Mr. BRECKINRIDGE. Certainly.

Mr. LIVINGSTON. If this \$425,000 is not accepted by the present Congress and arbitration is had to settle it, would not another Congress have supervision of whatever settlement is had? Therefore we have nothing to risk.

Mr. BRECKINRIDGE. Your question is based on the hypothesis that the Congress of the United States will refuse to pay an award of a legally constituted tribunal. If ever under an international agreement we agree to pay a certain amount, God forbid that the Congress of the United States, in the presence of the world, shall refuse to make that payment and be delinquent at the international bar of public honesty and universal integrity. I do not believe that it will ever come to that. It never has yet. We have paid all the judgments obtained at international courts, and I believe always will. It is purely a question of how much we shall pay and how it shall be ascertained.

My friend from Illinois [Mr. HITT] is, as a rule, extremely accurate, but his inaccuracy in this instance shows how in the heat of debate men make statements that they can not stand to. He says that it seems as if most of these claimants charge for legal services \$1,250. Now, if he had examined he would have found that there are but three who claim \$1,250, while there are nine who put up with \$250. That is but a fair specimen of how the gentleman has allowed himself in the heat of debate to make statements about figures. If he will take the record and go over it he will find that the whole amount of consequential damages is \$300,000 and not \$377,000. It is true that there is a statement of Mr. Foster which seems to confirm that, but when the gentleman adds up these claims he will find that they amount to only \$300,000.

Mr. HITT. I stated that there were so many cases where the claim was \$1,250 that the aggregate of the legal expenses mounted up to a great deal more than that. There are several at \$850, some at \$1,250, and in one case I understand the amount was \$10,000.

Mr. McCREARY of Kentucky. That may be, but my friend said they were all put at \$1,250.

Mr. HITT. Sir Julian Pauncefote expressly states that the claims filed are a complete list and summary of all the claims for the seizure of British sailing vessels in Bering Sea.

Mr. BRECKINRIDGE. But he expressly states that if they are not settled and a convention is called he shall be at liberty to file other claims.

Mr. HITT. No; he says that this shall in no way prejudice the claimants by limiting them to \$442,000, but he does not say that other claims may come in.

Mr. BRECKINRIDGE. How can you keep claimants out? Let me put one case to the gentleman. We imprisoned certain sailors who were engaged in a lawful pursuit, as decided by the Paris Tribunal, one of whom died from the effects of being imprisoned in a jail on the western coast. No claim has yet been put in by his heirs, but does not the gentleman think that unless we make this settlement there will be a claim, and a just one, for that man's death? It has been decided that his vessel was on the

high seas, that he was engaged in a lawful business, and that the United States unlawfully arrested, detained, and immured him in prison, from the effects of which imprisonment he died.

Mr. HITT. The answer is that if a commission were called, according to Sir Julian's letter it would be limited to these claims, and they are all the claims. As to the claim which the gentleman suggests, it could be presented to the State Department at any time, under the international law, as such claims are presented from all foreign countries.

Mr. BRECKINRIDGE. It would be presented to any commission that might be appointed and we would be obliged to pay whatever they found due.

Mr. HITT. It could not go to the commission.

Mr. BRECKINRIDGE. It would undoubtedly go to the commission. The gentleman is wholly mistaken. The facts are, Mr. Chairman, that this is a most unfortunate fiasco, a most unhappy chapter in our diplomacy. The agent of the United States (Mr. Foster) and the Secretary of State (Mr. Blaine) believed that Bering Sea was a mare clausum, and they put us before a tribunal resting our claim upon that ground. It was decided against us, and so decided that the only open question is as to the amount of damages. We lost all before that tribunal, and in an attempt by that means to save the seals we are going to lose the seals, which are in process of rapid destruction, which perhaps can hardly be arrested; and now the question, as my friend from Maine [Mr. DINGLEY] puts it, is whether it is better to end this bad bargain, to shut up this book of unfortunate diplomacy, to close this chapter of international failure, by a payment less than the amount claimed and less than the amount that will be proven.

Let us, Mr. Chairman, get rid of this thorn under our thumb which makes us uncomfortable, and settle this question between us and Great Britain, and then reopen, with Great Britain and the other nations, the question of better regulations to save the remaining seals. The question, I say, is whether we shall keep the case open for more claimants to come in, tempt them to perjury, have the expense of a commission, and pay in the end more than a million or a million and a half of dollars, simply for the pleasure of shaking our fist in the face of Great Britain and having, perhaps, a partisan triumph, and, in the end, come to the conclusion that we have been unwise in rejecting this proposition.

That is the simple question which is submitted to Congress today. It is not a question whether we ought to have paid this amount or not, or whether we ought to have gone into that arbitration or not, nor whether all those claims are honest. There may be dishonest claims involved, in which there may be perjury. Let us turn over to the British Government the duty of purging them; the honest claims will, beyond doubt, swallow the whole of this appropriation. The gentleman from Illinois [Mr. HITT] has read from the case presented by us to the arbitrators. We had the right to have that tribunal pass on the facts. If our agent was so sure we were strong on the proof taken why did he not ask judgment on the facts and relieve us of further expense and annoyance on those claims? Why force us to another and expensive trial if the case was made up for us? No, Mr. Chairman, the evidence read, selected with skill, dislocated from its connection, unexplained and contradicted here by the other testimony, may seem to make out a case; but when those claims are heard on all the testimony by a joint commission the result will be wholly different from that predicted, and we must "pay the piper."

These ships sailed under the British flag; they were unlawfully seized by us; the burden is on us to overthrow the presumption arising from British registry, sailing from British ports, supplied in British markets, and sailing under the British flag. I predict that this will never be accomplished. As to the criticism of the gentleman from Illinois [Mr. CANNON] upon the foreign policy of this Administration it does not need any answer. This is not our foreign policy. We are paying a debt which you gentlemen gave us as a part of our inheritance, and we are paying it, not as Democrats, but as Americans. You made this treaty; under it this liability was incurred. In this matter of foreign policy we have no apology to make.

Mr. DINGLEY. Why does the gentleman say that this is an inheritance from a Republican Administration, when he knows that it commenced under the first Cleveland Administration?

Mr. BRECKINRIDGE. Undoubtedly, under Mr. Cleveland we followed the old rule of holding that sea as ours. We claimed that we had purchased it from Russia, and that it was our sea. That had been the ground and the policy under Mr. Seward and other Republican statesmen, and we followed it; because, however we may divide upon internal questions as Democrats and as Republicans, when it comes to international matters, when we have to go out upon the sea and to deal with foreign nations, we ought all to be Americans. Therefore when we came under the Administration of Mr. Cleveland we followed what had always been the policy.

But Canada had claimed certain rights in the East. You gentlemen of New England had fixed upon the policy of America, that we should deny those claims by adherence to the 3-mile limit. Canada said, "If that is good law for the East it is good law for the West; if it is good law for the fish that are to be caught out of Canadian waters in the East, it is good law for seals to be caught out of the Bering sea in the West." They fitted out their vessels in order to take those seals under our law, fixed by New England as the policy of America for the eastern fisheries.

Mr. Bayard opened a negotiation for a modus vivendi under which the seals might be saved. It was, however, upon the distinct understanding that the Bering Sea was not a mare clausum. Mr. Bayard was too good an international lawyer, he understood the law too well, to make that claim. It was upon other grounds. It was an admission, by the very act of asking for this modus, that we had not this right. Mr. Bayard's policy was reversed. The State Department said: "It is our mare clausum; we bought it from Russia. We will hold it as such, and we will arbitrate upon that ground." We did arbitrate under the lead of Mr. Foster—the nominal lead of Mr. Blaine, the real lead, I suppose, of Mr. Foster. We arbitrated upon that ground and lost. We are now met with the consequences of that arbitration. Is it not better for us to pay up like men?

I will not criticize our costs in that unfortunate experiment, nor point out what might justify censure. The arbitrators selected—Justice Harlan and Senator MORGAN—were able and learned jurists; our counsel were among the most eminent and accomplished lawyers in America; and so far as arbitrators and counsel are concerned I have no word save of respect and esteem, as to all engaged, respectful silence. Let us complete that incident in our diplomatic history and put it behind us. On the uppermost shelves, where they can not hereafter be reached, let us place the many printed volumes, the vast mass of useless matter submitted as "our case," and open the way for other labor.

Now, one other matter—this matter of consequential damages. Let us be just to ourselves. Let us not higggle with these matters. Mr. Blaine and Sir Julian Pauncefote laid down this rule when we thought we were going to win. Mr. Blaine thought we were going to win; he laid down the rule in article 5 of the modus vivendi, that this should be the rule of damages. I have had that article read in the course of my previous remarks. I merely repeat that this is the rule laid down in article 5 of the convention agreed upon on the 18th of April, 1892, and approved by the United States, through its President (Mr. Harrison) and its Secretary of State (Mr. Blaine).

Mr. HITT. But subsequently withdrawn.

Mr. BRECKINRIDGE. Withdrawn, as I have explained. But is America going to stand at the bar of the world and say, "It was a good rule when we thought we would win; but now we have lost, and because we technically made that withdrawal we now insist that it ought never to have been admitted?"

Mr. HITT. Will the gentleman allow me a moment?

Mr. BRECKINRIDGE. Certainly.

Mr. HITT. Both parties, knowing that it was an exception to international law, made that risky engagement. Both, fearing the decision, withdrew. Both knew it was a departure from international law.

Mr. BRECKINRIDGE. I am not in possession of the motives, but I do not believe that the Government of the United States and the Government of Great Britain were two petty gamblers, sitting down at a little game of "craps," trying to see which might get the better of the other upon the mere turn of loaded dice. I do not believe that, and I will not legislate upon that hypothesis. I legislate upon the hypothesis that these two contracting parties, one representing the Government of the United States and the other Great Britain, thought it was a fair criterion, and I affirm their judgment was correct.

Here were men putting their little venture into a vessel costing from six to seven thousand dollars, going out upon the high seas with the right to catch those seals, where the nominal capital was comparatively nothing, but where the real capital was their sweat, their risk, their danger, their skill, their time. The little vessel cost but from \$3,000 to \$7,000; but the men risked the storms of the ocean; they risked their lives. The true capital was the heart and brain and chance that they put into their work. And when they were seized and put in Alaskan prisons without right and without justice, what better criterion of damage than that which they might have caught and which everybody else did catch during that year? Why did not Mr. Blaine and Sir Julian Pauncefote come to an honest and just measure of damage when they agreed upon that? In my judgment there is no arbitrator who will not decide that this is in this case the fair measure of damages.

These are not remote damages. There is a vast difference—I speak to lawyers—between remote damages and consequential damages. There are innumerable cases where consequential damages are given where they are the immediate and not the remote



consequences of the act. I do believe that the Halifax award will be followed when these are proven by honest testimony, and that these questions will be decided in favor of those men who risked their lives upon those seas. Mr. Blaine and Mr. Harrison and Sir Julian Pauncefote will be good authority to justify such decision.

My judgment, after going over this case, is that \$300,000 is all that may be called consequential damages. Two hundred and forty-two thousand dollars will be given beyond the possibility of a doubt. These claims have been running an average of seven years, for which we must pay interest to the claimants. Allowing 6 per cent interest, it makes \$345,000; at 4 per cent interest it makes \$300,000.

Now we are in a dispute over a sum of \$300,000, and want to settle it. What is the best compromise that such a nation as ours can ask under those circumstances? Evidently the best way is to divide it in two, take one-half. Adding the one-half of this sum to what it was admitted we were obligated for, it will make a sum larger than the \$425,000. So that we save money by that process. Admitting we could get everything we claim, admitting that the gentleman from Illinois is right, what then? We have this sum of \$242,000, seven years' interest at 4 per cent and two years' interest during the arbitration, and \$150,000 added for the expenses of arbitration, and by that we are out of pocket \$50,000 more than if we pay the lump sum of \$425,000 suggested. So in any aspect of the case, as far as money is concerned, we have made by this settlement. I append a little calculation under several hypotheses.

Mr. Chairman, a scene occurred in Parliament the other night when the under secretary of state was asked a question about this arbitration. He said that the President of the United States had asked Congress to appropriate the sum necessary to pay it; that the Secretary of State had sent a message to Congress; and when asked if the award would be paid, the under secretary said he had no doubt in the world that the Congress of the United States would appropriate a sum sufficient to pay a debt acknowledged to be due by its own Administration, its President and Secretary of State.

I sincerely trust when Parliament meets again that that statement will not have to be taken back. I sincerely hope that it will never be said of us, as it is of men who are sometimes posted up at clubs, that "they are delinquents," and that we will not stand before the world as men and as a nation who do not keep faith; as a nation that does not follow the dictates of fair dealing when we refer our controversies to arbitration and lose. I do not ask this appropriation because a Democratic President approved the agreement and asks it—though this would be a powerful motive—but it is not that he is my President. Though he is my President, he is the President of the United States.

So far as foreign matters are concerned, he is the nation's President. I am free to confess, and I speak now as a Democrat and a partisan, that when I was elected to this Congress, and the President was elected, as a Democrat, I held it to be a joint commission with which we were both intrusted on behalf of the people. I held it as though my name had been written in a joint commission, and that we were joined to take charge—I mean the Senate and House and the Executive—of the affairs of the nation, and believed it to be my duty, in conjunction with all other Democrats, to do the very best I could for the glory, for the advancement, and for the honor of our common country. And so far as I am concerned, Mr. Chairman, without criticism and without censure as to others, whenever I could with a good conscience I have upheld the arm of the Chief Magistrate of the nation, and when I could not agree with his views I have only voted my own conscience, not condemning his view with abuse, not weakening him in the minds of the people, or attempting to make his policy unpopular in the minds of those who are to aid in the work.

For four years he is President. He and we are charged with the august responsibility of Government; upon the President rests the burden of affirmative action; to us is committed the duty of legislation. This requires wisdom, confidence, mutual aid, mutual concessions. We can not govern to suit every one of us. We must find some common ground on which to stand—some line of policy to be pursued; and he who will not yield something, who will not follow, can only excite and destroy. I thank God that I am not responsible for any divisions. A loyal Democrat, true to my convictions, yet anxious to accord with the official head, the chosen leader of my party, I to-day and always, when possible, sustain him and his Administration.

And looking back now on a Congressional career about to close, I think I can say truthfully that I have never criticised a public officer against me in politics when I could commend him. I have never belittled an Administration I could uphold; and as to foreign affairs so far as possible I have tried to remember, as I do to-day, that on the floor of the House of Representatives, representing the entire imperial Republic of America, I say as to all other countries I am not a Democrat, but an American and a patriot; and that is the view I hope to-day this House will take of the question now before us. [Applause.]

Amount claimed .....	\$542,164
Put at 6 per cent for seven years .....	227,708
Deduct .....	769,872
	425,000
	944,872
Amount claimed .....	542,164
At 4 per cent .....	151,805
Deduct .....	623,969
	425,000
	968,969
Amount claimed .....	542,164
It is claimed that in these claims are consequential damages .....	300,000
Leaving the claim .....	242,164
Add 6 per cent .....	130,000
	345,000
Add one-half of amount disputed, without interest .....	150,000
	495,000
Bare claim .....	242,164
If interest is computed at 4 per cent .....	67,023
	309,187
Add one-half of amount in dispute .....	150,000
	459,187
Deduct .....	425,000
	34,187
If interest on the one-half in dispute is added at 4 per cent .....	42,000
	501,964
	425,000
	76,964
Deduct .....	495,000
	425,000
	70,000
If, however, we win before the tribunal to be appointed, and we pay only 4 per cent, then the items would be:	
Admitted claims .....	\$242,000
Interest at 4 per cent .....	67,000
	309,000
Expense of arbitration .....	150,000
Interest accruing pending settlement for two years .....	19,300
Deduct settlement .....	478,300
	425,000
Saved .....	83,300

I call for the vote.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8272) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 8479) making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1896, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CALL, Mr. COCKRELL, and Mr. TELLER as the conferees on the part of the Senate.

A further message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate to the bill (H. R. 4507) for the relief of Witherby & Gaffney.

#### GENERAL DEFICIENCY APPROPRIATION BILL.

The committee again resumed its session, Mr. TRACEY in the Chair.

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky, which has been read.

The question was taken; and on a division there were—ayes 41, noes 53.

Mr. BRECKINRIDGE. I raise the point of no quorum simply to get tellers.

The CHAIRMAN appointed Mr. BRECKINRIDGE and Mr. CANNON of Illinois as tellers.

The committee again divided; and the tellers reported—ayes 93, noes 85.

Mr. CANNON of Illinois. What is the total?

The CHAIRMAN. One hundred and seventy-seven.

Mr. CANNON of Illinois. That is not a quorum. It would save a call of the roll, perhaps, if we can knock this out here.

The CHAIRMAN. The tellers will resume the count. The count having been completed, the tellers reported—ayes 94, noes 86.

So the amendment was adopted.

Mr. CANNON of Illinois. By the indulgence of the gentleman from Kentucky I want to state that I will ask, if I can get one-fifth of the members to join me, a yea-and-nay vote in the House on this amendment.

Mr. BRECKINRIDGE. So far as I am concerned I will gladly vote to give the gentleman the yeas and nays, and hope the House will agree to it. This is too important a matter to refuse.

The CHAIRMAN. The Clerk will report the next amendment, offered by the gentleman from Indiana [Mr. BYNUM].

The Clerk read as follows:

On page 43, line 12, insert:

"That the Speaker of the House of Representatives is hereby directed to certify, and the Sergeant-at-Arms to pay to Representatives the amounts respectively deducted and withheld from the monthly payments of salary on account of absence."

Mr. BYNUM. I withdraw that amendment.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Missouri [Mr. O'NEILL].

The Clerk read as follows:

On page 53, after line 4, insert:

"To pay Bate Martin \$77.80, the amount allowed by the Third Auditor of the Treasury Department under the act of July 4, 1864."

Mr. SAYERS. While I regard the point of order as good on this amendment, and I do not wish its adoption to be considered as a precedent, yet in view of the circumstances of the case I will withdraw the point of order. I have a fondness for the Irish, and inasmuch as we have an Irishman as chairman, and as the mover and the beneficiary of the amendment are Irishmen, I withdraw the point of order, but for no other reason. [Laughter.]

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment offered by the gentleman from Connecticut [Mr. RUSSELL].

The Clerk read as follows:

On page 53, after line 17, insert the following:

"For payment on account of transportation of the Army for 1881 and prior years the following numbered Treasury settlements, heretofore allowed and certified by the proper accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund, and enumerated and described in Executive Documents Nos. 55 and 153, Forty-eighth Congress, first and second sessions, and House Miscellaneous Document No. 33, Fifty-third Congress, third session, viz: Nos. 174, 161, 176, 331, 162, 210, 333, 332, 543, 544, 701, 711, 805, 944, 1206, 1536, 1538, 1715, 930, amounting to the sum of \$37,313.44."

Mr. BRECKINRIDGE. I reserve the point of order against that amendment.

Mr. RUSSELL of Connecticut. That is an amendment I introduced, and the point of order is reserved. I now ask permission to withdraw the amendment.

The CHAIRMAN. The amendment will be withdrawn, and the Clerk will report the next pending amendment.

The Clerk read as follows:

On page 53, between lines 21 and 22, insert:

"For barracks and quarters, \$39,590.62."

Mr. BAKER of New Hampshire. I will withdraw that amendment.

Mr. BRECKINRIDGE. I wish to offer an amendment to come in at the end of the bill.

The Clerk read as follows:

"That the proceeds of sales of the property of the United States, made by the International Boundary Commission, provided for by the convention of July 29, 1882, and the convention of February 18, 1890, between the United States and Mexico, shall revert to the appropriations for the execution of the engagements of said conventions, and be applied to the purposes for which said appropriations were made, and shall not be covered into the Treasury as miscellaneous receipts, as provided for by sections 3617 and 3618 of the Revised Statutes."

Mr. BRECKINRIDGE. I desire to print in the RECORD certain letters from the Treasury Department and from the State Department, showing the necessity for this amendment. It involves no new appropriation.

The CHAIRMAN. In the absence of objection, the letters will be printed in the RECORD.

There was no objection.

The letters are as follows:

—  
TREASURY DEPARTMENT,  
OFFICE OF COMPTROLLER OF THE TREASURY,  
Washington, D. C., January 31, 1894.

SIR: I have to inform you that I have directed the Auditor for the State and other Departments to state and settle an account with you under the fund "proceeds of sales of United States property," and to charge you with the sum of \$2,521.05, being the amount received by you from the sale of United States property, and credited by you to the Government in your account for disbursements made under the appropriation "International boundary survey, United States and Mexico," from February 1 to November 30, 1893.

You were informed by the First Comptroller of the Treasury on August 28, 1894, that the proper disposition to be made of this item would be a subject for consideration in the next adjustment of your accounts. I have carefully read your communication of September 17, 1894, and examined the law bearing upon this subject. The parts of the sections of the Revised Statutes referred to and quoted by you are as follows:

3618. "All proceeds of sales of old material, condemned stores, supplies, or

other public property of any kind, except the proceeds of \* \* \* sales of materials, stores, or supplies to any exploring or surveying expedition authorized by law, shall be deposited and covered into the Treasury \* \* \*."

3692. "All moneys received from \* \* \* sales of materials, stores, or supplies to any exploring or surveying expedition authorized by law, shall respectively revert to that appropriation out of which they were originally expended, and shall be applied to the purposes for which they were appropriated by law."

The meaning of these sections is to my mind quite clear, and while they direct that all moneys received from sales of United States property sold to any exploring or surveying expedition authorized by law shall revert to that appropriation out of which they were originally expended, they can not be construed to mean that all moneys received from sales of United States property sold by any exploring or surveying expedition shall pursue the same course. It therefore follows that any moneys received by you from the sales of United States property sold to other than exploring or surveying expeditions authorized by law must be deposited by you into the Treasury, in order that they may be disposed of in pursuance of section 3618, Revised Statutes.

In conclusion I will state that any evidence in your possession tending to show that the moneys received by you from the sales of United States property credited in your accounts were sold by you to any exploring or surveying expedition authorized by law should be transmitted to the Auditor for the State and other Departments, in order that you may be credited on account of the sales of United States property and charged on account of the appropriation "International boundary survey, United States and Mexico."

Respectfully, yours,

R. B. BOWLER, Comptroller.

Lieut. Col. J. W. BARLOW, U. S. A.,  
Special Disbursing Officer, care of the Department of State,  
Washington, D. C.

—  
TREASURY DEPARTMENT,  
OFFICE OF COMPTROLLER OF THE TREASURY,  
Washington, D. C., February 15, 1895.

SIR: Referring to the accounts of Lieutenant-Colonel Barlow, about which I had some conversation with you this morning, I inclose a copy of a letter recently written by me to him in regard to sales of property used by the Mexican Boundary Commission in the prosecution of its work. Under a misapprehension of the law he has used the money derived from such sales for the purposes of the survey, in lieu of covering the same into the Treasury, as required by the strict letter of sections 3617 and 3618 of the Revised Statutes.

It appears that unless the proceeds of such sales can be used a deficiency appropriation will be required, and that unless made at present serious delay will occur in the final settlement of Colonel Barlow's accounts. It seems proper, under the circumstances, that the proceeds of sales should be credited to the appropriation, but the accounting officers find themselves without authority of law to do so. I therefore have drawn a clause to be inserted in the deficiency appropriation act which will accomplish the purpose. I heartily recommend its adoption.

Respectfully, yours,

R. B. BOWLER, Comptroller.

Hon. J. E. WASHINGTON,  
House of Representatives.

—  
DEPARTMENT OF STATE, Washington, February 20, 1895.

SIR: The inclosed copy of a letter addressed to me by Lieut. Col. J. W. Barlow, United States Army, the United States representative on the United States and Mexican International Boundary Commission, in relation to the disapproval by the Comptroller of his account for sales of property purchased under the appropriation for that survey, is sent to you for your information in connection with an amendment to the deficiency bill, which, as I informally learn, Mr. Bowler has requested you to advocate, authorizing the reversion of the proceeds of such sales to the original appropriation.

Seeing no reason to question the correctness of the Comptroller's decision in view of sections 3613, 3672, and 3692 of the Revised Statutes, yet regarding Colonel Barlow's course as in the interest of the public service and in the direction of the intent of the appropriation in question, I have the honor to request that you will support the proposed amendment, in order that, by relieving the Boundary Commission of the statutory obligation to turn into the Treasury the proceeds of past and future sales of property, the work of the Commission may be completed within the limits of the appropriation already made.

Colonel Barlow represents, as you will observe, that if the amounts realized as above are not to be available for the purposes of the Commission, an additional appropriation by this Congress will be essential in order to carry on the work.

I have the honor to be, sir, your obedient servant,

W. Q. GRESHAM.

[Inclosure.]

From Lieut. Col. J. W. Barlow, San Diego, February 11, 1895.

Hon. JOSEPH E. WASHINGTON,  
House of Representatives.

—  
DEPARTMENT OF STATE,  
INTERNATIONAL BOUNDARY COMMISSION,  
UNITED STATES AND MEXICO,  
San Diego, Cal., February 11, 1895.

SIR: I have the honor to state that, in a communication just received from the honorable the Comptroller of the Treasury, I am informed that an item of \$2,521.05, received from sales of property pertaining to the appropriation for the international boundary survey, must be covered into the Treasury.

This decision is directly the reverse of what I have conceived to be the meaning of the Revised Statutes on this subject, and if sustained and applied to the other sales of property pertaining to this survey it will result in compelling me to turn in a sum considerably greater than the balance now remaining from the present appropriation.

When all liabilities are paid this balance will be about \$5,000, an amount which, if available, would carry on the map construction next fall until a further appropriation could be obtained.

In view of the Comptroller's decision it would now appear to be expedient, in fact imperative, that an appropriation be obtained before the close of the present session of Congress to provide for the necessary expenditures which must occur before the next Congress can act in the premises. I would therefore respectfully and urgently request that an amendment be added to one of the appropriation bills to provide for the completion of the maps of the international boundary survey between the United States and Mexico. This appropriation is specially urgent, as an agreement has been made with the Mexican commissioners to have the Joint Commission assemble in Washington in October next to carry forward the work of the Commission.



It is suggested that the sum of \$10,000 be asked for, a part of which may perhaps be available for publication of the report.

Very respectfully, your obedient servant,

J. W. BARLOW,

Lieutenant-Colonel of Engineers, Commissioner.

Hon. W. Q. GRESHAM, Secretary of State.

The amendment offered by Mr. BRECKINRIDGE was agreed to. And then, on motion of Mr. BRECKINRIDGE, the committee rose; and the Speaker having resumed the chair, Mr. TARSNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8892) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1895, and for prior years, and for other purposes, and had directed him to report the same to the House with sundry amendments, and with the recommendation that as amended the bill do pass.

Mr. BRECKINRIDGE. I ask for the previous question on the amendments and the bill to its passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any of the amendments?

Mr. BRECKINRIDGE. I ask for a separate vote on the amendment giving a month's compensation to the officers of the House and Senate and the amendments thereto, and I ask a separate vote upon the amendment to appropriate \$425,000 to carry out the Bering Sea arbitration.

The SPEAKER. Is any other separate vote demanded? If not, the question will be upon agreeing to the amendments in gross, with the exceptions indicated.

The amendments, with the exceptions indicated, were agreed to.

The SPEAKER. The Clerk will report the first amendment on which a separate vote is demanded.

The Clerk read as follows:

On page 2, after line 9, insert the following:

"Bering Sea damages: For the payment to the Government of Great Britain, under the agreement reached by exchange of notes of August 21, 1894, in full satisfaction of all demands for damages against the United States growing out of the controversy between the two Governments as to the fur seals in the Bering Sea under the award and findings of the tribunal of arbitration at Paris, \$425,000."

The SPEAKER. The question is upon agreeing to this amendment.

The question being taken, the Speaker announced that the ayes seemed to have it.

Mr. CANNON of Illinois. Division.

Mr. BRECKINRIDGE. I call for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER appointed as tellers Mr. BRECKINRIDGE and Mr. CANNON of Illinois.

The question was taken; and there were—yeas 112, nays 143, answered "present" 5, not voting 89; as follows:

#### YEAS—112.

Alexander,	Cornish,	Henderson, N. C.	Pendleton, W. Va.
Allen,	Crain,	Henry,	Pigott,
Baldwin,	De Forest,	Ikert,	Price,
Bankhead,	Denson,	Kem,	Reilly,
Barnes,	Dinsmore,	Kilgore,	Richardson, Mich.
Barwig,	Donovan,	Lapham,	Robertson, La.
Beckner,	Dunphy,	Layton,	Russell, Ga.
Bell, Tex.	Durbin,	Lynch,	Sayers,
Beltzhoover,	English, Cal.	Maguire,	Simpson,
Black,	English, N. J.	Mallory,	Sorg,
Band,	Epes,	Martin, Ind.	Sperry,
Bartner,	Erwin,	McCreary, Ky.	Springer,
Branch,	Everett,	McElloch,	Stallings,
Breckinridge,	Forman,	McEltrick,	Talbot, Md.
Bruts,	Geissenhainer,	McKaig,	Tarsney,
Brown,	Goldzier,	McKeighan,	Tracey,
Bryan,	Graham,	Milliken,	Tucker,
Cabaniss,	Gresham,	Money,	Turner, Ga.
Caminetti,	Griffin, Mich.	Montgomery,	Turpin,
Caruth,	Haines,	Morgan,	Tyler,
Catchings,	Hall, Mo.	Neill,	Washington,
Causey,	Hammond,	O'Neill, Mo.	Weadock,
Clarke, Ala.	Harris,	Outhwaite,	Werner,
Cobb, Ala.	Hatch,	Paschal,	Wheeler, Ala.
Cobb, Mo.	Harrison,	Patterson,	Whiting,
Cooper, Fla.	Hayes,	Pearson,	Williams, Miss.
Cooper, Ind.	Heard,	Pence,	Wilson, W. Va.
		Pendleton, Tex.	Wise.

#### NAYS—143.

Abbott,	Brookshire,	Cox,	Geary,
Adams, Pa.	Brosius,	Crawford,	Gillett, Mass.
Aldrich,	Bundy,	Curtis, Kans.	Grady,
Arnold,	Campbell,	Curtis, N. Y.	Griffin, Wis.
Avery,	Cannon, Cal.	Dalsell,	Grout,
Baker, Kans.	Cannon, Ill.	Davis,	Grow,
Baker, N. H.	Capehart,	De Armond,	Hager,
Bartholdt,	Chickering,	Dockery,	Hainer, Nebr.
Bartlett,	Childs,	Dolliver,	Hare,
Belden,	Clark, Mo.	Doolittle,	Harmer,
Blair,	Cockrell,	Draper,	Hartman,
Boen,	Coffeen, Wyo.	Edmunds,	Haugen,
Boutelle,	Coffin, Md.	Ellis, Oreg.	Heiner, Pa.
Bowers, Cal.	Cooper, Tex.	Fletcher,	Henderson, Ill.
Broderick,	Cooper, Wis.	Funk,	Henderson, Iowa
Brownell,	Cousins,	Fyan,	Hopburn,

Hermann,	Linton,	Moses,	Stone, Ky.
Hicks,	Little,	Mutchler,	Storer,
Hitt,	Livingston,	Page,	Strait,
Hooker, N. Y.	Loud,	Payne,	Strong,
Hopkins, Ill.	Loudenslager,	Perkins,	Talbert, S. C.
Hopkins, Pa.	Lucas,	Phillips,	Tate,
Hudson,	Maddox,	Powers,	Tawney,
Hulick,	Magner,	Quigg,	Taylor, Ind.
Hull,	Mahon,	Randall,	Thomas,
Hunter,	Marsh,	Ray,	Updegraff,
Johnson, N. Dak.	McCall,	Reyburn,	Van Voorhis, Ohio
Jones,	McClary, Minn.	Ritchie,	Wanger,
Jordan,	McDearmon,	Robbins,	Warner,
Kiefer,	McDowell,	Russell, Conn.	Waugh,
Kribbe,	McNagney,	Shell,	Wells,
Kyle,	Meiklejohn,	Smoggrass,	Williams, Ill.
Lacey,	Mercoer,	Somers,	Wolverton,
Lane,	Moore,	Stephenson,	Woomer,
Lefever,	Moore,	Stone, C. W.	Wright,
Lester,	Morse,	Stone, W. A.	

#### ANSWERED "PRESENT"—5.

Bailey,	Gardner,	Richardson, Tenn.	Terry.
Daniels,			

#### NOT VOTING—89.

Adams, Ky.	Enloe,	Marvin, N. Y.	Settle,
Aitken,	Fielder,	McAleer,	Sherman,
Alderson,	Fithian,	McDannold,	Sibley,
Apsley,	Gear,	McGann,	Sickles,
Babcock,	Gillet, N. Y.	McLaurin,	Sipe,
Bell, Colo.	Goodnight,	McMillin,	Smith,
Berry,	Gorman,	McRae,	Stevens,
Bingham,	Grosvenor,	Meredith,	Stockdale,
Bower, N. C.	Hall, Minn.	Meyer,	Straus,
Brickner,	Harter,	Murray,	Swanson,
Bunn,	Hendrix,	Newlands,	Sweet,
Burnes,	Hines,	Northway,	Taylor, Tenn.
Cadmus,	Holman,	Ogden,	Turner, Va.
Clancy,	Hooker, Miss.	O'Neil, Mass.	Van Voorhis, N. Y.
Cockran,	Houk,	Pickler,	Wadsworth,
Cogswell,	Hutcheson,	Rayner,	Walker,
Coats,	Izlar,	Reed,	Wheeler, Ill.
Combs,	Johnson, Ind.	Richards,	White,
Covert,	Johnson, Ohio	Robinson, Pa.	Wilson, Ohio
Culbertson,	Latimer,	Rusk,	Woodard,
Davey,	Lawson,	Ryan,	
Dingley,	Lockwood,	Schermerhorn,	
Ellis, Ky.	Marshall,	Scranton,	

So the amendment was rejected.

Mr. GROSVENOR. Mr. Speaker, I am paired with the gentleman from Mississippi [Mr. HOOKER]. If he were present he would vote "yea;" I should vote "nay."

The following pairs were announced:

Until further notice:

Mr. O'NEIL of Massachusetts with Mr. COGSWELL.

Mr. MCRAE with Mr. GEAR.

Mr. HUTCHESON with Mr. DRAPER.

Mr. WOODARD with Mr. TAYLOR of Tennessee.

For this day:

Mr. COVERT with Mr. HOUK.

Mr. ENLOE with Mr. HEINER of Pennsylvania.

Mr. RAYNER with Mr. SWEET.

Mr. McDANNOLD with Mr. JOHNSON of Indiana.

Mr. BURNES with Mr. WHEELER of Illinois.

Mr. CADMUS with Mr. VAN VOORHIS of Ohio.

Mr. RUSK with Mr. SHERMAN.

Mr. COOPER of Indiana with Mr. SMITH of Illinois.

Mr. HARTER with Mr. SCRANTON.

Mr. SICKLES with Mr. BABCOCK.

On this question:

Mr. HOOKER of Mississippi with Mr. GROSVENOR.

Mr. ALDERSON with Mr. DINGLEY.

On this vote:

Mr. BERRY with Mr. BINGHAM.

Mr. McMILLIN with Mr. REED.

The result of the vote was then announced as above recorded.

[Applause on the Republican side.]

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1895, including the Capitol Police and Official Reporters of the Senate and House, and including the clerks to members of the House of Representatives now in Congress, to be certified to by the members as now prescribed by law, for extra services during the Fifty-third Congress, a sum equal to one month's pay, at the compensation then paid them, the same to be immediately available.

Mr. BRECKINRIDGE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRECKINRIDGE. Is that amendment divisible?

The SPEAKER. It is not, having been reported as one amendment.

Mr. SAYERS. I demand the yeas and nays on that.

Mr. BRECKINRIDGE. I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Chair will appoint as tellers the gentleman from Kentucky, Mr. BRECKINRIDGE, and the gentleman from New York, Mr. TRACEY.

Mr. HERMANN. I ask that the amendment be again read; there is so much confusion we could not hear it.

The SPEAKER. The Clerk will again report the amendment. The amendment was again read.

The question was taken; and there were—yeas 143, nays 111, answered "present" 1, not voting 94; as follows:

## YEAS—143.

Adams, Pa.	De Forest,	Hopkins, Pa.	Quigg,
Aldrich,	Dolliver,	Hull,	Randall,
Alexander,	Donovan,	Ikert,	Reilly,
Avery,	Doolittle,	Johnson, N. Dak.	Reynolds,
Baker, N. H.	Draper,	Kiefer,	Richards,
Bartholdt,	Durbin,	Lapham,	Robertson, La.
Bartlett,	Edmonds,	Layton,	Robinson, Pa.
Barwig,	English, Cal.	Lefever,	Russell, Conn.
Belden,	English, N. J.	Linton,	Russell, Ga.
Beltzhoover,	Epes,	Livingston,	Ryan,
Blair,	Forman,	Loudenslager,	Schermerhorn,
Boatner,	Funk,	Lucas,	Shell,
Bowers, Cal.	Gardner,	Mahon,	Somers,
Broderick,	Geary,	Marsh,	Sorg,
Bromwell,	Geisenhainer,	McCall,	Sperry,
Bundy,	Gillett, Mass.	Martin, Ind.	Springer,
Caminetti,	Griffin, Mich.	McCall,	Stephenson,
Campbell,	Griffin, Wis.	McCleary, Minn.	Stevens,
Caruth,	Grosvenor,	McDowell,	Stone, C. W.
Causey,	Grout,	McGann,	Stone, W. A.
Chickering,	Hager,	McNaghy,	Storck,
Clarke, Ala.	Haines,	Meiklejohn,	Strong,
Cobb, Mo.	Hamer,	Mercer,	Tawney,
Coffin, Md.	Hall, Mo.	Milliken,	Thomas,
Cooper, Fla.	Hare,	Morgan,	Tracey,
Cooper, Ind.	Harmer,	Morse,	Turner, Va.
Cooper, Tex.	Harris,	Mutchler,	Turpin,
Cornish,	Hartman,	Outhwaite,	Updegraff,
Cousins,	Hatch,	Paschal,	Van Voorhis, Ohio
Cox,	Hayes,	Pendleton, W. Va.	Wanger,
Crain,	Henry,	Phillips,	Waugh,
Curtis, Kans.	Hepburn,	Pigott,	Wever,
Curtis, N. Y.	Hermann,	Powers,	Williams, Miss.
Dalzell,	Hicks,		Wise.
Daniels,	Hooker, N. Y.		
Davey,			

## NAYS—111.

Allen,	Davis,	Perkins,
Arnold,	De Armond,	Reed,
Bailey,	Dinsmore,	Richardson, Tenn.
Bankhead,	Dockery,	Ritchie,
Barnes,	Dunn,	Robbins,
Beckner,	Dunphy,	Sayers,
Bell, Tex.	Ellis, Oreg.	Snodgrass,
Black,	Erdman,	Stallings,
Bland,	Everett,	Strait,
Boen,	Fan,	Swanson,
Branch,	Goldzier,	Talbot, S. C.
Breckinridge,	Grady,	Tarsney,
Bretz,	Gresham,	Tate,
Brookshire,	Hammond,	Taylor, Ind.
Brown,	Harrison,	Terry,
Bryan,	Haugen,	Tucker,
Bynum,	Henderson, N. C.	Turner, Ga.
Cabaniss,	Hitt,	Tyler,
Cannon, Cal.	Hopkins, Ill.	Warner,
Cannon, Ill.	Hudson,	Washington,
Capehart,	Hunter,	Wells,
Catchings,	Izlar,	Whelan, Ala.
Clark, Mo.	Jones,	Whiting,
Cobb, Ala.	Kama,	Williams, Ill.
Cockrell,	Kilgore,	Wilson, W. Va.
Coffeen, Wyo.	Kribbs,	Woomer,
Cooper, Wis.	Kyle,	Wright,
Crawford,	Lacey,	

## ANSWERED "PRESENT"—1.

Childs.

## NOT VOTING—94.

Abbott,	Culbertson,	Hulick,	Scranton,
Adams, Ky.	Denson,	Hutcherson,	Settle,
Aitken,	Dingley,	Johnson, Ind.	Sherman,
Alderson,	Ellis, Ky.	Johnson, Ohio	Sibley,
Apsley,	Enloe,	Magner,	Sickles,
Babcock,	Felder,	Maguire,	Simpson,
Baker, Kans.	Fithian,	Marshall,	Sipe,
Baldwin,	Fletcher,	Marvin, N. Y.	Smith,
Bell, Colo.	Gear,	McAleer,	Stockdale,
Berry,	Gillet, N. Y.	McDannold,	Straus,
Bingham,	Goodnight,	McKeighan,	Sweet,
Boutelle,	Gorman,	Meredith,	Talbot, Md.
Bower, N. C.	Graham,	Murray,	Taylor, Tenn.
Brickner,	Hall, Minn.	Newlands,	Van Voorhis, N. Y.
Brosius,	Harter,	Northway,	Wadsworth,
Bunn,	Heard,	Ogden,	Walker,
Burnes,	Heiner,	Payne,	Weddock,
Cadmus,	Henderson, Ill.	Pickler,	Wheeler, Ill.
Clancy,	Hendrix,	Price,	White,
Cockran,	Hines,	Ray,	Wilson, Ohio
Cogswell,	Holman,	Richardson, Mich.	Woodard,
Conn,	Hooker, Miss.	Rusk,	
Coombs,	Hoar,		
Covert,			

So the amendment was agreed to.

Mr. SPRINGER. I would like to have my name called.

Mr. McMILLIN. Let us have a recapitulation of the vote.

The SPEAKER. The vote will be recapitulated.

Mr. TARSNEY. I ask for order.

The SPEAKER. The Chair is endeavoring to secure order.

Mr. TARSNEY. I rise to a point of order. I desire to inquire if it is in order to proceed with all the employees and brevet employees of this House surrounding the Clerk's desk.

The vote was recapitulated.

Mr. COX. I desire to change my vote from nay to yea, for the purpose of moving a reconsideration of that vote. [Cries of "Oh!"]

Mr. COOPER of Indiana. Mr. Speaker, while I am paired with the gentleman from Illinois, Mr. SMITH, the understanding was that I should vote if I desired to do so.

Mr. BROSIUS. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is recorded in the affirmative.

Mr. BROSIUS. I did not vote. I am paired with the gentleman from South Dakota [Mr. PICKLER]. If he were here, he would vote "yea," I would vote "nay."

Mr. BOWERS of California. Mr. Speaker, the gentleman from Ohio, Mr. NORTHWAY, is confined to his room, sick, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. TAYLOR of Indiana. Mr. Speaker, I would like to have my colleague, Mr. HOLMAN, excused. He is detained from the House on account of sickness. If he were present he would vote "nay."

Mr. MEYER. My colleague, Mr. OGDEN, is confined to his room, on account of sickness, and I ask that he be excused.

There was no objection, and it was so ordered.

Mr. WEADOCK. Mr. Speaker, I desire to withdraw my vote. I was paired with my colleague, Mr. GORMAN. If he were present, he would vote "yea;" I should vote "nay."

The following additional pairs were announced:

For the rest of the day:

Mr. GRAHAM with Mr. AITKEN.

Mr. CULBERTSON with Mr. DINGLEY.

Mr. BERRY with Mr. HENDERSON of Iowa.

Mr. ALDERSON with Mr. SCRANTON.

Mr. TALBOTT of Maryland with Mr. WHITE.

Mr. HOLMAN with Mr. NORTHWAY.

On this question:

Mr. BROSIUS with Mr. PICKLER.

The result of the vote was then announced as above recorded.

Mr. COX. I move to reconsider the vote by which the amendment was agreed to.

Mr. HAYES. I move to lay that motion on the table, Mr. Speaker.

The SPEAKER. The question will be taken on the motion to lay the motion to reconsider on the table.

Mr. COX. On that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Chair will appoint as tellers the gentleman from Iowa, Mr. HAYES, and the gentleman from Tennessee, Mr. COX.

The question was taken; and there were—yeas 145, nays 91, not voting 113; as follows:

## YEAS—145.

Aldrich,	Davey,	Hopkins, Pa.	Pigott,
Alexander,	De Forest,	Hulick,	Powers,
Avery,	Dolliver,	Hull,	Randall,
Baker, Kans.	Doolittle,	Ikert,	Ray,
Baker, N. H.	Draper,	Johnson, N. Dak.	Reilly,
Baldwin,	Dunn,	Jordan,	Reynolds,
Bartholdt,	Durbin,	Kiefer,	Richards,
Bartlett,	Edmonds,	Kribbs,	Robertson, La.
Barwig,	English, Cal.	Lapham,	Robinson, Pa.
Belden,	English, N. J.	Layton,	Russell, Conn.
Beltzhoover,	Epes,	Lefever,	Russell, Ga.
Berry,	Forman,	Linton,	Schermerhorn,
Blair,	Funk,	Livingston,	Sorg,
Boatner,	Gardner,	Loud,	Sperry,
Bowers, Cal.	Geary,	Loudenslager,	Springer,
Broderick,	Geisenhainer,	Lucas,	Stephenson,
Bromwell,	Griffin, Mich.	Lynch,	Stevens,
Bundy,	Griffin, Wis.	Mahon,	Stone, C. W.
Bynum,	Grosvenor,	Marsh,	Stone, W. A.
Campbell,	Grout,	Martin, Ind.	Stone, Ky.
Cannon, Cal.	Grow,	McCall,	Storer,
Caruth,	Hager,	McCleary, Minn.	Strong,
Causey,	Haines,	McDowell,	Tawney,
Chickering,	Hamer,	McGann,	Thomas,
Childs,	Hare,	McNaghy,	Tracey,
Clarke, Ala.	Harmer,	Mercer,	Turpin,
Cobb, Mo.	Harris,	Milliken,	Updegraff,
Cooper, Fla.	Hartman,	Money,	Van Voorhis, Ohio
Cooper, Ind.	Hatch,	Morgan,	Wanger,
Cooper, Tex.	Hayes,	Morse,	Wever,
Cooper, Wis.	Henderson, Ill.	Mutchler,	Whiting,
Cousins,	Henry,	Outhwaite,	Williams, Miss.
Crain,	Hepburn,	Paschal,	Wise.
Curtis, Kans.	Hermann,	Pendleton, W. Va.	
Curtis, N. Y.	Hicks,	Phillips,	
Dalzell,	Hitt,		
Daniels,	Hooker, N. Y.		

## NAYS—91.

Arnold,	Branch,	Cockrell,	Erdman,
Bailey,	Breckinridge,	Coffeen, Wyo.	Everett,
Bankhead,	Bretz,	Cox,	Fan,
Barnes,	Brookshire,	Crawford,	Goldzier,
Beckner,	Cabaniss,	Davis,	Gresham,
Bell, Tex.	Capehart,	De Armond,	Grady,
Black,	Catchings,	Dockery,	Hall, Mo.
Boen,	Clark, Mo.	Dunphy,	Hammond,
	Cobb, Ala.	Ellis, Oreg.	Harrison,



Haugen,  
Henderson, N. C.  
Hudson,  
Hunter,  
Isler,  
Jones,  
Kilgore,  
Kyle,  
Lacey,  
Lane,  
Latimer,  
Lawson,  
Lester,  
Little,

Lockwood,  
Maddox,  
Malloy,  
McCulloch,  
McDearmon,  
McEttrick,  
McKaig,  
McLaurin,  
McMillin,  
Montgomery,  
Moore,  
Moses,  
O'Neil, Mass.  
Page,

Patterson,  
Pearson,  
Pence,  
Pendleton, Tex.  
Perkins,  
Reed,  
Richardson, Tenn.  
Ritchie,  
Sayers,  
Snodgrass,  
Stallings,  
Strait,  
Swanson,  
Talbert, S. C.

Tarsney,  
Tate,  
Taylor, Ind.  
Terry,  
Tucker,  
Turner, Ga.  
Tyler,  
Warner,  
Wells,  
Wheeler, Ala.  
Williams, Ill.  
Wilson, W. Va.  
Woomer.

## NOT VOTING—113.

Abbott,  
Adams, Ky.  
Adams, Pa.  
Aitken,  
Alderson,  
Allen,  
Apsley,  
Babcock,  
Bell, Colo.  
Bingham,  
Boutelle,  
Bower, N. C.  
Brickner,  
Brosius,  
Brown,  
Bryan,  
Bunn,  
Burnes,  
Cadmus,  
Caminetti,  
Cannon, Ill.  
Clancy,  
Cockran,  
Coffin, Md.  
Cogswell,  
Conn,  
Coombs,  
Cornish,  
Covert,

Culberson,  
Denson,  
Dingley,  
Dinsmore,  
Donovan,  
Ellis, Ky.  
Enloe,  
Fielder,  
Fithian,  
Fletcher,  
Gear,  
Gillet, N. Y.  
Gillett, Mass.  
Goodnight,  
Gorman,  
Graham,  
Hall, Minn.  
Harter,  
Heard,  
Heimer, Pa.  
Henderson, Iowa  
Hendrix,  
Hines,  
Holman,  
Hooker, Miss.  
Hopkins, Ill.  
Hout,  
Hutcheson,  
Johnson, Ind.

Johnson, Ohio  
Ken,  
Magner,  
Maguire,  
Marshall,  
Marvin, N. Y.  
McAleer,  
McDannold,  
McKeighan,  
McRae,  
Meiklejohn,  
Meredith,  
Meyer,  
Murray,  
Neill,  
Newlands,  
Northway,  
Ogden,  
O'Neill, Mo.  
Payne,  
Pickler,  
Price,  
Quigg,  
Rayner,  
Richardson, Mich.  
Robbins,  
Rusk,  
Ryan,  
Scranton,

Settle,  
Shell,  
Sherman,  
Sibley,  
Sickles,  
Simpson,  
Sipe,  
Smith,  
Somers,  
Stockdale,  
Straus,  
Sweet,  
Talbot, Md.  
Taylor, Tenn.  
Van Voorhis, N. Y.  
Wadsworth,  
Walker,  
Washington,  
Waugh,  
Weadock,  
Wheeler, Ill.  
White,  
Wilson, Ohio  
Wolverton,  
Woodard,  
Wright.

The SPEAKER. Upon this question the yeas are 145 and the nays are 91. The yeas have it, and the motion to reconsider is laid on the table. The question now is upon the engrossment and third reading of the amended bill.

The question being taken, the bill was ordered to be engrossed and read a third time.

Mr. MADDOX. Mr. Speaker, I move to recommit the bill with the instructions which I send to the desk.

The motion of Mr. MADDOX was read, as follows:

*Resolved*, That House bill 8892 be recommitted to the Committee on Appropriations with instructions to report the same back forthwith with all provisions for one month's extra pay for members' clerks stricken from the bill.

Mr. MADDOX. Upon that I demand the previous question.

Mr. WILLIAM A. STONE. Mr. Speaker, I make the point of order that that question has just been voted upon by the House.

The SPEAKER. Not singly. There was something else connected with it.

Mr. SPRINGER. This motion relates only to the clerks of members.

Mr. WILLIAM A. STONE. But it is practically the same question that has just been voted upon.

The SPEAKER. Not at all. This motion applies to one class of clerks, while the amendment just voted upon by the House related both to those clerks and to another class of employees.

Mr. WILLIAM A. STONE. Mr. Speaker, I find on page 313 of the Manual this:

It is not in order to move to recommit a bill with instructions to insert what the House has just voted to strike out.

Now, the converse of that ought to be true, and where the House has just refused to strike out an amendment made in Committee of the Whole and has voted to sustain it, in my judgment it would clearly be out of order to move to recommit the bill with instructions to strike that provision out.

The SPEAKER. Would the gentleman regard the amendment which has just been voted upon as identical with this? As the Chair understands it, the amendment reported from the Committee of the Whole was to pay the clerks and other employees of the House one month's extra pay, and also to pay the clerks of members one month's pay. This motion, as the Chair understands it, is to recommit the bill with instructions to strike out so much of the amendment as provides for a month's extra pay to clerks of members alone, without reference to the House employees.

Mr. WILLIAM A. STONE. Well, the greater includes the less. If such a motion as that made by the gentleman from Georgia is in order, we can never dispose of a bill.

The SPEAKER. Under the rules there can be but one motion to recommit made. The gentleman from Georgia moves to recommit the bill with instructions, and on that he demands the previous question.

Mr. BAKER of New Hampshire. Mr. Speaker, I move to amend the motion to recommit.

The SPEAKER. The previous question is demanded. The question is upon ordering the previous question.

The question being taken on ordering the previous question, the Speaker declared that the yeas seemed to have it.

Mr. MADDOX. I ask for a division.

The House divided; and there were—yeas 75, yeas 125; so the previous question was refused.

Mr. GROSVENOR. Mr. Speaker, I move to amend the motion of the gentleman from Georgia to recommit by inserting the portion of the amendment reported from the Committee of the Whole that was omitted by him.

The SPEAKER. The Clerk will report the amendment of the gentleman from Ohio.

Mr. TRACEY. I rise to a point of order. I submit that this proposition would practically require the House to vote again upon the question we have just voted on.

The SPEAKER. But if the motion to recommit is in order it is undoubtedly amendable under the rules.

Mr. McMILLIN. The Chair, then, holds that to amend it would not be putting it in a condition so that it could not be voted on.

The SPEAKER. The Chair has not reached that point. [Laughter.] The Clerk will report the proposed amendment of the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. I desire to modify my amendment by omitting the reading clerk now reading at the desk. My amendment is to strike out all of the amendment in regard to extra month's pay except that relating to the reading clerk.

The SPEAKER. The gentleman will please reduce his amendment to writing.

After a pause the amendment of Mr. GROSVENOR was read, as follows:

Amend the instructions as proposed by adding the following: "Strike out all persons, clerks, and employees to be paid extra pay, except the Capitol police."

[Laughter.]

Mr. BRECKINRIDGE. On that I demand the previous question. The previous question was ordered.

The SPEAKER. The question is upon the amendment offered by the gentleman from Ohio [Mr. GROSVENOR].

The question being taken, the amendment was agreed to; there being—yeas 127, yeas 39.

The SPEAKER. The question is now upon the motion to recommit as amended.

The SPEAKER proceeded to put the question.

Mr. MADDOX (during the vote). Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. MADDOX. To demand the yeas and nays.

The SPEAKER. The House is dividing.

Mr. McMILLIN. But the gentleman has the right at any time to demand the yeas and nays.

The SPEAKER. The demand for the yeas and nays can not interrupt a division.

Mr. McMILLIN. I submit, with deference to the Chair, that the yeas and nays can be demanded at any time.

The SPEAKER. Not during a division.

The question being taken, there were—yeas 49, yeas 125.

Mr. MADDOX. I now demand the yeas and nays.

The question being taken on ordering the yeas and nays, there were—yeas 32.

The SPEAKER. Not a sufficient number, in the opinion of the Chair.

Mr. MADDOX. I ask for a count of the other side.

The question being taken, there were 167 in the negative.

Mr. WELLS. I call for tellers on ordering the yeas and nays. Tellers were not ordered, only 18 voting in favor thereof.

Mr. WELLS. I move that the House adjourn.

The SPEAKER. But the Chair must announce the result of the vote. Tellers are refused; the yeas and nays are refused; and the motion to recommit is rejected. The question is now, Shall the bill pass?

Mr. WELLS. I move that the House do now adjourn.

Mr. GROSVENOR. I hope the gentleman will not filibuster. The motion of Mr. WELLS was rejected.

Mr. WELLS. I rise to a parliamentary inquiry: Is a motion to recommit without instructions in order?

The SPEAKER. It is not. Only one motion to recommit can be made. The question is, Shall the bill pass?

The question being taken, there were—yeas 181, yeas 24.

Mr. BLAND. I call for the yeas and nays.

The yeas and nays were not ordered.

So the bill was passed.

On motion of Mr. BRECKINRIDGE, a motion to reconsider the vote by which the bill was passed was laid on the table.

## DAILY HOUR OF MEETING.

Mr. OUTHWAITE. I ask unanimous consent that the House meet at 11 o'clock every day for the rest of this session.

Mr. SAYERS. I object.

Mr. OUTHWAITE. I hope the gentleman will not object.

Mr. SAYERS. Yes, sir; I object.

Mr. OUTHWAITE. We desire to give an opportunity to the

Committee on Labor to bring their business before the House to-morrow.

Mr. SAYERS. I withdraw the objection if the gentleman will limit his motion to to-morrow.

Mr. OUTHWAITE. Very well, I ask unanimous consent that to-morrow the House meet at 11 o'clock.

There being no objection, it was ordered accordingly.

#### ORDER OF BUSINESS.

Mr. OUTHWAITE. I ask unanimous consent that the special order for eulogies at 2 o'clock to-morrow be postponed until 3 o'clock.

The SPEAKER. The Chair understands that this will be agreeable to the gentlemen from Illinois. In the absence of objection, the special order will be postponed as requested.

There was no objection, and it was ordered accordingly.

#### ENROLLED BILLS SIGNED.

Mr. PEARSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolutions of the following titles: when the Speaker signed the same:

A bill (H. R. 8237) for relief of William W. Buckley, late first lieutenant One hundred and ninety-fourth Regiment Ohio Volunteers;

Joint resolution (S. R. 117) granting permission for the erection of a bronze statue in Washington, D. C., in honor of the late Prof. Samuel D. Gross, M. D., LL. D., D. C. L.;

Joint resolution (S. R. 138) authorizing the Secretary of the Navy to deliver unserviceable or condemned cannon to the mayor of Burlington, Vt., to be used in decorating Battery Park; and

Joint resolution (S. R. 109) to fill vacancies in the Board of Regents of the Smithsonian Institution.

#### POST-OFFICE APPROPRIATION BILL.

Mr. HENDERSON of North Carolina. Mr. Speaker, I desire to submit a conference report on the Post-Office appropriation bill, which is a partial agreement.

Mr. LOUD. I hope the gentleman will not present that this evening. It is not an agreement in full, and it is now nearly half past 5 o'clock.

Mr. HENDERSON of North Carolina. I only want the report adopted, and then the other may go over until to-morrow.

The SPEAKER. The Clerk will read the statement of the House conferees.

The Clerk read as follows:

#### STATEMENT.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8272) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1896, submit the following written statement in explanation of the action taken by the conference:

The House agreed to the following amendments of the Senate: (1) To increase appropriations for printing slips, etc., from \$12,000 to \$15,000, and (2) to increase appropriation for railway-car service from \$3,105,000 to \$3,205,000. These increases are in accordance with the estimates. The House also agrees to an amendment striking out "Springfield" and inserting "Boston" in the clause for necessary facilities on trunk lines. This is an immaterial amendment.

The committee of conference report a disagreement in regard to the amendment of the Senate relating to the residence of postal clerks on the route to which they are assigned.

#### POST-OFFICE BILL, 1896.

Amount as passed House.....	\$80,442,997.86
Increase made by Senate.....	103,000.00

Amount as passed Senate.....	89,545,997.86
Amount as agreed to by conference.....	89,545,997.86
Amount of estimates.....	91,059,283.64
Amount of act for 1895.....	87,236,599.55

JOHN S. HENDERSON.  
EDW. J. DUNPHY.  
E. F. LOUD.

The SPEAKER. The question is on agreeing to the partial report.

The report was agreed to.

The SPEAKER. The Clerk will now report the question that is at issue between the two Houses.

The Clerk read as follows:

Amend on page 4, line 20, after the words "Postmaster-General," by inserting:

*Provided, That all clerks hereafter appointed to the Railway Mail Service, and to perform duty in railway post-offices, shall reside at some point along the route to which they are assigned; but railway clerks heretofore appointed, and now performing such duty, shall not be required to change their residence.*

Mr. HENDERSON of North Carolina. The Senate ask a conference on this amendment, and my motion will be to agree to that conference. The gentleman from California, I understand, wishes to move that the House recede and agree to the amendment. I am willing to let that lie over until to-morrow morning to satisfy his convenience.

The SPEAKER. The gentleman from North Carolina moves to further insist on the disagreement to this amendment.

Mr. LOUD. I move that the House recede from its disagreement to the amendment and agree to the same. And pending that, I move that the House adjourn.

The SPEAKER. The Chair would suggest that if the House does not remain in session until a later hour it will be difficult to transact the business.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. HOLMAN, for this day, on account of sickness in his family.

To Mr. NORTHWAY, definitely, on account of sickness.

#### DUPLICATE BILL FROM THE SENATE.

The SPEAKER also laid before the House the following resolution; which was read, considered, and adopted:

*Resolved, That the Senate be requested to furnish to the House a duplicate of the bill (S. 2243) in aid of the exposition to be held under the auspices of the Baltimore Centennial Exposition, and for other purposes, the same having been lost or mislaid.*

#### ORDER OF BUSINESS.

Mr. MARTIN of Indiana. Mr. Speaker, I hope the gentleman from California will withhold his motion to adjourn until I can call up the Friday night bills. It will not take over eighteen or twenty minutes to dispose of them.

Mr. HENDERSON of North Carolina. I understood the gentleman from California [Mr. LOUD] to request that this conference report be laid aside until to-morrow morning. I have no objection to that.

The SPEAKER. That will of course take time from a committee which expects to present business to-morrow. The gentleman asks consent, however, to let this conference report go over until to-morrow morning.

Mr. HENDERSON of North Carolina. And to make it a special order for 12 o'clock.

Mr. MAGUIRE. I object to that.

Mr. HENDERSON of North Carolina. Then I have no objection to going on with it and concluding it to-night. I have made the motion that we agree to the conference asked by the Senate.

The SPEAKER. The gentleman from California has made a motion which must be first disposed of.

Mr. LOUD. I move that the House now adjourn.

The motion was agreed to.

And accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until to-morrow morning at 11 o'clock.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MAHON, from the Committee on War Claims: A bill (H. R. 2325) for the relief of the estate of James S. Clark, deceased. (Report No. 1926.)

By Mr. TURPIN, from the Committee on Indian Affairs: A bill (S. 2364) for the relief of Silas P. Keller. (Report No. 1927.)

By Mr. LACEY, from the Committee on Invalid Pensions: A bill (H. R. 6356) granting a pension to George W. Johnson. (Report No. 1928.)

#### PUBLIC BILLS AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. HAINER of Nebraska: A bill (H. R. 8949) to establish a national university—to the Committee on Education.

By Mr. TUCKER (by request): A resolution to establish a national park at Appomattox, Va., and to appoint commissioners to locate same—to the Committee on Military Affairs.

By Mr. SMITH of Arizona: A memorial of the legislative assembly of Arizona, praying that Chalcedony Park, near Holbrook, Apache County, Ariz., be set aside and formed into a national park under care of the General Government—to the Committee on the Public Lands.

By Mr. HERMANN: A memorial of the Oregon legislature, for the improvement of Umpqua River, Oregon—to the Committee on Rivers and Harbors.

#### PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as follows:

By Mr. GROUT: A bill (H. R. 8950) for the relief of Company M, Twenty-sixth Regiment New York Cavalry—to the Committee on Military Affairs.

By Mr. PASCHAL: A bill (H. R. 8951) to pension James G. Matthews, of Texas—to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDRICH: Petition of Frances E. Willard and 79



ethers, of the Women's Christian Temperance Union, for the passage of House bill of January 19, 1895, for a permanent treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. BRODERICK: Memorial of Francis G. Peabody and 50 others, of Howard University, and of Frederic E. Dewhurst and 75 others, in favor of the passage of the antilottery bill now pending in the House—to the Committee on the Judiciary.

Also, resolution of Division No. 161, Order of Railway Conductors of Kansas, in favor of the Wright and Hermann labor arbitration bill—to the Committee on Labor.

By Mr. COX: Petition of J. W. Howard and other citizens of Maury County, Tenn., in regard to bounty on sugar—to the Committee on Appropriations.

By Mr. DALZELL: Resolution of American citizens of Fayette City, Pa., in favor of an amendment to the Constitution that neither Congress nor any State shall pass any law respecting an establishment of religion—to the Committee on the Judiciary.

By Mr. GROUT: Memorial of the Houston Board of Trade and the Fairbanks Company of New York, in behalf of the sugar producers of 1894 and in favor of giving them the bounty for that year—to the Committee on Ways and Means.

Also, memorial of J. B. Scully and others, of Frontier Cavalry, for unpaid portion of bounty—to the Committee on Military Affairs.

By Mr. HAYES: Petition of J. Ellen Foster and others, of the National Council of Women, asking for the passage of House resolution of January 19, 1895, for the ratification of a permanent treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. HERMANN: Petition of citizens of Woodburn and Astoria, Oreg., for a constitutional amendment prohibiting the granting of the right of franchise to persons not citizens of the United States—to the Committee on the Judiciary.

Also, resolution of the Chamber of Commerce of Portland, Oreg., favoring the Lodge bill for the reorganization of the diplomatic service—to the Committee on Foreign Affairs.

By Mr. HICKS: Petition of 40 citizens of Casselman, Pa., prohibiting any State from granting the right of franchise to any person not a citizen of the United States—to the Committee on the Judiciary.

Also, petition of 44 citizens of Pennsylvania who served in the various construction corps and on military railroads attached to the United States Army from 1861 to 1865, asking that a law be enacted to allow them the benefits of a pension, as provided in the act of June, 1890—to the Committee on Invalid Pensions.

By Mr. McCLEARY of Minnesota: Resolution of St. Paul (Minn.) Order of Railway Conductors, Division No. 40, favoring House bill 8556, providing for adjustment of differences between railroads and their employees—to the Committee on Labor.

By Mr. MILLIKEN: Petition of B. L. Whitman and others, for a law to suppress lotteries—to the Committee on the Judiciary.

By Mr. PENCE: Resolution of the American Federation of Labor, in favor of the free and unlimited coinage of both silver and gold at the ratio of 16 to 1—to the Committee on Coinage, Weights, and Measures.

Also, protest against exempting mining claims from annual work—to the Committee on Mines and Mining.

Also, resolutions adopted at a meeting of 125 citizens of Denver, Colo., against granting the right of franchise to persons not citizens of the United States—to the Committee on the Judiciary.

Also, resolutions of 125 citizens of Denver, Colo., against appropriating public money and in favor of a law prohibiting an establishment of religion—to the Committee on the Judiciary.

By Mr. PICKLER: Petition of Burt Fuller and 835 others, of Sisseton, S. Dak., praying for the passage of the Pickler bill, providing for a reduction of price of Government lands to \$1.25 per acre—to the Committee on the Public Lands.

By Mr. PIGOTT: Petition of the Wine, Liquor, and Beer Dealers' Association of Ansonia, Conn., against an increase in the tax on beer—to the Committee on Ways and Means.

By Mr. REYBURN: Petition of B. F. Nickersham and others, of Philadelphia, Pa., for the passage of House resolution of January 19, 1895, for the ratification of a permanent treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. RICHARDSON of Michigan: Petition of the Grange, Cascade, Mich., for the passage of the bill to give the States authority over the sale and manufacture of imitations of butter—to the Committee on Agriculture.

By Mr. RYAN: Petition of Journeymen Bookbinders' Union, No. 4, and Columbia Union, No. 101, journeymen printers, per W. B. Hyde and B. L. Smith, chairmen of committees, in favor of the passage of House resolution 244, to revise the wages of certain Government Printing Office employees—to the Committee on Printing.

By Mr. WANGER: Preamble and resolution of meeting of citizens of Pottstown, Pa., for the passage of House bill 5246—to the Committee on the Judiciary.

## SENATE.

TUESDAY, February 26, 1895.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

## THE JOURNAL AND THE RECORD.

The VICE-PRESIDENT. The Journal of yesterday's proceedings will be read by the Secretary.

Mr. GALLINGER. I ask that the reading of the Journal be dispensed with.

The VICE-PRESIDENT. Is there objection?

Mr. MANDERSON. I object.

The VICE-PRESIDENT. There is objection.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. HALE (at 11 o'clock and 10 minutes a. m.). I ask that the further reading of the Journal be dispensed with.

Mr. GALLINGER. I am constrained to object to that request.

The VICE-PRESIDENT. An objection is interposed.

The reading of the Journal was resumed and concluded.

Mr. HALE. Before the Journal is approved, I wish to call the attention of the Senate to the difference between the Journal and the RECORD. The Journal is completed, as it should be, down to the moment of adjournment, but I find on examining the RECORD that a considerable portion of the report of last evening is not included in the RECORD for the day. As every Senator knows, this, particularly in the last days of the session, is very troublesome, because we only gain the knowledge of what is done in this and in the other branch by reading the RECORD. It is the first thing that I do in the morning, so as to be apprised of what is going on.

I call the attention of the Committee on Printing to this matter. The Senator from Nebraska [Mr. MANDERSON] is, I think, the only member present. I am told that so faithful was the work of our reporters that at half past 1 the last page of the report of the proceedings was copied and completed and sent to the Printing Office.

Mr. HAWLEY. At 1.

Mr. HALE. It may have been 1 o'clock. I was told at half past 1. Either is enough to show that we might have had the RECORD. But the Printing Office, whose main business it is to report the proceedings of Congress, shut off its work, put out its lights, and declined to complete the RECORD and furnish it to us for this morning.

Mr. President, unless some note of warning and some monition is served upon the Printing Office (I hope the Committee on Printing will attend to it) we shall be in this situation all the time. We must have night sessions; we shall have to get a knowledge of the proceedings of the Senate from the RECORD the next morning, covering the day before; and if every night this office, which is our servant, the servant of Congress, shuts off work, extinguishes lights at 2 o'clock, or at any hour when copy is coming in, we shall be in the same situation as we are now.

I am aware that the fault, if there is fault, should not be attributed to our reporters, who are very constant in their work. There will be cases—I have known cases—where Congress sits all night and into the early hours of morning, when the proceedings can not be got into the RECORD; but the adjournment last night was inside of 11 o'clock, and there was no reason why we should not have had every word from the Printing Office.

Mr. MANDERSON. I simply desire to say that no one questions the capacity and the interest, day and night, of the reporting force of the Senate; and it is seldom that there is occasion to question the industry and faithfulness of those who are responsible for the conduct of the Public Printing Office. It is very exceptional that this has occurred. Usually when we sit until 12 or 1 o'clock we find in the RECORD the next morning the full account of our proceedings, or if there is delay for an hour or two, it is laid on our desks during the morning.

I have no question but that there is some good excuse for this omission. It is, as the Senator from Maine suggests, an omission that is to be regretted, because it causes embarrassment. Those of us who desired to read what was done in the later hours of last night's session found ourselves unable to get that information this morning.

Mr. HALE. A Senator tells me he was informed by the Printing Office that they would receive nothing for the RECORD after 12 o'clock.

Mr. MANDERSON. That of course should not be, and will be remedied.

Mr. HALE. The question is whether they are the masters or whether we are the masters.

The VICE-PRESIDENT. The Journal will be approved.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, requested the Senate to furnish the House with a duplicate copy of the bill (S. 2243) in aid of the exposition to be held under the auspices of the Baltimore Centennial Association, and for other purposes, the original having been lost or mislaid.

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

A bill (S. 444) making the surveyor of the District of Columbia a salaried officer, and to provide for more efficient service in the surveyor's office.

A bill (H. R. 962) for the relief of Captain Ceran Saint Vrain's company of New Mexico Mounted Volunteers;

A bill (H. R. 1314) for the relief of Mathew S. Priest; and

A bill (H. R. 4507) for the relief of Witherby & Gaffney.

## EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War transmitting a letter from the Adjutant-General inclosing a draft of a joint resolution providing for the printing, under an act of Congress approved January 12, 1895, of publications necessary for the instruction and discipline of the Army; which, with the accompanying papers, was referred to the Committee on Printing and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, in response to a resolution of the 23d instant, transmitting correspondence and reports on file in that Department relative to the remission of time penalties on the *Yorktown*, *Baltimore*, *Philadelphia*, and *Newark*; which, on motion of Mr. HUNTON, was referred to the Committee on Appropriations.

## BALTIMORE CENTENNIAL EXPOSITION.

The Vice-President laid before the Senate the request of the House of Representatives that the Senate furnish the House a duplicate copy of the bill (S. 2243) in aid of the exposition to be held under the auspices of the Baltimore Centennial Association, and for other purposes; and by unanimous consent the request was ordered to be complied with, and the duplicate furnished to the House.

## ORDER OF BUSINESS.

Mr. COCKRELL. I move that the Senate proceed to the consideration of the bill (H. R. 8518) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes.

Mr. VEST. Let us have half an hour for reports of committees.

Mr. MILLS. Let morning business be transacted.

Mr. PALMER. Will the Senator yield, that I may submit some reports?

Mr. COCKRELL. I am perfectly willing that fifteen or twenty minutes shall be given for the submission of amendments and reports, and I will yield as soon as the bill is taken up.

Mr. HOAR. I do not hear the Senator.

Mr. COCKRELL. I said I am perfectly willing, when the bill is taken up, to yield ten, fifteen, or twenty minutes for making reports of committees and submitting amendments.

Mr. SHERMAN. And petitions.

Mr. COCKRELL. Petitions and so on—morning business; but not to take up and pass bills. I hope to make such progress with the appropriation bill that we can yield to the Senate to-night to consider unobjectioned bills, according to the general agreement.

Mr. CAFFERY. I rise to morning business.

The VICE-PRESIDENT. Objection being interposed to the request of the Senator from Missouri, morning business will be received.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a communication from the Secretary of the Navy, stating that he had forwarded to the House of Representatives a petition of the officers and enlisted men of the U. S. S. *Yantic*, praying for an amendment to the act of February 14, 1885, authorizing a retired list for privates and noncommissioned officers of the United States Army who have served for a period of thirty years or upward, so as to include enlisted men of the Navy; which was referred to the Committee on Naval Affairs.

Mr. CAFFERY. I present a telegram, evidently intended to be a petition, signed by the leading business men of New Orleans, asking that the sugar producers of the country be granted a portion of the bounty on the crops of 1894. I move that the petition lie on the table.

The motion was agreed to.

Mr. CAREY presented a joint resolution of the legislature of Wyoming; which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

## House joint resolution No. 7.

*Be it resolved by the house of representatives (the senate concurring therein), That, believing that the proposed additional issue of bonds on the part of the National Government is a movement in the East on the part of New York bankers to force the country to a gold basis beyond the possibility of a change and to drive the National Government from its constitutional supervision of the currency of the country, and believing that this would entail untold misery on the common people of the land, we most respectfully ask that the Representatives in the National Congress from the State of Wyoming protest against the issuance of gold bonds or any bonds which would fasten a debt upon the people for generations to come.*

*We further ask that the Representatives of this State use all honorable means to prevent legislation as proposed by the President's message sent to Congress on Monday, January 21, 1895, and to defeat the Administration bill now before the Banking and Currency Committee of the House of Representatives in Washington.*

*Be it further resolved, That a copy of these resolutions, suitably indorsed and engrossed, be sent to Hon. J. M. CAREY and Hon. C. D. CLARK in the Senate of the United States, and Hon. H. A. COFFEE in the House of Representatives.*

GEO. W. HOYT,  
President of the Senate.  
JAY L. TORREY,  
Speaker of the House.

Approved, February 11, A. D. 1895.

WM. A. RICHARDS, Governor.

## STATE OF WYOMING, OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming*, ss:

I, Charles W. Burdick, secretary of state of the State of Wyoming, do hereby certify that the annexed copy of house joint resolution No. 7 is a true and correct copy of the original, which was duly passed by the third legislature of the State of Wyoming, signed by the governor, and is now on file in the office of the secretary of state.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 12th day of February, A. D. 1895.

[SEAL.] CHARLES W. BURDICK,  
Secretary of State.

Mr. PERKINS. I present two joint resolutions of the legislature of California, the first in favor of the free and unlimited coinage of silver, and the second asking an immediate appropriation for the United States Debris Commission. My colleague and myself have received similar resolutions, and I ask that these presented by myself be printed in the RECORD and referred to the appropriate committees.

The following joint resolution was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

## Assembly joint resolution No. 13.

Passed the Assembly February 6, A. D. 1895.

Passed the Senate February 14, A. D. 1895.

Chief Clerk of the Assembly.

Secretary of the Senate.

This resolution was transmitted to the governor this 18th day of February, A. D. 1895.

E. L. COLMON,  
Private Secretary to the Governor.

Chapter — Assembly joint resolution No. 13, relative to the free coinage of silver.

Whereas we recognize the fact that by the demonetization of silver, and by refusal to give it equal standing in the coinage system of the United States, the material interest of the nation is dangerously impaired; and whereas it is recognized to be a fact that the opposition to silver coinage emanates from speculative syndicates and moneyed classes who seek to embarrass the people of the nation for the advancement of their own selfish ends; and whereas we entertain the firm belief that the full measure of national prosperity will never be restored until the coinage of silver is resumed, in accordance with the true intent and spirit of the Constitution of the United States, and having unbounded faith in the power and ability of this nation to restore and maintain silver in its proper position alongside of gold; and whereas, we believe that the issue of United States bonds for the purpose of maintaining a single gold standard, or any standard that does not contemplate the free and unlimited coinage of silver is a practice fraught with the greatest danger to the stability of our institutions and the maintenance of national credit: Therefore be it

*Resolved*, That our Senators in Congress be instructed, and our Representatives be requested, to earnestly and urgently advocate the immediate enactment of such laws as may be necessary to provide for the immediate resumption of the free and unlimited coinage of silver in the ratio of 16 to 1; and be it further

*Resolved*, That our Senators be instructed, and our Representatives be requested, to actively advocate the enactment of such laws as may be necessary to prevent the issue of United States bonds for the sole purpose of maintaining a single gold standard of money; and be it further

*Resolved*, That the governor be requested to immediately transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

The following joint resolution was referred to the Committee on Appropriations, and ordered to be printed in the RECORD, as follows:

## Assembly joint resolution No. 20.

Passed the assembly, February 14, A. D. 1895.

Passed the senate, February 15, A. D. 1895.

Chief Clerk of the Assembly.

Secretary of the Senate.

This resolution was transmitted to the governor this 20th day of February, A. D. 1895.

E. L. COLMON,  
Private Secretary of the Governor.

Chapter — Assembly joint resolution No. 20, relative to securing immediate attention from Congress to the United States debris commission.

Whereas the appropriation for the contingent expenses of the United States Debris Commission is about exhausted and the prosecution of their work is endangered, therefore be it

*Resolved by the assembly (the senate concurring)*, That our Senators and Representatives in Congress be requested to give the matter their immediate attention with a view to securing an additional appropriation at the earliest possible moment.

*Resolved*, That a copy of these resolutions be immediately telegraphed to our Senators and Representatives.

Mr. GORDON. I present a communication from Mr. Flynn Hargette, jr., of Harris County, Ga., suggesting certain amendments to the pension laws. I move that the communication be referred to the Committee on Pensions.

The motion was agreed to.

Mr. SHERMAN presented a petition of sundry citizens of Nova,



Ohio, praying for the adoption of an amendment to the Constitution of the United States prohibiting the appropriation of moneys for sectarian institutions; which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Nova, Ohio, praying for the adoption of an amendment to the Constitution of the United States providing that "no State shall grant the right of franchise to any person who is not a citizen of the United States;" which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Chamber of Commerce of Cleveland, Ohio, favoring the enactment of legislation providing for the reorganization of the consular and diplomatic service of the Government; which were ordered to lie on the table.

Mr. BLANCHARD presented resolutions adopted by the Board of Trade, Limited, of New Orleans, La., favoring the enactment of legislation in behalf of the Tennessee Centennial Exposition; which were referred to the Committee on Appropriations.

Mr. PEPPER presented a resolution of the legislature of the State of Kansas; which was referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 20. [By Mr. Schlyer.]

Whereas the experience of the settlers upon the plains of western Kansas, covering a period of more than twenty years, has demonstrated conclusively that agriculture can not be pursued with profit under existing natural conditions, and that artificial means and methods must be substituted therefor; and

Whereas the tests and experiments required to determine the fitness of new methods applicable to these higher altitudes and limited rainfall can not be made at the agricultural college of the State; and

Whereas the Fort Hays Military Reservation, at an altitude of 2,000 feet above sea level, contains a valuable body of native timber that should be preserved to posterity, and the land of said reservation is admirably adapted for such experiments in agriculture as are required in the premises; and

Whereas the buildings upon said military reservation, formerly used as residences for officers and their families, barracks for troops, storehouses, etc., are large and commodious, but can not be moved without destruction of their value, but in their present position are of great value, and could be used with little additional repairs for the purpose of a branch of the State Normal School; and

Whereas the location of a branch of the State Normal School at this place would be central and convenient for the whole of the north half of the State; and

Whereas the said military reservation has long since been abandoned by the United States Government as a military post: Now, therefore, be it

*Resolved, by the house of representatives of the State of Kansas (the senate concurring therein), That our Senators and Representatives are hereby requested to secure the passage of an act of Congress donating the said Fort Hays Military Reservation to the State of Kansas for the following public purposes:*

First. For a western branch of the Kansas Agricultural College.

Second. For a western branch of the Kansas State Normal Institute.

Third. For a public park.

*Resolved, further, That the secretary of state be, and he is hereby, instructed to transmit a copy of these resolutions to the President of the United States Senate, the Speaker of the House of Representatives, and to each Senator and Representative in Congress from the State of Kansas.*

STATE OF KANSAS,  
Office of the Secretary of State.

I, W. C. Edwards, secretary of state of the State of Kansas, do hereby certify that the following and annexed is a true and correct copy of the original instrument of writing filed in my office February 13, 1895.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kans., this 19th day of February, 1895.

[SEAL.]

W. C. EDWARDS,  
Secretary of State.

Mr. PEPPER presented a concurrent resolution of the legislature of the State of Kansas; which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

Whereas part 3, section 4693, Revised Statutes of the United States, granting pensions to soldiers, sailors, marines, and militiamen, et al., in its restrictive provision limiting the time of the validity and successful prosecutions of claims for pensions of "militiamen and nonenlisted persons on account of disability from wounds or injury received in battle with rebels or Indians while temporarily rendering service" to the 4th of July, A. D. 1874, has done and does great injustice and wrong to tens of thousands of men who risked their lives, health, and property for the Government in the hour of peril, and their widows and dependents; and

Whereas if that class of persons were ever by right entitled to a pension (which they were, equal to all other pension claimants and pensioners), they are equally so entitled for all time. The right and justice of their claims does not die by statutory limitation, that only deprives them of the pecuniary blessings of the pension which they are by right entitled to: Therefore, be it

*Resolved by the House of Representatives of Kansas (the Senate concurring), That our Senators and Representatives in Congress be, and they are hereby, instructed to obtain the repeal of the following part of section 4693 of the Revised Statutes of the United States: "But no claim of a State militiaman or nonenlisted person, on account of disability from wounds or injury received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the 4th day of July, 1874."*

*And be it further resolved, That the secretary of state is hereby instructed to send an engrossed copy of this resolution to each of our Senators and Members of Congress.*

STATE OF KANSAS,  
Office of the Secretary of State.

I, W. C. Edwards, secretary of state of the State of Kansas, do hereby certify that the following and annexed is a true and correct copy of the original resolution filed in my office February 19, 1895.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kans., this 21st day of February, 1895.

[SEAL.]

W. C. EDWARDS,  
Secretary of State.

Mr. SQUIRE presented a resolution of the legislature of the State of Washington; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution No. 12.

Whereas there is now pending in the Senate of the United States House bill

No. 119, providing for the protection of the forest reserves of the United States; and

Whereas the protection of said forest reserves is a matter of very serious importance: Now, therefore, be it

*Resolved by the senate (the house of representatives concurring), That the legislature of the State of Washington hereby approves said bill and desires that the Senators from this State exert their influence to secure its early enactment, and that a copy of this resolution be sent to the Senators of the State of Washington.*

Adopted by the senate, February 13, 1895.

F. H. LUCE,  
President of the Senate.

Adopted by the house, February 14, 1895.

ELLIS MORRISON,  
Speaker of the House.

(Indorsed:) Senate concurrent resolution No. 12. Relative to the protection of forest reserves. Filed in the office of the secretary of state February 13, 1895.

J. H. PRICE, Secretary of State.  
UNITED STATES OF AMERICA.

State of Washington, Office of the Secretary of State.

I, J. H. Price, secretary of state of the State of Washington, do hereby certify that I have carefully compared the annexed copy of the Senate concurrent resolution No. 12 with the original now on file in this office, and find the same to be a true and perfect copy thereof.

In testimony whereof I have hereunto set my hand and affixed the seal of the State of Washington.

Done at Olympia, this 16th day of February, in the year of our Lord one thousand eight hundred and ninety-five.

[SEAL.]

J. H. PRICE, Secretary of State.

#### SUSPENSION OF PENSION.

Mr. BURROWS. I ask unanimous consent of the Senate to have printed the opinion of Judge Bradley, of the supreme court of the District of Columbia, delivered in the case of *The United States ex rel Charles D. Long v. William Lochren*, Commissioner of Pensions, and Hoke Smith, Secretary of the Interior. I move that the opinion be printed as a miscellaneous document.

The motion was agreed to.

#### FALL OF PRICES.

Mr. COCKRELL. I present an address by President E. Benjamin Andrews, delivered before the Manufacturers' Club of Philadelphia, Pa., on Monday, February 18, 1895, on "The fall of prices: The cause and the cure." I move that the address be printed as a miscellaneous document.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. MILLS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 2594) for the relief of Charles W. Russey, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (H. R. 3128) for the relief of Samuel Burrell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 952) for the relief of Catherine Caine, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (H. R. 6651) to pension Susannah Kepford, of Noble County, Ind., reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8884) granting a pension to Alexander M. Laughlin, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 3977) to pension Jane Webster, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL, of Oregon, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 995) for the relief of J. M. Billings, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Claims, to whom was referred the bill (S. 2640) to carry out the findings of the Court of Claims in the case of Susannah P. Swoope, reported it without amendment, and submitted a report thereon.

Mr. CAFFERY, from the Committee on Claims, to whom was referred the bill (S. 1322) for the relief of William Leach, submitted an adverse report thereon; which was agreed to and the bill was postponed indefinitely.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 2753) authorizing the Dyersburg and Mississippi River Railway and Improvement Company to bridge the Obion River, in the State of Tennessee, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8659) to authorize the construction of bridges across the Emory and the Clinch rivers, in the State of Tennessee, reported it without amendment, and submitted a report thereon.

Mr. MARTIN, from the Committee on Pensions, to whom was referred the bill (H. R. 6461) to grant a pension to Mrs. Mary Button, of Arkansas, widow of Asa Button, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8264) granting a pension to Saloma Mangold, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill

(S. 2746) granting an increase of pension to Napoleon B. Breedlove, reported it with an amendment, and submitted a report thereon.

Mr. MARTIN. I report from the Committee on Public Lands a substitute for Senate bill No. 2169 fixing the times when, regulating the manner in which, and declaring the character of the accounts which shall be hereafter stated to the Treasury Department for settlement between the United States and the several public-land States relative to the net proceeds of the sales of the public lands made and to be made therein by the United States, and for other purposes.

I ask that this bill be postponed indefinitely, and will state that hereafter I shall submit a written report to accompany the substitute I have just reported.

The VICE-PRESIDENT. Senate bill No. 2169 will be postponed indefinitely, in the absence of objection. The substitute bill reported by the Senator from Kansas will be read twice by its title, and placed on the Calendar.

The bill (S. 2803) fixing times when, regulating the manner in which, and declaring the character of the accounts between the United States and the several public-land States relative to the net proceeds of the sales and other disposition of the public lands made and to be made therein by the United States, which shall hereafter be stated and certified to the Treasury Department for payment, was read twice by its title.

Mr. BERRY. With reference to that bill, I wish to state that, though the majority of the Committee on Public Lands reported the bill favorably, I, as a member of that committee, did not agree to the report, and do not think the bill ought to pass. If the Senator from Kansas [Mr. MARTIN] who reported the bill shall hereafter submit a written report on behalf of the majority of the committee, I shall ask leave to file the views of the minority.

The VICE-PRESIDENT. Leave will be granted, in the absence of objection.

Mr. MANDERSON. From the Committee on Printing, I report an amendment intended to be proposed to the general deficiency appropriation bill. I offer it on behalf of the Committee on Printing, it having the approval of that committee. I move that the amendment be printed and that it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 8882) to authorize the construction of a bridge across the Illinois River at or near the town of Hennepin, reported it without amendment.

He also, from the Committee on Public Buildings and Grounds, to whom was referred an amendment submitted by Mr. WOLCOTT on the 22d instant, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. DAVIS, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8391) for the relief of Michael Ryan, reported it without amendment, and submitted a report thereon.

Mr. VOORHEES, from the Committee on Finance, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 8900) to amend section 9 of an act entitled "An act to authorize the Kansas City, Pittsburg and Gulf Railroad Company to construct and operate a railroad, telegraph, and telephone line through the Indian Territory, and for other purposes," reported it without amendment.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 6870) for the relief of James Phelan, internal-revenue collector at Detroit, Mich., reported it without amendment.

Mr. GORMAN, from the Committee on Printing, reported an amendment intended to be proposed to the general deficiency appropriation bill; which was referred to the Committee on Appropriations.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 2090) to remove the charge of desertion and grant an honorable discharge to Helmuth F. Soeckel, reported it without amendment, and submitted a report thereon.

#### MEXICAN FREE ZONE.

Mr. HARRIS. I am directed by the Committee on Finance, to whom was recommitted the joint resolution (H. Res. 277) in reference to the free zone along the northern frontier of Mexico and adjacent to the United States, to report it with an amendment, and I ask unanimous consent to have it considered at this time. This is the joint resolution that was recalled from the House of Representatives yesterday. I will briefly state that the joint resolution as it came from the House was intended to prohibit the passage of imported merchandise through the Territories of the United States under bond to a part of the free zone in Mexico. The Senate committee has unanimously amended the joint resolution so as to make it apply to the whole of the free zone. I ask unanimous consent that it be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment of the Committee on Finance was, in line 8, after the word "exists," to strike out:

At any point between the western boundary of the city of Laredo, in the State of Texas, and the Pacific Ocean.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

Mr. HARRIS. I move that the Senate request a conference with the House of Representatives on the joint resolution and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. HARRIS, Mr. MORRILL, and Mr. COKE were appointed.

#### INTERNATIONAL MONETARY CONFERENCE.

Mr. VOORHEES. I am instructed by the Committee on Finance to report an amendment to the pending sundry civil appropriation bill. It is in lieu of the amendment introduced by the Senator from Colorado [Mr. WOLCOTT] the other day, which was referred to the Committee on Finance. I ask that the proposed amendment be read.

The VICE-PRESIDENT. The amendment will be read.

The Secretary read as follows:

That whenever the President of the United States shall determine that this Government should be represented at any international conference called with a view to secure, internationally, a fixity of relative value between gold and silver, as money, by means of a common ratio between those metals, with free mintage at such ratio, the United States shall be represented at such conference by nine delegates, to be selected as follows: The President of the United States shall select three of said delegates; the Senate shall select three members of the Senate as delegates; and the House of Representatives shall select three members of the House as delegates. If at any time there shall be any vacancy, such vacancy shall be filled by the President of the United States. And for the compensation of said delegates, together with all reasonable expenses connected therewith, to be approved by the Secretary of State, including the proportion to be paid by the United States of the joint expenses of such conference, the sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated.

Mr. VOORHEES. I ask that the amendment may be referred to the Committee on Appropriations, and I also ask that it may be printed in the RECORD, together with the original amendment offered by the Senator from Colorado, so that they may both appear together.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The amendment, submitted by Mr. WOLCOTT on the 23d instant, is as follows:

That whenever the President of the United States, upon invitation of the Governments of Germany or Great Britain, or any of the governments of Europe, or otherwise, shall determine that this Government should be represented at any international or other conference to be held with a view to secure, internationally, a fixity of relative value between gold and silver, as money, by means of a common ratio between those metals, with free mintage at such ratio, he shall be authorized to request the attendance of the commissioners, to be appointed as hereinafter provided, to attend such conference on behalf of the United States.

That the number of such commissioners shall be nine. The President of the United States shall appoint, by and with the consent of the Senate, three of said commissioners, prior to the adjournment of this Congress; the other six members of said commission shall be a joint committee of this Congress, three of said committee to be members of the Senate and three of the House of Representatives. If, after the adjournment of this Congress, there shall be any vacancies in said commission so appointed, by death, resignation, or otherwise, such vacancies shall be filled by appointment by the President.

That for the compensation of said commissioners and for all reasonable expenses connected therewith, to be approved by the Secretary of State, including the proportion to be paid by the United States of the joint expenses of such conference, the sum of \$100,000, or so much thereof as may be necessary, is hereby appropriated. If such commissioners shall not be called upon to serve, no compensation shall be allowed them.

Mr. HAWLEY. I should like the attention of the Senator from Indiana for a moment. I notice no provision in the amendment reported by him for the appointment of delegates on the part of the Senate before our adjournment on Monday next. I take it for granted some provision ought to be made for that.

Mr. VOORHEES. I think that is provided for. That is the understanding of the committee.

#### SENATOR JOHN MARTIN.

Mr. GRAY, from the Committee on Privileges and Elections, reported the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the contingent fund of the Senate to John Martin, a Senator from the State of Kansas, the sum of \$1,000 in full of compensation and all expenses incurred by him in the contest for his seat in the Senate by Joseph W. Ady.

#### BILL INTRODUCED.

Mr. ALLISON introduced a bill (S. 2804) to extend the time in which the Illinois and Iowa Railway and Terminal Company shall commence to build and complete the building of its bridge across the Mississippi River at Moline, Ill.; which was read twice by its title and referred to the Committee on Commerce.



## AMENDMENTS TO APPROPRIATION BILLS.

Mr. BLANCHARD submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MITCHELL of Oregon submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BUTLER submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. PROCTOR submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. VEST submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. PLATT submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. DANIEL submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

He also submitted two amendments intended to be proposed by him to the general deficiency appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

## WITHDRAWAL OF PAPERS.

On motion of Mr. GORMAN, it was

*Ordered*, That leave be granted to D. W. Mullan to withdraw from the files of the Senate the papers relative to S. R. 34, upon complying with the rule relating thereto.

## ANNIE M. WIGGIN.

Mr. GALLINGER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be, and is hereby, authorized to pay out of the miscellaneous items of the contingent fund of the Senate to Annie M. Wiggin, widow of A. D. Wiggin, deceased, late conductor of elevator of the Senate, the sum of \$600, being an amount equal to six months' salary as such conductor of elevator, said sum to be considered as in lieu of all funeral expenses and other allowances.

## TREASURY CLAIMS.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate a schedule of all claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted, or carried to the surplus fund under the provisions of section 5 of the act approved June 20, 1874, since the allowance of those which are embraced in House Ex. Doc. No. 234, present session, and to and including the 28th instant; also a list of judgments rendered by the Court of Claims, and not included with those transmitted to Congress February 4, 1895, and embraced in House Ex. Doc. No. 283, of the present session.

## JUDGMENTS AGAINST UNITED STATES.

Mr. COCKRELL submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Attorney-General be directed to report to the Senate, under section 11 of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," all judgments rendered in the circuit and district courts of the United States against the United States not heretofore reported which require an appropriation for their payment.

## AGRICULTURAL APPROPRIATION BILL.

Mr. CALL submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8727) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1896, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 6, 7, 9, 10, 13, 14, 16, 17, 19, 20, 22, 32, 34, 35, 36, and 37.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 8, 11, 12, 15, 18, 23, 24, 26, 27, 28, 29, 30, 31, 33, 38, 39, and 40, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum named in the amended paragraph insert the following: "\$252,840;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: Insert after the word "Secretary" in line 1 of said amendment the words "of Agriculture;" and the Senate agree to the same.

WILKINSON CALL,  
CALVIN S. BRICE,  
S. M. CULLOM.

*Managers on the part of the Senate.*

W. H. HATCH,  
W. S. FORMAN,  
DAN WAUGH.

*Managers on the part of the House.*

Mr. COCKRELL. I ask that the report may be printed and lie on the table for the present.

The VICE-PRESIDENT. In the absence of objection, it will be so ordered.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, requested the Senate to return to the House the joint resolution (S. R. 117) granting permission for the erection of a bronze statue in Washington, D. C., in honor of the late Prof. Samuel D. Gross, doctor of medicine, doctor of laws, and doctor of civil law.

The message also requested the Senate to furnish the House with duplicate copies of the following engrossed bills:

A bill (S. 15) for the erection of an equestrian statue of Maj. Gen. John Stark in the city of Manchester, N. H.; and

A bill (S. 266) providing for the erection of an equestrian statue of Gen. Francis Marion.

## SAMOAN CORRESPONDENCE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

*To the Senate:*

I transmit herewith, in response to a resolution of the Senate of the 29th ultimo, a report from the Secretary of State, accompanied by copies of correspondence touching Samoan affairs.

GROVER CLEVELAND.

EXECUTIVE MANSION,  
Washington, February 26, 1895.

## RETURN OF BILLS.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives to furnish to the House duplicate copies of the bill (S. 15) for the erection of an equestrian statue of Maj. Gen. John Stark in the city of Manchester, N. H., and the bill (S. 266) for the erection of an equestrian statue of Gen. Francis Marion, and by unanimous consent the request was ordered to be complied with and the bills returned to the House.

## STATUE OF PROFESSOR GROSS.

The VICE-PRESIDENT laid before the Senate the request of the House of Representatives to return to the House the joint resolution (S. R. 117) granting permission for the erection of a bronze statue in Washington, D. C., in honor of the late Prof. Samuel D. Gross, doctor of medicine, doctor of laws, and doctor of civil law, and by unanimous consent the request was ordered to be complied with and the joint resolution returned to the House.

## SUNDRY CIVIL APPROPRIATION BILL.

Mr. COCKRELL. If there be no further morning business, I move that the Senate proceed to the consideration of the sundry civil appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 8518) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1896, and for other purposes.

Mr. QUAY. I desire to give notice to the chairman of the Committee on Appropriations and to the Senate of my intention to move to reconsider the last amendment adopted last evening relating to the Government Printing House. I do not propose to reopen just now the discussion of the printing-house site question, and probably it will not be necessary to do it at all, but I think it proper to give this notice.

Mr. COCKRELL. There are two or three amendments which I desire to offer this morning, as I am anxious to have the first part of the bill completed as far as possible, so that it may be perfected and ready for the printer.

On page 5, at the end of line 9, I offer the amendment which I send to the desk, for the construction of a public building which has been authorized by law, and which has been reported favorably by the Committee on Public Buildings and Grounds.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of line 9, on page 5, it is proposed to insert:

For public building at Paterson, N. J.: For commencement of the construction of the public building, \$50,000; and the Secretary of the Treasury is authorized to contract for the completion of said building within the limit of cost prescribed by law, subject to appropriations to be made by Congress.

The amendment was agreed to.

Mr. COCKRELL. I offer the amendment which I send to the desk, to come in on page 7, after line 21.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, after line 21, it is proposed to insert:  
For public building at Troy, N. Y.: For additional amount for completion, including elevator, painting, clocks, storm doors, and other necessary work, \$22,950.

The amendment was agreed to.

Mr. COCKRELL. On page 9, after line 10, at the special request and on the estimate of the Secretary of the Treasury, I move to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 9, after line 10, it is proposed to insert:  
For special repairs to the Winder Building, namely, for redeeming foundation of front wall, necessary repairs for the preservation of the building, interior repairs, calcimining and painting the front walls, \$5,485.

Mr. PLATT. Is the word "redeeming" proper there?

Mr. COCKRELL. "Redeeming" is the language used. It refers to the strengthening of the foundations.

Mr. PLATT. Very well.

The amendment was agreed to.

Mr. COCKRELL. On page 106, after line 9, I move to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 106, after line 9, it is proposed to insert:  
To enable the Secretary of War to reimburse Col. F. C. Ainsworth, Chief of the Record and Pension Office, War Department, for such expenses incurred by him in legal proceedings growing out of the Ford's Theater disaster on the 9th day of June, 1893, as the Secretary of War may decide to have been necessary, proper, and reasonable, \$1,000, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. HOAR. I wish to inquire of the Senator from Missouri whether he has a similar amendment to propose to those he has proposed in relation to public buildings in regard to the building at Brockton, Mass.? The bill for the construction of that building has become a law. The appropriation is a small one, \$75,000 in all, I think. It was referred to the Senator's committee some days ago.

Mr. COCKRELL. I have not had the time to run over all of the amendments which have been submitted to me. Has the amendment referred to by the Senator been reported from the Committee on Public Buildings and Grounds?

Mr. HOAR. Undoubtedly. The bill has passed and become a law.

Mr. COCKRELL. I understand that, but some of the amendments have been reported from the Committee on Public Buildings and Grounds, and some have not been.

Mr. HOAR. I should like to have the Senator inform me. I think I had the amendment referred directly to the Committee on Appropriations, and thought, as a matter of course, that it would go to the Committee on Public Buildings and Grounds.

Mr. COCKRELL. I have it probably amongst my papers here.

Mr. HOAR. I will not delay the Senator, but I trust he will give it proper attention.

Mr. COCKRELL. What is the limit?

Mr. HOAR. The limit is \$75,000, if I recollect aright.

Mr. COCKRELL. I will have the amendment prepared for \$75,000, and offer it in a few moments.

Mr. HOAR. That is satisfactory.

Mr. MANDERSON. I have an amendment to offer in the line of the action of the Senate with reference to those who suffered death from the Ford's Theater disaster, which I ask may be now considered.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 62, line 16, before the word "thousand," it is proposed to strike out "fifteen" and insert "twenty-five," and on page 63, line 2, after the name "George W. Roby," it is proposed to insert "John T. Reynolds, George C. Bollinger," so as to read:

For payment to the heirs and legal representatives of those who were killed by reason of the falling of the Ford Theater building on the 9th day of June, 1893, the sum of \$125,000, of which sum there shall be paid to the legal or personal representatives of each of the following persons the sum of \$5,000: George Q. Allen, George Michael Arnold, Samuel P. Banes, John Bannas, John E. Chapin, Jeremiah Daly, Joseph R. Fagan, Joseph Barker Gage, David Clark Jordan, Justus Boyd Jones, Frederick B. Loftus, Jay Hirst McFall, Otto F. W. Meder, Howard S. Miller, Benjamin Franklin Miller, Burrows Nelson, Emanuel G. Shull, Frank M. Williams, Alfred L. Ames, Arthur Napoleon Girault, Michael T. Mulleday, George W. Roby, John T. Reynolds, George C. Bollinger, and Charles Best Sayers.

The amendment was agreed to.

Mr. WOLCOTT. I wish to call the attention of the Senate to one thing in relation to the appropriation on account of the Ford's Theater disaster. On page 63 the amendment reported by the committee reads:

That where the deceased died leaving a widow but no children the \$5,000 shall be paid her; where the deceased left a widow and children, the widow shall receive one-half and the children shall share alike; and where the deceased was unmarried, the sum shall be paid to the legal heirs.

I think that is the most remarkable statement I have seen in a law for a great while—"shall be paid to the legal heirs." Certainly it should go to the personal representatives. In any event, there could be no possibility of its going to the illegal heirs. If the phraseology is to be continued as it is now in the bill, that particular phrase should be changed, so as to give the money to the legal representatives, and not to the legal heirs. I am not a member of the Committee on the Judiciary, but I suggest that some member of that committee should prepare a proper amendment.

Mr. COCKRELL. The amendment came from the Senator from Nebraska [Mr. MANDERSON], from the special committee having charge of the subject.

Mr. MANDERSON. It came from the joint committee of the two Houses. There was a change of the language in the Committee on Appropriations, which, however, does not affect that feature.

Mr. COCKRELL. Not in that part.

Mr. MANDERSON. Not in that part, I was about to say; but I think perhaps the word "heirs" should be changed to "representatives," so that it will read "legal representatives."

Mr. FAULKNER. I suggest that it should not be "personal representatives."

Mr. MANDERSON. No, "legal representatives."

Mr. FAULKNER. Because the object and purpose of this donation, for that is what it is, is not to give it to the creditors of the deceased persons; and if it goes to the personal representatives, it necessarily would go to the creditors of the deceased. It ought simply to go to the heirs.

Mr. MANDERSON. Very well.

Mr. COCKRELL. What suggestion does the Senator make?

Mr. WOLCOTT. I propose to strike out "legal," and let it run to the heirs.

Mr. MANDERSON. I have no objection to that, as the word "legal" is surplusage.

Mr. HOAR. It seems to me that there is a distinction between "heirs" and "next of kin." The sums proposed to be appropriated ought to go to the next of kin. It seems also that the duty of inquiring who are the next of kin, where a large number of persons are concerned, ought not to be imposed upon the Department here, as that might involve in some cases a bill of interpleader. It strikes me that the true way would be to say "the personal representatives for the benefit of the next of kin." That would save the Department any inquiry, and the money would be paid over to the person who is under bond, and who will discover the next of kin, and get a legal decree if necessary. I make that suggestion.

Mr. COCKRELL. The amendment was not prepared by the Committee on Appropriations. We took it just as we received it, except where it provided that children should share by stirpes, we provided that they should share alike. That was the only change the Committee on Appropriations made.

Mr. HOAR. I move to strike out "legal heirs" and insert "personal representatives for the benefit of the next of kin." That will exclude creditors.

The VICE-PRESIDENT. The amendment submitted by the Senator from Massachusetts will be stated.

The SECRETARY. In line 8, on page 63, it is proposed to strike out the words "legal heirs" and insert "personal representatives for the benefit of the next of kin."

The amendment was agreed to.

Mr. BERRY. An amendment was passed over last night, on page 70, in regard to the appropriations to protect the public lands. I inquire of the Senator from Missouri if there is any objection to considering that this morning.

Mr. COCKRELL. No, sir.

Mr. BERRY. Then, I shall move at this time an amendment to the amendment of the committee on page 70, line 10. The committee propose an amendment striking out "\$90,000," and inserting "\$60,000." I offered an amendment last night to the amendment to strike out "sixty" and insert "one hundred and twenty."

The provision relates to the appropriation to protect the timber on public lands and prevent fraudulent entries of public lands.

I have been utterly unable to comprehend any public reason why the Committee on Appropriations have undertaken to reduce the appropriation made by the House of Representatives, which was altogether inadequate for the purpose named. I have a letter from the Commissioner of the General Land Office, and I wish to state here and now that there is no more efficient officer in the public service than the Commissioner of the General Land Office, Mr. Lamoreux. He has the respect and confidence of every man who has had to do with the public lands of the country during his incumbency in office. In a letter written and signed by his assistant, in regard to this matter, but which I know he approves, he states:

There is no more important branch than the special service division of the General Land Office, which has charge of protecting the Government lands, and the moneys appropriated for this service are more than returned to the Government in the actual value of the moneys recovered from cash forfeited on entries canceled by the action of the special agents of this division, and recovered in the prosecution of timber trespasses. During the four fiscal years from 1886 to 1889, inclusive, principally covered by Mr. Cleveland's first Administration, the total appropriations for this service amounted to \$680,000, and during this same period the cash recovered from these two sources was \$1,017,414.17, showing an excess of recoveries over appropriations of \$337,414.17.

In another part of the letter—and I shall not read all the letter—he says:

In giving the above amounts recovered only the cash obtained by the Government as a result of this service was stated, but in addition to that item this service during these eight years caused the cancellation of 7,161 entries of various descriptions of the public lands, embracing 1,228,272 acres, and restored the land to the public domain. The value of such restored land at the rates fixed by law was \$1,636,190.

From the years 1886 to 1894, inclusive, the total stumpage value of the timber



reported as unlawfully cut from the public lands amounted to \$6,527,372.91, a yearly average of about \$725,000.

The principal reason why the recoveries fall so far below the value of the timber cut is that the force of special agents at the command of the General Land Office has been too small to promptly and thoroughly investigate these trespasses, and so prepare the cases as to insure judgments for the United States.

The appropriation for special agents for the current fiscal year is only \$60,000, which is the smallest amount appropriated certainly within ten years. During the fiscal years ending June 30, 1890, 1891, 1892, and 1893, the amounts appropriated for this service were respectively \$212,462.15, \$340,000, \$223,000, and \$120,000. It will be observed that the amount appropriated for this year is just one-half of the smallest amount above appropriated, and one-fourth of the amount appropriated in 1891. Should the amount asked for now, which is the same as that appropriated in 1891, \$240,000, be granted by Congress, there is not the slightest doubt that fully half a million dollars will be recovered and turned into the Treasury as the result of this appropriation.

In conclusion, the letter says:

I sincerely hope that you may be able to obtain for this service at least \$120,000, as no smaller amount will permit us to maintain a sufficient number of agents to cover the territory under the jurisdiction of this office, as at the present time there are large sections of country, including whole States and Territories, where there is not even a single agent, and as a consequence we are compelled to decline to take action upon reported trespasses and frauds because of the inadequacy of our force.

I will state further, Mr. President, that the President of the United States thought this matter of sufficient importance to refer to it in his annual message, and expressed the hope that there might be a sufficient appropriation made for this service.

The Secretary of the Interior estimated the amount at \$240,000; the House of Representatives only gave \$90,000, and for some unexplained reason the Senate committee has sought to still further reduce the \$90,000, and cut it down to \$60,000.

The Commissioner of the Land Office says the very least amount by which the public lands can be protected is \$120,000, and he shows that when the other appropriation was made, \$700,000, there was covered into the Treasury from money actually recovered from those who had cut timber from the public lands more than \$1,000,000. I can not understand why the Committee on Appropriations should seek to cripple this service and thereby enable timber thieves from one end of the country to the other to cut and strip the public lands of timber. Before this reduction came there was an agent in my own State. I understand he has been withdrawn. There is a large amount of timber land there. I am informed that a great many men have cut timber from those lands. They have been taking timber from the land in the Western States in large quantities. The estimate is \$240,000, and it does seem to me that it is the duty of Congress to give the Commissioner of the General Land Office or the Secretary of the Interior at least \$120,000, which the Commissioner says is the least amount by which he can protect those lands.

The land belongs to the Government; the timber is the Government's, and if there is no protection and no timber agents, men will cut timber by the thousands of feet and appropriate it to their use. One hundred and twenty thousand dollars is the least amount the service can be rendered for, and I hope the Senate will adopt the amendment striking out "\$60,000" and inserting "\$120,000."

Mr. GORMAN. I trust the amendment will not be agreed to. I confess my astonishment at the constant attempt to increase appropriations in these items where it is a mere matter of increasing the number of small officials of the Government. While I am liberal, I think, in all matters of appropriation that are necessary to carry on the Government, I think the time has come when we ought at least to check this tendency on the part of heads of Departments to make appointments where there is absolutely no necessity for them. As a matter of course, if we followed the estimates from the heads of Departments the appropriations would be over \$550,000,000 for this year; and the particular item that is under consideration has been used over and over again for what is known as a fund for the purpose of taking care of a few favorites. It ran up to a hundred and twenty or a hundred and thirty thousand dollars, as stated by the Senator from Arkansas.

Mr. BERRY. Two hundred and forty thousand dollars.

Mr. GORMAN. Two hundred and forty thousand dollars, and so gross was the abuse, so useless were the officers, that Congress reduced the appropriation, so that in 1895 we reduced it to \$60,000, with a provision that that amount should not be exceeded. In 1894 the Senate, by an almost unanimous vote, reduced the appropriation to \$40,000, and I regret that the officer administering this portion of the law exceeded his authority and spent \$45,000 more than that, and came here for an appropriation to make up that deficiency.

Mr. BERRY. Will the Senator from Maryland allow me? The appropriation for the last fiscal year, according to the statement of the Secretary of the Interior and the Commissioner of the Land Office, was \$120,000.

Mr. GORMAN. I give the exact figures. For the fiscal year of 1894 we appropriated \$40,000. The Senate by a decided vote, I think upon the motion of the distinguished Senator from Colorado, reduced the amount to \$40,000. We did fail to put in a provision that no greater amount should be expended, and what was the result of the operation of it?

The Secretary of the Interior appointed enough officials to consume the \$40,000 in six months, and then came back for a deficiency of \$45,000. Then in 1895—that is for the year which terminates on

the 30th of June next—Congress appropriated \$60,000, and provided that the Department should not exceed that amount. Now comes the bill from the other House, and as there are a great many gentlemen interested in this matter traveling over the country, or supposed to be traveling over the country, at a per diem and expenses, they induced the coordinate branch of the Government to increase it to \$90,000. We have reduced it to \$60,000 for this year, which is ample.

Now, let me read to the Senate for one moment the result of these appropriations. The total received from cash forfeited on entries canceled because of these examinations and from the prosecution of timber trespasses was \$1,017,414.17. The total appropriation was \$680,000, all for offices, making a net return to the Government of \$337,414. But the total recoveries during the four years ending June 30, 1893, was \$564,648, and the total appropriations to keep these gentlemen at work was \$792,462.15, or a loss to the Government of \$227,814.

I submit that on such a showing the appropriation ought not only to be reduced from \$90,000, as it came from the other House, to \$60,000, but that \$40,000 is ample.

Mr. WOLCOTT obtained the floor.

Mr. BERRY. Will the Senator from Colorado yield to me?

Mr. WOLCOTT. For what purpose?

Mr. BERRY. I want to—

Mr. WOLCOTT. The Senator from Arkansas will have plenty of time to answer. If I take the floor and the Senator from Arkansas reflects, he will answer the Senator from Maryland more mildly than he intends to do.

Mr. BERRY. Very well.

Mr. WOLCOTT. Mr. President, I desire to say that if this appropriation was ever increased to \$60,000 from \$40,000 it was a great outrage. Forty thousand dollars is an excessive appropriation for these timber depredation agents, and why in the world \$20,000 more was given last year, I am at a loss to understand. With every increasing appropriation for these timber depredation inspectors, they tumble over each other in the Western States, broken-down politicians from the Eastern States, hunting for some man who has a mine which looks as if it might produce, or some miner up on the mountains developing a silver mine, who may cut a little timber for his mine, that they can compel him by blackmail into giving them a hundred or a few hundred dollars to save himself from indictment in the Federal court.

These appropriations simply furnish a means for the appointment of men who are not fit to stay at home and who can be unloaded upon the Western States at Government expense. Talk about timber thieves! These people are far worse than any timber thieves that Eastern men can imagine. When the inspectors are not trying to blackmail some railroad out of a pass or a thousand dollars in money, in order that they may not report the road for cutting timber on Government land for ties, or some miner or prospector, they are hunting up some poor devil in a remote canyon, where the timber is not worth a dollar, and where it only stays until some wandering tramp or prospector will carelessly see that it is burned down. Then they bring him to the Federal court, often on foot, to wait an information for cutting timber on Government land. I have known informations to be filed in the Federal court where not only the defendants, who were perfectly innocent, who went on the hillside behind their cabin and cut a few pieces of timber to keep the fire going, were hauled two or three hundred miles, but the witnesses, too, sometimes on foot. I have seen them in Denver without money enough to pay their daily expenses, because they could not get their fees until the cases were tried.

When people talk about the necessity of \$220,000 for these sinecures, for people who do no good whatever, I am tired of it. When the people of the States which have the public lands ask for it, it will be time enough. If these timber depredation inspectors are to be appointed, let them stay in the States from which they are appointed. We do not want them in Colorado. They have never served a good or useful or decent purpose out there.

Mr. BERRY. Inasmuch as I heard the Senator from Colorado [Mr. WOLCOTT] make the same speech a year or two ago, I take it that the agents to whom he refers were those appointed under the last Administration.

Mr. WOLCOTT. Oh, Mr. President, there is no party in this matter.

Mr. BERRY. He knows more about it.

Mr. WOLCOTT. If the Senator from Arkansas is of the opinion that timber agents appointed under one party are better than those appointed under another, he has a very poor opinion of his own party.

Mr. BERRY. I wish to state that I read officially. I do not make wild statements which can not be sustained by the facts. I will state the facts which occurred under Mr. Cleveland's former Administration, as shown by the records of the Land Department, and I call the attention of the Senator from Maryland and the Senator from Colorado to it. Let us see whether the agents do good or not. During the four fiscal years, from 1886 to 1889, inclusive, principally covered by Mr. Cleveland's first Administration, the total appropriations for this service amounted to \$680,000, and during that

same period the cash recovered from those two sources was \$1,017,414.17. That money was collected from men who cut timber off public lands. Six hundred and eighty thousand dollars was appropriated, while more than \$1,000,000 was collected from men who had taken the timber. The Senator from Colorado says it is merely some poor man up in a canyon in Colorado. It is the sawmill men in the Western States—it is the large timber corporations that habitually and continually depredate upon the public lands.

When the Senator from Colorado says these agents do no good, here is the record confronting him which shows that during the last Democratic Administration more than \$400,000 was put into the Treasury over and above what was paid out. In addition to that, there are several million acres of land saved—I forget the number of fraudulent land entries which were set aside by these timber agents whom the Senator from Colorado denounces so recklessly.

It may be true that in the appointment of so many now and then you will find a bad man, but I tell the Senator that there are men in the employment of the Land Office, and the Senator from Colorado [Mr. TELLER], who has been Secretary of the Interior, will bear me out, who are as honorable, and honest, and as lighted gentlemen as is the Senator from Colorado [Mr. WOLCOTT] or any other man. There may have been thieves amongst them, but that is no good reason why we should not protect the timber.

Now, the Senator from Maryland [Mr. GORMAN] stands here and says they must protect the Treasury from these large appropriations.

Mr. GORMAN. Useless appropriations.

Mr. BERRY. Useless appropriations. Yet yesterday, when there were any number of appropriations in the pending bill that cannot be defended, the Senator from Maryland sat silent, and made no objection to them. I do not wish to say anything disrespectful to the Committee on Appropriations, but it seems to me that that committee have not been actuated in every instance by the highest desire to cut down the appropriations where they could be cut down. When the Senator from Maryland and the Senator from Missouri reported an appropriation that went through the Senate by a majority vote, which proposed to pay what was admitted to be an extravagant sum, and far beyond the value of the property for which it was to be paid, neither of those gentlemen spoke of economy.

In relation to the Coast and Geodetic Survey, the other House cut down the number of officers. The Senate Committee on Appropriations reinstated them, and I say to the Senator from Maryland, when he denounces these men and says they do no good, that he goes in the face of the record made by the Secretary of the Interior. It is true that for the years last named by the Senator from Maryland there was less recovered than the appropriations amounted to, but that was during President Harrison's Administration, the period ending, I think, in 1893. But the Secretary of the Interior says \$240,000 is necessary, and the Commissioner of the Land Office says he can not get along with less than \$120,000, and that if that sum is given \$500,000 will be recovered during the coming year from the men who cut timber and appropriate it to their own use.

Yet the Senator talks about economy, and says \$40,000 is enough. It seems to me that it depends somewhat upon who and what official or persons ask the appropriation as to whether or not certain members are struck with the idea that they must be peculiarly economical.

Mr. GORMAN. I wish to say only one word in relation to the last remark of the Senator from Arkansas [Mr. BERRY], who, I see, is very much excited on this small question. You can always get up excitement in the Senate on a matter of the appointment of a few small officers. It seems to attract more attention and excitement than do the great appropriations for the support of the Government. The Senator from Arkansas says it seems that I am disposed to be economical because the appointments come under a certain officer of the Government. There is not anything in my record or my action in the Senate to warrant such a statement.

It is as far from being accurate as anything the Senator ever uttered. If the Senator knows anything about this case, he will know that under the last Administration I pursued the same course. I was convinced that it was unnecessary, and I voted and aided and spoke for cutting down the appropriation to \$40,000. I did that under an Administration that was adverse to me politically, not because of politics, and I state to the Senator from Arkansas that believing it to be true then, and the facts having proved that we were justified in doing it, I shall not vote to grant to my own Administration, although there might be additional appointments, \$100,000 more than I voted for under the last Administration.

If that is a matter which enters into the consideration of this question, I submit to the Senate whether a gentleman who suspects such a motive is not himself somewhat influenced by the fact that some friend or some party associate of his may use the appropriation to take care of his own favorites. I know no Administration in this matter or any other. The Senator from Arkansas is not justified in making such an intimation. There is nothing in the record that warrants it. I wish to state to the Senate and to the Senator from Arkansas that whether it is \$5,000 or \$60,000 I have no interest whatever in these officials.

Mr. BERRY. It seemed to me most remarkable that the Senator

from Maryland, of all men, and the Appropriations Committee should insert in the paragraph appropriating money for timber agents or to protect the public lands a provision that the officials should be put under the civil-service law. I have never heard the Senator from Maryland accused of being a civil-service reformer. I saw that committee oppose a provision of that character in the amendment in relation to the income-tax law; I saw them oppose and make the point of order against the Senator from Massachusetts [Mr. LODGE], who proposed to put the consuls provided for in the consular and diplomatic bill under the civil service, and yet in regard to this particular item, in the committee where the influence of the Senator from Maryland is known to be most potent, on an insignificant matter, as he calls it, it is proposed that the men who are to go out and determine whether timber is cut shall be examined by the civil-service board and appointed under the Civil Service Commission.

In regard to his, the Senator's, intimation that I desire to get an appointment under this or that particular appropriation, I will state that if the Senator means to say that I would advocate any appropriation here in order to secure an appointment, he states that which is not true. If, under a Democratic Administration, there are appointments to be made, I should feel that I would be untrue to the people of my State if I did not seek to have a fair division of them, but the idea that the Senator from Maryland should criticize any man because he seeks to get a political appointment is to me most astonishing.

Mr. President, it has been charged again and again that the Senator from Maryland has filled one of the public offices of this Government with his own appointees, and I will not say it is for that reason that there never has been any complaint in that Department about appropriations. I do not mean to make any charge, but I do say that the question of economy coming on this small matter does not come well from a committee which reported an amendment and asked us to pay \$150,000 for property with a defective title, where it is universally known that the fee simple of the property itself is not worth over \$100,000. I say that would have been a better place for the Senator from Maryland to practice his economy.

Mr. STEWART. Mr. President, I have said a great deal against this system. It was a most ruinous and cruel system, so far as Nevada is concerned. It closed down all the mines in the eastern part of the State and did an infinite amount of harm. These agents arrested men and brought them 300 miles to the western part of the State, and they had to be sent back by subscriptions made up by good citizens. After infinite harm had been done the courts held that the miners who used the timber had done it according to law, and the Government recovered nothing. The Government must have lost a good deal of money, but the people lost a good deal more.

I have always objected to this system, because the Department did not appoint men competent to discharge the duties. They did not appoint lawyers or experts of standing who could discharge the duties. It has been the practice of all Administrations to appoint men entirely unfamiliar with the business, and men who in many instances turned out to be mere adventurers and blackmailers. The whole system is a curse to my State. I have heretofore advocated the appointment of a fewer number of agents and men of a higher grade. The Committee on Public Lands took up the question as to fraudulent entries. We had a great many laws under which entries were made—timber culture and other laws—where there were frauds. If the matter had been in the hands of competent men, they would have gone to the land office and selected entries and corrected it. It could have been done with very little money. But it was done in a very expensive and harassing way by incompetent adventurers, who have played upon the West in that manner until there is a feeling of persecution.

When the law was passed which repealed all laws under which fraudulent entries could be made, it was said that we could substantially get rid of the system of special agents; that very few would be needed. The number was reduced. There is no necessity for a large number. There is necessity for a smaller number and men of a higher grade, if it can be done. This picking up of inexperienced men all over the country and sending them to the West to harass the people is a great mistake. Every fellow thinks he must do something, and he will kick up some kind of a stir to show that he is zealous in the cause of the Government. Even if he is honest, not having experience enough to do his duty well, he wants to find something to report, and nine times out of ten he puts the people to great inconvenience, drags them before a court, and ruins them to make a reputation for himself. I submit that the system is all wrong.

Mr. HOAR. What would be the proper system?

Mr. STEWART. The proper system would be to appoint ten or fifteen men and give them a proper salary. They should be men who have judgment and character, and who could look into the matter. It is very easy to go into the land office and see if dummy entries have been made. It is very easy to find out all about the matter. A man can attend to three or four States. A sawmill is conspicuous, and if he has judgment enough to report the facts and not annoy the people he can supervise a very large region; whereas



if you send a horde of inexperienced men to persecute the people it is a waste of public money. The whole system and plan has been a great grievance from the beginning.

Mr. WOLCOTT. Mr. President, I regret that the temperate remarks I made with a view of pouring oil upon the troubled waters did not accomplish the result. The Senator from Arkansas [Mr. BERRY] feels rather indignant at the suggestions made. I beg to assure him that he must misapprehend the character of what he terms timber depredations in the far West. One would think that timber was something lying around loose, which a man could steal and put in his pocket and carry off. There is not a foot of timber shipped out of Colorado, and there has not been for a generation. There is no timber stolen there. There is no wanton destruction of timber. All that is ever done is where citizens, seeking to build up the industries of a new State, take that which is at hand for that purpose; and only some officious and spying officer of the Government, who desires, as the Senator from Nevada [Mr. STEWART] suggested, to make a record with his Department, would ever dream of attempting to call them to order for it.

In addition to that, there are forestry associations in those Western States which look carefully after timber depredations, so far as they effect the water supply. Those voluntary associations do infinitely more in the line of protecting timber than all the ignorant, paid agents in the world that any Administration can send out. It is not in the slightest degree a question of party. Those who have been longest in the service are the best agents, because they are the best fixed. The newer men have to have more. Therefore the older in service the timber agent is, the less exacting he is in the community upon which he is inflicted.

But reference has not been made until now to the civil-service provision. It is an admirable provision. I can understand the hostility it would create. I can understand that if we compel an examination of the applicants for these positions there are some sections of the country which would naturally be deprived of the opportunity of furnishing timber agents. I suggest that if we could have timber agents undergo a proper examination, and as a part of the examination a recital of the Ten Commandments, and as one of those the Divine injunction, "Thou shalt not steal," we might have timber agents who would do a great deal better service than any that have yet been sent out by either party.

Mr. HARRIS. Mr. President, I deprecate and seriously regret that anything in the nature of personal reflection should have crept into this debate. I think every Senator can afford to recognize the fact that there is ample margin for honest differences of opinion in respect of public policies and public questions, and this matter should be determined strictly upon its merit.

I find from the public record certain facts that I think it material for the Senate to remember before acting upon this question. The total recoveries growing out of the action and services of these agents during four years ending June 30, 1893, were, as stated by the Senator from Maryland, \$564,648, while the total appropriations for the same period were \$792,462.15. But the total recoveries during eight years ending June 30, 1893, were \$1,582,062.17, while the total appropriations for the same period were \$1,472,462.15, making an excess of recoveries over the appropriations of \$109,600.02. These are cash recoveries to the Treasury.

But in addition to these, during that period there have been a number of suits pending, brought about by the action and investigation of these agencies, involving several millions of dollars, in which the services of the agents are necessary in the conduct of the suits. Besides the amount of cash recovered, as I have stated, 7,161 settlement, mineral, desert, timber culture, timber land, and private cash entries, embracing 1,228,272 acres of land, have been canceled and the land restored to the public domain. The value of the restored land at the rates fixed by law aggregates \$1,836,190.

Now, when you look at the cash recovered and restored to the Treasury, taking the eight years, there is \$109,000 more than it has cost, and in addition to that here is at least \$1,836,190 in value of lands restored to the public domain. However wisely or unwisely they have been selected, however fortunate or unfortunate they may have been, their services in the last eight years ending June 30, 1893, aggregate nearly two million dollars more than they have cost the Government.

In view of these facts I shall vote against the amendment of the committee, and I shall vote for the amendment of the Senator from Arkansas. This much I have deemed it necessary and proper to say in order that the facts may be understood.

Mr. CAREY. The Senator from Tennessee read a statement as to the amount of money recovered. Will the Senator please tell me from what he read?

Mr. HARRIS. A memorandum that I obtained from the Land Office.

Mr. CAREY. Mr. President, the conditions to-day are almost directly opposite from what they were during Mr. Cleveland's first Administration when so much money was collected. March 3, 1891, Congress passed a law which was an amendment to all the land laws of the United States. The Western men took a good deal of interest in the sections applying to timber lands or the cutting of timber upon the public lands.

In section 8 of that law it was provided that the Secretary of the Interior could issue certain rules and regulations which would permit the settler and the miner to cut timber on the public lands. It removed in a great measure the necessity for the settler to go and take timber from the public lands, as permits were obtained for the cutting of timber on certain sections or subdivisions of land by persons engaged in the lumber business, and they, on orders from the settlers, furnished lumber. There was no longer any real necessity for any great number of timber agents.

Two years ago Congress passed another law, which permitted the sale of timber lands in all of the public-land States and Territories. Under the provisions of that law a quarter section of land can be bought by the individual for \$2.50 an acre. This made it possible for settlers to obtain timber from the public lands.

There has been no class of men more obnoxious and objectionable to Western people than the men who call themselves timber agents. The objection has not been so much to the kind of duties which they were called upon to perform as to the manner in which they have performed them. If those agents could have been residents of States where they were called upon to act there would not have been any objection to them; but they were taken from other sections of the country. They hung about the towns; they drew their per diem and expenses. I know no direction in which more money was wasted in a small way than in the employment of the men who were known as timber agents.

If \$250,000 was necessary before the timber-land laws were amended and the passage of the law of 1892, which permitted timber lands to be sold, \$60,000 will more than supply the place \$250,000 would at that time have supplied.

The various cases cited by the Senator from Tennessee occurred during the famous Sparks administration of the Land Office. I do not believe the Land Office was ever managed more to the disadvantage of the people of this country than during that time; and I can say that I do not believe that the Land Department was ever better managed than it is being managed to-day under General Lamoreux. He is a man who understands the question involved here. He has lived in the West, and his administration is entirely satisfactory to those who have to act under the public-land laws of the United States.

Mr. BERRY. Will the Senator from Wyoming permit me to interrupt him?

Mr. CAREY. Certainly.

Mr. BERRY. Does he know that Judge Lamoreux has said that \$120,000 is the very least sum that he can get along with and protect the timber lands, and that he has only 12 agents now, and there are a number of States and Territories in which there is no agent whatever?

Mr. CAREY. I will state, in reply to the Senator from Arkansas, that the trouble with the Land Department in this case was that they employed too many at the commencement of the present Administration. The Senators and Representatives who were of the Democratic faith were importuning for office, and all of us who live in the West know that many men were appointed who were not competent to fill the position. They appointed more men than they had appropriations to pay, and the result was that they incurred an indebtedness. I do not deny that if it is the desire to employ as many as were employed at the commencement this appropriation of \$60,000 is not enough; but I believe that \$60,000 will employ all the agents necessary to prevent depredations upon the public timber of the country.

Mr. DUBOIS. Mr. President, I have always differed with my colleagues from the West in regard to this subject. They must have been very unfortunate in the class of agents who served in their States. So far as my own State is concerned, agents have done us an immense amount of good. At different times they have stopped forest fires. They were the authorized agents of the Government, and when the fires started they telegraphed the Department for funds, and the Department telegraphed back to them, and they employed men and went in and stopped what would have been a disastrous conflagration.

Mr. CAREY. That was some time ago.

Mr. DUBOIS. I am speaking of two or three years ago. These agents of the public lands have in hundreds of thousands of instances protected the settlers. They have investigated the contests and they have been of great service to our people. It happened that two of the agents were appointed from my State and served in the State. That, I believe, is the proper system. I believe if that was done there would be no complaint, because the men appointed from the States live there after their term of office expires; they are responsible to the people; their record will be kept; and they are anxious to serve the people well among whom they live.

This wholesale abuse of the agents is, in my opinion, unjustifiable. It may be, as I have said, that the Senators who have spoken have been unfortunate in the class of their agents. I would much sooner take the judgment of the Senator from Virginia, for instance, or any other Senator on this floor as to the fitness of a man than to take the chances of a civil-service examination. The time has not come with me when I would not prefer an agent appointed through

the influence of Senators or Congressmen to one appointed by the civil-service methods.

I trust this amendment of the committee will not go into the bill. If in the judgment of the committee they think \$60,000 is enough, very well; but I would prefer to have \$90,000.

Mr. BATE. Mr. President, I do not think I am amenable to the charge of any personal interest whatever in this matter, as I have not been the subject of any patronage of consequence from that Department. But when I hear it said here, and conceded by all who have spoken, that the head of the Land Office, Judge Lamoreux, is a man of the highest order of integrity, of vigilance, and of economy in the administration of his official duties, it strikes me that we ought to listen to what he says in regard to this matter; and in doing so I am informed through the Senator from Arkansas, who has just spoken, that \$120,000 is the lowest amount by which this service can be carried on successfully.

Mr. President, one thing we ought to do, in my opinion, is to discard this law requiring such appointments altogether and withdraw all agents, or we ought to provide for a sufficient number of agents to effect the object for which they are appointed. If that is so, we ought, for this purpose, to give \$120,000 instead of adopting the amendment of the committee, which is \$60,000. Upon looking at the bill I find that the committee have stricken out \$90,000 and inserted \$60,000. The other House, after a full and fair investigation of this matter, as I understand, have seen fit to appropriate \$90,000 and not \$60,000. That would enable the employment of perhaps some thirty agents.

Now, I understand there are only about 13 employed. In my opinion we had better do away with them altogether if we are to have only 13, considering the amount of work there is to do, or else we ought to provide for a sufficient number as is required by the Department. There are 600,000,000 acres of land that belong to the Government, scattered over 27 States and Territories. On the present basis of 13 agents each of them must look after more than 46,000,000 acres. On the basis of 30 agents, which number can be carried with \$90,000, each will then have 20,000,000 acres to protect from depredation and fraud, which is by far too much for any one agent.

Added to that, we find, as has been stated by my colleague, by reference to the report of the Secretary of the Interior, in the last eight years, which, I believe, was the date of the beginning of this law in regard to protecting timber from depredations and to prevent frauds being practiced upon land titles, there has been a clean net amount of \$109,000 paid into the Treasury by virtue of these agents operating under the law. It is true that in the last four years there has been a deficit of some \$200,000, but taking the eight years together there is \$109,000, as shown heretofore, which actually came into the Treasury from this source.

Not only is that the case, but Congress has recently legislated so as to require greater vigilance by creating forest reservations and granting permission to cut timber in certain cases. That has to be guarded and watched, and it increased the necessity for a greater number of agents. In addition to all this, we have the recommendation of the Secretary of the Interior concurring in what is said by Judge Lamoreux. We have, in addition to that, the President, who has in his message recommended this. The President says that the force is inadequate, and that there should be a larger appropriation made to carry out the purpose and intent and spirit of the law.

That being so, Mr. President, I am inclined to support the amendment offered by the Senator from Arkansas. I do not believe these are useless officers, as has been stated by the Senator from Maryland. I think they are useful, as it has been shown they are; and I shall vote for the purpose of giving a greater number, so as to increase those officers, for I believe them to be necessary to the interest of the Government.

Furthermore, as to the point made by the Senator from Colorado, the remedy is right here. If a few bad men have gone into that country under the appointment of the Administration, and have acted badly, it is no reason that all of them should be so. I have the acquaintance of one or two whom I know to be very high and honorable and capable men. One of them is from my own State; and he informs me that the process which was going on there in investigating these matters has been stopped, and stopped right at a point that is dangerous to the Government; and the appropriation ought to be made so as to complete the work that is already on hand.

To remedy the objection made by the Senator from Colorado, there is a clause in this very paragraph of the bill that puts it under the civil service. Then, if the parties who are there are objectionable, here is the relief in the very amendment to the bill itself. I do not believe in the civil service going on so as to absorb all the offices in this country, but here it is presented by the committee, and it gives the remedy for the evil spoken of by the Senator from Colorado.

He should not object, while I do, to putting these agents under civil-service rules.

Taking it all together, when I look at these strong facts, that there are 600,000,000 acres of land, that there are only 13 agents, and that some 36, 40, or 50 more, in all, would be needed, I think we

ought either to wipe out the law or give that which is required by the man who stands at the head of the Land Department, and who is supposed to know what is necessary, and in whom we have faith and believe him to be economical, honest, faithful, and capable. Therefore I shall favor the amendment of the Senator from Arkansas.

Mr. TELLER. Mr. President, I do not care to continue this discussion. I believe in the last Congress we appropriated \$60,000 for this service. The committee thought that it was ample, and propose to keep the appropriation the same. At the session before we appropriated \$40,000.

The Senator from Wyoming [Mr. CAREY] has stated very clearly, and I will not repeat it, why we do not now need these great appropriations. It is because of the changed conditions of the land system and the timber system. In my judgment 13 men well selected are ample for the purpose. I am very well satisfied that with \$60,000 we shall get better service and better men than we would get with \$120,000.

I have not any fault to find with the present force so far as I know anything about it. I have not heard any complaint of it, but I do know that when a great number of them are employed you are liable to have the same complaint that has been very justly made here on the floor of the Senate. That is not the fault of any official. Nobody condemns the Secretary of the Interior when these men are spoken of disparagingly, because he can not know. I have had some experience in the matter. I found after I had gone out of office that I had had just as bad men in office under me in this service as anybody ever did have, I think. I believe that in the present condition, considering the changed relations of the people to the timber and the land, by reason of the enactment of new laws, \$60,000 is better now than \$120,000 was five years ago. I think it is ample for all practical purposes, provided the Department will select good men.

I repeat, I am not complaining that the men who are in the service now are not good, for I do not know anything against them. I have an idea that a small force is always more efficient than a large one, and that when there are only a half dozen men to be selected the Department will give a great deal more attention to the matter and select them with a great deal more care than they would if there were twice that number to be appointed, and they will be quite as efficient.

A few years ago there were large depredations in the lumber regions which swelled the great recoveries. There never was any recovery in my section of country that amounted to anything at all. There were two or three cases where railroad companies went in and cut timber. The railroad companies were assailed and judgments rendered, but the Supreme Court declared afterwards that the railroad companies had under the law the right to cut the timber, and those cases were reversed.

There was a great deal of complaint under former Administrations, I think much more so than now, as to the abuses by these agents. Last year we had an appropriation of \$60,000, and everything went well. I believe the stealing of timber from the public land has practically stopped. There is very little of it done now. I do not think it is safe to entirely dispense with the services of some of these people. There should be somebody in the country who can keep a general supervision and see that the depredations do not go on. No complaint, I think, has been made that these people have not been capable of finding out all the depredations which have been committed, and when they do find them out they have nothing further to do with them, except to turn them over to the legal department of the Government.

Mr. VEST. Mr. President, I should like to suggest to the Senator from Arkansas, for I partially agree with him in this matter, that it would be better for us to take a vote upon agreeing to the amendment proposed by the Committee on Appropriations. For myself, I should like to support the appropriation as it came from the other House, at \$90,000. I happen to know personally that very great abuses in regard to spoliation upon public land exist in the State of Montana. I saw myself a few years ago in that State, then a Territory, canyon after canyon absolutely denuded of every stick of timber in it by portable sawmills belonging to a great lumber company called the Montana Improvement Company. Millions of feet of lumber were cut and exported from that Territory and the Government of the United States never recovered a dollar, and never will recover a dollar.

Mr. TELLER. I think the Senator is mistaken. I think one of the judgments the Government recovered was against that company.

Mr. VEST. I believe a small judgment was recovered, but I happen to know, because a friend of mine sent me not long since, in a newspaper published at Missoula, in Montana, an account of enormous ravages upon the public timber in that vicinity, and appealed to me as a Senator whom he knew personally to devise some legislation that would stop this outrage upon the public domain.

Mr. BERRY. If the Senator from Missouri will permit me, I wish to call his attention and the attention of the Senate to the charge of Judge Laughlin, in New Mexico, printed in a New Mexico paper of January 7. Judge Laughlin says:

The depredations of trespassers on the Government domain, devastating the



timber growing thereon, is becoming a most threatening menace to the forests and limited timber lands of New Mexico. This seems to be a growing evil and a source of revenue to those engaged in the illegitimate traffic.

That is from Judge Laughlin's charge to the grand jury in New Mexico.

Mr. WOLCOTT. I should like to ask the Senator from Arkansas if there is not a United States attorney in New Mexico.

Mr. BERRY. I presume so.

Mr. WOLCOTT. Any citizen who is aggrieved can go to the United States attorney and have an information and indictment found. It is not necessary to have as a middleman a depredation agent before you can punish a depredator.

Mr. VEST. I take it for granted you must exercise the ordinary instrumentalities in order to institute litigation. It goes without saying that in these subordinate officials you will find bad men, men who can be bought, and men who do not discharge their duty; but if you adopt the objection made by the Senator from Colorado as to this class of officials you stop all attempts on the part of the Government to reform abuses that exist in the public service. You must use human instrumentalities, and as a matter of course you frequently find them imperfect and even corrupt. I have not the slightest doubt that some good, and a good deal of evil, has come from this system, but you can not find a better one. It is useless to talk about stopping the entire system, and handing over the public lands of the country to bad men and corrupt men, who seek to use the timber for their own purposes. That great corporations have abused this system there can be no doubt. But I simply rose to say that I should like to vote for the provision as it came to us from the House.

Mr. BERRY. Very well, then; if there is no objection upon the part of those who agree with me, I will consent to withdraw the amendment and take the vote on the amendment proposed by the committee, which I hope will be voted down. If the amendment is voted down it leaves the appropriation \$90,000, as proposed by the other House. I do not want to detain the Senate on the matter. If the Senator from Missouri and others who are friendly to it think \$90,000 is enough, very well. I withdraw the amendment.

The VICE-PRESIDENT. The amendment of the Senator from Arkansas is withdrawn.

Mr. CALL. Mr. President, the questions connected with the adoption of this amendment involving a larger or a smaller amount are far broader and deeper than the mere question of the economy of employing a few special agents. We all know that there is nothing so important in the public policy of a country as the preservation of the land for the use of the people; that the homestead law of free homes to the people of the United States has been adopted by all parties and become a part of the legislation of this country for many years.

Yet, Mr. President, we know that under this law nearly the entire public domain has passed into the pockets and become the private property of a few individuals. We are confronted to-day with the question which presents itself in England, and is a subject of greatest solicitude to the statesmen of that country. Mr. Chamberlain, one of the leaders of public opinion there, recently said in a speech that the great question was how to get the land back to the people; that that was the great question for the preservation of English institutions and conservatism in that country.

So in the United States we know that this public domain, the most important of all species of property, has passed away from the use of the great mass of the people into the possession of a few individuals, and that tribute must be paid to them for the privilege of a home upon the public land of the country, which has been dedicated to the use of the people.

Mr. President, whose interest is it that the public domain should be unguarded? Is it the interest of the poor man who is to go upon that land, or is it the interest of the men of large means who desire to appropriate it for their personal benefit? The question answers itself. Is it better that there should be no guard and no protection upon the public land? Is it possible that the Government shall be so administered that suitable agents can not be found? Must they of necessity be corrupt men, bad men, men who can not be made responsible for their conduct?

Mr. President, there is no question so important as the tenure of the soil of the country. That tenure must be such that it will be more or less within the reach of the great mass of the people.

I have a paper here which will present some facts as against general assertion and statement. I am referred to the Report of the General Land Office for 1894, which shows that there are about 600,000 acres of public land now watched over by 11 men—600,000 acres protected from fraud and avarice and from superior intelligence by 11 men only. The land lies in 26 different States and Territories. In Florida there are about 3,000,000 acres, about 750,000 of which are unsurveyed. Of the 39,000,000 acres of land bought from Spain more than two-thirds, under fraudulent pretenses, have been appropriated as the private property of individuals.

Fraudulent entries are being constantly made by the corporations and by rich mill companies, leasing the chances for the poor men of Florida to get homes. The timber on these lands is valuable, and depredations are constantly being made, and every tree taken therefrom makes the land less valuable to the homestead settler.

The General Land Office asks for \$240,000; the House of Representatives gave them \$90,000, and the Senate Committee on Appropriations now cuts it down to \$60,000. This statement goes on to say:

It would take several special agents in Florida to keep down the depredations and prevent the land from being fraudulently entered. The General Land Office asked for \$240,000, and the House gave them \$90,000; now the Senate committee cuts that down to \$60,000. It takes about \$3,000 to pay the expenses and wages of each special agent per year, and only 20 could be employed under the \$60,000 proposed by the appropriation committee, and 16 men who have been in the service will be discharged.

If a large amount of land is surveyed, as proposed in the bill, the number of agents should be increased rather than diminished, as the lands will then be subject to the greed of those not entitled to them.

Larger appropriations should be made to protect when more land is made subject to entry.

In one county in Florida a mill company, located in Alabama, constructed a railroad 8 miles into Florida and denuded about 2,000 acres of land of the finest pine timber grown in that State. The special agent was surveying and estimating the timber taken from these lands when furloughed December 5 last.

In the West the railroad companies and other syndicates are denuding the forests of their timber and appropriating to their uses by fraudulent entries all the coal and mineral lands adjacent to the railroads and from 20 to 40 miles on each side of the railroads, and they now have men surveying and fraudulently entering said lands to the detriment of the settlers and those who may hereafter wish to settle on these lands. I herewith attach a report of the United States district court grand jury, clipped from the Daily New Mexican of February 2, 1895, Santa Fe, N. Mex.

Accompanying this paper is the presentment of the grand jury, which has been read by the Senator from Arkansas [Mr. BERRY].

So we have the report of the General Land Office for a series of years, reciting in detail the enormous depredations of public lands, both in reference to private entries and in reference to timber entries and timber depredations. In California it is recited in these reports, which I shall publish with my remarks, if there be no objection to it, that a vast amount of land, amounting to millions upon millions of dollars in value, were taken away from the use of the people under the homestead laws of the country and put into the pockets of foreigners who have not even a domicile in the United States.

By unanimous consent the extracts referred to were ordered to be published in the RECORD, as follows:

During the year just closed 1,291,535.83 acres of land have been selected and reported to this office under the acts of Congress granting swamp and overflowed lands to the several States, making the total area selected and reported under said acts 75,748,385.76 acres.

From this statement it will be seen that, so far from this having ceased or diminished, it still goes on without check or limit. As population increases land monopoly by fraud increases.

I have observed in former speeches that the tribute imposed on the farmers and laborers of this country through this fraudulent monopoly of the land and the free homes of the people will exceed the entire cost of the civil war.

The total amount of swamp-land indemnity adjusted and allowed since the passage of the indemnity acts is \$1,438,473.05 for cash entries of swamp land, and 572,306.49 acres patented, in lieu of swamp land located with military-bounty land warrants and scrip.

Mr. CALL. It will be seen from these reports that the people have had at least one faithful and fearless public servant, the Hon. W. A. J. Sparks, Commissioner of Public Lands, who has sought earnestly to preserve the public land for free homes for them. It will also be seen that the depredations and the fraudulent indemnity claims and the fraudulent corporation claims have practically nullified the homestead law and converted the public domain into a great holding for a few great corporation landlords.

The consequence of such legislation would unquestionably be to give to the States, or, more correctly speaking, to the parties interested in prosecuting these claims in the name of the States, the entire proceeds of the sale of the greater part of the public lands.

Depredations upon the public timber by powerful corporations, wealthy mill owners, lumber companies, and unscrupulous monopolists, though to a certain degree checked, are still being committed to an alarming extent and great public detriment. The Sierra Lumber Company, of California, and the Montana Improvement Company, operating in Montana, Idaho, and Washington Territories, against whom legal proceedings are now pending, which are being pressed with all the vigor possible under the limited resources of this Department and the Department of Justice, are bold, defiant, and persistent depredators on the public domain. Similar corporations and companies of less magnitude are depredating on the public timber in other States and Territories.

In 15 of the public-land States the swamp and overflowed lands, "made thereby unfit for cultivation," were granted by Congress to enable these States "to construct the necessary levees and drains to reclaim such lands." At the date of the original acts, in 1849 and 1850, it was estimated that 5,000,000 acres would satisfy the grant. Claims have been presented up to the present time for more than 75,000,000 acres, and patents have been issued for over 50,000,000 acres.

The area thus claimed is greater than the whole surface of the States of New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, Maine, New Jersey, Delaware, Maryland, and West Virginia.

From 1850 to 1880 it was properly held that only such land as was wholly unfit for cultivation without reclamation passed by the grant, but since that time the State selecting agents have presented claims for alleged "low" and "wet" lands and for "bottom lands," notoriously the most valuable and available farming lands in the country. Up to the past year many claims of this class appear to have been loosely and inconsiderately allowed, thus contributing to the otherwise swollen proportions of this grant.

But claims for cash indemnity, based upon the alleged swampy character of lands preempted and otherwise purchased from the United States between 1850 and 1857, have already been allowed to the amount of nearly \$1,400,000, and land indemnity has further been allowed to the amount of 572,000 acres; and such claims at the present time are more freely presented and more importunately urged than at any previous period.

In view of these facts, Mr. President, to say that there is no necessity for the employment of an increased force, that in 26 different States, upon 600,000,000 acres of land, 11 men are sufficient to protect the poor man, the homesteader, in his right to a free home upon the public land, it seems to me requires no answer.

Mr. PETTIGREW. Mr. President, I am inclined to think, on the whole, that special timber agents have done more good than harm. It is true that men have been appointed who have levied blackmail, and they have become very unpopular in the Western States; but, on the whole, I believe that these timber agents have checked in a great degree the destruction of the forests, and therefore conferred a great benefit upon that country. I think their powers should be enlarged, and that a law should be passed by Congress taking charge of all the forests of this country, withdrawing the land from sale, that the trees should be classified, only the ripe trees that will grow no larger or better cut, and the younger trees preserved.

Under the present system great mining and milling corporations cut down whatever timber they choose to use, leaving the branches and tops, which shortly become dry, and after a few years fire runs through the forests, destroying all the small trees, and as there are no large trees to furnish seed the utter destruction of the forest follows. As much timber can be cut as is cut now and the forests maintained in their primitive strength and splendor and never destroyed. We can put men in charge of these forests, selling the timber, selling the stumpage, and cutting only the trees which are so large that they can grow no longer, destroying the tops and the limbs and giving the young trees a chance to grow, planting trees where they are too thin, and thus perpetuate these forests forever.

It seems to me the most important duty we can perform with regard to the forests in the arid region, where timber is so scarce and so valuable, is to enact laws for their preservation, as I have indicated, selling the timber fit to be cut and using the proceeds to preserve the smaller trees and replant the forest, and thus confer a great benefit upon the whole country, without any expense whatever to the Government. The first Napoleon did this for France. He caused the trees in all the forests of France to be measured and classified, and only those of a certain size were marked and cut each year, and thus her forests were preserved. The system which he inaugurated has been continued to this day to the great benefit of France, preserving her wealth in this direction. So jealous was he of this system, so determined that it should be carried out, that he supervised the lists himself, and in many instances the great Napoleon indicated where mistakes had been made in the selection of trees for cutting, and he severely criticised his agents if trees below the size indicated by the law were selected or destroyed.

Napoleon was the world's greatest civil administrator, and we can well profit by his example and preserve forever these grand forests from destruction and confer a great blessing upon posterity.

Mr. VILAS. Mr. President, I wish to make a few observations in respect to this matter, which I trust will be entirely devoid of any of the feeling which has been exhibited from various quarters on both sides of the Chamber.

We have, as has been said, a very large body of public land scattered through a great many States, covered with valuable timber. The question is, whether that land ought to be protected from depredations, and, if so, by what means can it be best protected? That very great depredations are made upon it is proven by the recoveries, which represent probably but a very small part of the actual injury inflicted, as was well said by the Senator from Missouri.

We now have a system of appointing officers or agents, who go about over the public lands seeking to discover the guilty authors of the depredations upon timber.

Is there any better system to be devised? If not, ought not this system to be maintained? We have been reckoning here this morning the amount of recoveries as contrasted with the expenditures made; but that is a very poor way, however, to reckon the value of the agents employed. They ought to do a great deal more service in protecting the timber lands from depredations than merely in recovering damages for depredations made. If it be true that the recoveries of actual damages far exceed the expenditures made, how much that tends to prove the necessity for maintaining a system of this kind. Until some better system can be suggested—I never heard of any better one being proposed—why should we not maintain this one fairly? If we are to appoint special agents, if we are to undertake to maintain this system, to submit it to the government of the Secretary of the Interior and the Commissioner of the General Land Office, we ought to deal with them in respect to those as we deal in other matters with respect to other officers of the Department. We take their judgment and reason. Here is a case in which it is proposed to give to the Department in such an important matter as this only one-quarter of what is esteemed to be absolutely necessary in order to protect the public property from common plunder. It certainly seems to me that the House of Representatives made a very moderate provision, and I for one trust that the amendment which the committee has proposed will not be agreed to, but that the provision which the other House has made, moderate as it is, little more than one-third of what the Department esteemed necessary, will be allowed to remain.

The VICE-PRESIDENT. The question is on the amendment reported by the Committee on Appropriations.

Mr. GORMAN. I call for the yeas and nays on the amendment. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. CAMERON]. Not knowing how he would vote on this question, I withhold my vote.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH].

Mr. DAVIS (when his name was called). I am paired with the Senator from Indiana [Mr. TURPIE].

Mr. LODGE (when his name was called). I am paired with the Senator from New York [Mr. HILL]. Not knowing how he would vote on this question I withhold my vote.

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUR]. Not knowing how he would vote I withhold my vote.

The roll call was completed.

Mr. HIGGINS (after having voted in the affirmative). I inquire if the Senator from New Jersey [Mr. McPHERSON] has voted.

The VICE-PRESIDENT. He has not voted.

Mr. HIGGINS. I withdraw my vote, not knowing how that Senator would vote if present.

Mr. VILAS. I have a general pair with the Senator from Oregon [Mr. MITCHELL]. Not knowing how he would vote I withhold my vote.

Mr. McLAURIN. I desire to say that my colleague [Mr. GEORGE] is unable to attend the sessions of the Senate to-day by reason of sickness.

The result was announced—yeas 30, nays 25; as follows:

#### YEAS—30.

Aldrich,	Dixon,	McMillan,	Pugh,
Allison,	Frye,	Manderson,	Quay,
Blackburn,	Gallinger,	Mantle,	Stewart,
Brice,	Gorman,	Morgan,	Teller,
Carey,	Gray,	Perkins,	Washburn,
Chandler,	Hansbrough,	Platt,	Wolcott.
Cockrell,	Hawley,	Power,	
Cullom,	Hunton,	Proctor,	

#### NAYS—25.

Bate,	Faulkner,	Mills,	Squire,
Berry,	Harris,	Mitchell of Wis.	Vest,
Blanchard,	Jones of Ark.	Morrill,	Walsh,
Call,	Kyle,	Palmer,	Wilson of Wash.
Clark,	Lindsay,	Pasco,	
Daniel,	McLaurin,	Peffer,	
Dubois,	Martin,	Roach,	

#### NOT VOTING—33.

Allen,	George,	Lodge,	Smith,
Burrows,	Gibson,	McPherson,	Turpie,
Butler,	Gordon,	Mitchell of Oreg.	Vilas,
Caffery,	Hale,	Murphy,	Voorhees,
Camden,	Higgins,	Pettigrew,	White,
Cameron,	Hill,	Pritchard,	Wilson of Iowa.
Coke,	Hoar,	Ransom,	
Davis,	Irby,	Sherman,	
Dolph,	Jones of Nev.	Shoup,	

So the amendment was agreed to.

Mr. BERRY. I give notice that I reserve the amendment which has just been agreed to for a separate vote in the Senate.

I desire to make the point of order on the next amendment in regard to putting these officials under the civil-service law. The question was decided the other day upon the same point. The Senator from Massachusetts [Mr. LODGE] offered an amendment to put consuls of the United States under the civil-service law, and the Senator from Missouri [Mr. COCKRELL], as I remember, made the point of order against it, and the amendment of the Senator from Massachusetts was held not to be in order. I make that point against the amendment which is proposed to place these officers under the civil-service law.

Mr. DUBOIS. I desire to offer an amendment as a substitute for the amendment now under consideration.

The VICE-PRESIDENT. The amendment will be stated.

Mr. COCKRELL. Let the point of order made by the Senator from Arkansas [Mr. BERRY] be acted upon, and that will end the question, I think. The amendment changes existing law.

Mr. HARRIS. It is general legislation.

Mr. STEWART. Let the substitute of the Senator from Idaho [Mr. DUBOIS] be read.

The VICE-PRESIDENT. The proposed amendment will be stated.

The SECRETARY. On page 70, line 12, it is proposed to strike out all after the word "selected" and insert "from and serve in the States from which they are appointed."

The VICE-PRESIDENT. That is the amendment proposed by the Senator from Idaho. The amendment reported by the committee will now be stated.

The SECRETARY. On page 70, line 12, after the words "shall be," the Committee on Appropriations report to insert "selected under the civil-service law, rules, and regulations, and shall be;" so as to make the proviso read:

Provided, That agents and others employed under this appropriation shall be selected under the civil-service law, rules, and regulations, and shall be allowed



per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence, at a rate of not exceeding \$3 per day each and actual necessary expenses for transportation.

The VICE-PRESIDENT. Will the Senator from Arkansas please restate his point of order?

Mr. BERRY. I make the point of order that this amendment is general legislation on a general appropriation bill.

The VICE-PRESIDENT. What was the suggestion of the Senator from Missouri?

Mr. COCKRELL. My suggestion was that the amendment is subject to the point of order, being general legislation.

The VICE-PRESIDENT. The Chair has no doubt about that, and the point of order is sustained. The Chair recognizes the Senator from Idaho [Mr. DUBOIS], and the amendment proposed by him will be stated.

Mr. GORMAN. That amendment is out of order now.

Mr. DUBOIS. Then I will offer my amendment as an original amendment.

The VICE-PRESIDENT. The committee amendments are not all disposed of, the Chair will state to the Senator. The next committee amendment will be stated. The Chair will recognize the Senator subsequently.

The SECRETARY. On page 71, in line 11, before the word "thousand," the Committee on Appropriations propose to strike out "one hundred and seventy-five" and insert "three hundred;" so as to read:

For surveys and resurveys of public lands, \$300,000, at rates not exceeding \$9 per linear mile for standard and meander lines, \$7 for township, and \$5 for section lines.

It is proposed by the Senator from Idaho [Mr. DUBOIS] to strike out of the committee amendment, in line 11, the words "three hundred" and insert "four hundred."

Mr. DUBOIS. I do not feel like detaining the Senate with any argument in regard to this amendment. I think every Senator here will agree that there should be a larger appropriation for surveys of public lands. I know the Committee on Appropriations think so, and there never has been a time when the Senate has not voted an increase of this item.

From my own State alone petitions have come from men living on farms which have not been surveyed, but have been cultivated, and which would use up more than \$80,000 during the next year. These petitions are from men living on farms which they have cultivated. Out of this appropriation of \$300,000 our share fairly would not be more than twenty-two or twenty-three thousand dollars. We should appropriate at least a million dollars a year for this purpose. It would be to the advantage of the Government to do so. When those lands are surveyed they are taxed. In their present condition neither the General Government nor the States nor the counties derive any benefit from them. When they are surveyed the Government gets the final payment of \$1 an acre. The expenditure for the survey comes back to the Government, and is to its advantage in every direction.

I trust the Senate will vote in this appropriation of an additional \$100,000, and that the Committee on Appropriations will sustain it in conference.

Mr. SQUIRE. Mr. President, I never could understand why Congress should not be willing to make sufficient appropriations for the survey of the public lands, so that they may be occupied, and that settlers may obtain title to them. There is every reason for wanting the people who are congesting in the great cities to go to the West and establish themselves there and take up lands and make them their homes in a legitimate way. Still, there seems to be an almost impossibility to secure sufficient appropriations to have these surveys made.

Mr. President, according to the statement of the surveyor-general of the State of Washington there were last year 8,523,838 acres of public lands in the State of Washington which were occupied, but which were unsurveyed. Just think of it! These settlers or squatters are there awaiting the action of the Government to survey that land; they can not get a title; they go on from year to year, hoping and waiting for the Government to survey this land. They are already occupying the land, but can get no title to it.

What sense is there in continuing this policy? It is true we have in some years appropriated fairly reasonable amounts; but then, again, we relapse into merely insufficient provisions. As was well stated some time during last session by the chairman of the Committee on Appropriations, there was appropriated in the year 1885, \$350,000; for the year 1886 there was appropriated \$300,000; for the year 1887 there was appropriated \$50,000; for the year 1888 the appropriation was \$50,000; for the year 1889, \$100,000; for the year 1890, \$200,000; for the year 1891 we appropriated \$425,000; for the year 1892, \$400,000; for the year 1893, \$375,000; and for the fiscal year 1894, \$200,000. That appears in the statement of the chairman of the Committee on Appropriations.

Mr. President, what about the receipts of money from the sale of public lands? It appears that during about eight years, from 1886 to 1893, inclusive, the sale of public lands in the United States amounted

to over \$50,000,000, upon an expenditure for the surveys of only \$1,790,000.

Certainly this is a profitable business for the Government. Besides, after sale by the Government these lands become tax-paying. Does it not appear that it is a proper thing for the Government to provide the settlers to an adequate extent with means of obtaining their homes—that is, as to the technical mode of securing title to the land?

It appears from the Land Office reports for 1892 and 1893 that there were received from the sales of public lands in the State of Washington, in 1893, \$453,059, and that the net proceeds above the expenses of the sale of public lands in that State in the same year were \$401,399. There are net proceeds of over \$400,000 in one year. In 1892 the gross receipts from the sale of public lands in the State of Washington were \$496,422, and the net receipts in that year were \$440,381. So it appears with reference to other States. But I speak especially in regard to my own State, because in that State there have been the greatest sales of public lands of any State in the Union.

It appears that the receipts from public lands in the State of Montana in 1893 were \$306,190, and the net receipts in that State for the same year were \$274,613. In the State of Wyoming the gross receipts were \$90,640 and the net receipts \$78,495. In Idaho the gross receipts were \$162,230 and the net receipts \$138,475. In Oregon the gross receipts were \$422,600 and the net receipts \$380,235. In Utah the gross receipts were \$94,637 and the net receipts \$84,387.

In the State of Colorado the gross receipts were \$369,317, and the net receipts \$295,884. It will be seen that the net amount received from the sale of public lands in the State of Washington alone in 1893, and the same is true of 1892, was largely in excess of the entire amount appropriated for the surveys of public lands in the whole of the United States.

I do not think it is necessary to argue this question any longer, but I appeal, in behalf of the people of my State, who want to be able to get title to the land on which they have already settled, for an adequate amount. As the Senator from Idaho [Mr. DUBOIS] has well stated, there ought to be a million dollars appropriated annually for the surveys of public lands.

Some of the other States have had more money expended in them relatively than the State of Washington. I do not know but that there ought to be some system of division of the moneys better than that heretofore adopted. At least \$50,000 is required for surveys in the State of Washington this year. I am assured that surveys in the State of Washington have not been ahead of the actual needs of the settlers of that State, as 39 per cent of the vacant lands in that State are occupied by bona fide settlers, while 76 per cent of all its surveyed lands are so occupied.

I have before me a petition of the Chamber of Commerce of the city of Seattle, Wash., setting forth at considerable length the reasons for desiring an increase in the amount of money for the survey of public lands, specifically stating that the bona fide settlers in various parts of the State are clamoring for surveys, as in the western ends of Jefferson and Clallam counties, and in the Grays Harbor region at the southwest corner of the State; and it is also stated here that there is a large demand for surveys of public lands in the county of Okanogan and Stevens County, in eastern Washington. The same urgent needs exist as to other portions of my State. The petition concludes in these words:

Feeling that the demands of these honorable and thrifty and courageous workers should be met with reasonable consideration from our Government, and further that the new lands be rendered easier of occupancy and cultivation by being surveyed, thereby aiding in relieving the "congested population" of many of our cities and adding so many more home makers and wealth producers to our body politic, the Chamber of Commerce of Seattle has instructed its president and secretary to respectfully ask your attention to this matter and your aid in securing a large increase in the appropriations mentioned.

The demands of other States for surveys are also to be fairly considered.

I hope the amendment proposed by the Senator from Idaho to increase the amount for public surveys to \$400,000 will be adopted.

Mr. POWER. Mr. President, three-fourths of the public lands of Montana are unsurveyed. More than half of the lands of the settlers are unsurveyed. It is false economy to make small appropriations for public surveys. The proceeds of the sales of lands pay back tenfold into the Treasury, net, over all expenses, including the item of surveying of the land.

Referring to the timber depredations in Montana, the large corporations cutting timber there have stated repeatedly that if the lands could be surveyed they would then buy the land where the timber is located, and they would much prefer to do that to cutting the timber on leases made with the Interior Department. The mines in Montana are extensive. One mine alone uses 100,000 feet of lumber daily, which amounts to over 350,000,000 feet of lumber consumed in one mine in a year. That is the reason the timber is cut everywhere, and those who cut it are blamed and criticised.

The Senator from Missouri stated that the timber cut upon public lands was exported from the State. That is not the situation. No lumber has been exported. There is no call for it outside of the State. I mean by this that on account of the long rail haul competition from Minnesota on the east and Washington on the west pro-

hibits. But there are millions and millions of feet cut on public lands for which the Government is not paid, and if large appropriations were made for surveys, so that the land could be selected, the people interested in cutting the timber would then buy the land; and they would prefer to do it. They are all responsible, and do not want to violate the law. But the requirements for timber in carrying on the mines are so great that it must be cut to carry on the different enterprises of the State. I hope the amendment of the Senator from Idaho will prevail.

Mr. WHITE. Mr. President, I merely wish to state my concurrence in the views expressed by the Senator from Washington [Mr. SQUIRE], the Senator from Montana [Mr. POWER], and the Senator from Idaho [Mr. DUBOIS]. There is a vast area of land in my State, as there is in the other States, not surveyed, and upon which the settlers have located. It is not only in their interest, but it is in the Government's interest that the matter should be closed up. There are frequent disputes as to boundary lines. In California, where Mexican grants are frequently encountered, it is a question sometimes whether the land was properly located, and often it is necessary to ascertain from Government surveys of adjacent lands just how the coterminous boundaries are situated and where they are located. This is not an infrequent case, but one which is a matter met with almost every day.

I have received letters by the score from people, in good faith, who have settled upon public lands in California, and do not know why they have not been able to obtain surveys. I can see no good reason why the Government of the United States should invite settlers to occupy the public lands and should not also provide for their speedy survey. There is, as I have observed, no economy in small appropriations, because the theory is that in the end the money will have to be expended. Above all things it is necessary for the settler to have his title if he is to improve his land and make it that which he hopes to establish, his home. Hence it appears to me there should be liberality displayed in this regard, not in the interest of any section, not in the interest of the States where the land is located, but in the interest of the Government itself.

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). The question is on agreeing to the amendment of the Senator from Idaho [Mr. DUBOIS] to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. COCKRELL. I offer an amendment to come in after line 5, on page 2. It is an amendment for a public building authorized by an act of Congress passed at the present session.

The SECRETARY. After line 5, page 2, insert:

For post-office and other Government offices at Brockton, Mass.: For securing a site and for the construction of the public building, \$25,000; and the Secretary of the Treasury is authorized to contract for the completion of said building within the limit of cost prescribed in the law, subject to the appropriations to be made by Congress.

The amendment was agreed to.

Mr. COCKRELL. The Senator from Maine [Mr. FRYE] made a reservation as to an amendment to come in at the end of line 18, page 27.

Mr. FRYE. I offer an amendment to come in at that point.

The SECRETARY. After line 18, on page 27, insert:

That the President of the United States is hereby authorized to convene, from time to time as he may deem proper, a board, to be composed of three surgeons of the Marine-Hospital Service, to examine and report upon all officers of the Revenue-Cutter Service who, through no vicious habits of their own, have become or may hereafter become incapacitated by reason of the infirmities of age or physical or mental disability to efficiently perform the duties of their respective offices. And such officers as, under the terms of this act, may be reported by said board to be permanently incapacitated shall be placed on waiting orders out of the line of promotion, and the vacancies thereby created in the active list of the officers shall be filled by promotion in the order of seniority, as now provided by law: *Provided, however*, That no such promotion shall be made until the professional qualifications of the candidate shall have been determined by written examination before a board of officers of the Revenue-Cutter Service convened by the Secretary of the Treasury for that purpose: *Provided further*, That the number of officers upon the active list now authorized by law shall not be increased by this act; and the Secretary of the Treasury is hereby authorized to make all necessary regulations, not inconsistent with law, to properly and impartially carry into effect the provisions of this act and for the general government of the Revenue-Cutter Service.

The PRESIDING OFFICER. Does the Senator from Maine offer it as an amendment to the amendment?

Mr. FRYE. As an amendment to the amendment.

Mr. COCKRELL. I desire to reserve any point of order on it.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Maine to the amendment of the committee.

Mr. COCKRELL. I reserve the point of order on it. If the Senator desires to make a statement I will not make the point now.

Mr. FRYE. I desire to make a statement, and I confess I should like to have more Senators present when the statement is made. It is a very important matter, and I should like to have an intelligent decision of the question if it is put to a vote.

Mr. COCKRELL. Let there be a call of the Senate, then.

Mr. FRYE. I suggest that there is no quorum present.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Dubois,	McLaurin,	Pugh,
Allen,	Faulkner,	McPherson,	Quay,
Bate,	Frye,	Manderson,	Roach,
Blackburn,	Gallinger,	Mantle,	Squire,
Blanchard,	Gibson,	Mills,	Teller,
Butler,	Gorman,	Mitchell, Oreg.	Tarpie,
Cañero,	Gray,	Mitchell, Wis.	Vest,
Cameron,	Hansbrough,	Palmer,	Vilas,
Cockrell,	Hawley,	Pasco,	Walsh,
Daniel,	Higgins,	Peffer,	White,
Davis,	Huston,	Perkins,	Wilson, Wash.
Dixon,	Jones, Ark.	Pettigrew,	Wolcott.
	Lindsay,	Platt,	

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment proposed by the Senator from Maine to the amendment of the committee.

Mr. FRYE. Mr. President, I should like the attention of the Senate for a very few minutes. I have offered an amendment to the provision in the bill for the construction of a revenue cutter which retires the present disabled officers of the Revenue-Cutter Service. I believe it to be germane and in order. There are several provisions in the bill and there have been in other bills for the last four or five years for the construction of revenue cutters. I say to the Senate, from information, that you may build as many cutters as you please, you will have no officers to put into them.

There are thirty disabled officers in the Revenue-Cutter Service to-day, men from 68 to 94 years of age, men who were disabled by the civil war, men who have been disabled in the service to which they belong. No Secretary of the Treasury will for one moment think of discharging those officers and throwing some of them, if he did, into the poorhouse over the hill. They have served all their lives here. It is one of the best arms of the national service to-day. It is one of the most deserving. It supplies the best sailors we have outside the fishermen to-day. It supplies the only officers in the Navy who are capable of and understand the piloting on the Pacific and Atlantic coasts. It is crippled and has been crippled for ten years, because of the disabled officers at the head of the list who can not be retired and whom the Secretary of the Treasury will not discharge. Let me give a statement as to them which I made when the bill as to these officers was reported from the Committee on Commerce:

"Of the 207 officers borne upon the last official register of the cutter service there are 17, the youngest of whom will have reached the age of 63 at this time. Of this number (17) 1 is 90, 1 is 91, 1 is 77, 2 are 72, 2 are 70, 2 are 69, 2 are 68, 2 are 65, 1 is 63, and 2 are 62. Thirteen others have become physically unfit for duty from disease contracted in the service, and some among them are suffering now from old wounds received in the war. The total number, then, who would be eligible for retirement under the provisions of this amendment is 30. Without exception these officers entered the service originally in the prime and vigor of young manhood, and they have all served the Government faithfully for more than half a lifetime. Seventeen of the 30 served in the Volunteer Navy during the war. Twenty-six of the 30 are kept upon 'waiting orders' while the other 4 should be off duty, being too old for active service."

The law permits only 220 officers. Out of the 220, 30 to-day are disabled by wounds or by age from rendering any service; and there they stand in their positions as officers of the Revenue-Cutter Service. No man in the service can be promoted while they stand there, and the limit of officers being fixed at 220 the country is deprived of the services of 30 more active young officers who ought to be in the service.

The service is older than the Navy, five years older, and it is no discredit to the Navy to say that it is the equal in importance of the duties it is called upon to perform. There were read letters yesterday which showed how the lives of these men were in danger in every storm upon the ocean which beats upon our coast; how they saved millions and millions of dollars' worth of property; how they saved thousands of lives. If you will go back to the history of this country you will find that in the first war, the war of 1798 to 1801, with the French, there were eight of these cutters acting under the Navy in the United States service. In the Seminole war there were ten of them in the service. In the Mexican war there were ten or twelve. In the war of 1812, in the civil war, in every war this country has fought, one of the important arms of the war service has been that of the revenue marine of the country, and it has in every war, too, been conspicuous. They were called upon to destroy the pirates. They have been called on for the last half-dozen years to protect the seals. Their service is more perilous than any service on the sea in the Navy.

You must remember, too, Mr. President, that these men have not shore duty; that these men are compelled to beat sea in every storm; that they have no homes except on board their vessels; that their lives are in constant and daily peril.

It may be said in reply that this is an arm of the civil service and that there ought not to be a retired list. Mr. President, in 1799 the following law was passed:

The revenue cutters shall, whenever the President so directs, cooperate with the Navy, during which time they shall be under the direction of the Secretary



of the Navy, and the expenses thereof shall be defrayed by the Navy Department.

I have just said, in every war, they had been ordered by the President of the United States to enter the service under the Navy.

Mr. BUTLER. That is the law now.

Mr. FRYE. That is the law now, and it has been the law since 1799.

Mr. GRAY. They are in the Bering Sea service.

Mr. FRYE. They are in the Bering Sea service now.

Mr. GRAY. And controlling it.

Mr. FRYE. They are in constant service, Mr. President. As I said, in every war the President has ordered them in the service of the United States. If you will look at the statutes you will find they provide for pensions when they are disabled while in the naval service and for promotions. How can this be compared to any civil service of the United States? It is essentially a war service, and they are an adjunct, an annex of the Navy whenever ships of war are required for naval service in battle.

Mr. GRAY. In military service?

Mr. FRYE. In military service.

Now, both Secretary Chandler and Secretary of the Navy Tracey reported in favor of the transfer of this arm of the service to the Navy. The Senator from Delaware [Mr. GRAY] had charge of the bill here. For two Congresses we fought in the Senate to transfer this service to the Navy in order to save it from its crippled condition, and we were opposed in seeking to make that transfer. It was urged that it belonged under the Secretary of the Treasury; that it ought not to be transferred; and the Senator from Missouri [Mr. COCKRELL] and the Senator from Ohio [Mr. SHERMAN], distinguished and influential as they are, succeeded in defeating it.

Mr. GRAY. By preventing a vote?

Mr. FRYE. By preventing a vote. Still the crippled condition continues. Now here is a chance to do our duty and to save this service.

The Senator from California [Mr. WHITE] suggests to me that when our ships were lost in the Arctic Ocean this service was called upon to rescue and to search for them. It is called upon on every occasion of peril.

The Secretaries of the Treasury for twenty-five years have called the attention of the Congress to the condition of this service and have insisted that Congress should put these men on the retired list, and yet Congress has been deaf. Secretary Richardson, when Secretary of the Treasury, called the attention of Congress to it.

Mr. LINDSAY. What was the report of the Committee on Commerce?

Mr. FRYE. In favor of it. The bill is on the Calendar, and a similar bill has been reported favorably in the other House. I understand that 160 or 170 members of the House signed a paper asking for a day to consider the bill.

Secretary Folger called attention of Congress to it in 1881. He says:

The service is seriously embarrassed by the large and constantly increasing number of officers who, through old age or physical disability, have become unequal to the performance of the duty.

He asked Congress to place these officers on the retired list. That was in 1881. Secretary Sherman also says:

The operations of the Revenue-Cutter Service are seriously embarrassed and its efficiency impaired through the want of some provision of the character proposed in the communication referred to.

That was a communication in favor of retiring these officers. He says:

A similar measure was recommended by my predecessors in their several annual reports for the years 1871, 1872, 1873, and 1876. The necessity for the relief contemplated increases with time, and is greater now than when the recommendations referred to were made. The number of line officers of the service is limited by the act of July 25, 1861, to one of each grade for each revenue vessel. The exigencies of the service require several of its officers to be constantly engaged upon special service, and so forth.

Secretary Carlisle sent a communication to the very last Congress, in which he called attention to the fact that this service was terribly crippled, and that something must be done; and said that if nothing could be done he must send these old men, who had served their country for fifty years, perhaps, over the hill to the poorhouse. No Secretary of the Treasury desires to do that. Secretary Carlisle sent only day before yesterday to the chairman of the Committee on Appropriations a letter asking him to place this amendment on one of the appropriation bills, so that the service might be saved. He says in that letter:

The efficiency of the Revenue-Cutter Service has already been seriously impaired on account of the inability of a large proportion of its officers to perform active duty, and the Department has been frequently much embarrassed in its efforts to secure competent and experienced officers of proper grade to conduct important operations for the enforcement of the customs and other laws.

I beg, therefore, to recommend the adoption of the proposed amendment.

Now, Mr. President, I can say nothing more. Surely the Senate of the United States, from what I have said (and there is not a word of it open to contradiction), can see the absolute necessity, if this

important and valuable branch of the service is to be preserved, of doing something now and on the appropriation bills.

Mr. SHERMAN. Mr. President, as the Senator from Maine has said, some three or four years ago I united with the Senator from Missouri [Mr. COCKRELL] and with other Senators in opposing the merging of the Revenue-Marine Service into the Navy. I believed it was a bad measure. It seemed so to me in every aspect in which it was presented to my mind. But the proposition now made meets with my hearty approval.

There is no branch of the civil or military or naval service of the United States that is more valuable to the country at large than this force. It has been engaged since the beginning of the Government in protecting the revenue, in saving lives, and in rendering a great variety of service that could not possibly fall within the line of the Navy. It is a peculiar service. It is not a naval service, but it is a mercantile service. It is a service organized to protect the Treasury on the ocean, at the ports of the United States. It has been composed from the beginning of hardy, able, and brave men; men, as my friend from Maine says, who have been distinguished in war as well as in peace.

There is no part of the naval service that is more valuable or more useful, and it is used on every occasion whatever, when a naval force is probably not adapted to the peculiar service. It is used now in connection with Alaska, and it is used in all branches of the naval service, but it is a distinct body of men.

There is no reason in the world why the officers who perform such important duties should not have the same privilege of retiring at a suitable age and of being protected, opening the door by their retirement to junior officers in the full vigor of life. The proposition, so far as I can appreciate it, meets with my hearty approval. It is very unlike the measure that was proposed two or three years ago.

I shall therefore vote for this amendment with the greatest pleasure. I believe it will be a valuable aid to this important branch of the service. This is all I desire to say in regard to it.

Mr. COCKRELL. Mr. President, I shall make the point of order on the amendment, but I reserved the point of order because I did not want to cut off Senators from a plain statement of the case. I desire simply to say in reply that this is as much a branch of the civil service as the collectors of internal revenue and the deputy collectors whose lives are endangered in the suppression of illicit distilling.

This is just as much a branch of the civil service of the United States as the ocean mail service, and those who go upon the high seas in charge of the mails which are transported to and from our country. I am opposed to it in principle. It is the first step towards a civil pension list. I am astonished that the Secretary of the Treasury and other officers approve and indorse and recommend the establishment of a civil pension list, for that is practically what this proposed establishment is. It is giving to this corps the right of retirement upon three-fourths pay, and then follows the right to pensions.

Mr. GRAY. Will the Senator from Missouri allow me?

Mr. COCKRELL. With pleasure.

Mr. GRAY. I interrupt the Senator, as he has given notice he will make a point of order immediately, and I shall not have an opportunity of saying what I would like to say. The statement the Senator has just made seems to be the objective point of all the criticism that can be made or has been made, so far as I know, upon this proposition. I would remind the Senator and the Senate that the only matter that distinguishes this from the other military service of the United States is that it is put where it ought not to be, under one of the civil departments of the Government. But this service itself in every other Government of the civilized world, so far as I know, is a part of the military arm of that Government. In England it is a part of the navy, and is entitled there the coast guard. In France it is a part of their military service. It is an essential feature of that service in this country; it is as much a military service as that of the Navy itself.

Mr. COCKRELL. Now, Mr. President, what do they do? It is for the protection of the revenue, just as the Senator from Ohio says. It is no more for the protection of the revenues than the internal-revenue collectors or customs officers—not one particle. I know the effort has been made to transfer them, and thereby make them a part of the permanent Navy and give them the right to pensions and to retirement.

This amendment is legislation pure and simple. It is to make a retired list for the first time in the history of this country for officers of the civil service, the Revenue-Cutter Service, those who are simply engaged in protecting the Treasury from false importations. They are here in this port, they are there in that port, and they have an easy time, just as much so as the collectors of customs, except that they have the greater privilege of sailing all around the coast. It is true when war comes they are called into it, and so are all civilians of the United States liable to be called into it, and so are all the other civil officers. There is no distinction to be drawn.

If this is not general legislation upon an appropriation bill there

can not be any. I make the point of order against the amendment to the amendment.

Mr. GORMAN. I trust the Senator from Missouri will not make a point of order on the amendment.

Mr. COCKRELL. I am bound to make it.

Mr. GORMAN. I hope he will allow a vote of the Senate upon the proposition. Will the Senator withdraw it?

Mr. COCKRELL. I will withdraw it for the Senator to make remarks, but I shall renew it when he concludes.

Mr. GORMAN. Mr. President, a very determined effort has been made during the last Congress and the present to put this service exclusively under the Navy Department, which I have opposed. I believe it ought to be retained in the Treasury Department for various reasons. The naval officers ought to have nothing to do with the execution of the customs laws. But the justice of making some provision for the officers of this service is so perfectly clear that it seems to me there ought not to be the slightest hesitation on the part of the Senate to do it. We are appropriating now in this very bill for the Revenue-Cutter Service, and have been for the last year or two. The question came up yesterday on the appropriation to construct a revenue cutter on the Pacific Coast. Those steamers are being constructed now. They are practically war vessels, and they are more effective for the service South and in the Pacific and on the Atlantic than the cruisers we have built which have cost millions of dollars.

In examining this very question in connection with the Navy, I find that the opinion of the best officers in the service to-day is that the great want of the service is vessels of this class. In time of war they would be of immense service. They can do this coasting without being put in dry dock every five or six months. One of these vessels will go twelve months or two years without being scraped off. The testimony of the officers is that they are most efficient vessels in every respect, and the Navy is most anxious to duplicate some of them for their service.

At first they wanted the whole organization in their corps, so that nobody could enter it except through the Naval Academy. Mr. President, this is the only branch of the service that relates to war that the sons of fishermen and watermen, the captains who are thoroughly equipped for the service and have grown up from generation to generation in it, can enter the national service and serve not only in time of peace but during time of war. I do not wish to see that door closed by transferring the service to the Navy Department, but I do want to see provision made, as is made in the Navy, so that when they reach an advanced age some relief may be given them, and it may be kept an efficient service.

Mr. COCKRELL. I renew the point of order.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The Senator from Missouri has made a point of order against the amendment of the Senator from Maine, which point of order the Chair submits to the Senate. Senators who are of the opinion that the amendment of the Senator from Maine is in order will say "aye." [Putting the question.] Those of a contrary opinion "no." The ayes have it.

Mr. COCKRELL. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HILL (when his name was called). I am paired with the Senator from Massachusetts [Mr. LODGE].

Mr. MCPHERSON (when his name was called). I am paired with the Senator from Delaware [Mr. HIGGINS].

Mr. PASCO (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD]. In his absence I withhold my vote.

Mr. QUAY (when his name was called). I am paired with the Senator from Alabama [Mr. MORGAN], and therefore withhold my vote.

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. DUBOIS. I am paired with the junior Senator from New Jersey [Mr. SMITH].

The result was announced—yeas 46, nays 13; as follows:

## YEAS—46.

Blanchard,	Gallinger,	Manderson,	Roach,
Brice,	Gibson,	Mantle,	Sherman,
Butler,	Gordon,	Mills,	Squire,
Call,	Gorman,	Mitchell of Oreg.	Stewart,
Cameron,	Gray,	Mitchell of Wis.	Teller,
Carey,	Hawley,	Morrill,	Turpie,
Chandler,	Higgins,	Murphy,	Voorhees,
Cullom,	Hoar,	Perkins,	Washburn,
Davis,	Huntton,	Platt,	Wilson of Iowa,
Dixon,	Jones of Ark.	Power,	Wolcott.
Faulkner,	Lindsay,	Proctor,	
Frye,	McMillan,	Pugh,	

## NAYS—13.

Allon,	Cockrell,	McLaurin,	Vilas.
Allison,	Daniel,	Martin,	
Bate,	Harris,	Peffer,	
Blackburn,	Kyle,	Vest,	

## NOT VOTING—29.

Aldrich,	Dubois,	McPherson,	Shoup,
Berry,	George,	Morgan,	Smith,
Burrows,	Hale,	Palmer,	Walsh,
Caffery,	Hansbrough,	Pasco,	White,
Camden,	Hill,	Pettigrew,	Wilson of Wash.
Clark,	Irby,	Pritchard,	
Coke,	Jones of Nev.	Quay,	
Dolph,	Lodge,	Ransom,	

So the amendment to the amendment was decided to be in order.

The PRESIDING OFFICER. The question recurs on the adoption of the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. COCKRELL. On page 65, at the end of line 5, an amendment comes in proposed by the Senator from Kentucky [Mr. BLACKBURN].

The PRESIDING OFFICER. The amendment proposed by the Senator from Kentucky [Mr. BLACKBURN] will be stated.

The SECRETARY. After line 5, on page 65, it is proposed to insert:

Bounty on sugar: That there shall be paid by the Secretary of the Treasury to those producers and manufacturers of sugar in the United States from maple sap, beets, sorghum, or sugar cane grown or produced within the United States, who complied with the provisions of the bounty law as contained in Schedule E of the tariff act of October 1, 1890, a bounty of 2 cents a pound on all sugars testing not less than 90° by the polariscope, and 1½ cents a pound on all sugars testing less than 90° and not less than 80° degrees by the polariscope, manufactured and produced by them previous to the 28th day of August, 1894, and upon which no bounty has previously been paid; and for this purpose the sum of \$233,289.08 is hereby appropriated, or so much thereof as may be necessary.

That there shall be paid to those producers who complied with the provisions of the bounty law as contained in Schedule E of the tariff act of October 1, 1890, by filing the notice, application for license, and bond therein required, prior to July 1, 1894, and who would have been entitled to receive a license as provided for in said act, a bounty of eight-tenths of a cent per pound on the sugars actually manufactured and produced in the United States testing not less than 80° by the polariscope from beets, sorghum, or sugar cane grown or produced within the United States during that part of the fiscal year ending June 30, 1895, comprised in the period commencing August 23, 1894, and ending June 30, 1895, both days inclusive; and for this purpose the sum of \$5,000,000, or so much thereof as may be necessary, is hereby appropriated: *Provided*, That no bounty shall be paid to any person engaged in refining sugars which have been imported into the United States, or produced in the United States, upon which the bounty herein provided has already been paid or applied for.

The bounty herein authorized to be paid shall be paid upon the presentation of such proof of manufacture and production as shall be required in each case by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and under such rules and regulations as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

And for the payment of such bounty the Secretary of the Treasury is authorized to draw warrants on the Treasurer of the United States for sums as shall be necessary, which sums shall be certified to him by the Commissioner of Internal Revenue, by whom the bounty shall be disbursed, and no bounty shall be allowed or paid to any person as aforesaid upon any quantity of sugar less than 500 pounds.

For examination of claims and ascertaining the amount due and the prevention of fraudulent claims for said bounty, the Commissioner of Internal Revenue is hereby authorized to employ two internal-revenue agents, in addition to those already provided for, and upon the same terms as to compensation.

That any person not entitled to the bounty herein provided for, who shall with intent to defraud apply for or receive the same, shall be guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine not exceeding \$5,000, or be imprisoned for a period not exceeding five years, or both, in the discretion of the court.

Mr. MILLS. I make the point of order on that amendment that it is general legislation on an appropriation bill.

Mr. BLACKBURN. I simply desire to say a word—I have no objection to meeting the question of the point of order—

Mr. MILLS. I make the point of order, but I will wait to hear from my friend from Kentucky.

Mr. BLACKBURN. I do not propose to discuss the amendment at this time, nor at all, unless it is made necessary. I simply desire to explain to the Senate why this proposed amendment is not printed in the bill. The amendment, however, was submitted by me under instructions from a majority of the Committee on Appropriations, the final vote upon the amendment not having been taken until after the bill had gone to the Printer.

I simply desire to make this statement by way of explanation. The amendment I have offered is a committee amendment, sent here by a majority vote of the Committee on Appropriations, and I make this explanation of its not appearing in the print of the bill.

Mr. MILLS. Now, I make the point of order, Mr. President, that the amendment is general legislation on an appropriation bill, and forbidden by Rule XVI of the Senate.

Mr. MANDERSON. I hope the Senator from Texas will not make the point of order to this amendment at this time. It is a matter which certainly should have very full and free discussion. I know there is no desire on the part of anyone to do more than present it fairly in argument to the Senate. I realize that it is somewhat embarrassing to present an argument in favor of a proposition and address one's self to its general merits on a point of order. Of course, it is possible, under our liberal rules, to debate the merits of the subject on a point of order, but that is rather an evasion of the rule, and those of us in favor of the amendment desire to debate it fairly and without any waste of time. If the Senator from Texas insists upon the point of order we shall have to meet it by those indirect processes.



Mr. MILLS. I will withhold the point of order, Mr. President, so that the Senator may be heard upon the question.

The VICE-PRESIDENT. The Senator from Texas withholds the point of order. The Senator from Nebraska is recognized.

Mr. MANDERSON. Mr. President, this proposition is one that comes to us with the approval of the Committee on Appropriations. In somewhat different form it came to the Senate with the approval of the Committee on Claims, quite different in its wording and somewhat different in its provisions, which differences I will briefly explain.

The amendment, as it came from the Committee on Claims, with the approval of its majority, provided for the payment of the entire bounty granted under the McKinley act on the sugar produced from the 1st day of July until the 28th day of August, 1894, when what we call the Wilson bill went into effect. It provided further for the payment on all sugar produced from the crop of 1894 of one-half of the bounty provided in the McKinley act, or at the rate of 1 cent per pound.

It will be remembered that under the McKinley act 2 cents a pound and  $1\frac{1}{2}$  cents a pound bounty was to be paid upon all sugars produced from either sugar cane or sorghum or sugar beets, or from maple sap, dependent as to the amount to be paid upon the polariscope test of the sugar. I shall not take the time of the Senate to show in detail the enormous advantage that came to the country by this bounty provision of the McKinley law.

Under its fostering provision, there resulted not only an enormous increase in the sugar production of Louisiana and great additional investment there, but a new industry, most important and of vast value to the country at large, was started in the West, and the experiment, which it had taken many, many years to bring to the fruition of full success in Germany and France, in a very short space of time became successful in parts of this country, and as the result of the direct promise of the Government of the United States that, commencing in the year 1890 and continuing to the year 1905, for a period of fifteen years, bounty should be paid for sugar produced, men who understood the business, who had the intelligence, the skill, and the experience needed to start it, embarked in this industry, and in the State of Nebraska at great expenditure of money, running into over \$1,000,000 for the mere plants themselves, built and have operated for nearly four years two splendid sugar-beet factories.

In the Territory of Utah and in the State of California, also, sugar factories were started, all built under rather adverse conditions, notwithstanding this flattering promise of a bounty, for the farming element in the vicinity of all these factories had to be educated to that degree of intelligence required for the growth and production of sugar beets. There has been no profit, at least in the State of Nebraska, even with the bounty awarded by the Government under the McKinley act, as yet, to those who have produced sugar.

What profit has been made has accrued to the farmers of that State who have produced the sugar beet, for every year, by contract made before the crop was planted, the farmers have been promised and have finally received \$5 per ton for the sugar-beet product of their farms; and at this rate per ton they can make a little money. At less than that, if they are to be paid but \$3.50 or \$4 a ton for sugar beets, the sugar-beet culture of that section of country will certainly cease, and I doubt whether there is any place in the North, in any of its agricultural sections, however rich they may be, however well adapted to the culture of this Northern sugar plant, where beet sugar can be produced at a profit if but \$3.50 or \$4 per ton be paid for the beets.

Mr. GRAY. May I ask the Senator what is the average production of sugar beets to the acre?

Mr. MANDERSON. As I now recall it, about fifteen tons to the acre where the conditions are the best possible. Of course, that depends on many things; it depends largely on the way in which the soil is prepared, the extent of the fertilization of the soil, the skill and intelligence with which the beets are thinned out, as the process is termed, during their growth, and the selection, in the first instance, of the seed of the beets which contain the greatest amount of saccharine substance.

Mr. SQUIRE. May I ask the Senator a question at that point?

Mr. MANDERSON. Certainly.

Mr. SQUIRE. I should like to ask whether the Senator can state to the Senate the relative value of the best sugar beets produced in America, in the State of Nebraska or in any other State of the Union, as to saccharine matter, and give a comparison of the value in that respect with the sugar-beet production of Germany and France?

Mr. MANDERSON. I can give it in general terms, and were I not very desirous of getting along rapidly, and of taking no more of the time of the Senate than is absolutely necessary, I could give it in detail and with exactitude.

Mr. SQUIRE. I only desire the Senator to state it briefly, if he will.

Mr. MANDERSON. I think it will suffice to say that under the cultivation in this country, particularly in California and Nebraska, where the climatic conditions are favorable for the growth of the sugar beet, it being remembered that the sugar beet is largely a

sun plant, seeming to derive its saccharine substance from the rays of the sun—where these conditions exist the saccharine principle in the beet is very much greater than in Germany or France.

I think you may say in general terms that, with the saccharine in the German beets averaging at this time perhaps 13 to 14 per cent, the average of saccharine in the beets produced in the State of Nebraska is 18 to 19 by the latest developments. Indeed, there is on record one experiment in California where, taking not a single beet, not a few beets, but taking quite a large product of beets, the amount of saccharine substance was over 26 per cent—the astonishing fact being that over one-fourth of the beets which were thus tested was pure sugar.

We have made very great progress in the direction of the increase of the saccharine substance by simply making selection of the fittest beet. The doctrine of the "survival of the fittest" has been carried out to very excellent purpose and to an admirable degree in the cultivation of this most interesting of all our valuable food-giving plants.

Mr. President, with this impetus given to the sugar-beet industry it received a staggering blow when, by the action of Congress at the last session, the bounty and adequate protection was divorced from the sugar industry. It seems to me that that act were a piece of unfair, unrighteous, and unjust legislation. It was in the highest degree inequitable, and why?

In the first place, here was the contract upon which this industry was based. I call it "a contract," for had the transaction been between private individuals there would have been no question of the fact that it was contractual, and here the Government said to these people: "If you will invest your money and embark in this industry, which is for the public good, if you will embark in an enterprise which will permit this country to produce all the sugar which it shall consume—instead of producing but one-tenth, produce all, saving to this country an exportation in money of from \$150,000,000 to \$200,000,000 every year, which we now pay to other countries—we will for fifteen years pay you this bounty."

Citizens relying upon this governmental promise embarked upon the industry with enormous incidental expenditure. In the spring of 1894 before planting commenced, aye, before the spring plowing, during the winter of 1893-94, the sugar-beet factors made their contracts with the farmers, supplying to them the seeds which they were to plant, and contracting with them, as they had contracted in years previously, to pay them \$5 a ton for all beets delivered at the factories. The farmers planted their seed, having prepared the ground the fall previous, and again giving it the preparation incident to spring by plowing.

Mr. ALLEN. Will my colleague permit me at this point to make a suggestion?

Mr. MANDERSON. Certainly.

Mr. ALLEN. I desire to suggest that the contracts for the growing of beets were made in December of last year, prior to the introduction of the Wilson bill in either branch of Congress.

Mr. MANDERSON. In December, 1893. I said during the winter previous the contracts were made, and am pleased to be corroborated by my colleague.

Mr. President, June came, and the farmers were at work during that month thinning out their beets, and most of the expensive work incident to the growth of sugar beets had been performed before the 1st day of July, and all of it, except the mere gathering of the crop, had been done before the 28th day of August, 1894.

Under the requirements of the McKinley act it was necessary that every man who proposed to produce sugar from any sugar-producing plant should, before the 1st day of July, make his application to the Secretary of the Treasury, setting forth the character of his factory, the number of places and the localities where he proposed to produce sugar, giving in much detail—prescribed by the Commissioner of Internal Revenue—the particulars of business in which he proposed to embark. Upon such application being filed before the 1st day of July, on that day it was the duty of the Secretary of the Treasury to issue to this proposed sugar producer a license.

Unfortunately, I have not at my desk a copy of the application and the license, but before this debate shall close I will produce them, and show their exact nature. On the 1st day of July the Secretary of the Treasury issued to A B, the applicant, the license required by law, which licensed him to produce sugar under the terms and conditions of the McKinley act; and on the 1st day of July this license was issued, not only to sugar-beet producers in Nebraska, Utah, and California, but to the hundreds of cane-sugar producers in Louisiana, to the producers of sugar from sorghum in Kansas, to the producers of sugar from maple sirup in New England and Ohio, and all were warranted to go on with the business in which they proposed to embark, and to which they had been invited by the solemn promise of the Government.

Following this license, there was filed by every one of those licensed a bond in a large amount of money conditioned that they would comply in every respect with the law; and thus licensed and thus bonded they embarked in this industry. Between the 1st day of July and the 28th day of August, when the Wilson bill was pend-

ing in the two Houses of Congress, much of that time in conference between the two Houses, quite an amount of sugar was produced—produced, however, not from any cane or sugar beets which were grown during the year 1894, except a small portion produced in the State of California.

But that which was produced between the 1st of July and the 28th day of August was very largely produced from that which may be called the residue or the overplus left over from the crop of 1893. Take it as to beet sugar. In the crop of 1893 there were produced about 6,000,000 pounds of sugar prior to the 1st day of July, but of the sugar beets there were quite a large quantity that could not by the first process be converted into sugar, and this comparatively small amount was made into sugar between the 1st day of July and the 28th day of August. Yet the law was so unfair that, although it was produced, and although there can be no question of the fact that those who produced it were entitled to the full bounty of the McKinley Act, not a dollar has been paid them for the sugar thus produced.

The amendment which was reported by the Committee on Appropriations proposes to pay a bounty of 2 cents a pound on all sugars testing not less than 90° by the polariscope, and 1½ cents a pound on all sugars testing less than 90° and not less than 80° by the polariscope, manufactured and produced by them previous to the 28th day of August, 1894.

It seems to me it needs no argument to convince any man not only of the equity of that provision, but that in strict law it is a contract made with the Government of the United States which the United States should be quick and prompt to perform. It has been performed by the one party, as is suggested by the Senator from Connecticut [Mr. PLATT], and this requires merely performance by the other. In other words, it is simply an effort to collect a debt that is due and owing.

The second part of the amendment provides for the payment of not quite half the bounty of the McKinley act for sugars produced from the crop of 1894. It does not go so far as it should, in my opinion. I think it should go to the extent of the payment of the full bounty for the crop of 1894. The Committee on Claims thought it should go to the extent of one-half of the bounty for the crop of 1894, but the Committee on Appropriations have seen fit to reduce the amount of payment to eight-tenths of 1 cent per pound on sugars actually manufactured and produced from the sugar crop of 1894. That is but partial justice, but such as it is we must, I suppose, be content with it.

I believe as firmly as I believe in my own existence, that not only the progress but the permanency, the very life of the beet-sugar industry depends upon the payment of this bounty. I look forward to the time when in the political change that is bound to come in this country we shall return fully to the principle of protection.

Mr. PLATT. Before the Senator from Nebraska leaves the point on which he was speaking just now, will he permit me to ask him what the sugar planters did, in 1894, before the repeal of the McKinley law, toward earning the bounty for which eight-tenths of a cent per pound is now proposed to be paid to them?

Mr. MANDERSON. I will speak for the State of Nebraska, hoping that the Senator from California will address himself to the interests in his State, and that the Senators from Louisiana will tell the story as to the sugar-cane industry in Louisiana. As to the sugar-beet growers or producers in Nebraska, they had performed most of their part of the contract before the 28th day of August.

Mr. WHITE. Will the Senator from Nebraska permit an interjection?

Mr. MANDERSON. Certainly.

Mr. WHITE. We commenced even earlier in California, because of climatic reasons. The beet was ready for the manufacture of sugar at an earlier part of the year.

Mr. MANDERSON. I understand that in California, even before the 28th day of August, when the law went into effect, a part of the crop of 1894 had been converted into sugar.

Mr. WHITE. The crushing commenced early in August of that year.

Mr. MANDERSON. But in Nebraska, of which I desired to speak more particularly, the contracts for 1894, as I said, were made the winter before. My colleague says in December, 1893. The farmers did their fall planting; they made that preparation of the soil, its fertilization, which is essential to a growth of sugar beet; they put in their spring work; they planted; they cultivated; they performed that most expensive part of sugar-beet production, the thinning out their beets, for that part of the cultivation of beets is of the most intelligent character.

No machine can be invented by the most ingenious man which will perform that part of the work. It is a process of selection by the eye and hand, and it requires expert work. It is true a well-grown child can do it, but the child must be taught, and it takes a great deal of time to teach the child as to what beets shall be selected to be thrown out and what shall be selected to remain. All this had been done long before the passage of the Wilson bill.

As I have said, the manufacturers had applied for their licenses; they had given their bonds, and the licenses had issued to them the 1st

day of July, and by the 28th day of August there was nothing left to be done by the farmers except to permit the beets that had been left in the ground to mature themselves. No further cultivation was needed after that date, for in September the beets are taken from the ground and carried to the factory, and there, by the processes which I have heretofore described and will not repeat, are converted into sugar.

Mr. President, I say I do not believe the beet-sugar industry can exist without protection, and that protection should assume the form of bounty. I think it was an unfortunate moment when the Congress of the United States repealed the bounty provision of the McKinley act, but I do not propose at this time to make argument in reference to that subject-matter. I firmly believe that if these people in Nebraska, who have had these years of continuous loss, are not awarded that which I say they are fairly entitled to from the Government of the United States this important industry will disappear.

I had an object lesson during the last fall that impressed me as strongly of the importance of the beet-sugar culture as anything ever impressed me in my life. As is well known, we had a terrible drought in the Western States last year. Usually in the fall of the year I have seen in Nebraska abundance of small grain and corn. We are the great corn-producing State of this country, and I have driven my wagon and have gone by train through miles and miles of waving corn ready for the fall and winter gathering. But how different the scene last fall!

I went over hundreds of miles of that State where there was no more vegetation of value than could be raised upon the carpet on this floor. There was no corn, there had been no small grain; and the only crop that was being moved to a market was the sugar beets that were being carried to the one factory which was enabled to exist last year. It is true there was a tremendous loss from the amount that should have been produced, but the beets stood the drought. Their sweetness being underground rather than above it, they stood the drought very much better than any other crop. It has been the great boon to the farmers of that State this year, giving them not only a little money, but much encouragement.

I believe that if this bounty, partial as it is—not so much as it should be—is awarded, at least one of those factories can continue as it has this year. We had two, but only one could be operated with profit during the year. I believe with the bounty we can exist until a change of political conditions will give that which I think this country demands, from the agricultural standpoint and from the standpoint of the general good of all, to a greater degree just now than it demands anything else, and that is a fair protection to the sugar industry, particularly that of beet sugar.

Without having before me the notes that I gathered for the purpose of addressing myself to this subject, I have given rather a rambling and disconnected statement as to the beet-sugar culture in Nebraska, and I hope the Senator from Texas [Mr. MILLS] will not present the point of order until other gentlemen whose States are so strongly interested in this subject-matter may have a chance to present their views.

Mr. MILLS. That is all right.

Mr. ALLISON. I desire at this point in the debate to send to the desk and have read a telegram relating to this subject which was sent to me this morning from Louisiana, but which is evidently intended for the Senate.

The VICE-PRESIDENT. The Secretary will read as indicated. The Secretary read as follows:

NEW ORLEANS, LA., February 25, 1895.

Hon. WM. B. ALLISON,

United States Senator, Washington, D. C.

Your petitioners respectfully ask for favorable consideration of the amendment to the sundry civil bill granting portion of the bounty on sugars produced in the United States from crops grown in 1894. While not sugar producers nor the immediate recipients of the bounty, your petitioners represent the banks, mercantile firms, manufacturing concerns, and exchanges of this city, who, together with others in distant cities, are the creditors to whom much of the money will go when paid by the Government, and who became such creditors trusting to the good faith of the United States.

The regulations of the bounty law were complied with by the producers. The bonds were furnished as exacted by the Government and accepted by it and many licenses issued to the sugar producers, whose sole remaining work to entitle them to the 2 cents per pound under the provisions of the law was to harvest the cane and granulate the sugar. Your petitioners knew and the Government knew that sugar had never been raised and could not be raised within the borders of the United States without protection, either direct as bounty or incidental as tariff.

They were justified in expecting and trusting to the continuance of this governmental policy, and dealt, therefore, with the producer last year as in previous years, because during eight months of that year the bounty law at 2 cents per pound stood on the statute books, because the first Wilson bill engaged that the bounty for 1894 should be paid in full, and when this was wiped out by the action of the House every leading man of the Senate gave promise that this course could not and would not be countenanced by the Senate.

Caucus promises of the majority of the Senate pledged the continuance of the bounty act to the 1st of January, 1895, and the personal, kindly expressions of the minority made one believe that the sentiment in favor of maintaining the bounty in good faith to the beginning of 1895 would be almost unanimous. Under these circumstances the sugar producers expended their own money and contracted debts to your petitioners and others to the amount of \$20,000,000. Every expense, except that of harvesting the crop, was incurred before the end of August, 1894, the date at which this violent change without notice occurred.

They were obliged to advance the producers harvesting expenses, and these,



added to the expenditures previously made, created a deficit, now that the crop is being marketed, of millions of dollars over and above the value of the total crop. Fairness and a sense of equity would suggest that the bounty, which should be paid this year, should not be less than the amount provided for in the pending amendment. Petitioners, therefore pray that your honorable body will accept the pending amendment as a compensating bounty for the crop of 1894, to save from financial ruin the sugar producers, to whom the Government promises were held out, and from commercial distress those who have trusted these producers in good faith on the policy and laws of the United States.

J. C. MORRIS,  
*President Canal Bank.*  
H. BALDWIN,  
*President New Orleans National Bank.*  
JOS. T. HAYDEN,  
*President Whitney National Bank.*  
R. M. WALMSLEY,  
*President Louisiana National Bank.*  
G. W. NOTT,  
*President Citizens Bank.*  
W. P. NICHOLS,  
*President Bank of Commerce.*  
FRED PETERS,  
*President Metropolitan Bank.*  
H. MASPERO,  
*Vice-President Mutual National Bank.*  
O. CHALARON,  
*President Union National Bank.*  
A. LANDRY,  
*President Peoples Bank of New Orleans.*  
HENRY GARDES,  
*President American National Bank.*  
A. F. HIMEL,  
*President New Orleans Cooperative Association.*  
J. W. CASTLES,  
*President Hibernia National Bank.*  
JNO. H. O'CONNOR,  
*President State National Bank.*  
PATRICK McCLOSKEY,  
*President Board of Trade.*  
A. K. MILLER,  
*President Chamber of Commerce.*  
A. STEWART,  
*President New Orleans Cotton Exchange.*  
JAS. H. AITKEN,  
*President Mechan Lumber and Deal Exchange.*  
JAS. THIBAUT,  
*President Louisiana Sugar Exchange.*

The VICE-PRESIDENT. Has the Senator from Texas renewed his point of order? The Chair understood the Senator from Texas to reserve a point of order upon the pending amendment.

Mr. MILLS. I was asked to withhold it until other gentlemen could discuss the question. If they are through I will renew the point.

The VICE-PRESIDENT. The Chair is not advised as to whether any other Senator desires to discuss the amendment.

Mr. BRICE. If the Senator from Texas had not renewed the point of order I certainly should have done so, especially in view of the statement made by members of the Committee on Appropriations, that this is the report of a majority of the committee. That is entirely true, but there was a strong minority in the Committee on Appropriations against the amendment. I was one of that minority. I certainly shall not consent to an appropriation of so vast a sum, involving eight or ten million dollars—

Mr. MANDERSON. Oh, no!

Mr. BRICE. I can not consent that such an amendment shall be put on an appropriation bill against the rules, in the present condition of the Treasury.

Mr. PLATT. What is the point of order?

Mr. MANDERSON. I desire to correct the statement of the Senator from Ohio.

Mr. BLACKBURN. It is less than \$6,000,000.

Mr. MANDERSON. Although one of the minority of the Committee on Appropriations, he certainly could never have read the amendment. The appropriation is not eight or ten million dollars. It is, as to the sugar produced before the 28th day of August, \$238,000, and as to all other sugar the appropriation is limited to \$5,000,000. If 1 cent per pound had been paid it would have been very much less than the sum stated by the Senator from Ohio.

Mr. BRICE. Mr. President—

The VICE-PRESIDENT. The Senator from Connecticut rose to a parliamentary inquiry.

Mr. PLATT. I desire to know what the point of order is. What ground is stated why the amendment is not in order?

Mr. MILLS. The point of order is that it is general legislation on an appropriation bill.

Mr. BRICE. And a claim as well.

Mr. MILLS. Yes, that is true.

Mr. PLATT. If I may be permitted, being on my feet, to say one word, I think the amendment is in order. It is not general legislation. It is a proposition that the Government shall pay what we think it owes, and the appropriation of money for that purpose; and that is all there is about it.

Mr. MANDERSON. That is all there is of it.

Mr. ALDRICH. The suggestion which I have to make is along the line made by the Senator from Connecticut. This is a new item of appropriation for a specific purpose to carry out provisions of law, the friends of the amendment claim. It has no provisions which extend beyond the present session of Congress or beyond the

appropriations which are made in the bill. It is a new item recommended, proposed, in the language of the first clause of the sixteenth rule, by a standing committee, and is not subject to the point of order made by the Senator from Texas. That seems to me very clear.

Mr. BRICE. The point of order includes as well that it is a claim pure and simple. It is taken out of the jurisdiction of the Committee on Claims, where it is now pending. It is taken out of the jurisdiction of the courts which take jurisdiction of claims against the United States. It is assumed to finally audit and give final judgment and appropriate the money to pay a claim, and a disputed claim.

Mr. WHITE. If it be true, as contended by the friends of this measure, that it is not only a claim but that it is presented under such circumstances as to make it justly due from the United States, there can be no impropriety in inserting it in this bill; but it would certainly be eccentric in this body, after permitting the many measures which it has allowed to be voted upon in connection with appropriation bills, if it would now turn around and say that this matter, which, whatever may be said of it, is far less objectionable than many which have been held to be in order, shall be excluded from consideration.

While it might be asking a great deal to suppose that these rules would be interpreted the same way three days consecutively, yet as we have had almost a three days' consecutive interpretation the other way, it is too bad now, so late in the session, to be inconsistent. If we are violating the rule in presenting the amendment it seems to me that Senators who have participated in antecedent and glaring violations should retire when the subject is now being debated or cast their vote consistently with those that they have heretofore registered in this Chamber.

Mr. President, it has come to be the case, as the Senator from Nebraska [Mr. MANDERSON] stated some time ago in this Chamber, that when the Senate desires to make an appropriation it will make it, rule or no rule. One of the features of the rules that has been spoken of with admiration undisguised is that they are only to be observed when Senators are antagonistic to the legislation proposed.

Perhaps one good will result from all this, and we may some day adopt a rule to which we may occasionally adhere. But it is too late now to suggest any change in the almost uniform disregard of the rules in this particular. It would be unjust discrimination to hold at this late date that this amendment, which, I think, is under any circumstances, a proper one under the rules, should be disregarded upon the theory that the time had come when the Senate looked upon all appropriations as improper, except those which, in the strictest sense, were within the rule referred to by the Senator from Texas.

Mr. MANDERSON. I think the Senator might well supplement his excellent remarks with the further suggestion that here is a bill that comes to us from another body bristling with matters of general legislation and with private claims, and yet the proposition is that the Senate, a coordinate branch, shall emasculate its legislative powers and not place upon the bill similar provisions, because it is against the strict construction of rules made by a majority of the body.

Mr. WHITE. I will state that, in my judgment, almost every paragraph of the bill negatives the point of order made.

Mr. ALLEN. Mr. President, before the point of order is determined I desire to submit simply a word.

One of the beet-sugar factories of which my colleague has spoken is located in the county in which I reside. I have some personal knowledge of the way it has been conducted, and of the culture of beets in the State of Nebraska. It is well known that I am not in favor of what are known as protective laws. I do not propose to discuss that question at this time. I simply desire to discuss what I regard as the legal and moral feature of this amendment. In 1890 Congress passed the so-called McKinley act providing—

That on and after July 1, 1891, and until July 1, 1905, there shall be paid, from any moneys in the Treasury not otherwise appropriated, under the provisions of section 3639 of the Revised Statutes, to the producer of sugar testing not less than 90° by the polariscope, from beets, sorghum, or sugar-cane grown within the United States, or from maple sap produced within the United States, a bounty of 2 cents per pound; and upon such sugar testing less than 90° by the polariscope, and not less than 80°, a bounty of 1½ cents per pound, under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe.

On the strength of that act two factories were erected in the State of Nebraska. Certainly the one which was erected in the county in which I reside was erected after the passage and approval of the act, and after it became operative by its terms. The one erected at Grand Island, in Hall County, in my State, I think was erected also after the passage of the act; but of that I am not so certain.

Congress offered to the persons who saw fit to develop the beet-sugar industry a bounty of 2 cents per pound upon all the beet sugar they produced, and upon the strength of that there were invested in the State of Nebraska, I should say, fully a million and a half dollars in the construction of beet-sugar factories, and in the outlay of money incident to the growing of beets, their

proper cultivation, and their conversion into sugar. I believe that if the Government had the power to pass that bounty act, this is not only a moral obligation but a legal contract.

Under our form of Government we prohibit the States from passing laws impairing the obligation of contracts, but we retain that power ourselves. The General Government retains that power. I suppose, as a matter of strict power, it may repudiate a contract. But when the Government offers to a citizen to extend certain legal protection or certain legal benefits to him for a definite length of time if he will invest his capital, I know no reason why the Government should not in morals, as well as in law, be bound by its offer. Then, the act of 1890 provide that—

The producer of said sugar to be entitled to said bounty shall have first filed prior to July 1st of each year with the Commissioner of Internal Revenue a notice of the place of production, with a general description of the machinery and methods to be employed by him, with an estimate of the amount of sugar proposed to be produced in the current or next ensuing year, including the number of maple trees to be tapped, and an application for a license to so produce, to be accompanied by a bond in a penalty, and with sureties to be approved by the Commissioner of Internal Revenue, conditioned that he will faithfully observe all rules and regulations that shall be prescribed for such manufacture and production of sugar.

The Commissioner of Internal Revenue, upon receiving the application and bond hereinbefore provided for, shall issue to the applicant a license to produce sugar from sorghum, beets, or sugar cane grown within the United States, or from maple sap produced within the United States at the place and with the machinery and by the methods described in the application; but said license shall not extend beyond one year from the date thereof.

No bounty shall be paid to any person engaged in refining sugars which have been imported into the United States, or produced in the United States upon which the bounty herein provided for has already been paid or applied for, etc.

Under this law the beet-sugar factories in the State of Nebraska contracted in the fall of 1893 for the raising of their beets. My recollection is that the two factories have grown about 10,000 acres yearly of beets; possibly a little more, certainly not any less. They contract after the crop is raised, in the fall, when the beets are taken from the ground. They then renew their contracts with the farmers for the raising of the beets the next year. It is true that in 1893 they contracted to give the farmer \$1 a ton more than they had given the previous year, and that, too, upon the strength of the provisions of the McKinley act by which they were to receive a bounty of 2 cents a pound.

I believe that when the Government made this offer, and when the Government issued a license to the grower of sugar beets and the grower of cane whenever he engaged in the production of that article, it became a binding obligation upon the Government.

While I am opposed to a system of bounties and a system of protection, I do not think that a great Government like this can afford to repudiate contracts which are made with its citizens. Therefore I am decidedly in favor of this amendment.

The VICE-PRESIDENT. The Chair submits to the Senate the question, Is the pending amendment in order?

Mr. GORMAN. On that let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. I do not know how he would vote, and I withhold my vote.

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. HANSBROUGH (when his name was called). I am paired with the junior Senator from Illinois [Mr. PALMER]. If he were present I should vote "nay."

Mr. PASCO (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD].

Mr. PETTIGREW (when his name was called). I am paired with the junior Senator from West Virginia [Mr. CAMDEN]. If he were present I should vote "nay."

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP], but I have ascertained that he holds the same view with reference to this matter that I do, and I will accordingly vote. I vote "yea."

Mr. MANDERSON. I will state that I have a telegram from the Senator from Idaho [Mr. SHOUP] requesting that he be paired in favor of the amendment.

The roll call was concluded.

Mr. MITCHELL of Oregon (after having voted in the negative). I desire to inquire whether the Senator from Wisconsin [Mr. VILAS] has voted?

The VICE-PRESIDENT. He has not voted, the Chair is advised.

Mr. MITCHELL of Oregon. I should like to know if any Senator is able to speak for him in regard to this amendment. He is my general pair, and of course I desire to observe the pair if necessary.

Mr. MITCHELL of Wisconsin. I am his colleague, but I can not answer.

Mr. CAFFERY. I know that the Senator from Wisconsin is in favor of the bounty amendment.

Mr. MITCHELL of Oregon. How would he vote on this proposition?

Mr. CAFFERY. I am not prepared to say.

Mr. MITCHELL of Oregon. I will withdraw my vote for the present. If I were permitted to vote I should vote "nay."

Mr. MANDERSON. I have received a telegram from the Senator from Idaho [Mr. SHOUP] authorizing me to pair him on this proposition. The Senator from Montana [Mr. POWER] has kindly consented to pair with him.

Mr. POWER (after having voted in the negative). I withdraw my vote and announce my pair with the Senator from Idaho [Mr. SHOUP].

The result was announced—yeas 49, nays 16; as follows:

## YEAS—49.

Aldrich,	Cullom,	Kyle,	Quay,
Allen,	Daniel,	Lindsay,	Ransom,
Allison,	Davis,	Lodge,	Roach,
Blackburn,	Dixon,	McMillan,	Sherman,
Blanchard,	Faulkner,	Manderson,	Squiro,
Burrows,	Erve,	Mantle,	Stewart,
Butler,	Gallinger,	Martin,	Walsh,
Caffery,	Gordon,	Mitchell of Wis.	Washburn,
Call,	Gray,	Morrill,	White,
Cameron,	Hale,	Puffer,	Wilson of Iowa.
Caroy,	Hawley,	Porkins,	
Chandler,	Hill,	Platt,	
Clark,	Hunton,	Proctor,	

## NAYS—16.

Bate,	Gorman,	Mills,	Turpie,
Berry,	Harris,	Morgan,	Vest,
Brice,	Jones of Ark.	Pugh,	Voorhees,
Cockrell,	McLaurin,	Teller,	Wolcott.

## NOT VOTING—23.

Camden,	Hansbrough,	Mitchell of Oreg.	Pritchard,
Coke,	Higgins,	Murphy,	Shoup,
Dolph,	Hoar,	Palmer,	Smith,
Dubois,	Irby,	Pasco,	Vilas,
George,	Jones of Nev.	Pettigrew,	Wilson of Wash.
Gibson,	McPherson,	Power,	

The VICE-PRESIDENT. The point of order is overruled. The question recurs upon agreeing to the amendment proposed by the Senator from Kentucky [Mr. BLACKBURN.]

Mr. McLAURIN. Mr. President, I had intended to content myself with recording my vote against this which I conceive to be an unconstitutional appropriation of the public money. But since I, as a member of the Committee on Claims, voted against recommending the granting of this gratuity I have been the subject of some adverse criticism for the vote that I gave then, and I propose to give now some of the reasons which influenced me in my opposition to the measure.

When I entered the Senate of the United States I took and registered a solemn oath that I would support the Constitution of the United States. I felt it obligatory upon my conscience to keep that oath so far as I understood it and was able to do. In considering the question whether this bounty should be granted or not, in my judgment, the first question that presents itself to the mind of the legislator is the constitutionality of granting this subsidy, this bounty, this gratuity to the sugar growers and sugar producers of the United States; and whether in keeping with the Constitution, which is the underlying law of the land, which law underlies the social compact which forms our Government, we as legislators could enact a law which would grant this subsidy to the sugar producers of the country or grant any subsidy or gratuity to any private individual.

My deliberation on that question has conducted me to the conclusion that the act intended or attempted to be passed into a law on the 1st day of October, 1890, was unconstitutional; that the Congress of the United States had no constitutional power to enact such a law, and that it not only did not become a contract, but it did not become a law, and was the act of the legislators exactly as it would have been the act of any other like number of citizens of the country who had held out this hope or inducement or promise, or whatever it may be termed, to the sugar producers of the country.

In one of the newspapers, which has adversely criticised my action upon this measure, I find it admitted that the act undertaken to be made a law, known as the McKinley act of 1890, is unconstitutional, and that the position which I have taken upon this constitutional question is correct. I read a short extract from it.

Senator McLAURIN believes that bounties are unjust, nay, unconstitutional, and we most cordially agree with him in that opinion.

This is an extract from the New Orleans Daily States of February 18, 1895.

But I am not compelled to rely upon the opinion of the editors of newspapers; I am not compelled to rely upon critics who criticise my position on this bill, and adversely criticise the solidity of the position I have taken, that the undertaking to make a law granting a subsidy or a bounty did not constitute a law, and did not constitute a contract; but that it was a mere act unauthorized by the Constitution, and therefore void and of no effect. I say I am not prepared to rely on this; but we have the opinion of the court of appeals of the District of Columbia, the highest court of judicature in this District, composed of three learned and able jurists, conscientious and upright men, who have investigated this question from the standpoint of its constitutionality, and I want to say here that the decision of that court is not obiter dictum, but the question was directly presented to it by the case before it of The United States ex rel. The Miles Planting and Manufacturing Company, appellant. I



shall read the opinion of the court, and I shall ask that it shall go into this debate in to-day's RECORD. The opinion was delivered by Mr. Justice Shepard, and is as follows:

Mr. Justice Shepard delivered the opinion of the court:

This is an appeal from a judgment dismissing a petition for a writ of mandamus. The petition was filed September 19, 1894, by the Miles Planting and Manufacturing Company, a corporation of the State of Louisiana, against John G. Carlisle, Secretary of the Treasury, and Joseph S. Miller, Commissioner of Internal Revenue of the United States.

Relator alleges that it is the owner of five different places, in the State of Louisiana, for the production of sugar; that under the inducement offered by the bounty provisions of the revenue act of October 1, 1890, commonly called the McKinley bill, it met all the requirements necessary to make itself a licensed producer of sugar thereunder; and that in compliance with the requirements of the law it gave the notice, filed the application, and executed a bond for \$251,000 as required by the law, and on July 2, 1894, received the necessary licenses for the production of sugar at each of its said places for the current year.

The petition sets out the provisions of the said act, which provide that the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe rules and regulations for the production of sugar, and, under the direction of the Secretary, shall exercise supervision and inspection of the licensed producers, and shall certify to the Secretary, after such supervision and inspection, the amount of money earned by each licensed producer who shall have complied with the regulations preliminary to payment under the appropriation made in the act.

It is further alleged, that the required rules and regulations were made and published August 18, 1892, and have never been altered or abolished; that in accordance with its licenses aforesaid, relator gave notice and made application for inspection and supervision, as prescribed at each of its said places of production, for the sugar-making season then about to begin; and that respondents refused to obey the law and denied the demand.

The prayer of the petition is for a rule to respondents to show cause why a peremptory writ of mandamus shall not issue, commanding them to carry out their said regulations and the law, by exercising supervision and inspection as therein directed and provided for.

By way of return to the rule to show cause the respondents filed an answer, in which they did not deny the facts alleged in the petition, but based their refusal to comply upon the grounds that the act required was not ministerial; that the law had been repealed by the revenue act of August 28, 1894, and that, if unrepealed, it was not a valid law.

Relator moved to quash the return as insufficient; but the court, holding to the contrary, overruled the motion and dismissed the petition.

1. The first question to be considered is: Is this a case (conceding the validity of the act in question) in which a mandamus can be ordered?

The circumstances under which an executive officer may be compelled to perform an official act, and the principles applicable thereto, have been considered by us in two cases recently decided. *Seymour v. South Carolina*, 2 App. Cas. D. C., 240 (22 Wash. L. Rep., 111); *International Con. Co. v. Lamont*, id., 552, the last of which has been affirmed on appeal to the Supreme Court of the United States (Dec. 10, 1894, 23 Wash. L. Rep., 1). Further discussion would add nothing new.

In the view that we have taken of the repealing clauses of the act of August 28, 1894, and their effect upon the claims of relator, we think it unnecessary to consume time in an examination of the details of the old law and the regulations made thereunder, with a view to determine whether the acts required of respondents call for the exercise of discretion, or are purely ministerial. If the act has been repealed, and the rights of the relator have fallen therewith, there remains no duty which the respondents could lawfully perform.

2. This brings us to the question whether the repealing clauses of the law now in force had the effect to at once repeal the bounty clauses of the act of October 1, 1890, and to take away all claims thereunder?

The repealing clause, specially directed to the sugar-bounty provisions of the old law, reads as follows:

"Paragraph 182. That so much of the act entitled 'An act to reduce revenue, equalize duties, and for other purposes,' approved October first, eighteen hundred and ninety, as provides for and authorizes the issue of licenses to produce sugar, and for the payment of a bounty to the producers of sugar from beets, sorghum, or sugar cane grown in the United States, or from maple sap produced within the United States, be, and the same is hereby, repealed; and hereafter it shall be unlawful to issue any license to produce sugar or to pay any bounty for the production of sugar of any kind under the said act."

This is not only a direct repeal of that part of the act, but also an express prohibition of any further payment of bounty.

It is contended on behalf of the appellant that the words following the repeal, "and hereafter it shall be unlawful to issue any license to produce sugar," must be held to show that "this repeal has reference only to licenses to be granted in the future and not to licenses granted and existing at the passage of the act."

The meaning of the word "hereafter" must be controlled by the apparent general intent. Considering the length of time that the bill was on its passage and the changes that were made from time to time in this repealing clause before its final passage, it is not strange that the phrase, as finally worded, should lack something of precision. But without recurring to the proceedings in the House and Senate or the debates therein, which are often unsafe guides to interpretation, we think it perfectly plain that the mere choice of this word and its collocation can not be given the effect contended for.

The repealing clause is one complete sentence, and the words quoted above are followed by these: "or to pay any bounty for the production of sugar of any kind under the said act." If it had been contemplated that the rights of holders of licenses taken out before the repeal should be respected and recognized as lawful, this intention would have been manifested also in an exception to the sweeping prohibition of the payment of any further bounties after that date.

It is an undoubted rule of construction that the special meaning or purpose that might, under some circumstances, be found to lurk in a single word or part of a sentence must yield to the plain intention disclosed by the whole.

The contention that by the use of the word *hereafter* the plain intent of the clause is to cut off the bounty only as to licenses *thereafter* issued seems far fetched and untenable. The clause making it unlawful to pay "any bounty" under the act then and there repealed could only have application to licenses taken out by parties under the old law while the passage of the new one was delayed. No new license could be issued, and consequently no payment of bounty could be made thereunder after the repeal of the old law; hence the express prohibition of payment could only apply to claims made under the licenses that had been previously issued.

It is further contended that the relator, by reason of its compliance with the law then in force, is not a mere licensee, but must be considered as a party to a contract who has acquired a vested right and property interest. Then, assuming this contractual relation, and the existence of a vested right, it is claimed that it is expressly protected and exempted from the operation of the repeal by the saving clause in paragraph 72 of the new law, as follows:

"Paragraph 72. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed; but the repeal of existing laws or modifications thereof embraced in this act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the

said repeal or modifications; but all rights and liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modifications had not been made."

This clause is substantially like the repealing clauses of former tariff or revenue acts, and was not intended to embrace or to refer to the provisions of the act relating to the bounty. "These different parts of the act, in respect to their operation, have no legal connection whatever with each other. They are entirely separable in their nature, and, in law, are wholly independent of each other. One relates to the imposition of duties upon imported articles; the other to the appropriation of money from the Treasury for bounties on articles produced in this country." *Field vs. Clark*, 143 U. S., 696.

For the foregoing reason, it was proper, if not necessary, to enact separate repealing clauses adapted to the nature of these two separate and distinct objects; besides the revenue part of the law was not abrogated, but substituted merely by another for the same general purpose.

In view of the special repealing clause relating to the bounty provisions of the act, paragraph 72 must be referred to the provisions of the tariff act alone. The saying of rights and liabilities thereunder was rendered proper and necessary by the enormous volume of business done under the act and the difficulties and litigation attending upon its construction. An unconditional repeal of its provisions, thereby terminating rights and destroying liabilities accrued thereunder, would have been attended with great confusion and probable loss of revenue to the Government, as well as injustice to individuals.

Conceding the constitutionality of the bounty law, for the sake of argument, it is clear that the claim of petitioner by virtue of its licenses, even if it might be considered property as between third persons claiming the expectancy, constitutes but a step in the process of securing a mere bounty, or gratuity offered by one Congress which another had the undoubted right to recall. The authority for this view is overwhelming, and it is too plain to admit of question. *Salt Co. vs. East Saginaw*, 13 Wall., 373; *Welch vs. Cook*, 97 U. S., 541; *Newton vs. Combs*, 100 U. S., 548; *United States vs. Teller*, 107 U. S., 64; *Penrie vs. Reis*, 132 U. S., 464; *Crenshaw vs. United States*, 134 U. S., 99.

The claim under such an act is but a mere inchoate interest or right, at the best and no more a contractual or vested right than has uniformly been held with respect to the right of an informer, or an officer, in penalties and forfeitures under revenue or penal laws. *United States vs. Morris*, 10 Wheat., 246; *Norris vs. Crocker*, 13 How., 429; *Dorheimer vs. United States*, 7 Wall., 166.

Our conclusion, therefore, is that the repeal of the bounty provisions of the act of October 1, 1890, was immediate and complete, without excepting or protecting any such right as relator claims thereunder, and consequently there remains no duty with respect thereto that the respondents might or could lawfully perform.

3. The constitutionality of the bounty law has been raised by the respondents and fully argued. Whilst its decision might be evaded under our conclusion with respect to the repeal of the law, we think the question one that should be met and determined.

The situation is very different from that presented to the Supreme Court in *Field vs. Clark*. There the question was not distinctly involved in nor necessarily incidental to the matter in controversy. Congress had enacted the law, the Executive had approved it, and the executive officers recognized its validity and were engaged in its execution. The great pecuniary interests to be affected were not before the court and might have been injured without a hearing. Here the question is raised by the officers of the Government and its decision invited. The party at interest is the actor in the litigation, and began its suit with the knowledge that, if correct in its other contention, this question lay directly in the path of its prayer for relief.

The power of Congress to pay bounties to manufacturers or producers in order to encourage the manufacture or production of any article has never been passed upon by the courts. By the very nature of Federal taxation and appropriations of public money, questions respecting their validity are very difficult to be raised. There is no simple mode of challenge, as is the case in the States where the taxpayer, having a direct interest, can invoke relief through injunction, if need be.

We have already referred to the case of *Field vs. Clark*, and the manner in which the question there arose and the reasons for which it was not decided. *Calder vs. Henderson*, 2 U. S. App., 627, has been cited as upholding the power, but the question was not involved in the case. The question there was, simply, whether the inchoate right to the bounty of a licensee recognized by the law and the executive officers of the Government passed to his assignee for the benefit of his creditors, and it was held that it did. As between the parties it was held to be an expectancy which could be assigned as property, under the authority of *Williams vs. Heard*, 140 U. S., 529; *Comegys vs. Vasse*, 1 Pet., 193, and other cases.

The principle, however, which underlies the question, and upon which its solution depends, has, in our opinion, been time and again asserted and applied in the court of last resort in such cases, beginning with *Calder vs. Bull*, 3 Dall., 396. In that case, Mr. Justice Chase announced a sound doctrine as regards the construction of legislative powers in this country in vigorous language, from which we quote: "I can not subscribe to the omnipotence of a State legislature, or that it is absolute and without control, although its authority should not be expressly restrained by the constitution or fundamental law of the State. The people of the United States erected their constitutions or forms of government to establish justice, to promote the general welfare, to secure the blessings of liberty, and to protect their persons and property from violence. The purposes for which men enter into society will determine the nature and terms of the social compact; and as they are the foundation of the legislative power, they will decide what are the proper objects of it."

The nature and ends of legislative power will limit the exercise of it. \* \* \* There are acts which the Federal or State legislature can not do, without exceeding authority. There are certain vital principles in our free republican Government which will determine and overrule an apparent and flagrant abuse of legislative power; acts to authorize manifest injustice by positive law; or to take away that security for personal liberty or private property, for the protection whereof the Government was established. An act of the legislature (for I can not call it a law) contrary to the great first principles of the social compact can not be considered a rightful exercise of legislative authority. The obligation of a law in governments established on express compact and on republican principles must be determined by the nature of the power on which it is founded."

The learned justice then proceeds to enumerate certain laws that might be enacted, and among them "a law that takes property from A and gives it to B," and says again: "The genius, the nature, and the spirit of our State governments amount to a prohibition of such acts of legislation; and the general principles of law and reason forbid them. \* \* \* To maintain that our Federal or State legislatures possess such powers, if they had not been expressly restrained, would, in my opinion, be a political heresy altogether inadmissible in our free republican governments."

The impressive declaration of the limitations upon legislative power, pronounced in 1793, has lost none of its force or vitality through lapse of time, but has been substantially affirmed and reaffirmed in cases before the same high tribunal and others. (*Loan Association vs. Topeka*, 20 Wall., 655.) The point decided in that case was that an act of the legislature of Kansas authorizing and empowering cities and towns to encourage the establishment of manufacturing and such other enterprises as may tend to develop and improve such cities, either by direct appropriation from the general fund or by the issuance of bonds, was beyond the power of the legislature, and therefore void.

The truly great opinion of Mr. Justice Miller therein affirms the doctrine of

Justice Chase in *Calder vs. Bull*, and advances it further in application to the great power of taxation. He says: "It must be conceded that there are rights in every free government beyond the control of the State. A government which recognizes no such rights, which holds the lives, the liberty, and the property of its citizens subject at all times to the absolute disposition and unlimited control of even the most democratic depositary of power, is after all but a despotism of the many, of the majority, if you choose to call it so, but it is nevertheless a despotism. The theory of our governments, State and National, is opposed to the deposit of unlimited power anywhere. The executive, the legislative and the judicial branches of these governments are all of limited and defined powers. There are limitations on such power which grow out of the essential nature of all free governments. Implied reservations of individual rights, without which the social compact could not exist, and which are respected by all governments entitled to the name. \* \* \*

"To lay with one hand the power of the Government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes, is none the less a robbery because it is done under the forms of law, and is called taxation. This is not legislation; it is a decree under legislative forms. Nor is it taxation. \* \* \* We have established, we think, beyond cavil, that there can be no lawful tax which is not laid for a public purpose. It may not be easy to draw the line in all cases so as to decide what is a public purpose in this sense and what is not. \* \* \*

But in the case before us, in which the towns are authorized to contribute aid by way of taxation to any class of manufacturers, there is no difficulty in holding that this is not such a public purpose as we have been considering.

"If it be said that a benefit results to the local public of a town by establishing manufactures, the same may be said of any other business or pursuit which employs capital or labor. The merchant, the mechanic, the innkeeper, the banker, the builder, the steamboat owner, are equally promoters of the public good and equally deserving the aid of citizens by forced contributions. No line can be drawn in favor of the manufacturer which would not open the coffers of the public Treasury to the importunities of two-thirds of the business men of the city or town."

The only dissent from the judgment and the opinion in that case was by Mr. Justice Clifford, who maintained the absolute power of the legislature of the State, save when restrained by the provisions of its own or of the Federal Constitution. The doctrine of the case has been sustained and followed by a unanimous court in two later cases, presenting substantially the same issues. (*Parkersburg vs. Brown*, 100 U. S., 487; *Cole vs. La Grange*, 113 U. S., 1.)

In the second of those cases, Mr. Justice Gray, speaking for the whole court, said: "The general grant of legislative power in the constitution of a State does not enable the legislature, in the exercise either of the right of eminent domain, or of the right of taxation, to take private property, without the owner's consent, for any but a public object. Nor can the legislature authorize counties, cities or towns to contract for private objects, debts which must be paid by taxes. It can not, therefore, authorize them to issue bonds to assist merchants or manufacturers, whether natural persons or corporations, in their private businesses. These limits of the legislative power are now too firmly established by judicial decisions to require extended arguments upon the subject." After citing *Loan Association vs. Topoka*, and *Parkersburg vs. Brown*, he adds: "The decisions in the courts of the States are to the same effect" (citing a number of them), and, "We have been referred to no opposing decision."

To the cases cited by Mr. Justice Gray, may be added the following, some of which were cited in *Loan Association vs. Topoka*: *Opinions of the Judges*, 58 Mo., 590; *Curtis vs. Whipple*, 24 Wis., 350; *People vs. Salem*, 20 Mich., 452; *Hanson vs. Vernon*, 27 Iowa, 26; *Matter of Niagara Falls and Whirlpool R.R. Co.*, 108 N. Y., 376; *Deal vs. Mississippi Co.*, 107 Mo., 464. The last case cited is directly in point here; the court holding therein that an act of the legislature authorizing the payment of bounties for the planting of trees upon private lands was an unconstitutional exercise of legislative power.

*Lowell vs. Boston* (111 Mass., 459), which was cited with express approval in both *Loan Association vs. Topoka* and *Cole vs. La Grange*, is one of the best considered cases upon the question of the power of the legislature to impose taxes in aid of private enterprises for the promotion of the general welfare. The act under consideration was enacted by the legislature of Massachusetts after the great Boston fire of 1872, and authorized the city to issue bonds to raise money to be lent to landowners for the purpose of rebuilding in the burned districts. In one sense in which this loan might be considered for the general welfare, and, in the same sense in which the subsidy to sugar producers is contended to be likewise, the purposes of the loan act were for the good not only of the city of Boston, but also of the State, and, in a measure, of all New England, of which Boston is the commercial metropolis.

This ground of support for the act was presented in a masterly manner, on the argument, by Mr. Benjamin R. Curtis, from whose brief we quote the following: "The primary object of the statute is not to benefit and aid private persons. Its purpose and ends are strictly of a public nature; to restore and increase the taxable property and resources of the State; to prevent and guard against the great evils and losses arising from so great and general a calamity, in embarrassing business, deranging finance, and seriously lessening the wealth and prosperity of a large and most important part of the whole people and interfering with their comfort, happiness, and progress."

To this argument Mr. Justice Wells, who delivered the opinion of the court, made the conclusive reply: "The power to levy taxes is founded on the right, duty, and responsibility to maintain and administer all the governmental functions of the State, and to provide for the general welfare. To justify any exercise of the power requires that the expenditure, which it is intended to meet, shall be for some public service or some object which concerns the public welfare. The promotion of the interests of individuals, either in respect of property or business, although it may result incidentally in the advancement of the public welfare, is in its essential character a private and not a public object. However certain and great the resulting good to the general public, it does not, by reason of its comparative importance, cease to be incidental."

"The incidental advantage to the public, or to the State, which results from the promotion of private interests and the prosperity of private enterprises or business, does not justify their aid by the use of public money raised by taxation or for which taxation may become necessary. It is the essential character of the direct object of the expenditure which must determine its validity as justifying a tax, and not the magnitude of the interests to be affected, nor the degree to which the general advantage of the community, and thus the public welfare may be ultimately benefited by their promotion. The principle of this distinction is fundamental. It underlies all government that is based upon reason rather than upon force."

In an analogous case Mr. Justice Brewer, speaking for the Supreme Court of Kansas, of which he was then a member, said: "Public aid to private purposes can not be secured by yoking them to a public purpose. And where the public and private purposes are attempted to be aided by a single concession the latter vitiate rather than the former uphold the grant." (*Central Branch, U. P. R. R. Co. vs. Smith*, 23 Kansas, 533.)

Nor was the decision of either of these cases made to turn upon a mere question of "municipal authority," but instead upon the broad question of "legislative power." As said by Wells, Justice: "The point of difficulty is not as to the distribution of the burden by allowing it to be imposed upon a limited district

within the State, but as to the right of the legislature to impose or authorize any tax for the object contemplated by this statute."

The power here involved is one of taxation. The annual bounty for sugar production has necessarily come out of the revenues raised by general taxation for the support of the Government. The gross sum required each year had to be included in the estimates for annual expenses and considered in the imposition of taxes to raise the revenue to meet them. Call the subsidy offered by the law to the producers of sugar a contract, if you will; still it is necessarily one where "the right to contract must be limited by the right to tax, and if in the given case no tax can lawfully be levied to pay the debt, the contract itself is void for want of authority to make it. \* \* \* The validity of a contract which can only be fulfilled by a resort to taxation depends on the power to levy the tax for that purpose." (*Miller, J.*, 20 Wall., 660.)

In *Field vs. Clark* (143 U. S., 695) Mr. Justice Harlan, referring to the question therein raised as to the validity of the sugar bounty provisions of the act under consideration, said: "The question of constitutional power thus raised depends principally, if not altogether, upon the scope and effect of that clause of the Constitution giving Congress the power 'to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.'"

To avoid any misunderstanding as to the scope of this decision, it is proper to add here that there are other delegations of power in the Constitution which expressly or impliedly permit the expenditure of the public moneys. Some of these have been mentioned by Mr. Justice Gray, in his opinion in *Cole vs. La Grange* (113 U. S.,) and others might be added, as, by general consent, arising under the war power, the powers to regulate commerce, coin money, establish post-offices and post roads etc. No one of these is involved in this case; and with their construction we have nothing to do.

The power to give the bounty to producers of sugar must, as we have seen, be referred to and determined by the general grant in the first clause of section 8 of article 1. That there is no pretense of any other authority for the grant is further shown by this proposition, quoted from the brief of Mr. Brent, of counsel for appellant: "The able men who enacted this bounty law never justified it upon the ground that a gratuity was intended to the licensees; but, realizing, with the statesmen of Europe, that the prosperity of the commonwealth would be advanced by an increased production of domestic sugar which, while giving an increased stimulus to agriculture, would, by avoiding the necessity of sending abroad a hundred millions in gold annually to pay for foreign sugar, give an increased stability to our national finances, determined, in pursuance of a national policy, analogous to that adopted in Germany and France, to stimulate the production of American sugar by offering to parties special inducements to invest capital and labor in the effort to develop the domestic sugar production in furtherance of such a national policy."

The power to levy taxes is one of the greatest, and to the citizen one of the most directly important, powers that can be exercised by any government. Within certain conceded boundaries it is absolute and unlimited save by the discretion of the lawmaking power. It may be used to cripple or even destroy an industry or a business. The only refuge from its inordinate exercise in this country is by the peaceful revolution of popular elections. In our judgment the true limitation of the power to impose taxes, conferred by the foregoing clause, is that the purpose must be public, that is to say, governmental.

"All definitions of taxation imply that it is to be imposed only for public purposes." (*Cooley on Taxation*, 67.)

"If there is any proposition about which there is an entire and uniform weight of judicial authority, it is that taxes are to be imposed for the use of the people of the State in the varied and manifold purposes of the Government, and not for private objects or the special benefit of individuals. Taxation originates from and is imposed by and for the State." *Allen vs. Jay*, 60 Mo., 128; *Hanson vs. Vernon*, 27 Iowa, 26, 47; *Matter of Washington St.*, 99 Pa. St., 352, 363; *Sharpless vs. Mayor*, etc., 21 Pa. St., 147.

"Vast as is the power of the Government to levy taxes upon its citizens, there are nevertheless limitations upon it of a very distinct and positive character, which inhere in the very nature of the power itself. Some of these limitations are commonly declared in the written constitutions, but the declaration is rather from abundant caution than from any necessity, as the limitations are equally imperative whether thus declared or not." (*Cooley on Taxation*, 41.)

The authorities from which we have so freely quoted refer directly to the power to tax as exercised by the legislatures of the several States; but the doctrine which they establish is plainly applicable to the taxing power of Congress.

A commonly accepted doctrine with respect to the legislative powers of the States has been that they are general in their nature and to a degree absolute, except where restrained by the provisions of their own and the Federal Constitution, and the necessary implications therefrom. On the other hand, it has been uniformly held that the Government of the United States is one of "delegated, limited, and enumerated powers" (*United States vs. Harris*, 106 U. S., 636). In that case it was said: "Therefore every valid act of Congress must find in the Constitution some warrant for its passage. This is apparent by reference to the following provisions of the Constitution" (quoting sec. 1, Art. I, Art. X, Amendments).

Mr. Justice Story, in his *Commentaries on the Constitution*, says: "Whenever, therefore, a question arises concerning the constitutionality of a particular power, the first question is whether the power be expressed in the Constitution. If it be, the question is decided. If it be not expressed, the next inquiry must be whether it is properly an incident to an express power and necessary to its execution. If it be, then it may be exercised by Congress. If not, Congress can not exercise it."

This distinction between the taxing powers of the General and the State governments is well described by the late Mr. Justice Miller, in the following words: "The United States being a limited form of Government, one of the restrictions to which it is subject is in regard to its power to levy taxes. The States may levy them for a great many purposes for which Congress can not, because the States belong all the powers not delegated to Congress. Hence, while the Constitution of the United States has nowhere been amended by any limitations of its taxing power, there has scarcely been a State constitutional convention in half a century that has not imposed some restrictions upon the power of the State to levy taxes." (*Lectures on Constitution*, p. 247.)

If then, as we have seen from the cases cited, the legislature of a State has no implied power to grant subsidies or bounties to individuals, though, in a sense, the general welfare may be promoted thereby, a fortiori the Congress of the United States has no such power.

It would be an useless consumption of time to enter upon a discussion of the interpretation of the language contained in the first clause of section 8, article 1, of the Constitution; nor is it necessary to do so. Several theories have been indulged in that regard. Mr. Madison, in No. 41 of the *Federalist*, denounces the assumption that this clause "amounts to an unlimited commission to exercise every power which may be alleged to be necessary for the common defense or general welfare," and says:

"No stronger proof could be given of the distress under which these writers labor for objections than their stooping to such misconstruction." He evidently regarded it as a mere general expression and fraught with no special meaning as a substantive delegation of power. He says: "Nothing is more natural nor common than first to use a general phrase, and then to explain and qualify it by



particulars;" and then refers to the fact that this language is "a copy from the Articles of Confederation."

It may be remarked here, too, that many of the State constitutions contain similar general declarations; notably in this the case with Massachusetts and Maine, in both of which it has been held, as we have seen, that bounties can not be given to individuals, in promotion of the general welfare. Let it be conceded, however, that the words, "to pay the debts and to provide for the common defense and general welfare of the United States," are to be construed, according to the opinion of Mr. Justice Story, as a qualification of the preceding tax clause and as limiting "the taxing power to objects for the common defense and general welfare" (1 Story Const., 911); still the question remains, is the grant of a bounty to producers of sugar a constitutional exercise of the power of taxation as so understood?

We think the authorities cited above establish beyond question that the power of taxation, in all free governments like ours, is limited to public objects and purposes governmental in their nature. No amount of incidental public good or benefit will render valid taxation, or the appropriation of revenues to be derived therefrom, for a private purpose.

Although we have quoted liberally from authorities cited in support of these propositions, the importance of the question is such that we can not refrain from quoting from the opinions of the judges of the supreme court of Maine, in response to the inquiry of the legislature of that State, language which expresses our views perfectly:

"Taxation, by the very meaning of the word, is for public purposes, and for those the right of the Government is unlimited. \* \* \* The general benefit of the community resulting from any description of well-directed labor is of the same character, whatever may be the branch of industry upon which it is expended. All useful laborers, no matter what the field of labor, serve the State by increasing the aggregate of its products—its wealth. There is nothing of a public nature any more entitling the manufacturer to public gifts than the sailor, the mechanic, the lumberman, or the farmer. Our Government is based upon equality of rights. All honest employments are honorable. The State can not rightfully discriminate among occupations, for a discrimination in favor of one branch of industry is a discrimination adverse to all other branches. The State is equally bound to protect all, giving no undue advantages or special and exclusive preferences to any." (53 Me., 593.) Again, it was said:

"But the subtle and sophistical argument of those who are seeking their own private advantage by the use of the public purse is, that the successful establishment of a manufacturing business, though the profits of it inure to private individuals, is indirectly a benefit to the community. But this is not an answer; it is simply a pretext for an invasion of the fundamental principle above stated." (Id., 609.)

If it may be for "the general welfare of the United States" to encourage the production of sugar by the grant of a bounty, it is hard to conceive why the producers of corn, wheat, cotton, wool, coal, iron, silver ore, etc., might not be paid a bounty also.

If Congress be conceded the power to grant subsidies from the public revenues to all objects it may deem to be for the general welfare, then it follows that this discretion, like all admitted powers of taxation is absolute. Such a doctrine would destroy the idea that this is a Government of "delegated, limited, and enumerated powers," render superfluous all the special delegations of power contained in the Constitution, and open the way for a flood of socialistic legislation, the specious plea for all of which has ever been "the general welfare." It is a doctrine that we can not subscribe to.

Still less are we able to subscribe to a doctrine that legislation may be enacted by Congress "in pursuance of a national policy analogous to that adopted by Germany and France," or any other government on the face of the earth. There is no inherent sovereignty in the general or in the State governments. The people are sovereign. Certain powers of sovereignty they have delegated with a free hand; others have been reserved. Legislation by the Assembly of France, the Reichstag of Imperial Germany, or the Parliament of Great Britain, where power is unlimited, furnishes no proper precedent for legislation in this country.

Our revolution began in a protest against the arbitrary power of legislation, especially with respect to taxation. The successful result of that revolution gave us our written constitutions, State and Federal, wherein the people, to guard against dangers to life, liberty, and property, reserved to themselves powers that formerly had been exercised by government.

"A written constitution is in every instance a limitation upon the powers of government in the hands of agents; for there never was written a republican constitution which delegated to functionaries all the latent powers which lie dormant in every nation, are boundless in extent, and incapable of definition."

Instead of furnishing analogies by which our national policy ought to be guided and the powers of our legislative bodies interpreted, the legislation of even the freest nations in the Old World serves better to illustrate the wisdom of our written constitutions and to warn against their violation either in letter or in spirit.

We have been referred to certain acts of Congress in the past as affording a practical construction of the Constitution in this regard, and furnishing a rule for our guidance. The rule is well established that, in case of doubt, the court will never declare a law unconstitutional. It is also well settled that long and frequent exercise of a power by Congress is entitled to the most respectful consideration and is not to be disregarded, except for cogent and most persuasive reasons. But at the same time, to have this great weight, the practical construction must have been long continued, repeated, and generally unquestioned, and it can not then be followed against "a conviction that such legislation is clearly incompatible with the supreme law of the land." (Field *vs.* Clark, 143 U. S., 649, 661; Merritt *vs.* Cameron, 137 U. S., 542, 552.)

It would extend this already too long opinion to a most unreasonable length to review the various acts and appropriations of Congress which are claimed to be in exercise of the same power invoked to support the sugar bounty act.

In his Commentaries on the Constitution (sec. 901), Mr. Justice Story refers to acts, of which the most important, and the nearest in approach to this act, are the several acts relating to drawbacks and bounties to persons engaged in the cod fisheries, beginning in 1790. He refers to the debates published by Elliot, and declares this a recognition of the power of Congress to give bounties. The history of these acts shows that the first was expressly enacted as a "drawback" of the duty upon the salt used in curing the fish. The full debates are reported in the Annals of the Second Congress (pp. 365, 461), and show that the second bill could hardly have been passed except upon the view, strenuously contended for, that the money appropriated was the equivalent of a drawback of the salt duty, as before, and acted substantially in that way. Upon this view Mr. Madison finally gave the bill his support.

All such acts, however, however worded or devised, have met with determined opposition and denial of power at all times; and it can not be said that they have ever received general consent or acquiescence. The fact that moneys have often been paid out under acts of doubtful or questionable validity can have no great weight under a system where the question, by reason of difficulties before alluded to, is so hard to be raised in an effective manner.

But if there had been a practice by Congress, uniform and generally acquiesced in, our opinion is so clearly against the validity of this act that we could not be controlled by it in the performance of our duty. No time, no acquiescence, no estoppel runs against the people under the protection of our written Constitution.

From what has been said, it follows that the judgment below must be in all things affirmed; and it is so ordered, with costs to the appellees.

Judgment affirmed.

Morris, J. A., concurs.

Then there is a short concurring opinion by Mr. Justice Alvey, who concurs so far as the affirmance of the judgment is concerned, but does not feel that he is called upon to decide the constitutionality of the measure.

I have thus been tedious in reading the entire opinion in order that it may go into the RECORD as an able and learned and in my judgment an unanswerable argument against the constitutionality of the bounty law. If it is unconstitutional, then it can not be a contract; it can not be a law; it is null and void as if it had never been upon the statute book.

The powers of Congress are limited. Congress has no right to enact a law unless it is within the bounds of the Constitution. Every member of the Senate and every member of the House of Representatives when he votes upon a measure to make it a law in the United States is an agent of the people, with a limited, delegated authority, and if he exceeds that authority his action is binding upon nobody; it becomes no law, and of that every man, at his peril, is bound to take notice. Every man is presumed to know the law; every man is presumed to know when a law is unconstitutional, and if he acts under it he acts at his peril. That is true between private citizens in their private affairs.

Why should it be different with the manufacturer of sugar in the State of Louisiana, in the State of California, in the State of Nebraska, or in any other State in the Union? Why should a law be applied to them different from the law that is applied to the humblest citizen in the land? Yet you may take the humblest and the most illiterate citizen in all this country, and if he goes into court with his case and relies upon an act of the legislature or an act of the Congress of the United States that is held by the court to be unconstitutional, he is charged with the knowledge of the unconstitutionality of it. If he has acted upon it, if he has acted upon the faith of it, it matters not how poor, how illiterate he is, he is charged with a knowledge of the law and of its unconstitutionality.

Why should a different rule be applied to the manufacturers of sugar in this country? Those men are supposed to be intelligent; they are supposed to be business men, because the law which granted a bounty to the sugar producers of this country took pains to provide that the man who did not produce over 500 pounds of sugar should receive no bounty. It was intended only for the large producers of sugar. It was intended only for the men who are business men. The very law of 1890 cut out the men who are in humble circumstances; it cut out the men who are not able to produce 500 pounds of sugar.

The pending amendment, which gives a bounty, a gratuity to the sugar producers of this country, provides that those who are not able to produce and those who have not produced 500 pounds of sugar shall receive no bounty, no subsidy, no gratuity. I have said that these men are charged with the knowledge of the law; they are charged with the knowledge of the fact that this intended effort on the part of the Congress of the United States to make a law granting a bounty, a subsidy, is unconstitutional. But whether that be so or not, as I view it I consider it is unconstitutional, and it being unconstitutional to make the law in 1890, because it was not then within the power of the United States to grant a bounty, it is now unconstitutional to grant a bounty.

There has been no change in the Constitution since then; there has been no change in the form of our Government since then; and if it were unconstitutional in 1890 to pass that act, if by reason of its unconstitutionality it could not become a law, then if we grant a bounty now for the very reason that it was unconstitutional then, our action would be in contravention of the Constitution now. For the very reason that Congress has no right to lay its hands upon one citizen and take his property and give it to another citizen, Congress had no right to grant a bounty. That is the language of the court; that is the language of reason; that is the language of logic; that is the language of our form and system of Government. If that was true, then if to-day or in this Congress we grant a bounty, a gratuity to the sugar producers of this country, we do the very thing that the court of appeals of the District of Columbia said was unconstitutional. We lay our hands upon the property of one citizen, taxing him to give it to another, which, in my judgment, is not right.

Then, again, it has been contended that the granting of a license to the sugar producer created a contract between the Government of the United States and the licensee, or the sugar producer, which was obligatory upon the Government. As well said by Mr. Shepard, and concurred in by Mr. Morris, and concurred in, so far as that is concerned, by Mr. Alvey, this was not the making of a contract, but the granting of the license was a mere step in the process of reaching the end aimed at by the sugar producer, which was the bounty or gratuity, or whatever it may be termed. It was no contract. No consideration was given to the Government.

Everything was to go to the producer, and this was a mere step in the process by which he secured his gratuity. So there is nothing in the position that the license created a contract between the Government and the sugar producer.

But it is said there is an equity because the Congress of the United States held out the promise, the hope to these people that the sugar bounty would be granted. I will address myself for a few minutes to the question of the equity. I see no equity. I can conceive of no equity that a man has to the tender of a gratuity because he has been the recipient of that gratuity for three or four years. The man who undertook to produce the sugar recognized, as the newspapers which have indulged in their criticisms, that the law was unconstitutional; that it was unjust; that it was unfair and inequitable; that it took the property of one man without giving him any consideration for it and gave it to another; that it levied taxes upon one citizen to give to another private citizen. Yet with the knowledge of that fact, these men went into the business for the purpose of getting the benefit of that which they conceived and recognized as being an unconstitutional law, to get the benefit of that which they conceived and recognized to be a mere injustice, because it is at any time an injustice to take my property and give it to another man. Yet they embarked in a business, in an industry, if you can so call it, under a law which took my property by taxation and gave it to them.

I say the man who does that, knowing the fact that the law can be repealed at any time, has no right to complain that he has taken this venture at his own risk. He has no right to complain that his risk has involved him not in a loss, but has involved him in the defeat of his hopes and expectations when he entered into the business.

So far as last year is concerned, it is said that these men had the right to expect that the law would be continued; that they had a right to expect that it would not be repealed for the last year; that they started in this business when the law stood upon the statute book, and that, therefore, they ought to have a bounty. They recognize the right of the Congress of the United States to repeal the law; they recognize the power of Congress to repeal the law; but they say that Congress had not repealed it as long as it stood upon the statute book, and that they would go on and presume that Congress would not repeal it. But these men knew when they entered upon the enterprise of producing a crop of sugar for the year 1894 that there had been an election in this country in which the sugar bounty was denounced, in which the people of the country pronounced against the sugar bounty, and by which a large majority of the people of this country said that the law should be repealed; and they ought to have acted accordingly.

Now, let us see. In the Democratic platform of 1892, which was supported by an overwhelming majority of the people of this country, we find the following:

We denounce the McKinley tariff law enacted by the Fifty-first Congress as the culminating atrocity of class legislation; we indorse the efforts made by the Democrats of the present Congress to modify its most oppressive features in the direction of free raw materials and cheaper manufactured goods that enter into general consumption, and we promise its repeal as one of the beneficent results that will follow the action of the people in intrusting power to the Democratic party.

Now, sir, it can not be that they relied upon the promise of Congress at the last session or upon the promises of any member of Congress at the last session, Senators or Representatives, that the law would not be repealed, because there was the party in power, continued in power by an overwhelming majority of the American people, that pledged itself to the repeal of the bounty provision. So it can not be contended that these men were deceived by the promises that were held out by any number of Senators or Representatives. They had the express declaration, they had the fiat, they had the decree of the American people that it ought to be repealed.

It is said that these people are in a distressed condition. If so I sympathize with them. Most of them are in my sister State. Many of them I know and they are my friends; and I would be glad to give them any aid; but the money in the Treasury of the United States is not my money. It is the property of the United States, taxed out of the people of this country for public purposes and not for the purpose of building up private fortunes, nor for the purpose of sustaining private fallen fortunes.

Mr. ALDRICH. I should like to have the Senator from Mississippi state to the Senate, upon which he places the greater stress as constitutional authority, the Chicago platform or the court from whose decision he has read?

Mr. McLAURIN. I will state to the Senator from Rhode Island that he ought to know as a lawyer that the Chicago platform is not a constitutional authority at all; that the Chicago platform is political authority and not constitutional authority.

Now, as I was going on to say, this is not my money. It is the money of the people, taxed out of the people by laws of Congress. Those laws had no right to tax the people of this country for anything except public purposes. They had no right to tax the

people for money to give to private individuals to sustain private falling fortunes or to build up private fortunes.

Now, if this amendment is to pass, if this gratuity is to be given to these men because of their great distress, I want to say that all over the country, and especially in my section of country, there are a great many farmers in humble, moderate circumstances who are groaning under a load of debt. Their farms are mortgaged; their home, the shelter that is to protect their wives and children, is mortgaged; and those men see a great deal of financial embarrassment ahead of them. Would it not be equally as just, equally as equitable, to grant a subsidy, a bounty, a gratuity to those people to relieve them from their embarrassment? Yet when you undertake to relieve the sugar producers, who are principally and mainly composed of wealthy men, in a great many instances corporations, as was the corporation here of the Miles Planting and Manufacturing Company—I say when you undertake to relieve them and give them money to relieve them from their financial embarrassment you are relieving those who are rich, who entered upon this speculation to add to their immense fortunes, to accumulate greater fortunes.

And where do you get the money? You take a great deal of the money from the very people whom I have named in my very section of country and all over this country, and who are what you may call one-horse farmers. Whenever they buy a coat, a vest, a shirt, a pair of shoes, a hat; whenever they buy the implements with which they work, you tax them for the purpose of getting the money to give to these corporations. It is not only unconstitutional, but it is unjust, inequitable. Their distressed financial condition appeals to the equity, it appeals to the charity of the Senate as strongly as does the condition of the sugar planters and sugar producers of Louisiana and other States in the Union. Why should there be any discrimination against them? When you discriminate in favor of one class of citizens you discriminate necessarily against all other classes of citizens. You discriminate against the farmers who are engaged in the production of wheat, corn, oats, cotton, rye, and barley. You discriminate against the shoemaker, the blacksmith, the tanner, the merchant, and everybody else except the men to whom you give this gratuity.

I was appealed to by a banker from the city of New Orleans, who stated to me that he had \$3,000,000 loaned out to the sugar producers; that he had loaned out millions to the large sugar producers, and if this bounty is not given those men can not pay the bank and it will involve them in ruin. Why should that banker be the recipient of the charity of the Union in preference to the man who labors day in and day out and eats his bread in the sweat of his face? Why should he be the recipient of the charity in preference to the man who works on the railroad or who works on the farm, the shoe shop, or blacksmith shop, or in the tailor shop, or in any other business in this country? There is no reason for it. There can be no good reason given for it.

Mr. President, I could give many other reasons why I oppose this amendment. There are other reasons that must present themselves to Senators. But I shall not take up the time of the Senate longer. I want to say that for the people of my sister State I have the kindest feeling. I have been kindly treated by them. I should like to do anything I could within constitutional limits that would not be an injustice to any other class of citizens in this country; but I can not vote to tax a man who rises in the early dawn and follows his plow until the dewy eve for the purpose of giving it to the man who has embarked in business under a supposition that an unjust law would be allowed to remain upon the statute books and he would receive the benefit of it in order to relieve him from the embarrassment which his own cupidity has involved him in.

I now, Mr. President, before I conclude, offer an amendment to the amendment, and I ask to have it read.

The PRESIDING OFFICER (Mr. MARTIN in the chair). The amendment of the Senator from Mississippi will be read by the Secretary.

The SECRETARY. Add at the end of the amendment the following proviso:

Provided, That the bounty shall be paid in silver coin; and the Secretary of the Treasury shall immediately cause to be coined of the silver bullion now in the Treasury a sufficient sum to pay said bounty.

Mr. BLACKBURN. I make the point of order against the amendment submitted by the Senator from Mississippi. It is not germane to the amendment pending, and is obnoxious to the sixteenth rule.

The PRESIDING OFFICER. The Chair is compelled to sustain the point of order.

Mr. PROCTOR. Mr. President, the maple-sugar crop is produced entirely in the months of March and April. It can be produced at no other time. The crop of 1894 was entirely produced, inspected, and weighed by the proper officers of the Government, certificates given to the makers, and the amount entered upon the books of the Treasury months before the law was repealed. The books of the Treasury show precisely every dollar and cent that



is due to a maker of maple sugar, and all that remains to complete the transaction is to send him a check for the amount. There is not a court in the land but what would render a judgment for the plaintiff on the showing of the defendant's books alone.

Mr. HARRIS. Will the Senator from Vermont allow me to ask him a question?

Mr. PROCTOR. Certainly.

Mr. HARRIS. I ask the Senator from Vermont if there have been any extensive plants erected by reason of the bounty on maple sugar?

Mr. PROCTOR. There have been very extensive plants. Although they are not so expensive as the plants of cane and beet sugars, there are immensely more of them in number, and I think the percentage of the expense incurred in consequence of this bounty would count quite as large.

Mr. HARRIS. I am a little curious to know what sort of plant is necessary for converting maple sap into sugar.

Mr. PROCTOR. I shall be very happy to give the Senator, at a proper time, instruction in the art of making maple sugar, and verify it by concrete samples of the article.

Mr. HARRIS. I prefer the samples to the argument.

Mr. PROCTOR. If the views of the Senator from Mississippi [Mr. McLAURIN] about the constitutionality of this question are correct, it seems to me he ought to go somewhat further and secure the repeal of a portion of section 8 of the first article of the Constitution, which says:

The Congress shall have power . . . to pay the debts and provide for the common defense and general welfare of the United States.

I believe it has been repeatedly decided by the Supreme Court that Congress is the sole judge of what is for the general welfare. I submit that he ought to go even further and introduce and secure the adoption of an amendment to the Constitution which will make its meaning plainer for those of us who are not quite so sensitive as the Senator is on constitutional points, and say, "It is hereby declared to be unconstitutional for governments or individuals to pay their honest debts." That would save us very much embarrassment here in conducting the public affairs, as well as be a great convenience to many of us individually. Nothing short of that, I am sure, will meet this case.

Mr. BLACKBURN. I trust, Mr. President, that the hour will admonish us of the necessity of making some progress with the bill. I do not propose to consume one minute of the time of the Senate in this discussion. I only rose to express the sincere hope that, having now talked enough, we may come to a vote.

Mr. McLAURIN. In answer to the Senator from Vermont [Mr. PROCTOR], I only desire to say that the very article to which he refers was pressed before the learned court in the decision which I read to the Senate, and they said that even under that there was no constitutional authority to grant this bounty. So I prefer to take that well-considered opinion of the supreme court of this District and of Chief Justice Chase in another case to the sarcastic allusion of the Senator from Vermont as to our honest debts. There is no lawyer in the Senate Chamber who will not say that if the act of 1890 was unconstitutional there was no debt created against the Government by it; that it was null, void, and of no force and effect upon the people of the country at all, and could not create a debt. There is no lawyer, even a tyro in the profession, but who would say if it was unconstitutional there was no debt made against the country.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kentucky.

Mr. GORMAN. I ask for the yeas and nays on the amendment. The yeas and nays were ordered.

Mr. GORMAN. Mr. President, I trust that the amendment will not be adopted. The immense amount of money involved in the proposition, over \$5,000,000—

Mr. BLACKBURN. I submit that after the Senator upon his own motion has ordered the yeas and nays and the roll call has been directed to proceed it is almost too late to debate.

Mr. HARRIS. Oh, no; it is not.

Mr. McLAURIN. Not until the first name has been called.

The PRESIDING OFFICER. The Chair thinks it is not too late, because the call had not been commenced. The Senator from Maryland will proceed.

Mr. GORMAN. No; I called for the yeas and nays so that we might have a vote upon the proposition when the time came to vote on it.

I have known propositions to be discussed for a week after the yeas and nays were ordered. But this amendment can not pass, I think, without a few words, at all events. I am not going to detain the Senate very long. The Senate will decide by a majority vote in this case whether the amendment will be adopted or not. I want to enter my protest, however, against the amendment being placed upon this appropriation bill. When this matter was

under discussion during the pendency of the tariff bill I voted on every occasion in this body to practically include this provision; that is to say, to permit the duty to go into effect on the 1st day of January, so as to give the growers of sugar the benefit of the difference between 40 per cent ad valorem and the bounty of 2 cents a pound under the McKinley Act.

I voted for it, as did every other Senator on this side save three. It was done at a time to enable us to pass a great revenue measure. I voted for it, in addition to that, because I believed that there was a very strong case presented by the cane and the beet sugar interest. It was a radical proposition at that time to strike them off from 2 cents a pound to 40 per cent ad valorem.

I recognize to-day, as I did then, that they have a very strong claim, that it is one that will appeal to the justice and fairness of every man. But, Mr. President, the time has passed when it could be considered properly upon a bill for the revenue or for appropriations. The Congress decreed that it should not be provided for then. It comes now purely as a claim, and as a claim it ought to be considered upon its own merits. It ought to have been considered after a report from the Department of the Government having control of this matter and by careful consideration of the appropriate committee of this body, the Committee on Claims, and not upon an appropriation bill.

It is my firm conviction after a most careful and patient investigation for the last two or three months, with all the light that I can get upon this subject, that the provision of the law as it stands in the last tariff act has, in view of the evolution that has taken place in the manufacture of sugar throughout the world, placed the American industry in a most unfortunate position. I believe, sir, that with the bounties that are offered by other Governments it is impossible, with profit, for either the beet-sugar industry or the cane industry to live in this country five years. I do not believe that we can refine sugar five years from now except the higher grades of cut loaf.

If the Germans continue to produce as much as they have in the last year, I do not believe it will be possible for our beet-sugar industry to live in the Northwest. I regret it more than any other act that I have been a party to; that this great industry should be destroyed in this country. I think there is no parallel to the success which the Germans have had under their system, by which they not only manufacture all the sugar they need themselves but send it to England and America. In the current year, 1894-95, they have produced a million tons more than they did in the previous year. With our tax of 40 per cent upon the raw and one-eighth upon the refined and a tenth in addition, the price of their sugars refined, delivered in New York and Baltimore, is within a fraction of what the raw article can be produced for in this country.

I regret also, though it is but a slight interest compared to that in Louisiana and other States, that in my own State the interest is absolutely destroyed now. It has been impossible to rebuild and to keep that part of the commerce in Baltimore, and with it has gone, as it was bound to go, all the coffee trade of that great port.

Therefore, Mr. President, in opposing this measure here and now it is not because I do not think there is not merit in it; it is not because I do not think that if it was between private individuals it would not be such a claim as would appeal to the fair dealing and honesty of the man with whom the transaction was made; but I say, in view of all that has occurred, in view of the condition of the Treasury, in view of the manner in which we legislate upon these matters, this particular proposition should have come from a committee with a report from the Department and been presented to Congress as all other claims are presented and then settled upon its merits, and it should not be forced upon an appropriation bill where it has no proper place, and sent elsewhere where the Executive will have to pass upon it as an item included in a great appropriation bill, though he may not think it to be proper or politic to be paid at this time in view of the condition of the Treasury.

Mr. President, another provision which follows in this bill will soon be presented to the Senate, looking to the meeting of a deficiency which exists in the Treasury of the United States. I shall not go into that matter now, for it will come up later. But no man can doubt, when the facts and the figures are presented, that we are to-day, and have been for two years past, paying the current expenses of the Government from the bonds which have been sold, and that unless we make further provision to meet the current expenses of the Treasury by issuing other evidences of debt, there is not, and will not be during this fiscal year, money enough by \$80,000,000 to meet the current expenses of the year.

Mr. President, that is the condition in which we are situated. I shall not detain the Senate longer. I merely wanted to utter my protest against putting this provision upon this appropriation bill.

Mr. HILL. Mr. President, I do not intend to discuss the question of the propriety of the pending amendment so far as its merits

are concerned. The only question that occurs to me after the remarks of the Senator from Maryland [Mr. GORMAN] is whether this amendment is not as appropriate to the pending appropriation bill as is an amendment relating to supplying a deficiency in the revenues or to regulate the method of issuing bonds.

Mr. WOLCOTT. Mr. President, is an amendment to the amendment in order?

The VICE-PRESIDENT. The Chair recognizes the Senator from Colorado.

Mr. WOLCOTT. I offer the amendment which I send to the desk as an amendment to the pending amendment.

The VICE-PRESIDENT. The amendment submitted by the Senator from Colorado to the amendment will be stated.

The SECRETARY. It is proposed to add to the amendment:

There shall be purchased by the Secretary of the Treasury 4,000,000 ounces of silver per month for the period of eight months at the market price thereof in New York, and said silver shall from time to time be duly coined in silver dollars of standard weight and fineness.

Such purchases shall be made in furtherance of the contract heretofore entered into between the Government of the United States and the people of the United States.

Mr. BLACKBURN. I make the point of order on the amendment that it is general legislation, and not germane to the amendment to which it is offered as an amendment.

Mr. WOLCOTT. I suppose the Senator from Kentucky will permit me to say a word upon the amendment.

Mr. BLACKBURN. The Senator has the right to do that.

The VICE-PRESIDENT. The Chair will hear the Senator.

Mr. WOLCOTT. I have but a word to say upon the amendment.

Mr. President, if an amendment of the character which has been declared to be in order, not reported by any committee of this body, is in order, then clearly, to my mind, any other amendment which seeks to make this Government pay its moral obligation to its people is equally in order upon an appropriation bill.

Mr. MANDERSON. Will my friend allow me to correct a misapprehension he seems to be under?

Mr. WOLCOTT. Certainly.

Mr. MANDERSON. The amendment which has been pending was reported to the Senate originally by the Committee on Claims, was referred to the Committee on Appropriations, and has been reported favorably by the Committee on Appropriations.

Mr. WOLCOTT. Very well, Mr. President. My amendment has not been reported by the committee, but it is equally germane to the appropriation bill as is the amendment which has apparently stood the test of the point of order which has been raised against it.

If there ever was a contract on earth entered into in good faith it was the contract whereby the Government of the United States undertook to say to the people of the West that if they would undertake the mining of the gold and the silver, which must be the financial basis of the country, then the Government would coin their gold freely as offered at the mints and would purchase their silver at its market value; and at an extra session called by the President of the United States, without notice, that law, that contract was repealed by the Congress of the country, to the devastation, to the poverty, and to the suffering of a vast section of this country.

Mr. President, if there be equity in this sort of payment, if we have the right to come back to the United States, having once been its beneficiaries, and have the right to say to the Government, "You shall not rob us of our industry, you shall not take away our living from us, you shall not ruin our towns and destroy our industry without giving us compensation for it," then, certainly, no appeal can be made with greater force than this on behalf of the miners of the West.

We have heard all sorts of talk of the pity and the sorrow that the people who are opposed to silver feel for the miners of the West. If that be true, Mr. President, what have we done and wherein are we lacking that we can not be put upon the same footing as the sugar planters of Louisiana or the beet-sugar producers of Nebraska? If the one amendment is in order and if the one amendment is entitled to the sympathy of the American people—for the amendment is not put upon any basis but that of sympathy—then I say those who have mined silver from the earth and have built up great States and great industries are entitled equally to the sympathy of the people, for we produce that which no people ever before were punished for producing. We produce that which is invaluable to us in time of peace and absolutely essential in time of war; we produce that which should stand as the basis and the fabric of our Government, the coin recognized by the Constitution and by the law for a hundred years; and there can be no argument which will apply to one set of producers which does not apply with equal force to the other.

Mr. BLACKBURN. I ask for a ruling on the point of order, Mr. President.

The VICE-PRESIDENT. The Senator from Kentucky makes the point of order against the pending amendment to his amendment. The Chair submits to the Senate the question, Is the proposed amendment in order?

Mr. WOLCOTT. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. If he were here I should vote "yea."

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. PASCO (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD]. If he were present I should vote "nay."

Mr. GALLINGER (when Mr. PRITCHARD's name was called). The junior Senator from North Carolina [Mr. PRITCHARD] requested me to announce that on all questions involving silver he desired to be paired in favor of the proposition in whatever form it might appear, and he stands so paired with the Senator from Florida [Mr. PASCO].

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP].

The roll call was concluded.

Mr. BURROWS. I am paired with the junior Senator from Maryland [Mr. GIBSON].

Mr. CAREY (after having voted in the negative). I am paired with the junior Senator from Wisconsin [Mr. MITCHELL], but voted because I understood that, if present, he would vote the same way that I have voted.

The result was announced—yeas 18, nays 50; as follows:

#### YEAS—18.

Bate,	Hansbrough,	Peffer,	Wolcott.
Brice,	McLaurin,	Pettigrew,	
Cameron,	Mantle,	Teller,	
Clark,	Mills,	Walsh,	

#### NAYS—50.

Aldrich,	Davis,	Jones of Ark.	Proctor,
Allen,	Dixon,	Kyle,	Pugh,
Allison,	Faulkner,	Lindsay,	Quay,
Blackburn,	Frye,	Lodge,	Roach,
Blanchard,	Gallinger,	McMillan,	Sherman,
Caffery,	Gordon,	Manderson,	Squire,
Call,	Gorman,	Mitchell of Oreg.	Stewart,
Camden,	Gray,	Morgan,	Turpie,
Carey,	Harris,	Morrill,	Vest,
Chandler,	Hawley,	Murphy,	Washburn,
Cockrell,	Hill,	Palmer,	Wilson of Iowa.
Cullom,	Hoar,	Perkins,	
Daniel,	Hunton,	Platt,	

#### NOT VOTING—25.

Berry,	Gibson,	Mitchell of Wis.	Vilas,
Burrows,	Hale,	Pasco,	Voorhees,
Butler,	Higgins,	Power,	White,
Coke,	Irby,	Pritchard,	Wilson of Wash.
Dolph,	Jones of Nev.	Ransom,	
Dubois,	McPherson,	Shoup,	
George,	Martin,	Smith,	

So the amendment to the amendment was decided not to be in order.

Mr. MITCHELL of Oregon. I offer the amendment which I send to the desk, to come in at the end of the pending amendment.

The VICE-PRESIDENT. The amendment submitted by the Senator from Oregon to the amendment will be stated.

The SECRETARY. It is proposed to add to the pending amendment:

Provided further, That there shall be paid to the sheep owners of the United States, to be distributed among them pro rata according to the amount of wool produced by each, an amount equal to 5 cents per pound on all domestic wool produced in the United States during the calendar year 1895 to compensate them for losses occasioned by the repeal of the duty on wool.

Mr. BLACKBURN. I make the same point of order against this amendment, that it has not been reported by a committee, either standing or select; and I object to debate.

Mr. MITCHELL of Oregon. I was about to make the suggestion that I hoped the Senator from Kentucky would not make the point of order against this very pertinent amendment.

Mr. BLACKBURN. I insist on the point of order, Mr. President.

The VICE-PRESIDENT. The Chair will hear the suggestion of the Senator from Oregon, with the permission of the Senate.

Mr. BLACKBURN. I object to any debate, Mr. President.

Mr. MITCHELL of Oregon. On what ground?

Mr. BLACKBURN. On the ground that the point of order is not debatable, except by unanimous consent.

The VICE-PRESIDENT. The point of order is made by the Senator from Kentucky—



Mr. MITCHELL of Oregon. I hope the Senator will withdraw his point of order for a moment.

Mr. BLACKBURN. I will. I only want a vote.

Mr. MITCHELL of Oregon. Mr. President, when this subject was under consideration in the Committee on Claims, of which I am a member, I was of the opinion, as I am now, that on the amount of sugar actually produced in the United States prior to the 28th day of August, 1894, the producers were entitled to receive their bounty. I believe that is a legal right. I understand that, owing to some peculiar phraseology of the repealing clause of the act, the Secretary of the Treasury did not feel authorized to pay that bounty, and for that reason I am in favor of the first part of the amendment which proposes to appropriate \$238,289.08; but when the amendment goes further, when the proposition is submitted to the effect that we shall pay for the sugar produced after the repeal, and for the reason that the sugar producers of this country have suffered by reason of the repeal affecting their interests in the future, then I think they occupy no better ground, no better footing, nor any different position, so far as the equities are concerned, than do any number of persons engaged in various kinds of industries in this country, whose interests were adversely affected by the repeal of the McKinley Act, and particularly and especially is this so in reference to the sheep owners of this country.

The sheep industry, Mr. President, was stricken down by the repealing clause of the new tariff act. The duty of 10, 11, or 12 cents per pound, or whatever it was, existing under the old law on foreign wool, was swept away, and the wool producers of this country were brought into direct competition with the wool and sheep growers of the Argentine, Asia, and of other wool-producing countries, the effect of which has been very largely, in the section of the country which I in part represent here, to reduce the price of wool. Wool which two years ago was selling for 12, 14, and 18 cents a pound is selling to-day for 5, 6, and 7 cents per pound, a direct loss occasioned by this legislation; and there is just as much equity, as it seems to me, in favor of the sheep owners and of the wool producers in this country who have suffered by that legislation as there is in favor of the sugar producers of this country.

I think the repeal of the sugar-bounty act was a great legislative outrage. It was an act which ought to have been prevented by representatives on this floor, particularly on the other side, from the sugar-producing State of Louisiana; it might have been prevented by them; it is unfortunate for the sugar producers of this country, and especially for those of Louisiana, that it was not prevented; and I sympathize as much as any Senator upon this floor with the sugar producers of Louisiana, of Nebraska, of California, and of the other sugar-producing States in this Union. But, Mr. President, while I sympathize with them, I sympathize also with the woolgrowers of the Pacific Coast, and especially with the woolgrowers of my own State, whose industry, as I have said, has been absolutely destroyed by this legislation. I should feel recreant to my duty to my constituents if I were to stand here to-day and vote to the sugar producers of this country an equity amounting away up into the millions—because if this legislation goes through it will amount, in my judgment, to not less than \$8,000,000 out of the Treasury, and perhaps more—I say I should feel recreant to my duty to my constituents if I were to do this, and at the same time do nothing, or attempt to do nothing, for other classes of persons who have suffered equally by the infamous piece of legislation of 1894, by which so many of the great industries of this country were paralyzed and many of them stricken down entirely.

Mr. SQUIRE. How about lumber?

Mr. MITCHELL of Oregon. The Senator from Washington suggests the lumber interest. He might also mention the coal interest and the fruit interest of the Pacific Coast, the hop interest, and almost every agricultural interest in which the people of the Pacific Coast are interested, and which have been assailed by this repealing clause; yet we are to stand here and to make the sugar producers whole, while we are to suffer. For one, Mr. President, I shall not do it. However much I sympathize with our friends from Louisiana, I shall vote, if this amendment can be divided—and it is divisible, I suppose—as I stated originally, for the two hundred and odd thousand dollars to pay the bounty on sugar actually produced prior to the 28th day of August, 1894; but beyond that I shall not vote a farthing unless we include the sheep industry and other industries which have been stricken down by the tariff legislation of this Congress, each and all of which stand on just as broad equities, just as sound equities, as do the sugar producers of this country, in my humble judgment.

I thank the Senator from Kentucky for having permitted me to say this much.

Mr. BLACKBURN. Now I ask for a ruling of the Chair on the point of order.

The VICE-PRESIDENT. Under the third clause of Rule XVI the Chair is compelled to sustain the point of order.

Mr. PETTIGREW. Mr. President, I wish to enter my protest against the adoption of the amendment to pay this sugar bounty. I do not believe that there is any more moral obligation to pay this bounty than there is to reimburse all the people whose industries were destroyed by the passage of the Wilson tariff act. I can not see where any moral obligation exists more than exists, as the Senator from Oregon [Mr. MITCHELL] has said, to the sheep raisers.

The man who produced sugar went into the business because of the bounty offered, and he knew that each succeeding Congress had a right to repeal that law and take away the bounty. The man who went into the sheep industry because of the tariff which protected him against the competition of the woolgrower in Australia and South America had as much moral right to expect that tariff would be continued—for he would not have gone into the business if it had not been for the tariff—and yet he knew every succeeding Congress could repeal that law, and that he would be without a remedy.

Where is the implied obligation and where is the moral right? It seems to me they do not exist. But above all they do not exist in favor of the sugar producers of Louisiana. The representatives of the sugar producers of Louisiana upon this floor and the representatives of the sugar producers of Nebraska could by their votes have defeated the tariff bill and protected the industries which were destroyed throughout this country; and if they chose to break the contract, or what they claim to be a contract, it seems to me it is with the worst of grace for them to come here claiming compensation. They have destroyed the industries of the North by their act; and now they ask for themselves to be relieved from the consequences of their act, and especially ask the people of the North to reimburse them for the injury which they have done to themselves and done to us. Compensate the wool raiser of Dakota, whose flocks you have destroyed; pay the producer of barley, eggs, hay, butter, beans, before you pay the sugar producer who voted to produce all this ruin and disaster. It seems to me assurance and impudence could go no further. It seems to me that no such instance of impudence was ever before exhibited by any man or set of men. For my part I feel that I should outrage my conscience and outrage the rights of my constituents and put a premium upon impudence that would be intolerable should I support such a proposition.

Mr. ALLEN. Mr. President, I should say nothing upon this subject any further than I have already said it not for the peculiar conditions existing and the peculiar utterances of the Senator from South Dakota [Mr. PETTIGREW]. I do not propose to discuss the tariff question. I do not think it is germane to the subject now before the Senate. But the Senator from South Dakota is a very poor lawyer indeed, if not a very poor statesman as well, if he can not distinguish between a tariff and a bounty. I suppose that Senator goes upon the supposition that a tariff is levied with the primary purpose of protection. That is not true. No student of our institutions ever so rightfully claimed. The tariff is levied for the purpose of raising revenue with which to carry on the Government. It may be so adjusted as to protect certain industries or not to protect them; that is a question of policy. But there is no power, in my humble judgment, to levy a tax for protective purposes alone. I have endeavored conscientiously to ascertain if there was such a power, and I have been somewhat of a student of the history of this country.

Mr. President, with reference to the bounty, passing over the question of constitutional power to offer a bounty, which seems to have been exercised in this country from time to time by the subsidizing of our shipping at one time, and offering the payment of a bounty upon the export of farm products—here was a distinct proposition of the Government to certain of its citizens, that if they would engage in the production of domestic sugar they should have as a compensation from the Government for the development of that industry 2 cents a pound for a specific length of time.

Upon the strength of that and upon the strength of nothing else these men invested their capital and developed the industry. I care not what other Senators may say, it was a contract. What is a contract? It is an agreement between two or more persons competent to contract to do or not to do a lawful thing. There must be a consideration for it. A promise for a promise is held to be a good and valuable consideration throughout the civilized world. Here was a distinct proposition emanating from this Government, saying that if certain persons or citizens would embark in the enterprise of developing the industry of manufacturing sugar in this country they should for a specific length of time have a bounty from this Government to the amount of 2 cents a pound.

Did they not have a right to suppose that a great sovereign power like the United States would keep its promise? If it had been that the Government had not fixed a specific time for the bounty to run then the argument of the Senator from South Dakota [Mr. PETTIGREW] that the parties stand charged with notice of the

right of the Government to repeal the bounty whenever it saw fit would be an acceptable argument here. Here was an offer running over a specific length of time, fifteen years. While I am not an advocate of the doctrine of protection or an advocate of the policy of giving bounties, it is in my judgment as solemn a contract as this Government ever entered into. We can not escape the consequences of failing to fulfill the contract by the system of undertaking to load on this issue the question of the tariff and the consequences of the repeal of the tariff act. Every man conducts his business charged with notice that the Government may impose taxes upon his business, either direct or incidental, charged with notice that as a sovereignty it may repeal or modify its tax laws from time to time; and the distinction between an incidental protection, arising from a revenue law, and a distinct proposition to give so much money for the development of an industry is so plain in my judgment that a man though a fool need not err therein.

Mr. HOAR. I move, in line 27, page 2 of the amendment, to strike out the words "or sugar cane."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 27, page 2 of the amendment, strike out the words "or sugar cane," so as to read:

A bounty of eight-tenths of a cent per pound on the sugars actually manufactured and produced in the United States testing not less than 80° by the polariscope, from beets or sorghum, grown or produced within the United States.

Mr. HOAR. The word "or" should be inserted before the word "sorghum" if the amendment be adopted.

Mr. President, there is very great force in the claim which has been made by the senior Senator from Nebraska [Mr. MANDERSON] in behalf of the class of citizens who have invested capital and have entered upon a mode of life for the establishment in this country of a great productive and most beneficent industry with the pledge of the Government that they should receive a bounty for a few years. Similar pledges have been given by the Government in past times to the raisers of salt, the fishermen, and to other branches of protective industry; and I hold with my honorable friend from Nebraska that the faith of the Government of the United States requires us to compensate persons who have entered upon this industry.

But where great communities act they may be represented by political agencies or representatives. If any single farmer in Nebraska, through his authorized agent, had put upon file his desire that the sugar bounty should be repealed, as to him the obligation on the part of the Government would no longer exist. Great political communities, great classes of industries, can not act by individual agencies. They must be understood to act by the men whom they send to this and the other Chamber to represent them. The sugar producers of the State of Louisiana, if in any way men can express a desire on a public question, desired the repeal of the bounty. The matter was fully discussed; public meetings were held. An eminent representative of that State vacated his seat in this Chamber and another person was sent to represent that State while this matter was pending and under discussion.

The gentleman originally appointed by the executive was soon after elected by the legislature of the State of Louisiana, and both of the representatives of Louisiana on the final vote, upon which a single vote would have stopped it, recorded their votes and that of Louisiana for the repeal of the sugar bounty. There can not be a more solemn, deliberate, binding action in political history than the action of the State of Louisiana, that so far as she was concerned, and so far as her people were concerned, not only were the people of the United States acquitted from any obligation of good faith in this matter, but that she did not desire as a matter of public policy that the sugar bounty for the previous year should be paid to the producers of sugar.

That is not true in regard to the producers of beet sugar in California or Nebraska or the Northwest, and therefore I shall cheerfully join with their representatives in giving my vote to pay those farmers a bounty. But the State of Louisiana has repealed it herself. A single vote would have stopped it—a single negative. One of her Senators voted against the bill, and on fuller deliberation and reflection changed his vote to an affirmative vote after the roll call had been concluded. Now, in the face of this opinion and desire of the sovereign State of Louisiana, am I to insist upon forcing on those unwilling sugar producers this sum of money which they have rejected and repudiated by every possible instrumentality by which they can act, by the most solemn expression of their opinion which they can utter?

Mr. President, I have heard somewhere the suggestion, which I am sure Louisiana will repudiate, that although she would have been glad to have the sugar bounty continue, yet so great was her desire to strike down the manufacturing industries of the section of country which I humbly in some small degree represent that she was willing to accomplish that result even at the price of the aboli-

tion of the sugar bounty for her own people. I do not, of course, for a moment undertake to express any confidence in that proposition.

Mr. GRAY. May I ask the Senator from Massachusetts a question right there?

Mr. HOAR. Certainly.

Mr. GRAY. I ask whether the fact that one of the Senators from Nebraska, a great beet-producing State, voted in favor of the repeal of the sugar bounty ought not to bring Nebraska within the scope of punishment which the Senator from Massachusetts would inflict upon Louisiana?

Mr. HOAR. I have not spoken of punishment. The word "punishment" has not escaped my lips.

Mr. GRAY. That was my word. I will withdraw it if it is objectionable.

Mr. HOAR. I was speaking of waiver—of desire, of vote, of urgent appeal to the people of the United States to stop paying the sugar bounty.

Mr. GRAY. But I understand the Senator's amendment proposes to pay a bounty upon the beet sugar of Nebraska.

Mr. HOAR. I do not understand that Nebraska was united or agreed upon the question. We can not treat Nebraska as having acted unless both of her Senators concurred.

Mr. GRAY. "One righteous man saved the city."

Mr. HOAR. But even in that case Nebraska has spoken since. As soon as her people could deal with the question she recorded her vote in opposition not only to this part of the act but to the entire policy of the tariff act of 1894. On the other hand Louisiana adheres; in our parliamentary language as to conferences, she not only adheres but insists. I do not want to have public meetings held in New Orleans; I do not want to have the freemen of that State, where every freeman utters his voice and casts his vote, gathering on the highway and the plantation to protest against this indignity to her and our opposition to her sovereign will.

Mr. President, for one I can not be a party to forcing this down the reluctant throats of the excellent people of the State of Louisiana. I should otherwise vote for this bounty with the greatest satisfaction. I am not prepared to go so far as my honorable friend from Oregon [Mr. MITCHELL]. I am not prepared to say that because we have repealed the protective tariff and have brought the country to the pitch of misery which it has gone through, every American interest should be compensated by a grant from the Treasury. If we were to say that as to everybody who has suffered in purse or in business by the baleful operation of the political action of 1894 we must pay the producers of cotton, who have been selling their cotton for the last few months at 5 cents a pound.

I believe that the hard times, that the loss of prosperity in this country, that the injury to business occasioned by that reckless and foolish financial legislation of the Democratic majority here was a large factor in bringing cotton to 5 cents a pound, and that the Southern producer of cotton has reaped in his own person the disastrous consequences of that policy. But they are indirect; they are remote and not proximate consequences. If the Democratic party had been continued in power two years longer the sage at the other end of the Capitol and the sage at the other end of the avenue would have brought cotton to 3 cents a pound before they got through, and other industries would have been reduced in proportion.

But we can not go into that. We can not compensate the cotton growers of Texas for the folly of their Senator, or the cotton growers of South Carolina or Alabama for the follies of theirs. We can not compensate the railroads of the country, we can not compensate the mill owners of New England, we can not compensate the honest and industrious workmen of our manufacturing cities of the East or West. We can not compensate the silver miners of Colorado.

So, Mr. President, if this amendment to strike out the words shall be adopted, I hope I shall have the votes of the Senators from Louisiana. I shall be delighted then to join with the majority of the Senate in doing justice, and partial and imperfect justice, to the beet-sugar producers of California, Nebraska, and Kansas.

Mr. GORMAN and Mr. BLACKBURN. Question.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Massachusetts [Mr. HOAR] to the amendment of the Senator from Kentucky [Mr. BLACKBURN].

The amendment to the amendment was rejected.

The VICE-PRESIDENT. The question recurs on the amendment of the Senator from Kentucky.

Mr. MILLS and Mr. GORMAN. Let us have the yeas and nays.

Mr. ALDRICH and Mr. BLACKBURN. The yeas and nays have been ordered.

Mr. LODGE. I ask that the amendment may be divided.



Mr. MITCHELL of Oregon. I made that request some time ago.

The VICE-PRESIDENT. The first branch of the amendment will be read.

Mr. BLACKBURN. I make the point of order that the yeas and nays having been ordered on the committee amendment it can not be divided.

Mr. LODGE. The Senator from Oregon gave notice of a desire to have the amendment divided.

Mr. BLACKBURN. I do not care. I am willing to vote twice if we can only get a vote.

Mr. MITCHELL of Oregon. I made the request an hour ago that the amendment be divided.

The VICE-PRESIDENT. The Chair sustains the point of order.

Mr. BLACKBURN. The yeas and nays have been ordered; but I agree to a division of the question if we can have a vote.

The VICE-PRESIDENT. The first branch of the amendment will be read.

The SECRETARY. After line 5, page 65, insert:

Bounty on sugar: That there shall be paid by the Secretary of the Treasury to those producers and manufacturers of sugar in the United States from maple sap, beets, sorghum, or sugar cane grown or produced within the United States, who complied with the provisions of the bounty law as contained in Schedule E of the tariff act of October 1, 1890, a bounty of 2 cents a pound on all sugars testing not less than 90° by the polariscope, and 1½ cents a pound on all sugars testing less than 90 and not less than 80° by the polariscope, manufactured and produced by them previous to the 28th day of August, 1894, and upon which no bounty has previously been paid; and for this purpose the sum of \$238,289.06 is hereby appropriated, or so much thereof as may be necessary.

Mr. GORMAN. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. If he were present I should vote "nay."

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. FAULKNER (when his name was called). On this question I am paired with the Senator from Indiana [Mr. VOORHEES]. He was necessarily called from the Senate this evening.

Mr. McLAURIN (when Mr. GEORGE's name was called). My colleague [Mr. GEORGE] is detained from the Senate by reason of sickness. If he were present he would vote "nay."

Mr. PASCO (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD]. If he were here I should vote "yea."

Mr. WHITE (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP], but as I know that Senator holds the same view on this subject which I hold I will vote "yea."

The roll call was concluded.

Mr. COKE. I am paired with the Senator from Oregon [Mr. DOLPH]. I transfer my pair with the Senator from Oregon to the Senator from Mississippi [Mr. GEORGE] and vote "nay."

Mr. HILL. I have consented to pair with the Senator from Idaho [Mr. SHOUP].

Mr. MITCHELL of Oregon. I have a general pair with the Senator from Wisconsin [Mr. VILAS], who is absent, but I understand if he were here he would vote for this proposition, and therefore I vote "yea."

Mr. PASCO. My colleague [Mr. CALL] has been called from the Chamber. I transfer my pair with the Senator from North Carolina [Mr. PRITCHARD] to my colleague, and I vote "yea."

The result was announced—yeas 46, nays 20; as follows:

## YEAS—46.

Aldrich,	Daniel,	McMillan,	Proctor,
Allen,	Davis,	Manderson,	Pugh,
Allison,	Dixon,	Mantle,	Quay,
Blackburn,	Frye,	Martin,	Rosch,
Blanchard,	Gallinger,	Mitchell of Oreg.	Squire,
Caffery,	Gordon,	Morgan,	Stewart,
Camden,	Gray,	Morrill,	Walsh,
Cameron,	Hawley,	Pasco,	Washburn,
Carey,	Huntton,	Peffer,	White,
Chandler,	Kyle,	Perkins,	Wilson of Wash.
Clark,	Lindsay,	Platt,	
Cullom,	Lodge,	Power,	

## NAYS—20.

Bate,	Coke,	Jones of Ark.	Pettigrew,
Berry,	Gorman,	McLaurin,	Teller,
Brice,	Hansbrough,	Mills,	Turpie,
Burrows,	Harris,	Murphy,	Vest,
Cockrell,	Hoar,	Palmer,	Wolcott.

## NOT VOTING—22.

Butler,	Gibson,	McPherson,	Smith,
Call,	Hale,	Mitchell of Wis.	Vilas,
Dolph,	Higgins,	Pritchard,	Voorhees,
Dubois,	Hill,	Ransom,	Wilson of Iowa.
Faulkner,	Irby,	Sherman,	
George,	Jones of Nev.	Shoup,	

So the first branch of the amendment was agreed to.

The VICE-PRESIDENT. The question is on the second branch of the amendment of the Senator from Kentucky.

Mr. ALDRICH. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. PALMER. Let the amendment be read.

The VICE-PRESIDENT. The second branch of the amendment will be read.

The SECRETARY. After the first branch of the amendment just agreed to, insert:

That there shall be paid to those producers who complied with the provisions of the bounty law as contained in Schedule E of the tariff act of October 1, 1890, by filing the notice, application for license, and bond therein required, prior to July 1, 1894, and who would have been entitled to receive a license as provided for in said act, a bounty of eight-tenths of a cent per pound on the sugars actually manufactured and produced in the United States testing not less than 80° by the polariscope, from beets, sorghum, or sugar cane grown or produced within the United States during that part of the fiscal year ending June 30, 1895, comprised in the period commencing August 28, 1894, and ending June 30, 1895, both days inclusive; and for this purpose the sum of \$5,000,000, or so much thereof as may be necessary, is hereby appropriated: *Provided*, That no bounty shall be paid to any person engaged in refining sugars which have been imported into the United States, or produced in the United States, upon which the bounty herein provided has already been paid or applied for.

The bounty herein authorized to be paid shall be paid upon the presentation of such proof of manufacture and production as shall be required in each case by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and under such rules and regulations as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

And for the payment of such bounty the Secretary of the Treasury is authorized to draw warrants on the Treasurer of the United States for sums as shall be necessary, which sums shall be certified to him by the Commissioner of Internal Revenue, by whom the bounty shall be disbursed, and no bounty shall be allowed or paid to any person as aforesaid upon any quantity of sugar less than 500 pounds.

For examination of claims and ascertaining the amount due and the prevention of fraudulent claims for said bounty, the Commissioner of Internal Revenue is hereby authorized to employ two internal-revenue agents, in addition to those already provided for, and upon the same terms as to compensation.

That any person not entitled to the bounty herein provided for, who shall with intent to defraud apply for or receive the same, shall be guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine not exceeding \$5,000, or be imprisoned for a period not exceeding five years, or both, in the discretion of the court.

The Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH]. I transfer my pair to the Senator from Mississippi [Mr. GEORGE] and vote "nay."

Mr. DUBOIS (when his name was called). I am paired with the junior Senator from New Jersey [Mr. SMITH].

Mr. FAULKNER (when his name was called). I am paired on this question with the senior Senator from Indiana [Mr. VOORHEES], who is necessarily detained from the Senate. I should vote "yea" and he would vote "nay."

Mr. HILL (when his name was called). I am paired with the Senator from Idaho [Mr. SHOUP].

Mr. MITCHELL of Oregon (when his name was called). I am paired with the Senator from Wisconsin [Mr. VILAS]. If he were here I am told he would vote "yea." I should vote "nay" if I were at liberty to vote.

The roll call was concluded.

Mr. DIXON. On this question I am paired with the Senator from Maine [Mr. HALE]. I understand if present he would vote "yea." If I were permitted to vote I would vote "nay."

Mr. BURROWS. I am paired with the junior Senator from Maryland [Mr. GIBSON], and therefore withhold my vote.

The result was announced—yeas 36, nays 25; as follows:

## YEAS—36.

Aldrich,	Cullom,	McMillan,	Proctor,
Allen,	Daniel,	Manderson,	Pugh,
Allison,	Davis,	Mantle,	Quay,
Blackburn,	Gordon,	Martin,	Rosch,
Blanchard,	Gray,	Morgan,	Squire,
Caffery,	Hawley,	Morrill,	Stewart,
Camden,	Huntton,	Pasco,	Walsh,
Cameron,	Kyle,	Perkins,	Washburn,
Chandler,	Lindsay,	Platt,	White.

## NAYS—25.

Bate,	Frye,	McLaurin,	Turpie,
Berry,	Gallinger,	Mills,	Vest,
Brice,	Gorman,	Palmer,	Wilson of Wash.
Carey,	Hansbrough,	Peffer,	Wolcott.
Cockrell,	Harris,	Pettigrew,	
Coke,	Hoar,	Power,	
	Lodge,	Teller,	

## NOT VOTING—27.

Burrows,	George,	Jones of Nev.	Sherman,
Butler,	Gibson,	McPherson,	Shoup,
Call,	Hale,	Mitchell of Oreg.	Smith,
Dixon,	Higgins,	Mitchell of Wis.	Vilas,
Dolph,	Hill,	Murphy,	Voorhees,
Dubois,	Irby,	Pritchard,	Wilson of Iowa.
Faulkner,	Jones of Ark.	Ransom,	

So the second branch of the amendment was agreed to.

Mr. COCKRELL. I give notice that I shall hope to finish the bill to-morrow. In pursuance of the agreement that was made the other day I will give way that this bill may be temporarily laid aside until to-morrow and that the night session beginning at 8 o'clock to-night may be devoted to unobjected cases on the Calendar, as was agreed upon.

Mr. MANDERSON. I ask unanimous consent that at the night session when unobjected bills upon the Calendar are to be considered the roll of Senators be called alphabetically. It seems to me that that is the fair way.

Mr. GORMAN. We can settle that to-night.

Mr. HILL. I object to that arrangement at present. Let the night session take care of itself.

The VICE-PRESIDENT. There is objection to the request of the Senator from Nebraska.

Mr. HOAR. I desire to inquire of the Chair if any arrangement about a night session has been made and, if so, what?

Mr. FAULKNER. It was a unanimous agreement.

Mr. HOAR. What is it?

Mr. FAULKNER. To meet at 8 o'clock and consider unobjected cases on the Calendar.

The VICE-PRESIDENT. The Chair will have read the agreement.

The Secretary read as follows:

Mr. GORMAN. The agreement proposed is that on Tuesday next, from 8 o'clock in the evening, the Senate will consider unobjected cases on the Calendar, under Rule VIII, giving to each Senator an opportunity, as has always been the rule, to call up a bill, subject, however, to the consideration of an appropriation bill if it becomes necessary to consider one that night.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The VICE-PRESIDENT. That is the answer to the parliamentary inquiry of the Senator from Massachusetts.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 2243) in aid of the exposition to be held under the auspices of the Baltimore Centennial Association, and for other purposes.

#### RECESS.

Mr. GORMAN. I move that the Senate take a recess until 8 o'clock.

Mr. CHANDLER. I understand that the appropriation bill is not to be called up to-night.

Mr. GORMAN. Oh, no.

Mr. COCKRELL. It is not to be called up to-night.

Mr. HARRIS. Before the motion for a recess is stated may we not come to an agreement that the roll shall be called this evening as suggested, as an economy of time?

Mr. FAULKNER. Wait until we reassemble.

Mr. HARRIS. Very well.

The VICE-PRESIDENT. An objection was interposed to that request. The question is on the motion of the Senator from Maryland that the Senate take a recess until 8 o'clock this evening.

The motion was agreed to; and (at 6 o'clock and 5 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

#### EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

#### ORDER OF BUSINESS.

Mr. HARRIS. I ask unanimous consent, in the interest of economizing time, that the roll be called, commencing with the first name upon it, and that the Senator, as called, may, under the consent rule existing to-night, ask for the consideration of the bill he may indicate. Otherwise we shall have a scramble for the floor whenever a bill is disposed of.

The VICE-PRESIDENT. Is there objection?

Mr. HILL. Mr. President, in the interest of economy of time, etc., I shall object to that arrangement.

Mr. HARRIS. Very well.

Mr. HILL. I desire to proceed under the order of business, and ask to be recognized.

Mr. CULLOM. Mr. President—

Mr. HILL. I will yield for a moment to the Senator from Illinois.

Mr. CULLOM. I was about to call up a bill; that was all.

Mr. HILL. That is exactly what I was going to do, and therefore I decline to yield.

Mr. FAULKNER. I think before the Senator from New York goes on there ought to be a distinct understanding among all of us here this evening that we shall remain here until every Senator who has a bill to call up shall have an opportunity to call the bill up.

The VICE-PRESIDENT. Is there objection to the request of the Senator from West Virginia? The Chair hears none.

Mr. BATE. I ask that the agreement be read, so that we may understand it. Are only bills that are uncontested to be considered?

Mr. HARRIS. Unobjected bills.

Mr. GORMAN and Mr. FAULKNER. Bills unobjected to.

The VICE-PRESIDENT. The Senators have stated the agreement correctly. The Chair will have it read if the Senator from Tennessee desires.

Mr. BATE. No; that is sufficient.

Mr. HARRIS. One objection will carry a bill over.

Mr. HILL. I ask for the consideration of Order of Business 1059, Senate joint resolution 140.

Mr. PEPPER. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Chair will hear the Senator from Kansas.

Mr. PEPPER. Are we not to proceed according to the Calendar, taking up unobjected bills in their order?

Mr. GORMAN. Oh, no.

Mr. FAULKNER. Any Senator can call up a bill.

Mr. PEPPER. Is there to be a scramble for the floor?

Mr. CULLOM. I hope we shall go ahead under some rule.

Mr. GORMAN. I will state to the Senator from Kansas that I made the request, which was agreed to, that we would take up unobjected cases on the Calendar under the five-minute rule, under Rule VIII, and give an opportunity to each Senator to call up at least one bill.

Mr. PEPPER. Why not take them in their order?

Mr. GORMAN. We can not do it in that way.

Mr. PEPPER. That would prevent confusion.

Mr. ALLISON. I desire to ask if pension bills are to be included in this assignment or if there is a special time arranged wherein pension bills can be disposed of?

Mr. GORMAN. We shall have to give a special time to them; but under this agreement it was the distinct understanding that each Senator was to call up whatever bill he desired, whether a pension bill or otherwise, and if unobjected to it should be considered under Rule VIII.

Mr. CULLOM. I hope there will be an opportunity to call up all unobjected pension bills before we get through.

Mr. GORMAN. Oh, yes.

Mr. FRYE. Let us go ahead and use the time we have.

#### LIEUT. F. D. ROCKENBACH.

Mr. HILL. I call up the joint resolution (S. R. 140) authorizing Second Lieut. F. D. Rockenbach, of the Tenth Cavalry, United States Army, to accept the position of commandant of cadets at the Virginia Military Academy, Lexington, Va.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. DANIEL, the title was amended so as to read:

A joint resolution authorizing Second Lieut. F. D. Rockenbach, of the Tenth Cavalry, United States Army, to accept the position of commandant of cadets at the Virginia Military Academy, Lexington, Va.

#### ILLINOIS RIVER BRIDGE.

Mr. CULLOM. I call up the bill (H. R. 8882) to authorize the construction of a bridge across the Illinois River at or near the town of Hennepin. The bill came over from the House to-day.

Mr. GORMAN. I think I can appeal to the Senator from Illinois. Under the unanimous agreement each Senator was to call up one bill. I repeat the request of the Senator from Tennessee [Mr. HARRIS] that the roll may be called and each Senator call up a bill when his name is called.

Mr. CULLOM. I have no objection.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Maryland?

Mr. HILL. I feel constrained to object to that request for reasons which will be apparent before we proceed very long.

Mr. HARRIS. Then I hope that but one Senator will be recognized during the evening session.

Mr. FRYE. That is understood.

Mr. HARRIS. So that each Senator may have his opportunity to call up a bill.

Mr. FAULKNER. That is the unanimous agreement.

Mr. HARRIS. Very well; it is the agreement already.

Mr. CULLOM. I ask the Senate to proceed to the consideration of the bill (H. R. 8882) to authorize the construction of a bridge across the Illinois River at or near the town of Hennepin.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### DISTRICT SUBURBAN RAILWAY COMPANY.

Mr. DANIEL. I ask the Senate to consider the bill (H. R. 6816)



to amend the charter of the District of Columbia Suburban Railway Company.

Mr. QUAY. I regret exceedingly to say to the Senator from Virginia that I feel it to be my duty to object to the consideration of that bill.

Mr. HARRIS. We can not hear the Senator from Pennsylvania.

Mr. QUAY. I rose to object to the consideration of the bill called up by the Senator from Virginia because some of my constituents who are interested asked me to resist its passage. I regret exceedingly that I am compelled to do so.

The VICE-PRESIDENT. There is objection to the consideration of the bill.

#### MEASUREMENT OF VESSELS.

Mr. FRYE. I call up the bill (S. 2790) to amend section 1 of chapter 398 of the laws of 1882, entitled "An act to provide for deductions from the gross tonnage of vessels of the United States."

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 2, line 14, before the word "first," to strike out "July," and insert "April;" so as to read:

SEC. 2. That this act shall not be construed to require the remeasurement of any American vessel duly measured before April 1, 1885; but upon application by the owner of any such vessel collectors of customs shall cause such vessel, or the spaces to be deducted, to be measured according to the provisions of this act, and if a new register is not issued the statement of such remeasurement shall be attached by an appendix to the outstanding register or enrollment with a certificate of the collector of customs that the original estimate of tonnage is amended pursuant to this act.

The amendment was agreed to.

The next amendment was, in section 5, line 7, before the date "1895," to strike out "July" and insert "April;" so as to read:

SEC. 5. That this act shall take effect on the 1st day of April, 1895.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### FORT HAYS MILITARY RESERVATION.

Mr. MARTIN. I ask unanimous consent for the present consideration of the bill (S. 2799) granting to the State of Kansas the abandoned Fort Hays Military Reservation in said State, for the purpose of establishing western branches of the Kansas Agricultural College and of the Kansas State Normal Institute thereon, and for a public park.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### JOSEPH W. SNYDER.

Mr. TURPIE. I ask unanimous consent for the present consideration of the bill (H. R. 7028) to pension Joseph W. Snyder, crippled son of a soldier of the war of 1812.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Joseph W. Snyder, the aged and crippled son of Jacob Snyder, deceased, late a private in Captain Roger's company of Pennsylvania militia, in the war of 1812, and to pay him a pension of \$8 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ROCK CREEK RAILWAY COMPANY.

Mr. FAULKNER. I ask unanimous consent for the present consideration of the bill (H. R. 8337) relative to Rock Creek Railway Company of the District of Columbia.

Mr. HILL. I am constrained to object to that bill.

Mr. FAULKNER. I appeal to the Senator from New York not to object to the consideration of the bill. It is not connected in any way with and does not affect anything, I am satisfied, to which he has reference, and its passage is very important to carry out the policy we have established here in reference to these roads.

Mr. HILL. There is another policy to be established here which is just as important as this. I am constrained to object to the consideration of the bill, and do so in the interests of fair play.

Mr. FAULKNER. That does not apply to me.

The VICE-PRESIDENT. Objection being made, the bill goes over.

#### IMPROVEMENT OF OUTER BAR OF BRUNSWICK, GA.

Mr. GORDON. I ask unanimous consent for the present consideration of the bill (S. 2721) to amend the river and harbor act of August 7, 1894, providing for improving the outer bar of Brunswick, Ga.

Mr. HARRIS. I think that is too important a bill to be con-

sidered under the rule under which we are proceeding at this time.

Mr. GORDON. I hope my friend from Tennessee will not make an objection to this bill. It has been favorably reported from the Committee on Commerce.

Mr. HARRIS. That may be, but it involves the expenditure of large amounts of money, and also involves important considerations; and we are acting under the five-minute rule.

The VICE-PRESIDENT. Objection being made, the bill goes over.

#### GAINESVILLE, McALESTER AND ST. LOUIS RAILWAY COMPANY.

Mr. MILLS. I ask unanimous consent for the present consideration of the bill (H. R. 5062) to grant the Gainesville, McAlester and St. Louis Railway Company the right to build two branch lines and to grant the right of way therefor through the Indian Territory, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Indian Affairs with amendments, in section 1, line 14, after the word "company," to strike out "east of the Washita River," and insert "at or near the point where said main line crosses Blue River;" in line 19, after the word "Arkansas," to insert "at or near the town of Ultima Thule, Ark.," and at the end of line 23, after the name "Kansas," to insert "at or near the town of Sedan, Kans.," so as to make the section read:

That the Gainesville, McAlester and St. Louis Railway Company, a corporation created under and by virtue of the laws of the State of Texas, be, and is hereby, invested and empowered with right of locating, operating, using, and maintaining two branch lines of railway, together with telegraph and telephone lines, from the main line, granted to said company by the act of Congress approved March 1, A. D. 1893, entitled "An act to grant the Gainesville, McAlester and St. Louis Railway Company a right of way through the Indian Territory, and for other purposes;" both of said branch lines to begin at a point to be selected by the said company at or near the point where said main line crosses Blue River, one to run in an easterly direction by the most practicable route through the Indian Territory, down the valley of Red River to a point on the west line of the State of Arkansas, at or near the town of Ultima Thule, Ark., and the other to run in a northerly direction by the most practicable route through the Indian Territory to a point on the south line of the State of Kansas, at or near the town of Sedan, Kans.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### MARYLAND AND WASHINGTON RAILWAY COMPANY.

Mr. GIBSON. I ask unanimous consent for the present consideration of the bill (H. R. 8638) to amend an act entitled "An act to incorporate the Maryland and Washington Railway Company," approved August 1, 1892, and for other purposes.

Mr. HILL. Let that bill be laid aside for the present, Mr. President. I want to examine it.

The VICE-PRESIDENT. Objection being made, the bill will go over.

#### PRESBYTERIAN CHURCH AT BETHEL SPRINGS, TENN.

Mr. HARRIS. I ask unanimous consent for the consideration at this time of the bill (H. R. 725) for the relief of the trustees of the Presbyterian Church of Bethel Springs, Tenn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to the trustees of the Presbyterian Church in Bethel Springs, Tenn., \$400, being for the use and occupation of the church by the Army of the United States during the late war.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CHARLES A. EDWARDS.

Mr. HUNTON. I ask unanimous consent for the present consideration of the bill (H. R. 2066) for the relief of Charles A. Edwards.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It requires the Postmaster-General to enter \$200 as a credit on the account of Charles A. Edwards, late the postmaster at Prattville, in the State of Alabama, with the Post-Office Department, the same being the amount of money received by Edwards as postmaster and transmitted by him to the postmaster at Montgomery, and which was lost in transit without fault on his part.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### TENNESSEE RIVER BRIDGE NEAR SHEFFIELD, ALA.

Mr. PUGH. I ask unanimous consent for the present consideration of the bill (H. R. 8189) to authorize the construction of a bridge over the Tennessee River at or near Sheffield, Ala.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## SETTLEMENT BETWEEN THE UNITED STATES AND ARKANSAS.

Mr. JONES of Arkansas. I ask unanimous consent for the present consideration of the bill (S. 2902) to approve a compromise and settlement between the United States and the State of Arkansas.

Mr. CHANDLER. I object to the bill.

The VICE-PRESIDENT. The bill is objected to, and goes over under the rule.

## RAILROADS IN INDIAN TERRITORY.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill (H. R. 6956) to grant to railroad companies in the Indian Territory additional powers to secure right of way, depot grounds, etc.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Indian Affairs with amendments, in section 1, line 4, after the word "use," to insert "such;" after the word "ground," at the end of the same line, to insert "as may be necessary for railway purposes;" in line 7, after the word "Interior," to insert "that such additional ground is necessary for railway purposes and," and in line 10, after the word "promoted," to insert "thereby;" so as to make the section read:

That any railroad company operating a railroad in the Indian Territory may acquire the right to use such additional ground as may be necessary for railway purposes at stations now existing or for the establishment of new stations or depots by making it appear to the Secretary of the Interior that such additional ground is necessary for railway purposes and that the convenience of the people and the public interests will be promoted thereby.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

## MISSISSIPPI RIVER BRIDGE.

Mr. PALMER. I desire to call up the bill (H. R. 5645) authorizing the construction of a bridge over the Mississippi River to the city of St. Louis, in the State of Missouri, from some suitable point between the north line of St. Clair County, Ill., and the southwest line of said county.

Mr. ALLISON and Mr. McLAURIN. I object.

Mr. PALMER. Mr. President—

The VICE-PRESIDENT. The Chair will state to the Senator from Illinois that the bill is objected to.

Mr. PALMER. Would it be in order for me to make a single statement?

The VICE-PRESIDENT. By unanimous consent the Senator from Illinois will proceed.

Mr. PALMER. Inasmuch as the Senators from Missouri and the Senators from Illinois favor the bill, I should really like to know what the Senator from Mississippi and the Senator from Iowa have to do with it.

Mr. McLAURIN. I will state to the Senator from Illinois that I care nothing about it; but my colleague [Mr. GEORGE] desires to object to the bill, and he is sick and unable to be here this evening. For that reason I objected.

Mr. ALLISON. I will respond to my good friend from Illinois by saying that when the bill is under consideration I shall state my objection to it.

Mr. PALMER. I wish to ask whether I am entitled to a second choice? [Laughter.]

The VICE-PRESIDENT. Without objection, the Chair will recognize the Senator from Illinois.

## JOHN A. LYNCH.

Mr. PALMER. I have a bill which I desire to call up. I am sure my friend from Iowa will not object to it. It is the bill (S. 502) for the relief of John A. Lynch.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Military Affairs with an amendment, in line 6, after the words "the sum of," to strike out "two" and insert "one;" in line 7, after the word "thousand," to strike out "four" and insert "one;" in the same line, before the word "dollars," to strike out "sixty-six" and insert "thirty-seven," and in the same line to strike out "forty-nine" and insert "ninety-six;" so as to make the bill read:

*Be it enacted, etc.,* That in accordance with the findings of the Court of Claims the Secretary of the Treasury be, and he is hereby, authorized and required to pay to John A. Lynch, out of any money in the Treasury not otherwise appropriated, the sum of \$1,137.99, in full and complete satisfaction for services rendered and expenses incurred and defrayed by him, the said John A. Lynch, to and for the United States at Cincinnati, in the State of Ohio, in the years 1861 and 1862.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## INSIGNIA AND NAME OF THE RED CROSS.

Mr. GRAY. I ask for the present consideration of the bill (H. R. 5580) to protect the insignia and the name of Red Cross.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert:

That from and after the passage of this act it shall be unlawful for any person or association of persons within the jurisdiction of the United States of America to wear or display the sign of the Red Cross above described, or any colorable imitation of said insignia, without permission from the American National Red Cross (a duly authorized and recognized body incorporated under the laws for the District of Columbia and corresponding to the central committee described in the last preceding paragraph of the preamble) for the purpose of collecting, soliciting, or receiving money or material, or who shall by the use of said symbol or name of the American National Red Cross do or attempt to do similar work to the American National Red Cross without permission from said organization, shall be guilty of misdemeanor and shall be liable to a fine of not less than \$50 nor more than \$500, or imprisonment for a term not exceeding six months, or both, for each and every offense. The fine so collected shall be paid to the American National Red Cross.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The committee reported an amendment to strike out the last clause of the preamble, as follows:

Now, therefore, for the purpose of extending the same protection to this international and universal insignia in the United States of America that is extended to it by other nations.

And insert:

Now, therefore, for the purpose of extending protection to this international and universal insignia in the United States of America.

The amendment was agreed to.

The preamble as amended was agreed to.

Mr. GRAY. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. MORGAN, Mr. GRAY, and Mr. FRYE were appointed.

## HENRY A. WEBB.

Mr. ALDRICH. I ask unanimous consent to call up the bill (S. 2428) for the relief of Henry A. Webb.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Finance, with an amendment, in line 10, after the word "also," to strike out "bonds" and insert "bond;" in line 11, after the word "numbered," to strike out "fifty-four hundred and ninety-five;" in line 12, before the word "four," to strike out "inclusive;" in line 13, before the word "also," to strike out "each;" in line 14, after the word "and," to strike out "thirty-three to" and insert "thirty-six and;" in line 15, after the word "seven," to strike out "inclusive;" in line 17, before the word "inclusive," to strike out "fifty-three" and insert "fifty;" in line 18, and after the word "thousand," to strike out "seven hundred and fifty" and insert "one hundred;" so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, directed to redeem in favor of Henry A. Webb, of Providence, R. I., the following-described bonds of the United States, issued under acts of Congress approved July 17, 1861, and August 5, 1861, namely: Bonds numbered 30049 to 30051, inclusive, for \$500 each; also bond numbered 5497, for \$100; also bonds numbered 18436 and 18437, for \$100 each; also bonds numbered 4345 to 4360, inclusive, for \$50 each, amounting in all to \$2,100, with interest for sixteen and one-half years on said bonds numbered 30049 to 30051, inclusive, 5497, 18436, 18437, and 4345 to 4360, inclusive, from January 1, 1865, to July 1, 1881, the said Henry A. Webb claiming that he owned said bonds on February 11, 1866, when it is alleged they were stolen from him and have never been recovered by him: *Provided,* That before the redemption of said bonds the said Henry A. Webb or some one in his behalf shall execute or cause to be executed and deposit with the Secretary of the Treasury a bond of indemnity, with good and sufficient sureties, subject to the approval of said Secretary, to secure the United States against loss or damage in consequence of the redemption of said bonds.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## JAMES PHELAN.

Mr. McMILLAN. I ask unanimous consent to call up the bill (H. R. 6870) for the relief of James Phelan, internal-revenue collector at Detroit, Mich. It is a short bill.

Mr. FRYE. What is the Calendar number?

Mr. WOLCOTT. It has no Calendar number.

Mr. McMILLAN. It is a bill that came over from the other House to-day.

Mr. GORMAN. What is the Calendar number?



Mr. McMILLAN. It is not on the Calendar.

Mr. HILL. How is the bill to be taken up if it is not on the Calendar?

Mr. ALDRICH. It is on the Calendar, but it has no Calendar number. I reported it from the Committee on Finance to-day.

Mr. McMILLAN. It is a short bill and amounts to nothing.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to James Phelan, United States collector of internal revenue at Detroit, Mich., \$600.05, the amount stolen from the vault in the internal-revenue office on the night of April 13, 1894.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIGHTWOOD RAILWAY COMPANY OF THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (H. R. 4479) to amend the charter of the Brightwood Railway Company of the District of Columbia.

Mr. HILL. This is an important bill, and I shall have to object to it.

The VICE-PRESIDENT. There is objection.

MONONGAHELA RIVER BRIDGE.

Mr. QUAY. I ask the Senate to proceed to the consideration of the bill (H. R. 8880) to authorize the Pittsburg, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River.

Mr. GALLINGER. I asked unanimous consent a moment ago for the consideration of a bill unanimously reported by the Committee on the District of Columbia. There is no reason why it should have been objected to, but it was; and I object to the consideration of the present bill.

The VICE-PRESIDENT. There is objection.

Mr. QUAY. I did not object to the bill the Senator from New Hampshire called up.

INSPECTION OF BOILERS.

Mr. PLATT. I ask to call up House bill 4475.

Mr. QUAY. It seems to me business may as well cease at once if every bill is to be objected to according to the declaration of the Senator from New Hampshire.

Mr. GALLINGER. According to the declaration of the Senator from New York.

Mr. PLATT. I hope I shall not be punished.

Mr. QUAY. You will be.

Mr. PLATT. I ask the Senate to proceed to the consideration of the bill (H. R. 4475) to amend section 4434 of Title LIII of the Revised Statutes of the United States.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GALLINGER. Mr. President, I ask unanimous consent to make a statement occupying two minutes.

Mr. PLATT. Let me have this bill passed first.

Mr. FRYE. Let the bill pass first.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent to make a statement. Is there objection?

Mr. FAULKNER. The Senator from New Hampshire has a right to make a statement under the five-minute rule.

Mr. PLATT. Let the bill be read through.

Mr. WOLCOTT. I object to the bill being read until the Senator from New Hampshire makes his statement.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

Mr. GALLINGER. Mr. President, the Committee on the District of Columbia have given very careful consideration to the bill to charter the Suburban Railway Company. A motion was made in committee at a recent meeting to report that bill. That motion was voted down, but out of courtesy the committee allowed the bill to be placed upon the Calendar without recommendation. The Senator from New York, I understand, is interested in that bill. He has asked for unanimous consent to consider a bill that was objected to by one-half of the members of the Committee on the District of Columbia. We could not possibly give consent for the consideration of a bill of that character. Because that bill was objected to, the Senator from New York has objected to every other bill relating to street railways in the District of Columbia.

Mr. President, if that is to be the rule we may just as well stop right here and now. I propose to have fair play, and that is all I ask. I do not propose that any Senator coming in here and asking unanimous consent to consider a bill that could not get a majority vote in committee shall obstruct the passage of bills that were unanimously reported by the committee, and I object to the present consideration of the bill.

Mr. HILL. Mr. President—

Mr. HARRIS. I beg permission to say a word.

Mr. HILL. Will the Senator give way and allow me to say a word?

Mr. HARRIS. I would have been through by this time if the Senator had not interrupted me. The word I want to say is that I am in full sympathy with the suggestion of the Senator from New Hampshire; but though I am, it does not justify either the Senator from New Hampshire or myself in thwarting the purposes of other Senators. The course of the Senator from New York is, in my judgment, not to be approved. [Laughter.]

Mr. HILL. Mr. President, I do not know that I have endeavored to regulate my conduct so as to meet the approval of the Senator from Tennessee. I have not endeavored to do so in the past and I shall not in the future.

Mr. HARRIS. The Senator will allow me to say—

Mr. HILL. I decline to yield.

Mr. HARRIS. He has signally failed if he has endeavored.

Mr. HILL. The Senator can pursue his course and I will pursue my own. I know my rights and he knows his.

A word as to the statement of the Senator from New Hampshire. In the first place, I have not asked unanimous consent for the consideration of the Suburban Railway Company bill this evening. The Senator from Virginia [Mr. DANIEL], whose bill it is, asked unanimous consent. It was met with objection.

Mr. QUAY. Will the Senator permit me to interrupt him?

Mr. HILL. Yes.

Mr. QUAY. Before the Senate assembled this evening I mentioned to the Senator from New York and the Senator from Virginia that I should by force of circumstances be compelled to object to that bill and they were not taken by surprise on the floor by the objection.

Mr. HILL. There were several gentlemen who had notified me that they were going to make the same objection.

Mr. QUAY. I did not know that.

Mr. HILL. The Senator from Pennsylvania was the last one who so notified me. It is the bill to which I called the attention of the Senate some two weeks ago, which was not reported by the Committee on the District of Columbia. This evening was set apart for the consideration of these bills. The bill was entitled to consideration the same as any other bill. If, by reason of objections which were developed to it, it could not be disposed of according to the rules, it could, of course, have gone over. But there was an effort made to prevent its consideration at all. An effort was made by several Senators undoubtedly to object to it, and not so much, as I think, because they are opposed to the features of the bill, but because they have other bills that they have some sort of interest in. I suppose the Senator does not mean to say that I have any interest in the Suburban Railway bill except the interest of some friends of mine, as I stated. That is all.

Mr. GALLINGER. Of course, Mr. President, I do not mean to say that; but I think the Senator ought to withdraw his insinuation that possibly we have an interest beyond that in some other bills.

Mr. HILL. I only—

Mr. GALLINGER. I will be frank with the Senator.

Mr. HILL. I know nothing about the Senator's interest, and I do not suppose he has any.

Mr. GALLINGER. That is all right.

Mr. QUAY. I will say so far as I am concerned that I have no interest and care nothing about any railroad bills on this floor.

Mr. HILL. The Senator very frankly stated to me that the Philadelphia syndicate are the persons for whom he made objection to the bill.

Mr. QUAY. I did not.

Mr. HILL. And not because the bill affected them, but because it took away certain franchises which they desired to get. That was the milk in the cocoanut, and that accounted for it.

Mr. QUAY. I did not mention the Philadelphia syndicate. That is a phrase coined by the Senator.

Mr. HILL. No, because it was very well known. The Senator will not now deny but that it was the Philadelphia syndicate for whom he spoke. Of course he will not. He is a frank man.

Mr. President, that there are some bills which interfere with the franchise of that bill and they are to be pushed forward is very clear. So far as I can discriminate in these bills I propose to do so. I have already stated to two or three Senators if I could be convinced that their bills did not conflict with that bill I had no reason to object to them. Any other bill here that does not affect that measure, or where parties have not endeavored to obstruct that bill, I have no objection to being pushed ahead; but I insist upon it, as I insisted two weeks ago and shall insist to the end, that the Suburban Railway bill shall be fairly treated as well as other bills. I think I know that the best way to get fair treatment is to insist that all bills shall be treated alike and considered alike.

Mr. GALLINGER. Will the Senator permit me a moment?

Mr. HILL. Yes.

Mr. GALLINGER. The Senator says he would not object to a bill if it did not conflict with his measure. The bill I ask con-

sideration for is to extend the Brightwood Railroad, a suburban road which lost \$18,000 last year. That amount of money was taken out of the pockets of its stockholders. It is simply to build a little loop for the benefit of that road. It has nothing to do whatever—

Mr. HILL. I do not know about the loop.

Mr. GORMAN. I rise to a point of order. I suggest that we are acting under the five-minute rule by unanimous consent.

Mr. BATE. We are under the five-minute rule. I was going to call for the enforcement of the rule. Some of the rest of us have not had a showing as yet.

Mr. HILL. I am not anxious to take up time, if the Senator has any other bill. But we will consider the bills to which I refer when that bill is considered, and not before.

Mr. GALLINGER. Having made the statement I have and put myself fairly before the Senate, and I think having exposed the animus of the Senator from New York, I withdraw my objection to the bill of the Senator from Pennsylvania, as well as to that of the Senator from Connecticut. I will let the bills pass if the Senate chooses to pass them.

Mr. QUAY. Then the bill I called up is now before the Senate. Mr. FRYE. The bill called up by my colleague is the one under consideration.

Mr. PLATT. It is a bill of a public character.

Mr. WOLCOTT. I object to any further statement until the bill is concluded.

Mr. FRYE and Mr. GORMAN. Let the bill be read.

The Secretary read the bill (H. R. 4475) to amend section 4434 of Title LII of the Revised Statutes of the United States.

Mr. ALLISON. I desire to ask the Senator from Connecticut having charge of the bill if this modification of section 4434 of the Revised Statutes goes into effect immediately?

Mr. PLATT. It goes into effect upon the passage of the act.

Mr. ALLISON. It seems to be a radical change of section 4434, and as it seems to affect the river navigation as well as navigation upon the ocean and the lakes—

Mr. PLATT. It only reduces the thickness of boilers. I do not see how that can affect—

Mr. FRYE. It does not affect any existing boiler in the slightest degree. It only provides for the inspection of boilers hereafter.

Mr. ALLISON. I think I should be permitted to ask a question about it, having some interest in the navigation of the Mississippi River.

The VICE-PRESIDENT. The bill is in Committee of the Whole and open to amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MONONGAHELA RIVER BRIDGE.

Mr. QUAY. I now renew my request that the Senate proceed to the consideration of the bill (H. R. 8880) to authorize the Pittsburgh, Monongahela and Wheeling Railroad Company to construct a bridge over the Monongahela River.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### DISTRICT SUBURBAN RAILWAY.

Mr. DANIEL. I now ask the Senate to proceed to the consideration of the bill (H. R. 6816) to amend the charter of the District of Columbia Suburban Railway Company.

Mr. CHANDLER. I object to the consideration of that bill.

The VICE-PRESIDENT. There is objection.

Mr. WHITE. I ask the Senate to take up—

Mr. CHANDLER. I withdraw my objection in order to permit the Senator from Virginia to make a statement.

Mr. DANIEL. I desire to make a brief statement about this bill, as it has become a matter of controversy between gentlemen upon the floor.

The Suburban Railway Company was chartered in 1892. It proceeded to organize and has spent upon the enterprise some \$11,000. It had the hearty approbation of the gentlemen of the District of Columbia Committee and was reported without objection. The panic was such that they could not succeed in carrying out their enterprise. There was monetary embarrassment with them and all over the country. They have asked at the hands of Congress what nearly every railroad company in the District of Columbia has asked, an extension of their charter. They have been assailed and have been fought at nearly every stage by those interested in a great street railway syndicate, who are attempting to buy up and monopolize, as far as possible, the street railways of Washington, and whose power to influence and the various ways in which it may be exercised has been such that up to the present time, although this bill has been before the District of Columbia Committee for over a year, it has never had

the opportunity of a fair hearing in the Senate. It has passed the other House, but has not been reported here.

I did not object to the railway bills which other gentlemen brought up, because I was assured by them that they did not belong to nor were they allied with those who were fighting this bill. But for that fact I would have objected to their bills, and I propose whenever I have the opportunity to object to the bills of those who, in my judgment, whatever may be the judgment of other gentlemen, have made an unjust opposition to a public enterprise, and who have denied to it a right which has been granted sometimes over and over again to other street railways in this District, and which some of them are asking now.

Mr. HARRIS. Mr. President, as a member of the Committee on the District of Columbia I have favored reporting in favor of this bill. The committee was equally divided as to whether it should be favorably or adversely reported; and but for the course of the Senator from New York and the Senator from Virginia tonight in objecting to railroad bills in the District, where the committee was absolutely unanimous, I should stand here and urge the passage of this bill.

Mr. DANIEL. Will the Senator yield a moment?

Mr. HARRIS. I will.

Mr. DANIEL. Does the Senator undertake to say that the Senator from Virginia has objected to any other bill?

Mr. HARRIS. I do not undertake to say that the Senator from Virginia has, but I have been informed two or three times that the Senator from New York and the Senator from Virginia were resolved that no street railroad bill should be taken up until the Suburban Railway bill was considered.

Mr. DANIEL. I am not responsible for the Senator's information, but the fact is I did not.

Mr. HARRIS. Very well, I will exclude the Senator from Virginia; but the Senator from New York has shown it by his works. I object.

Mr. GORMAN and Mr. WHITE addressed the Chair.

The VICE-PRESIDENT. The Chair recognizes the Senator from Maryland. His name is next on the list.

#### ROCK CREEK RAILWAY COMPANY.

Mr. GORMAN. I ask the Senate to proceed to the consideration of the bill (H. R. 8337) relative to the Rock Creek Railway Company of the District of Columbia.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LAND IN CALIFORNIA.

Mr. WHITE. I desire to call up the bill (H. R. 7834) for the relief of the bona fide purchasers of land in section 36, township 1 north, range 9 west (San Bernardino meridian), in the State of California.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### KANSAS CITY, PITTSBURG AND GULF RAILROAD COMPANY.

Mr. VEST. I desire to call up the bill (H. R. 8900) to amend section 9 of an act entitled "An act to authorize the Kansas City, Pittsburg and Gulf Railroad Company to construct and operate a railroad, telegraph, and telephone line through the Indian Territory, and for other purposes."

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARY E. HAMILTON.

Mr. BATE. I ask to call up the bill (H. R. 6417) to pension Mary E. Hamilton, widow of David Hamilton, soldier in Indian war of 1818.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay a pension of \$12 per month to Mrs. Mary E. Hamilton, of Williamson County, Tenn., she being the widow of David Hamilton, who served in the Indian war of 1818.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ACCOUNT BETWEEN THE UNITED STATES AND FLORIDA.

Mr. PASCO. I ask that the bill (S. 1286) to authorize the Secretary of the Treasury to settle the mutual account between the United States and the State of Florida, heretofore examined and stated by said Secretary, under the authority of the Congress, and for other purposes, be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.



## BILOXI AND BACK BAY BRIDGE COMPANY.

Mr. McLAURIN. I ask unanimous consent for the present consideration of the bill (H. R. 8459) to amend an act entitled "An act to authorize the Biloxi and Back Bay Bridge Company to construct and maintain a bridge over that portion of the bay of Biloxi, in the State of Mississippi, known as Back Bay."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MOUNT VERNON BARRACKS MILITARY RESERVATION.

Mr. MORGAN. I ask unanimous consent for the consideration at this time of the bill (H. R. 8690) granting the Mount Vernon Barracks Military Reservation to the State of Alabama for public uses.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## JENNIE M. HUNT.

Mr. MITCHELL of Oregon. I ask unanimous consent for the present consideration of the bill (S. 817) for the relief of Jennie M. Hunt.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Jennie M. Hunt \$2,040, being the difference between the salary appropriated to be paid to her as a clerk at \$1,000 per annum in the office of the Postmaster-General, during the fiscal years ending the 30th day of June 1885, 1886, 1887, 1888, 1889, and 1890, and the salary that was paid to her during those years at the rate of \$730 per annum as a clerk in the Dead-Letter Office of the Post-Office Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## WASHINGTON AND MARLBORO ELECTRIC RAILWAY COMPANY.

Mr. WOLCOTT. I ask unanimous consent for the present consideration of the bill (H. R. 8698) to authorize the Washington and Marlboro Electric Railway Company of Maryland to extend its lines into and within the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

Mr. HILL. I desire to ask the Senator in charge of the bill what motive power is provided when the railroad enters the city of Washington?

Mr. WOLCOTT. Horsepower, I think, is used. The road comes from away off in Anacostia, on the outskirts of the town, to Fifteenth street southeast until it gets up to Florida avenue, and then goes up Florida avenue to Seventh street northwest.

Mr. HILL. Horsepower is to be used in the city, I understand. From the hasty reading of the bill at the desk I was not able to ascertain as to that.

The VICE-PRESIDENT. The amendments reported by the Committee on the District of Columbia will be stated.

Mr. WOLCOTT. If the Chair will permit me, I desire to say that I was mistaken in my reply to the Senator from New York. It is provided that the company may use horses until they reach the city and then underground electric wires are to be used.

Mr. HILL. Can the Senator point out the section?

Mr. WOLCOTT. I will show it to the Senator.

The amendments reported by the Committee on the District of Columbia were, in section 1, line 22, after the word "by," to strike out "trestle or other," and insert "a steel or iron truss;" in line 23, after the word "bridge," to strike out "for the exclusive use of street railways, to be constructed on plans," and insert "resting on masonry piers built parallel to the direction of the current, with pile or other secure and approved foundations, and with spans not less than those of the Pennsylvania avenue bridge, and with a wide drawspan over the channel. The plans of said bridge shall be;" in line 29, after the word "approved," to insert "in writing;" in the same line, after the word "and," to insert "the bridge shall be;" in line 30, after the word "above," to strike out "said river and;" in line 32, after the words "not to," to strike out "unreasonably obstruct the navigation of said river nor;" in line 35, before the word "street," to strike out "Fourteenth" and insert "Fifteenth;" in line 37, before the word "street," to strike out "Fourteenth" and insert "Fifteenth;" after the word "east," at the end of the same line, to strike out "or other route as the said Commissioners may designate, to or near the intersection of Maryland," and insert "to Florida;" in line 39, after the word "avenue," to strike out "and H street northeast;" and in line 40, after the word "northeast," to insert "thence northwesterly on Florida avenue to Seventh street northwest;" so as to make the section read:

That the Washington and Marlboro Electric Railway Company, incorporated by an act of the general assembly of Maryland entitled "An act to incorporate the Washington and Marlboro Electric Railway Company," etc., approved on the 8th day of April, 1890, is hereby authorized to construct and lay down a street railway, with the necessary switches, turn-outs, and other

mechanical devices, in the District of Columbia, and run cars thereon through and along the following routes:

Beginning at and on the southeasterly boundary line of the District of Columbia where the line of railway of said company within the State of Maryland shall reach the same, and running thence by Suitland road, Bowen road, and Branch avenue, or other practicable route which may be approved by the Commissioners of the District of Columbia, to connect with Pennsylvania avenue extended; thence by and with said avenue to and across the tracks of the Baltimore and Ohio Railroad on Railroad avenue; thence along Railroad avenue to Naylor road and by the same to the Anacostia River; thence across the Anacostia River by a steel or iron truss bridge resting on masonry piers built parallel to the direction of the current, with pile or other secure and approved foundations, and with spans not less than those of the Pennsylvania avenue bridge, and with a wide drawspan over the channel. The plans of said bridge shall be approved in writing by the Secretary of War, and the bridge shall be built by said company over and above the tracks of the Baltimore and Potomac Railroad in such manner and at such height as not to interfere with the use of said railroad; and thence to the intersection of Pennsylvania avenue and Fifteenth street southeast by a route to be approved by the Commissioners of the District of Columbia; thence north on Fifteenth street east to Florida avenue; thence northwesterly on Florida avenue to Seventh street northwest; also, when the proposed extension of Pennsylvania avenue shall have been completed to Bowen road, then the route of said railroad may be extended from the intersection of Branch avenue therewith to Bowen road, and by further practicable route as may be approved by the Commissioners of the District of Columbia to the boundary line of the said District at or near the Suitland road: *Provided*, That such extension of the road shall be made within one year after the opening of Pennsylvania avenue to the Bowen road. These routes may be modified or extended at the will of Congress, and the said railway company shall comply with such modifications or extensions.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. WOLCOTT. I move that the Senate insist upon its amendments and ask for a committee of conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. HARRIS, Mr. FAULKNER, and Mr. McMILLAN were appointed.

## ALEXANDER M. LAUGHLIN.

Mr. KYLE. I ask unanimous consent for the present consideration of the bill (H. R. 8884) granting a pension to Alexander M. Laughlin, which is not upon the Calendar, but which passed the other House and came over to-day.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Alexander M. Laughlin, who was a private in the company of Capt. George B. Willis, Fortieth Regiment, Fourth Brigade, First Division of the Illinois State Militia, and who served as such in the Indian war of 1832, known as the Black Hawk war, and pay to him a pension of \$12 per month.

Mr. CHANDLER. Has this bill been reported from the Committee on Pensions of the Senate?

Mr. KYLE. It has passed the House of Representatives and been passed upon favorably by the Committee on Pensions here also.

Mr. CULLOM. The bill is for the benefit of a man 80 years old.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## PROTECTION OF FOREST RESERVATIONS.

Mr. TELLER. I ask unanimous consent for the present consideration of the bill (H. R. 119) to protect public forest reservations.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported by the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That all public lands heretofore set apart and reserved by the President of the United States under the provisions of the act approved March 3, 1891, or that may hereafter be set aside and reserved as public forest reservations, shall be, as far as practicable, controlled and administered in accordance with the provisions of this act.

SEC. 2. That no public forest reservations shall be established except to improve and protect the forest within the reservation or for the purpose of securing favorable conditions of water flow and to insure a continuous supply of timber for the people of the States wherein such forest reservations are located; but it is not the purpose of this act to authorize the inclusion within such forest reservations lands more valuable for the mineral thereon or for agricultural purposes than for timber.

SEC. 3. That the Secretary of the Interior shall make provisions for the protection against fire and depredations of the public forest and forest reservations set aside, or that may be set aside, under the said act of March 3, 1891, and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use, and to preserve the forest from destruction. And any violation of the provisions of this act or such rules and regulations shall be punishable as is provided for in the act of June 4, 1888, amending section 5388 of the Revised Statutes of the United States: *Provided*, That for the sole purpose of preserving the living and growing timber on forest reservations and to fully and better protect the same, the Secretary of the Interior, under such rules and regulations as he shall prescribe, may eliminate therefrom so much only of the dead or matured trees thereon as may be necessary to preserve the remaining timber, and to carry out the purpose of this section the

Secretary of the Interior shall carefully designate, appraise, and advertise for sale by proper description said dead or matured trees for not less than sixty days in a newspaper of general circulation published within the State or Territory nearest to the reservation, and also in a newspaper in the county in which the timber is situated, if any is published, offering for sale at not less than the appraised value, in limited quantities to each purchaser, the said dead or matured timber, payments therefor to be made to the receiver of the local land office of the district wherein said timber is situated, under such rules and regulations as the Secretary of the Interior may prescribe. The proceeds of all such sales shall be accounted for by the receiver of such land office in a separate account, and shall be covered into the Treasury as a special fund, to be expended in the care and management of said reservations under the direction of the Secretary of the Interior, or as Congress may provide. Such timber before being sold shall be marked and designated, and shall not be cut or removed from such reservation except under the immediate personal supervision of some person appointed for that purpose who shall not be interested in the purchase or removal of such timber nor in the employ of the parties so purchasing or removing such timber, and he shall make report in writing to the receiver of the land office in which such reservation shall be located: *And provided further*, That nothing in this act shall be so construed as to prevent the Secretary of the Interior from permitting, under regulations to be prescribed by him, the use of timber and stone free of charge to bona fide settlers, miners, residents, and prospectors for minerals, for firewood, for fencing, building, mining, or prospecting purposes. And nothing herein shall be construed to exclude the settlers residing within the boundaries of such reservation, or in the immediate vicinity thereof, from pasturing their cattle on the said reservations, nor shall anything herein prohibit the egress or ingress of actual settlers residing within the boundaries of such reservations, or from crossing the same to get to their property or homes, or from constructing such wagon roads as may be necessary to reach their homes and property, nor shall anything herein prohibit any persons from entering upon such forest reserves: *Provided*, That they comply with the statutes covering such forest reservations.

SEC. 4. That whenever it shall be shown to the satisfaction of the Secretary of the Interior that any timber on such public lands as are not fit for cultivation, and are not within any forest reservation, may be cut and removed without injury to the public interest, the Secretary of the Interior is authorized to sell the same and apply the proceeds in the manner heretofore prescribed in this act: *Provided*, That the Secretary of the Interior may grant permits free of cost to cut and use timber for the construction of bridges, schoolhouses, or other structures for public use in the vicinity of such timber, and that bona fide residents on the public lands and prospectors for minerals may be permitted to take timber from the public lands, under regulations to be prescribed by the Secretary of the Interior, for firewood, fencing, or building purposes upon their claims, but not for sale or speculation: *And provided further*, That no timber on public lands shall be cut and removed or disposed of except in accordance with the provisions of this act.

SEC. 5. That any bona fide entry man, who has heretofore made proper filing upon land, or has obtained a patent, and who has, by the proclamation of the President, been included within any forest reservation of the United States, or any such entry man who may hereafter be included within a forest reservation, may, if he so desires, relinquish the same to the Government, and in lieu thereof may select and have patented to him, free of charge, a tract of land of like area whereover there are public lands open for settlement.

That any bona fide settler whose lands have been or may hereafter be included within a forest reservation may apply to the Secretary of the Interior to have his lands and improvements appraised, and on such application the Secretary of the Interior shall cause said lands and improvements to be appraised and the value thereof determined; and if the settler accepts the finding of such appraiser and shall so notify the Secretary of the Interior within six months after notice of such appraisement, the Secretary of the Interior shall include the amount so returned by such appraiser in his estimate of his Department for the ensuing year, and the settler shall be paid for his land and improvements in accordance with such appraisement.

The settlers residing within the boundaries of such forest reservations or in the vicinity thereof may maintain schools and churches within such reservation, and for that purpose may occupy any of the said forest reservation not exceeding two acres for each schoolhouse and one acre for a church.

The State wherein such forest reservations are situated shall have civil and criminal jurisdiction over persons within such reservations. Nothing herein shall be construed to prohibit the use of any and all water on such reservations for domestic use or for the purpose of irrigation under the laws of the State wherein such forest reserves are situated.

SEC. 6. That upon the recommendation of the Secretary of the Interior, with the approval of the President, after sixty days' notice published in two papers of general circulation in the State wherein any forest reservation is situated, and nearest to said reservation, any public lands embraced within the limits of any forest reservation which, after due examination by personal inspection of a competent person appointed for that purpose by the Secretary of the Interior, shall be found better adapted for mining or for agricultural purposes than forest uses may be restored to the public domain; and any lands in any forest reservation the mineral character of which has been or may be shown in accordance with the existing mining laws of the United States and the rules and regulations applying thereto shall be restored to mineral location and entry: *Provided also*, That prospectors and mineral claimants shall have access to such forest reservations for the purpose of prospecting, locating, and developing the mineral resources thereof.

SEC. 7. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. TELLER. I move that the Senate ask for a committee of conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. ALLEN, Mr. KYLE, and Mr. TELLER were appointed.

#### PORT M'PHERSON MILITARY RESERVATION, NEBR.

Mr. ALLEN. I ask unanimous consent for the present consideration of the bill (S. 1482) to open to settlement and provide for the disposal of the public lands of Fort McPherson Military Reservation, in the State of Nebraska, and for other purposes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with an amendment, in section 1, line 5, after the word "Reservation," to insert "and the lands in the reservation in Sheridan County, Nebr., known as Camp Sheridan Military Reservation;" so as to read:

That the public lands now remaining and undisposed of within the reservation in Lincoln County, Nebr., known as Fort McPherson Military Reservation, and the lands in the reservation in Sheridan County, Nebr., known as Camp Sheridan Military Reservation, as well as all public lands withdrawn from settlement and attached thereto, by Presidential proclamation or otherwise, are hereby made subject to disposal under the homestead laws of the United States only.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to open to settlement and provide for the disposal of the public lands at Fort McPherson and Camp Sheridan Military reservations, in the State of Nebraska, and for other purposes."

#### PUNISHMENT OF MURDER AND OTHER CRIMES.

Mr. VILAS. I ask unanimous consent for the present consideration of the bill (H. R. 5836) to define the crimes of murder in the first and second degrees, manslaughter, rape, mutiny, and desertion, to provide punishment therefor, and to abolish the death penalty for other crimes.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. VILAS. Inasmuch as the report of the committee setting out the amendments is in the nature of a substitute, I ask that the bill be read as amended to save time.

The VICE-PRESIDENT. In the absence of objection that course will be pursued.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was to strike out section 1, as follows:

That whoever, within any fort, arsenal, dockyard, magazine, or any other place or district of country under the exclusive jurisdiction of the United States, or upon the high seas or any arm of the sea, or in any river, haven, creek, basin, or bay within the admiralty jurisdiction of the United States and out of the jurisdiction of any particular State, by administering poison, or causing the same to be done, or by lying in wait, or by any other kind of willful, deliberate, malicious, and premeditated killing, or in the perpetration of, or in the attempt to perpetrate any rape, arson, robbery, or burglary kills any human being, is guilty of murder in the first degree, and upon conviction shall suffer death.

The amendment was agreed to.

The next amendment was to strike out section 2, as follows:

SEC. 2. That whoever, within any of the places named or upon or in any of the waters mentioned in the preceding section, purposely and maliciously, but without premeditation, kills any human being, is guilty of murder in the second degree, and upon conviction thereof shall be imprisoned at hard labor during life, or for such shorter term as the court may in its discretion affix, not less than five years.

The amendment was agreed to.

The next amendment was to strike out section 3, as follows:

SEC. 3. That whoever, within any of the places or upon or in any of the waters mentioned in the first section, unlawfully kills any human being without malice, express or implied, either voluntary upon sudden heat, or involuntarily, but in the commission of an unlawful act, is guilty of manslaughter, and upon conviction thereof shall be imprisoned at hard labor for twenty years, or such shorter term as the court may in its discretion affix, not less than two years.

The amendment was agreed to.

The next amendment was to strike out section 4, as follows:

SEC. 4. That whoever within any of the places, or upon or in any of the waters mentioned in the first section, shall ravish and carnally know any female is guilty of rape, and upon conviction shall suffer death.

The amendment was agreed to.

The next amendment was to change the numbering of section 5 to section 1, and in line 2 of that section, before the word "crime," to strike out "a" and insert "the;" in the same line, after the word "crime," to strike out "for which the punishment provided by this act is death" and insert "of murder or of rape under sections 5339 or 5345, Revised Statutes;" so as to make the section read:

SECTION 1. That in all cases where the accused is found guilty of the crime of murder or of rape under sections 5339 or 5345, Revised Statutes, the jury may qualify their verdict by adding thereto "without capital punishment;" and whenever the jury shall return a verdict qualified as aforesaid the person convicted shall be sentenced to imprisonment at hard labor for life.

The amendment was agreed to.

The next amendment was to strike out section 6, as follows:

SEC. 6. That whoever, after having been regularly enlisted and mustered into the United States Army, Navy, or Marine Corps, and during the time of his service, deserts to the enemy in time of war shall be guilty of desertion, and upon conviction by a military or naval court shall suffer death on approval of the proceedings and findings of such court by the President of the United States.

The amendment was agreed to.



The next amendment was to strike out section 7, as follows:

SEC. 7. That whoever, after having been regularly enlisted and mustered into the United States Army, Navy, or Marine Corps, and during his term of service, shall instigate or lead in any aggravated mutiny is guilty of mutiny, and upon conviction thereof by a military or naval court shall suffer death, on approval of the proceedings and findings of such court by the President of the United States.

The amendment was agreed to.

The next amendment was to strike out section 8, as follows:

SEC. 8. That a military or naval court-martial may adjudge the punishment of imprisonment for life at hard labor in any case where it is authorized to adjudge the punishment of death.

The amendment was agreed to.

The next amendment was to change the numbering of section 9 to section 2, and in line 1, after the word "That," to strike out "except offenses mentioned in sections 1342, 1624, 5339, and 5345, Revised Statutes, when;" in line 5, before the word "convicting," to insert "is;" in line 7, after the words "United States," to strike out "other than those of murder, manslaughter, rape, desertion, and mutiny" and insert "he;" in line 9, after the word "life," to strike out "or for such shorter time as the court in its discretion may affix;" in line 10, before the word "any," to insert "when;" in line 11, before the word "convicted," to insert "is;" in line 12, after the word "or," to strike out "such other" and insert "a lesser;" in the same line, after the word "punishment," to strike out "as" and insert "in the discretion of;" in line 13, after the word "court," to strike out "may in its discretion direct;" and in line 14, after the word "life," to strike out "or for such shorter term as the court may in its discretion affix;" so as to make the section read:

SEC. 2. That except offenses mentioned in sections 1342, 1624, 5339, and 5345, Revised Statutes, when a person is convicted of any offense to which the punishment of death is now specifically affixed by the laws of the United States, he shall be sentenced to imprisonment at hard labor for life, and when any person is convicted of an offense to which the punishment of death, or a lesser punishment, in the discretion of the court, is affixed, the maximum punishment shall be imprisonment at hard labor for life.

The amendment was agreed to.

The next amendment was to change the numbering of "section 10" to "section 3," and in line 3, after the words "United States," to strike out "other than those of murder, manslaughter, rape, desertion, and mutiny" and insert "except in sections 1342, 1624, 5339, and 5345, Revised Statutes;" so as to make the section read:

SEC. 3. That the punishment of death prescribed for any offense specified by the statutes of the United States, except in sections 1342, 1624, 5339, and 5345, Revised Statutes, is hereby abolished, and all laws and parts of laws inconsistent with this act are hereby repealed.

The amendment was agreed to.

The next amendment was to change the numbering of "section 11" to "section 4," and in line 8, after the word "section," to strike out "five" and insert "one," so as to make the section read:

SEC. 4. That nothing herein contained shall apply to or in any way affect any proceeding or indictment now found or pending or that may be found for any offense committed before the passage of this act, and all offenses committed before the passage of this act shall be punished under the laws then in force: *Provided*, That juries may return qualified verdicts in such cases according to the provisions of section 1 of this act, and the sentences shall be imposed as therein provided.

The amendment was agreed to.

The next amendment was to strike out section 12, as follows:

SEC. 12. That this act shall take effect and be in force from and after its passage.

The amendment was agreed to.

Mr. CULLOM. I desire to know from what committee this bill is reported.

Mr. VILAS. This is a bill which has been passed by the House of Representatives and very carefully considered by the Committee on the Judiciary of the Senate.

Mr. CULLOM. It is a very important bill.

Mr. VILAS. It is an important bill, but it is one which has been very much urged by General Curtis, of New York. The Senator knows the history of that matter. The bill has been very carefully considered. I trust there will be no objection to its consideration.

Mr. CULLOM. I wish the Senator in charge of the bill would explain it within his five minutes.

Mr. VILAS. In one word. Let me first, however, propose an amendment, which is merely verbal. On the second page, in the renumbering of the sections, "Sec. 1" should be omitted, a number not being necessary there, because the first section immediately follows the enacting clause of the bill. I move that that amendment be made.

The amendment was agreed to.

Mr. VILAS. In the second line, on page 4, section 2, as the bill is now printed, after the words "thirteen hundred and forty-two," there should be inserted "thirteen hundred and forty-three," referring to a section of the Revised Statutes. I move that amendment.

The amendment was agreed to.

Mr. VILAS. This bill simply provides that, except for offenses provided for in the Articles of War and the Articles of the Navy,

except in the case of spies in time of war or rebellion and except murder and rape, the death penalty shall be abolished and imprisonment for life substituted therefor, and in case of murder and rape it shall be competent for the jury to find a qualified verdict of murder, adding to the verdict of guilty the words "without capital punishment," in which case imprisonment for life shall be the extreme penalty.

Mr. MANDERSON. What about the crime of treason?

Mr. VILAS. The crime of treason is practically unknown in the United States.

Mr. HAWLEY. No, sir.

Mr. MANDERSON. I do not know about that.

Mr. VILAS. That is to say by judgment of the court, trial, and conviction.

Mr. HAWLEY. What is the punishment?

Mr. VILAS. The bill does not except the crime of treason. It leaves that to imprisonment for life.

Mr. HAWLEY. What is the punishment now?

Mr. VILAS. It would change it in that respect.

Mr. MANDERSON. Does not the Senator from Wisconsin think the crime of treason, which certainly is a possible crime in any country, carries in its train about all the crimes of the Decalogue?

Mr. VILAS. That was my own view and argument, and I shall make no objection if anybody chooses to insert it—

Mr. MANDERSON. I think it should be inserted.

Mr. VILAS. If it is desired to insert the exception of the crime of treason.

Mr. CULLOM. It seems to me that for the Senate to pass a bill like the pending one, involving nearly all the more serious crimes and changing the law in a large degree, is rather a strain upon what is proper for an occasion like this, when we are proceeding under the five-minute rule.

Mr. VILAS. Will the Senator from Illinois permit me for a moment?

Mr. CULLOM. Certainly.

Mr. VILAS. The bill has been considered in the House of Representatives. It is the result of an immense deal of labor on the part of a man who has acted as a philanthropist and humanitarian—

Mr. CULLOM. I am aware of that.

Mr. VILAS. And who after great labor has secured the passage of the bill by the House of Representatives. It has been carefully considered in the Committee of the Judiciary by a special subcommittee, and it was considered and reported by the full committee.

Mr. CULLOM. When did the bill come to the Senate?

Mr. VILAS. On January 12, 1895.

Mr. FRYE. Did the Judiciary Committee agree to the bill?

Mr. VILAS. There was no dissent in the Judiciary Committee.

Mr. CULLOM. If the Senator from Wisconsin states that the Judiciary Committee gave the bill thorough consideration and unanimously agreed in its favor I shall make no objection to it; but it does seem to me that it is a very important bill to pass at this time of night, when it is understood that we are considering bills by unanimous consent.

Mr. MITCHELL of Oregon. I will state, if the Senator from Illinois will allow me, that, being a House bill, it was referred to a subcommittee of the Judiciary Committee, and it received very thorough examination by the subcommittee. I was not a member of the subcommittee. They reported to the full committee, and it was discussed on more than one occasion at considerable length and agreed to unanimously.

Mr. HAWLEY. I hope the Senator from Wisconsin will—

Mr. TURPIE. I think this legislation proposes too serious a change of existing law to be passed without full discussion in the Senate, and I object to the further consideration of the bill.

The VICE-PRESIDENT. The Senator from Indiana objects to the further consideration of the bill.

#### CAPITAL RAILWAY COMPANY.

Mr. BLANCHARD. I ask the unanimous consent of the Senate to consider at this time the bill (H. R. 8714) to incorporate the Capital Railway Company.

Mr. ALDRICH. I object to the bill. I think we have passed enough railroad bills for one night.

The VICE-PRESIDENT. There is objection.

#### ST. LOUIS RIVER BRIDGE.

Mr. WASHBURN. I ask unanimous consent to take from the table House bill 8327 for present consideration.

The VICE-PRESIDENT. The Chair lays before the Senate the bill (H. R. 8327) to authorize the Wisconsin and New Duluth Bridge Company to construct a bridge over the St. Louis River between the States of Wisconsin and Minnesota.

Mr. WASHBURN. I will state that a bill corresponding precisely in terms to this bill has been approved by the Committee on Commerce, and was reported from that committee and is

now on the Calendar. I propose to ask the Senate to pass the House bill in lieu of the Senate bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WASHBURN. I move that the bill (S. 2728) to authorize the Wisconsin and New Duluth Bridge Company to construct a bridge over the St. Louis River between the States of Wisconsin and Minnesota be indefinitely postponed.

The motion was agreed to.

THOMAS B. REED.

Mr. CAMERON. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 3150) for the relief of Thomas B. Reed.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to refer to the Court of Claims the claim of Thomas B. Reed, who served as sergeant, first sergeant, and first lieutenant Fifth Pennsylvania Reserve Corps, and captain Two hundred and fifth Pennsylvania Volunteers of the United States Army in the late war of the rebellion, for a balance of wages earned by him in the suppression of the rebellion and during his entire time of service in the Army, and not paid to him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DUES TO ARMY OFFICERS.

Mr. DAVIS. I ask the Senate to proceed to the consideration of the bill (S. 2297) to provide for the restatement, readjustment, settlement, and payment of dues to army officers in certain cases.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Military Affairs with amendments.

The first amendment was, in line 6, to insert the words "Colonel Edmund B. Alexander."

The amendment was agreed to.

The next amendment was, in line 37, to insert "Col. Thomas L. Young, Gen. William W. Lowe, and Capt. William Fletcher."

The amendment was agreed to.

Mr. DAVIS. I offer an amendment to the bill.

Mr. GORMAN. I am compelled to object to the further consideration of the bill. It is a matter involving too much money—a half million dollars or more.

Mr. DAVIS. I trust the Senator from Maryland will not object until I have a moment to explain the character of the bill.

Mr. GORMAN. Of course I withdraw the objection.

Mr. DAVIS. I presume it seldom happens that a bill is reported to this body which has been examined in so many aspects and in so many ways and with so much care by various tribunals and committees as the one now under consideration. It involves the claim of various old army officers for the additional rations for every five years of service. The bill which has just passed on the motion of the Senator from Pennsylvania [Mr. CAMERON] is just such a bill for the relief of an individual who is not included in the pending bill.

The question has been one of litigation for many years, and has been settled by the Supreme Court of the United States in the Watson case in every conceivable aspect in which it can be considered. It has been settled the same way by the Court of Claims. In the Pullman case, during the last Congress, the Military Committee, after an exhaustive examination of the law of the case, reported a bill favorably upon the lines of the present bill.

With the matter being settled in that way by the courts, by the action of this body, by the action of Congress, it has been deemed better, in view of the pressure upon the Military Affairs Committee by all of these gentlemen for their relief, to allow the Treasury Department to adjudicate those claims if they fall within the classes of men who are entitled to pay for longevity rations for each five years' service. It has been settled by the Supreme Court, the Court of Claims, this body; the House of Representatives has just passed a bill to the same effect, and there is no reason why the labor of the Military Affairs Committee should not be alleviated by the passage of the pending bill.

Mr. HARRIS. Will the Senator from Minnesota kindly state about what amount is involved in the bill?

Mr. DAVIS. I should say perhaps \$400,000.

Mr. GORMAN. More than that.

Mr. CHANDLER. I should like to ask the Senator from Minnesota another question. If those officers are entitled to this longevity pay, why do they not get it now?

Mr. DAVIS. Simply because of the operation of one of those instances of bureaucratic perversity that no man can explain.

Mr. CHANDLER. Is not the statute of limitations—

Mr. DAVIS. There is no statute of limitations about it. General Grant got his pay of this kind as a West Point cadet, General

Rosecrans got his, General Kilpatrick got his, and then the Comptroller of the Treasury shut down. Then these individual suits of Watson and others were instituted, and as fast as these men can go through the Court of Claims and the Supreme Court they get their money. It is a claim as well settled as our claim to our salary; it has been adjudicated by the Supreme Court of the United States, and then the Government, through its subordinate officers, stands it off in the way I have described.

Mr. MITCHELL of Oregon. Does the bill profess to include by name all the officers entitled to this longevity pay?

Mr. DAVIS. I should feel inclined to say it substantially includes them all. I will not say all.

Mr. MITCHELL of Oregon. The Senator is not absolutely certain about it?

Mr. DAVIS. No, sir; but substantially and materially. They are men who have served a long period of years, so that each five years brings them additional pay in the way of rations.

Mr. MITCHELL of Oregon. Suppose it should turn out that there are others not named in the bill; they would not be entitled to the benefits of the bill?

Mr. DAVIS. No, sir; not of this bill. They would get special relief.

Mr. MITCHELL of Oregon. Could there not be a general clause put in the bill, then, to cover all similar cases?

Mr. DAVIS. I shall be content with the bill as it is.

Mr. MITCHELL of Oregon. The Senator from Minnesota might be content. The question is whether those who are not named would be content.

Mr. DAVIS. Perhaps not; but as the manager of the bill I do not ask an amendment in that respect. There are some reasons why I do not ask it.

Mr. MANDERSON. There are other officers named in the amendments proposed to be offered to the bill.

Mr. DAVIS. They are included in the amendment which I have offered.

Mr. MANDERSON. There are two or three in addition which will substantially include all who are in this situation.

Mr. MITCHELL of Oregon. I know nothing about the matter, and the reason I make the inquiry is that some time ago I received letters in relation to it, and the matter entirely slipped my mind until now. One letter that I remember was from an army officer now located in the Senator's State.

Mr. DAVIS. If there are any cases of that kind the bill can be amended in the other House. It is a Senate bill.

Mr. CHANDLER. For what period of time will the accounts of these officers be restated and readjusted?

Mr. DAVIS. Take the case of Captain Fletcher, the oldest captain in the Army, who entered the service in 1844—

Mr. CHANDLER. It readjusts his pay during the whole period?

Mr. DAVIS. It does not readjust it at all. It gives him what has been wrongfully withheld.

Mr. CHANDLER. It does readjust his pay. The Senator keeps repeating that the officers are entitled to it.

Mr. DAVIS. I repeat the statement so as to enable the Senator from New Hampshire to understand it.

Mr. CHANDLER. I am very dull—

Mr. DAVIS. I see the Senator is.

Mr. CHANDLER. And I am trying to understand as well as I can what the Senator from Minnesota states so lucidly. If the Senator from Minnesota does not want me to ask questions I shall not ask any.

Mr. DAVIS. I will answer as best I can any question the Senator cares to ask.

Mr. CHANDLER. I object to the bill.

The VICE-PRESIDENT. There is objection.

Mr. DAVIS. Does the Senator from New Hampshire object to the bill?

Mr. CHANDLER. Yes, sir.

MRS. MARY TASSIN.

Mr. HANSBROUGH. I ask unanimous consent for the consideration of the bill (S. 2664) to increase the pension of Mrs. Mary Tassin.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HANSBROUGH. The Committee on Pensions report an amendment, in line 4, to strike out the word "fifty" and insert "twenty-five."

The SECRETARY. In line 4 it is proposed to strike out "fifty" and insert "twenty-five;" so as to make the bill read:

That the Secretary of the Interior be, and is hereby, authorized and directed to increase to the sum of \$25 per month the pension of Mrs. Mary Tassin, widow of Augustus G. Tassin, late first lieutenant Twelfth Regiment United States Infantry; said pension to be in lieu of pension numbered 322242.

The amendment was agreed to.



The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### TIMBER AND STONE LANDS.

Mr. CAREY. I ask unanimous consent to call up at this time the bill (H. R. 7259) for the relief of certain settlers who have entered lands under the timber and stone act, etc.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HARRIS. I ask the Senator from Wyoming if the bill has been reported from the Committee on Public Lands?

Mr. CAREY. It is a bill which has been reported unanimously by the Committee on Public Lands. The Government does not now offer any of such lands at public sale. The bill merely provides that lands which were offered at private sale and not sold shall be subject to the timber and stone law. It removes the restriction.

Mr. HARRIS. The bill was unanimously reported?

Mr. CAREY. Yes, sir; and it is approved by the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EMMET CRAWFORD.

Mr. MANDERSON. I ask the Senate to consider the bill (S. 1074) for the relief of the estate of Emmet Crawford, deceased, late captain of the Third Regiment, United States Cavalry.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was reported from the Committee on Military Affairs with an amendment, in line 7, to strike out "twenty-five" and insert "five," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the administrator of the estate of the late Emmet Crawford, captain, Third United States Cavalry, deceased, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000; the said Crawford having been killed by Mexican soldiers in the Republic of Mexico while acting there under the orders of his military superiors, under treaty stipulations between the Governments of Mexico and the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### HELMUTH F. SÖCKEL.

Mr. HAWLEY. I ask unanimous consent for the present consideration of the bill (S. 2090) to remove the charge of desertion and grant an honorable discharge to Helmuth F. Söckel.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to remove the charge of desertion now standing against the record of Helmuth F. Söckel, late private Company C, Sixteenth Regiment Connecticut Volunteers, and grant an honorable discharge.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### GLENMORE DISTILLING COMPANY, OF KENTUCKY.

Mr. LINDSAY. I ask to call up the bill (H. R. 8572) for the relief of Glenmore Distilling Company, of Daviess County, Ky.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Glenmore Distilling Company, of Daviess County, Ky., \$5,180, paid for stamps for distilled spirits on the 6th day of April, 1893, which spirits were destroyed by fire before the stamps were received at the distillery.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT OAKLAND, CAL.

Mr. PERKINS. I ask unanimous consent for the consideration of the bill (S. 2754) to provide for the purchase of a site and the erection of a public building thereon at Oakland, in the State of California.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury to acquire a site and erect thereon a suitable building for the use of the Government offices in the city of Oakland, Cal., the cost of the site and building not to exceed \$250,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### CALVARY CATHEDRAL, SIOUX FALLS, S. DAK.

Mr. PETTIGREW. I ask unanimous consent for the present consideration of the bill (S. 934) for the relief of the Chapter of Calvary Cathedral, Sioux Falls, S. Dak.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the treasurer of the Chapter of Calvary Cathedral, in the city of Sioux Falls, S. Dak., \$2,430, being the amount due for two quarters ending respectively December 30, 1891, and March 30, 1892, for board and tuition for Indian pupils at the Hope Indian Boarding School at Springfield, S. Dak., as per contract duly executed with the Commissioner of Indian Affairs.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### THOMAS CORIGAN.

Mr. ALLISON. I call up the bill (H. R. 5260) granting an increase of pension to Thomas Corigan.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the invalid pension roll of the United States the name of Thomas Corigan, late a member of Company B of the Eighty-eighth Illinois Volunteer Infantry, at the rate of \$50 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### FIRST STATE BANK OF MOUND CITY, ILL.

Mr. DUBOIS. I ask unanimous consent to call up the bill (H. R. 8246) for the relief of the First State Bank of Mound City, Ill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to refund to the First State Bank of Mound City, Ill., \$592.17, being the amount of pension check issued by I. Clements, as pension agent at Chicago, Ill., bearing date July 26, 1890, and payable to the order of Ida Hudson (now Ida Carter), and which was cashed by the First State Bank of Mound City, Ill., and was after the time of payment supposed to bear the forged indorsement of the payee, and which indorsement has since been ascertained to be genuine.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MARYLAND AND WASHINGTON RAILWAY COMPANY.

Mr. GIBSON. I renew my request to call up the bill (H. R. 8638) to amend an act entitled "An act to incorporate the Maryland and Washington Railway Company," approved August 1, 1892, and for other purposes.

The VICE-PRESIDENT. Is there objection to the consideration of the bill?

Mr. DANIEL. Mr. President, I do not rise to make opposition to the bill, but I do rise to ask a question about it, which is suggested by what I find in the report of the Committee of the District of Columbia in favor of Senate bill 2361, which I understand is the same as this, this being the House bill. The Senate report says:

The bill under consideration as amended changes the original act by leaving out the provision prohibiting consolidation with any other company, or the sale of the franchise before the completion of the road, and by prescribing at length the steps to be taken in the condemnation proceedings for the acquirement of the necessary land, which is not done in the act.

I find that the original charter of this company, which was passed in 1892, provides—

That it shall be unlawful for the company hereby incorporated to consolidate with any other railroad company now in existence, or which may hereafter be chartered, and any such consolidation shall of itself operate as a forfeiture of this charter.

Here is a corporation seeking enlarged privileges from Congress. I have no objection to it, and I do not rise either to embarrass my friend in the advocacy of the measure which he has called up or to make any except a bona fide inquiry on the subject. It has attracted my attention as a specific change made by the Committee on the District of Columbia, and I should like to know why it is that in this charter they have left out the provisions heretofore contained in the law prohibiting consolidation.

There has been objection made, I will say while I am upon my feet, to a bill of which I have the honor to be the patron, and if I knew what were the objections to it I would have endeavored to have answered them. I think it is an act of friendship rather than one of criticism or impediment to state what may be the objections to the measures which are before the Senate, that all of us may have a fair opportunity to remedy the objection if it be a just one, or in a brief time, if we may, without unduly detaining the Senate, overcome the objections and pass the measure.

Mr. HARRIS. Will the Senator allow me?

Mr. DANIEL. With pleasure.

Mr. HARRIS. I objected to the bill that the Senator asked to have considered. I stated, I thought distinctly, the reason why. I favored in committee the favorable report of the bill the Senator from Virginia asked to have considered, but there had been objection on the floor. As I stated then, but the Senator from Virginia corrected me, I was informed that the Senator from New York and the Senator from Virginia had resolved to allow no Dis-

trict of Columbia railroad bills to pass until the bill that they desired to have considered should pass.

From the standpoint of one who favored the passage of the bill the Senator from Virginia was urging (and I am ready still to favor it) I was not willing to allow those gentlemen to thwart the passage of bills where the District Committee was absolutely unanimous in reporting them favorably. If the bills we have favorably and unanimously reported can be considered, I was in committee, as I am now, in favor of passing the bill the Senator from Virginia desires to have passed.

Mr. DANIEL. It was not to the Senator's objection that I was alluding, but there were anterior objections.

Mr. HARRIS. Very well; I objected and thwarted the Senator in the bill he was proposing to have considered.

Mr. DANIEL. There was an objection already pending when the Senator made his objection.

Mr. HARRIS. I was not aware of that.

Mr. DANIEL. It was made by the Senator from New Hampshire [Mr. CHANDLER], who kindly yielded in courtesy to me to make an explanation. My desire was to know what was the objection to the bill, that, if it was not a sufficient one, it might be voted down.

Mr. FAULKNER. In answer to the Senator from Virginia in reference to the striking out of the clause in the original charter, I will state that the bill allows a consolidation for this reason: The road only comes about three-quarters of a mile within the District of Columbia—a very short distance. It is really the road between here and Baltimore. They have a Maryland charter. The same parties really have this charter, and there must be a consolidation in reference to the road throughout. That was the purpose in leaving out that provision.

Mr. DANIEL. It was not with a view of a general consolidation of the railroads of the District?

Mr. FAULKNER. Not at all. It was simply with reference to the connection of the road between here and Baltimore.

Mr. DANIEL. Now, would the Senator be willing to put in the amendment to this bill—I do not wish to delay or embarrass my friend from Maryland about it—that would authorize that consolidation in any other case? Would he be willing to do that?

Mr. GORMAN. The bill would have to go back to the other House with the amendment.

Mr. CHANDLER. What is the bill before the Senate?

Mr. DANIEL. I shall not object to the bill.

The VICE-PRESIDENT. The bill is still in Committee of the Whole and open to amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA C. CONWELL.

Mr. PEPPER. I ask leave to call up the bill (H. R. 4935) granting a pension to Louisa C. Conwell.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll, at the rate of \$12 per month, the name of Louisa C. Conwell, of Burlingame, Osage County, Kans., mother of the late James M. Conwell, late of Company E, Eleventh Regiment Kansas Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HARBOR REGULATIONS FOR THE DISTRICT OF COLUMBIA.

Mr. PROCTOR. I ask that the bill (S. 1503) to establish harbor regulations for the District of Columbia be taken up.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AUGUSTUS G. KELLOGG.

Mr. BLACKBURN. I ask for the present consideration of the bill (S. 1905) for the relief of Augustus G. Kellogg.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment, in line 10, after the words "United States," to insert "to date from the passage of this act;" so as to make the bill read:

*Be it enacted, etc.,* That the President be, and he is hereby, authorized and empowered to place Commander Augustus G. Kellogg upon the list of officers of the Navy who have been retired on account of incapacity resulting from long and faithful service, from wounds or injuries received in the line of duty, or from sickness and exposure therein, as provided for in section 1593 of the Revised Statutes of the United States, to date from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SALE OF MILK IN THE DISTRICT OF COLUMBIA.

Mr. FAULKNER. I ask unanimous consent to call up the bill (H. R. 8331) to regulate the sale of milk in the District of Columbia, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

Mr. FAULKNER. The first amendment I desire to have made is on page 2, line 17. I move to strike out all of section 1, after the word "officer," in that line, and insert:

Whenever the milk supply from said dairy or dairy farm is exposed to infection by Asiatic cholera, anthrax, diphtheria, erysipelas, scarlet fever, smallpox, splenic fever, tuberculosis, typhoid fever, typhus fever, or yellow fever, so as to render its distribution dangerous to public health.

Mr. HILL. Would it be proper to add any other kind of fever at that point? [Laughter.]

Mr. GALLINGER. Those are all the kinds we could think of.

The amendment was agreed to.

Mr. FAULKNER. There is another committee amendment in section 2 which I desire agreed to.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 2, line 14, before the word "be," it is proposed to insert "shall," and after the word "be" to insert "with knowledge of its impurity;" and in line 18, after the word "Columbia," to insert "approved by District of Columbia Commissioners;" so as so read:

That no person shall bring or send into the District of Columbia for sale any milk without a permit so to do from the health officer of said District; application for said permit shall be made in writing, upon a form prescribed by said health officer, and shall be accompanied by such detailed description of the dairy farm or dairy where said milk is produced or stored as said health officer may require, and by a sworn statement as to the physical condition of the cattle supplying said milk. If after examination of said application said health officer is satisfied that said milk will be brought into the District of Columbia for sale or consumption without danger to public health, he shall issue, without charge to the applicant, a permit so to do, on condition that none but pure and unadulterated milk shall be, with knowledge of its impurity, brought into said District; that in the management of said dairy or dairy farm said applicant shall be governed by the regulations of the health officer of the District of Columbia, approved by District of Columbia Commissioners, issued for dairies and dairy farms in said District, when said regulations do not conflict with the law of the State in which said dairy or dairy farm is located, and that said dairy or dairy farm may be inspected at any time without notice by the health officer of the District of Columbia or his duly appointed representative, etc.

Mr. GALLINGER. I ask the Senator if it would not be better, in line 18, to transpose the words of the amendment so as to read: "Approved by the Commissioners of the District of Columbia."

Mr. FAULKNER. Yes; let those words be transposed.

The VICE-PRESIDENT. The amendment will be so modified, in the absence of objection. The question is on the amendment as modified.

The amendment as modified was agreed to.

Mr. FAULKNER. I now send to the desk an amendment to section 2.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 2, line 26, it is proposed, after the words "health officer," to strike out "when, in his judgment, found after such analysis as is provided for in the first section, milk from said dairy or dairy farm is dangerous to public health," and insert "whenever the milk supply from said dairy or dairy farm is exposed to infection by Asiatic cholera, anthrax, diphtheria, erysipelas, scarlet fever, smallpox, splenic fever, tuberculosis, typhoid fever, typhus fever, or yellow fever, so as to render its distribution dangerous to public health."

The amendment was agreed to.

The next amendment of the Committee on the District of Columbia was, in section 3, line 1, after the word "has," to insert "knowingly," and, in line 7, after the word "shall," to insert "knowingly;" so as to make the section read:

SEC. 3. That no person suffering from, or who has knowingly within a period specified by the health officer of the District of Columbia, been exposed to diphtheria, scarlet fever, erysipelas, smallpox, anthrax, or other dangerous contagious disease, shall work or assist in or about any dairy or dairy farm; no proprietor, manager, or superintendent of any dairy or dairy farm within the District of Columbia shall knowingly permit any person suffering, or exposed as aforesaid, to work or assist in or about said dairy or dairy farm.

The amendment was agreed to.

The next amendment was, in section 6, line 1, after the word "shall," to insert "knowingly," and in line 4, after the word "cows," to strike out "that for the most part are kept tied up in stables, or;" so as to make the section read:

SEC. 6. That no person shall knowingly offer or have for sale in the District of Columbia any unwholesome, watered, or adulterated milk, or milk known as swill milk, or milk from cows that are fed on swill, garbage, or other like substance, nor any butter or cheese made from any such milk.

The amendment was agreed to.

The next amendment was, in section 7, after the word "shall," to insert "knowingly;" so as to make the section read:

SEC. 7. That no person shall knowingly offer or have for sale any milk containing more than 88 per cent of watery fluid and less than 12 per cent of total milk solids, of which at least 3 per cent shall be of fat.



